

PLANNING AND ZONING COMMISSION REGULAR MEETING SEPTEMBER 12, 2007, 7:00 P.M. PAGE 1 OF 5

Comm. Carl Bolz, Comm. James Fortuna, Comm. Andrew Rak, Comm. Cynthia Jablonski, Comm. Deborah Kleckowski, Comm. Les Adams, Comm. Ronald Borelli, Comm. John Pieper, Asst. Dir. P.W. Robert Dobmeier, Ex-Officio

MEMBERS  
PRESENT

Chw. Barbara Plum, Comm. Quentin W. Phipps, Mayor Sebastian N. Giuliano, Ex-Officio

MEMBERS  
ABSENT

William Warner, Director of Planning, Matt Dodge, Planning Environmental Specialist

STAFF

There were approximately fourteen (14) members of the public present. There is a word for word tape recording of the meeting on file and available in the Planning Office.

PUBLIC

There was no discussion.

ITEM 2  
DISCUSSION  
WITH PUBLIC

Mark Toussaint presented the proposal. Michael Taylor, Nehemiah Housing Corporation, gave an overview of the proposal and submitted some pictures into the record. Izzi Greenberg of North End Action Team spoke in favor of the proposal. Comm. Andrew Rak questioned what Nehemiah Housing would be doing. Comm. Carl Bolz questioned why an office is needed on Main Street as opposed to a side street. Izzi Greenberg explained what work is done and the reason is to be present where the issues are in the North End and to help stabilize the area. Mark Toussaint commented on requests for the space and indicated that all interested parties have declined to rent the space. Comm. Andrew Rak questioned how this use would fit into the overall picture of what the city is trying to accomplish. William Warner explained the plan for the North End, indicated that any non-retail use requires a Special Exception and thinks this proposal makes sense. Comm. Ron Borelli questioned how long the lease would be and if they would have to come back to the Commission. Michael Taylor indicated that Nehemiah Housing Corporation would start with an initial one (1) year lease but could not look beyond five (5) years. He commented that Nehemiah Housing Corporation would be paying for interior improvements to the space. From the public, Ron Crom, a northend resident, spoke in favor. Peter Patton, Vice President of Wesleyan University, spoke in favor and read a letter from the Director of the Green Street Arts Center into the record. Daniel Long, a northend resident and a professor at Wesleyan University, spoke in favor. Peter Harding spoke in favor. On motion and second by Comms. James Fortuna and Andrew Rak the Commission closed the public hearing. Vote was unanimous. A motion to approve a request for modification of the Special Exception approval for 666 Main Street to allow a use by Nehemiah Housing

ITEM 3.1  
APPROVED A  
REQUEST FOR  
MODIFICATION  
OF THE SPECIAL  
EXCEPTION AP-  
PROVAL FOR  
666 MAIN  
STREET TO AL-  
LOW A REAL  
ESTATE OFFICE  
INVOLVED IN  
HOUSING  
DEVELOPMENT,  
PROPERTY  
MANAGEMENT,  
AND COM-  
MUNITY  
DEVELOPMENT

Corporation and the North End Action Team focusing on housing development and property management, and community development in the northend of Middletown with the condition that a review be done in three (3) years was made by Comm. Andrew Rak and seconded by Comm. James Fortuna. Comm. Ron Borelli indicated that he would like to see a review in five (5) years. William Warner indicated that the Commission could put a time line on this request as it is a modification of a Special Exception and can be approved with conditions. He felt that a two to three year review would make sense. Comm. Deborah Kleckowski disagreed with placing a time line on the request. The original motion was withdrawn. A motion for a three (3) year review was made by Comm. Andrew Rak and seconded by Comm. Les Adams. The motion was defeated with four (4) in favor and three (3) opposed. A new motion with no condition for a review was made by Comm. Andrew Rak and seconded by Comm. James Fortuna. The motion passed unanimously. Applicant/agent Property Management Services, LLC/Mark Toussaint, Managing Agent for Stow Block Apartments SE2006-3

