

for streets to be smaller in size to, perhaps, overcome the boulevard and sidewalks, if absolutely necessary.(inaudible)

Mr. Fusari

This is an issue that I think can be pointed out a little bit better by this plan. If we are to be presenting this plan to you under the cluster regulation, I would make a very strong case for the (inaudible) of sidewalks on the inside of this (inaudible). And, I mean, I would really put on the best presentation I think I could to make that case to you. And if I didn't win it, then I've done the best I could and I didn't win but I'd like at least the opportunity to do that. And that's what this regulation does. It gives me the opportunity to make the case. It doesn't give me the right to have it by right. I would also make a case for the non-necessity of a boulevard. I think it's - this is personal now - I think it's terribly out of character of what we're trying to create in this kind of neighborhood. And the kind of zone we have. There may be other kinds of reasons to have it, and we may not win that argument, but again, I'd like the opportunity to present it at the right time. That's what an operation does, it gives us the opportunity to make the case.

Comm Leinwand

George, your proposal allows for the waiving of the boulevard, correct?

Dir. Reif

Well, basically, you have a provision in the subdivision regulations that allow you to waive anything, in any of these. Any ...

Comm Leinwand  
(inaudible)

Dir. Reif

...including this kind, so you don't, you know, need that wrote into this. You've already got it.

Comm Leinwand  
Fine. Yeah.

Attorney Dzialo

With respect to the open space, the paragraph is quite clear. One of the provisions, "not less than 25% of the total area." In the disposition Nino did suggest strongly that the words, "in perpetuity" did appear and they do appear in the disposition. Some concern was made at one of the meetings, I believe, or a comment made to me, "How are you goin'a control this thing?" We might have seen areas where common land was supposed to be under ownership and it wasn't maintained and whatnot. We do now have a statute and this would fall in this category-Common Interest Ownership Act-. In marketing something of this kind and developing it, more likely than not, unless certain standards are met, it would probably have to go through this concept. The rest of the items speak to the submission of plans and the time allowed for development otherwise. I suppose the commissioners here, probably staff, and maybe members of the public are saying, "What are we doing here. Why are we considering this?" George mentioned a moment ago, "Well, just forget it. Don't get involved in discretionary decisions. Just keep what we have today. To me it's a very simple thing. A developer comes in with a plan.

If the plan meets all the requirements, then you approve it, sign it. It's filed and you go on. But, I wonder whether the Commission wants this type of thing. I don't think it does. Knowing the Commission members and knowing this Commission for a good number of years, it is an innovative Commission. It is a non-It's not a status quo Commission - a "stand pat" Commission. You know what you've done over the period of years. You're innovative. Apply the innovative here. It's a very simple thing. Oh, forget it. There's too much work. But, I don't think you want to take that attitude. And, I don't think you will. Middletown is a small town. It, I think, has about 43 sq. miles of area. It has land to be developed. If this commission has the opportunity to say, "All right. There is land to be developed." Why not take into consideration, the things we're talking about tonight. Give credence to the word "planning" in your Commission's name - Planning and Zoning Commission. Allow a developer to be innovative, creative. There has been some disparaging thoughts and remarks about existing PUD's in Middletown. However, I think, you might take the Hill Development concept and project - lovely open spaces - walking trails - a school site there. You can do an awful lot to help Middletown grow. Middletown's a hot area. It's been spoken of in the past. But why not have some ideas with respect to "lets be creative." There's nothing against a lock step subdivision. I don't mean to denigrate it in any way. There are many good ones today and many good ones to come. I'm saying that you have here an opportunity to do something - not the word better - but creative. Many towns have this concept and they work well. Extremely well. You have it in your hands, I believe, and I think it's worthy of your consideration and Bob and I and his staff would be most happy to work with you. And, with George, to refine this in the best interests of both the town - and I'll be very frank - Mr. Fusari.

Chm Gionfriddo

Thank you, Chet. Commissioner Leinwand

Comm Leinwand

Chet, just give us some sense of time and urgency. It's goin'a become clear that the Commission is likely goin'a take the 27th of August off and not meet again until September 10th. I don't see this stuff coming together that quickly. Are you in a real hardship, if, in fact, we don't act on this and have in place some kind of cluster subdivision or designer subdivision format until the first of October?

