

COMMISSION ON THE CITY PLAN AND ZONING - PUBLIC HEARING - WEDNESDAY -
DECEMBER 8, 1971 - 7:30 P.M. - MUNICIPAL BUILDING - COUNCIL CHAMBER -
DEKOVEN DRIVE - MIDDLETOWN, CONNECTICUT

Edward F. Button, Chairman
Robert F. Chamberlain - Vice-Chairman
Seb Passanesi, Acting Secretary
David Shaw, II
Salvatore Lisitano, Alternate
Frederick Congdon, Alternate acting for
David Mylchreest

COMMISSION
MEMBERS PRESENT

David Mylchreest
Joseph Otfinoski, Alternate

COMMISSION
MEMBERS ABSENT

George A. Reif, Director
William M. Kuehn, Ass't. Planner
Althea Rinaldi, Recording Secretary

STAFF MEMBERS

Philip Bauer, Eng'r., Public Works Dept.;
Atty. Robert Poliner, representing Calosso's
Used Parts; Joseph Haze, Dir. of Redevelopment;
Tim Brown of Cohn Eng'r.; M.D. Helfgott, Civil
Eng'r.; Erwin Kelsey, Conservation Comm.; Sherman
Beinhorn, reporter, Middletown Press; approx.
10 members of the public at large.

OTHERS

The hearing began at 7:30 P.M.

CHM. BUTTON:

Mr. Secretary, well excuse me--Mr. Congdon,
will be sitting for Mr. Mylchreest tonight. Mr.
Mylchreest is not here and since Mr. Mylchreest
asked to sit for him, Mr. Passanesi will act as
Secretary, therefore Mr. Secretary proceed with the
call.

ACTING SEC'Y.
APPOINTMENT

SEC'Y. PASSANESI:

THE MIDDLETOWN COMMISSION ON THE CITY PLAN
AND ZONING WILL HOLD A PUBLIC HEARING ON
DECEMBER 8, 1971, STARTING AT 7:30 P.M.,
IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING,
DEKOVEN DRIVE, MIDDLETOWN, CONNECTICUT, to
receive and consider:

LEGAL NOTICE

1. Application for expansion of a non-con-
forming use by Calosso's Used Auto Parts,
1443 Saybrook Road, located in the R-1
Zone.

CALOSSO'S APPLICATION

GEORGE REIF:

This is the first time on the agenda.

CHM. BUTTON:

Will the petitioner---is the petitioner here?

ATTY. POLINER:

Mr. Chairman, I'm Atty. Robert Poliner, repre-
senting Mr. Primo Calosso who is here, sitting right

there. Mr. Calosso is here tonight to request permission to build a building at his Saybrook Road premises and if Mr. Reif would show you the map (moving about of maps). Gentlemen, down here (very noisy) he wants to build this building right here. Proposed building---right there---in which he would like to place some of his larger and more expensive equipment, such as his payloader, dump truck, wrecker and jeep. At the present all of these pieces are being kept as much as they can over in this area and in front of his residence. He likes to keep them over here and the reason for that is that he has a tremendous problem with vandalism and theft and he like to keep his good equipment where---where he can keep and eye on it. Now the looting is the first reason for why Mr. Calosso would like to have this expansion granted to him, in the right to build this building. In the last year he estimates that approximately three thousand dollars of property has either been stolen, damaged or vandalized and the fact last month a distributor was taken right out of his truck---in fact his dump truck which was parked right in front of his house. He has numerous problems with thefts and vandalism and I know there is in the record, is a letter from the Chief of Police Marino, attesting to the fact that numerous complaints had been made in that--- and this has gone on for a series of years. I think that Mr. Calosso feels that if he is allowed to build a building one good thing that might arise might would be that it be less enticement for youngsters especially that to come around break in and do damage. Also these pieces of equipment are quite essential to his business. Now Mr. Calosso is no new comer to this area which is as you see down on Saybrook Road. Back in 1946 when he got out of the Army he bought that land and started his business in 1947. He has been there now---it will be 25 years this April, he has operated his business and during this period of time I might say the zones come and go and Mr. Helfgott drew a map of that in 1960, when the area was commercial on the front and residential in the back. In 62, it was industrial and now it's strictly residential. The point not being so much that anything was---I know, it was relevent what was zoned but rather the fact that it's been an area, it been clearly fluided in terms of change of zoning. Again, Mr. Calosso is not a new comer, he's been here 25 years and runs his business there. The land on which he's going to build this building---if you gentlemen will allow me to---is currently used in the business. I

