

Chm. W. Lee Osborne, V-Chm. Philip Halibozek, Sec'y Stephen Shapiro, Comm. Ann Loffredo, Comm. John Robinson, Comm. Anthony J. Vasiliou, Comm. Jennifer Alexander, Comm. Gerard Winzer	COMMISSION MEMBERS PRESENT
Comm. Sebastian Passanesi, Comm. Stephen Gadomski, Comm. Francis Patnaude, Mayor Thomas J. Serra, Ex-Officio, Dir. P.W. Salvatore Fazzino, Ex-Officio	COMMISSION MEMBERS ABSENT
William Warner, Planning Director	STAFF
There were approximately thirty members of the public present.	PUBLIC
On motion and second by Comms. Gerard Winzer and Ann Loffredo the Commission approved the minutes of the August 10, 1994 meeting. Vote was unanimous.	ITEM 2.1 APPROVED MINUTES 8\10\94
The Commission acknowledged the ZEO Sign Report.	ITEM 3.1 ACKNOWLEDGED ZEO SIGN REPORT
The Commission acknowledged the ZEO Monthly Report.	ITEM 3.2 ACKNOWLEDGED ZEO MONTHLY REPORT
On motion and second by Comms. Stephen Shapiro and Gerard Winzer the Commission moved to the end of the agenda the pending litigation Martin Media v. City of Middletown.	ITEM 3.3 MOVED ITEM TO END OF AGENDA
William Kuehn explained the items and the conformance with the Plan of Development. He explained the location of the Enterprise zone and the benefits. Discussion ensued regarding the benefits and the geographic location. Comm. Stephen Shapiro moved to support the Enterprise zone. Comm. Philip Halibozek seconded. On motion and second by Comms. Stephen Shapiro and Philip Halibozek the Commission confirmed that the Northend Industrial Plan is in conformance with the Plan of Development. Vote was unanimous.	ITEMS 3.4, 3.5 ENDORSED PROPOSED ENTERPRISE ZONE APPLICATION AND CONFIRMED NORTHEND INDUSTRIAL PLAN IS IN CONFORMANCE WITH PLAN OF DEVELOPMENT
On motion and second by Comms. John Robinson and Stephen Shapiro a request for a revision to a site plan for a previously approved Special Exception was added to the Agenda. On motion and second by Comms. Stephen Shapiro and Philip Halibozed the Commission approved the revision with the condition that the throat of the driveway not	ITEM 3.6 APPROVED REVISION TO SITE PLAN FOR A PREVIOUSLY APPROVED SPECIAL EXCEPTION AT 875 NEWFIELD STREET

exceed 25 feet. Vote was unanimous. Applicant\agent Marco DiMauro SE93-6

On motion and second by Comms. John Robinson and Gerard Winzer the Commission granted preliminary approval with the condition that departmental comments be addressed. Vote was unanimous. Applicant\agent PMS Homes S94-7

ITEM 4.1  
GRANTED PRELIMINARY  
APPROVAL THREE LOT  
RESUBDIVISION  
SOUTH SIDE POPLAR  
ROAD

William Kotchen summarized. On motion and second by Comms. Ann Loffredo and John Robinson the Commission granted final approval with the conditions that a bond be posted and that the departmental comments be addressed. Vote was unanimous. Applicant\agent Resource Development Corp.\William J. Kotchen S87-17

ITEM 4.2  
GRANTED FINAL  
APPROVAL WITH  
CONDITIONS FOR  
TALCOTT RIDGE  
SUBDIVISION  
SOUTH MAIN STREET

On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission granted a three year extension of the preliminary approval for the Frank Jablonski Subdivision located on Higby Road. Vote was unanimous with Comm. Anthony J. Vasiliou opposed. Applicant\agent Frank and Jean Jablonski S87-45

ITEM 4.3  
GRANTED THREE YEAR  
EXTENSION OF  
JABLONSKI  
SUBDIVISION ON  
HIGBY ROAD

On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission tabled a request for release of the cash deposit for Oakridge Estates Subdivision located off Stevens Lane. Vote was unanimous with Chm. W. Lee Osborne abstaining. Applicant\agent Stephen Realty & Development, Inc.\Kathleen D. Swingle S86-2

ITEM 4.4  
TABLED REQUEST FOR  
RELEASE OF CASH  
DEPOSIT OAKRIDGE  
ESTATES SUBDIVISION  
STEVENS LANE

On motion and second by Comms. Ann Loffredo and John Robinson the Commission scheduled a public hearing date of September 28, 1994 for a proposed two lot resubdivision to be located at 1165 South Main Street. Vote was unanimous. Applicant\agent Victor B. Rook, Sr.\Robert A. Bascom, L.S. S94-9

ITEM 5.1  
SCHEDULED P.H.  
PROPOSED TWO LOT  
RESUBDIVISION AT  
1165 SOUTH MAIN  
STREET

On motion and second by Comms. Ann Loffredo and John Robinson the Commission scheduled a public hearing date of September 28, 1994 for a Site Plan Review to construct a 20'x72' portico to the west side and a 28'x72' addition to the east side of the building at 720 Newfield Street. The Commission requested that architectural plans be submitted at the public hearing by the applicant. Vote was unanimous. Applicant\agent Michael R. Augeri SE94-3

