

Paul P. Parisi, Chm.; Eric G. Lowry, Vice-Chm.; Cos Giuffrida, Secretary;  
Rose Sbalcio; Alternates: Mary C. Woods; George L. Augustine

COMMISSION  
MEMBERS PRESENT

Mayor Michael J. Cubeta, Jr.; Walter J. Dreaher; Stephen T. Gionfriddo;  
Seb J. Passanesi; Alternates: Anthony J. Gaunichaux; Louis Carta

MEMBERS  
ABSENT

Comm. Woods acted for absent Comm. Dreaher and Comm. Augustine acted for  
absent Comm. Gionfriddo.

ACTING  
MEMBERS

George A. Reif, Director; Catherine V. Raczka, Assistant Director; Althea  
Rinaldi; Mary Lee Dorflinger

STAFF

Philip G. Bauer, Engineer, Public Works Department; Approximately 19  
members in the audience.

OTHERS

CHM. PARISI:

We will call the meeting to order. In the absence of Comm. Dreaher, Comm.  
Woods. In the absence of Comm. Gionfriddo, Comm. Augustine. O.k. Let's see.  
Mr. Carta hasn't showed. Tony Gaunichaux said he'd be coming. So we can  
appoint him for Seb.

DIR. REIF:

Seb Passanesi.

CHM. PARISI:

Yes. No. Seb left, but Tony Gaunichaux suppose to be coming so. O.k., the  
first item on the agenda is the advertised public hearing. So we will start  
with that and will take them in order. And I'll ask the Secretary to read  
the legal notice in the first item.

SECRETARY GIUFFRIDA:

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC  
HEARING, DECEMBER 10, 1980, STARTING AT 7:00 P.M., IN THE COUNCIL  
CHAMBER, MUNICIPAL BUILDING, DEKOVEN DRIVE, MIDDLETOWN, CONNECTICUT,  
to consider the following:

Item 1. Proposal to readopt the present zoning regulations con-  
sisting of the Zoning Code and the Zoning Map. A copy of said  
regulations, including the map, is on file in the office of the  
Town Clerk.

ITEM 1  
PROPOSED AMEND.  
TO ZONING CODE  
& MAP

CHM. PARISI:

O.k. This notice as well as the other twelve items appeared in the Middle-  
town Press on Saturday, November 29th and Saturday, November 6th. Just be-  
fore we start, I'll explain the ground rules as, as to how we go about it.  
The person who is making the proposal is given the opportunity to explain  
the proposal to the commission. The commission would ask questions. Then  
anyone who wishes to speak in favor is given a opportunity to speak. Anyone  
who wishes to speak in opposition is then given an opportunity to speak. And  
then we would move on to the next item on the agenda. It's also the normal  
practice of the commission not to vote on any item that is heard at the  
public hearing on the night it is heard unless an applicant has requested  
that we do that and the commission votes to do that. Items 1, 6, 7, 8, 9, 10,  
11 and 12, it's, the request is to vote on these tonight. And the commission  
will vote as to whether to do that after we get done with the whole public  
hearing. And I guess, most of those proposals are basically proposals brought  
forth by the commission anyways. So I don't think they effect, oh, other than

CHM. PARISI:

(Continued from previous page)

11. O.k. All right. So, item 1 is from the commission, so, George?

DIR. REIF:

Actually, actually Cathy, Cathy is going to make the presentation on this.

CHM. PARISI:

O.k.

ASSISTANT DIR. RACZKA:

As was stated, this is a proposal that has come from the Planning and Zoning Commission. One of the distinctive features about Middletown's zoning is it's responsiveness to the Middletown community. And this is shown by the many amendments that have been adopted to the zoning code and to the zoning map. Item 2.1 will basically do two things. The first thing it would do, it would incorporate the 51 changes in the zoning code since it's, since it's adoption. It was adopted in June of 1976. Probably, through the, these four years, their were amendments which effected about 100 sections of the zoning code. The change, their were five pages of changes that are in the front of the zoning book. And each one of them is numbered 1 through 51. Readoption would allow us to eliminate this section so the code could be more easily produced. And we think more easily used by the public. The second thing that item 2.1 would do concerns the zoning map. Presently the draftsmen, drafts person rather, of the Planning and Zoning Department, is redrawing the zoning map. I'd like to emphasize that he is not making any, a substantive changes to the map at all. What he is doing is improving the map for graphic qualities and he's updating certain aspects of it. As an example of the graphic quality, he's, words and streets because Middletown has had, had very many new streets in the last few years, are overlapping and are very hard to read. So he's adjusting that. And as an example of the updating, there's a box on the zoning map and the map is signed by the zoning, Chairman of the Planning and Zoning Commission. Four years ago the chairman was a different individual then he is right now. So the new chairman would get to sign the map. And those are the ways 2.1 would effect the zoning documents in Middletown.

CHM. PARISI:

Any questions?

COMM. LOWRY:

I move to accept that.

CHM. PARISI:

Well, now wait a minute before you do that. Any questions? Is their anyone from the public who wishes to speak in favor of the proposal? Anyone who wishes to speak in opposition? O.k. If not, we'll close item one and go to item two. Take the votes afterwards.

SECRETARY GIUFFRIDA:

Item 2. Proposal to amend the Zoning Code to permit full service drive-in banking facilities in the I-2 Zones. Applicant Philip T. DeRring.

ITEM 2  
PROPOSED AMEND.  
TO ZONING CODE  
DRIVE-IN BANKING  
FACILITIES  
I-2 ZONES  
PHILIP T. DERING

CHM. PARISI:

O.k. Phil, do you want to do 2 and 3 together or are you going to keep them separate?

DIR. REIF:

Mr. Chairman, please, keep them separate.

CHM. PARISI:

Keep them separate. O.k. All right.

ATTY. SAM ALLEN:

I was going to say that I thought considering <sup>that</sup> together would be a very good idea but....

DIR. REIF:

It maybe a good idea but we want, we want to follow the, the right procedure here so let's keep it separate. They may adopt the change but not adopt the other one, you see.

ATTY. SAM ALLEN:

