

in that area shows nothing other than gravel area. And to the extent that the back of that would probably enter or run along side of our proposed detention pond. We will either keep the pipe where it is or let it empty into. A four inch pipe apparently is not a large pipe and it does not carry enough water for us to be concerned but, I guess, if was needed either for a State mandate and/or Inlands Wetlands Action to see to it that leachate did not occur leeching in the bulky waste site to carry the drainage off.

Comm Leinwand

Are you and Mr. Klimas in a position to represent that when you do all of your blacktopping on your site that you would be willing to blacktop that access road on the northerly side of your property, granted not on your property, back to the new spare road landfill access?

Attorney Philip Karpel

We would. And I might suggest that if this subdivision is approved, and if you approve the site plan you might consider making it as a condition of the approval of the site plan. We, in fact, have contractual obligation, that is, Joe Klimas, Sr. in his contract with Michael Kane Brick Company has contractually agreed to participate in the cost of paving that road exactly the way you suggested, to the rear of our property line.

Comm Leinwand

Phil, the other question that was raised two weeks ago concerns back taxes. Are you, or Attorney Howard, or someone ready to speak to that?

Attorney Philip Karpel

I think I prefer to let Bill [Howard]...we can't answer...

(Change of tape)

Chm Gionfriddo

Are there any questions? Commissioner Leinwand

Comm Leinwand

Does your client own the building he's currently in on Washington Street? And what are your plans for that? To sell it? To rent it? To lease it. For what kind of use?

Joseph Klimas

We have approximately 12 different offers that we are entertaining from manufacture...very light manufacturing to a rebuilding shop of auto parts and also small tractors, etc.

Comm Leinwand

In other words, it's unlikely that it will continue as an auto sales operation?

Joseph Klimas

It may continue as an auto dealership for a very short period of time.

Chm Gionfriddo

Are there any other questions by members of the Commission? If not, gentlemen, thank you. Are there any members of the public who wish to

be heard with respect to the...

Comm Leinwand

Oh, I have one more. I'm sorry, I'm sleeping here. Phil [Karpel] could you speak to the treatment? What kind of building is it going to be? Is it all prefab? Is it masonry? Does it look like some of the others or does it look like a lot of aluminum?

Attorney Philip Karpel

It looks like some of the others, but I'll let Joe Gambino, the architect, just quickly give you the treatment of the building.

Joe Gambino

My name is Joe Gambino from Gambino Associates, architects in Bridgeport, Connecticut. The form of the building will be a split rib block with a...considered a contemporary, with a sloping roof to the rear, going from the front up to the back and it will have a architectural shadow panel facade which is approximately 4 feet in length or, rather, height, going around the front and the side of the building.

Chm Gionfriddo

If there are no other questions, are there any members of the public wishing to be heard with respect to this proposal?

John Sadlowski

John Sadlowski, 597 Newfield Street. In respect to Article 3, which statement I made, I would like to say that same statement refers to this here Article 4. Without going into big details, light manufacture is more my meaning and more my welfare. Thank you.

Joe Ranno

Joe Ranno. Newfield Street. I suggest you just table this until you straighten out what you are going to do...and...subdividing it because it's all intertwined. And, you've spot zoned, actually, with the special exception, Newfield Street (inaudible). Until you can really decide what you are going to do on zoning, I'd suggest you just hold off.

Chm Gionfriddo

Thank you. Is there anyone else? Charlie. [Harris]. Where's your jacket and tie tonight?

Charles Harris

I took a quick look at this thing in George's office this afternoon. The retention pond bothers me a little bit. Either some of the explanations are missing or I missed something. From what I see they appear to be more of a sedimentation basin used as a retention pond. My question was does the retention pond meet all the requirements of the Sedimentation and Control Book in 1985 (inaudible) retention pond? And will it always be dry? We have those as a guideline and they're set (inaudible) subdivision regulations as guidelines. I think these people should follow those. I don't see all the requirements in there for 2, 10, 50, and 100 year flood... storm. Thank you.