Mr. Fusari

I think the answer to that is "Yes." We really stood pat for a while waiting for this to happen. And encouraged by the actions that have been taken place so far, I think we're going to have a substantial investment in a few weeks, and obviously, there's a limit to how long we can sit on that before we do anything. I think October would be an awfully long time. If you listened to what we said here tonight, the item that, so far, has had some substantial debate and the one that we think you will agree with some of the debate on is the calculations of the number of units - the density - and as you can see by what we did here, we took the assumption that we get no more than what we could get otherwise. However you define otherwise. And we would except something - but we are not in a position to accept or reject - but we would agree with that as, perhaps, a way to approach the many other things of debate, but, I think, I didn't hear them. I heard items of clarification. We would hope that the Commission could act a little more quickly. If we have it, we'll use it. If we don't, we want to know

it, so we can proceed accordingly. Obviously, we put a lot of work into this and we would like to know that it's there for us and others to use.

Attorney Dzialo

Steve, I was going to, in preparing for this evening, I was going to mention that but then I thought better of it. I didn't want to put us in a position to (inaudible) saying to you, "Well, look, we're under the gun. We have to have it done immediately because, I think, that might just - an improper method of presentation, but I told you earlier, the closing is on September 5. They've done an awful lot of planning, and we have taken the position that we believe strongly that this is in the best interest of the town and that, perhaps, it will fly. And they are proceeding on that assumption. Rightfully or wrongfully, but there is a point where they can't go any further to spend dollars in going - I would not bring this up - I'm glad that you asked the question.

Chm Gionfriddo

I don't see this coming to a vote. Certainly before September the 10th. But, I mean, if it would probably be helpful to you to think whether or not this is going to fly in some form, my opinion is it probably will in some form. Whether it's in the form that you submitted to us this evening is an interesting question. I don't know. But, if that helps you in your determining it would be my hope that sometime in September that we would bring this to a head and to a vote. We have two meetings in September.

Attorney Dzialo

Depending on Mr. Fusari's instructions to me, of course, in the meanwhile whatever input you want to make prior to not having the August meeting, then I can work with Nino and George and come up with ...I'm not the greatest author as far as legislation is concerned. I try. I've gleaned these things from other towns but I'd be most happy to work with anybody.

Chm Gionfriddo

Thank you. Any other members of the public wishing to be heard on this particular?

Jan Johnson, Westfield Residents for Rational Development. 267 Dell Street in Middletown. Members of the Executive Committee of our organization have had the opportunity to study the Dzialo proposal, number 1 and number 2. I think we can say, after looking at both of them, we could endorse the concept of the proposed plan, but we have some comments we'd like to make. On item number 5, like to see the addition of wetlands, under "purpose". That's on page 1. We also were the ones who talked about - this is under "purpose" also - whether item number 6 (Roman Numeral) and item number 8 could stand by themselves as being one or more of the following purposes: so, I hope, when the Commission looks at it, it will be looking at the purposes just as criteria for making a decision. We noted that in this proposal there is the reverting to the use of the subdivision regulation, in other words, it not coming before the Commission as a "special exception". The item not noted in here is - or not qualified - is use of the land when I know it was discussed here. I think it will be useful to add a paragraph on what is useable land; how do you qualify that. Turning to page number 3, item c "Parcels of Land Under One Ownership." We also have a fear that you can put all of your development across the street on the 22 acre parcel

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and would like to see, added to that, "and shall be developed proportionately." If you would consider that. I note that, "no structure shall exceed three and a half stories" has, in fact, been deleted from the second Dzialo proposal. I don't know if it's been deleted on the copies, but Mr. Dzialo tells me that that is a typo. You might want to question him about that. Page number 4, item number 4: "No structure shall exceed three and a half stories." Apparently that is a typo and was intended to be left out. In view of that and the fact no attached units are proposed, what happens to the person who wants to submit a condominiums in the old way that we think of them? What happens to the multi-family units - the attached units? Does this mean that this does not provide for that type of application? Does it mean we have to go back to the drawing board to present something that would apply to that? Thank you for the opportunity of speaking.

Chm Gionfriddo  
Anyone else?

