

ORANGE ZONING COMMISSION
MINUTES OF THE APRIL 3, 2018 MEETING

Approved Minutes

The Town Plan and Zoning Commission held a Meeting on Tuesday, April 3, 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

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

Request by Mr. Pasquale Minore to address the TPZC concerning lighting issues at Turkey Hill School. A representative from the Orange Board of Education has also been invited.

Chairman Parente read Pasquale Minore's letter of complaint into the record. Mr. Minore presented the history of this matter. He stated that the light fixtures, which were installed at Turkey Hill School, are not in compliance with the Orange Zoning Regulations. The light shines throughout Mr. Minore's house and onto his deck and property. Mr. Panza stated that Town Attorney Vincent Marino and a Board of Education (BOE) member came to Mr. Minore's house to view the amount of light emanating into Mr. Minore's house from these fixtures. Mr. Minore stated that the lights shine directly at his house; high intensity. He stated that they were left on the entire summer even though school was not in session. Mr. Minore stated that it directly impacted his and his family's quality of life for two years.

Pat Panza, 357 Lindy Street, stated that he is representing residents of Cedar Hill Road. Mr. Minore contacted Mr. Panza in November. ZEO Dinice and Town Counsel Vincent Marino were also contacted. Mr. Panza submitted copies of letters ZEO Dinice sent to the Superintendent of Schools, along with pertinent zoning regulations, to the Commission. It was noted that the Commission were already in possession of these documents.

Mr. Minore contracted Mr. Panza to view the light pollution at his residence at 8:30 p.m. An analysis of light pollution at the residence was submitted to the Commission. Discussion ensued. It was determined that the fixtures were not cut off fixtures. Shielding helped some but it did not meet dark sky. ZEO Dinice stated that he met with two BOE members. The plan they have only meets one section of the zoning regulations. ZEO Dinice noted that the map was not sealed by a Connecticut Licensed Engineer. Discussion continued.

Commissioner Smith expressed her belief that the BOE was required to obtain approval for an

8-24 Municipal Improvement. Chairman Parente stated that the Commission would then have had an opportunity to review the plans. Discussion ensued. Commissioner Aschettino stated that he would like to hear from the BOE.

Dr. Vince Scarpetti, Superintendent of Schools, stated that new lighting was installed and paving was done along the backside of the building. He stated that after he met with ZEO Dinice in 2016, they were immediately responsive. Covers were placed on the lights. Dr. Scarpetti stated that ZEO Dinice recommended redirecting the lights, which they did. Dr. Scarpetti thought that the matter was resolved. He maintains that they did their very best to rectify the situation. Chairman Parente noted that the problem still exists. Discussion ensued. Chairman Parente stated that the zoning regulations have very specific requirements. The Commission needs compliance with the regulations on the property. Discussion continued. Commissioner Cornell suggested that Dr. Scarpetti give their lighting company the specifications so that light would not spill onto the neighbor's property.

Mike Luzzi, Facility Director, stated that the funding for this project came from a bond. He stated that the school needed additional parking, and therefore additional lighting. Mr. Luzzi stated that he had spoken with RAB Lighting Consultants. A brief discussion ensued.

Bill Crouch, Chairman of the BOE, stated that the BOE is willing to work with the Town. Commissioner Smith stated that they must be certain that the lighting consultant has a copy of our zoning regulations. First Selectman Jim Zeoli stated that the Town would hire a consultant. The Commission would have values by the next meeting.

Chairman Parente stated that the Commission needs a stamped plan that complies with the zoning regulations. He further stated that he hopes that the Commission has a plan to consider by the next meeting.

There were no further comments.

APPLICATION FOR SPECIAL USE - Submitted by Indian River Road, LLC c/o Mr. Steven Field. For property known as 220 Edison Road; a.k.a. Assessor's Map 14-4-1. Submitted in conjunction with the construction of a 39,020 sq. ft. light manufacturing, distribution warehouse. A request is being made for the waiver of required parking spaces as per Section 383-175 (g) of the Orange Zoning Regulations. 82 parking spaces are required. 71 spaces are proposed to be constructed. An APPLICATION FOR CERTIFICATION OF SOIL EROSION AND SEDIMENT CONTROL MEASURES; SITE PLAN APPLICATION; SITE PLAN APPLICATION – ARCHITECTURAL STANDARDS SUPPLEMENT; and SITE PLAN APPLICATION-LIGHTING SUPPLEMENTS have also been submitted.

APPLICATION FOR TEMPORARY SPECIAL USE EARTH MATERIALS REMOVAL & FILLING - Submitted by Indian River Road, LLC c/o Mr. Steven Field. For property known as 220 Edison Road; a.k.a. Assessor's Map 14-4-1. For required earth materials removal and filling in conjunction with the construction of a 39,020 sq. ft. light manufacturing, distribution warehouse.