Chm Gionfriddo

I guess, Sal [Fazzino]. Did the department review the basin?

Salvatore Fazzino

Yes, we did review it. This particular one that's on private properties so that's really no concern...has no impact on Public Works.

Commissioner not using the microphone.

Salvatore Fazzino

I was advised that it would.

Commissioner not using microphone

Salvatore Fazzino

Yes. It's either Phil [Bauer] or Tom [Nigosanti].

Chm Gionfriddo

And they advised you that the basin would do what it is designed to do? Okay. Anyone else wishing to be heard this evening? If not, we'll close the public hearing. Move to item 5 on the Legal Notice.

Item number 4. Proposed special exception to permit an auto sales dealership (new and old) located on Newfield Street. Applicant/agent Middletown Toyota/Attorney Karpel. This item was combined with Item 3.

ITEM 4
PROPOSED S.E
TO PERMIT AN
AUTO SALES
DEALERSHIP
ON NEWFIELD
MIDDLETOWN
TOYOTA

Secretary Carta

Item number 5. Proposed 12 lot subdivision to be known as Meadow Wood Estates located off Flynn Lane and East Street. Applicant/agent United Construction, Incorporated. Glenn J. Russo.

ITEM 5
PROPOSED 12
LOT SUBDIVI
ION KNOWN AS
MEADOW WOOD
ESTATES
LOCATED OFF
FLYNN & EAS
STREETS
UNITED CONS

Glenn Russo

Glenn Russo,

34 Bacon Avenue, Middletown, Connecticut. It's a 12 lot subdivision in R-2 zone. It's pretty straightforward. Not asking for any exceptions. Do you have any questions?

Acting Chm Hutton

Is there any questions from members of the Commission?

Comm Leinwand

George, I left my map for this one home. Can you review with us what you mean by environmentally sensitive areas?

Dir. Reif

Yes. If this...when these lots are plotted on a city map that shows the environmentally sensitive areas almost all of the lots are associated with those areas. For some reason you don't show that here tonight. You're only showing the lots. I think you have to look at the relationship of the areas that have been plotted to see why we are concerned with this proposal.

Comm Leinwand

What about the parcel that's left, to the east?

Dir. Reif

The parcel that's left to the east. You're asking the developer, aren't

you?

Comm Leinwand
Yes. What about that area?

Glenn Russo
That belongs to the owner and will be left to him.
(inaudible)...incorporate it into the subdivision. It will be left to
the owner. It's not part of the subdivision. The 12 lots.

Comm Leinwand
Meaning it will be subdivided at a later date?

Glenn Russo
No. It's...because the zoning really can't be subdivided any further.
Because of the frontages and other reasons.

Acting Chm Hutton
Is there any other questions of members of the Commission?

Glenn Russo
I really didn't understand what he meant by environmental. Is that
something I can answer?

Comm Leinwand
No. This particular item is up for public hearing at Inland-Wetlands
on November 5th.

Dir. Reif
Okay. Why don't you just come over here and let me point out these areas.
See this heavy line here. That's the environmentally sensitive areas.
See these red lines? That's your subdivision. These lots are on the
environmentally sensitive area and so are these and so is the road.

Inaudible. Conversation without using the microphone.

Acting Chm Hutton
Maybe you could speak into the mike because of the disadvantage here.

Glenn Russo
The wetlands area was backed up by reports and studies, not only by soil
scientists hired by me, but independent sources that, if you boil it
all down, revises the map to show where the true wetlands are. This map
here is an approximation of where the wetlands on the watercourse is.
But the actual wetlands (inaudible) by taking soil samples is different
than what's shown in this map here and lots that we put on do not fall
in that area. Did that explain?

Acting Chm Hutton
Why don't we discontinue the private conversation and let everybody be
informed?

Comm Leinwand
George [Reif] could you say what you just said to me publicly? Our
regulations do what?

