

Chm. Steven J. Leinwand, Vice-Chm. Stephen T. Gionfriddo, Sec'y COMMISSION
Cos Giuffrida, Comm. Louis Carta, Comm. Seb J. Passanesi, Comm. MEMBERS
Emanuel A. Pattavina, Comm. Rose Sbalcio, Alternate: Comm. PRESENT
Thomas Hutton

Mayor Michael J. Cubeta, Jr., Ex-officio; Sal Fazzino, Dir. MEMBERS
Public Works; Alternates: Comm. Paul Bixby, Comm. Vincent ABSENT
Loffredo, Comm. Sebastian Garafalo

Dir. George A. Reif, Hope Kasper, Beverly Augustine STAFF

Lucas Held, Reporter, Middletown Press; Phil Bauer, Engineer, OTHERS
Public Works; 19 members of the audience.

Chm. Leinwand

I'd like to call to order the Regular Meeting of the Planning and Zoning
Commission of August 10, 1983. We have, oh how nice, all seven regular
commissioners here. And we'll move immediately into the Public Hearing.
Mr. Secretary.

Secretary Giuffrida

The Middletown Planning and Zoning Commission will hold a Public Hearing Aug.
10, 1983, starting at 7:00 P.M. in the Council Chamber, Municipal Build-
ing, DeKoven Drive, Middletown Connecticut to consider the following:

Item 1 Continued an additional 30 days for the proposed 22 lot PROPOSED
subdivision located at the west end of Congdon Street off SUBDIVISION
Newfield Street. Applicant/agent Carlos M. Ortis, Pilgrim As- CONGDON STREET
sociates/Aecon, Inc. APP/CARLOS M.
ORTIS, PILGRIM
ASSOC./AECON

Chm. Leinwand

At the request of Pilgrim Associates, we will continue the
Public Hearing on that matter for another fourteen days until
the 24th of August. That takes us to Item two.

INC.
CONTINUED
S83-10

Secretary Giuffrida

Proposed two lot, excuse me. Proposed two additional lots in
Executive View Estates fronting on Country Club Road involving
slight modification of existing lots 1 and 2. Applicant/Arbor
Developers, Inc.

PROPOSED TWO
ADDITIONAL
LOTS IN EXECU-
TIVE VIEW EST.
COUNTRY CLUB
RD., APP/ARBOR
DEVELOPERS, INC

Chm. Leinwand

Anyone wishing to speak to this? As Dave is coming up, let the
record show that the Legal Notice for this Public Hearing appea-
red in the Middletown Press on both Friday, July 29th and Friday,
August 5th, 1983. Mr. Mylchreest?

Dave Mylchreest

David Mylchreest, Consulting Engineer, Laurel Grove Road, Middletown.
If I may go over to the map. Those of you who may recall the approved
subdivision comes off the...(inaudible)...lane boulevard at this point
Laurel Grove Road and also down towards the ...(inaudible)...a stranger.
Right up the hill, the other one goes in the first section and is sub-
stantially completed and they are now starting on the second section
which moves around and comes back up. Now, part of the situations of

of the developers when they saw that this parcel here was on the market and it is a substantial house, but it has not had a great amount of upkeep throughout the years so that the lawn is...(inaudible)... In essence, there is a good house here. There is an old barn...(inaudible)...What we did was to make a back line here and square it right off and divide this off into two lots. The existing house is the one that is indicated in this way and the new lot...(inaudible)...The side of the lot meets frontage requirements and has sewer in it and both the...(inaudible)... side and the Country Club side is a separate exhibit which has been submitted to the Sewer Commission. We've showed the connections of sewer going to the existing house and the ...(inaudible)...house. There is no water at this location from Country Club Road so that we will bring water in off the boulevard on this side and creating an easement on the back on lot 1-A so water can come across...(inaudible)...The house presently has a well and a septic tank...(inaudible)...

Chm. Leinwand

What...what are you gonna do with the existing house?

Dave Mylchreest

That...we've got...rehab and resold again as a part of the rest of the property.

Chm. Leinwand

And the new house is gonna front on Knox Boulevard or on Country Club Road?

Dave Mylchreest

Both, it will be a corner lot.

Chm. Leinwand

Understood. But the house will face which way?

Dave Mylchreest

It will be facing towards Boulevard Road because of the configuration of the one in back here is the same way.

Chm. Leinwand

Sort of catty-cornered, though isn't it? The one on lot one sort of sits...

Dave Mylchreest

The one on lot one might be a little bit towards the other section. We've shown this to be parallel to the street line over that way and the small side of the lot...(inaudible)...

Chm. Leinwand

Are there questions from members of the Commission? Commissioner Carta?

Comm. Carta

...(inaudible, too far from microphone)...I'm familiar with that piece because...(inaudible)... and I think it would be an enhancement...(inaudible)...subdivision in the property. As he said, I watched the property run down over the years. It's not...it's not been kept up in the best repair and I think that incorporating it into the subdivision would de-

Comm. Carta (continued from page 2)
finately be...(inaudible)... to keeping the rest of the neighborhood.