ITEM 5.2  
SCHEDULED P.H.  
SITE PLAN REVIEW  
720 NEWFIELD STREET

Atty. John Shaw explained the proposal. Discussion ensued. William Warner explained the Sumner Brook

ITEM 5.3  
APPROVED LOT LINE

Plan. Comm. Anthony J. Vasiliou questioned the right-of-way. Atty. John Shaw summarized. On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission approved the lot line revision with the stipulation that the right-of-way be used for recreational purposes only. Vote was unanimous. Applicant\agent Attorney John F. Shaw L94-5

REVISION BETWEEN  
MILLBROOK ROAD AND  
CHAMBERLAIN ROAD

On motion and second by Comms. Ann Loffredo and Gerard Winzer the Commission scheduled a public hearing date of September 28, 1994 for proposed Zoning Code text amendments to add Section 55.04.01 S, and eliminate Sections 55.04.02 B and 55.04.03, Handicapped Accessibility. Vote was unanimous. Proponent P & Z Comm. Z94-14

ITEM 5.4  
SCHEDULED P.H.  
PROPOSED ZONING  
CODE TEXT  
AMENDMENTS -  
SECTIONS 55.04.02 B  
55.04.02 B,  
55.04.03

On motion and second by Comms. Ann Loffredo and Gerard Winzer the Commission scheduled a public hearing date of September 28, 1994 for a proposed Zoning Code text amendment to modify Section 47.03, Fencing. Vote was unanimous. Proponent P & Z Comm. Z94-13

ITEM 5.5  
SCHEDULED P.H.  
PROPOSED ZONING  
CODE TEXT  
AMENDMENT -  
SECTION 47.03

On motion and second by Comms. Ann Loffredo and Gerard Winzer the Commission scheduled a public hearing date of September 28, 1994 for proposed Zoning Code text amendments to modify Section 61.05, Section 16.19.04, and Section 16.19.05. Proponent P & Z Comm. Z94-15

ITEM 5.6  
SCHEDULED P.H.  
PROPOSED ZONING  
CODE TEXT  
AMENDMENTS -  
SECTIONS 61.05,  
16.19.04, 16.19.05

On motion and second by Comms. Ann Loffredo and Gerard Winzer the Commission scheduled a public hearing date of September 28, 1994 for a proposed Zoning Code text amendment to create Section 41, Adult Entertainment. Proponent P & Z Comm. Z94-16

ITEM 5.7  
SCHEDULED P.H.  
PROPOSED ZONING  
CODE TEXT  
AMENDMENT -  
SECTION 41

On motion and second by Comms. Ann Loffredo and Gerard Winzer the Commission scheduled a public hearing date of September 28, 1994 for a proposed Special Exception to convert a residence at 367 South Main Street to a retail gift shop. Applicant\agent Claudia J. DeFrance & August L. DeFrance SE94-10

ITEM 5.8  
SCHEDULED P.H.  
PROPOSED SPECIAL  
EXCEPTION FOR A  
RETAIL GIFT SHOP AT  
367 SOUTH MAIN  
STREET

Jim Burke and D. Mann explained the proposal for the Remington Bond building. Chm. W. Lee Osborne questioned other facilities. William Warner explained the procedure. Comm. Stephen Shapiro questioned the lease. Jim Burke responded that

ITEM 5.9  
APPROVED  
INTERPRETATION OF  
ZONING CODE TO  
ALLOW A HORSESHOE

there would be a three year lease. Discussion ensued. On motion and second by Comms. Philip Halibozek and Stephen Shapiro the Commission granted a positive interpretation of the Zoning Code to allow a horseshoe and health club at 180 Johnson Street. Applicant\agent Jim Burke, E-K Communications.

AND HEALTH CLUB AT  
180 JOHNSON STREET

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

ITEM 6  
P.H. TAPE  
RECORDING

Stephen Crouch explained the proposal. He noted that he will restore the structure to its previous historic nature. Comm. Ann Loffredo questioned the use of cranes. Stephen Crouch responded. Comm. Jennifer Alexander questioned the plans for the house and the curb cuts. Stephen Crouch responded that there would be just one curb cut. Discussion ensued. From the public, Ted Charton submitted a petition opposing the Special Exception. Discussion back and forth ensued regarding the traffic display area. Comm. Anthony J. Vasiliou questioned the adaptive historic reuse. William Warner responded. Carl Charton expressed concern about the use near his apartments. He was opposed to the proposal. Comm. Gerard Winzer questioned the occupancy rate. B. Wolack expressed concern about the traffic. Comm. Anthony J. Vasiliou commented about safety and the display area. Stephen Crouch said he can relocate the display area of only six stones and one curb cut is acceptable. The property just needs a sign and general visibility. It does not need a display, but maybe a private viewing area. Discussion ensued. Stephen Crouch noted that he sells only about fifty stones per year. Ted Charton rebutted. On motion and second by Comms. Ann Loffredo and John Robinson the Commission closed the public hearing. On motion and second by Comms. Philip Halibozek and John Robinson the Commission granted the Special Exception with the condition that the display area be moved from behind the barn out of sight, that the number of stones be limited to six, that one curb cut be eliminated and that the departmental comments be addressed. Vote was unanimous. Applicant\agent Stephen B. Crouch SE94-9

ITEM 6.1  
GRANTED SPECIAL  
EXCEPTION FOR A  
RESIDENCE\OFFICE\  
WORKSHOP AT 764  
SOUTH MAIN STREET

On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission moved this item to the end of the public hearing. Vote was unanimous.

