

Chm Steven J Leinwand, Vice-Chm Stephen T Gionfriddo, COMMISSION
Comm Louis A Carta, Comm Seb J Passanesi, Comm Emanuel A MEMBERS
Pattavina, Comm Rose Sbalcio, Alternates: Comm Sebastian PRESENT
Garafalo, Comm Thomas Hutton, Dir Salvatore Fazzino, Ex-
Officio

Mayor Michael J Cubeta, Ex-Officio, Comm Cos Giuffrida, MEMBERS
Comm Paul Bixby and Comm Vincent Loffredo ABSENT

Dir George A Reif, Hope Kasper STAFF

Thirty members of the audience OTHERS

Comm Garafalo acted for absent Comm Giuffrida. ACTING
Comm Hutton acted for Comm Passanesi who disqualified MEMBERS
himself on Items three (3) and four (4).

CHM LEINWAND

Without the Secretary here, I will open the Public Hearing
and read the Legal Notice.

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A
PUBLIC HEARING, AUGUST 24, 1983, 7:00 P.M. IN THE COUNCIL
CHAMBER, MUNICIPAL BUILDING, deKOVEN DRIVE, MIDDLETOWN,
CONNECTICUT, to consider the following:

Item 2.1 Continued: Proposed 22 lot subdivision located PROPOSED
at the west end of Congdon Street off Newfield SUBDIVISION
Street. Applicant/agent Carlos M Ortis, PILGRIM
Pilgrim Associates/Aecon, Inc. ASSOCIATES
S83-10

CHM LEINWAND

Is the attorney here from... While he's coming up, let the
record show that the Legal Notice for the Public Hearing
appeared in The Middletown Press on both Friday, August 12th
and Friday August 19th, 1983. Gentlemen.

RICHARD BROWN

My name is Richard Brown. I'm a member of Pilgrim Associates
partnership. With me is John Morgan, our architect from Aecon,
Inc. We've come before you tonight, we've delivered the plans
that's been discussed at the last Public Hearing, and we would
request preliminary approval based on those plans, as submitted.
We are open to any questions that you may have concerning that
matter.

CHM LEINWAND

Preliminary approval based on those plans, plans that call for an
access across land that you don't own and don't even have an op-
tion on, correct?

RICHARD BROWN

We have an option on it, yes.

CHM LEINWAND

The same option that you supposedly had all along?

RICHARD BROWN

We have a legal problem with that option that is in the process of being worked out, at this time.

CHM LEINWAND

Okay. Are there any questions of the developer? Is it clear that you know tonight is the last night that we can continue the Public Hearing? I have every intention of closing the Public Hearing and we then have sixty-five (65) days to make a decision. Commissioner Carta.

COMM CARTA

I have two sets of prints and I wanted to be sure, in my reviewing them, I want to be sure which one is the latest updated set, if in fact there were two sets. When I looked at them this evening they appeared to be the same set of prints but I'm not altogether sure.

DIR REIF

What's the date on the one's you have?

COMM CARTA

Well, I've got. Both of them are June 17th, 1983. It doesn't look like any change or update. I may have just received two sets.

(Multiple Speakers)

CHM LEINWAND

Commissioner Gionfriddo.

COMM CARTA

I have just one further question on the access. If you could say a little more about the access so I can be clear. I understand you never. At one time I understood that you had purchased it and then it seemed to fall apart.

RICHARD BROWN

There's a question on a legality of the contract that we wrote on the property. And there is another contract that was written subsequent to ours. Ours was never disposed of, therefore the lawyers are now processing....

COMM CARTA

I didn't hear the last....

RICHARD BROWN

The lawyers are in the process of resolving the problem.

COMM CARTA

What's your feeling in the matter?

RICHARD BROWN

My feeling is that we'll be resolved very soon, I hope.

COMM CARTA

And if it is resolved you'll be able to build as shown, and if it's not resolved...

RICHARD BROWN

We have several other options to pursue if that particular area falls through. It will not alter the basic plan.

COMM CARTA

It will not alter...

RICHARD BROWN

The only effect that the, the effect of alternate means will affect not the number of lots but the location of the road. Not the main portion of the road, just the location of the secondary access.

(Multiple speakers. Inaudible)

COMM CARTA

... But, you'll have to appear before us though, again. That would be a new plan.

RICHARD BROWN

My understanding was that it could be submitted as a change. It is not a major modification of the subdivision.

COMM CARTA

I couldn't comment on that. We could put that before the Planning Chairman. It doesn't seem like that to me, but...

CHM LEINWAND

Mr. Brown, how long do you think it will take to take care of some of the legal problems?

RICHARD BROWN

I really don't have any idea. The lawyers have no idea. They say that the thing is progressing and that's about as far as I've gotten with it.

COMM CARTA

If it was a simple shifting it one way or another or engineering maneuver, I don't see it as a big problem. But if it caused a re-design, then it would, in fact, be a different plan.

COMM LEINWAND

Excuse me just one second. Did you want to respond to that?

RICHARD BROWN

Basically, what it boils down to is if this particular option is closed we will have to resubmit.

CHM LEINWAND
Commissioner Gionfriddo?

COMM GIONFRIDDO
I guess rather than a question I have more of a comment. It's been sixty-five (65) days from the time this plan was originally submitted and the fact that there was a problem came to light and we're still sitting here sixty-five days later unsolved. To me it would just seem the easiest and cleanest way would be to withdraw this plan temporarily and once it's straightened out resubmit it. If it's not straightened out, submit the corrected plan rather than have us approve something that may not prove to be correct at a later point in time.

COMM PASSANESI
I would not commit to it until you've cleared up the legality of it.

RICHARD BROWN
Well, unfortunately that was the reason we asked for the thirty day extension. However, the legal difficulties have progressed longer than we had expected.

