

considerable incentives not to accept hazardous waste. Our contract with the authorities specifically states that we can't do that. Our permits that are granted by the State also require that we can't bring hazardous waste into the plant. If we do, we are in violation both of our State operating permits and our contract with the Authority. That has considerable negative aspects to us in terms of being able to operate the plant and to do it economically. We have a number of ways that we are going to keep material out of the plant. Starts with the Authority and the way they license the various collectors. It's against the law to bring it to this plant and the haulers know that. We're going to be dealing with the same people day in and day out in terms of who brings waste to the plant. I don't believe any of them are going to jeopardize their right to dispose of waste in this plant by trying to slip hazardous waste past us. There are three points at the facility to check the loads for what's in the waste. First, at the weigh in station. The drivers will be requested to identify their loads. Secondly, as they come into the plant and are preparing to tip their loads, there will be attendants in the tipping hall watching the waste as it goes in and, finally, the crane operators who will be mixing the waste within the bunker and moving it into the charging hopper, will also be watching for unauthorized material. If any is found inadvertently delivered to the plant, it will be removed from the storage bunkers, set aside and a place designated for that type of material, removed from the plant and taken to an authorized disposal site. And, the gentleman was correct. It can't go to a municipal landfill. I would not, at all, disagree with the suggestion that separate pick up be made for some items. Car batteries, and a number of other things that we just as soon not have in the plant and, I imagine, the citizens of the area wouldn't want it there either. And we have no objection to that type of approach. There was a question about whether this plant will affect this area differently than the way other plants affect their surrounding area. The air modeling that is being done by our consultants is specific to this site and predicts what the impacts will be specific to this site. And we expect those to be very minimal. The hospital was mentioned. We have a lease with the hospital for this site and the hospital has also imposed some of its own requirements on us. And, if at any time they believe that patients or patients' care is being affected by this plant, we don't believe it ever will be, but they have certain rights in that lease to require that the plant be tested if it doesn't meet certain standards, that it has to be shut down. In terms of who regulates the plant, the State DEP [Department of Environmental Protection] has that responsibility, but we will also have oversight from both the Regional Authority and from CRRRA [Connecticut Resource Recovery Authority] who, if they're not satisfied with our operation and insist that we change things, or can go directly to DEP. I'm not sure whether I've covered all the points that were raised by the citizens who spoke earlier, but if anybody on the Commission has (inaudible)...question, I'd be more than happy to try and cover it.

Chm Gionfriddo
Commissioner Pillarella

Comm Pillarella

Two questions. Number one, if the plant was shut down like you just stated, how many days can those holding bins hold...if it was down for two, three

days...four, what is it?

Brian Rodgers

The plant has two separate operating brains, so that they can be shut down independently. So that half of the plant can operate. And that's the way maintenance is done on the plant. It will have to be shut down periodically for routine maintenance. When that happens one train will be shut down. The other will continue to operate and maintenance work will be done and then that one will be brought back on line. Typically the plant will never be completely down. You'll have at least one or the other train operating. Specific answer to your question, the storage bunker can contain about three days of waste and that's to carry you through week-ends and holiday periods.

Comm Pillarella

Just one follow up question. On the...I know, I had talked to you earlier about the road, but just to get a clear cut answer on it, if, for some reason, Silver Street was to be closed or such, there are no areas or provisions that Bow Lane, for any reason, would be used?

James Dunn

I think if you look at the design of the plant Bow Lane is...access from Bow Lane is blocked by...it's going to be blocked by a fence. There have been some discussions with the Fire Department about the possibility of putting some kind of an emergency gate on there, but that would be strictly...we haven't come to a final agreement on that and that would be strictly for emergency purposes. There is no intention, no design and it will be physically difficult given the plant design to access from Bow Lane. That was one of the other questions that was raised. I think, if Silver Street were to be blocked, I think the appropriate thing for us to do was to try to...it would probably be a temporary situation. I think we would try and work something out with the City and the appropriate local officials on a temporary basis, but that would be the only...

Comm Patnaude

Just two questions. Maybe I was missing the boat here. Number one, hazardous waste. What are you doing to prevent the people from bringing hazardous waste into the plant? You said if they get caught bringing it in, naturally, they're going to be penalized, but what is the plant going to do to try to prevent it from coming in?