Chm. Leinwand
Any questions? Garage or something.

Comm. Carta
Unless there is something I don't know, you know, some technical thing I don't see, it seems like a good thing.

Chm. Leinwand
We have nothing but approvals from the Water and Sewer, the Public Works Department. Are there other questions? Members of the Commission? Is there anyone from the public who wishes to speak to this particular proposed subdivision? If not, David, thank you.

Dave Mylchreest
That's a record.

Chm. Leinwand
That's what happens. You never know about the summer. Item 3.

Secretary Giuffrida
Proposed subdivision located on Middlefield Street in an R-1 zone. Two additional lots involved. Applicant/agent Walter and Frances Koba/Attorneys Kotchen and Ripper.

PROPOSED
SUBDIVISION
IN R-1 ZONE
MIDDLEFIELD
ST., APP/AGENT
WALTER &
FRANCES KOBA,
ATTYS KOTCHEN
& RIPPER

Chm. Leinwand
Anyone wishing to address this?

Lorraine Simkowicz
I'm Lorraine Simkowicz from Kotchen & Ripper.

Chm. Leinwand
Could you please have a seat and have the microphone pick it up.

Lorraine Simkowicz
Yes, I'm Lorraine Simkowicz and I'm an attorney with...

Chm. Leinwand
Can you get that? Is that on? Yes, O.K.

Lorraine Simkowicz
I'm Lorraine Simkowicz. I'm an attorney with the law firm of Kotchen & Ripper and the purpose of this subdivision is to enable the daughter and son-in-law of Mr. and Mrs. Koba to build a home next door. And I believe we're in compliance with the zoning requirements.

Chm. Leinwand
Have you been in touch with the Planning Director?

Lorraine Simkowicz
Regarding what...

Chm. Leinwand
Well, we have a report from the Health Department recommending Inland

Chm. Leinwand (continued from page 3)
Wetland Commission approval. Is that right?

Dir. Reif
Yeah...They don't have a copy of that...(inaudible)...

Lorraine Simkowicz
We provided a map...

Chm. Leinwand
I guess...I raised the question only because I'm not sure as to whether or not that's required or not. We are in wetlands?

Dir. Reif
...(inaudible, too far from microphone)...says that...

Chm. Leinwand
I understand that.

Dir. Reif
They're not proposing...(inaudible)...

Chm. Leinwand
And your...did you get that from tonight's packet? It's where it's noted. You're...right there. that sheet right there. Item 2.3 where George summarizes the comments.

Comm. Carta
Is there sewer and water on this piece? I don't see any...(inaudible)... on the...on the wetland.

Dir. Reif
No.

Chm. Leinwand
Well, let's back off this way. I mean, the Health Department says you can take to Inland Wetlands, but there's really no reason that we ought to have any concern about that. The house is no where near that, right? This is just a straight forward line going down the middle splitting the lot in half, right. Do you have any problem with this?

Comm. Carta
I don't think so.

Chm. Leinwand
Are there other questions from members of the Commission?

Comm. Carta
I just wasn't sure on my answer. Is that able to tie into that sewer line?

Chm. Leinwand
Right through the sewer easement it goes through the property. I know. That's the problem. You understand that. We're making this far more complicated than is necessary. Are there other comments that you have?

Lorraine Simkowicz
No.

Chm. Leinwand
Are there any other questions from members of the Commission? Fine.
Is there any member of the public who wishes to speak to this proposed subdivision on Middlefield Street? Mr. Jackowiak?

Ted Jackowiak
Yeah, I would like to speak to the applicant, here, near the wetlands...

Chm. Leinwand
If you could give our...give your name for the record.

Ted Jackowiak
I'm Ted Jackowiak, 26 Greenlawn Road, Middletown, Connecticut. And I am responsible for the map that you are looking at. There is to be no activity in the wetlands and the house is way up towards the road in back of the building line. Th sewer runs in back of the house. And the water runs in the front of the house. I didn't understand the request that it be approved by the Wetlands. Is that what your request was?

Chm. Leinwand
No, I'm simply reading that the Health Department suggested that it maybe recommends that the Inland Wetlands Commission see this.

Ted Jackowiak
Oh, I'm sorry, I thought they were...

Chm. Leinwand
No.

Ted Jackowiak
Thank you.

Chm. Leinwand
Fine. Anyone else wishing to speak to this particular proposal? If not, that takes us to Item 4 on the Public Hearing agenda.

Secretary Giuffrida
Proposed resubdivision of property of Kane Brick Company to establish two additional lots on the east-south of Newfield Street. Applicant/William Woodman. ITEM 2.4
PROPOSED
RESUBDIV.
KANE BRICK
CO., NEW-
FIELD ST.
APP/WILLIAM
WOODMAN

Chm. Leinwand
Gentlemen.

