

Ralph Shaw, II, Chairman; Eric G. Lowry, Vice-Chairman;
Cos Giuffrida, Secretary; Edward Kalita, Dr. Christie E.
McLeod, Paul P. Parisi, George L. Augustine, Gerald Lentini,
Thomas E. Lineberry, Conrad Tyaack and Mayor Anthony S.
Marino. COMMISSION MEMBERS PRESENT

Seb Passanesi and Phil Bauer, Engineer, Public Works Dept. MEMBERS ABSENT

George Reif, Director; Eileen Rogers, Recording and
Transcribing Secretary. STAFF MEMBERS PRESENT

David Wessel, Middletown Press Reporter; Lincoln Millstein,
Hartford Courant Reporter, and approximately ten members
of the public. OTHERS

Commissioner Augustine sat for Commissioner Passanesi. SUBSTITUTIONS

CHAIRMAN SHAW

I want to call to order the meeting of the Planning and
Zoning Commission. We have a public hearing first tonight.
Commissioner Passanesi will not be with us and I will ask
that alternate Commissioner Augustine sit in his place.
The first order of business tonight will be a public
hearing. We have only one item on the public hearing
tonight and I will ask that our Secretary read the notice
of that public hearing.

SECRETARY GIUFFRIDA

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A
PUBLIC HEARING NOVEMBER 10, 1976, STARTING AT 7:30 P.M.
IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, DE KOVEN DRIVE,
MIDDLETOWN, CONNECTICUT, to consider the following:

An application for a text amendment to the Zoning
Code, Section 61, Business Zones, to permit service
and repair of automobiles and automobile parts in a
B-2 zone. Applicant: Michael Augeri. ZONING CODE
TEXT AMENDMENT
APPLICATION

Any and all persons interested may appear and be
heard.

CHAIRMAN SHAW

That notice appeared in the Press on October 30 and again
on November 6, in accordance with the requirement - thereby
making it a legal notice and this a legal meeting. George,
are there any comments you want to make before I ask the
proponent come forward.

MR. GEORGE REIF

No. We have no comments from any departments.

MR. SHAW

All right. Who is representing the applicant in this case?

ATTORNEY CARTELLI

Attorney Cartelli of the firm of Fortuna and Cartelli representing the applicant, Mr. Augeri. I am here on behalf of Mr. Augeri because of what I believe has been an oversight which has continued in existence for a period of time and, in discussing this with the Planning Office, I think that there is concurrence in that opinion. What we have is a situation where - in a B-2 zone - automobiles may be sold. It's a permitted use but the Code - 61 - which sets out the permitted uses, specifically states that automobile repairs or automobile part repairs is not a permitted use, so what we have is a situation where someone may own an automobile dealership and be allowed to sell - yet not allowed to repair the cars which is a highly incongruous situation made more unrealistic by the fact that the Conn. Motor Vehicle Dept. specifically mandates that if you sell automobiles you must service and repair them. It's just a situation which rightfully should be corrected. I might point out that in the City of Middletown there are several - probably more than I am aware of - but I know of several situations in B-2 zones presently existing with automobile dealerships in them where they certainly sell and repair automobiles. Again, it's not a matter of coming in and asking for something that is a highly unusual or irregular. I think that the permitted use of sale goes hand in hand with what should be their permitted activity of repairing that what you sell; specifically, automobiles and parts that are in integral part of automobiles. I would be pleased to answer any questions if there are any or to discuss the matter if there is any opposition from the general public.

CHAIRMAN SHAW

Sure, go ahead.

MR. REIF

Jack, how do you feel about "pure" repair of automobiles? Would you favor that in a B-2 zone?

ATTY. CARTELLI

Pure --

MR. REIF

Just repair without it being associated as an accessory use to the sale? Would you be in favor of that or not?

ATTY. CARTELLI

Yes.

MR. REIF

Is that really what you are applying for?

ATTY. CARTELLI

I'm applying for that - for the repair of automobiles whether or not the automobile parts and automobiles-whether or not we have a sale of an automobile at the particular site.

MR. REIF

Right now, the people who are repairing automobiles in association

with the sale of automobiles is a permitted use so if that's what you're really worrying about - -

ATTY. CARTELLI

No. That is not what I --

MR. REIF

That's what you've presented and I think what you really want to present--that you want to establish the capability of having a pure repair facility not associated with the selling of automobiles.

