

Steven J. Leinwand, Chm.; Stephen T. Gionfriddo, Vice-Chm., Cos Giuffrida, COMMISSION
Sec'y; Emanuel A. Pattavina, Rose Sbalcio, Alternates: George L. Augustine, MEMBERS
Sebastian J. Garafalo, P.W. Dir. Salvatore Fazzino Ex-Officio PRESENT

Louis A. Carta, Seb J. Passanesi, Mayor Michael J. Cubeta, Jr., Ex-Officio, MEMBERS
Alternates: Paul H. Bixby, Vincent J. Loffredo ABSENT

Alternate Comm. Sebastian J. Garafalo acted for absent Comm. Cos Giuffrida, ACTING
and Alternate Comm. George L. Augustine acted for absent Comm. Carta. Comm. MEMBERS
Giuffrida at 7:50 P.M. arrived and replaced Comm. Garafalo.

George A. Reif, Director, Althea Rinaldi, Recorder, Hope Kasper, tran- STAFF
scriber

Twenty-nine members of the audience. OTHERS

CHM. LEINWAND

I would like to call to order the Regular Meeting of the Planning and Zoning
Commission of October 27th, 1982. We have the Chair, the Vice-Chair, Comm.
Pattavina, Comm. Sbalcio. Comm. Garafalo will be sitting in tonight for
Comm. Giuffrida and Comm. Augustine will be sitting in for Comm. Carta. That
gives us six. Since the Secretary is not here tonight, I would ask the Vice-
Chair to acted in his stead as the Secretary. And at this point I will open
the Public Hearing as has been advertised in the Middletown Press on both Sat-
urday, October 16th, Friday, October 22nd, and ask the Secretary to read the
first item on the Public Hearing.

COMM. GIONFRIDDO

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING OCTOBER
27, 1982, STARTING AT 7:00 P.M., IN THE COUNCIL CHAMBER, MUNICIPAL BUIDLING, De-
KOVEN DRIVE, MIDDLETOWN, CONNECTICUT, to consider the following:

Item 1. Proposed subdivision of 3 lots for Nora Kolman, Higby Road, Applicant/ PROPOSED
agent T. F. Jackowiak. SUBDIVISION 3
LOTS HIGBY RD.
NORA KOLMAN

CHM. LEINWAND

Ted, would you just get ready there with the microphone. For the benefit S82- 10
of the members of the Public who are finally going to have a chance to speak
tonight after the interesting session that we had two weeks ago. The way the
Commission runs a Public Hearing is as follows: For each of the six items that
we have on our Agenda, we will turn first to the applicant or the proponent to
make his points. When that's completed, we will give the Commission an opportunity
to ask any questions. I will then turn to the audience and ask if there is anyone
who wishes to speak in favor or the particular item or proposal. After we've completed
with that, we will turn to those people wishing to speak against the proposal or people
that have questions on any proposal. And when that's completed, we will go on to the
next item on the Agenda. If that's clear. Ted.

THEODORD JACKOWIAK

Nora Kolman, who owns approximately 75 acres of land on the east and west side of Higby
Road just north of the Middlefield Town Line wants to give their daughter, the last
child, a piece of land just north of the Middlefield Town Line. They operate a dairy
farm and they have about 90 head of cattle and they have already given four of their
children property on this road. Two pieces of property in Middlefield and now this
will be the second piece in Middletown. The piece in question has been perk tested,
and it past the Middletown Health Department's requirements.

MEMBER OF THE PUBLIC

We can't hear you back here.

THEODORE JACKOWIAK

It adheres to the requirements of the Middletown's Health Code.

CHM. LEINWAND

Can you hear that?

THEODORE JACKOWIAK

And the lot is 200 feet wide and 225 feet deep. We have shown a leeching field and a reserve area and we have shown all the perk test holes and a proposed house and a well. I think we have covered everything that you have asked us for last time. There was one question concerning the area of John Kolman's leeching field which runs in a southerly direction to the rear of the lot in question. It does not encroach over the property that is going to be owned by Noreen. If you have any questions regarding this I would be glad to answer them.

CHM. LEINWAND

Ted, you said that the issues that were raised in the preliminary presentation have been answered.

THEODORE JACKOWIAK

Yes.

CHM. LEINWAND

Which ones in particular?

THEODORE JACKOWIAK

Well, there was one about the test holes. There was one about John Kolman's leeching field. And oh there was another one about the distance between the lot in question and John's lot.

CHM. LEINWAND

We, I believe, one of the questions that came up was the placement of the lot 2. That it was somewhat moved from the edge and you left this little triangluar piece with a 150 feet of frontage. That's still stands.

THEODORE JACKOWIAK

Yes, because this is where they wanted the lot. Although it does not abut the Town Line there was no intention of making it that way.

CHM. LEINWAND

Are there other questions from members of the Commission? George, any comments?

DIR. REIF

Yes, the Health Department has and you all have a sheet here minuaturized. It says we recommend approval. (inaudible, static)

CHM. LEINWAND

Can we get that fixed?

DIR. REIF

It says we recommend approval of lot number 2. The proposed dwelling, private sewage system and well must be constructed and located as indicated on the revised site plan,

DIR. REIF (Continued from Page 2)

dated 10/72 on file in our office. Now, what's the date on that plan over there?

THEODORE JACKOWIAK
August 30, 1980.

DIR. REIF

Yes. I can't quite figure out where this plan became a (inaudible, static). I think we're also talking before Ted about some dimensions on the area that's part of the earlier lot. Lot number 1 so that it's possible to know where the long arm of land reaching out to the septic system where lot is located.

THEODORE JACKOWIAK

I think this is the dimension they asked for.

DIR. REIF

Also that helps identify where lot 2 begins. You got 200 feet starting from the property line on Higby Road. Then 460 plus or minus to lot 2 and lot 2 has 200 feet of frontage. Right?

THEODORE JACKOWIAK

Yes.

DIR. REIF

But this other strange shape that encumbers or encloses the septic system also it's located somehow. It doesn't show it.

THEODORE JACKOWIAK

I think the only thing this is relevant here is to show that it didn't encroach on the lot in question. And that was what we were asked to determine the last time. I don't think that the dimensions of that piece are relevant here.

DIR. REIF

Well, we're going to wind up with a subdivision here approved by the Planning Commission with a part of a lot you can't find.

THEODORE JACKOWIAK

Well, I'll submit a map when I submit the mylar. I'll put the dimensions on there.

CHM. LEINWAND

I think that would help.

THEODORE JACKOWIAK

Alright. There is a map on file showing that, in the Town Clerk's Office. But I'll fix it up for George.

CHM. LEINWAND

Ted, with...Back to lot number 2, when you follow it in a westerly direction, how much distance is there between the Middlefield property line and that back corner of that rectangular area?

THEODORE JACKOWIAK

Perhaps a 100 feet.

CHM. LEINWAND

A 100 feet of frontage and.....(inaudible, static)

THEODORE JACKOWIAK

Perhaps 150 foot frontage and maybe 100 foot between....

CHM. LEINWAND

My map says 100 plus or minus. That's closer to a 150 feet.

THEODORE JACKOWIAK

Yes, probably closer to 150 feet.

CHM. LEINWAND

And still you're saying at least 100 feet at the narrowest point between the

THEODORE JACKOWIAK

Yes.

CHM. LEINWAND

between the town property.

THEODORE JACKOWIAK

I would believe so. The location of the Town Line there has never really been determined. The reason I know it's about there because across the street here there is a house that the town line goes through.

CHM. LEINWAND

Yes.

THEODORE JACKOWIAK

And that's the way I was able to place the Town Line with some certainty. I wasn't trying to locate exactly. It runs the cost up.

CHM. LEINWAND

O.k. Other questions? If not, thank you Ted. Is there anyone in the Public that would wish to speak to this proposal in favor of it? Opposed to it? Anyone wishing to speak to this proposal in any way shape or form? If not then we will move to the second item on the Public Hearing? Mr. Secretary.

COMM. GIONFRIDDO

Item No. 2 Proposed subdivision of 12 lots for Carl Pitruzzello, East and Miner Streets. Applicant/agent Carl Pitruzzello. Owner Dorothea Bundy.

