

Ann Bickford

There seems to be a reason for even reopening the rear lot. Can you explain to me what the reason...

Chm. Gionfriddo

Yes, very clearly I can explain it to you. At the time a particular subdivision came before us, the subdivision was voted down because it did not comply with the rear lot provision of our code. At that time, some question arose as to whether or not there were conflicting provisions of the our code, the subdivision regulations and the zoning code dealing with rear lots that needed to be rectified. What we did was we asked staff to go back and look at the sections to see whether or not there was a conflict in the two sections and if there was, to clean it up.

Ann Bickford

And, what was that conflict? What has been cleaned up by this?

Chm. Gionfriddo

Well, I think staff is basically indicating to us that as far as they're concerned the conflict presented is really not a conflict, if I'm not mistaken.

Ann Bickford

I guess I don't really...I have got all the literature and I have read it, in fact, I had to call...

Chm. Gionfriddo

What I'm basically indicating to you is what's proposed to us this evening is basically pretty much what we already have. That's what they're suggesting to us, probably with a little change of language. But, it's pretty much exactly the rear lot provision that we currently have.

Ann Bickford

Maybe you could be doing this for a reason.

Chm. Gionfriddo

Nobody's doing it for a reason, and please don't imply anything because people are getting my dander up tonight and...

Ann Bickford

I'm not implying. There seems to...(end of tape) it was the way it was already.

Chm. Gionfriddo

What I'm explaining to you is at that time, the Commission was presented with information which led us to believe, or at least in the opinion of one person in the audience, which some of us after hearing it seemed that perhaps what he was saying was correct, that there was a conflict between our Zoning Code and our Subdivision Regulations; where in one instance, a person such as Mr. Brock could come in and request 4 rear lots and we could approve it while another subdivision that only had

2 rear lots, we had to turn them down because he didn't have enough front lots. It was presented to us that there was a conflict which we were concerned about because, we didn't want to be overturned in court cases because of the fact that our Zoning Code was not clear. We requested staff to go back out and to come back in with some language to rectify what we viewed as an apparent conflict. It came up at last month's meeting, we scheduled it at a public hearing and reviewing with staff as proposed, it basically appears that they're indicating there is no conflict. They've cleaned up the language slightly, but basically, what they've presented to us is pretty much what we already have in the code.

Ann Bickford

Part of why my question even arose is if you read the primer about rear lots, the last sentence says the specific proposal now to be considered by the Commission is the elimination of part of section 040201, which now states proposal at a ratio of 1 for every 4 street lots; That's what was proposed to be eliminated. Yet, in fact when you read the text ammendment that is being presented that is not what's eliminated, instead what has been added is the Commission may exercise waiver rights under section to vary the above ratio. So logic says to me well, then the goal must be to eliminate the 3-4 lot ratio. That's what...

Chm. Gionfriddo

No. That's not the goal. What I'm indicating to you was a concern about language, staff has basically indicated to us they feel there's no conflict. They've proposed to us certain modifications of language, nobody is trying to eliminate the 1 in 4 waiver. The only thing that last sentence does is reiterates what's already there, and perhaps for that reason shouldn't be included. We probably just will not include it. There's already a waiver provision in our Subdivision Regulations that will allow a proponent to come in and ask for a waiver in the 1 in 4, if he could justify it. So, all I'm trying to indicate to you is basically what's being proposed is pretty much what we already have.

Ann Bickford

You think it's really not a change, it's just tidying up something that may be...

Chm. Gionfriddo

That's the case. The waiver provision is already in the Regulations. It's there. Just open it up and look at it.

Ann Bickford

I know it's there, but, then I don't see what you're accomplishing by all this. Thank-you.

Chm. Gionfriddo

I agree with you, I don't see what we're accomplishing either. But, in a sense we were concerned about it and perhaps our concerns have been allayed by what the staff has done, so..