Dir Reif
Your subdivision regulations take into consideration in the environmentally

sensitive areas, and it's presumably one of the goals of the Commission, to keep that development, particularly houses, out of those areas. Now, this is a sudden imposition on the, what we hope are carefully drawn maps of the entire city. Matter of fact it's...Purcell is the organization that drew the City maps and to suddenly learn that...

Comm Leinwand
Do you share...

Dir Reif
...that the maps are incorrect is something that should be looked into rather carefully.

Comm Leinwand
You're saying environmentally sensitive is designated on the Purcell maps. Did you share that with the applicant when he came in?

Dir Reif
Never came in for a discussion. We've been trying to get, and we finally did get that map just before the day of the last...the first public hearing. It's been a topic of discussion right from ground zero. It's a serious problem here.

Comm Leinwand
So, what you're telling the Commission is that you have very serious concerns with this if one accepts the Purcell maps.

Glenn Russo
I have Soil Environmental Service. This is registered with the State and went out there and tested. He says the wetlands do not fall where our lots are. The Wetlands Commission got an independent source, which I don't remember the name offhand. They work for the federal government, I believe, who also said that where we applied the wetlands is accurate and he has nothing to gain or lose and I don't understand the problem and like we all know, it's been going on, or this subject has been brought up, for two months now because of technicalities and whatnot. So, it's not a sudden thing. And, I've made myself available to P and Z at least once a week. I'm always down there. Trying to find out if there is anything I can do, or solve any problems. As far as the maps go, they are an approximation of where the wetlands are. I can have the person who drew the original maps up explain the accuracy of them if you want me to.

Chm Gionfriddo
I'm going to let you do whatever you feel you have to do for your proposal, but, I think, it's fairly safe to assume that we're not going to act here as a body until such time as Inland-Wetlands makes a determination as to whether or not they have any concerns with respect to your application. Your application is currently pending for Inland-Wetlands. That's correct, right? Do you have a public hearing coming up in November?

Glenn Russo
Yes. That's correct

Chm Gionfriddo
Okay. So...

Glenn Russo
May I ask one question?

Chm Gionfriddo
Yes

Glenn Russo
Can you make a decision pending the outcome of the wetlands?

Chm Gionfriddo
I think we would wait until the wetlands makes its decision. And then we'd make a decision.

Glenn Russo
Then I have a statement. Why have a public hearing before the public hearing of the wetlands?

Chm Gionfriddo
Because we'll probably...

Glenn Russo
...be back here again, right?

Chm Gionfriddo
We'll probably keep yours open. We'll probably keep it open until we hear from the wetlands to get further input.

Glenn Russo
I understand what you're saying, but what I don't understand is you should always have the public hearing of the wetlands first if you're not going to...I'm just saying that I'm wasting my time here. Is that correct? I should be here after the wetlands looks...I'm not trying to argue. I'm trying to find out.

Chm Gionfriddo
You're not wasting your time because there may be other questions or concerns that the members of Commission want to discuss besides the wetlands and this will give the public an opportunity to raise their points as well. It's not a waste of time. It just may mean that you'll...your approval or vote will not come until November. Approval and/or denial. Whatever the Commission decides to do. But I don't consider it a waste of time for you to come here and present us your plan and to give the Commission an opportunity to ask the questions or raise concerns they may have. That's not a waste of time as far as I'm concerned.

Inaudible. Commissioners not using microphone.

Glenn Russo
There's not much of a presentation because we're not asking for any exceptions. We're just straightforward, by-the-book subdivision. I don't understand what the problems are.

Chm Gionfriddo
Are there any questions...any other questions the members of the Commission would like to raise at this time? Commissioner Hutton.

Comm Hutton

Could we have a copy of that wetlands report that you had? Could you make that available to the Commission?

Glenn Russo

A copy of the wetlands was made available...

Comm Hutton

Of the independent...of the soil...of the independent soil survey done, that you had done. That you have in your hand there.

Glenn Russo

The independent one was...that's out of my control...

Comm Hutton

Was that done by you?

Glenn Russo

No, it's not. It's handled by, I believe, by the Wetlands Commission.

