

COMMISSION ON THE CITY PLAN AND ZONING - PUBLIC HEARING - WEDNESDAY -
SEPTEMBER 13, 1972 - 7:30 P.M. - MUNICIPAL BUILDING - COUNCIL CHAMBER -
DEKOVEN DRIVE - MIDDLETOWN, CONNECTICUT.

Ralph Shaw, Chairman
Robert F. Chamberlain, Vice-Chairman
David Mylchreest, Secretary
Frederick Congdon, Alternate, acting for Seb Passanesi
George Augustine, Alternate, acting for Eric Lowry

COMMISSION MEMBERS
PRESENT

Seb Passanesi
Eric Lowry
Salvatore Lisitano, Alternate

COMMISSION MEMBERS
ABSENT

George A. Reif, Director
William M. Kuehn, Ass't. Planner
Althea Rinaldi, Recording Secretary

STAFF

Philip Bauer, Engr., Public Works Dept.; Edward L. Baldwin; Atty. Hagel representing S & P Realty; Atty. Chester Dzialo, representing Hill Development and George C. Achenbach's Westlake; Sherman Beinhorn, Reporter, Middletown Press. Approximately 18 members at large.

OTHERS

The hearing began at 7:30 P.M.

CHM. SHAW:

I want to call this meeting of the Commission on the City Plan and Zoning for the City of Middletown open. We'll have a public hearing section of our meeting first. Before I do open the meeting however to the official business I want to announce that Mr. Congdon will be sitting in the place of Comm. Passanesi and Mr. Augustine sitting in the place of Comm. Lowry both of whom are absent this evening. Mr. Sec'y. will you read the call.

SEC'Y. MYLCHREEST:

THE MIDDLETOWN COMMISSION ON THE CITY PLAN AND ZONING WILL HOLD A PUBLIC HEARING ON SEPTEMBER 13, 1972, STARTING AT 7:30 P.M., IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, DEKOVEN DRIVE, MIDDLETOWN, CONNECTICUT, to consider:

LEGAL NOTICE

1. Application to establish a residential building lot with less than 200' frontage from a parcel of land owned by Edward L. Baldwin, located off Arbutus Street. Water and Sewer facilities are not available.

EDWARD L. BALDWIN
APPLICATION

CHM. SHAW:

You heard the call of the notice of the first item on the public hearing agenda. I'll ask that proponents for any particular proposal or requests speak first and then opponents. I would appreciate it if you

I would appreciate it if you would please speak in the turn in which I ask. I would ask also that you not present the same arguments twice, that you attempt as little as possible to repeat arguments which are already been given. Those who want to give any explanation or discourse or discussion about any item on the agenda are welcome to do so. I only ask that you step forward identify yourself for record and give us whatever information you feel pertinent to the item. On this first item the request of Mr. Baldwin I'm going to step down from the chair for this particular one. Mr. Baldwin is a neighbor of mine. We've talked about this particular property before and since I've been chairman of this Commission and I would prefer that Mr. Chamberlain act as chairman on this item.

VICE-CHAIRMAN TO SERVE
FOR CHAIRMAN FOR THIS
ITEM

VICE-CHM. CHAMBERLAIN:

Those who wish to speak for this item please come forward.

EDWARD L. BALDWIN:

I'm Edward Baldwin, own the property in between two houses already there and we have an acre of land I think the Health Dept. has approved sewage and I think that it percolates around 450 ft. above sea level. I don't see any drainage problem or anything else or importance.

VICE-CHAIRMAN CHAMBERLAIN:

Does anybody else wish to speak for this item? Does anybody wish to speak against this item? Is there any correspondence on this?

GEORGE REIF:

No. It would be interesting to know the condition of the adjacent lots whether this last lot is an acre.

VICE-CHM. CHAMBERLAIN:

Mr. Baldwin will you come up here a minute please? Is this a last lot that is left in this subdivision or what is the...or how did you arrive at this one lot that doesn't quite reach your meet...

EDWARD L. BALDWIN:

Well a few years ago it was 100 ft. frontage regulation and they changed to 200 ft. Somebody wanted to build there and this piece happened to be left. It was 130 or 135 ft. frontage. So I acquired more back land to make it an acre so to make the lot big enough. I can see no problem. We built all the houses up there and the lots are big enough.

