

PLANNING AND ZONING COMMISSION REGULAR MEETING OCTOBER 24, 2001, 7:30 P.M.
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Chm. William Holley III, Comm. Barbara Plum, Comm. James Fortuna, Comm. David Roane, Comm. George Lapadula, Comm. Andrew Rak, Comm. Carl Bolz, Comm. Corrine Dorsey, Comm. John Voli

COMMISSION
MEMBERS
PRESENT

Comm. Stephen Gadomski, Mayor Dominique Thornton, Ex-Officio, Dir. P.W. Salvatore Fazzino, Ex-Officio

COMMISSION
MEMBERS
ABSENT

William Warner, Director, Wayne Bell, Zoning Enforcement Officer, Thomas Nigosanti, Chief Engineer

STAFF

There were approximately ten (10) members of the public. There is a word for word tape recording of the meeting on file and available in the Planning Office.

PUBLIC

There was no discussion.

ITEM 2
DISCUSSION WITH
PUBLIC ON ITEMS
ON AGENDA

Comm. Andrew Rak questioned if Comm. David Roane has pre-disposed himself on this issue. Comm. Roane indicated he did not discuss the issue on television and that he just said what items are coming up. Chm. William Holley questioned Comm. David Roane, who responded. Atty. Richard Carella presented the proposal and addressed the departmental comments. He indicated the hours of operation will be from 8:30 p.m. to 12:30 a.m. Comm. Carl Bolz questioned light pollution regulations. CPT. Pessina, Middletown Police Department, commented on lighting. Atty. Richard Carella reviewed the condition and indicated they would be complied with. Comm. David Roane questioned the extent of no loitering/no drugs signs and the use of various devices. Comm. Corrine Dorsey questioned if there would be a dress code. Melanie Montagnon indicated yes, there would be a dress code. Discussion ensued on loitering, drugs and dress code. CPT. Pessina indicated that problems do exist with these types of clubs and they have serious concerns. F. Greenberg, a traffic engineer, commented on the proposal, indicated the use will be off peak and that there are other ideas to control traffic, traffic calming, etc. Atty. Richard Carella commented on the Fire Marshal's comments, their concerns and their agreement and concluded. Comm. David Roane questioned Melanie Montagnon on the dress code, who responded. Comm. Corrine Dorsey questioned the hours of operation. Atty. Richard Carella responded that the hours would be Wednesday through Saturday, 8:30 p.m. to 12:30 a.m. Chm. William Holley questioned the maximum age. Comm. George Lapadula commented on the accidents on Route 66 and barriers in the lots. Comm. John Voli questioned the Fire Marshal's requirement. Atty. Richard Carella agreed that they will pay for the Fire Marshal to be present. Melanie Montagnon indicated that there would be twenty-five (25) to thirty (30) security guards at all times and a police officer present. Comm. Andrew Rak questioned occupancy. Atty. Richard Carella indicated five hundred (500) patrons. Comm. Andrew Rak questioned if there was a need

ITEM 2b.2
DENIED A
PROPOSED
SPECIAL EXCEP-
TION TO CONVERT
THE FORMER GROSS-
MAN'S BUILDING
AT 909 WASHING-
TON TO A NEW
USE AS A TEEN-
AGE RECREA-
TION CENTER,
JUICE BAR AND
DANCE FAC-
ILITY