Chm Gionfriddo

I'll request, for the benefit of the Commission...I guess what we would ask, if you would make copies of your report available, and I'll ask Bill Kuehn to give to George [Reif] enough copies of the SCS [Soil Conservation Survey]... went out and checked that report and they issued a report to Inland-Wetlands and will make that available, too, to members of the Commission in your next package. Any other questions? Yes, George [Reif].

Dir Reif

One of the other traditional issues with a subdivision is a street pattern. There's only one simple street here. However, it's a part of town that is ripe for further development and that should be looked into. Whether or not there's a way to extend the street. The way the map is drawn the two property owners at the end of the cul-de-sac would own enough land so the street couldn't be extended. There may be sufficient reason to study the prospect of extending the street into the land to the north.

Glenn Russo

I can answer that. The recommendations from the Public Works, I believe it was, or whoever handles the street, asked us to put a right-of-way so that if, at any future time, if they wanted to extend the street, or the property there wanted to be developed, they would have...someone would have a right-of-way to get to that, and we agreed.

Dir Reif

Does that show on the map?

Glenn Russo

No, it's in the comments, though.

Inaudible. Commissioner not using microphone

Chm Gionfriddo

I would ask that the conversations back and fourth do not look very good

to the public and I don't find them very satisfactory either. So, if anybody wants to raise questions, do it through the Chair in a manner that's appropriate and you'll be recognized. Commissioner Carta

Comm Carta

I would submit...to my fellow Commissioners and to the staff to take a look at what goes on in the process of people coming here before our Board. And the process that we don't see...the man has been here once with the subdivision. He had a technical problem. He went back before wetlands. He had a public hearing once already and has come before us again. At this date staff is telling us that it ought to be reviewed, that to look at to see whether the street should be extended or not. He doesn't know anything about it. It's like riding...

Dir Reif
May I say...

Comm Carta

...no, I'm not finished George [Reif]. By God, why does a person have to come here, at this late date, and have that one sprung on him? It's plenty of time. If you thought that that was a problem, and it could very well be a legitimate problem, not discussing the legitimacy of it here or the illegitimacy of it. But, by God, he ought to be notified. To come here and sit at this table, and get that slapped up in front of him, is absolutely an insult and, I say, that the people who come before us ought to be treated better than that. It's alright to discover something at the last moment, but that's not a thing you discover at the last moment.

Dir Reif
Can I respond to that.

Chm Gionfriddo
Yes. Please do.

Dir Reif
Okay.

Chm Gionfriddo
Not if it's going to be a debate.

Dir Reif
No, we're not going to have a debate. Most subdivisions start on pieces of yellow paper and a lot of people get in at staff level when the municipal structure get a chance to look at them. This one is an example. One that did not...and so was the one that you're associated with on Villa Street. It was an accomplished fact that...

Comm Carta
Listen hear. That one went through the same thing that this did. It got the same treatment. People...I tell you why...out in the street the public is not happy. There are certain public people that are happy with it, but...listen...

Chm Gionfriddo
I would re...you know, this is...

Comm Carta
...All of us can see what goes on. And to not say it is an insult.

Chm Gionfriddo

I would rather not have the two of you engaged in back and fourth.

Comm Carta

This Commission needs to stand up and see what goes on. To have people treated that way, I say, is an insult. Nothing should be overlooked at any time...I'm not saying anything should be overlooked. Absolutely not. It would be stupid...

(Inaudible. Commissioner not using microphone)

Comm Carta

That subdivision that you spoke of...(inaudible)...went through a similar type process. And yet others that do that...(interference)...we think that they're being disrespectful...aggrevated...easy to take it on this side of the table like they're being...The truth is that they're aggrevated by the treatment. Do any of the Commissioners have any comment about the matter?