VICE-CHM. CHAMBERLAIN:

George, do you have any questions concerning this?

GEORGE REIF:

No. Only trying to establish this point that are required in the Zoning Code makes this potentially ac-

ceptable building lot. Of course it is the last lot and the other is an acre of land.

VICE-CHM. CHAMBERLAIN:

Anyone else wishes to speak for or against this petition? O.K. item #2.

SEC'Y. MYLCHREEST:

Application from S & P Realty, to establish a Planned Residential Development on a parcel of land, located on the south side of Butternut Street, known as Edgewood Acres.

S & P REALTY CORP.
APPLICATION PROPOSED
P.R.D.

CHM. SHAW:

Who would like to speak for this particular proposal?

GEORGE REIF:

Mr. Chairman, here is a letter which possibly should be read before the presentation.

CHM. SHAW:

Alright, we have a letter from the Law Offices of Mittelman & Hagel. I see that Mr. Hagel is here about this.

LTR. FROM MITTLEMAN &
HAGEL LAW OFFICES

Sept. 12, 1972

Commission on the City Plan and Zoning
Attention: George A. Reif
City Planning Director

RE: EDGEWOOD ACRES
S & P REALTY

RE: Edgewood Acres, S & P Realty Corp.
Butternut Street

Dear Mr. Reif:

In respect to the captioned proposed subdivision which has been pending in your office for some time there has been extensive conferences and review of this matter by both my client and his consulting engineers and it is now Carl's decision that although a PRD approach to this property was considered as a vehicle that would result in securing several more building sites, the restrictions and requirements of a PRD development could conceivably present problems that Mr. Pitruzzello as a small developer feels would not be best suited to his experiences and needs for developing individual homes.

Also, as a result of reviewing the initial subdivision and evaluating the observations and suggestions by your office Mr. Pitruzzello is of the opinion that he would be in a position to make a more optimum use of his land by taking advantage of some of the suggestions and incorporate same in a subdivision development that will more realistically utilize his experience as a developer of small tracts and would be perhaps more suited to his type of construction and consistent with the best use of this parcel of property.

Accordingly, it is respectfully requested that at the hearing that will take place next Wednesday evening a preliminary presentation might be made to the Com-

mission of this new plan in order to familiarize the board with same. It is believed that our present plan lends itself to experience and potential as a builder of fine homes.

Thank you very much for your consideration and attention to this request.

Very truly,
Harry Hagel

ATTY. HARRY HAGEL:

Mr. Chairman and members of the Commission I am Harry Hagel and at this hearing I represent Carl Pitruzzello who is the major share holder of the S & P Realty Corp. and as the letter was read into the record indicates initially this parcel on Bitternut Street was conceived on the possibility of a subdivision that was not a PRD. Then examining the PRD regulations that existed at the time Mr. Pitruzzello thought it might be suitable for a PRD. That approach was then investigated and I believe perhaps 21 sites would have been available. However Mr. Pitruzzello experience as some of you may know has been not in any of these more sophisticated construction areas such as condominiums, PRD's or anything that is of any new nature. He has been a small developer, developed two areas which you may be familiar with Laurel Grove where there are about 30 homes and very nice homes and Meadowood Drive where he had built about 20 homes. If anyone is familiar with his building and designs his homes range from 30 to 50 thousand dollars. Homes at the time they were buildt, the inflation might have something to alter that now but I think Carl is a type of an individual that builds better and satisfies the needs of people who want to either relocate into a little better home or coming into this area wanting an individual home. He does a lot of the design work himself, an he is very handy in that way, sort of a self made architect in some ways. Therefore as you look over his development any of them have houses that are appealing because they are all different. In light of that Carl has felt now that rather than use the vehicle of PRD where he would have a smaller lot and yet save some money in regard to the road construction and things like that. I think now that we have gone over/ the Radcliffe Associates, Mr. Bill Veillette is here to explain the new plan. I believe that the Commission would be better hearing from him if they would like to get some preliminary information.

CHM. SHAW:

Alright, thank you. Will you please identify yourself too so that we've got it on record.

BILL VEILLETTE:

My name is Bill Veillette and I represent Frederick

Radcliffe, Consulting Engineering of Essex, Conn.
Well maybe you gentlemen would like some....(opening
maps for display)

CHM. SHAW:
Are there multiple copies of those?

