

Unapproved Minutes

ORANGE ZONING COMMISSION  
MINUTES OF THE SEPTEMBER 17, 2019 MEETING

The Town Plan and Zoning Commission held a meeting on Tuesday, September 17, 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.

- Jack Demirjian, Zoning/Wetlands Assistant
- Genevieve Bertolini, Recording Secretary
- Barbara Schellenberg, Town Counsel

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 August 20 and the September 3, 2019 meetings.

August 20, 2019 Minutes- Chairman Parente suggested that page 2 be slightly altered to say anyone could have spoken for or against. A motion was made by Kevin Cornell and seconded by Paul Kaplan to accept and approve the Minutes from the August 20, 2019 meeting, as amended. The motion carried with the aye. The vote was recorded as 5-0.

September 3, 2019 Minutes- A motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve the Minutes from the September 3, 2019 meeting, as written. The motion carried with the vote recorded as follows: Aschettino, aye; Smith, aye; Cornell, aye; Kaplan, aye; Parente, aye. The vote was recorded as 5-0.

Report of the Zoning Enforcement Officer.

None

Old Business.

There was no Old Business.

New Business.

There was no New Business.

As there were no further agenda items, Chairman Parente called a recess until the Public Hearings begin at 7:30 p.m.

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Patrick B. O'Sullivan  
TOWN CLERK

*\*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. (Continued from the July 2, August 20, and September 3, 2019 meetings.)*

Chairman Parente stated that the Public Hearing was continued from previous meetings. He discussed the concerns and adjustments made by the applicant and commission during the course of the Public Hearing.

There was a subsection added to the proposed language specifying that mixed use development will not occur on the Post Road. Chairman Parente reiterated that living space will be on the second and third floors with commercial uses on the first floor.

Language was added specifying what can and cannot be used on the first floor for only the residents or the public. Public uses and businesses need to be able to use whatever is on the first floor. Attorney Margorie Shanksy approaches the stand and begins. She stated that the final draft is the result of changes made during the Public Hearing process. She reviewed all of the documents submitted during the Public Hearing. She maintained that the final draft demonstrates consistency with the POCD.

Member of the public Frank Rogers approached the stand. He owns the other LSD in Orange. He discussed how Orange is home to 4 schools. He says they all operate on a septic system and they work well. He wants his LSC zoned land to be included and eligible for mixed use development. The ability to obtain an approved septic system should control the density for mixed use development. Mr. Kevin Cornell asks a question about the gallon limit of the septic and does not receive an answer from Mr. Rogers.

Chairman Parente says that everyone has been heard and asks if the commission has all of the material necessary to close the public hearings. Judy Smith puts in the record the projects that have been approved in the past and the number of units each of them contain in order to give perspective on the proposed housing and the diversity Orange offers for housing. Mr. Kaplan points out we are still far below the state minimum for required affordable housing.

A motion was made by Mr. Kaplan and seconded by Mr. Aschettino to close the Public Hearing. The motion carried with the vote recorded as follows: Aschettino, aye; Smith, aye; Cornell, aye; Kaplan, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

Discussion- Mr. Cornell stated that Attorney Shanksy gave a very well thought out proposal and says that as this process continued, this decision became increasingly complicated. He says this development does not get the idea of the LSC use in full and thinks Orange is too small to offer every aspect of urban environments. He stated that if this does pass, at least the commission will have control over it.

Mr. Kaplan stated that a previous proposal with a higher density was turned down.

Mr. Kevin Cornell stated that economically there is a density level in order for the development to be successful there. He says their interest would be better served by a different type of development.

Mr. Aschettino commented that a Town Center seems to sound like a more public use area for all, not just 25% commercial on the property. He understands it is difficult to develop but does not want to rush into a decision. He says the Town Center idea is still a good one, but the area needs to be used primarily for public use, not private. He thinks 25% business is too low and needs to be more heavily weighted for the public.

