

Steven J. Leinwand, Chm.; Stephen T. Gionfriddo, Vice-Chm.; Cos Gluffrida, COMMISSION MEMBERS PRESENT
Sec'y, Louis A. Carta, Seb J. Passanesi, Emanuel A. Pattavina, Rose Sbalcio, Alternates: George L. Augustine, Paul H. Bixby

Michael J. Cubeta, Jr., Mayor, Ex-Officio; Dir. Salvatore Fazzino, Ex-Officio, Alternates: Sebastian J. Garafalo, Vincent J. Loffredo MEMBERS PRESENT Absent

George A. Reif, Director; Althea Rinaldi, Recorder, Hope Kasper, transcriber STAFF

Philip Bauer, Engr., Public Works Dept.; Lucas Held, reporter, Middletown Press; and also 22 members of the Public OTHERS

CHM. LEINWAND
Good Evening. I would like to call to order the Regular Meeting on the Planning and Zoning Commission of November 10th, 1982. We have all seven regular members of the Commission present. I don't believe that's happened in three or four months. Nice to see you all tonight. I would now like to open the....We played musical chairs. I'm not pointing my finger at anyone individual. I'd like to open the Public Hearing. The Legal Notice for this Public Hearing appearing in the Middletown Press on Saturday, October 30th, 1982 and Friday, November 5th, and ask the Secretary to please read the first Item on the Legal Notice.

SECRETARY GIUFFRIDA
THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING NOVEMBER 10, 1982, STARTING AT 7:00 P.M., IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, DEKOVEN DRIVE, MIDDLETOWN, CONNECTICUT, to consider the following:

Item 1. Proposed Special Exception to convert a residence to an office building with parking lot, located at 198 South Main Street. Applicant Andrea Fassler and Elaine Bank. The above is located in the R-3 Zone. PROPOSED S.E. OFFICE 198 SOUTH MAIN ST ANDREA FASSLER ELAINE BANK SE82-16

CHM. LEINWAND
Elaine, Andrea.

ANDREA FASSLER
My name is Andrea Fassler. You want me to go tell you where I live.

CHM. LEINWAND
No. Could we....Is the microphone on.

ANDREA FASSLER
Yes. If you would speak into it, please. O.K.

CHM. LEINWAND
Thank you.

ANDREA FASSLER
My name is Andrea Fassler. I live at 113 William Street in Portland, Connecticut. This is my partner, Elaine Bank and she resides at 10 Yellow Orange Road in Middletown. On October 27th, we came before this Board to ask for a special exception to change a residence to an office in an R-3 zone. And I think we complied with all the necessary documents and we're here to ask if there are any questions if there are

ANDREA FASSLER (Continued from Page 1)
any on this particular project.

CHM. LEINWAND

Are there questions? You've seen the proposal and the map. George?

DIR. REIF

It might be useful to extend a little more about it. They in the back yard to provide all the required off-street parking and that kind of thing. Just you know.

ANDREA FASSLER

I can't hear you, George.

DIR. REIF

O.K. Can you just explain a little bit more. I know you know so much about your project and you did come before the Commission as a preliminary, but since this Public Hearing this is only thing that is going down in history.

ANDREA FASSLER

Oh, o.k.

DIR. REIF

Why don't you tell the Commission and the record just a little bit more about what you're doing.

ANDREA FASSLER

O.k, we don't plan to change the facade of the building at all, the exterior. We only thing we plan to do is put in a parking lot which has the building will house when we're finished, ten office spaces. We plan to put in twelve parking lot spaces, and two handicapped spots which are right next...near the entrance to the building. We have addressed the problem of water retention. We have a dry well system that has been sketched out on the site plan. And we have approval for the way it's set up. We just...There was a question by the Health Department, I don't its correct title. George?

DIR. REIF

Health Department.

ANDREA FASSLER

The Health Department and we will address that problem. It seems that they would like us to check....

