

PLANNING AND ZONING COMMISSION REGULAR MEETING NOVEMBER 12, 2008, 7:00 P.M. PAGE 1 OF 8

Chw. Barbara Plum, Comm. Les Adams, Comm. James Fortuna, Comm. Deborah Kleckowski, Comm. Catherine Johnson, Comm. Richard Pelletier, Comm. Comm. Ron Borelli, Comm. Matthew Lesser (seated for Comm. Cynthia Jablonski), Comm. Quentin Phipps, Mayor Sebastian N. Giuliano, Ex-Officio, Asst. Dir. P.W. Robert Dobmeier, Ex-Officio

MEMBERS  
PRESENT

Comm. Cynthia Jablonski

MEMBERS  
ABSENT

William Warner, Director

STAFF

There were twenty-five (25) members of the public present. There is a word for word DVD recording of the meeting on file and available in the Planning Office.

PUBLIC

Comm. Les Adams requested that Comm. Ron Borelli be seated for Comm. Cynthia Jablonski and indicated that that is specified in the Charter. Chw. Barbara Plum disagreed and indicated the rotation on the agenda would be followed.

ITEM 1  
PLEDGE OF  
ALLEGIANCE  
AND ROLL  
TAKING

Comm. Catherine Johnson questioned which would take precedence, the Charter or the Bylaws. Comm. Deborah Kleckowski commented on the Bylaws. Comm. Matthew Lesser felt the Commission could not suspend and needed to proceed with city business. Comm. Catherine Johnson made a motion to suspend the Bylaws section and the Election of Officers. The motion passed with Chw. Barbara Plum, Comm. Les Adams, Comm. Deborah Kleckowski, Comm. Catherine Johnson and Comm. Richard Pelletier in favor and Comms. Matthew Lesser and James Fortuna opposed.

ITEM 1A  
ANNUAL OR-  
GANIZATIONAL  
MEETING

There was no discussion.

ITEM 2  
DISCUSSION  
WITH PUBLIC

Joshua Eddinger explained the proposed Zoning Code text amendment, referenced the Farm Viability Study and the draft Plan of Conservation of Development, discussed Chapter 490 Farms of the State Statutes, explained the original zone change and the changes to allow the RPZ zone. Joshua Eddinger argued that the proposed text amendment is not spot zoning, just an expansion of seasonal farms stands, which are already permitted. Comm. Matthew Lesser questioned zones which allow permanent farm markets. Chw. Barbara Plum questioned the Eddinger parcel and its current use and noted that it is primarily wooded land. Joshua Eddinger responded that the parcel was a farm over seventy (70) years ago. Comm. Les Adams questioned the former foundations

ITEM 3.1  
DENIED A PRO-  
POSED ZONING  
CODE TEXT  
AMENDMENT  
TO MODIFY  
SECTION 60.02.38  
PERMANENT  
YEAR ROUND  
FARM MARKETS

and the silo. From the public, Eleanor Kelsey discussed the procedure of the text amendment. Joan Harvey discussed previous changes that the Planning and Zoning Commission allowed for the Eddingers, that the Commission did not allow the zone change in the past, that the Commission did not allow the barn for public use, indicated that the R-15 zone is a very large area in the community and is opposed to the change. Richard Bergen spoke about the commercialization of his neighborhood, that he put his business in an industrial zone where it belonged and not in a residential zone, spoke about dumpsters, rats, and other negative uses, had an appraisal of his property done and the appraiser was concerned. Richard Bergen felt it is a circumvention of the Zoning Code and that Randolph Road is too busy. Mayor Sebastian N. Giuliano, Ex-Officio, indicated he had not heard one reason why this proposed change is an improvement to the R-15 zone or a benefit to the City, referenced Lyman's Orchard Farm Market and Uncle Bob's on Route 66, felt the change is spot zoning and not compatible with the R-15 zoning and that the Commission should not approve the proposal. Comm. Catherine Johnson questioned staff. William Warner explained the amendment. Joshua Eddinger felt the residents wanted to preserve farm land and not develop it, that twenty (20) acres allows room for buffers, that the Special Exception criteria gives the Commission leeway with conditions, rebutted other public comments and commented on farming and the future of farming. Chw. Barbara Plum questioned growing plants as opposed to vegetables. Joshua Eddinger indicated his specialty is growing annuals. Discussion ensued on current uses allowed and what the change would allow. Comm. Quentin Phipps spoke in opposition. Joshua Eddinger spoke on the previous change to allow the RPZ zone and the unanimous approval. Comm. Matthew Lesser questioned the R-15 text amendment. William Warner responded. Joshua Eddinger commented on available parcels. On motion and second by Comms. Richard Pelletier and James Fortuna the Commission closed the public hearing. Vote was unanimous. Comm. Les Adams disqualified himself. A motion to adopt a Zoning Code text amendment to modify Section 60.02.38 Permanent Year Round Farm Markets was made by Comm. Matthew Lesser and seconded by Comm. Richard Pelletier. Chw. Barbara Plum felt Randolph Road is very busy and that a market would pose a serious problem and therefore was opposed. Comm. Matthew Lesser felt Route 155 already has farm stands, questioned if should it be made possible to allow farms to stay in Middletown and spoke in support. The motion failed with Comms. Matthew Lesser, Deborah Kleckowski, Richard Pelletier and James Fortuna in favor, Chw. Barbara Plum and Comm. Catherine Johnson opposed and Comm. Les Adams abstaining. Applicant/agent Joshua D. Eddinger Z2008-5