Evelyn Russo

Mr. Chairman, members of the Commission. My name is Evelyn Russo, I live at 108 High Street here in Middletown and I'm here to speak against the regulation. As I'm sure many others after me will. But, in speaking against this regulation, I want it clearly understood, we're not against rear lot development per say. We believe a developer has a right to develop his land to the best use of the available land. Provided, that he does so adhering to all of the Inland Wetlands regulations, to all of the zoning regulations, and within the long-range plan for the city of Middletown. In August the existing Planning and Zoning Regulation were ammended to formulate an acceptable ratio for rear lot development. The formula, which your staff came up with 1 rear lot for every 4 front lots, is reasonable, and should not be further ammended. The mechanism for further development of rear lots is already in place. Through the provisions for Special Exceptions, topography, prudent use of the land, etc. warrant an application before this Commission for Special Exception. This provision for special exception is both workable and desirable. Through the Special Exception provisions all aspects of the rear lot development is thoroughly examined. It is not a quote normal request with quote normal approvals. It is through the Special Exception process that the public learns of developers who drain ponds in Wetlands, destroy watersheds in an attempt to develop without regard to the ecology, boundary rights, and present zoning regulations in order to make unusable land usable. If the present zoning formula is changed than the Special Exception for rear lot development gone, how will the public be able to protect their ponds, Wetlands, and ecology? While any changes to the existing 4-1 ratio maybe an easy fix for the zoning purposes, it opens up a pandoras box as far as planning is concerned. And the planning charter of this Commission is no less important than the zoning. If the formula is changed, how will rear lot development be controlled in a planning sense? As a scenario, assume that I have the proper footage, what would prevent me from extending my driveway and putting up a house for my nephew in my back yard? My neighbors, seeing what I have done, not do the same. I can envision some of our neighborhoods, such as Olympus Parkway, Old Mill Road, and some of the other older established lots of land changing drastically. I would urge this Commission, especially the new members of this Commission not to be trapped into taking the politically expedient route in zoning changes which impact greatly on planning. The regulation change adopted in August is a good start in the development of rear lots. Keep that regulation in tact at least for a year. See what needs to be changed. Don't attempt to fix something that isn't broken yet. I urge to Commissin to defeat the proposal to change the existing 1-4 formula for rear lots. While the Chm. Gionfriddo says that nothing is changed, as far as the Commission nothing is changed, as far as the public is concerned it's changing. It is changing. You have taken a comment, you have taken a regulation which you passed in August 1986, November 1986 you're going to change it. If it's not going to change anything why did you pass it in the first place? As an alternative I would strongly urge that this proposal be tabled until you thoroughly discuss the impact of it on planning. Thank-you.

Chm. Gionfriddo

Evelyn, I appreciate what you said. The reason this was put on the public hearing tonight was to give residents who have a concern about rear lots, such as yourself, the opportunity to speak. O.K.? First of all rear lots was approved long before August, 1986. The reason...

Evelyn Russo

The first time I came to a public session, you said you were not here to debate the people. You were not going to answer any questions, etc.

Chm. Gionfriddo

I'm not... Well, I am now. So, I'm taking my prerogative as the Chairman.

Evelyn Russo

So, you've changed your mind?

Chm. Gionfriddo

Yes.

Evelyn Russo

September you said you were not going to do it, November you're going to do it.

Chm. Gionfriddo

Well, I changed my mind.

Evelyn Russo

O.K. Change your mind, go ahead.

Chm. Gionfriddo

Fine. You through now?

Evelyn Russo

Yes, for a little while.

Chm. Gionfriddo

I appreciate what you're saying. We try to give the public an opportunity to be heard on rear lots. That's why this is on the agenda. Personally, in seeing what the staff proposed and what we currently have, I would not have even put it on the agenda because, what we're still going to have is a 1-4 ratio, there's going to be no change. But, there was concern raised by a lot of residents with the issue of rear lots. I wanted to give the residents an opportunity to be heard. So we placed it on the public hearing agenda. Rear lots were approved long before August of 1986.