Brian Rodgers

There's a definition of what is acceptable waste. It's essentially municipal and commercial solid waste. That's all that the trucks will be allowed...that are permitted to come to this facility...will be allowed to collect is that type of waste. I can't prevent a homeowner from putting a half full can of bug spray in his trash. But that doesn't really constitute hazardous waste. For it to be a problem, it has to be in a sufficient size and type of container that we are going to see it if it does get into the plant. Does that answer your question? I'm not sure that I'm...

Comm Patnaude

There's no preventative measures as far as stopping the truck, inspecting it before it gets into the plant. Am I right?

Brian Rodgers

Yes, there is. And, I'm glad you brought that up because I failed to mention

it before. There is a provision in our operating plan for spot inspection of the trucks. When we get a truck inside the tipping hall so that it's all in a contained area on a spot basis, we will have that truck, rather than tipping its load into the bunker, we'll have him tip it onto the floor, and we can go through it, by hand, piece by piece, and the purpose there is to keep the drivers honest. Because they'll know, from time to time, they're going to have their loads checked, in detail. Then we will have a small front end (inaudible)...waste from the floor into the bunker and then wash and sweep the floor. (Microphone not used)... American Ref-Fuel will both design, build and operate the facility under contract to the Authority.

Chm Gionfriddo
Commissioner Thompson

Comm Thompson

I'd like to ask just a couple of questions. First, in terms of what will or will not be burned and the facility that you are constructing. In some of the citizens who raised questions of hazardous waste, could you be more specific and state what will be burned in there? Instead of using technical terms. Some of the more generic terms. Of what will be burned in that facility.

Brian Rodgers

I think the most straight forward answer is what will be burned is what the citizens put out at the curb for the regular collection vehicles. It will be brought to the plant, tipped into the bunker, and then burned. As it is tipped into the bunker the things that we would reject directly from the bunker would be large items. You can occasionally find a garbage truck where somebody gets weight goods into it like a washing machine or even a small refrigerator. That's where the thing would be lifted out of the bunker and not put through the plant. This is your typical household waste. The newspapers, food waste, packaging, glass, metal cans.

Comm Thompson

The second question. Is it possible that they don't have any way of dictating this to you and not on my suggesting it, but you spoke a moment ago about the possibility of spot checking trucks and if a given load was suspected of being in violation of the products that should not be brought into this facility, that you might try to detect it by going through it with your hands which seems to be such an odious process and also one that's time consuming. Is there not in this modern day and age..you suggesting that you don't have the capability of some type of electronic detection system that would give you a quick survey of the material on a truck to determine such things as refrigerators, or batteries, etc. even that spray can that you mentioned a moment ago.

Brian Rodgers

Nobody...to my knowledge...nobody has come up with a system like that. When they do, I'll buy it. But, to date, because garbage, solid waste, is not a homogeneous product. It changes day to day, season to season and, so far, nobody has come up with a system that can do what you ask it to do.

Chm Gionfriddo

Any other questions? If not, thank you very much. You can get up and

make a statement, yes.

Wayne Reed

Wayne Reed. Country Club Road. When they were just talking Steve, they did mention just quickly the individual homeowner who'd be dumping garbage there as well as the trucks. And, looking at the site, and I don't know enough about it, is it going to be easy and convenient for the small homeowner, rather than backing up to some great big pit to dump the stuff?

Chm Gionfriddo

Individual homeowners are not going to be allowed on the site to dump their waste. I mean, if worse comes to worse, no decision has been finally made on this, but if worse came to worse, there may be some provision made for a transfer station where individual homeowners could go and dump their waste and have the material carted from there, but there will be no individual homeowners allowed onto the site to dump their waste.

Wayne Reed

Thank you very much for the information.

Chm Gionfriddo

If there's nothing else, we are going to close the Public Hearing on Item number 2. Move to Item number 3. From this item Commissioner Carta, I believe, is disqualifying himself. In his place will be Commissioner Thompson. I'll read the legal notice. Number 3 is a proposed six lot subdivision located on Middlefield Street. Applicant Frank Chowaniec.

PROPOSED SIX
LOT SUBDIVISION on
MIDDLEFIELD
STREET
F. CHOWANIEC

Attorney James Ripper

Mr. Chairman, see the problem people are having with this...Mr. Chairman, members of the Commission. I'm Attorney James Ripper. I'm representing Frank Chowaniec, who is here with me this evening. I am going to clarify one item. Even though the initial concept of this proposal was for a six lot subdivision, staff comments, more specifically one from the Public Works Department, with respect to the improvement of Villa Street will preclude us from seeking approval for Lot 384. Lot 384...our initial intention was that the entrance, or the access, to Lot 384 would be provided by the 50 foot frontage on Villa Street. It is economically unfeasible to develop Villa Street for that one lot, and consequently, an appropriate modification to that plan, or a footnote that that is not a building lot, would be appropriate. And that contingency should be part of the approval of this Commission sees fit to approve our application.