BILL VEILLETTE:
Yes, I have six copies sir.

CHM. SHAW:
Then why don't you send a couple down the table there.
Then we can follow what you are saying. (Maps being
opened and a long pause)

BILL VEILLETTE:
What we are proposing is a nineteen lot development
which is 3 lots more than the original submission that
Carl presented. We do have less road, ten hundred
ninety feet of road all toll. This is from our 0
station to the furthestest point which is 800 ft. If
you take the dog leg and compute it that way working
out the sewer and the water we find that we come up
with a much more economical solution to the problem
of taking care of the facilities on the properties.
Also the house sighting seems to work out much better
as far privacy. Also lots if you look at the second
page, the profile. (Maps and pages being turned quite
noisy) All the houses will probably will sit up hill
because of the way we've cut into the natural terrain.
The sloping will be up to the houses on most lots.
There are three or four that will be a little bit lower
from the road. In comparison to the orginial submission
we feel that it is better suitable...(Moving of maps
inaudible)

CHM. SHAW:
George are there any problems on any of the lots that
you have seen?

GEORGE REIF:
To establish the fact each lot I presume meets the
15,000 sq. ft.

BILL VEILLETTE:
Each lot has a minimum of 15,000 and we do have some in
access of 15,000 including 12 and 13. 16,000 are all in
access to 18 or 19 units.

GEORGE REIF:
Frontage requirements which is 100 ft. unless...

BILL VEILETTE:
They all met the 100 ft. requirements with the exception
of cul-de-sacs which the regular regulations say again
60 providing we have 100 ft. at the building line.

BILL VEILLETTE:

I know this is the first time you had a chance to look at this submission and we are not looking for any concrete answers tonight but...

GEORGE REIF:

You may not be aware of it but there maybe people here drawn out by a PRD. Think of this of course you'll give them a chance to see it.

CHM. SHAW:

Are there any other questions of Mr. Veillette? Harry do you have any further...

HARRY HAGEL, ATTY.

No, I think that we benefited from the exposure of the other plans. The first plans through the Commission because some suggestions that were made by Mr. Reif had probably helped the submission. The background at his suggestion to us, not that it is incorporated in this plan and I think it is a vital situation that will serve a need in this area, hopeful that we will be given a go-ahead.

GEORGE REIF:

It might be interesting to know what the proposed to sell these homes for.

CHM SHAW:

I'm curious about the homes what size homes are they. What type of construction? What design? What price range?

BILL VEILLETTE:

The selling price I can't answer that. I do have the house plans here if you care to have me leave them here for your review.

GEORGE REIF:

You must have some target figure in mind ^{with} the developer when he started this.

BILL VEILLETTE:

Well ruffly in the thirties range.

CHM. SHAW:

Any questions here?

BILL VEILLETTE:

It will be in keeping with the surrounding area.

CHM. SHAW:

Fine, anything else you want to add? Is there anyone else here present who wants to speak as a proponent with this particular proposal or request? Is there

anyone who wishes to speak in opposition to this request? Hearing none I'll close this portion of the public hearing. (Delayed by picking up maps etc.) Thank you. Item #3 please.

SEC'y. MYLCHREEST:

Proposed text amendment to the Zoning Code which was TEXT AMENDMENT TO ZONING published in the Middletown Press Two Times, 1 time CODE RE: PRD'S on Saturday, September 2, 1972 and Saturday, September 9, 1972, and it was published in its entirety.

CHM. SHAW:

I would like to point out that we would like to refrain from the full reading of this text which runs to several pages as you know if you read it and come because you were interested in it. If there are particular items in that you have a question about we would be very happy to read that particular item or items which are pertaining to your area of interest. I would also like to point out in this particular case that when we do publish such a notice that we publish it with the intent of advising the public of what the things we are looking to do and interested in changing. If for some reason during the course of the hearing or a subsequent hearing the public or the people or members of this group bring out points which without changing the intent of the original published advertisement but still would make it quite clear or otherwise make the text more useful these things can be changed at a subsequent date prior to the approval by the Commission. So that we are not necessarily guarantee that the wording exactly as it is published necessarily be the final wording. After all it is the responsibility of us to respond to whatever the public has to say or ask a request in this particular case. Now is there anyone here who wishes to speak for this particular proposal. This will be a little awkward because I think there is someone that will want to comment about this without being for or against, but with comments, but is there anyone who specifically wants to speak in favor of these changes as they were published?

