

COMMISSION ON THE CITY PLAN AND ZONING - PUBLIC HEARING - WEDNESDAY -
OCTOBER 13, 1971 - 7:30 P.M. - MUNICIPAL BUILDING - COUNCIL CHAMBER -
DEKOVEN DRIVE - MIDDLETOWN, CONNECTICUT

Edward F. Button, Chairman
Robert F. Chamberlain, Vice-Chairman
Seb Passanesi
David Mylchreest
Joseph P. Otfinoski, Alternate
Frederick Congdon, Alternate, Acting Secretary

COMMISSION
MEMBERS PRESENT

Salvatore Lisitano, Alternate

COMMISSION
MEMBER ABSENT

George A. Reif, Director
William M. Kuehn, Ass't. Planner
Althea Rinaldi, Recording Secretary

STAFF MEMBERS

Philip Bauer, Engineer, Public Works Department;
Attorney Robert L. Hurney, representing John J.
and Verda H. Macala; Theodore Jackowiak, Civil
engineer, representing Leona B. Stolba; eleven
(11) members of the public at large.

OTHERS

The hearing began at 7:30 P.M.

CHM. BUTTON:

I hereby call this meeting to order and
since we have had a resignation from the
Commission of Mr. Phillip Alexander, I shall
appoint Mr. Fred Congdon to sit in his place
to-night at this hearing and a---while Mr.
Otfinoski sits in at the business meeting we
will try and keep it share and share alike
here. I will now ask the Secretary Mr.
Congdon, to read the call to the Public
Hearing.

SEC'Y CONGDON:

THE MIDDLETOWN COMMISSION ON THE CITY PLAN
AND ZONING WILL HOLD A PUBLIC HEARING ON
OCTOBER 13, 1971, STARTING AT 7:30 P.M., IN
THE COUNCIL CHAMBER, MUNICIPAL BUILDING,
DEKOVEN DRIVE, MIDDLETOWN, CONNECTICUT, to
receive and consider:

LEGAL NOTICE

1. Application for proposed four (4)
lot subdivision of property owned
by John J. and Verda H. Macala, on
the east side of Ballfall Road
(Rt. 217) and Alsace Terrace, located
in R-1 Zone.
2. Application for proposed four (4)
lot subdivision of property owned
by Leona B. Stolba, on the east
side of Bartholomew Road, located in
R-1 Zone.

CHM. BUTTON:

Will the proponents for the Item #1 for the 4 lot subdivision of John J. and Verda H. Macala step forth.

ATTY. R.L. HURNEY:

I'm appearing for them Mr. Chairman. Atty. Robert L. Hurney of Middletown. I believe you have the map.

ATTY. R.L. HURNEY, REP.
JOHN J. & VERDA H. MACALA

GEORGE REIF:

The Commission itself has not seen anything, so we'll start from scratch.

CHM. BUTTON:

How many maps have we've got---let's have one for each end of the tables then.

ATTY. R.L. HURNEY:

If you will notice gentlemen, on the left side of the map it's marked Conn. Rt. 217, of course that is Ballfall Rd. and it's cornered by Alsace Terr. which is a dead end street and that's also we've learned is a City street. What we're doing is---the proponents acquired as two tracts of land---of course they both now stand in their names. The manner in which they acquired them isn't reflected on this map. I believe it was acquired as 2/5 north, a northerly and southerly strip---am I right, which would be along here and this is the homestead. They now want to divide because this street is available to them into three additional lots. The lots on your map 3 and 4---there's no problem, of course, they have the requisite 40,000 sq. ft. Lot #1 is only 27,000 sq. ft. but if you'll notice the family homestead is on lot #2, which is 33,000 sq. ft. where a large home, an existing garage and a swimming pool and there is still ample land. Lot #1, which is where we have the problem is adjacent to their own home and there seems to be adequate footage even though it doesn't meet the Code. It's 250 ft. deep and has 110 ft. plus frontage on Ballfall Rd. We know of no opposition although there may be some. Are there any questions that I can answer?

CHM. BUTTON:

When is water and sewer projected for Ballfall Road in that area?

ATTY. R.L. HURNEY:

A---I believe there's water on---the sewers are a little ways off they're not quite that far on this.

CHM. BUTTON:
Are they going to expand the road here?
You can't tell from this map---

ATTY. R.L. HURNEY:
That's a City road sir.

CHM. BUTTON:
Yes, but how far does it go?

