

PLANNING AND ZONING COMMISSION REGULAR MEETING NOVEMBER 13, 2002, 7:00 P.M. PAGE 1 OF 7

Chw. Barbara Plum, Comm. Stephen Gadowski, Comm. George Lapadula, Comm. Andrew Rak, Comm. William Wilson, Comm. John Pieper, Comm. Carl Bolz, Dir. P.W. Salvatore Fazzino, Ex-Officio

COMMISSION MEMBERS PRESENT

Comm. James Fortuna, Comm. Stephen Shapiro, Comm. John Voli, Mayor Domenique Thornton, Ex-Officio

COMMISSION MEMBERS ABSENT

William Warner, Director

STAFF

There were approximately fifty (50) members of the public present. There is a word for word tape recording of the meeting on file and available in the Planning Office.

PUBLIC

On motion and second by Comms. George Lapadula and William Wilson the Commission went into executive session in Room 208. On motion and second by Comms. Stephen Gadowski and George Lapadula the Commission came out of executive session and resumed the regular meeting.

ITEM 1a EXECUTIVE SESSION

On motion and second by Comms. Stephen Gadowski and George Lapadula the Commission changed the order of the agenda by moving Items #1a, 3.1 and 3.3 up. Vote was unanimous. Comm. Stephen Gadowski read the proposed settlement into the record as modified. Comm. Andrew Rak amended Item #3 to limit drilling in addition to blasting. On motion and second by Comms. Andrew Rak and William Wilson the Commission waived the driveway grade from 12% to 15%. Vote was unanimous. A motion to accept the conditions, settle the lawsuit and approved the subdivision was made by Comm. Andrew Rak. The motion passed with Comms. Barbara Plum, George Lapadula, Andrew Rak, William Wilson, and John Pieper in favor, Comm. Carl Bolz opposed and Comm. Stephen Gadowski abstained.

ITEM 1a EXECUTIVE SESSION

Gerald Daley, Chair of the Economic Development Committee, commented on Item #3.1, explained the history of the Portland Chemical property and feels there are restrictions on display of the property. Ellen Lukens spoke in support of Item #4.6 to acquire the Wesleyan University property. Michael Ennis spoke in support of the Wesleyan University acquisition.

ITEM 2 DISCUSSION WITH PUBLIC ON ITEMS ON AGENDA

George Smilas explained the proposal and reviewed the departmental comments. Comm. Carl Bolz questioned the common drive. George Smilas responded. No one from the public spoke.

ITEM 2b.1 GRANTED PRELIMINARY

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On motion and second by Comms. Stephen Gadowski and George Lapadula the Commission closed the public hearing. Vote was unanimous. A motion to grant preliminary approval of a two (2) lot resubdivision with a Special Exception for two (2) rear lots of the property of Jeffrey Wojtusik located at the end of Thimble Rock Road at the Durham town line was made by Comm. Stephen Gadowski and seconded by Comm. William Wilson. Comm. George Lapadula questioned the drives. The motion passed unanimously. Applicant/agent Jeffrey Wojtusik/George Smilas, P.E., L.S. S2002-18

APPROVAL OF  
A TWO (2) LOT  
RESUBDIVISION  
WITH A SPECIAL  
EXCEPTION FOR  
TWO (2) REAR  
LOTS OF THE  
PROPERTY OF  
JEFFREY  
WOJTUSIK LO-  
CATED AT THE  
END OF THIM-  
BLE ROCK  
ROAD AT THE  
DURHAM  
TOWN LINE

