

ORANGE ZONING COMMISSION
MINUTES OF THE AUGUST 6, 2019 MEETING

Unapproved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, August 6, 2019, at 7:00 p.m., Town Hall, 617 Orange Center Road. The following members attended:

Oscar Parente, Esq., Chairman
Judy Smith, Vice-Chairman
Ralph Aschettino

Paul Dinice, Zoning Enforcement Officer
Jack Demirjian, Zoning/Wetlands Assistant
Tamara Trantales, Administrative Assistant
Robin Gengaro, Recording Secretary

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Chairman Parente welcomed everyone to the meeting. He asked those seated at the table to introduce themselves for the record. Chairman Parente noted that Commissioners Kaplan and Cornell are absent this evening due to previous engagements.

Chairman Parente stated that the application to amend the Orange Zoning Regulations, submitted by the property owner of 35 Old Tavern Road, Firelite Shopping Center, will be heard either at the next TPZC meeting on August 20, 2019 or at a Special Meeting. The dates of a possible Special Meeting were discussed.

There were no further comments.

8-24 Referral Municipal Improvements – Request by the Town of Orange to clear Fred Wolfe park for expanded use.

James Zeoli, First Selectman, 617 Orange Center Road, stated that the Town of Orange bought the property years ago. The land was initially intended to be used for the construction of a new high school, which was never built. First Selectman Zeoli stated that parcels have been added to it over the years.

First Selectman Zeoli displayed a drawing depicting the area. He explained that this is an 8-24 Municipal Improvement Referral. He noted that he first approached the Park and Rec. Dept. Now he is looking for either a favorable or unfavorable recommendation from TPZC. Then it will proceed to the Board of Selectmen.

First Selectman Zeoli stated that the area is extremely overgrown. Former Town Engineer, Robert Hiza, has been setting the boundaries. There will be a 50-60' buffer from the road. There is currently only one exit/entrance to the park. Wetland constraints previously prevented a second exit. First Selectman Zeoli stated that now they have some grant money. He stated that they would use it in order to provide an emergency exit. The secondary exit would be a gated opening. It would open the park up and lead to the newly cleared area onto Oakview road. Abutters were notified by letter. A brief discussion ensued.

First Selectman Zeoli stated that the town has a grant for a barrier free playground. He mentioned a few locations in town he had considered. He determined that Fred Wolfe Park would be the best site for a public playground. It would not be closed, as is the playground at

Mary L. Tracy School, while school is in session. There is a gravel driveway. The parking lot would possibly be paved in the future.

Commissioner Aschettino inquired about the lighting. First Selectman Zeoli stated that there would not be any field lighting. The area has electricity and city water on site. The park will have restroom facilities in the future. A brief discussion ensued.

Chairman Parente asked if First Selectman Zeoli had heard any strenuous objections. Mr. Zeoli stated that he has heard from two neighbors, the Cargos and Carla Birmingham. Carla Birmingham stated that she first became involved with the proposal when a road was proposed to access Fred Wolf Park from Pine Tree Drive. She expressed concern that required permits were not obtained when the park was first developed. A brief discussion ensued.

Chairman Parente read portions of the 8-24 statute into the record. He stated that the commission could give a favorable or an unfavorable recommendation. Chairman Parente expressed his belief that this project would improve the recreational area. There would not be any impact on the neighborhood. He views it favorably. Commissioner Smith stated that she appreciates the 50-60' buffer.

A motion was made by Ralph Aschettino and seconded by Judy Smith to give a favorable recommendation for the 8-24 Referral Municipal Improvements, to clear Fred Wolfe Park for expanded use. The motion carried with the vote recorded as follows: Aschettino, aye; Smith, aye; Parente, aye. The vote was recorded as 3-0 to accept and approve the motion.

There were no additional comments.

Review of the Minutes from the June 18, 2019; & July 2, 2019 meetings.

A motion was made by Judy Smith and seconded by Ralph Aschettino to accept and approve the Minutes from the June 18, 2019 meeting, as written. The motion carried with the vote recorded as follows: Smith, aye; Aschettino, aye; Parente, aye. The vote was recorded as 3-0 to accept and approve the motion.

A motion was made by Ralph Aschettino and seconded by Judy Smith to accept and approve the Minutes from the July 2, 2019 meeting, as written. The motion carried with the vote recorded as follows: Aschettino, aye; Smith, aye; Parente, aye. The vote was recorded as 3-0 to accept and approve the motion.

There were no additional comments.

Request to finish attic area at Traveland 564 Racebrook Road.

