

PLANNING AND ZONING COMMISSION REGULAR MEETING OCTOBER 22, 2008, 7:00 P.M. PAGE 1 OF 5

Acting Chm. Les Adams, Comm. James Fortuna, Comm. Cynthia Jablonski, Comm. Catherine Johnson, Comm. Richard Pelletier, Comm. Ron Borelli (seated for Comm. Les Adams), Comm. Matthew Lesser (seated for Comm. Deborah Kleckowski), Comm. Quentin Phipps, Asst. Dir. P.W. Robert Dobmeier, Ex-Officio

MEMBERS  
PRESENT

Chw. Barbara Plum, Comm. Deborah Kleckowski, Mayor Sebastian N. Giuliano, Ex-Officio

MEMBERS  
ABSENT

William Warner, Director, Bruce Driska, Zoning Enforcement Officer

STAFF

There were twenty-two (22) members of the public present. There is a word for word DVD recording of the meeting on file and available in the Planning Office.

PUBLIC

There was no discussion.

ITEM 2  
DISCUSSION  
WITH PUBLIC

Ken McGahee, the applicant, commented. Comm. Catherine Johnson commented on the need for elevations and the setback from the road. Ken McGahee indicated that the horseshoe driveway could be eliminated. Comm. Ron Borelli questioned the Special Exception criteria. Comm. Catherine Johnson questioned rental versus owner occupied. From the public, S. Branciforte from across the street indicated the property was never a two (2) family and was a blighted property. Comms. Matthew Lessor and Quentin Phipps questioned the Special Exception criteria. Comm. Catherine Johnson questioned a smaller footprint. Comm. Ron Borelli had questions. Comm. Matthew Lesser questioned the traffic movement and the character. Jennifer Saines spoke in opposition to the horseshoe driveway. S. Branciforte commented. On motion and second by Comms. James Fortuna and Richard Pelletier the Commission closed the public hearing. Vote was unanimous. A motion to grant a Special Exception to construct a two (2) family dwelling on a lot with less than one hundred (100) feet of frontage at 29 Magnolia Avenue was made by Comm. Matthew Lesser and seconded by Comm. Ron Borelli. Comm. Matthew Lesser had concerns about vehicular and pedestrian traffic. Comm. Ron Borelli spoke in support, felt it would improve the neighborhood and that the rental would not impact the neighborhood. Comm. Richard Pelletier commented that the house was a two (2) family. Comm. Matthew Lesser commented on the burden of proof. Comm. Quentin Phipps commented on the size of the structure. Comm. Catherine Johnson felt there were too many flaws and discussed seven (7) problems. Comm. Richard Pelletier commented. Comm. Ron Borelli commented on the Traffic Police comment. A friendly amendment to eliminate the horseshoe driveway was made by Comm.

ITEM 3.1  
GRANTED A  
SPECIAL EX-  
CEPTION TO  
CONSTRUCT  
A TWO (2)  
FAMILY DWEL-  
LING ON A LOT  
WITH LESS  
THAN ONE  
HUNDRED (100)  
FEET OF FRON-  
TAGE AT 29  
MAGNOLIA  
AVENUE

Richard Pelletier and accepted by Comm. Ron Borelli. The motion as amended passed with Acting Chm. Les Adams, Comm. James Fortuna, Comm. Cynthia Jablonski, Comm. Richard Pelletier and Comm. Ron Borelli in favor and Comms. Catherine Johnson and Matthew Lesser opposed. Appliant/agent Chatham Construction, LLC/Ken McGahee SE2008-9

