

Dr. Eric G. Lowry, V-Chm.; Secretary, Cos. Giuffrida;
Dr. Christie E. McLeod; Seb. J. Passanesi.

COMMISSION MEMBERS PRESENT

George L. Augustine; Robert F. Chamberlain; Conrad J. Tyaack.

ALTERNATE MEMBERS PRESENT

Chm. Paul P. Parisi; Vincent J. Loffredo; Ralph Shaw II;
Mayor Anthony S. Marino.

COMMISSION MEMBERS ABSENT

Daniel Z. Shapiro.

ALTERNATE MEMBERS ABSENT

George A. Reif, Director; Florence Pelc, Transcribing
Secretary.

STAFF

Phil Bauer, Eng. Public Works Dept.; Jeff Kotkin, reporter,
Middletown Press; Peter Manbeck, WCNX News, Middletown, CT;
and approximately 10 people at large.

OTHERS

Meeting was called to order at 7:30 P.M. by V-Chm Lowry who
made the necessary appointed alternates to act for the absent
Commission members.

V-CHM LOWRY CALLED THE
MEETING TO ORDER AT 7:30
P.M.

Conrad J. Tyaack, acting for Chm. Parisi;
George L. Augustine acting for Comm. Loffredo;
Robert F. Chamberlain acting for Comm. Shaw.

ACTING ALTERNATES

Secretary Cos Giuffreda read the following legal notice.

SECRETARY COS. GIUFFREDA:

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD
A PUBLIC HEARING OCTOBER 11, 1978, STARTING AT 7:30P.M.
IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, DEKOVEN DRIVE,
MIDDLETOWN, CONNECTICUT, to consider the following:

ITEM 1. Application for special exception to convert a
residence located at 41 Crescent Street for offices in
the R-4 zone. Applicant Middlesex Memorial Hospital.

ITEM 1. APPLICATION FOR A
S.E. TO CONVERT A RESIDENCE
AT 41 CRESCENT ST. FOR
OFFICES IN THE R-4 ZONE.
• APPLICANT M.M.H.

TRANSCRIBING SECRETARY:

Chairman Parisi arrived after the secretary read the
legal notice at 7:35 P.M. to resume his seat at the meeting.

CHAIRMAN PARISI ARRIVED AT
7:35 P.M.

CHAIRMAN PARISI:

Now that I am here I will ask Comm. Tyaack to act for Comm.
Loffredo, and Comm. Augustine to act for Comm. Shaw.
Now, who is here to represent this application on behalf
of the hospital?

CHM. PARISI RE-ARRANGED
THE ACTING COMMISSIONERS

DRAFT

ED REINHOLTZ:

We would like to renovate the building to conform to what ever the City Code necessary for that type use. We presently plan to put a handicap ramp in the rear of the building along with the two.....on the second floor. This building is in fairly good condition and it would certainly be of good use as we have planned. The Code's require fire protection which we plan to put in, fire detectors and smoke detectors, which ever is required. The front of the building shouldn't be changed in any scope. The rear of the building will because of the handicap ramp and the stairway. The front will stay the same. Parking is adequate. If necessary we can remove a small two bay garage.

CHAIRMAN PARISI:

Is the building in front of Crescent and South Main or is it the back....

ED. REINHOLTZ:

It is the back part of D'Angelo's. This is D'Angelo's here. Next door to us right now is a doctor's building, and Middlesex owns the properties one, two, three down the road from that.

COMM. PASSANESI:

You said they own one, two, three down the road, what does that mean you own all three properties.....

ED REINHOLTZ:

We own all three properties yes. The only property we don't own at the time is the property number 45 which is Dr. Mahills.

COMM. CHAMBERLAIN:

Are these going to be offices or what?

ED REINHOLTZ:

They will be offices yes.

COMM. CHAMBERLAIN:

How many people are you going to employ? And what about the parking.? George what about the parking, will there be ample...

