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PLANNING AND ZONING COMMISSION  
CITY OF MIDDLETOWN

PUBLIC HEARING HELD IN COUNCIL CHAMBERS, CITY HALL,  
MIDDLETOWN, CONNECTICUT ON WEDNESDAY, AUGUST 24, 1988,  
commencing at 7:00 P.M.

PLANNING AND ZONING COMMISSION:

STEPHEN GIONFRIDDO, CHAIRMAN  
ANN LOFFREDO, VICE CHAIRMAN  
STEPHEN GADOMSKI, SECRETARY  
WILLIAM A. PILLARELLA, MEMBER  
JOHN ROBINSON, MEMBER  
STEPHEN P. SHAPIRO, MEMBER

CHRISTINE LINDQUIST, ALTERNATE  
FRANCIS T. PATNAUDE, ALTERNATE  
RICHARD THOMPSON, ALTERNATE

ALSO PRESENT:

SALVATORE FAZZINO, DIRECTOR OF PUBLIC WORKS  
GEORGE REIF, DIRECTOR, PLANNING AND ZONING

Gerald W. Rankin  
Official Court Reporter  
265 DeKoven Drive  
Middletown, Connecticut 06457

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ITEM 2.

SECRETARY GADOMSKI: Continued: Proposed special exception to permit 168 units of condominiums, multi-family located adjacent to Woodgate I, Washington Street near George Street. Applicant/agent KLM Associates by Leonard Ginsberg. Attorney Rome.

CHAIRMAN GIONFRIDDO: You are not too popular.

Can we please ask those to have their conversations out in the hall so we can --

ATTORNEY ROME: Mr. Chairman, members of the Commission, this is a continuation of a public hearing.

My name is Louis Rome. I represent the applicant.

CHAIRMAN GIONFRIDDO: Shut the back doors, please. I want to be able to hear what you are saying.

ATTORNEY ROME: We made a complete presentation and made all of the files including the traffic analysis, the drainage analysis, the hydrological studies and subsequent to that hearing which was continued for input from the Inland/Wetlands, the Inland/Wetlands Commission in its infinite wisdom indicated that there were problems off-site that they would like us to address.

We met with staff to address them and the only way that it was possible to address them. I think

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that most people look at objectively would recognize that the only testimony and there is a recent case dealing with the Commission and if there's testimony that is from technical staff indicating that all of the requirements are met and if members of the Commission feel otherwise, but there is no objective standards or testimony or evidence in opposition, then I think the Chester case says that the prerogatives of the Commission are limited.

Nevertheless, my client had indicated that despite the fact that with the detention ponds that were located on-site which I addressed to the members of this Commission as well to the Inland/Wetlands Commission were more than adequate not only to have a zero increase in runoff velocity but to have a slight reduction of runoff velocity. Nevertheless, a number of people on George Street brought up the problems that they have on George Street because of the inadequate size of the pipes on George Street, that creates a flow of ice, water turning to ice in the winter and creates problems for everyone and every one of them as a result of that.

I asked my client because he is very, they are very interested in doing the project quickly, in a timely manner and obviously in this construction season when the condominium market still exists, if they would be willing

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to look at the extension of the drainage system not merely from Woodgate II but picking up the existing drainage problems in Woodgate I and solving those problems; and I make that representation to you as well as piping everything from Woodgate II to George Street and then piping all of the existing drainage problems, or the existing, I don't know they are all, but the existing drainage problems that are created in George Street by the inadequacy of the town system, drainage system to the river.

Our presentation tonight then is limited to that. We had made a complete presentation. We will be talking only about the removal of the two retention ponds which were the concern of residents on George Street. The residents of George Street, thank you, and secondly, the piping of all of the drainage requirements not only on the site but also again from Woodgate I and from the George Street area we will be reconstructing and resizing those pipes right to the river and in our judgment do an extraordinary change for the residents of George Street.