CHM LEINWAND
I guess that, I mean I would put this before the Commission, but... The Public Hearing is going to close tonight and we do have sixty-five (65) days. I mean I have no problem simply tabling it and tabling it and tabling it, until we get a letter to the effect that this particular plan, that we've had a Public Hearing on, and that we know about, is in fact feasible because all of the legal stuff has in fact worked out. But short of that, I personally don't see how we could possibly give approval to something that may change.

RICHARD BROWN
That particular option was...

CHM LEINWAND
It would not be approved until some future point within those sixty-five days.

COMM CARTA
I have a further question of you. Is there some procedural reason on your behalf, or a benefit for you, to have it approved now that I don't see?

RICHARD BROWN
No. The approval doesn't matter. It's just that we do not want to have to resubmit and spend another \$550.00 and take up another six weeks of your time.

CHM LEINWAND
Commissioner Pattavina?

COMM PATTAVINA

I have a question as far as the Public Hearing is concerned. This would be the last Public Hearing as far as this issue is concerned. And if we do keep tabling and they come up with a proposal which may be different from the original because they cannot get that house or so forth, shouldn't we give people the opportunity to speak on that?

CHM LEINWAND

Absolutely. I'm assuming that we would table this particular proposal and this particular proposal would go up or down within the next sixty-five days. But if, in fact, the deal falls through, then essentially at that point I suspect it would be withdrawn.

COMM PATTAVINA

Any significant change we could...

CHM LEINWAND

I don't think there's any question on that. We've certainly represented that to the public. Other questions? Mr. Brown?

RICHARD BROWN

No. The tabling is agreeable. Not a problem.

COMM CARTA.

I have a further comment. I have a possibility to put out for the Commission just to look at. I see no, personally, at the moment, don't see any problem at extending and tabling it and moving on towards that legal deadline. And on approaching the legal deadline, if in fact he's not resolved his legal problem and wishes this approved as is, in anticipation of solving it, I see no problem in approving it. And if there's any change then he simply has to go through the same procedure again. If there is no change, and he's resolved in his dispute on the option, then he has in fact an approved subdivision. And in either way, we're not in jeopardy. What it does is save the developer all the resubmittal if we disapprove and he comes back having solved this problem has to go back through it all again.

CHM LEINWAND

I just think that that's jumping. It would seem to me that the developer is fully aware of the sixty-five day clock and can stay in touch with the director. And if in fact we get to the last meeting at which we can take some action on it and things haven't been worked out, then he's perfectly free to come in here and make an appeal at that point and the Commission would decide one way or another at that point, whether or not your point is sufficiently well taken that we could extend the sixty-five days as correct.

COMM CARTA

I'm not suggesting that we do this tonight. I'm suggesting that it's a possible way to resolve, in order to keep you from having to resubmit the same plan again and go through the whole procedure again. I would like to have you avoid that if in fact you wind up with what's shown.

COMM CARTA (Continued from Page 5)

And if you don't wind up with what's shown, then you would have to bring it before the public and give the public an opportunity to see what you're going to do at that time.

DIR REIF

There were still just a few minor problems to be straightened out which obviously they don't want to do until they get their problems straightened out.

CHM LEINWAND

Ok. Anyone else wishing to speak to this particular matter?
Mr. Skully.

KENT SKULLY

Kent Skully, 346 Congdon Road. I guess I don't understand the purpose of holding the Public Hearing. I was really not prepared to address this total question tonight because as far as I was concerned the proposal was not valid in that they haven't met the requirements that they indicated that they would meet when they made the original submission to you. And it's now my understanding that this is my last opportunity to make a representation related to this proposal. I don't see how it fairly gives me the opportunity to address it. Nothing happened on this proposal since you opened the Public Hearings thirty or forty-five days ago, whatever. And at that meeting there was a number of questions and a number of deficiencies that were sited in the plans. There was an indication, as I recall, that those deficiencies would be revised. There was discussions; submitting more complete site plans, addressing the pavement problems, the sidewalk problems, a number of the drainage problems and a number of the other issues that are associated with this. One of the major problems had to do with drainage affecting the properties along Cynthia Lane, and it was indicated that wasn't properly addressed. And I don't see how you can close a Public Hearing on a matter that's going to affect those people and their property unless they know what the solution is that is being proposed by the developer. The only thing I can do is, if this is the course that the committee plans to take, to close the Public Hearing and then continue to consider changes to the proposal after the Public Hearing has been closed, just ask you to reject it. There's nothing else I can do. I just feel that my rights and the rights of other citizens related to addressing this proposal are going to be significantly hindered if the Public Hearing is closed tonight, yet the Commission can continue to consider the proposal and any alternatives to it. I think if you go back to the transcript from your last meeting, you will note that you were not satisfied with the submission as it was then made and I don't think any changes have taken place to the submission since then. So basically what you're saying is you're still not satisfied, yet you're going to shut off input from the public and continue to consider this yourselves. So, I respectfully request you to reject the proposal. Thank you.

CHM LEINWAND

Kent, I guess that I'd only like to say that I think that there's a significant difference between the proposal that's before us and major modifications, and I think that the issues you raised are the kind of minor things. We can talk about sidewalks. We can talk about drainage that's been clearly represented in two memos from the Public Works Department that, in fact, if done the way it's supposed to be done, the drainage along Cynthia Lane will, in fact, be improved. And I think that, as you're well aware, the Public has had more opportunities on this particular matter because the Public Hearing has been continued three times. And there have been four different opportunities, where it has been in the Legal Notice, and where people have had an opportunity to speak to it, and when I say speak to it, I mean speak to the proposal that we all have before us.

