

Chm. W. Lee Osborne, Vice-Chm. Philip Halibozek Sec'y Stephen Shapiro, Comm. Ann Loffredo, Comm. Anthony J. Vasiliou, Comm. Jennifer Alexander, Comm. Francis Patnaude	COMMISSION MEMBERS PRESENT
Comm. Sebastian Passanesi, Comm. John Robinson, Comm. Stephen Gadowski, Comm. Gerard Winzer, Mayor Thomas Serra, Ex-Officio, Dir. P.W. Salvatore Fazzino, Ex-Officio	COMMISSION MEMBERS
William Warner, Planning Director	STAFF
There were approximately twenty-five members of the public present.	PUBLIC
On motion and second by Comms. Ann Loffredo and Anthony Vasiliou the Commission approved the minutes of the September 7, 1994 meeting. Vote was unanimous with Comm. Francis Patnaude abstaining.	ITEM 2.1 APPROVED MINUTES 9\7\94
The Commission acknowledged the ZEO Sign Report.	ITEM 3.1 ACKNOWLEDGED ZEO SIGN REPORT
William Warner explained the logic behind the map. Discussion ensued. The Commission agreed with the concept. Comm. Francis Patnaude commended staff on their work.	ITEM 3.2 AGREED WITH CONCEPT FOR FUTURE LAND USE PLAN
On motion and second by Comms. Ann Loffredo and Anthony Vasiliou the Commission tabled a request for release of the cash deposit for Oakridge Estates located off Stevens Lane. Vote was unanimous. Applicant\agent Stephen Realty & Development, Inc.\Kathleen D. Swingle S86-2	ITEM 4.1 TABLED REQUEST FOR RELEASE OF CASH BOND FOR OAKRIDGE ESTATES OFF STEVENS LANE
William Warner explained. Discussion ensued. Comm. Jennifer Alexander recommended that the Police Department review the site plan and that monies be reserved to ensure replanting. On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission approved the landscaping plan with conditions. Vote was unanimous. Applicant\agent Westridge Associates\Glenn Russo, President S90-22	ITEM 4.2 APROVED LANDSCAPING PLAN WITH CONDITIONS FOR WESTRIDGE ESTATES SUBDIVISION
William Warner explained the letter. Comm. Francis Patnaude questioned staff. Chm. W. Lee Osborne questioned the need for a public hearing. Comm. Anthony Vasiliou concurred with the public hearing. Discussion ensued. On motion and second by Comms. Ann Loffredo and Anthony Vasiliou the	ITEM 4.3 SCHEDULED P.H. FOR REVISION TO SPECIAL EXCEPTION FOR 871 NEWFIELD STREET

Commission scheduled a public hearing date of October 12, 1994 for a revision to a previously approved Special Exception at 871 Newfield Street. Vote was unanimous. Applicant\agent Marco DiMauro\ Atty. Sebastian N. Giuliano SE93-6

On motion and second by Comms. Ann Loffredo and Anthony Vasiliou the Commission granted final approval of Old Farms Subdivision located off Atkins Street with the condition that a cash bond be posted. Vote was unanimous. Applicant\ agent Old Farms Associates\Robert Fusari, President S88-7

ITEM 4.4
GRANTED FINAL
APPROVAL FOR OLD
FARMS SUBDIVISION
WITH CONDITION THAT
A CASH BOND BE
POSTED

On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission scheduled a public hearing date of October 12, 1994 for a proposed Zoning Code text amendment to modify Section 10.07.02, Ownership. Vote was unanimous. Applicant\agent Vincent Sansone\Atty. Theodore V. Raczka Z94-17

ITEM 5.1
SCHEDULED P.H.
10\12\94 PROPOSED
ZONING CODE TEXT
AMENDMENT SECTION
10.07.02, OWNERSHIP

On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission scheduled a public hearing date of October 12, 1994 for a proposed Special Exception for an accessory parking lot to be located at Gold's Gym on Tuttle Road. Vote was unanimous. Applicant\agent Vincent Sansone\Atty. Theodore V. Raczka SE94-11

ITEM 5.2
SCHEDULED P.H.
10\12\94 PROPOSED
SPECIAL EXCEPTION
FOR A PARKING LOT
GOLD'S GYM TUTTLE
ROAD

On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission scheduled a public hearing date of October 12, 1994 for a proposed Special Exception to set up plastic hoop greenhouses in excess of 5,000 square feet at 320 Chamberlain Road. Vote was unanimous. Applicant\ agent The Eddinger family SE94-12

ITEM 5.3
SCHEDULED P.H.
10\12\94 PROPOSED
SPECIAL EXCEPTION
FOR PLASTIC HOOP
GREENHOUSES AT 320
CHAMBERLAIN ROAD

On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission scheduled a public hearing date of October 12, 1994 for a proposed Special Exception to permit a video rental store in the 100 year flood plain at 551 Washington Street. Vote was unanimous. Applicant\agent Michael Legman SE94-13