Evelyn Russo

I realize that.

Chm. Gionfriddo

O.K. So, all I'm saying to you Evelyn is, I just want to make it clear that there is going to be... unless the Commission so desires, but basically, as far as I'm concerned and what staff is proposing tonight,

there is going to be no change in a 1 in 4 ratio. So let everyone understand that there is nothing proposed tonight that is going to change the 1 to 4 ratio for rear lots.

Evelyn Russo

If the regulation read 1-4 ratio for rear lots, Steve, I would believe you. I recognize that I'm not as smart as you are and you have to lead me through it. But, when I read something that says that they're going to eliminate the 1-4 ratio, I don't see how you can say it's going to remain in there.

Chm. Gionfriddo

Do you have this page? Page 3 of 3. The Subdivision Regulation shall be ammended to read as follows, the last two lines...

Evelyn Russo

O.K. Page 3 of 3. The specific proposal now to be considered, by the Commission, is the elimination of part of section 040201, which now states proposal of a ratio of 1 to each 4 street lots. The elimination.

Chm. Gionfriddo

This is the proposal, right here.

Evelyn Russo

Are we to ignore what this says on this page?

Chm. Gionfriddo

That is just a sheet the staff presented us with a number of different options. Page 3 of 3 says: Proposed text ammendment to Subdivision Regulations. The Subdivision Regulations of the City of Middletown shall be ammended to read as follows, then the second, down near the bottom, rear lots, as defined with requirements in the Zoning Regulations may be proposed as part of a subdivision at a ratio of 1 for each 4 street lots. Which is exactly what we have now. The next sentence says, the Commission may exercise it's waiver rights under section 06.01 to vary the above ratio. I said earlier, as far as I'm concerned that sentence should come out. The waiver rights that we have are currently in existence. A developer can come in and request the Commission right now, without any ammendment, for us to waive the 1 in 4 ratio, and he would have to justify it to the Commission. The Commission would have to accept his justifications. What is basically proposed here is 040201 is going to retain the 1 in 4 ratio that we currently have. There's not any change to that ratio what so ever.

Ann Bickford

Steve, I tried to make the point that there is definite conflict between these two sheets.

Chm. Gionfriddo

All I'm telling you is this is the language that we're considering.

Evelyn Russo

O.K. Steve. Make believe that I'm a developer, I came in here, and

I've got a map. On this map I have 4 street lots and I have 3 back lots, what are you going to say to me?

Chm. Gionfriddo

Unless you come in and request this Commission to waive the regulation, what I'm going to tell you is you can not have 3 back lots to 4 front lots you're only allowed 1 to 4. You as the developer would have to come in, make an actual formal request that we waive the 1 to 4 ratio and you would have to justify to this Commission why it was necessary for us to waive it. I think the Commission would be very hard pressed to entertain that type of justification. So that's all I'm going to tell you. That's the reason Comm. Carta was disqualified in this because he had had his proposal voted down, because he did not meet the 1 in 4 requirement. Every developer who comes in and doesn't meet the 1 in 4 requirement and doesn't request a waiver and justify it, will find his subdivision rejected as well.

Evelyn Russo

So actually what you're saying is that nothing is going to change. You're going to have the 1 to 4 ratio..

Chm. Gionfriddo

Assuming the Commission...

Evelyn Russo

With the Special Exception still in place.

Chm. Gionfriddo

Assuming the Commission doesn't decide to do something different, than I would suggest that no, there is no change. Staff has proposed no change. I'm sorry if there was a... if in Nino in trying to present various options to the Commission...

Evelyn Russo

It wasn't what Nino said it was what was said at the last time...

Chm. Gionfriddo

I'm just trying to make it clear to you that anybody who is coming here...