The consideration for us obviously is timing. We have to be in the ground in a reasonable construction period and that's the reason that my clients in effect create a benefit for one, Woodgate I, not from the drainage, but increases their cost per unit because the costs of doing

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this we eliminate about \$20,000 with a cost for retention ponds and pick up over \$200,000 cost for drainage system which is not their responsibility and I think a good engineer would indicate that it is not.

With that, let me introduce Mr. Doug Shanley. He can amplify what I have said with regard to the drainage and I think it is as simple as that.

Thank you.

MR. SHANLEY: Doug Shanley. Mr. Chairman, my name is Mr. Doug Shanley and I am with Close, Jensen and Miller (phonetic) Consulting Engineers responsible for the drainage for this project. I have been before this Commission several times. We have researched and designed and redesigned the drainage for this site to the point where the last time we were before this Commission we had a system that we felt was certainly manageable for our client as well as the City of Middletown. Since then in meeting or going through the process of Inland/Wetlands application and the meeting with the Department of Public Works primarily due to the concerns of the George Street residents, we have submitted plans back to Inland/Wetlands Commission which will eliminate the two detention ponds. We have zero detention on the property itself. We have directly piped our drainage through the access points we have with George Street.

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This is one of the two plans we submitted two weeks ago. We directly piped all our drainage down to George Street and then we proposed to, if you orient north up on this sheet it picks up again here. We come down to George Street. We go south down George Street for over a third of a mile of the town's system improving the entire system upsizing the entire system to its outlet at the Coginchaug River. This allows us to provide benefits threefold. One to improve the entire system in George Street, two, to improve a coarse culvert south of Boston Road which is presently undersized and three, by running the system down and connecting at this point we also sever a major portion of drainage that goes to the system down Boston Road and it therefore renders that system a lot more adequate than it presently is. So that working with the Department of Public Works this is a preferred system, a system that they wish to see implemented and it's a system that presently we are doing.

CHAIRMAN GIONFRIDDO: Sal, have you had a chance to review this or is this reviewing it --

MR. FAZZINO: We have met with the developers and the plan that's being presented here tonight was in keeping with the Purcel reports and it's one that we would recommend to the Commission for approval.

CHAIRMAN GIONFRIDDO: It's going to be

a substantial improvement to that area.

MR. FAZZINO: That's correct.

CHAIRMAN GIONFRIDDO: Any members of the Commission have any questions of the proponent?

Commissioner Robinson.

COMMISSIONER ROBINSON: Another issue that was of great concern was the mention of the access roads, the emergency road in regard to the two chain link fences.

ATTORNEY ROME: If it's the Commission's desire not to have that access road, you have a right to modify the plan in your final votes or to eliminate it. We would provide not a chain link, but we plan to provide the emergency access system where the emergency vehicles can either cut a chain or a wooden barrier that they can go through and that again is your pleasure.

COMMISSIONER ROBINSON: On the understanding that's not changing the entrance to the boulevard, that the boulevard will more than adequately service emergency vehicle entrance and exits.

ATTORNEY ROME: That was my statement at the hearing but it was my listening told me that some members of the Commission still would like the emergency access and I think my statement was, we have no desire to have the access if it's your vote to eliminate that emergency

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access or to modify it by a different kind of fence that is your prerogative. We have no, we don't want it.

CHAIRMAN GIONFRIDDO: It's our choice. We can take it or leave it, right?

ATTORNEY ROME: Yes.

CHAIRMAN GIONFRIDDO: Any other questions?

Commissioner Loffredo.

VICE CHAIRMAN LOFFREDO: Have you changed your mind at all about whether you are keeping or not keeping that outside utility building or that house that's already on the property?

ATTORNEY ROME: The client would very much like to keep it. Obviously we had been giving up an awful lot, but again, as I indicated, it's your prerogative. It does not make or break the project. Some of the other things do.

VICE CHAIRMAN LOFFREDO: Is blasting still expected on this site?