I understand. My name is Sam Allen. I'm an Attorney here in Middletown and in here on behalf of the applicant Philip T. DeRing. (Inaudible) application is to permit full service drive-in bank facilities in I-2 Zones. The principle justification for the change in general (Inaudible) distinguish from the justification for the particular item which appears in the next section is that, I think they, one of the principle purposes of one of the objectives, that was, had in mind when the zoning code was put into it's present form was that of a restricting of certain uses to the downtown area or at least to encourage the location of various kinds of public service and retail organizations to a, to a core within the city. And undoubtedly, at the time that was, that was a sagatory purpose. The more that I think that has been rewarded by the revitalization of the downtown. Now however, I think that, that you can (Inaudible) whether Middletown's fate is entirely in, in it's own hands in in that respect. People who require services and goods of various kinds are going to go where those goods can be conveniently located. If they don't take them in the downtown area of Middletown, if they're more conveniently located somewhere else, that's where the people are going to go. And I think that's particularly true in the case of, of some of our industrial zones as they have developed. They're going to require insulary businesses and insulary services, and certainly nowadays, one of the principle insulary services needed by any large group whether it's commercial or industrial is as a banking facility for the businesses themselves and for their employees. To some extent, I think that the point I'm trying to make is already been recognized by this commission by the fact that at the present time, they are permitted a great variety of uses in I-2 Zones which are, are arguably not directly industrial in character. I'm, I'm certainly not going to read your code to you. You're as familiar with it (Inaudible) more familiar with it than I am. But I, but I would like to invite to your attention, for example, that office building, general and professional, with general and professional tenants <sup>are</sup> all ready permitted in I-2 Zones in Connecticut, in, in Middletown. And indeed restaurants and lunch rooms are are permitted as special exceptions. There are others are printing, laboratories, experimental photographic, that sort of thing. So it isn't as though we were cracking a industrial (Inaudible) various areas of of I-2 Zones and introducing an entirely new element into it. I think that simply a recognition of the fact that tentative some extent have changed and that while years ago it might not have been appropriate to permit insulary of non-industrial uses in an industrial zone. I ask you to consider whether or not now the best interests of the city wouldn't be served and indeed whether it wouldn't encourage industrial development to have our facilities such as restaurants all ready

ATTY. SAM ALLEN: (Continued from previous page)  
permitted in office buildings all ready (Inaudible) and the banks that we're asking you to add reasonably excessable to the Industrial areas. And then finally, I don't think anyone would argue that in Middletown there is a shortage of property zoned for I-2 purposes such that introducing something like a bank (Inaudible) with with not having adverse effect on industrial development. I think that a a glance at the map is adequate to show that there's a very large undeveloped I-2 Zone or several of them in Middletown at the present time.

CHM. PARISI:  
That's it.

ATTY. SAM ALLEN:  
That's it.

CHM. PARISI:  
Any questions from the commission? Is there anyone from the public who wishes to speak in favor of this proposal? Is there anyone who wishes to speak in opposition? O.k. We will close item 2.

SECRETARY GIUFFRIDA:

Item 3. Application for a Special Exception to permit a full service drive-in bank off Industrial Park Road, an I-2 Zone. Applicant Philip T. DeRing.

ITEM 3  
S.E. DRIVE-IN  
BANK OFF INDUSTRIAL  
PARK RD.  
I-2 ZONE  
PHILIP T. DERING

ATTY. SAM ALLEN:  
Again, Sam Allen here for, for the applicant. I'd like to mention that, George, I wasn't quite sure when I started that, I fumbled my way to this point because I had prepared the two together. Do you have the map available?

DIR. REIF:

Yes. The map introduced for this application is on the board here. We have a pointer. If you or someone else would like to come up and explain it, we also have a map showing the industrial area that you are particularly interested in in the I-2 area. You might want to show where that might be in the industrial area.

ATTY. SAM ALLEN:

I, I can see the, certainly the necessity for, for the purposes of the commission's record of keeping the items 2 and 3 separate. But I can't avoid the fact that they are linked. And I suppose when someone comes to a commission and asks them to change their regulations, they ought to have a reason why. Particularly when they're asking for a particular change. In the present case the position is this. That, at least a (Inaudible) event has taken place in the area of this zone. And, and indeed, the, the lot that we, for which this banking facility is proposed will abut the the new Aetna facility which is going to employ somewhere between zero and infinity of employees. But I think that present.....

COMM. LOWRY:

Do we have a map to show the?????

DIR. REIF:

Yes, we do.

COMM. LOWRY:

Would you show us where this is located?

ATTY. SAM ALLEN:

It's on a... This is the lot. It's lot (Inaudible) on Industrial Park Road.

DIR. REIF:

Let's show them this.

ATTY. SAM ALLEN:

(Inaudible) George, (Inaudible)

DIR. REIF:

(Inaudible) ....here's Middle Street, ...(Inaudible)...I-91 (Inaudible)

ATTY. SAM ALLEN:

O.k. It's, it's this lot right here.

(Inaudible) Too far from microphone.

ATTY. SAM ALLEN:

It's my understanding, George, I can't...(Inaudible)

Atty. Sam Allen and Director Reif speaking. (Inaudible)

Too far from microphone.

ATTY. SAM ALLEN:

O.k. This is the Aetna spot site that I'm speaking of. And the lot that we're speaking of is this last one just before the, the Aetna project. Now, George, here are the two, I-91 interchanges at, at, where is that road George? The, the proposed, the proposed road which will link these two I-91 interchanges, at least to the point of the present plan will come right down here and go right in front of, of this piece and eventually connect down to, to I-91. This is the last lot in the, in the industrial project that, that presently developed in that area.

DIR. REIF:

And now, let's turn this up. (Inaudible)

ATTY. SAM ALLEN:

O.k.

DIR. REIF:

The other way around.

ATTY. SAM ALLEN:

O.k.

DIR. REIF:

Now in here is Industrial Park Road.

ATTY. SAM ALLEN:

Right.

DIR. REIF:

There's the (Inaudible). Here's the, the cul-de-sac, here's the cul-de-sac, and there's you're piece of property.

ATTY. SAM ALLEN:

O.k. Well, well then I, I...

DIR. REIF:

See that (Inaudible) orange circle there?

ATTY. SAM ALLEN:

Yes.

DIR. REIF:

See the circle there?

ATTY. SAM ALLEN:

O.k.

DIR. REIF:

That's the same circle.

ATTY. SAM ALLEN:

O.k. O.k. Well, it's, it's through this cul-de-sac that this, this road down here (Inaudible) cul-de-sac or rotary which is located right here on this map. And it's right through the center of that rotary that the connecting rotary between these two interchanges will occur. And on this map the Aetna project is here.

DIR. REIF:

Right here. North.

ATTY. SAM ALLEN:

O.k. I'm a city boy...(Inaudible) Well, well are you, are you oriented?

CHM. PARISI:

Yes. Know where it is. No problem. How big is the parcel?

ATTY. SAM ALLEN:

It's just about 2 acres. Two acres, exactly 2.6, 2.06 (Inaudible). Unfortunately, the first question is, is whether a, a bank is, is needed in that area. To some extent, the need for a bank there is attested by the fact that the, that the site next to it, lot 60, has been approved for a, a banking facility by both the Federal Deposit Insurance Corporation and by the Connecticut Bank Commissioner. In order to locate a, a bank on this particular lot, an application will have to be made to move the, the bank, the, the 200 or so feet that will be necessary. And I've had a little experience with that kind of thing. And I can assure you that the, that the, that the, that application would be proformed. I can't visualize any possibility of it being denied. And addition to that, I have letters which I'd like to present to the commission at the end of this. These are my remarks from Raymond Industries, from Bell Detroit Diesel, from Olin Ski Company and from Albany International. All of which I have substantial facilities in the industrial park area and very near this proposed bank. And each one of these companies has provided (Inaudible) with a letter to the effect that a bank is needed in that area for themselves and their employees. And that, then that they hope that a bank out there would be forthcoming. I would like to emphasize that, that so far as I know, that, that the nearest bank to this area is approximately just under four miles by by (Inaudible). As you know, many employees like to be paid in dollars. It, it really, it is impossible to force them to be paid by automatic checking accounts and what not. And

