

Ralph H. Shaw, II, Chairman; Eric Lowry, Vice-Chairman;  
Cos Giuffrida, Secretary, Sebastian Garafalo, Edward Kalita,  
Betty Matteo, Sebastian Passanesi, George Augustine,  
David Bengtson.

COMMISSION  
MEMBERS  
PRESENT

Gerald Lentini; Kent Scully

MEMBERS ABSENT

George A. Rief, Director; Althea Rinaldi, Recording  
Secretary; Phil Bauer, Engineer.

STAFF MEMBERS

D'Vera Cohn, Press Reporter; Peter Caprioglio, Hartford  
Times Reporter.

OTHERS

CHAIRMAN SHAW

I want to call to order the meeting of the Planning &  
Zoning Commission. This evening for the first item  
which our Secretary will read on the agenda Mr. Passanesi  
has disqualified himself. I am asking that Alternate  
Commissioner Augustine sit in his place and I will ask  
that Alternate Commissioner Bengtson sit in the place  
of Commissioner Kalita. I will ask the Secretary to  
read the legal notice.

SECRETARY GIUFFRIDA

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A  
PUBLIC HEARING SEPTEMBER 10, 1975, STARTING AT 7:30 P.M.  
IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, DE KOVEN DRIVE,  
MIDDLETOWN, CONNECTICUT, TO CONSIDER THE FOLLOWING:

1. Proposal for expanding a non-conforming use in an  
R-1 zone; specifically the radio and electronic  
repair and service shop located at 921 Saybrook  
Road near the intersection of Saybrook and Barthol-  
olew Roads, owned by Howard A. McAuliffe, Inc.

PROPOSAL TO  
EXPAND NON-  
CONFORMING USE  
HOWARD McAULIFFE  
INC.

CHAIRMAN SHAW

As is our custom, I'll ask those people who are speaking in  
favor of this proposition to present their proposal first  
and then, after we have completed that and questions by the  
Commissioners, I'll ask those who are opposed to speak. I'll  
ask that you keep your remarks as brief as possible and that  
you be, at least as much as possible, relevant to the subject  
at hand. This notice has appeared in the Middletown Press on  
August 30 and again on September sixth, therefore making it  
a legal notice and this a legal meeting. I will ask repres-  
entatives of the proponent to make the presentation first.

ATTY. JOHN SHAW

Mr. Chairman and members of the Commission - My name is  
John Shaw. I am the attorney for Howard McAuliffe, Inc.  
I practice at 164 Court Street in Middletown. As most of you  
recall, four weeks ago when the matter was first presented, I  
made a presentation at this time and I don't want to add a

great deal tonight to what I said then. There are a number of letters which we have submitted to Mr. Reif in the file which he has - which we have submitted by persons and organizations who are in favor of the expansion of the McAuliffe non-conforming use. I would like just to add one thing to give the members of the Commission an idea of just what it is that he is proposing. I had a number of photographs taken of the area and perhaps if those were passed around - you can see a little bit of the area that Mr. McAuliffe works in, the shop, and so on. He wishes to, as you recall, expand his building by some 20 feet on the southern side of the building. You'll notice - those of you that have some of the photographs - you'll see the heavy growth of shade trees on either side of the boundary of both the northern and southern boundary of Mr. McAuliffe's property which protect the view of the shop from the surrounding residential uses. Although we don't have a photograph of it, those of you who are familiar with the area will recall that there are also similar shade trees across the street which protect the view of - from the residential uses on the other side of the street. You will see a large and very suitable parking area in the photographs and you can see, I think, some measure of the entrance and exit way to and from Saybrook Road. In several of the pictures you will see the sign which the McAuliffe shop has on it. That sign will not be affected whatsoever. He plans no change or expansion in that. I do want to add one other thing - and that is that in a number of the pictures you can see the transmission tower that Howard McAuliffe, Inc. has behind the shop and Mr. McAuliffe asked me to make the Commission aware of the suitability for his particular business that this particular spot has. He's at such an elevation at this spot on Saybrook Road that he can communicate by radio directly with his customers as far north as Springfield, as far west as Waterbury, and this is particularly useful for his business and it's a feature that would not be available to him in most other sites in Middletown, particularly most other commercial sites, and so we'd ask that you take that in consideration in your deliberation. I think those remarks, in addition to what I presented last time, are about all I have to say, Mr. Chairman. If there are any questions, I'll be happy to do what I can to respond.

CHM. SHAW

I'm curious a little bit. I don't see - I can't see from here the exact dimensions of the property. Do you recall the size of the property? the dimensions of the property?

ATTY. SHAW

The property or the building - the structure?

CHM. SHAW

The property on which it sits.

ATTY. SHAW

I do have a notation here - the square feet some place. I don't - perhaps it's on the map itself. I don't have it right in front of me.

CHM. SHAW

Well, this piece that I have here -

MR. REIF

That is not part of his -

CHM. SHAW

This section here is his. Is that right?

MR. REIF

He is not proposing that breakdown.

