

PLANNING AND ZONING COMMISSION REGULAR MEETING OCTOBER 13, 1999,
7:00 P.M. PAGE 1 OF 7

Chm. W. Lee Osborne, Comm. Carl Bolz, Comm. William Holley III, Comm. James Fortuna, Comm. Corrine Dorsey, Comm. David Roane, Comm. Barbara Plum

COMMISSION
MEMBERS
PRESENT

Comm. Anthony Vasiliou, Comm. Carl Chisem, Comm. Victor Liburdi, Mayor Domenique S. Thornton, Ex-Officio, Dir. P.W. Salvatore Fazzino, Ex-Officio

COMMISSION
MEMBERS
ABSENT

William Warner, Director of Planning, Wayne T. Bell, Zoning Enforcement Officer

STAFF

There were approximately fifty members of the public.

PUBLIC

There was no discussion.

ITEM 2
DISCUSSION WITH
PUBLIC ON ITEMS
ON AGENDA

The Zoning Enforcement Officer issued a verbal report on Newfield Street, South Main Street, Congdon Street, and other active projects. Chm. W. Lee Osborne questioned Pine Street and Randolph Road. Wayne Bell indicated that the matter was turned over to the City Attorney's Office. Discussion ensued on other projects. Lengthy discussion ensued on Newfield Street. Comm. William Holley questioned 39 Coleman Road.

ITEM 2a
ZEO REPORT

Comm. Corrine Dorsey indicated that she had read the minutes and was prepared to vote. On motion and second by Comms. David Roane and Barbara Plum the Commission granted preliminary approval of a 15 lot resubdivision of the final portion of Westfield Hills located at the western end of Brechlin Drive at its intersection with Shadow Court and Tavern Circle to be known as The Woods at Westfield Hills. Vote was unanimous. Applicant/agent Signature Homes Corp./ Conklin & Soroka, Inc. S99-7

ITEM 3.3
GRANTED PRE-
LIMINARY AP-
PROVAL OF A
15 LOT RESUB-
DIVISION OF
THE FINAL POR-
TION OF WEST-
FIELD HILLS LO-
CATED AT THE
WESTERN END OF
BRECHLIN DRIVE
AT ITS INTERSEC-
TION WITH
SHADOW COURT
AND TAVERN

CIRCLE TO BE
KNOWN AS THE
WOODS AT WEST-
FIELD HILLS

William Warner commented on the request. Atty. W. Johnson explained the request for relief and used a map to explain the location of the trail. Comm. Carl Bolz questioned notification to the buyers. Atty. Johnson indicated yes. Comm. David Roane questioned the lot layout and locating the sidewalks on the street. Comm. Corrine Dorsey and Wayne Bell questioned the issues. Chm. W. Lee Osborne spoke on the issue of swapping back to front and the costs. Comm. Carl Bolz commented on the process and the need for public comment and the petition indicating a desire to swap back to front. On motion and second by Comms. David Roane and Barbara Plum the Commission tabled a request for modification of the preliminary approval for Meadow View Subdivision, Long Hill Road. Vote was unanimous. Applicant/agent Larsen, St. John & Johnson, P.C./Atty. Frank St. John S93-18

ITEM 3.2
TABLED A RE-
QUEST FOR
MODIFICATION
OF THE PRE-
LIMINARY AP-
PROVAL FOR
MEADOW VIEW
SUBDIVISION,
LONG HILL ROAD

Joyce Kirkpatrick made a presentation to modify the road widths at the north fork drive from twenty to eighteen feet and reduction of the drive on the eastern side of the building from eighteen to fifteen feet. She explained the impact of the wider road on the trees, commented on the landscape plan and detailed impacts of wider roads. Comm. David Roane questioned trees and emergency vehicles. William Warner commented. Comm. Carl Bolz questioned the entrance and the use of the drives. Joyce Kirkpatrick responded. William Warner commented on the width of city streets. On motion and second by Comms. William Holley and David Roane the Commission approved modifications to the Site Plan Approval with regard to the interior drives at Long Hill Estate. Vote was unanimous. Applicant/agent Long Hill Committee SPR97-47

