

Ralph H. Shaw, II, Chm.; Eric G. Lowry, Vice-Chm.;
 Sebastian Garafalo, Seb Passanesi, Betty Matteo.
 Alternates: Gerald J. Lentini; David Bengtson;
 Kent M. Scully

COMMISSION MEMBERS
 PRESENT

David B. Mylchreest, Secy.; Edward J. Kalita.
 Alternate: George L. Augustine

MEMBERS ABSENT

George A. Reif, Dir.; Catherine V. Raczka, Ass't.
 Dir.; Althea Rinaldi, Recording Sec'y.

STAFF MEMBERS

Philip Bauer, Engr., Public Works Dept.; Sherman
 Beinhorn, reporter, Middletown Press; 20 members
 of the public at large.

OTHERS

Sebastian J. Garafalo was acting Secretary for
 David B. Mylchreest.

CHM. SHAW:

I want to call to order the Public Hearing section
 of this portion of the meeting of the Planning &
 Zoning. I'll ask our acting Secretary, Seb Garafalo
 to read the call.

ACTING SEC'Y. GARAFALO:

LEGAL NOTICE

THE MIDDLETOWN PLANNING AND ZONING COMMISSION
 WILL HOLD A PUBLIC HEARING AUGUST 14, 1974,
 STARTING AT 7:30 P.M., IN THE COUNCIL CHAMBER,
 MUNICIPAL BUILDING, DEKOVEN DRIVE, MIDDLETOWN,
 CONNECTICUT, to consider proposals for the
 following:

1. Application for Special Exception permit,
 professional and business offices, in an
 R-3 Zone, Section 60 Item 60.02.08 and/or
 to permit a neighborhood store in an R-3
 Zone. Section 60, Item 60.02.09, to Paul
 Logiudice located at 412-414 South Main
 Street.

SPECIAL EXCEPTION
 PAUL LOGIUDICE
 412-414 S. MAIN STREET

ANY AND ALL PERSONS INTERESTED MAY APPEAR AND
 BE HEARD

CHM. SHAW:

And you've heard the call appearing in the Middletown
 Press on Saturday, August 3rd, and again on Saturday,
 August 10th. I'm making it a legal advertised call.
 Is there anyone here to speak for the proponent?

JOSEPH BORKOWSKI, ATTORNEY:

My name is Joseph Borkowski, of the law firm of Fortuna
 and Cartelli of this town. I'm here tonight representing
 Paul Logiudice and giving me this opportunity to speak
 before you. Mr. Logiudice owns property on South Main
 Street, located at 412-414. He has before you tonight an

application to grant a Special Exception in regard to the use of this property. Property is in an R-3 Zone. What I'd like to do first is just set out the question of the neighborhood, this property is in. We work to proceed from the Lake Street area. We would see that--- from coming from downtown Middletown, we would see that the first thing on the lot is the Pizza Hut Restaurant followed by Kentucky Fried Chicken and Connelly's Liquor Store on Lake street than comes Friendly Ice Cream followed by the property we're discussing to-night.

Then there's Kitty's Elite Beauty Salon, a private residence. There's a road and there's finally a Mobil Station. On the opposite side of the road we have two (2) gas stations near Pamacha Pond. As you can see this is not a prime residential spot...have a family situated, as a matter of fact Mr. Logiudice's problems out there been just that. The (inaudible) has had... have had no respect for the property and this he attributes to the fact that the situation of the property does not promote a person taking interest in it. Friendly Ice Cream is opened until 12:00 at night there is no screening between their interest out there and Logiudice property according the lights shine into the building. Paul's problem (Inaudible) have gone to the extent that they started fires on the premises, they haven't at all taken care of their garbage, it was very dirty, they use to climb on the roof, just a general neglect of the premises, and I believe just a change of tenants wouldn't change the pinch around there because the area is such that-it's not suitable for residential use. Mr. Logiudice has come to fight on to see if he could do something, that will both benefit himself and the town in regards to this property. He is not asking for any special favors all he wants to do, is he just want to do something with the property that will make it look good to the community and make it proper. What he has in mind is that under the Special Exceptions he is allowed in an R-3 Zone, namely Section 44.08.08 amended recently. He would like to have either a professional or business office in there, at this time he doesn't know exactly who his tenants will be. He'd like to be able to place the property on the market who would ever care to rent, so at this time he's not able to say exactly who his tenants will be. However, in the alternative or possible even in conjunction with the above use, he would also like to be granted the opportunity to operate a neighborhood store on the premises, in this he would be requesting under Item 44.08.09 of the Zoning laws. In this again, he doesn't have any specific use in mind because he doesn't have a tenant, that's...willing to come forward at this point. What he hopes to do is to advertise, list the property, and see exactly what type of tenant will be willing to rent in the area. It is more likely than not that he'd be more interested in getting a neighborhood store, Special Exception because of the fact that right now professional office space is quite abundant in town and it's very unlikely that he would be able to find a tenant in that category. He does plan on making substantial changes to the interior of the building to assume whatever tenant he does, manage to acquire. I've included the site plan. I have additional copies, if everyone does not have one.