Mr. Harris

Good evening. Mr. Chairman. Members of the Commission. Charles Harris. Chamberlain Road, Middletown. (inaudible) Two different sets of plans that are flying around. I, evidently, have one, which is the first one or whatever. And I have some questions on this. Number 1, and please, Commissioner Leinwand, don't let me light your (inaudible) on this now. As what happened in the last meeting when we talked about this same thing. What I'm concerned about tonight are we, are we taking and giving a concept to satisfy a developer? What, I would suspect, that this Commission would be adverse to. I would hope. (Inaudible) the public to the roads, the sidewalks, regardless of the type of development, I don't think any development, in the City of Middletown, should this Commission or any other (change of tape) People are finding out that it's goin'a cost them X number of bucks to rebuild roads and this concept has been instituted and two years from now they are going to be pleadin' with the City of Middletown to do something about them. The three and a half stories (inaudible) on (inaudible), we will not have multi floor or we will not have a joint (inaudible) on this. Seems to me, it is right open. (inaudible) the requirement to make the committment under 25 acres and I very strongly suggest that this Commission incorporate Nino's suggestions on some of these proposals for (inaudible) amount of number of units that are allowable. There's one thing that's starting to bother me more than anything else right at this point is, "What's happening to the tax base on the City of Middletown in the manipulation of land? Are we manipulating land to the satisfaction and the benefit of the developer? Do the loss of taxable (inaudible) should be returned to the coffers? Open space can become very complicated which we have already seen in other developments whereby your open space part of the development - somebody gets tired of taking care of it - that's primarily only for the use of that particular development. And, yet, parts of that (inaudible) taken off the tax base of the City of Middletown. (inaudible) makes the property tax paid by each and every homeowner and each and every property owner. If there's anybody in this room that's not even left to think what, under present methods of taxation any (inaudible) its fourth part of taxes in order to run the town. To think the bill collector's money to maintain (inaudible) money we make the bucks on in the tax coffer to upset the (inaudible) we have to educate two or four children, or more, even with no children. The (inaudible) never has or will be, and I'm a home owner, and a property owner, never as homeowners pay in their fair share of what it takes to run this town. I think somebody should take a real, hard look at what taxable property is being lost

in presentation that was made here. In the original lot by lot presentation if the lot sizes are such they are, I would like to know how the accessors would test those lots for the tax dollar that we goin'a (inaudible) compared to the tax dollar they're goina' garner from the lots under the cluster-type development. Lastly, Mr. Chairman, member of the Commissions, I would request that this thing be held open at least until October, so that we give everybody a chance to get back from vacation. Several of the property owners, that have an interest in this thing, right now are on vacation. And, I don't think, it's hardly fair, to force a vote and not give those people that are on vacation, a chance to have their fair say in this thing. Thank you.

Chm Gionfriddo

Is there anyone else?

Ms. Coley

Katherine Coley. Kashen Coley. Maple Shade Road. I'm speaking as an individual because neither South Middletown Residents Association or the Neighborhood Friends Executive Committee has had an opportunity to really study this, the latest version, carefully. Charlie mentioned that many people are away, and it does seem odd that every year, a very important piece of legislation comes up just when quite a few people are away. I would, therefore, like to request Charlie - second Charlie's request - that this be put off so that the Committees of the various interested residents' associations on the south side of Middletown, anyhow, have a chance to study it more carefully. I - the other point that I would like to bring up, though - right off the top of our heads - the two Steve's know and some of the others of you know - I have been very interested in seeing a proposal passed that would allow, under certain circumstances, a more imaginative use of the land than our, to preserve certain features, then are allowed under the regulations. However, at no time, did I, and I think I am safe in saying, the Executive Committee of the two organizations, consider that the total acreage would be counted in when figuring the number of units. I strongly support Nino and George's request that, or suggestion, that buildable land; there is a formula that many towns use, that have cluster regulation, that includes only buildable land. That's the only thing that I can speak to on behalf of the others because we have studied, and uh, that question. I would request that this be put off so that everybody has a chance to - some form of this certainly could be of benefit to Middletown. But, the long form could be more harm than good. I'm sorry for the developer who might be the victim of a delay. He may be the one that has to build in the old way. And if one development goes that way, in the interest of time, to make sure the others go well, then, I hope this board will not react under the pressure of one developer.

Chm Gionfriddo

Rest assured, we won't and I like your suggestion. Next year we're - George - we're gonna' take June, July and August off so we won't have any proposals come up during vacation time.

Comm Leinwand

Then, in September and October, we'll meet 'til five in the morning.

Ann Loffredo

Ann Loffredo. I came across an article on cluster subdivisions. It was put out by the American Planning Association. On the top of it was - see, gentlemen, I am reading . Some of the things that they discussed was the criteria you

use when you're developing a new ordinance. The way they describe the cluster subdivision might be something that you want to look at. In the list of criteria, they're using 6 items. They're starting with a statement of purpose which, all the proposals that you've looked at, have. They also have second, a provision for density, which you have. Third, is review criteria. This might be the weakest point.

