

ORANGE ZONING COMMISSION
MINUTES OF THE AUGUST 11, 2020 SPECIAL MEETING

Unapproved Minutes

The Town Plan and Zoning Commission held a Special Meeting on Tuesday, August 11, 2020, at 7:00 p.m., a Zoom Remote Internet Special Meeting. The following members were in attendance:

Oscar Parente, Esq., Chairman
Kevin Cornell, Esq., PE
Thomas Torrenti, PE

Staff

Jack Demirjian, Zoning Enforcement Officer
Tamara Trantales, Administrative Assistant
Bonnie Syat, Recording Secretary

Applicant representatives

Attorney Tim Hollister
Andrea Gomes
Brian Baker
Kati Haas
Paul Davis

Chairman Parente welcomed everyone to the meeting. He introduced those in attendance. Chairman Parente noted that we do not have a full Commission this evening. Commissioners Smith and Kaplan had other engagements.

Review of the Minutes from the July 7, 2020 meeting and the August 6, 2020 Special Meeting.

Chairman Parente stated that he was not in attendance for this meeting. Commissioners Smith and Kaplan are not here to vote on them. Chairman Parente stated that these Minutes would be reviewed at the next meeting.

A motion was made by Kevin Cornell and seconded by Tom Torrenti to accept and approve the August 6, 2020 Minutes, as written. The motion carried with the vote recorded as follows: Cornell, aye; Torrenti, aye; Parente, aye. The vote was recorded as 3-0 to accept and approve the motion.

There were no further comments.

Old Business

Chairman Parente stated that this past week has seen damage and power outages from the tropical storm. He questioned Zoning Enforcement Officer Jack Demirjian about the numerous signs along the Boston Post Road. ZEO Demirjian stated that it was decided at a previous meeting to relax sign enforcement regarding Covid-related signs, unless it is a sight obstruction. He stated that he has been compiling a list of those businesses with sign violations. He noted that there are over 30 businesses listed so far. ZEO Demirjian stated that he will address them when the Commission decides it's time to regulate signage again.

ZEO Demirjian stated that Outdoor Dining has gone well. The Fire Marshal and the Police Chief are very aware of the situation. There have not been any problems to date.

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2020 AUG 17 PM 3:39
Michael S. O'Sullivan
TOWN CLERK

New Business

There was no New Business to discuss.

Report of the Zoning Enforcement Officer

Zoning Enforcement Officer Jack Demirjian stated that he was contacted by a retail dance supply store approximately two weeks ago. They are interested in retail space at 163 Boston Post Road. ZEO Demirjian noted that this space has a history of retail use so no changes would be necessary.

ZEO Demirjian stated that it was brought to his attention that the Zoning Office is usually contacted by Saint Barbara's Church regarding their annual Odyssey Festival. After discussion with the organizers of the event, ZEO Demirjian learned that it will be essentially a drive-thru event. He stated that nothing really pertains to zoning. Their website explains the plan. The Church representatives have spoken with the Fire and the Police Departments.

ZEO Demirjian stated that he was at one of the final walk-throughs at the FedEx site today. They are hoping to obtain their Certificate of Occupancy in approximately two or three weeks. Chairman Parente asked ZEO Demirjian about the project on 197 Indian River Road. ZEO Demirjian stated that it is progressing well.

There were no additional comments.

8-24 Referral Municipal Improvement Request by Town of Orange to abandon Neenan Road EAST of Smith Farm Road.

Chairman Parente stated that this 8-24 Referral Municipal Improvement corresponds with the application for 329 Smith Farm Road and Gyroscope. ZEO Demirjian stated that this Request by the Town of Orange to abandon Neenan Road is before the Commission for a referral of their findings. He stated that it is a paper road. It has never been used. Now the Town would like it abandoned.

Commissioner Cornell stated that, generally, when a road is abandoned, it reverts to the original landowner. ZEO Demirjian expressed his belief that the Applicant has plans to purchase that parcel as well.

Attorney Tim Hollister, representing 329 Smith Farm Road, stated that Neenan Road has never been paved or used. Mr. Roy Cuzzocreo owns the property to the south/southeast. They have an agreement that if Neenan Road is abandoned, he will give up access rights to the abandoned portion. Discussion ensued. The abandonment of Neenan Road will be discussed at the Town Meeting.

Commissioner Cornell questioned Attorney Hollister if Mr. Cuzzocreo is willing to give up all interest in the property, as well as the property rights. Attorney Hollister replied affirmatively. The Town itself owns Neenan Road extension. It was noted that the Town Engineer was correct in bringing it up. Chairman Parente stated that Gyroscope is acquiring it. A brief discussion ensued.

A motion was made by Tom Torrenti and seconded by Kevin Cornell to provide a positive recommendation to abandon Neenan Road. The motion carried with the vote recorded as follows: Torrenti, aye; Cornell, aye; Parente, aye. The vote was recorded as 3-0 to accept and approve the motion.

There were no additional comments.

8-24 Referral Municipal Improvement Request by Town of Orange to abandon the turnaround portion of the cul-de-sac depicted on map #765, which portion was discontinued as part of the public right of way as a result of the November 18, 1970 decision of the Orange Town Planning and Zoning Commission approval to extend Midland Drive, but never abandoned.