Ted Jackowiak
Thank you. My name is Ted Jackowiak, 26 Greenlawn Road and I'm here to speak on behalf...or in behalf of the Michael Kane Brick Company, who owns property on the east side of Newfield Street, as hort distance south of Tiger Lane. A portion of...a portion of that has...had been earlier sold to William...(inaudible)...who has put a little shopping center there. In another portion, parcel two here, is...Phil Armetta is using it as a rubbish disposal site and they would like to break off

Ted Jackowiak (continued from page 5)

from the parent...from the large parcel, which is 29 acres plus or minus left another two acre parcel, leaving a frontage on Newfield Street of 292 feet. There is water and sewer available in the street and it's the I-2 zone. And I...I don't know if there are any other requirements that I have failed to to meet here. I think we require...we've met with all the requirements in the zone. Are there any questions?

Chm. Leinwand

I guess that I would be real curious if you could read the memos from both the Health Department and the Water and Sewer Department into the record and allow Ted to hear them.

Dir. Reif

Yeah, I'm gonna start with the Health Department. I think he's...already has a copy of this and he's aware of this.

Chm. Leinwand

You summarized as simply negative. I'd like to know what that means.

Dir. Reif

Alright the Health Department says the bulky waste landfill operation by regional transfer systems is located on the proposed parcels one and two. The access road for the landfill is located across proposed parcel three. We are concerned with the continued operation and closure of this bulky waste landfill with this division and potential change of owners over portions of this landfill. Also is the access road to be changed and is that permitted? Until these and other issues are resolved, we do not recommend any approval. Alright now, that's the Health Department. The...

Chm. Leinwand

The major concern is the access road to the bulky waste site.

Dir. Reif

No, the fact that parts of these...

Chm. Leinwand

Let's...let's just...this is gonna come up again. Right now, Ted, help us with this. The bulky waste area is only confined to parcel two?

Ted Jackowiak

The access toad...parcel two.

Chm. Leinwand

But, the access to it goes through parcel three?

Ted Jackowiak

Yeah, the access road runs south of the Monarca property. It runs in an easterly direction on the southerly border of the Monarca property and then it heads in a southerly direction across parcel two, which we would like to break off...

Chm. Leinwand

Across parcel two or across parcel three?

Ted Jackowiak

Across parcel three, I'm sorry.

Chm. Leinwand
Thank you.

Ted Jackowiak
To parcel two. However, Michael Kane owns all of this land right now. In...if in the event that the parcel two or parcel three is sold, they would...they have access on Newfield Street. They have some 500 feet of access on Newfield Street. They could take advantage of that and put in a road. However, we feel that by that time if this lot is ever sold the activity as a dump would be...would cease.

Chm. Leinwand
O.K., do you have more to say?

Dir. Reif
The major complaint of the Water and Sewer Department is that the plans presented fail to show the pertinent information related to the sewer and I believe you can go down and see them. I don't know if you've satisfied them. In many cases like Dave Mylchreest, we had a problem and he went down and got it straightened out. I don't...

Ted Jackowiak
The water and sewer...what is shown previous to the...this hearing? and however the sewer department wanted the manholes shown and they wanted the manhole...inverts shown and they wanted the pipe sizes shown. I have provided with that. I did go down and talk to them. That's...that's what they wanted.

Chm. Leinwand
We don't have that...

Dir. Reif
Do we...do we have a print of that showing it? An updated print?

Ted Jackowiak
Yes, I gave you...

Dir. Reif
You gave us...

Ted Jackowiak
I gave you 18 prints of it the other day. Well, I left it across the hall. (inaudible) I don't know if they brought it over.

Dir. Reif
Well, no one has seen this, so I don't whether...

Ted Jackowiak
You're absolutely sure?

Dir. Reif
Well, I can put that up there, but I'd rather hand it to the Water and Sewer Department and see if they...

Chm. Leinwand
Ted, you...parcel one right is the parcel that was sold to Capri?

Ted Jackowiak

The parcel...no that was an earlier parcel that was sold to Capri and it's not involved in this. This really is...shouldn't be a resubdivision. It's a subdivision.

Chm. Leinwand

Except you've already sold some parcels off.

Ted Jackowiak

Well, one parcel was sold and then nothing else was sold since that time. Right now, we...

Chm. Leinwand

But that...but that corner piece there that on my map shows William J. and Nella Capri is where the dance studio and the other stores are, right?

Ted Jackowiak

Yes, you're correct.

Chm. Leinwand

And that's 200 feet of frontage?

Ted Jackowiak

Yes.

Chm. Leinwand

O.K. And the new parcel is even larger than that, correct?

Ted Jackowiak

Yes, parcel B...parcel three there is 200 foot of frontage also.

Chm. Leinwand

And it's all in a...

Ted Jackowiak

It's all in an I-2 zone.

Chm. Leinwand

I-2 zone. Are there other questions? Commissioner Carta?

Comm. Carta

I have a question. We...the dance studio, isn't that the ones that came in and asked us to extend the zone behind there or change that zone to commercial?

Ted Jackowiak

No.

Dir. Reif

They did at one time. The answer is yes. They did extend their zone.