PROPOSED SUB-
DIVISION 12 LOTS
EAST & MINER STS.
82-

PHILIP KARPEL

Thank you Mr. Chairman. Members of the Planning and Zoning Commission, my name is Attorney Philip Karpel. I am partner in the law firm of Dzialo, Pickett and Allen. We have offices in Middletown and I'm a resident in Middletown. I'm here tonight representing Carl Pitruzzello, who subsequent to the date of the application has become the owner of the property now, so he is not only the applicant but he is the owner of what was formerly referred to as the Bundy property. And we're seeking permission to subdivide this into 12 lots. The subdivision located at you may have seen or can see from the map that we've submitted on the westerly side of East Street and southerly side of Miner Street. The property is served or can be served by the water and sewer. With me tonight is the owner and the applicant, Carl Pitruzzello as well as William Viet, who is with the firm of Radcliffe Engineering. And I'm going to ask him to briefly run you through the subdivision plan since it's a relatively simple plan in that it does not require the construction of interior roads.

PHILIP KARPEL (Continued from Page 4)

Our intention we believe that the plan that you see that has been submitted meets all of the requirements of the Planning and Zoning Regulations. Carl's intention for those of you who are not familiar with him. He is a local developer and has lived in Middletown all of his life and he has developed other areas. I'm familiar with one in particular since I live in a house that Carl built on Meadow Wood Drive. He's also done a subdivision over on Scenic View Drive. Carl's intention is to either develop all of the lots with houses or to sell individual lots. On those lots he developed that he himself does not build the house, there will be restrictive covenants that will insure first of all that he has the prior right of approval of all plans and that houses are built in accordance with minimum standards. And this is obviously to protect his interest on the remaining lots. I'll point out to you before I ask Bill Viet to go through the plan with you that lot 11 that's one of the larger, the largest lot there, 13 and so odd acres. Carl's present intention is to retain that lot for his either his individual use or that his immediate family will develop a residence on it himself. So he will have some what of a vested interest in how the remaining lots are developed. I think I would at this point just like to have Bill Viet show you what he has presented, what he has prepared and then subsequent to any Public comments, perhaps I can attempt to address any points that are raised that we don't cover in our initial presentation.

CHM. LEINWAND

Since that microphone is not working as well as it should. If we could move the one microphone over closer to the...

DIR. REIF

This one does not work either. This is plugged in instead of that.

CHM. LEINWAND

Let's move this one over and hope that Bill can speak up so we can pick it up.

DIR. REIF

Let's see if it works.

WILLIAM VIET

Everybody here me?

DIR. REIF

Can anybody hear you?

PHILIP KARPEL

Steve, perhaps if we move the easel this way, he might be able to use one of the other microphones. And then maybe other people....

CHM. LEINWAND

I think if he stands between the microphone and the easel at this point, the Commission can see and everyone else can see. Anyone that can't see it better by moving over there, feel free to move. Bill, Sorry.

WILLIAM VIET

O.k. William Viet, Radcliffe Engineering. Before I start to explain the plan a little bit, I would like to submit to the Commission a plan. It's the exact same plan that's here right now. With the exception that erosion control has been added to this plan. And the also the correction of the scale of the map which was incorrectly put on by the draftsman. I would like to submit this.

CHM. LEINWAND

Could we hang one of those up? Are you going to be speaking to those?

WILLIAM VIET

I would rather. The only thing that I was going to add. We can hang one up so that if anybody wants to look at one after I finish talking.

CHM. LEINWAND

I guess my question...

WILLIAM VIET

This is colored up and these are not.

CHM. LEINWAND

My only question is, is are you planning to speak to the erosion control features that have been added?

WILLIAM VIET

No.

CHM. LEINWAND

No.

PHILIP KARPEL

The erosion control which is simply in compliance with the subdivision regulations and the Health Department's request that we show it.

CHM. LEINWAND

O.K.

WILLIAM VIET

The property at the intersection of Miner and East Street, roughly 16 acres in size. We've proposing 12 lots. The largest lot being 13 acres in size. We have submitted plans to the City. They have been distributed to all the agencies of the City. And to my knowledge, other than this comment, that we have added erosion control and also Inland Wetlands which an application has been made and will be heard in two weeks because Wetlands are included on the property though we are not proposing to disturb the Wetlands on the property. All lots will be served by City sewer and water. The fire department, the Westfield Fire Department, has deemed that there is adequate fire protection out there, to my knowledge. We have shown on our plan the location of the Inland Wetlands lines as indicated on a more recent topographic plans that the City has developed. And we have also included the flood lines indicated on those plans also. And we are proposing any development within any of the existing flood lines. The Wetlands lines as shown in red on this plan, our building lines do not extend beyond them. In other words, there will be no development beyond the Wetlands lines, as indicated on the plans, the most recent plans on the Town Maps. There was a question, again from the Health Department on lot number 2, they did not see the location of the existing sanitary system and well. Although lot number 2 is served at this present time by City water and sewer. At the last scheduled Public Hearing, there was a letter submitted from the City, from the D.O.T. to the Town. Is that right?

CHM. LEINWAND

Midstate Regional Planning.

DIR. REIF

The Regional Planning Agency, at the request of the this Planning Commission.

WILLIAM VIET

Talking about the intersection of Miner Street and East Street. I would have to agree that's a horrendous intersection. And the State should probably do something about

WILLIAM VIET (Continued from Page 6)
that. However, Lot number 8 could be served.....

DIR. REIF
Well...

WILLIAM VIET
Lot number 8 could be served off of Miner Street without getting involved with that intersection whatsoever. They did mention that. It should not be try to be served off of East Street and we would have to agree a hundred percent with that. That should be taken care of. I would like to answer any questions.

CHM. LEINWAND
Comm. Pattavina.

COMM. PATTAVINA
I have one question and I must have misunderstand you. What's the total of the acreage on these lots? The total.

WILLIAM VIET
The total acreage is roughly 16 acres.

COMM. PATTAVINA
And the largest lot is how many acres?

WILLIAM VIET
It is 13. We're in a 15,000 square foot zone.

COMM. PATTAVINA
Three acres are going to be basically for the next 11 lots? Or when you say 16 acres for the total package....

WILLIAM VIET
I'm sorry. I'm sorry.

DIR. REIF
It says 19.5.

COMM. PATTAVINA
Oh, o.k.

PHILIP KARPEL
We should point out that that 13 acre lot is essentially wetlands and is not really developable for an awful under present circumstances.

COMM. PATTAVINA
So it will be basically 6 acres for the additional 11 lots?

PHILIP KARPEL
Steve, not to stop any further questions that may be asked. But I would like to point out something that maybe obvious but we haven't really directly related to it is that lot number 2 is a presently contains the former Bundy residence. And that's why the question came up from the Health Department as to well, where's the on site septic system. There isn't any because it's already connected to City sewer. So of the 12 lot subdivision, one already consists of an existing home site. And...

CHM. LEINWAND

How about the driveway on lot 2? That presently extends north and tends to cut off part of the access to lot 3. Does it not?

PHILIP KARPEL

That's correct. Not really because you know you have if you look closely at the map, Steve, you'll see that the driveway that the property line, that the driveway is between the paved road portion of East Street and the property line. So that essentially and this is not uncommon particularly in this area of Westfield off of East Street. Many of the existing houses have circular driveways that are really on State property. And that's the situation here. And to the extent that the State of Connecticut may require us to change that obviously, we'll have to. And that's another point is that with respect to the driveway entrances to lots 1 through 7, we will naturally have to obtain D.O.T. approval for the access which is becomes a subsequent application on our part, as such time as a house is to be developed on each of those lots. Also Bill mentioned that we had filed an application with the Inland Wetlands. That application is not for a permit because we're not seeking to disturb any of the Wetlands. It's simply an application for them to confirm what Bill Kuhen has told us orally and that is we don't need a permit. And we are just submitting the plan to them for that purpose. It may very well be that they do require on any of the lots and incidentally the only lots that have any involvement with Wetlands are lot 1, a very very minor portion of lot 2 which already has a house on it. And lot 11 to the extent that Wetlands may require us to stay minimum distances, etc. and obviously would be subsequent condition that we would have to meet.

CHM. LEINWAND

If I could just go back to the driveway for a second? And...

PHILIP KARPEL

Sure.

CHM. LEINWAND

I understand what you're saying, but in fact either to lots 2 and 3 would share that portion that's between the property...

PHILIP KARPEL

Oh, no. Oh, fine.

CHM. LEINWAND

Or it would have to be in the northern most part of lot 3.

