

Ralph Shaw, II, Chairman; Eric G. Lowry, Vice-Chairman; Cos Giuffrida, Secreatry; Edward J. Kalita, Dr. Christie E. McLeod, Sebastian Passanesi, Thomas E. Lineberry and Mayor Anthony Marino. Paul P. Parisi .

COMMISSION
MEMBERS
PRESENT

George Augustine, Gerald Lentini and Conrad Tyaack.

MEMBERS
ABSENT

Commissioner Lineberry sat for Commissioner Kalita who arrived at 7:37 p.m.

ACTING
MEMBER

George A. Reff, Director; Catherine V. Raczka, Ass't Director; Althea Rinaldi, Recording Secretary.

STAFF

Philip Bauer, Engineer, Public Works Department; D'Vera Cohn, Reporter, Middletown Press; Hartford Courant Reporter; and approximately ten members of the public.

OTHERS

CHAIRMAN SHAW

I would like to call this meeting to order. This is the meeting of the Planning & Zoning Commission. The first item of our meeting tonight, as usual, will be our public hearing. Let me just review two or three things before we start. In the absence of Commissioner Kalita, I will ask that Alternate Commissioner Lineberry sit in his place. All the rest of the regular members are present. When we have our public hearing, which will be the first item for this evening, I will ask that the proponent for the application as it will be presented, speak first. The Commissioners will ask questions. George Reif, our director, will fill us in on any details which he has about it, and when those discussions are completed, we will ask anyone in the public who wishes to speak either for or against this proposal to do so. Our normal procedure is for the person or persons to speak for a proposal to speak first and those who are opposed to speak afterwards. This is simply so that we can keep our transcript items in some kind of order. When we have completed that, there's just one item tonight, we will go to our regular meeting. First item on that will be entitled, as we call it, simply "Discussion with the Public". If there are any members of the public who want to come and speak with us about any other items which might be on their mind, feel free to do so at that time. After that, we will go on with our regular items of our agenda. I don't believe there are any other comments to make before we start our first item. I'll ask our Secretary to read the legal notice for this public hearing.

SECRETARY GIUFFRIDA

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING AUGUST 11, 1976, STARTING AT 7:30 P.M. IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, DE KOVEN DRIVE, MIDDLETOWN, CONNECTICUT, to consider the following:

An application for a substitute special exception for general professional and business office use of Wesleyan-owned property located at 55 High Street (formerly occupied by Americal Education Publications) in accordance with Section 44.07.01 of the Middletown Zoning Code entitled "Termination of Granted Special Exception Use". Applicant: Wesleyan University.

WESLEYAN-OWNED
PROPERTY
55 HIGH STREET
APP.-SUBSTITUTE
SPECIAL EXCEPTION

CHAIRMAN SHAW

You have heard the legal notice. This notice appeared in the Middletown Press on Saturday, July 31, and again on Saturday, August 7, thereby constituting a legal notice of this public hearing item. I believe Mr. Frederickson is here to speak for Wesleyan University. When you come forward; identify yourself for the record before you begin your presentation.

MR. FREDERICKSON

Am I supposed to stand up or sit down?

CHAIRMAN SHAW

You may sit down, if you would like to. You may take whatever position that you are most comfortable .

MR. NILS FREDERICKSON

Mr. Mayor, Mr. Chairman, Members of the Commission - My name is Nils Frederickson. I am the planner for Wesleyan University and I appreciate the opportunity to appear before the commission tonight to present Wesleyan's application for a substitute special exception use of a Wesleyan-owned facility at 55 High St. formerly known as the AEP building. I had the pleasure of appearing before the commission last year to apply for a similar kind of substitute special exception use and I presume that the history of the building is well known to the commission and I won't have to repeat all the details. The reason that I appeared to apply for a substitute special exception for a blanket professional and general business office use is that we are trying (inaudible two or three words) to market this building. As you may know, we purchased the building in 1975 from the Xerox Corporation when they moved out to Long Hill Road and we have not had much luck since then in finding a tenant for the building but the financial pressures on the University have compelled us to undertake more aggressive efforts. The use we are proposing - professional and general business office use - is necessitated because we find it very difficult to market the building. There is a cloud hanging over the use by any prospective tenant. In making this application, I wish to emphasize several points. Most significantly, perhaps, is that the proposed substitute special exception will present a change in name only. There will be no change in usage in the sense that the original special exception under which the facility was constructed, permitted educational publishing organizations which is purely office uses. What we're proposing is also pure office uses except it has a different name, and the difficulties arise from the fact that, perhaps maybe in retrospect, one can say that the original special exception use was defined too narrowly and I think it is very difficult to lease a building which is designated either educational publishing organizations or insurance companies or medical offices or whatever it is.

