

PLANNING AND ZONING COMMISSION PUBLIC HEARING

SEPTEMBER 25, 1974

Ralph H. Shaw, II, Chm.; Eric G. Lowry, Vice-Chm.;  
David B. Mylchreest, Secy.; Sebastian Garafalo;  
Edward J. Kalita; Alternates: George L. Augustine;  
David P. Bengtson; Gerald J. Lentini

COMMISSION MEMBERS  
PRESENT

Seb J. Passanesi; Betty Matteo; Alternate Kent M.  
Scully

MEMBERS ABSENT

George A. Reif, Dir.; Catherine V. Raczka, Ass't.  
Dir.; Althea Rinaldi, Recording Secretary

STAFF

Philip G. Bauer, Engr., Public Works Dept.; Frank  
Opalacz, Dir. Water & Sewer Dept.; John Brooklier,  
reporter, Middletown Press; 22 members of the  
Public-at-Large

OTHERS

Gerald J. Lentini, sitting in for Comm. Passanesi;  
George L. Augustine sitting in for Comm. Matteo

ACTING MEMBERS

CHM. SHAW:

I'll call to order the public hearing section of  
the meeting of the Planning and Zoning Commission.  
Mr. Lentini will be sitting in place of Comm.  
Passanesi and George L. Augustine will be sitting  
in for Comm. and Councilwoman Matteo.  
We have three items on the agenda for the public  
hearing tonight and I'll ask our Secretary Mylchreest  
to read the call.

SECY. MYLCHREEST:

THE MIDDLETOWN PLANNING AND ZONING COMMISSION  
WILL HOLD A PUBLIC HEARING SEPTEMBER 25, 1974,  
STARTING AT 7:30 P.M., IN THE COUNCIL CHAMBER,  
MUNICIPAL BUILDING, DEKOVEN DRIVE, MIDDLETOWN,  
CONNECTICUT, to consider proposals for the  
following:

1. Application for a Special Exception to  
permit removal of <sup>N</sup>Natural Resources in  
an I-1 Zone. Applicant Samuel Levitsky.  
Location 1582 Saybrook Road.
2. Application for a Special Exception to  
permit a package store in a B-2 Zone.  
Applicant Anthony Crescimano. Location  
Saybrook Road.
3. Application for a Special Exception to  
alter a building containing 2 apartments  
to create a third apartment in a R-3 Zone.  
Applicant Albert S. Cubeta. Location  
169-171 Liberty Street.

ANY AND ALL PERSONS INTERESTED MAY APPEAR AND BE  
HEARD.

COMM. AUGUSTINE:

Is that 164 or 169?

SECY. MYLCHREEST:

169-171 Liberty Street.

CHM. SHAW:

You have heard the call. You remember this meeting was not held two weeks ago because of an error in publication dates of the hearing. It has been published twice on Sept. 13, again Sept. 20, in accordance with the regulations and the statutes which cover such a problem. The first item is the item regarding the removal of Natural Resources, naming Sam Levitsky. Atty. Steele if you'll...

ATTY. STEELE:

Yes, I am here tonight to represent Mr. Levitsky.

REMOVAL OF  
NATURAL RESOURCES  
SAM LEVITSKY  
SAYBROOK ROAD

CHM. SHAW:

Will you please identify yourself for the records, so that we can get information on that tape.

ATTY. STEELE:

I am Atty. Steele, Alan E. Steele, Middletown, Connecticut, and I represent Mr. Sam Levitsky who has petitioned the Commission. I believe that most of you are aware with the background of this matter, but for the record I would like to briefly go over the reclamation of the property located on Saybrook Road which is the property in question. Basically, this property is zoned I-1. Mr. Levitsky has a business there. The property itself is quite hilly, has a big hill in back of it. It has been found in the hill there is rock which contains some feldspar. Mr. Levitsky wishes to remove this from the land to reclaim the land and level it off so it could be used for purposes in conjunction with the Zone I-1 Use. This has not been determined yet and as I am told the Commission before that if there is any question as to its future use Mr. Levitsky will have to appear before the Commission again under Section 55. If there are any restrictions that the Commission wishes to put on it this is welcome as well. However the only matter up at this time is the matter of the reclamation of the land. Mr. Levitsky did start to remove some of the rocks from this land as I say was found to have feldspar. To offset the defray the cost in this undertaking Feldspar Corporation did take the ore or the rock that had feldspar in which they paid him and he had to - Mr. Levitsky had to hire his own people to actually...well actually blow the rock out of the property. There is a firm from Avon Texplo who has been doing this and Texplo has received the necessary permission from the City Fire Department. In fact anything that was done on the property in question and prior to the time that this came before the Commission was done with all knowledge of the town and the City returns of any licenses or permits that were required. Mr. Levitsky will abide by all the regulations and laws of the town. It was felt originally this started within