ITEM 3.3
APPROVED
MODIFICATIONS
TO THE SITE PLAN
APPROVAL WITH
REGARD TO THE
INTERIOR DRIVES
AT LONG HILL
ESTATE

On motion and second by Comms. Carl Bolz and James Fortuna the Commission tabled a proposed Special Exception to grow a corn maze for recreational

ITEM 4.1
TABLED PROPOSED
SPECIAL EXCEP-

purposes at the Eddinger farm at 320 Chamberlain Road. Vote was unanimous. Applicant/agent Barbara and Richard Eddinger SE99-9

TION TO GROW A
CORN MAZE FOR
RECREATIONAL
PURPOSES AT THE
EDDINGER FARM
AT 320 CHAMBER-
LAIN ROAD

William Warner explained the proposal, the past history, zoning and the Plan of Development. On motion and second by Comms. David Roane and Barbara Plum the Commission gave an affirmative G.S. 8-24 Review to convey to T.J. McCarthy, Inc., a portion of Lot #4 in the Twin Vane Industrial Subdivision currently owned by the City of Middletown. Vote was unanimous. Applicant/agent Economic Development Committee/Richard Kearney, Economic Development Specialist

ITEM 4.2
GAVE AN
AFFIRMATIVE
G.S. 8-24 REVIEW
TO CONVEY TO
TO T.J. McCARTHY,
INC., A PORTION
OF LOT #4 IN THE
TWIN VANE IN-
DUSTRIAL SUB-
DIVISION CUR-
RENTLY OWNED
BY THE CITY
OF MIDDLETOWN

On motion and second by Comms. Carl Bolz and David Roane the Commission scheduled a public hearing date of October 27, 1999 for a proposed text amendment of the Subdivision Regulations to modify Section 3.09 Endorsement and Filing of Plans. Vote was unanimous. Proponent P&Z Dept.

ITEM 4.3
SCHEDULED P.H.
10/27/99 PROPOSED
TEXT AMENDMENT
TO THE SUB-
DIVISION
REGULATIONS TO
MODIFY SECTION
3.09 ENDORSE-
MENT AND FILING
OF PLANS

William Warner explained the proposal and its conformance with the Plan of Development and zoning. Discussion ensued. Comm. William Holley commented on six versus three family. Lengthy discussion ensued. Comm. Corrine Dorsey questioned density. Comm. David Roane commented on the previous public hearing and the need for parking at this site. Chm. W. Lee Osborne commented on parking

ITEM 4.4
GAVE AN
AFFIRMATIVE
G.S. 8-24 TO CON-
VEY 241 COURT
STREET TO WELCH
FAMILY ENTER-
PRISES FOR THE

and urban design. William Warner commented on the village district. Comm. David Roane commented on the three family. Chm. W. Lee Osborne responded to Comm. David Roane. Comm. William Holley commented on density and the process. A motion to give an affirmative G.S. 8-24 Review to convey 241 Court Street to Welch Family Enterprises for the purpose of rehabilitation of a blighted six (6) family dwelling to a three (3) family was made by Comm. David Roane and seconded by Comm. Barbara Plum. The motion passed with Chm. W. Lee Osborne, Comm. Carl Bolz, Comm. Corrine Dorsey, Comm. James Fortuna and Comm. Barbara Plum in favor and Comms. William Holley and David Roane opposed. Applicant/agent Economic Development Committee/Richard Kearney, Economic Development Specialist