ATTY. CARTELLI

Correct. Either associated with or not associated with. All right. I understand what you are saying. It already is permitted if it is associated with.

MR. REIF

Already is permitted as an accessory use and if you follow that line --

ATTY. CARTELLI

Then what I'm saying is repair of automobile parts not associated with the sale of the automobile.

CHAIRMAN SHAW

Do you have the secret to this? Are there any other questions from the Commission? George, do you have any comments from anybody about this?

MR. REIF

No.

CHAIRMAN SHAW

It seems to be a fairly straightforward application - as far as that's concerned - there seemed to be -- Go ahead.

COMM. LOWRY

Could you just locate the location of that (inaudible few words).

CHAIRMAN SHAW

He's talking about all B-2 zones (inaudible few sentences - 3 people talking). The quest is that it be changed for all the B-2 zones in the community in which there now are just several places that have automobile agencies that are also repairing cars. There seems to be some discrepancy in the Code, as I understand your line of reasoning. Are there any other questions or comments?

PERSON FROM AUDIENCE

Mr. Chairman - May I make a comment.

CHAIRMAN SHAW

The public will be invited to in just a moment.

AUDIENCE PERSON

Thank you.

CHAIRMAN SHAW

If there are none, yes -- go ahead, Tom.

COMM. LINEBERRY

Do I understand that he is appealing for all B-2 zones?

CHAIRMAN SHAW

Yes. That is correct.

ATTY. CARTELLI

I might --- obviously, our particular zone would be affected by a text amendment but I'm asking that the entire -- that the Code be changed in general so that it would affect all B-2 zones. What would happen otherwise - if we made it specific for one property is that the next time this situation arose we would be doing it piecemeal.. I don't think it's the kind of thing that seriously alters the Code in any way. I think it brings it more in line with what the original intention was for a B-2 zone, but, in answer to your question Mr. Lineberry, yes-- I am asking for a general text amendment which would affect B-2 zones in general.

CHAIRMAN SHAW

Any other questions? Thank you, Jack. Is there anyone else present who wishes to speak in favor of this application on this proposal? Anyone at all who wishes to speak in favor? If there isn't, is there anyone who wishes to speak in opposition to it? You just want to speak. Come forward, identify yourself for the record so that we'll have it on our transcript.

MR. JOSEPH STEPANSKI

For the record, my name is Joe Stepanski. I've lived in Middletown for about 20 years and I read this notice that appeared in the Middletown Press the other day about auto repair proposal due before planners. If I'm out of place or out of comment, Mr. Chairman, will you please stop me. I thought it appropriate to bring to the Board's attention the situation that exists in my neighborhood for quite some time. When I looked at this auto repair proposal, I laughed and I said "This is a joke". They're talking about B-2 zones in here and I live in a residential zone and cars are continuously being repaired, rebuilt, and so forth. I draw specific attention to the residence at 184 Frisbie Street where there are a number of cars being repaired, rebuilt, specifically race cars. I have complained through Councilmen. I have complained any number of times to the Police Department. I have had interference with the television reception in the area. There has been a fire on record where there was -- was caused directly or related to automobile repair. This is all in a residential area. I am not talking B-2. So, if we're talking about a Code change, or you're proposing a Code change, I strongly urge you that you do something to protect the residents who live in residential areas where car manufacturing - and I mean manufacturing - because it's race cars, that you offer some protection for residential areas if you are talking in terms of Code changes. Now, I know that there are probably some loopholes and they say that, well, we don't do these repairs for business, but you can't convince me that a racer takes

his race car to a track out of state and races it for nothing. He receives prize money or some form of income or some benefits from it, and I urge you and I ask you to do something - make some Code change - some amendments to protect the residents in residential neighborhoods from this type of activity. Now, all the neighbors in my neighborhood have complained. I have not solicited their help. They do not know that I'm coming here. I was prompted by reading this article that appeared in the Press. Thank you.

CHAIRMAN SHAW

Thank you. Obviously, that is out of the context of this but I think it was well placed in the record, and I thank you for speaking. Is there anyone else who wishes to speak on this proposal? Hearing none, I'll call this item closed and the public hearing closed and we will go on with the regular portion of our meeting.

Eileen Rogers

Eileen B. Rogers
Transcribing Secretary

Ralph Shaw, II, Chairman
Planning & Zoning Commission

Approved at Planning and Zoning Commission meeting of