Comm Leinwand

Excuse me. Chairman. I don't understand what you're saying. We have a plan before us for a 1,2,3,4,5,6 lot subdivision?

Attorney James Ripper

If you count an existing house there, Steve, that's your sixth lot. There's not six new lots. There are five new lots as proposed.

Comm Leinwand

Just help us walk through this. Lot 382 and Lot 381, which are on Middlefield Street. Each being 15,000 plus square foot lots. Correct?

Attorney James Ripper

Terrific.

Comm Leinwand

And then Lot 383 and Lot 385, which are rear lots, correct?

Attorney James Ripper

Correct.

Comm Leinwand

Then what are you saying about Lot 384?

Attorney James Ripper

Lot 384... the justification under a rear lot provision for Lot 384 was to provide frontage from Villa Street. Now Villa Street is not improved beyond, I think it's Lots 27-28 on the Villa Street subdivision and the Public Works Department's recommendation was if, in fact, we're going to use Villa Street as an access to Lot 384, then Villa Street be improved in accordance with Town specifications.

Comm Leinwand

The Public Works Department suggested that you purchase Lot 23 and Lot 24 and Lot 24 and Lot 25 to get access.

Attorney James Ripper

That's not my understanding. I know that's one thing that was discussed at one time, was investigated, and you know, it appears at this time, you know, not to be feasible.

Comm Leinwand

Let me understand one thing about Lot 384. Lot 384 is all of the remaining land, up to and abutting the Coginchaug River?

Attorney James Ripper

That's correct.

Comm Leinwand

On both sides of the sanitary sewer right of way?

Attorney James Ripper

That's correct.

Comm Leinwand

Then you're suggesting that modification that you're speaking to tonight (inaudible)...doesn't exist?

Attorney James Ripper

What I'm saying is that Lot 384 should be shown as not a building lot if the Commission approves a subdivision as otherwise submitted. Because it does not have sufficient frontage at this point.

Comm Leinwand

I want to ask you a question. What is the reason why you don't redraw this map taking the boundary line between Lot 383 and Lot 385, and drawing it back to a corner of Lot 22 on Villa Street? Thereby creating a big triangular weird parcel for Lot 383 and then all the rest of the land

is all part of Lot 385.

Attorney James Ripper

Well, that's one option that you could pursue. Then if you...if someone came in at a future date, to improve Villa Street, because there are unimproved lots in Villa Street, we would then have to come in and go through a resubdivision process and actually take land away, which we had conveyed out. I think its most appropriate use is to just leave that be and then when other parties that own property on Villa Street improve it, then it may or may not become economically feasible to come in and request approval for Lot 384.

Comm Leinwand

Could I just, Mr. Chairman, could I just ask George [Reif] or Nino [Martucci] to speak to this issue (inaudible)... Lot 384 as not a building lot, or use my suggestion to find a wiser one.

Dir Reif

Your suggestion is far wiser. There's no provision for designating something that's not a building lot.

Comm Leinwand

Thank you.

Chm Gionfriddo

Yes

Attorney James Ripper

I will continue with the presentation. The...as is required, the properties that we are seeking approval for, can be served by public utilities. As indicated, I think in comments from Water and Sewer Department, there have been meetings to accommodate that situation and there will be sewer either to the front, going towards Middlefield Street, or to the rear, ultimately using the trunk line facility to the back. At this point it's a fairly simple presentation for, other than the point that Commissioner Leinwand has raised, and, I think, I would just open up the floor. The Chairman could...any questions of either the Commission or members of the public would have of us.

Chm Gionfriddo

Are there any questions by members of the Commission? Commissioner Leinwand.

Comm Leinwand

Jim, the Water and Sewer Department comment speaks about who is responsible for the laterals. My assumption is that you're responsible for the laterals to the property line? Is that your understanding?

Attorney James Ripper

Typically the laterals...you don't want to put a lateral in until you know exactly where your house is going to be located. Then you have a situation, if the lots are going to be sold individually, that's one issue. If they are going to be sold to a builder who is going to be in control of the whole subdivision, that's another situation.