DIR. REIF

I think they've already resolved the....

ANDREA FASSLER

Oh, it's already resolved. Ok, so...

DIR. REIF

I just thought it would be nice if you just told the Commission a little bit more since you know....

ANDREA FASSLER

O.k., I...

DIR. REIF

I just thought it would be nice if you just told the Commission a little bit more since it's going down in the record.

ANDREA FASSLER

Well, why don't you tell me. I really don't know what I should tell you, other than we would like to convert the space to an office space. And we do not plan to change the exterior of the building at all. We will do renovations inside. Basically cosmetic renovations and a new heating and air conditioning system.

CHM. LEINWAND

Any questions? Comm. Augustine.

COMM. AUGUSTINE

The Public Works Director says here that the two handicapped stalls as shown at this corner, the parking, there is no indication given as to where the handicapped entrance is provided.

ANDREA FASSLER

Well, there is a ramp at the front of the building; there will also be a ramp to the right where the spots are. There's an entrance into the building to the right of the spots and there will be sidewalk that goes around to the right of the building. There will also be a ramp going up there.

COMM. AUGUSTINE

Thank you.

CHM. LEINWAND

Essentially, the building is what, two residential units.

ANDREA FASSLER

Three.

CHM. LEINWAND

Three, and you're talking about how many offices?

ANDREA FASSLER

Ten, the maximum.

CHM. LEINWAND

Separate offices.

ANDREA FASSLER

Separate offices. Correct.

CHM. LEINWAND

Other questions? Have you seen the Departmental comments beyond the Health Department?

DIR. REIF

She obviously did not. The Health Department, we just got that late this afternoon.

CHM. LEINWAND

Oh, they've been in discussion with the Health Department in terms of the problems.

DIR. RIEF

I alerted everybody to that one. That was the only really questionable thing so I blew the whistle and got that one straighten out within the time it came in and today.

CHM. LEINWAND

O.k.

DIR. REIF

But the answer is, nobody has an opportunity when these things come in, you know, day after day, the last one came in late this afternoon. I'm glad it's on the sheet.

CHM. LEINWAND

O.k., the Director of Public Works....

ANDREA FASSLER

Yes.

CHM. LEINWAND

in his memo to us, says that in note retain the railroad ties that's on the plan.

ANDREA FASSLER

Yes.

CHM. LEINWAND

appears along the north side of the driveway to accommodate the difference in elevation as proposed. Are you with me?

ANDREA FASSLER

Yes.

CHM. LEINWAND

The edge of the driveway is occupying a position on the property line and under a fence making construction very difficult. Perhaps the drive could be moved to the south, adjacent to the wall so that the retaining structure could be implemented. Does that make some sense to you? He says there is a fence along there.

ANDREA FASSLER

There is a fence along there that is on our property which I mean we could take the suggestion. This is not,,,you know, we appreciate any suggestion that people give us. I mean this just,,,This is what we plan to do if there is a better way of doing it which we were not aware of, our engineer can correct that.

CHM. LEINWAND

O.k., are you aware of that comment? Could you help us with what that means?

DIR. REIF

He wrote it.

CHM. LEINWAND

Oh., fine.

PHILIP BAUER

Well, actually (inaudible) between the edge of the wall and the edge of the drive on the south side. All you would do to this driveway is go down to a parallel to the wall.

ELAINE BANK

(inaudible) footage to turn around.

PHILIP BAUER

Yes, sure. (inaudible) You have enough room there.

CHM. LEINWAND
The assumption

PHILIP BAUER
It's a difference...

CHM. LEINWAND
You need eight inches, right for the retaining wall, for the railroad ties. Correct?

PHILIP BAUER
No, but I'm just saying to install them you may disturb land that is not theirs.

CHM. LEINWAND
Oh, o.k.

PHILIP BUAER
And that's the whole problem. You're working on someone else's land.

ANDREA FASSLER
But you're sayiny we do have the land to install them.

