

**ORANGE ZONING COMMISSION**  
**MINUTES OF THE JUNE 19, 2018 MEETING**

*Unapproved Minutes*

The Town Plan and Zoning Commission held a Meeting on Tuesday, June 19, 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. Chairman Parente stated that there is a lengthy agenda this evening. He proposed that the agenda be reordered as he suggested.

A motion was made by Ralph Aschettino and seconded by Paul Kaplan to reorder the agenda. 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.

Review of the Minutes from the May 15, 2018 Meeting.

A motion was made by Ralph Aschettino and seconded by Paul Kaplan to accept and approve the Minutes from the May 15, 2018 Meeting, as written. 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.

Report of the Zoning Enforcement Officer.

Zoning Enforcement Officer Paul Dinice stated that in addition to his Activity Log, he has distributed a Violation and Enforcement Status Report to the Commission.

ZEO Dinice stated that the Extended Stay Hotel project at 99 Marsh Hill Road is progressing. Urban Air, Bull Hill Lane, is nearing completion.

There were no further comments.

Old Business.

There was no Old Business to discuss.

New Business.

There was no New Business to discuss.

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2018 AUG -3 PM 2:34  
Paul J. Cornell  
Chairman

Request for modification of SITE PLAN APPROVAL. Submitted by property owner Bull Hill Lane Associates. For property known as 260 Bull Hill Lane. To create an “Urban Air” Commercial Amusement Center with activities including trampolines, bowling, electric go karts and rope lines. The request is for an increase in the occupancy of the building. Additional parking is required.

Sam Gardner, Architect, 151 East Street, New Haven, stated that the operator of the business, Lakshaman Paidi, is present. Mr. Gardner stated that they initially thought that the occupancy would be 400 people. However, after conferring with the Building Inspector, the Fire Marshal and ZEO Dinice, the Applicant is proposing 700 people maximum occupancy. The new maximum capacity would require 233 parking spaces. The parking lot has 390 parking spaces. A brief discussion ensued.

Mr. Paidi stated that he will utilize a “people counter” to count how many people are inbound and outbound in the building. He noted that this system is used across the country, including Disney. Chairman Parente inquired if the Fire Marshal is familiar with this sensor. Mr. Paidi replied affirmatively, adding that it was discussed and researched. Chairman Parente requested a memo from the Fire Marshal stating his approval of this device.

As there were no further comments, a motion was made by Ralph Aschettino and seconded by Judy Smith to accept and approve the Request for modification of SITE PLAN APPROVAL for 260 Bull Hill Lane, to increase the occupancy of the building. A condition of the approval is that the Applicant must submit a memo from the Fire Marshal approving the people counting device. The motion carried with the vote recorded as follows: Aschettino, aye; Smith, aye; Kaplan, aye; Cornell, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

SITE PLAN APPLICATION – Submitted by PCS Properties LLC for property known as 377-385 Boston Post Road. The proposal is to convert 4,000 square feet of retail area into a virtual reality entertainment center (amusement).

Brian Stone, Esq., stated that the Applicant is seeking to convert 4,000 square feet on the Bear & Grill property into a virtual reality gaming center. He stated that there would be occupancy of 80. It would be an assembly, such as an indoor theater. Attorney Stone stated that there would not be any changes on-site except for a new doorway in the back of the building. He noted that parking would not be an issue. Attorney Stone stated that there are 103 parking spaces. Ninety-three parking spaces are required for this proposal.

ZEO Dinice stated that all pertinent sign offs have been obtained. Commissioner Smith asked what the hours of operation would be. Attorney Stone stated that they would be 11 a.m. to 11 p.m. Commissioner Cornell stated that adult entertainment uses are not allowed in Town. Attorney Stone stated that he would submit a letter stating that there would not be any adult entertainment in this facility.

Attorney Stone noted that the property has some pre-existing non-conformities. He stated that variances were granted in the past. Commissioner Kaplan noted that this is a less intense use than before.

As there were no further comments, a motion was made by Paul Kaplan and seconded by Ralph Aschettino to accept and approve the SITE PLAN APPLICATION for 377-385 Boston Post Road, to convert 4,000 square feet of retail area into a virtual reality entertainment center (amusement). 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.

