

Middletown Planning and Zoning Commission



Chair	Thom Pattavina ('27)	
Vice-Chair	Tyler Eckstrom ('29)	
Secretary	Nathaniel Spencer ('27)	
Members	Elizabeth Emery ('27)	Morgan Monarca ('27)
	Andrew Reagan ('29)	Vinny Szynkowicz ('29*)
Alternates	Alan Cunningham ('27)	Emily McEvoy ('26)
	Konrad Lenart ('29)	
Ex- Officio	Mayor Gene Nocera	
	Marek Kozikowski, AICP, Director of Land Use	

REGULAR MEETING MINUTES

WEDNESDAY, March 25, 2026
Council Chambers, City Hall & 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: 7:01 PM
End: 8:40 PM

1. Pledge of Allegiance

The Pledge of Allegiance was made.

2. Roll Call

Present: Commissioner Thom Pattavina
Commissioner Tyler Eckstrom (Secretary until 7:38pm)
Commissioner Nathaniel Spencer (Arrived at 7:38pm)
Commissioner Elizabeth Emery
Commissioner Andrew Reagan
Commissioner Vinny Szynkowicz
Commissioner Emily McEvoy (Seated for Commissioner Spencer until 7:38pm)
Commissioner Alan Cunningham (Remotely & In Person) (Seated for Commissioner Monarca)

Absent: Commissioner Morgan Monarca
Commissioner Konrad Lenart

Staff: Marek Kozikowski, Director of Land Use

Public: Nine people.

3. Items removed from the Agenda

Director Kozikowski stated that item 7.2 under old business has been removed from the agenda. The applicant has requested and was granted an extension so as to address staff and department comments.

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

Laura Baum, 135 Mt. Vernon St, Chair of Middletown's Complete Streets Committee, spoke in reference to items 8.1 and 8.2. Ms. Baum spoke in favor of the multi-use trail connection saying that it's a really important part of the Central Connecticut Loop Trail.

5. Confirmation that all hearing signs have been properly posted

Director Kozikowski stated there were no required public hearing signs for the public hearing.

Motion to move items 8.1 and 8.2 ahead of the public hearing.

Moved by Commissioner Eckstrom, seconded by Commissioner Emery.

Passed unanimously: 7-0.

6. Public Hearings

- 6.1 Petition for a zoning text amendment to create a new Section 4.25 and amend Sections 1.15, 4.18, 5.6, and 6.2 of the Middletown Zoning Code regarding regulation of tobacco specialty retailers, the sales of tobacco related products, and illegal cannabis sales. Applicant/Agent: City of Middletown/Department of Land Use. Z2026-2.**

Director Kozikowski presented the application. Director Kozikowski began by explaining that back in March of 2025, Director Kozikowski proposed an amendment for a 1-year moratorium on new retail establishments that typically sell tobacco and tobacco related products. The motivation behind this text amendment is that the 1-year moratorium is about to expire as well as the increased police activity catching these stores selling illegal drugs. As of last year, 38 stores citywide are licensed to sell tobacco and accessories. 8 of those are located downtown. There are 7 smoke-shops citywide with 8 located downtown. 10 stores in the last 2 years have been busted for selling illegal product. Public Act 25-166 enables municipalities to adopt local ordinances to fine businesses and property owners per violation. The City of Middletown doesn't have this ordinance yet. A new definition will be added to the zoning code, Tobacco Specialty Retailer. These uses will be a special exception use in the B-2 and NPC zones. There will be a separation distance requirement between tobacco retailers. New stores can't pop up between established stores. A new section will be created for new standards for tobacco and nicotine sellers, section 4.25, which includes display standards. Illegal selling of cannabis sales will constitute a zoning violation and risk having zoning approvals rescinded and revoked. There will be a new prohibited type of sign included in this amendment. Any cannabis, suggestive or misleading advertising will not be allowed.

Commissioner Pattavina asked about the convenience store on the corner of Main Street and Washington Street. Sam's. Commissioner Pattavina commented that this store seems to be selling paraphanella. Commissioner Pattavina asked if there is anything we can do about that.

Director Kozikowski responded that if there is an existing non-conformity and we know about it, enforcement action will be difficult. If there's an existing non-conformity that we see for the first time, we can issue a zoning violation. If the commission approves this amendment, they will approach every business owner to come into compliance with this amendment.

Commissioner Pattavina asked about signage that depicts marijuana. Are the existing establishment's grandfathered in or do they need to change in accordance with the new amendment?

Director Kozikowski responded this amendment can't be applied retroactively, but they can request that such signage be removed.

Commissioner Spencer asked if a non-conforming business changes hands, would they still have that grandfathering in or would they have to come before the commission.

Director Kozikowski responded that the use is tied to the property. If something was approved as a convenience store and they left and another operator came in, they can operate a convenience store but they would have to comply with the regulations. You cannot establish the non-conformity.

