

Continued from Page 10

Attorney Karpel  
because we have not received a response yet from whatever department of the city typically would respond. My concern isn't unequal treatment, that's not an issue at all, my concern is that, as I mentioned at the first meeting, I almost ...why are we afraid of obtaining necessary information or why are we afraid to ask for the information and it really seems that we are doing something monumental and we are doing it and I keep hearing, "this has been going on for I don't know how many months or years" but I'll be honest, unless I've missed the notices in the newspaper, the first time I've ever seen a public notice that a citizen of Middletown had a right to come down and be heard on it was last month. There may have been "private meetings" taking place and I admit that I was never invited to them nor was I aware of them but I'm speaking as a citizen of Middletown and I think that applies to a large part of the population. I'm not unmindful of the fact that a lot of people have put in a lot of time, but a lot of people is not a majority of the town or is it the town of Middletown with the opportunity at a public forum to be heard and I think that to simply sit back and say that certain interest groups have expressed privately in nonpublic hearings what they would like to have done, then to go ahead and do it because the election is coming up and that is a good reason to get it done is foolhardy. I am not saying that everything you want to do, or anything, in specific, that you want to do may not have the factual data to support it. I am simply suggesting you are foolish to try to rezone Middletown in the manner you are attempting without getting the necessary data. Finally, because I spoke long enough last meeting and I don't want to be repetitious I would simply like clarification. At the last meeting, I told you, as an attorney but speaking on my own behalf, that in my humble opinion the Connecticut General Statutes make it mandatory that the zone change must be submitted to Regional Planning and if it is not, there are a host of Connecticut Supreme Court cases that say that you have no jurisdiction at all.

Chm Gionfriddo  
We are submitting it.

Attorney Karpel  
Fine. At the last meeting I was told that that would be, the request, would be made and is it my understanding that the request has been made but has not been answered?

Chm Gionfriddo  
No, the request will be made effective tomorrow. It is partly my fault for not having pursued it further and more diligently in the last two weeks but I do have an outside profession as well, so....

Mr. Reif  
In all honesty, I think there is certain amount of confusion between the review of a site plan which is covered in Section 55 of the code and amendments of the code are covered in Section....

Chm Gionfriddo  
Well, it is being sent, that 's what counts. It is being sent.

Attorney Karpel  
And again I say that not because I am trying to upset what is going on but, while I am speaking for myself, I can tell you in all candor that I have heard other people who have a vested interest that I don't have in the outcome express concern and interest in whether or not this Commission creates a fundamental error that will put us all back to square one again. If you are going to do something, whether I agree with what you do in the end or not, at least do it correctly, the way I would be required to do it and anybody else that was here before you. Thank you

Chm Gionfriddo  
I do want to make clear, though, that there isn't any fear on anybody's part here to obtain

Continued from Page 11

Chm Gionfriddo  
any information, we've directed staff to provide us the information and we are going to be getting the information, we are not attempting to slam this through and in the next month irresponsibly or anything, this is the second Public Hearing we are having, we are going to have at least a third one. We had one Public Hearing I believe in '84 dealing with the early phases of the Plan of Development. Plan of Development has been discussed at various Commission meetings during the last year where staff has come down and given us briefings as to how things stand. There is an item on the Public Hearing Agenda each and every month where the public has an opportunity to come and speak to any issue that they want to speak on, so we are not depriving the public of their opportunity to speak, that's what this hearing is for, that is what the hearing two weeks from now will be for and that's what this hearing two weeks ago was for. Everybody will have more than an ample opportunity and that is the reason that we are having so many hearings so we will give the public an opportunity to be heard. The Middletown Press, I believe, if possible, later this week is going to be putting in the newspaper the map that we are talking about so that people in Middletown will have an opportunity to see what the potential changes are going to be in the zones so that at the next Public Hearing those people who really don't know what's going on, will have an opportunity to know. So we are doing our best to disseminate the information to the public and asking them to come and as far as the departmental staff comments, I'm certain before the Public Hearing is over all the relative departments will have had their input. Anyone else wishing to be heard?