Discussion of the 25% business coverage and where it qualifies ensues. Ms. Smith says the POCD is not in support of the density this development proposes. She thinks if this project was scaled down it would be better suited for the area. They discuss the 15 unit maximum and all that comes with it. Chairman Parente reminds the commission that depending on the acreage there could be less units. They discuss making 10 the number right off the bat to ensure the density of the project is under control. He also points out the need for housing that is cheaper than the normal residential properties in Orange. The number of bedrooms is under discussion.

Mr. Kaplan reminds them there is a mix of one or 2 bedroom units, however the idea of possibly all of them being 2 bedroom units is concerning. Ms. Judy Smith brings up density concerns and POCD, and how Old Tavern Road is already congested. Residential and entrances and exits to the property. Mr. Cornell talks about changing the

The commission discusses what possible developments would allow the redirection of traffic and their openness to ideas that support traffic improvement. Chairman Parente expressed that he wants to keep the door open to whom ever wants to try and develop, however Ms. Smith points out that many of these ideas will violate a lot of site plan requirements, and the idea of having power over the development to stop it at any stage if it is not what the commission agreed to and their vision. Ralph says that this project does not point out his vision of Town Center property.

Ms. Smith mentions the abutters and how it will affect them negatively with the transition of the Post Road to heavy residential areas. Chairman Parente reminds the commission that he has a say on the density if problems arise in the future site development. They discuss reducing the number from 15, yet the applicant had previously explained that it is not economically feasible to reduce it.

Ms. Smith wants more public use and business, and less of the residential aspect of the project to reinforce the Town Center idea. She says 90 units would be too intense of a change for the area currently. Chairman Parente disagrees and thinks it is an opportunity for the town to act on its POCD and have a mixed-use area. Mr. Kaplan points out the commercial aspect is not working here. Mr. Aschettino notes that only 1/4 of the proposal is commercial and that is too low. Parente reminds them these units are aimed at a different demographic than Orange is used to and trying to bring new ages to town.

Chairman Parente maintained that there is a desire for a Town Center like development. He thinks that this is an opportunity for a developer to give us what the commission is looking for, and if it doesn't, then the commission can put a stop to it. He points out if they don't approve this, then what are they looking for in the future?  
Mr. Kaplan stated that if this project isn't viable, then what is? He says Milford has been successful with it. Discussion of how this property can be economically viable ensues.

Chairman Parente confirms that Ms. Smith and Mr. Aschettino are for an idea like this which reduces density and scope. They agree. Mr. Ralph Aschettino supports studios, not 2 bedroom apartments. Two bedroom units are too expensive for the target demographic. Mr. Cornell stated that Orange doesn't have to be all things to all people. Orange is small enough where it might not need every aspect an urban town will have.

Mr. Parente views this as an opportunity other than the problems with the density, Judy agrees. Chairman Parente stated that if the regulations are changed, they can always deny the application if the proposed density is too high. Ms. Smith stated that her living experience in this town, and her knowledge of the roads, leads her to believe that the potential density is too high.

Chairman Parente thinks this proposal is more vibrant and useful than what is there now. There was no further discussion.

A motion was made by Mr. Kaplan to approve the amendments based on its viability with the POCD. Mr. Parente seconded the motion. The motion failed to pass with only two affirmative votes. Mr. Paul Kaplan, aye; and Mr. Oscar Parente, aye.

A motion was then made by Mr. Kevin Cornell and seconded by Mr. Ralph Aschettino to deny the application. The motion carried with the vote recorded as follows: Aschettino, aye; Smith, aye; Cornell, aye; Kaplan, nay; Parente, nay. The vote was recorded as 3-2 to approve the motion and deny the application.

There were no further comments.

A motion was made by Mr. Kaplan and seconded by Mr. 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 9:00 p.m.

Respectfully submitted,

Jack Demirjian  
Zoning/Wetlands Assistant