Secondly, I think it's important to point out that the proposed use is consistent with the proposed updating of Middletown's comprehensive Plan of Development which has redesignated the area under consideration to residential-commercial usage. Also, I think it's important to emphasize that the usage we are petitioning for appears to be a permitted special exception use according to the Zoning Code. The city of Middletown, it appears, would stand to benefit as much as Wesleyan would from the leasing of this building as a commercial building. As you may recall, an educational institution is tax exempt under the State statutes. When Wesleyan bought the building from the Xerox Corporation in 1975 while (inaudible word) the building off the tax roles in one year, Wesleyan made a kind of gentleman's agreement with the City of Middletown to the effect that the City would be eased off over a period of ten years to minimize the financial impact on the City in one year. If the building is leased commercially, whatever proportion of the building is leased will go back on the tax roles at its full assessed value. At the moment, we have two tenants in the building. We have the Zygo Corporation which moved in last year as a result of a substitute special exception granted by the Commission. This year the Wesleyan University Press, which used to occupy the building many years ago, moved back-and the portions of the building which are now leased and which generate a revenue to the university are going back on the tax roles at their full value.. I hope that the Commission can appreciate the difficulties Wesleyan University is facing in marketing a building where the future use by a prospective tenant is under a cloud. All I can ask is that you consider our position and fully recognize we are not asking for a new use which is not consistent with the original special exception under which it was built, and which will have no other or more significant impact on the immediate neighborhood than the original land use had.

CHAIRMAN SHAW

It's your contention then, I would think, that this is sort of tidying up an old problem.

MR. FREDERICKSON

Yes. I think, perhaps, in retrospect one can argue that the granting of a special exception as a highly special use as educational publishing organizations would, in the long run, create hardships, not only for the City itself but for the owner of the building and I am making a special plea for a redesignation of the term into broader, general terms which will, I think, serve both the needs of the university and benefit the City.

CHAIRMAN SHAW

Let me direct a question to George just a second. How broadly, George, would such a designation take it as far as use is concerned? In other words, would there be any limitations that would be (inaud.word) in terms of offices?

MR. FREDERICKSON

If I may interrupt, if I use the term because I borrowed it from the Zoning Code, under this provision for special exception uses, this is a term usedⁱⁿ the Code and I thought I might as well be consistent

with the Code.

CHAIRMAN SHAW

I understand what you're doing.

MR. REIF

Well, the term that Nils is using is the General - Professional and Business Office use that would exclude any kind of commercial business - what have you - retail sales and that sort of thing. But it would, indeed, open it to just about any kind of business - general business office, and general professional uses.

CHAIRMAN SHAW

All right. Medical or any professional offices, obviously, would fit. An insurance agent, I presume or (inaudible few words - 2 talking). I was just trying to see where the limitations (inaudible few words) commercial establishments in the sense of retail -

MR. REIF

Retail sale would be out.

COMM. LOWRY

Well, there's a special exception already.

MR. REIF

Correct.

COMM. LOWRY

Is this for an old building or (inaudible 2 words) part. I don't recall.

MR. REIF

There was an original special exception to allow the building to be constructed - then there was a substitute special exception to allow the uses that are there now and tonight you're to consider another extension of a special exception. This one a little bit broader. The last time -

COMM. LOWRY

One superseding the other?(rest of sentence inaudible)

MR. FREDERICKSON

No. I am asking for a blanket substitute special exception for the whole (inaudible word).

MR. REIF

The last time he knew he had some specific uses. This time he has a very general use. He does not have a specific use in mind. This very general use is for professional and business offices.

CHAIRMAN SHAW

As I recall, Wesleyan University Press automatically fit the designation so there is no question about that. Zygo is allowed in there by our more recent action.

COMM. KALITA
But under restrictions. There's restrictions for Zygo, right?

It's a two year period.

MR. REIF
Yes, there's a time limit.

CHAIRMAN SHAW
There's a time limit as well as - a time limit duration as well as hours - working hours and things like that. There are several kinds of restrictions.

COMM. KALITA
That's what I am saying.

COMM. LOWRY
Would Zygo fall under the broader definition?

MR. REIF
Zygo is moving out.

MR. FREDERICKSON
I would like to mention the possibility of medical offices. I think that the likelihood of a medical office in the building is very small because the plumbing just isn't there and you know what a medical office requires in the way of plumbing. I thought, perhaps, by using the term "professional" we were thinking more in terms of perhaps an architect's office or an engineer's office or maybe a psychiatrist. I think that the likelihood of converting this to a medical building like the one on South Main St. is very remote.

CHAIRMAN SHAW
Well, as I recall the Zygo application, there was to be some sub-assembly type of work and that kind of thing as well as pure office use.