ATTY. R.L. HURNEY:
It's dead end right down to here.

CHM. BUTTON:
650---six hundred fifty ft.

ATTY. R.L. HURNEY:
That took a little research to establish
that there was a City Road. No one
was quite sure about it. That has been
established now.

CHM. BUTTON:
Alright, now, should show sidewalks according
to regulations.

ATTY. R.L. HURNEY:
Yes, I'm not sure at the time this was drawn
we knew it was a City road. No one knew and
it's finally been established with the Public
Works that it is a City road.

CHM. BUTTON:
Yes, but that's one deficiency.

ATTY. R.L. HURNEY:
It's not paved.

CHM. BUTTON:
Well, no that's a deficiency, today according
to regulations you've got to show a sidewalk
on there.

GEORGE REIF:
Why don't we read the letters, addressed them-
selves to some of the---

CHM. BUTTON:
No, wait a minute now, you got to---some more
that you should be adding to here.

GEORGE REIF:
He might want to answer some of the---

COMM. CHAMBERLAIN:
He might want to answer something---

CHM. BUTTON:
Now read the letters from---

SEC'Y. CONGDON:
This is from the Dept. of Health

City Plan Office
October 12, 1971
Subdivision of John J. and Verda H. Macala
Alsace Terrace easterly from Ballfall Rd.

We will consider a request for approval on
lots #3 and #4 based upon the Public Health
Code of Connecticut Sec. 19-13-B20a through
19-13-B20r.

Until it is established whether lot #1 is
accepted as per the City of Middletown
Zoning Code 21.03 this Department will make
no comment on that lot.

Signed - Dr. Eric Gordon

Water & Sewer

No water nor sewer available to this area.

Signed-Frank J. Opalacz

That's all we need anyway isn't it? Yes---

Dept. of Public Works

After the view of the above referenced
subdivision please be advised of the
following comments:

1. No sidewalks are shown.
2. Alsace Terrace is a "paper" street
and will probably have to be im-
proved by the City of Middletown
when and if requested by the ad-
joining owners. The developer
has rough graded the street area
to open the proposed lots 3 and 4.

If further explanation of the above is desired
please contact this office at your convenience.

Signed - John C. O'Brien

ATTY. R.L. HURNEY:
I might add we are certainly willing to put in
sidewalks but---as a matter of fact my client
had opened this street up when it was just a

CORRESPONDENCE FROM
HEALTH DEPARTMENT

CORRESPONDENCE FROM
WATER & SEWER DEPARTMENT

CORRESPONDENCE FROM
PUBLIC WORKS DEPARTMENT

dirt path. But it shows for years back on the City records---research will reveal as an actual street and all was not sure if it was or not. His well here at the homestead is producing 19 gallons a minute, so there's a good water supply in that area in fact they even filled the swimming pool from the well. Of course if his petition is denied, then he is just simply out of luck on this lot #1 which is a substantial size lot. He cannot acquire any land over here in this direction and I'm pointing to the north to pick up the requisite number of sq.ft. and of course if he tries to acquire from his property down here than he loses lot #3 which puts himself out to the same point.

GEORGE REIF:

So lot #1 has a lot of record goes 110 ft. on Ballfall Road approximately 630 deep.

ATTY. R.L. HURNEY:

Yes, yes.

GEORGE REIF:

On the north side 643.

ATTY. R.L. HURNEY:

That is correct sir. Yes, this was acquired as two separate parcels not cut up as here but more or less like the line that divided #1 and #2 running in a generally east and west direction, between two strips of land. Is there anything else?

COMM. MYLCHREEST:

Mr. Chairman, a question, as the required test any percolation test determines what the percolation will be in that lot #1 or have you---

ATTY. R.L. HURNEY:

I know he has---I'll ask him right now but---I know he has no problems at all with his existing septic field at the homestead.

COMM. MYLCHREEST:

I appreciate that---

ATTY. R.L. HURNEY:

Have you had any percolation tests on this lot?

JOHN J. MACALA:

My first---

ATTY. R.L. HURNEY

At any time.

JOHN J. MACALA:
They came up and did some sampling.

ATTY. R.L. HURNEY:
The Health Dept. would have done that. Have they done any of it since?

JOHN J. MACALA:
No, I haven't.

COMM. MYLCHREEST:
So he hasn't looked into lot #1 to determine whether it is possible to get the necessary drainage in there for the possible State Code.

