

PLANNING AND ZONING COMMISSION REGULAR MEETING AUGUST 25, 1993,
7:00 P.M. PAGE 1 OF 7

Chm. W. Lee Osborne, Vice-Chm. John Robinson,
Sec'y Stephen P. Shapiro, Ann Loffredo,
Sebastian Passanesi, Sebastian Timbro, Anthony
J. Vasiliou, Dir. P.W. Salvatore Fazzino, Ex-
Officio

COMMISSION
MEMBERS PRESENT

Jennifer Alexander, Philip Halibozek, Stephen
Gadomski, Anton A. Petras, Mayor Stephen T.
Gionfriddo, Ex-Officio

MEMBERS ABSENT

There were no acting members.

ACTING MEMBERS

Dir. William Warner

STAFF

Reporters from the Middletown Press and
Hartford Courant and approximately 60 members
of the public.

OTHERS

On motion and second by Comms. Shapiro and
Robinson the Commission approved the minutes
of the 8/11/93 meeting. Vote was unanimous.

ITEM 2.1
A P P R O V E D
MINUTES 8/11/93

The Commission acknowledged the ZEO sign
report.

ITEM 3.1
ZEO SIGN REPORT

William Warner reviews statutory authority of
the Planning and Zoning Commission. Comms.
Vasiliou and Osborne asked questions. Comm.
Vasiliou supported planning emphasize. The
Commission instructed William Warner to write
to all departments and agencies to reiterate
state and local authority of the planning and
zoning commission.

3.2
R E V I E W O F
S T A T U T O R Y
A U T H O R I T Y

On motion and second by Comms. Loffredo and
Shapiro the Commission granted final approval
of a Phase I of the Lisa Lane, Sebastian J.
Passanesi Subdivision with the condition it
meet the requirements of the Public Works
Department and affirmative approval of the
Zoning Enforcement Officer. Applicant/agent
Lisa Passanesi S88-48. Vote was unanimous.

ITEM 4.1
G R A N T E D F I N A L
A P P R O V A L
S E B A S T I A N J .
P A S S A N E S I
S U B D I V I S I O N

On motion and second by Comms. Loffredo and Shapiro the Commission granted final approval of Phase V of the Hubbard Estates Subdivision with the conditions that (a) the Developer enter into a contractual agreement with the City assuring that several unfinished items be completed; and (b) the developer submit a cash deposit in the amount of \$55,000.00 for miscellaneous work and \$7,000.00 for trees and restoration; and (c) affirmative approval from the Zoning Enforcement Officer. Applicant/agent Yvon Beaudoin Builders/Atty. Frank St. John S87-60. Vote was unanimous.

ITEM 4.2
GRANTED FINAL
APPROVAL
HUBBARD ESTATES
SUBDIVISION
PHASE V

On motion and second by Comms. Loffredo and Shapiro the Commission granted final approval of Phase II (Lots 7-15) of the Southwind Subdivision located on the s/s of Long Hill Road with the conditions that (a) the Developer enter into a contractual agreement with the City assuring that several unfinished items be completed; and (b) the Developer submit a cash deposit in the amount of \$33,000.00 for miscellaneous work and \$5,000.00 for trees and restoration and (c) affirmative approval from the Zoning Enforcement Officer. Applicant/agent Bysiewicz Corporation/Atty. Dean Thomasson S92-6. Vote was unanimous.

ITEM 4.3
GRANTED FINAL
APPROVAL
SOUTHWIND
SUBDIVISION
PHASE II

On motion and second by Comms. Shapiro and Robinson the Commission granted a request to rescind the special exception approval to allow a rear lot at 297 Ridge Road. Applicant/agent Carl P. Fortuna S88-44. Vote was unanimous.

ITEM 4.4
RESCINDED S.E.
APPROVAL 297
RIDGE ROAD

On motion and second by Comms. Loffredo and Shapiro the Commission granted final approval of Phase III of Section 2, The Meadows at Riverbend Subdivision with the conditions (a) the Developer enter into a contractual agreement with the City assuring that several unfinished items be completed; and (b) the Developer submit a cash deposit in the amount of \$55,000.00 for miscellaneous work and \$7,000.00 for trees and restoration and (c) affirmative approval from the Zoning Enforcement Officer. Applicant/agent Tuttle Road Associates/Robert C. Fusari S91-15. Vote was unanimous.