Steve Melesko  
My name is Steve Melesko, I live at 412 Kelsey Street and I've been a resident of Middletown for about twenty years. I'd like to come into the City of Middletown and the Planning & zoning Commission for this plan because it is long overdue and well needed. I would like to relate that approximately twenty-five years ago I was involved in a similar plan in upstate New York in a community called Greece, New York, which is a suburb of Rochester. At that time, when we started a plan like this the community was about fifty-five thousand people, very similar to Middletown. Right on the borders of Lake Ontario and all the property owned by Kodak. They came up with a plan like this and worked on it for several years and thank goodness they did and they did develop a good plan because that community now, which I left twenty years ago to come back to my native Connecticut, I understand is up 85,000 people. Without a plan like this, there would have been complete disaster. They should say lack of zoning, they had campers, they had all kinds of zoning going on, what we need and I strongly recommend it for the community. Now, I think this question. On these lot sizes proposed, are these minimum lot sizes or all the lots have to be that size?

Chm Gionfriddo  
Minimums.

Steve Melesko  
Minimums. Okay, so what I would like to ask, it seems that the concern of all the big landowners and the attorneys representing the developers are concerned everyone having enough land or too much land. Well, as he explained here, Mr. Mylchreest, in his presentation about the topography, I think any developer who develops a piece of property will take that into consideration and he knows he has to have the minimum lot size but he will develop his property accordingly. So people will have a piece of land that they can be on to meet the Planning & Zoning Commission requirements as well as the sanitation and the people will get the type of land that they would want and not worry about if they afford the land. When I came to Middletown I could not afford a big piece of property lived in the Westfield section of town then I was able to get a little more and I decided to move on Pine Street. Then I didn't realize what the traffic was in that situation I was looking, I looked for several years at some land in South Farms area so I could find a good size piece of property in a suburban area with some privacy. I did find a piece

Continued from Page 12

Steve Melesko  
land and maybe some of you remember Bartholomew Road in the city of Middletown saw otherwise. I still decided to still stay in South Farms. I still own a piece of property on Bartholomew Road and I still can't build on it, by the way, but that's beside the point. I wanted to be able to have a good piece of land and some property so I wanted to stay in that area because I was looking for privacy and I wanted to be in a suburban area and so I don't know why everybody is concerned about the people not being able to afford a small lot, that's something we have to work up to. We like our privacy, we like to be in an area where we can live in a community where we can decide where we want to live and get a bigger piece of land and have some privacy. I commend community and Planning & zoning and I think we should go forth with this and do it very quickly. Thank you.

Chm Gionfriddo  
Thank you. Anyone else?

Mrs. George Seiffert  
My name is Mrs. George Seiffert, I live at 181 Kelsy Street. I first would like to state that I am not opposed to a Plan of Development for Middletown. I think it is something that is needed but what I am looking for is a realistic plan and a plan that is fair to everyone. A couple of questions that weren't raised at the last hearing. We did talk about the impact on wetlands and streambelts. I wonder if any information has been sought from the Department of Agriculture to find out how many of these farms in this particular southern area of Middletown have active applications for farm land preservation. I know there a number of them and this is information that is readily available just by contacting a person in charge at the Department of Agriculture. If you investigate this and investigate the status of these applications you may find out that you don't have as much land available in the southern section of Middletown for development as you thought you did. I would say, taking into consideration the land that will be taken out, maybe, if they are approved for the preservation of farm land, taking out your wetlands, taking out your streambelts and also land that is not buildable as Mr. Mylchreest pointed out in example tonight. Your land in this area may be much more limited than you think it is. It seems since the last hearing the advocates of this plan have decided that we are good targets for unsigned mail calling us hypocritical and greedy for dollars. I wish that they would sign a name so that we could at least talk to them but I don't think that we are being hypocritical or greedy in stating that we do love our land, we don't like to see it developed but we must face reality. What you are asking is that our assets be devalued and rights taken without compensation. I want to ask the advocates of these larger lots, would they willingly let their assets be devalued by their neighbors without at least standing up and facing and trying to fight for their rights. The unbuildable land, I think what Mr. Lee was referring to, is, as Mr Mylchreest pointed out there are areas of land that definitely not buildable. If we are not allowed some creative use of larger lots in other areas where it is not buildable, we are left holding waste land actually. What do we do with it? We may have to maintain it and we have to pay the taxes on it when it is totally useless to us but because of the change in the lot sizes by people who would like to keep the rural character. We are totally limited on what we can do and may end up sitting on land that we can't use and we still have to pay taxes on it. The last thing that I would like to close with because I think it is relevant and it kind of expresses my feelings at this point, and it is something that I have had for a long time and, for some reason or other, it showed up in a syndicated column in the newspaper, it is called, "The Farmer's Prayer". I want to just read the last paragraph because it certainly expresses feelings right about now. "and also, Lord, help me to comprehend why I have to give an easement for the gas company so they can cross my property with their gas lines then double the cost for their gas, and, please, help me understand the consumer who drives by my fields scoffs at me for spending \$7,000 on a piece of equipment that he built so he could make money and drive down that right of way they took from me to construct a road so he could go hunting and skiing. Thank you, God, for your guidance and your help and now will you please