CHM. SHAW:

Put one down here (Inaudible talking in background).

JOSEPH BORKOWSKI:

In keeping with the requirements as you will see on the site plan, there's 11 parking spaces. They are all legal sizes 9 X 20. Now, depending on the type of establishment that he does lease Mr. Logiudice is prepared to provide adequate parking.

Again, in keeping with the Section 40 of the Code, he is aware of the fact that one (1) parking space is required for each one hundred (100) square feet, plus one space for each two (2) employees, in regards to any retail sales establishment. However, he is aware of the fact that in reference to an office building one (1) space required for each three hundred (300) square feet. And again, in regards to medical offices three (3) spaces are required from each professional person. Depending on the type of tenants he does have, he will fit the floor space and the parking requirements accordingly. He will not exceed the parking spaces...we can't tell you at this time exactly what his parking requirements will be because again, we do not know who will be renting on the premises. But we do make the representation that he will not over rent the premises in regards to his parking space requirements. There is little I can add at this time, but I will entertain any questions that any of you may have.

CHM. SHAW:

The problems of traffic on South Main Street in that location are already difficult and the use of this driveway appears will only allow single direct traffic. I can visualize the situation, someone turning into that driveway only finding someone coming out or either backing out on South Main Street.

JOSEPH BORKOWSKI:

Mr. Logiudice has addressed himself to this problem, and possible solution...first of all he has 42 feet in front of the house, and what he had planned on doing is taking the maximum driveway allowed, driveway entrance allowed of 25 feet. In paving that causing a double lane, as you initially enter, this is not shown on the map that I have presented but a substitute map can be provided. This double lane will assure that at least the initial car coming off the road would not be forced to (inaudible) in the road. It could come on to the property and then when that other car coming on the driveway passed it in turn could pass by the house.

I believe with proper signal, namely a stop sign or proceed with caution sign placed on the property if there would be no traffic hazards involved. In other words you wouldn't have people coming around the corner of the building only facing another car coming thru. This could be done in conjunction with thought before you proceed or some other arrangement that would serve

the same purpose. The reason the ample turning space in the back. This problem again is getting the cars to the rear of the lot...if you look at the site plan you will notice once the cars do get to the rear of the lot you satisfy any requirement that regards to turn in driveways. There would be more than sufficient room for a car to turn. An exit in a forward direction from the lot once it was allowed to get to the rear of the lot in order to execute his turn. And I might add that under your new Section 44.08.08 allowing professional and business offices in R-3 Zones I think this is going to be a common problem that you will have to answer yourself too, to many times. These will be all pieces of property that were built prior to internal driveway requirements and I think though the Code doesn't make any explicit provision for granting an exception I believe you're going to have to in some point of time address yourself to the problem because it's going to be happening over and over again...namely the internal driveway problem, houses that are being converted into office buildings.

CHM. SHAW:

There's no parcel of land trading a place with Friendly Ice cream..(Inaudible).

JOSEPH BORKOWSKI:

That problem has not been addressed. I would say off hand that it probably be untenable. Originally Friendly Ice Cream tried to offer ridiculously purchase price for the property, and they would use that as a black jack for my client in regards extending any liberties he might wish to take on their property.

CHM. SHAW:

You don't know that?

JOSEPH BORKOWSKI:

I don't know one way or another, but I imagine something might be worked out. It was the only way the problem could be satisfied.

(INAUDIBLE VOICE)

JOSEPH BORKOWSKI:

My client says that to his personal knowledge he believes that Friendly's Ice Cream would not be able to grant anything, for two (2) reasons, 1) He would be denying them use of two (2) stalls which may reduce their property requirements below the minimum required. And in addition his past dealings has shown no hospitality on their part (Inaudible).

