

**ORANGE ZONING COMMISSION**  
**MINUTES OF THE JULY 2, 2019 MEETING**

Approved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, July 2, 2019, 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.

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Paul Dinice, Zoning Enforcement Officer  
Tamara Trantales, Administrative Assistant  
Jack Demirjian, TPZC/Wetlands Intern  
Robin Gengaro, Public Stenographer

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 May 7, 2019 Meeting.

After a brief discussion, a motion was made by Ralph Aschettino and seconded by Paul Kaplan to accept and approve the May 7, 2019 Minutes, as amended. The motion carried with the vote recorded as follows: Smith, aye; Cornell, aye; Kaplan, aye; Aschettino, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

SITE PLAN APPLICATION – LIGHTING SUPPLEMENT – Submitted by Bank of America for property known as 445 Boston Post Road.

Appeared Bob Woods of the Horton Construction Group. He represents Bank of America. He submitted stamped and sealed plans for review by the T.P.Z.C. Bank of America is planning to upgrade their present lighting to LED, full cut off. A discussion of foot candles ensued. Commissioner Cornell expressed his belief that over-lighting would be reduced with the LED fixtures. He inquired if there has ever been an issue with their lights. Zoning Enforcement Officer Paul Dinice replied that lighting has not been an issue at this location.

After a brief discussion, a motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve the SITE PLAN APPLICATION – LIGHTING SUPPLEMENT for Bank of America, 445 Boston Post Road. 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.

There were no additional comments.

SITE PLAN APPLICATION – LIGHTING SUPPLEMENT – Submitted by Orange Congregational Church for property known as 205 Meeting House Lane.

Kenneth and Nancy Mull appeared before the Commission requiring additional lighting for the Orange Congregational Church parking lot, 205 Meeting House Lane.

Mr. Mull stated that there are currently only two lights illuminating the parking lot. He is proposing to erect two additional lights onto existing telephone poles. Mr. Mull noted that they cannot afford a lighting plan. There is concern of light spillage onto neighbors' properties as well as Orange Center Road. A brief discussion ensued.

Chairman Parente explained the lighting requirements. He stated that the plan should be sealed by a licensed engineer. After a brief discussion, ZEO Dinice stated that these fixtures will not comply with the regulations. Chairman Parente stated that we need to be certain light doesn't spill over onto other properties. Commissioner Cornell noted that the applicants are bound to what United Illuminating is willing to install. Discussion continued. Commissioner Kaplan stated that the Commission would like to approve the request. However, the application needs to comply with the zoning regulations. Discussion ensued involving the Zoning Board of Appeals (ZBA).

ZEO Dinice stated that an action or a withdrawal of the application is needed. After a brief discussion, a motion was made by Paul Kaplan and seconded by Kevin Cornell to deny and reject the application. The motion carried with the vote recorded as follows: Kaplan, aye; Cornell, aye; Smith, abstain; Aschettino, aye; Parente, aye. The vote was recorded as 4-0-1 to accept and approve the motion.

There were no additional comments.

#### Report of the Zoning Enforcement Officer.

Zoning Enforcement Officer Paul Dinice stated that he has completed his vacation time. He stated that the office is extremely busy. He has not been able to visit some of the major construction sites in town but will do so in the next few days. ZEO Dinice stated that he has issued several anti-blight orders. Discussion ensued regarding how foreclosed properties are processed.

ZEO Dinice stated that a letter was received by the zoning department concerning a loud, frequently crowing neighborhood rooster. After a brief discussion, it was determined that this item would be placed on the next agenda. ZEO Dinice further stated that he had previously drafted regulations concerning roosters. The Commission decided not to go forward with them at that time.

There were no additional comments.

#### PUBLIC HEARINGS (\*3)

APPLICATION FOR SPECIAL USE - Submitted by Steven Ciardiello for property known as 285 Boston Post Rd - As per Section 383-143.4 Outdoor Restaurant Seating Area - To provide a 15' x 44' outdoor dining area for an existing Eli's Restaurant. A SITE PLAN APPLICATION has also been submitted. (Continued from the June 18, 2019 meeting.)

Nick Quagliani, general manager of Eli's Restaurant, stated that they have submitted a completed application for outdoor dining. It included revisions to the plan. Chairman Parente stated that the Chief of Police signed-off on the condition that bollards are placed around the patio. Mr. Quagliani stated that they plan on using masonry planters, which would act as bollards. After a brief discussion, Chairman Parente stated that an approval would be subject to review by the Police Chief. It was also noted that patronage on the patio is limited to 32 seats.

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; 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 Application for Special Use, for 285 Boston Post Road, to provide a 15' x 44' outdoor dining area for Eli's Restaurant, subject to the following conditions: 1) Prior to the start of construction, the Orange Police Commission must review and approve the proposed planter barricades bordering the outdoor dining area. 2) Maximum capacity of the outdoor dining area is 8 tables. Seating will be 4 patrons per table for a total of 32 patrons. 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.

There were no additional comments.