ATTY. R.L. HURNEY:
Well, all I can say is it is contiguous with lot #2 where there has been a septic field for years with absolute no problems with it.

COMM. MYLCHREEST:
Well up to a year and half ago there wasn't any problems counselor but when you---

ATTY. R.L. HURNEY:
I didn't hear you sir.

COMM. MYLCHREEST:
Up to a year and half there was no problem but then you do say that to state-change that completely.

ATTY. R.L. HURNEY:
Is there anything else?

CHM. BUTTON:
Well within the two week period of times it is possible to have a percolation test made.

ATTY. R.L. HURNEY:
Certainly it is. We'll be glad to have it done.

CHM. BUTTON:
Well I think it would---

ATTY. R.L. HURNEY:
I know he has been there with a backhoe.

CHM. BUTTON:
It would appear that---

ATTY. R.L. HURNEY:
It would not be a percolation test.

CHM. BUTTON:
I'm not telling your business but it would appear

as though it would be wise to have these percolation test made especially on lots #3 and #4 before the next meeting and have that brought in and then if you can something--probably you can get a more definitive letter from Public Health and of course you realize this plan has to be revised to show the sidewalks.

ATTY. R.L. HURNEY:
There's no question about that.

CHM. BUTTON:
That has to be on, that's not our prerogative that's a subdivision regulation .

ATTY. R.L. HURNEY:
There's no question about that, that will be provided. That's in the Subdivision Regulations.

CHM. BUTTON:
There will be a quandary about lot #1.

ATTY. R.L. HURNEY:
We will have a percolation test on Lot #1. Do you want them on lot #3 and #4 also---about performing in any event?

CHM. BUTTON:
It would be in the proponents best interest to have percolation test on all lots concerned.

ATTY. R.L. HURNEY:
Thank you.

CHM. BUTTON:
Anyone wishes to speak for or against this particular petition. Does anyone wish to speak for against this petition. Does any Commissioner have any remarks or questions. If not, we'll move to the next item.

SEC'Y. CONGDON:
The next item #2 was the application for proposed four (4) lot subdivision of property owned by Leona B. Stolba, on the east side of Bartholomew Road, located in R-1 Zone.

LEONA B. STOLBA
SUBDIVISION APPLICATION

CHM. BUTTON:
Alright will the petitioner or representative come forth and take these maps.

THEODORE JACKOWIAK:
My name is Theodore Jackowiak, and I represent (looking for glasses)--This property has been owned by the Stolba family for a

THEODORE JACKOWIAK
REP. LEONA B. STOLBA

good number of years. They're 4 lots and they are well in excessive to the required sq. foot and we didn't anticipate any trouble.

COMM. MYLCHREEST:

Excuse me Ted, why don't you bring it down and talk here.

THEODORE JACKOWIAK: (Referring to maps)

Alright, we didn't anticipate any trouble with drainage because there is more than enough land to provide the extra area for sepage and wells too. Sidewalks are shown here and although there are no sewers yet, I don't know when they're planning to come down here nor is there any water, but it is close by. It's up to the apartments.

CHM. BUTTON:

There is water and sewers up at the apartments aren't there?

THEODORE JACKOWIAK:

Yes, there is water and sewer at the ap^{ts}ments which is approximately which is actually right here. Just about here. The backend of the apartments. Probably right over here.

CHM. BUTTON:

Where is the underpass?

THEODORE JACKOWIAK:

The underpass is right here.

CHM. BUTTON:

Right there. Alright so---would that be a burden on the developer than to go from that point inward?

THEODORE JACKOWIAK:

Perhaps, for (inaudible) house.

BERNIE WILSON: (in the audience)

Water and sewer, I talked with the City Department on water and sewer. He said it was out of the question for water and sewer to go up there along that ledge.

CHM. BUTTON:

Our question for what period of time. Do they say a period of time?

BERNIE WILSON:

They said it would be a venture going up that high with water and sewer. It would be to expensive--- couldn't afford it.

CHM. BUTTON:
Yes, because there is a pumping station
involved in a---

BERNIE WILSON:
From Randolph Road running to Carbetta.
We yet don't know if it is big enough
either.

THEODORE JACKOWIAK:
There is enough area there to provide an
adequate area of a field.

CHM. BUTTON:
This is someone else's land is that right?

THEODORE JACKOWIAK:
Yes.

CHM. BUTTON:
This is it here. 1,2,3,4 lots.

