

# SUBJECT TO APPROVAL

## ORANGE ZONING COMMISSION MINUTES OF THE FEBRUARY 6, 2018 MEETING

Unapproved Minutes

The Town Plan and Zoning Commission held a Meeting on Tuesday, February 6, 2018, 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

Paul Dinice, Zoning Enforcement Officer  
Tamara Trantales, Administrative Assistant  
Robin Gengaro, Public Recorder

ORANGE, CONN  
TOWN CLERK'S OFFICE  
RECEIVED FOR RECORDS  
2018 FEB 21 AM 11:46  
Frank B. O'Stilio  
TOWN CLERK

Chairman Parente welcomed everyone to the meeting. He asked those seated at the table to introduce themselves for the record. Chairman Parente stated that regarding agenda item #7, the applicant intends to file revisions. This application will appear on the February 20, 2018 agenda.

### Request to locate Cheshire Fitness Zone at 564 Racebrook Road. Former William Orange Realty and Caldwell Bank Real Estate.

Chairman Parente stated that he had a conflict of interest regarding this proposal. Chairman Parente recused himself from these proceedings. He stated that Vice-Chairman Judy Smith will preside over this agenda item.

The applicants, Craig Goldstein and Amy Wirkus-Goldstein hope to expand their business into Orange. They offer speech therapy, occupational & physical therapy from birth to age 21. Mr. Goldstein stated that there would be one receptionist and three or four therapists. The proposed hours of operation were discussed. Mr. Goldstein stated that the hours they were open depend on the needs of the kids. There is potential for them to open Saturday mornings. Commissioner Aschettino asked what the maximum occupancy would be per day. Mr. Goldstein stated that there would be approximately 40 to 50 clients throughout the day.

Zoning Enforcement Officer Paul Dinice read a letter in opposition from Robert Moyher into the record. He stated that he is opposed to a change in use and the additional traffic in a residential neighborhood.

Commissioner Kaplan inquired if the parents stay while the children are receiving therapy. Mr. Goldstein replied affirmatively. Vice-Chairman Smith asked if there would be playground equipment on the property. Mr. Goldstein stated that there would not be playground equipment. Discussion ensued regarding the septic system. Mr. Goldstein stated that they were not adding toilets.

Frank D'Ostilio, owner of 564 Racebrook Road, stated that the building was a real estate office beginning in 1970. He noted that it was never a residence. A brief discussion ensued regarding parking.

Vice-Chairman Smith stated that she would like to hear Commissioner Kevin Cornell's opinion on this proposal. He was unable to attend this meeting. Vice-Chairman Smith expressed her belief that this proposal is slightly more intense than the previous use. She stated that she would like to table this item until the next T.P.Z.C. meeting.

Mr. Goldstein stated that they would not be open on Sunday. Commissioner Kaplan stated that there is heavy traffic in that area of town. Commissioner Aschettino added that it is a busy intersection. A brief discussion ensued.

Vice-Chairman Smith asked if there would be additional lighting. Mr. Goldstein stated that they had not considered it. Ms. Goldstein stated that the cars would be staggered throughout the day.

Vice-Chairman Smith stated that this item would be placed on the February 20, 2018 agenda. This matter would be decided then.

There were no further comments.

Chairman Parente resumed his position as Chairman.

Review of the Minutes from the January 16, 2018 Meeting.

After a brief discussion, a motion was made Paul Kaplan and seconded by Judy Smith to accept and approve the Minutes from the January 16, 2018 meeting, as written. The motion carried with the vote recorded as follows: Kaplan, aye; Smith, aye; Aschettino, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

There were no further comments.

Request by the Southern Connecticut Hebrew Academy Hebrew Day to extend the time limit to use and occupy temporary class rooms.

Zoning Enforcement Officer Paul Dinice stated that he believed that Rabbi Hecht would be in attendance tonight. There was a Department Head meeting last week. ZEO Dinice gave the Commission a brief background. ZEO Dinice stated that the Building Inspector only has the capability to grant one extension. A request must be submitted to the State of CT Building Department for an extension beyond that specified in the Building Code. It was determined that the TPZC act first on the matter before a request is sent to the State Board. ZEO Dinice added that a two year extension could be allowed if it is granted by the State. Discussion ensued.

Commissioner Kaplan expressed his opinion that they should be told that this is their last extension. That is, if the State Building Department grants the extension. ZEO Dinice noted that the classrooms date back to 2014.

Chairman Parente stated that this item would be placed on the agenda for the next meeting with Rabbi Hecht in attendance.