Continues from Page 13

Mrs. George Seiffert  
me make sense out of it all." Thank you.

Chm Gionfriddo  
Mary, there is a question here.

Comm. Leinwand  
Mary, can I ask you a question?

Mrs. Seiffert  
Yes.

Comm. Leinwand  
Are you saying, basically, leave everything R-1 as it is and 15,000 square foot if you can get water and sewer, 40,000 if you can't, or, are you saying that we could look, for example, at the South Farms area and make some modifications. Did we go too far or do you want things left as they are?

Mrs. Seiffert  
Yes, you went too far. You went too far because you limited our potential for our use of land. You folks know that there are swamps in the middle of those big fields, they are streambelts. We are very limited to what we can do and so I think, because there is a possibility, if you looked with Public Works you've got two perfect trunk lines for sewer out there, natural flow. Where the land is usable it should be allowed to go with the lot size it is now, with sewer, or the large ones without sewer. So little of it is usable, you are still going to have a lot of open space because it is just not usable, let the people, when they do decide to develop, put more intense housing into what will be smaller areas.

Chm Gionfriddo  
Commissioner Leinwand.

Comm. Leinwand  
Marion's other point about taking into account what can be developed and what cannot, it is my understanding that your maps will incorporate that information and if, for example, some of the information you will get will be, for example, the dark blue area on the Haddam/Durham line, you can tell us, assuming that water and sewer is never is going to go to that area, how many lots you could have right now and how many lots you would get if we went and made it dark blue. Is that correct? And we will get some of that information per Marion's comments and Phil's request.

Mr. Martucci  
And also that I'll take into consideration the land that she is talking about, that's not going to be developed-it's going to be developed-I'm not going to put ten figures on that development.

Chm Gionfriddo  
Thank you. George (Reif).

Mr. Reif  
One thing, I want to assure everybody we haven't forgotten farm lands. Many years ago, we got the information from the Soil Conservation Service on where the active farms were, where the inactive farms were, and they are all on our land use map. I didn't carry all the maps down but I assure everyone we know where the farms are.

Chm Gionfriddo  
Anyone else wishing to be heard this evening? If not, we are going to close the Public Hearing, or continue it, I should say, until September 11th. We will move to Item #4.

Continued from Page 14

Secretary Carta  
ITEM #4: Proposed Special Exception to permit expansion of a day care center located on 861 Middle Street. Applicant/Agent Apple Tree Day Care Center, Inc./David Mylchreest

ITEM # 4: PROPOSED SPECIAL EXCEPTION/PERMIT EXPANSION OF DAY CARE CENTER/861 MIDDLE STREET/APPLICANT APPLE TREE DAY CARE CENTER, INC/D. MYLCHREEST

David Mylchreest  
Just a quick chance to meet Miss Binder and Mr. Wilcock last week and I would like to introduce them again and they operate the....(Inaudible)....I'll try to answer some of the questions you might have.

Mr. Wilcock  
Good evening. We've been running the day care center on Middle Street for almost a year. We have a full complement...