the exception of 41.03 that Mr. Levistsky was only utilizing his own property. He was reclaiming it and was leveling it off and landscaping. However, thru meetings that were had and members of the Commission, Mr. Reif, it was decided to be here tonight under 41.02, for this exception. The map that you see in front of you is the removal of-from the typography you see is the removal of this rock, leveling it off and filling it in. It will be a reclamation of the land. It is not a business of mining as some people thought it was. It is not a non-going matter it's one that will end as soon as this is removed which will take several months. Now, Mr. Levistsky is also contacted the Police Department here in Middletown to determine the routes necessary for trucks to take in removing any of the rocks and debris from the property. This route has been determined by the Police Department and this will be done in accordance with any recommendations made by the Police Department. As can be seen from the map itself it is a n area of 163 thousand 328 sq. ft. from the line shown it will not cover all the property but it will level mostly the portion back of the existing building where he is now located. It will not be used as a junk yard and this could be a restriction that any one of you may put in your findings. Are there any questions?

CHM. SHAW:

Do I read this properly that the line which is mostly past is the edge of the area which lacks in development. The distance from/street back--- back to that point behind the building.

ATTY. STEELE:

From the street behind?

CHM. SHAW:

From the street ...

ATTY. STEELE:

I believe by the regulations it's to be 25 ft. at least 25 ft.

CHM. SHAW:

How far is it from the street line to the area behind the building and below. How far back does it go? What is (inaudible) depth in there?

ATTY. STEELE:

I don't have that here. I believe you can scale it. I don't have the scale with me. Scale is 1" = 20 '.

CHM. SHAW:

Alright. 150 ft. of it, it looks like. It is shallower than I had anticipated it would be... will it be virtually level through that area when he is through?

ATTY. STEELE:

Yes. Within the zoning, building restrictions in the way of

in the way of blasting. There are certain restrictions on blasting which is in the contract with Texplo in accordance with the regulations of the town.

CHM. SHAW:

How will that bank appear unless he said that at some point about the top soil being seeded but I don't imagine much top soil on that bank.

ATTY. STEELE:

No, there will be...there will be a cutting and filling operation. The...it calls for a filling of three feet. At least of soil in that area. It will be below the level of the land elevation at this time....

CHM. SHAW:

This is the level area right? I'm talking about the bank because that is being to be fairly steep. I would guess here.

ATTY. STEELE:

Yes, there will be a bank in...there will be some seeding done there. I couldn't say how thick that will be.

COMM. KALITA:

Is that going to make it a drop from the (inaudible)

(CONVERSATION IS INAUDIBLE...TO MANY TALKING AT ONE TIME)

PHIL BAUER:

Yes

(CONVERSATION BETWEEN COMM. KALITA AND PHIL BAUER IN PART ARE INAUDIBLE)

PHIL BAUER:

It's behind. Yes it's on his own property.

CHM. SHAW:

His property I suppose is the curb line....

PHIL BAUER:

It's about 40 feet off the street line where the bank begins.

CHM. SHAW:

Is there anyone else that you want to call on?

ATTY. STEELE:

Well maybe some people here yes would like to speak up. I have many of the neighbors who are adjoining property owners and in the area who are not here tonight did sign a petition here in favor of this and I would like to submit this to the Council in part of 25 neighbors here.

CHM. SHAW:

In keeping with our usual custom I would like to ask if anyone else would want to speak for this proposition that they do so first and then if any of you who are want to speak in opposition would speak afterwards. This way we can (inaudible) keep the individual testimony separate. First I'm going to ask Dir. Reif if he as any comments from those grades.

GEORGE REIF:

Yes we do. The Police Dept. comments;

The Middletown Police Department has no objections providing that Mr. Levitsky will meet with Lt. James Genovese of the Traffic Division to discuss the best possible route for the trucks to use, which will cause the least inconvenience for residents in the area.

Chief Eugene B. Rame  
Traffic Lt. James Genovese

POLICE DEPT.  
STATEMENT

From the Department of Public Works:

This office has no objections to offer for the above referenced operation other than the admonition that any damages to roadways and existing drainage courses must be the responsibilities of the owner for repair and restoration.

John C. O'Brien, Dir.  
Public Works Dept.

PUBLIC WORKS DEPT.  
STATEMENT

These are the only two departments that have responded

CHM. SHAW:

You have not heard from the Fire Dept.?

Atty. STEELE:

Mr. Levitsky has informed me for the record that he has met with Lt. Genovese and has agreed to.....