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

Commissioner Kaplan read the legal notices into the record.

SPECIAL PERMIT APPLICATION FOR THE CONVERSION OF A SINGLE FAMILY DWELLING TO ACCOMMODATE AN ELDERLY APARTMENT. For property known as 535 Highfield Road. Submitted by property owners Linda & Alexa Gherlone. To create an elderly apartment within an existing Single Family Dwelling.

Louis Gherlone, 535 Highfield Road, stated that he is appearing on behalf of his wife and daughter. He displayed the proposed plan for his house. Mr. Gherlone stated that there is a finished basement and a rear entrance.

Mr. Gherlone stated that the Zoning and Health department heads made inspections and ‘walked through’ the accessory apartment. Zoning Enforcement Officer Paul Dinice stated that all pertinent Department Heads have signed off. He noted that the apartment already exists. Chairman Parente stated that this proposal complies with the zoning regulations. It is owner occupied and well under the 900 square foot maximum.

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

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

There were no further comments.

SPECIAL PERMIT APPLICATION – Request for the reduction in the number of required parking spaces as per Section 383-175 of the Orange Zoning Regulations. For property known as 393 Derby Ave. Submitted by property owner Chinmaya Mission. Additional parking is required to utilize existing basement space. A SITE PLAN has also been submitted in conjunction with this application.

Paul Holub, Architect, stated that they are requesting a reduction of 25% in the number of required parking spaces. He explained that they would utilize the lower level. Mr. Holub stated

that the existing basketball court is not used. He wants to use that as additional parking. There are 51 existing parking spaces. Mr. Holub stated that they would add 11 to make 62. He noted that there would be minimum disturbance to the site.

Zoning Enforcement Officer stated that the applicant is using some already existing non-pervious surface to provide parking. Drainage for additional parking areas is not being proposed. Chairman Parente asked ZEO Dinice if there were any setback requirements concerning the parking area. ZEO Dinice stated that there were not any setbacks. However, the Commission could provide a setback. Discussion ensued. Commissioner Aschettino stated that the applicant must demonstrate that they have the capacity to provide necessary parking spaces if needed. Zoning Enforcement Officer stated that the Fire Marshal is familiar with the plan. Chairman Parente suggested that the revised plan be submitted to the Fire Marshal.

Chairman Parente asked for public comments. There were none. He stated that the Public Hearing would be kept open. It would be placed on the next agenda.

There were no further comments.

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.

Chairman Parente stated that he has reviewed the legal advice from Town Counsel Vincent Marino. Chairman Parente read input from department heads into the record. He stated that there is public input, letters/emails and the applicant will speak.

Joy Topazian Moore, Esq., stated that she is appearing tonight in place of Attorney Kevin Curseaden, with the law firm of Carroll, Curseaden & Moore, LLC. Chairman Parente stated that with the advice from Attorney Marino, there is concern regarding proposed septic systems to service CCAAC development. If the septic systems fail, would the Town be responsible? Chairman Parente stated that there would be a heightened level of responsibility for the Town if there is a community sewerage system; if separate structures utilize the same system. He referenced letters from the Town Sanitarian and the Police Chief. (Letters attached.) Police Chief Gagne is concerned that there would be a strain on the police staff, especially with medical issues.

Attorney Topazian Moore, 3 Lafayette Street, Milford, stated that there were revisions made on June 15, 2018. She briefly explained the revisions. Attorney Topazian Moore stated that the septic systems would be privately owned and maintained. Five units per acre were initially proposed. Now they are proposing two units per acre.

After a brief discussion, Zoning Enforcement Officer Paul Dinice read the letters from the public into the record. There were 14 letters in opposition of this proposal. There were none in

support. Many of the letters in opposition cited traffic congestion, a dense development in a single home area, and it would pose a huge strain on town services.

Attorney Topazian Moore read 33 letters in support of the proposal into the record. There were none in opposition.