I think that the lateral should be the responsibility of the person who requires that property and an appropriate notation can either go on the plan, or, as they do it in other communities, they put a declaration on the land records to that affect. So, that responsibility is noticed at the appropriate time.

Comm Leinwand

Right now there is City water and City sewer in Middlefield Street?

Attorney James Ripper

Yes.

Chm Gionfriddo

Are there any other questions? Commissioner Pillarella.

Comm Pillarella

Just for clarification. Under the present plan here you have no entrance or exit on Villa Street?

Attorney James Ripper

As it's presently configured no, except that as the plan is submitted, the concept that was submitted to this Commission was Lot 384 would have access from Villa Street. That is not economically feasible at this point.

Comm Pillarella

Just to get back to what Steve [Gionfriddo] said earlier. Would you have any problem in then extending that lying down then and making the rear of Villa Street...these Lots 22 to 26 part of Lot 383?

Attorney James Ripper

I would have an objection because what that really does, is that if you are going to then utilize the balance of your land wisely, what it does is hold you up from selling, let's say Lot 385, because now Lot 385 would comprise all of what's shown as Lot 385 and most of Lot 384. So Lot 385 couldn't be developed if you wanted to keep your option open to generate a new lot sometime in the future when Villa Street was developed and the other thing that it would preclude, very honestly, is a situation from my experience, what happens in these kinds of areas is that ultimately the property owners will get together and work out a resolution as to the way that land is going to be developed. Now, if that land is, if the line is extended as I understand it, as Commissioner Leinwand has suggested, Lot 383 will then own a lot of the rear acreage for Lots 22 through 26. Consequently preventing a situation for any resolution of the proper development of Lot 22 through 25, because those are...this is, again, it's an older subdivision, with presently substandard lots. The most appropriate way to do it is designating, in some fashion, or not showing it as a lot. Lot 384 is not buildable or not approved or a contingency that it's got to come back before the Commission. I don't have any magic or...on how you want to do that most appropriately. But I think that's the most effective way for not only Mr. Chowaniec's concern, or anyone else that would buy that property, but also abutting land owners.

Chm Gionfriddo

I just have one question. How does...you said that the placing of all that land and Lot 383 stops the development of Lot 22, 23, 24, and 25. How?

Attorney James Ripper

No. I'm not saying that it stops the development of that. I'm saying

that those lots are not the largest lots. In other words, if you look at Lots 32-33 are combined as to one lot. And some of those lots are larger. And, I think, that if you are going to have...continue the quality and size of housing as exists, let's say, on the entrance end of Villa Street, you are not going to obtain that by having the development of these small undersized lots. I think the economics of the situation that sometime will...there will be a combination of the land in that area. And that's personally what I think would be the best way to go for all concerned.

Chm Gionfriddo

So what you're saying is eventually if we leave Lot 384 alone, then you are assuming that somebody who owns Lot 22, 23, 24, or 25 is going to enter into some agreement with the owner of Lot 384 to make a more feasible finish to that end of the street.

Attorney James Ripper

I would think that would be the ultimate goal both of the Commission and the landowners. I mean, I can understand Commissioner Leinwand's suggestion, but it does preclude a lot of good planning options that this Commission and the landowners could have in the future.

Chm Gionfriddo

Commissioner Patnaude

Comm Patnaude

Getting back to the (inaudible)...I understand the part where they say that you're going to provide us (inaudible)...sanitary sewer across Lot 384. Do you understand what (inaudible)...that they're asking you to extend that line to take care of Lot 22, 23, 24, and 25.

Attorney James Ripper

I don't remember the exact (change of tape)...as many of the lots as possible. They've assumed part of that responsibility. Mr. Chowaniec has assumed the responsibility of a portion of it. In other words, he has modified his initial plan to accommodate the people in that area at the direction of the Water and Sewer Department and they have, in turn, agreed to absorb some of that cost.

Comm Patnaude

You understand, because this...that's very important. To the point of him extending that sewer to take care of those lots on Villa Street. (Interference)...part that he's not obligated to extend.

Attorney James Ripper

There's no question that that's...we understand that fully. We've had meetings with Mr. Baron to that effect and, I think, there's a common understanding there.

Chm Gionfriddo

Are there any other questions? Yes, George.

Dir. Reif

While you're looking at all the technical things, the big issue here is you have a limitation in your subdivision regulation that permit one rear lot for each four front lots. Obviously you have three front lots in a proposal for at least two and there was a third rear lot. So the ratio doesn't work.