ATTY. SAM ALLEN: (Continued from previous page)  
many employees, and one of these gentlemen, emphasizes that fact on pay day, all try to get down to to the center of Middletown on, on their half hour lunch period to do their, to their banking. A banking facility in this area would, would greatly relieve the problems of these people. And of course then, I don't know what other banks would be in the area in the future. But assume for the moment that it'll take sometime to develop there. When the Aetna project goes in certainly there will be a a even more pronounced need for a bank and a even more, a, a, in in the area. And of course, if, if these people don't don't bank in a Middletown bank, they'll bank in somebody elses bank. Turning to, to the particular plan that we have, there's designed data in the upper corner that shows that presuming that no additional changes would be made in in the zoning code applicable to this project if it were granted. That the, that, the plan greatly exceeds a number of parking spaces those that would, that would be required under the present code. All in the side line and set back rules met. And I think it has a lot of nice features. Building coverage, that would be permitted in this zone is 40% but the proposed building would cover only 6%. It's possible to have a building 35 feet high. This would only be 20 feet high. And there is room as you can see for more parking if it's needed. And in addition, I'd, I'd like to to mention that this is not a a drive-in bank that is proposed. It will have drive-in facilities but it's a full service bank. It isn't a place simply to collect deposits and render no services. There will be a, a, every banking transaction made here, every banking facility will be available. It's, it will be on a main throughfare. It will be on the end lot. It has the approval of the banking authorities and of, of significant businesses in the area. I don't think it, that the, it is in the least going to detract from, from the usefulness of the industrial area in which it will be located. It'll be on a main highway. And I think that it will be a benefit to the town and certainly to the people who will use it.

CHM. PARISI:

O.k. Thank you Sam. Any questions from the commission? Anyone from the audience who wishes to speak in favor of the proposal? Anyone wishing to speak in opposition? O.k. We will close item three.

ATTY. SAM ALLEN:

Thank you Mr. Chairman. I would like to hand you these letters before I (Inaudible),

CHM. PARISI:

Put them into the record. (Letters are available in P & Z Dept. file)

ATTY. SAM ALLEN:

I'll take a course in snap reading before I return.

CHM. PARISI:

I'll ask the secretary to read item 4.

SECRETARY GIUFFRIDA:

Item 4. Proposal to change Subdivision Regulations to permit final approval prior to actual installation of curbs, sidewalks, finish street surface provided the developer signs an agreement with the City which includes financial guarantees that these items will eventually be completed at his expense.

ITEM 4  
PROPOSED CHANGE  
TO SUBDIVISION  
REGULATIONS

CHM. PARISI:

I think this item is also brought forth by the commission.

DIR. REIF:

Yes. Correct.

CHM. PARISI:

So, George, are you going to...?

DIR. REIF:

Yes. I'll, I'll explain why this is being considered and then when you ask for people who want to give opinions, I'd also like a shot. The regulations of the commission now, subdivision regulations, require that all required work be done before final approval is given to the subdivision. Final approval means that the a mylar showing the lots can be filed in the Town Clerk's Office. And that the lots can be conveyed to the people who will ultimately live in houses on those lots. The people who are developing subdivisions find that they may break curbs and sidewalks. And they may injure the final street surface during the time they are constructing the houses. If in fact they haven't constructed the houses during the time they're making the installation of the streets and the utilities. And at least two developers, one is Wesleyan Hills and the other in Cedar Village, have induced the commission to change its technique and to consider, in one case, consider and one, they already have accept a cash deposit estimated to be the cost of making the installation of the necessary sidewalks and curbs and finish street surface. And the commission is considering taking what they have been doing and making it part of their regulations. So that it's, they're not acting illegally if we may use that term. That's the reason this is being considered. Let's let it hang there and when you're ready for other comment, I'll ...

CHM. PARISI:

Any questions from the commission? Anyone wishing to speak in favor of the proposal? Yes sir.

MR. FRED WHITE:

On the Cedar Village proposal. (Inaudible) There have been a number of families...

CHM. PARISI:

Would you just mention your name and address for the record?

MR. FRED WHITE:

All right. Fred White. I live at 3 Thompson Hill Road in Portland, <sup>now,</sup> There are nine families that I know of in the Cedar Village proposal who has put deposits down since May and June. And this has been a turmoil with the city and the builder for that long. And I have been one and I know of another family that has been hanging on that long. Now the reason that it's very important to me is I was in military and I plan to settle here in Middletown. And I've been waiting approximately 6 months to have a house built. And I want to stick with this. I want to build here in Middletown. And I would like to have something settled on this as soon as possible. We want to settle here. And I know of another family that wants to settle here.

CHM. PARISI:

O.k. Thank you. I, just to, for your own information, that you may not be aware of it. Over the past three months or so, Mattatuck Bank out of Water-

CHM. PARISI: (Continued from previous page)  
bury holds the mortgage on that property. And they have, Vice-President of the bank has been here. And we've told him that, you know, we're going to sit down with him, told him the type of contract that we would need, the type of assurances he would have to give the city relative to Helco and some other things. And he was suppose to come back to us about three months ago to sign a agreement.

DIR. REIF:  
Their on the agenda tonight.

CHM. PARISI:  
And their not here tonight.

DIR. REIF:  
They may not be but I will....(Inaudible)

CHM. PARISI:  
The city isn't holding that up 100%. I just want you to know that as, as a property owner out there, o.k. There, there are some problems but it could have been resolved 3 months ago had the bank and the builder got their act together and came to the city with an agreement that we reached in another subdivision. So it's not totally the city's fault. And that's all I'll say about it.

MR. FRED WHITE:  
Well, it's been my understanding through my attorney that the builder has put up a bond to back this.

DIR. REIF:  
You are incorrect. But I'll tell you one thing. I hear from hundreds of people and I get from one hundred people two hundred stories. So there's no reason to expect that you got the right story.

MR. FRED WHITE:  
Well, o.k., well, you see my problem is, I have a approved mortgage on our property.

DIR. REIF:  
Yes.

MR. FRED WHITE:  
And my mortgage is running out. And I have to get a extension. Meanwhile, if I cannot get an extension I have to go in for a higher mortgage interest rate.

DIR. REIF:  
There was nothing that was stopping the developer from proceeding in in installing all the things that he was suppose to install. He could have done it a year ago. But instead, they choose to take another route. And that's what we're talking about tonight. And have been talking about for the last six months.

MR. FRED WHITE:  
Then what you're trying to tell me tonight is that if I have to pay higher interest rates that it's strictly the builder's fault

(Inaudible) More than one person speaking.

CHM. PARISI:

Well, it's not the fault of the city of Middletown. That's what I want you to be assured of. O.k.

MR. FRED WHITE:

O.k. My question tonight is, will the approval be approved or not?

CHM. PARISI:

This...

DIR. REIF:

That's not what is being discussed here tonight at this time. It will be. The, the Cedar Village is on the agenda later. It's on....

CHM. PARISI:

It's under old business, item 5.6. All right. I don't see him here.