CHM. SHAW:

Is there anyone who wishes to speak for this proposal. Anyone at all. Is there anyone here who would like to speak in opposition to this proposal? Would you like to speak?

MISS LOHMAN:

No not exactly.

CHM. SHAW:

Well, step right up don't be bashful.

MISS. LOHMAN:

Except that the instruments that was signed by all the neighbors was never shown to me and I'm the one person concerned.

GEORGE REIF:

They don't know who you are. Will you sit down and make yourself at home and tell the planning Commission who you are and the whole story. Here's your chance.

MISS. LOHMAN:

I didn't hear that.

CHM. SHAW:

Excuse me, Will you please identify yourself so we will have it for our records.

MISS. HELEN LOHMAN:

I'm Helen Lohman, living on Dripps Road. The only person on the road.

CHM. SHAW:

What statement did you want to make about this.

MISS HELEN LOHMAN:

I don't want to make any. I would just like the place cleaned out, and let some of it in a decent shape. I have no quarrel with Mr. Levitsky or his friends. I just want---the place looks like hell excuse the expression. He has taken down all the trees, he has a lot of loose rock there now and the telegraph poles was knocked down by his blasters a few weeks ago and I was without electricity for 7 hours. You see I'm the only person effected by this thing. I'm the only person who wasn't shown this...the paper to sign.

CHM. SHAW:

Thank you very much. Is there anyone else who wishes to speak in opposition to this proposal. Anyone else wishes to speak about the proposal at all.

COMM. KALITA:

Is there any proposed timing on how long this would take.

ATTY. STEELE:

Well it was estimated it would take about 6 to 8 months. To finish this job. You have to remember what Miss Lohman was taking about was that work had started and was stopped by the order of the Commission and any loose rock <sup>was</sup> recognized. The loose rock was only on Mr. Levitsky's property, the trees that were removed were on his property.

There was nothing disturbed off his property. This is the first time I've heard about it, the telephone pole, I was completely unaware that anything like this happened unless a... their hasn't been any work done there now for about a month and a half. Its completely halted.

CHM. SHAW:  
Thank you.

COMM. LOWRY:  
Will you please explain again what's going to be done about the up grading of it, since this is (inaudible) again.

ATTY. STEELE:  
Yes, what's going to happen is that the note before the blasting is done, lot of the earth the soil is removed. Once/rock is removed and there is a fill that is moved along outside the area. Now once the rock is removed below a certain level to the grade level they want they will then fill it in. That will be leveled off.

COMM. LOWRY:  
Is that done as they go along or is that the end of the operation or the very end.

ATTY. STEELE:  
Well we...the actual manicuring is done at the end the filling is done as you go along as you reach the grade level.

GEORGE A. REIF:  
Mr. Levitsky has filed a bond for 8,000 dollars guaranting that it will be reclaimed according to the...

COMM. LOWRY:  
I was wondering if (inaudible) as they go along or...

GEORGE A. REIF:  
Well this is a four acre lot and probably will... the materials is going to be removed and probably will be removed and reclaimed all at one time.

ATTY. STEELE:  
That is correct put on the lot and filled in as they go along.

CHM. SHAW:  
I think (INAUD) upon Mr. Levitsky to disrupt as little

as possible, the neighboring areas and I think he should and I trust he is listening to this comment tonight I trust he is aware of this.

ATTY. STEELE:

Yes he is aware of it in fact he is very sensitive to this and has been I think most cooperative with all members of the different City departments to make sure that whatever is done is done properly and within the regulations and actually welcomes any inspection or advice that the City can give on this matter.

CHM. SHAW:

THANK you. If there are no other comments about this activity I ask that we move on to the second item for the public hearing for a package store Saybrook Road for a Special Exception requested by Anthony Crescimanno. Is there anyone here to speak for Mr. Crescimanno?

ANTHONY CRESCIMANNO:

My name is Anthony Crescimanno and we are building a mini shopping center on Saybrook Road and one of the stores that we are planning to put in that area will be a package store. We are asking permission to do this. We intend to have four stores in this area. There are presently two stores there at this time. One is a Dodge Dealership and the other is a tire and auto repair center. If there are any questions I'll try and answer them.

PACKAGE STORE  
SPECIAL EXCEPTION  
SAYBROOK ROAD  
ANTHONY CRESCIMANNO

GEORGE A. REIF:

I think we should establish the fact this is a B-2 Zone and this is one of the zones that permits a package store if granted a special exception by the Planning Commission that is why Mr. Crescimanno is here tonight he has other businesses I believe in the other retail outlets but the only one that requires a Special Exception is the package store. The basic question is the criteria whether or not if there is one within fifteen hundred feet from a package store.