Comm. Carta

Is that a part of the Capri property shown now or is it part of the King property?

Ted Jackowiak

That's all that the Capri parcel owns right now. They...they did extend their...

Dir. Reif
290 feet.

Ted Jackowiak

Yeah. Yeah. They extended that. They originally had 200 feet and I think they got an additional 90 feet to the rear.

Comm. Carta

We...we rezoned it commercial? That doesn't include...

Dir. Reif
Right. B-2.

Comm. Carta

And that doesn't include the Kane property at all.

Ted Jackowiak

No.

Dir. Reif

They may have bought the additional land from Kane.

Ted Jackowiak

Oh, they did? Yeah, they did. They bought the additional land from...

Dir. Reif

Also before Cafri owned it the local bank...(inaudible, several people speaking at once.)the local bank. At one time, they had a bank there.

Comm. Carta

So, is the use gonna be I-2 or do we know? Or is that part of the proposal?

Dir. Reif

Oh, it's not part of the proposal and of course that's what the Health Department is worrying about. Part of the site is already being used for something else. The bulky waste site, which this Commission approved originally as a location for fly ash.

Comm. Passanesi

Ted, how much more fill is there to do?

Ted Jackowiak

I don't know, Seb, because I don't know how high they intend to go. Right now, it's almost level with Newfield Street. And I would think that that's about it. I would believe that it should cease soon. There's no way that parcel three can become a bulky waste site. It's never been excavated. It's right now that is level with Newfield Street.

Comm. Pattavina

So, I don't know what they're concerned with. If it's almost up to capacity.

Chm. Leinwand

Well, that's that's still open to argument as to whether it is or it isn't. I'm not sure. It doesn't take a whole lot to get another permit and have that capacity changed as we've seen with the north end landfill every other year on a fairly regular basis.

Ted Jackowiak

But, they have adequate frontage on Newfield Street that if such a time as parcel three is conveyed they can...they can create a driveway out on Newfield Street by just getting the state highway permit. There's plenty of men to do that. Yes.

Comm. Carta

One more question. Is this part of the old King property around the back...

Ted Jackowiak

No. No.

Chm. Leinwand

No, that was on the other side, right. The lots that we did...the only time that we've done anything with Kane in the last two years was off Tuttle Road.

Ted Jackowiak

...(inaudible)...that was off Tuttle Road, yes.

Dir. Reif

However, they do own a substantial amount of property there.

Ted Jackowiak

Yeah, they own...

Dir. Reif

Go to the next map, please. The one, not your map, the tax map and show then where the property is.

Ted jackowiak

Here's the property in question right here. This...out of this piece they are going to take the two lots. They do own property across here, which is not involved. It's a different deed. It's a different parcel all together.

Chm. Leinwand

On the other side of the tracks.

Ted Jackowiak

On the other side of the tracks. And of course they did own, they do own 90 acres or so up at the end of Tuttle Road. But, neither of those pieces are involved in this.

Comm. Carta

That's all I-2.

Chm. Leinwand

Ted, back on the other map. Parcel two has already been created?

Ted Jackowiak

Yeah. That has been created there. I had subdivided it and we intended to some year or two ago. But, it never had been conveyed out. It's still under the ownership of Michael Kane.

Comm. Passanesi

And that was the site to be used for fill.

Ted Jackowiak

And that's the site that is the rubbish.

Comm. Hutton

Ted, could you show me where the driveway comes in now.

Ted Jackowiak

Alright...(inaudible)...it comes right in here. It heads in an easterly direction ...(inaudible)...

Unidentifiable Voice

This would run in the back of the property.

Ted Jackowiak

No, it would run right straight across. But, there is adequate frontage there if it ever turned out that this was sold we would have to create a...make a...(inaudible)...

Chm. Leinwand

Are there other questions from members of the Commission? If not, then let's open it up to members of the public. Anyone wishing to speak to this proposed subdivision? Mr. Ranno?

Joe Ranno

Joe Ranno from Newfield Street.

Chm. Leinwand

Excuse me, one moment. Gentlemen? Joe?

Joe Ranno

Joe Ranno. I live directly across the street on Newfield Street. I haven't seen the map or what they're planning to do there. Presently, it is the bulky waste site. Now, and it is controlled by the DEP. And I feel that until the DEP and everything is finalized with that land site that nothing should be divided.

Chm. Leinwand

While Joe is looking at the map, George, is it clear that the bulky waste site is solely contained within parcel two?

Joe Ranno

The bulky waste site takes up 5.8 acres.

Dir. Reif

It takes up a lot more than parcel two.

Joe Ranno

It takes up 5.9 acres.

Chm. Leinwand

So, when Mr. Ranno suggests that part of parcel three is involved in this bulky waste site right now in addition to just the access and in fact there is DEP control over that.

Dir. Reif

That's on of the...that's the reason the Health Department is concerned. Here's at a different scale, an outline of the bulky waste site.

Chm. Leinwand

I didn't mean to interrupt. I want a clarification.

Comm. Hutton

This is a good thing to do 'cause...well did Teddy say that parcel three has in it fill material?