DRAFT

MR. REIF:

I had hoped we'd get that into the presentation. The reason the hospital is here is this is an R-4 zone and the use of the building previously was a residence. The zoning code permits a residence to be converted into an office building in the R-4 zone if the Commission grants a special exception. So they're here applying for a special exception. The requirements for parking is based on the area of the building, the gross area of the building and when you calculate that the requirements for one space for every 300 square feet, fortunately for them it works out to be five spaces. It doesn't matter in terms of the zoning code how many offices or anything, that's why we have it that way. It's easy to tell how many spaces you need in terms of the floor area. He mentioned that and there was some discussion about how they would like to preserve that garage and frankly I see no reason why you couldn't. You can get three cars in the garage and you can easily park two cars, two other cars on that site without destroying the garage. It seemed to be so important and yet in the design if you want to call it that, on the tracing paperyou can meet the requirements and save the garage.....

ED REINHOLTZ:

The important part to remember is that parking shouldn't be a problem. We have the use of D'Angelo's parking, and we have our own parking facilities across the way also. But none the less we know what the codes are.

CHAIRMAN PARISI:

Do you have an agreement with D'Angelo's to use their parking?

ED REINHOLTZ:

Yes we do. We've had that for some time.

MR. REIF:

If for some reason they couldn't meet the five parking spaces those two alternates were available. However, you haven't taken them because you show in the site plan which includes 5 parking spaces.

COMM.TYAACK:

Would you explain again about how many employees you will have and

DRAFT

ED REINHOLTZ:

The number of employees would be about five at this moment. That would be the maximum number of employees that we would have in there. The public and those people who will be using the facilities would vary. There wouldn't be five or six people there at one time.

COMM. LOWRY:

Is this a treatment center?

ED REINHOLTZ:

No, this would not be a treatment center, it will be offices for our alcoholic program.

CHAIRMAN PARISI:

Will there be anymore questions from the Commission?
 If not then we will go on to the next item on the agenda.
 Was there anyone to speak in favor of this application?
 Was there anyone to speak against this application?
 No. Then the secretary will read the second item on the public hearing.

SECRETARY GIUFFRIDA:

<p>ITEM 2. Application for a special exception to permit a drive-up facility on South Main Street in the B-2 zone. This proposal is for an addition to the existing building. Applicant McDonald's Corp.</p>	<p>ITEM 2 APPLICATION FOR A S.E. TO PERMIT A DRIVE UP FACILITY ON SOUTH MAIN ST. MCDONALD'S</p>
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CHAIRMAN PARISI:

Again this appeared in the Middletown Press on the 30th of September and the 7th of October. Who will be speaking on behalf of McDonald's?

TOM SISSON:

Good evening, my name is Tom Sisson, engineer for McDonald's Corp. What I am here before you tonight is a request to develop our McDonald's present use of the existing store on South Main Street for additional parking and a drive-thru window, a service window, similar to the one on Washington Street. I'll just explain what we have here. First of all this is as it is right now, with the parking lot and so on. Also the additional piece of property in the rear that we want to develop for more parking. This plan shows how we want to lay it out. We have some more parking in the back here and we take our existing parking which is right here and move it south so that we can get a wider driveway through here, and put on this special service window which is very similar to what we have on Washington Street.

DRAFT

There has been some problems presented in that...primarily in that area, some congestion problems.....people on Ward Street getting out on South Main Street with the present cycle of the traffic light there. I have with me a traffic engineer, Ron Moore and he and I together went up to the State and we presented the problem to the State and the State suggested that.....we have worked it out with them that if we put in some type of control to help control the signal lights, if we can get a longer signal light that is needed for our people coming in and out and allow more traffic to go out on South Main Street without allowing any backup on Ward Street that would solve the problem. I have a letter from the State to that effect.

This location presents itself a little better than the Washington Street store in the fact that we have a much longer capability of stacking lane. We can get about twice the number of cars here than we can get in on Washington Street. If I could at this time I would like to have Ron Moore go into the details.. into more detail what the state is allowing us to do for the intersection on Ward and South Main Street.

RON MOORE:

Well the problemwith the State was to solve the existing problem that is there right now, plus the proposed which may occur with the relocated driveway and what we are proposing is to install a detector...an additional detector in the driveway itself. This detector would be adetector and by that I mean if a car stops over it it would only call the signal if the car is still standing over the detector. And that aids us in the fact that if a car is making a right turn as soon as he leaves the detector and leaves the area the call will disappear basically. So he will not call an added call to the signal. But if he is going to make a left turn, it accomplishes again two things. One, if he's making a left turn up to the signal and there are no cars he can call the signal prematurely at this point rather than having to go up to the existing detector. There would be no chance in missing the existing detector if he is out of line. Secondly, if there is a backup here a..... waiting here to turn left would insure additional time to the signal and then when he himself left the detector he would insure himself an additional say three seconds and by that time he would either go through the signal or hit the second detector to insure his own time to go through. Now we have worked out this type of system and it's acceptable to the State and we have a.....revised plan and a reply from them stating that it is acceptable and the detector will be installed and maintain by McDonald's.