DIR. REIF:

....Item 5.6. I don't intend to go into all these issues.

MR. FRED WHITE:

Pardon me.

CHM. PARISI:

I don't see anybody here representing Cedar Village. Now that doesn't mean to say, that they're not.

DIR. REIF:

They may come in later.

CHM. PARISI:

They may come in later but Cedar Village in of it itself, all right, three months ago, could have had the problem resolved provided that they were willing to sign the necessary deeds and and provide the city with the documentation that certain work would be done. The proposal that we're talking about is a common sense proposal. And the reason that we're going, I assume, vote to change the regulations or the reason I would support it is it makes common sense is that when you're having an on going subdivision, it is stupid and my belief for the city <sup>to</sup> require a developer to put in the curbs, the final coating on the road and sidewalk and then have to dig it all up to put in sewer laterals and underground wiring and everything else because you're really adding costs. So what this proposal will do will say to any subdivision developer, that you promised to do those things. You sign on the dotted line. You give us the money that it would cost to have it done. If you go out of business so that we can do it and we'll let you sell houses in your subdivision before you have all of this final work done. I think it's a common sense approach to (Inaudible) part of the problems. All right. That's what this will allow to do. We told Cedar Village at least three months ago that they could do that. O.k. They haven't come back to us. All right. So I just don't want you to blame the city totally for your problem.

MR. FRED WHITE:

No, I'm not. I'm not.

CHM. PARISI:

O.k.

MR. FRED WHITE:

Because if I was I wouldn't be here tonight.

CHM. PARISI:

Yes.

MR. FRED WHITE:

I'm here tonight to find out what's, you know, what really....

CHM. PARISI:

That's a, that's basically the status of it. Right?

DIR. REIF:

I'm going to make a more complete report when we get to that item on the agenda.

CHM. PARISI:

And there'll be more on....

DIR. REIF:

At this time we're talking about what the commission may do to changes its subdivision regulations. Right now, a developer has to complete all the work before he gets final approval. Another point I'd like to make is right now, in the past anyhow, as a generous contribution to helping people that want to move in the houses, the building inspector has issued building permits. In many cases we've gotten into a situation where a house exists on a lot and I don't think you've got that case, other people do. And they move into the house and they are also, they can't close on their house because the Planning Commission hasn't given final approval because all the work isn't done.

MR. FRED WHITE:

I want to know where.

DIR. REIF:

We're going to start the building, the plan, the building inspector is going to solve that problem because from now on he's not issuing any building permits until there's a final approval of a subdivision

MR. FRED WHITE:

Right. I'm aware of that situation because I have an approved mortgage and I cannot get an extension until something is on the property that I have signed for.

DIR. REIF:

Right. That's right. O.k. Right. I don't want to tell you that because of the way the developers have operated, that came to the position that it's at now. Not because of the City of Middletown.

MR. FRED WHITE:

Thank you.

CHM. PARISI:

O.k. Is there anyone else who wishes to speak in favor of this proposal? George, do you have anything else you want to say?

DIR. REIF:

Yes. I'd like to lay down some principles that create a problem. Now, one of the things that's involved, if, if you're not going to be required to put in a curb and you're not going to finish the street and you're not going to finish the sidewalk, you're, the developers not going to want to do that until all the houses are built. Now, we don't know how long it's going to take in any subdivision, I'm not just talking about Cedar Village now, to put in, to build all the houses. Many many years may go by. Right now in the agreement with Wesleyan Hills, it's limited to one year. However, a year from now, if all the houses in that 14 or whatever they are, 13 or 14 houses, aren't built, you can be sure they'll be back asking for a extension. And we're going to go on and on and on and the people will be living there without all the facilities. When they finally, if they ever do get the curbs and the sidewalks. We're going to find out that somethings going to happen that happened on Laurel Grove Road. Everybody's mail box is going to be in the middle of the sidewalk. And other things aren't going to fit together. They waited, would have, had the work been done at the beginning. So I think there are other ways, in the best interest of the city, is to require that all these things be done. The other, one of the arguments, that seems to hold some water is that you can't locate a, a driveway and had to make a curbcut. Well, I've all ready suggested in some of the literature that I've sent to the commission members, that it's possible to select a curb style that you wouldn't have to change to put a driveway in. And that would overcome some of the arguments about taking out a curb and putting a new one in. The other thing about laterals is, if a developer really intends to use a lot, we'll give him the benefit of the doubt, they do. They put the laterals in before they finish the street, before they finish the sidewalk. We're going to wind up with the same basic problem that we did when you're accepting, the commission years ago, was accepting bonds. You're going to be into a three or four way argument about whose eventually going to do it. There is only one way to get it done. And that's to have the developer do it before the commission gives final approval. You may not see that tonight. You may not see it for 10 years, but you'll see it.

CHM. PARISI:

Is their anyone else who wishes, I guess, to speak in opposition at this point? O.k. We will proceed to item five.

SECRETARY GIUFFRIDA:

Item 5. Request to resubdivide a lot off Industrial Park Road in the I-2 Zone into two (2) parcels for applicant/owner Phillip Armetta.

ITEM 5  
RESUBDIVISION OF  
LOT - I-2 ZONE  
INDUSTRIAL PARK  
RD.  
PHILLIP ARMETTA

DIR. REIF:

You want to point out where this is, Phil?

MR. ARMETTA:

Sure.

DIR. REIF:

You're a guy who knows how to read a map, right?

MR. ARMETTA:

Right.

DIR. REIF:

There's your stick. Here's Industrial Park Road.

(Inaudible) Too far from microphone.

MR. ARMETTA:

We're right next to Bell Detroit Diesel and my building is the Dainty Rubbish Building. What we're proposing this evening is to...

DIR. REIF:

From that scale down to that.

MR. ARMETTA:

Yes. What we're proposing this evening is to subdivide this parcel into two distinct parcels. And the division being made in this manner in difference to the road frontage which would leave us with the second parcel. We're talking 2 point some odd acres. 2.61 acres. Shortly, proposing to put some, a series of buildings on this lot here. And we want to do it as a separate entity from the situation up front. Basically what we're asking is that we have (Inaudible) separate lots (Inaudible)...possible.

CHM. PARISI:

Without, you know, specifically, we'd be asking you, as you may not want to divulge what you're going to do on the other parcel, with what you, with what you're proposing to do on that new parcel would be something that's allowed by the zone?

MR. ARMETTA:

Yes. I..

CHM. PARISI:

Or would you need a special exception?

MR. ARMETTA:

I don't believe I need a special exception from what I've gathered so far. Maybe (Inaudible). But basically, I've...

CHM. PARISI:

I don't know if you want to say and I don't want to, you know, ..

MR. ARMETTA:

Well, it's basically warehouse space, o.k.

CHM. PARISI:

O.k.

MR. ARMETTA:

(Inaudible)...excessive of 40,000 square feet.

CHM. PARISI:

O.k. There would be frontage on the street...

(Inaudible) All talking.

.....when the lot is divided?

MR. ARMETTA:

Yes.