KENT SKULLY

Steve, you're talking about people coming in and making a presentation before you for property that they don't legally own, that they have no legal right to, and you're considering the proposal. And then you're saying to people from the Public, well, you wait and let's see if they get it straightened out, and if they get it straightened out, we'll address the issues or we won't address the issues. Do what you want. If you want to approve it. Has the Commission gone out and done the site plan review that was discussed? Have you walked the terrain?

CHM LEINWAND

Yes.

KENT SKULLY

Are you satisfied with the layout of the lots? Do you think it's developable? Are there any intersections that, are there any grades that exceed the limit established by the Public Works Department? Is it feasible that that turn on the top of Congdon Road up the hill is accessible? You've got a half a set of plans. You're going to give approval and then people around there are going to be the ones that are suffering, just like the people in Westfield have suffered before, and just like they'll continue to suffer in the future. I don't think it's fair. I think that we should be able to expect a better representation from the developer before we make a presentation to you. If I was going to try to repudiate anything, specifically you would ask me to make a better representation, yet you're not making that same request of the developer.

CHM LEINWAND

In the interest of time, I'm not going to sit here and debate it point for point. So, I'm just going to let it sit.

COMM CARTA

I have a question

CHM LEINWAND

Commissioner Carta?

COMM CARTA

I have a couple of comments on that. I think it's unfair to represent that this plan has not come before all the departments, and been scrutinized by all the engineering departments that the City has available to it. Now, it's possible that some department might make a mistake. We're not infallible. However, it has gone before those departments. The people do have the right to subdivide land that they don't own. They do have that right. They do have the right to option land, to come up with legal agreements, binding, in lieu of subdivision approval. Any court in this country would back that because the present owner of the land has the right to have it subdivided by whomever he chooses. I've been out on the land and looked at it in every way that I can as a bare piece of land, and then take this engineering as presented before me and have the ability to overlay the two as much as possible, and then see that each of our departments does its job. And beyond that, it's not humanly possible to do a whole lot more than that, except to strictly enforce the design being carried out to its completion in the way it was presented. So I have some trouble with the representations that you're making. And if you have anything that you want me to look into, I'll be more than happy to do that. I mean specifically, I would actually specifically give my personal time and go out and address those problems and see if they're real and put them before the proper Commissions and see that they are looked in to. But, today I haven't seen any of that that hasn't been looked into. I may have missed something.

KENT SKULLY

Commissioner, do they have a legal right to include that Cynthia Lane property in this subdivision application?

COMM CARTA

Sure. I think so and I'm not a lawyer.

KENT SKULLY

You just indicated that an owner of a parcel of property has the right to submit his parcel of property for subdivision. They do not own that parcel of property.

COMM CARTA

They have a written agreement on it.

KENT SKULLY

Have you seen that written agreement?

COMM CARTA

I only know what they testified to. They have an agreement to it. They sign a subdivision request stating that they have...

DIR REIF

No. That was not part of the proposal at the very beginning. That came into it later.

COMM CARTA
So, did they sign a...

DIR REIF
All we have is what they've testified to.

COMM CARTA
What?

DIR REIF
That they're attempting to acquire that.

COMM CARTA
Ok. So we can request that. That's our legal right to request...

KENT SKULLY
But you can request it and you can get it and then you can act on it, but you're doing this after you're closing off input from the Public. Don't you think that that's the type of thing that should be addressed prior to the initiation of the Public Hearing?

COMM CARTA
I'll make one more comment on that. That is to say to this Commission that they are not capable, in fact, of carrying out the work that's before them. The work is to see that all of those things are in place, properly done, properly addressed. And, once the Public has brought forth its complaints and its concerns, for us to categorically address each one of them until in fact they're resolved. And if they're not resolved, I'll personally vote against the subdivision. But, to continue to keep it open serves really no purpose. Once the concerns of the Public are put forward, I personally address each one of them.

KENT SKULLY
What you're saying is they could have come in here with five different options on five different pieces of property, not legal options, planning options, and you would have required the public to come forward and address each one. All I'm saying to you, Commissioner, is ...

COMM CARTA
I didn't say planning options.

KENT SKULLY
All I'm saying to you is you should have a valid proposal before you before you act. You don't have a valid proposal because they're including a parcel of property that they have no legal right to.

COMM CARTA
As far as I know, they have an agreement on it, and that's good enough for me.

KENT SKULLY
As far as you know. The director of your department won't verify that fact.

CHM LEINWAND

I think that you're making it clear, Kent, that we are getting ample input from the public.

COMM CARTA

We will follow each one of those items down to the wire. You have my word on that.

CHM LEINWAND

Anyone else wishing to speak to this particular proposed subdivision? If not, we go to Item 2 on the Public Hearing.

COMM CARTA

I have one request that I don't know whether it's been addressed. I requested it at the last meeting. And that was the legal right to extend that road in any future, they've got a buffer piece in there.

DIR REIF

That's one of the items that has to be changed. That's not going to go that way.

COMM CARTA

So, I want that re-noted.

CHM LEINWAND

The Public Hearing record shows five or six different items. They're on a list that would have to be addressed in our debate on the issues. I don't think it's fair now that Kent sat down that we do all the talking and he can't rejoin us. Well I'd just as soon not do that.

COMM CARTA

Well, there is another point that just came out tonight. And that is that they have signed an agreement, an application, based on the, they do have the options and so on on this piece, that other piece. In my opinion, you need to come forth with the document showing us the fact that you have an agreement whether... (Inaudible. Multiple speakers.)

CHM LEINWAND

They'd have to have it before we can give approval. That's what we've already represented to them tonight. That's why we're not, that's what the whole discussion was from 7:00 to 7:15. We have to have it at some point or the thing can't possibly be approved. OK?

