

ORANGE ZONING COMMISSION
MINUTES OF THE APRIL 7, 2020 MEETING.

Unapproved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, April 7, 2020, at 7:00 p.m., a Zoom remote internet meeting. 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/Wetlands Enforcement Officer
Tamara Trantales, Administrative Assistant

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Chairman Parente welcomed everyone to the Zoom video remote meeting. He noted who was in attendance.

Chairman Parente stated that he would like to change the order of the agenda items so that the applicant with the Site Plan Application does not have to wait for our entire meeting to be completed before he's heard.

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

SITE PLAN APPLICATION – Submitted by Nick and Neil's Inc. c/o Nick Riggione. For property known as 550 Boston Post Road. The property owner proposes to reconfigure parking spaces and redesign front access aisle/area in front of the existing structure. An ARCHITECTURAL STANDARDS SUPPLEMENT has also been submitted. To locate Mission BBQ with façade changes in an existing structure with previous restaurant use. Alan Hamm, Alan Hamm Architects; Dirck Goss, Engineer, Mark Young, Land Surveyor, Walden Associates; and Steven Inglese are representing Mission BBQ. They were included in the Zoom remote internet meeting. Property owner Nick Riggione was also present.

Mr. Riggione stated that he would like to locate a Mission BBQ restaurant in the former Bertucci's building. He presented a brief history of the site. Mr. Riggione noted that the property he owns is in a larger shopping plaza, which includes Trader Joe's and several other stores.

Commissioner Kaplan inquired if there is a reciprocal parking agreement on the land records. Mr. Young replied affirmatively. Mr. Riggione stated that 68 parking spaces are required for the restaurant. He noted that there are 167 parking spaces in the plaza, which is well over the required parking for this use.

Mr. Riggione discussed the sidewalks, as well as a ramp from the parking lot to the front of the building. It was noted that railings are required. Mr. Riggione stated that they were shown on the site plan. He added that Mission BBQ always designates three parking spaces for veteran's parking. Mr. Riggione explained that it is a policy of Mission BBQ.

Commissioner Kaplan inquired if the 167 spaces would be shared. Mr. Young replied affirmatively. There will also be parking spaces close to the side door, intended for use when customers come to pick up the To Go orders.

Mr. Hamm stated that Mission BBQ opened their first restaurant on 9/11/11. He noted that the chosen date wasn't an accident. They are extremely patriotic, a great neighbor, and a great tenant. Mr. Hamm explained that they would like to update the former Bertucci's building. He stated that it would be a quick-service restaurant with seating. There will be new finishes on the exterior of the building. It was noted that Mission BBQ would occupy approximately half of the building. The remainder of the building is not occupied at this time.

Chairman Parente asked if customers predominantly ate inside the restaurant. Mr. Hamm replied affirmatively. He stated that, on average, 10-15% of their business is in pick up orders.

Mr. Hamm stated that it is a tradition to fly a large American flag on their property. They are very proud to serve first responders. They are known for their patriotism.

A brief discussion ensued regarding outdoor seating. Mr. Hamm said he understands that the applicant must return before the commission to discuss signage. He noted that a separate company handles all signage.

Commissioner Smith asked Mr. Hamm what color scheme and building materials they plan to use. Mr. Hamm displayed a rendering. Discussion ensued.

Commissioner Cornell questioned whether the proposed flagpole would be within the height limitations. Zoning Enforcement Officer Jack Demirjian stated that he has not dealt with this matter previously. He stated that he would review the regulations. It was noted that the flagpole cited on the plan is 55 feet tall. A brief discussion ensued. It was determined that the regulations did not deem it a structure but further research would be done prior to installation.

Commissioner Cornell stated that he does not see any information regarding whether a fire truck could maneuver the turn after the drive aisle is removed. Discussion ensued. Commissioner Cornell inquired if the applicant has received a sign-off from the Fire Department. Mr. Riggione stated that he was fortunate to have spoken with Fire Marshal Tim Smith the Friday prior to his passing two days later. He verbally approved it as then-Assistant Fire Marshal Jamie Vincent looked on. Fire Marshal Vincent finished signing off on the application.

Commissioner Cornell commented to ZEO Demirjian that he would like to see the fire truck routing and turn movements on Site Plan reviews which the Fire Marshal has approved. Commissioner Cornell stated that he was pleased the late Fire Marshal Smith and his department had the opportunity to review this application, and that they were satisfied with it.

Commissioner Cornell stated that the proposal is to remove the existing drive aisle from the front of the building, on the north side. The proposed outdoor dining area would take the place of the drive aisle. Discussion ensued.

Commissioner Torrenti stated that if a few parking spaces are eliminated in the area, it would be very tight. Chairman Parente noted that if cars are parked there, it's tight from the corner of the sidewalk to the southeast corner of the building. It was noted that the existing sidewalk needs repair.

Mr. Riggione stated that Bertucci's was there 26 years. It closed in 2015. A lengthy discussion ensued. Mr. Riggione noted that Fire Marshals Smith and Vincent signed off on the application. There were no concerns.

Commissioner Cornell stated that this existing building does not have a loading space. Deliveries are made to the rear of the building. A brief discussion ensued.

Chairman Parente asked if the transformer in front of the building has been removed and if bollards are required. Mr. Riggione stated that a more updated transformer would be located there, with bollards.

Commissioner Cornell stated that if there has never been a loading area there, the commission could waive by Special Permit. Mr. Riggione commented that a loading space could be distinguished by paint. A brief discussion ensued.

Chairman Parente stated that he didn't notice an indication of setbacks on the plan. He stated that the applicant needs to show compliance. Mr. Young stated that he did not put them on there. However, the plan is drawn to scale.