Attorney James Ripper

The only thing I would say on that Steve [Gionfriddo]...you know, I had reviewed this with George [Reif] several days ago. The only thing that I can say is that I think that...I mean, I know that he and I have a different interpretation of the regulation and I don't know if he and your Commission have a different interpretation of the regulations, because if you literally apply the regulations the way I understand George would apply them, is the only way that this Commission can approve a rear lot, is that if it's a piece of land that exists by virtue of existing, prior to 1941, which I think is the effective date of your subdivision regulations, and involving no cut in the land since that time. That's the only way, with an absolute literal interpretation of your regulation, that you can approve that, because under your 4 to 1 ratio, I believe the intent of this Commission, was that were to apply to subdivisions involving the construction of a new road. And, if you do use that same provision and say that it would apply if there was not the construction of a new road, there are many proposals that I think this Commission has already acted on and I noticed one, I think it's a Brock application that was on prior to this one for a continued Public Hearing, that that literal analysis of it would preclude that from being approved as well. So, again, I think the intent of the Commission, with a rear lot provision, was to permit a limited amount of infilling and that the 4 to 1 ratio was to only apply to subdivisions involving a construction of a new road. If that's not the case, that's not the intent of the Commission, a lot of proposals should go back to ground zero and we should look at that regulation before we act.

Chm Gionfriddo

George, I don't want to debate it in the Public Hearing. That's...the appropriate time for that is during Committee discussion on the merits. So, this is for the Public Hearing portion. To give the public an opportunity to be heard and if you have a disagreement with his interpretation the Commission will discuss it when we take the matter up. If there are no other questions from members of the Commission, thank you. Are there any members of the public here to speak in favor of this proposal? Are there any members of the public here to speak in opposition? Come up and identify yourself please.

Attorney Myron Poliner

My name is Myron Poliner and I represent Daniel George Ciaburri, Donna McNulty, and Marie H. Ciaburri. Marie lives on Middlefield Street. And Daniel and Donna own a lot at the bottom of Villa Street. It would be on the old Ira Trench map. I believe Lot 21. I wanted to address myself particularly to that portion of...is the Lot 384 that's at the bottom? Not knowing that they were going to propose some limitation to that lot, yet, still wanting to be of record, I want to present to this body, these facts. In regard to that lot that is now owned by Donna McNulty and Marie and Daniel Ciaburri, it's my understanding that when a person submits a subdivision map he maintains that he owns the land on which he's proposing the subdivision. We submit to you, by way of a letter, and a series of deeds, the fact that the land to the river, beginning on Lot 21 is not owned by Mr. Chowaniec at all. It is owned by the people I represent. And, for the record, I would like to present a series of deeds that go back to a warranty deed from Ira J. Trench in 1912 to Frank

Magnano. It's a warranty deed and then traces through from Frank Magano by warranty deed to Marie Ciaburri, who has subsequently transferred it to her children. May I present it. For the record, you marked these presentations as exhibits, or what do you do?

Chm Gionfriddo

We don't give them exhibit numbers but we'll say for the record we're accepting this as one of your...

Attorney Myron Poliner

Thank you very much. I would also like to state for the record that late 1970's, ending in 1979, Marie Ciaburri granted to the City of Middletown, a sewer easement. The map was drawn and Marie was shown as the owner of the parcel of land from Villa Street to the river. (inaudible)...there was a taking easement granted, and Mrs. Ciaburri was paid. At no time was there a lawsuit started or any claim, that I know of, made...(inaudible)...Mr. Chowaniec that stopped the City from paying Mrs. Ciaburri and...or no claim made that he owned the land. And, in that regard, I would like to present to this Commission that 214A, filed in Middletown Land Records, which is the map...the taking map, the right of way plan, where the sewer easement came across his property and where this property was shown bordered on Villa Street and back to the river. May I present it? Lastly, if you're wondering from whence Mr...what is the problem with Lot 384 and its configuration design. Well, one thing is that there's a title problem. Secondly, I think that certainly the subdivision as proposed, without lot, set forth are on, ought not to be approved. The...if you're wondering how Mr. Chowaniec traces his title, the (inaudible)...that I can determine because a member of your Commission presented to me his source of title, is through a quit claim deed in 1931, wherein the remaining land that Ira Trench had was conveyed to Mr. Chowaniec. However, since it was a quit claim deed he conveyed only what he owned at that time. And, the title dies at that point. The original deeds all through this track, all run back to the river. And so, I submit to this body, that there is a direct conflict with the title and the drawing in the maps that have been presented. Thank you.