CHM. SHAW:

Any questions? Alright, thank you for your presentation.

JOSEPH BORKOWSKI:

I thank you.

CHM. SHAW:

George...do you have any questions?

GEORGE REIF:

I have reports from each of the departments (INAUDIBLE).

JOSEPH BORKOSKI:

Again, on that I wouldn't know that Mr. Logiudice is not going to just simply Carte Blanche grant to anyone. I think the intended use of the property would be nearer more to the speciality type it wouldn't have a half heavy traffic flow. He is aware of the problem and it's a problem that he would take consideration of granting. He is not going to open it up to something that would have a heavy volume.

CHM SHAW:

Thank you. Is there anyone out there who wishes to speak (Inaudible).. If not I entertain any comments that opposition to this proposal. Either way, hearing none (Inaudible).

ACTING SEC'Y. GARAFALO:

2. Application for a proposed expansion of a non-conforming land use in a R-1 Zone. An addition and enlargement of parking area to the Cypress Grill, located on South Main Street. Owner, James V. Carta.

APPLICATION FOR
NON-CONFORMING LAND
USE EXPANSION -
CYPRESS GRILL
SOUTH MAIN ST.

ANY AND ALL PERSONS INTERESTED MAY APPEAR AND BE HEARD.

CHM. SHAW:

Thank you. This item was advertised in the Middletown Press, on August 3rd and on August 10th. It's a legal call and I ask that any one who is here to represent the proponent to come forward and speak. Give your name for record sake.

JAMES V. CARTA:

I am Mr. James Carta, 620 Ridge Road, Middletown, Conn., I own and operate the Cypress Grill, and I'm asking for this zone change simply because we are experiencing some growing pains. Number 1 and number 2, I think by putting this addition on and dressing the place up, it's going to add to the neighborhood. Besides being (Inaudible) into the town it's going to add to the outlook of the people coming thru. We have been contemplating this thing for quite a few years and we're...this board will approve

change so that we can go ahead with it. Thank you.

CHM. SHAW:

Would you describe to us as much as you can? What is it you plan....you have a site plan down there.

JAMES V. CARTA:

Well, I have a site plan. Yes.

CHM. SHAW:

O.K. we have a set up here, if you may bring these up here so that the people at the end can see them (Inaudible).

JAMES V. CARTA:

Well, I only have one (1) that is the latest one, because we had changed the parking. The angle parking in front.

CHM. SHAW:

Mr. Carta, we have a copy up here of your plan, why don't you come up here and maybe a...

JAMES V. CARTA:

I have that (inaudible).

CHM. SHAW:

Describe where the property is how you're presently situated. You give them the pointers.

GEORGE REIF:

Here is South Main St. Here's the pond, South Main...

JAMES V. CARTA:

That's right. O.K., this is Brown St. here, no it isn't, Brown St. must be down this area here. O.K. were situated right here, in this area here. Wesleyan Hills Road which new now is just south of us. Coming along down here what we want to do is add parking in this area here.

GEORGE REIF:

Now, who owns that area that you want for parking?

JAMES V. CARTA:

We own everything but 20 feet here. This piece shown right here is owned by Wesleyan Hills.

GEORGE REIF:

Wesleyan University.

JAMES V. CARTA:

Wesleyan University or Hill Development you know. I have the right of way to go into this thing, and we do have to use this in order to get our cars parked in here to satisfy the parking or the square footage were're going to have altogether...our total square footage. We are also...what I might think you have that other one.

GEORGE REIF:

Here's South Main St., Route 17, here's the 20 foot right of way, owned by Wesleyan University, here's the pond. This is your existing (Inaudible) and this is your proposed (Inaudible).

JAMES V. CARTA:

We are allowing for traffic flow. So they won't be going in and out of one driveway. There coming in one and around and out the other. We have the same thing here and you have to come through that one there. This will be in and out.

CHM. SHAW:

Are you saying you can't reach this parking area by coming in here? You're going to block that off so you can't get over into here?

JAMES V. CARTA:

No, the traffic flow is right through there.

CHM. SHAW:

Around the back?

JAMES V. CARTA:

Right, around in back of that.

CHM. SHAW:

It would be possible then to go all around the circle and...