be glad to try and answer them.

CHM. BUTTON:

Yes, I have some. Maybe you can answer.
Mr. Calosso, can on this property that you have
be a total lot acreage or what here?

ATTY. R. POLINER: (Looking at plans)

7.5 sir.

CHM. BUTTON:

7.5 How much of this area are you now using
the part used to junk automobiles?

ATTY. R. POLINER:

How much of the area Primo is used?

MR. CALOSSO:

Using the whole thing.

ATTY. R. POLINER:

The whole thing is being used.

MR. CALOSSO:

All but the front where we have our used cars.

ATTY. R. POLINER:

Are you using this. Are you using this---a
right up in front here?

MR. CALOSSO:

This is Saybrook Road.

ATTY. R. POLINER:

This is Saybrook Road. What have you out there?

MR. CALOSSO:

My used vehicles that we have for sale. Used
cars. Along the back we have here all our cars that
we have for parts.

CHM. BUTTON:

What's back in here?

MR. CALOSSO:

Old parts.

ATTY. R. POLINER:

7.5 acres you occupy and use. It's my under-
standing you weren't using frontage along here.

MR. CALOSSO:

Well along here we have used cars. Here's the
garage right here. Now right here is the proposed
building. Wait a minute, I'm sorry, very sorry, this
portion right here sir which goes up the damⁿ hill---

think this is important because in the term expansion of non-conforming uses somehow misleading here because although he wants to build a building he doesn't intend to expand the area which the business will use or operate on. I know there's always quite a concern about the woodland in the area. There will be no new signs, there will be no disruption of cutting down of trees or foliage. There be no need for a new driveway in fact the building will probably help clean up the area a little bit and then he'll be able to put some of his machinery out from the front and put it inside where it can be safe and it could be a little less unsightly. Pardon me for a second. The building---its intended that the building only have electricity. That it not have water and not have toilet facilities so there be no problem in regard to sewage and there be no need of uses of anything of that nature I know that's always a question of the Health Dept. concernedly. The people who are neighbors of Mr. Calosso as you remember, we were here last time and we had a whole group---a whole host of them out. We don't have them all out this time although we do have Mrs. McGrath who is a neighbor who is a neighbor but Bill Gautieri who owns Bill's Auto Parts which is directly across the street, submitted a letter in which he's in favor submit that to you Mr. Chairman, also there is a petition here: The undersign have no objections to Primo Calosso erecting a new building on his premises. We understand the plight that Mr. Calosso has his equipment constantly being damaged or stolen by vandals. Thus we urge the Commission in giving Mr. Calosso the permission he seeks-and this is signed by others as his neighbors. I submit that to you, Mr. Chairman. Lastly I like to---I know you have this in the files but I'll disseminate these a little more freely. This is the layout. The type of structure it's---on the back of that you'll see the material laid out. The type of material to be used. As I say before I think in summing up the important things from Mr. Calosso's point of view that he's been here quite some time and it's not a new business to the area. There are other businesses like his in the area. He does not intend to use new land. He intends to use land that's already being used in the business. It would help to clean up the area a little bit to have some of his equipment inside. It would certainly would help him from a point of view that he would have a lot of less lots at the end of any year. A lot less vandalism and damage and reason for people to come in. If you gentlemen have any questions I'll

BILL GAUTIERI SUBMITTED
LETTER IN FAVOR

PETITION SUBMITTED FROM
CALOSSO'S NEIGHBORS IN
FAVOR

from the Route 9 as well from 9A. If you look across Route 9 this side here you can look across and see the coming cars.