Chm Gionfriddo

Thank you, Myron. Anyone else wishing to be heard?

Helen Wojcicki

My name is Helen Wojcicki. I live on 23 Villa Street. I have here the subdivision regulation that has already been brought up, Section 04.02.01 that states you should have four lots, front lots before you get the rear lot. You people are going to discuss that amongst yourself. Am I right? Or am I wrong? Commissioner?

Chm Gionfriddo

At such time as the Commission takes up the discussion of whether to approve this subdivision, then I'm sure that will be one of the areas we will discuss. Yes.

Helen Wojcicki

Okay. Now, that last lot that he's talking about. That he says is not feasible to develop at this time, would have come out on Villa Street. I have all the residents of Villa Street are here with me tonight. There is only 10 homes on Villa Street. And, as far as we are concerned, Villa

Street is fully developed. So, I don't know why they keep saying that when Villa Street is developed, this and that will take place. At the end of Villa Street, there's only maybe two lots left and they're 40 foot lots, which we'd have to put two lots together to build a house anyway. Well, anyway, what I'm doing here is to try and stop any access into Villa Street. And the residents of Villa Street would like you to vote down any access into Villa Street. I have a petition here signed by all the residents. Can I give this to someone?

Chm Gionfriddo

What I was going to say, do you have anything else? Go ahead, Commissioner.

Comm Patnaude

You live at 23, right? Do they have a sanitary sewer there?

Helen Wojcicki

Yes, we have. Okay. Yes, we have sewer on Villa Street.

Comm Patnaude

(inaudible)...Thank you.

Chm Gionfriddo

Did you have anything else?

Helen Wojcicki

No, just that we want you to vote down any access into Villa Street.

Chm Gionfriddo

Thank you. Is there anyone else wishing to be heard?

Marie Ciaburri

I'm Marie Ciaburri. I live on the corner of Middlefield Street and Villa Street. My children are the ones that own that property at the end of the road. Villa Street is completely settled right now. The people that live there have lived there a minimum, I would say, most of us, thirty-five, forty years. There is no development to be made there. The only thing there is there is at the end of the road there are two small lots. Each 40 foot frontages. It would be to no one's advantage to open that street up and have traffic coming through there. It's heavily congested now. People that live there own two and three cars. With company it's even worse. So, the only ones that are going to benefit by it is Mr. Carta and his new development. We strongly advise that it isn't done because who is going to profit by this? Certainly the people that live there and have been paying taxes for the last forty, fifty, and even more, are not going to gain anything by it. What would be the point in opening it up? Will somebody answer that?

Chm Gionfriddo

It's not up to us to answer what would be the benefit of opening it up. I understand your point. The developers made a point. We're not going to...it's not my position to answer who's...what the benefit is to the City to opening it up.

Marie Ciaburri

As far as traffic goes, it's heavily congested now. Would it be even

worse if you have people coming round from both ends?

Chm Gionfriddo

This isn't the...I understand what you're doing. I'm not going to be responding to your questions. Obviously, if you open it up, it's going to create more traffic. But, it's not how it works. That you sit there and ask me whether it's going to create more traffic by opening it up. If you want to make a point that you feel it's going to create more traffic...

Marie Ciaburri

I'm making the point.

Chm Gionfriddo

Fine.

Marie Ciaburri

Okay. I'm making a point. It's heavily trafficked and very congested as it is now and there is no point, as we can see, of making it worse.

Chm Gionfriddo

Thank you. Is there anyone else. Before we get back to the same people who have already spoken, is there anyone else who wishes to be heard? Okay. I'm going to take it for granted that everyone on Villa Street feels it will make traffic worse if we open it up. Okay.

Angelo Milardo

My name is Angelo Milardo, 50 Villa Street. There is no way that he can hook up to that sewer on Villa Street. He said he hooked up to that sewer, didn't he? Go towards Middlefield? There's no way. How about the last house. He'll have to go about 23 feet deep. How can he do it?

Chm Gionfriddo

Are you asking a question?

Angelo Milardo

That's what you're here for.

Chm Gionfriddo

No, it's not what I'm here for. If you would like to raise points, we will have to take them up with appropriate city staff and there is nobody here other than, perhaps, Commissioner Patnaude, who has the expertise in the area of water and sewer to answer questions like that. If there are legitimate questions that are asked that we need answers to, we'll go to the appropriate individuals in the Water and Sewer Department and get them before we make a decision. So, if you have points you want to raise, for us to consider, now is the time. Back to the old EIS days, right. Is there anyone else who wishes to be heard this evening on this matter? If not...yes, Jim [Ripper].