Commissioner Cornell asked if the future dumpster enclosure would be sized for Mission BBQ only. Mr. Hamm replied affirmatively. Commissioner Cornell inquired if another dumpster enclosure would be placed in the area for the new tenant. Again, Mr. Hamm replied affirmatively.

Mr. Hamm stated that he plans to come before the Commission with a Special Use application for outdoor dining. He acknowledged that a timeline would be difficult to say at this time. The Covid19 virus has disrupted everything. A brief discussion ensued.

Chairman Parente stated that an Outdoor Dining Special Use Permit requires a public hearing. There was uncertainty concerning whether it was feasible to hold a public hearing remotely. A brief discussion ensued.

Chairman Parente asked ZEO Demirjian if all signoffs have been obtained. He replied affirmatively and stated that all signatures are on the site plan.

Mr. Riggione stated that he has been in the restaurant business his whole life. Several of his restaurants were local. He received many inquiries about this location. He stated that he chose Mission BBQ because they are different than a fast and casual restaurant. Mr. Riggione stated that the food is good; they pay great attention to detail. He noted that there is one in Southington now, which is very successful. He expressed his belief that it would be successful here as well.

Mr. Riggione stated that the “mission” is that they are very interested in supporting first responders, doctors, nurses, military forces, etc. That is how they derived the name Mission BBQ. Mr. Riggione stated that he would like to place something at the base of their flagpole or somewhere nearby, in memory of the late Fire Marshal Tim Smith.

Mr. Riggione stated that he is fully aware of the Covid19 nightmare the world is now facing. He expressed his thanks to those who helped him throughout this application process, and for the remote meeting.

Chairman Parente asked if there were any questions for the TPZC. There were none.

Commissioner Kaplan stated that it looks like a nice renovation. Commissioner Smith stated that this application clearly meets our regulations. She further stated that it looks like a very nice upgrade.

After a brief discussion, a motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve the Site Plan Application and Architectural Supplement to locate a Mission BBQ at 550 Boston Post Road, subject to the following conditions: Markings for the loading area must be on the plan to the satisfaction of ZEO Demirjian. The motion carried with the vote recorded as follows: Kaplan, aye; Smith, aye; Torrenti, aye; Cornell, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

Mr. Hamm stated that he would be in contact with the zoning department about outdoor dining.

There were no additional comments.

Review of the Minutes from the March 3, 2020 Meeting and March 10, 2020 Special Meeting.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the March 3, 2020 Minutes, as amended. The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Smith, abstain; Cornell, aye; Parente, aye. The vote was recorded as 4-0-1 to accept and approve the motion.

A motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve the March 10, 2020 Minutes, as written. 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.

There were no additional comments.

Old Business

Chairman Parente stated that the agenda for the next meeting includes repealing the Transit Oriented Development District (TODD) regulations. He stated that it requires a public hearing. It is not certain at this time if we will be able to accommodate a public hearing through remote internet meetings. ZEO Demirjian stated that he would discuss this matter with the IT department and inform the commission members.

Commissioner Smith commented that it feels terrible to have not said goodbye to Zoning Enforcement Officer Paul Dinice, who retired on April 3rd after 40 years of service to the town. The commission discussed properly acknowledging him in the future. It was noted that all future plans are subject to the containment of the Covid19 virus pandemic.

Chairman Parente asked ZEO Demirjian for an update on the Senior Living parcel, 197 Indian River Road. ZEO Demirjian stated that their retention wall has been constructed and they are still doing a lot of Earthwork around the site. Many engineers are working from home right now. ZEO Demirjian stated that he would walk the site and report back at the next TPZC meeting.

Commissioner Smith inquired about the former Bedding Barn property, 131 Boston Post Road. ZEO Demirjian stated that the town engineer will inspect the wall again. He noted that former ZEO Paul Dinice conducted the last few inspections and he will get an update by next meeting.

Chairman Parente stated to ZEO Demirjian that he would like him to make a sweep of illegal signs along the Boston Post Road. ZEO Demirjian stated that there wasn't an opportunity for him to enforce the sign regulations while ZEO Dinice was still here. ZEO Demirjian stated that he would give a copy of the sign regulations to those in violation. If a sign is still in violation two weeks after the warning, he would ride up and down the Boston Post Road with Public Works and confiscate the illegal signs. Chairman Parente stated that sometimes illegal signs obstruct site lines, and it could be dangerous. After a brief discussion, Commissioner Smith suggested that the commission compile a list when they see illegal signs. ZEO Demirjian stated that a list would be helpful.

There were no additional comments.

New Business

There was no New Business to discuss.

Report of the Zoning Enforcement Officer

Zoning Enforcement Officer Demirjian stated that he and Zoning Administrative Assistant Tammy Trantales have been rearranging the zoning office. He stated that he would pick up where ZEO Dinice left off regarding zoning issues. It was noted that ZEO Dinice welcomes questions during this transition. ZEO Demirjian stated that Town Hall has been closed to the public since last Friday.

Chairman Parente stated to ZEO Demirjian that the commission would like to hear the status of projects in town, as well as anything new, at the next meeting. Chairman Parente stated that he is certain ZEO Demirjian will do a great job. He added that ZEO Dinice was a very capable ZEO; he gave good advice.

There were no further comments.

PUBLIC HEARINGS (*1)

APPLICATION FOR SPECIAL USE – Submitted by Connor & Melanie Monck, for property known as 434 Old Tavern Road – Request for larger ground coverage as per Section 383-26I (3)(a). To construct a 28' x 36' garage. An additional request has been made for a waiver of the submission of a sealed site plan as per Section 383-117B(1) of the Orange Zoning Regulations.

NOTE: Due to the Covid19 pandemic, public hearings will not be heard at this time. This public hearing will be heard at a later date, to be determined.

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.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Tamara Trantales,
Administrative Assistant