

**ORANGE ZONING COMMISSION**  
**MINUTES OF THE JANUARY 3, 2023 MEETING**

*Approved Minutes*

The Town Plan and Zoning Commission held a meeting on Tuesday, January 3, 2023, at 7:00 p.m., lower level, Orange Town Hall, 617 Orange Center Road, Orange, Connecticut.

Oscar Parente, Esq., Chairman  
Judy Smith, Vice-Chairman  
Paul Kaplan, Esq., Secretary  
Kevin Cornell, Esq., P.E.  
Tom Torrenti, P.E.



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Jack Demirjian, Zoning Enforcement Officer  
Tamara Trantales, Administrative Assistant  
Robin Gengaro, Recording Secretary  
Vincent Marino, 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 December 6, 2022 meeting.

A motion was made by Judy Smith and seconded by Tom Torrenti to accept and approve the Minutes from the December 6, 2022 meeting, as amended. The motion carried with the vote recorded as follows: Smith, aye; Torrenti, aye; Cornell, aye; Kaplan, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

There were no additional comments.

Old Business

Commissioner Cornell asked about the revision to the cannabis language, limiting the town to one dispensary. Chairman Parente stated that he has discussed this matter with Town Attorney Vin Marino. Attorney Marino is working on it. Discussion ensued. Zoning Enforcement Officer Jack Demirjian stated that the regulation revision would have to be sent to the Regional Authorities first. Discussion continued.

There were no additional comments.

New Business – Potential bottle recycling facility located in the C-2 Zone.

Commissioner Cornell recalled that there was a recycling facility near the former Builder's Square on Bull Hill Lane. ZEO Demirjian stated that although he did not see any issues, he wanted to bring it before the commission to obtain the commission's opinion. Chairman Parente stated that it is a permitted use in the C-2 district, as of right.

After a brief discussion, there were no additional comments.

Report of the Zoning Enforcement Officer

ZEO Jack Demirjian stated that the 329 Smith Farm Road living facility, behind Orange Fence, has broken ground. 197 Indian River Road, the elderly care facility opposite the Christmas Tree Plaza, is ready to obtain their Certificate of Occupancy from the Building Department. ZEO Demirjian stated that there is still some minor site work and landscaping to do, which they are aware of. He noted that they would not receive their bond back until

spring, when the landscaping can be assessed. ZEO Demirjian stated that he will be out of the office next week for the second round of training.

There were no additional comments.

SITE PLAN APPLICATION – Submitted by Bright Beginnings Day Care. For property known as 449 Boston Post Road. To adapt an existing developed lot for a day care & retail facility.

Jeff Gordon, Codespoti & Associates, stated that he is representing Bright Beginnings, LLC, for the adaptation of the former Chef's Emporium. He explained that the parking for retail is pre-existing, non-conforming. He stated that there would not be a significant change to the building. Mr. Gordon stated that part of the parking lot would be removed and converted into a play area. There would be a reconfiguration of the parking. A brief discussion ensued.

Rajad Gupta stated that there are four locations of Bright Beginnings in Fairfield County. Commissioner Smith inquired what the hours would be. Mr. Gupta stated that they would be open Monday through Friday, 6:30 or 7:00 a.m. to 6:30 p.m. A lengthy discussion ensued regarding parking. Mr. Gordon stated that the parking would be more compliant than it is presently, yet it would not be fully compliant. Discussion continued.

Mr. Gordon stated that the existing storm drainage system is functioning properly. He noted that he has discussed it with Town Engineer Bob Brinton. Mr. Gordon noted that Mr. Brinton signed off on the proposal.

Commissioner Cornell inquired if the existing lighting would remain. Mr. Gordon stated that they are not changing the locations of the lights, yet they will eventually retrofit them. Mr. Gupta stated that there would be new LED fixtures. ZEO Demirjian stated that he was told that the lighting would not be changed. A brief discussion ensued.

Commissioner Cornell stated that most of the parking is on the adjacent Bank of America property, which is subject to terms and conditions. Commissioner Cornell noted that the commission does not know what the terms and conditions are. Mr. Gordon stated that there is a parking easement. Discussion ensued. Chairman Parente asked what the terms are of the easement. Discussion continued. Chairman Parente stated that the easements would be reviewed. He instructed Mr. Gordon to put the parking calculations on the site plan. Mr. Gordon agreed to modify the plan.

Commissioner Smith asked who regulates the size of the outdoor play area. Mr. Gordon stated that the State and the Health Department oversee the playground. Discussion ensued. Chairman Parente stated that he would like to have a chance to review the parking calculations. Commissioner Cornell wants to review the easement. Chairman Parente stated that this item would be continued to the next meeting with a revised site plan.

There were no additional comments.

PUBLIC HEARINGS: 7:00 p.m. – (2)

*APPLICATION FOR SPECIAL PERMIT AND USE & SITE PLAN APPLICATION - Submitted by Southern CT Wellness and Healing, LLC. For property known as 175 Boston Post Road. To open a Cannabis Establishment with a drive through service window and an adaptive reuse of a previously developed site.*

Chairman Parente stated that the public hearing has been closed. He stated that the petitions to intervene were filed by Mr. Glaser, Dr. Parks, and Ms. Cantillo. The documents provided by Mr. Glaser and Dr. Parks do not appear to be verified under oath as required by statute. The claims of all three petitioners fall beyond the jurisdiction of this commission. Chairman Parente stated that the interveners claims were not supported by any evidence; they were allegations.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to reject and deny the three Interveners, Alady Cubas Cantillo, Jesse P. Parks, and James Glaser, for the reasons Chairman Parente articulated. 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.