PHILIP BAUER
If you were to....

DIR. REIF
He suggests you move them over

(inaudible, multiple speakers)

PHILIP BAUER
That you stay on your own land when you put the ties in.

ANDREA FASSLER
O.k.

DIR. RIEF
Yes, that's possible.

CHM. LEINWAND
And the Public Works Department also suggests that the pressure treated wood ties used for the bumpers or curbs be anchored to prevent slippage or movement. Now, we think that would be fairly standard.

ANDREA FASSLER
That's fine. Do we get these suggestions? Phil?

CHM. LEINWAND
Yes.

DIR. REIF
Yes.

ANDREA FASSLER
We get these suggestions, right.

PHILIP BAUER
I don't know.

CHM. LEINWAND
Yes, we are about to hand you them.

ANDREA FASSLER
Oh., o.k. Thank you, George

DIR. REIF
Get your magnifying glass.

ANDREA FASSLER
That's exactly what I need. I need longer arms.

CHM. LEINWAND
Any other questions? For the proponent? If not, thank you.

ANDREA FASSLER
If there are no further questions, oh, excuse me.

CHM. LEINWAND
No. He was waving, Hello.

ANDREA FASSLER
Oh. If there are no further questions, I would like if it is possible to have a decision on this before Thanksgiving, and since I know you're not going to be in session. I was wondering if it could be put on the docket, you know, as new business?

CHM. LEINWAND
What's your pleasure?

COMM. PATTAVINA
So moved.

COMM. GIUFFRIDA
Second.

CHM. LEINWAND
Moved by Comm. Pattavina and seconded by Comm. Giuffrida to put it on an item of 6.2 of new business. Any discussion?

DIR. REIF
It's 6.3.

CHM. LEINWAND
Sorry. Yes, 6.3.

DIR. REIF
I know these numbers....

CHM. LEINWAND
No, it's too much Drixoral.

ANDREA FASSLER
How will we be notified about this?

CHM. LEINWAND

You can call tomorrow morning. Let's put in on first. All those in favor of putting it on the Agenda as 6.3, please signify by saying I. Opposed nay. Ok, now, before we finish this part of the Public Hearing, let me ask if there is anyone in the Public that would like to speak to this particular proposal for a special exception for a residence converted to a office building on South Main Street? If not, thank you.

ANDREA FASSLER

Thank you very much.

CHM. LEINWAND

We will deal with it later tonight. This takes us to Item 2 on the Public Hearing. Mr. Secretary.

SECRETARY GIUFFRIDA

Item 2 Proposed subdivision of land into 30 lots on the east side of South Main Street, Route 17, at the Middletown/Durham Line. Proponent is P.H.S. Development Associates, agent is Thomas White, Attorney

PROPOSED SUBDIVISION
39 LOTS S. MAIN ST.
ROUTE 17, MIDDLETOWN/
DURHAM LINE, P.H.S.
DEVELOPMENT ASSOCS.
ATTY. TOM WHITE
S82-16

CHM. LEINWAND

Tom.

THOMAS WHITE

Mr. Chairman, ladies and gentlemen. I'm Attorney Tom White. I think I know most of you. I have with to my left, Robert Fanner, who has been and is the engineer, surveyor for the project. I think many of you also know him and he's been involved in this right now for several years. Hopefully, before you and you've had in your possession the map...

DIR. REIF

They all have them.