Dir. Reif

He said that part of it's filled. There's no question about that. He doesn't know how much more of that is available.

Joe Ranno

If I may say something.

Chm. Leinwand

Please.

Joe Ranno

This was originated in 1975 for fly ash. Then in 1979, it was changed to bulky waste.

Dir. Reif

Right. Here's the original...

Chm. Leinwand

Excuse me, wiat a minute. Let's let Mr. Ranno finish. We'll have time to come back and determine the other thing.

Dir. Reif

I'm backing up what he's saying.

Chm. Leinwand

I know we have time for that.

Joe Ranno

The bulky waste isn't,..that's just a fancy term for the DEP. To me it's rubbish, O.K.? Now, you filled in all that property, but shouldn't there be a time limit of settlement before you decide to do anything on top of it? Because that will settle down. You still have drainage coming out of there. You also have problems where they had to put in the swail completely around the property to catch the leach guage. And that was last May that the Inlands Wetlaands had a meeting on it. I didn't attend it because I was in surgery at the time. But, there was also a cease and decist order, which was a big joke at that time because the garbage was still being dumped. That was issued by the Inland Wetlands. I think until such time as everything is completed, that no subdivision should be allowed. I don't deny any person the right to subdivide property.

I don't believe in that. But, let's do it the right way. We've gone through four years out there of hearing noisy dump trucks and everything. I think more studies should be done into this. By your Health Department and so forth because all our laws are applicable before the State laws. I don't know what I could add to it. I think it's up to you to research the whole problem.

Chm. Leinwand

Are there regulations about the settlement?

Dir. Reif

Well, whether there are or aren't, they would come under DEP and the Health Department and I would like to point out that here's a drawing that shows an outline of the disposal site as authorized several years ago by the Planning and Zoning Commission. See this little break here? At that time it was said City Savings at a different scale, here's the same thing. There it is, right there. It's clear that part of this disposal site is in these two lots. That's why the Health Department is concerned. And that's why Joe Ranno is concerned.

Comm. Passanesi

George...

Joe Ranno

And at no time did we ever get a height elevation or anything for information. Or a deadline of when this would be completed. As a matter of fact, it was supposed to be monitored by the Health Department and the Mayor turned it over to the DEP and took the Health off of it. So, it's been one jumble after another.

Chm. Leinwand

If they didn't overlap, it's a different matter. It seems to me.

Joe Ranno

Right.

Chm. Leinwand

Then you've got a separate parcel that doesn't go under any deed because decontrol. And so long as it's a significant question as to whether or not they do overlap and it appears that they do, then those are real serious questions. Commissioner Carta?

Comm. Carta

Yeah, there's something kind of drastically obvious here for me and that's the quality of the data. My recollection is that we have a regulation that says that something that is submitted to us has to have topography.

Dir. Reif

That's true. There...have been examples when there has not been...

Comm. Carta

Yeah, I agree. I argued the last time that happened. So, my request is that no subdivision get submitted to us again without...without topography. Because that represents one thing and what's really there is not represented. Really not represented. I mean this is a perfect example of why the tens of thousands of dollars we've spent in the City for topography

Comm. Carta (continued from page 13)
needs to be used.

Dir. Reif
Fortunately, we have carried out that...

Comm. Carta
I agree that we have that...

Chm. Leinwand
We don't have that.

Comm. Carta
But, what's happened is the...

Dir. Reif
Well, it isn't reproduced on all the copies that the Planning Commission gets. We ask for one original so that we have it and there it is.

Comm. Carta
Well, we have the large sheets...

Dir. Reif
Yeah, that's an example of it. Right. There's...there's the sheet that this particular area is on. Right there.

Comm. Carta
So, the point is that the people proposing subdivisions are required to have topography on them. And we have a little two-lot subdivision here which we could see when there was wetlands on it, whether there was flood plain on it, and where the house was going to be located and so on and what the problem was. It was easy to see and easy for us to make the determination.

Dir. Reif
In that case, they happen to move along and actually show a house. On a subdivision, it isn't really...there's no way to require that they show a building, you know.

Comm. Carta
Is it, George, it's not a criticism of you, it's...it is that I'm sitting here with probably what could be a, you know, maybe make a decision based on that data that could be a disasterous decision for somebody and I don't have the data.

Dir. Reif
O.K., here, that's why I brought this thing along. Take a look at that and compare it with the map and see that there's no question that the two lots overlap that bulky waste site.

Comm. Passanesi
About half way into it...about half way into lot three without scaling them.

Comm. Carta
Yes, Seb has just charted it, which we shouldn't have to do. I suggest that this gets returned to the engineers. Maybe I should put on this

Comm. Carta (continued from page 14)

thing the right location and showing us the right depths, the present holes and the present fill locations. So we can make a determination. So our Health Department can make a determination.

Chm. Leinwand

I think that the Health Department is making a clear determination. I mean, since it overlaps, it's pretty clear. So, I mean, you could... the point is that you could ask them to resubmit, but I think a kinder thing would be was to recommend that it be withdrawn until some things get worked out, but that's up to the proponents.

