

Chw. Barbara Plum, Comm. Carl Bolz, Comm. James Fortuna,
Comm. John Pieper, Comm. Sebastian Scalora, Comm. Deborah
Kleckowski

MEMBERS
PRESENT

Comm. Stephen Gadowski, Comm. Stephen Shapiro, Comm.
Andrew Rak, Comm. William Wilson, Mayor Dominique
Thornton, Dir. P.W. William Russo, Ex-Officio

MEMBERS
ABSENT

William Warner, Director, Brian Robinson, Zoning Enforcement
Officer, Deputy Dir. P.W. Robert Dobmeier

STAFF

There were approximately twenty (20) 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

The Commission moved Items #5.5 and #5.6 to the top of the agenda.
Tom MacDonald explained the requests. Guy Russo, Director of the
Water and Sewer Department, explained the modification to the sewer
line and the elimination of the pump station. Chw. Barbara Plum com-
mented. Guy Russo responded. On motion and second by Comms.
Carl Bolz and James Fortuna the Commission gave an affirmative G.S.
Review for sewer replacement as part of the revised development
plan for the new Cross Street AME Zion Church on West Street. Vote
was unanimous. Applicant/agent City of Middletown Water and
Sewer Department/Guy P. Russo, Director. On motion and second by
Comms. John Pieper and Sebastian Scalora the Commission approved
a modification to the Special Exception approval for the new Cross
Street AME Zion Church to be located at the intersection of West and
Wadsworth Streets with regard to the sanitary sewer system. Vote
was unanimous. Applicant/agent East Wharf Architects, Inc./Thomas
MacDonald AIA SE2004-6

ITEMS 5.5/5.6
GAVE AN AF-
FIRMATIVE G.S.
REVIEW FOR
SEWER REPLACE-
MENT AS PART
OF THE REVISED
DEVELOPMENT
PLAN FOR THE
NEW CROSS
STREET AME
ZION CHURCH ON
WEST STREET.
APPROVED A
MODIFICATION TO
THE SPECIAL EX-
CEPTION APPROVAL
FOR THE NEW
CROSS STREET
AME ZION CHURCH
TO BE LOCATED AT
THE INTERSECTION
OF WEST AND
WADSWORTH
STREETS WITH RE-
GARD TO THE
SANITARY SEWER
SYSTEM

On motion and second by Comms. James Fortuna and Carl Bolz
the Commission accepted withdrawal of a proposed Special
Exception to convert an existing café known as the Realto Café
at 50 Rapallo Avenue to a new use as a café/nightclub. Vote was
unanimous. Applicant/agent Realto Café/Ann Marie McCalla
SE2004-13

ITEM 3.1
ACCEPTED WITH-
DRAWAL OF A
PROPOSED SPECIAL
EXCEPTION TO
CONVERT AN

EXISTING CAFÉ
KNOWN AS THE
REALTO CAFÉ AT
50 RAPALLO
AVENUE TO A NEW
USE AS A CAFÉ/
NIGHTCLUB

Atty. Michael Dowley explained the request to change the text of the Zoning Code and read many letters of support into the record. Atty. Dowley summarized the "legislative process" and indicated if approved, the application would need special exception approval. Bruce Hoben reviewed the report he prepared. Joshua Eddinger explained his request. Atty. Michael Dowley summarized and concluded. From the public, Arline Rich indicated she supports efforts to save farms. S. Guiliano spoke in opposition and feels this will be a retail operation in a residential zone. R. Bergan spoke in opposition, feels it is a residential zone, that it should not be used as retail and spoke regarding the Eddinger site. D. Wolfrum spoke in opposition. Ronald Borrelli spoke regarding farming on Brooks Road. Comm. Carl Bolz questioned traffic, allowing retail, and special exception criteria. Atty. Michael Dowley provided his rebuttal. On motion and second by Comms. Carl Bolz and James Fortuna the Commission closed the public hearing. Vote was unanimous. A motion to adopt a proposed Zoning Code text amendment to modify Section 60.02.38 Permanent Year Round Farm Markets to include the R-15 zone was made by Comm. Carl Bolz and seconded by Comm. James Fortuna. Comm. Carl Bolz raised a number of concerns such as traffic and retail. Chw. Barbara Plum feels there was a reason why the R-15 zone was excluded and feels the change is limited to only two (2) parcels. Comm. Deborah Kleckowski reiterated her concern regarding products allowed to be sold. William Warner explained Section 71 and the need to make that a part of the decision. Discussion on Section 71 ensued. Chw. Barbara Plum felt it is more of a spot zoning. Comm. Carl Bolz is opposed and feels it does not satisfy Section 71 criteria. Chw. Barbara Plum summarized the vote and the reasons for denial as a collective decision. The motion was denied unanimously. Applicant/agent Joshua Eddinger/Michael F. Dowley & Assoc. Z2004-6