for this facility. Comm. Carl Bolz questioned a waiver for a criminal check, zoning enforcement, liquor permits and how the remainder of the building will be secured. M. Howley indicated that the area will be locked. Comm. George Lapadula commented on noise and the surrounding residential areas. Comm. David Roane questioned attracting patrons from other areas. CPT. Pessina feels the ages will range from thirteen (13) to eighteen (18) and that there should be age groups. He indicated that the Police Department has serious concerns as clubs attract older individuals and that has been a problem in the past. CPT. Pessina also had concerns about security guards as in the past guards have been a problem. Arline Rich, Westfield Residents for Rational Development of Middletown, Inc., is opposed due to traffic and where the people will come from. She feels another for profit youth center is not needed and had concerns about loitering, traffic hazards and unsavory people that will be attracted. E. Dypa had concerns about clubs, especially the former one that was located at the Staples site. C. Crowley spoke in support, feels there is a need for a place for children and feels it will help the surrounding businesses. Comm. David Roane questioned if truck drivers would avoid the area and the effectiveness of the rules. C. Crowley responded. James Russo feels this type of facility is a problem. CPT. Pessina made it clear that this is inappropriate for the area. Brigham Metcalfe, owner of the Connecticut Beverage Mart Plaza, an abutting property, spoke in opposition. He feels there will be young people attempting to buy alcohol, loitering, legal aged people buying for minors and false identifications. A. Montagnon, a seventeen year old, spoke on behalf of the youth and feels there is a need for a place to go in Middlesex County. Comm. Corrine Dorsey is concerned about mixing thirteen year olds with seventeen and eighteen year olds. N. Senatra, a nineteen year old college student, spoke in support. Atty. Richard Carella addressed the public's concerns and commented on the Police concerns, the Fire Marshal, parking and traffic, drugs and loitering. Comm. Barbara Plum questioned admission charge, parking, and additional space. Melanie Montagnon indicated the admission charge would be between five and ten dollars. Comm. John Voli questioned smoking and other restrictions. Discussion ensued. Chm. William Holley questioned age limits. Melanie Montagnon indicated the age limit would be seventeen years of age and under. On motion and second by Comms. James Fortuna and George Lapadula the Commission closed the public hearing. Vote was unanimous. A motion to grant a Special Exception to convert the former Grossman's building at 909 Washington Street to a new use as a teenage recreation center, juice bar and dance facility was made by Comm. David Roane and seconded by Comm. Barbara Plum. Comm. David Roane spoke in opposition and referenced Special Exception Criteria Section 44.04.02 Adverse Effects, traffic problems, and Section 44.04.05. Comm. Roane indicated there is an existing youth center for children in Middletown and there is no need for this. Comm. Barbara Plum is opposed based on the need for more retail in this area and the strain on the Police Department.

Comm. Corrine Dorsey is opposed and had concerns about how not using the entire space will effect taxes received, traffic, and noise. Chm. William Holley spoke regarding fear of the unknown and undesirables who are our own kids. Chm. Holley feels this will send the wrong message and he is in support. Comm. George Lapadula spoke regarding kids from out of town and feels Washington Street is the wrong location. Chm. William Holley responded. The motion failed with Chm. William Holley in favor and Comms. Barbara Plum, James Fortuna, David Roane, Corrine Dorsey, George Lapadula, and Andrew Rak opposed. Applicant/agent US Business Group, LLC/ Melanie Montagnon SE2001-6

Atty. Gerry Martorelli explained the proposed design center and the impact on city services. Comm. Barbara Plum questioned the square foot of the building. From the public, Arline Rich asked that the signage be reviewed and that the three hundred square foot maximum be divided between two signs. Atty. Gerry Martorelli agreed. On motion and second by Comms. James Fortuna and David Roane the Commission closed the public hearing. Vote was unanimous. A motion to grant a Special Exception to incorporate a design center into a previously approved Site Plan Review for the Stone Resources Facility located on Middle Street with the condition that the signage be reviewed and approved by the Design Review and Preservation Board was made by Comm. David Roane and seconded by Comm. Barbara Plum. Comms. David Roane and George Lapadula spoke in support. The motion passed unanimously. Applicant/agent Stone Resources, LLC c/o Atty. Martorelli/Frank Magnotta, P.E. SE2001-7

ITEM 2b.2
GRANTED A SPECIAL EXCEPTION TO INCORPORATE A DESIGN CENTER INTO A PREVIOUSLY APPROVED SITE PLAN REVIEW FOR THE STONE RESOURCES FACILITY LOCATED ON MIDDLE STREET

Richard Mihok explained the one lot resubdivision and reviewed the lot sizes, frontages and the departmental comments. Comms. Carl Bolz and Barbara Plum questioned the sightline issue. Tom Nigosanti, Chief Engineer, indicated that if the brush is cleared, the sightline is adequate. On motion and second by Comms. James Fortuna and David Roane the Commission closed the public hearing. Vote was unanimous. A motion to grant final approval of a one (1) lot resubdivision of Lot #2 of the Dina Estates Subdivision located on the east side of Bartholomew Road near the intersection of Shunpike Road was made by Comm. David Roane and seconded by Comm. Barbara Plum. Comm. David Roane spoke in support. The motion passed unanimously. Applicant/agent Salvatore A. Fazzino/ Richard F. Mihok, PE S2001-18