Joe Ranno

Could I make a suggestion? Like Monday, I went down to Planning and Zoning, Mr. Reif was off that day and all there was was a map. But you couldn't find any specifications. So, there should be some sort of a specification so that when the person comes here, they know what they're talking about. So you could study it. O.K.? And I think you should go back to the old way where anybody living within say 200 feet of a proposed change be notified. It only takes one little letter and photocopied and we own a photocopy machine in this city. And then the neighbors would know what was going on. Because not all people read the newspaper and there are times when a person is sick or something and in the hospital and they do not have knowledge or they are not at the meeting...(Change of Tape)...

Ch. leinwand

...topic at hand. This Commission has heard from many people with similar sentiments. There are a number of that are completely in agreement that we ought to bear the cost to better notify people. It's come up, and the Commission has decided up until now, not to change our procedures. We've got the notice in Open Council...City Briefs as well as the Legal Notice and at this moment, that's the way it's gonna stay. Do you have more on this particular proposed subdivision?

Joe Ranno

No, not until I have more information.

Chm. Leinwand

O.K., I think we feel the same way. Is there anyone else wishing to speak to this issue? Sir?

John Savalski

John Savalski. I live right across the street from the dump. And that dump still stinks today. So how could you do anything with that dump without putting a top layer of fill on it can settle down a little bit for it won't stink anymore. Ha? There should be nothing done with that site until they put the four feet of dirt on top to let it stay there for about five years actually. Otherwise you're gonna have trouble like down in Saybrook where they build the stores. You go in the store and it still stinks. The ceptic cesspool, that still stinks. That's still there and it's gonna be there until somebody digs it. I have checked to all this here nonsense. This here running around without any information either. Thank you.

Chm. Leinwand

Thank you. Anyone else? Ted, I give you one more shot. If there are any comments you'd like to make.

Ted Jackowiak

Part of it is true that there was a little overlap.

(Laughter)

Ted Jackowiak

Don't laugh. You're laughing before you should.

Chm. Leinwand

Well...

Ted Jackowiak

See, as we said, the access road came in in like that and somewhere about in here, if you remember, this was a something about...in that order if I'm drawing it here was the tallest slope that had been excavated by Kane Brick for their clay to make bricks. And they did get in here. To get in to this site, they had to cross that area. So they fill...to make an access there to extend the access road over. However, I don't know if it's...how far that is, but I understand that it's somewhere in the order of 20 or 25 feet that from the top of the slope to the parcel that comprises the dump site. And...

Chm. Leinwand

You would agree that given that overlap that we really need to depend upon the Health Department and through the Health Department and eventually DEP, this...fine, it's O.K. to cut it up and eventually sell this. Because at this moment, we really don't know what point that bulky waste site is at. I mean at least the parcel...the portion of parcel three that has been used for one reason or another as part of the bulky waste site. Yes?

Ted Jackowiak

Well, I don't know if today...

Chm. Leinwand

You wouldn't want to buy it, would you? I mean, you wouldn't want somebody approving it so you can go buy it when, in fact, it has been a bulky waste site if the Health Department hasn't...

Ted Jackowiak

...it was a bulky waste site. I...

Chm. Leinwand

That's the question we have, though.

Ted Jackowiak

Yeah, that's the question you have. I think it would be very difficult without perhaps taking borings to find out where how far the bulky waste extends. I guess George has some sort of...

Dir. Reif

We have a drawing right here.

Comm. Passanesi

Do you know if any of the gravel fill has been put in down in back?

Ted Jackowiak

I don't know if the gravel...you mean the cover over the...I don't know

Ted Jackowiak (continued from page 16)

if it has or not. I believe some in some areas they did cover it with gravel. However, how far I just...

Comm. Passanesi

If we're reading that correct, it shows about 15 feet above road level. Is that what they're filling?

Ted Jackowiak

That's what it would appear to me, but whether whether...I don't...

Chm. Leinwand

I'm...I'm going to take the liberty of continuing the Public Hearing on this matter with an understanding that we need more information and we might as well leave it open to try and get it.

Comm. Passanesi

I'll so move.

Chm. Leinwand

I will so do that when we finish the Public Hearing.

Comm. Carta

I have a request is also that the proper maps with the proper data on them according to our regulations...

Chm. Leinwand

I think Mr. Jackowiak has heard that.

Ted Jackowiak

Well, Comm. Carta, what are you asking for?

Comm. Carta

Well, I think that if you talked to George, you'd find that our regulations call for the proper topographic...all the topographic features of any subdivision need to be put on here.

Ted Jackowiak

I gave George the city topographic map.

Dir. Reif

Right, I've already made reference to that.

Comm. Carta

Now on the subdivision...

Dir. Reif

He wants to see it on the subdivision map.

Ted Jackowiak

Personally, these contours haven't changed.

Dir. Reif

That's why he wants to see...he wants to see the ones that are there now.

