

PLANNING AND ZONING COMMISSION REGULAR MEETING OCTOBER 14,
1998, 7:00 P.M. PAGE 1 OF 6

Chm. W. Lee Osborne, Comm. Carl Bolz, Comm.
William Holley III, Comm. James Fortuna, Comm.
David Roane, Comm. Barbara Plum, Dir. P.W.
Salvatore Fazzino, Ex-Officio

COMMISSION
MEMBERS
PRESENT

Comm. Anthony Vasiliou, Comm. Corrine Dorsey,
Comm. Carl Chisem, Comm. Victor Liburdi, Mayor
Domenique Thornton, Ex-Officio

COMMISSION
MEMBERS
ABSENT

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

STAFF

There were approximately twenty-five members
of the public.

PUBLIC

There was no discussion.

ITEM 2
DISCUSSION WITH
PUBLIC ON ITEMS
ON AGENDA

Wayne T. Bell submitted his report.

ITEM 2a
ZEO REPORT

Brett Adams explained the request. Salvatore
Fazzino, Director of Public Works, commented.
Chm. W. Lee Osborne summarized and questioned
the existing houses. William Warner responded
that there is no opportunity for fines. Comm. David
Roane questioned Brett Adams on the purchase of
the property. Salvatore Fazzino commented on the
potential for deterioration to the road. On motion
and second by Comms. David Roane and Barbara
Plum the Commission approved a request for a one
time waiver to allow a change in the road width for
Shadow Court, Westfield Hills Phase Five. Vote
was unanimous. Applicant/agent J.D.C. Enterprises,
Inc./Brett Adams, Project Manager S95-10

ITEM 3.1
APPROVED A
REQUEST FOR A
ONE TIME WAIVER
TO ALLOW A
CHANGE IN THE
ROAD WIDTH FOR
SHADOW COURT,
WESTFIELD HILLS
PHASE FIVE

Michael Cubeta, Chairman, Police Building Committee,
Tom Ford, Midfield Corp., and LT Ron Lee of the Middle-
town Police Department explained the request. Tom Ford
explained the tenants and the terms of the lease. Comm.
David Roane questioned Midfield Corp.'s participation.

ITEM 4.1
GAVE AN
AFFIRMATIVE
G.S. 8-24 REVIEW
TO LEASE SPACE

Michael Cubeta responded on the procedures used. Comm. Carl Bolz questioned entrances on tenants. Michael Cubeta responded. LT Ron Lee read the letter from the Chief of Police into the record. Comm. David Roane questioned deliveries. Tom Ford responded. Comm. William Holley questioned division of space. Michael Cubeta commented Discussion ensued. On motion and second by Comms. David Roane and Barbara Plum the Commission gave an affirmative G.S. 8-24 Review to lease space in the new Police Station on Main Street to a retail bank and a restaurant. Vote was unanimous. Applicant/agent Middletown Police Station Building Committee/Michael Cubeta, Chairman

IN THE NEW
POLICE STATION
ON MAIN STREET
TO A RETAIL
BANK AND A
RESTAURANT

William Warner explained the proposal. Salvatore Fazzino commented. William Warner commented on illegal activities. On motion and second by Comms. David Roane and James Fortuna the Commission gave an affirmative G.S. 8-24 Review for acceptance of a deed in lieu of Foreclosure for a piece of property located on Miller Street. Vote was unanimous. Applicant/agent Office of the City Attorney

ITEM 4.2
GAVE AN
AFFIRMATIVE
G.S. 8-24 REVIEW
FOR ACCEPTANCE
OF A DEED IN
LIEU OF FORE-
CLOSURE FOR A
PIECE OF PRO-
PERTY LOCATED
ON MILLER
STREET

William Warner commented on the PRD regulations and the need to follow procedures. Salvatore Fazzino commented on the wisdom of bituminous sidewalks. Chm. W. Lee Osborne questioned the longevity of the materials. Salvatore Fazzino responded. Comm. Carl Bolz questioned the quality of the workmanship. Chm. W. Lee Osborne summarized. Charles Salomon, Board of Directors from East Lake, commented in support. On motion and second by Comms. David Roane and Barbara Plum the Commission approved a request to replace the sidewalks at The Farms in the Westlake PRD with bituminous concrete sidewalks. Vote was unanimous. Applicant/agent The Farms at Westlake Association, Inc./Linda Potlitsch, Treasurer PRD

