

ORANGE ZONING COMMISSION
MINUTES OF THE FEBRUARY 18, 2020 MEETING

Unapproved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, February 18, 2020, 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
Kevin Cornell, Esq, PE
Thomas Torrenti, PE

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Paul Dinice, Zoning Enforcement Officer
Jack Demirjian, Zoning/Wetlands Assistant
Tamara Trantales, Administrative Assistant
Bonnie Syat, Recording Secretary

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

Election of Officers as per Section 7 of the TPZC Bylaws.

Chairman Parente stated that the Bylaws require an Election of Officers during every even-numbered year. A brief discussion ensued regarding a slate of officers. A motion was made by Kevin Cornell and seconded by Tom Torrenti to re-elect Oscar Parente as Chairman, Judy Smith as Vice-Chairman and Paul Kaplan as Secretary. The motion carried with the vote recorded as follows: Cornell, aye; Torrenti, aye; Smith, aye; Kaplan, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

There were no additional comments.

Review of the Minutes from the January 31, 2020 and February 4, 2020 meetings.

A motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve the Minutes from the January 31, 2020 Special Meeting, as amended. The motion carried with the vote recorded as follows: Kaplan, aye; Smith, aye; Cornell, aye; Torrenti, abstain; Parente, abstain. The vote was recorded as 3-0-2 to accept and approve the motion.

A motion was made by Judy Smith and seconded by Paul Kaplan to accept and approve the Minutes from the February 4, 2020 meeting, as written. The motion carried with the vote recorded as follows: Smith, aye; Kaplan, aye; Cornell, aye; Torrenti, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

There were no further comments.

Old Business

Vice-Chairman Smith expressed the desire for the removal of the TODD District regulations and to change the existing TODD District to Light Industrial LI-2. A brief discussion ensued. ZEO Dinice stated that to process both actions, referrals to the regional planning agencies is required and a Public Hearing, duly noticed, is needed.

ZEO Dinice stated that Yale has purchased the property currently zoned TODD. There is another zone, LI-4, which Yale may prefer to have their property zoned. Discussion ensued.

ZEO Dinice stated the he would inform Town Attorney Vin Marino of the proposed TODD changes. Commissioner Kaplan asked if the ZEO would reach out to Yale. ZEO Dinice replied affirmatively.

Discussion ensued regarding noticing adjacent neighbors of upcoming proposals. ZEO Dinice stated that the zoning office currently notifies adjacent property owners for subdivisions and Zoning Board of Appeals (ZBA), which is all that is required. ZEO Dinice added that there are pros and cons of noticing everyone. Discussion continued. Commissioner Cornell stated that noticing adjacent neighbors is not necessarily in our best interest. A brief discussion ensued.

There were no further comments.

New Business

There was no New Business to discuss.

Report of the Zoning Enforcement Officer

ZEO Paul Dinice stated that he had a request to review the fee schedule. He stated that the last time the fee schedule was reviewed and updated was in 2010. He checked with area towns of similar size. He based fees on the cost the town incurs, such as legal notices, public hearings, stenographer, etc.

ZEO Dinice reviewed & discussed fees for each zoning application. He noted that if the commission agrees with the fee schedule, it will then need the approval of the Board of Selectmen. ZEO Dinice stated that every land use fee reflects a \$60 surcharge required by the State of CT. Fifty-eight dollars goes to the State Conservation Commission. The town receives \$2.

A motion was made by Tom Torrenti and seconded by Paul Kaplan to accept and approve the revised fee schedule. The motion carried with the vote recorded as follows: Torrenti, aye; Kaplan, aye; Smith, aye; Cornell, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion. It will now be referred to the Board of Selectmen.

ZEO Dinice stated that FedEx has requested a bond reduction. He stated that they have posted a very hefty performance bond. There haven't been any problems with Sedimentation & Erosion controls. ZEO Dinice added that this is a mammoth project. They have kept the roads clean. They have been in contact with him throughout the process. ZEO Dinice expressed his belief that a \$175,000 bond is sufficient, as site work for the project is almost completed.

Chairman Parente stated that the commission is not bound to reduce the bond. Commissioner Cornell suggested that the commission table this item until the next meeting.

ZEO Dinice stated that the current language in the regulations allows the letting of rooms. Discussion ensued. It was decided to place language in the regulations to prohibit air b&bs. Discussion ensued. ZEO Dinice stated that the magic number for the rental of rooms is 30

days. He gave this information to Town Attorney Marino. ZEO Dinice stated that a number of communities license or monitor air b&bs. The current regulations are problematic. The ZEO has interpreted them, noting that because air b&bs are not listed as a permitted use, they are prohibited. He reiterated that language is needed to address it.

ZEO Dinice stated that a home must be owner occupied in order to rent a room. The Town Attorney will further review this matter. ZEO Dinice stated that he would have more information for the next meeting.

ZEO Dinice stated that most of the complaints received for illegal air b&bs are because there are strange people in the area. Discussion ensued. He further stated that there have been some issues with the letting of rooms, boarding houses, etc. It was suggested to ask the Fire Marshal and Police for comments. Chairman Parente affirmed that we should have language in place. Monitoring and enforcing these regulations may be difficult. Perhaps there could be a mechanism to record them. Discussion continued.

There were no further comments.

SITE PLAN APPLICATION. For property known as 109 Boston Post Road. Submitted by Seeram James for Kateryna Derekhovych & Lisa Irby. The proposal is to operate a pre-school with associated play area & youth center.

