

ORANGE ZONING COMMISSION
MINUTES OF THE MARCH 3, 2020 MEETING

Unapproved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, March 3, 2020, at 7:00 p.m., Town Hall, 617 Orange Center Road. The following members attended:

Oscar Parente, Esq., Chairman
Paul Kaplan, Esq., Secretary
Kevin Cornell, Esq., PE
Thomas Torrenti, PE

Paul Dinice, Zoning Enforcement Officer
Jack Demirjian, Zoning/Wetlands Assistant
Tamara Trantales, Administrative Assistant

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Chairman Parente welcomed everyone to the meeting. He noted that Commissioner Smith had a prior engagement and could not attend this meeting. Chairman Parente asked those seated at the table to introduce themselves for the record.

Review of the Minutes from the February 18, 2020 meeting.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the February 18, 2020 minutes, as amended. The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Cornell, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

There were no further comments.

Old Business

Commissioner Cornell asked the status of deleting the Transit Oriented Development District (TODD) regulations and changing the TODD zone to Light Industrial LI-2. Zoning Enforcement Officer Paul Dinice stated that from the date of referral, we need to wait 35 days prior to holding a Public Hearing. Referrals have been made to the Regional Planning Agencies, DEEP, and adjacent communities. ZEO Dinice called Yale and he is following up with a letter. He asked if they had any concerns or questions. He has not received any comments from them. Discussion ensued. They will tentatively be on the agenda for the second meeting in April. ZEO Dinice explained that the original approval expires in September. He noted that it is ordinarily not transferable. Yale has purchased the property.

Chairman Parente asked ZEO Dinice about regulations concerning airbnbs. ZEO Dinice stated that he has spoken to Town Attorney Vin Marino about this subject. ZEO Dinice stated that Attorney Marino is researching it. The main issue is renting on a daily or weekly basis

There were no further comments.

New Business

There was no New Business to discuss.

Report of the Zoning Enforcement Officer

ZEO Dinice stated that the zoning office has been extremely busy the past few weeks. He expressed his belief that people are eager to process applications before he retires. He stated

that Jack Demirjian, Zoning and Wetlands Assistant, has been working with him. Mr. Demirjian will be here after ZEO Dinice retires. Mr. Demirjian has made inspections at 197 Indian River Road. Mr. Demirjian stated that he found a drain which runs all the way to Indian River Road. He stated that he was there with Town Engineer Bob Brinton investigating an undocumented drainage pipe. Construction is progressing in accordance with approved plans. The same could be said for Numet on Edison Road & Prindle Hill Road. Numet has all their erosion control and silt fences in place.

Zoning Enforcement Officer Paul Dinice stated that things are going well at 131 Boston Post Road. He noted that there needs to be better S & E controls. He stated that he will go out there again tomorrow.

ZEO Dinice noted that he has received questions regarding the Sam's property. He stated that there may be more information in the future.

There were no additional comments.

Request for Modification of Special Use – Submitted by Richard & Michele Gustafson, for property known as 786 Derby Milford Road. – Approval was granted to construct a 36' x 40' barn. The property owner would like to add a 12' x 32' lean-to style shed roof Rich R Richard Gustafson, 786 Derby Milford Road, stated that he has an open carport on one side of the barn. Discussion ensued regarding flooring. He is planting trees to block the visibility of his property.

ZEO Dinice stated that this proposal is a great distance from all setbacks. Chairman Parente noted that there are no zoning issues. Commissioner Kaplan inquired what Mr. Gustafson would park there. Mr. Gustafson replied that he has an antique tractor. He would park that and his truck in the carport. He noted that the barn is constructed with post and beam and diagonal braces to give it a very traditional 'barn look'. Discussion ensued.

Commissioner Cornell stated that this is a beautiful, handcrafted barn with epoxy floors to store cars. He added that the requests the commission have been receiving lately have been for larger projects. There is currently a general checklist. He proposed placing additional, specific criteria in the regulations for the residential area. Discussion ensued. It was noted that Special Use applications allow the commission much discretion. Chairman Parente stated that he is open to suggestions. Commissioner Cornell suggested that the commission take a closer look at it.

Chairman Parente stated that the commission could reach the same findings as they did on the initial application. Commissioner Cornell stated that the approval is still valid if they are not in violation of the zoning regulations. Chairman Parente stated that he is comfortable with this proposal.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the Request for Modification of Special Use, 786 Derby Milford Road. The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Cornell, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

There were no additional comments.

Request for reduction of Site Plan Bond, FedEx, 161 Marsh Hill Road. The current bond is \$4,381,284. The reduction requested is \$4,205,584. The proposed remaining bond is \$175,700.

Tim O'Neill, Langan briefed the TPZC on the status of the project. He stated that they are pouring a concrete court upon the arrival of warmer weather. The retaining wall has been finished. Both buildings have been erected. They are currently working on the interior. The bond is for site work. A brief discussion ensued. ZEO Dinice stated that it is a stable site. There are underground utilities and underground stormwater management, which have been completed

Commissioner Kaplan asked Mr. O'Neill what hasn't been completed yet. A brief discussion ensued. Chairman Parente stated that paving is not included in the bond reduction. Discussion continued. Mr. O'Neill stated that S & E controls have been in place. Mr. O'Neill stated that landscaping is not included in the bond. He explained that the bond is to bring the site back to its previous condition in case they decided to abandon the project. It is guaranteed on the site plan. He noted that all plantings are guaranteed for one year.

After a brief discussion, ZEO Dinice stated that they usually do not receive requests for bond reduction. He further stated that it is an option; the commission does not have to give them the total amount requested. Discussion ensued.

Chairman Parente stated that the regulations say that the town engineer or another appropriate person could determine if the work was completed according to the approval of the plan. Chairman Parente reiterated that this is a request. The commission could decide to hold more funds back or not to release any until the entire project is complete. Discussion continued.

Commissioner Cornell expressed his belief that they are entitled to a reduction. Discussion ensued. ZEO Dinice stated that this commission could ask for a bond for the landscaping. Discussion continued. Chairman Parente stated that he would like to reduce the bond, yet he wants assurance. ZEO Dinice stated that they can approve the request conditionally and hold 10%. Commissioner Cornell suggested that when they obtain their Certificate of Occupancy, they provide an estimate of the landscaping budget so the commission could determine 10%. Discussion continued.

A motion was made by Kevin Cornell and seconded by Paul Kaplan to accept and approve the Request for Bond Reduction, FedEx, 161 Marsh Hill Road, subject to the following conditions: to approve the request to reduce the bond to \$175,700 with the understanding that when the applicant comes in for the final bond release, they will present to the commission a bond for 10% of the itemized amount for landscaping (as per Section 383-11.1 C of the Orange Zoning Regulations). The motion carried with the vote recorded as follows: Cornell, aye; Kaplan, aye; Torrenti, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

There were no additional comments.

Zoning/Wetlands Assistant Jack Demirjian stated that ZEO Paul Dinice's retirement is approaching quickly. Mr. Demirjian asked the commissioners if there is anything they would like him to review in order to further familiarize himself with zoning. He stated that he would welcome notes, emails or conversations with the commission.

As there were no further comments, 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; Cornell, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Tamara Trantales,
Administrative Assistant