Chm Gionfriddo

No. No. If you want to discuss...wait a minute. It's not time to comment. This is a public hearing on a subdivision. If you want to enter into a discussion about the way staff handles the public, then we'll deal with it under new business at an appropriate time. This isn't the time to sit here and discuss with George [Reif] the way he handles members of the public. This is a public hearing on a subdivision that's been proposed by a member of the public. If you want to discuss this other thing, we'll make time for it. We'll have all the time in the world to discuss it under new business. We'll make it a separate item. Let's stick to the issue at hand which is the Russo subdivision. Okay. Nino [Martucci]. If you're talking about the Russo subdivision, fine.

Nino Martucci

The only thing I wanted to say is that the gentleman was apprised of the fact that he had to go to the Inland-Wetlands Commission and last time he was here he says he didn't know it. But he was apprised before he came here. So that...I have to answer that question.

Chm Gionfriddo

The only thing I'm going to say is he's indicated he spoke to Sal Fazzino about this. So, obviously, tonight was not the first time he heard about this. He may not have heard about it from George [Reif], but, somewhere along the line, he knew that right-of-way should be provided to continue this street and potentially beyond. So, I don't want to debate that any more. I mean. Louis [Carta], if you want to bring it up, you have a perfect right to. And I'll...we'll make it one of the items under new business. Fine. Well.

Comm Carta

...not just the one person to look like the bad guy.

Chm Gionfriddo

Nobody wants you to look like the bad guy. I mean, right now you are the

one most interested to discuss it. It's going to be open for anybody to discuss. Okay. Do you have anything else you'd like to add?

Glenn Russo

Yes. I'd like to answer any questions so that I'm not back here again.

Chm Gionfriddo

Well...

Glenn Russo

Every and all questions except for the one about wetlands, which we'll have to wait for.

Chm Gionfriddo

To say that you may not be back here again is not an accurate statement. I'm going to continue the public hearing until the wetlands comes back with their decision. So, I would suggest, it would be in your best interest to come back. I can't force you to come back. Okay. Is there any other question by members of the Commission? If not, thank you. Is there any members of the public who wish to speak in favor of this proposal? Is there any members of the public who wish to speak in opposition to the proposal?

Jan Johnson

Jan Johnson. Westfield Residents for Rational Development. And I live at 267 Bell Street. I have continued to have calls from area residents concerning the wetlands, concerning the flooding...possible flooding on Flynn Road. Steve Gionfriddo, did I understand you to say that you would keep the public hearing open? Thank you.

Chm Gionfriddo

Is there anyone else wishing to be heard this evening? If not, we are going to keep the public hearing open. It will be open at least the next meeting and, I would assume, the first meeting in November, because we won't have a decision at least until November from the Inland-Wetlands agency because their public hearing, I believe, is November 5. Okay. So the public hearing on this item is going to remain open and we'll move to item 6.

Secretary Carta

Proposed 7 lot subdivision located on Newfield Street and Tiger Lane.
Applicant/agent P.J.S. Development Company.

Paul Schiraldi

My name is Paul Schiraldi, P.J.S. Development Company, 57 River Road, Cromwell. At this point, with all the conversation going on on Newfield Street, I don't know what to say here. I am very flexible with whatever you decide to do on Newfield Street. I was proposing to do a 7 lot subdivision of single family homes. But, I'll direct this to Steve [Gionfriddo], but whatever you decide, I mean, I'll put an office building up. I'll put a senior citizen complex up. It doesn't really make a difference.

Chm Gionfriddo

I guess, what I would ask you then, is do you really want to pursue this

ITEM 6
PROPOSED 7 LOT
SUBDIVISION
ON NEWFIELD STREET
& TIGER LANE
P.J.S. DEV. CO.

public hearing this evening, or do you want to wait and see whether the Commission makes any changes on Newfield Street before you go forward. Because if we deal with your subdivision and approve it, then what you basically have is a 7 lot subdivision and we may decide to do some zone changing out there and then you may decide you don't want a 7 lot subdivision any more and you may want to come back with something completely different. I can't tell you today what is going to be the final outcome of what we do or when. I mean, I'm not saying it's...it may be four weeks, eight weeks. Who knows how long it's going to take before something gets actually done, so.... I mean, right now you have this before us. If you'd like to proceed with it, then you're here and you can do that.