ITEM 5.4
SCHEDULED P.H.
10\12\94 PROPOSED
SPECIAL EXCEPTION
FOR A VIDEO RENTAL
STORE AT 551
WASHINGTON STREET

On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission scheduled a public hearing date of October 12, 1994 for a proposed 16 lot subdivision with a Special Exception for the 100 year flood plain to be located on Millbrook, Chamberlain Hill, and Lyceum Roads. Vote was unanimous. Applicant\agent CMP Construction, Inc. S94-10

ITEM 5.5
SCHEDULED P.H.
10\12\94 16 LOT
WITH SPECIAL
EXCEPTION FOR
CHAMBERLAIN HILL,
MILLBROOK AND
LYCEUM ROADS

On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission scheduled a public hearing date of October 12, 1994 for a proposed Special Exception for an adaptive historic reuse for a retail store within a two family dwelling at 228 William Street. Vote was unanimous. Applicant\agent Emile deLeon SE94-14

ITEM 5.6
SCHEDULED P.H.
10\12\94 FOR A
SPECIAL EXCEPTION
FOR RETAIL STORE
AT 228 WILLIAM
STREET

William Warner explained the proposal. Comms. Anthony Vasiliou and Ann Loffredo questioned the lots. William Warner explained. Robert Bascom summarized the lot line revision. On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission granted a lot line revision for Evelyn C. Hubbard Estate located on Millbrook Road at Crystal Lake. Vote was unanimous. Applicant\agent Trust for Public Land L94-6

ITEM 5.7
GRANTED LOT LINE
REVISION FOR
EVELYN C. HUBBARD
ESTATE ON MILLBROOK
ROAD AT CRYSTAL
LAKE

Comm. Anthony Vasiliou questioned the proposal. William Warner responded. On motion and second by Comms. Stephen Shapiro and Philip Halibozek the Commission gave an affirmative G.S. 8-24 Review for the purchase of land located on the west side of Millbrook Road at Crystal Lake known as the Evelyn C. Hubbard Estate. Vote was unanimous. Applicant\agent City of Middletown Conservation Commission

ITEM 5.8
GAVE AN AFFIRMATIVE
G.S. 8-24 REVIEW
FOR PURCHASE OF
LAND ON WEST SIDE
MILLBROOK ROAD AT
CRYSTAL LAKE

William Warner explained the amendment. On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission scheduled a public hearing date of October 28, 1994 for an amendment to the Plan of Development to repeal commercial area studies "The Central Business District" and to include "Downtown Visions 2000 and Beyond".

ITEM 5.9
SCHEDULED P.H.
10\28\94 FOR
AMENDMENT TO THE
PLAN OF DEVELOPMENT

There is a tape recording of the public hearing available in the Planning and Zoning Office.

ITEM 6
P.H. TAPE
RECORDING

Bob Bascom explained the proposal and used a subdivision map. The Water\Sewer condition was that the existing dwellings must connect to city water and sewer. Tanya Shapiro-Lopez said her grandmother's property abuts this property and that the sign was not in place. William Warner explained the sign issue and read the Zoning Enforcement Officer's report into the record. Bob Bascom explained the locations of the houses. Earle Roberts questioned the notice requirements. Discussion ensued. K. Zaccary questioned the location of the new houses. Comm. Anthony Vasiliou questioned the lots. William

ITEM 6.1
GRANTED PRELIMINARY
APPROVAL OF A TWO
LOT RESUBDIVISION
AT 1165 SOUTH MAIN
STREET

Warner explained the lots are only for single family homes. On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission granted preliminary approval with the condition that the departmental comments including Water\Sewer be addressed. Vote was unanimous. Applicant\agent Victor B. Rook, Sr.\Robert A. Bascom, L.S. S94-9

Discussion ensued. William Warner explained regarding time frames and the fear of automatic approval. On motion and second by Comms. Philip Halibozek and Francis Patnaude the Commission closed the public hearing. A motion to deny without prejudice and to waive the fees was made by Comm. Philip Halibozek and seconded by Comm. Francis Patnaude. William Warner questioned the fees. Discussion ensued. Chm. W. Lee Osborne raised the fact that the Arch Plans are still required. Vote was unanimous. Applicant\agent Michael R. Augeri SE94-3

ITEM 6.2
DENIED WITHOUT
PREJUDICE A SITE
PLAN REVIEW FOR A
PORTICO AND AN
ADDITION AT 720
NEWFIELD STREET

Claudia and August DeFrance explained the proposal. Comm. Ann Loffredo questioned the handicapped parking space. William Warner responded. The Commission opened the proposal to the public. Holly Schroeder spoke in support and asked for stockade fencing in the back. On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission closed the public hearing. A motion to approve with the conditions that the departmental comments be addressed, a stockade fence be erected along the northern property line and the correction of the handicapped parking space was made by Comm. Stephen Shapiro and seconded by Comm. Ann Loffredo. Comm. Stephen Shapiro supported the motion. William Warner questioned the location of the fencing and the location was clarified. Vote was unanimous. Applicant\agent Claudia J. DeFrance & August L. DeFrance SE94-10