CHM. SHAW

That is what I am saying. What part of it is his?

ATTY. SHAW

Well, the entire property is owned by Howard McAuliffe, Inc., through to Bartholomew Road on the west. That's right, and across the front of Saybrook Road on the east. I don't have in front of me a copy of the whole site plan. I believe on there is a -

CHM. SHAW

What I was trying to determine was whether the building as it exists now and with the addition is pretty much centered on this property or the far southern line of the property. It would appear that the total property as it now is held is pretty much central to it.

ATTY. SHAW

I believe it is pretty much central to it. Yes, but it's closer, of course, to Saybrook Road than it is to -- closer of course to Saybrook Road than it is to Bartholomew Road.

CHM. SHAW

What I was thinking of is the north and south positioning on Saybrook Road.

ATTY. SHAW

I believe it's fairly central.

CHM. SHAW

And this addition represents roughly 50% of the existing building.

ATTY. SHAW

Slightly less than 50%, something like that. It will be used for garage space in the addition so that the present garage space area that he is using now would become a work shop area.

CHM. SHAW

Are there any other changes being made as far as far as driveway area - parking lot is concerned?

ATTY. SHAW

I believe the plan shows an additional entrance and exitway off of Saybrook Road than presently exists. In other words, I think the plan there shows two exits and entrances and right now there only exists one.

COMM. MATTEO

Is this three separate uses on one lot or are these, in effect, three separate lots?

MR. REIF

They are not.

COMM. MATTEO

It looks like it on this map.

MR. REIF

That has nothing to do with his presentation.

CHM. SHAW

That's the original - that's all one property now, Betty.

COMM. MATTEO

It is all under one ownership.

CHM. SHAW

It's all one property.

COMM. MATTEO

But it's been made one property?

MR. REIF

It always has been. That was an earlier proposal to make it into three separate lots.

CHM. SHAW

That never took place. What you see there, the large parcel is the property of which there are a (rest of sentence inaudible) What is the use of that trailer. Does someone live in it? permanently?

ATTY. SHAW

Someone lives in it at the moment, yes. At the present time.

COMM. MATTEO

It looks rather permanent. The trailer itself. I went out to see it.

CHM. SHAW

Does it belong to Mr. McAuliffe?

ATTY. SHAW

Yes it does. He rents it to a young man who is living there now who has - who acts as something of a night watchman for him and in the past, I believe according to Mr. McAuliffe, has successfully thwarted some attempts on Mr. McAuliffe's property.

COMM. LOWRY

Who lives in the house? Is it rented too?

ATTY. SHAW

Mr. and Mrs. Brown

CHM. SHAW

It is rented.

ATTY. SHAW

That is correct.

CHM. SHAW

Do you have any questions? George, what comments do you have to make? Well, thank you John.

MR. REIF

I think I have sent copies of all the letters we have received except one that came this afternoon to the Planning Commission. Most are in favor of the proposal. Ironically, they are from the Chief of Police, Fire Department, the Public Works Department. There's one letter in opposition. I think the person in opposition is here. He probably can present his case better than I could by reading his letter. This property was considered at one time as being divided so that each of those three uses might be on its own lot; I think that's part of the presentation. That is a possibility to clear up that aspect.

COMM. MATTEO

Is it possible to do that?

MR. REIF

There's enough area so that there could be three legal lots.

CHM. SHAW

Does the house face Saybrook Road or Bartholomew Road?

MR. REIF

The house faces Bartholomew Road - sort of down hill.

CHM. SHAW

It does face Bartholomew Road.

MR. BAUER

It does.

COMM. BENGTON

Has this area always been zoned residential or was there prior history (inaudible few words)?

MR. REIF

One would have to assume that, in order to have at one time been a legal use, that it must have been zoned for something other than residence. On the maps I have looked at, it has always been residential.

COMM. MEMBER  
Gas station originally.

ATTY. SHAW  
I might add as well, just to remind the Commission, that the Hartford Electric Light Company has just almost directly across Bartholomew Road from the house so that there is that large facility that's in the immediate neighborhood.

CHM. SHAW  
George, do you have any other comments.

MR. REIF  
The Electric Light Company - you want to point out - is it also in the R-1 zone? That's the point you're trying to make. (laughter)

CHM. SHAW  
Any other comments?

MR. REIF  
No. I think that's about all.

CHM. SHAW  
Is there anyone else then that would like to speak in behalf of the proponent in this case? Anyone at all? In that case, I'll open it up to those that may be in opposition. I believe there are at least one or two speakers.

MR. TED RENESON  
Gentlemen, ladies: I am Ted Reneson. I live at 896 Saybrook Road which is adjacent or--and almost across the street from Mr. McAuliffe's communication service. Now, I appeared here only to resubmit the letter which I had already presented. Of course, the case has been enlarged on and several points have been made about trees shading the area which is quite true; only for six months of the year. Now, we have no animosity toward Mr. McAuliffe. He has been a reasonably good neighbor. We have accepted him as a neighbor. We don't object to his being there. The thing to stress here that is a non-conforming use in an R-1 zone, with three varied uses on the one property. Now, I heard the statement made here that this might be divided into three different parcels because there are enough square footage within the area. Great. You will be creating a non-conforming use in an R-1 zone. At this late date, I don't think, I would hope at least, that you'll think about this doubly well. This is no time to create a new non-conforming use which would be separate from the now clustered uses. Other than that, unless-- I am assured by Mr. Reif that the letter which I have submitted will be a part of this public hearing. There is no reason to re-submit another letter.