MR. FREDERICKSON
Light assembly, yes.

CHAIRMAN SHAW
I think that was one of the things that you were concerned with at that time.

MR. FREDERICKSON
And that is why, I think -

CHAIRMAN SHAW
That would be removed automatically at the end of the original period we had - regardless.

MR. FREDERICKSON
Right.

CHAIRMAN SHAW
What is the situation with Zygo?

MR. FREDERICKSON
Well, the permit we got last year was a two-year permit so, unless Zygo moves out or indicates they will move out next year, we would either ask for an extension but I do understand that they have plans to extend the plant they own in Middlefield and this was just a

CHAIRMAN SHAW

It's still your understanding that they would be out within the terms of our original agreement.

MR. FREDERICKSON

Yes.

COMM. PASSANESI

Did you say that whatever proportion of the building is leased would go back to the tax list?

MR. FREDERICKSON

It would go back at full value without the ten-year ease off provision. In other words, at the moment the building is being eased off the tax list at 10% per year. Now, the proportion of the building which is leased commercially is excluded from that 10% write-off.

COMM. PASSANESI

Oh, I see.

MR. FREDERICKSON

So, presumably, if we are lucky and rent the whole building this year, there would be no ease-off.

CHAIRMAN SHAW

What percentage of the building is being used now?

MR. FREDERICKSON

About 15% perhaps.

CHAIRMAN SHAW

15. Between Zygo and the Wesleyan Press, you say. Any other questions?

COMM. KALITA

No.

MR. REIF

It might be interesting to mention that there are about a dozen residences that have back yards that are neighbors of this building and it's also interesting to note that the university could use this building for a dormitory without any request to the Planning Commission. That's a permitted use in the zone. This was brought up at the last go-round because, obviously, a dormitory is something that would go on night and day.

MAYOR MARINO

Or for classrooms.

MR. REIF

You could also use it for classrooms.

CHAIRMAN SHAW

You could use it for any university use.

COMM. PASSANESI

For the use intended, we have no problem with parking - I am sure.

MR. REIF

No. There's adequate parking there.

CHAIRMAN SHAW

Why don't you talk about that site plan a little bit - either Nills or George.

MR. FREDERICKSON

(inaudible one or two words) on site.

CHAIRMAN SHAW

How many?

MR. FREDERICKSON

110. It is not off High Street itself - it is off Beach Street. You mentioned the neighbors - there are neighbors, of course, on Mansfield Terrace. There are also neighbors down here - Wesleyan owns three of the properties bounding High Street. The heavy blue outline indicates the total Wesleyan holdings in the area. You see there are two properties up here - then there are three we don't own and there are two here - one we don't own and then (inaudible few words) on Beach Street, so the site is, in general, like Wesleyan.

CHAIRMAN SHAW

Well, the building is there, obviously. We are not going to change that location. It is a matter of appropriate use of the building.

MR. FREDERICKSON

I think that George brought out a very valid point by calling to the Code. Any kind of educational function is permitted by right in any district in town. I think that the continued use for office functions would be, perhaps, the least detrimental impact on the neighborhood, knowing what dormitories -

CHAIRMAN SHAW

I think a nice housemother would keep it quite, I am sure.

MR. FREDERICKSON

Can I have her name?

CHAIRMAN SHAW

Any other questions of Nills? George, do you have any comments to add?

MR. REIF

No. This is one of those examples of land use and so, therefore, the other departments have not been asked to submit any comments and, frankly, that is about it.

CHAIRMAN SHAW

I know that vice-president, treasurer Dick Green is here from the university too, if anyone has any questions they wanted to pose to the university. I am sure that he is available. I am a little curious if you have any - and I don't mean to pin you down to - by name - but any prospects for the building?

MR. FREDERICKSON

Well, I know that we have some feelers and some tentative negotiations. I am afraid it would be premature for me to divulge any names.

CHAIRMAN SHAW

No.

MR. FREDERICKSON

All I can say is - I can assure that if the Commission were to grant us a substitute special exception for professional and business office use, we would bend over backwards to make sure that a tenant would be acceptable within that kind of definition.

CHAIRMAN SHAW

Any other questions? All right. Thank you Nils.

MR. FREDERICKSON

Thank you.

CHAIRMAN SHAW

Is there anyone present who would like to speak in favor of this application? Anyone at all? Is there anyone who would like to speak in opposition to this application? Anyone? Hearing neither pros nor cons, I'll declare that that item of this agenda is closed and we'll move on to our meeting.

Eileen Rogers

Eileen B. Rogers
Transcribing Secretary

Ralph Shaw, II, Chairman
Planning & Zoning Commission