

ORANGE ZONING COMMISSION
MINUTES OF THE OCTOBER 15, 2019 MEETING

Unapproved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, October 15, 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

Patrick B. O'Sullivan
TOWN CLERK

2019 NOV 18 PM 1:46

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TOWN CLERK'S OFFICE
RECEIVED FOR RECORDS

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

Chairman Parente welcomed everyone to the meeting. He asked those seated at the table to introduce themselves for the record. He mentioned that Commissioner Cornell had a previous commitment and was not able to attend this meeting.

Review of the Minutes from the October 1, 2019 meeting.

A motion was made by Ralph Aschettino and seconded by Judy Smith to accept and approve the Minutes from the October 1, 2019 meeting, as amended. The motion carried with the vote recorded as follows: Aschettino, aye; Smith, aye; Kaplan, abstain; Parente, aye. The vote was recorded as 3-0-1 to accept and approve the motion.

There were no further comments.

Old Business

Commissioner Aschettino asked about the lights at Turkey Hill School. Zoning Enforcement Officer Paul Dinice stated that the lights have been installed. The project has been completed.

Commissioner Kaplan asked about the progress of the hotel. ZEO Dinice stated that the hotel is planned to open very soon. He noted that they have not been called for a final inspection yet.

Chairman Parente stated that the Boston Post Road seems to be cluttered with various signs. ZEO Dinice stated that he would address the issue.

There were no further comments.

New Business

None

Report of the Zoning Enforcement Officer.

ZEO Dinice stated that he and Town Engineer Bob Brinton approved a bond for 235 Edison Road, Numet. Hopefully construction will begin soon.

The proposed berms at the FedEx distribution center are under construction. He stated that this is a massive project.

ZEO Dinice stated that there was a final inspection at the Veterans Center. There were two concerns. There is a steep embankment at the rear of the property. ZEO Dinice requested a highway barrier to be installed there. The Town Engineer was there as well, and he agreed. ZEO Dinice noted that it is a permanent structure comprised of heavy timbers.

ZEO Dinice stated that when he inspected the property, there was no curbing along the property line adjacent to 220 Edison Road. After review, it was discovered that the original plan did not require curbing there. He stated that this is the first time he has encountered this. He has concerns. ZEO Dinice stated that the ink company has finished their driveway. He is fearful that sheet drainage from the VA Center will wash down onto the adjacent driveway. He stated that it makes sense to install a curb there. Commissioner Kaplan inquired how this matter could be resolved. ZEO Dinice stated that the town is holding a bond. After a brief discussion, there were no further comments.

Chairman Parente called for a brief recess at 7:00 p.m. until the Public Hearings begin at 7:30 p.m.

PUBLIC HEARINGS

Commissioner Kaplan read the legal notice into the record.

APPLICATION FOR SPECIAL USE – Submitted by Diane LaLuna, for property known as 574 Glenwood Drive - Request for larger ground coverage & height as per Section 383-26 I (3)(a) and Article XIV Special Uses. To construct a 46' x 42' barn. (continued from the October 1, 2019.)

Steven Parisi, on behalf of Tony & Diana LaLuna, 574 Glenwood Drive, is requesting a Special Permit for a garage/barn. Mr. Parisi distributed a revised A-2 survey. ZEO Dinice stated that the Special Permit is for a greater ground coverage. It is also for an increase in the structure's height. This lot was created prior to a change in the RES District regulations. ZEO Dinice discussed this topic with Town Attorney Vincent Marino. Attorney Marino ruled that this property reverts to the previous coverage of 15%. This coverage was established when this lot was created.

Chairman Parente stated that he was concerned about the sketchy information which was presented at the last meeting. He stated that the plan now demonstrates compliance with zoning regulations. Mr. Parisi passed photos of the house & siding around to the Commission. Mr. Parisi stated that the house and the garage would match. A brief discussion ensued.

As there were no further questions, Chairman Parente asked for a motion to close the public hearing. 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; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

Chairman Parente stated that many questions have been answered. Commissioner Aschettino stated that the newly submitted plan clarified many things. Chairman Parente stated that the aerial photographs shown at the last meeting helped the commission realize that this proposal

is not near neighbors. It is a secluded property. Commissioner Aschettino noted that the closest neighbor submitted a letter of support.

Chairman Parente discussed the requirements of a Special Permit application. He stated that he believes it is consistent with all zoning regulations. Commissioner Aschettino concurred, stating that he clarified our concerns.

A motion was made by Paul Kaplan and seconded by Ralph Aschettino to accept and approve the Application for Special Use, submitted by Diane LaLuna, 574 Glenwood Drive to construct a 46' x 42' barn. The motion carried with the vote recorded as follows: Kaplan, aye; Aschettino, aye; Smith, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

There were no further comments.

PETITION TO AMEND THE ORANGE ZONING REGULATIONS – Upon the initiative of the Orange Town Plan & Zoning Commission. To amend the Orange Zoning Regulations to prohibit roosters & increase the enclosure setbacks.

