

COMMISSION ON THE CITY PLAN AND ZONING - PUBLIC HEARING - WEDNESDAY -  
AUGUST 11, 1971 - 7:30 P.M. - MUNICIPAL BUILDING - COUNCIL CHAMBER -  
DEKOVEN DRIVE - MIDDLETOWN, CONNECTICUT

Robert F. Chamberlain, Vice-Chairman  
David B. Mylchreest  
Seb Passanesi  
Joseph P. Otfinoski, Alternate  
Frederick Congdon, Alternate

COMMISSION  
MEMBERS PRESENT

Edward F. Button, Chairman  
Phillip C. Alexander, Secretary  
Salvatore Lisitano, Alternate

MEMBERS ABSENT

William M. Kuehn, Ass't. Planner  
Althea Rinaldi, Recording Secretary

STAFF PRESENT

Attorney Ivor Josephs, petitioner for Crele  
Construction Company  
Attorney Theodore J. Raczka  
George William D'Souza, representing Nature  
Conservancy  
Sherman Beinhorn, Reporter, Middletown Press  
Approximately seven (7) members of the public  
at large.

OTHERS PRESENT

The hearing began at 7:30 P.M. and was recessed  
for five (5) minutes so that Commission members  
could convene in Room 203 and 204.

MEETING IN ROOM  
203 AND 204

ACTING CHM. CHAMBERLAIN:

My name is Robert Chamberlain, and I'm Vice-  
Chairman of this Commission. Mr. Otfinoski  
will sit in place of Mr. Button and Mr. Congdon  
will sit in place of Mr. Alexander. Mr.  
Mylchreest will act as Secretary to-night. Mr.  
Secretary will you read the call of this meeting.

ACTING SEC'Y. MYLCHREEST:

THE MIDDLETOWN COMMISSION ON THE CITY PLAN AND  
ZONING, WILL HOLD A PUBLIC HEARING ON AUGUST  
11, 1971, STARTING AT 7:30 P.M., IN THE COUNCIL  
CHAMBER, MUNICIPAL BUILDING, DEKOVEN DRIVE,  
MIDDLETOWN, CONNECTICUT, to receive and consider  
application for:

Change of Non-Conforming Use Certificate  
as required in Section 14.07 of the Zoning  
Code. Applicant, Crele Construction Corpora-  
tion, proposes to construct an additional  
building on its present site and continue the  
existing use which is storage and repair of  
heavy construction equipment.

CRELE CONSTRUCTION  
APPLICATION

The site, Zone R-1, contains 1.8 acres, more  
or less, and is located on the southwesterly  
side of Saybrook Road approximately one-half  
mile north of Aircraft Road.

Interested persons may appear and be heard.

Edward F. Button, Chairman  
Commission on the City Plan and Zoning

ACTING CHM. CHAMBERLAIN:

Mr. Secretary have you any correspondence pertaining to this hearing?

ACTING SEC'Y. MYLCHREEST:

From the Office of the Police Dept.

CORRESPONDENCE FROM  
POLICE DEPARTMENT

Gentlemen:

With reference to your memorandum regarding the above proposal, the Police Department cannot foresee any problems at this time.

Very truly yours,

Vincent S. Marino  
Chief of Police

Memorandum:

To the City Planning Office  
From the Board of Health  
Dated August 8, 1971

CORRESPONDENCE FROM  
THE HEALTH DEPARTMENT

Crele Construction Corp. must apply for an application of a percolation test to determine the soil conditions on the proposed site. Information that is necessary would be the number of employees utilizing plumbing facilities in a 24 - hour period. Secondly, a plot plan is to show water wells and sub-surface sewage disposal systems on adjoining properties.

H.A. Solek, R.S.  
Sanitarian

From: Department of Public Works  
Dated: August 5, 1971  
To: City Plan Commission

CORRESPONDENCE FROM  
PUBLIC WORKS DEPT.

