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PLANNING AND ZONING COMMISSION
CITY OF MIDDLETOWN

PUBLIC HEARING HELD IN COUNCIL CHAMBERS,
CITY HALL, MIDDLETOWN, CONNECTICUT
ON WEDNESDAY, SEPTEMBER 14, 1988,
COMMENCING AT 7:00 P.M.

PLANNING AND ZONING COMMISSION

STEPHEN GIONFRIDDO, CHAIRMAN
STEPHEN GADOMSKI, SECRETARY
SEBASTIAN J. PASSANESI, MEMBER
WILLIAM A. PILLARELLA, MEMBER
JOHN ROBINSON, MEMBER
STEPHEN P. SHAPIRO, MEMBER

CHRISTINE LINDQUIST, ALTERNATE
VINCENT LOFFREDO, ALTERNATE
FRANCIS PATENAUDE, ALTERNATE

ALSO PRESENT:

GEORGE REIF, DIRECTOR, PLANNING & ZONING
SALVATORE FAZZINO, DIRECTOR, PUBLIC WORKS

CAROL P. LEVESQUE
CERTIFIED COURT REPORTER
265 DEKOVEN DRIVE
MIDDLETOWN, CONNECTICUT 06457
TELEPHONE: 344-7472

1 3.2.

2 CHAIRMAN GIONFRIDDO: 3.2: Proposed
3 special exception to permit 168 units of
4 condominiums/multi-family located adjacent to
5 Woodgate I. Washington Street near George Street.
6 Applicant/agent KLM Associates by Leonard
7 Ginsberg/Attorney Rome.

8 Before we proceed, who here is eligible to
9 vote? Who are regular members sitting?
10 Commissioner Passanesi, were you present for -- no,
11 you were not. Shapiro was. Robinson?

12 COMMISSIONER ROBINSON: Yes.

13 CHAIRMAN GIONFRIDDO: Commissioner
14 Pillarella, myself, Commissioner Gadomski. That's
15 five. Commissioner Patnaude is six. Commissioner
16 Loffredo, were you? No. So, Commissioners
17 Lindquist, Patnaude, Shapiro, Robinson, Pillarella,
18 Commissioner Gadomski and myself as the seven people
19 who are eligible to bring this to a vote this
20 evening.

21 I'm sure you remember from the last
22 meeting that Attorney Rome was here and indicated
23 that they had submitted plans that now showed piping
24 of the drainage under ground and down George Street.
25 We had to wait for Inland Wetlands to make a

1 decision.

2 Inland Wetlands moved to reconsider and
3 voted to approve it at their meeting of September
4 7th, and we have it before us again this evening now
5 to make a decision as to what we wish to do with
6 respect to this.

7 I guess I would ask Sal as the Director of
8 Public Works have you had an opportunity to review
9 the plan that's been submitted?

10 MR. FAZZINO: The later plan was
11 submitted this morning. Phil Bauer and Doug
12 Shandley of Close, Jensen and Miller reviewed it.
13 I dropped in on the conversation, and my last
14 question of them was have they met the comments, and
15 the answer was yes, they have met the comments so
16 we're recommending approval.

17 CHAIRMAN GIONFRIDDO: It's your
18 indication that the Public Works Department feels
19 the plan is sufficient?

20 MR. FAZZINO: That's correct.

21 CHAIRMAN GIONFRIDDO: And -- well, I
22 can't say it solves all the world's problems -- will
23 produce zero run-off from the site plus improve
24 other problems in the area?

25 MR. FAZZINO: That's correct. We

1 have not seen the plan and profile in detail, but
2 those are the work construction plans, and we'll get
3 those before they start work, and the construction
4 plans I'm referring to are those off the site on the
5 road.

6 CHAIRMAN GIONFRIDDO: It's your
7 statement to us that it's your belief that this is
8 going to improve the drainage situation in that
9 particular area that we all know is a problem?

10 MR. FAZZINO: Yes.

11 CHAIRMAN GIONFRIDDO: What's your
12 pleasure?

13 (Whereupon there was a motion by
14 Commissioner Gadomski to approve.

15 CHAIRMAN GIONFRIDDO: Is there a
16 second?

17 COMMISSIONER PILLARELLA: Second.

18 CHAIRMAN GIONFRIDDO: Is that --
19 could I ask the maker of the motion whether he would
20 like to incorporate in this motion the removal of
21 that second access strip that was the subject of
22 much discussion?