ATTY. CHESTER DZIALO:

Mr. Chairman, your last comment as to that there might be some of us here that might not oppose or want this thing approved but would like to comment on it. Now what position are we going to take?

CHM. SHAW:

Why don't I ask if there are any opponents and then I'll ask for general comments if that would serve the counsel. Is there anyone who wants to speak in opposition to these changes as they have been published? If not, ask for comments from the public and I know Atty. Dzialo has a comment that he would like to make.

ATTY. CHESTER DZIALO:

For the record my name is Chester Dzialo. I am here representing George J. Achenbach the holder of an approved PRD plan for area called Westlake in the northwest section of town and Hill Development Corp. the holder of an approved PRD in the southerly portion of the town. I'd like to submit a prepared statement so that I can use it to read from it in part and the Commissioners can also follow. I'll deviate and follow it once in awhile. It might make things a lot clearer and easier. I am here tonight to speak on behalf of Hill and George Achenbach. As you know, the Commission knows, Hill with its Wesleyan Hills Development and Achenbach with his Westlake Development, presently are deeply involved in the completion of extensive projects already approved as Planned Residential Developments under Section 45. Thus, Hill and Mr. Achenbach have more than the usual good citizens' interest in the proposed zoning amendment under consideration tonight whereby the Planned Unit Development concept of Chapter 124a, Connecticut General Statutes, would be adopted as a special exception under Section 44 and Section 45 dealing with Planned Residential Developments would be repealed. Neither Hill or Achenbach specifically oppose the concept of the proposed amendment. However, it is felt that adequate provision for existing Planned Residential Development, in the (Mr. Dzialo fumbles for his glasses) words of a well know American, should be made perfectly clear. This points...I would like to pause and made...mention the fact that in your proposed amendments you are attempting to save so to speak the existing PRD plans. What I am saying in this prepared statement are general comments is what while I believe that, that language might be adequate I am proposing an amendment which makes it perfectly clear exactly what you intend to do. This will not be a deviation from what you have advertised in the newspaper. Wesleyan Hills and Westlake are producing needed housing in the context of orderly growth. In the course of doing so, substantial investments for the public benefit have been made by both developments. In Westlake, a lake and surrounding recreational area have been developed. Also there has been constructed a pavilion, a boat-house, a bridge, and an extensive network of pathways. In addition, there has been set aside a substantial amount of open space which has required grading, landscaping, and other site work. The aggregate cost of these improvements is approximately \$250,000.00. The lake and recreational are also cost \$123,800.00. Similarly in Wesleyan Hills there is an extensive system of pathways, open spaces, a lake, a community center, and a school site which cost a total of about \$427,054.00. I have attached to the statement two (2) sheets of paper which gives these figures and greater detail.

In the case of both Wesleyan and Westlake, homeowners' associations have been formed. Open space and community facilities have been transferred to these association by the developers as mandated by the approval of their PRD's under Section 45. These open space and community facility improvements must be maintained by the associations which accept their membership for that purpose. If the developments are not completed, the families now comprising the association will be faced with large maintenance costs or perhaps a loss of the facilities.

Surely, we all agree that these substantial investments, for what amounts to a public use, should be adequately protected. And certainly we can all agree that the persons now living in Westlake and Wesleyan Hills, and those who are to move in, should be able to face the future with no question about the status of their homes. Nor should be troubled by any doubt as to whether the community they have come to expect will reach fruition. To meet these considerations and to make clear that existing Planned Residential Developments can be taken to completion, we feel that I would not be remise to err on the side of caution and perhaps redundancy. Thus we propose that Section 45 not be repealed. Rather, the time honored legislative device of a savings clause should be employed. We envision the savings clause as an amendment to Section 45 which would, in the first instance, provide that no further Planned Residential Developments will be approved under Section 45 subsequent to September 2, 1972, the date on which notice of this proposed amendment was published. (the first notice) The second paragraph of the proposed savings provision would make clear that Planned Residential Developments approved under Section 45 would be completed under that section, and when completed would not constitute a non-conforming use.