Attorney Marino stated that there was an email sent to the commission by Mr. Glaser after the public hearing was closed. Attorney Marino stated that it was inappropriate communication. Each commissioner received instructions from Chairman Parente to disregard the email. Attorney Marino stated that he has discussed this matter with Attorney Marjorie Shansky, who is representing the applicant.

Commissioner Cornell stated that he was focused on the thought that traffic from the dispensary would impact the residents on Lindy Street, which is dead-end. He expressed his belief that when the applicant agreed to close the rear entrance, it was a big concession. Discussion ensued. Commissioner Torrenti stated that closing the rear entrance is a major change. He believes there should be resubmission of a site plan. Discussion continued. ZEO Demirjian was asked if the modifications would trigger a wetlands application. He replied that it would depend on the modifications. Commissioner Smith stated that the commission does not know the extent of the modifications. She further stated that conditions of approval are generally minor; this is the revision of a site plan. A lengthy discussion ensued. Commissioner Smith stated that with the medicinal use, there are appointments and traffic could be controlled. She further stated that when it is hybrid retail for recreational use, appointments are not made. Discussion continued. Chairman Parente stated that the commission has expert testimonies from the applicant, the traffic engineer and the commission's consultant that queuing would not be an issue.

Attorney Marino stated that if the commission approves this application, the approval would have conditions. Commissioner Smith stated that the modification will generate changes on the site plan. ZEO Demirjian stated that each department head would then need to re-review the application. Attorney Marino stated that that could be a condition of approval. If a department head finds fault with the modifications, then he would not sign off on the site plan and the application would not be approved. Discussion ensued. Attorney Marino stated that if the site plan fails to obtain each department head's approval, then the site plan would fail.

If the site plan fails, that would generate a new submittal by the applicant, which would then result in new public hearings, or they could appeal. Discussion continued. Mr. Marino stated that the commission would rely on the Town Engineer for approval of the conditions. Commissioner Smith noted that major modifications are usually done and reviewed by the commission prior to the vote. Chairman Parente stated that the site plan complies with the parking regulations. A lengthy discussion ensued regarding the revised conditions.

Commissioner Smith stated that her finding is that this use is too intense for the size of the lot. She stated that there is a new proposed site plan which the commission will not be able to review. A brief discussion ensued.

A motion was made by Kevin Cornell and seconded by Paul Kaplan to accept and approve the Application for Special Permit and Use & Site Plan Application, submitted by Southern CT Wellness and Healing, LLC, for 175 Boston Post Road, to open a Cannabis Establishment with a drive through service window and an adaptive reuse of a previously developed site, subject to the following site plan modifications and conditions:

- Close the rear access drive from the rear parking area to Lindy Street and modify the site plan to provide a new access drive on the site from the rear parking area and drive through to the front parking area to exit the site.
- Subject to the review and approval by the Police Chief, the Town Engineer, Jack Demirjian for Inlands/Wetlands and Planning and Zoning, the Town Sanitarian/Health Department, and the Fire Marshal.
- Subject to the condition that the applicant confirm the dimensional accuracy of the revised site plan.
- Applicant must provide the dumpster enclosure, as per the last site plan the commission received.
- There must be a maintenance schedule for site drainage.
- A provision must be made to provide reimbursement for the expense of municipal traffic control measures for thirty days.
- Subject to the ability to lease parking for thirty additional cars for three months at Hitchcock Plaza.

The motion carried with the vote recorded as follows: Cornell, aye; Kaplan, aye; Smith, nay; Torrenti, nay; Parente, aye. The vote was recorded as 3-2 to accept and approve the motion. (The Approval Letter is attached to these Minutes.)

Commissioner Cornell stated that the Town Engineer and the Fire Marshal have reviewed the concept. He stated that it is now up to the applicant. ZEO Demirjian stated that then it would be up to the department heads. Attorney Marino stated that if the concept does not work, the application will reappear before the commission.

There were no additional comments.

APPLICATION FOR SPECIAL PERMIT AND USE & SITE PLAN APPLICATION - Submitted by Solli Engineering, LLC. For property known as 88 Marsh Hill Road. Proposed development consists of an 8,384 s.f. Community Travel Center with drive-thru facility and a 23,000 s.f. Electric Vehicle Showroom with associated parking, landscaping, drainage, and utility improvements. (Continued from the December 6, 2022 meeting)

Chairman Parente stated that he will recuse himself from this application due to a conflict of interest. Vice-Chairman Smith will preside over this application.

Luke Mauro, Senior Project Manager with Solli Engineering, 501 Main Street, Monroe, CT stated that he is also a professional engineer in the state of CT and a professional traffic operations engineer. Mr. Mauro distributed handouts to the commission.

Mr. Mauro stated that he has the final response to the WSP peer review comments as well as WSP's final sign-off letter. He stated that the comments from the Police Commission will come Monday, January 9, 2023. Mr. Mauro stated that he has basically complied with WSP's comments.

Mr. Mauro discussed and explained WSP's comments. Discussion ensued regarding traffic signalization. Mr. Mauro stated that the State of CT will evaluate coordination of light signals.

Mr. Mauro stated that there was a concern regarding outdoor seating requirements. Discussion ensued. Vice-Chairman Smith inquired what the hours of operation would be. Mr. Mauro stated that they would like to be open 24/7. The car dealership would operate during normal business hours. ZEO Demirjian stated that they are waiting for the Traffic Commission's decision.

Vice-Chairman Smith stated that this item would appear on the next agenda.

A motion was made by Paul Kaplan and seconded by Kevin Cornell to close the public hearing for the Application for Special Permit and Use & Site Plan Application, submitted by Solli Engineering, LLC, for 88 Marsh Hill Road. The motion carried with the vote recorded as follows: Kaplan, aye; Cornell, aye; Smith, aye; Torrenti, aye. The vote was recorded as 4-0 to accept and approve the motion.

There were no additional 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