GEORGE REIF:

In order to get to this parking spaces, there's his property line. It's difficult to read that but I imagine that line is not there because of course it isn't there on the ground. In order to reach these parking spaces he has to go over to there. (Talking in background)

COMM. MATTEO:

How many new parking spaces?

JAMES V. CARTA:

New ones? This whole stretch here.

COMM. MATTEO:

How many is that?

GEORGE REIF:

Well that's part of the property line. Sort of just shows him. Stopping here there's no way to really tell whether he's going to continue or not.

JAMES V. CARTA:

There's 24 in here.

COMM. MATTEO:

24 and where else are they new?

JAMES V. CARTA:

The way it is now we haven't got it laid out. Lined or anything like that. What we have...

GEORGE REIF:

It shows 60 spaces.

COMM. MATTEO:

60 new?

GEORGE REIF:

Total.

CHM. SHAW:

60 all totaled.

GEORGE REIF:

What they have right now, is a place to pull in off the street with out any curb. Also they can develop lot next door which people park at random now.

JAMES V. CARTA:

Right, that's correct and this is still the same depth you know. The only thing is there are going to be lined off so that...

COMM. MATTEO:

Is the parking just for the Grill?

JAMES V. CARTA:

Just for the Grill.

COMM. MATTEO:

That's the new parking just to serve the Grill.

JAMES V. CARTA:

The whole thing is, yes. (Talking in the background)

GEORGE REIF:

The reason he's here is because he wants to change what he has. He wants to make an addition, he doesn't want to rezone, he wants to expand a non-conforming use.

COMM. MATTEO:

He wants to enlarge the Grill too?

GEORGE REIF:

Yes, well he's going to add a certain number, about a thousand (1,000) square feet. Isn't this primarily to...

JAMES V. CARTA:

Yes, that is correct.

GEORGE REIF:

Eating room. But the hatch area is an existing building so in effect all he's going to do is add a thousand (1,000) square feet.

JAMES V. CARTA:

That is correct.

GEORGE REIF:

And that's relatively insignificant what he's really going to make an impact in the area will be the parking.

COMM. LOWRY:

Does the right of way allow you to pave the area?

JAMES CARTA:

I've taken that up with them and they are on vacation, the committee is. He has written...Mr. Tibbetts called me today, yesterday rather. He has written to all the members (Inaudible).

GEORGE REIF:

Trustees of the University.

JAMES CARTA:

Yes, right. He also sent them this site plan. He said that he would not get an answer until about the 22nd of this month.

CHM. SHAW:

This is the Hill Development Board, not the University Board your talking about...University Board?

JAMES V. CARTA:

Yes, I believe that land (Inaudible).

COMM. PASSANESI:

Is stock owned by Hill Development owned by Wesleyan University?

GEORGE REIF:

Well it's...let's say that for the one thousand (1,000) square feet for the new building it needs twenty (20) spaces. If you say well now he's going to add-extend he must catch up with what he has. He'd need a total of 50 spaces. You need 30 to take care of what he had there before. He did use it south of the parking. It's non-conforming use was as anything else. So it's somewhere more than twenty (20) spaces. That he needs.

CHM. SHAW:

Oh I judge him, that doesn't answer Seb's question. I would like to have...how many would he need presuming this is all new building and new restaurant the number allotted spaces, how many spaces will you need.

GEORGE REIF:

50.

COMM. MATTEO:

And this calls, this shows 60 (Inaudible).

GEORGE REIF:

Right, however, there are two (2) points that have been brought up. 1) We have already introduced the question about whether or not about that right-of-way is going to be usable for access to your parking. The other is that the police have made a very important point. This is the one opportunity to get rid of that backout where... and now your showing it at an angle, so therefore you can only get in and directly back out if your going to go south.

COMM. PASSANESI:

But those are the two (2) real issues, but the other is no issue. I count sixty-six (66) with the....

GEORGE REIF:

66?

COMM. PASSANESI:

With those 6 up front (talking in background)

GEORGE REIF:

I think there is. I think it's possible to modify the site come up with required number of parking spaces. Also look at the employee parking on the side. Nobody...you know...I know you have to have employee parking, but that really isn't the point. I think it's possible...

COMM. MATTEO:

Are you planning to do anything with the pond Mr. Carta as far as recreational use.

JAMES CARTA:

No.

GEORGE REIF:

He's got a weak point in his drawing, because the drawing of the property shows the line of the pond at one location and the site plan shows it someplace else.