Chm Gionfriddo

Ann, is this the article you're looking at. Cluster subdivision - A cost effective approach...or whatever...

Ann Loffredo

Yes, it is.

Chm Gionfriddo

Where did you get it from?

Ann Lofredo

Midstate Regional Planning Agency.

Chm Gionfriddo

Okay.

Ann Loffredo

But, I believe, George...

Chm Gionfriddo

George, do you have this? Could you provide us with a copy?

Ann Loffredo

It's..

Chm Gionfriddo

No. Provide each member of the Commission with a copy. Okay? In the mail, please.

Ann Loffredo

It's a lengthy book, but it's well worth reading.

Chm Gionfriddo

Well, that's what I'm - I would like to see us have the opportunity to look at it before..

Ann Loffredo

What it does do is, it gives you different ordinances. The one that I was looking at, that they were talking about, was some from all over the country. Their ideas are different. It fits their character of their town. So when you read it, it doesn't really - a lot of it doesn't apply to the way a lot of people view Middletown. A lot of the ideas that you've already seen in both Nino and Mr. Dzialo's and George's are already workable. They need more refining. But, if you look at this, you can see where you can add a little bit more to it to do with it what you feel was necessary to personalize it for Middletown. One of the things that, I think, you might want to look at, is if you want it in each zone. This may be the one problem. You may not want

it in the R1 and R2's. This may be workable in the RR and the R4 and, possibly, the R3, but think about the R2 and R1. The minimum lot requirement and the open space requirements are the last. That's all I've got to say. I hope you enjoy the article.

Chm Gionfriddo

Thank you. Is there anyone else who wishes to be heard this evening?

Mr. Suoto

George Suoto. 56 Julia Terrace. I just have a coupla' things that I'd like to add to what's been said here. And that is - enforcement. How you goin'a enforce that this open space is going to be maintained? Whether it be usable or unusable. Not so much the usable. Because, if it's usable you usually can find some property owner that's nearby that wants to use it and will keep it clean. But, the property that is unusable. The property that's nothing but clay. Rock. And grows nothing but brush. How you goin'a maintain that? Once you do establish something, how you goin'a make sure that it is kept up through the years. I have also concerns over the no sidewalks and the reduced streets, but that's already been spoken on. I won't go into that. I guess the other thing that I have-that I found interesting is-what was mentioned about allowing people to be creative. We have had examples of people being very creative in the past. And leaving us with some very interesting problems. I guess it depends on whatever your definition of creativity lies. And, I've got some serious concerns about the person who is so creative that makes himself look like , "Gee, we made a mistake. Now we need the City to make a special exemption so that we can go on and do what we thought we had the right to do. And I think we have examples of that today. Thank you.

Chm Gionfriddo

Thank you, George. Anyone else?

Mr. Reed

Wayne Reed. Country Club Road. Only two (inaudible)Steve. One, most of us have been talking really of Dzialo's (inaudible) on this. And I, for one, would like to see the concept as a separate section of our code. (inaudible) the way (inaudible) saying we are now covered in so many instances. By seeing it all in one section, the developer and we, the neighborhood people, can see what's going. We know what we're looking for. And it's a lot easier to miss something than trying to plug it in to a lot of different spots in the code. And the second one was Steve Leinwand had already mentioned this, on page 3 of that, or maybe it was you, the development standards specified of, may be reduced by 50%. That term still scares me. Exactly what the developer might decide that meant. (inaudible) the frontage, the code or lot size or what it did. And, I think, it needs a little bit more qualification. That was on page 3. Item 4.

Chm Gionfriddo

Thank you Wayne. Anyone else?

Comm. Leinwand

Mr. Chairman

Chm Gionfriddo

Comm. Leinwand.

Comm. Leinwand

Before you leave on whether we are going to continue the public hearing or close the public hearing, and, I suspect, I know what you're going to do, I'm in a bind, here. I think that given the likelihood that the public hearing, being continued, which I think is probably the wise way to go, how do we talk about this? If it's still on public hearing, can I move to make this a new business item? The reason I ask that is that it seems to me that we need to give the staff some general direction tonight. Maybe the answer is to close the public hearing and re-post the public hearing next time with a full blown proposal that goes beyond these two pages. And George has said tonight that this is just the skeleton. And that we have to act on these, when, on the basis of the discussion, and any number of things, I would like to make some comments and at least get a sense of the Commission, about some of these matters. Can you please tell me how we can do that if you simply continue the public hearing?