Paul Schiraldi

I would like to proceed with it in the public hearing to see what kind of comments. To me it looks like everybody would be in my favor with this type of subdivision. There is two approved lots on this subdivision. We're calling it 7, but it's basically only 5 additional lots. Lot 19 and Lot 18 are approved building lots.

Chm Gionfriddo

Which ones are they?

Paul Schiraldi

They're the ones from next to Tiger Lane. On the corner Tiger Lane and Newfield Street which would be...

Chm Gionfriddo

In other words, the ones that you have approvals on are what's labeled here as 6 and 7? George [Reif], is this required to go to wetlands at all? It's...you're on for a public hearing November 5th, right? The same as the other one, right? Okay. Any members of the Commission have any questions they wish to raise with respect to this proposal? If not, thank you. Is it your preference that we just conduct the public hearing this evening and hold off making a determination until such time as we decide what we are going to do on Newfield Street? Is that what you're suggesting?

Paul Schiraldi

I think so because I have to go to wetlands anyway with it in November so I wouldn't get approval with it until a later date in November. And, by that time, there might be a change, or something.

Chm Gionfriddo

All right. That's fine. If there are no questions from the Commission, are there any members of the public who wish to be heard in favor of this proposal? Are there any members of the public who wish to be heard in opposition to the proposal? If not, I guess, to be consistent, we will continue the public hearing on this one as well, though I doubt very seriously, since the Commission didn't have any questions, that it will be really necessary for you to come back. We are just going to be waiting for the final return from Inland-Wetlands, unless, you know, you are going to be on for public hearing so you can come back.

Paul Schiraldi

I know. I think...

Comm Leinwand

I'd like to say something. I think that what you said in the beginning

is very sensitive to where we are. I've got to tell you that if given the fact that you are intruding into the wetlands, and given the fact that for good reason we are seriously entertaining rezoning this area, and given the fact that you expressed the kind of flexibility that you express, it doesn't make a whole lot of sense to me to put houses there. And, in fact, it seems to me that you can get the economic value out of the land by putting some form of an office or some kind of retail facility or some kind of something that conforms to what, hopefully, will be a changed zone on the land that would not require intruding in the wetlands in any way. You'd be happy. The City would benefit. So, we can continue this, but, George [Reif] I think that, in fact, when you and Nino [Martucci] look at that whole strip there's real good reason to include what I repeated, right through Tiger Lane. There are ways of looking at this entire Augeri parcel and saying it can be sensibly developed without intruding in the wetlands and also not putting more people into a place where I'm not sure people ought to be living.

Chm Gionfriddo

I don't disagree with what you're saying, I think he's indicating that if we decide to make the change he's probably going to change his plan. We are just going to continue the hearing to give him flexibility. Okay? George [Reif], is there a way that we can continue these hearings until, let's say, November 12, without having them posted as next meeting hearings?

Dir Reif

Yes. You are entitled to continue a public hearing for thirty days and then you can have a...

Chm Gionfriddo

Well, what I'm saying is that I don't want...I don't see a necessity of putting them on as public hearings at the next meeting, but I would see putting them on again November 12.

Dir Reif

Okay. I think we've got to note it someplace or pretty soon everybody will forget it's going on and then the next thing you'll hear is they demand approval because you didn't act on it. So, we'll keep track of it. All right.

Chm Gionfriddo

What I'm suggesting is to put them on again for November 12 and not for the next meeting since the only reason we are doing ...

Change of tape

Chm Gionfriddo

...and so his, obviously, we'll have to put on for next meeting. One way or the other. Do you agree for an extension of 30 days for a public hearing?

Paul Schiraldi

Yes, I do.

Chm Gionfriddo

Could you put something in writing and get it to staff agreeing to that

so that we are assured later that that's not a problem?

Paul Schiraldi
I'll come in and sit down with Nino [Martucci] or someone.

Chm Gionfriddo
Thank you. So item 6 we'll put for November 12 and item 5 we'll put down for the next meeting. We will move now to item 7.