MR. CALOSSO:

You can see both our places.

CHM. BUTTON:

O.K. now---

SEC'Y. PASSANESI:

I just have one question. Is this the established building line that Helfgott---

M.D. HELFGOTT:

Pertinently I don't know what the established building line is.

SEC'Y. PASSANESI:

The building line back in here or is it here or--- was---is it just lined up because---

M.D. HELFGOTT:

It was just lined up just because of that. When it was a Commercial Zone of course the line would be equal to the property line. What it is now I really don't know but it would be whatever R-1 Zone calls for 75---25.

SEC'Y. PASSANESI:

It's O.K. that's in other words-then that's 35. Thank you.

CHM. BUTTON:

Oh all right do we have any correspondence that should be read concerning this petition?

SEC'Y. PASSANESI:

Mr. Chairman, we have a letter from the Dept. of Public Works.
October 12, 1971
Re: Calosso's Used Auto Parts
Saybrook Rd.

CORRESPONDENCE FROM
PUBLIC WORKS DEPT.

City Plan Commission
Municipial Bldg.
Middletown, Conn.

Gentlemen:

Please be advised that after review of the above project this office has no comments or objections to offer for this application.

Very truly yours,
John C. O'Brien, Director of Public Works

We have another from the Police Dept.

CORRESPONDENCE FROM
MIDDLETOWN POLICE DEPT.

November 4, 1971
Re: Calosso's Used Auto Parts
1443 Saybrook Road
Middletown, Conn.

To whom it may concern:

This is to advise that this department has on record numerous complaints from Mr. Primo Calosso, dating back several years, in reference to vandalism, trespassing and breaking and entering.

There were many other items that the same conditions existed and were never processed by this department, because Mr. Calosso never reported them.

Very truly yours,
Vincnet S. Marino, Chief of Police

Still another from the Department of Health.

CORRESPONDENCE FROM
DEPARTMENT OF HEALTH

October 12, 1971
Re: Calosso's Used Auto Parts
1443 Saybrook Road
Middletown, Conn.

Gentlemen:

Since there are no city facilities available in this area, the above named establishment representatives must apply for an application of a soil test with this department.

H.A. Solek, R.S. Sanitarian

A memorandum received from the Water & Sewer Dept.

CORRESPONDENCE FROM
WATER & SEWER DEPT.

October 8, 1971
Calosso's Used Auto Parts
Saybrook Rd.

No water or sewer facilities available.

Frank J. Opalacz, Director of Water & Sewer

GEORGE REIF:

There is another memo from a woman. Do you want to hear part of this? Part of it applies to this.

CHM. BUTTON:

Well, I think just read for the record that letters have been received and by whom and that these will be part of the record either for or against or say what.

CORRESPONDENCE FROM
HELEN LOHMAN FOR THE
RECORD

SEC'Y. PASSANESI:

We have also received letters dated November 19, 1971, to the members of the Commission on City Planning and Zoning from Helen Lohman. L O H M A N is that sufficient?

CHM. BUTTON:

For or against. George, you should know.

SEC'Y. PASSANESI:

Apparently in opposition to it.

CHM. BUTTON:

This will be part of the record sent to the Commission for their review. Alright any others?

SEC'Y. PASSANESI:

No.

CHM. BUTTON:

Now does anyone here wish to speak for the petition? We'll let the lady go first.

MRS. MCGRATH:

I'm Mrs. McGrath on the south side of Mr. Calosso's and I'm all in favor for it. I think it will make a vast improvement. It will house all his equipment as it is now on the front lawn. I can see it from my home.

CHM. BUTTON:

Do you think this will be an improvement?

MRS. MCGRATH:

I think so, yes.

CHM. BUTTON:

Do you think he will no longer park stuff where it will be visible from your house?

MRS. MC GRATH:

I don't see why he will need to.