DIR. REIF:

In the I-2 Zone, the, each lot has to have two acres and 75 feet of frontage. And that's what he's proposed. Yes. There's more than two acres but you're going to have the 75 feet. And your residue lot is going also have more than two acres. And their certainly going to.....

MR. ARMETTA:

The lot's going to be (Inaudible) this, this section here, in back here.

CHM. PARISI:

The lot, it's the back part of the lot that really backs up to I-91.

MR. ARMETTA:

That's correct. Yes. And it's in back of these present....

CHM. PARISI:

And there is, and you have 75 feet or is there more?

MR. ARMETTA:

Yes. Right here. 75 feet.

CHM. PARISI:

O.k. All right. You just..

(Inaudible) Both speaking at same time.

CHM. PARISI:

O.k.

MR. ARMETTA:

We divided that way so we could meet the requirements.

CHM. PARISI:

O.k. Any questions from the commission? Is there anyone from the public who wishes to speak in favor of this proposal? Is there anyone who wishes to speak in opposition? O.k. If not....

SECRETARY GIUFFRIDA:

Item 6. Proposal to amend the Zoning Code, Section 11, Establishment of Zones, Item 11.04.08. Delete, "Zoning Board of Appeal" and insert, "Commission".

ITEM 6  
AMEND. TO ZONING  
CODE. SECT. 11  
ITEM 11.04.08

ASSISTANT DIR. RACZKA:

This is a zoning code change to essentially bring Middletown zoning code in line with the statutory authority including Board of Appeals. And we're, we would be amending or the commission would be amending an item that's been in the zoning code for decades. Essentially, Section 11.04.08, in the Middletown Code now allows Zoning Board of Appeals in a specific circumstance to zone lots. And this is not, simply not authorized by the Connecticut, the Connecticut General Statutes. The specific circumstance I'm talking about is a situation where a zoning line bisects a lot in single ownership. Within 50 feet of that line, the Zoning Board of Appeals gets, according to the Middletown Zoning Code, gets to pick what zone the property is in. Section 8 dash 6 of the Connecticut General Statutes gives ZBA's important but limited authority. They can do three things. The first thing they can do is hear and decide appeals on enforcement decisions of the local enforcement officer. The second thing they can do is they can decide special exceptions but in Middletown as in many other Connecticut communities, the local Planning and Zoning Commission has this authority and not the ZBA. The third thing they can do is to determine variances where there is a unique land associated hardship on the property. So the, and another point I'd like to make is the situation where a zoning boundary bisects a lot in Middletown is probably

ASSISTANT DIR. RACZKA: (Continued from previous page)

very, very rarely found throughout the community. Zones in Middletown generally follow streets and lot lines. And this situation does occur, the proper procedure for the applicant should be to come to the Planning and Zoning Commission and request a zone change. And this would, I think, keep the integrity of Middletown's zoning process and follow Connecticut procedures, Connecticut zoning procedures also.

CHM. PARISI:

O.k. Thank you Cathy. Any comments or questions from the Commission? Is there anyone from the public who wishes to speak in favor of the proposal? Anyone who wishes to speak in opposition? Proceed to item seven.

SECRETARY GIUFFRIDA:

Item 7. Proposal to amend the Zoning Code, Section 14, Non-Conforming Building and Uses, Item 14.04.03, Change of Use. Delete reference to Zoning Board of Appeal and insert, "Commission".

ITEM 7  
AMEND. TO ZONING  
CODE: SECT. 14  
ITEM 14.04.03

ASSISTANT DIR. RACZKA:

Currently, what this section does is it allows ZBA's as a special exception to allow the substitution of one non-conforming use for another. As noted, in the explanation of the previous item, special exceptions in Middletown are completely within the authority of Middletown's Planning and Zoning Commission. Substitution of non-conforming uses is not a special exception in any case. A special exception is of course a use which is allowed by the zoning code if specific circumstances exist. A non-conforming use is a type of use that is simply not allowed by the zoning code under any circumstances at all. ZBA's, as I, have no authority over non-conforming uses. The three items that I talked about previously just do not go to the the concept of a non-conforming use. So, in summary, the purpose of this amendment is to bring the code in line with proper Connecticut zoning practice.

CHM. PARISI:

Any comments or questions from the commission? Anyone from the public wishing to speak in favor of the change? Anyone wishing to speak in opposition?

ATTY. ROBERT HURNEY:

Yes.

CHM. PARISI:

Attorney Hurney.

ATTY. HURNEY:

Attorney Robert Hurney. I'll be very brief. I don't wish to argue with law with you this evening, ladies and gentlemen. There's another form for that. As you must know, we're quite perturbed about this. We feel that the and this isn't addressed to all the members of this board, that you're trying to denude the Zoning Board of Appeals of their authority and take it over. And we're going to protest it, to the highest courts if we have to. Mr. Chairman, I want you to understand that in deliberating on this matter, and I've taken this under very careful advisement, that we expect you, in view of your improper press releases before you even heard any evidence, to disqualify yourself from any discussions or deliberations on this matter. There are other members of this board that can hear it fairly and with justice. I expect that you will disqualify yourself and if you do not, you have been threatening us with a lawsuit, you're going to get one. That's all I have to say.

CHM. PARISI:

Excuse me, Bob. Are you representing the Zoning Board of Appeals tonight?

ATTY. HURNEY:

No. I'm representing Mr. Krol.

CHM. PARISI:

O.k. I don't....

ATTY. HURNEY:

We'll give you.....

CHM. PARISI:

For the record.....

ATTY. HURNEY:

We'll give you a fight.

CHM. PARISI:

For the record, I think it's important to state my position is that I have never threatened to sue either of the applicants who went before the Zoning Board of Appeals.

ATTY. HURNEY:

Would you like to see the clips from the Hartford Courant?

CHM. PARISI:

And.....

ATTY. HURNEY:

You prejudged this case before it came before you. I'm asking you as a gentleman to disqualify yourself.

CHM. PARISI:

O.k. Thank you.

ATTY. HURNEY:

And if you don't, you'll hear from us.

CHM. PARISI:

Is there anyone else who wishes to speak in opposition on item 7? O.k. Item 8.

SECRETARY GIUFFRIDA:

Item 8. Proposal to amend the Zoning Code uses in the I-D (Institutional Development Zone) Section 30, for Non-Institutional land to clarify status for non-institutional land owners and type of institutions the zone applies to.

ITEM 8  
AMEND. TO ZONING  
CODE. SECT. 30  
ITEM: I-D ZONES

ASSISTANT DIR. RACZKA:

This item goes to two clarifications of the, of the Institutional Development Zone. The first one is to clearly make the I-D Zone applicable to educational institutions. The word education in the existing zoning code appears in the second line but not in the first. And clearly the intent of the Planning Commission was to have the Institutional Development Zone take into consideration educational uses. So this clarifies that point. The other clarification

ASSISTANT DIR. RACZKA: (Continued from previous page)  
covers the status of non-institutional uses in the Institutional Zones. Land uses are those, land use is allowed, are those uses that are allowed in Middletown's R-4 Zone which is the lowest residential density. It allows the lowest residential use but it allows the highest density and some commercial uses such as a a offices and multi family dwelling apartments. And this is, again clearly the intent, intent that the adoption of the Institutional Development Zone last year. So then land uses, lot coverage, lot area within yard requirements are all, are all, are the same as for R-4 zones for non-institutional land users in the area.