ITEM 4.3
APPROVED A
REQUEST TO
REPLACE THE
SIDEWALKS AT
THE FARMS IN
THE WESTLAKE
PRD WITH
BITUMINOUS
CONCRETE SIDE-
WALKS

On motion and second by Comms. Carl Bolz and James Fortuna the Commission scheduled a public hearing date of October 28, 1998 for a proposed Zoning Code text amendment to adopt Section 38 Newfield Street Planned Business Zone and a proposed Zoning Map amendment to rezone properties in the vicinity of Newfield Street generally north of Congdon Street. Vote was unanimous. Proponent P & Z Comm. Z98-10

ITEM 4.4
SCHEDULED P.H.
10/28/98 PROPOSED
ZONING CODE
TEXT AMEND-
MENT TO ADOPT
SECTION 38 NEW-
FIELD STREET
PLANNED
BUSINESS ZONE
AND A PROPOSED
ZONING MAP
AMENDMENT TO
REZONE PRO-
PERTIES IN THE
VICINITY OF NEW-
FIELD STREET
GENERALLY
NORTH OF CONG-
DON STREET

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

ITEM 5
P.H. TAPE
RECORDING

Atty. Ralph Wilson agreed with the proposal and suggested a final amendment to address specifics of the use. William Warner commented in support of the amendment. Comm. David Roane commented in opposition to the amendment proposed by Atty. Wilson. Chm. W. Lee Osborne responded on the wisdom to expand the amendment to the entire city. Comm. Carl Bolz feels this should be added across the board. Comm. William Holley spoke in support and feels the amendment is necessary. No one else from the public spoke. On motion and second by Comms. Carl Bolz and David Roane the Commission closed the public hearing. Vote was unanimous. A motion to adopt a Zoning Code text amendment to modify Section 39C Substance Abuse/Mental Health Floating (SMH) zone with the amendment from Atty. Wilson was made by Comm. William Holley and seconded by Comm. Barbara Plum. The motion

ITEM 5.1
ADOPTED AS
AMENDED A
ZONING CODE
TEXT AMEND-
MENT TO MODIFY
SECTION 39C
SUBSTANCE
ABUSE/MENTAL
HEALTH FLOAT-
ING ZONE WITH
AN EFFECTIVE
DATE OF
OCTOBER 28, 1998

passed with Chm. W. Lee Osborne, Comm. Carl Bolz, Comm. William Holley, Comm. James Fortuna and Comm. Barbara Plum in favor and Comm. David Roane opposed. The effective date will be October 28, 1998. Proponent P & Z Comm. Z98-9

William Warner commented on the need for a statement. Chm. W. Lee Osborne explained the need. Comm. Carl Bolz feels there is a need to be specific about limits. Chm. W. Lee Osborne indicated that the number was forty-six and should allow for growth to sixty. Discussion ensued. Roger Quinley agreed with submitting a statement. On motion and second by Comms. David Roane and William Holley the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. David Roane and Carl Bolz the Commission adopted a Zoning Map amendment to rezone the Masonic building located at 33 Pleasant Street from MX Mixed Use to the SMH Substance Abuse/Mental Health Floating zone with the condition that: 1) an additional document be submitted explaining the use, the total number of people to be served, and the square footage of the building being used; and 2) approval is contingent on review and approval of the additional document by the Commission at its next meeting on October 28, 1998. The effective date will be October 29, 1998. Vote was unanimous. Applicant/agent Middlesex Health System/Clifford Ashton/Roger Quinley Z98-8

Ted Jackowiak explained the proposal for the rear lot, the wetlands, and the force main that is proposed. Comm. Carl Bolz questioned the Water and Sewer Departmental comment. William Warner commented on the wetland area and protecting it. No one from the public spoke. Ted Jackowiak commented. On motion and second by Comms. David Roane and Barbara Plum the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. David Roane and Barbara Plum the Commission granted final approval of a two lot resubdivision with a Special Exception for a rear lot of the property of H. Lee Conway located at 370 Wadsworth Street. Vote was unanimous. Applicant/