COMM. MATTEO:

How about Inland-Wetlands, George?

JAMES CARTA:

Excuse me. When the land met with me, the pond was much larger. We had filled in about 30 feet, on the south of that. In the years, no recently though.

COMM. MATTEO:

Is this Inland-Wetlands?

GEORGE REIF:

That's what we're talking about right now. (Everyone talking all at once). That was the idea. This was presented, it is said that this is exactly the way the land is now, and that came along later, and obviously something either had to happen or something did happen, to accomplish that.

CHM. SHAW:

Well, we have to...is that it Phil, you want to say...

PHILIP BAUER:

No, no, this pond has been filled in as he says 30 feet, because we recently installed covers, you see underneath there? Right there, so we know, we had to put some 60

some feet to get across that area there so we know there is more than 20 feet there.

CHM. SHAW:

That plan there is...

PHILIP BAUER:

This plan is after it, this one is a tracing from a property line map that was made by Russell Boyce, I think some years ago.

COMM. MATTEO:

George, if that's already filled in, then its not Inland-Wetlands?

PHILIP BAUER:

It's 1960.

GEORGE REIF:

That's right it is not. It's a problem, it's not necessarily...(Inaudible) you're it is needed to be filled in.

DAVID BENGTON:

I have a question on this (Inaudible) this parking, how wide is it? Is it going to be enough for two way traffic?

GEORGE REIF:

Yes, from this point where he shows the parking over the right-of-way has 45 feet, that's what he needs, 25 feet for two way traffic and 20 feet apart. I think with a site modification we can satisfy everybody. Not have to park in there and get rid of this. I would have called you in, but I just worked out something this afternoon, and frankly the Commission can decide...I think its possible you can get what you want and need not to worry Wesleyan University, and solve the problem not having to park in there. (Inaudible.)

JAMES CARTA:

I think that would be a better way of going about it.

CHM. SHAW:

Better for you certainly, it will be less expensive and less of a hassle with other people involved.

JAMES V. CARTA:

That's right.

CHM. SHAW:

I don't know if you heard what George said, but he said,

"that he had worked out a plan that Mr. Carta hasn't even seen yet," it might be possible to avoid this whole strip of parking so here wouldn't have to worry about the property lines or the edge of the pond to get enough parking on the property as it is now, and get rid of this back out parking also. Now, as I say Mr. Carta hasn't seen this yet, it's new to everyone.

GEORGE REIF:

I don't want to get shot down you know...Sorry you asked that.

CHM. SHAW:

It does indicate however, that the staff works with the applicants, and doesn't try to fight them, some people in the community seem to think this is the case. I think that a...this is an approach which maybe is worth looking at and certainly from your stand point of view. How many places did you work out?

GEORGE REIF:

Well, there if forty (40), unless Mr. Carta is willing to relocate his addition back to the lake, that's one thing I wanted to discuss with him. If he does that then there's...be about 50 spots. That's why I say I think there's a little flexibility in how many he has to have above what his addition is giving him now. See how...more than he has now.

COMM. PASSANESI:

Where is originally has it, he would still get 38-40 spaces?

GEORGE REIF:

You can get 40.

COMM. PASSANESI:

But then you would be under the requirement.

GEORGE REIF:

It's how you look at it.

CHM. SHAW:

Well, George's point was that he hasn't had any. It would be so much he's had that...

COMM. MATTEO:

As long as he puts on to the new addition.

CHM. SHAW:

Making a major change, I don't know. Let's...any other questions about this? I think what you're going to have to do is let us wrestle with the non-conforming use part and with this, and work with George on this business of parking and get back to him in a couple of hours and see what he has to say. In the mean time I'm going to want to ask for other comments if there are any. Thank you very much.

JAMES V. CARTA:

Thank you very much.

COMM. MATTEO:

Thank you.

CHM. SHAW:

Is there anyone else who wishes to speak for this proposal? None at all. Is there anyone who wishes to speak in opposition of this proposal? Hearing no further comments I declare the public hearing portion of this meeting closed and in just a moment or two we'll move on to the second portion of our agenda which items I judge others who are here or perhaps interested in.

ADJOURMENT

TRANSCRIBED BY

Lydia Guere

LYDIA GUERE

RALPH H. SHAW, II, CHAIRMAN
PLANNING AND ZONING COMMISSION