ITEM #3.2
DENIED A PRO-
POSED ZONING
CODE TEXT A-
MENDMENT TO
MODIFY SECTION
60.02.38 PERMAN-
ENT YEAR ROUND
FARM MARKETS
TO INCLUDE THE
R-15 ZONE

Atty. Michael Dowley explained the proposal for a three (3) lot subdivision. Comm. Carl Bolz questioned approval from the Inland Wetlands Agency. No one from the public spoke. Comm. Carl Bolz questioned staff. William Warner responded. On motion and second by Comms. James Fortuna and Deborah Kleckowski the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Carl Bolz and James Fortuna the Commission granted final approval of a three (3) lot resubdivision of the property of Lewis R. Labbadia located on the north side of Mile Lane near the intersection with Newfield Street with the condition that all departmental comments be addressed. Vote was unanimous. Applicant/agent Lewis R. Labbadia/Michael F. Dowley & Associates S2004-3

ITEM 3.3
GRANTED FINAL
APPROVAL OF A
THREE (3) LOT
RESUBDIVISION
OF THE PROPERTY
OF LEWIS R.
LABBADIA LO-
CATED ON THE
NORTH SIDE OF
MILE LANE NEAR
THE INTERSEC-
TION WITH NEW-
FIELD STREET

A request to table was made by the applicant. William Warner explained the request. On motion and second by Comms. Carl Bolz and James Fortuna the Commission tabled a proposed Special Exception to construct a two-family dwelling at 67 Warwick Street near the intersection with High Street. Vote was unanimous. Applicant/agent MAP Investment Trust, LLC/ Michael O'Brien SE2004-16

ITEM 3.4
TABLED A PROPOSED SPECIAL EXCEPTION TO CONSTRUCT A TWO-FAMILY DWELLING AT 67 WARWICK STREET NEAR THE INTERSECTION WITH HIGH STREET

Richard Wyatt indicated he will accept the land. William Warner indicated that will solve the problem. No further action will be taken on a proposed Lot Line Revision between Lot #6 of the Pinehurst at Pistol Creek Subdivision located off Atkins Street and Lot #4 of the Delta Industrial Subdivision located off Bradley Street. Applicant/agent Delta Building Corporation/Bruce S. Bannerman, Vice-President S99-12

ITEM 4.1
NO FURTHER ACTION WILL BE TAKEN ON A PROPOSED LOT LONE REVISION BETWEEN LOT #6 OF THE PINEHURST AT PISTOL CREEK SUBDIVISION LOCATED OFF ATKINS STREET AND LOT #4 OF THE DELTA INDUSTRIAL SUBDIVISION LOCATED OFF BRADLEY STREET

On motion and second by Comms. Carl Bolz and James Fortuna the Commission granted final approval of the Fawn Meadow Estates Subdivision located off Chamberlain Road with the condition that a cash bond in the amount of \$90,000 be posted. Vote was unanimous. Applicant/agent Real Estate Resources, LLC/James F. Ripper S2002-26

