

ORANGE ZONING COMMISSION
MINUTES OF THE APRIL 20, 2021 MEETING

Unapproved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, April 20, 2021, at 7:00 p.m., a Zoom 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 Enforcement Officer
Tamara Trantales, Administrative Assistant
Bonnie Syat, Recording Secretary

ORANGE, CONN
TOWN PLANNING OFFICE
RECEIVED 10:00 AM APR 20 2021
2021 APR 30 AM 11:45
Michael S. O'Sullivan
TOWN CLERK

Chairman Parente welcomed everyone to the Zoom meeting. He introduced the Commission and the Staff.

Review of the Minutes from the April 6, 2021 meeting.

A motion was made by Kevin Cornell and seconded by Paul Kaplan to accept and approve the Minutes from the April 6, 2021 meeting, as amended. The motion carried with the vote recorded as follows: Cornell, aye; Kaplan, aye; Smith, aye; Torrenti, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

There were no additional comments.

Old Business

There was no Old Business to discuss.

New Business

There was no New Business to discuss.

Report of the Zoning Enforcement Officer

Zoning Enforcement Officer Jack Demirjian stated that the Zoning Department has been very busy with issuing permits for pools and additions. He noted that there are several applications for oversized accessory structures which may come before the Commission in the future.

There were no additional comments.

SITE PLAN APPLICATION- For property known as 285 Boston Post Road: Submitted by Steven Ciardiello. To modify an approved special use permit for outdoor seating with an 18' x 20' expansion to the existing outdoor dining area.

Nick Quagliani, representing Eli's Restaurant, stated that they have an approved Special Use Permit for outdoor seating. They are proposing an expansion to the existing patio. Mr. Quagliani stated that they want to replicate the existing patio. The expansion will use 2 existing parking spaces. Chairman Parente stated that even though they would be losing a few parking spaces, they have at least 6 or 7 more than required. Mr. Quagliani agreed. Mr. Quagliani stated that their intention is to keep this patio as a permanent structure. He

explained that they would add more cement bollards around the expansion to protect the patrons. Food would be cooked inside and transferred to the patrons outside.

Commissioner Cornell stated that the only patron exit is through the restaurant. Mr. Quagliani replied affirmatively, except for an emergency. A brief discussion ensued. Chairman Parente clarified that this patio is for seated patrons only. Mr. Quagliani agreed. Commissioner Smith inquired how many more tables would be added. Mr. Quagliani stated that they are adding 6 tables now, with distancing for Covid. He added that when the required social distancing is rescinded, they hope to add more tables.

Carly Costanzo, an adjacent property owner, began to comment on this application. Chairman Parente informed her that while this meeting is open to the public, it is not a public hearing. ZEO Demirjian explained that Ms. Costanzo was in the zoning office this week, explaining her concerns. ZEO Demirjian stated that Ms. Costanzo had voiced concern regarding parking. Her building is adjacent to Eli's and some of Eli's patrons park against the building. After a brief discussion, Chairman Parente stated his belief that this is not a zoning matter. He suggested it may be a legal matter. After a brief discussion, Chairman Parente stated that signage would be a potential remedy. He reiterated that it is not a zoning issue.

Chairman Parente stated that this application appears to be straightforward. The applicant is requesting a minor enhancement of their existing Special Use Permit.

Commissioner Cornell stated that they are requesting an expansion to their existing patio. He stated that the parking on the Eli's lot meets the zoning requirements. Chairman Parente asked ZEO Demirjian if all pertinent signoffs have been obtained. ZEO Demirjian replied affirmatively. He added that there were no comments from the pertinent department heads.

Chairman Parente stated that this proposal is harmonious to the existing neighborhood. This application does not have a deleterious effect on property values, or traffic. Chairman Parente added that it is consistent with our Plan of Conservation and Development, (POCD). Also, all signoffs have been obtained, including from the Fire and Police Departments.

A motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve the Site Plan Application for 285 Boston Post Road, to modify an approved Special Use Permit for outdoor seating, with an 18' x 20' expansion to the existing outdoor dining area. 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.

There were no additional comments.