ITEM 2b.3
GRANTED FINAL APPROVAL OF A ONE (1) LOT RESUBDIVISION OF LOT #2 OF DINA ESTATES LOCATED AT THE INTERSECTION OF BARTHOLOMEW AND SHUNPIKE ROADS

A motion to table a proposed amendment to Section 4.01.01 of the Subdivision Regulations to eliminate applicants' ability to submit reduced plans was made by Comm. Corrine Dorsey and seconded by Comm. George Lapadula. The motion passed with Comm. David Roane opposed and Chm. William Holley, Comm. Barbara Plum, Comm. James Fortuna, Comm. George Lapadula, Comm. Corrine Dorsey in favor. Proponent P&Z Comm.

ITEM 2b.4
TABLED PROPOSED AMENDMENT TO SECTION 4.01.01 OF THE SUBDIVISION REGULATIONS TO ELIMINATE APPLICANTS'

Atty. Dean Thomasson presented the proposal. Chris Conklin, the engineer, explained the technical issues, reviewed the departmental comments and agreed with all the comments except for paving of the road as it is only two more lots. Chris Conklin commented on drainage and feels strongly that there is no need to pave the road. Comm. David Roane questioned the apron at intersection of Millbrook Road and Old Johnson Lane. Tom Nigosanti feels the road needs to be paved. Chris Conklin responded. Comm. Andrew Rak questioned the city's responsibility to maintain the road and fix drainage issues. Tom Nigosanti responded on departmental policy. Atty. Dean Thomasson asked that this item be continued to the next meeting. From the public, D. Hutchinson and V. Adams commented on drainage problems on the road and indicated they did not want the road paved. Barbara and James Schukoske spoke in opposition and submitted a prepared statement. On motion and second by Comms. James Fortuna and Barbara Plum the Commission continued the public hearing for a proposed five (5) lot resubdivision of the property of Mark N. Jenkins located on Old Johnson Lane and Millbrook Road. Vote was unanimous. Applicant/agent Mark Jenkins/Conklin & Soroka, Inc. S2001-20

On motion and second by Comms. Barbara Plum and George Lapadula the Commission continued the public hearing for a proposed two (2) lot resubdivision of the property of Robin Caso Borent and Greg Borent located on the east side of Chamberlain Road across from the intersection with Chauncey Road to be known as Valley Vista. Vote was unanimous. Applicant/agent Robin Caso Borent and Gree Borent S2001-19

Philip O'Brien explained the need for reapproval and that the application was identical to the previous approval. Chm. William Holley questioned the legal authority to subdivide among two owners, father and son. Chm. Holley referred to Tim Lynch, the Deputy City Attorney. On motion and second by Comms. George Lapadula and David Roane the Commission continued the public hearing for a proposed eight (8) lot resubdivision of the property of Joseph Mazzotta on Alsace Terrace. Vote was unanimous. Applicant/agent Joseph Mazzotta S94-2

ABILITY TO SUBMIT REDUCED PLANS

ITEM 2b.5
CONTINUED P.H.
FOR A PROPOSED
FIVE (5) LOT RE-
SUBDIVISION OF
THE PROPERTY
OF MARK N.
JENKINS LO-
CATED ON OLD
JOHNSON LANE
AND MILLBROOK
ROAD

ITEM 2b.6
CONTINUED
P.H. FOR A
PROPOSED TWO
(2) LOT RESUB-
DIVISION OF THE
PROPERTY OF
ROBIN CASO
BORENT AND
GREG BORENT
LOCATED ON THE
EAST SIDE OF
CHAMBERLAIN
ROAD ACROSS
FROM THE INTER-
SECTION WITH
CHAUNCEY ROAD
TO BE KNOWN AS
VALLEY VISTA

ITEM 2b.7
CONTINUED P.H.
FOR A PRO-
POSED EIGHT (8)
LOT RESUBDIVISION
OF THE PROPERTY
OF JOSEPH MAZ-
ZOTTA LOCATED
ON ALSACE TER-

On motion and second by Comms. Andrew Rak and Barbara Plum the Commission tabled a proposed amendment to Section 1.01.07 Lot Lines of the Subdivision Regulations. Vote was unanimous. Proponent P&Z Comm.