23 SECRETARY GADOMSKI: Yes.

24 CHAIRMAN GIONFRIDDO: Does the
25 seconder wish -- so, that will be incorporated in

1 the main motion and we want to make --

2 COMMISSIONER PATNAUDE: (Interposing)

3 Come again.

4 CHAIRMAN GIONFRIDDO: Going to
5 eliminate that secondary access that goes out to
6 George Street that Attorney Rome indicated he only
7 put in there because he thought we wanted it. It
8 was our decision whether we wanted to keep it or not
9 keep it.

10 Anybody have any discussion? Commissioner
11 Patnaude.

12 COMMISSIONER PATNAUDE: There's one
13 thing on this. Sal, did you look over the plan,
14 this new plan?

15 MR. FAZZINO: I did.

16 COMMISSIONER PATNAUDE: You yourself
17 talked it over with your engineers, went through
18 step by step to make sure, first, the City's getting
19 what they're supposed to get; two, that Woodgate II
20 is not going to create a drainage problem to the
21 people already living on the street and you feel now
22 that those people out there should be happy when
23 this developer gets through and the City will have
24 no complaints whatsoever? That's what you are
25 telling us -- telling me tonight?

1 MR. FAZZINO: Commissioner, I can't
2 quite say categorically yes to everything you said
3 because I think some of these people would not seek
4 to develop there at all.

5 I can tell you from drainage applicants go
6 up above and beyond and provide every little detail
7 we've asked. In that sense, from the drainage point
8 of view, all the water that is going to be generated
9 from this site, from the parking lot, from the roofs
10 is all going to be piped from the site onto George
11 Street and to the river.

12 COMMISSIONER PATNAUDE: I don't like
13 one remark you made to the point you said people
14 don't want to build out there. You know,
15 eventually, something's going to be built out
16 there. Let's face the issue.

17 All I'm asking you did you look over the
18 plans? Did you say this is beautiful, great
19 advantage to the City? And you found that, between
20 your two engineers and you, that it's not going to
21 create a hazard whatsoever to the people that live
22 out there now? Just yes or no. No gray area, no
23 nothing?

24 MR. FAZZINO: I'm sorry; I can't
25 answer categorically. I've delegated the

1 responsibility of reviewing the site to Mr. Bauer
2 while he was with Mr. Shandley. He assured me what
3 he asked was here; was on George Street where we
4 looked in the profile plan.

5 COMMISSIONER PATNAUDE: You just said
6 you did not review them. So, that's the answer I
7 wanted. Indirectly, you answered me. You did not
8 review the plan.

9 Right now, I don't see any traffic report
10 from the Police Department. Now, I also made the
11 statement that I would vote on nothing until we did
12 get a direct traffic report from them. We have
13 nothing to work on as far as traffic from our own
14 departments. The traffic, which is handled by the
15 police department, City of Middletown, has submitted
16 a report here.

17 Now, how can we approve anything tonight
18 or do anything about anything if we don't have a
19 traffic report on the street? That's a real
20 hazardous street. Thank you.

21 CHAIRMAN GIONFRIDDO: Commissioner
22 Shapiro.

23 COMMISSIONER SHAPIRO: Along the same
24 lines as Commissioner Patnaude, it amazes me that
25 the Director of Public Works mentioned a time that

1 they received the plans, at four o'clock in the
2 afternoon, and, all of a sudden, they've been
3 approved in that quick period of time.

4 I agree that the developer has gone out of
5 the way to try to accommodate the needs of the City,
6 but it amazes me that they've had such problems as
7 exist at the Woodgate I area and residents of
8 Middletown on George Street continually complain
9 about the drainage problems that exist.

10 I'd like to think between four o'clock in
11 the afternoon and 4:30 -- I don't think any set of
12 plans -- and I don't care how astute the engineers
13 are -- can study that and come up with the statement
14 that these plans meet everything and address those
15 needs. I feel as Commissioner Patnaude does; I feel
16 very strongly --

17 CHAIRMAN GIONFRIDDO: (Interposing).
18 Commissioner, I think I can clarify that you've got
19 a misconception.

20 Sal, the plan you received -- and, if I'm
21 mistaken, correct me -- it's my understanding that
22 the plan that was submitted to you today was a plan
23 that took into account or made some modifications
24 based on the engineering reports of a Mr. Scarpa
25 that was submitted by residents of George Street.

1 Is that not correct?

2 MR. FAZZINO: That's correct, but not
3 only that. I received the thing this morning. I
4 didn't say -- at least -- maybe we can have the
5 stenographer play it back -- I didn't say I reviewed
6 it at three o'clock.