ITEM 5.2
ADOPTED A
ZONING MAP
AMENDMENT
TO REZONE THE
THE MASONIC
BUILDING LO-
CATED AT 33
PLEASANT
STREET FROM
MX MIXED USE
TO THE SMH
SUBSTANCE
ABUSE/MENTAL
HEALTH FLOAT-
ING ZONE WITH
AN EFFECTIVE
DATE OF
OCTOBER 29, 1998

ITEM 5.2
GRANTED FINAL
APPROVAL OF A
TWO LOT RESUB-
DIVISION WITH A
SPECIAL EXCEP-
TION FOR A REAR
LOT OF THE PRO-
PERTY OF H. LEE
CONWAY LO-
CATED AT 370
WADSWORTH
STREET

agent H. Lee Conway S98-8

Atty. Martel and Charles Wojtowicz commented on the proposal, the departmental comments and the proposed conservation easement. Chm. W. Lee Osborne spoke in general support of the concept of the conservation easement and felt there was no need to bring this back to the Commission. Chm. Osborne questioned Salvatore Fazzino on drainage, who responded that there are no plans to correct the problem at this time. Comm. Barbara Plum questioned easements. William Warner commented. Discussion ensued. William Warner indicated that the issue can be clarified with the Water and Sewer Department. From the public, Richard Uliano expressed concern over building over the 120 elevation line but had no objection to building in the front. Robert Uliano expressed the same concern. Chm. W. Lee Osborne indicated that the Commission understood their concerns and suggested that the conservation easement should restrict termination of the driveway at 120 or the opening of the garage. Discussion ensued on the location of the driveway and house. William Warner summarized. On motion and second by Comms. David Roane and Carl Bolz the Commission closed the public hearing. Vote was unanimous. A motion to grant final approval of a two resubdivision of the property of Viola Dunkavich located at 123 George Street to be known as Mary Estates was made by Comm. David Roane and seconded by Comm. Barbara Plum. A friendly amendment establishing a conservation easement restricting the end of the driveway at elevation 120 was made by Comm. Carl Bolz and seconded by Comm. James Fortuna. Comm. Carl Bolz explained. William Warner commented on going above that elevation. On motion and second by Comms. David Roane and Carl Bolz the Commission reopened the public hearing. Vote was unanimous. The Commission took a five minute break. Chm. W. Lee Osborne read the proposed conservation easement into the record and indicated that the applicant has agreed to the easement they submitted. Atty. Martel responded that there is no room for changes to the language. Chm. W. Lee Osborne questioned intentions

ITEM 5.2
GRANTED FINAL
APPROVAL OF
A TWO LOT
RESUBDIVISION
OF THE PROPERTY
OF VIOLA DUNK-
AVICH LOCATED
AT 123 GEORGE
STREET

of where they plan to build. Charles Wojtowicz responded. Comm. Carl Bolz questioned the cost of building the house. Charles Wojtowicz responded. On motion and second by Comms. William Holley and Carl Bolz the Commission closed the public hearing. Vote was unanimous. A motion to grant final approval of a two lot resubdivision of the property of Viola Dunkevich located at 123 George Street to be known as Mary Estates with the condition that a conservation easement as proposed by the applicant be established was made by Comm. Carl Bolz and seconded by Comm. James Fortuna. Comm. David Roane expressed concern and asked if the Commission can stipulate a requirement to address the street frontage. The motion passed with Chm. W. Lee Osborne, Comm. Carl Bolz, Comm. William Holley, Comm. James Fortuna and Comm. Barbara Plum in favor and Comm. David Roane opposed. Applicant/agent C.W. Builders & Developers, Inc./ Dowley & Associates S98-7

On motion and second by Comms. James Fortuna and David Roane the Commission approved the minutes of the September 23, 1998 Meeting. Vote was unanimous.

ITEM 6.1
APPROVED
MINUTES OF THE
9/23/98 MEETING

Chm. W. Lee Osborne commented on Harbor Improvement duties, a survey for community facilities and political signs. Lengthy discussion ensued.

ITEM 7
DISCUSSION
WITH PUBLIC

Adjournment was at 10:10 P.M.

ITEM 8
ADJOURNMENT

Respectfully submitted,

William Warner
Director of Planning, Conservation & Development