Commissioner McEvoy asked about the current businesses that are non-conforming. Is there any confirmation process if this is passed that these are definitely the tobacco establishments as defined under the new text amendment.

Director Kozikowski responded that is the next step.

Commissioner Eckstrom commented that this amendment puts up more safety guards in Middletown against establishment's that pose public health and safety risks.

Commissioner Emery asked about the gas station convenience stores that have proliferated their tobacco sales. Do their original permits allow them to increase their tobacco inventory and turn into a smoke shop? What's to keep them from turning into a smoke shop when they're not? Commissioner Emery also asked who is doing the busting. Is it the police? Is it the zoning enforcement officer? And how do they communicate with each other? Commissioner Emery then asked if someone is in violation, is there a way to have them come back to the commission immediately to get recertified?

Director Kozikowski responded gas station convenience stores can maintain their non-conformity. They cannot increase it. Right now it's to be determined how far the enforcement will go. What this amendment does is it reinforces the commission's ability to revoke zoning approvals.

Erik Costa, Chief of Police for the City of Middletown, stated that the 10 busts by the police department are very encumber some. The packaging for the illegal drugs looks more like skittles packaging than little baggies. A lot of the store owners who have been busted switch owners to a relative. It's happened at all 10 of these businesses. The ownership will change and open under another LLC. Businesses that about these businesses are disrupted every time the police raid a smoke shop or convenience store. Chief Costa commented that this amendment was well written. Having the Planning and Zoning Commission with the ability to revoke approvals will greatly help with keeping Middletown safe.

Commissioner Synkowicz asked if the municipalities get 100% of the fines that are issued and can those fines be used to assist the police department.

Director Kozikowski responded municipalities get 100% of the fines and in theory that money can be used to assist the police department.

Commissioner Emery asked if those 10 businesses that switched property owners, don't they have to come before the Planning and Zoning Commission.

Director Kozikowski responded that use is tied to the property. Not the owner. So if they never close, the use is still active.

Commissioner Eckstrom thanked Chief Costa for everything he and the police department does for the City. Commissioner Eckstrom asked if Chief Costa can confirm if in these busts if other substances besides marijuana, higher end drugs, have been recovered at these busts.

Chief Costa responded that they have seized kratom, which is an opioid.

Commissioner Eckstrom then asked that Chief Costa to speak to the burden that it puts on the police department?

Chief Costa responded that operations like these are tedious with long hours inventorying a large inventory. It takes a lot of man hours. The other part of this is the effect this has on the emotionally disturbed and homeless populations. Those that use addiction as an escape or are trying to get into

recovery drains resources as well. You're trying to get these people into recovery but there's an easy outlet at a convenience store. It's a ripple effect.

Motion to close the public hearing.

Moved by Commissioner Spencer, seconded by Commissioner Emery.

Passed unanimously: 7-0.

Motion to approve the text amendment.

Moved by Commissioner Spencer, seconded by Commissioner Eckstrom.

Passed unanimously: 7-0.

7. Old Business

7.1. Request for a subdivision creating three (3) lots from a 6.3 acre property located at Freeman Road (Map-Lot: 54-0028) in the R-60 zone. Applicant/Agent: KWB, LLC. S2026-1.

Motion to move item 7.1 ahead of the public hearing.

Moved by Commissioner Spencer, seconded by Commissioner Eckstrom.

Passed unanimously: 7-0.

Kirk Blomberg and Kyle Blomberg presented the application. Kirk Blomberg explained that they received Inland Wetlands approval at the February meeting.

Director Kozikowski added that the applicant has been working with the Health Department to address their comments. The applicant has received approval from the Health Department as of 4:31pm today. The applicant submitted a report from the DEEP regarding the NDDDB identifying 3 species of concern in the area, wood turtles, eastern box turtles, and spotted turtles. The report outlines the measures to be taken for the safety and preservation of these animals.

Motion to approve the subdivision with the condition that the applicant follow the DEEP report recommendations dated March 17, 2026.

Moved by Commissioner Spencer, seconded by Commissioner Emery.

Passed unanimously: 7-0.

8. New Business

8.1. Request for a site plan approval for the construction of a multi-use trail through city property near Lawrence School located at Kaplan Drive in the R-1 zone. Applicant/Agent: City of Middletown. SPR2026-34.

Director Kozikowski introduced the project. Director Kozikowski stated that this is a project that was years in the making. They are now at a point where they are receiving local approvals to move forward. Mike Doherty is the project manager and landscape architect with SLR who is planning and designing this trail. John Hall from the Jonas Center has been following this project since its conception.

John Hall has been following this project since 2012. The previous Plan of Conservation and Development had this multi-use trail as a priority for the city. This particular segment of the trail from Kaplan Drive to Tuttle Road will allow students who live in the Westfield area the ability to ride their bikes to school completely off the road. This segment will also benefit the residents of Westfield by giving them an extra mile to walk or ride their bikes. Mr. Hall discussed the Central Connecticut Loop Trail. There's a 23 mile gap between Portland's Airline Trail and the Farmington Canal Trail in Cheshire. Of the 23 miles, 7 miles of trails already exists in Middletown and Meriden. If they can fill in the gaps, people will be able to ride their bikes from the Airline Trail all the way to the Farmington Canal Trail. Connecting these trails will be a great regional advantage. It would complete a major gap in

the 110 mile Central Connecticut Loop Trail.

