

ORANGE ZONING COMMISSION
MINUTES OF THE MARCH 6, 2018 MEETING

Unapproved Minutes

The Town Plan and Zoning Commission held a Meeting on Tuesday, March 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
Kevin Cornell, Esq.

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

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 February 6, 2018 Meeting.

A motion was made by Ralph Aschettino and seconded by Paul Kaplan to accept and approve the Minutes from the February 6, 2018 Meeting, as written. The motion carried with the vote recorded as follows: Aschettino, aye; Kaplan, aye; Smith, aye; Cornell, abstain; Parente, aye. The vote was recorded as 4-0-1 to accept and approve the motion.

Report of the Zoning Enforcement Officer.

Zoning Enforcement Officer Paul Dinice presented the Commission with a written report. He stated that a Notice for Fines was sent to the property owner of 772 Derby Milford Road. The notice was mailed last Thursday. The ZEO had to delay getting the notice out. He was instructed by the Town Attorney to wait until the 'appeal period' had expired. Larger ground coverage was previously requested and denied by the TPZC. The ZEO had to wait until after last Thursday to issue the notice of fine.

ZEO Dinice stated that he had issued an abatement order to St. Barbara's Greek Orthodox Church. ZEO Dinice had received phone calls complaining about the light and noise spillage emanating from the church. He stated that he had previously issued a warning last October. He had also contacted St. Barbara's by phone to inform them of the complaints. ZEO Dinice added that the latest violation was not a church event. Furthermore, it was not supervised by any church representatives. He stated that Father Peter had stopped in to speak with ZEO Dinice. ZEO Dinice is satisfied that this violation would not occur again.

ZEO Dinice stated that he has been issuing warnings for sign violations. He alternates between areas of the Boston Post Road.

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ORANGE, CONN
TOWN CLERK'S OFFICE
RECEIVED FOR RECORDS
2018 MAR 29 AM 11:43
Peter B. O'Brien
TOWN CLERK

There were no further comments.

Old Business.

Commissioner Smith suggested that there be a discussion with Town Attorney Vincent Marino regarding whether or not TODD would revert back to the Light Industrial LI-2. ZEO Dinice stated that Attorney Marino is aware of the situation. Attorney Marino is reviewing it and considering a course of action. A brief discussion ensued. Chairman Parente stated that he would follow up with the Attorney Marino.

There were no further comments.

New Business.

Commissioner Kaplan asked ZEO Dinice if he had followed up with Frank D'Ostilio regarding the sale of Mr. D'Ostilio's property. ZEO Dinice replied affirmatively. He stated that there is a letter in the Commission's information packets.

There were no further comments.

PUBLIC HEARINGS 7:30 P.M. *(5)

Commissioner Kaplan read the legal notice into the record.

SPECIAL PERMIT APPLICATION For Outdoor Storage and Display – Submitted by Home Depot for property known as 440 Boston Post Road. For the outdoor storage and display of seasonal items & merchandise.

Matthew Hyatt, Store Manager, stated that Home Depot is requesting to display seasonal items outside of the store. He noted that outdoor displays help maximize sales. He added that it would be a professional and safe display. Chairman Parente asked Mr. Hyatt if the display would be essentially the same as last year. Mr. Hyatt replied affirmatively, noting that they will attempt to keep it as small as possible. Commissioner Cornell stated that 6 feet of space in the walkway must be maintained. Mr. Hyatt agreed. A brief discussion ensued.

Chairman Parente stated that the plan is not very clear. He suggested that next time they present their request, they present a clear & definitive plan. It would be beneficial to the Commissioners if they could easily see how the plan complies with the regulations. Discussion ensued. Mr. Hyatt expressed his appreciation for the information. He stated that he would comply with the suggestion when they resubmit in the fall.

As there were no further comments, 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; Aschettino, aye; Cornell, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

Commissioner Aschettino stated that it appears to be the same layout as in prior years. He noted that the biggest concern is that the walkways maintain a clearance of 6 feet. Commissioner Kaplan stated that it could be made a condition of approval.

A motion was made by Judy Smith and seconded by Paul Kaplan to accept and approve the SPECIAL PERMIT APPLICATION For Outdoor Storage and Display at Home Depot, 440 Boston Post Road. In the future it is strongly advised that a more definitive plan must be submitted. The motion carried with the vote recorded as follows: Smith, aye; Kaplan, aye; Aschettino, aye; Cornell, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

There were no further comments.

APPLICATION FOR SPECIAL EXCEPTION, PERMIT OR USE – Submitted by Eric Johnson. For property known as 320 West River Road. To construct a 30' x 30' 2 car garage. 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. It was determined that the Applicant was not present. ZEO Dinice will place this item on the next agenda.

There were no further comments.

PETITION TO AMEND THE ORANGE ZONING REGULATIONS. Submitted for Senior Living Advisors, LLC for property owner Indian River Road LLC. To amend & edit Section 383-14 regarding the definition of *Elderly Assisted Living Residential Facility*. To amend Section 383-14 to add a definition for *Dwelling Unit, Senior Independent Living*. To Amend the Orange Zoning Regulations to create a *Senior Independent Living*. To amend the Orange Zoning Regulations to create a *Senior Mixed Use District*. (Continued from the December 5, 2017 and January 2, 2018 meetings.)

