

Middletown Planning and Zoning Commission



Chair	Thom Pattavina ('23)	
Vice-Chair	Vacant ('25)	
Secretary	Shanay Fulton ('25)	
Members	Richard Pelletier ('23)	Marcus Fazzino ('23)
	Catherine Johnson ('23)	Sebastian Giuliano ('25)
Alternates	Kellin Atherton ('23)	
	Hillary Thompkins ('25)	Vacant ('23)
Ex- Officio	Mayor Ben Florsheim	
	William Russo, Director of Public Works	
Staff	Marek Kozikowski, AICP, Director of Land Use	

REGULAR MEETING MINUTES

WEDNESDAY, JANUARY 12, 2022
Council Chambers & Virtual on WebEx
7:00 P.M.

The meeting was held both virtually and in-person. Members of the public had access via <https://webex.com>, the WebEx application, and via telephone.

Start: 7:02 PM
End: 9:31 PM

1. Pledge of Allegiance

The Pledge of Allegiance was made.

Chairman Pattavina called for a moment of silence to honor Commissioner Nicholas Fazzino.

2. Roll Call

Present: Commissioner Thom Pattavina
Commissioner Shanay Fulton
Commissioner Catherine Johnson
Commissioner Richard Pelletier
Commissioner Sebastian Giuliano
Commissioner Kellin Atherton (Alternate)
Commissioner Hillary Thompkins (Alternate) (Seated for M. Fazzino)
Commissioner Kelly Sweeney (Alternate) (Seated for N. Fazzino)

Absent: Commissioner Marcus Fazzino

Staff: Marek Kozikowski, Director of Land Use

Public: Twenty-three members of the public attended into the meeting.

3. Items removed from the Agenda

None.

4. Public comment on items on the agenda which are not currently scheduled for a public hearing

None.

5. Confirmation that all hearing signs have been properly posted

Director Kozikowski reported that all public hearing signs have been posted.

6. Public Hearings

6.1. Special exception for a new farm winery located at 519 Miner Street in the R-30 Zone/ Applicant Agent, Joseph DeFrancesco, Fallsbrook Farm, LLC [SE2021-12](#)

Joseph DeFrancesco, owner and Arnie Schloemann, partner presented the application. They propose opening a farm winery on the property. The winery would be open seven days a week, and offer a tasting room, and room for small parties. Manufacturing will occur in the existing barn. A minimum of 2 acres of the property that will be used for growing grapes. A parking lot, and patio will be constructed on site.

Kate Domkowski, 585 Miner Street, spoke in opposition of the proposal.

Valerio Giadone, 100 Sachem Drive, spoke in opposition of the proposal.

Robert Halligan, 98 Sachem Drive, spoke in opposition of the proposal.

Stephen Godshall 81 Sachem Drive, spoke in opposition of the proposal.

Joseph Martocci, 61 Sachem Drive, spoke in opposition of the proposal.

Stephen Devoto, 476 Country Club Road, spoke in favor of the proposal.

Commissioner Thompkins inquired about the weddings which was represented to allow for up to 150 people and noted that there was no traffic assessment submitted.

Commissioner Giuliano inquired if all the wine will be produced from grapes grown in the state. Mr. DeFrancesco stated that according to state law, that 25% of the wine produced must be from grapes grown in the state and up to 75% of the grapes used can be imported from out of state. Commissioner Giuliano also pointed out that the Health Department has not approved the plan.

Commissioner Atherton suggested that significant amount of revisions will be needed plan and expressed concerns about traffic on Miner Street. Further he inquired about the sales of food at the property and wanted more details in the business plan.

Commissioner Fulton inquired if it was a year round winery and Mr. DeFrancesco stated that there will be limited occupancy in the off season months.

Commissioner Johnson inquired about how many wedding, small events and banquets will be held.

Commissioner Sweeney inquired on how long it takes to grow grapes for production.

Motion to continue the public hearing

Moved by Giuliano, seconded by Fulton

Voting in favor: Pattavina, Fulton, Pelletier, Johnson, Giuliano, Sweeney

Voting against: Thompkins

Passed 6-1

6.2. Subdivision to create 18 lots, open space, and a road currently known as Military Road. Applicant/agent The Middletown Housing Partnership Trust, Inc./David E. Rosenberg, Esq. S2021-4

Attorney David Rosenberg, Esq. presented the application noting that the purpose of the subdivision is to dissolve the corporation that owns the land and deed the properties to the owners of the 18 houses that already exist. The 1.5 acre vacant parcel will be donated to the city as open space. He further noted that he is requesting the following waivers: Street Trees (5.18.09), Street Design Standards (5.19.04) for minimum right of way, minimum pavement width, Road Pavement (5.19.04.04), Cul-de-sac length (5.19.06), Sidewalks (5.19.07). He further addressed staff comments regarding a drainage easement on the property.

Commission Giuliano suggested that the proposal offers a cleaner way for the homeowners to own the property and inquired as long as the process is followed properly, there is no concern for the Commission.

Director Kozikowski noted the importance of a drainage easement for a right to drain across one property on the properties on the east side of military road where there is an existing swale. He also noted that there is a drainage outlet in the proposed open space and it is unclear where water that outlets through the pipe comes from.