CHM. PARISI:

Any questions or comments from the commission? O.k. Is there anyone from the public who wishes to speak in favor of item eight? Anyone who wishes to speak in opposition? O.k. We will proceed to item nine.

SECRETARY GIUFFRIDA:

Item 9. Proposal to amend the Zoning Code, Section 40, Item 40.03.01 and Item 40.04, to bring requirements for parking for the handicapped in agreement with State Building Code.

ITEM 9  
AMEND. TO ZONING  
CODE. SECT. 40  
ITEM 40.03.01 &  
ITEM 40.04

ASSISTANT DIR. RACZKA:

A little while ago last year, the Planning and Zoning Commission revised its parking regulations to take into consideration the special needs of the handicapped. And we did this in line with a 1979 public act which talked about the size of, of parking spaces for the handicapped individuals. Since then the, the building code has been revised and that also has standards for parking for the handicapped. One point I'd like to make is this appears to be the first time the state building code has had, has ventured into the site features. This is something that does not go to the, to building or structural requirements but to the site. So these two, two specific changes would make the Middletown Zoning Code refer to the state building code so there would be some system between the two. And basically, it changes the parking space area. It's dropped from 15 square feet, 15 feet wide to 12 feet wide and also establishes a required number of parking for the handicapped who are large users.

COMM. LOWRY:

Does that mean that all parking spaces have to be reviewed in the future or there is a choice?

ASSISTANT DIR. RACZKA:

Parking, Parking for the handicapped will be 12 feet.

DIR. REIF:

This is only for the handicapped.

ASSISTANT DIR. RACZKA:

Only for the handicapped.

COMM. LOWRY:

Why should that be....? (Inaudible) All talking at once.

DIR. REIF:

The only reason we're recommending that this be adopted is, is because it's in the state building code. Did you mention that this is of on the rare examples of anything?

ASSISTANT DIR. RACZKA:

Yes. This is one of the rare, as I said, it's one of the rare examples of, where the building code covers a site feature as opposed to a building or structure feature.

DIR. REIF:

It's, it's the only thing that we know of and Bob Frank knows of where this is the case. They don't mention sites in the building code. Now, we see no reason why Middletown should require any wider parking space for the handicapped in the state building code.

ASSISTANT DIR. RACZKA:

Although, one point is, there is a public act now existing which requires 15 feet. So there is some sort of ....

(Inaudible) All speaking at once.

COMM. LOWRY:

.....(Inaudible)...wider not smaller.

DIR. REIF:

Well, however, we don't want to set up, you know, we could come up with 13 feet or 16. (Inaudible) We prefer to use the, we have another arrangement for, for a little more variation in the next item but we prefer to select one our original selection was that of the Department of Transportation, turned out to be 15 feet and one for every 20 spaces. Now, that we know that there's one in the building code, we feel that the building code is closer to the zoning code and that requirement is 12 feet and one for every 25. So, that's what we're proposing to go with. I think we'd really be off if we introduced a third size.

CHM. PARISI:

Would this change the, the width on Main Street?

DIR. REIF:

No. Main Street, Paul, is under the Department of Transportation.

CHM. PARISI:

O.k.

DIR. REIF:

Not the state building code. We, we will be going with the state building code.

CHM. PARISI:

So this would be basically for parking lots and...

DIR. REIF:

Yes.

COMM. WOODS:

Do they have to change all their things?

DIR. REIF:

No. There's nothing that says that a person in, in a private life couldn't have 20 feet or 16 feet or anything else that they want. They can't have less than what's required by the building code.

COMM. LOWRY:

I don't quite understand it (Inaudible)

DIR. REIF:

Their are many who can't but we're not here to....

(Inaudible) Laughter

CHM. PARISI:

Any other questions from the commission? O.k. Anyone from the public wishing to speak in favor of this proposal? Anyone wishing to speak in opposition? O.k. We will move on to item ten.

SECRETARY GIUFFRIDA:

Item 10. Proposal to amend the Zoning Code, Section 40, Item 40.04, to permit special size parking spaces for employees of land-users.

ITEM 10  
AMEND. TO ZONING  
CODE. SECT. 40  
ITEM 40.04

DIR. REIF:

We've been talking over the years and many times at these meetings about having special arrangements because of compact cars, and we've been keeping track of the literature. Here's a publication about a land, urban land institute over the dimensions of parking. We in the office feel like we're on top of the situation. We feel that we're not really ready to recommend changes where customers and what have you are parking but we do feel we're ready to recommend that areas or uses that have large quantities of employees' parking. There's merit in making a provision to allow flexibility. And I'm going to read one paragraph from this document under the title of Employees' Facilities. The largest individual segment of parking in the United States is provided by employers accommodating the needs of their employees. In all but rare instances such parking is provided at no cost to the employee. Free parking for employees has been even been written into major labor negotiations as a fringe benefit. Due to the clientele, employee parking requirements are somewhat different than those encountered in shopping centers, urban parking lots and special use parking facilities. The employer who provides free parking for his employees does not find it necessary to provide the same degree of convenience for the parker as a doctor would for his patient or a merchant for his buying customers. Thus a design criteria such as walking distance, isle width and the size of parking stalls can be approached with greater flexibility in employee lots. Now we are proposing that we adopt this into section 40 of the code. And that we do not specify exactly what the width of the stalls will be because in discussions with many people, we have agreed that in some cases, they need larger spaces for vans. And in some cases, they want smaller spaces for compact cars. And some cases, they want spaces for motorcycles. And there's no way that you're going to out-guess all the arrangements. This would provide a way for flexibility. And I don't think it would in any way hurt the purpose of having the code to provide off street parking. And that's what's involved in that.

CHM. PARISI:

You would be, would this be open to anybody or?

DIR. REIF:

No. Only the, only people that are providing parking for employees.

CHM. PARISI:

Assuming a store on Main Street put up a lot for their employee use but also decided to let customers park in there?

DIR. REIF:

Well, right now in a B-3 Zone, retail uses do not require parking spaces.

CHM. PARISI:

O.k. All right. How about a supermarket on Washington Street?

DIR. REIF:

If they met all the requirements of the parking regular size for their customers than additional parking could fall into this category.

CHM. PARISI:

O.k. Any other questions from commission members? O.k. Anyone from the public wishing to speak in favor of this proposal? Anyone wishing to speak in opposition? O.k. We will move on to item 11.

SECRETARY GIUFFRIDA:

Item 11. Proposal to expand a Non-Conforming land-use.  
Quality Insulation, Inc. office and warehouse  
located at 1996 Saybrook Rd., in an R-1 Zone.  
Applicant Gregory M. Harris, Attorney for Joseph  
J. Jillson and John M. Nixon, owners.