Comm. Carta

Existing and proposed otherwise, I don't know what's going on. I see a nice a really nice subdivision.

Chm..Leinwand

O.K., anyone else wishing to speak to this particular proposed resubdi-
vision of the Kane Brick yard? If not, Item 5 on the Public Hearing
agenda.

Sec'y Giuffrida

Proposal to make approval of liquor licenses and any change of ex-
isting license to a special exception use.

PROPOSAL TO
MAKE LIQUOR
LICENSES
SPECIAL
EXCEPTIONS
ITEM 2.6

Chm. Leinwand

Commissioner Gionfriddo?

Comm. Gionfriddo

I'm gonna...I'm gonna make a motion of recommendation that this matter
or this particular item be continued and referred to our city attorney
based on what George and I heard up at the Liquor Control Commission on
Tuesday.

Dir. Reif

Can I get a chance to say something?

Chm. Leinwand

I'm gonna still...I think maybe people...

Comm. Gionfriddo

Yeah, I'm not trying to stop anyone from speaking to it. But, it was
implied to us at Liquor Control on Tuesday that there's already been a
case come down in the State of Connecticut where another town tried to
do something similar and the Court has ruled that it was not an appro-
priate thing for, I guess, the Planning and Zoning Commission of that
town to do because they were making themselves into another...

Chm. Leinwand

As a Special Exception, correct?

Comm. Gionfriddo

Yeah.

Chm. Leinwand

George is in...(inaudible)...

Dir. Reif

Can I speak to that? The Chairman of the State Liquor Commission was
citing a case where the Planning and Zoning Commission of the community
tried to parallel the role of the State Commission. My proposal does
not do that.

Comm. Gionfriddo

Well, the only thing I'm saying is just to make sure that we're not doing
something that we shouldn't do.

Dir. Reif

There's no question that we're not going to do it. If I may read this

Dir. Reif (continued from page 18)
statement into the record, I would appreciate it. You will read that?
Fine.

Chm. Leinwand

I will read that. Yes. O.K., the proposal that is before us at the moment goes as follows: The State of Connecticut Liquor Control Commission is responsible for issuing liquor permits. However, before it will issue a permit, the State Liquor Control Commission requires certification by the zoning authority of the municipality that the building proposed for the use or sale of alcoholic liquor is located in a place not prohibited by local zoning regulations under the specific type of permit applied for. The State Liquor Control Commission application form requires the signature of an authorized officer who is acquainted with the zoning ordinances of the municipality. In many instances the judgement needed to decide whether or not a specific type of liquor permit is allowed is best made by the Commission itself. Therefore, it is proposed that the only authorized person to sign a liquor permit be the Planning and Zoning Commission Chairman after approval by the Commission. That's what's before us. Commissioner Carta?

Comm. Carta

I want to speak to two different aspects of that. One is this issue of whether we should as a Planning and Zoning Commission control liquor licenses coming before the board a year or so ago and we unanimously voted not to. Now, we're arguing the same points we argued then. There's one thing I want to say in defense of what...(inaudible)...with what George is, at least what I understand of what George is proposing. And that is I believe that that the Commission, without changing anything, let's go on the assumption that the zoning and everything is exactly as is and it's a permitted use in all the zones it's a permitted use in. I believe that the each application should be signed by the Chairman of this Commission after he reviews that in fact that is the proper use and within that zone. Not that he have the power to either refuse it or not based on some special exception. I want to give you a case in fact. A lot of times, whoever we set up to do that, the inspector or the zoning enforcement officer or whoever, if he's a person who's maybe just got hired or whatever or if someone's filling in for him, you get a situation where the permit gets signed in the wrong zone. It causes much confusion and much problems. The Town of Meriden is in a protracted lawsuit right now for the Playpen Restaurant located on 66 in which a fill-in of the person in charge, the zoning enforcement officer went on vacation, the person the person in his stead signed a permit for a cafe license where none should be. Only restaurant were permitted there. So, the person spent hundreds of thousands of dollars on having this project and now he's being sued, other restaurant owners are up-in-arms, and there's just a gigantic mess. So, as far as our rule, I believe we should take charge of our rule. From that point of view, we should be the ones who say this is the right use and sign it forthwith and get on. Now, I believe we should do that do that. Beyond that, I don't think we should meddle in what I consider to be a free enterprise.

Chm. Leinwand

Those are key things. I'm still really confused on this whole issue. I understand that we would want to assure the correct use and certainly not get into a situation like in Meriden, but I mean, explain to me if you can or if you can the difference between the restaurant license and

Chm. Leinwand (continued from page 19)
the nightclub license. Are you saying that we would have control over that? Do we have the right to have in our Code that you can have a restaurant with liquor in one place and a nightclub only in another place?

Dir. Reif

Yes, you have that now. You do have that now.

Chm. Leinwand

It is the fact that the nightclub is allowed somewhere. Then we automatically would grant a nightclub license.

Dir. Reif

Yes, right.

Chm. Leinwand

O.K.

Dir. Reif

Now, let's...