7 CHAIRMAN GIONFRIDDO: Isn't the key
8 thing that they'd already previously submitted the
9 plan and the plan they submitted this morning was
10 simply a plan that took into account the engineering
11 report for the neighborhood and trying to
12 accommodate them for a new plan, and you were simply
13 checking to make sure those plans were addressed?

14 MR. FAZZINO: That's correct. That's
15 what Mr. Bauer did this morning.

16 CHAIRMAN GIONFRIDDO: So that the
17 plan that came in today was in response to the
18 engineering report of the neighbors, not simply the
19 first time a plan has come into the department
20 dealing with piping of water? There have been
21 plans in the department previously dealing with
22 piping of water underground; is that correct?

23 MR. FAZZINO: That's correct.

24 COMMISSIONER SHAPIRO: If I can, as
25 was mentioned in a previous issue about bonding and

1 what bonding protects the City for, I realize bonds
2 are for performance of work, but you tell us -- and
3 I'm sure the developer would concede to this type of
4 a matter on this -- I would like to see a bond
5 placed until not only the work is completed but
6 until the work is completed in a satisfactory
7 fashion.

8 CHAIRMAN GIONFRIDDO: By our -- he's
9 saying yes, fine, if he wants to submit to that. By
10 our regulation, we're only allowed to bond for
11 certain things. Commissioner Patnaude.

12 COMMISSIONER PATNAUDE: Just to
13 clarify, the engineer who's defending the people on
14 George Street, is he here?

15 CHAIRMAN GIONFRIDDO: Whether he's
16 here or not, the public hearing's closed.

17 COMMISSIONER PATNAUDE: Thanks.
18 What you are saying and you answered my question you
19 didn't review this whole thing so I can't go into
20 that.

21 CHAIRMAN GIONFRIDDO: Commissioner
22 Pillarella.

23 COMMISSIONER PILLARELLA: I'd also
24 like to include in that motion, if it's all right
25 with the maker, that the easements -- that the

1 approval be based upon the easements being approved
2 by Woodgate I Association.

3 SECRETARY GADOMSKI: Right.

4 CHAIRMAN GIONFRIDDO: Do you accept
5 that?

6 SECRETARY GADOMSKI: Yes.

7 CHAIRMAN GIONFRIDDO: That we have to
8 receive in writing a signed easement agreement from
9 Woodgate I.

10 COMMISSIONER ROBINSON: In regards to
11 the maintenance building, there was talk of a
12 maintenance building being there or being left out
13 of the plans, and, last time I heard, it was no.

14 CHAIRMAN GIONFRIDDO: They indicated
15 to us that they would like to have it; but, if we
16 chose not to allow them to have it as a maintenance
17 building, it would be our choice. They'd like to
18 keep it as a maintenance building if we would allow
19 it so it's our choice.

20 COMMISSIONER ROBINSON: In regards to
21 the blasting survey, has that been addressed in the
22 motion?

23 CHAIRMAN GIONFRIDDO: There will be a
24 pre-blast survey. The law requires there be one.
25 Commissioner Patnaude.

1 You're not involved in this.

2 COMMISSIONER VINCENT LOFFREDO: I want
3 to bring to the attention of the parties, according
4 to our Agenda, the last meeting for decision on this
5 meeting is 11/9/88.

6 CHAIRMAN GIONFRIDDO: Right. No
7 reason we have to have a vote on it.

8 COMMISSIONER VINCENT LOFFREDO: So, if
9 there's outstanding questions, people will have --

10 CHAIRMAN GIONFRIDDO: (Interposing)
11 You can't debate this.

12 COMMISSIONER VINCENT LOFFREDO: I
13 don't mean to debate this. I'm bringing to light --

14 CHAIRMAN GIONFRIDDO: (Interposing)
15 Since you are not participating in this, you
16 shouldn't be talking.

17 COMMISSIONER VINCENT LOFFREDO: I
18 have a right to bring to your attention a very
19 simple procedure.

20 CHAIRMAN GIONFRIDDO: Seven people
21 participate in the discussion of which you are not
22 one on this issue.

23 COMMISSIONER VINCENT LOFFREDO: Are
24 you calling me out of order by bringing to your
25 attention the Agenda, what's before us all?

