

ORANGE ZONING COMMISSION
MINUTES OF THE FEBRUARY 5, 2019 MEETING

Unapproved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, February 5, 2019, at 7:00 p.m., Town Hall, 617 Orange Center Road. The following members attended:

Oscar Parente, Esq., Chairman
Judy Smith, Vice-Chairman
Paul Kaplan, Esq., Secretary
Ralph Aschettino
Kevin Cornell, Esq.

Paul Dinice, Zoning Enforcement Officer
Tamara Trantales, Administrative Assistant

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Patrick B. O'Sullivan
TOWN CLERK

Chairman Parente welcomed everyone to the meeting. He asked those seated at the table to introduce themselves for the record.

Review of the Minutes from the December 4, 2018 & January 2, 2019 Meetings.

A motion was made by Ralph Aschettino and seconded by Paul Kaplan to accept and approve the Minutes from the December 4, 2018 Meeting, as amended. The motion carried with the vote recorded as follows: Aschettino, aye; Kaplan, aye; Cornell, aye; Smith, abstain; Parente, aye. The vote was recorded as 4-0-1 to accept and approve the motion.

A motion was made by Paul Kaplan and seconded by Kevin Cornell to accept and approve the Minutes from the January 2, 2019 Meeting, as written. The motion carried with the vote recorded as follows: Kaplan, aye; Cornell, aye; Aschettino, abstain; Smith, aye; Parente, abstain. The vote was recorded as 3-0-2 to accept and approve the motion.

Request to clarify approved square footage for Distribution Center at 161 Marsh Hill Road. SITE PLAN APPLICATION - Submitted by Stew Leonards Orange LLC (c/o Patrick Dentato, CFO).

John Knuff, Esq., 147 Broad Street, Milford, stated that he is representing the applicant. Attorney Knuff explained that every possible impact from this proposal has been examined. He stated that all of their calculations were premised upon the total build out of the distribution center. It includes the distribution center and maintenance building. He noted the site infrastructure was designed to accommodate a fully developed site. Paul Dinice, ZEO, noted that including notes and references to future expansion on a plan becomes confusing. Discussion ensued.

Attorney Knuff stated that this proposal was designed with the largest building in mind. The applicant wants assurance that they would be able to expand in the future. Discussion ensued. Commissioner Cornell stated that there is discrepancy in the figures. Discussion continued. Attorney Knuff stated that there would not be any greater traffic impact. He requested that the Commission reaffirms the total build out of the project and re-notices it to provide for a new appeal period. He also requested a new approval letter. Discussion ensued. Chairman Parente

asked the Commission if they are prepared to acknowledge that the approval was for the larger building. He noted that the consensus among the Commission is that they believed that they were approving the larger building. Zoning Enforcement Officer Paul Dinice stated that a letter to OSTA outlining the square footage of the proposed buildings was requested.

A motion was made by Paul Kaplan and seconded by Ralph Aschettino to accept and approve the request to clarify approved square footage for Distribution Center at 161 Marsh Hill Road. A new letter was requested from Zoning Enforcement Officer Paul Dinice to clarify the square footage of the approved Site Plan for the distribution center at 161 Marsh Hill Road. The square footage for the distribution center building is 52,560 square feet. The maintenance building is 14,080 square feet. The total square footage of the buildings is 66,640. The motion carried with the vote recorded as follows: Kaplan, aye; Aschettino, aye; Cornell, aye; Smith, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

There were no further comments.

Request to modify Hours of Operation for Temporary Earth Materials work at 161 Marsh Hill Road/Distribution Center.

John Knuff, Esq., 147 Broad Street, Milford, stated that the applicant is requesting modified hours to the construction schedule; Monday through Saturday, 7 a.m. to 6 p.m.

Attorney Knuff stated that the hours would be better for the Town, as well as for the traffic. Commissioner Cornell remarked that this location is remote from the residential district.

A motion was made by Paul Kaplan and seconded by Ralph Aschettino to accept and approve the request to modify the Hours of Operation for Temporary Earth Materials work at 161 Marsh Hill Road, the Distribution Center, to Monday through Saturday, 7 a.m. to 6 p.m. Commissioner Smith stated that there should be a mechanism in place so that this matter could be revisited, if necessary. Commissioners Kaplan and Aschettino amended their motion to include the provision to revisit this approval if any problems arise from granting extended hours. The motion was amended to include the provision that if there are any problems with the extended hours of operation, the TPZC can rescind the extension of hours. The motion carried with the vote recorded as follows: Kaplan, aye; Aschettino, aye; Cornell, aye; Smith, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

There were no further comments.

Orange Meadows Shopping Center 550-560 Boston Post Rd. Request to extend the rear paved vehicular access area. The proposal encroaches into a required residential buffer. The applicant is seeking action on this request so that a Variance application can be submitted to the Orange Zoning Board of Appeals.