TOM SISSON:

Yes, this detector will be put in at our cost and there's no problem with the state or with the town. Another thing, I'd like to mention is that our present driveway exit is further towards South Main Street, I've moved it back in my plan twenty feet (20') which should help in it's own way. We wanted to move it back much further but our problem

DRAFT

is there's a piece of property here that is triangular shaped that's.....(Inaudible)

CHAIRMAN PARISI:

Have you tried to get that piece of property there?

TOM SISSON:

Yes we have tried two different approaches to the gentleman. First his price is unreasonable and he even tried.....(Inaudible) Mr. Salonia working with.....this piece behindtrying to make a swap with him but he didn't want to go along.

MR. REIF:

For the benefit of bringing out some information I'd like to ask one or two questions. Even if you had that parcel of land on the side you couldn't operate your drive-up window and get the cars out when you need to get them out without a total redesign of the building, am I correct?

TOM SISSON:

That is true. With our restaurants with the drive-thru are restricted tothe front of the building....the way it is situated....the way the kitchen is situated. The kitchen is adjacent to an outside wall.....so the only place we can do it is on the left side of the building. And it has to be located length wise of the building.....(Inaudible) so if this exist was moved much further back these people coming out(Inaudible)

CHAIRMAN PARISI:

Your back as far as you can go?

TOM SISSON:

We are back as far as we can go. I moved this back as far as I could for two reasons. One the property at this point....there's a property line here a matter of a few feet, I went back as far as I could go and I left these stalls here for special orders if for instance rather than holding up the line he could go there and

MR. REIF:

The other thing you were talking about the traffic, making traffic, the traffic pattern in that area, I'm looking forward to hearing it.

TOM SISSON:

If there are any questions I'd be happy to answer them at this time.

DRAFT

COMM. LOWRY:

What is the duration of the present traffic light, the cycle, and what would it be.....?

RON MOORE:

We took two traffic counts. One is a count of traffic.....record of a count on Ward Street itself and it was taken on a Friday and Friday is the heaviest day of a normal week with fifteen hundred and ninety-five (1,595) in one direction which is east bound, and 1,374 in the other direction. The peak period....the peak hour rather was four to five o'clock, and again a similar period at five to six o'clock and the directional movements of one hundred and fifty-five (155) per hour. Normal traffic signal operate at an intersection of this type with a lane arrangement should have a capacity of somewhere around twelve hundred (1,200) vehicles an hour total Main Street and side road, which leaves us with a capacity on a side road of somewhere in the area of 450 cars. Now we are experiencing 155 existing vehicles we are well below the capacity movement. We took also a manual turning movement count also on Friday at the same time the count was taken and that's in the(Inaudible) this included the counts coming directly out of McDonald's and also the counts of vehicles on Ward Street, and you can see from the count that McDonald's traffic that would be entering at the signal is a combination of two and three and a totalis a....at the peak is a total of...lets see ..a total of 83 cars total for the hour which is roughly on an average of one and a half per cycle.

COMM. LOWRY:

I asked about the duration of the cycle.

RON MOORE:

What we have right now is.....(Inaudible) there is no cycle length. The cycle length fluxuates completely depending how much traffic there is. If there was a fixed time signalwith a fixed time there would be a predetermined traffic...(Inaudible). With a fixed time there are detectors on at all times and every length is variable..... There is a minimum of about 40 seconds to a maximum of 108 seconds. It's normal cycle length.....its somewhere around 65 seconds. We have no plans what-so-ever to change the duration in the time and signal. What might happen in the future which doesn't happen now is that the side street may go slightly longer because there is an additional detector. But it goes longer because there is a demand there. If there is no demand then the cycle length would remain the same. What's happening now probably is car in the McDonald's driveway misses the detector coming out onto Main Street and will have to wait for the next cycle where this one would go the cycle before.

DRAFT

COMM. LOWRY:

Do we have a copy of the letter from the state?