Chm Gionfriddo  
Hold on one second, could you please close that back door. Okay, go ahead, I'm sorry.

Mr. Wilcock  
We've been running the day care center for almost a year now. We are full to the limit of our license, which is forty children and we would like to expand. We came before you almost a year ago and you allowed a Special Exception to operate the day care center and in that request we asked for 70 children and a one bedroom apartment. Because we didn't put in the septic field at that time, we were limited by the Health Department to just 40 children. We now have the opportunity of acquiring an existing house which is somewhere between 1800 years old, it is about a mile down the road and we would like to pick it up and place it on the property on Middle Street. We feel that this house will complement the 225 year old farm house that we have there at the moment and it will complement it in both age and looks. We would also like to fill in the space in between the two houses with some new construction and make a facility which will be acceptable for a total of 124 children. We had some architects in West Hartford, Tamaccio & Co., do a rendering course and also some floor plans and a second rendering from these blueprints. May I hand these around and just give you an idea....

Chm Gionfriddo  
Certainly. Did you have anything else you wanted to ....

Mr. Wilcock  
Not really, I think it is fairly obvious, what we are doing. The existing building is the one on the right hand side as you look at it with the narrow, horizontal clapboards and the building we would like to move is the one on the left, with similar clapboards. The space in between is the new construction.

Chm Gionfriddo  
Any members of the Commission have any questions they would like to ask? Commissioner Leinwand

Comm. Leinwand  
How many youngsters are you licensed for now?

Miss Binder  
Forty

Comm. Leinwand  
Forty? Is there a limit, does the State set a limit on the size of a day care center?

Continues from Page 15

Miss Binder  
No. If you have the available space.

Comm. Leinwand  
Do you uphold the license limit to 124, you said, with these changes. The Fire Department says....

(Change of tape)

Mr. Reif  
We tried to summarize what was said by Public Works and it only dealt with the fact that they had to make sure that the runoff from the driveway didn't get into public street and when the driveway was open, they had to make patches, nothing of any super significance.

Chm Gionfriddo  
Did you have anything else?

Comm. Leinwand  
David, can you explain where this...(inaudible)...last time.

David Mylchreest  
If I could answer your first question. I didn't get that comment until this afternoon, too and it has to do with the catch basin that we installed in the driveway and all Public Work is asking for is to be sure it is feasible. We don't have a number down there. In essence the original arrangement, if you recall, was to put a septic field across Bradley Street on the other side and then the fact that we knew that they were going to get through with the .....(inaudible).....the facility wanted to hold off and what they did, was have a temporary holding tank. We now have a feasible way of doing it of going across the street, down the hill to get into the interceptor at the bottom of the hill. We did just find out this morning that there is a very good possibility that the extension from the North & Judd will be extended up on the other side in which case now it is just a case of running a few hundred feet down Bradley Street and to tie into it over there. I understood, too, hopefully, by December or the first of the year that will be in the works and really what we've got, we've got two options, one, this is already laid out and it could be engineered to put a so-called grinder pump in the basement to pump up and then flow by gravity down to the interceptor, centripetally gravity the other way.

Comm. Leinwand  
You understand the Health Department says no CO (Certificate of Occupancy) until the sanitation situation is entirely....

David Mylchreest  
I don't know whether they knew it or not, I found that out this afternoon and I agree with the two of you. There would be no point....

Chm Gionfriddo  
Anyone else? Yes, George (Reif)

Mr. Reif  
A followup on the business about Public Works. They had four things, elevation and grade of the drainage system must be shown on the plan, two driveway must be graded so that no surface water enters the street from the parking area, construction of drives must be made to prevent gutter flow from entering the property. 3) Any disturbance of existing curbing be replaced to the satisfaction of this department. 4) This department requests a meeting with the contractor prior to any site work to clear any necessary interpretation of city and ordinances involving street crossings and pavement replacement, permits and etc. We med it up with whatever we said on that.

Continued from Page 16

Chm Gionfriddo  
Anyone else from the Commission have any questions? If not, thank you. Any members of the public wishing to speak in favor of this proposal?