PUBLIC HEARINGS: 7:00 P.M.

PETITION TO AMEND THE ORANGE ZONING REGULATIONS - Submitted Upon the Initiative of the Orange Town Plan & Zoning Commission. To amend the Orange Zoning Regulations by DELETING Article XXIV Transit Oriented Development District.

Chairman Parente stated that this agenda item, to delete Article XXIV from the Orange Zoning Regulations, was voted on at the last meeting. It is on tonight's agenda to correct a

technical error. The public hearing was not closed prior to the vote. ZEO Demirjian asked Town Counsel about the proper procedure to correct this issue. Attorney Barbara Schellenberg suggested adding the item to tonight's agenda, vote to close the public hearing, and then vote again on the matter. A brief discussion ensued.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to close the public hearing. 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.

Chairman Parente noted that this matter was approved unanimously at the last meeting. ZEO Demirjian stated that the previous effective date as 4/27/21. After a brief discussion, it was determined that the new effective date would be 5/11/21.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the Petition to Amend the Orange Zoning Regulations by DELETING Article XXIV Transit Oriented Development District. 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.

SPECIAL USE & SITE PLAN APPLICATION in conjunction with an ARCHITECTURAL STANDARDS SUPPLEMENT & LIGHTING SUPPLEMENT– Property known as 35 Old Tavern Road and 308 Racebrook Road located in the LSC Zoning District: Submitted by 35 Old Tavern Road, LLC. A proposed mixed-use development including the construction of a 134,000 sq. ft. three story building with 72 dwelling units along with 226 parking spaces. An APPLICATION FOR SPECIAL PERMIT has also been submitted in accordance with section 383-175B for shared parking spaces.

Commissioner Kaplan read the legal notice into the record.

Chairman Parente stated that Attorney Marjorie Shansky is representing 35 Old Tavern Road, LLC, the Firelite shopping center. Attorney Shansky mentioned those in attendance for this proposal. Robert Sachs, Principal Applicant; Mike Ott, Professional Engineer, Somerville Engineers and Land Surveyors; Ryan Chmielewski, Landscape Architect, Weston & Sampson; David Sullivan, Traffic Engineer, SLR, formerly Milone & McBroom; and Ken Boroson, Architect, Kenneth Boroson Architects.

Attorney Shansky stated that they have been granted an approval from Inlands/Wetlands, (IWWCC). She stated that all pertinent signoffs have been obtained for Zoning except for the Traffic Commission. Attorney Shansky stated that the Traffic Commission has requested additional information, which the applicant has assembled. Attorney Shansky stated that they will be meeting with them soon. This property, which is now referred to as Fireside Commons, is in the Local Shopping Center (LSC) district. The proposal is for a mixed-use development on approximately a 6-acre site. There are proposing 72 residential apartments, with residential amenities, and commercial and office uses.

Attorney Shansky noted that she wrote a letter to the TPZC, dated February 24, 2021. She stated that their design goal is to create an inviting place within the redeveloped shopping center. Attorney Shansky stated that this proposal addresses very specific policies and goals in the 2015 POCD, including more housing diversity in Orange. Attorney Shansky expressed her belief that this proposal would offer an appealing alternative for young professionals and empty nesters.

Mike Ott, a licensed Professional Engineer and Land Surveyor, Madison, CT, displayed a Power Point presentation. He stated that they have addressed all the Town Engineer's review comments. He added that they have addressed all the Police and Fire Department comments, except for a curb cut, which will be discussed later in the presentation.

Mr. Ott stated that their demolition plan is to remove the strip of stores and the old Nuvita building on the property. He stated that the L-shaped office building, the bank, and the stores along Racebrook Road would remain. As part of the preparation plan, they would reclaim all the existing pavement. He noted that this is a 1950 era shopping plaza.

Mr. Ott stated that there would be a new u-shaped building. The old yogurt shop would be replaced with a larger building for retail. They will add more fire hydrants, landscaped islands, as well as adding quite a bit of green space along Old Tavern Road. Mr. Ott stated that they have reduced the impervious land covering. He explained the sidewalk proposal, which would be entirely on Firelite property.