MR. SHANLEY: We certainly can't rule out blasting, however the blasting other than this one corner where refusal with the boorings were approximately four and a half feet and these buildings have been razed, we don't anticipate any blasting for foundation purposes. The drawings as they work towards George Street represented

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refusal on an average of about twelve feet down and that would indicate that in most instances we don't have blasting. If blasting does occur it is a statute that pre-blasting inspection and that type of thing has to take place.

ATTORNEY ROME: We had concurred with town staff reports that required the pre-blasting test analysis. I have been on vacation too long.

CHAIRMAN GIONFRIDDO: Any other questions?

If not, thank you.

Any members of the public wishing to be heard?

MR. HARRIS: Good evening. Charles Harris, 249 Chamberlain Road. - -

Couple of questions. As you look at the drawing that's on the board or the picture that's on the board, it shows the area going down with the right of way is as part of the whole overall development. I would like to ask George, if my memory is right in looking at the map the lower part of the roadway as it's shown in there is not in the same zone as the rest of the development. I believe part of George Street, the zone change for those people or the zones that those houses are in is not the same zone as this development is going to be in.

CHAIRMAN GIONFRIDDO: You are talking about

the land that the access road is shown on?

MR. HARRIS: Right.

CHAIRMAN GIONFRIDDO: Even if that's the case, what difference would it make?

MR. HARRIS: That's what I'm asking.

CHAIRMAN GIONFRIDDO: If it's not zoned that way and we eliminate the access road, for instance, what difference would it make?

MR. HARRIS: None.

CHAIRMAN GIONFRIDDO: Okay.

MR. HARRIS: If you eliminate it.

CHAIRMAN GIONFRIDDO: Okay.

MR. HARRIS: The other question I have, and I appreciate the fact that what Public Works is doing and certainly the developer has done as he's been requested, this brings back a precedent that was started on South Main Street not too many months ago of not detaining water on the development. The intent of detention of water in zero increase, increase in runoff was that that water would be detained on the development. It is not going to be detained on the development. It is going to be detained after it leaves the development and is slowed down to bring it into the drainage system. I appreciate it, the fact that this is not going to cost the taxpayers money for a major change in a drainage system. However, I have another question. What happens to the land that these detention ponds were going to be on? Is it going to be there for future use as a development? We said to the developer, fine, you fix our drainage system, you don't have to build the ponds. Now what do we say and what's he going to say to us is what's going to happen to the area, the square foot area that those

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ponds are going to occupy?

CHAIRMAN GIONFRIDDO: I will break my usual rule, since I see Attorney Rome shaking his head, I will let him respond to your questions.

ATTORNEY ROME: We are asking for site plan approval. We have eliminated those and therefore the sites will not be increased. The density will not be increased. Those will remain as open areas period.

MR. HARRIS: Is that forever?

ATTORNEY ROME: Unless the condominium association --

CHAIRMAN GIONFRIDDO: Nothing is forever. I mean, if they want to come back and put units on them, they have to come back to some future commission, I would suppose, and ask --

ATTORNEY ROME: The condominium documents aren't going to permit that and we are not requesting that. We have indicated to Woodgate I people we are looking for 168 units and that's where we are at.

CHAIRMAN GIONFRIDDO: That should answer it.

MR. HARRIS: Thank you.

CHAIRMAN GIONFRIDDO: Anyone else?

ATTORNEY RESS: Cheryl Ress (phonetic)

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an attorney for Woodgate and Middletown Condominium Association number one, 350 Fairfield Avenue, Bridgeport, Connecticut, and I am speaking here tonight as authorized by the Board on behalf of the Association of Woodgate I and they are not opposing this Woodgate II. As a matter of fact, they see that there are several benefits possible to the Association by the approval of this plan.

Clearly, the planned boulevard as proposed is an improvement on the situation as it presently exists that would involve using the existing driveways of Woodgate I for all of the Woodgate II people to access the rear parcel. Two, Woodgate I hired their own traffic experts to review the plan of the developer and on our suggestion, and I believe a two-lane access, a two-lane exit has been proposed and that is to assist the left-hand turners out onto Washington Boulevard (sic) and the easements necessary for this boulevard situation are currently under negotiation.