ITEM 6.3
GRANTED SPECIAL
EXCEPTION FOR A
RETAIL GIFT SHOP
AT 367 SOUTH MAIN
STREET

William Warner explained the proposal. Chm. W. Lee Osborne commented and supported the proposal. Discussion ensued. No one from the public spoke. On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission closed the public hearing. On motion and second by Comms. Stephen Shapiro and Philip Halibozek the Commission adopted the Zoning Code text amendments to add Section 55.04.01 S and eliminate Sections 55.04.02 B and 55.04.03 with an effective date date of October 15, 1994. Vote was unanimous. Proponent P & Z Dept. Z94-14

ITEM 6.4
ADOPTED ZONING CODE
AMENDMENTS SECTION
55.04.01 S,
55.4.02 B, 55.04.03
WITH EFFECTIVE DATE
OF 10\15\94

William Warner explained the proposal. No one from the public spoke. On motion and second by Comms. Philip Halibozek and Stephen Shapiro the Commission closed the public hearing. On motion and second by Comms. Stephen Shapiro and Ann Loffredo the Commission adopted the Zoning Code text amendment to modify Section 47.03, Fencing, with an effective date of October 15, 1994. Vote was unanimous. Proponent P & Z Dept. Z94-13

ITEM 6.5
ADOPTED PROPOSED
ZONING CODE TEXT
AMENDMENT TO
MODIFY SECTION
47.03 WITH AN
EFFECTIVE DATE OF
10\15\94

William Warner explained all the proposals. Questions were asked. Carl Bolz of Westfield Residents for Rational Development of Middletown spoke in support of the proposal. George Souto questioned the transfer stations and supported the proposal. Atty. Mark Balaban, representing Regional Transfer Systems, commented on Section 16.19.05 and read a statement into the record. He felt the existing landfill is exempt because of George Reif's approval in 1989. He also felt the back landfill still has approval from Planning and Zoning. Comm. Anthony Vasiliou questioned the elevations. Atty. Mark Balaban responded. William Warner commented on Atty. Balaban's proposals. Chm. W. Lee Osborne commented. Atty. Mark Balaban responded to the comments. William Warner responded. Lengthy discussion ensued. On motion and second by Comms. Philip Halibozek and Ann Loffredo the Commission closed the public hearing. On motion and second by Comms. Philip Halibozek and Ann Loffredo the Commission adopted the Zoning Code text amendments to modify Sections 61.05, 16.19.04 and 16.19.05 with an effective date of October 15, 1994. Comm. Philip Halibozek praised staff for an excellent job. Vote was unanimous. Proponent P & Z Dept. Z94-15

ITEM 6.6
ADOPTED PROPOSED
ZONING CODE TEXT
AMENDMENT TO MODIFY
SECTIONS 61.05,
16.19.04, AND
16.19.05 WITH AN
EFFECTIVE DATE OF
10\15\94

The Commission recessed for five minutes at P.M.

RECESS

William Warner explained the proposal. Chm. W. Lee Osborne had questions. Comm. Ann Loffredo proposed an amendment to Section 41 to add "non-therapeutic massage". William Warner concurred. Discussion ensued. No one from the public spoke. On motion and second by Comms. Philip Halibozek and Ann Loffredo the Commission closed the public hearing. On motion and second by Comms. Ann Loffredo and Anthony Vasiliou the Commission adopted the Zoning Code text amendment to add Section 41, Adult Entertainment as amended with an effective date of October 15, 1994.

ITEM 6.7
ADOPTED PROPOSED
ZONING CODE TEXT
AMENDMENT TO ADD
SECTION 41, ADULT
ENTERTAINMENT WITH
EFFECTIVE DATE OF
10\15\94

Comm. Anthony Vasiliou commented on the letters to the Commission on the need for public hearings. A motion that a site plan review for any changes by any entity to the Middletown Nature Garden proposal will require coming before the Planning and Zoning Commission including a public hearing was made by Comm. Anthony Vasiliou and seconded by Comm. Philip Halibozek. Comm. Anthony Vasiliou felt that a public hearing is necessary to inform the public and let them air their concerns. Comm. Philip Halibozek questioned if there were any changes. He was told yes. Comm. Anthony Vasiliou commented again on the need for any changes. Comm. Francis Patnaude commented. Chm. W. Lee Osborne clarified. Discussion ensued. Letters were submitted. The modifications proposed were different from the original proposal. Comm. Francis Patnaude felt only the Commission can change the plan. Chm. W. Lee Osborne agreed. Discussion ensued on the parking proposals. Comm. Anthony Vasiliou strongly supported the motion. Comm. Ann Loffredo questioned the procedure. Comm. Philip Halibozek supported the location on Randolph Road. Lengthy discussion ensued. The public hearing should proceed as a regular hearing. Lengthy discussion ensued. Vote was unanimous.

ITEM 7
DISCUSSION
WITH PUBLIC

Adjournment was at 9:15 P.M.

ITEM 8
ADJOURNMENT

Respectfully submitted,

William Warner
Director of Planning