Evelyn Russo

When Comm. Weinwand said it had to be changed. We're going by what the Commissioner said at a public session. It wasn't necessarily what Nino said.

Chm. Gionfriddo

All I'm trying to say is anybody who's coming up here under the misapprehension or the mistaken impression that staff is recommending any kind of a change there is no recommended change by staff. Staff is recommending that we continue the current 1 in 4 formula.

Evelyn Russo

O.K. I just want it clear that when Steve Weinwand at the last meeting

said he didn't know what he was voting for and that he never would have voted for this. This is the reason why we are here to oppose it. We didn't realize that there was going to be no change.

Chm. Gionfriddo

I think Steve indicated that he perhaps...

Evelyn Russo

His exact words...

Chm. Gionfriddo

I understand what he was saying. I think he would have like a little more flexibility than 1 in 4. I think the waiver...

Evelyn Russo

Right. His exact words: "I didn't know what I was voting for".

Chm. Gionfriddo

I think the waiver provides that if it can be justified. O.K. I think my wife's going to have it easy tonight, because, I think I got it all out of my system here.

Jan Miller

Jan Miller, 500 Maple Shade Road. I just want to ask one question that had never occurred to me before. In the case of a waiver request, is that subject to a hearing or is that decided in some other way.

Chm. Gionfriddo

Well, at the time the proponent makes his request for let's say a subdivision etc. It's part of that request that request's for a waiver such as...Chet Dzialo made this evening. He made a request that we waive the sidewalks. So that would be something that would come up during the hearing and the public would have an opportunity to be heard on it.

Jan Miller

Nothing more to say.

Chm. Gionfriddo

Is there anyone else?

Marie Vachorri

Marie Vachorri, Middlefield Street. We're sitting here, nothing is changed, nothing is going to be changed. Why was this published. Why is the wording going to be changed? Why isn't it just dropped and left exactly the way it is?

Chm. Gionfriddo

The reason it was put on the public hearing was, there was a lot of concern expressed at that meeting about rear lots. There was a lot of concern expressed from different members of the public about the provision on rear lots. What we wanted to do was to get staffs input on rear lots and to give the public an opportunity to be heard. There

were people on Villa Street who were concerned about rear lots and others who were concerned about rear lots. So, it's on the agenda tonight, staff is recommending we continue basically with the exact same provision, the public is being given the opportunity to be heard again on this subject. And that's why it's on here.

Marie Vachorri

And I propose you leave it exactly the way it was, wording and all, because, nobody is getting anywhere anyway. It's just a big waste of time for everybody.

Chm. Gionfriddo

Fine, If it stays as it is it should be satisfactory to at least the people on Villa Street, I'm sure of that.

Jan Johnson

Jan Johnson, Westfield Residence, 267 Bell Street. Looking over the Subdivision Regulations I can see what exactly you've done. Looking over the Zoning Code, I see that you have changed or removed a note, rear lots are Special Exceptions unless included as part of a subdivision, and have substituted what is at the top of page 3 of 3. Does this mean that anytime you come for a rear lot, whether it be as an individual rear lot or whether it's part of a subdivision, that it will be a Special Exception?

Chm. Gionfriddo

No. Let me explain. When it comes in as part of a subdivision, it's not a Special Exception, but there is a public hearing as part of a subdivision, so...the public will have an opportunity to be heard on rear lots such as they did at the Villa Street proposal. What the Special Exception is, is for lots prior to 1941 that have never been subdivided. Correct? A lot that has never been subdivided where a person wants to come in and cut off a rear lot, that's a Special Exception and there will be a public hearing on that Special Exception. So either way, anytime there is a provision with a rear lot proposal, there will be a public hearing and an opportunity for the public to be heard, either as a Special Exception or part of a subdivision.

Jan Johnson

And the other thing that you've done is to identify the residential zones within the zoning code. Correct? Thank-you for clarifying.

