

ORANGE ZONING COMMISSION
MINUTES OF THE MAY 1, 2018 MEETING

Approved Minutes

The Town Plan and Zoning Commission held a Meeting on Tuesday, May 1, 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

ORANGE, CONN.
TOWN CLERK'S OFFICE
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2018 JUN 26 AM 11:32
Michael B. O'Sullivan
TOWN CLERK

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

Review of the Minutes from the April 17, 2018 Meeting.

A motion was made by Ralph Aschettino and seconded by Judy Smith to accept and approve the Minutes from the April 17, 2018 Meeting, as written. The motion carried with the vote recorded as follows: Aschettino, aye; Smith, aye; Cornell, aye; Kaplan, 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 stated that he did not have a written report tonight. He has issued several anti-blight notices to residents with violations. He stated that he has sent electronic copies to the Commission. ZEO Dinice stated that he issued a written warning to a property owner/resident who has an extra large cache of cut wood and pallets. It cannot be used or sold in conjunction with a commercial business.

ZEO Dinice stated that D & D Landscaping Services are located behind the liquor store at 374 Boston Post Road. He has attempted to contact them several times and they do not return his calls. An abatement order was issued regarding the staging of commercial vehicles and equipment adjacent to residential condominiums. ZEO Dinice also sent an abatement order to the property owner.

There are a number of confiscated signs at the Highway Department. If they are not claimed, they will be destroyed. ZEO Dinice noted that Public Works has been extremely helpful. Approximately 85% of the Boston Post Road is clear of sign violations.

ZEO Dinice noted that he will be on vacation beginning tomorrow.

There were no further comments.

Old Business.

Commissioner Kaplan asked Zoning Enforcement Officer Paul Dinice about 772 Derby Milford Road. ZEO Dinice stated that one out-building has been removed. The Town Attorney and the property owners' attorney are negotiating. ZEO Dinice stated that he observed during his inspection that the property has been cleaned up a little. Chairman Parente asked if the Cease and Desist is still in effect, and if the fines continue to accrue. ZEO Dinice replied affirmatively.

Commissioner Cornell questioned if the TPZC would be studying and addressing the TODD zone and consider whether it would revert to LI-2. Chairman Parente stated that it would be discussed in the near future. He has had a conversation with Town Attorney Vincent Marino. Attorney Marino intends to discuss this matter with the applicant's attorney. A brief discussion ensued. Chairman Parente stated that it could be accomplished either on our initiative or on their initiative. Discussion continued. Chairman Parente stated that this would be placed on an agenda in the near future.

There were no further comments.

New Business.

There was no New Business to discuss.

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

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

Commissioner Kaplan read the legal notice into the record.

*RESUBDIVISION APPLICATION- Submitted by HD CT Investments LLC. For property known as 440 Boston Post Road (Home Depot Plaza). To resubdivide 15.22 acres to create 2 Lots zoned Commercial C-2. SITE PLAN APPLICATIONS for Lot 1 & Lot 2 have also been submitted in conjunction with this application.

SITE PLAN APPLICATION – Submitted by HD CT Investments LLC. For property known as 'Proposed Lot 1', 440 Boston Post Road (Home Depot Plaza).

SITE PLAN APPLICATION – Submitted by HD CT Investments LLC. For property known as 'Proposed Lot 2', 440 Boston Post Road (Home Depot Plaza).

John Knuff, Esq., 147 Broad Street, Milford, noted that the proposed Easements and Declarations between Lot 1 & Lot 2 was reviewed and approved by the Town Attorney. This was the only outstanding issue. Chairman Parente asked if there were any comments from the audience or from the Commission. There were none.

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; Aschettino, aye; Cornell, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

A motion was made by Judy Smith and seconded by Ralph Aschettino to accept and approve the RESUBDIVISION APPLICATION, 440 Boston Post Road. The motion carried with the vote recorded as follows: Smith, aye; Aschettino, aye; Kaplan, 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 APPLICATIONS for Lot 1 & Lot 2, 440 Boston Post Road. 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.

**PETITION TO AMEND THE ORANGE ZONING REGULATIONS -- Submitted by Richard Meisenheimer. To Amend the Orange Zoning Regulations to create a Cottage Community Active Adult Community (CCAAC). Special standards are proposed in Article XIV and other sections of the Orange Zoning Regulations.*

Commissioner Smith stated that she would recuse herself from this application because her family owns real estate which may appear as a conflict. Under the proposed regulations, a family owned property could possibly be impacted.

Kevin Curseaden, Esq., 3 Lafayette Street, Milford, distributed maps to the Commission. He stated that this proposal is designed to provide an affordable housing alternative for retired people. He stated that the proposal complies with the Plan of Conservation and Development (POCD). It would be a 'walkable' community. Attorney Curseaden stated that this housing would be more affordable than Fieldstone Village. Attorney Curseaden stated that there would be one and two bedroom units.