SITE PLAN APPLICATION; SITE PLAN APPLICATION – ARCHITECTURAL STANDARDS SUPPLEMENT; SITE PLAN APPLICATION-LIGHTING SUPPLEMENT, and APPLICATION FOR CERTIFICATION OF SOIL EROSION AND SEDIMENT CONTROL MEASURES; SITE PLAN APPLICATION. - Submitted by Indian River Road, LLC c/o Mr. Steven Field. For property known as 220 Edison Road; a.k.a. Assessor's Map 14-4-1. Submitted in conjunction with the construction of a 39,020 sq. ft. light manufacturing, distribution warehouse.

Commissioner Kaplan read the legal notice into the record.

Chris DeAngelis, Civil Engineer, Cabezas DeAngelis, presented a brief history of the property, stating that it was part of a recently approved subdivision. The property is located near Pez and the VA facility. It is zoned for light industrial use. Mr. DeAngelis explained the site plan, including dimensions.

Mr. DeAngelis stated that this proposal was heard and approved by the Inland/Wetlands Commission on March 13, 2018. It was reviewed by the Town Engineer. Mr. DeAngelis stated that 82 parking spaces are required. However, this proposal only needs 30-40 spaces. Mr. DeAngelis stated that they have space for 22 more parking spaces if necessary.

Mr. DeAngelis provided a landscape plan. He also submitted a lighting plan from RAB lighting. Mr. DeAngelis stated that he has all of the lighting details. Discussion ensued. Chairman Parente stated that they must show compliance at the property line boundaries. Mr. DeAngelis stated that they meet all of the requirements. All pertinent signatures have been acquired. Mr. DeAngelis then reviewed drainage provision for the property. Also reviewed were the proposed Earth Materials cut & filling required by the project.

Mike Kozlowski, Claris Construction, Newtown, CT, stated that the building is pre-engineered. He described the floor plan and the proposed building materials. A brief discussion ensued.

Sean Liu, Eastern Tech, LLC, is an Orange resident and Amity graduate. He stated that this company, which his parents own, has created a way to digitally print onto polyester. They have a patent for it. They design inks and coating to companies such as Nike. Mr. Liu stated that they are 100% water based solutions. They are ecologically sound. Mr. Liu stated that they would like to locate their headquarters here.

Mr. Liu stated that they would have a long driveway and a landscaped area. A discussion of potential parking spaces ensued. Mr. DeAngelis stated that they are asking for a reduction of 11 parking spaces. ZEO Dinice stated that all pertinent signoffs have been obtained. The Police Commission minutes were presented, in lieu of the Police Chief's signature.

As there were no further comments, a motion was made by Ralph Aschettino and seconded by Paul Kaplan to close the Public Hearing. The motion carried with the vote recorded as follows: Aschettino, aye; Kaplan, aye; Cornell, aye; Smith, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

Chairman Parente expressed his opinion that this is a good project. All pertinent signatures have been obtained.

A motion was made by Paul Kaplan and seconded by Ralph Aschettino to accept and approve the APPLICATION FOR SPECIAL USE, APPLICATION FOR CERTIFICATION OF SOIL EROSION AND SEDIMENT CONTROL MEASURES; SITE PLAN APPLICATION; SITE PLAN APPLICATION – ARCHITECTURAL STANDARDS SUPPLEMENT; and SITE PLAN APPLICATION-LIGHTING SUPPLEMENTS, 220 Edison Road. All standard conditions will apply. The Lighting Plan must amended to show light readings and zoning compliance at the property line. The Lighting Plan is subject to the review and approval of the Zoning Enforcement Officer. 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.

A motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve the APPLICATION FOR TEMPORARY SPECIAL USE EARTH MATERIALS REMOVAL & FILLING, 220 Edison Road. All standard conditions apply. The motion carried with the vote recorded as follows: Kaplan, aye; Smith, aye; Aschettino, aye; Cornell, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

A motion was made by Paul Kaplan and seconded by Ralph Aschettino to accept and approve the SITE PLAN APPLICATION; SITE PLAN APPLICATION – ARCHITECTURAL STANDARDS SUPPLEMENT; SITE PLAN APPLICATION-LIGHTING SUPPLEMENT, and APPLICATION FOR CERTIFICATION OF SOIL EROSION AND SEDIMENT CONTROL MEASURES; SITE PLAN APPLICATION, 220 Edison Road, subject to the following conditions: a revised lighting plan must be submitted in accordance with the zoning regulations (light measurements must be provided at grade at the property line); all standard conditions apply. 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.

Review of the Minutes from the February 20, 2018, March 6, 2018 and March 20, 2018 Meetings.

A motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve the Minutes from the February 20, 2018 meeting, as written. The motion carried with the vote recorded as follows: Kaplan, aye; Smith, aye; Cornell, aye; Aschettino, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

A motion was made by Paul Kaplan and seconded by Ralph Aschettino to accept and approve the Minutes from the March 6, 2018 meeting, as amended. 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.

A motion was made by Paul Kaplan and seconded by Ralph Aschettino to accept and approve the Minutes from the March 20, 2018 meeting, as written. The motion carried with the vote recorded as follows: Kaplan, aye; Aschettino, aye; Smith, aye; Cornell, aye; Parente, abstain. The vote was recorded as 4-0-1 to accept and approve the motion. There were no further comments.

Report of the Zoning Enforcement Officer.

Zoning Enforcement Officer Paul Dinice submitted a written report. (Attached.) Commissioner Aschettino asked ZEO Dinice if the State is responsible for the traffic signalization on Marsh Hill Road. ZEO Dinice stated that he would ask the Police Chief about it.

There were no further comments.

Old Business.

There was no Old Business to discuss.

New Business.

Discussion ensued regarding the letter ZEO Dinice received from the Orange Economic Development Corporation regarding signage along the Boston Post Road. ZEO Dinice expressed disappointment that he had not received a phone call prior to this letter being sent. He noted that the picture of illegal signs that was attached to the letter were all signs that ZEO Dinice had addressed.

Chairman Parente asked ZEO Dinice what the process is when there is a sign violation. ZEO Dinice stated that he must give the business a written warning and photograph the violation. He stated that one issue is that managers of businesses change frequently so he may need to go to a business several times. Commissioner Kaplan questioned ZEO Dinice if a warning needed to be given. ZEO Dinice stated that businesses complain if they are not warned, so they are always warned first. If the business violates the sign regulations a second time, ZEO Dinice and the Public Works Department go out to seize the sign and the sign is destroyed.

Commissioner Aschettino suggested giving a copy of a letter and the sign regulations to all business owners. This way, all businesses have been effectively warned. Discussion ensued. ZEO Dinice stated that the Zoning Office has been very busy and it's sometimes difficult for him to get out on the Boston Post Road to address illegal signage. Chairman Parente requested ideas for the next meeting for a better, quicker process. He requested that this matter be placed on the next agenda.

There were no further comments.

As there were no additional 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 8:55 p.m.

Respectfully Submitted,

Tamara Trantales
Administrative Assistant

April 3, 2018 - ZEO Activity Log

-Still awaiting Hearing Officer's decision for a Hearing held for Tracy Forllini concerning property known as 342 Country Lane. Zoning Violation for the illegal parking and storage of trailers. On April 2, 2018 Z.B.A. denied a variance for an attached 4 car garage. They may consider a modified Petition if the size of the garage (4 car) is reduced. The large box trailer has been removed from the property. This was a trailer that was deemed illegal by the ZEO.

-Issuance of NOTICE OF ZONING VIOLATION For Lighting violations at Turkey Hill School, 441 Turkey Hill Road. In October of 2016 my office received complaints relative to new lighting fixtures that were erected at Turkey Hill School. The lighting was not in compliance with Orange Zoning Regulations nor was it reviewed by the Orange Zoning Department. Although a meeting was held with Board of Education representatives, and some measures have been taken to reduce light glare, the site is still not in compliance nor has a Lighting Supplement Application been submitted. A letter was submitted by Mr. Pat Minore to appear before the TPZC. That will happen at the April 3, 2018 meeting. I have requested that a representative from the Orange Board of Education also appear.

-Issuance of FINES FOR ZONING VIOLATIONS. For property known as 772 Derby Milford Road. For illegal construction/erecting of 2 accessory structures on the property. Issued March 5, 2018. The property owner has filed paper work to contest the fines before a Hearing Officer. The Hearing has been rescheduled and should occur the week of April 23, 2018.

-ZEO is *still* working with the recently approved Veterans Administration Community Center to obtain State OSTA approval for 200 Edison Road. For the construction of a 57,370 sq. ft. Veterans Administration Community Care Center with 300 parking spaces. Revised traffic reports are being prepared. The developer will be appearing before the Police Commission with the completed plan.

-Issuance of Fines - Zoning Violations concerning property located at 835 College Street. a.k.a. Assessor's Map 92-5-7. Illegal construction of additional dwelling unit(s). 227 Days x \$150 per day = \$34,050.

-The Town of Orange received a complaint concerning the clear cutting of trees at the water's edge of the Housatonic River. A Shelton resident notified the ZEO 4/2/2018. The CT DEEP also asked Town Officials to investigate the matter (4/3/2018). The clear cutting is occurring at the edge of Town owned property. The Town owned property is adjacent to approximately 6 or 7 dwellings on Aspen Lane. It appears that someone from one of these properties clear cut the trees to create a beach at water's edge. Additional inspections will be made.

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TRACY B. FORLLINI
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