Atty. Ralph Wilson explained the proposal. Pat Gorman of LRC Group explained the site plan using a colored board. Comm. Matthew Lesser questioned the current owner and if the church will lease or own the building. Atty. Ralph Wilson indicated that there will be a two hundred (200) year lease to the church. Steve Rocco, the architect, explained the elevations, the floor plan, the preservation attempts and the reuse of various building elements. Acting Chm. Les Adams questioned the previous preservation efforts. Steve Rocco responded. Comm. Catherine Johnson commented on preserving the church on its current site and the parking spaces. Pastor Hylton commented on the church's needs and indicated that it is currently landlocked and there is no parking available. Comm. Catherine Johnson commented on the need for a better site plan. Steve Rocco responded. Lengthy discussion ensued on the site plan and the placement of the building. Comm. Ron Borelli disclosed discussion with the engineer, feels there is no conflict and commented on the suburban character. Comm. Matthew Lesser spoke in support of preserving the windows and the steeple. Comm. Catherine Johnson disagreed. Comm. Ron Borelli indicated he felt the Pastor's word was more than enough. From the public, Jennifer Saines commented on building in the wetlands. R. Cologin commented on the wetlands, mitigation and his support for the church. Atty. Ralph Wilson concluded. Acting Chm. Les Adams thanked the development team. On motion and second by Comms. James Fortuna and Richard Pelletier the Commission closed the public hearing. Vote was unanimous. A motion to grant final approval of a two (2) lot resubdivision with a Site Plan Review to construct a church building on Coe Avenue near the intersection with Saybrook Road, adjacent to Rt. 9 and abutting The Village at South Farms was made by Comm. Matthew Lesser and seconded by Comm. Ron Borelli. Comm. Matthew Lesser thanked Pastor Hylton and the congregation. Comm. Catherine Johnson commented and thanked Pastor Hylton and the congregation. The main motion passed unanimously. Applicant/agent 693 Saybrook Road LLC/LRC Group S2008-4

ITEM 3.2  
GRANTED FINAL  
APPROVAL OF  
A TWO LOT RE-  
SUBDIVISION  
WITH A SITE  
PLAN REVIEW  
TO CON-  
STRUCT A  
CHURCH  
BUILDING ON  
COE AVENUE  
NEAR THE IN-  
TERSECTION  
WITH SAY-  
BROOK ROAD,  
ADJACENT TO  
RT. 9 AND  
ABUTTING THE  
VILLAGE AT  
SOUTH FARMS

The Commission took a five (5) minute break.

On motion and second by Comms. James Fortuna and Richard

ITEM 4.1

Pelletier the Commission tabled a request for modification to the Special Exception Approval for 106-110 Court Street with regard to the construction of an outside deck and bar. Vote was unanimous. Applicant/agnet Ted Tine SE2008-7

TABLED A REQUEST FOR MODIFICATION TO THE SPECIAL EXCEPTION APPROVAL FOR 106-110 COURT STREET WITH REGARD TO THE CONSTRUCTION OF AN OUTSIDE DECK AND BAR

On motion and second by Comms. Matthew Lesser and Catherine Johnson the Commission tabled a proposed update of Chapter 6 Future Residential Growth of the Plan of Conservation and Development. Vote was unanimous. Proponent P&Z Comm.

ITEM 4.2  
TABLED A PROPOSED UPDATE OF CHAPTER 6 FUTURE RESIDENTIAL GROWTH OF THE PLAN OF CONSERVATION AND DEVELOPMENT

On motion and second by Comms. Richard Pelletier and Matthew Lesser the Commission tabled a proposed update to Chapter 9 Promoting Commercial/Industrial Growth of the Plan of Conservation and Development. Vote was unanimous. Proponent P&Z Comm.

ITEM 4.3  
TABLED A PROPOSED UPDATE TO CHAPTER 9 PROMOTING COMMERCIAL/ INDUSTRIAL GROWTH OF THE PLAN OF CONSERVATION AND DEVELOPMENT

Robert Carlson requested a used car dealer's license. William Warner explained. Comm. Catherine Johnson questioned the number of cars. Robert Carlson indicated there would be approximately four (4) to five (5). On motion and second by Comms. Matthew Lesser and Richard Pelletier the Commission granted location approval for sale of used cars under G.S. 14-54 at 170

ITEM 5.1  
GRANTED LOCATION APPROVAL FOR SALE OF USED CARS UNDER

North Main Street. Vote was unanimous with Comm. Ron Borelli abstaining. Applicant/agent Redline Automotive LLC