PHILIP KARPEL

No, due to the extent that the development of a house on lot 3 requires the elimination of that turnaround driveway is going to have to be done. It would be a single driveway entrance to lot 2 so that there will be no overlapping. We have no intention of having a shared driveway between lots 2 and 3, or shared turnaround area or whatever. I think I was trying to point out that we don't even own that land and that we may not even have a right to have that driveway remain as it is now situated.

CHM. LEINWAND

Do you want to continue? Or were you....

PHILIP KARPEL

No, that's it. Those are the only comments I have now.

CHM. LEINWAND

Are there other questions for Phil or Bill at this point? Let me ask the question

CHM. LEINWAND (CONTINUED FROM PAGE 8)

that again came up earlier that still is not clear to me. The site plan shows the driveway on lot 2 because it is presently there. But shows no other driveway as anywhere. You've said that you need to get D.O.T. right-of-way to bring that through. Right now particularly as we go out towards lot 6 and 7 and 8, that's a barren parking area with no grass and lots of rutts and dirt. Is that not the case?

PHILIP KARPEL

Well, with respect to that portion of it that we don't own, that may be the case. Correct.

CHM. LEINWAND

O.k. My question is will this subdivision have any effect on that particular parcel, not only a parcel but that particular State owned land?

PHILIP KARPEL

Well,

CHM. LEINWAND

I live....

PHILIP KARPEL

It will probably require us to improve the situation. I'm familiar with, quite familiar with the area, right across from, particularly the front portion of lot 8. Well, the portion that we don't own is State property. And in order to get an access right out to the road, I'm sure the D.O.T. will require even though it's the State property that there be some improvement, unless you have any further observation on it.

WILLIAM VIET

Well, anyone even if we're not involved in the subdivision. Anyone that owns land abutting a State road must go before the D.O.T. to do anything, even plant a tree, within the right-of-way.

CHM. LEINWAND

I guess what I'm trying to get at...Sorry.

WILLIAM VIET

I'm, sorry.

CHM. LEINWAND

No. I'm sorry I interrupted you.

WILLIAM VIET

If the Commission deems that this subdivisions should be approved and these are approved lots in the City of Middletown. Whenever he applies for a building permit, he must also come before your building inspector, certification from the D.O.T. that he does have indeed the right to access onto East Street. And every application must be submitted with a plot plan showing the distances, the grades, any disturbances, any of the natural features, landscaping. It all has to be submitted to the State.

CHM. LEINWAND

I understand what needs to be submitted. I'm just trying to get a picture of what you would envision that land would look like if in fact the subdivision approved on that land is sold. If I go...I mean East Street is an awful pretty street. And the houses to the north of Miner Street beyond the Fire House and to the south of this, the land extends to the road, and the grass is mowed. It's neat and clean. Now, here we got the

CHM. LEINWAND (Continued from Page 9)

trees sort of just back behind the property line. And my question is would the trees stay, would the trees come down, would you move grass out there. Is it your assumption that in building a driveway for each of these lots, that inevitably we would also clean up that area....

PHILIP KARPEL

That's correct. If I didn't say it that clearly, that precisely what I was trying to drive at. My only reservation was that since it's not our land...

CHM. LEINWAND

Understood.

PHILIP KARPEL

we would certainly have to do with the approval of the State of Connecticut, and I'm sure that's....

CHM. LEINWAND

You would have every intention of applying.

PHILIP KARPEL

That's correct. I mean it would not make any sense to develop any of these lots with houses of the character that Carl's intending whether he or somebody else were to develop and have the entrance way the way it presently does as you pointed out. At least, a portion of lot 7 and lot 8, you have to bear in mind also that lot 8, our intention is to comply with the recommendation made in the Regional Planning Report and to have the driveway exit onto Miner Street unless the City of Middletown would require or would prefer us to have it on East Street after such time as the intersection is changed and when, and when the intersection gets changed. I believe that was also a recommendation in the report. They said that they felt that the City of Middletown should give some serious thought to eliminating the, I say this really almost prepared to get an arrow in my back. But to get the little island out of the there which I know that the, my wife whose the former President of the Garden Club has spent many hours and many dollars planting flowers there every Spring. But that is a recommendation that is in that report, that was submitted by Regional Planning.

CHM. LEINWAND

Are there other questions? I guess I have one other one. Having to do with all the lines. I mean the second map submitted has got flood....I mean we saw maps with blue lines, green lines, and red lines, 50 year flood lines and all that kind of stuff. We got a beautiful pond in the middle. We've got Wetlands here. None of the lots except for lot 2 encroaches in any way, shape, or form on the Wetlands, is that correct?

WILLIAM VIET

Well...

PHILIP KARPEL

No, lot one.

CHM. LEINWAND

Lot 11.

PHILIP KARPEL

Lot 1 and 11.

CHM. LEINWAND
Excuse me.

PHILIP KARPEL
Lot one...

WILLIAM VIET
Lot number one.

CHM. LEINWAND
One.

WILLIAM VIET
Wetlands...

CHM. LEINWAND
Two and 11 has...

WILLIAM VIET
That's the existing Bundy house. Lot number 11 which is the 13 acre lot has Wetlands on either side, the pond on one side, West Miner Brook on the other side.

CHM. LEINWAND
O.k, so none of the other lots...

PHILIP KARPEL
That's correct.

CHM. LEINWAND
And what I'm trying...just anticipating. I'm trying to get some sense as to whether or not all those lines don't make it very difficult to place a house on some of those lots?

PHILIP KARPEL
No. I say that categorically no because again in order to get a building permit, we have to come with a plot plan of the precise you know an engineer, survey, plot plan showing the location of the proposed house and foundation. And if we are encroaching on a Wetlands also then have to present the Building Inspector with a Wetlands permit. The intention is to do none of that which is why we submitted an application to the Inland Wetlands Agency to get that determination that we should stay out of the Wetlands, we don't need an approval. If you'll notice lot 1 shows a building. Lot 1 is one of the lots affected by Wetlands. It shows a building line and we are staying within the building line and outside of the Wetlands.

CHM. LEINWAND
Thank you. You just clarified for me the question. The lines on there are lines in which you can do a building.

PHILIP KARPEL
That's correct.

CHM. LEINWAND
And those lines are determined by the 50 year flood line. Is that right? As determined after you do additional improvements or before?

PHILIP KARPEL
Both. They're both shown.

CHM. LEINWAND

They're both shown. But..but

WILLIAM VIET

I know you don't have the red lines.

CHM. LEINWAND

O.K.

WILLIAM VIET

But the red lines as shown on this map here is the Wetlands line as indicated on the most recent line.

CHM. LEINWAND

That's not an issue right now. The...

WILLIAM VIET

The flood line and the future flood lines if no improvements are done which are suppose to be done by the State are shown on here. However; we have only indicated our building lines to the existing flood. And if they're in conflict to the Wetland lines and I guess lot number one is that one that we're talking about. As you can see: there is more than enough area.

CHM. LEINWAND

So if the improvements are made such that the 50 year flood line in a sense recedes, it doesn't have any impact one way or the other on the way in which you've described where you can put a building. You are predicating this on no improvements whatsoever. It can only get better.

WILLIAM VIET

It can only get better.

CHM. LEINWAND

Is that a correct interpretation?

PHILIP KARPEL

That's correct.

CHM. LEINWAND

Thank you.

DIR. REIF

Can I ask one question?

CHM. LEINWAND

You can.

DIR. REIF

In some cases there might be a dimension, you do not dimension those things, you just show the graphically.

WILLIAM VIET

Graphically from the map.

DIR. REIF

From the map.

WILLIAM VIET
From the map, yes.

DIR. REIF
You have a line here on lot one that shows that you were pointing out here....

WILLIAM VIET
That's correct.

DIR. REIF
Presumably it follows the green line, and in most cases it's just a rectangle. And lot one and lot ten, it isn't simply a rectangle. It follows another/....

WILLIAM VIET
It isn't a rectangle.

DIR. REIF
It follows another line.

WILLIAM VIET
It follows the line.

CHM. LEINWAND
O.k.

DIR. REIF
O.k., can I ask one other thing?

CHM. LEINWAND
Please.

DIR. REIF
How do you intend, I think this is a question of not only this subdivision but other subdivisions. How do you intend to identify everybody's individual property as these lots are sold and what have you? You got half the answer over here about iron pins and concrete monuments.