Atty James Ripper

Mr. Chairman, members of the Commission, I'm Attorney James Ripper. To refresh your recollection, and maybe to educate or inform members of the public, the way this issue arose, this Commission, acting under presently existing regulations, had in the past appeared to have drawn a distinction as to it's authority whether it's acting under a Special Exception procedure or acting under a subdivision procedure. When it was acting under the Special Exception procedure, it seemed to ignore the 4-1 ratio and acting in subdivision it adopted the 4-1 ratio. It became clear at least to me and I think it was essentially the agreement of the members of the Commission that the 4-1 was to apply

to new lots in a residential subdivision, in which a street, a new street was to be constructed. That problem was highlighted when in the same evening, before this Commission, were two applications. One for a Special Exception seeking 4 lots one seeking 2 rear lots, under subdivision approval. Because, of those two simultaneous applications the interpretation of the regulations came into question. I think the Commission probably in my opinion, wisely took a step backward, and said, look, let's resolve this in our own mind. I think it could have been easily resolved if I understood the intent of the Commission in that a mere clarification that 1-4 ratio was to apply only in the event of the constructin of a new road in a subdivision. That in other cases, the Commission uses discretion under other aspects of it's Subdivision and Zoning Regulations, as to the number of rear lots that were appropriate. In essence the staff proposal which was previously submitted at the meeting two weeks ago, was not, and I will emphasize in the present aspect is not essentially similar to your existing zoning provision. The proposal that came to my attention two weeks ago, is essentially 3 backward steps from your present regulation. When I first came and started representing clients before this Commission and becoming somewhat familiar with your zoning regulations, I was very impressed with how forward-looking the town of Middletown is in many aspects of it's regulations. Many towns have not given the forthought that this town has. And especially with your rear lot provision, it was clear in looking over the whole provision, that you were attempting to encourage the development of rear lots. I think this proposal that was submitted two weeks ago and especially the one tonight, goes along way away from that attitude towards rear lots. It's obvious when reading the language, if you compare it with other Zoning Codes in other communities, or any of the text on zoning codes or any of the Urban Land Recommendations as to zoning verbiage that what is being proposed now goes even, it tips the scale where you become not very forward looking at all but, you're really going in the opposite direction and becoming more restrictive, even in most of the towns in the area who have done nothing with their regulations for years. I think what's important to realize when we're looking at any aspect of the Zoning Code is what is is there for. Why is the rear lot even being discussed? Why is it necessary? What does it achieve? What need is it meeting? Essentially many communities have adopted a 1940's or 1950's vintage of zoning code outlook with regard to development of residential subdivisions. We see some of the beautiful landscape in this community and other communities around here dessimated by a cookie cutter subdivision. It's very easy to blame the developers, blame the Planning and Zoning Commission, blame the town staff, blame the Inland Wetlands Commission. In essence, I think what it takes is a shift in viewpoint as to what we're really doing to our land resources. Rather than trying to maximize land resources in a positive, compatible way we're still applying a 30 or 40 year old zoning code attitude with regard to the subdivisions. And we're applying it it New England where the topography is severe in some situations. If you're dealing with a table top kind of situation, where you might be involved in the Midwest, the southwest where you have huge track housing, a thousand units at a crack going in that are pumped out by U.S. homes. That's one situation confronting