Chm. Leinwand

What happens now?

Dir. Reif

Let's...what happens now, I think you heard. The basic story is that there is no specific person authorized to sign these liquor permits. And as you have also heard at this table, there's a lot of confusion about who should and who can and possibly did in Meriden, the permit gets signed and eventually the City could be sued.

Chm. Leinwand

Let me just ask one other question and then we'll get to Commissioner Pattavina. What about the issue of the so-called Elks versus the Moose? That there are different types of permits within that, too?

Dir. Reif

Yes, now if you want to get into that...

Chm. Leinwand

Only because all of those exigencies are spelled out in terms of the permit request.

Dir. Reif

All right, O.K. In that case, in the case of the Moose, they became because of the action of the Planning Commission a non-conforming use. Now, irregardless of the degree of change, there obviously was a change involved because if there wasn't a change, there wouldn't have been a sign on the building and there wouldn't have been a hearing that was held and what have you. There wouldn't have had to be an application. So, something was changing. Since it was a use, their use was a non-conforming, it should have come back to the Planning and Zoning Commission, who was in charge of...

Chm. Leinwand

I don't understand what that means as a nonconforming use.

Dir. Reif

Well, that's a basic factor. It's a use that's not permitted in the zone.

Chm. Leinwand

I mean, what did they do that made them nonconforming?

Dir. Reif

They were changing something. That's all. Changing something.

Chm. Leinwand

Changing something having to do with liquor.

Dir. Reif

Yeah, right.

Comm. Passanesi

But, there was another thing with fraternal organizations. Excuse me, did you want to say something?

Chm. Leinwand

Well, yeah. Commissioner Pattavina?

Comm. Pattavina

Well yeah. I have a few questions. First of all, George, the way I understand it, we're trying to determine who has the authorization to sign this thing.

Dir. Reif

That's it right there. You can stop right there.

Comm. Pattavina

Whether it may be the Building Inspector or maybe the Planning and Zoning Commission, or an officer representing the Planning and Zoning Commission.

Dir. Reif

Right.

Comm. Pattavina

And I don't know, George, I feel that you probably are leaning toward Planning and I probably am also. The reason is that it's mentioned in the statement right here that the Planning and Zoning Commission probably has more expertise as far as areas around the City than the Building Inspectors, taking nothing away from the Building Inspector. I understand he knows the City. I think that the main concern should be the construction of certain buildings and so forth in the City. The Planning and Zoning Commission and our representatives should be involved in signing this liquor permits. And that's basically the way I'm leaning. I guess we can debate this issue why and what for all evening. I think that the main concern is who will and who should.

Chm. Leinwand

Commissioner Gionfriddo?

Comm. Gionfriddo

Let me get this clear, then. It was my impression at the last meeting that we were talking about making liquor permits a Special Exception. What you're saying now is that you've backed off that...

Dir. Reif

I went to the meeting and I heard the guy.

Comm. Gionfriddo

In other your basically just saying that the only change you're making is sanctifying the fact that the Planning and Zoning Commission Chairman will be the one to sign all permits?

Dir. Reif

Yes.

Comm. Gionfriddo

All right, well then, I will withdraw any motion I made.

Dir. Reif

So, it is all done out on the open. Nobody is coerced. Nobody's arm is twisted.

Comm. Carta

So ultimately, we are the responsible party held responsible for what you are saying.

Dir. Reif

The zoning authorities.

Comm. Carta

So, I just want to be responsible and I will do the job.

Chm. Leinwand

Commissioner Passanesi?

Comm. Passanesi

Just as a point of interest to the question that you have raised. Fraternal organizations can have its own bar, its own kitchens and so on. It can not rent those facilities to private parties like a wedding or a banquet of any kind unless it has two separate facilities, separate kitchens, separate bar, separate entrances and separate...now I don't know what was going on at the Moose, but I get the feeling that maybe they may have been intermixing those two.

Dir. Reif

They may have been, but I want you to know, even though it seems like it, that is not at the heart of my concern.

Comm. Passanesi

That's one license and another license for the other use and...

Chm. Leinwand

I've already raised the issue because I want to be clear that I understand what the implications are that decision would be in terms of all the possible different licenses that are available.

Comm. Passanesi

There are many.

Chm. Leinwand

Any other...

Dir. Reif

As a matter of fact, they may have created the problem...

Comm. Passanesi

But the one at the Moose is very interesting because we laid down some stipulations.

Dir. Reif

I know, you were here.

Comm. Passanesi

We wanted to make sure that that lives up to them.

Chm. Leinwand

I'd like to go to the public unless there are other questions on this. Are there any people from the public who wish to speak to this matter of liquor permits, liquor licenses? If not, then I would suggest that we as noted continue the Public Hearing for Items number one and four, close the Public Hearing on two, three and five without objection. So moved.

ADJOURNMENT 7:45

ADJOURNMENT

Respectfully submitted,



Beverly Augustine

STEVEN J. LEINWAND, CHAIRMAN
Planning and Zoning Commission

Received at the Meeting of _____