Frank Magnotta, the engineer, explained the proposal. Comm. Carl Bolz questioned pit #3 and #4 and description of the clay as well as grading to the rear of the property and wanted to know what will be used to protect the toe of the fill area. Frank Magnotta indicated that a retaining wall will protect and stabilize the toe. Comm. Les Adams questioned the adequacy of the depth of the test pits and thought they weren't deep enough according to the report that was submitted. Frank Magnotta indicated that the soil below the test pit depth would not be disturbed. Phil Armetta indicated that two sets of borings were done with a backhoe and a lot of material taken out. He was comfortable with what they found and believed that eight (8) to ten (10) feet was good enough with the clay. From the public, Paul Roberts of 597 Newfield Street spoke in opposition and had many concerns with the traffic on Newfield Street and the taking down of trees. Seth, the future owner of "Smart Cars", spoke in favor. Frank Magnotta indicated that the trees on the north side of the property would remain. On motion and second by Comms. Andrew Rak and James Fortuna the Commission closed the public hearing. Vote was unanimous. A motion to grant a Special Exception to construct an auto sales and service building on the property of Philip C. Armetta located on the east side of Newfield Street across from the Camden Pines Condominiums to be known as Smart Cars was made by Comm. Andrew Rak and seconded by Comm. James Fortuna. Comm. Andrew Rak asked if the use was to change, would it have to come back to the Commission. William Warner explained that if the use changed, it would have to come back to the Commission and that a condition

ITEM 3.2  
GRANTED A  
SPECIAL EX-  
CEPTION TO  
CONSTRUCT  
AN AUTO  
SALES AND  
SERVICE  
BUILDING  
ON THE PRO-  
PERTY OF  
PHILIP C.  
ARMETTA  
LOCATED  
ON THE EAST  
SIDE OF NEW-  
FIELD STREET  
ACROSS FROM  
THE CAMDEN  
PINES CONDO-  
MINIUMS TO  
BE KNOWN AS  
SMART CARS

of the approval could be that the use will remain as auto sales and service. Discussion ensued regarding contamination. The motion as amended passed with Comms. Andrew Rak, James Fortuna, Carl Bolz, Deborah Kleckowski, Cindy Jablonski, and Ron Borelli in favor and Comm. Les Adams abstaining. Applicant/agent Phil Armetta/Frank Magnotta, P.E. SE2007-11

Atty. Mark Quattro explained the proposal. Comm. Carl Bolz wanted to see the revised plans explaining the sightline. Atty. Mark Quattro explained the improvements. From the public, Beth Lapin, an abutting property owner, questioned the road frontage expansion and submitted a letter into the record. Susan Perrotti, an adjacent property owner, had issues with a capped well on the Catrini's property as it gets blocked and the water runs onto her property. Comm. Carl Bolz questioned the direction of the water flow. Atty. Mark Quattro explained where the additional nine (9) feet of frontage came from to achieve the exact required frontage of three hundred (300) feet. He indicated that an iron pin had been improperly placed and that the Tax Assessor's Office and a neighbor both confirm that there is three hundred (300) feet of frontage. On motion and second by Comms. James Fortuna and Andrew Rak the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Andrew Rak and James Fortuna the Commission granted final approval of a two (2) lot resubdivision of the property of Michael and Carol Catrini located at 345 Margarite Road. Vote was unanimous. Applicant/agent Michael and Carol Catrini S2007-4

ITEM 3.3  
GRANTED  
FINAL AP-  
PROVAL OF  
A TWO (2)  
LOT RESUB-  
DIVISION OF THE  
PROPERTY OF  
MICHAEL AND  
CAROL CATRINI  
LOCATED AT  
345 MARGARITE  
ROAD

Atty. Timothy Sullivan explained the request. On motion and second by Comms. Andrew Rak and James Fortuna the Commission approved a request for final release of the cash bond for the P, Inc. Industrial Subdivision located at 975 Middle Street. Vote was unanimous. Applicant/agent Wisniowski & Sullivan, LLC/Atty. Timothy Sullivan S2002-11

ITEM 4.1  
APPROVED A  
REQUEST FOR  
FINAL RELEASE  
OF THE CASH  
BOND FOR THE  
P, INC. INDUS-  
TRIAL SUB-  
DIVISION LO-  
CATED AT  
975 MIDDLE  
STREET

William Warner explained the request. On motion and second by Comms. Andrew Rak and Ron Borelli the Commission approved a request for reduction of the cash bond for the South Gate Subdivision located off Arbutus Street. Vote was unanimous. Applicant/agent Arbutus Street, LLC/Mark Chu S2007-2