Chairman Parente stated that for a property to be considered a farm, it must be 3 acres plus 60,000 square feet. He noted that on smaller parcels, a property owner could have twenty chickens or similar poultry. Roosters are banned on less than 3 acres and 60,000 square feet. Zoning Enforcement Officer Paul Dinice noted that it is approximately 4 ½ acres. ZEO Dinice clarified the setback requirements. He stated that the setbacks have been increased. Chicken coops are not permitted in the front yard of a house. The setbacks are now 50 feet from any street line, 25 feet from any property line, and 50 feet from the street line. Commissioner Aschettino noted that the setbacks for a corner lot are 50 feet from both streets.

Chairman Parente read several letters into the record. Ginny Reinhard stated in an email that she is in opposition to the proposed prohibition of roosters. Emails from 855 Garden Road, Craig & Renee Iamartino and another resident stated that they are in support of the proposed amendment. Chairman Parente asked the audience for comments or questions.

Richard Manley, 1037 Fernbrook Road, stated that he is in favor of the ban on roosters and the increased setbacks. He noted that some houses are under half an acre, which were built in the 1940's. Mr. Manley stated that roosters start crowing at three or four in the morning. They crow in all types of weather, all day, and during the night. Mr. Manley stated that there should be setbacks established for wetlands as well. He further stated that the former Wetlands Enforcement Officer, R. Scott Allen, visited the running brook in his neighborhood. Mr. Manley urged the commission to consider health conditions near wetlands. After a brief discussion, ZEO Dinice stated that there is a 100 foot wetlands review area. If it is within 100 feet of wetlands, it requires review. Discussion ensued.

Anthony Cuzzo 87 Sunset drive, noted that he was a member of the Orange Police Department for 27 ½ years. He stated the importance of providing neighbors with recourse. If there is a barking dog, call the dog warden. Call the police to complain about a loud party. Mr. Cuzzo believes it's about being neighborly. The Police have received complaints regarding roosters. Discussion ensued.

Chairman Parente asked ZEO Dinice if we were to ban roosters, would it be a nonconforming use? Would they be grandfathered in? ZEO Dinice stated that he would need to refer these questions to the Town Attorney. Discussion ensued. Mr. Cuzzo stated that roosters aren't needed for hens to produce eggs. They are pets. Discussion ensued regarding existing and future roosters. Commissioner Kaplan questioned if the lot or the rooster would be grandfathered in. Discussion continued.

Sylvie Napoli, 855 Garden Road, stated that there are now two roosters on her neighbor's property. She stated that from 3:00 a.m. to 10:00 p.m., they have no peace at all. Ms. Napoli stated that it is an unnerving, unsettling noise. She further stated that she and her family have worked hard to enjoy their yard, house, etc. Ms. Napoli stated that they can't enjoy it because of the rooster's crowing. She noted that she doesn't mind chickens, but roosters are a huge nuisance. Chairman Parente stated that he appreciates the problem.

Chairman Parente stated that if roosters are prohibited, it becomes a matter of enforcement. ZEO Dinice stated that he knows where the roosters are located.

Paul Napoli, 855 Garden Road stated that this is a severe situation. He is a lifelong resident of Orange. He stated that he goes inside whenever he hears the roosters. Mr. Napoli stated that he appreciates anything the commission could do to alleviate this nuisance. Discussion ensued.

Norma Jean Mitchell, 965 Grassy Hill Road, asked for clarification of the proposed regulations. A brief discussion ensued.

Chairman Parente stated that the commission will obtain guidance from Town Attorney Vin Marino. Commissioner Aschettino asked how to enforce this amendment retroactively. Chairman Parente stated that is not the issue before the commission tonight. Attorney Marino will review this matter. Chairman Parente stated that ZEO Dinice has provided the commission with other towns who have banned roosters. Discussion ensued.

A motion was made by Paul Kaplan and seconded by Ralph Aschettino to close the public hearing. The motion carried with the vote recorded as follows: Kaplan, aye; Aschettino, aye; Smith, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

Chairman Parente expressed his desire that they could do more for the existing problems. Commissioner Aschettino stated that this amendment is not taking away a farmer's rights. A brief discussion ensued. ZEO Dinice and Town Attorney Marino will discuss this matter.

A motion was made by Ralph Aschettino and seconded by Paul Kaplan to accept and approve the Petition to Amend the Orange Zoning Regulations to prohibit roosters & to increase the enclosure setbacks, with an effective date of November 1, 2019. The motion carried with the vote recorded as follows: Aschettino, aye; Kaplan, aye; Smith, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

Commissioner Smith stated that it was the consensus of the TPZC that the rooster amendment is consistent with the Comprehensive Plan of Development (POCD). The amendment is

intended to improve residents' quality of life. Chairman Parente stated that it is harmonious in relation to the residential district, property values, etc.

There were no further comments.

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; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

The meeting was adjourned at 8:15 p.m.

Respectively submitted,
Tamara Trantales,
Administrative Assistant