Mr. Ott stated that there would be virtually no storm drain system on the parcel and no treatment for stormwater before discharge to Silverbrook. He explained. Mr. Ott expressed his belief that they have made significant improvements in the aesthetics and stormwater management issues by reducing impervious surface land cover. They have designed a formal drainage system.

Mr. Ott stated that they have submitted an exterior lighting plan. There would be parking area lighting throughout the site, which does not currently exist.

Commissioner Cornell stated that along Racebrook Road, Route 114, where they are proposing the closing of some entrances, much work is occurring in the state right of way. Mr. Ott stated that any work within the state highway right of way requires an encroachment permit from CT DOT.

Chairman Parente wanted to clarify that the proposal is to close a curb cut on Racebrook Road and one on Old Tavern Road. Mr. Ott stated that they are closing the curb cuts closest to the intersection, which some vehicles use as a cut through to avoid the traffic light. Discussion ensued.

Commissioner Torrenti stated that he understands the rationale. However, he stated that it would be difficult to exit the plaza onto Racebrook Road. Discussion ensued. Mr. Ott stated that from a traffic safety perspective, they want to create a more controlled ingress/egress pattern for the site. Discussion continued.

David Sullivan, Traffic Engineer, stated that he has spent much time thinking of how to improve the area with the safest and most efficient access plan. He stated that when queues back up, some vehicles cut through the parking area at the corner. Their plan is to eliminate the one curb cut by the traffic light. Two curb cuts remain. Mr. Sullivan stated that these actions would present more of a controlled parking lot. He explained the process of how they decided which curb cuts to eliminate. Discussion ensued. Mr. Sullivan stated that he would examine eliminating the left-hand turn onto Racebrook Road. It was noted that signage could be posted there. A lengthy discussion ensued regarding which curb cuts would remain and which ones would be eliminated.

Commissioner Smith asked Mr. Ott what percentage of impervious pavement they were proposing to reduce. Mr. Ott stated that they will reduce approximately 30,000 square feet of impervious pavement, or approximately 11.5 % of the total parcel area. Commissioner Smith inquired if there would be an irrigation system. Mr. Ott replied affirmatively. He further stated that there would be wider islands. He noted that the revised plan reflects the Town Engineer's comments.

Ryan Chmielewski, a licensed Landscape Architect with Wesson & Sampson, displayed existing and proposed renderings of the shopping center. Mr. Chmielewski noted that they would be providing an additional vegetation buffer along Silverbrook. A discussion of proposed trees and shrubs ensued. Mr. Chmielewski stated that there would be small flowering trees, a lawn area, and a BBQ area with a fire pit. All green strips would be irrigated.

Ken Boroson, an Architect with offices in New Haven, stated that the prospective main building is designed so that the front half of the building has commercial and amenity space. The back of the building, lower level, would be residential. Mr. Boroson explained where the gym and the community room would be located. He stated that the building hides the residential area from the commercial street.

Chairman Parente asked how many floors would be for residential use. Mr. Boroson explained that that it would be a 3-story building. Residential use would be in the back half of the first floor, and the entire second and third floors. Discussion ensued. Chairman Parente inquired if it would be structured as condominium ownership. Attorney Shansky stated that her understanding is that it would be rentals. A brief discussion ensued. Mr. Boroson stated that the entire structure is staggered so it does not look like a factory building. Commissioner Kaplan asked how tall the building would be. Mr. Boroson stated that it is 33' tall, which meets the regulations. A discussion of building materials ensued. It was noted that not all landscaping is shown in these drawings.

Commissioner Torrenti asked why they are proposing a separate retail building in the front of the property. He stated that the site lines are "brutal" there. Commissioner Torrenti commented that it would be nice if the retail building in the former yogurt building was not re-built.

Robert Sachs, property owner, stated that they need a temporary place for the existing tenants while the new building is being constructed. They would demolish the former yogurt shop

after it is no longer needed for the displaced tenants. They would demolish Nuvita and construct a larger building. A brief discussion ensued.