If we are all agreed that it is not the intention of the proposed amendment here under consideration to abolish existing Planned Residential Developments, the savings clause we propose may appear to be somewhat redundant. However, experience has taught us that future misunderstandings can be avoided if all matter intended to be accomplished by a particular enactment are clearly set forth in plain language. It is the purpose of the proposed savings clause to insure that, well into the future, all persons no matter how well informed will understand that Planned Residential Development existing prior to amendment here under consideration were to be completed under Section 45.

The retention of Section 45 will do no more than just assure that there is a sound basis upon which existing PRD's can be completed. Saving Section 45 for approved and pending PRD's will have the effect of providing an established and tested legal and administrative framework for the orderly completion of such PRD's.

The legal notice published in the Press on Sept. 2, 1972, (and a week there after) indicated that the Commission was to consider the addition of PRD to Section 44 and the deletion of Section 45. Thus the Commission might question whether, as a result of this hearing, it can add to Section 45 the savings clause we propose rather than repeal that section. Our conclusion is that the Commission can because the public notice was broad enough to scope to cover such an eventuality. We have appended to this a legal memorandum on that same issue. With Mr. Shaw I shall leave a copy. What this all means, is that the amendment as published does have its section C. A provision that states that this proposed amendment will not apply to existing PRD's if the conditions requirements are more stringent than those on which existing PRD's were approved.

We are saying that we would like to remove the facts from 44, let 44 stay as it is. Take out ADD just talk about the Planned Unit Development under 1.4a Statutes and shift this over to 45 saying in effect that after a certain date 45 is only effective and only applies to PRD's approved prior to a certain date or PRD's for which an application had been submitted prior to a certain date. This in effect just covers the PRD's approved or for which application had been submitted, if approved. It gives the Commission a vehicle by which in a case of either Hill or Achenbach coming in with future sections to approve or disapprove those sections based on what the original intent was and the original section. It can be done the other way, but as you know there is much controversy many times concerning the meaning of zoning ordinances phrases, sentences and sections. You want to accomplish this all I'm saying striking E from your proposed 44 and shifting it over in different words into 45. An a proposed amendment I submit to you Mr. Chairman, Commissioners is attached to this memorandum and I've taken some care in drafting it. It can be put into any section. It doesn't necessarily have to be 40 or whatever I have there but it can be put into any place along those lines, but in 45. This would give 45 free and clear to take care of the existing PRD's and then 44 all those that come subsequent to a certain date. If there are any questions---the only reason I brought up the cost to the developer to this point with reference to the open spaces is that the both Hill and Achenbach had substantial investments in producing the open spaces for which provisions are in 45. The open spaces were put together in such a way to accommodate not just the existing homes and apartments but for the entire plan. In the case of Achenbach approximately 40 acres were deeded to the association. Also those people do right now have to pay dues to maintain it. Hopefully of course, more units added to it would bring down the costs. I don't have to go into the heavy mortgaging that occurred and its costs but I think you'll

all recognize it. You don't want to knock them out as such but I think you'll find I hope that you will find that this will be a better vehicle to insure in what you want to accomplish. I will be glad to answer any questions or if you have any.

CHM. SHAW:

I think it would be worth while Chet if I read this for the public so that they would know what you had suggested.

SECTION 45.00.02 EFFECTIVE DATE

ATTY. DZIALO -PROPOSED
PROVISION - PRD'S
EFFECTIVE DATE

1. The provisions of this section shall apply only to Planned Residential Development plans submitted and approved prior to Sept. 2, 1972, and applications submitted prior to Sept. 2nd, 1972.
2. All Planned Residential Development plans submitted and approved pursuant to this section prior to Sept. 2, 1972, and all Planned Residential Development applications submitted to the Commission prior to Sept. 2, 1972, shall be exempt from the provisions of Sub Section 44.08.22. All approved Planned Residential Development plans and all said applications so exempt shall be completed and processed under the requirements of this section, including the submission, approval and recording of subdivision maps. A Planned Residential Development plan approved under the terms of this Section shall be deemed a permitted special exception use for the zone or zones where located, and not a confirming use, any other provision of this ordinance to the contrary notwithstanding.

Now are there any questions or comments that anyone else would like to make either about the suggestions made by Atty. Dzialo or about the general change as originally published in the paper.

