

ORANGE ZONING COMMISSION
MINUTES OF THE MAY 19, 2020 MEETING.

The Town Plan and Zoning Commission held a meeting on Tuesday, May 19, 2020, at 7:00 p.m., a Zoom remote internet meeting. The following members were in attendance:

Oscar Parente, Esq., Chairman
Paul Kaplan, Esq., Secretary
Kevin Cornell, Esq., PE
Thomas Torrenti, PE

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Patrick B. O'Sullivan
TOWN CLERK

Jack Demirjian Zoning Enforcement Officer
Tamara Trantales, Administrative Assistant

Chairman Parente welcomed everyone to the Zoom video remote meeting. He noted who was in attendance. Chairman Parente stated that Judy Smith is not present this evening due to a family emergency.

Review of the Minutes from the April 21, 2020 meeting.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the April 21, 2020 Minutes, as written. The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Cornell, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

There were no additional comments.

Old Business

Chairman Parente commented to Zoning Enforcement Officer Jack Demirjian that there was a report of 197 Indian River Road in the commissioners' packets. He inquired if it was regarding anything significant. ZEO Demirjian replied that he receives updates such as this two or three times a week. He thought he'd share one with the commission. After a brief discussion, Chairman Parente asked ZEO Demirjian if he was satisfied with the work being done there. ZEO Demirjian replied affirmatively.

There were no additional comments.

New Business

Commissioner Cornell stated that ZEO Demirjian circulated an email to the commission stating that we review outdoor dining regulations during this pandemic. ZEO Demirjian noted that the Executive Order 7MM makes our regulations requiring applicants to appear before the commission null and void. He created a new form, a temporary outdoor dining application. A brief discussion ensued. ZEO Demirjian stated that the Fire Marshal, the Police Department and Town Attorney Vin Marino have reviewed it and cleared it for distribution. The ZEO stated that the form was available yesterday so that restaurants could fill out the applications.

Commissioner Cornell asked if this action is temporary while the restrictions are in place. ZEO Demirjian stated that the Executive Order would be in effect until it is terminated or until restaurants are allowed to have 50% of their patron capacity, or more, inside the building. Either situation would terminate the permit.

Chairman Parente noted that in ordinary circumstances, an applicant needs to obtain a Special Permit for an outdoor dining permit. Chairman Parente stated that most towns require, as we do, an engineered drawing showing outdoor dining. That requirement has been temporarily waived per the Executive Order during this pandemic. A drawing is still required, but it doesn't have to be engineered at this time. Chairman Parente stated that in order that we may comply with the Executive Order, we may need to place outdoor dining on a sidewalk or in a parking area. ZEO Demirjian stated that the Fire Marshal and the Police Department need to be satisfied, according to their standards, that the dining area is adequately protected from vehicular traffic. Safety is obviously prioritized. Chairman Parente stated that all applications for temporary outdoor dining is up to ZEO Demirjian to approve or deny administratively. Discussion ensued. The ZEO stated that this temporary outdoor permit process has taken a lot of time to satisfy all terms. Chairman Parente stated that if the ZEO has any questions, he could feel free to call a commissioner. A brief discussion ensued.

Report of the Zoning Enforcement Officer

ZEO Demirjian stated that the former ZEO, Paul Dinice, was working on verbiage for Airbnb's. ZEO Demirjian commented that he would try to have some information for the next meeting.

ZEO Demirjian stated that FedEx and Numet are good at sending him updates. He stated that the Zoning Department is very busy despite the virus. We have issued many permits for pools and sheds. Cease & desist orders have been issued for blight violations. Chairman Parente stated that we are required to notify the Regional agencies regarding the zone change to TODD. ZEO Demirjian stated that he has already notified them.

There were no additional comments.

SITE PLAN APPLICATION – ARCHITECTURAL STANDARDS SUPPLEMENT. Submitted by 2 Boston Post Road Associates LLC & R&R Orange Ventures LLC, for property known as 2 Boston Post Road. To alter existing lighting, utilities, and landscaping of property. Primary use of off-street parking and vehicle storage.

Matt Bruton, Michael Dion, BL Companies and Michael Massimino, owner of 2 Boston Post Road, were in attendance.

