

PLANNING AND ZONING COMMISSION REGULAR MEETING OCTOBER 11, 2006, 7:00 P.M. PAGE 1 OF 5

Chw. Barbara Plum, Comm. Carl Bolz, Comm. James Fortuna, Comm. Andrew Rak, Comm. Salvatore Fazzino, Comm. Cynthia Jablonski, Comm. Les Adams, Asst. Dir. P.W. Robert Dobmeier, Ex-Officio

MEMBERS
PRESENT

Comm. Deborah Kleckowski, Comm. Ronald Borelli, Comm. Sebastian Scalora, Mayor Sebastian N. Giuliano, Ex-Officio

MEMBERS
ABSENT

William Warner, Director

STAFF

There were approximately twenty-five (25) members of the public present. There is a word for word tape recording of the meeting on file and available in the Planning Office.

PUBLIC

No one spoke.

ITEM 2
DISCUSSION
WITH PUBLIC

Stephen Dietzko explained the proposal, addressed all concerns, submitted a revised plan and commented on icing on the driveways. Lengthy discussion ensued on fire tanks and fire protection with Westfield Fire representatives. On motion and second by Comms. Andrew Rak and Carl Bolz the Commission closed the public hearing. Vote was unanimous. A motion to grant preliminary approval of a twelve (12) lot resubdivision with a Special Exception for an open space subdivision of the property of Pistol Creek Associates, LLC located on the former site of the Pistol Creek Golf Course on the east side of Atkins Street abutting the Berlin Town line to be known as The Estates at Pistol Creek was made by Comm. Andrew Rak and seconded by Comm. Carl Bolz. Comm. Salvatore Fazzino commented on maintenance of fire tanks and drainage and offered a friendly amendment that the lawn areas and sight lines must be maintained by the association. Comm. Carl Bolz spoke in support. Comm. Andrew Rak offered a friendly amendment that the Westfield Fire District be the taxing district and should be deeded to the District. Comm. Salvatore Fazzino spoke against the amendment and the amendment failed. The main motion as amended passed unanimously. Applicant/agent Pistol Creek Associates, LLC/Stephen R. Dietzko, P.E., Vice President, Milone & MacBroom S2006-8

ITEM 3.1
GRANTED PRE-
LIMINARY
OF A TWELVE
(12) LOT RE-
SUBDIVISION
WITH A
SPECIAL EX-
CEPTION FOR
AN OPEN
SPACE SUB-
DIVISION OF
THE PROPERTY
OF PISTOL
CREEK
ASSOCIATES,
LLC LOCATED
ON THE FORMER
SITE OF THE
PISTOL CREEK
GOLF COURSE
ON THE EAST
SIDE OF ATKINS
STREET ABUT-
TING THE BER-
LIN TOWN LINE
TO BE KNOWN
AS THE ESTATES
AT PISTOL
CREEK

Atty. John Corona explained the proposal and corrected the application to change the wording from “floodway” to “floodplain”. John Tarbox, the engineer, explained the change from “floodway” to “floodplain”, explained the site plans and the cuts and fills in the floodplain. Comm. Carl Bolz questioned the Westfield Fire Departmental comment. Atty. John Corona explained and concluded. On motion and second by Comms. Salvatore Fazzino and Carl Bolz the Commission closed the public hearing. Vote was unanimous. A motion to grant a Special Exception to construct a new gravel parking lot on the Bailey’s Express site located at 87 Industrial Park Road was made by Comm. Salvatore Fazzino and seconded by Comm. Andrew Rak. Comms. Carl Bolz and Salvatore Fazzino spoke in support. The motion passed unanimously. Applicant/agent Bailey’s Express, Inc./John A. Corona, Esq. SE2006-6

ITEM 3.2
GRANTED A
SPECIAL EX-
CEPTION TO
CONSTRUCT
A NEW GRAVEL
PARKING LOT
ON THE
BAILEY’S EX-
PRESS LO-
CATED AT 87
INDUSTRIAL
PARK ROAD