TED RENESON:

I'm Ted Reneson of 896 Saybrook Rd. I have in the past been before this Commission and I've always objected. I thought it might be refreshing if I came down and tell you that I don't object to what you are trying to do. I think you are on the right track. That/planning should turn more to the professional planners. It needs to be tightened up. I don't as a general rule object to Planned Residential Development. They're here. We need to get adjusted and live with this until something better comes along. I don't say that this is the absolute ultimate but it certainly isn't the worse thing that has come up on us. The interpretation comes into this very often. The general public, if you begin to read your zoning code, is very confused as to exactly what it does mean. Now I say to you gentlemen here, that this is what the public depend on you. To protect their interests and do the right thing. All I thought I would do

is to come down here and tell you that I'm behind.

CHM. SHAW:

We'll remember this day Ted. (followed by laughter)
Are there any other comments? Hearing none we'll close
this...excuse me George, you have something. You have
some comments? Alright, go.

GEORGE REIF:

First of all you say that part of this hearing requires
letters being read from Regional Planning Agency's the
Central Conn. Regional Planning Agency has told me by
the telephone that they've sent a letter that was re-
quested, it has not arrived. They tell me that they
have a comment that is very brief and they find that
this proposal has no regional significance. We do
have a letter from Midstate Regional Planning Agency,
Sept. 13, 1972.

CHM. SHAW:

George will you please read it.

GEORGE REIF:

It says;

Gentlemen:

Thank you for notifying the Midstate Regional Planning
Agency of the proposed amendment regarding planned
residential development. In accordance with the pro-
visions of Section 8-3b of the Connecticut General
Statutes, the staff has reviewed the proposal and have
the following comments and/or recommendations.

1. It is not in conflict with the adopted zoning of
the abutting Midstate municipalities.
2. You may consider in Section C #5, permitting structures
higher than 3½ stories under particular topographic
situations where the roof line would not be incon-
sistant with the surrounding property along with
appropriate setbacks.
3. In Section A reference is made to Chapter 124a as
the basis for this legislation. Section 8-13c of
that Chapter states that..."Any municipality may,
by vote of its legislative body, adopt the pro-
visions of this chapter by ordinance and include in
its zoning regulations..." (emphasis added). Also,
on page 10 of the attached publication prepared by
the Department of Community Affairs this point is
amplified. Prior to adopting the proposed amendment
this apparent conflict should be considered.
4. In general, the amendment defines more narrowly the
scope of PRD's and established additional minimum
standards which do not exist in the current regulation.

Very truly yours,
Geoffrey L. Colegrove

CHM. SHAW:

Do you have any other questions?

Morton LEONARD:

My name is Leonard, I live on George Street, I have been here before I think, although I recognized all the faces here this evening. I've looked at this proposal which came up the first of the week. I thought, I hoped you would handle this a little differently than you have. You haven't taken any steps that you are proposing so I would like to make a few comments. (Inaudible to noisy) The objective here appears to be something of quite desirable along the right track. There is however following the objective a number of conditions set up that can't defeat the objective. I thought maybe I would go on through those we haven't seen fit to do it that way. So like to go to Section C-3. Availability, C-2?

GEORGE REIF:

C-2 is a minimum development area of 10 acres.

MORTON LEONARD:

O.K. The question is, why have you got some good reason for having selected 10 acres. First of all a man owns 9 acres he immediately says why am I not covered or why am I prohibited. Is there anything magic about 10 acres that makes this adaptable or not adaptable. Since everything that is being proposed you are suggesting here later in the column. Everything is being proposed should be brought to you for review and approval. Then why have we got to set up a barrier which says you can't do it if you don't need this? Or why do the people at this table have to put in the position of trying to decide to say no against something which has been prohibited by their own regulations. Why do you say 10 acres? A man has 9½ acres it might be perfectly capable of accomplishing the same sort of thing that from that 9½ acres that you said he can't. He can't even propose it because you have limited him to 10. Now the alternative on this is I believe what you are talking about is a residential area which considered presumably consists of ½ acre or more. Now but to step from that ½ acre you said a man must go to 10 acres in order to develop his property. Now why can't a man put 4 or 6 acrs presumably come up with a better arrangement proposal at least. You have the opportunity to questioned the advisablity of this proposal and etc. but why are you bringing it down to 10 acres? I would understand, I would like to understand that anybody make a proposal on the basis of what is available.