Commissioner Thompkins inquired about the 18 homes on the land.

Commissioner Pelletier suggested that the corporation establish the drainage easement before the land is conveyed to the home owners.

Motion to close the public hearing

Moved by Giuliano, seconded by Johnson

Voting in favor: Pattavina, Fulton, Pelletier, Johnson, Giuliano, Thompkins, Sweeney

Passed 7-0

Motion to approve the re-subdivision

Moved by Giuliano, seconded by Thompkins

Motion to accept the waiver of the street tree requirement

Moved by Johnson, seconded by Fulton

Commissioner Johnson spoke against a waiver of the street tree requirements. Director Kozikowski inquired if denying the street tree waiver, would the city be required to plant the tree.

Motion to re-open the public hearing

Moved by Pelletier, seconded by Fulton

Voting in favor: Pattavina, Fulton, Pelletier, Johnson, Giuliano, Thompkins, Sweeney

Voting against: Thompkins

Passed 6-1

Attorney Rosenberg confirmed that it would be the responsibility of the City to plan the street trees because the road was already accepted by the city.

Motion to close the public hearing

Moved by Giuliano, seconded by Pelletier

Voting in favor: Pattavina, Fulton, Pelletier, Johnson, Giuliano, Thompkins, Sweeney

Passed 7-0

The original motions to approve were withdrawn.

Motion to approve the subdivision with all the waivers.

Moved by Giuliano, seconded by Thompkins

Voting in favor: Pattavina, Fulton, Pelletier, Johnson, Giuliano, Thompkins, Sweeney

Passed 7-0

The approved waivers include: Street Trees (5.18.09), Street Design Standards (5.19.04) for minimum right of way, minimum pavement width, Road Pavement (5.19.04.04), Cul-de-sac length (5.19.06), Sidewalks (5.19.07).

6.3. Re-subdivision to create 3 lots from a 1.26 ac property located at 1408 Randolph Road. Applicant/agent Cocomo II, LLC. S2021-5

David Carson, OCC presented the proposal which includes creating three lots and the existing house will remain on one of the lots. Another lot will be accessed from Jack English Drive and the remaining lot will use the existing driveway on Randolph Road. He has been working with Public Works and Water and Sewer Departments on the utility designs.

Commissioner Johnson inquired about the abandonment of the easement and the driveway on Randolph Road.

Commissioner Giuliano discussed the land ownership and the original subdivision of the property.

Motion to close the public hearing

Moved by Giuliano, seconded by Johnson

Voting in favor: Pattavina, Fulton, Pelletier, Johnson, Giuliano, Thompkins, Sweeney

Passed 7-0

Motion to approve the re-subdivision

Moved by Giuliano, seconded by Sweeney

Voting in favor: Pattavina, Fulton, Pelletier, Johnson, Giuliano, Thompkins, Sweeney

Passed 7-0

7. Old Business

None.

8. New Business

8.1. Request for an affirmative GS 8-24 report for the acquisition of property on Atkins Street

for open space and passive recreation. Applicant/agent City of Middletown/Land Use Dept. GS 8-24 2022-1

Director Kozikowski presented the proposal describing the two parcels being on the east side of Atkins Street and adjacent to a 45 acre open space parcel that is already owned by the City. He further detailed the ranking process of the Commission on Conservation and Agriculture for choosing property for open space acquisition and noted the property ranked very high because it is a good size, abuts other open space property, has paved paths for passive recreation and offers scenic views of the landscape.

Motion to grant an affirmative GS 8-24 report

Moved by Pelletier, seconded by Fulton

Voting in favor: Pattavina, Fulton, Pelletier, Johnson, Giuliano, Thompkins, Sweeney

Passed 7-0

9. Public comment on topics which are not or have not been subject of a public hearing

None.

10. Minutes, Staff Reports, and Commission Affairs

10.1. Minutes of the December 8, 2021 regular meeting

Motion to approve the minutes with corrections

Moved by Giuliano, seconded by Johnson

Voting in favor: Pattavina, Fulton, Pelletier, Johnson, Giuliano, Thompkins, Sweeney

Abstained: Pelletier

Passed 6-0-1

10.2. RiverCOG Report

Commissioner Atherton reported that there was no RiverCog meeting since the last meeting. He noted that a public meeting for the Regional Housing Plan was scheduled for January 24th.

10.3. Staff Reports

Director Kozikowski reported on administration, staffing, development, riverfront master planning, regional housing planning, and updates on activity of the Zoning Board of Appeals, Commission on Conservation and Agriculture, the Inland Wetlands and Watercourses Agency, and the Urban Forestry Commission.

10.4. Commission Affairs

The Commission discussed the format of future meetings and decided to continue having hybrid meetings by general consensus.

Commissioner shared kind word for Commissioner Nicholas Fazzino that passed away on January 1st.

11. Adjournment

Motion to adjourn

Moved by Johnson, seconded by Giuliano

Voting in favor: Pattavina, Fulton, Pelletier, Johnson, Giuliano, Thompkins, Sweeney

Passed 7-0

Submitted,

Marek Kozikowski, AICP

Department of Land Use