Eitan Battat, owner of Traveland, stated that they have been in this location exactly one year. They want to close and finish the attic for recreation use by employees. Commissioner Aschettino asked what the current use is. Mr. Battat stated that the area is semi-finished. He would like to have a television and a couch there. A brief discussion ensued.

Chairman Parente stated that this is presently a non-conforming use. It is a commercial use in a residential zone. Orange Zoning Regulations state that no non-conforming uses shall be enlarged. After a brief discussion, Commissioner Aschettino stated that they are not changing the footprint of the building and that it is existing space. It's an interior renovation process.

A motion was made by Judy Smith and seconded by Ralph Aschettino to accept and approve the request to finish the attic area at Traveland, 564 Racebrook Road. The motion carried with the vote recorded as follows: Smith, aye; Aschettino, aye; Parente, aye. The vote was recorded as 3-0 to accept and approve the motion.

There were no additional comments.

Request Orange Land Development to extend TODD Approval for 24 months from September 4, 2019.

Chairman Parente stated that the approval we gave them, which has already been extended for one year, will expire. The Applicant says that state law allows them five years from date of approval to construct the project. Orange Zoning regulations allow two years. Commissioner Smith stated that historically, the Commission grants one-year extensions. Commissioner Aschettino stated that they would review it next year.

A motion was made by Ralph Aschettino and seconded by Judy Smith to accept and approve a one-year extension, until September 4, 2020. The motion carried with the vote recorded as follows: Aschettino, aye; Smith, aye; Parente, aye. The vote was recorded as 3-0 to accept and approve the motion.

There were no additional comments.

SITE PLAN APPLICATION-Submitted by Ajitpal S. Padda for property owner Orange Plaza LLC C/o Centro Property Group. For property known as 220 Indian River Road. The proposal is to refit an existing, indoor retail recreation use (fitness & martial arts studio) into a Virtual Reality-indoor Golf facility. Integrated into the proposal is a casual, light food service component offering snacks and beverages.

Jeffrey Gordon, Codespoti & Associates, stated that in the Christmas Tree Plaza, across from Monster Golf, is currently a martial arts studio. The applicant would have a café integrated as part of the virtual reality golf facility. They are anticipating five to six employees, plus golf pros. Mr. Padda noted that they do well in inclement weather. They are planning to apply to the state for a liquor license. They would have prepared foods, which will be reheated on site. Commissioner Smith asked what the hours of operation would be. Mr. Padda replied that they would be open from 10-10 during the summer and from 8-10 during the winter. They would be open seven days a week.

ZEO Dinice stated that he has a memo from the Police Dept. The applicant does not need to appear in front of the traffic authority. A brief discussion ensued.

A motion was made by Judy Smith and seconded by Ralph Aschettino to accept and approve the Site Plan Application to refit an existing, indoor retail recreation use into a Virtual Reality indoor golf facility. The motion carried with the vote recorded as follows: Smith, aye; Aschettino, aye; Parente, aye. The vote was recorded as 3-0 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 issued a multitude of abatement orders during the last few weeks. Zoning/Wetlands Enforcement Assistant, Jack Demirjian, is starting to issue his own orders.

ZEO Dinice stated that he visited all three major construction sites in town on Friday. The VA building will be completed shortly. The hotel has submitted a request for 'Release of Bond'. That can only occur after a Certificate of Occupancy is issued, which should happen sometime in September.

Commissioner Aschettino inquired if another traffic study would be done since several new businesses have come to town. ZEO Dinice stated that he has experienced the increased traffic. He suggested that the Commission bring any concerns to the Traffic Commission. ZEO Dinice will talk to the Chief to discuss it. He will follow up with a letter or email.

Commissioner Smith questioned ZEO Dinice about 374 Boston Post Road. A brief discussion ensued. ZEO Dinice that an Abatement Order for Zoning Violations & an Anti-Blight Order had been issued. The property is in shambles. He wasn't certain what materials were deposited there but it doesn't look clean. He did not receive a call from the property owner. A manifest for what materials that were deposited onsite was not submitted. ZEO Dinice has attempted to contact them through a certified letter, regular letter, and email, yet he has not received a response. Landscapers renting space on the property are staging their vehicles & equipment on Silverbrook Road. This impacts parents as they are attempting to drop off their children at the adjacent daycare center. It also is adjacent to a Residential Development a few hundred feet away. These issues must be addressed and resolved. All this activity is occurring without required Zoning Applications.

There were no additional comments.

Old Business

Commissioner Smith asked Zoning Enforcement Officer Paul Dinice if he had an update on the lighting at Turkey Hill School. ZEO Dinice replied that he has not heard anything about it lately.