MR. REIF  
It's already in the file. We have sent copies to each member of the Planning Commission.

MR. RENESON

So it will become part of this public hearing.

CHM. SHAW

If you want to add it to the transcript, you may. That's your prerogative.

MR. RENESON

How do you mean? By reading it into the transcript?

CHM. SHAW

That's the only way it will be on the transcript.

MR. RENESON

It will be as part of the record so it will be available if necessary. I don't intend to take a great deal of your time but we do - the way this came about originally was because we were compassionate neighbors and nobody rocked the boat, so to speak. But at some time or another in your life you have to stand up and say "this has gone far enough". If, for instance, he were to expand again next year it would be too late for me to come in and say "fellows, you shouldn't have let him do it last year". You see what I mean. So at one - at some stage in the game you have to stand up and speak - and this is it. Thank you very much.

CHM. SHAW

Thank you. Is there anyone else who wishes to speak in opposition to this proposal?

DR. ALEX A-ABAD

Mr. Chairman, members of the Commission: My name is Alex A-Abad. I am a practicing physician in the town and this property in question is situated almost in front of a small lot we acquired and where we are building our home now. I reside in the same area right now. This enterprise serves no primary need in the residential neighborhood, and already is a non-conforming use. Such an expansion is due to deteriorate the lawfully established residential character and to disturb the (inaudible two words) property valuation of an R-1 zone. It may also invite similar actions of others who are now deterred by valid regulation. While we shall not harm established existences, we do ask your wisdom and contemplation regarding the future of this residential neighborhood. If I may, I wish to deposit a written statement of the state and I thank you for the opportunity to have my voice against the - -

CHM. SHAW

Thank you. Your name is on the statement?

DR. ALEX A-ABAD

I was going to ask you for the spelling of your name.

DR. A-ABAD

A-Abad. Alex A-Abad

CHM. SHAW

Thank you very much. Is there anyone else who wishes to speak?

MR. JEFFREY M. HARRIS

My name is Jeff Harris. I own 970 Saybrook Road, just south-slightly south of the property we are considering. I purchased the home fully realizing the boundary of the zone - fully realizing the one exception that existed in that. Since then I have made a very heavy investment on top of the initial purchase price in that as a home in a residential area and I would be very concerned about any reconsideration, you know here, that might cause other exceptions to be made maybe in the future and, as part of the public record, I would like to submit a letter and, as I understand, if I read it, it will be in - OK.

"Gentlemen,

As residents and land-owners of 970 Saybrook Road, the undersigned wish to place on record our desire to protect the residential character of our neighborhood. We protest the expansion of such a non-conforming commercial use as is being requested by the owners of the business located on 921 Saybrook Road. Whereas we do not wish to protest the business as now established, we do intend to express our fears of possible future zoning regulations relaxation by this Commission. Our purchase of a home in this neighborhood and our subsequent major investment in that home have been made with the full knowledge of the existing business but, also, with the belief that we could maintain our home as part of a carefully regulated R-1 residential zone. Respectfully submitted, Jeffrey and Shirley Harris!"

CHM. SHAW

Thank you. Is there anyone else who wishes to speak? Anyone at all? Thank you very much. That completes the hearing on the first item.

SEC'Y. GIUFFRIDA

2. An additional sheet size for drawings and prints submitted to the office of the Planning and Zoning Commission associated with zoning and subdivision regulations shall be 18 inches by 24 inches. (18" X 24")
- ADDITIONAL SHEET SIZE (18"X24")

Specific references in the Zoning Code to sheet size include:

ADD: SECTION 55 - Item 55.04.01 A  
SECTION 71 - Item 71.02.02 D

ADD: SUBDIVISION REGULATIONS

SECTION 1 A - A-Procedural Matters

CHM. SHAW

George, do you want to explain what this means?

MR. REIF

Fortunately, there's not too much to say about this. The size that's being added or proposed to be added to the Subdivision

Regulations in the Zoning Code is one that was added during the General Statutes. For now, three sizes of sheets that can be found in the Town Clerk's office. For the benefit of having some uniformity and continuity in State and local regulations, the Planning Commission previously adopted the two State sizes and now proposes to adopt the third State size.

CHM. SHAW

Is there anyone here who wishes to speak about this proposal? Anyone at all? Hearing none, we'll declare the item closed and the public hearing portion of our meeting closed.

Respectfully submitted,

*Eileen Rogers*

Eileen Rogers  
Transcribing Secretary

Ralph Shaw, II, Chairman  
Planning & Zoning Commission