Michael DeVito, 470 Turkey Hill Road, stated that he lives very close to the proposed project. He is opposed to it. Mr. DeVito said that he has a family member in a facility on Indian River Road. That facility is near doctors, pharmacies and medical services. He cannot see any benefits of this project in a residential neighborhood.

Missy Hackett, 467 Turkey Hill Road, stated that she and her husband oppose this proposal. She expressed her belief that the proposed facility does not make sense on this property. She asked if a traffic study had been done. She would be very interested in the results.

Ron Michaels, 521 Turkey Hill Road, stated that he is in opposition of this proposal. He believes that this zone change would open the door for other similar projects in town.

Brian Cleveland, 695 Wheelers Farm Road, stated that he moved to Orange for the school system and for the abundance of land where his children could play. He stated that 55+ adults need grocery stores, theaters, etc. so that they could be connected to the broader community. He believes that there are other locations in town which are more equitable for this type of project. He is opposed to this project in this location.

Dr. Amir Mohammad, Town resident and Director of Health in Orange, focused on the medical aspect of this proposal. He has concerns that there are no services nearby for the residents of this project. He stated that he agrees with the Sanitarians and the Police. He does not believe this location is suitable. Furthermore, he believes that this facility would be a disservice to the Town of Orange.

George Finley, 126 Indian River Road, stated that there is a demand for housing in Orange for seniors in Town. Mr. Finley stated that he has researched CCAAC in order to understand the concept. He found one in the Beacon Falls area that includes condos, town houses and mobile homes. He noted that the developer of such a community has a lot of latitude. Mr. Finley stated that the TPZC must be the ones to decide what could be built, not the developers. He is opposed to this application.

Mark Curkoni, Turkey Hill Road, stated that the correspondence presented in opposition to this project were heartfelt words in letters and emails. He expressed his belief that the letters in support were form letters. He is opposed to this project.

Lisa Jerzik, Hedgefield Court, stated that her house is directly behind the proposed project. She is opposed to the zone change in this proposal. She stated that it is disturbing to hear of this

project congesting Turkey Hill School and Turkey Hill Road. She is concerned for her neighbors.

Zoning Enforcement Officer Paul Dinice read letters/emails in opposition into the record. The main concerns of the residents were that traffic is already congested in the area. Traffic congestion would increase. The writers believe that the risks strongly outweigh any benefits of this proposal. The residents of this facility would need to be transported to the Senior Center at High Plains Community Center. Many of those in opposition mentioned that they were concerned about the land disturbances this project would create.

Attorney Topazian Moore stated that she respects the residents' comments. She noted that no children under 21 would be allowed to live in this facility unless a hardship exists. The hardship would first be reviewed by Town Counsel and the TPZC. Attorney Topazian Moore expressed her belief that people in Orange would like to live in a community such as this. She stated that Fieldstone Village is more expensive. She further stated that this proposal is meant to address people 55 and older who would like to live in a neighborhood and to stay in town.

Jeffrey Gordon, Codespoti & Associates, stated that Active Adult Communities are not equipped for medical services. He stated that he created these regulations from the already existing Active Adult Communities regulations. Mr. Gordon presented a brief history of multi-family housing in Orange. He also referred to comments previously made by TPZC members. He stated that this project would give people the option to live in a single family neighborhood.

Richard Meisenheimer, 884 Robert Treat Extension, presented a brief history of his property on Turkey Hill Rd. He stated that the land has been in his family since 1984. He was guided by professionals to present the CCAAC zone text amendment. Mr. Meisenheimer noted that there was no formal notice to adjacent neighbors because it wasn't required at that time.

Mr. Meisenheimer expressed his belief that this proposal is the best use for this property. He believes that ten homes on this land would have more of a detrimental impact on contiguous neighbors.

As there were no further comments from the public, Chairman Parente asked the Commission if they needed more information. Commissioner Smith stated that the Commission could still receive information from Town Counsel because he is a staff member. Chairman Parente stated that those in support, opposition and all pertinent department heads have had an opportunity to respond.

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

6/19/18

TPZC MINUTES

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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 9:50 p.m.

Respectfully submitted,

Tamara Trantales  
Administrative Assistant