Chairman Parente questioned how the Commission could approve a Site Plan without knowing how the new building would look. Mr. Ott stated that the Commission has the dimensions but not floor plans or elevations. Commissioner Kaplan asked if the new building would have the same footprint. Mr. Ott stated that it would be expanded from 1,800' to 3,600'. Discussion ensued. Mr. Ott stated that the bank would receive a new façade. Discussion continued. Chairman Parente confirmed that the liquor store would remain as is. Mr. Ott noted that it has been renovated.

Commissioner Smith inquired about the timeline. Mr. Sachs stated they would immediately move the two tenants into the former Nuvita building. Then they would begin construction. He estimated it would take approximately one year. Discussion ensued.

Chairman Parente stated that for our purpose tonight, the plan is to demolish the existing former yogurt building, but we do not have a plan showing the building to be constructed in its place. Chairman Parente suggested that the applicant return to TPZC when they know what they want to do with it. Attorney Shansky stated that the new building would be part of their cohesive plan. Discussion ensued.

Commissioner Cornell stated that for site plan approval, new buildings require floor plans and elevations. Chairman Parente stated that the Commission would be approving something the Commission does not have plans for. Attorney Shansky stated that the existing center is subject to upgrades. The building on Racebrook Road has been modernized. The bank will get a facelift. Discussion ensued. Commissioner Smith stated that the whole site is subject to our Architectural Standards. She stated that the TPZC should see the proposed new retail building and the proposed face of bank. Discussion continued. Chairman Parente stated that an architectural review is needed when buildings are being updated. Mr. Sachs stated that they do not have a tenant for the retail building yet. Discussion continued. Attorney Shansky stated that they will return before the Commission when they have a design for the building and a tenant. Chairman Parente indicated that they should submit the architectural reviews for the next meeting.

Commissioner Cornell stated that if the Site Plan says, "future retail building", it could be a condition of approval that the submission of the required architectural review be submitted prior to approval. A brief discussion ensued.

Commissioner Kaplan inquired if the department head approvals considered the 3,600 square foot building there. Attorney Shansky replied affirmatively. Discussion ensued.

Mr. Sullivan stated that the Traffic Commission asked them to update the report to include the Smith Farm Road project. He noted that he would supplement the original report. Discussion ensued. Mr. Sullivan stated that the Smith Farm Road project was not initially included in the report. He added that it did change their results a little. He stated that he would have the updated analysis for the next meeting. A lengthy discussion ensued. Mr. Sullivan stated that since Racebrook Road is a state highway, the state would make recommendations regarding the timing of lights, etc. It could improve the levels of service.

Mr. Sullivan stated that the DOT project is finally in full swing. They expect to be completed by August. Mr. Sullivan stated that he will coordinate with DOT. Mr. Sullivan explained how parking is calculated. He summarized that the parking lot will be just the right size. A brief discussion ensued.

Commissioner Cornell stated that he would like to see the handicapped parking spaces shown on the plan. Mr. Ott explained the new nomenclature for handicapped spaces is now RESERVE spots. Mr. Ott displayed the proposed parking spaces. Commissioner Smith asked if they are basing their results on the shared parking concept. Mr. Sullivan stated that it is based on the total number of spaces in the lot. Discussion ensued.

Chairman Parente asked Mr. Ott if all the Town Engineer's comments in his March 16, 2021 memo have been addressed. Mr. Ott replied affirmatively. He added that they were asked to provide the existing and proposed stormwater flows. Mr. Ott stated that they have complied.

Commissioner Cornell asked Mr. Ott where the dumpsters would be located. Mr. Ott displayed the two dumpster locations, to the rear of the site. Discussion ensued.

Chairman Parente read two emails into the record. One was from Judy and James Hatrick, Sr. at 322 Racebrook Road. Their main concern is increased traffic. The other email is from Jim and Kathy Hatrick, 318 Racebrook Road. Their entire lot is adjacent to the project and they are concerned about the size of the proposal. They are also concerned about the lighting, noise, litter, and trespassers. A brief discussion ensued.

Chairman Parente stated that the public hearing would remain open.

There were no further comments.

As there were no additional items on the agenda, 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; Cornell, aye; Smith, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,
Tamara Trantales,
Administrative Assistant