Chairman Parente expressed concern that if this proposal is approved, it could result in this type of housing being potentially allowed on numerous other parcels in town. The proposed text could be modified to reduce the number of parcels that would qualify for this type of development. A brief discussion ensued. Attorney Curseaden stated that the applicant did not make this specific to this one piece of property to avoid claims of spot zoning. Attorney Curseaden stated that this regulation would apply to any residential zone if they could meet the requirements. Discussion ensued.

Commissioner Kaplan asked Zoning Enforcement Officer Paul Dinice if there were any traffic concerns with this proposal. ZEO Dinice replied that it would depend on the density of the development.

Attorney Curseaden displayed drawings. He noted that there would be a private road off of Turkey Hill Road. Discussion ensued.

Commissioner Cornell stated that with 10 units per acre, it resembles a clustered housing type development. Discussion ensued regarding the density of this proposal.

Chairman Parente asked for comments from the public. There were none. Commissioner Aschettino stated that he would like to hear from Jeff Gordon regarding potential development being serviced by a septic system. Chairman Parente stated that he would also like the Town Sanitarian's input.

Chairman Parente stated that he would prefer that this proposal be written to be much more restrictive with regard to eligible parcels of land. Commissioner Aschettino concurred. He stated that this appears to be a very dense development. Attorney Curseaden stated that it is limited to 50 units. Discussion ensued.

Chairman Parente stated that he would keep the public hearing open. Chairman Parente asked Attorney Curseaden what the Town's obligation would be if the septic system should fail. Discussion ensued. It was determined that the Town Attorney be consulted as to what the Town's obligation would be.

Commissioner Kaplan opined to ZEO Dinice that neighbors should be notified of this proposal. ZEO Dinice has briefly spoken with Town Attorney Vincent Marino regarding notifying neighbors of proposals which may impact them. The current regulations do not require notification. Commissioner Aschettino noted that this proposal would be changing the regulations for the entire town. Chairman Parente stated that input from the public would be beneficial.

There were no further comments. This matter will be continued at the next TPZC meeting.

*APPLICATION FOR TEMPORARY SPECIAL USE EARTH MATERIALS REMOVAL & FILLING - Submitted by WU/LH 35 Executive LLC. For property known as 35 Executive Blvd.; a.k.a. Assessor's Map 2-2-3B. For required earth materials removal and filling in conjunction with the construction of a 41,600 sq. ft. office/ warehouse. A SITE PLAN APPLICATION & APPLICATION FOR CERTIFICATION OF SOIL EROSION AND SEDIMENT CONTROL MEASURES have also been submitted.

SITE PLAN APPLICATION - Submitted by WU/LH 35 Executive LLC. For property known as 35 Executive Blvd.; a.k.a. Assessor's Map 2-2-3B. For the construction of a 41,600 sq. ft. office/ warehouse. SITE PLAN APPLICATION – ARCHITECTURAL STANDARD SUPPLEMENT; and SITE PLAN APPLICATION-LIGHTING SUPPLEMENT has also been submitted.

Wilson Alford, Jr., Registered Professional Engineer and Land Surveyor in CT, began his Power Point presentation. He stated that a portion of Executive Boulevard is a private road. The proposal is to demolish the existing vacant office building and to build a new warehouse. Mr. Alford stated that they would be reducing the total impervious surface on the property. They do not conform to the 65% total coverage required by the Zoning Regulations. Discussion ensued. Commissioner Cornell inquired why the applicant wouldn't make the property conforming since they are demolishing the building. Mr. Alford replied that if they complied completely, they could not have as large a building. Chairman Parente noted that they are vastly reducing the number of parking spaces. Commissioner Cornell remarked that this is a unique parcel. He

views this as a perfect opportunity to comply. Commissioner Smith stated that there should be less impervious surface. Commissioner Aschettino expressed his belief that the square footage of the building is the issue. A lengthy discussion ensued.

Chairman Parente stated that once the building is demolished, the applicant is left with a "clean slate". He stated that it appears that the choices are either to reduce the size of the non-conformity or they should attempt to obtain a variance from Zoning Board of Appeals (ZBA). Chairman Parente stated that the advice of the Town Attorney is necessary.

Commissioner Smith asked if the Fire Marshal had signed off on the plan. Zoning Enforcement Officer Paul Dinice replied affirmatively. Chairman Parente stated that all of the pertinent sign-offs have been obtained. This matter would be continued to the next meeting, May 15, 2018. Chairman Parente stated that he would like legal advice from the Town Attorney with regard to the application's non-compliance with total impervious surface.

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 9:05 p.m.

Respectfully submitted,

Tamara Trantales
Administrative Assistant