Item 2.2 Continued: Proposed resubdivision of property of Kane PROPOSED
Brick Co. to establish two additional lots on the e/s RESUBDIVI-
of Newfield Street. Applicant William Woodman SION KANE
BRICK CO.
S83-14

DIR REIF

I doubt that anyone is here tonight, Mr. Chairman. William Woodman called this afternoon and asked that the Public Hearing be continued as he has not completed his work for the department.

CHM LEINWAND

Is there anyone in the public who wishes to speak to this particular proposal of the Kane Brick Co? We will be continuing the Public Hearing. Mr. Ranno? I do think while Joe is coming up here, you are aware of the memorandum from the Health Department with respect to this, and I would like to read it into the record. "This Department recommends strongly that your Commission not approve any subdivision of this land until the concerns which we expressed in your 'Interagency Review' form are addressed. We ask further, that the applicant review with us the expressed concerns. We will be able to make a recommendation to the Commission after this review.

We also recommend that the Commission receive legal advice vis-a-vis the future closure and liability of this landfill operation with various owners as it relates to the Connecticut DEP operating permit and covenants." I read that so that you understand, Mr. Ranno and others, that in fact the Health Department is fairly clear on what it hopes this Commission does.

JOSEPH RANNO

Yes. You will also note that Public Works is involved in this department procedure now. That has all been turned over to Public Works from the Health Department. Here's a memo from the Mayor.

CHM LEINWAND

Can I ask if that's the case?

DIR FAZZINO

We are assisting the Inland Wetland Agency in the inspections of their activities so that is to be extended. We may be involved.

CHM LEINWAND

I believe that the Health Department is still the one in contact with the DEP.

JOSEPH RANNO

If you have a health problem, you contact the Health Department. If we have any other problems, Ok? It has been turned over to you, Mr. Fazzino.

DIR FAZZINO

I'll certainly be glad to listen, but I'm not sure that we're going to be able to cure all the illnesses here.

JOSEPH RANNO

No. I understand that. I just wanted to make it clear.

CHM LEINWAND

Could I ask that we contain our comments to the proposed subdivision?

JOSEPH RANNO

I would suggest that you have a representative of the DEP down here, to give the final answers on that plan, before a subdivision or anything is. Because I talk to hazardous waste, but they have nothing to do with solid waste. They don't subdivide their property until completion.

CHM LEINWAND

I guess it's at a point that this Commission might even begin to consider it, given the advice of the Health Department, I would consider inviting someone from DEP down, but it doesn't seem to me that that makes very much sense when there isn't much chance of us addressing the land use issue at this point in time.

JOSEPH RANNO

Well no. The only reason I requested that the DEP person come down is because every time we ask for something for four years, they told us to go to the DEP.

CHM LEINWAND

Yes. I understand that.

JOSEPH RANNO

So, I'd like to reciprocate it. Bring them down here so we can ask him the questions.

CHM LEINWAND

I would prefer that that goes through the Health Department, but I understand your point. Is there anyone else wishing to speak to this matter?

JOHN SADLOWSKI

My name is John Sadlowski. I live at 597 Newfield Street. Are you going to open the Public Hearing again on this thing?

CHM LEINWAND

Yes. I intend to continue it until the 14th of September.

JOHN SADLOWSKI

Why should you?

CHM LEINWAND

Because it's common courtesy. We do that whenever a developer requests it.

JOHN SADLOWSKI

Or a proponent for a subdivision.

CHM LEINWAND

It is common courtesy, John.

JOHN SADLOWSKI

I object to anything being done there until it's completely filled up the way it's properly done.

CHM LEINWAND

In fact, the continuance gives you a chance to say that at each of the Public Hearings. We understand that.

JOHN SADLOWSKI

I have a statement I'd like to read once and for all, anyway. The next time I come here I'll read it again.

CHM LEINWAND

That's fine.

JOHN SADLOWSKI

I don't know how many times I've got to come here when it makes me nervous to come here, anyway. I'd talk one to one or come down to my house. But being here is, you know.

CHM LEINWAND

No problem. Just relax.

JOHN SADLOWSKI

I live at 507 Newfield Street. We object to any changes with that stinky cesspool until the whole area is filled. The dumping has stopped and is covered with four feet of dirt, like the Department of Environmental Protection had stated when the whole problem started. The dump disrupted our living and our human rights with its noisy, stinking gas and fumes coming from the dump. The gas is still coming out of the dump from sunset to sunrise. It's the sun that dissipates the gasses. Now you want to know the truck's fumes. Now you want to have the trucks fumes come and noises in our homes by making a new entrance right in front of a nice quiet neighborhood. Would you want to have this in front of where you live? I say no more. Let the people come first. I speak for eight people in two houses. Now you think, how much does it stink? Or what does it stink? Who knows what it stinks? Nobody knows how much it stinks. But it does stink. Is there enough stink? Yes or no? Give me an answer.

CHM LEINWAND

I think we know that most landfills are pretty smelly.

JOHN SADLOWSKI

Fine. That's what I thought. It stinks. Now, you take 1/10th of 1 percent of a tablespoon of cyanide everyday for five years. I guarantee you I don't think there'd be one living at this table. So how much stink are we supposed to take to live five years or ten years? I'm gonna come here again to say the same thing.

CHM LEINWAND

Fine.

JOHN SADLOWSKI

I have something here in the bag for you to smell a little bit of. Everybody brings their own product, I brought mine. Would you like to be first sir?

(Multiple speakers)

CHM LEINWAND

Let the record show that Mr. Sadlowski is passing around a sample from the dump. John, the silver lining in this whole...

JOHN SADLOWSKI

First let me say something. I'm the people speaking. That came in our house. It still stinks in my house from that stuff. Take a good one. You only need a little to drop dead.