John McInerney  
My name is John McInerney and I live next door to Apple Tree Day Care Center. I was born in the house I live in so, needless to say, I know the area, I also know the people who presently own it and the home they presently use. It was my mother's home. The original homestead. I certainly would love to see this addition take place, I think it would be an addition to another business in Middletown that we all look forward to a real qualified business, a necessary one in a good location, next to Aetna, also I would like to see the use of owner's to have an apartment in the building, it would add to the security, my security, and also to the security to the surrounding buildings. As a very agreeable neighbor, I don't intend to leave and I'd love to have them continue where they are.

Chm Gionfriddo  
Thank you.

Comm. Leinwand  
George(Reif) the last comment, Middle Street when the other guy wanted to do his house and day care center we were ready to go with that and they can live in the building, can't they? We don't have to take any action about it to allow them to live in it, do we?

Mr. Reif  
The issue of a dwelling unit, quite frankly, no, I think if there is any issue it's one that they want two dwelling units in the same house.

Sec'y Carta  
The little house or the big house?

Comm. Leinwand  
One in each house

Sec'y Carta  
Two separate, and let me explain that, please....

Mr. Reif  
We better find out from them what it is that they are asking for.

Comm. Gionfriddo  
Come on up and tell the Commission ....

Ms Binder  
I'd like to explain what that is. My daughter and I intend to live there. She's twenty years old and our lifestyles differ greatly. Neither of the places is big enough for both of us. One is three rooms and the other one four very small rooms. I'd like to put her in one and me in the other, if the Commission would agree. Thank you.

Chm Gionfriddo  
Okay, go ahead, Joe.

Joe Carney  
Joe Carney, not a resident of Middletown, a resident of Durham but I may be able to help the Commission a little bit if I refer to one of the maps on the wall. The subject property

Continued from Page 17

Joe Carney

near the corner of Bradley Street and Middle Street. Industry from Middletown, which I do represent, owns this parcel of land, 9.1 acres, for which it now has a presumptive ... (inaudible) ... to be careful because nothing is absolutely assured until it happens. As a presumptive sale, which will result in the construction of a very attractive, for those of you who that know CHFA is building a ... (inaudible) ... just to the west of 143 these are the patterns that will be used for a very attractive light industrial building located on the southerly end of the two form parcel. The only feasible, at this point, store access, we redid ... (Inaudible) ... otherwise we are apt to get ourselves into various difficulties here. Feasible access for this particular project is to pick up sewer back here at the extension of a northern run which is intended to serve the housing over here, subdivision, and later on the housing over here. The development of this project can support the cost and the intended developer is fully aware of this, of constructing a rather lengthy sewerage extension from a point essentially back here, in an easterly direction to Middle Street if he has to come all the way to the street, it is 1250 feet, if the connection should be made at a point westerly of that than somewhat less than that, but a substantial amount. It is not realistic to expect that the developer of this parcel can also pay the cost of bringing sewer from there to here. I will not go into the detail but there are particular problems in this area with which both Planning & Zoning and Sewer & Water must address if we are to resolve this total problem within a reasonable time. If they are not addressed and they haven't been presented, in writing, to Sewer and Water than ultimately the only alternative is that which Mrs. Binder and her associate presented, which is to depend on construction of a sewer line at somebody else's expense, all across the Flatley project. I sincerely hope that the Flatley project will proceed in reasonable time, but that is a highly speculative situation. They will get from the proposed Phase I which Inland/Wetland has approved through all the way to Middle Street. So there are two alternatives here, but I don't want to be guilty of misrepresenting the situation on which the alternative exists.

Comm. Leinwand

Excuse me, Joe, I'm lost. I want this day care center to be able to expand, I think it's an ideal use... I would love to have Inform to sell that parcel of land and develop that into light industrial. You are telling me that you can take the sewer from the end of the interceptor and run it across and it would take care of everything.

Joe Carney

From the proposed end of the inner circle it can be brought up to a point up here at which point either on the reverse slope, which would be the best step, or, if necessary, on the front property line. Both bills and if John wants to get... (inaudible) ... that's all right.

Comm. Leinwand

Fine. Now, what's the problem? Where do you have to get through?