CHM. BUTTON:

Alright Mr. Helfgott.

M.D. HELFGOTT:

My name is M.D. Helfgott. I'm a practicing engineer in the Middletown area and the author of the map in front of you. I would like to add one or two comments to those made by Atty. Poliner. He talked about a commercial zone in 1960 and I want to submit a copy of a plot plan which I drew in that at the time for one Peter Gherlone showing a proposed dwelling in the area which lies immediately to the south of Mr. Calosso and on that I noted that the

front 200 ft. on the west side of Saybrook Road was zoned Commercial and the back zoned Residential and this information I obtained from the Planning Commission here. I would like to submit this as part of the record. There should be a copy in Public Works. Maybe there isn't. In addition I like to call your attention to the fact that we are not talking about a huge gigantic building of a hanger type---airplane hanger type. This is merely a 32 I believe by 45 building which is possibly not even as big as an average resident. It's only/one story building and it's not going to stick up 6 stories in the air or spread out over acreage. That's all I have to say.

MR. HELFGOTT SUBMITS
A PLOT PLAN FOR RECORDS
FROM 1960.

CHM. BUTTON:

You will or will not have an office in the building?

MR. CALOSSO:

No sir, because I have an office in my other building at the present. I would like to say something else.

CHM. BUTTON:

Well the reason I'm asking is now will or will not have employees working in the building that will have to use toilet facilities?

MR. CALOSSO:

No sir.

CHM. BUTTON:

There are other facilities on the premises.

MR. CALOSSO: (Referring to map)

Yes sir. What I was going to say sir which I mentioned before this area right here is all trees and a swamp hole right in here. North of this area where the garage is going to be, there---it's a big rock and its swamp and all trees in this section. Right here.

CHM. BUTTON:

Alright, well within the next two week period Mr. Reif will visit the area and look it over and study it in brief and report before any Commission should appeal to be brought forward to the Commission. Hence any agreement that would be a departure from what you know he will also inform you what you're going to tell the Commission.

MR. CALOSSO:

Thank you sir.

CHM. BUTTON:

Anyone else wish to speak against this petition

if not I delcare this portion of the hearing closed. Item 2. Flood Plain Land Regulations.

SEC'Y. PASSANESI:

Second item on the Agenda. Text Amendment to the Zoning Code as it concerns the Flood Plain Land Regulations as related to the current text of the Code. The proposed changes are as follows:

PROPOSED
FLOOD PLAIN LAND
REGULATIONS

SECTION 12 SUPPLEMENTARY PROVISIONS

DELETE Item 12.07 titled Building in Flood Plain

SECTION 46 FLOOD PLAIN LAND REGULATION

DELETE current text in Item 46.01 titled Boundary, substitute:

The Flood Plain shall be all land which falls below the Intermediate Regional Flood Level as established by the U.S. Army Corps of Engineers as measured from datum established by the U.S. Coastal and Geodetic Survey.

DELETE current text in Item 46.02 titled Permitted Uses and substitute: No land shall be used or occupied other than as permitted in the zone in which such use is proposed except that no buildings, other than utilitarian structures including parking facilities, shall be erected in the Flood Plain.

DELETE current text in Item 46.03 titled Building and change to:

Any structure for human use shall have the lowest floor at an elevation of not less than one foot above the Flood Plain.

DELETE current text in Item 46.04 titled Filling and change to:

No land within the Flood Plain shall be filled unless the Planning Commission has granted its approval.

DELETE current text in Item 46.05 titled Action and change to:

The Planning Commission shall act on the application in accordance with the General Statutes.

Further clarification concerning Natural Resources Extraction---

CHM. BUTTON:

No no

SEC'Y. PASSANESI:

Sorry, excuse me.

CHM. BUTTON:

Alright now, I think we'll call on Re-development. He holds the answer to the hearing come forth and have their say regarding this change in the Code.