MR. REIF:

Yes.

COMM. TYAACK:

I'd like to ask a question. You show a ...coming out of Ward Street number 4 coming out going north, you have an entrance on South Main Street is that the heaviest traffic....

RON MOORE:

Yes, that is the heaviest movement at the intersection, that is correct.

COMM. TYAACK:

Number 4, coming out of Ward Street heading north, lets take for example one car, there is now a car on South Main Street coming into McDonald's, so what is the advantage of that of regulating that light if that car lets call it car number 4.....

TOM SISSON:

I think I know what he is saying.....a car would be sitting would be facing north on South Main and making a left turn if that car number 4 is coming out of Ward Street and its on the green cycle and its red on South Main so there would be no northbound movement on South Main,(Inaudible).

RON MOORE:

If I have given you the impression as to delaying that light longer it is not. What it is doing is for the car coming out of McDonald's what is happening now is that he goes out to a red light on Main Street and waits for the next cycle and goes. With the new system here he would be given sufficient time to go out entirely in one movement. Now what it may actually do and this is such a grey area because of the volume of traffic coming along Ward Street and that coming out of McDonald's and what it may actually do is reduce the time, because he won't call the cycle the next time. But assuming that there are sufficient cars coming along Ward Street that cycle is probably called every single time, because you have here in an hour movements four and five combined is 155 so that's somewhere around 2 and a half per cycle. You can always be guaranteed that at least one car per cycle will approach on Ward Street. So McDonald's traffic will not itself call additional cycles. The only thing that this detector does is it guarantees the car to get out of Main Street, out of Ward Street onto Main Street in one movement which is beneficial and in case that there is anyone that misses the detector which

DRAFT

has been happening now because the driveway is closer to Main Street, it's been moved back further so that he won't miss that second detector and there will be sufficient.....(Inaudible) in there. The situation should not get worse and there is a possibility of...a small possibility that it ever get better.

COMM. LOWRY:

Did you get the permit from the state department....

TOM SISSON:

I haven't actually picked up the permit itself but I will be getting it. This letter itself says that we can do it. It states itself that what we intend to do we can.

COMM. CHAMBERLAIN:

By adding a drive-up window you do increase your business, is that right?

TOM SISSON:

The drive-up window....is what it does is it takes about 30% of the business to the window. We don't count on this as increasing business. It's a convenience, that's all. It's maybe one percent more. That's all.

MR. REIF:

I have some comments here I should read about the internal affairs. The comments are in review of the following:

1. The area designated as the special service window land and the existing parking spaces are indicated so as to leave a scaled distance of only sixteen (16) feet for maneuvering area, slightly less than the minimum of eighteen (18) feet for sixty degree angle parking.
2. The newly expanded parking area layout of stalls appears to be somewhat uncomfortable with respect to maneuvering and possible changes made.
3. A new catch basin is proposed near the exit and should be constructed over the drainage line rather than as shown.
4. A drainage structure should be constructed over the existing drainage line within the expanded parking area and the paved surface elevations reflect the sloping to utilize the new catch basin.
5. All drainage structures must be constructed with a minimum two (2) feet sump for collection of silts so as to prevent siltation of Pameacha Pond.

DRAFT

Primarily I think the things you ought to discuss with the Commission are the tight parking situation.

TOM SISSON:

OK. Those stalls that are adjacent to the separation of the two lanes....they will be on the heavy volume on Saturday and Sunday. We will have so many employees coming to work that we will instruct them to park in these four or five spaces along in the area where it is a little tight. I also increased the angle to....60° I think. So those people there will be there from 6 to 8 hours, so the movement will be then.

COMM. LOWRY:

Could you just show me on the map where your present exit is?

TOM SISSON:

The present exit is...this is theits here(pointing to map)

CHM. PARISI:

What is the length of that stacking distance from...how many cars could you stack in there? What would you have about 5 cars

RON MOORE:

Up to the detector to the window we have roughly one hundred feet (100'), so that should take care of five cars there. From the detector back to where it would not interfere at all with any parking you have an additional 40 feet, which is two more cars and then you could go back as far as you like.

CHM. PARISI:

So you could stack seven (7) cars....to the window ... I assume at the detector that's where you give your order?