There were no further comments.

Old Business.

There was no Old Business to discuss.

New Business.

Zoning Enforcement Officer Paul Dinice noted that he was on vacation for a week. He stated that since he has returned, he has conducted a number of meetings via email, including with Glenn Chalder. There have been two enforcement meetings with the Hearing Officer. ZEO Dinice stated that Hearing Officer Phil Nizzardo has not ruled on 342 Country Lane yet. The violation involves trailers. ZEO Dinice noted that Mr. Wayne Garrick was appointed as a Hearing Officer. ZEO Dinice stated that it would be helpful having two Hearing Officers as the Hearings are usually lengthy and there are a significant amount of violations in Town.

ZEO Dinice stated that an application to locate a Veteran's Administration Care Facility was submitted. That matter will be heard at the February 20, 2018 meeting. It will be located on one of the lots recently subdivided by Mr. Leo Field.

There were no further comments.

Chairman Parente called for a brief recess until the Public Hearings begin at 7:30 p.m.

PUBLIC HEARINGS 7:30 p.m. \*(3)

\*APPLICATION FOR SPECIAL EXCEPTION, PERMIT OR USE --Submitted by Jerome Spector Revocable Trust and Janet Cesanek. For property known as 772 Derby Milford Road. For two accessory structures which are already located on the property. One building is 20' by 16' and a second building is 11.9' x 24'. The application is submitted in accordance with Section 383-26 I (3)(a) of the Orange Zoning Regulations. A larger ground coverage and height in excess of 15' is requested. (Continued from the January 16, 2018 meeting.)

Chairman Parente stated that the Public Hearing for this proposal was opened on January 16, 2018. The Public Hearing was kept open so that Zoning Enforcement Officer Paul Dinice would be in attendance and could speak on this application.

ZEO Dinice stated that he had issued an abatement order to remove the two structures in question. They are seeking larger ground coverage. After a brief discussion, a motion was made by Ralph Aschettino and seconded by Judy Smith to close the Public Hearing. The motion carried with the vote recorded as follows: Aschettino, aye; Smith, aye; Kaplan, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

Commissioner Aschettino stated that he saw the property last week. He saw a large barn that was originally on the property. Commissioner Aschettino expressed his belief that the barn should suffice for more than adequate storage. Chairman Parente added that there is also a garage attached/under the house.

Commissioner Kaplan stated that these structures are very visible from the road. Commissioner Parente stated that the applicant's testimony was not compelling enough for him to believe that more storage space is needed. A brief discussion ensued. Chairman Parente stated that the structures are very visible. They are not shielded in any way. They are prominent on the property. Commissioner Smith stated if they had come to the Commission initially, they would have been asked to place buffers along their property because it is unsightly. Commissioner Aschettino stated that it does not meet our zoning regulations.

As there were no further comments, a motion was made Paul Kaplan and seconded by Ralph Aschettino to deny the Application for Special Exception, Permit or Use, submitted by Jerome Spector Revocable Trust and Janet Cesanek, for 772 Derby Milford Road. This application was denied on the basis that it does not meet the Special Use requirements. The intensity and use is unacceptable in the residential area. Also, there is no buffering from the street. 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.

\*PETITION TO AMEND THE ORANGE ZONING REGULATIONS – Submitted by Richard Meisenheimer. To Amend the Orange Zoning Regulations relative to Article XII - PRD Planned Residential Development Regulations.

Commissioner Kaplan read the legal notice into the record. Chairman Parente stated that the Public Hearing has been opened. This matter will be continued at the February 20, 2018 meeting.

There were no further comments.

\*RESUBDIVISION APPLICATION -Submitted by Philomena & Estate of John LaViola, Sr. For property known as 400 Narrow Lane, Orange, CT. To Re-Subdivide 8.5 Acres (7.71 in Orange, CT; 0.79 in Milford,CT). Zoning District –Residential RES in Orange, CT; R-12.5 in Milford, CT.

Jeffrey Gordon, President of Codespoti & Associates, 263 Boston Post Road, stated that he is representing Philomena & Estate of John LaViola for property in Orange and partially in Milford. A brief discussion ensued.

Mr. Gordon stated that this application has received approvals from the Inland/Wetlands Commission. Revised plans were submitted and Inland/Wetlands Enforcement Officer R. Scott Allen was satisfied.

Commissioner Smith asked if there were concerns from the Police Department and the Fire Marshal. Mr. Gordon stated that the Fire Marshal's concern was addressed by adding a fire hydrant on the cul-de-sac.