Atty. Richard Carella explained the previous zone change and the need to get special exception approval. He submitted a presentation from

ITEM 3.2  
GRANTED A

the engineer and submitted the engineer's letter into the record. Comm. Matthew Lesser questioned the definition of a professional office. S. Devota requested a condition to require a bike rack. Beth Emery felt driveway should have sufficient shoulders for bicycles. Comm. Catherine Johnson felt the safest drive is from the back. Atty. Richard Carella agreed to the bike rack and a driveway width of twenty (20) feet. He indicated there currently a lack of an easement but will address the matter with the owner as well as the need for a Saybrook Road address. Comm. Richard Pelletier questioned the need for a bike rack. Atty. Richard Carella indicated that it would not be a public office and not a retail service, just a medical provider. On motion and second by Comms. James Fortuna and Les Adams the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Catherine Johnson and James Fortuna the Commission granted a Special Exception for professional and business offices for medical spa consulting and development at 496 Saybrook Road. Vote was unanimous. Applicant/agent RACH2, LLC/Richard D. Carella, Esq. SE2008-10

SPECIAL EXCEPTION FOR PROFESSIONAL AND BUSINESS OFFICES FOR MEDICAL SPA CONSULTING AND DEVELOPMENT AT 496 SAYBROOK

William Warner explained the proposal. Arline Rich read a prepared statement into the record. Jennifer Alexander feels the downtown is ready for a residential boom or a downward spiral, feels there should a balance between rental and homeownership, read a prepared statement into the record and is opposed to changes to social service bullets. Comm. Catherine Johnson commented on rental versus homeownership and felt higher income rental has not been provided. Comm. Matthew Lesser questioned the balance of homeownership versus rental. Comm. Deborah Kleckowski questioned the report from K.Burns. E. McKeon commended the work that has been done, noted he lives in the downtown, felt there are problems that need to be addressed, and is opposed to changes to social service bullets. He felt there is a need to do an assessment of special needs housing, that laws currently on the books need to be enforced, commented on housing, blight, police, and noted that the big picture changes. E. McKeon commented that the Richman Group pushed problems to the west, noise is a problem such as ambulances, motorcycles and back-up beepers. He also commented on nuisance noises, traffic issues, garbage cans left on the street and recommended getting Wesleyan University truly involved in the downtown neighborhoods. Comm. Ron Borelli questioned group homes. William Warner responded. Jennifer Saines Pinch read a letter from her neighbor, Ruth Vellela, 92 High Street, into the record. She commented on how she feels it is important to do this right, the need to use lost neighborhood schools, use of the library as a civic resource, downtown parks, McCarthy Park, street trees, tree lawns, and all traffic designs should keep pedestrian and bicycles in mind. Comm. Catherine Johnson felt the Planning and Zoning Commission should pursue neighborhood livability initiatives. Beth Emery