Town Attorney Vincent Marino offered a brief background of the property. He stated that the Town was contacted by the attorney for the lender who holds the mortgage. The property is adjacent to the “hammerhead” of the former cul-de-sac that terminated Midland Drive prior to abandonment in 1970. The hammerhead portion of the road was supposed to be abandoned and subsequently turned over to the homeowner. The road was never formally abandoned. A brief discussion ensued. It was noted that a “hammerhead” could also be termed a cul-de-sac or turnaround.

The Town is requesting that the Commission give a favorable finding for the Board of Selectmen and the Town Meeting, both scheduled for tomorrow night. Discussion ensued.

Town Attorney Marino stated that this section of road is not currently used as a right-of-way. It is a former cul-de-sac. It has not been used since Midland Drive was extended. However, this portion of the road was never formally abandoned by the Town. A brief discussion ensued. Chairman Parente expressed his belief that this is a straightforward request. He asked if there were any questions for the Town Attorney. There were none.

A motion was made by Kevin Cornell and seconded by Tom Torrenti to provide a positive recommendation for the abandonment of the cul-de-sac. The motion carried with the vote recorded as follows: Cornell, aye; Torrenti, aye; Parente, aye. The vote was recorded as 3-0 to accept and approve the motion.

There were no additional comments.

PUBLIC HEARINGS: 7:30 P.M. (2)

SITE PLAN APPLICATION- For property known as 329 Smith Farm Road, Smith Farm Road (Map 32 / Block 5 / Lot 4), Smith Farm Road (Map 32 / Block 5 / Lot 5), Smith Farm Road (Map 32 / Block 5 / Lot 6), Neenan Street (Map 32 / Block 5 / Lot 7) and Neenan Street Extension, submitted by Gyroscope Development Group, LLC. A proposed residential community that will qualify as assisted housing pursuant to C.G.S. § 8-30g, with 7 buildings and 92 parking spaces to be tied into existing sewer system.

PETITION TO AMEND THE ORANGE ZONING REGULATIONS AND ZONING MAP - - Submitted by Gyroscope Development Group, LLC. To amend the Orange Zoning Regulations to create a new Lascana Assisted Housing District, Article XXV, and to rezone the parcels at 329 Smith Farm Road, Smith Farm Road (Map 32 / Block 5 / Lot 4), Smith Farm Road (Map 32 / Block 5 / Lot 5), Smith Farm Road (Map 32 / Block 5 / Lot 6), Neenan Street (Map 32 / Block 5 / Lot 7) and Neenan Street Extension to the new Lascana Assisted Housing District.

Chairman Parente stated that his understanding is that this Special Meeting was not noticed properly. He acknowledged that it has been a hectic week with the storm and power outages. He expressed his concern that these two items were noticed for the August 4, 2020 Agenda, but not for this Special Meeting. He stated that the Public did not have an adequate opportunity to comment on or to be part of the Public Hearing. Chairman Parente suggested that the Commission not move forward on these applications tonight. He wants to be certain that anyone who is interested in this proposal has had an adequate opportunity to ask questions or comment.

Chairman Parente stated that he would like to allow time for a Special Meeting. It requires ten days' notice. The next regularly scheduled TPZC meeting is on Tuesday, August 18th. A Special Meeting could be scheduled for Tuesday, August 25, 2020. Chairman Parente stated that he is offering this to the Applicant. There will be adequate notice. People would have an opportunity to be heard regarding these applications.

Chairman Parente commented that this is a very succinct & important proposal. He stated that he would like a full commission present, if possible. After a brief discussion, Chairman Parente stated that he wanted to do it the right way. Commissioner Cornell stated that it would not be good to have a poor perception of the procedure for a good project. Commissioner Torrenti agreed that the perception of flawed noticing is not the way to move forward. Town Attorney Marino stated that it needs to be noticed at least ten days prior to the Public Hearing.

Attorney Hollister stated that he understands the Commission's concerns as 99 % of the town was without power/internet. This issue could affect the applicant. The Commission has the right to balance equities here and the public's right to hear the proposal. Chairman Parente stated that the Commission's commitment is to the Town of Orange. He wants to be certain that everything we do is out in the open. A brief discussion ensued.

Attorney Hollister stated that ZEO Demirjian, the First Selectman, the Town Attorney and Staff were incredibly helpful. He stated that he understands how power outages can disrupt scheduled meetings. He appreciates that the Commissioners are making certain that this proposal proceeds without complications.

Attorney Hollister stated that they can accommodate the Special Meeting on Tuesday, August 25, 2020. Their deadline is November 21st, 2020. ZEO Demirjian stated that he will notice the Special Meeting for 7:00 p.m., August 25, 2020.

Chairman Parente agrees with Commissioner Cornell that this is a well put together application. He believes that the Commission should give it decent consideration at that meeting.

Discussion of noticing Public Hearings ensued. ZEO Demirjian stated that cancelling the regular TPZC meeting of August 18th and having a Special Meeting on August 25th makes the most sense to him.

There were no additional comments.

As there were no other items on the agenda, a motion was made by Kevin Cornell and seconded by Tom Torrenti to adjourn the meeting. The motion carried with the vote recorded as follows: Cornell, aye; Torrenti, aye; Parente, aye. The vote was recorded as 3-0 to accept and approve the motion.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Tamara Trantales,
Administrative Assistant