Attorney James Ripper

Just to respond to a few items. Number one, that the sewer is not served through Villa Street, as I indicated before. It's not economical to do that. And it is being done through the rear, going through Lot 384 as

one of the Commissioners had pointed out. But, with a modification to our original proposal as requested by Water and Sewer to accommodate those landowners on Lots 22 through 26. Now unless I did not read my map and I have lost something since my army days, I don't think there is any structures on Lots 22 through 26 as it appears on this map. Then, those are vacant lots that are going to have to be addressed. A couple of the people have indicated that there's only a couple of lots available for development. I suspect what that is, is that that's their conception from looking at the improved roadway, not actually what's in this particular subdivision plan. That's something that you, the Commission, can reflect on. I would point out that with respect to the title problem that Attorney Poliner has raised, I have studied that as well, and I worked in conjunction with Connecticut attorney's title. An attorney there, in a different conclusion is reached, I don't think we necessarily have to have a concern about that. That's a civil matter that really doesn't concern this Commission. It's not going to be...the Commission is not going to affect it if we handle Lot 384 as I've suggested anyway. But what the Commission should realize is that Lot 21, at least from my analysis, is if you take Lot 21 as it exists on the subdivision map after its been impacted by the sewer right of way and you ply your setbacks and building lines to it, you're not going to be able to build anything there anyway. Or if it is, it's going to be so unmarketable that it's not going to be worthwhile to do it. Now, maybe I can be educated on that some other time. I would point the Commissions...to the Commission to the rear of Lots 17,18,19, and 20, on Villa Street, one of the homeowner owning those properties, and, I think, all of those lots are devoted to one use, one residential use. The person there did desire and did request access to the river. And, to the extent that we own that land as ultimately determined, you know, we are going to be conveying that (inaudible)...to that landowner. The footnote does appear there and should remain there to that effect. Again, my request is to approve the subdivision noting Lot 384 as not a building lot or in any other manner that the Commission desires. The rest of the lots are very typical rear lot situations. They can all be watered, sewered. There is nothing really peculiar about those in any way. And then, at that point, the respective landowners in that area, can resolve the best utilization of that land, you know, with review of the Town staff. I would request this Commission sees fit to make it an agenda item under new business this evening. Thank you.

Chm Gionfriddo

The only thing I would tell you is it is entirely unlikely that this is going to come to a vote this evening. Okay. Based on what I've seen and some of the questions that have been raised, I don't believe this is going to come to a vote this evening.

Comm Leinwand
Mr. Chairman.

Chm Gionfriddo
Commissioner Leinwand

Comm Leinwand

Do we have the right to request of the developer that for our next meeting we receive a revised map? One that shows the line between Lot 383 and

Lot 384 being extended toward the river to the quarter of Lot 22, so that Lot 383 is one larger rear lot and Lot 384 no longer exists and there's (inaudible)...to Lot 385, and the map clearly shows that that particular lot cannot be sold until the boundary dispute if this Lot 21 is resolved? Can we ask for that or are we locked into saying, yes/no?

Chm Gionfriddo

The only thing I would suggest to you is, you can ask for it. If they don't agree with it, and don't wish to provide it, and the Commission wishes to approve it based on those contingencies then we can so approve and the developer would have the opportunity to take what other recourse he felt he had to take. But, obviously, if they are not in agreement with what you're suggesting, I doubt very much they are going to go ahead and draw the map. I guess he's heard your request. If they wish to provide us with that map, that would be their option, but the Commission would have the authority, I would assume, to approve it along those lines with or without the map. Nino [Martucci] or George [Reif].

Nino Martucci

I'd like to bring in one more item since I check on all the research. He owns this parcel right here. Lot number 39.

Attorney James Ripper
How big is that?

Nino Martucci

It has a 48 foot frontage. When I read the deed, it goes all the way back to the river. Now somewhere along the line was cut off at this point. I think you should tell us when it was approved because since it's the same ownership, if you're going to act on this, I think you should bring this lot into it and approve it.

Chm Gionfriddo

Jim [Ripper] are you aware of anything dealing with that?