ITEM 3.3  
CLOSED THE P.H.  
FOR A PROPOSED UPDATE OF CHAPTER 8 ADDRESSING THE URBAN DILEMMA AND STATEMENT ON ALTERNATE MODES OF TRANSPORTATION OF THE PLAN OF CONSERVATION AND DEVELOPMENT AND PLACED THE ITEM UNDER OLD BUSINESS AT THE NEXT MEETING

commented on: housekeeping in the downtown, all neighborhoods within one (1) mile, increasing density in the Village District, snow shelves, garbage, trimmed bushes, North End Action Team (NEAT) is more in the body of the text where discussed, the success of the Downtown Village District (DVD), transportation – need a broader vision, Connecticut ranks 42<sup>nd</sup> in bike ability, there are towns that have bicycle plans in place, not alternate modes, should be meeting transportation needs of the city, a long range plan should include bicycle education, integrate all modes of transportation, the need to look regionally, zoning issues, bicycle racks should be required, curb cuts, traffic calming, and there should be a transit committee instead of a bicycle committee. John Elmore felt the title should be changed from “Urban Dilemma” to “Opportunity for downtown” and that the momentum should be kept going. He felt safe walking and bicycling is a big issue, simply providing bicycle racks could make a big difference and noted that there should be a bicycle rack at City Hall. On motion and second by Comms. Richard Pelletier and James Fortuna the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Matthew Lesser and Deborah Kleckowski the Commission placed a proposed update of Chapter 8 Addressing the Urban Dilemma and State on Alternate Modes of Transportation of the Plan of Conservation and Development under Old Business at the next meeting. Vote was unanimous. Proponent P&Z Comm.

Comm. Catherine Johnson departed the meeting at 10:15 p.m.

Ted Tine explained the request to modify the Special Exception approval and that the concept would be called “Tiki Bar at Tines”. Jennifer Alexander commented on protections for downtown residents. Ted Tine acknowledged the previous conditions. Comm. Matthew Lesser questioned the conditions. William Warner responded. Comm. Richard Pelletier indicated he was comfortable with the request. On motion and second by Comms. Richard Pelletier and Les Adams the Commission granted a request for modification to the Special Exception approval for 106-110 Court Street with regard to the construction of an outside deck and bar. Vote was unanimous. Applicant/agent Ted Tine SE2008-7

ITEM 4.1  
GRANTED A RE-  
QUEST FOR  
MODIFICATION  
TO THE  
SPECIAL EX-  
CEPTION AP-  
PROVAL FOR  
106-110 COURT  
STREET WITH  
REGARD TO  
THE CON-  
STRUCTION OF  
AN OUTSIDE  
DECK AND  
BAR

On motion and second by Comms. Matthew Lesser and Les Adams the Commission tabled a proposed update of Chapter 6 Future Residential Growth of the Plan of Conservation and

ITEM 4.2  
TABLED A PRO-  
POSED UPDATE

Development. Vote was unanimous. Proponent P&Z Comm.

OF CHAPTER 6  
FUTURE RE-  
SIDENTIAL  
GROWTH OF  
THE PLAN OF  
CONSER-  
VATION AND  
DEVELOPMENT

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

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

On motion and second by Comms. James Fortuna and Richard Pelletier the Commission approved a request for reduction of the cash bond to \$18,000 for Phase III of the Laurel Farms Subdivision. Vote was unanimous. Applicant/agent LePage Homes, Inc./William D. LePage S2002-15

ITEM 4.3  
APPROVED A  
REQUEST FOR  
REDUCTION OF  
THE CASH BOND  
FOR PHASE III  
OF THE LAUREL  
FARMS SUB-  
DIVISION

On motion and second by Comms. James Fortuna and Richard Pelletier the Commission granted final approval of the Trailside Crossing Subdivision located off Crystal Lake Road with the condition that: 1) all departmental comments be addressed; and 2) a cash bond in the amount of \$170,000 be posted. Vote was unanimous. Applicant/agent AA Denorfia Building & Development, LLC/Anthony A. Denorfia, Its Manager S2006-7

ITEM 4.4  
GRANTED FINAL  
APPROVAL OF  
THE TRAILSIDE  
CROSSING SUB-  
DIVISION LO-  
CATED OFF  
CRYSTAL LAKE  
ROAD

On motion and second by Comms. James Fortuna and Richard Pelletier the Commission approved a request for reduction of the cash bond to \$9,000 for the South Gate Subdivision located off Arbutus Street. Vote was unanimous. Applicant/agent Arbutus Street, LLC/Mark Chu S2007-2

ITEM 4.5  
APPROVED A RE-  
QUEST FOR RE-  
DUCTION OF  
THE CASH BOND

FOR THE SOUTH  
GATE SUB-  
DIVISION LO-  
CATED OFF  
ARBUTUS  
STREET

William Warner explained. On motion and second by Comms. Matthew Lesser and Deborah Kleckowski the Commission gave an affirmative G.S. 8-24 Review regarding the sale of the city owned former Remington Rand building located at 180 Johnson Street. Vote was unanimous. Applicant/agent Middletown Economic Development Committee