Joe Carney

The problems are up here and I do urge this Commission and Sewer and Water to pay some attention to the details. There is to be ... (inaudible) ... in an appropriate location and elevation constructed back here. They both provide all of the services that I have described. Whether anybody is going to be able to, economically or otherwise, gain access to that, I'm not certain.... I'm not trying to play games with any of you...

Comm. Leinwand

Who owns it and why is it a problem?

Joe Carney

....there yet, it is to be built.

Continued from Page 18

Comm Leinwand  
But the interceptor is there.

Joe Carney  
No, the interceptor, at this stage of the game, is over here and there is a long run that the housing builders over here have to build across the back side of North & Judd. That's precisely why I've stood up, I want to be sure that everybody that is making a judgment with respect to this understands that it is a complex matter, there is a perfectly reasonable solution at equitable cost to everybody but I can't make it happen, somebody may have to use some power of eminent domain to make this happen.

Chm Gionfriddo  
Comm. Leinwand

Comm. Leinwand  
David, what does that mean? You heard him as clearly as I did and obviously, you are far better aware of this than I am.

David Mylchreest  
It means that the plan we've shown we have a direct connection and we can take care of it. If it comes at the time they ask for a CO this other thing has not materialized or doesn't show any sign of it than we will definitely go ahead with the plan.

Comm. Leinwand  
Can you go up to the map and show us where that sewer line is going to be run?

David Mylchreest  
Asouth sewer line, in the useful sense of a sewer line, is a low pressure sewer line which, hopefully, this town will be able to realize that they have such ....inaudible....

Comm. Leinwand  
I dare say this gets more complicated by the minute.

David Mylchreest  
House location right here. Joe, of course, was talking in this area. We are talking about going through there and coming down here and going down ....Inaudible....

Comm. Leinwand  
So you would come down the right of way that exists between the Flatley land and the Aetna land.

David Mylchreest  
Right, that what we show on the plan

Comm. Carta  
You are talking about an inch and a half line, two inch line?

David Mylcahreest  
Only for the use of this particular facility

Comm. Carta  
My question is, Mr. Carney, what's the, where is that other line coming up that needs to get to that manhole you are talking about. What is going across at present, private property? Is it within an existing town right of way?

Continued from Page 19

Mr. Carney

There is in existence an existing right of way in favor of the city where 15" terminals of a sewer line that runs all the way around down here. Okay? It terminates right here. In order to serve these projects it is necessary for that line to be constructed along a what is reported now on an official maps on file in the City as a proposed easement, I don't know if it has been granted or not, I'm easeling across the back side of North & Judd to a point...we are doing the first fifty feet of what is shown on this line... there is, I think as almost all of you are aware a private ownership a fifty foot circled land starting here and running in a westerly direction. As long as that manhole stays in that private ownership none of the rest of us can reach it, we've got a problem but there is very practical solution depending on gravity, full line sewer that can serve not only this facility but this one and for which this can pay a substantial portion of the cost of bringing it through others, if you will. It is available to us here if we can put our wits together and make it happen.

Comm. Carta

So just one more...so I'll be clear - I hear you saying there is an easement which is going to be turned over to the city, I assume the easement is going to serve the housing projects Okay, that one will be served but there is a piece of private land between that easement and your boundary, is that what you are saying?

Mr. Carney

Yes

Comm. Carta

Okay, I've got it.

Mr. Carney

The city is involved...(inaudible)...going across the back of North & Judd. Is that sewer and water expense? This is not something that we are not already involved with to some extent

Comm. Carta

My personal opinion, just an opinion, neither public sewer nor public water should be withheld from anybody.

Mr. Carney

We have a better solution than...

Comm. Carta

I don't know the answer, but I certainly....

Chm Gionfriddo

I think we are complicating what, I think, could be a relatively simple approval with an issue that....Okay, does anyone else wish to speak to this particular issue? If not, we will close the Public Hearing. Is there a motion to make it 7.9? Second. Any discussion? If not, all those in favor? Any opposed? That's Item 7.9. We move to Item #3 on the agenda.

ADJOURNMENT

Transcribed by

---

DOROTHY WILSON