WILLIAM VIET
If this subdivision is approved as presented, all the lots, all the lot corners will be pinned and or monumented along the street line, there will be monuments. But the property lines will be pinned by iron pipes and people will know exactly where there property is.

DIR. REIF
O.k., you'll do that before the Planning Commission gives their final approval.

WILLIAM VIET
Alright.

DIR. REIF
That's important.

PHILIP KARPEL
That would be an appropriate condition. I might add that in experience I've had in other Towns. A lot of them now adopted regulations to that effect that you can't get a final approval until you've pinned them out, and I think George you're raising

DIR. REIF

We already have that. I just want to make sure. As a general...

WILLIAM VIET

As a final approval....

DIR. REIF

When all the work is done.

CHM. LEINWAND

Are there other questions from members of the Commission? Phil, do you have more?

PHILIP KARPEL

No. I would just like to simply reserve an opportunity to summarize.

CHM. LEINWAND

Fine. You aware that is... has been the policy in Public Hearings when people speak on both sides on the issue. Is there anyone who would like to speak in favor of this proposal? If not, the floor is now open for those with questions or wishing to speak in opposition to the proposal. Please come forward one at a time. I find it easier than choosing you. And if you would just identify yourself and give your address please for the record.

ARLENE BIELEFIELD

I'm Arlene Bielefield, Attorney Arlene Bielefield. I live on Miner Street, adjacent to lot 12 as shown on the proposed subdivision map. I have a question which concerns particularly lot 1. All of those pretty lot lines don't mean a great deal to me, but I wanted to ask if anyone has been...if anyone here is aware that in front of that lot on East Street there is a considerable collection of water whenever there is a rain at the present time. I wonder if what happens on lot one is there has been any consideration given to what may occur on East Street. I know that some of my neighbors have some other concerns about that particular lot, but that is a concern that I would like to raise at this time. It's in a good a good steady rain, it's tough to get through there now, and I think if anything happens to pile it up any further, we would'nt be able to pass through that area. Another question I have and I think when Phil is wrapping up he might be able to tell us the configuration of lot 12 which is the one that will be beside us in the subdivision is to me peculiar. And I wondered if he could explain the rest of the lots are all rectangular. I see a line that indicates on the Inland Wetlands line and I suspect it has nothing to do with that but I'm not sure. Another concern that we have in the neighborhood is a question as to when houses are put in in all of those lots, will there be some effect of run-off on the brook at the base of the hill as it stands now? And as I say, I think my neighbors may have other concerns about that. That seems to be about all.

CHM. LEINWAND

Thank you, Arlene.

ARLENE BIELEFIELD

O.K.

CHM. LEINWAND

Anyone else? Yes, sir.

HERMAN BENT

My name is Herman. I live at 539 East Street. I notice a serious flaw near lot 1, Miner Brook. It doesn't show the bridge that is there, East Miner Bridge. That doesn't show

HERMAN BENT (Continued from Page 14)

at all. And I say it is a serious flaw because there has been so many accidents at that place. In the first four months I've lived at 539 East Street and I live just about two hundred feet away from that bridge. I notice in the first four months that I moved in there were seven accidents on the south side of the bridge, the contour of the bridge is such that the accidents occur on the south side and the in the four months as I said before there was seven accidents. That when the Middletown school bus had this accident some time ago, there was a man that lived on Miner Street. I've forgotten his name, but he lived there for quite a number of years. He came down to watch this school bus accident and I told him, I said, you know I've watched seven accidents in this four month period that I've been here. He said you know I believe, I've lived here quite a number of years and I believe there's probably about I'm guessing maybe there is about twenty-five accidents at this spot. I think this is pretty well documented because the Police have been over at my house. They rang the bell early in the morning and make phone calls. I've had the victim of crashes at the place come in and call and wake me up to make phone calls at that spot. And I'm wondering how a surveyor could look at the proposed driveway in that location and look at that bridge. I can't see how they could feel that a car could ever go out on that East Street and make a left turn there. I think anybody made any kind of an observation of that spot would see that this is a very very hazardous place even though they didn't know accidents occurred there. And I think one of the things the Council should do before they make any kind of a proposal is to go ahead and make an observation, and I think it would be very self-evident what could happen at that spot. And I think the State Department has a stock in it too. I'm sure the Police has and of course all the neighbors do. Now, as far as

CHM. LEINWAND

Let me just interupt and make sure I hear what you're saying. Your concern is where on the plans you would be able to leave lot 1.

HERMAN BENT

Yes.

CHM. LEINWAND

Particularly the left turn onto East Street, but left or right with that bridge there get onto East Street. Is that right?

HERMAN BENT

With that bridge there now, you can't turn left. It is impossible. It is very hazardous situation.

CHM. LEINWAND

We will clearly ask the proponent how....

HERMAN BENT

You should observe the bridge.

CHM. LEINWAND

I assume the bridge is shown here as culvert? I mean Miner Brook comes out and goes underneath East Street. There are what do you call it things along the side of the road.

HERMAN BENT

There is a three foot wall, a cement wall that stands above the road in that area.

CHM. LEINWAND

It's sitting right on the plan.

HERMAN BENT

But I don't see it up on that map.

CHM. LEINWAND

It shows as a pipe. But it is clearly a bridge in the sense that it has walls on the side.

HERMAN BENT

It is very self-evident.

CHM. LEINWAND

O.k. I just wanted to clarify what you were saying so we could ask.

HERMAN BENT

Now, I would like to say something about the water that is there. I've noticed in the four years that I've lived there, I always have water in my cellar when we have a fairly good rain storm. I've had water enough so the Fire Department has been over there, although I have pumps in there. I think probably part of the problem has occurred because across the street from me on the other side of Flynn Road, they've been building in the Wetlands there. And I've noticed the difference in four years since they've been building there that the water has been coming and going higher and higher in my cellar. I feel I'm not sure, I'm not an engineer, but I feel that might be the cause. And during these heavy rains, the water has been over the whole Flynn Road intersection in there. The whole road is covered. And the water table is very high. So I think any of you people that have gone over that road during these heavy rain storms you'll understand and know all about this because the water is completely over the road out there and it's a very very heavily traveled highway. I think probably you know that better than I do. Thanks very much.

CHM. LEINWAND

Could I just....549 East Street, are you on the east or the west side of the road?

HERMAN BENT

I'm on the south side of that bridge.

CHM. LEINWAND

South of the bridge.

HERMAN BENT

That's where the accidents occur.

CHM. LEINWAND

Excuse me. On the Flynn Road side of East Street.

HERMAN BENT

I'm on the Flynn Road side of....No I'm on the south side.

CHM. LEINWAND

Sorry. You are on the same side of East Street as the subdivision.

HERMAN BENT

Right.

CHM. LEINWAND

O.k.

CHM. LEINWAND

Thank you. Anyone else? Sir.

CHARLES KING

Good evening. My name is Charles King. I live on Miner Street. I have I guess a couple questions and an observation. First the Counsel said that there was going to be some covenants with some minimum regulations on the houses that would be built. I would just like, that seems to be vague. I just wondering if he could elaborate as to what those are, or what he would propose they be. The lake that's there. I know a lot of the kids in the neighborhood in the wintertime go skating on that. And things like that. I assume the way it is proposed as I understand it now that the owner of the property now that will be his lake. And that would be his problem. He can I guess keep off signs or whatever he wants to do, but maybe some one could go over the legality of that thing as far as what happens to the lake. The observation I have is those lots that are directly across the street from the package store, the corner lots on East and Miner Street. That right now is of course a parking lot and everyday from probably 4:30 P.M. to 6:00 P.M., we have a number of people that like to go out there and just relax after work. Someone has pointed out that is State land. Is there anyway, I mean I just see kind of a practical problem, can that be developed or grassed in and kept that way for any length of time? Can people be kept off that? If not, I would say that, you know, people would be out of their mind to buy those corner lot, because you know, they are going to have trouble every evening. That's I guess about it. I can't say that I have any strong feelings. I don't want to make it seem like I'm against this in any way, shape, or form, but I do want to preserve the very pristine look of the neighborhood and I just want to voice my concerns to that extent.

CHM. LEINWAND

Thank you very much. Sir.