JOE HAZE:

Mr. Chairman, members of the Planning Commission the agency has previously requested your consideration to the proposed change to the Zoning Ordinance pertaining to the Flood Plain and as it effects the land use in our Metro South Urban Renewal Area based on the latest information received from the Corps of Engineers. The Agency's Filing Committee and the Agency's Engineering Consultants have received the latest information received from the Corps of Engineers and recommend your approval of the 100 year Intermediate Regional Flood Level as modified by the Corps on a sloping hydrological line which indicates elevation at the northerly portion of the City at the upstream City line of 23.5, at Botkin Rock at 21.8 and at the southerly line of the City at the downstream City line at an elevation of 18.

CHM. BUTTON:

May I---wish to correct---I believe the elevation on that 20 year frequency hydrolic radiant at Botkin Rock I think is 22 ft. Is it not at present?

JOE HAZE:

According to the information I have here 21.8.

CHM. BUTTON:

It is 21.8. I stand corrected.

JOE HAZE:

I have Mr. Tim Brown of Cohn Engineers here and he is available if there are any technical questions or interpretations and he will be available to answer them.

CHM. BUTTON:

As I understand now so that we are all understanding this thing the same way, we're accepting the lines set by the Corps of Engineers and it happens that at this time the line that they approve, is a sloping hydrolic line 23.5 at the northern boundary of the City and 21.5 at Botkin Rock, 18 at the southern boundary of the City. This is also based on a fact that the Corps has---a so many flood control structures up river and it is quite possible that in the future should the Corps change the flood control structure up the river that this could have some effect on this line that we are presently talking about. Therefore, we're established a line applicable whatever changes are made through the years. We're presently saying that line is stable. They're subject to change if there are any great

modifications by the Corps. We are also saying that---if met---this requirement---that individuals on the City in and adjacent to the flood area will then be eligible to apply for I guess the National Flood Insurance. Is all this correct? Have I made any misstatement?

JOE HAZE:

It's correct as far as I understand it.

CHM. BUTTON:

I would like to have your engineer get up and add any pertinent comments to keep this clarified.

TIM BROWN:

Mr. Chairman, members of the Commission we came into this problem because the Urban Renewal Area does lie below the current flood plain elevation of 32. We were asked to make recommendations on what could be done to lower this flood plain elevation. Our recommendations were given to the agency and what we recommended was to contact the Corps of Engineers and the Water Resources Commission and to follow their recommendations and we could do that for them. I believe rather than have us as the engineers do it because we are only involved in Urban Renewal Area was turned over to the Planning Commission. Mr. Reif, contacted the Corps of Engineers and they recommended this particular storm---100 year storm which is directly related to the insurance. I think exact issues stated the elevations that have been quoted today are based on the 16 dams that are completed. There are others proposed. This line could be lowered as these are completed. I think that's about it.

CHM. BUTTON:

We have correspondence regarding this particular ordinance (INAUDIABLE) This is of course was submitted to the Planning Regional Agency and there has been notes--- a stand for a change. They have been notified of changes however to meet the requirements of a lot. They're responses should be read at this time.

SEC'Y. PASSANESI:

This is from the Midstate Regional Planning Agency for the record.
Findings/Recommendations: The proposed modification of the flood plain boundary is in accordance with the U.S. Army Corps of Engineers data concerning flood states on the Connecticut River. It is not in conflict with the adopted zoning of abutting Midstate municipalities.

CORRESPONDENCE FROM
MIDSTATE REGIONAL
PLANNING AGENCY

Very truly yours,
Geoffrey L. Colegrove, Director 9/8/71

The next one is Central Connecticut Regional Planning

CORRESPONDENCE FROM
CENTRAL CONN. REGIONAL
PLANNING AGENCY

Agency, dated Sept. 10, 1971, to the Planning Commission.
Concerning the proposed amendments to the Middletown Zoning Regulations relating to CCRPA referral MD-7 (Mineral Extraction) and to CCRPA referral MD-8 (Flood Plain Regulations), the Central Connecticut Regional Agency has reviewed the proposed amendments and finds no conflicts of regional significance specifically, as relates to impact to the Town of Berlin. The proposed amendments are consistent with the Regional Plan of Development in its present state of review.