Secretary Carta
Item number 7. Proposed Zoning Code text amendment to modify Section 21.02, Minimum Lot sizes to allow 2 family dwellings on a lot of record in an R-1 zone as a Special Exception. Proponent P & Z Commission. Copy of specific text is on file in the Office of the Town Clerk.

ITEM 7
PROPOSED
ZONING COD
TEXT AMEND
TO MODIFY
SEC. 21.02
MIN. LOT T
ALLOW 2 FA
DWELLINGS
LOT OF
RECORD IN
R-1 ZONE A
S.E.
P & Z COMM

Chm Gionfriddo
Okay, George [Reif] why don't you, for benefit of the public, explain what this provision is.

Dir Reif
I'm going to defer to Nino [Martucci]. He's been working with this.

Chm Gionfriddo
Whenever I say you, you always defer to him and whenever I say him, he gives it back to you. So...

Nino Martucci
The buck stops here. This is the one we brought up two weeks ago. The controversy in allowing a two family house in the R-1 zone. If you have a lot of 50 foot frontage or less than 100 feet, it seems that since we allow the 2 family housing in an R-1 zone, and also the analogy is that if we allow single family houses through the entire City, in any resident zone on a lot of 50 feet, the proponent would like to see that a two family house would be allowed for the R-1 zone with the special conditions. That the frontage have to have at least 50 feet and be established prior to 1986. The lot has an area of 7500 square feet, and served by City water and sewer, and that no less than 75% of residential structures within a 1000 foot radius of the corners of the lot are either two family or multi family dwellings.

Inaudible. Commissioners not using microphones

Chm Gionfriddo
Could you, Nino, read...it's not that long, is it? Because it gets kind of difficult. We are all sitting here without...

Nino Martucci
Okay. The only...what it is is actually amending the different sections to carry this into the Code. But the one that's the most salient, the more specific is "...the conditions placed on allowing the two family dwelling in an R-1 zone. The lot has a frontage of at least 50 feet and be established prior to 1986. The lot has an area of at least 7500 square feet. The lot is served by City water and sewer and that no less than 75% of residential structures within a 1000 foot radius in the corners

of the lot are either two family or multi family dwellings. You are making it under the Special Exception."

Chm Gionfriddo

Are there any questions by members of the Commission with respect to what we've just had presented to us? Commissioner Leinwand

Comm Leinwand

I think this incorporates the kinds of things that we talked about two weeks ago. I know that there are going to be questions about the two critical restrictions. The 75% and the 1000 foot radius. You're not wed to them in any firm way, are you? We purposely did this as rigid as possible so that we could back up from it? We want to make our recommendation as to what might be less rigid and still work for us?

Nino Martucci

I think I would like to see the 75% go back to a majority, or 51%. And I would...possibly a 1000 foot radius was brought in so it would coincide with paragraph number 1 on New Lots. But we allow them to be the same frontage as lots within 1000 square feet. And the safety factor is that you going to count only residential structures and not all structures within the 1000 feet. If that could be brought down to 750 or to 500, whatever the Commission decides.

Chm Gionfriddo

Are there any other questions by members of the Commission? If not, oh, Louis. Commissioner Carta

Comm Carta

I have one concern Nino [Martucci]. On the one hand I see the good point of infilling these areas with two family. In fact I grew up in the North End in a two family home that was on a 50 foot lot. The concern for me, depending on the style of the house, you wind up with just...the home I grew up in there was no side yards. There was nothing. Absolutely nothing. There wasn't a strip of grass on either side. And that was an up and down duplex. Obviously, a duplex can be built in many different ways. It need not be up and down and we won't have the say in that matter. So that's my concern...is that we...on the one hand I see the good use of putting them, the duplex in. On the other hand, I don't like the way it turns out, physically on the site. I think it's a real problem. And I know that we can go into the North End and find duplexes that are on 30 and 40 foot lots. There's no doubt in my mind. I'd like to...I thought about it and couldn't find any way to address it. So, if you've got any ideas in that vain, I'd like to hear it.