GENE REYNOLDS

I will be living on Miner Street. We own property there presently surrounded by streams. The Miner Brook and so forth. And I don't have, I'm not objecting to the proposal. I do have a few questions. Lot 11 it seems as though it was rather skipped over to exactly what's going in there. I guess I have the impression it could be one house because of Wetlands but it seems to be a lot of land in there for more than one house, 13 acres much of which is dry land. Is there any thing proposed for a home or it is zoned for a possibility of apartment buildings, condominiums, or whatever? Or is that a private residence area? I don't know. There was mention of D.O.T. improvements for the fifty year flood land. That may not be pertinent to this but I am interested and if you could explain to me what that is because I'm concerned what you may have in the works that surround my property. Also is there a time limit? It was indicated that if the builder did not build the homes, there would be certain limitations and certain guarantees as to what would be build on those lots. If someone bought a lot for an investment and later built, is there a time limit as to when the builder's interest would not be concerned? Again, maybe that's one of your requirements, not of the concern of the builder. And just to comment on that corner lot, exiting on Miner Street, that's a death trap already. I think every time I come around that corner, I take a right on East, there is someone there ready to do me in. And I think a driveway there if that's going to be high land, it is a very dangerous exit. It could be. I would suggest it might be considered on East Street, but....

CHM. LEINWAND

Only so that you leave feeling some of your questions were answered tonight, in terms of condominiums, let me erase that very quickly. It's an R-1 zone and it is there for zone for single family houses. The proponent has every right to subdivide this as he

HERMAN BENT

And when I've talked about these accidents you see I've had trucks and cars hit this big tree I have in my yard. I've had a 27 foot that has been leveled there. And I've had the school bus that's come in my yard and I found that my yard is just as dangerous to mow the lawn or sit in the front lawn as the one, the Pehota lot which is right next to the bridge, because I've had trucks and cars go right across the lawn way beyond my place. And I think it's all because of that narrow bridge plus that little slight corner where they have over there. O.k., thanks alot.

CHM. LEINWAND

Thank you, Sir. Anyone else. Please.

JUDY PEHOTA

My name is Judy Pehota and I live at 549 East Street and our lot is the one that would abut lot number 1. So, I'm very very interested in what happens here. First, let me say that everything has been said I would reiterate and since there was no map showing a bridge, I decided to make a very rough drawing of my own. I could not believe it would not be included, because it is so pertinent. My husband really laughed at this, cause I am no, you know I cannot draw. But this is lot number 1 as it is proposed. Here is my property over here. The only possible access, the only possible access to East Street between my property and the bridge is 13 yards wide. Thirteen yards right here, the only place anybody could possibly put a driveway at all. You would be coming out with... giving the entire 13 yards for the driveway, you would be coming out on East St. My husband and I got in the car. We went along our property out to East Street as close to our property as we could possibly go. We got to the edge of East Street, looked to the left and could not see one single thing coming. Number one there is a cement bridge there. You can't even see when you get to East Street. Number two I tried to make a left hand turn. The only way you can make a left hand turn between my property and the pole and the bridge that are there. The only way you can make a left hand turn is if you back up, you know what I mean. You can't go out and go this way. You would have to back up and go out to the left and if you back up you go onto my property. I say there is no access to East Street from Lot number one. It's under water. I don't know what you plan to do with at least 5 times a year, Mr. Leinwand, I'm certain has slowed down to go through perhaps he's stalled on East Street. Mr. Karpel, perhaps you have stalled on East Street during at least 5 times a year. We're not talking about 50 year floods. The whole thing is under water. So where you're going to put a driveway without touching those wetlands I have absolutely no idea nor conception. I think it's very strange no bridge is shown on this map. It doesn't even appear.

CHM. LEINWAND

Are you planning to leave that with the Commission?

JUDY PEHOTA

Certainly. I have, you know, I have in writing here the reasons, my husband has signed it. He was unable to be here, not because of disinterest but he had another meeting he had to go to.

CHM. LEINWAND

I think that if you would pass that around. And certainly I think the proponent would want to see that as well.

JUDY PEHOTA

Of course the scale is off. I, you know, I don't know how to draw. But thank you very much.

CHM. LEINWAND (Continued from Page 18)

wants and leave a 13 acre lot for whatever reason he wants to. If at some point he wanted to do other than put one house on that 13 acre lot, he would have to come back to this Commission. So all we're talking about is approving a lot that would allow for one residence on it. In terms of the time, we do not have the power to set specific time restraints, when the land can be sold and someone could buy an investment and sit on it. Unless that's something that is in the covenant and the proponent may come back and speak to that issue, but that's really not within the purview of the Commission. And in terms of the improvements, perhaps later on we can deal with some of those. It's all in a very you know, unofficial form at this point. No one has brought at the best of my knowledge specific plans to improve any of those roads. But we can come back to that with more detail. There was someone else who wished to speak. Sir.

DAVE HURDLE

My name is Dave Hurdle and I'm living on Miner Street. I'm the new minister of the Third Congregational. I have a concern just as a new comer with water, and I guess my concern is with the proponent be able to do with what he wants, the lake, would he be able to change the drainage? Where would that drainage go? Even in the middle of our heat wave, this last summer I had nice puddles of water in my basement anyway. When you move water and replace it with something, it has to go somewhere. And I sure hope it doesn't go into my basement. My kids would love it but I detest it. But I guess that next thing that I'm concerned about is the aesthetic quality, I'm going to be somewhat selfish at this point. I happen to think that's a very lovely part of the Community. And even though your assurances come to us at this point that this is only a single home dwelling. I guess I would like to voice my concern that once the deed is signed and delivered, most anything could happen. And in City government, really it does. I have a concern about that because it's a very lovely area. I have two small children. There is something unique about the heritage that we as New Englanders share, or at least used to share. Selfish, but none the less, my opinion.

CHM. LEINWAND

I can't help but get defensive as I know it's this time when I know I ought to bite my tongue, but as a new comer to Middletown as you yourself stated, I would only suggest that you talk to some of your neighbors about the integrity of some of the people that sit around this table when you make comments about City government and how it generally works. I like to think that City government in this particular municipality has a higher reputation than that. I couldn't resist. Is there anyone else who wishes to speak? If not, Attorney Karpel, I will return to you. I see you taking notes.

PHILIP KARPEL

I took down every word.

CHM. LEINWAND

O.k. Since the...let me just say that when the opponents are represented by an Attorney, we generally will allow one rebuttal each. I will say that I will allow anyone one more opportunity to speak if they really feel it is absolutely necessary or if there is something that Attorney Karpel says that they feel demands a response. But if it's not urgent I would hope that this could conclude the matters. Attorney Karpel.

PHILIP KARPEL

Thank you, Steve. I was going to attempt to address only those questions that could be first of all only to answer the question that were raised and not to bring anything new up that would require further Public comment. And secondly to attempt to answer only those questions that are not necessarily argurmentive as I don't think there is anything to be gained for me to sit here and say no water doesn't come to this point on that lot

PHILIP KARPEL (Continued from Page 19)

and somebody else say yes, it does. All I can tell you is that we have shown the lots with the lines that are required to be shown and that come from the most recent maps with respect to wetlands and floods. I would like to tell you to explain the answer to Arlene Bielefield's question with respect to the configuration of lot 12. And if you'll look, you'll notice that the wetlands line on lot 11 falls in such a manner that it was more appropriate to simply to put the lot line for lot 12 as is and still get the required 100 foot frontage. And so yes, it may not be your standard pie or ice cube tray shaped lot. But it is nonetheless a valid building lot, under Planning and Zoning regulations. But Arlene was correct, it was based essentially on the wetlands' line as to why it was shaped the way it is. Another one of the gentlemen whose names I've kind of missed, but he lived on 549 East Street. Raised the question with respect...

HERMAN BENT
539.

PHILIP KARPEL
539, Mr. Bent was it.

HERMAN BENT
Bent.