TOM SISSON:

Yes, the detector is a detector to detect the wheel of the car and it sends a signal to the booth and she takes the order, and from the time you hit that detector and go to the booth its about 20 seconds, in fact we have been doing it in fourteen.

DRAFT

RON MOORE:

Even though you were to assume a longer number than the record...say 30 seconds that means you can turn out two drive-in window customers per minute or at the rate of 120 an hour, which that itself is roughly the rate of cars coming into the entire restaurant. Not just the drive-in, but the entire restaurant. So we should not experience at all any back up in this area except in very high peak period, and for a very short duration.

TOM SISSON:

The store on Washington Street has too many boards, the first menu board is such a manner that the car behind the one at the detector can look at the menu so that he has in his mind what he wants before he gets to the detector. We have modified that, we only need one menu board now. This speaker post is just a post, its about a foot square and it has a speaker in it. The menu board now is set at an angle so the car at the detector and the car behind can read it. The second car is making up his mind while the first one is giving his order. Then in the high volumn hour if they run into a backup problem they put a crew person out there with a microphone and walks along the cars and takes orders.

COMM. PASSANESI:

What is the distance between.....at the intersection of Ward Street and South Main Street to theof your driveway?

RON MOORE:

Six before you....the driveway and seven before you start to block and eight before you completely block it. You have 120 feet to here. So you will have six cars here, seven would parcially block it and eight cars before you totally block the driveway. Thats assuming only a total of one lane approaching.

CHM. PARISI:

Any other questions? George do you have.....

MR. REIF:

Only from the fire department, and they have no objections. I would like to ask, Ron did you do your study and make it available to the state or did they do their own independently from yours?

DRAFT

RON MOORE:

It all depends on what you consider a study. We met with the department and the both of us together determined what we needed to solve the problem here.

CHM PARISI:

Is this according with the Police Department?

MR. REIF:

Yes. Fortunately the system at the Police Dept. now uses prevents them from getting a comment back rapidly is that they have to go to their regular meetings, so it could be some time.

TOM SISSON:

Let me say this. I have talked to Lt. Genovese and he said that it was fine with him, so he is aware of it. At the time I didn't go into details with him, then I went to the State. I didn't know where to start so I started locally.

CHM. PARISI:

Are there anymore questions? Is there anyone who wishes to speak in favor of this application?

JAMES SALONIA:

My name is James Salonia. I am the owner of some property near there and right now there are people stopping parking their car and go in the place and picking up there stuff and go back into their car and driving out the same way they come in. I believe that this addition is additional business for them and will make it better because they are improving this and they are making this.....deeper and they are improving, the situation for going out. It will be better than it is right now. I won't mention any other properties in town that have a worse condition, because I am sure that you people are aware of it, but to get back to this, they have improved it, they have worked on it and I think that it is going to help me to. It's not just McDonald's, its me too. So I will vote that the board sees it that they are trying to do a good job here, and they do good work in town, they hire local people and they help the community in different ways, they help the hospitals and I sure you are aware of this. I want to thank you . I know that you are trying to do what is best for the town and I appreciate that. Thank you very much.

DRAFT

CHM. PARISI:

Would anyone else like to speak in favor of the application?
Does anyone wish to speak in opposition?
If not we will go on to the next item on the public hearing.

SECRETARY GIUFFRIDA:

ITEM 3. Application for a special exception to permit construction of 40 units for the elderly on 5.3 acres on land located in the R-1 zone, at the southwest corner of South Main St. and Randolph Rd. Applicant Housing Authority of the City of Middletown.

ITEM 3 APPLICATION FOR A S.E. TO PERMIT CONSTRUCTION OF 40 UNITS FOR THE ELDERLY AT THE CORNER OF SOUTH MAIN ST AND RANDOLPH RD. APPLICANT HOUSING AUTHORITY

CHM. PARISI:

This item appeared at the public hearing on September 30, and October 7th. For this item Comm. Passanesi has disqualified himself and Comm. Chamberlain will be voting in his place.

COMM. AUGUSTINE:

Before we go on , maybe you can tell the gentlemen from Middlesex Hospital that we won't make a decision tonight and they might as well.....

CHM. PARISI:

Gentlemen are you looking for a decision tonight?
Just from the hospital point of view and anyone else that is here tonight, normally we won't vote and decide your item at the night of the public hearing unless there has been a request that we act to do so. The earliest would be at our next meeting. That's two weeks from tonight. The 25th. OK.....