I also point out that we just found out this evening that the new drainage plan is evidently going to take care of off-site drainage problems of Woodgate I. This is also clearly a benefit to Woodgate I Association, but we just found out about it tonight and we have not had an opportunity obviously to review any plans in this regard.

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CHAIRMAN GIONFRIDDO: Anyone else?

ATTORNEY BORKOWSKI: Good evening, I am Joseph Borkowski. This evening I represent ten homeowners who live in the area. Specifically they are Maria and Dominic DeMauro (phonetic), Sal Petrucello (phonetic), Bill Dajuski (phonetic), Joseph Fragoni (phonetic), Ray Gioco (phonetic). They are abutters of the project and we have people also located on George Street but on the other side of the street looking at the project and that would be Ann Majeski (phonetic), Marie Gyeski (phonetic), Joe Mercy (phonetic) and Mrs. Annie Gioco and Nathan DiLiето (phonetic).

The reasons why I am speaking this evening, I was expected to be speaking at the September 14th meeting is because we would like to object, strongly object to the closing of this public hearing this evening.

I would like to direct the attention of the Commission to its last vote at which time it was voted that the public hearing on this particular application would be continued until after the Planning and Zoning Commission had received the report from the Inland/Wetland Commission. As such you were looking at a September 14th meeting.

CHAIRMAN GIONFRIDDO: May I explain for the record why?

ATTORNEY BORKOWSKI: I understand why.

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CHAIRMAN GIONFRIDDO: For the record, we are in a bottleneck because September 14th is after the 60 day time limit for which public hearing can remain open and therefore we cannot schedule a public hearing for that night and had to be scheduled and conclude this evening. There is no possibility of it being extended beyond this evening by State law, or if we could expect, if we had a special meeting, but certainly couldn't extend it until the 14th.

ATTORNEY BORKOWSKI: I understand that, Steve. The only thing here is, I will tell you why that's important.

First of all, you gave notice to the public at that last meeting that indeed they would have an opportunity to respond to the petition on September 14th and they think that's the crux of it. It's the opportunity of the public to address proposals that come before this Commission and not at the last minute. Granted, you did publish in the paper this particular meeting, but at the last minute to be told that the meeting was going to be closed and they will have no opportunity to respond.

This is especially critical to the fact that you took no new votes. The last votes this Commission took was to extend the public hearing to December -- September

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14th and as -- there has been no authorized action to continue the public hearing this evening. I would like to commend that to your attention.

Why we are making this objection? We are not making it for the sake of making an objection to this proposal. There is a reason behind it. As of this minute there has been no set of drainage plans submitted to Planning and Zoning Office. There has been a set submitted recently to the Inland/Wetland Commission, but there's nothing on file with this Commission that the public could review or speak to.

I earlier met with the Public Works Commission to see if they had had an opportunity to file comments relative to this plan. Mr. Fazzino has indicated this evening that they have. Phil Boyer has as of two-thirty this afternoon indicated that they were not going to be submitted comments this evening and as such, they had looked at it and the best that he could say was that it looked okay but no way under the sun was the city going to fund any of this drainage work.

So as such, the public is again at a little loss to respond to whether or not the engineering is correct. There is nothing in the official file of Planning Zoning Office which the public could review and respond

to this evening.

Now, why is this important? My clients had hired an engineer who had exhaustively reviewed the prior submission and as such, the reasons why the Inland/Wetland Commission turned down the application is because of the engineering concerns expressed in the detention ponds.

Now that's something we highlighted and our engineer was able to speak to but as yet you have not filed a new set of plans. There has not been filed a new set of plans with the Planning and Zoning Office which that engineer could review and respond to this evening.