Chairman Parente read a portion of Town Engineer Robert Hiza's memo into the record. (The memo is attached to these Minutes.) Chairman Parente asked Mr. Gordon if both the Fire Marshal and the Police Chief signed off on the plans. Mr. Gordon replied affirmatively.

Zoning Enforcement Officer Paul Dinice stated that the proposed drainage has been reviewed through the cul-de-sac and LaViola Lane. There is an existing house on Narrow Lane. Chairman Parente inquired whether the easement is documented. Mr. Gordon stated that the easement is shown on the map. It will be placed on each deed. Discussion ensued.

Commissioner Kaplan asked if LaViola Lane would be a town road. Mr. Gordon replied affirmatively. A brief discussion ensued regarding the plowing of streets. ZEO Dinice read Mr. Hiza's memo into the record. Mr. Gordon addressed each item.

Chairman Parente read a letter of opposition into the record, with enclosures dated 2014. A brief history was presented. A letter dated February 4, 2018 from Tracy & Sal Perseco, adjacent neighbors, was received. Mr. & Mrs. Perseco are requesting screening. Their concerns are privacy and the safety of their children. A brief discussion ensued regarding the agreement to provide screening. ZEO Dinice suggested that a meeting with Mr. Gordon and Mr. & Mrs. Perseco be scheduled concerning a buffer. If they are unable to agree on screening, the issue will return before the T.P.Z.C.

Commissioner Kaplan stated that Mr. Gordon addressed all concerns. Commissioner Kaplan expressed his concern about emergency services. ZEO Dinice stated that it could be a condition of approval for the determination of who would be responsible for emergency services; Orange or Milford. Commissioner Smith noted that Health, Safety and Welfare falls under the Commission's purview. The main issues are who would be the first responder for emergency services and which town would snowplow the roads. Discussion ensued.

Chairman Parente asked ZEO Dinice if all pertinent signoffs have been obtained. ZEO Dinice replied affirmatively. After a brief discussion, a motion was made by Ralph Aschettino and seconded by Judy Smith to close the Public Hearing. The motion carried with the vote recorded as follows: Aschettino, aye; Smith, aye; Kaplan, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

Commissioner Smith stated that this proposal meets all of the regulations. Chairman Parente stated that there should be notations of all required easements on the record map. ZEO Dinice added that as a condition of approval that a buffer is provided between LaViola Lane and the Perseco Property. All required easements must be noted on the plan and on the deeds.

As there were no further comments, a motion was made by Ralph Aschettino and seconded by Paul Kaplan to accept and approve the Resubdivision Application, 400 Narrow Lane, Orange, CT. This approval is conditional upon meeting the items outlined in Town Engineer Robert Hiza's memo dated February 5, 2018. A copy of the Memo is attached to these minutes. The applicant shall provide screening of Laviola Lane from the property of Salvatore & Tracy Persico. The applicant should contact the Zoning Enforcement Officer to schedule a meeting with the ZEO and property owner. If a mutual agreement of the screening design cannot be reached, the screening shall be determined by the Orange Town Plan & Zoning Commission.

2/6/18

TPZC MINUTES

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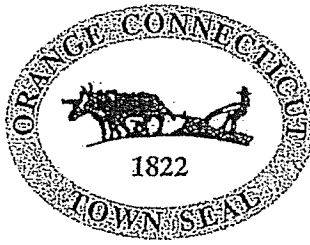
The motion carried with the vote recorded as follows: Aschettino, aye; Smith, aye; Kaplan, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

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 8:35 p.m.

Respectfully Submitted,

Tamara Trantales  
Administrative Assistant



## MEMO

**To:** Paul Dinice  
**From:** Robert Hiza  
**Date:** February 5, 2018  
**RE:** Laviola Subdivision

A handwritten signature in black ink, appearing to read "RZH", is written over the "From:" and "Date:" fields of the memo header.

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The following are my comments and or requirements regarding the Laviola Subdivision.

1. Pavement width for Laviola Lane may be 24' curb to curb, as the road only serves two single-family homes. This is with the concurrence of the First Selectman.
2. Laviola Lane to be crowned and curbed the entire length – both sides.
3. Lot 4 must grant drainage easement to Lot 5.
4. Lot 2 and 3 must grant mutual easements to each other.
5. Obtain approval letter from the City of Milford regarding overflow of detention systems to Milford storm drains.
6. Are detention basins overflowing to Tumble brook watercourse acceptable with both Orange and Milford?
7. Will there be confusion or problems with fire, police, or post office as to location of residences in Orange being accessed by way of Milford Streets?