(Multiple speakers)

JOHN SADLOWSKI

That's in the ground in that dump. That might go 1/10th of 1/1000th percent in your drinking water. That's still in there. It don't dissipate, go away. It only comes out in the rainy season at certain times. Sure, you fixed it quite good. I admit that. But it's still there. It still stinks, because I still smell it. It comes in in the night time when the sun don't dissipate it. That's the whole thing. I speak for eight people in two houses. And many other friends of mine are saying the same thing. It had that stinking smell. Now I'm not allowed to have that? That's my human right to have clean air. I've been hear twenty-five (25) years with clean air and not noisy trucks. To have some *****, well I won't say it. But have some, at least some human rights for other people, besides your own pocketbooks.

CHM LEINWAND

Thank you, John.

JOHN SADLOWSKI

Thank you very much.

CHM LEINWAND

Is there anyone else here...

JOHN SADLOWSKI

I'll be here again.

CHM LEINWAND

Fine.

JOHN SADLOWSKI

With the same thing. The same bottle. I don't know why I bring it up. Because you're not doing your jobs, period. Look at the matter. Other people got rights in this town, too. Do you think they'd come down to our houses to see what the complaint was? Not once. Not once did the Health Department come down to any of our homes.

CHM LEINWAND

The hope, John, is that the developer has heard loud and clear from more than just the neighborhood, from more than just the Commission. We've tried to listen to you. What I'm trying to say to you is that I think we understand the problem that has existed out on Newfield Street and the hope is that that problem is taken care of as soon as possible. We can't make what's happened in the past go away. But the guy that owns it, or that rented it, wants to cut up the land because he needs some money, and he's not going to be able to cut that land up until he gets the proper approvals, starting with this Commission. And this Commission is not about to give those kinds of approvals. He's going to have to clean up the landfill, therefore. And according to the Health Department...

(Inaudible. Multiple speakers)

CHM LEINWAND

Anyone else wishing to speak to this item. Alice?

ALICE GORDON

The only thing that's...

CHM LEINWAND

Your name please?

ALICE GORDON

Alice Gordon, 820 Newfield Street. The only thing that smells worse than that hydrogen sulfite smell he had, which smells like rotten eggs, is those diesel trucks that go through every morning and in the middle of the night and all hours that shake up your house. The smell is so bad, you have to close the windows because otherwise you'd get sick. And a lot of this is early in the morning. I really get sick from the smell of these diesel trucks and they're going all day long.

CHM LEINWAND

Is there anyone else. Please, John. Is there anyone else wishing to...

ALICE GORDON

I just wanted to voice my disapproval of this.

CHM LEINWAND

Thank you. Anyone else wishing to speak to this matter? If not, we will go on to Item 3.

Item 2.3	Proposed special exception to permit the conversion of Stillman School, Loveland St., to 28 residential apartments, in an R-4 zone. Applicant Frank Rak.	PROPOSED SE STILLMAN SCHOOL LOVE- LAND ST. FRANK RAK SE83-11
----------	----------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------

CHM LEINWAND
Mr. Rak.

FRANK RAK
I'm Frank Rak, and I'm seeking a special exception to convert the Stillman School to twenty-eight (28) apartment units. We plan to rearrange the existing parking to accommodate forty-two (42) cars. The twenty-eight (28) apartments will range from studio to one bedroom, to two bedroom. There'll be four studio, twenty-one (21) one bedroom and three two bedroom.

CHM LEINWAND
Frank, let me just interrupt and let the record show that Commissioner Passanesi is disqualifying himself on this matter, which means that at the moment Commissioner Hutton will be sitting in in place of Commissioner Passanesi. Thank you.

FRANK RAK
We will be doing extensive landscaping in the existing grounds, on the existing grounds. The existing areaways that the perimeter of the building will be expanded to give at grade access to and from the ground level apartments. As I said, there'll be extensive landscaping on the grounds. We feel that it will definitely enhance the neighborhood, and provide some much needed affordable apartments. Are there any questions on any of the details?

CHM LEINWAND
George, do we have any of the departmental reports on any of this stuff?

DIR REIF
Just let me get those right now.

CHM LEINWAND
How come we don't get copies of this stuff? Or did we in the last packet?

DIR REIF
I don't know whether we did or not, but the... Some of them have just come in. Would you like me to read the one on Public Works?

CHM LEINWAND
No. I haven't read the one on Public Works.

DIR REIF
They are still looking for a plan that shows drainage calculations. (Inaudible)

CHM LEINWAND
Did you here that, or did that go over your head too?

DIR REIF
No. They're looking for...

CHM LEINWAND
Who is looking for it?

DIR REIF
The Public Works Department.

CHM LEINWAND
The Public Work's only concern with this whole thing is drainage calculations?

DIR REIF
That's right.

CHM LEINWAND
Which certainly can be worked out at the staff level.

DIR REIF
Sure. Right. The Fire Department has no objections to the site plan as presented. The Health Department recommends approval.

CHM LEINWAND
Boy, we don't hear that very much.

DIR REIF
That's right.

(Multiple Speakers)

DIR REIF
The Water and Sewer Department needs some additional information, but that's not unusual. So, there's nothing earth shattering.

CHM LEINWAND
Commissioner Pattavina?

COMM PATTAVINA
I have a question for Mr. Rak. Do you think that the situation is.... (Inaudible. Away from microphone)... Will it have an impact as far as the rental of these apartments?

FRANK RAK
You mean will it have an impact on the....

COMM PATTAVINA
The one way street going down....

FRANK RAK
Yes, which is not apt to be changed. I don't think so. We rearranged the entrance so that you can't get into there from Oak Street.

DIR REIF
I don't think you showed that this time.

FRANK RAK

Well, okay. You probably don't have that drawing.

DIR REIF

They do have it. I think you didn't emphasize it.