THOMAS WHITE

The map showing where the site is. It's on the easterly side of Route 17, and southerly end of Middletown, right adjoining or abutting the Durham Town Line. The project as a whole was presented or I guess it's about a year and half ago now, and at that time, someone of you may recollect, it was in the nature of half acre lots with leeching and spetic, and City water. Since, then with the change in regs. and the failure of that to make it for technical reasons, the presentation this evening is based upon one acre lots on site septic and leeching fields, and on site wells. I would understand that you have in your possession already the Health Department's letter or letters commenting on the lots. They have all been tested and deep holes and as Mr. Vinci and his associates have said that, it's pretty much swiss cheese out there, the way they've dug the holes and tested the lots. Systems have been designed and most if not all of them have been approved by the State of Connecticut. The ones that had to go up with engineered systems. And it would be my general understanding that the lots should if the roads qualify immediately for Health certificates. The drainage situation has been worked upon, worked with the Public Works Department, and I will if you wish get up now and just briefly and go through the area as it is set out on the master Inland Wetlands and the soil maps. For those of you who are not familiar with the informal session in late October, we thought we would do and George suggested it and we agreed to do the overlay on the City of Middletown Wetlands and drainage systems map. So you have maybe this is the first project to develop into and you'll see this overlay. I think that now you put in some wetland regulation that you'll be seeing on all future development. From our point of view, the site in question, as I say it borders or abuts the Durham Town Line on the southerly end of Durham and on the easterly side of Route 17. There are no Inland Wetlands in the area

THOMAS WHITE (Continued from Page 7)

in question. And there are no soil conversation or any flood plain areas on the site or directly involving the site that would affect the development we're requesting. The road system set up in such a way. I think it's on map 1 or 1A in your packet that shows the interconnect with Durham. The Durham site has already been approved. It was approved I think last year. It's a 62 lot site, also acre lots. The proposal is interconnected road. There are two that interconnect. The lower one here just off 17 and then this upper one and there are three cul-de-sacs in the proposal. The drainage and Bob Fanner will address that as you wish is set up in such a way that the drainage will not change on the site either by addition or greater increase of flow. The main drainage holding pond is set at the bottom right as you come into the development. It would be on the, I guess it would be on the northwest side just as you go in (inaudible) northeast side of Route 17. It's approximately an acre. Am I correct, Bob?

ROBERT FANNER

Half acre.

THOMAS WHITE

Half acre, and it was set up and worked upon with Public Works and the comprehensives were placed into the I guess the computers that went up through the systems were originally checked I believe by the same people of UCONN. that were in last year. And the system could by all designs and technology today work. It should keep any water that flows from this part of the development on the site and then have a normal drainage going through the system that is a State system that go underneath the highway, all of those State culverts and the State drainage on the other side is all adequate approved. There are two very small dry sumps or drainage open basins on the southeast corner and northeast corner. I think they would be on and you see lot 26 and lot 34. Again that would be very small areas. What's the acreage on that?

ROBERT FANNER

Five acres.

THOMAS WHITE

Five acres, 6 acres respectively. It would be picking up the drainage there. The proposal tonight is to have remaining with the lots and we're talking with Public Works give the City. The Public Works Department a continuous access, right of entry, and not burden the City to the maintenance of those. Give them the right to get in if they had to. The one at the bottom would be on 17 and on the subdivision road itself in fact would be deeded to the City under the City ordinance, because it would be carrying more than 10 acres of drainage. The project I think you know the site in question, it used to be an old orchard or nursery. It has a very lovely view. On the top side here and looks out over the westerly side of...southwest side of Middletown and out into the Middlefield Powder Ridge area. Basically, the project I think would be a benefit for Middletown. In fact, it meets and in many instances on the technical exceeds the regulations and the Code requirements of the City of Middletown. While I'm up here, does anyone have any questions at the map before I go back?

CHM. LEINWAND

Comm. Carta

COMM. CARTA

I have one question from the last presentation.

THOMAS WHITE

Yes.

COMM. CARTA

What your desire of having a very short road that exceeded 10 percent? Do you still need that?

THOMAS WHITE

No. That's all been taken out. All of the grades are within the Code.

COMM. CARTA

Ok.

THOMAS WHITE

We have no....technically it meets all. There are sidewalks shown on both sides. There are street signs shown on the maps. All of the...every i and t are dotted and crossed.

COMM. CARTA

Thank you.