The Housing Authority wants action tonight.
When was the last time this was approved by the Commission?

TWO MEN WHO DID NOT GIVE THERE NAMES:

I think it was January, 1977.

CHM. PARISI:

Have you made any changes since then?

TWO MEN:

No we haven't.

DRAFT

CHM. PARISI:

Does anyone have any questions?
George....do you have something?

MR. REIF:

No really. We frankly didn't ask for any comments from the various departments because everybody had approved it previously.

COMM. AUGUSTINE:

Wasn' t there some changes they were to make....
like the garbage pick up in the back.....

MR. REIF:

Yes, and they ofcourse have made them. Now remember you granted this special exception with the provision that there had to be a site plan review and the site plan review took a little extra time even though that time period has run out. So your seeing there is the revised site plan and you are seeing it together now with... as the theory....is suppose to be.

CHM. PARISI:

Now George all the changes that we have asked for are put on the plan.

MR. REIF:

Yes.

CHM. PARISI:

Would you just review them for us.

MR. REIF:

Basically there is a cluster of houses on the corner of South Main Street and Randolph Road and existing school house is there, and I hope by now that this building.....has got to be used in some way

CHM. PARISI:

I don't know how you can. I think the only use you can have for that building is demolition fill.

DRAFT

MR. REIF:

Thats a lovely idea. There are three ways to get on this site. One here, which I happen to be opposed to but that is beside the point, one here and one here, (pointing to map) and one over here, an opening here on Randolph Rd. You are going to be able to come in and bring buses and other vehicles and drop people off relatively conveniently. These two buildings, in order to get to the buildings in the back, you come down this driveway and you can stop here and you can come in and stop here and then there is a walkway system that give you particular transportation in an emergency basis. That was one of the big arguments about this. Is there or isn't there aaccess and there is only in an emergency conditions.

COMM. GIUFFRIDA:

I make a motion that we grant this special exception.

COMM. CHAMBERLAIN:

And I will second it.

CHM. PARISI:

Is there any discussion? All in favor?

COMMISSIONERS VOTED YES:

CHM. PARISI:

The vote is unanimous. You got it.
We will go onto the next item on the agenda.

SECRETARY GIUFFRIDA:

ITEM 4. Application for subdivision of 16 lots located at Reservoir Rd., Coe Ave., Bartholomew Rd., located in the R-1 zone. Applicant Atty. Joseph Borkowski.

ITEM4. APPLICATION FOR
SUBDIVISION OF 16 LOTS
LOCATED AT RESERVOIR RD.,
COE AVE., BARTHOLOMEW AVE
APPLICANT J. BORKOWSKI.

CHM. PARISI:

This item also appeared in the Middletown Press September 30, and October 7.

ATTORNEY JOSEPH BORKOWSKI:

I have appeared before you previously on January 11, and at that time....(Inaudible)
Mr.Santostefano in his will he left his property to five individuals and the individuals have decided to divide up the bulk of the land into individual lots. We had come before you in

DRAFT

To move right to the bottom line here, Joe has done a brilliant job in solving the problem of how to distribute the land. The Health Dept. although has a valid point that before the Planning Commission can approve this for lots that require water and sewer in order to be the size they are and the areas they are people ought to be forced to abandon their septic systems and tie into the City's system.

ATTORNEY BORKOWSKI:

The comment to that is that you are dealing with existing houses. Actually we could have come tonight simply of eleven lots. The Commission already on January 11, approved the other lots as subdivision lots. So therefore what's really before the Commission tonight is the eleven new lots. You have already approved the five existing lots. It would be as if you would go into a new area and require everybody since they might happen to have an isolated lot in that area to ask these old owners, because the new owners coming on the scene to hook into the sewer because the subdivision is coming in the area. The new lot, it's understood of course it would be(Inaudible) would tie into the sewer and water.

MR. REIF:

May I ask one thing, they raised the issue of lot 16. Lot 16 is...a new lot.

ATTORNEY BORKOWSKI:

No it is not. Lot 16 previously existed as a two thousand square foot lot.

MR. REIF:

They are raising the issue that they don't know where the septic tank system is. And they would like the opportunity to find out where it is.

ATTORNEY BORKOWSKI:

It exists someplace in that one thousand one hundred and sixteen square feet.....