Jeffrey Gordon, Codespoti & Associates, stated that the applicants are proposing a preschool early child education school called Kids Wonderland. It would be located behind Munson's Chocolates. There is a flat area, where playground apparatus could be situated. The applicants want to enclose the area with fencing. They would be adding a door, which would be their primary access. A sidewalk would be added. Mr. Gordon displayed a drawing. It was noted that the trash area would be relocated. The applicants' proposal is similar to Bright Horizons and Holly Hill, which are already in town.

Commissioner Torrenti asked if there would be regrading in the play area. Mr. Gordon replied that they may install rubber tiles there. Commissioner Torrenti stated that there is a driveway with poor site lines to access the rear of the building. He expressed his belief that there should be a stop sign or speed bump for safety. He further stated that there is virtually no sight line; it is an awkward alignment. Discussion ensued. Commissioner Torrenti said that something is needed to slow traffic in the area. Mr. Gordon stated that there would be cameras and staff to monitor the children. Commissioner Kaplan questioned if the children would ever be in the parking lot. Mr. Gordon replied that they would not. Discussion continued.

Mr. Gordon noted that the dumpster would be relocated away from the play area. Discussion ensued. The applicant contacted the State of Connecticut first, per ZEO Dinice's advice. The State of CT is satisfied.

Chairman Parente stated that Commissioner Torrenti made good suggestions. It is a difficult corner to negotiate. ZEO Dinice will ensure that a stop sign, speed bump, and pavement striping will be a condition of approval and installed.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the Site Plan Application for 109 Boston Post Road, in accordance with the ZEO. The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Smith, aye; Cornell, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

There were no further comments.

PUBLIC HEARINGS (*2)

Commissioner Kaplan read the legal notices into the record.

SPECIAL PERMIT APPLICATION, For property known as 653-663 Orange Center Road. Submitted by S.D. Woodruff & Sons LLC. A Special Permit is requested as per Section 383-34 B of the Orange Zoning Regulations. The proposal is to locate a 'Smoothie' drink bar in space that was previously retail (740 sq. ft.). There are no proposed site changes. A SITE PLAN APPLICATION has also been submitted.

Brian Daddona, Applicant, stated that this proposal was originally submitted as a Site Plan. At a previous meeting, it was determined that this proposal was not permitted as of right. It required a Special Permit. Chairman Parente read the new Statement of Use into the record, which was submitted by the applicant.

It was noted that there are no concerns for parking or traffic. Discussion ensued. It was the consensus of the commission that they were satisfied. All department heads have signed off. There were no questions or comments from the audience.

A motion was made by Paul Kaplan and seconded by Judy Smith to close the public hearing. The motion carried with the vote recorded as follows: Kaplan, aye; Smith, aye; Cornell, aye; Torrenti, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

A motion was made by Kevin Cornell and seconded by Paul Kaplan to accept and approve the Special Permit Application for 653-663 Orange Center Road. The motion carried with the vote recorded as follows: Cornell, aye; Kaplan, aye; Smith, aye; Torrenti, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

There were no further comments.

PETITION TO AMEND THE ORANGE ZONING MAP - -Submitted by Paul Kaplan and his assigns. To amend the Orange Zoning Map. To change property known as 48 Boston Post Road (Owned by Lowes Home Centers Inc Site 621) from Commercial C-1 to Light Industrial LI-1.

Kevin Curseaden, Esq., 3 Lafayette Street, Milford, CT, stated that they are proposing a zone change from C-1 to LI-1 for 48 Boston Post Road. It is currently a C-1 zone. Lowe's was the previous owner.

Attorney Curseaden stated that warehouse distribution use is not allowed in the C-1 zone. They are requesting a change to the LI-1 zone. The Plan of Conservation & Development (POCD) discusses economic development in both zones. Chairman Parente asked Attorney Curseaden if the proposed change is in accordance with the POCD and the zoning regulations. Attorney Curseaden replied affirmatively. Chairman Parente noted that the POCD remains consistent, separating the residential area from the business area. It is consistent with the POCD. Commissioner Cornell stated that repurposing existing structures that are outdated is a goal in the POCD. A brief discussion of traffic ensued.

Attorney Curseaden stated that the applicant is under contract. They would like the commission to close the public hearing and vote tonight. Lowe's has asked for an effective date approximately 90 days from the date of approval.

Commissioner Cornell asked if the applicant will submit a Site Plan. Attorney Curseaden replied that if the zone change is approved, a Site Plan would be submitted as per the LI-1 regulations.

ZEO Dinice stated that he has made referrals to the Long Island Sound agency, DEEP and both regional agencies. DEEP has stated that there would be no impact or no inter-municipal impact.

Chairman Parente asked for comments or questions from the audience. There were none. He then asked the commission if they needed additional information. The consensus was that they were satisfied.

A motion was made by Judy Smith and seconded by Paul Kaplan to close the public hearing. The motion carried with the vote recorded as follows: Smith, aye; Kaplan, aye; Cornell, aye; Torrenti, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

Commissioner Cornell expressed his belief that, for previously stated reasons, repurposing to the LI-1 zone is a move in the right direction. The parcel does not have frontage. The primary passage is from Carlson Road. This project will not affect traffic on the Boston Post Road. Also, this parcel abuts another LI-1 zone. Commissioner Smith stated that this is a logical action. Chairman Parente identified support in the POCD. Discussion ensued regarding an effective date which is further in the future than usual.

A motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve the Petition to Amend the Orange Zoning Map for 48 Boston Post Road, changing it from a C-1 district to LI-1, effective 80 days from May 8, 2020. The motion carried with the vote recorded as follows: Kaplan, aye; Smith, aye; Cornell, aye; Torrenti, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

There were no other comments.

As there were no additional items on the agenda, a motion was made by Paul Kaplan and seconded by Tom Torrenti to adjourn the meeting. The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Smith, aye; Cornell, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Tamara Trantales
Administrative Assistant