THOMAS WHITE

And we have a couple of other comments and obviously questions. If there are any..... As I said they are one acre, 39 lots. The proposal would be in and we've shown that I think on the maps that were given to you. The project would be done in terms of the development part it probably in 5....6sections. The first section would be about 8 lots, the second section would be 7 in terms of actually opening them up. Obviously we would be looking for approval of the entire subdivision subject to be being developed and the roads being installed in the sections. The retention basin as I said on 26 and 34, the two lots are in the southeast and one on the northeast would be owned by the owners out there and would be burdened to subjected to the right of the City to access and any need to get in at any time. The area I think and probably aware with the type of lot and the size of the lot and the topography up there that would have a view of the southwest Middletown-Middlefield area would obviously mandate a fairly substantial lot price. I think area they are thinking of is somewhere in the thirties more or less. The houses obviously then would probably be in the I think I mentioned last time somewhere in the lower hundreds and one fifty range depending upon whether their built by the developer or whether the people build their own. The Durham side does have covenants and restrictions are placed that we would obviously be burdening this land with, protecting against the in terms of swimming pools being behind the house and in terms of obviously storage of trucks or trailers. The standard covenants and restrictions that are used. We had some question on or George mentioned some questions on possible road name conflicts. We would be more than amenable to changes of those or suggestions by the Commission. And basically, we would ask the Commission to approve it and I thinks it's an excellent use of the land. I think it's obviously a higher and better use than when we were in here a year and half ago. It's compatible with the area. It's compatible with the other side. It meets in Durham or matches Durham. And I think in that part of town, it would not create traffic problems. I think in this day and age with children in school and it would be a fine addition to that end of town. I don't think it would burden the town with unduly large numbers of kids or such that would hurt our school system or those types of worries. Basically, that would be our presentation. It's my understanding that as I say that the necessary letter is from Midstate, Health, and Public Works are in and I understand they are favorable or at least recommending several things. I'll be happy to answer any questions with the engineer.

CHM. LEINWAND

Are there questions for Attorney White?
before you get to phase 5?

Tom, the five phases, how long to invasion

THOMAS WHITE

I think depending upon the economy and what I read in the paper tonight is any hint, I would think fairly soon. The first section in Durham is in. I mentioned the last meeting, the house, the farest one in is sold. They have 3 or 4 spec houses up.

CHM. LEIWNAD

That's within a year since it's been approved in Durham?

THOMAS WHITE

Just about, I think it's a year this spring. It will be a year this April or May coming. Am I correct?

ROBERT FANNER

We started the road a year ago.

THOMAS WHITE

Well, ok, it will be a year and half. Yes.

CHM. LEINWAND

A year and half and you're not into phase 2, or section 2 in Durham yet.

THOMAS WHITE

Well, we can't in Durham, because of the cul-de-sac. We have to match the road system. We have a limited cul-de-sac so the obviously one goes with the other. They're...

CHM. LEINWAND

You can't go to section 2 in Durham until you've got section 1 in Middletown?

THOMAS WHITE

That's correct. We will stack them. That's correct. And as I say, the Middletown one they are very anxious to get section 1. Complete the loop and then build from there. I would think and it's purely a guess from my part. If the economy and the mortgage rates are such, I would think it probably would be in 3 to 4 years, they could complete the project. As I say, they put up 5 or 6 houses on the other side and they did it fairly quickly. And they have an ability to put them up.

CHM. LEINWAND

Other questions from members of the Commission? Comm. Sbalcio

COMM. SBALCIO

Just a clarification on Mr. Baron's comments. George, what does that mean?

DIR. REIF

Well, there's no City Water or Sewer...

COMM. SBALCIO

Fine.

DIR. REIF

It sort of gets them out of theThe second thing says the site drainage from this development will ultimately affect the water shed area for the Laurel Brook resevoir. Well, this happens to be in the Laurel Brook drainage area. And that's potentially true. That's one of the reasons we have this arrangement for on site facilities so they're won't be any additional runoff, and controls.