FRANK RAK

Well, I suppose it might be an advantage to have two way traffic, but I didn't look at that as a deterrent to people wanting to rent there. I think today people are pretty flexible. Let's see, if your only problem would be if you were coming down say Route 9 onto South Main Street, you'd have to go around the block, come in Oak Street which is not that bad. Maybe I am looking at it ...

COMM PATTAVINA

What about the people who might live on Oak Street where you're generating the traffic.

FRANK RAK

I'm not sure how much traffic.

COMM PATTAVINA

How many apartments is there? Twenty-eight?

FRANK RAK

Yes, twenty-eight, and you probably average one and one half (1½) cars per, so you'd have forty-two (42) cars going out at various times.

CHM LEINWAND

But you have helped the Oak Street matter by switching the one way thing. Correct? I mean you can come down Oak Street, take a right and a quick left and go in. And likewise, coming out you couldn't do that the way the building has been presently existing.

FRANK RAK

And then a certain amount of them are going to come down Loveland Street. People come down High Street, down Loveland and ... I wouldn't think ...

COMM PATTAVINA

I think you mentioned, you emphasized that coming off Oak Street ... (Inaudible)...

DIR REIF

Mr. Chairman, we have the two plans on the board there if anybody wants to look at them. We have the original plan and the approved plan.

CHM LEINWAND

Commissioner Sbalcio.

COMM SBALCIO

I have no objection to the plan. I think you always do everything meticulously. But just one question. The handicapped spot that you have on the front, how much larger are they than the parking spaces in the back. Do you know what I mean by that?

FRANK RAK

Quite a bit. Your question is why didn't we put them back ...

COMM SBALCIO

Right next to the ramp.

FRANK RAK

Well, it's because they take up quite a bit of space and we would have had trouble getting in the ...

COMM SBALCIO

You didn't have the appropriate number then, unfortunately.

FRANK RAK

No. Now maybe as we, you know, something can be worked out. If we do have handicapped people there, I'm sure that we can work out something. Lots of times you don't really. Sometimes you have people who don't have any cars, so that you can, you know, get around it a little bit by someone gives up a parking space so that we could in fact have handicapped people who live to down the end there.

COMM SBALCIO

I think it would be safer to have them at the other end. It would be much more convenient because of the ramp.

FRANK RAK

It makes more sense, but the reason was we couldn't get the forty-two places.

CHM LEINWAND

Commissioner Carta?

COMM CARTA

I have no problem with the concept, the overall concept. What my problem is is that, is not that it's going to be used for apartments that we're going to give a Special Exception for. In the plan before me it doesn't give me enough detailed information to really know what the finished produce is going to look like. I see a few circles of shrubs. I don't know what they're going to be. Six inch high shrubs, ten feet high shrubs. Given it's in a residential neighborhood, it's probably quiet, probably a sedate neighborhood, we're going to put a concentration of people in this area, I would like a much more detailed plan of exactly what the finished product is going to look like. I'm looking at a concept here and not a design, a complete design.

COMM CARTA (Continued from Page 19)

Before I would, personally, give a Special Exception, I would want to see what the details are. I'd like to actually have a, there should be a list. We're going to put in so many hundred of this shrub, so many dozen of that, what the maturity of it is, where its locations are going to be. Because what we're doing is, we're creating something within another zone that's got to live there forever, as far as I'm concerned. While I have no problem with the reuse of that building, I think it's a good idea, I think it's a fine thing to do with an old building, I want it to turn out in a way that it will be a credit to the neighborhood. And things like what Rose just brought up is handicapped parking, I would actually rather have us loose a parking space than have the handicapped be at the opposite, you know, at the furthest possible end. I can't speak for the rest of the Commission on that, but things like that would be fine with me. But my main concern is to see, not just a conceptual plan but in fact, a detailed architectural plan that we can actually know what we're getting, what we're buying when we vote on it.

FRANK RAK

I agree with, I guess I understand you're request. I would say that I have a deeper concern for that than you have.

COMM CARTA

Not any deeper than me.

FRANK RAK

Well, I'm spending a lot of money and ...

COMM CARTA

You're concern comes from a different angle than mine.

FRANK RAK

No. Well, yes, but it, I'm just as concerned about that as you are. Alright? I'm not going to. Landscaping and the arrangement there is very important. In fact, the cost is relatively small, but the importance is very great because if it doesn't look nice and make a presentation, it's not going to be a place where people will want to live and etc., etc.

COMM CARTA

There's no fencing shown. Maybe no fencing is needed. But, I need to know all those details in fact, to know what I'm going to create in that neighborhood by voting on it.

FRANK RAK

My question here is one of time. Is it common that this type of plan, detailed plan that shows the landscaping with the type of shrubs and all that, is that a normal thing that I would present at this meeting? If it was I'd probably have done it. But I've never done it in the past and I don't know if, when you say a site plan, I've always felt that what I've presented was a site plan. I thought it was acceptable.

COMM CARTA

I think for a small project it's fine. I think this project has a fair impact on the neighborhood.

FRANK RAK

Okay. Well, that's my only question. If I thought that it was a necessity, I would do it. But time is somewhat of importance at this point.

CHM LEINWAND

George ...

DIR REIF

Yes. One of the basic problems here is that the more detailed a person does his original plan, the more he fights when it comes time to make a major change...

COMM CARTA

We're talking about the ultimate plan.

DIR REIF

Yes. Now, had he put all those details on the original plan, he's still be here explaining why the original layout was better. Now he's gone beyond that, he's probably ready to get the details. For instance, Public Works Department wants to make sure it's going to drain properly. If that isn't worked out on paper in advance, and it turns out all these parking lots are flooded with water, there'll be a crowd here telling the Planning Commission they didn't do their job. So, there are details to work out.