THEODORE JACKOWIAK:
They are long there is not much else we can
do, as far as putting a road in. Doesn't
make itself too well. There is no access to
nine. Rt. 9.

COMM. MYLCHREEST:
Is there any rock outcropping out there Ted?

THEODORE JACKOWIAK:
Yes there are places where there are some rock
outcropping just east of this little stream.
Down in lot #4 there's some rock outcropping---
and there are other places where rock outcrops
in there, but up in the back there are some
areas there quite level and that's where they
propose to put their homes.

CHM. BUTTON:
Can you roughly point out where you probably
site a house in these parts.

THEODORE JACKOWIAK:
They would be pretty close---somewhere up in here.

CHM. BUTTON:
Would be nice to see the contours on that one.

SEC'Y. CONGDON:
What is this deal here.

THEODORE JACKOWIAK:
Well Randolph Road, Bartholomew Road ran through

here at one time and it ran something like this.

SEC'Y. CONGDON:

Oh, the old road. yes yes.

THEODORE JACKOWIAK:(Referring to map)

It ran like that then Eddy Feitel made a swap here for this land and some on this side. On this side here they own over here like this. It did run here when the City straighten it out a few years ago. That's what how this came about. I believe Feitel owned it at one time.

CHM. BUTTON:

This will be one lot.

THEODORE JACKOWIAK:

Yes, its 100 ft. across here but we've been negotiating with Mrs. Herst to make a ^{mutual} swap here. Something like that there. It would be to the benefit of both parties to do so.

CHM. BUTTON:

It would appear that way. These lots are certainly over sized and rather cumbersome.

THEODORE JACKOWIAK:

Yes they are oversized. In the area they don't do anything else.

CHM. BUTTON:

Is there anything else you view here.

THEODORE JACKOWIAK:

Not unless someone has a question that I can answer.

CHM. BUTTON:

Suppose we read the correspondence on this, perhaps you may have some---

SEC'Y. CONGDON:

We have correspondence from the Health Department.

Subdivision S71-10
Leona B. Stolba
Bartholomew Road

CORRESPONDENCE FROM
HEALTH DEPARTMENT

Gentlemen:

Subdivider must apply for an application of a soil test to be conducted by this Department.

Signed- H.A. Solek

CHM. BUTTON:

Well then again I'll make the same suggestion to you that we made to the previous applicant to try in the next two weeks to get soil percolation test. You see---

THEODORE JACKOWIAK:

Is that to be a policy from now on because they had't up to this time.

CHM. BUTTON:

If you can't build on a lot---it puts quite a restriction on you then.

SEC'Y. CONGDON:

The Department of Public Works please---

Please be advised that this office has no objections or comments to offer after review of the above referenced project.

CORRESPONDENCE FROM
PUBLIC WORKS DEPARTMENT

Signed- John C. O'Brien

From the Water & Sewer Department

CORRESPONDENCE FROM
WATER & SEWER DEPARTMENT

Neither water or sewer are available in front of these properties.

Signed- Frank J. Opalacz

CHM. BUTTON:

That's all the comments we have. Anything else you wish to say? Anything your client wish to say?

BERNIE WILSON:

I would like to say I think those lots, 2 of the lots are really nice lots. The best part of those lots really set back there far enough where they taper up and got a beautiful elevation up there and it's really a very nice piece of land out in back. For a matter of fact I think our restrictions are going to be that our houses are to be set back at least 200 ft. from the road in that area to set back, to make sure they are up higher with proper elevations and grades up there. It's a beautiful lot. I'm all for them.

CHM. BUTTON:

Anyone else wish to have comments---make comments for against this particular petition.

COMM. MYLCHREEST:

Excuse me Ed who was the gentlemen who just spoke?

CHM. BUTTON:
Will you identify yourself for the records
please.

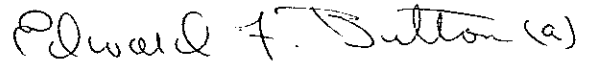
BERNIE WILSON:
I'm Bernie Wilson, of Wilson & Jones, Bldg.
Contrs., or Bernard Wilson, Real Estate Agency.

CHM. BUTTON:
O.K. Thank you. thanks Dave. Anyone else wishes
to speak? If not we declare this hearing closed.

Respectfully submitted



Althea Rinaldi
Recording Secretary



Edward F. Button, Chairman
Commission on the City Plan
and Zoning