Now, that's why we are objecting. You well know the neighborhood concerns. They have been expressed here briefly this evening already and primarily it's the commercial structure, the five families that abut on George Street are strongly opposed to having a commercial structure in their back yard. As such, this Commission, if it indeed does approve this project in some point in time, would like, we would like to have the Commission be ultimately aware that that structure in its commercial setting certainly not be in keeping with the character of the neighborhood. We can only think in the general area of what that type of non-conformity has meant to other families on other streets some of which I have spoken to this Commission about sometime

on the other side of the issue. Non-conformity is something that should not be encouraged or if it is encouraged, it should be strained or in some fashion accommodated so that the property values and the interests of those people are detrimentally affected. We have also heard of the access street that's been an issue that's been raised before. I'm glad to hear the developer say it can go, as far as he's concerned. We would like to see it go. We think it only poses a potential hazard and a difficulty for the clients' enjoyment of the neighborhood and the people that it would be involved with that access strip uncontrolled usage by various members of the permitted public and public in general.

But the major issue, the reasons why you have gotten opposition on this particular proposal has been the drainage issue. It's the one that's gotten the people out of their houses to pay good money and spend time before your Commission and how is the drainage proposal being addressed this evening? You are being told, well, there is a plan that's going to be submitted to Inland/Wetland. They have reviewed it. There has been no plan submitted here. There has been no official departmental comments. There has been no opportunity for the public to address what is being proposed. We see it in front of you, you have had a look at it. How can you review it at this late

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stage of the game? I think the proper technique for this Commission to adopt this evening is to not continue the public hearing. You can't do that. So I think the only decision you have available to you if you want to keep the faith of the community that you are not railroading things the last minute is to deny the application without prejudice and allow the proponents to resubmit it in the most expeditious manner possible.

I thank you.

CHAIRMAN GIONFRIDDO: Thank you.

George, when is the 65th day?

MR. REIF: The 60th day is, it would be September 11th, which is a Sunday.

CHAIRMAN GIONFRIDDO: In the years I have been here I have never seen this done, but there's anything that would preclude us from making a motion this evening because the public hearing effective September 9th to allow for written comments or for us to consider? In other words, let's say the residents in the area wanted to go out and get a copy of the plan and wanted to have an engineer look at it and submit written comments, is there anything that would preclude us from holding the hearing open until that night?

MR. REIF: There is nothing in the general

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statutes that say you have to close a public hearing at a meeting.

CHAIRMAN GIONFRIDDO: So in other words we could do that to accommodate the residents and give them an opportunity to view the plans and make whatever comments they want to make.

MR. REIF: A problem is changing the plans during the time.

CHAIRMAN GIONFRIDDO: I understand that. If we didn't allow that to happen, they have to withdraw their written thing too and start all over again from scratch.

MR. REIF: The idea is that the Commission can approve this, disapprove or modify. You have the right at the end of your decision-making. It is only fair as Joe said, they should at least see what the modification is and if he can hold it open for the 9th to have them make their comments and have their engineer look at it and submit something and that would go somewhere towards addressing their concerns. I know it doesn't give Attorney Rome's clients opportunity to respond to what is being said, but I am a little bit sensitive myself to the fact that we have told people September 14th and then had to pull back on it because of the miscalculation in days and I don't want to put people on the Commission in a position where they

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feel they can't vote on this come the next meeting because they feel the public wasn't given a fair opportunity.

Do you have an objection if we allow the public comments, in writing, up to the 9th?

ATTORNEY ROME: No, I have none whatsoever.

CHAIRMAN GIONFRIDDO: I just would like to comment to the attorney again, about 30 seconds. You have the right to modify one of the ways modifying is to ask your staff what would be an appropriate full build. Your staff came to us after the Wetlands and asked us to do a full build and my clients said, do you what that is going to cost? And they said yes. And we nevertheless decided to do the full build anticipating that if it was designed correctly and you had a right to take a look at it and that's why I have no objection to the September 11th, but that should satisfy everybody's requirements, but it was the town staff who said, full build.

Thank you.

CHAIRMAN GIONFRIDDO: Anyone else from the public wishing to be heard?

MR. LAJEWSKI: William Lajewski, 139 George Street.