COMM. GIUFFRIDA:

Why is that lot so big?

ATTORNEY BORKOWSKI:

The man simply didn't want to divide his lot.

DRAFT

MR. REIF:

There is no water and sewer available to that lot.

ATTORNEY BORKOWSKI:

More importantly Mr. Santostefano has no plans on dealing with that property .

COMM. CHAMBERLAIN:

When you were in about nine months ago didn't he take those lots....because there were houses built on them and they wanted to straightenout the boundary line to determine the ownership.....and we went along with that. Now you are coming in with aparcel divided into 16 sections and.... I still don't think

ATTORNEY BORKOWSKI:

If I can refresh your memory. You are quite correct. What had happened was is that there were some minor discrepancies.....one , that some lots were described as...with very little by way of ...(Inaudible) it is very difficult to tell exactly where that lot existed. We didn't change one dimension. In other words if they were given a hundred feet they ended up with a hundred feet. What we wanted to do is we wanted to make it explicit as to where that hundred feet was. The other order of problem was that some of the reference points were rather in-exact. They had said two hundred feet, and as it turned out when you go two hundred feet you ended up in a mans garage. They had paced it out, they didn't survey it out so therefore we changed the reference point on two lots to give the man his 100 feet. But we didn't add or subtract anything from the lot. The five owners have been living there for many many years now, and again we have found out that in the process of a title search they had never appeared before the Commission for a subdivision approval, and we were there at that point simply to secure subdivision approval. We told the Commission at that time that in a later point we might appear before you again to divide up the remaining land and that's why we are here tonight for.

CHM PARISI:

None of these lots, the old lots that you added to make up 40,000 sq. ft.anyway do they?

DRAFT

ATTORNEY BORKOWSKI:

The old lots had some Yes, some were. There was one that was a little bit under 19,000.

MR. REIF:

We're talking about 40,000.

ATTORNEY BORKOWSKI:

Yes I know. The old lots were 20,000.

CHM. PARISI:

Even with the add on your no way near 40,000.

MR. REIF:

No because he's taking the benefit of having water and sewer. They just don't have it. They just have wells and septic tanks.

ATTORNEY BORKOWSKI:

Again I will go back to the Commission's prior approval of those lots on January 11.

MR. REIF:

Your saying that they should (Inaudible) then. That's what Mr. Chamberlain is bringing out that the reason that the Commission approved it then is that it presented as a for-going conclusion. And to be good guys they approved it.

ATTORNEY BORKOWSKI:

Yes. But we still have the same situation. You still have the same situation existing. Actually the owners of the property could still take this land in bulk and sell it to somebody in bulk. But it seemed the wiser to divide it up.

MR. REIF:

To compromise the situation. What I don't want to do is to discourage Joe Borkowski who discovers these things and very nicely gets them together and brings them to the Planning Commission. There are other people who won't do that. You could of done it like others do.

ATTORNEY BORKOWSKI:

We did it in the stages that we did for the precise reason that I thought it would be clearer to the Commission. Because you are dealing with five owners of property.

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It's as if I came to you and told you now that you have to hook in to water and sewer system because you were fortunate enough to get a request of land..... you are dealing with an existing situation and has existed for quite some time. I assume the Health Dept. is concerned because they feel that an area whether it be leaching fields or water systems that the area be large enough to accommodate leaching for the lot. However if you look at each of the lots they are totally buffered on all sides by lots that will have to be.....

MR. REIF:

They will not.....they couldn't possibly contaminate the next persons well because he won't have a well.

ATTORNEY BORKOWSKI:

Your dealing with a theoretical problem. The people that buy these abutting lots are not going to be sinking wells are not going to be....having septic systems because they are 100 foot lots and by the Code they must tie into sewer and water. So therefore as a practical matter youof the leaching area for a well system. I realize the Health Dept. concern is that you would have polluted wells and you would have other problems. However, that is based on the density of wells in the area or a density in the septic system. But with a hundred foot lot your not going to have any new wells, your not going to have any new septic systems. And as a practical matter you won't have no problem.

MR. REIF:

What really isn't known is whether or not is that each of these old lots has the well and septic system on the lot itself. If the septic system happens to be on one of the other adjacent lots and somebody builds a house and the foudation disrupts the septic tank system there's going to be a problem. So the obvious solution is to tie into the City's water and sewer....