ITEM 5.1  
GAVE AN AF-  
FIRMATIVE  
G.S. 8-24 RE-  
VIEW RE-  
GARDING THE  
SALE OF THE  
CITY OWNED  
FORMER  
REMINGTON  
RAND BUILD-  
ING LOCATED  
AT 180 JOHN-  
SON STREET

On motion and second by Comms. Matthew Lesser and Deborah Kleckowski the Commission scheduled a public hearing date of January 14, 2009 for a proposed Zoning Code text amendment to add Section 53.07 Variances from the Zoning Code and Section 48.08 Variance Procedures. Vote was unanimous. Proponent P&Z Comm. Z2008-7

ITEM 5.2  
SCHEDULED P.H.  
1/14/09 FOR A  
PROPOSED  
ZONING CODE  
TEXT AMEND-  
MENT TO ADD  
SECTION 53.07  
VARIANCES  
FROM THE ZON-  
ING CODE AND  
SECTION 48.08  
VARIANCE  
PROCEDURES

On motion and second by Comms. Matthew Lesser and Deborah Kleckowski the Commission scheduled a public hearing date of January 14, 2009 for a proposed Zoning Code text amendment to modify Section 46.07 Enforcement. Vote was unanimous. Proponent P&Z Comm. Z2008-8

ITEM 5.3  
SCHEDULED P.H.  
1/14/09 FOR A  
PROPOSED ZON-  
ING CODE TEXT  
AMENDMENT TO  
MODIFY SEC-  
TION 46.07 EN-  
FORCEMENT

On motion and second by Comms. James Fortuna and Richard

ITEM 6.1

PLANNING AND ZONING COMMISSION REGULAR MEETING NOVEMBER 12, 2008, 7:00 P.M. PAGE 7 OF 8

Pelletier the Commission approved the minutes of the October 8, 2008 regular meeting. Vote was unanimous.

APPROVED THE  
MINUTES OF  
THE 10/8/08  
REGULAR  
MEETING

The following correction was noted by Comm. Catherine Johnson:  
On Page 2, under Item #3.2, add the word “needs” in Line 11. On motion and second by Comms. James Fortuna and Richard Pelletier the Commission approved the minutes of the October 22, 2008 regular meeting as amended. Vote was unanimous with Chw. Barbara Plum and Comm. Deborah Kleckowski abstaining.

ITEM 6.2  
APPROVED THE  
MINUTES OF  
THE 10/22/08  
REGULAR  
MEETING

William Warner commented on the McInerney matter.

ITEM 6.3  
ZEO REPORT

Comm. Matthew Lesser felt this item should wait until after the election of officers. Comm. Les Adams felt there should be a subcommittee. On motion and second by Comms. Richard Pelletier and Les Adams the Commission tabled the Commission Bylaws. Vote was unanimous.

ITEM 6.4  
COMMISSION  
BYLAWS

On motion and second by Comms. Richard Pelletier and Les Adams the Commission tabled the Designation of Liaison to MidState Regional Planning Agency, Parking Authority Commission and Citizens Advisory Committee. Vote was unanimous.

ITEM 6.5  
TABLED THE  
DESIGNATION  
OF LIAISON TO  
MIDSTATE  
REGIONAL  
PLANNING  
AGENCY,  
PARKING  
AUTHORITY  
COMMISSION  
AND CITIZENS  
ADVISORY  
COMMITTEE

Mayor Sebastian N. Giuliano spoke regarding the Charter, minority representation, indicated there is no provision regarding alternates, and stated that the Charter works to maintain some balance and in vacancies, some parties maintain a balance. Comm. Matthew Lesser commented on the sale of fifty (50%) percent of products and felt the Commission should repeal the farm market language. Discussion ensued.

ITEM 8  
DISCUSSION

On motion and second by Comms. James Fortuna and Richard Pelletier the Commission adjourned the meeting at 11:00 pm. Vote was unanimous.

ITEM 9  
ADJOURNMENT

PLANNING AND ZONING COMMISSION REGULAR MEETING NOVEMBER 12, 2008, 7:00  
P.M. PAGE 8 OF 8

Respectfully submitted,

William Warner, AICP  
Director