Atty. Michael Dowley explained the proposal and read a letter from the Urban Forestry Commission regarding preservation of the trees. John Tarbox, the engineer, explained why the cluster subdivision was chosen and reviewed the design objectives as displayed on the plans. Comm. Carl Bolz questioned sidewalks. Atty. Michael Dowley responded to the sidewalks and associations. Comm. George Lapadula commented on associations and sidewalks. Atty. Michael Dowley responded. Comm. Andrew Rak questioned connections. H. Martin, the landscape architect, explained the proposal and the need for a sidewalk waiver and design of subdivision trails. Comm. George Lapadula commented on the need to extend the cul-de-sac. Atty. Michael Dowley responded. Comm. Carl Bolz questioned the trails. B. LePage, the developer, explained his background. Atty. Michael Dowley concluded. From the public, C. Garrett commented on the trees, the open space and spoke in support. D. Murray spoke in support to keep the cul-de-sac on Scenic View Drive. Dr. Vistaria, Yellow area, spoke in opposition. M. Brainard, Red Glen Road, spoke in opposition. L. Robertson, Scenic View Drive, wants to keep the cul-de-sac. L. D'Amico questioned drainage. J. Copolac spoke in support of the design and deer crossings. Patricia Cherry, Scenic View Drive, spoke in opposition. K. Thompson spoke in opposition. J. Wieshl questioned the building types and the type of homes. T. Anderson is opposed to the cul-de-sac extension and feels the property should be acquired as open space. D. Pavis wants the road as a cul-de-sac. J. Barone wants the cul-de-sac to remain. E. Carello, Red Glen Road, feels a better use for the land would be open space but indicated that the plan wasn't bad. J. Kornisky is opposed to a through road. A. Frederick, Scenic View Drive, is opposed to a through road. Atty. Michael Dowley rebutted on the legal issues. John Tarbox commented on the buffer and other issues raised.

ITEM 2b.2  
CLOSED THE  
P.H. FOR A  
PROPOSED  
THIRTY-TWO  
(32) LOT RE-  
SUBDIVISION  
WITH A  
SPECIAL EX-  
CEPTION FOR  
A CLUSTER  
SUBDIVISION  
OF THE PRO-  
PERTY OF  
JOHN ZISK  
LOCATED  
OFF LAUREL  
GROVE ROAD  
BETWEEN  
ROCKFALL  
ROAD, SCE-  
NIC VIEW  
DRIVE, AND  
HARVARD  
COURT TO  
BE KNOWN  
AS LAUREL  
FARMS

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Philip O'Brien commented on his familiarity with the area. Atty. Michael Dowley commented on waivers and the need for a separate vote. On motion and second by Comms. Stephen Gadomski and George Lapadula the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. William Wilson and Stephen Gadomski the Commission placed under Old Business at the next meeting a proposed thirty-two (32) lot resubdivision with a Special Exception for a cluster subdivision of the property of John Zisk located off Laurel Grove Road between Rockfall Road, Scenic View Drive and Harvard Court to be known as Laurel Farms. Vote was unanimous. Applicant/agent LePage Homes, Inc./O'Brien Associates, Inc. S2002-15

On motion and second by Comms. Stephen Gadomski and George Lapadula the Commission tabled a proposed Special Exception for a nail salon addition to a single family home located at 557 Newfield Street. Vote was unanimous. Applicant/agent Le Lam Van SE2002-3

ITEM 2b.3  
TABLED A  
PROPOSED  
SPECIAL EX-  
CEPTION  
FOR A NAIL  
SALON AD-  
DITION TO  
A SINGLE  
FAMILY  
HOME LO-  
CATED AT  
557 NEW-  
FIELD STREET

Alan Rubacha explained the proposal for the film studies building. J. Laposta, the architect, explained the site plan. Comm. Carl Bolz questioned parking. J. Laposta indicated this will not be used for the public in any way. J. Brown, the Vice President for Academic Affairs, agreed to the condition that this will not be used for the general public. L. Johnson indicated that they do have public programs. Chw. Barbara Plum questioned traffic, parking and public use of the building. J. Brown responded and agreed to make the change to satisfy the Design Review and Preservation Board condition. On motion and second by Comms. Stephen Gadomski and Andrew Rak the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Stephen Gadomski and Andrew Rak the Commission granted Site Plan Approval to construction an academic facility for The Center for Film Studies to be located at 301 Washington Terrace with the condition that: 1) the Design Review and Preservation Board comment be addressed; 2) all departmental