ITEM 4.5
GRANTED FINAL
APPROVAL THE
MEADOWS AT
RIVERBEND
SUBDIVISION
PHASE III,
SECTION 2

On motion and second by Comms. Robinson and Shapiro the Commission approved request for release of the cash bond for Wildflower Lane, including the tree bond for the Meadows at Riverbend with the proviso it meet the conditions of the Public Works Department, and an affirmative report from Water and Sewer Department, and the Zoning Enforcement Officer be submitted. Applicant/agent Tuttle Road Associates/Robert C. Fusari S91-15. Vote was unanimous.

ITEM 4.6
A P P R O V A L
RELEASE OF CASH
D E P O S I T
W I L D F L O W E R
L A N E - T H E
M E A D O W S A T
R I V E R B E N D

On motion and second by Comms. Loffredo and Robinson the Commission approved a request for partial release of cash deposit being held for the Long Hill Meadows Subdivision with the condition it meet the requirements of the Public Works Department, and an affirmative report from Water and Sewer Department, and the Zoning Enforcement Officer be submitted. Applicant/agent Meadow Development Corp./Kenneth R. Kjellen S87-32. Vote was unanimous.

ITEM 4.7
A P P R O V E D
RELEASE O F
P A R T I A L C A S H
D E P O S I T L O N G
H I L L M E A D O W S

On motion and second by Comms. Shapiro and Loffredo the Commission gave an affirmative G.S. 8-24 Report regarding the acquisition by the State of Connecticut a strip of land from a parcel of land owned by the City which is located at the intersection of Randolph Road and South Main Street in order to implement a road improvement project. Applicant/agent City of Middletown Public Works Dept. Vote was unanimous.

ITEM 5.1
G A V E A N
A F F I R M A T I V E G.
S. 8-24 REPORT

On motion and second by Comms. Loffredo and Robinson the Commission schedule a public hearing on 9/8/93 to consider transportation enhancement funds. Vote was unanimous.

ITEM 5.2
SCHEDULED P.H.
9 / 8 / 9 3
T R A N S P O R T A T I O N
E N H A N C E M E N T
F U N D S

On motion and second by Comms. Shapiro and Loffredo the Commission tabled a request for a G.S. 8-24 report for removal of the sidewalks on Snipes Terrace due to being in a state of disrepair. Applicant/agent City of Middletown Public Works Dept. Vote was unanimous.

ITEM 5.4
T A B L E D G . S . 8 -
2 4 R E P O R T
S I D E W A L K S
S N I P E S T E R R A C E

On motion and second by Comms. Shapiro and Loffredo the Commission scheduled a public hearing to consider a proposed Zoning Code text amendment to modify Section 10.07, "Limitations On Accessory Uses". Applicant/agent Westfield Residents for the Rational Development of Middletown Z93-11. Vote was unanimous.

ITEM 5.3
SCHEDULED P.H.
9/8/93 ZONING
TEXT AMENDMENT
LIMITATIONS ON
ACCESSORY USES

On motion and second by Comms. Loffredo and Vasiliou the Commission tabled a request for change of a non-conforming use at a building in the former Kogel Lumberyard, Berlin Street, from building supply to a golf training facility. Applicant/agent James R. Marhevka NC80-5. Vote was unanimous. William Warner explained Section 14 and the applicant's intention. Comm. Loffredo questioned which building, who owns the property, the number of bating cages, the layout of the building. J. Marhevka responded and explained which building, showroom, owners in New York and explained Par T simulator. Comm. Loffredo questioned security. J. Marhevka explained no outdoor activity, ample parking and he will secure the area and fencing exists, his cash investment. Comm. Robinson questioned the indoor use and air conditioning. J. Marhevka indicated totally enclosed use, no outdoor activity. Comm. Vasiliou questioned other buildings, other uses. J. Marhevka responded, first right of refusal on other buildings, other uses must come back to P & Z.

ITEM 5.5
TABLED NON-
CONFORMING USE
K O G E L
LUMBERYARD

Discussion ensued about parking applying Section 14 to individual buildings rather than entire site. Comm. Shapiro questioned impacts of a tabling application. J. Mahevka explained impacts and felt it could be a problem. Comm. Shapiro requested a table, lease line photos to make proper decision. Comm. Vasiliou questioned about owner-feels owner should be involved. Comm. Vasiliou moves to table. Comm. Loffredo seconded the motion. Comm. Timbro can it be applied to individual buildings? Vote was unanimous.

There is a tape recording available in the Planning and Zoning Office of the entire meeting public hearing.