Sincerely,

Arnold L. Beizer, Assistant Director

CHM. BUTTON:

And now we are complying with all the requirements for Regional Planning Agencies? I thought there was another one involved. Bob, since you have been in these State meetings they are aware of this?

COMM. CHAMBERLAIN:

They are fully aware of the fact that the letter was brought up at their meeting in Sept. or Oct. and was passed on to us up here. We also passed it on to Regional the ones who would have (INAUDIABLE) So there is no significance.

CHM. BUTTON:

So this has been to all. To all the proper channels and we have the latest and most current information and it would seem that after several long weary months on this issue we finally aired and got to the point where we can consider something for the benefit of the City, is that correct Mr. Kelsey?

ERWIN KELSEY:

Commissions, Chairman Button, there is two parts to this that I'm very much interested in and one is Item 46.04 on filling marsh land encroaching on streams. We have already run into to much of this and I think it is time to have control over this type of thing. Your marsh lands are for expansion at flood time and your brooks continually cut down and when this cut down and when this is done by one person why it backs on to another persons property which is unfair I'm sure. The other thing is on your setting on your flood line. We have to have our application in before December 31st, for your Flood Plain Insurance and we would like your cooperation in coming to a decision on this. Thank you.

CHM. BUTTON:

Now, I would take your comment on 46.04, will certainly try to comply with the one on making a decision on this, so that you go from there. On your 46.04 will take that comment under advisement and maybe that at some other hearing--well I think that we should sit down and discuss this with your Commission and you could bring this back---more stuff from your flood plain meetings and insurance. Certainly the Commission would want to work to do what is right.

ERWIN KELSEY:

Alright, we have sent in for the application and they should be back any time. The application has to be filled and sent back to HUD by the 31st of Dec. and otherwise we are out. We will not qualify for this insurance and I think it's too good to lose actually---

CHM. BUTTON:

So it will be coming up, what's the date of---the next meeting?

GEORGE REIF:

22nd.

CHM. BUTTON: Alright of course can't proceed the action of the Commission, but George you could work with Mr. Kelsey and have the proper papers and have them ready so that when the Commission took its action on it you would not be held up on that account.

ERWIN KELSEY:

Very good, thank you.

CHM. BUTTON: Any other person wishes to address themselves on the Flood Plain Regulation. If not, I declare that portion closed. Item 3 I believe three amendments to the Natural Resources Ordinance and I don't have a copy with me.

SEC'Y. PASSANESI:

Third item on the Agenda is: Further clarification concerning Natural Resources Extraction by adding in SECTION 60.02, Special Exception Uses, as Item 60.02.14 "Extraction of Natural Resources in accordance with the provisions of SECTION 41", in all Residential Zones and further by adding in SECTION 61.02, Special Exception Uses, as Item 61.02.15 "Extraction of natural Resources in accordance with the provisions of SECTION 41", in all Business and Industrial Zones.

NATURAL RESOURCES
EXTRACTION

Also in SECTION 61, Business and Industrial Zones Use Schedule, DELETE from Item 61.05, Prohibited Uses, the words "rock crushers and stone mill or quarry."

CHM. BUTTON:

Do we have any comments George from anyone else?

GEORGE REIF:

No.

CHM. BUTTON:

Does anyone wish to address themselves to that? These are merely in the hearing we had last on Natural Resources. Their were a couple little inconsistencies in the Code that we had not taken out which would have posed a problem. Therefore these items are being added to take care of the inconsistencies that would exist. There would be card by a new ordinance with the whole statement. If there is nothing else to come before the Commission on these three items on the Agenda I hereby close this hearing.

Edward F. Button (a)

Respectfully submitted,

Althea Rinaldi

Althea Rinaldi, Recording Sec'y.

Edward F. Button, Chairman
Commission on the City Plan
and Zoning