GEORGE REIF:

Excuse me, that's a very good point. You may carry the point through but that the planning commission presents

a hearing. Obviously you are recommending that...

MORTON LEONARD:

I'm suggesting you leave yourself latitude. You want a man to come in here and make a proposal, immediately your requirements says he...that he can't make a proposal. What's he going to spend a thousand dollars to come down and talk to you for? He can't do it.

GEORGE REIF:

Obviously he wouldn't do it if he didn't have 10 acres.

MORTON LEONARD:

That's right, but I believe there are many locations where something with less than 10 acres could be considered. If they aren't thought reasonable to be considered (inaudible) with something try to with common sense, the same with at any other time. I don't see why it is necessary to get yourself all tangled up with this sort of thing.

SEC'Y. MYLCHREEST:

Have you a suggestion for a minimum acreage or...

MORTON LEONARD:

I would suggest anything that is large enough to handle. Two or three homesites normally, normal homesites. I'm suggesting anything from that point on. If a man wants to build four houses and he's goes to two acres, he should be able to look at and review it and come to a decision is to whether if you think it's a reasonable one or an unreasonable one. I think that these are the things that discourage people. The price of building these things is prohibited. I'm looking at C-3. Alright, you say he can't use this if he doesn't have sewage and water facilities. On the two or three acre lots I'm certain that any person can come in and make a recommendation but certainly a man should be able come in and make a recommendation but certainly a man should be able if he's building 20 or such as the other development have done. Come in and put a proposal as to how he expects to arrange for the sewage and water situation. Your proposal at the moment just tells a man that he can't do these things. He can't come in and say well I've got an alternative method. I can, I will either build a sewer line down to the nearest connection or I'll build a water line in, or I'll ask for an approval to do it. I will do these things but your prohibiting him from do^{ing} this thing. Your statement says he's got to have it already.

GEORGE REIF:

No it doesn't, not really. It's got to be available before you can run lines.

MORTON LEONARD:

Well, no it does not have to be. I made a proposal several years ago myself. The board here didn't even look at the proposal. It said no, because there was no sewer and water on the street. We were proposing to build a sewage line down and they wouldn't look at it. These things can be used. Your wording in here can be used as the reason for other people or other people involved to discourage any approach to develop without having even considered it. C-4, I don't know what it says.

CHM. SHAW:

It says, Installation of all service utilities underground.

MORTON LEONARD:

I think this is admirable to have the facilities underground. There still again maybe an arrangement for which is somewhat questionable as to whether they should be or shouldn't be either terrain or anything else. You can't say a man use 10 acres building area and I'll refer to some of the areas over in Carriage Village where they're building on lot formations. I can see where it would be quite difficult to get into underground installations of things of this particular type. What I would suggest that such a paragraph that preferably that they would be underground for other proposals or whatever is proposed or otherwise specified as a person might specify in his recommendation or proposal. C-5, lets see what that says.

CHM. SHAW:

Development may include a single type or a variety of residential types including single-family detached, townhouses or garden apartment none of which shall be more than 3½ stories in height.

MORTON LEONARD:

O gee, I'm interested in the 3½ sotries in height. This is an odd figure to arrive at, 3½ stories. There must be some criteria for this but still doesn't the individual set up that's being proposed have anything to do with this? A person had 10 acres of land, we're talking about conserving land and making land available for other uses and etc. Say we had 10 acres and put in 30 people on 10 acres. We could put 30 people under one roof and give them 9½ acres for free land, but our requirement here is practically proposing that we put them under 25 or 30 roofs, and take up all the ground spaces required for the 25 or 30 roofs. We are not saying that you can have 10 acres and you can put these people in the smallest portion of the 10 acres and have 9½ acres left for free land. We are just saying that we have to spread people all over these acres when it's

possible to put them in a very simple single area. That is just for somebody to think about it. I'm not arguing about it, I just say that there are other prerogatives that your objectives says that your doing this to permit the most appropriable use of the land. I am saying that some of these things prohibit most important things one person or what some people ...was the most usefule portion of the land. C-6.

GEORGE REIF:

Dwelling ownership may be individual, condominium, cooperative or municipal.

MORTON LEONARD:

I have no comment on that. C-7?

GEORGE REIF:

Do you want that read?

MORTON LEONARD:

Yes.