Gentlemen:

After reviewing the above named construction, this office has the following comment to offer:

1. The present zoning law for this zone states that a twenty-five (25') feet front yard is required.

Very truly yours,  
John C. O'Brien, Director  
Public Works

And we have one additional piece dated Middletown,  
August 3rd, 1971.  
Addressed to Mr. E. F. Button, Chairman, Commission  
on the City Plan and Zoning.

Dear Mr. Button:

PETITION AGAINST  
CRELE CONSTRUCTION

We, the undersigned, all old-time residents  
of this part of the Saybrook Road neighborhood,  
wish to register our strong objection to any  
expansion of non-conforming usage in our R-1  
Zone, in the present instance the request  
by the Crele Construction Company.

Ours has always been a "home" neighborhood,  
and we have been happy with its R-1 Zoning.  
We would like to keep it that way. We realize  
we have to tolerate a couple of non-conformists,  
but we regard that a temporary situation. We  
certainly do not want to have it spread, and  
spread with machinery, junk, and the noise and  
pollution that come with it.

Sincerely,

Charles Stanley  
1814 Saybrook Road

Mr. & Mrs. T. Smith  
1804 Saybrook Road

Nicholas Toll  
1700 Saybrook Road

Helen Lohman  
Dripps Road

ACTING CHM. CHAMBERLAIN:  
Is that all Mr. Secretary?

ACTING SEC'Y. MYLCHREEST:  
That's all I have.

ACTING CHM. CHAMBERLAIN:  
Will the people for this petition please come forward  
and state your case.

ATTY. IVOR JOSEPHS:  
For the records I am Atty. Ivor Josephs from the  
office of Robert Hurney, of Middletown and we  
represent the applicant Crele Construction Comp.  
As stated in the application the construction  
company desires to erect an all metal building  
on their site on Saybrook Road. As you know  
there is a presently existing building on this

ATTY. IVOR JOSEPHS  
FOR PETITIONERS

site which has been used and is being used for storage and repairs of construction equipment that the company owns. They have outgrown this building and they need larger facilities to do the work they are doing, therefore propose to erect this building. Now the new building would have---would be put to the same use as the old building, that is storage and repair of their equipment. There would be no noise, obnoxious fumes, or other objectional by products of this operation. There would be no increase in traffic on the road or any need for increase in municipal services, as a result of this additional building. Actually, I would think that it would improve the general location because it's the proposed building--- is of an attractive design and has a very pleasing design and has a very pleasing appearance. As far as the character of the neighborhood, concerned as you know, it is very close proximity to auto junk yards and auto repair shops and some of the few isolated residences that do exist. They're pretty well cut off from this particular property by ledges and highways. Finally, I would like to say the use such as this is the only conceivable use for this property. A residence at this location is just beyond unmarketable. The owners have no other choice, they want to use this property, then put it to use such as they are applying for now. A house at this location for a dwelling I think would simply be out of the question. Thank you.

ACTING CHM. CHAMBERLAIN:

Anyone else wishes to speak for this petition? Please step forward.

ATTY. THEODORE J. RACZKA:

Mr. Chairman, members of the Planning Commission, my name is Theodore J. Raczka and I practice law within an office in Middletown, Conn. and this evening I represent Dr. and Prof. Toll, who own property approximately across the street from the subject property. On this particular map I would think that Dr. Toll's property would probably be about in here. Now this is a special proceeding and it's bound by the provision of Section 14 of our Code and I note that technically for the requirements which each applicant has to provide the Commission with a drawing which shows the existing building and also the proposed expansion and you will note that while he shows the proposed building and while I tried to see the new plans at the Commission office couple days ago for some reason they either weren't there or the people in the Commission office didn't know where they were, so I haven't had an opportunity to look at them. But

ATTY. THEODORE RACZKA  
AGAINST PETITIONERS

I notice that in the plans before you at least the plot plan the new building is 62 feet, east and west, 98 feet, north and south, while the existing building shows no dimensions what so ever. But I would think they would be according to scale and I would think that the proposed building is at least 3 times the area of the existing one. So that's what he is doing is he's practically tripling the size of the new building with the old use which he had. It would have been better if I think that if he had shown the size of the existing building and he was also required to show the age, the exterior materials and a general structural conditions of any existing structure to which he has not done. Now, what is involved in here of course, is the fact this is a non-conforming use whether we liked it or not or whether it was there at the time that the 69 Code which we are working with went into effect and the zone is and R-1, a Residential Zone.