ITEM 2b.4  
GRANTED  
SITE PLAN  
APPROVAL TO  
CONSTRUCT  
AN ACADEMIC  
FACILITY FOR  
THE CENTER  
FOR FILM  
STUDIES TO  
BE LOCATED  
AT 301  
WASHINGTON  
TERRACE

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comments be addressed; and 3) that there be only one (1) private showing and not be open to the general public. Vote was unanimous. Applicant/agent Wesleyan University/Alan Rubacha SPR2002-146

Atty. Joseph Borkowski explained the request for the modification using a site plan and photographs. Comm. George Lapadula questioned “mules” on the site and indicated he is in agreement with the proposal if they don’t allow any more. Comm. Carl Bolz commented on previous approvals. Discussion ensued. Atty. Joseph Borkowski responded. Comm. Andrew Rak feels it looks okay and questioned the road widening. Comm. Carl Bolz feels there is a need for a strict limit to sixteen (16) vehicles only. On motion and second by Comms. Stephen Gadowski and George Lapadula the Commission approved a request to modify an approved site plan for special exception approval at 680 Newfield Street to allow a display area for sixteen (16) trucks with the condition that all departmental comments be addressed. Vote was unanimous. Applicant/agent RJAJ, LLC/Attorney Borkowski

ITEM 3.1  
APPROVED A  
REQUEST  
TO MODIFY  
A PREVIOUS-  
LY APPROV-  
ED SITE  
PLAN FOR A  
SPECIAL EX-  
CEPTION  
APPROVAL  
AT 680 NEW-  
FIELD  
STREET

This item was removed from the agenda.

ITEM 3.2  
REMOVED  
FROM  
AGENDA

On motion and second by Comms. Stephen Gadowski and George Lapadula the Commission tabled requests for release of the cash bonds for the following Sections in The Meadows at Riverbend Subdivision: 1) Section 3, Phase 4 (Lots 199-208 Moss Glen); 2) Section 4, Phase 1B (Lots 214-240 Rolling Green); 3) Section 4, Phase 2A (Lots 265-285 Greenview Terrace); 4) Section 4, Phase 2B (Lots 251-264 and 286-299 Greenview Terrace); 5) Section 4, Phase 3A (Lots 300-305 and 340-345 Eagle Hollow); 6) Section 4, Phase 3B (Lots 306-314 and 331-339 Eagle Hollow); and 7) Section 4, Phase 3C (Lots 315-330 Eagle Hollow). Vote was unanimous. Applicant/agent Tuttle Road Associates/Robert C. Fusari, President S93-3, S95-6

ITEM 3.3  
TABLED RE-  
QUESTS FOR  
RELEASE OF  
THE CASH  
BONDS FOR  
VARIOUS  
PHASES IN  
SECTIONS 3  
AND 4 OF THE  
MEADOWS AT  
RIVERBEND

On motion and second by Comms. James Fortuna and Andrew Rak the Commission granted Site Plan Approval to construct an industrial building on Lot #2 of the P, Inc. Industrial Subdivision located at 975 Middle Street. Vote was unanimous. Applicant/agent Gerry Clean, P., Inc., LLC/Frank Magnotta, P.E.

ITEM 4.1  
GRANTED SITE  
PLAN APPROVAL  
TO CONSTRUCT  
AN INDUS-  
TRIAL  
BUILDING  
ON LOT #2

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OF THE P,  
INC. INDUS-  
TRIAL SUB-  
DIVISION  
LOCATED AT  
975 MIDDLE  
STREET

On motion and second by Comms. Stephen Gadowski and George Lapadula the Commission scheduled a public hearing date of January 8, 2003 for a proposed Zoning Code text amendment to regulate accessory apartments. Vote was unanimous. Proponent P&Z Dept.