ITEM 11  
NON-CONFORMING  
USE. QUALITY  
INSULATION INC.  
OFFICE & WARE-  
HOUSE-SAYBROOK RD

ATTY. HARRIS:

Good evening, Mr. Chairman, Members of the Commission. My name is Gregory Harris. I'm a local attorney and I'm here representing Joseph Jillson, who is one of the two owners of the parcel in question along with Mr. Nixon and also representing Quality Insulation which is a corporation that does business on the lot that's owned by Misters Jillson and Nixon. If I could point out the general location on a town map. Thank you. It's on, just off Saybrook Road where it intersects with Freeman Road down the southeast corner of town. And I think either the lot itself is, shown on the map here, it's a tiny sliver of land that is bounded by Saybrook Road on the south and Freeman Road for a short distance on the west and by, by a brook for the remainder. It's a sort of crescent or half moon. And Quality Insulation has been there since it was formed about 1969. And they got the property from the, their northern neighbors who I guess are farmers, and sold them the piece in its, it's distant from any any farming business that's carried on there. It doesn't create any problem there. It is, it is a lot that, it's a non-conforming use. What's carried on there is, is a business. The site plan that was prepared for this application. And this is the brook that creates the crescent and this is Saybrook Road here. And this is Freeman Road. This is the existing building upon it and it's really composed in two portions. This little part in the west is the office where the paper work is done and the orders are taken in. And this is the warehouse area. Very vague line show its, it's got a number of things that are garage doors so the trucks can pull up and get insulation materials loaded onto them. The general way that they do business is for big truck to come in, I guess it'll come from one direction or the other on Saybrook and then turn on Freeman Road and then turn into the lot there. There's plenty of parking for the employees basically. And the big delivery truck would come into this area and the stuff would be unloaded into the existing warehouse. And then it would leave. And then I believe, there are two or three deliveries a day at present. And then the small trucks taking the necessary supplies to customers, residential or commercial customers, who want the the products of or the service that's provided by Quality Insulation. Since the Arab oil embargo and more recently since the great increase in oil prices, lots of people

ATTY. HARRIS: (Continued from previous page)

want to improve the insulation of their home or build new commercial or residential buildings with more and better insulation so the business has been expanding. And they've reached a position where their present warehouse capacity isn't sufficient for the demand. And they've got a choice of, I guess, going to another location or more fully utilizing this little piece, a non-conforming piece, which is the application I'm making tonight. This dark blue square is a small additional warehouse. It would be more of the same, an existing warehouse. It would just be, it would have little garage doors in front, the way the existing warehouse does. It would open inward into the same courtyard where the existing unloading of stock. That would enable them to take care of the demand in the foreseeable future on their present lot. And it would also have the (Inaudible) I guess, of allowing the deliveries to be reduced to one a day because the big truck would come in and they could just take more off the truck. And then maybe, make the deliveries to their customers in the small trucks. The scenic, the way it looks would not be changed very much. Again on the site plan, you can see a strip of, of shrubbery that's planned with, in fact approve the appearance, I guess. Even though I've seen it, it's not, it's not very bad right now but the planned shrubbery would go along the back of the building. There aren't any signs involved. And that's, it, it's pretty straight forward. I know that there are several criteria that the commission must consider. I'm referring now to the 14.07.06, the general standards for change of a non-conforming use. This slight expansion of a non-conforming use is something that the commission has the jurisdiction or authority to grant after it makes several determinations. Character of the immediate area, adverse effects, basically on the development of properties in the neighborhood, traffic movement, orderly development, property values in character, parking and loading, signs, whether it would use additional land beyond what is already been non-conforming parcel and whether it would cause a loss of bufferin. I have with me Mr. Robert Kyle, who is the manager, who works on the site where, where the business of the corporation is carried on. He is available if the commission members have questions. But in a blanket way, I, I would just like to represent to the Members of the Commission, Mr. Chairman, that there is no problem on, under any of these categories with the proposed expansion. It would be very similar to the existing building as far as its appearance and what it's constructed of. So there would be no big difference there. There is the question of whether they can put the thing in this winter. And that is the reason that I've made the request that the commission rule on the application tonight. We, we've been sort of racing the clock hoping that we'd be able to get permission before the ground freezes. Because what really has to go in before the ground freezes are the footings. If they go in before the ground freezes then the rest of the building can go up during the winter without a great deal of problem. And, otherwise the whole, the whole thing would have to wait until spring which would be a disadvantage. I think probably the public at large because the capacity<sup>then</sup> of Quality Insulation to insulate homes and places where people work would be impaired. I think in the, in the application, the inter-agency application and the supporting letter dated November 17th, I state these statistical material, the number of square feet involved. It's a 45% expansion of indoor space. And it would increase the amount of the total lot that is covered by a building from 10% to 15% approximately. There would be no increase in the number of company employees as a result of this. It wouldn't, they would have the same number of employees in. They wouldn't require any increase in off street parking. And it shouldn't affect traffic in any way except as I said that the number of deliveries by the big truck to the company could be reduced from two or three a day to

ATTY. HARRIS: (Continued from previous page)  
probably one on most days. So, to the extent that that's a factor, it would be beneficial. I don't want to prolong the presentation but I'd certainly be ready to answer any questions that any members of the commission may have. Thank you Mr. Chairman.

CHM. PARISI:  
Any questions from the commission?

COMM. LOWRY:  
I think it's, there was farmland next to it on Saybrook Road?

ATTY. HARRIS:  
That's, that's right. Those were the previous owners of the lot that Quality Insulation bought.

COMM. LOWRY:  
They are farmlands now?

ATTY. HARRIS:  
I believe so.

MR. KYLE:  
To the rear of our building, to the rear of our building is farmland and across the street is a restaurant, then there are is a apartment and a residential dwelling across Saybrook Road and then a single house on the Higganum side of this across...

ATTY. HARRIS:  
As far as I know that there is a good neighborly relationship among all the, all the neighbors here and that none of the neighbors have any objections that we know of to this additional small warehouse.

CHM. PARISI:  
Are you beyond Aircraft Road? Almost to the Higganum town line? Right?

ATTY. HARRIS:  
Right in the corner there.

CHM. PARISI:  
O.k. Is their anyone from the public who, any other questions from the commission? Is their anyone from the public who wishes to speak in favor of the proposal? Anyone wishing to speak in opposition? O.k. Thanks.

ATTY. HARRIS:  
Thank you Mr. Chairman. Thank you very much.

CHM. PARISI:  
Item 12

SECRETARY GIUFFRIDA:  
Item 12. Proposal to amend the Zoning Code, Section 12,  
Item 12.06, to delete a clause allowing construction  
on lots with access to an approved private street.