G.S. 14-54 AT 170  
NORTH MAIN  
STREET

On motion and second by Comms. James Fortuna and Matthew Lesser the Commission scheduled a public hearing date of November 12, 2008 for a proposed Special Exception for professional and business offices for medical spa consulting and development at 496 Saybrook Road. Vote was unanimous. Applicant/agent RACH2, LLC/Richard D. Carella, Esq. SE2008-10

ITEM 5.2  
SCHEDULED P.H.  
11/12/08 FOR A  
PROPOSED  
SPECIAL EXCEP-  
TION FOR PRO-  
FESSIONAL AND  
BUSINESS OF-  
FICES FOR  
MEDICAL SPA  
CONSULTING  
AND DEVELOP-  
MENT AT 496  
SAYBROOK  
ROAD

On motion and second by Comms. James Fortuna and Catherine Johnson the Commission scheduled a public hearing date of December 10, 2008 for a proposed updated of Chapter 7 Protecting Natural Resources and Preserving Rural Character and Chapter 10 Maromas: Middletown's last frontier and Statement on Protecting Water Quality. Vote was unanimous. Proponent P&Z Comm.

ITEM 5.3  
SCHEDULED P.H.  
12/10/08 FOR A  
PROPOSED UP-  
DATE OF CHAP-  
TER 7 PROTECT-  
ING NATURAL  
RESOURCES  
AND PRESERV-  
ING RURAL  
CHARACTER  
AND CHAPTER  
10 MAROMAS:  
MIDDLETOWN'S  
LAST FRONTIER  
AND STATE-  
MENT ON PRO-  
TECTING WATER  
QUALITY

On motion and second by Comms. Catherine Johnson and James Fortuna the Commission approved the minutes of the September 24, 2008 regular meeting. Vote was unanimous.

ITEM 6.1  
APPROVED THE  
MINUTES OF  
THE 9/24/08  
REGULAR  
MEETING

The following corrections were noted by Comm. Catherine Johnson:  
1) On Page 3, change the second and third lines to read “there should be stronger pre-planning and cited the lack of personal outdoor space for each homeowner as a major drawback to the site plan”; 2) On Page 4, under Item #3.4, change “Tim Jarzevek” to read “Jim Jarzebek” wherever necessary; 3) On Page 5, under Item #3.2, change the eighth sentence to read “Comm. Matthew Lesser indicated he felt changes to the B-2 zone for Washington Street should be considered”; 4) Also under Item #3.4, in the second line from the bottom, change the words from “off of” to “upon”; 5) On Page 6, in the first line, change the word “thru” to “through”; and 6) also on Page 6, in the seventh line down, change “agro-industry” to read “agri-industry”. On motion and second by Comms. Catherine Johnson and Matthew Lesser the Commission tabled the minutes of the October 8, 2008 regular meeting. Vote was unanimous.

ITEM 6.2  
TABLED THE  
MINUTES OF  
THE 10/8/08  
REGULAR  
MEETING

Bruce Driska commented on his report. Comm. Matthew Lesser commented on Higby Road. Bruce Driska responded. Discussion ensued regarding work occurring in Middlefield. Ron Borelli commented from the podium as a member of the public and not as a commission member regarding the Hills property on Brooks Road and the activities on the site. He indicated he was cleared by the Board of Ethnics.

ITEM 6.3  
ZEO REPORT

Comm. Catherine Johnson requested that staff mail a copy of the Planning and Zoning Commission bylaws to Eleanor Kelsey.

ITEM 6.4  
COMMISSION  
AFFAIRS

C. McInerney commented on a lawsuit, a neighbor’s property and wetlands complaints. Eleanor Kelsey complained about leaf composting and spoke at length about the problems caused by the leaf composting operation on Higby Road.

ITEM 8  
DISCUSSION

On motion and second by Comms. James Fortuna and Ron Borelli the Commission adjourned the meeting at 10:26 pm. Vote was unanimous.

ITEM 9  
ADJOURNMENT

Respectfully submitted,

William Warner, AICP  
Director