Jeff Bianco explained the proposal. Comm. Carl Bolz commented on the improvement of existing illuminated boxes. William Warner commented on non-conforming rights. On motion and second by Comms. Andrew Rak and Carl Bolz the Commission closed the public hearing. Vote was unanimous. A motion to adopt a Zoning Code text amendment to modify Section 48.07(O) Signs with an effective date of October 31, 2006 was made by Comm. Andrew Rak and seconded by Comm. Carl Bolz. Comm. Andrew Rak questioned Jeff Bianco on the goal of the Design Review and Preservation Board and the costs. The motion passed unanimously. Applicant/agent Design Review and Preservation Board Z2006-5

ITEM 3.3
ADOPTED A
ZONING CODE
TEXT AMEND-
MENT TO
MODIFY SEC-
TION 48.07(O)
SIGNS

On motion and second by Comms. Andrew Rak and Carl Bolz the Commission tabled a proposed Special Exception to open a grooming school to be called Middlesex School of Grooming in an area near the For Your Pet Only grooming business at 874 Millbrook Road. Vote was unanimous. Applicant/agent For Your Pet Only/Karen Sullivan SE2006-

ITEM 3.4
TABLED A
PROPOSED
SPECIAL EX-
CEPTION
TO OPEN A
GROOMING
SCHOOL TO
BE CALLED
MIDDLESEX
SCHOOL OF
GROOMING
IN AN AREA
NEAR THE
FOR YOUR
PET ONLY
GROOMING
BUSINESS AT
874 MILLBROOK
ROAD

On motion and second by Comms. Andrew Rak and Carl Bolz the Commission tabled a request for change of use to convert convert the former Bitgood Veterinary Clinic (a non-conforming use) located at 62 Silver Street to a day spa to be known as The Fountain of Youth Spa. Vote was unanimous. Applicant/agent Melody L. Spurgas

ITEM 3.5
TABLED A
REQUEST FOR
CHANGE OF USE
TO CONVERT
THE FORMER
BITGOOD
VETERINARY
CLINIC LO-
CATED AT 62
SILVER STREET
TO A DAY SPA
TO BE KNOWN
AS THE FOUN-
TAIN OF YOUTH

Atty. Michael Dowley explained the necessary revisions and requested an extension. Chw. Barbara Plum criticized the letter of extension. Discussion ensued. Comm. Carl Bolz commented on the need to continue the public hearing. From the public, Susan Bright questioned the Health Departmental comment. Ms. Harvey read a prepared statement into the record. Adam Hayn reiterated the traffic conditions and problems and dangerous conditions. R. Bergan commented in opposition, feels they are in a residential area and not a commercial one, and indicated the applicants cause many problems. He spoke at length on farming and the lack of "real" farming. On motion and second by Comms. Salvatore Fazzino and Andrew Rak the Commission continued the public hearing for a proposed Special Exception to construct additional greenhouses in excess of 5,000 sq. ft. in three (3) phases at 359 Chamberlain Road. Vote was unanimous. Applicant/agent Josh Eddinger/Atty. Michael F. Dowley & Associates SE2006-7

ITEM 3.6
CONTINUED P.H.
FOR A PRO-
POSED SPECIAL
EXCEPTION TO
CONSTRUCT
ADDITIONAL
GREENHOUSES
IN EXCESS OF
5,000 SQ. FT.
IN THREE (3)
PHASES AT 359
CHAMBERLAIN
ROAD

Chris Leider commented on occupancy and the letter from the Fire Marshal and read the proposed conditions into the record. Chris Leider agreed to no bands playing until after ten (10) p.m. and the Special Exception conditions. He questioned sidewalk dining. William Warner responded. A motion to grant a Special Exception to convert a portion of an existing vacant retail building located at 337-351 Main Street to a new use as a nightclub to be known as Bungalow with the condition that: 1) The Special Exception form filed on the land records shall reference the business plan and the discussions at the public hearing and require that any change in concept be approved as a new Special Exception by the Planning and Zoning Commission; 2) Any transfer in the liquor license shall be approved by the Planning and Zoning Commission prior to sign off; 3) Repeated Public Health or Fire Code violations and/or noise ordinance violations in excess of three (3) per year