APPLICATION FOR SPECIAL EXCEPTION, PERMIT OR USE - -Submitted by Stellato Realty, LLC for property known as 403 Derby Avenue - As per Section 383-143.6 Special Standards for Farm Wineries. To use the existing dormitory building as the sales and processing area. The sales and tasting area will not be more than 1,500 sq. ft.

Alexa Charles, daughter of the applicant, stated that they are proposing a vineyard wine tasting room. She stated that there will not be a kitchen on the premises. No one is or will be living on the premises.

Commissioner Smith inquired what the total occupancy would be. After a brief discussion, Ms. Charles stated that the maximum occupancy would be between 60 and 70 patrons. Ms. Charles noted that the Fire Marshal has signed-off on the plan.

Discussion ensued regarding landscaping and plantings. Chairman Parente stated that the Commission needs to be certain that the property is adequately buffered from surrounding houses. Pete Landino, owner, stated that he has plantings along the property line.

Ms. Charles stated that there is a cement patio for grape crushing. She commented that she would like it to remain private. Mr. Landino stated that they would erect a decorative fence. Commissioner Smith stated that she was under the assumption that all aspects of processing the wine would be completed inside. A brief discussion ensued. ZEO Dinice stated that it is similar to farms. Discussion continued.

Chairman Parente asked ZEO Dinice if all pertinent sign-offs had been obtained. ZEO Dinice replied affirmatively. He added that the applicant has appeared before the Police Commission.

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.

Chairman Parente stated that this application complies with the standards for wineries. It is harmonious with the neighborhood. After a brief discussion, a motion was made by Paul Kaplan and seconded by Ralph Aschettino to accept and approve the Application for Special Exception, Permit or Use for 403 Derby Avenue. 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.

There were no additional comments.

PETITION TO AMEND THE ORANGE ZONING REGULATIONS - -Submitted by property owner 35 Old Tavern Road LLC - To amend Article IV, Section 383-33 et seq., of the Orange Zoning Regulations to permit mixed use residential development in the Local Shopping Center (LSC) District.

Marjorie Shansky, Esq., stated that she is representing 35 Old Tavern Road LLC. Attorney Shansky noted that the proposed text amendment concerns the Local Shopping Center (LSC) district. She stated that there are two areas in town designated LSC. Attorney Shansky's proposal is to add an additional Use known as Mixed Used Residential Development. The Mixed Use Residential Development will be limited to areas served by public water and public sewer. She noted that it is consistent with the Plan of Conservation and Development (POCD). Attorney Shansky stated that they merely want to add another use.

Attorney Shansky stated that the POCD repeatedly encourages housing diversity. She added that this text amendment would help implement what the POCD repeatedly states.

After a brief discussion, Chairman Parente asked for comments from the audience. Jim Hatrick, 318-322 Racebrook Road, stated that he does not support mixed uses. He does not want a 3 or 4 level building at this site. He stated that this is a town, not a city.

Kathy Hatrick, 318 Racebrook, Jim Hatrick's wife, stated that she does not want an apartment building in her back yard. She does not support this proposal.

Mitch Goldblatt, 291 Drummond Road, stated that although this proposal is for mixed use, it could become all residential, with no retail. Mr. Goldblatt expressed his belief that retail and residential use should stay together in a mixed use. He stated that local shopping centers have public water and sewer. He asked if there is a minimum number of acres needed. Attorney Shansky stated that there is additional land in the LSC zone. It is eligible for office or retail with

residential above. She expressed her opinion that this is a way to optimize the area and to implement the POCD housing alternatives and diversity.

Jim Zeoli, 617 Orange Center Road, First Selectman, stated that this is an interesting concept. He noted that he has spoken with the property owners and attorneys. First Selectman Zeoli expressed his belief that this particular use will have a mixture of uses within the building. He added that this appears to be a very well-planned proposal.

First Selectman Zeoli stated that it is important to consider offering opportunities for housing. He noted that although this plan has some concerns, it also has many good possibilities.

Attorney Shansky stated that if this proposal is approved, a traffic impact statement would be provided to the commission. Chairman Parente questioned the commission if they should engage a planning consultant. The commission agreed. Chairman Parente suggested that ZEO Dinice have a conversation with Planning Consultant Glenn Chalder, the Fire Marshal and the Police Chief to see if they identify an issue the commission didn't see. Discussion ensued. Attorney Shansky stated that she would provide Mr. Chalder with all the necessary information.

There were no additional comments.

#### Old Business.

There was no Old Business to discuss.

#### New Business.

There was no New Business to discuss.

First Selectman Zeoli introduced Jack Demirjian as the new Zoning and Wetlands Assistant. Mr. Zeoli stated that he had been looking for someone to assist with Wetlands and Zoning. Mr. Demirjian is a recent college graduate, majoring in Environmental Sciences. He is working with us on a paid six-month internship.

There were no additional 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 9:30 p.m.

Respectfully submitted,

Tamara Trantales  
Administrative Assistant