ITEM 4.2  
SCHEDULED  
P.H. 1/8/03  
FOR A PRO-  
POSED ZONING  
CODE TEXT  
AMENDMENT  
TO REGULATE  
ACCESSORY  
APARTMENTS

On motion and second by Comms. Stephen Gadowski and George Lapadula the Commission scheduled a public hearing date of January 8, 2003 for a proposed seven (7) lot resubdivision of the property of William King located between Ridgewood and Poplar Roads to be known as Ridgewood Meadows. Vote was unanimous. Applicant/agent Bricon Custom Homes, Inc./Conklin & Soroka, Inc. S2002-19

ITEM 4.3  
SCHEDULED P.H.  
1/8/03 FOR A  
PROPOSED  
SEVEN (7) LOT  
RESUBDIVISION  
OF THE PRO-  
PERTY OF  
WILLIAM KING  
LOCATED BE-  
TWEEN RIDGE-  
WOOD AND  
POPLAR ROADS  
TO BE KNOWN  
AS RIDGEWOOD  
MEADOWS

On motion and second by Comms. Stephen Gadowski and George Lapadula the Commission scheduled a public hearing date of January 8, 2003 for a proposed Zoning Code text amendment to modify Sections 16.10.01, 16.10.02, 60.06 and 60.06.01 Junk yards. Vote was unanimous. Proponent PCD Dept. Z2002-5

ITEM 4.4  
SCHEDULED P.H.  
1/8/03 FOR A  
PROPOSED  
ZONING CODE  
TEXT AMEND-  
MENT TO  
MODIFY SEC-  
TIONS 16.10.01,  
16.10.02, 60.06,  
AND 60.06.01  
JUNK YARDS

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On motion and second by Comms. Stephen Gadomski and George Lapadula the Commission scheduled a public hearing date of January 8, 2003 for a proposed Zoning Code text amendment to add Sections 48.01.11 and 48.07(Q) and to modify Section 48.07(K) Off-Site Advertising Signs. Vote was unanimous. Proponent PCD Dept. Z2002-6

ITEM 4.5  
SCHEDULED  
P.H. 1/8/03 FOR  
A PROPOSED  
ZONING CODE  
TEXT AMEND-  
MENT TO ADD  
SECTIONS 48.01.  
11 AND 48.07(Q)  
AND TO MODIFY  
SECTION 48.07(K)  
OFF-SITE AD-  
VERTISING  
SIGNS

A motion to give an affirmative G.S. 8-24 Review to acquire the Wesleyan University property located on Country Club Road was made by Comm. Stephen Gadomski and seconded by Comm. William Wilson. The motion passed with Comm. Andrew Rak opposed and Chw. Barbara Plum, Comm. Stephen Gadomski, Comm. James Fortuna, Comm. George Lapadula, Comm. William Wilson, Comm. John Pieper and Comm. Carl Bolz in favor. Applicant/agent City of Middletown Conservation Commission

ITEM 4.6  
GAVE AN AF-  
FIRMATIVE G.S.  
8-42 REVIEW TO  
ACQUIRE THE  
WESLEYAN  
UNIVERSITY  
PROPERTY  
LOCATED ON  
COUNTRY CLUB  
ROAD

On motion and second by Comms. George Lapadula and William Wilson the Commission approved the minutes of the October 9, 2002 meeting. Vote was unanimous.

ITEM 5.1  
APPROVED THE  
MINUTES OF  
THE 10/9/02  
MEETING

The minutes of the October 23, 2002 meeting were not available.

ITEM 5.2  
THE MINUTES  
OF THE 10/23/02  
MEETING WERE  
NOT AVAIL-  
ABLE

The Commission accepted the Zoning Enforcement Officer's Report.

ITEM 5.3  
ZEO REPORT

There was no discussion.

ITEM 6  
DISCUSSION  
WITH PUBLIC

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On motion and second by Comms. George Lapadula and  
John Pieper the Commission adjourned the meeting at  
11:30 p.m.

ITEM 7  
ADJOURNMENT

Respectfully submitted,

William Warner, AICP  
Director of Planning, Conservation and Development