COMM. SBALCIO
They've taken care of that.

DIR. REIF
Yes, that's why we have the regulations which they have followed. And Bill Baron has pointed out that there are more stringent regulations for areas that affect the water supply, water sheds.

COMM. SBALCIO
Which they also are....

DIR. REIF
Which they are also aware of. Right.

COMM. SBALCIO
Oh, ok.

DIR. REIF
He's very very alert with great reason. He's trying to protect his water supply. He should be applauded for that.

CHM. LEINWAND
But you're saying that has been taken into account.

DIR. REIF
Yes. That's why we have the retention facility.

THOMAS WHITE
Mr. Chariman, I think if I'm not mistaken and I've touched base both in meetings and as this is developed again and reworked over the last year, with all the departments and it's my understanding from the regs. and we've gone through it with a fine tooth comb, this meets everything. It meets every technicality. There is nothing I'm aware of unless you have something on your desk or somebody else does. As I say, I think the Police Commission letter mentioned it needs signs but in fact there are signs street signs shown.

DIR. REIF
Yes, that's kind of minor at this moment. The detail that has to be worked out, where each sign is because we keep getting this type of letter.

THOMAS WHITE
They're on the maps.

DIR. REIF
There is one developer that is being held up because he didn't know exactly what signs, so I think it would be wise to figure it out at least for section 1 exactly what signs.

THOMAS WHITE
They're on the map. I think the officer may have missed them, when they reviewed them.

CHM. LEINWAND
Other questions? If not, thank you. Let me read into the record a letter from Mid-state Regional Planning Agency. Dear Mr. Reif, Royal Oak Subdivision in Middletown Section. Thank you for referring above referenced matter to the Midstate Regional Planning Agency for review. In accordance with Section 8-26 of the General Statutes, The Agency can consider this proposal subdivision at its November 9th, 1982 meeting,

CHM. LEINWAND (Continued from Page 11)

Regular Meeting, and found that it would have no negative regional impact and no negative impact on the Town of Durham. This finding was determined after consultation and coordination with the Durham Planning and Zoning Commission and Town Engineer. Should you have any questions on the matter, please feel free to contact me. Very truly yours, James F. Dunn, Regional Planner." So we do have that sign off, that we needed.

DIR. REIF

And the last requirement was that it actually be read into the record.

CHM. LEINWAND

Understood. Do you have anything else?

THOMAS WHITE

I presume that if any further activity of this would be postponed to the next meeting as I understand it.

CHM. LEINWAND

Yes. I don't think that we're ready to act on this tonight.

THOMAS WHITE

You are going to solicit from the Public.

CHM. LEINWAND

I am going to solicit from the Public as soon as you move out of those chairs.

THOMAS WHITE

Alright. Thank you Mr. Chairman, ladies and gentlemen.

CHM. LEINWAND

Thank you. The floor is now open for anyone from the Public that wishes to speak in favor of this particular subdivision. Anyone that would like to speak against this subdivision or ask questions about it? Now is your chance. Seeing no one, the Chair will close the Public Hearing on those matters and we will move on with our Agenda. I do want to ask one question, Phil are we going to get something in writing from Public Works

PHILIP BAUER

Yes.

CHM. LEINWAND

with respect to this?

PHILIP BAUER

We've worked with the engineers and there is not too many changes. I suspect that Sal (inaudible)

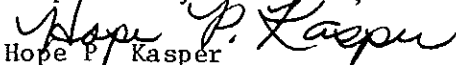
CHM. LEINWAND

That takes us to Item 3 on the Agenda.

ADJOURNMENT 7:45 P.M.

ADJOURNMENT

Respectfully submitted,


Hope P. Kasper

Transcribing Secretary

Steven J. Leinwand, Chairman
PLANNING AND ZONING COMMISSION