PHILIP KARPEL
O.k., thank you. He indicated that there had been several accidents at the location at the so called bridge which while I don't want to get into an argument over semantics. It isn't really a bridge. It's a head wall. There is a pipe under the road which if you want to go to your dictionary definition of a bridge, that's not one. But it's what they say it is. O.k., there is a cement head wall on both sides of East Street. Granted we're fully aware that at one point in time have been alot of accidents. We certainly can't sit here andand say there will never be another one, but I would like to point out to the Commission that within the past year, the State of Connecticut widen that area including the bridge. And to my knowledge, there has not been an accident since then. I don't say that has a categorical evidence of truth but I living out there I'm surely familiar with what has happened. But there was a widening in that area to attempt to alleviate what might had been a problem in a very narrow area. There was also to our knowledge an indication that the State of Connecticut and or the City of Middletown, I don't know who really would be responsible intends to do further work in that area and increase the size of the pipe that is running under the road at the point of that head wall. Which might relieve some of the problem with respect to water, because I think that the problem is not water coming from this site. It's the size of the pipe and it can only accommodate so much, but I will say this, that at the last storm that we can all recall in the past spring which I believe was give in the category of the 100 year storm, the water in the ponds on the property came no where near its peak level. In fact, it was well below it. And Carl then was interested in the property and in fact, (inaudible) flooded out at that so called 100 year storm. And that's about all I can tell you with respect to water. July Pehota raised the question concerning why didn't we show the bridge. Well, again it's a head wall. It's not on our property but that brings up a very valid consideration, and I think she overlooks in her sketch which I think she did an incredible job on while it's not drawn to scale. If you'll look at it, you'll notice and if you'll excuse me, I'd like to walk over to the map on the easel. If you'll notice her sketch, she shows our property line as going to the so called head wall. It doesn't, it does not. I think it's a common misconception. My practice is basically real estate and business oriented property and I run into this quite common with people who are not particularly familiar with rights-of-way for roads. And I'll point out tp the Commission that most people consider I cut my grass right up to the road and therefore; I own it. Well, you don't. There is a fifty foot right-of-way and the street may be 35 feet wide. If you'll notice you'll see on our sheet one and two

PHILIP KARPEL (Continued from Page 20)

lot one and I'll run this up the property line. And then you'll notice the wide area between that and the paved road. That is where the so called head wall is. Now, coming out of lot 1, from this point, you can obviously run a driveway to avoid...The way she has it situated, granted you could never...you would just run into that bridge. That's not, that is not the case. You can run a driveway turn that or you can run a driveway and turn it that way. Alright?

DIR. REIF

You'll need another bridge.

PHILIP KARPEL

I'm sorry. You're correct, you'll have it this way. But in either event, you don't run into the bridge. And to my knowledge there is no greater difficulty making a right hand turn than a left hand turn. I'm not trying to minimize the fact that this certainly isn't the most ideal location in the world, but it is something that D.O.T. would have to approve for the line of sight, and there are minimum regulations on the line of sight that Bill Viet feels that we would be able to meet with a properly placed driveway. So I think that the main point is that I do not, don't misunderstand me particularly Judy, I'm not trying to taper her sketch and rip it off. I just want to point out that her property line is not our property. That is the property line she shows is our property line and is not our front property. It's situated some I'm not sure of the distance but it's certainly held back from that....

WILLIAM VIET

Roughly, 30 feet in that space.

CHM. LEINWAND

But you would have to connect it to East Street, Wouldn't you?

(inaudible, multiple speakers)

CHM. LEINWAND

Excuse me. I'm still not clear on your explanation. O.k., I buy lot 1, o.k., as presently done. I see the building lot line and it looks to me like the dog leg that comes out toward East Street is roughly 25 feet wide. Are you with me?

PHILIP KARPEL

No.

CHM. LEINWAND

The part...That's right. You have 25 feet there. Now, that's the only access that I would have without encroaching on the Wetlands' line. O.k., so I really could not come out straight, perpendicular to East Street, because in that case I really would hit the bridge. It seems to me that I got to have a driveway that angles south or southerly, Correct? Which gives me a driveway that does make a left hand turn with the bridge wall there somewhat tricky.

PHILIP KARPEL

No, well, you know, that's I suppose a matter...

CHM. LEINWAND

I'm asking....

PHILIP KARPEL

Subjective opinion, but the head wall is essentially in line with where we show the culvert pipe.

CHM. LEINWAND
O.k.

PHILIP KARPEL
And what I'm saying is that this may come as a bit of a shock, but we certainly have the right to put a driveway that angles to East Street over here.

CHM. LEINWAND
Well, o.k. It's clear that...

PHILIP KARPEL
But in any event

CHM. LEINWAND
discussion. (inaudible, multiple speakers) O.k.

PHILIP KARPEL
There is land in between. We recognize that it is going to take our satisfying the D.O.T. because granted if what you say or what has been said tonight is correct, then we don't...we wouldn't meet the minimum requirements for D.O.T.'s sight line and whatever requirements they may be. So we don't know...

CHM. LEINWAND
The only thing that I would say I mean is that I have some questions about....You show the pipe, there is no question about that. But we know the head wall is wider than the pipe. And so the head wall is really not shown on there. Is that right?

PHILIP KARPEL
Right.

CHM. LEINWAND
Please, let Phil finish.

PHILIP KARPEL
And I can tell you and it doesn't do us any benefit, but that was not omitted with any intention, because again....

CHM. LEINWAND
Understood.

PHILIP KARPEL
We're not....

CHM. LEINWAND
Show us where the brook goes under.

PHILIP KARPEL
I just really can't say anymore about whether the property is under water or where the lines go other than I've already commented. I can't really respond to Charles King's request for more specific covenants because I don't know. They are not drafted and we...All I can say is that typically in any situation such as this, you're not going to develop all those lots yourself and that may be Carl's intention. You have to protect your investment so that you certainly wouldn't want to see I hesitate to say this, because somebody probably lives in one, but a log cabin home situated on one of the lots that thereby detracts from the saleability of another lot because somebody doesn't like that style home. So the idea would be

PHILIP KARPEL (Continued from Page 22)

iniformity. The particulars of which we really don't know and I'm sure you recognize it's really not within the jurisdiction of Planning and Zoning anyhow. If I were to say to do it. I don't really think there are too many other specific questions that I can answer that you haven't already, Steve. I'd like to wrap up very quickly by indicating something that apparently I was not at the meeting that George pointed this out. George Reif that is and it becomes somewhat pertinent from I believe Mr. King's comments. One of the comments what might happen to lot 11. I certainly agree with your comments, Steve, should we ever have a change in our plans to do any more than develop one house, we can't do it without coming before this body and a Public Hearing would be required, that is not our intention. It...and you can't tell what might happen 50 years from now. But I will say this, that this land and under our zoning regulations would permit us or would have permit us if it weren't Carl Pitruzzello to come in and seek approval for a P.R.D. that might have done exactly what Mr. King questions. And it might have allowed us first of all to go density of 60 home sites there, and would have permitted something other than single family style. That's why I think one of the benefits I put forth here is that Carl is a local person who's not your big time you know 500 lot a year developer. And is certainly satisfied to take this as a standard subdivision. And finally I think I would like to try to make your job as easy as I possibly can. Under the State Statutes of the and I'm sure your all aware that you have the power to approve our application, to deny our application or to approve it with modifications. Should it be the intention of the Commission to approve the subdivision with any less than the 12 lots that we're asking for, I would strongly urge you and tell you that we prefer to have you deny the subdivision. We feel that the 12 lots meet all of the regulations. We are particularly interested in the development of all 12 lots as we've shown you with whatever minor modifications that you might impose as conditions. Thank you.

CHM. LEINWAND

Let me just follow that up before we get to Comm. Pattavina while that's fresh in our minds. And one idea that I'm sure struck more than just myself in the last hour is that perhaps lot one simply would be too difficult to develop, and that this Commission would look upon this subdivision as appropriate with lots 1 and 2 combined as one. Are you sitting here saying that rather than take such a move, because we deem lot one on the basis of the advice that we may get from the Director of Public Works that lot one doesn't work, you would rather that we deny the entire thing?

PHILIP KARPEL

That's correct. What we would prefer to do is take a denial and to redevelop the entire approach.

CHM. LEINWAND

Thank you. I think we hear that. Comm. Pattavina.

COMM. PATTAVINA

There is one question. Any lot that goes right onto East Street. Is that subject to D.O.T. approval? Do they have to approve to enter East Street?

DIR. FAZZINO

Yes.

COMM. PATTAVINA

If we give approval and lot 1 is approved before they can get an approval to use that lot, the D.O.T. has to approve that?

DIR. FAZZINO

Before we will issue a building permit, they will need a Department of Transportation permit

DIR. FAZZINO (Continued from Page 23)
to cut a driveway.

COMM. PATTAVINA

O.k., let's say if we do approve all 12 lots, and then you do go before the D.O.T. and they do not approve lot 1. What would you do in that case?