ITEM 4.1
GRANTED A
SPECIAL
EXCEPTION TO
CONVERT A
PORTION OF AN
EXISTING VA-
CANT RETAIL
BUILDING AT
337-351 MAIN
STREET TO A
NEW USE AS
A NIGHTCLUB
TO BE KNOWN
AS BUNGALOW

will constitute a violation of the approved Special Exception; and 4) Failure to comply with any of the above terms and conditions shall constitute a violation of the Special Exception and allow the Commission to revoke such permit pursuant to Section 44.07 of the Middletown Zoning Code was made by Comm. Andrew Rak and seconded by Comm. Carl Bolz. Comm. Andrew Rak questioned the downtown support. William Warner explained. The motion passed unanimously. Applicant/agent Chris Leider SE2006-9

Atty. Leo Carroll explained the request and apologized for the oversight. Chw. Barbara Plum commented. William Warner explained the history. Comm. Salvatore Fazzino supported the request. Comms. Andrew Rak and Les Adams agreed. On motion and second by Comms. Andrew Rak and Les Adams the Commission granted final approval of the Arbutus Estates Subdivision located at 1111 Arbutus Street. Vote was unanimous. Applicant/agent Stevens, Carroll & Carveth/Kevin J. Curseaden S2003-4

On motion and second by Comms. Andrew Rak and Carl Bolz the Commission tabled a request for location approval for sale of used cars under G.S. Sec. 14-54 at 170 North Main Street in the IRA zone. Vote was unanimous. Applicant/agent D&M Recovery & Towing, LLC

On motion and second by Comms. Carl Bolz and Andrew Rak the Commission scheduled a public hearing date of October 25, 2006 for a child care center to be located at 436 Higby Road, on the east side near the intersection with Country Club Road. Vote was unanimous. Applicant/agent Sheila Girgenti-Emanuelson SE2006-8

ITEM 4.2
GRANTED FINAL
APPROVAL OF
THE ARBUTUS
ESTATES SUB-
DIVISION LO-
CATED AT
1111 ARBUTUS
STREET

ITEM 5.1
TABLED A RE-
QUEST FOR LO-
CATION AP-
PROVAL FOR
SALE OF USED
CARS UNDER
SEC. 14-54 AT
170 NORTH
MAIN STREET
IN THE IRA
ZONE

ITEM 5.2
SCHEDULED
P.H. 10/25/06
FOR A PRO-
POSED
SPECIAL EX-
CEPTION FOR
A CHILD CARE
CENTER TO BE
LOCATED AT
436 HIGBY
ROAD, ON THE
EAST SIDE
NEAR THE
INTERSECTION
WITH COUN-

TRY CLUB
ROAD

On motion and second by Comms. Carl Bolz and James Fortuna the Commission approved the minutes of the September 27, 2006 regular meeting. Vote was unanimous.

ITEM 6.1
APPROVED THE
MINUTES OF
9/27/06 REGULAR
MEETING

There was no ZEO report.

ITEM 6.2
ZEO
REPORT

Comm. Andrew Rak commented on the sale of Wesleyan University property and who the property would be sold to. Comm. Andrew Rak indicated that 132 Pearl Street is a former Wesleyan University property with a problems involving drugs and prostitution. He feels Wesleyan University should come to the commission and explain. Comm. Cindy Jablonski commented on the Plan of Development.

ITEM 6.3
COMMISSION
AFFAIRS

There was no discussion.

ITEM 8
DISCUSSION

On motion and second by Comms. Carl Bolz and Andrew Rak the Commission adjourned the meeting at 9:20 p.m. Vote was unanimous.

ITEM 9
ADJOURNMENT

Respectfully submitted,

William Warner, AICP
Director of Planning, Conservation and Development