GEORGE REIF:

Non-residential land-uses permitted in the basic zone, either as an outright use or as a special exception use may be proposed in the application. Land used for non-residential purposes shall not be included in the gross acreage used to calculate the permitted number of dwelling units.

MORTON LEONARD:

This one appeard to me be be a little ambiguous. You're commenting on a non-residential purposes but if it is something that is no deferential here. Descriptive deferential at any rate. So whether this is used for something that the people are going to use say non-residential, won't this apply? You're actually indicated here that if a portion of this and is set aside we've got all individual homes. Possibly all individual homes or garden apartments or townhouses or things of that type. If we've got 10 acres amd they're 30 people \$n this area it seems to me. It might/perfectly reasonable, except you may have dining room someplace in this area. Still you are indicating that the diningroom must be taken out of here. You would expect the people who have lived here use this but now the land...it is on is not for their use. Therefore, you must deduct this from the total, and there must be more space added, that is my interpretation of what it says anyway. Anybody may disagree with my interpretation of what has been said here but...I have a little, I thought I had a little problem with the clarity of C-14.

CHM. SHAW:

Perimeter buffer shall be designed to screen the project area from contiguous land. No structure shall be less than fifty (50) feet from a perimeter property line.

MURTON LEONARD:

It seems to me also, if it fits in the area of proposed use of land 50 ft. we don't require that on a street level and still here if we are not talking about frontage we are talking about side or possibly a backyard or something else...possibly a front. Even there is nothing here that you must maintain 50 ft. here, but it is not necessary to maintain that in any R-1 Residential area. It seems like it wasn't just...wasn't quite clear to why it is necessary to set this up around a perimeter of an area when you go around the perimeter. This takes in lot of area which you want 50 ft. set aside, for no buildings. #18.

CHM. SHAW:

Areas of visual and acoustical privacy shall be created for each dwelling unit.

MORTON LEONARD:

I don't think needs...in my mind needs to be a little... it's a little loose a bit in my mind...The rest of these I don't have to much to comment on until I get to the fee for doing this and you require \$100.00 fee for doing this. Anybody can come up here. You are also requiring that he come up with proposals which means another 500.00 to 1000.00 dollars of drawings and perhaps someone come here (inaudible) \$100.00 fee costing about \$1000.00 to come in here and talk on this sort of thing. I would like to suggest that a \$100.00 fee be retained on approvals and returned on rejections.

CHM. SHAW:

On that point I would like to tell you that is exactly as it has been for PRD's in the Code. This is no change. This is true for several of these things.

MORTON LEONARD:

I'm questioning the approach of getting or convincing somebody that they should come in here and spend their money to find out if they can do the job.

CHM. SHAW:

Well I would hope you, Mr. Leonard, or anyone else here present or anyone who ever asked the question would feel free and would know no feeling of any charge coming to talk to Mr. Reif or Mr. Kuehn or anyone else in the office about these things prior to spending any money in anyway

because they're ready and willing and always able to give you a kind of answer which ought to prevent you from having to go in that kind of expenditure.

MORTON LEONARD:

I understand that, but these little pieces of paper told me their answers hasn't told me I can't do it, even if I make a proposal. That's why I'm asking if we can't see this thing in a broad enough term so that you have some room to come in with a proposal and let the facts...

CHM. SHAW:

We would prefer that no one come in with a proposal before they at least established some of the facts with the office because it makes it much easier for all of us to make sure that we have the right...that we are going through the right procedure. Exactly what we are trying to do is make it as simple and as inexpensive for anyone as possible. Hope we're... hope we are doing that and not make it as difficult as you are...nervously afraid as it may be.

MORTON LEONARD:

Past experience. As indicated that their needs to be given thought.


CHM. SHAW:

Are there any more comments about this? If there are none we'll close this portion of the meeting. The public hearing is now closed.

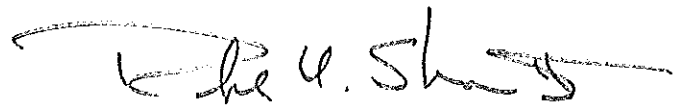
Meeting adjourned at 8:25 P.M.

ADJOURNMENT

Respectfully submitted:



Althea Rinaldi, Recording Secretary



Ralph Shaw, Chairman
COMMISSION ON THE CITY
PLAN AND ZONING