PHILIP KARPEL

Probably couple it with lot 2. And simply sell lot 2 with the remaining land of lot 1. Or perhaps even sell it to Mr. & Mrs. Pehota, who knows.

CHM. LEINWAND

Excuse me. Other questions? Comm. Garafalo.

COMM. GARAFALO

I have a concern that I don't know if the Public's aware of it but we rely on information from staff.

CHM. LEINWAND

Yes.

COMM. GARAFALO

And after reading the report of the traffic division and listening to the Public comments, I wonder if they're aware it's approved with no reservations by the Traffic Division.

PHILIP KARPEL

I think you should read it, Steve. I think seriously, I've not seen myself or you now talking about Regional Planning. You're talking about traffic?

DIR. REIF

I think we're talking about two different things. You're talking about the comments from the Police Department. You may be talking about the report from the....

PHILIP KARPEL

No, I'm talking about what Comm. Garafalo...

CHM. LEINWAND

I think everyone knows what we're talking about. In fact, for the benefit of the Public and to satisfy your request, we do send these plans when they come in to the Health Department, Public Works Department, to the Fire Department, and to the Police Department. And we do have a report which came back from the Police Department where it says that the Traffic Division has reviewed the above site plan concerning the 12 lots subdivision on East Street and have no objection to the plan as proposed. O.k., it's part of the record. It's the things and I think that Comm. Garafalo's point stands. We get that from the Police Department. Well and good. We also get testimony from the Public that there may be some problems. Simply duly noted.

COMM. GARAFALO

My concern...

CHM. LEINWAND

Yes.

COMM. GARAFALO

is that the Public doesn't come and tell us some of these things, I would.....

CHM. LEINWAND

Absolutley.

COMM. GARAFALO

based on that report....

CHM. LEINWAND

If what you're doing is complimenting the Public for their presentation tonight and thanking them for coming out, I obviously second that. And it's not even an election year for us.

(Laughter)

PHILIP KARPEL

Of course, that all implies that perhaps the Police Department's report is accurate or inaccurate.

CHM. LEINWAND

Or is inaccurate, exactly.

DIR. REIF

Mr. Chairman, can I point out one thing?

CHM. LEINWAND

Please.

DIR. REIF

If the Planning Commission approves this layout including lot number one, then lot number one could be sold to individual or party and lot number 2 could be sold to somebody else. The people who then want to build a house on lot number one would be the ones trying to get a permit to enter East Street. And....

PHILIP KARPEL

That's the type of a condition that we would certainly not object to and that is that the approval was subject to that no lot could be sold without the prior approval of D.O.T. for access. That's....

DIR. REIF

That get cumbersome, thank you. The people who bought lot number one might not get access would be back...

CHM. LEINWAND

Can't these lots get approval from D.O.T. at earlier stages? I mean is it possible that this plan could go to D.O.T. Bill, you're nodding yes. That in fact you could take these lot by lot by lot and show where a house would go and where a driveway would have to go and say yea, yea, yea, or no, no, no.

WILLIAM VIET

The...We could submit an application to the D.O.T. for a n access permit for lot number one, yes we could do that right now, without the land even being subdivided.

CHM. LEINWAND

O.K.

WILLIAM VIET

That's true.

CHM. LEINWAND
Sal.

DIR. FAZZINO

Mr. Chairman, if I may add there is questions regarding lot number one and there's questions regarding the line of sight on lot number one. I think the citizens have described this head wall protrudes above the road and when you come out of the potential driveway there, you're not going to see people coming say in the southerly direction. The obvious solution to that is you remove that head wall by extending that culvert on the property. If that were to be undertaken by the applicant, they would address that question. And it's probably something that if I were the engineer reviewing the line of sight on the behalf of the Department of Transportation that we would come up with. I offer that as a suggestion and if the applicant would be willing at his expense to extend that, eliminate that obstruction and thereby creating the proper line of sight and the objection raised on lot one would have been addressed to.

CHM. LEINWAND
The applicants expense.

DIR. FAZZINO
Of course.

CHM. LEINWAND
That's what I thought. O.K. Other questions? from members of the Commission? Phil, Bill, thank you very much.

PHILIP KARPEL
Thank you, Steve.

CHM. LEINWAND
Let me simply say that I think you've heard our questions in the way in which we asked them. I said that I would give you another opportunity but again I hope that you will honor my request that it only be for new information or for essential questions and not a rehashing. If there is anything in that vein, now is the time. Please, Mr. Bent.

HERMAN BENT

I would like to say that Mr. Karpel is trying to emphasize that that's not a bridge. But he talks about pipes. I know most of these are made over a pipe. But this is not. This is a bridge because it's made with two cement walls, one on each side and a covering over the top. So I would say that is a bridge. There isn't any pipe. It's two walls and no pipe.

CHM. LEINWAND
Thank you. Sir, something new.

A member of the audience:
I would like to know what this P.R.D. is.

CHM. LEINWAND

P.R.D. very briefly is a Planned Residential Development. Mr. Achenbach's development is a P.R.D. Wesleyan Hills is a P.R.D. We have three others of them around Middletown. They are intensive developments and we are not about to have a P.R.D. on East and Miner Street. That I think is good news. O.K. If there is no one else and before we move to item three. Sal, is it possible I mean, the thing I didn't say in case it wasn't obvious, the Commission is not about to make a decision on this tonight. It's clear that

CHM. LEINWAND (Continued from Page 26)

there is still questions. You heard Attorney Karpel say that we have the option of modifying, approving, or denying. We also have 65 days from tonight within which to make a decision. We try and make decisions within two meetings if at all possible. We've not yet resolved whether we are going to have a meeting prior to Thanksgiving. So it may be six weeks from tonight or it may not. In that vein, Sal, is it possible that through your office, this Commission could get some additional information on the two items that have come up over and over again? One, the issue of the sight lines. You've got the ability to go out there and take a look with this map and give us some indication as to what your sense of things is, in terms of the driveway coming out of lot one and being able to make a turn, and what's there in terms of poles and bridges and the like. That would be very helpful I think to us. And two, the whole issue of the water. If it's simply a matter of yes there is water occasionally on East Street and it's because we need to change the culvert around. But some ideas and comments on those situations I think it would be helpful in terms of our making a decision. Is there anything else from the Commission on this matter? If not we'll go to item three on the agenda. I thank you again.

CHM. LEINWAND

We now have the Secretary, the official Secretary here and if we could go to Item 3 on the Agenda.

SECRETARY GIUFFRIDA

Item 3 Proposed Special Exception for proposed office occupancy for Lawson and Smith Investors, 27 Pleasant Street, R-4 Zone, formerly a rooming house. Applicant/agent William W. Lawson, Jr.	PROPOSED S.E. OFFICE OCCUPANCY 27 PLEASANT ST. LAWSON & SMITH INVESTORS SE82-15
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CHM. LEINWAND

Sir. If you would speak up so we can get you on the microphone.

WILLIAM W. LAWSON, JR.

O.K., My name is William Lawson, Jr. I'm here to represent Lawson and Smith Investors. It is our desire to obtain a special exception to take an existing rooming house located in the R-4 zone and renovate it and occupy it as office occupancy specifically an insurance agency. It would be occupied as a single occupant not a multiple occupancy. We would intend to occupy 1970 square feet on the first two floors of this building. There is a third level which we will use as storage. We would be developing parking as shown on the plans in the rear of the building on site. We've shown seven parking spaces here which we feel is adequate for the occupied portion of the building. We have discussed the project with the building inspector, the fire marshall. We are aware of certain requirements imposed upon us specifically some renovation of one of the stairwells to make it acceptable and installation of a sprinkler system, and then other renovations we are going to do for our own benefit as insulating, heating, system wiring. Are there specific questions?

CHM. LEINWAND

Questions? Department comments are nothing more than need to designate a garbage storage facility.

DIR. REIF

The traditional Health Department comment.

CHM. LEINWAND

Well.

WILLIAM W. LAWSON, JR.

Help me out a little bit. The location of the barrels. Is that what you're talking about? Or...

CHM. LEINWAND

How's that generally done?

WILLIAM W. LAWSON, JR.

You know, we would do such a thing in the rear of the building.

DIR. REIF

Show the site.

WILLIAM W. LAWSON, JR.

I would place such a site here because there would be reasonable access as a exit as well as a cellar exit, and it would be out of the view of the street. And accessible to the driveway.