P.H. TAPE
RECORDING

Comm. Shapiro read the legal ad. Comm. Lee Osborne explained material they were waiting for - water and sewer, legal opinion, conservation commission comments. Commission reviews information submitted. Chm. Lee Osborne summarizes. R. Klattenberg overview the Conservation Commission report. Comm. Loffredo questioned the open space and ledge. Comm. Vasiliou questioned the ledge. R. Klattenberg responded. M. Dowley and Glenn Russo explained previous history, working with departments. Departments have approved subdivision. Waivers will make subdivision better. G. Russo explained access to open space. Comm. Shapiro questioned safety concerns-intersection of Kelsey and Margarite Road. Margarite Road should be 24-26 along length of frontage, paved lump on Margarite Road, ledges, open space, grinder pumps needed, generators. Comm. Robinson open space, plan of development, grinder pumps. G. Horne, geologist from Wesleyan discussed ledge line, importance of ledge and past research. He feels plans do not reflect true location of true ledge. He feels blasting required extensive excavation would be needed. References published map but does not introduce into record. Notes it is available in the library. Comm. Vasiliou questioned G. Horne. T. Werner read letter into record emergency response. C. Harris feels over intensive use, no blasting, spot zoning, extension of sewer line, state statues, grinder pumps, problems and solution. No need to have generator or grinder in the house. Comm. Vasiliou questioned water and sewer requirements for grinders. Comm. Robinson reads from water and sewer pollution. P. Kobelos - safety at intersection of Kelsey and Margarite Roads speeding, winter conditions storm water. S. Anderson submits letter into record. R. Pearson explained her background, her review or regulations, seeks to get all possible lots, meets zoning requirements, doesn't meet subdivision regulations in many ways. Wetland timing issue-statues and regulations. Site analysis is it sufficient. Compliance with Plan of Development, sidewalks, open space. Vote on separately. Access points to open space. Protecting ridges with deed restriction. Open space can

ITEM 6.1
COUNTRY VIEW
ESTATES, PHASE
III

vary requirement if necessary. Waivers - require 3/4/ vote by stature, can't have negative impacts on area, sidewalks, road widths, cul-de-sac. Safety at bump in Margarite Road. 5.19.05 intersection requirements. Recommends denial. Comm. Vasiliou questions witness. T. Salfaia, SMA executive board feels unacceptable development - open space. C. Bolz WRRDM suggested denial. G. Souto reads part of letter into record regrading geology in area. Discusses waivers and open space. P. Lajudis - safety on road near Randolph Road, Margarite Road is too narrow. Comm. Vasiliou questions Atty. Pearson regarding the Plan of Development and a legal opinion. Atty. Pearson responded. Atty. Dowley and Russo rebutted comments and the Plan of Development. G. Russo addressed intersection and Public Works specifications, road width int he area, sidewalks and loss of trees. Comm. Shapiro questioned improving intersection area. Discussion ensued regarding open space. Comm. Loffredo questioned parking to get to open space. G. Russo responded. Comm. Vasiliou noted the Wesleyan Hills open space corridors, road widths, staff reports. M. Dowley and G. Russo responded. Comm. Robinson questioned WPCA. M. Dowley responded with history of gravity verses low pressure. Comm. Shapiro questions sidewalk waiver and access to open space. G. Russo responded, reads from petition from 19 companies supporting project, not submitted. Comm. Vasiliou questions ledge system and depth to bedrock. G. Russo responded deep hole tests went as deep as 12 feet. On motion and second by Comms. Shapiro and Loffredo the Commission closed the public hearing. Vote was unanimous.

William Warner presented the subdivision regulations text amendment regarding Section 5.21.04, "Fire Hydrants and Residential Sprinklers". No one from the public spoke. On motion and second by Shapiro and Loffredo the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Shapiro and Loffredo the Commission adopted text amendment to modify the Middletown Subdivision Regulations, Section 5.21.04, "Fire Hydrant and Residential Sprinklers". Proponent P & Z Comm. Copy of adopted text is on file in the Office of the Town Clerk. Effective date of amendment is 9/15/93. Vote was unanimous.

ITEM 6.2
A D O P T E D
S U B D I V I S I O N
R E G U L A T I O N S
F I R E H Y D R A N T S
A N D S P R I N K L E R S

There was no discussion with the public.

DISCUSSION WITH
PUBLIC

Adjournment was at 11:50 P.M.

ADJOURNMENT

Respectfully submitted,

William Warner
Planning Director

Approved at the Meeting of _____.