COMM CARTA

I don't propose that you spend money in advance of the right time and do work in advance of the right time. I'm talking about the ultimate finished product. I want it to be a credit to the neighborhood.

FRANK RAK

So do I.

COMM CARTA

And to the City.

FRANK RAK

So do I.

COMM CARTA

That's my personal request and the other Commissioners may have other requests and they may not care about my request.

FRANK RAK

That's going to be done. In other words, I'm not going to attempt to do that without professional help. That's a part of the package. You know, it'll be landscaped.

COMM CARTA

But I request that I be able to see that before voting. That's my only ...

FRANK RAK

But the problem is that, is one of time. I can't get that turned out in a week.

CHM LEINWAND

Commissioner Carta is entitled to his opinion ...

COMM CARTA

If my personal opinion ...

CHM LEINWAND

I don't happen to share that need for that level of detail.

FRANK RAK

I'll tell you I'd be glad to show it to you ...

(Multiple speakers)

CHM LEINWAND

Other questions for Mr. Rak. If not, is there anyone else who would like to speak to this particular proposed Special Exemption? Mr. DreaHER.

WALTER DREAHER

Walter DreaHER, 67 Sunnyslope Drive. Changing the traffic pattern to go across Loveland Street into Oak Street may cause a problem with the traffic coming down High Street. It's only about a house and a half away from the top of the street where his property is right now, so that could create a problem.

CHM LEINWAND

In terms of coming out of...

WALTER DREAHER

No, going across Loveland Street, which is a very narrow street.

CHM LEINWAND

But you'd have to come out of ...

WALTER DREAHER

Either coming from Oak Street or going to Oak Street it's a very narrow street and the traffic comes down Loveland Street quite fast from High Street. Unless there were some way of slowing down the traffic coming down from High Street. He should be commended for thinking about the handicapped apartments because I think that there's a great need here in Middletown. I'm very pleased about hearing about that. And there are about seventy to seventy-five (70 - 75) people living on the street right now so, you know, the twenty-eight people or more that are going into these apartments will have an impact on the street.

WALTER DREAHER (Continued from Page 22)
And Commissioner Carta is right. I have to agree with him that this is an established neighborhood. Some of the people that live in those houses have been there for sixty, seventy and eighty years the same family. It's hard to realize, for some of us to realize, that some of the same families live in the same house for such a long period of time. I thought that Commissioner Carta had a very good idea about buffering the zone because we're talking about people's back yards now. There's a house on the top of High Street, which is on the corner of Loveland Street, which is the back yard of that property. And there's also another house right next to it which is very close to the front. Also speaking on the fence, I wonder, are they going to close off the City school field entrance. There's a gate right there and I was wondering if that was going to be closed up for good so that they will not have access to the field which is public property. Is there any answer on that one?

CHM LEINWAND

That's a good question. Mr. Rak, I assume that on the basis of the map you are planning to close that fence off?

FRANK RAK
(Inaudible)

CHM LEINWAND

That's what I believe. Mr. DreaHER, it's our understanding that will be closed off.

WALTER DREAHER

It will be closed off. That was just a question. But I have to comment on his other properties and I think that he does keep his properties up because I did check a few of them and I'm pleased with his work. But, going back to what I said before, on the handicapped apartments I think that he should be commended and I think that other developers in Middletown should start thinking about the handicapped people in Middletown. I think it's a credit to this person that made this presentation.

CHM LEINWAND

Walter, could I just ask you where you were concerned about the buffering? Along the east or west side?

WALTER DREAHER

Well, the buffering would be on the east and west side because the Russo property is at the top of the hill.

CHM LEINWAND

There's already a fence and a stone wall along there.

WALTER DREAHER

Yes, but that's their back yard also.

CHM LEINWAND

Yes ... (Tape change)...

WALTER DREAHER

... I think three families living in that house and their backyard would be abutting the backyard of this other house. And I think that some kind of buffering should be used and probably this is my only concern on this street. And my mother does live three houses away.

CHM LEINWAND

Frank, excuse me, I mean to follow that up, on the buffering. You've got some along the back of the east side. Is that correct? That's new buffering, but you don't bring it all the way up to Loveland because there's simply no room for it. Am I reading this map correctly?

COMM SBALCIO

Over here?

CHM LEINWAND

The big tree is in back already.

COMM SBALCIO

But, there's no room here. The driveway ...

CHM LEINWAND

That's what I mean. Along the piece to the side where you would come in. Walter, that's where you mean, isn't it?

WALTER DREAHER

Yes, it would be along the fence itself.

(Multiple speakers)

FRANK RAK

It is a little close but I would say that there's going to be a lot less traffic there now when it's converted into apartments. Now there's a lot of traffic there.

WALTER DREAHER

He's right.

FRANK RAK

People are coming and going all the time. If you did a traffic study today, with the use that's being made of Stillman School, and when it's converted into twenty-eight apartments, there's going to be much less traffic. The only traffic you'd have is people who go to work in the morning and coming back at night. During the day it's going to be quiet. Guaranteed. Where as today, there's traffic coming and going all the time. Now, on the west side, there's a big buffer there now. There's large treest here. So, in fact, when the foliage is out you can't even see the house next door that's standing here. There's no problem here, and here it's a little closer but as I say you're going to have less traffic than exists today. As far as the traffic flow, I'm not sure I understand that we're changing the traffic flow. You're going to come in here, you turn right which is with the traffic, and you turn left into the driveway.

FRANK RAK (Continued from Page 24)

You're not going against the traffic flow at all.

WALTER DREAHER

See what you just pointed out? You take a right and then you take another immediate left and the traffic coming down Loveland Street could be a problem.

CHM LEINWAND

That's exactly what you have now except sometimes you'd be slowing up a little bit to get into, excuse me, Commissioner Garafalo.