with. That's not what we're confronting here. There are exceptions in any zoning regulation. The Zoning Board of Appeals would not exist without exceptions being necessary. The need for rear lots came into being because what was happening was the application of Subdivision Regulations were not working. They flat were not working. When you're analyzing the topography of land and what it's natural and best and highest and best uses of that for residential housing would be. I think that you should look at your rear lot regulation, and I've submitted a letter to the Commission highlighting a few of these viewpoints. I think we should stop calling it a rear lot as a matter of fact. I think the idea of a rear lot has connotations which are not accurate. Especially the way that this town has defined a rear lot, under 44.08.27 I believe it is. I do commend the Commission on that particular definition of a rear lot because it very comprehensive. It's probably one of the most comprehensive definitions of the Commissions expectations of a rear lot that I've seen. It's a very desirable lot. It's double the square footage of other lots in the zone. It has advantages as to privacy and seclusion with respect to other houses. It's no mistake that rear lots are very, very much in demand with the home buying public. I think it's time we realized that again, density should be the controlling factor in how we choose to use our land resources. You've got a designer Environmental Subdivision Regulation in your code. Why do you do it. You're trying to be more responsive to the topography. Some towns are adopting overall lot size requirements, they're saying, we don't care what the shape of your lot is or how much frontage you have as long as it doesn't violate any public health, safety, or welfare regulations and as long as it's compatible with everything else around it. The trend is to look for more opportunities to make the subdivisions compatible whether they be five lot subdivisions or fifty-five lot subdivisions. I think you have to realize that you are dealing with two different aspects. You're dealing with new subdivisions which will allow you a greater flexibility of design, with a rear lot provision. And you're also dealing with permitting an infilling concept into present existing residential neighborhood, and allowing some of the rear land to be utilized in a way that should not detract and actually be more beneficial to the homeowners that are presently living there. If in fact you've got a lot with double the size, it's very likely that the cost is going to be higher and the quality of housing is going to far surpass what's in that particular zone now. Essentially what I've done, is in the proposal that I have submitted, is that I've ammended 44.08.27 to eliminate, totally eliminate the Special Exception procedure from your regulations. Number 1, it brings issues before this Commission which, very honestly, I don't think you want to be bothered with. Most of your interior lot issues are going to come up in a context of a subdivision. Most of the land in this community, if it's like other communities in the area, don't have many pre 1941 lots that are going to come in for a rear lot utilization. Most of the land, or a portion of it has been subdivided at least once. It probably is going to be a rarity that you would have a pre 1941 subdivision coming in for a rear lot. Consequently, in my proposal before the Commission, that particular provision, as long as it complies with the requirements of 44.08.27 and other aspects

of your Zoning and Subdivision Code, or actually your Zoning Code, because subdivision now, wouldn't be applicable if it's a pre 1941 lot, because they can subdivide as a matter of right. They can just do that as a matter of just conveyancy. This Commission need not get involved in that occasional and rare situation. The Commission will maintain it's control under it's Subdivision Regulations, and all other aspects. I think the Commission should be aware of the fact that under 04.02 under lot design and minimum lot dimensions you have every conceivable public health safety, welfare, density, setback sideyard requirement that you would ever want to have. Under 04.0201 even though very honestly, I'm opposed to any concepts, I'm opposed to any ratio at all because I think that it's incompatible. I recognize that the Commission feels that it has to have some mechanism to work with in this regard. So, I did keep a 4-1 ratio in my suggestions. (End of Tape). ...speaks to the character of the land which is subject to subdivision. You have extremely broad powers in designating what you think is an appropriate lot for subdivision. You've got location, topography, character of the buildings that can be constructed on the land, whether it's suitable for building purposes, whether it's inaccessible, questions of erosion, temporary floodings, steeply sloping topography, swamps, it goes on and on and on. You've got every control mechanism you would want within your Subdivision Regulations to prevent an abuse of this situation. I would indicate that for those people and I think that when they think of an interior lot, or a rear lot, they think it's a way that all of our open land is going to be encroached upon. I think the Commission is aware and is becoming increasingly aware of the open space portion of the Regulations which can be utilized to protect open space land in the subdivision context as most of these applications would be. I need not go on beyond that, I think you grasp what my proposal would involve. I've highlighted again some of the reasons here that I'm not going to take time now due to the hour, why I support this rather than the staff proposal. But, again, I would like to highlight the fact that...don't delude yourself into thinking that the staff proposal is anything close, anything remotely close to what you have before you know in your present regulations. It's much more restrictive, the language changes, even though they look innocuous is legal language of restriction, not legal language of permission, or even encouragement. Even if it's not encouragement, the language used is obviously indicates an intent or a design to restrict. The further problem, that I think that is in there, which, I think was probably put in with an intent to address one problem, but, didn't anticipate others, is the question of a restriction on further subdivision or resubdivision of an interior lot that's yielded. I can foresee a situation where someone could inadvertently develop a rear lot, who might have a 40 acre parcel, own a house on it, want to have the kids have a house on a rear lot provide the rear lot and all of a sudden, technically can not come in for any further subdivision or resubdivision on an extremely large piece of land. It doesn't address a situation where there may be more than one entrance, onto more than one different highway, which is going to serve a larger piece of land. I think that the Commission has to realize that you're not acting this evening, or whenever you eventually act in this particular proposal,