Nino Martucci

This just gives you the conditions under which you can have two family houses. But they must agree to all of the standards of the Code. For parking...I mean we do have certain side yard requirements that the 50 foot lots do have say a requirement they're going to use a six foot side yard. Well, if they are going to provide four parking spaces in the rear, they have to have at least a nine to ten foot driveway to get back there. Right. It would be the six foot. You see, you still have to conform to the rest of the Code. Coverage, side yards, rear yard, front yard.

Inaudible. Commissioner not using microphone

Chm Gionfriddo

Are there any other questions for members of the Commission? If not, is there any member of the public wishing to speak in favor of this proposal?

Joe Virgadula

Mr. Chairman, members of the Commission. Joe Virgadula, 89 Grove Street and I'd like to speak in favor of the proposal. In concept I believe it's a good idea and the first thing I'd like to do is address Commissioner Carta's concern over having this extend to small lots, and his concerns about two family dwellings on small lots. First of all, this is falling under the special exception, and under the special exception the Commission will have the discretion or authority to look at all the factors, to look at parking, to look at lot size, to look at whether this lot fits into the overall characteristics of the neighborhood. And so, I think, the way it's set up the Commission will have the authority and the discretion to look at each case individually and decide whether a two family dwelling is appropriate for the area. That's one. And, also, the...I'd like to point out that R-1 zones, that two family dwellings are permitted uses in the R-1 zone. They are not permitted in the R-2, R-3, R-4 and, I think, these few remaining 50 foot lots in the R-1 zones represent a valuable source of moderate rental housing. And, I think, to address another concern, I also believe this has a very limited scope. By passing this proposed amendment you do not affect lots of record in the M zone, in the R-2 zone, R-3 zone and R-4 zones. So it has a very limited application and under this amendment the Commission will have complete discretion in controlling types of units that are going up. I have...so while I am in favor of it I would like to see a few changes along the lines of what Nino [Martucci] was talking about and what one of the other Commissioner members had mentioned. The first change I would like to see is to have the percentage reduced from 75% of the adjoining properties to 50% of the adjoining properties. So, in other words, if the applicant can show that 50% of the dwellings within a...say, for example, 500 foot radius or either two family or multi family dwellings, the Commission may approve a two family dwelling on this 50 foot lot of record. All right. I'd also like to point...I have a map here and I can give you a good idea of which areas are involved. I believe that once you take a closer look at the make-up of the R-1 zone you'll see that requiring the applicant to look at all the properties within a 1000 foot radius is excessive and imposes a real administrative burden both on the Commission and on the applicant. This, for example, is the R-1 zone located in the North End of Town. It encompasses Stack Street, High Street, Grove Street. We have Grand Street and Spring Street. If you were to require the applicant to look at all the properties within a 1000 foot radius you'd be requiring the applicant to look at about, I would conservatively estimate, 200 properties. And, I believe, that's excessive. Both on the applicant and on the Commission. What I've done here is to show...to give you an example of how many properties would be included in a 200 foot radius and how many in a 300 foot radius. If we look at a 200 foot radius we are looking at about 40-45 properties. And, I think, by looking at 45 properties you can judge whether or not a two family house is appropriate for this particular neighborhood. By the same token, if we look at a 300 foot radius the Commission will be able to look at about 65 adjoining properties which should be more than enough to determine whether or not the two family dwelling is appropriate in a particular situation. And, given that it's under the special exception provision, it should give you more than enough latitude and discretion

to really look at all the factors involved. So, while in concept, I'm in favor of it, I'd just like to see these two minor modifications and, I think, it would be a good amendment and allow the property owners to tap a valuable resource, a value source of moderate rental housing. Thank you.

Chm Gionfriddo

Thank you. Is there anyone else wishing to speak in favor of this proposal? Is there anyone wishing to speak in opposition to the proposal? If not, I'm going to close the public hearing.

Adjournment 9:00 P.M.

Transcribed by
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