COMM GARAFALO

You started to say something I was going to say. We have that problem now. We haven't rectified it. We've allowed it to happen for how many years have we been at Stillman. And I guess my concern is that all of a sudden we're concerned about buffering when we haven't buffered in three years. We're concerned about neighbors, or the effect on the neighborhood, when we haven't been concerned in three years. I think his plan is a much better plan than we have there now. It's improving what we have there now.

CHM LEINWAND

I think everyone is saying that.

COMM GARAFALO

Yes but, you know, the concerns about what type of bushes are going to go in there and all that; I don't have that concern because I'm sure with the investment that Mr. Rak has made, he's going to make sure it's a beautiful landscape.

CHM LEINWAND

I don't think anyone disagrees with you. I was just trying to sort of get a sense of exactly what detail Commissioner Carta and Mr. DreaHER were looking for. I hear Mr. Rak saying that he's providing what he can provide and there's very little latitude for any more. I think you're right. Commissioner Carta.

COMM CARTA

I'll clarify what I said, and that is I know that there's been problems there in the past. When something gets rezoned and changes its use, there's an opportunity there to clean up anything that didn't work. I for one don't care to have that opportunity go by. And I don't want to reek havoc with the developer because he's going in the direction which is definitely better. Definitely improved. I have seen, before this Commission, people give you a conceptual plan, a conceptual idea, and when you actually see it executed, it's not very good. A six inch shrub is a shrub. However, in ten years, it doesn't amount to much. For \$250 one can buy a maple tree of a caliber like that approximately ten feet high. So there's a great difference in what one calls buffering and what really you get. That's why I'm interested in specifically what we are getting.

COMM CARTA (Continued from Page 25)

I don't expect that, there's a vast difference in the quality and the design that you can get when you specify it versus when you leave it open.

CHM LEINWAND

Let me remind the Commissioner we are still in Public Hearing. Is there anyone else wishing to address the Commission on this matter?

WALTER DREAHER

Thank you.

CHM LEINWAND

Thank you, Walter.

FRANK RAK

The only problem I have right now is I can't produce it. I wouldn't be able to do it for a month. But it will be done because that's how we're going to landscape it. I will say that, if you look, this is all pavement. This is all solid pavement around here. So, percentage wise, we're adding a lot of greenery there. And the only thing I can say is it's going to be done right.

CHM LEINWAND

Anyone else in the public wishing to speak to this matter? If not, then let us move to Item 4.

<p>Item 2.4 Proposed 2 lot resubdivision located at the corner of Franklin St. and Farm Hill Road, in an R-1 zone. Applicant/agent John S. and Joseph Augeri/Atty. Arena</p>	<p>PROPOSED RESUBDIVI- SION FRANK LIN & FARM HILL ROAD J&J AUGERI S83-16</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------

CHM LEINWAND

Sal.

ATTY ARENA

Mr. Chairman, for the record, Salvatore F. Arena, representing the applicants, John and Joseph Augeri, in connection with their application for approval of a two lot resubdivision of land located at the corner of Franklin Street and Farm Hill Road. They stated to the Commission two weeks ago that the problem is that they presently have two houses on one lot. The problem occurred nineteen (19) years ago was discovered when my clients wished to cause to claim their respective properties. And doing a search I came across it and on my advise they set to obtain any approvals that were required by this Commission. We've drawn that division line between the two properties in a manner that we feel does the least possible damage to them.

ATTY ARENA (Continued from Page 26)

The property is in an R-1 zone. Both are served by City Water and Sewer.

CHM LEINWAND

Are there any questions of Attorney Arena? George, this is another one that's as simple as I think it is, correct?

DIR REIF

Yes, that's correct.

CHM LEINWAND

Is there anyone from the public wishing to speak to this particular matter? If not, Sal, do you have any reason to expedite this?

ATTY ARENA

Only that we have a bank commitment on one of them which is in the process of expiring in the near future. I'd like to take advantage of it while we still have fairly favorable ...

CHM LEINWAND

With pleasure. Commissioner Sbalcio?

COMM SBALCIO

I move to put it on the New Business.

COMM GARAFALO

Second.

CHM LEINWAND

So moved by Commissioner Sbalcio, seconded by Commissioner Garafalo, to make this Item 6.4 on the New Business Agenda. Any discussion on that? If not, all those in favor signify by saying aye. Those opposed, nay. We'll deal with it tonight, Sal. (Vote was unanimous)

ATTY ARENA

Thank you very much.

CHM LEINWAND

Thank you. At this point I would therefore close the Public Hearing on Items 1, 3 and 4. We'll continue the Public Hearing on Item 2, per the request of the proponent. Before I move to Discussion with The Public, Item 3, I would like to take a second and on behalf of the entire Commission, I would like to offer a public apology to Althea Rinaldi. I think that it's pretty clear to everyone of us sitting around this table that Althea has served this Commission, has served the Planning and Zoning office, competently and loyally for a whole lot of years. I think that Althea was in a unique position to know George Reif better than any of the rest of us. And while we're going to have to hear all kinds of things about it in the next few minutes I think, I'm not going to sit here and make any excuses for George. But I hope that there is no reason and no need to publicly crucify him tonight for what I think was an unfortunate and unnecessary lapse.

CHM LEINWAND (Continued from Page 27)
Unfortunate and unnecessary lanse, I think, sums it up best. And
the only thing I can do is say, Althea, we're sorry.

ADJOURNMENT 8:15 P.M.

ADJOURNMENT

Respectfully submitted,

Patricia Michnowicz, Transcribing Secretary

Patricia Michnowicz

Steven J. Leinwand, Chairman
Planning & Zoning Commission

Received at the meeting of 2/8/84