in your judicial or administrative capacity as you have the right to do when various applications come before you. You're acting legislatively. In exercise of your legislative powers, I think you should have appropriate study to make sure you realize the extent to which this affects all of the land in Middletown and all of the various interests of the land owners, be it the person who may be opposed because they have a single family house, and they've got open land behind them, and they don't want it developed. But, also those that have significant amounts of open land, I think you should look at the interest of the town of Middletown who for every culdesac road that's created that the canal become necessary, if this proposal is adopted in order to yield four or five building lots. Those are more tax dollars required in order to maintain that road in the future. Again, I think that you have to look at your interior lot provision as a design tool, it has to be flexible if it's going to continue to be consistent with modern zoning theory. It should not be restrictive. I will emphasize to members of the Commission that this is not what you have now. It's in essence I think it's four steps backwards, about two weeks ago with one step forward this evening, but, you're still three steps behind where you were. Thank-you very much.

Chm. Gionfriddo

Is there anyone else wishing to be heard?

Paul Plumber

Paul Plumber, 847 East Street. I appreciate the presentation that was just put together. But, I kind of noticed that everyone that got up, said where they were from, if they're an attorney, said who they were representing. I would like to know that from this individual.

Atty Ripper

As I indicated, I'm attorney James Ripper, I have offices in Rocky Hill and Berlin. I represented Mr. (Chuanick?) on a previous application. I did not stress that point, not to deceive anybody, the public or members of the Commission. I just think that the Commission members should be considering this not in a context of Mr. (Chuanick's?) land, or Mr. Brocks land, or anything. I think they should look at the overall land resources of the community that is going to be affected by this.

Chm. Gionfriddo

Just for the record, the Commission is/was and probably will always be well aware of who Attorney Ripper has represented in the past. O.K. is there anyone else wishing to be heard? If not we'll close the public hearing on item 4. I don't believe, unless the Commission wants to get in discussion on this this evening that we're going to be voting on it. I would suggest in light of the hour, we put it on new business for next meeting, unless anybody has an objection. O.K. we'll move onto item number 5.

Comm. Carta

Item number 5, proposed one lot resubdivision located on Chamberlain Hill Road. Applicant is Carl A. Hayn.

Chm. Gionfriddo

On this matter, in light of the fact that I have represented Mr. Hayn, and I'm still representing Mr. Hayn, I will disqualify myself, turn the gavel over to the Vice-Chairman.

Vice-Chm. Hutton

Comm. Passanesi has also disqualified himself. Which would bring Comm. Thompson on. Is Mr. Hayn here? I just noticed that there was no sign posted on this item. Is that true George?

George Reif

The Zoning Enforcement Officer makes the inspection. He's the one who turns in the report saying no sign was on the site. Also, you may note that the Health Dept has reported that no soil test has been made, which is required. That may be why Mr. Hayns is not here.

Vice-Chm. Hutton

So, why don't we table this thing until next meeting, and hopefully, he'll come in with their soil tests and the sign would be posted. The Health Dept. has very, very strict timing when they do their soil testing, so they're not going to do anymore soil testing between now and the next meeting. It's going to be in the springtime.

