

**ORANGE ZONING COMMISSION**  
**MINUTES OF AUGUST 6, 2020 SPECIAL MEETING**

*Unapproved Minutes*

The Town Plan and Zoning Commission held a meeting on Tuesday, August 6, 2020, at 7:00 p.m., outside of Town Hall. The following members were in attendance.

Oscar Parente, Esq., Chairman  
Judy Smith, Vice-Chairman  
Paul Kaplan, Esq., Secretary  
Kevin Cornell, Esq., PE  
Thomas Torrenti, PE

Jack Demirjian, Zoning Enforcement Officer  
Tamara Trantales, Administrative Assistant  
Vincent Marino, Town Counsel

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Chairman Parente welcomed everyone to the meeting. He introduced those in attendance for the record.

For property known as 35 Old Tavern Road (Firelight Plaza) Administrative Appeal for the settlement between the Town of Orange and 35 Old Tavern Road, LLC, regarding LSC district regulations and housing accommodations.

Chairman Parente stated that there was an administrative appeal since the commission denied this text amendment application last year. The decision was appealed.

The Settlement (copy attached) states that the Mixed Use Residential Development has amended the permitted density from 15 units per acre to 12 units per acre. The first floor commercial uses, the facilities associated with the residential component of the Mixed Use Residential Development, including a leasing/sales office or gym, shall count towards 25% of non-residential space. It was noted that the provision for affordable housing has been deleted, as amended.

After a brief discussion, Attorney Vin Marino expressed his belief that this is a fair resolution to the litigation. Chairman Parente inquired when the text amendment would be effective. Attorney Marino stated that it would be presented to the court. Once it is entered, the regulations will be altered when the Town receives notification from the Court.

Commissioner Smith read a portion of the document titled "Alternative Language for TPC Consideration" dated August 4, 2020 final" into the record. She questioned whether it could make the project denser. Attorney Marjorie Shansky, representing the applicant, stated that that there would not be more density, just more coverage. Discussion ensued. Chairman Parente stated that the initial objection was to density.

Attorney Marino stated that they will be certain to notify all adjacent property owners. He noted that it is not an obligation to do it, but they will notify them that they can attend court when the case is heard to state their objections. Discussion ensued.

Commissioner Smith asked Attorney Shansky how many acres were involved in this project. Attorney Shansky replied that there are six acres. Commissioner Smith noted that the Plan of Conservation and Development (POCD), page 92, describes a Town Center type of

Development which would encompass a 48-acre area. She opined that what is being proposed is not a Town Center and the proposed settlement would not advance the Town Center Type Development as described in the COPD. Discussion ensued.

Commissioner Cornell expressed his belief that the commission will deal with multi-family housing into the future. He stated that he personally does not settle cases we will win when the standards of judicial review are that the Commission acted in an arbitrary and capricious manner. In his opinion, it is a bad precedent. Discussion ensued.

Commissioner Kaplan stated that with multifamily use, there is more density than he prefers, but he acknowledges that this is an incremental movement toward a Town Center approach. Chairman Parente asked how the Settlement is consistent with the POCD. Attorney Marino stated that we want it along the Post Road corridor. Attorney Shansky stated that this diversifies the housing portfolio.

After a brief discussion a motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the Settlement for 35 Old Tavern Road (Firelight Plaza). The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Cornell, nay; Smith, nay; Parente, aye. The vote was recorded as 3-2-0 to accept and approve the motion.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to set an effective date of September 30, 2020. The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Cornell, aye; Smith, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

There were no further questions or comments.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to adjourn the meeting. The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Smith, aye; Cornell, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

Respectfully submitted,

Tamara Trantales,  
Administrative Assistant