William Warner explained the proposal. Comm. William Holley commented on the Plan of Development. Comm. David Roane commented on impacts on lower income residents. Lengthy discussion ensued. A motion to give an affirmative G.S. 8-24 Review to acquire 121 Bridge Street for the purpose of eliminating blighted structures was made by Comm. David Roane and seconded by Comm. Barbara Plum. The motion passed with Chm. W. Lee Osborne, Comm. Carl Bolz, Comm. Corrine Dorsey, Comm. James Fortuna and Comm. Barbara Plum in favor and Comms. William Holley and David Roane opposed. Applicant/agent Redevelopment Agency

On motion and second by Comms. Carl Bolz and David Roane the Commission scheduled a public hearing date of October 27, 1999 for a proposed Zoning Code text amendment to modify Section 32.01 Uses, eliminating banks as a permitted use in the B-1 zone on Main Street. Vote was unanimous. Proponent P&Z Dept. Z99-8

PURPOSE OF
REHABILITATION
OF A BLIGHTED
SIX (6) FAMILY
DWELLING TO A
THREE (3) FAMILY

ITEM 4.5
GAVE AN
AFFIRMATIVE
G.S. 8-24 REVIEW
TO ACQUIRE 121
BRIDGE STREET
FOR THE PURPOSE
OF ELIMINATING
BLIGHTED
STRUCTURES

ITEM 4.6
SCHEDULED P.H.
10/27/99 PROPOSED
ZONING CODE
TEXT AMENDMENT
TO MODIFY SEC-
TION 32.01 USES,
ELIMINATING
BANKS AS A PER-
MITTED USE IN THE
B-1 ZONE ON MAIN
STREET

On motion and second by Comms. Carl Bolz and David Roane the Commission scheduled a public hearing date of October 27, 1999 for a proposed Zoning Code text amendment to modify Section 48.03.05(2) Public Hearing Notice and a proposed amendment to modify Section 2.06.03(2) of the Subdivision Regulations Public Hearing Notice. Vote was unanimous. Proponent P&Z Dept. Z99-9

ITEM 4.7
SCHEDULED P.H.
10/27/99 PROPOSED
ZONING CODE
TEXT AMENDMENT
TO MODIFY SEC-
TION 48.03.05(2)
PUBLIC HEARING
NOTICE AND A PRO-
POSED AMEND-
MENT TO MODIFY
SECTION 2.06.03(2)
OF THE SUB-
DIVISION
REGULATIONS
PUBLIC HEARING
NOTICE

On motion and second by Comms. Carl Bolz and David Roane the Commission scheduled a public hearing date of October 27, 1999 for a proposed Special Exception to convert the second floor of an existing building located at the corner of Ward Street and Lakeside Avenue to an entertainment arcade. Vote was unanimous. Applicant/agent Carlos Espinosa/T.F. Jackowiak SE99-10

ITEM 4.8
SCHEDULED P.H.
10/27/99 PROPOSED
SPECIAL EXCEP-
TION TO CONVERT
THE SECOND
FLOOR OF AN
EXISTING BUILD-
ING LOCATED AT
THE CORNER OF
WARD STREET AND
LAKESIDE AVENUE
TO AN ENTERTAIN-
MENT ARCADE

There is a tape recording of the public hearing available in the Planning, Conservation and Development office.

ITEM 5
P.H. TAPE
RECORDING

On motion and second by Comms. David Roane and James Fortuna the Commission tabled a proposed two (2) lot resubdivision of the property of Paul Pierce located at 408 Maromas Road. Vote was unanimous. Applicant/agent Paul and Nancy Pierce S99-9