ITEM 4.2
GRANTED FINAL APPROVAL OF THE FAWN MEADOWS SUBDIVISION LOCATED OFF CHAMBERLAIN ROAD

William Warner explained. On motion and second by Comms. Carl Bolz and James Fortuna the Commission granted final approval of the Westfield Woods Subdivision located off Westfield Street with the condition that a cash bond in the amount of \$30,000 be posted. Vote was unanimous. Applicant/agent Atty. Michael Dowley S2003-14

ITEM 4.3
GRANTED FINAL APPROVAL OF THE WESTFIELD WOODS SUB-

Richard Jukonski explained the proposal. William Warner summarized. On motion and second by Comms. Carl Bolz and James Fortuna the Commission gave an affirmative G.S. 8-24 Review for the sale of city owned property located at the corner of Butternut and Thomas Streets to Jukonski Truck Sales subject to a price to be determined by the Tax Assessor. Vote was unanimous. Applicant/agent Economic Development Committee/Rick Kearney

DIVISION LOCATED
OFF WESTFIELD
STREET

ITEM 5.1
GAVE AN AFFIRMATIVE G.S.
8-24 REVIEW FOR
SALE OF CITY
OWNED PROPERTY LOCATED
AT THE CORNER
OF BUTTERNUT
AND THOMAS
STREETS TO
JUKONSKI TRUCK
SALES

Frank Magnotta explained the proposal. Discussion ensued. Comm. Carl Bolz questioned the parking. William Warner explained. On motion and second by Comms. Carl Bolz and Deborah Kleckowski the Commission granted site plan approval to construct a 50,000 sq. ft. addition to the Habasit ABT building located at 150 Industrial Park Road and approved a waiver of the parking requirements in the Interstate Trade (IT) zone with the condition that if the company adds more than twenty-five (25) employees or transfers the property, then the applicant must return to the Commission to reevaluate the parking needs. Vote was unanimous. Applicant/agent Habasit ABT, Inc., c/o Gary Peterson/Frank Magnotta SPR2004-315

ITEM 5.2
GRANTED SITE
PLAN APPROVAL
TO CONSTRUCT
A 50,000 SQ. FT.
ADDITION TO
THE HABASIT
ABT BUILDING
LOCATED AT
150 INDUSTRIAL
PARK ROAD

William Warner explained. On motion and second by Comms. Carl Bolz and John Pieper the Commission gave an affirmative G. S. 8-24 Review to transfer city surplus land located at the corner of East Street and Country Club Road to Reginald Garesio. Vote was unanimous. Applicant/agent City of Middletown Public Works Commission.

ITEM 5.3
GAVE AN AFFIRMATIVE G.S.
8-24 REVIEW TO
TRANSFER CITY
SURPLUS LAND
LOCATED AT THE
CORNER OF EAST
STREET AND
COUNTRY CLUB
ROAD TO REGINALD
GARESIO

On motion and second by Comms. Carl Bolz and James Fortuna the Commission scheduled a public hearing date of October 27, 2004 for a proposed Special Exception to construct the new Middletown High School and VO-AG building on Wilderman's Way off Newfield Street. Vote was unanimous. Applicant/agent Middletown High School Building Committee SE2004-17

ITEM 5.4
SCHEDULED P.H.
10/27/04 FOR A
PROPOSED SPECIAL
EXCEPTION TO
CONSTRUCT THE
NEW MIDDLETOWN

HIGH SCHOOL AND
VO-AG BUILDING
ON WILDERMAN'S
WAY OFF NEW-
FIELD STREET

On motion and second by Comms. James Fortuna and John Pieper the Commission approved the minutes of the September 22, 2004 meeting. Vote was unanimous.

ITEM 6.1
APPROVED THE
MINUTES OF THE
9/22/04 MEETING

Brian Robinson gave the ZEO Report.

ITEM 6.2
ZEO REPORT

Brett Hasbrouck spoke.

ITEM 8
DISCUSSION

On motion and second by Comms. James Fortuna and Deborah Kleckowski the Commission adjourned the meeting at 9:43 p.m. Vote was unanimous.

ITEM 9
ADJOURNMENT

Respectfully submitted,

William Warner, AICP
Director of Planning, Conservation and Development