Chm Gionfriddo

Fine. At the end of the agenda, we'll let you do it. Or anybody do it. Any member of the Commission that would like to make some suggestions of staff or maybe have staff put some alternative language proposals together after Item 612 will discuss it.

Comm Leinwand

Well, the problem with continuing the public hearing with this, though, is that it's the same thing. I mean, nothing else is submitted. I guess that there's no way, with what we have tonight, we can vote on it. If we have the same stuff on September 10th I don't think there's any way that we can vote on it. If we just went through this with changes in the subdivision regulations of the zoning code and we did not act on it until we had actual code language and I don't think any of us are comfortable doing any action on this until that happens. Why waste - waste in quotes - a whole month, without having staff develop the detailed specifics so that we have that before us and, in fact, have had an opportunity to circulate that to the public between now and September 10th.

Chm Gionfriddo

I'll tell you what my suggestion is going to be and you can - the Commission - can do whatever they please and if they would like to do something different. It's - members of the Commission would like to make suggestions to staff to areas that -of concern- that they have or suggested changes after Item 612, I have no problem. But my - what I was going to propose - is that we continue the public hearing until the tenth at which time staff will have a reasonably good idea as to where the Commission, I think, is looking to go with this and the staff would put something together, in writing. Get it to us before the meeting of the 24th, at which time we would take a vote. As far as the public seeing specific language, what's been posted in the Town Clerk's office is simply five points or five main proposals, and the public is looking at documents that have been drafted by Attorney General Dzialo and Nino, etc., but they're not necessarily the final version that's going to be approved by this Commission. So, whether or not we get one between September 10th and 24th for us to look at and vote on, I don't think the public is going to be hurt by doing that. Commissioner Patnaude.

Comm Patnaude

I kinda' go with the, keeping the, (inaudible) opened. The other thing that putting everything on staff, the Commissions got to make a decision. The staff

gives a recommendation tonight and I see you go nowhere with it. We got three different sets of rules and regulations here. When are you goin'a have the staff disagreeing with each other. To the point that I would recommend that before September 25th, when we have our meeting, that, I think, this Commission should sit down and have a workshop with the staff and then come back united. I'd say, this is what we're goin'a do and this is how we're goin'a do it. Like I heard the word pressure tonight from the developer. I don't like the pressure (inaudible), but, I think, along those lines that (inaudible) develop. It was given as a deadline. Then we had to have it for October. Now, I don't believe in that. I do believe a workshop should be had with the Commission here, with staff and we come back united.

Chm Gionfriddo

I disagree with what you're saying. I don't think it's - if it doesn't happen for October, it doesn't happen. Okay. That, I said it was my goal that it happen. If it doesn't, you know, I've set many goals here in the last three years that haven't come about. So, you know, I wouldn't be - have any hurt feelings - if that weren't the case. You know, I don't have any problem with the workshop or at the next meeting on September 10th, the Commission telling staff what it is that they - after the public hearing is closed - what it is that we want to see in a final version. You know, whatever you feel most comfortable with.

Comm. Leinwand

Mr. Chairman. Commissioner Leinwand. I just don't think that's neat and clean. Um. I would move that the Commission request the Chairman to close the public hearing at this point. And that we make Item 613 on tonight's agenda a discussion of the Designer Environmental Subdivision and at that particular point in time following discussion on these matters, I think that it is entirely appropriate for someone, and I certainly intend to, move to place the issue on the public hearing agenda for September 10th. And in the interim, staff will, in fact, take direction as Commissioner Patnaude has suggested. Direction from the Commission on any items on George's list, to develop the full blown real proposal so that the public has the best shot at giving us feedback and comment on exactly what we're talking about.

Chm Gionfriddo

Before anybody seconds it, I don't need a motion to direct me to close the public hearing. If the Commission so wishes, that the public hearing be closed, I will do whatever the Commission requests that it be done. If that's what the Commission would like, fine. So I have one person says they want to keep it open; one person said they want to close it. So, all those in favor of keeping the public hearing open, why don't you raise your hand. And let me just get a consensus. Those who want to close it, raise your hand. Those who don't care, raise your hand. All right. I see three members in favor of closing it. Two members in favor of keeping it open. And one member abstaining. So, I'm going to close the public hearing, put it as Item 6.13. We'll discuss it. George will work on language and we'll come back with a new public hearing at the next meeting.

Adjournment 8:25 P.M.

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