ATTORNEY BORKOWSKI:

The Commission could make it as difficult as it wishes....

MR. REIF:

No, were trying to avoid problems.

COMM. CHAMBERLAIN:

Were just going by your own words. The original boundary lines you didn't know in the first place. You established it. Do you know where the septic systems are on those people's property .

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ATTORNEY BORKOWSKI:

I do not.

CHAIRMAN PARISI:

Does the Health Department know?

MR. REIF:

No. They have said that they don't, and that's really the crust of the issue. For instance, if each of these lots previously established does contain it's own well and septic tank than Joe's argument is a very good one. However, if any part of it is on somebody's else new lot than there's.....

ATTORNEY BORKOWSKI:

So the remedy then is to locate the septic systems on the map rather than making the people tie in.....

MR. REIF:

Yes that's right. That's were I'm going with that argument.

CHAIRMAN PARISI:

Lot 14 which is the Bower's shows where the well is. It doesn't show were the septic tank is, but lot 16 which I guess is the main lot doesn't show the well at all. Lot 2 doesn't show the.....

I think the question that Bob is raising is that....lets assume that Casserino's lot which is 2 what are they going to do if there well and septic tank is in lot one or in lot three, because you don't know where the hell it is.

MR. REIF:

There going to run down to the Planning Commission and say why did you approve it.....

CHAIRMAN PARISI:

What are you going to do if Casserino's well or septic tank happens to be in lot 3 and Joe Borkowski buy's it and puts in a foundation and knocks out their well and septic system cause they don't know where it is, nobody's knows where it is maybe they do but the Health Department doesn't and I think that is the question that has been raised. If it's in the boundary of lot 2 than I don't think you have a problem. But if it turns out that it's in lot 3 somebody's has a problem out there.

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MR. REIF:

And the purpose for the Planning Commission to have some control over subdivision is to help eliminate some....future problems.

ATTORNEY BORKOWSKI:

So am I to understand that if we can locate these septic systems and well on the individual lots..... if the lot need compasses the septic system and well associated with the house that there will be no need for that person to tie in?

MR. REIF:

I would certainly go along with that.

CHAIRMAN PARISI:

What we are asking you to do at this point is locate the well with the septic tank ok. I don't think that we are going to give you a promise that if you locate it that everything else is golden. No one wants to give you that tonight.

ATTORNEY BORKOWSKI:

I'm just sharing.....to be practical with you. Every time you (Inaudible) cost you have a decision as to which way you're going. The estate has some choices here and the estate may wish not to go into a subdivision.....

CHAIRMAN PARISI:

Even if they sell it off in bulk to somebody else, somebody's going to want to know where the septic tanks are to those five lot, no matter what you do to the other part of the property whether they subdivide it themselves or they sell all the odd ball pieces to somebody else.....someone is going to be faced with the problem of where these are. It seems to me that if the Health Dept. goes out to Casserino's and say where's your well, where's your septic tank they won't know where it is. I know where mine is. So at least you can plot it on the map.

COMM. PASSANESI:

Why don't you....locating the septic tank and the leaching field and get some authority to indicate that they have investigated and have found the area not to be contaminated.....and that the systems are working properly and so on.....

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COMM. GIUFFRIDA:

Tell me this do you find fault with locating the five systems.....septic systems involved?

ATTORNEY BORKOWSKI:

No.. if it's the recommendation of the Commission I find no fault.

COMM. GIUFFRIDA:


Do you see where there would be fault if indeed you find two or three of these places have wells or septic systems located on other pieces of property here.....

ATTORNEY BORKOWSKI:

We have not located.....however we haveover this map with all of the individuals involved and certain.....and I'm certain that each individualⁱⁿ reviewing the dimensions on the map are very aware as to whether or not their well or their leaching field.....we had a surveyor go out and do this type of work and he walked the boundary line and he did all the necessary....to satisfy our office that we are not dealing with a real problem .

CHAIRMAN PARISI:

Are there any other questions?
Is there anyone who wishes to speak in favor of this proposal?
Anyone to speak in opposition?
If not than we will close the public hearing.


Transcribing Secretary
Florence Pelc

Paul P. Parisi, Chairman
Planning and Zoning Commission

Approved at meeting of _____

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