ANTHONY CRESCIMANNO:

No there is nothing in that area.

CHM. SHAW:

Is this building up?

ANTHONY CRESCIMANNO:

It's a building we are going to renovate yes it is up.

CHM. SHAW:

What's in it now?

ANTHONY CRESCIMANNO:  
A tire dealership.

COMM. KALITA:  
Is that right next to the automobile dealership?

ANTHONY CRESCIMANNO:  
Yes it is.

COMM. KALITA:  
Al's place.

CHM. SHAW:  
Do you have plans for the others?

ANTHONY CRESCIMANNO:  
I have a couple, yes.

CHM. SHAW:  
Are there any questions about it. George do you have any comments?

GEORGE A. REIF:  
The only issue here is special exception.

CHM. SHAW:  
Is there anyone else who wishes to speak in  
your behalf.

ANTHONY CRESCIMANNO:  
No I don't think so except that George says the  
area is zoned for that with a Special Exception  
and we feel that-you know we are going to try  
and make a nice mini shopping area up there with  
the six stores combined in that area. I think  
that area needs something that these people  
have along way to do any shopping at all. The  
after hours shopping or the after six shopping  
we feel that it would be a real asset to that  
area.

CHM. SHAW:  
Thank you. Anyone else wishes to speak about this  
proposal. Anyone? Will you please identify yourself  
for the records.

ELSIE SALONIA:  
My name is Elsie Salonia and I would like to know  
is the only criteria that one thousand five hundred  
feet nothing comes into this at all.

GEORGE REIF:  
It must be in the proper---in the right zone.

ELSIE SALONIA:  
I realize that but if it's in a B-2 Zone the only

criteria is if it is within a 1,500 ft. that the need for that type of business doesn't come into your jurisdiction at all?

GEORGE A. REIF:

Well it doesn't in sense that there a list of things that are permitted in the B-2 Zone under the Planning Commission regulations one of them is for retail outlets including a package store. You suggest that the Planning Commission would decide whether or not <sup>that there was</sup> a demand in the area and the answer there is no.

ELSIE SALONIA:

That is no. That is my only question. Thank you.

CHM. SHAW:

THANK you. Is there anyone else have any questions or comments about this application? Anything at all. Thank you very much if not we will close that item and we will go on to the last item of the public hearing. The alterations of an existing building containing two apartments change to 3 apartments in an R-4 Zone located at 169-171 Liberty Street. Applicant Albert S. Cubeta.

ALBERT CUBETA:

My name is Albert Cubeta and I have a two family house on Liberty Street. Last spring we had a fire and it sort of gutted out the top floor so we are in the process of renovating the house and at this time would like to put in a third floor apartment while it's opened up.

SPECIAL EXCEPTION  
ALTER EXISTING BLDG.  
2 APT. TO 3 APTS.  
169-171 LIBERTY ST.  
ALBERT S. CUBETA

GEORGE A. REIF:

The reason Mr. Cubeta is here tonight is because he has already said he has a two family dwelling unit. The Zoning Code requires three or more dwelling units have plan of Special Exception by the Commission. If you are applying for three or a hundred you'd have to come to this public hearing so he happens to be hitting the minimum number three. We have gotten two comments back one from the Fire Dept.

This Department has no objections to plans of Albert S. Cubeta, 169-171 Liberty Street, as long as a second and separate means of egress is provided from the third floor apartment.

FIRE DEPARTMENT COMMENT

Chief John E. Riordan

The Department of Public Works:

Please be advised that this office has no objection or comments to offer on the proposed use of the above referenced property.

PUBLIC WORKS COMMENTS

However, we do request that more scrutiny be given to a submitted site plan before acceptance by staff

for a review. This particular one has no pertinent data to offer other than nothing shown meets any of the requirements for a site plan review.

John C. O'Brien, Director of Public Works

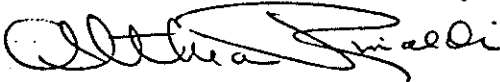
They state that the quality of site plan is not up to standards is true. The difference here is the building is there and it is possible to go look at it and I've happened to go look at it. I would suggest that one problem is and that is your driveway. Great risk I drove my automobile down your driveway and I picked it up and carried it back. It needs to be paved.

CHM. SHAW:

Are there any questions. Comments? Is there anyone else who wishes to speak about this proposal. Either yes or no. Hearing none I'll call a-I'll close- the public hearing portion of this meeting is closed.

ADJOURNMENT

Respectfully submitted,



Althea Rinaldi  
Recording Secretary

RALPH H. SHAW, II, CHAIRMAN  
PLANNING AND ZONING COMMISSION