The philosophy of our Code is it would be silly for me to just comment or read upon but the philosophy of our Code is that we are not to encourage the growth the growth of non-conforming uses that is we---. The whole purpose of the Code is to limit them and in time do away with them. That's the whole purpose of the Code and if we allow the use to be tripled we are not doing that. That's you are going contrary to that purpose of the Code and involved is not just this building. If you remember, this building at the time of the Code went into effect or shortly thereafter, I do not know exactly when, the change of ownership transpired, but this was the old Nettis Auto Body Building Shop. It was a small body shop and what the new owners have done is that they after purchasing the place, and what they've done is scalped the whole area. They denuded the entire area. They cut every existing tree so that this whole area is just like a rock desert and they have parked these tremendous machines which are coming in and out and one or the machines is this huge monster that was shown in one of our newspapers. I think last Sat. or Fri. which as I understand is, it can clear two acres of heavy, heavy wooded area inside of a day and that thing just goes in and out. Now I think that machine could just about fit in that building and the place is just filled with these huge bulldozers, rakes and rock haulers and it's a completely different type of use which existed at the time that they bought the property. So that really what they're doing is not asking for a change to perpetuate an existing use but they really are doing is by asking for a change of zone and this is not the door to which they should enter. If they really want to change the zone let them ask for it and then you can have a hearing on the merits and to really understand that I think you really should go

and see it. You can't see this property by just looking at this map. This is a horrible piece of real estate in proportion to the existing residential uses which are across the street. I think that the applicants should have come in prior to the denuding of this whole area of all vegetation and track because this is not the use which was in existence the time the Code went into effect and it's on that ground that my clients object and I think that this application should be denied.

ACTING CHM. CHAMBERLAIN:

Thank you. Any one else wish to speak against this petition?

ACTING SEC'Y MYLCHREEST:

Have---is your client Nicholas Toll?

ATTY. THEODORE RACZKA:

T-O-L-L

ACTING SEC'y MYLCHREEST:

It is a Nicholas Toll.

ATTY. THEODORE RACZKA:

Yes, Nicholas and I think her name is Nina.

COMM. CONDGON:

That's Nina.

GEORGE WILLIAM D'SOUZA:

Mr. Chairman, members of the Middletown Plan and Zoning Commission, my name is George William D'Souza. I am the chairman of the Connecticut Chapter of the Nature Conservancy which maintains offices at 151 Brookdale Road, Stamford, Conn. The Nature Conservancy is a private, non-profit international organization whose sole purpose is the preservation of significant natural areas. The Nature Conservancy is the owner of 157 acres in Middletown, bordering on Dripps Road near Saybrook Road, in the vicinity of the applicants property. The Nature Conservancy has dedicated all of its properties for use as nature preserved it to be kept in it's natural state for educational, scientific and esthetic purposes. The area in question in the vicinity of our property at a---on Dripps Road is one of the most attractive natural areas in Middletown. The Nature Conservancy is opposed to any expansion of non-conforming use of the land in the Zone R-1 area. If the corporation making this application is permitted to expand commercial activities it will have a detrimental

GEORGE WILLIAM D'SOUZA  
CHAIRMAN NATURE  
CONSERVANCY OF CONN.

effect on the development of the area for residential use as planned by your Commission. The effect will also be detrimental of the use and enjoyment of the Natural Conservancy Preserve by students and citizens of this and future generations. Thank you.

ACTING CHAIRMAN CHAMBERLAIN:

Anyone wish to speak against this? Alright  
I close this portion of the meeting.

Respectfully submitted



Althea Rinaldi  
Recording Secretary

Acting Secretary

David B. Mylchreest