PETITION TO AMEND THE ORANGE ZONING MAP – Submitted by Senior Living Advisors, LLC. The proposal is to change four parcels from Light Industrial LI-2, to a proposed SENIOR LIVING DISTRICT. The parcels are 197 Indian River Road a.k.a. Assessors Map 14-4-1; 231 Indian River Road a.k.a. Assessors Map 14-4-1-A; 239 Indian River Road a.k.a. Assessors Map 23-3-1B; and 245 Indian River Road a.k.a. Assessors Map 23-3-1. The application and map is on file in the Zoning Office at the Orange Town Hall.

Appeared Ms. Toni Gelineau, Esq., from Willinger, Willinger & Bucci. She stated that there were recommendations by Glenn Chalder of Planimetrics, and from this Commission. Attorney Gelineau stated that these recommendations have been incorporated in a revised text.

Concerning the proposed Petition to Amend the Zoning Map, she informed the TPZC that the property owners of 197 Indian River Road & 231 Indian River Road do not want their properties rezoned to Senior Living District (SLD). The proposed Zoning Map Amendment has been changed to only include the properties known as 239 Indian River Road & 245 Indian River Road. Commissioner Smith noted that the properties known as 197 Indian River Road & 231 Indian River Road have nonconforming uses in the Light Industrial LI-2 zone.

Bernard Pellegrino, Esq., Pellegrino Law Firm, is representing Maplewood and Omega. They have reached the conclusion that it is in their best interest to remain in the Light Industrial LI-2 zone.

Attorney Gelineau expressed her belief that this proposal would be beneficial to the Town. It meets a real need which the Commission identified in the Plan of Conservation and Development (POCD).

Brian Fry, CFO of Pez Candy, 35 Prindle Hill Road, stated that Pez is a manufacturing facility in an LI-2 zone. Mr. Fry stated that the Maplewood development is nonconforming. They have been beside Pez for a long time. He noted that they are a good neighbor, yet he would prefer to have manufacturing as a neighbor. Mr. Fry stated that being this area is a Light Industrial LI-2 District, he does not want all residential around Pez. He further stated that because they have three shifts, it may become problematic in the future for the residential uses. He noted that it is positive that VA is moving nearby. Commissioner Smith inquired if there are any issues with Avalon. Mr. Fry stated that there have not been any complaints in the 11 years that he's been there. Chairman Parente stated that senior housing is an identified need in Orange.

Commissioner Cornell noted that Pez is a valued entity in the Town of Orange. He added his belief that Mr. Fry's concern is valid. Discussion ensued. Attorney Gelineau stated that the comments from Pez are well taken. Appropriate boundaries between Industrial & Residential users must be carefully considered.

Commissioner Cornell stated that he would like to confirm that changing two properties does not constitute spot zoning. Commissioner Kaplan concurred. He believes that they should ask Town Attorney Vin Marino to advise the TPZC. A brief discussion ensued. Attorney Gelineau stated that regarding spot zoning, it really has to do with the size of the parcel and its ability to blend with the community. She stated that this proposal blends completely. Discussion continued.

Chairman Parente stated that he would like to obtain the Town Attorney's input. Chairman Parente stated that the Public Hearings would be closed on both proposals. The Commission would deliberate and vote at the next meeting.

A motion was made by Ralph Aschettino and seconded by Paul Kaplan to close both Public Hearings on this matter. The motion carried with the vote recorded as follows: Aschettino, aye; Kaplan, 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.

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.

Attorney Kevin Curseaden, representing Richard Meisenheimer, stated that he has met with Glenn Chalder, Planimetrics. It was decided that it would be too comprehensive to amend the regulations. The Applicant has decided to present the Commission with an application for a “Cottage Active Adult Community” regulation.

Attorney Curseaden requested that the initial Petition to Amend the Orange Zoning Regulations be tabled. A second application has been submitted and he would like to proceed with that proposal at a future date. Chairman Parente stated that the public hearing was opened for the initial proposal. It is a pending application. A discussion ensued regarding timelines. Chairman Parente stated that the Commission is definitely acting in a legislative capacity; this is not of its own initiative. Discussion continued. Commissioner Cornell suggested that the Applicant withdraw the application. The Commission would waive the fees if they wanted to resubmit at a future date. ZEO Dinice noted that it has already been referred. Discussion ensued. Chairman Parente expressed his concern that it could be approved and become a regulation if the Commission does not act. Discussion continued. ZEO Dinice stated this item would be on the agenda for the first meeting in April.

Chairman Parente called for a five minute recess while Attorney Curseaden confers with the Applicant. Chairman Parente resumed the meeting at 8:30 p.m.

Attorney Curseaden stated that he spoke with his client. They have decided to withdraw the initial application as long as the TPZC waives the fees if they resubmit. Chairman Parente stated that there would be no prejudice if they choose to resubmit. ZEO Dinice stated that the Applicant could email a statement to withdraw and at a future date resubmit if they so desire.

There were no further comments.

3/6/18

TPZC MINUTES

-6-

ZEO stated that the Applicant for APPLICATION FOR SPECIAL EXCEPTION, PERMIT OR USE – Submitted by Eric Johnson. For property known as 320 West River Road. To construct a 30' x 30' 2 car garage. 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 is not in attendance. This matter would be continued to the next meeting.

There were no further comments.

As there were no further items on the agenda, 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; Cornell, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Tamara Trantales
Administrative Assistant