Comm. Carta

Whether it's the soil testing or not, I think that first of all we need the application to be proper. I will approve lots with the contingent that they pass the test, but, if they don't pass the test they're not approved. Although I don't think that's appropriate to get into that, because the sign the application isn't proper. I would say that we should just put it aside and let Mr. Hayn come in and explain to us, why the application is the way it is and give him the opportunity, perhaps he's ignorant of the sign regulation, some people are. So, he needs to come in and get that straightened out.

Vice-Chm. Hutton

I'd like to go on record that the staff gave him copies of the sign regulations.

Comm. Carta

Whatever his reason is I think we ought to just put this aside and just notify him that we are not acting on it this evening.

Vice-Chm. Hutton

Is there a second? All in favor. Opposed.. So be it.

Chm. Gionfriddo

O.K. I feel in a strange position, but I don't think tabling is the right thing to do. I think the application has to be denied; and he has to come in and file a new application and get a new public hearing, put a sign up and go through the whole process again. I feel strange saying that about my own client. I don't think tabling is appropriate, I think that has to happen. So I would suggest that we do it that way.

Vice-Chm. Hutton

Do you withdraw the second? O.K. so there should be a motion on the floor than to deny the application that Mr. Hayn resubmit a new application. Is there a motion to that. All in favor. Opposed. We'll move to item 6 please.

Comm. Carta

Propose Special Exception to permit conversion of an existing two family dwelling into four families, located on 144 Pearle Street. Applicant/agent Rak Realty.

Chm. Gionfriddo

Before, we begin Comm. Passanesi has disqualified himself on this matter, Comm. Thompson will be sitting in his place.

Frank Rak

The proposal I have submitted calls for converting an existing two apartment unit into four apartment units, in accordance with the recently approved new Zoning Regulations; which basically require that the proposal be prepared by a professional architect. This is to insure that the project is done in a manner that will be correct and hopefully enhance the existing neighborhood. The character of the neighborhood is predominately multi-family, I believe it's MX zone. The original layout was 2700 square feet as two units. The new layout will be approximately 3110 square feet and consist of four units. Renovation work includes new plumbing, heating and electrical, new windows, insulation and sheetrock, removal of an existing side porch, which was not original construction and a new side entry porch. New sidewalks, new roof drains removed from the sanitary sewers and placed in the storm sewers, new parking for 5 vehicles. Originally there was no off street parking. New lawns and shrubs, new laundry and common area in the basement, and storage lockers in the basement. I think that describes it.

Chm. Gionfriddo

Are there any questions by members with respect to this proposal? Comm. Patnaude.

Comm. Patnaude

(Inaudible...microphone not on).

Frank Rak

I wasn't aware of that, but I will there's no problem...

Comm. Patnaude

O.K.

Frank Rak

In fact, at the same time, I'll probably have the outside meter put on.

Chm. Gionfriddo

Are there any other questions? If not thank-you. Are there any members

of the public wishing to speak in favor of this proposal? Are there any members of the public wishing to speak in opposition to this proposal?

Richard Mazzotta

Members of the Planning and Zoning, my name is Richard Mazzotta, I live at and own 417 High Street. Steve, you're a little quick on the trigger. I wish to speak in favor of. I live approximately a block away from 144 Pearl and to make it brief, in view of the fact of Mr. Rak's track record has been one of remarkable improvement on the properties that he has taken over in the past, and excellent management afterwards. I would suggest that you look favorably on his application. Thank-you.

Chm. Gionfriddo

Are there anyone else wishing to be heard for or con with respect to this particular application? If not, I will close the public hearing is there a motion to make this item 6.17? Second. Any discussion. If not, all those in favor. Any opposed. Motion carries. That concludes the public hearing.

Adjournment 9:30 P.M.

Transcribed by:

Dawn Pratt

Temporaries Unlimited