I had a question about the math on the density. First off, a number of the residents of George

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aren't here because we thought this was going to be continued. However, I am concerned also about the density of the project and I understand that the site plan lists the acreage of the sites as being 23.3 acres and I believe the biological reports for the site plan states that there is going to be 4.1 acres set aside for protecting the inland/wetlands. That would leave it then with being 19.2 acres for the 168 units and I am wondering if that doesn't bring it, that calculates out to 8.7 units per acre. I am wondering if that doesn't exceed your limit of 8.0 units per acre. In short, we are feeling that this is really just a very large project for our neighborhood and it's a very dense project for our neighborhood.

Thank you.

CHAIRMAN GIONFRIDDO: Anyone else?

MR. GIOCO: Raymond Gioco, 221 George Street, Middletown.

I would like to just reiterate the removal of the access, emergency access road. My property directly abuts that and I would like to see that eliminated.

I would also like to see the house that's presently there not used as a maintenance building.

Thank you.

CHAIRMAN GIONFRIDDO: Thank you.

Anyone else?

If not, what I would like to have the Commission do if they are willing, is to close the public hearing effective 4:30 on September 9th, which is Friday, at 4:30. Anything received in writing in the Office of the Director of Planning right at the time will be considered by the Commission at the time of this vote should we decide to vote it at the next meeting, whenever Wetlands makes its decision.

Motion by Commissioner Pillarella, second by Commissioner Robinson.

Go ahead.

ATTORNEY -ROME: The area wetland is 1.66 acres.

CHAIRMAN GIONFRIDDO: Okay. You don't eliminate the wetlands from calculation anyway.

All those in favor of the motion say aye.

(Whereupon, there was an aye response.)

CHAIRMAN GIONFRIDDO: Any opposed?

Motion carries.

Item 3.

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SECRETARY GADOMSKI: Item 3:

Continued: Proposed special exception to permit 168 units of condominiums/multi-family located adjacent to Woodgate I, Washington Street near George Street. Applicant/agent KLM Associates by Leonard Ginsberg/ Attorney Rome.

CHAIRMAN GIONFRIDDO: We received today a letter, which I'll be giving to staff: Please find the attached letter to the Chairman of the Middletown Inland Wetlands and Water Courses Agency requesting reconsideration of that agency's denial of the Woodgate II application based on the submission of new plans for improving the sewer system to the river. The applicant requests that the hearing before this Commission be continued for an additional thirty days per Connecticut statutes pending the action of Inland Wetlands and Water Courses Agency at its next regularly scheduled meeting.

Anyone who wishes to be heard on this this evening? Commission will probably in all likelihood be extending the public hearing.

Anybody who's come out to be heard on this application? (No response.) If not, rather than

1 schedule it for the 24th, why don't we continue this  
2 until September 14th to give Wetlands a chance to  
3 reconsider and move back.

4 Motion by Commissioner Robinson; second by  
5 Commissioner Shapiro to continue this matter to  
6 September 14th.

7 Any discussion? (No response.) If not,  
8 all those in favor?

9 (Whereupon there was an aye response.)

10 CHAIRMAN GIONFRIDDO: Any opposed?  
11 (No response.) Motion carries.

12 We'll move back to Item 1.

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2 CHAIRMAN GIONFRIDDO: George pointed  
3 out to me at the recess September 14th is beyond  
4 sixty days from the start of the public hearing so  
5 we have to make a motion to reconsider our schedule  
6 of the meeting until September 14th and move it to  
7 August 24th.

8 (Whereupon there was a motion by  
9 Commissioner Pillarella; second by Commissioner  
10 Patnaude.

11 CHAIRMAN GIONFRIDDO: Any  
12 discussion? (No response.) If not, all those in  
13 favor?

14 (Whereupon there was an aye response.)

15 CHAIRMAN GIONFRIDDO: Any opposed?  
16 (No response.) Motion carries.

17 Hopefully -- I'll have to notify the  
18 newspapers to make sure they let the public know  
19 we're going back on for the 24th. Move to Number 4  
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