ITEM 4.2  
APPROVED A  
REQUEST FOR  
REDUCTION  
OF THE CASH  
BOND FOR THE  
SOUTH GATE

SUBDIVISION  
LOCATED OFF  
ARBUTUS  
STREET

Chris Conklin of Conklin & Soroka explained the proposal and the site conditions. Comm. Carl Bolz questioned the ten (10) foot landscape buffer. Jeff DelFavero explained that his business was there first and felt that he should not have to supply the ten (10) foot buffer. William Warner indicated that the proposal must meet the requirements of the Zoning Code, irregardless of who was there first. Jeff DelFavero disagreed and felt that the buffer that is there already should be sufficient. Discussion ensued regarding retaining walls. Comm. Carl Bolz indicated that if there is no ten (10) foot buffer, then the applicant would have to come back for a waiver of the buffer requirement. On motion and second by Comms. Andrew Rak and Carl Bolz the Commission continued a proposed Site Plan Review to construct an office/warehouse on Lot #3 Tuttle Place located on the west side at the end of the cul-de-sac. Vote was unanimous. Applicant/agent DelFavero Builders, Inc./Conklin & Soroka, Inc. SPR2007-157

ITEM 5.2  
CONTINUED  
A PROPOSED  
SITE PLAN  
REVIEW TO  
CONSTRUCT  
AN OFFICE/  
WAREHOUSE  
ON LOT #3  
TUTTLE PLACE  
LOCATED ON  
THE WEST SIDE  
AT THE END OF  
THE CUL-DE-SAC

Christopher Holden, Assistant Chief Engineer of the Water and Sewer Department, explained the request. On motion and second by Comms. Andrew Rak and James Fortuna the Commission gave an affirmative G.S. 8-24 Review for bonding of \$8.62 million of CSO projects throughout the city. Vote was unanimous. Applicant/agent City of Middletown Water and Sewer Department/Guy P. Russo, Director

ITEM 5.3  
GAVE AN AF-  
FIRMATIVE  
G.S. 8-24 REVIEW  
FOR BONDING  
OF \$8.62 MIL-  
LION OF CSO  
PROJECTS  
THROUGHOUT  
THE CITY

Christopher Holden explained the request. Comm. Andrew Rak questioned if this request would change zoning. William Warner indicated no and that it is completely within the sewer service area. Comm. Carl Bolz questioned if there were any problems with the state. Christopher Holden indicated no. Comm. Ron Borelli questioned what makes this extension different from other requests for extensions. Christopher Holden explained the circumstances. Comm. Les Adams questioned the types of fees for lateral or parallel connections. On motion and second by Comms. Andrew Rak and James Fortuna the Commission gave an affirmative G.S. 8-24 Review for extension of the sanitary sewer on Tuttle Road. Vote was unanimous. Applicant/agent City of Middletown Water and Sewer Department/Guy P. Russo, Director

ITEM 5.4  
GAVE AN AF-  
FIRMATIVE  
G.S. 8-24 REVIEW  
FOR EXTENSION  
OF THE SANI-  
TARY SEWER  
ON TUTTLE  
ROAD

Robert Dobmeier, Deputy Director of Public Works, explained

ITEM 5.5

the request. Comm. Andrew Rak questioned how many contractors there would be. Robert Dobmeier indicated that there would be multiple contractors. Discussion ensued. On motion and second by Comms. Andrew Rak and James Fortuna the Commission gave an affirmative G.S. 8-24 Review for \$9,975,000 in bonding for road improvements throughout the city. Vote was unanimous. Applicant/agent City of Middletown Public Works Department/Robert J. Dobmeier, Deputy Director of Public Works

GAVE AN AFFIRMATIVE  
G.S. 8-24 REVIEW  
FOR \$9,975,000  
IN BONDING FOR  
ROAD IMPROVEMENTS

William Warner explained the proposal and indicated that it is a good location. On motion and second by Comms. Andrew Rak and Les Adams the Commission granted location approval for a general repairer's license under G.S. Sec. 14-54 at 167 Johnson Street in the IRA zone. Vote was unanimous. Applicant/agent Untouchable Towing, LLC/Thomas D. Comer, CPA

ITEM 5.6  
GRANTED LOCATION APPROVAL FOR A GENERAL REPAIRER'S LICENSE UNDER G.S. SEC. 14-54 AT 167 JOHNSON STREET IN THE IRA ZONE

On motion and second by Comms. James Fortuna and Andrew Rak the Commission approved the minutes of the August 22, 2007 regular meeting. Vote was unanimous.

ITEM 6.1  
APPROVED THE MINUTES OF THE 8/22/07 REGULAR MEETING

There was no discussion.

ITEM 8  
DISCUSSION

On motion and second by Comms. James Fortuna and Andrew Rak the Commission adjourned the meeting at 9:30 p.m. Vote was unanimous.

ITEM 9  
ADJOURNMENT

Respectfully submitted,

Matthew Dodge  
Planning Environmental Specialist