Mike Doherty continued the presentation focusing on the section of trail from Mile Land to Tuttle Road which is about three-quarters of a mile of new trail. Mr. Doherty described in detail the location and route of the trail. Mr. Doherty mentioned that the school requested a chain link fence to separate the school from the trail. Mr. Doherty also explained the boardwalk crossings that will be used on the trail.

Director Kozikowski added that this project was approved by the Inland Wetlands and Watercourses Agency at their March 5th meeting. A wetlands permit has been issued. Director Kozikowski also mentioned that he has been communicating with the Board of Education, the principal of Lawrence School and Director Kozikowski also presented the plan at a PTA meeting. All the comments they received they have been able to accommodate and incorporate into this plan.

Commissioner Pattavina commented that he loves this project. The outdoor classroom will have huge benefits.

Commissioner Szykowitz asked if there will be drainage to keep water from collecting.

Mr. Doherty responded yes. They will be adding new catch basins.

Commissioner Szykowitz commented that this is an excellent project.

Commissioner Emery commented that she is excited to see this project moving forward. Commissioner Emery thanked those who helped to make this happen. Commissioner Emery asked how wide the boardwalks will be. Will they be 10 feet like the trail?

Mr. Doherty responded the boardwalks will be 8 feet wide.

Commissioner Eckstrom agrees with the comments from the other commissioners. He's glad they're preserving green spaces.

Commissioner McEvoy asked what considerations were made for wildlife in the area and should people be made aware of anything in particular.

Mr. Doherty responded they went through the National Diversity Database and it mentioned the potential for Eastern Box Turtle. They didn't encounter any large wildlife in the area.

Commissioner Pattavina made a point of order. Commissioner Spencer is now seated at 7:38pm. Commissioner McEvoy will no longer be seated.

Motion to approve the site plan.

Moved by Commissioner Spencer, seconded by Commissioner Emery.

Passed unanimously: 7-0.

**8.2. Request for a favorable GS 8-24 report for the construction of a multi-use trail through city property near Lawrence School located at Kaplan Drive in the R-1 zone.
Applicant/Agent: City of Middletown. GS 8-24 2026-3.**

Motion to approve the GS 8-24.

Moved by Commissioner Spencer, seconded by Commissioner Emery.

Passed unanimously: 7-0.

Commissioner Pattavina made a point of order. Commissioner Spencer will be serving as Secretary for the remainder of the meeting.

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

Motion to approve the March 11, 2026 regular meeting.

Moved by Commissioner Spencer, seconded by Commissioner Emery.

Passed unanimously: 7-0.

10.2. RiverCOG Report

Commissioner Emery reported that RiverCOG continues to work with the communities to meet the state statute PA25-1. The 17 towns do not have to work with a consultant but they can be read for the July 1st date to meet the initial state statutes. Commissioner Emery asked Director Kozikowski if Middletown is participating in this.

Director Kozikowski responded yes, Middletown is participating.

Commissioner Emery then asked if Director Kozikowski anticipates that the zoning code will need to be changed and if he has a timeline to make approvals by July 1st.

Director Kozikowski responded they will be in a position to make those approvals on time. Director Kozikowski would like to discuss with the commission the state law that they have to comply with that says in part that any residential development 16 units or less, they cannot have a parking requirement. That will be a big change to the zoning code. But the state gave municipalities the ability to adopt a conservation and traffic mitigation zone which has nothing to do with conservation or traffic but it has to do with parking. The commission can create this overlay zone where parking requirements can be established. Director Kozikowski is hoping to work with ECD (Parking Department) and the Police Department to suggest a strategy and possible locations on where those zones should be applied. Director Kozikowski would like to workshop this with the commission ahead of any proposal to amend the code.

Commissioner Emery continued her report stating that RiverCOG continues to work on many of the bills supplying written testimony, in person testimony and they do have a bill tracker. RiverCOG has revamped their website that contains a lot of good information. Commissioner Emery pointed out if you go to Regional Planning online and then go to Housing there's a shared foundations. Under Shared Foundations there's an educational page where you can take some classes and you can look at a lot of information on PA25-1 to understand more of it. RiverCOG has also introduced a Community Events Page for the entire region. They're taking all kinds of different events to post. Middletown can post the 250th Celebrations on that community page or if there's a paper shredding event.

10.3. Staff Report

None.

10.4. Commission Affairs

None.

11. Adjournment

Motion to adjourn.

Moved by Commissioner Spencer, seconded by Commissioner Emery.

Passed Unanimously: 7-0.

Submitted,

Marek Kozikowski, AICP
Director of Land Use