1 CHAIRMAN GIONFRIDDO: Yes. I'm aware
2 this does not have to be voted on.

3 COMMISSIONER VINCENT LOFFREDO: Thank
4 you, Mr. Chairman.

5 CHAIRMAN GIONFRIDDO: You are
6 welcome. Any other discussion? (No response.) We
7 have a motion on the floor to approve subject to the
8 elimination of --

9 COMMISSIONER PATNAUDE: (Interposing)
10 Just one minute, please. We've got a lot of
11 amendments on this motion.

12 CHAIRMAN GIONFRIDDO: Two amendments,
13 which I'm going to repeat.

14 COMMISSIONER PATNAUDE: Can you read
15 the motion back to me?

16 CHAIRMAN GIONFRIDDO: The motion is
17 to approve subject to the elimination of the access
18 road to George Street and subject to seeing a signed
19 agreement dealing with the easement off Woodgate
20 I. Those are the only two amendments. That was a
21 request. It was not in the form of --

22 COMMISSIONER PATNAUDE: (Interposing)
23 That wasn't a request at the beginning of these
24 hearings. That was the main thing.

25 CHAIRMAN GIONFRIDDO: Correct. What

1 I'm saying, there was no amendment this evening.

2 Anything dealing with the maintenance?

3 Someone like to make a motion to entertain it?

4 COMMISSIONER PATNAUDE: I'd like to
5 make a motion that the motion that was made be
6 withdrawn.

7 CHAIRMAN GIONFRIDDO: You can make a
8 motion to table if you choose.

9 COMMISSIONER SHAPIRO: I'll second
10 the motion to table.

11 CHAIRMAN GIONFRIDDO: That's not
12 debatable. All those in favor of the motion to
13 table?

14 (Whereupon there was an aye response.)

15 CHAIRMAN GIONFRIDDO: Any opposed?

16 (Whereupon there was a nay response.)

17 CHAIRMAN GIONFRIDDO: Okay. Motion
18 to table is defeated.

19 Commissioner Shapiro.

20 COMMISSIONER SHAPIRO: I would like
21 to add the issue --

22 COMMISSIONER PATNAUDE: (Interposing)
23 Just a minute. Would you count those votes?

24 CHAIRMAN GIONFRIDDO: I just asked
25 all those in favor of the motion to table. The

1 person that said aye was Commissioner Lindquist.
2 You didn't even say aye. I mean I asked you. You
3 didn't say anything.

4 COMMISSIONER PATNAUDE: I made the
5 motion.

6 CHAIRMAN GIONFRIDDO: But you didn't
7 vote. Your making a motion is not a vote.

8 COMMISSIONER PATNAUDE: You're the
9 lawyer.

10 CHAIRMAN GIONFRIDDO: Commissioner
11 Shapiro.

12 COMMISSIONER SHAPIRO: I would like
13 to add to it as long as a developer has agreed to
14 the bonding agreement on a performance basis --

15 CHAIRMAN GIONFRIDDO: (Interposing)
16 He's agreed to it but we haven't set a sum or
17 anything else. You are saying you want to set a
18 bond?

19 COMMISSIONER SHAPIRO: I'm just
20 putting it into a motion.

21 CHAIRMAN GIONFRIDDO: How much?
22 What kind of bond are you talking about? You are
23 asking to set a bond and Attorney Rome said yes, but
24 he never recommended how much. If you want to make
25 an amendment to incorporate a bond, we'll entertain

1 it, but put a sum on it.

2 COMMISSIONER SHAPIRO: Thousand dollars a
3 unit would be a good recommendation.

4 CHAIRMAN GIONFRIDDO: Okay. Motion
5 for a bond, performance bond in the amount of one
6 thousand dollars per unit, which, I guess, would be
7 released upon the completion of each unit.

8 Is there a second to that motion?

9 (Whereupon there was a second.)

10 CHAIRMAN GIONFRIDDO: Let's vote on
11 that since that's really not --

12 COMMISSIONER LINDQUIST:
13 (Interposing) What's the bond going to include?

14 SECRETARY GADOMSKI: Thousand dollars
15 a unit.

16 CHAIRMAN GIONFRIDDO: Until the
17 departments sign off and everything's been completed
18 satisfactorily, in which case it will be released.

19 All those in favor of the bond, say aye.

20 (Whereupon there was an aye response.)

21 CHAIRMAN GIONFRIDDO: Any opposed?

22 (Whereupon there was a nay response.)

23 CHAIRMAN GIONFRIDDO: Bond's
24 approved six to one.

25 We have a motion on the floor that -- to

1 approve subject to the elimination of the access
2 road to George Street, subject to seeing in writing
3 the easement from Woodgate I to allow entrance over
4 that particular project and subject to the bond
5 which we just accepted by the previous amendment.

6 Any further discussion? (No response.)

7 If not, all those in favor?

8 (Whereupon there was an aye response.)

9 CHAIRMAN GIONFRIDDO: Any opposed?

10 (Whereupon there was a nay response.)

11 CHAIRMAN GIONFRIDDO: Motion carries

12 6 to 1. We'll move to Item 3.4.

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