ITEM 6.2  
MOVED ITEM TO  
LAST ON PUBLIC  
HEARING

Michael Fitts and Joseph Patano explained the proposal. Comm. Ann Loffredo questioned why the B-1 zone. Michael Fitts responded. Comm. Ann Loffredo questioned the Health Department comments. Lengthy discussion ensued. Comm. John Robinson questioned the members of the public regarding the age at which they were tattooed. Discussion ensued. Comm. Stephen Shapiro questioned the process. D. McCormick, a Wesleyan University student, supported the proposal. Discussion ensued. Atty. D. Kotsin stated that he doesn't feel the use belongs on Main Street. He questioned how can there be supervision from a doctor if that doctor resides in Georgia. Philip Redford, a property owner on Main Street, stated his opposition. John Milazzo, manager of the Holiday Skating Rink, felt that the tattoo parlor would have a negative effect on the kids in the area. Carl Bolz, Westfield Residents for Rational Development of Middletown, Inc., was concerned about public health. The medical concerns should be postponed until regulations are in effect. T. Patano spoke in support of the proposal. George Souto felt the use doesn't belong on Main Street. Will this use promote Main Street or will it detract from it? Joe Patano rebutted the comments. S. Marratta supports the proposal. D. McCormick felt the tattoos will bring shoppers. Comm. John Robinson questioned about other towns. Michael Fitts responded. Comm. Philip Halibozek asked if there are any regulations at the state level. Michael Fitts said no. Comm. Anthony J. Vasiliou commented. William Warner summarized. On motion and second by Comms. Gerard Winzer and John Robinson the Commission closed the public hearing. A motion to approve was made by Comm. John Robinson and seconded by Comm. Anthony J. Vasiliou. Comm. John Robinson felt it is a delicate situation with the downtown. He doesn't feel the use is appropriate for Main Street. The Health concerns are very important. Comm. Stephen Shapiro concurred with Comm. Robinson. His family has been on Main Street for over 100 years. He has not seen tattoo shops in revitalized areas. There are health concerns. Family values are needed to rejuvenate the downtown. He felt the use will be a hinderance. Let other towns have the tattoo parlors. Comm. Philip Halibozek questioned the staff regarding procedure and health regulations. He cannot support the use as proposed. There are not enough sufficient health regulations. Comm.

ITEM 6.3  
DENIED PROPOSED  
ZONING CODE TEXT  
AMENDMENT TO ADD  
SECTION 61.01.51  
TATTOO AND BODY  
PIERCING STUDIO

Gerard Winzer cannot support the proposal. He commented on how thrift shops and rooming houses won't bring back Main Street. At least not the way Main Street should go. Chm. W. Lee Osborne was concerned about the outright permitted use. There is almost no regulation. The use can go anywhere. The motion was denied. Vote was unanimous. Applicant\agent Michael Fitts Z94-12

Nancy and Richard Kiniry explained the proposal. William Warner commented. No one from the public spoke. On motion and second by Comms. Philip Halibozek and John Robinson the Commission closed the public hearing. On motion and second by Comms. Stephen Shapiro and Philip Halibozek the Commission granted approval with the condition that the departmental comments be addressed. Vote was unanimous. Applicant\agent Nancy Kiniry S94-8

ITEM 6.4  
APPROVED TWO LOT  
RESUBDIVISION WITH  
SPECIAL EXCEPTION  
FOR REAR LOT AT  
1683 COUNTRY CLUB  
ROAD

William Warner explained the proposal. No one from the public spoke. On motion and second by Comms. Philip Halibozek and John Robinson the Commission closed the public hearing. On motion and second by Comms. Stephen Shapiro and John Robinson the Commission adopted the Zoning Code text amendment to eliminate Section 61.01.43, Trucking company terminals, etc. with an effective date of September 15, 1994. Vote was unanimous. Proponent P & Z Comm. S94-11

ITEM 6.2  
ADOPTED PROPOSED  
ZONING CODE TEXT  
AMENDMENT TO  
ELIMINATE SECTION  
61.01.43 WITH AN  
EFFECTIVE DATE OF  
9\15\94

On motion and second by Comms. Stephen Shapiro and Philip Halibozek the Commission went into executive session to discuss pending litigation. Vote was unanimous. On motion and second by Comms. John Robinson and Stephen Shapiro the Commission came out of executive session. No votes were taken.

There was no discussion with the public.

ITEM 7  
DISCUSSION  
WITH PUBLIC

Adjournment was at 9:15 P.M.

ITEM 8  
ADJOURNMENT

Respectfully submitted,

William Warner  
Director of Planning