There were no additional comments.\

New Business

ZEO Dinice stated that Planning Consultant Glenn Chalder would be available to attend a Special Meeting if needed. He is also available for our next TPZC meeting on August 20, 2019. Commissioner Aschettino noted that he would not be able to attend a meeting on August 27th. Chairman Parente stated that they postponed hearing this application because there would be new information submitted by our consultant and the applicant had not had an opportunity to review it yet.

There were no additional comments.

PUBLIC HEARINGS

Zoning Enforcement Officer Paul Dinice read the legal notice into the record.

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.

This application will be heard at a future date.

APPLICATION FOR SPECIAL USE - -Submitted by Indian River Road, LLC, for property known as 197 Indian River Road - The proposal is for a three-story assisted/independent living and memory care facility with associated parking, utilities and landscaping. A SITE PLAN APPLICATION has also been submitted in conjunction with this project.

APPLICATION FOR TEMPORARY SPECIAL USE EARTH MATERIALS REMOVAL & FILLING - -Submitted by Indian River Road, LLC, for property known as 197 Indian River Road. - To include earthwork of approximately 60,000 cubic yards of Cut; & 60,000 cubic yards of Fill material to result in a 'balanced site'. This application is related to the construction of an assisted/independent living and memory care facility at the property. An APPLICATION FOR CERTIFICATION OF SOIL EROSION AND SEDIMENT CONTROL MEASURES has also been submitted.

Greg Elmore, e2k Consulting, stated that this is a prototype building; this is the first one of this type. The facility would have an Independent Living wing. Memory Care would be on the other side of the building. A common area would be located between them with a kitchen, dining rooms, and two courtyards. They are planning on having a walking path around the perimeter of the building. The front of the building has a long driveway, the main entrance, and a visitor parking area.

Mr. Elmore stated that they have notified the neighbors. The ink company is the only business who responded. The applicant has a meeting with the Fire Dept. this week. A brief discussion ensued.

Chairman Parente stated that the Commission would like the Applicant to show truck movements on the plan. A discussion ensued regarding the grade of the property.

Commissioner Aschettino asked if there would be retaining walls. Brian Phillips, Langan, New Haven, stated that there would be four retaining walls. He displayed a rendering and demonstrated where the retaining walls would be located

ZEO Dinice asked Mr. Phillips to summarize the Wetlands approval. Mr. Phillips stated that they received approvals from Wetlands and from WPCA. He briefly explained that they would have several drainage systems, reducing flows up to and including 100-year storms. Commissioner Aschettino asked about their plans for lighting. Mr. Phillips stated that there would mostly be security lighting. Mr. Phillips noted that the Independent wing has balconies and slightly larger kitchens. He stated that deliveries would be shielded somewhat so as not to disturb the patients or guests.

Commissioner Smith inquired how many other facilities there are. Mr. Elmore stated that in the last 5 years, 23 facilities have been constructed in the northeast. This proposal is using

non-combustible building materials; light gauge metal buildings. Construction takes about a year. Commissioner Aschettino asked about the occupancy. Mr. Elmore stated that there would be approximately 183 beds. All the rooms are single rooms unless the patients are related or married. Double occupancy is available for siblings and couples. There would be studio, one- and 2-bedroom options. Commissioner Smith asked what the age restriction component would be. A brief discussion ensued.

Mr. Elmore stated that there would be 32-35 employees, depending on the activity. The night shift would have approximately 12 employees per building. The facility would be open from 7 a.m. to 7 p.m. People enter through the lobby and sign in. All lobbies would have camera surveillance. Mr. Elmore stated that since they are proposing a long driveway, they have already planned for a snow shelf. ZEO Dinice asked if they have appeared before the Traffic Commission. Mr. Elmore responded that they will next Monday.

Chairman Parente stated that the public hearing will remain open. He wants to give the absent commissioners an opportunity to see this presentation so that the Commission could all deliberate together. The next TPZC meeting is scheduled for August 20th.

Appeared resident Tom Hurley of 1050 Garden Road. He maintained that there was a map in the POCD that highlighted economic development in the proximity of his property. The map was submitted with a pending Petition to Amend the Zoning Regulations. Zoning Enforcement Officer Paul Dinice believed the map highlighted 'Mixed Residential' development. He will email out copies of the map to the TPZC that Mr. Hurley was referring to.

As there were no additional items on the agenda, a motion was made by Judy Smith and seconded by Ralph Aschettino to adjourn the meeting. The motion carried with the vote recorded as follows: Smith, aye; Aschettino, aye; Parente, aye. The vote was recorded as 3-0 to accept and approve the motion.

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Tamara Trantales
Administrative Assistant