A motion to grant preliminary approval of a thirty-eight (38) lot resubdivision of the property of Tina Tomasetti located at 99 East Street to be known as Country Hill Subdivision was made by Comm. David Roane and seconded by Comm. Barbara Plum. Comm. David Roane feels the application remains incomplete and that there are many concerns from the Public Works Department but the applicant has agreed to work with the Commission. Comm. Barbara Plum feels the items should have been addressed and still remain unresolved. Tom Nigosanti commented on revised plans and them working with him. Comm. Barbara Plum questioned the revised plans. Comm. Andrew Rak indicated he was looking for underground detention ponds and phasing plans. Comm. David Roane feels it meets the regulations. Chm. William Holley agreed with Comm. Roane. Comm. David Roane gave a friendly amendment that all departmental comments be addressed. The motion as amended passed with Comms. James Fortuna and Barbara Plum opposed and Chm. William Holley, Comm. Corrine Dorsey, Comm. George Lapadula, Comm. Andrew Rak and Comm. David Roane in favor. Applicant/agent The Ravenswood Company, LLC/Conklin & Soroka, Inc. S2001-14

On motion and second by Comms. George Lapadula and David Roane the Commission denied without prejudice a proposal to modify the conditions to move the Clinical Day School in the Masonic Temple at 33 Pleasant Street to the rear portion of the building and move the Day Treatment Program for adults to the front portion of the building. Vote was unanimous. Applicant/agent Middlesex Hospital/Terri DiPietro, OTR/L, Manager, Clinical Day School and Psychiatric Day Treatment Programs

The minutes of the September 26, 2001 meeting were not

RACE

ITEM 2b.8
TABLED A PROPOSED AMENDMENT TO SECTION 1.01.07 LOT LINES OF THE SUBDIVISION REGULATIONS

ITEM 3.1
GRANTED PRELIMINARY APPROVAL OF A THIRTY-EIGHT LOT RESUBDIVISION OF THE PROPERTY OF TINA TOMASETTI LOCATED AT 99 EAST STREET TO BE KNOWN AS COUNTRY HILL

ITEM 4.1
DENIED WITHOUT PREJUDICE A PROPOSAL TO MODIFY THE CONDITIONS TO MOVE THE CLINICAL DAY SCHOOL IN THE MASONIC TEMPLE AT 33 PLEASANT STREET TO THE REAR PORTION OF THE BUILDING AND MOVE THE DAY TREATMENT PROGRAM FOR ADULTS TO THE FRONT PORTION OF THE BUILDING

ITEM 5.1

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available.

THE MINUTES OF
THE 9/26/01
MEETING WERE
NOT AVAILABLE

The minutes of the October 10, 2001 meeting were not
available.

ITEM 5.2
THE MINUTES OF
THE 10/10/01
MEETING WERE
NOT AVAILABLE

Wayne Bell issued a short report. Comm. Barbara Plum
questioned the ZEO report. Comm. George Lapadula feels
there is no need for a new school. Wayne Bell responded.

ITEM 5.3
ACCEPTED THE
ZEO REPORT

Comm. Corrine Dorsey feels the minutes should have been
done. Chm. William Holley agreed, questioned the number
of staff members and feels it is unacceptable. Comm. George
Lapadula commented on the Scirpos on South Main Street,
other zoning violations and the need for new development.

ITEM 5.4
COMMISSION
AFFAIRS

N. O'Connell questioned the Maromas area moratorium and
the legal issue. Discussion ensued on Items #2 and #6 and
previous discussions. Heated discussion ensued regarding
the Maromas issue. Comm. Andrew Rak commented on the
bylaws and the standards of conduct. Comm. Barbara Plum
commented on what constitutes a complete application.
William Warner commented on changing what constitutes a
complete application. Comm. Andrew Rak asked to review.
Comm. David Roane commented. Chm. William Holley
commented on a rent suit against Comm. David Roane.

ITEM 6
DISCUSSION
WITH PUBLIC

A motion to adjourn at 11:45 p.m. was made by Comm. Corrine
Dorsey and seconded by Comm. George Lapadula. Vote was un-
animous.

ITEM 7
ADJOURNMENT

Respectfully submitted,

William Warner, AICP
Director of Planning, Conservation and Development