ITEM 5.1
TABLED PROPOSED
TWO (2) LOT RE-
SUBDIVISION OF
THE PROPERTY OF

PAUL PIERCE LO-
CATED AT 408
MAROMAS ROAD

Atty. Salvatore Petrella explained the proposal to subdivide the land into five lots, indicated that the Inland Wetlands Agency approved the project and used boards to explain the lots, wetlands and the conservation area. Atty. Petrella submitted a Tax Assessor's Map to show the neighborhood and explained the lots. Chm. W. Lee Osborne questioned bulk requirements. William Warner explained. Atty. Salvatore Petrella continued, referred to the Public Works comment and does not agree with their conditions. Comm. Carl Bolz questioned acceptability of the plan. William Warner indicated that everything is on it. Atty. Petrella continued. Comm. David Roane questioned the Public Works comment. Atty. Salvatore Petrella disagreed with the comment regarding the cul-de-sac. Comm. David Roane questioned elimination of the wetland. Atty. Petrella and Carl Haftel responded. Comm. David Roane continued the question on wetlands and D.O.T. work. Comm. Carl Bolz questioned zero increases in runoff. Carl Haftel responded at length on drainage swales and the sewer line. From the public, Mr. Stevenson, a Sand Hill Road resident for forty years, spoke in opposition regarding flooding and heavy runoff. Comm. William Holley indicated that he should contact Salvatore Fazzino, the Director of Public Works. Comm. David Roane questioned Mr. Stevenson. Mr. Stevenson indicated that it is not an appropriate location for homes due to flooding and a high water table. He showed where his property is located using the Tax Assessor's Map and continued on the runoff problem. R. McGee, Tryon Street, is opposed to the project and had wetlands and traffic concerns. C. Johnson, 249 Sand Hill Road, expressed opposition over flooding, a narrow road, speeding and traffic from five more homes. D. Ruimerman commented on development of the area, used the Tax Assessor's map to explain surrounding ownership by Hagel, wetlands and traffic. He commented on a small pool adjacent to Route 9 and stated that the area is already too dense because of the Planned Residential Development. D. Ruimerman commented on suitability of lots, the amount

ITEM 5.2
CONTINUED P.H.
FOR A PROPOSED
FIVE (5) LOT RE-
SUBDIVISION OF
THE PROPERTY OF
MOLLY HAGEL
LOCATED ON
SAND HILL ROAD
FRONTING ROUTE 9
TO BE KNOWN AS
MEADOW BROOK
ACRES

of wetlands, buffer of trees along Route 9, noted lack of usable property and amount of crowding, noise problems, water problems, traffic problems and continued at length. Chm. W. Lee Osborne commented on the site and a need to walk the site. Comm. David Roane questioned the number of lots possible. D. Ruimerman indicated one lot. C. Wilk spoke in opposition due to flooding and noise and had concerns over future applications. C. Wilk indicated that this had always been a wet area and that the flooding will be worse. Comm. David Roane questioned the notice, health issues, traffic, kids and water problems. C. Wilk indicated that yes, there are many problems. J. DeFrancesco commented in opposition to the project and the developer's activities. Clearing of trees has cause noise and headlight problems is having a major impact on property values. She also indicated that drainage and flooding is a major problem as her basement is flooded and she is higher than the proposed. Comm. David Roane questioned financial hardship. J. DeFrancesco responded at length. Atty. Salvatore Petrella rebutted, stated just consider the impacts of this project, commented on length of the wetland project and that there are no plans to expand the project. Carl Haftel concluded. On motion and second by Comms. David Roane and Corrine Dorsey the Commission continued the public hearing for a proposed five (5) lot resubdivision of the property of Mollie Hagel located on Sand Hill Road fronting Route 9 to be known as Meadow Brook Acres. Vote was unanimous. Applicant/agent Carl B. Haftel/Salvatore Petrella S99-10

On motion and second by Comms. Corrine Dorsey and William Holley the Commission approved the minutes of the September 22, 1999 meeting. Vote was unanimous.

There was no discussion.

Adjournment was at 10:40 P.M.

Respectfully submitted,

William Warner
Director of Planning, Conservation & Development

ITEM 6.1
APPROVED THE
MINUTES OF THE
9/22/99 MEETING

ITEM 7
DISCUSSION
WITH PUBLIC

ITEM 8
ADJOURNMENT