CHM. LEINWAND

This again, help us. I knew we had it last time. This is the building next to the Masonic Temple.

WILLIAM W. LAWSON, JR.

Yes, it is.

CHM. LEINWAND

Between the Masonic Temple and the Parish House.

WILLIAM W. LAWSON, JR.

Yes, that's right.

CHM. LEINWAND

And its present use.

WILLIAM W. LAWSON, JR.

Its presently unoccupied and its last use was a resident and rooming house.

CHM. LEINWAND

Other questions? If not, are there members of the Public that wish to speak to this proposal one way or the other? If not, that's short, sweet, and simple. Thank you.

WILLIAM W. LAWSON, JR.

May I ask a question?

CHM. LEINWAND

You may.

WILLIAM W. LAWSON, JR.

Since winter is approaching and plans will be affected, what's your best estimate of a decision on this?

CHM. LEINWAND

The Chair would certainly entertain a motion to consider this under New Business later tonight.

COMM. SBALCIO
So moved.

CHM. LEINWAND

Moved by Comm. Sbalcio, seconded by Comm. Pattavina. There is no discussion on that? Hearing none, all those in favor, please signify by saying I. Opposed Nay. We will be making a decision probably later tonight.

WILLIAM W. LAWSON, JR.
Thank you for your time.

CHM. LEINWAND

Thank you. Item number 4.

SECRETRAY GIUFFRIDA

Item 4. Proposal to amend the text of the Zoning Code and Subdivision Regulations to intergrate new City maps into the site plan and subdivision review procedure by adding a paragraph to Zoning Code Site Plan Approval Requirements SECTION 55, Item 55.04.01 and Subdivision Regulations SECTION B, Preliminary Plans as Item (r) which states:

PROPOSED ZON-
ING CODE & SUB-
DIVISION AMEND-
MENT CONCERN-
ING SITE PLAN
& CITY MAP
Z82- 15

In addition to other requirements the site plan for projects which involve new buildings shall be shown on at least one print of the "Topographic Map of the City of Middletown, Connecticut, Showing Drainage Systems and Inland Wetlands Superimposed" at the scale of 1" = 100', sheet 24" x 36", date of photography April 17, 1980 or a later revision

The location and site plan on the Topographic Map shall be drawn by the same Land Surveyor that prepares the site plan and shall be sealed and signed by that person.

The objective of this proposal is to determine if all or part of a project is involved in a streambelt, flood plain, wetland, etc.

CHM. LEINWAND

For the benefit of the members of the Public that are still here, Items 4, 5, and 6 are fairly technical, they have to do with changes in our own Zoning Code and this shouldn't take all that long. George, do you want to speak to what we are trying to do very briefly here? We're very simply...

DIR. REIF

We have an example on the panel. This is one of our sheets from the maps, the entire City Maps, the same way in red we've shown a subdivision of land that we're familiar with on Randolph Road. And I was pleased that to one extent the last proposed subdivision that you were talking about, the people said there was a bridge. The drawing didn't show it. If we had this requirement and they had drawn their subdivision on one of our maps, we would at least had the benefit of what the people that drew the maps showed. The answer I've been getting is by the people who I've been induce to use our maps, oh well, we've copied all the information from the maps. We've traced them. And that's normally true. The only thing is they leave off what they're not interested in. So this is I'm sure will help us as you consider these.

CHM. LEINWAND

How expensive is this provision going to be? Or is it easy to do?

DIR. REIF

It's very cheap. We sell the maps for \$3.50 a sheet, and let me tell you, they're thousands of hours worth of information. If they had to go out and get the information on that map, it would cost thousands of dollars.

CHM. LEINWAND

And this is only going to cover our subdivision and all site plans. Right?

DIR. REIF

Yes. It's all site plans with new buildings.

CHM. LEINWAND

O.K.

DIR. REIF

If somebody has a building that's already there, and they're going to make an addition.

CHM. LEINWAND

Are there other questions from the Commission? Members of the Public wishing to speak to this change?

DIR. REIF

Sal has.

DIR. FAZZINO

Mr. Chairman, I just wanted to add in addition to the Land Surveyor in your second paragraph, that you include the professional preparing it, that being either the Land Surveyor, the Engineer, or Architect.

DIR. REIF

If we come up with a site plan and an Architect, Phil Bauer will hitous. He won't let an Architect...

CHM. LEINWAND

O.k., well. The way to do this I would think then is give us the specific language. Alright, I mean that's all within the same general spirit of what the Public Hearing is on so we can deal with that on either Old Business next time. No one. Item 5, please.

SECRETARY GIUFFRIDA

Item 5. Proposal to amend the text of the Zoning Code as it relates to the time period to review and act on a site plan by deleting the last sentence from ZONING SECTION 55, Item 55.03, Category 2 and 3.	PROPOSED
ADD to Item 55.03 Procedure a sentence which states: Site Plan review and resulting decision to approve, modify or deny will be accomplished within the time limits set forth in the General Statues.	CODE AMEND- MENT TIME LIMITATION
	282-16

CHM. LEINWAND

All we're doing here....

DIR. REIF

Is picking up the new language of the Enabling Legislation. Middletown had a site plan approval requirement before it was mentioned in the State Enabling Legislation.

CHM. LEINWAND

Does this change it in any way?

DIR. REIF

No. All it does is tie our timing in with their regulations.

CHM. LEINWAND

Any questions from the Commission? Any comments on this change from members of the Public? If not, then the same thing goes with 5. To 6, please.

SECRETARY GIUFFRIDA

Item 6. Proposal to amend the text of the Zoning Code as it relates to the inter-change of non-conforming uses by deleting the present text of SECTION 14, Item 14.04.03 and substitute the following: by subsequent changes of the Zoning Regulations may continue and a use may be substituted for by a similar use from time to time. In the event of any disagreement of similarity of the proposed inter-changed uses, the Commission shall determine the suitability of the proposed substitute use.

PROPOSED
ZONING CODE
AMENDMENT
NON-CONFORM-
ING USES
Z82- 17

CHMR LEINWAND

What a mouth full. How does that differ from what's presently in the Code?

DIR. REIF

Right now, a non-conforming use is changed it's suppose to be treated as special exception.

CHM. LEINWAND

Fine. This loosens that up. It does more flexibility. Is that right?

DIR. REIF

Well, it gives the people who own a non-conforming use the flexibility quite frankly that they've been using over the years. You take South Main Street as an example. There are some a number of non-conforming uses on part of it. They've changed. One year it's a liquore store, and the next year it's a place where they rent out maids. Theoretically, they're suppose to come in...They're supposed to have come in and gotten the approval of the Commission. They have not. What is being suggested here is that 99 percent of the time, there's no problem created. If there is a problem created, we can still nail these people and bring back to the Planning Commisssion to...In one way,...

CHM. LEINWAND

I don't understand, whereIn the event of a disagreement, this is a similarity of proposed uses.

DIR. REIF

That's the point.

CHM. LEINWAND

The Commission shall determine suitabilityDoes that mean the Commission could hold a Public Hearing on it?

DIR. REIF

Yes.

CHM. LEINWAND

That's clearly implied in that.

DIR. RIEF

Yes, I believe it is.

CHM. LEINWAND

You don't want to say it per se?

DIR. REIF

If you want to make it clearer, we can make it clearer.

CHM. LEINWAND

We're moving....

DIR. REIF

We could require the Commission to have a Public Hearing.

CHM. LEINWAND

I don't think we want to necessarily do that. I just didn't want to....
I didn't want to preclude it.

DIR. REIF

No. I don't think it's precluded. It gives the Commission a chance to make a interpretation. You had a situation recently about a delicatessen and you did make a decision. You made the decision that the new use was similar. And the reason you did that is because there was a disagreement. Had there been a change without any disagreement, you wouldn't have seen that file.

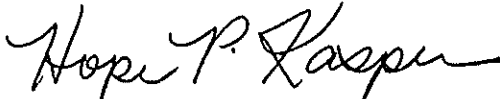
CHM. LEINWAND

I understand that. Other questions? Members of the Public wishing to speak to that proposed change? If not, then the Chair will close the Public Hearing on all six items.

ADJOURNMENT 8:30 P.M.

ADJOURNMENT

Respectfully Submitted,



Hope P. Kasper
Transcriber

Steven J. Leinwand, Chairman
PLANNING & ZONING COMMISSION

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