Commissioner Cornell explained the process of submitting a Variance Petition to the Zoning Board of Appeals (ZBA). When a Site Plan requires a variance from ZBA, it must first be presented to the TPZC so that they can take action on it. This also gives the TPZC an

opportunity to comment on the Variance Petition if it so desires. If a variance is granted by the ZBA, a final Site Plan Application is then submitted to TPZC. Zoning Enforcement Officer Paul Dinice gave a brief history of early lawsuits between the TPZC and ZBA. The TPZC has the opportunity to review the Site Plan first. Discussion ensued.

Rob Aiello, Engineer, JMC, stated that a store named Home Sense, which is similar to Home Goods, would be moving into the plaza. They are reconfiguring the space within the plaza. The focus is on the existing loading docks. Mr. Aiello explained the proposal. They received a Wetlands permit from Milford. They are building a new loading dock and widening the rear access drive to provide for better truck and emergency access. A variance of the required buffer from the Residential District is required.

Mr. Aiello stated that the vegetation in the buffer is set back. Only one tree would be impacted. A fire hydrant would be relocated.

Chairman Parente asked if they had conferred with the adjoining property owners. Andy Albrecht, owner of the plaza, stated that since they now have signed leases, they could discuss this proposal openly.

Mr. Aiello stated that they would welcome feedback from this Commission. Commissioner Cornell stated that Health, Safety and Welfare of the Residential District rely on buffers to achieve quality of life. He stated that there would be a new compacter pad. Commissioner Cornell noted that they could be very noisy. He asked Mr. Aiello to consider ways to minimize impacts to neighbors. A brief discussion ensued. Commissioner Kaplan noted that these comments do not bind ZBA in any way. Chairman Parente noted that the TPZC is not bound, either, since they have not seen a Site Plan yet.

A motion was made by Kevin Cornell and seconded by Paul Kaplan to deny and reject a Request to extend the rear paved vehicular access area at the Orange Meadows Shopping Center 550-560 Boston Post Rd. The motion carried with the vote recorded as follows: Cornell, aye; Kaplan, aye; Aschettino, aye; Smith, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

There were no further comments.

Report of the Zoning Enforcement Officer.

Zoning Enforcement Officer Paul Dinice stated there is a department head meeting tomorrow at noon to discuss 161 Marsh Hill Road.

ZEO Dinice noted that there has been a decrease in complaints lately. There are only a handful of issues, all of which should be resolved quickly.

A pre-submission meeting will be held regarding Senior Living Development on Indian River Road.

There were no further comments.

Old Business

ZEO Dinice stated that new fixtures have been ordered for the Turkey Hill School lighting issue.

There were no further comments.

New Business

Commissioner Cornell stated that if the Commission needs to deal with the 8-30g statute, we must consider whether Health, Safety and Welfare issues are being met. He stated that the court will only consider professional testimony. Commissioner Cornell asked Zoning Enforcement Officer Paul Dinice what the process is for engaging professionals. ZEO Dinice stated that if an outside test is requested, the applicant bears the cost of the expert testimony. Discussion ensued.

There were no further comments.

PETITION TO AMEND THE ORANGE ZONING REGULATIONS - -Submitted by Stellato Realty L.L.C. To amend the Orange Zoning Regulations to provide Special Standards for a "Farm Winery". (The Public Hearing on this matter was closed November 20, 2018.

Discussion & possible vote to occur.

Chairman Parente stated that the applicant has granted the Commission the required extensions. Commissioner Cornell has recused himself from participating in this Petition.

Chairman Parente stated that he has reviewed the regulations the applicant has submitted, including comments from the Commission. He summarized that most of what is sold must be grown on the property. Limited import of items is permitted. An applicant may bring in half the amount of what is grown on their property. The hours of operation for the farm winery would be 11-6 Sunday through Thursday; 11-7 Friday and Saturday. The hours would be the same as a special event. Chairman Parente stated that no food trucks are allowed on the property. He noted that having certain restrictions helps to remove the commercial aspect.

During a discussion of special events, Commissioner Kaplan opined that as long as they comply with the regulations, special events would be permitted. Chairman Parente stated that one special event would be allowed a month, with a limit of four a year.

Chairman Parente stated that this application is consistent with the Plan of Conservation and Development (POCD). Chairman Parente stated that he would like to maintain low density with the winery. Commissioner Kaplan stated that there seems to be enough strength in the revised regulations to protect against nuisances.