ITEM 12  
AMEND. TO ZONING  
CODE-SECTION 12  
ITEM 12.06

ASSISTANT DIR. RACZKA:

This is another one of the items clarifying Middletown's land use regulation. What it does is it clarifies the basic planning principle of of, that's been fundamental across the nation (Inaudible). The idea is that there should be no building on lots which do not have frontage on a public road. The reason for this basically is a safety reason. Every land owner otherwise would just love to develop his own property without roads, without utilities, etc. So to make certain that there's no lack of clarity in the Middletown regulations, this change would delete the phrase approved private streets so that no building will be allowed on on a street, in this type of situation. One other change, however, should be made. We don't want to confuse anyone by the fact that there can be parking facilities giving access to a building or complex of buildings. And these aren't really public streets at all. Basically, this, this is needed because the zoning codes were written with residential development in mind. It's just in the last five or ten years that zoning code commissions have taken into account the special need to industrial and commercial establishments. So Section 12.06 should read that every building or complex of building, authorized complex of building, erected or moved shall be on a lot adjacent to a public street. So, in, in conclusion I'd just like to say that this is in line with planning and zoning principles in Connecticut and in the nation and it's a notion that's been around in planning philosophy since the 1920's, at least.

CHM. PARISI:

Any questions from the commission? Anyone from the public wishing to speak in favor of item 12? Anyone wishing to speak in opposition? O.k. Item 13.

SECRETARY GIUFFRIDA:

Item 13. Application for a Special Exception to change an existing dwelling, R-3 Zone, to four (4) dwelling unit located at 278-280 S. Main St. Applicant Anthony S. LaPila.

ITEM 13  
S.E. R-3 ZONE  
ANTHONY S. LAPILA  
SO. MAIN ST.

(Inaudible) Too far from the microphone.

CHM. PARISI:

You're going to have to speak a little louder so we can pick you up on the mike.

MR. LAPILA:

We're on the corner of Hunting Hill Avenue and South Main Street on Route 17.

DIR. REIF:

They'll probably know it quicker if you said next to the Anchor Bar, near the Anchor Bar.

MR. LAPILA:

What we have is a two family house. What we would like to propose to do is renovate this to accommodate four units in R-3 Zone within the walls with no additions. That's it.

CHM. PARISI:

O.k. Any questions from the commission? George, didn't we allow a similar type use down the road?

DIR. REIF:

Yes. Now, they've, they've got one. He's got one problem here.

CHM. PARISI:  
All right.

DIR. REIF:  
He's, didn't want to interrupt. He's got a space in the back to provide all the necessary parking. However, right now the access to the parking, let's put that panel up here. See, here's the corner. Hunting Hill Road, right now, is his access to the back<sup>is</sup> through that parking lot. If you've been out there in the last couple of months, you know that's it's loaded with trucking material.

MR. LAPILA:  
Yes.

DIR. REIF:  
There's no way anybody can get through there right now because of the big piles of sand. Right?

MR. LAPILA:  
No. No. No. They, they leave that open.

DIR. REIF:  
Do they?

MR. LAPILA:  
Yes. They leave that open.

DIR. REIF:  
O.k.

MR. LAPILA:  
So that you could, have, in fact, I drove a trailer tractor truck though.

DIR. REIF:  
Well, discuss the fact that, that piece of property is ever purchased, there is no guarantee, no guarantee that there will be access and this is the biggest argument in discussion point and I'm bringing it out because I don't want you to think we haven't been thinking about this. So there is an alternative way to get access from South Main Street which is a lot better because there is no way to block it but having some more traffic come out on South Main Street. It isn't a good idea. But what I can't figure out is how to, how to have you let him have his four unit apartment and then if they do sell the corner lot, and the access is gone, make him put his driveway in there because everybody then would be parking out on the street.

CHM. PARISI:  
Do you have a right of way over that lot?

MR. LAPILA:  
Well, it's not a written, not in writing, but..

DIR. REIF:  
That was our first hope.

MR. LAPILA:  
What they've been doing is been using it since whenever they sold this lot. I hear it's seven years ago they sold the lot. And they've been using it and the same, the same tenant has been living there. He has no trouble

MR. LAPILA: (Continued from previous page)  
whatsoever with...

CHM. PARISI:

Yes, but I'm, I'm looking at the point, you know, if you, if you now end up with four apartments there, there's no driveway into the back yard from South Main Street?

MR. LAPILA:

Not from South Main Street, no. From this access right here. But however, if somebody puts up a building there or whatever or a parking lot and then we have to come in off their (Inaudible). We would come in from South Main Street which it's wide enough to come in

DIR. REIF:

Now, would you....

COMM. LOWRY:

What if he said no, there's no driveway at all?

All speaking. All giving same answer as Mr. Reif.

MR. REIF:

There's no driveway at all. No. No.

(Inaudible) Two speaking at one time.

MR. LAPILA:

Well, the house has been there, I'd say it's about...

COMM. WOODS:

Oh God, it's old.

DIR. REIF:

50 years.

COMM. WOODS:

Yes. It's a old house.

COMM. LOWRY:

56 years.

MR. LAPILA:

Now, but what you're talking about isn't, the thing is, land (Inaudible)..

DIR. REIF:

Land lines.

MR. LAPILA:

....which, I mean, you got to be able to get in your own back yard. So it's  
.....

CHM. PARISI:

Especially if you have parking places back there for the tenants. I'd think they'd be very upset with you.

DIR. REIF:

They might. That's, that's the only fly in the ointment. If, if some less outstanding citizen were to acquire this, how would, and they didn't want to go to the money, it's going to cost a lot of money to put that driveway in there. How would we force them to do it? I, I don't know how to do that.

CHM. PARISI:

I don't know how to do that.

DIR. REIF:

Once they got started...

CHM. PARISI:

Yes.

COMM. WOODS:

But then, wouldn't, wouldn't the tenants be upset with no place to park?

DIR. REIF:

Well, they might be. They might all move and then less upset tenants might come along who are willing to park out on the street.

CHM. PARISI:

Yes, but then their car is going to get towed in the winter.

(Inaudible) All speaking.

DIR. REIF:

Then we'll park next door or two houses away...

CHM. PARISI:

No. I can see where...

(Inaudible) All speaking.

DIR. REIF:

... or in Cumberland farms...

CHM. PARISI:

Yes, You could carry it on forever, I guess..

COMM. AUGUSTINE:

You can park on DeKoven Drive if you want.

(Inaudible) All speaking.

CHM. PARISI:

One of the things that you could do is, you could show on the map that gets filed....

MR. LAPILA:

Yes we do.

DIR. REIF:

No map gets filed, unfortunately. It gets filed in the office but the...

CHM. PARISI:

O.k. That, you know, that....

DIR. REIF:

Just filing and showing on a map as you may or may not...

CHM. PARISI:

You can show that there is a driveway there, you know, would be for future use.

DIR. REIF:

Yes.

CHM. PARISI:

O.k. Well.

DIR. REIF:

We've been talking about the real issue and that's the only real issue I can see.

CHM. PARISI:

Yes. Yes.

DIR. REIF:

Otherwise, it's a great shot.

MR. LAPILA:

Thank you.

CHM. PARISI:

O.k. Any other questions from the commission members of Mr. LaPila? Anyone ADJOURNMENT OF  
from the public wishing to speak in favor this item? Anyone wishing to speak PUBLIC HEARING  
in opposition? O.k. We will close the public hearing.

*Mary Lee Dorflinger*  
Mary Lee Dorflinger  
Transcribing Secretary

Paul P. Parisi, Chairman  
PLANNING AND ZONING COMMISSION

APPROVED AT THE MEETING OF

*January 14, 1981*