Attorney James Ripper

The only thing that I was aware of, Steve, is that the...because I had not, you know, I didn't even look at the title on that particular piece. I was concentrating on another area. The...my understanding is, I had seen a map that Lot 39 was essentially shown as it is there. Now, if, in fact, that's not the case by approving the subdivision this Commission would be approving that. There is an existing house on Lot 39, I believe, so it's, you know, all the Commission is doing, I think, is reaffirming what's presently in existence.

Chm Gionfriddo

The problem is, according to the land records, according to what Nino [Martucci] is indicating, that lot goes all the way back to the river. So, somewhere we're cutting that lot off a lot short of the river. So, actually, that lot is actually part of the subdivision. If that's the case.

Attorney James Ripper

Oh, there's no question that that's common ownership and would be

considered part of the subdivision.

Chm Gionfriddo

Well, right now, you really don't have it as part of the subdivision.

Attorney James Ripper

Well, what I'm saying is that I do not have knowledge of the fact that that goes back to the river. I can verify that for the Commission part.

Chm Gionfriddo

What I'm going to suggest is...Nino, I'll call on you in a second. What I'm going to suggest is it seems like that's another question thrown in here. I'm...unless the Commission indicates otherwise to me, I'm going to keep this Public Hearing opened to the next meeting so that that and other questions can be resolved. Okay, George [Reif]. You're both raising your hand all the time. So...

Nino Martucci

To help him out in his research, there's a map, number 73-2 that's on file, and this is when this 48 x 200 foot lot first appears and the signatures bar none. There are no Planning Commission signatures on this one, on that particular lot.

Attorney James Ripper

If that's the case, what I'm saying is, again, I'd have to verify that, that by action on this plan you would be accomplishing that. There's no question that both pieces are subject to this application.

Dir. Reif

If there are any changes to the drawings, I'd like to recommend that your requirement 03.04.10 be followed, which is that houses and buildings in the area be shown that are there now and that proposed that would have been very helpful in tonight's discussion to have known where the houses were. It's also important, since there's a major drainage system that runs through this area, where any house might be located on that plot.

Chm Gionfriddo

Jim [Ripper]...

Comm Leinwand

That's the first time George [Reif] has been applauded in the six years I've sat here.

Chm Gionfriddo

No, that's...No, Jim [Ripper] you understand where the concerns are? Okay. We're going to keep the Public Hearing open. The public will have an opportunity to be heard again on October 8. You'll have your opportunity to come back and address some of the concerns. You've also heard at least the expression of one Commissioner as to what he feels should be done with Lot 384. There's...nobody else has really expressed themselves on it.

Attorney James Ripper

One thing I would ask, Mr. Chairman, with regard to the issue of

stipulating a salable lot based upon resolution of a title dispute I guess my gut reaction from practicing is that that's not an appropriate action by the Commission. Maybe you want to run that by the Town Attorney since we have some time because, you know, again, I'm not trying to obviate anybody's rights in that area, but I think it's an inappropriate action. I think this probably be resolved amongst the parties, you know, if there's some cool heads around.

Chm Gionfriddo

What I'm going to do is refer this question of the boundary dispute to the City Attorney to see what ramifications it has with respect to the subdivision approval. Okay. And for members of the public, I'm not...when I didn't answer your question, or respond to your question, I'm not giving you short shrift. Everything you've said, we've made note of, and we are going to take all your comments into consideration. Okay. I see hands being raised, so we haven't closed the Public Hearing yet this evening yet this evening, so if you have something you'd like to say you can come forward.

John Wojcicki

My name is John Wojcicki. I am a resident now of 133 Woodbury Circle. I lived on Villa Street for some 25 years. I'm hoping that maybe I can give you some information that may help you understand Lot 384. As a child, I fished on Lot 384. I drove a rowboat through Lot 384. I ice skated on Lot 384. There was a stream that ran into Lot 384 that was turned into the river. The dam that used to cause Lot 384 to be under water was partially destroyed so that the water wouldn't be backed up and thus Lot 384 was created. Lot 384 in the springtime, gentlemen, if you take look still goes under water and I think that that would be a very serious consideration and something to look into. I, personally, being from the area, had pursued land at the end of Villa Street myself, found that the only way I could get on one of those small lots on the river side would be to fill and was told that those were Inland Wetlands and I wouldn't be able to do that, and thereby pursued that no further. I would hope that no one else would build or pursue that either for the same reason.

Chm Gionfriddo

Thank you. Okay. If you have anything else, I'll only tell you, applause is not weighed.

Adjournment 9:30 P.M.

Transcribed by
Iris Schnipper
Temporaries Unlimited