A motion was made by Paul Kaplan and seconded by Ralph Aschettino to accept and approve the Petition to Amend the Orange Zoning Regulations (copy attached) to provide Special Standards for a "Farm Winery", with an effective date of Wednesday, February 13, 2019. This application has been found to be consistent with the POCD. The applicant will preserve open

space and will continue to enhance the rural nature of the community with a low impact use. The motion carried with the vote recorded as follows: Kaplan, aye; Aschettino, aye; Cornell, recused; Smith, abstain; Parente, aye. The vote was recorded as 3-0-2 to accept and approve the motion.

There were no further comments.

A motion was made by Paul Kaplan and seconded by Ralph Aschettino to adjourn the meeting. The motion carried with the vote recorded as follows: Kaplan, aye; Aschettino, aye; Smith, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Tamara Trantales
Administrative Assistant

APPROVED February 5, 2019 with an EFFECTIVE DATE OF
February 13, 2019

§ 383-14 Definitions

Add: Farm Winery: Any place or premises, comprising a minimum of ten (10) acres on which fruit is grown and wine/wine products (limited to wine and brandies distilled from grape products and other fruit products, including grappa and eau-de-vie) are manufactured, stored and sold, meeting the permit requirements of Connecticut General Statutes § 30-16 (as amended) and applicable definitions and guidance of Title 22 (as amended) of the Connecticut General Statutes.

Add to § 383-27 new subparagraph:

O. Farm Winery

Add to Chapter 114:

§ 383-143.6 Special Standards for Farm Wineries

Farm Wineries shall conform to the following standards:

- A. Minimum lot area: Ten (10) acres of which not less than 50% of the lot area shall be dedicated to cultivation of grapes.
- B. Minimum setback: Any building, sales area, and manufacturing area shall be 50 feet from street line and any property line and adequately buffered from adjoining residential use.
- C. The range of wine/wine products for sale shall be derived primarily from fruit grown on the farm winery premises. The operator of a farm winery may also import fruit in quantity of fruit grown on the farm winery premises to be sold.
- D. In addition to facilities for sale, a farm winery shall include (1) tasting room, including serving and bar facilities, and (2) offices for the retail and wholesale sale of wine by the operator of a farm winery related to the business of the farm winery. No kitchen area shall be permitted on the premises.
- E. No building dedicated to a farm winery shall be inhabited.
- F. Hours of operation of the farm winery shall be limited to 11:00 a.m. to 7:00 p.m. on Friday and Saturday.
- G. One special event shall be permitted in any calendar year shown on the approved site plan. Such special events or for any wine tasting shall require temporary special permit approval from the Plan and Zoning Commission.
- H. Farm Wineries shall have one parking area. The maximum number of employees required at any one time for planting, maintaining and harvesting the vineyard and the production, manufacture, bottling and business operation of the vineyard. Any tasting room shall have parking as required for restaurants or other food service establishments and retail sales area as required for retail area in § 383-174. Driveway width for farm wineries may be nine (9) feet for one way traffic and eighteen (18) feet for two way traffic at all parking angles.

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M. D. O'NEILL

Handwritten notes:
Special 40
Acres

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February 13, 2019

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- C. The range of wine/wine products for public sale and/or processing shall be derived primarily from fruit grown on the farm winery premises by the operator of a farm winery use. The operator of a farm winery may also import fruit in a quantity not to exceed fifty percent (50%) of the quantity of fruit grown on the farm winery premises to use in the processing of wine and wine products.
- D. In addition to facilities for manufacturing, storage, and sales, farm wineries may include (1) tasting room, including serving and bar areas, of not more than a total of 1,500 square feet, to be used for the retail and wholesale sale of wine by the glass and bottle together with the appurtenant sale of farm winery related products; and (2) offices to be used only in conjunction with the operation and business of the farm winery. No kitchen area shall be permitted in support of food service for wine tasting activities.
- E. No building dedicated to a farm winery's storage, sale or processing activities may be inhabited.
- F. Hours of operation of the farm winery tasting room and for any special event permitted under subsection G below, shall be limited to 11:00 a.m. to 6 p.m. Sunday through Thursday and 11:00 a.m. to 7:00 p.m. Friday and Saturday.
- G. One special event shall be permitted each calendar month provided no more than four (4) of such events shall be held in any calendar year and, such events shall be located entirely within the tasting room as shown on the approved site plan. Food service trucks shall not be allowed on the farm winery property for special events or for any wine tasting activity. Additional events shall require temporary special permit approval from the Plan and Zoning Commission.
- H. Farm Wineries shall have one parking space for each of the maximum number of employees required at any one time for planting, maintaining and harvesting the vineyard and the production, manufacture, bottling and business operation of the vineyard. Any tasting room shall have parking as required for restaurants or other food service establishments and retail sales area as required for retail area in § 383-174. Driveway width for farm wineries may be nine (9) feet for one way traffic and eighteen (18) feet for two way traffic at all parking angles.

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OPERATOR, FARM
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