Mr. Bruton displayed renderings of the building and property. He stated that there would be some minor modifications to the building. The existing garden center and outdoor pad are proposed to be demolished for a new loading dock. A brief discussion ensued. It was noted that this relocation pushes it further away from the residential district in West Haven. The existing retaining wall will not be changed. There would be landscaped islands & the parking lot would be re-stripped.

Chairman Parente asked if these would be the only changes to the footprint of the building. Mr. Bruton stated that there would be a canopy placed along the façade for parcel delivery and loading. He explained the process. Mr. Bruton stated that the canopy, demolition of the existing loading dock and the new loading dock are the only changes to the footprint of the building.

Mr. Bruton explained the parking area. He stated that there is full circulation around the building. They would maintain it, adding a gate with a Knox box. They would like to limit cross traffic. Mr. Bruton noted that the Fire Marshal agrees. Mr. Bruton stated that the sound barrier is 20 feet high, which should mitigate any noise.

Commissioner Kaplan asked how far away they are from the residential district in West Haven. Discussion ensued. It was stated that the residential district is approximately 200-350 feet away. Chairman Parente noted that the setback is 50 feet. A brief discussion ensued.

SITE PLAN APPLICATION – ARCHITECTURAL STANDARDS SUPPLEMENT.
Submitted by Orange Post Associates for property known as 48 Boston Post Road. The existing building will mostly remain with reconfiguration to the parking layout, removal of asphalt, slight alterations to existing structures, and resurfacing. Primary use of warehouse storage and shipping goods.

Matt Bruton, BL Companies, stated that they are upgrading fire response service, including a fire call box in the parking lot, per the Fire Marshal.

Mr. Bruton stated that Carlson Road is a cut-through road. They want it to be adequately lit, yet no LEDs. It was noted that the lights could be tweaked with shields if necessary.

Chairman Parente asked Mr. Bruton if he could be clearer on what the use is expected to be. Mr. Bruton expressed his belief that it's permitted in the LI zone. He stated that the intention for 48 Boston Post Road is a distribution facility; 2 Boston Post Road would be an offsite parking facility. There would not be any storage on this parcel.

Chairman Parente asked if they had a tenant yet. Mr. Bruton stated that there are two landowners. They are in discussion with potential tenants. There are some interested parties. He noted that there is a non-disclosure agreement in place; he can't share any further information.

A brief discussion ensued regarding potential future truck traffic. It was noted that the items from the trucks are not distributed immediately. They are stored onsite, at 48 Boston Post Road. Mr. Bruton stated that there are some oversized parking spaces for delivery, which is the reason why the applicant reduced some of their parking.

It was noted that there is limited access to Meloy Road from 2 Boston Post Road, with access to the Boston Post Road. It is the former Sam's Club. The fuelling canopy has been removed.

Mr. Bruton stated that the Meloy Road exit has a limited access driveway. No trucks are allowed on this road. They are proposing a gate at the access to Meloy Road with a Knox box. The Fire Marshal wants this driveway to remain for emergencies. The Fire Department will have a key. Mr. Bruton stated that there are minimal modifications proposed. A brief discussion ensued.

Mr. Bruton stated that there is full access around the building. The Fire Marshal stated that the truck can circulate in an emergency. There will be indoor parking. Fire hydrants will be relocated. The significant rock/retaining wall will be maintained. They are refiguring the

parking lot and islands. There would be LED dark side compliance lights for the parking lot. He explained how they are reducing impervious coverage with simple modifications to the existing parking lot. The applicant maintains that they would not provide a nuisance to neighbors. The Sedimentation & Erosion controls will be in place until the site is stabilized. The site would be shielded from the Boston Post Road with landscaping.

Discussion ensued regarding the use of Carlson Road. Commissioner Cornell expressed his belief that Carlson Road was intended for truck traffic. It was noted that at the front of the building there is a common access drive, a guitar center and an Edge Fitness Center. Commissioner Cornell inquired if there is a reciprocal use agreement in place. Mr. Bruton replied affirmatively. A brief discussion ensued.

Mike Dion, BL Companies, explained the traffic study. He stated that vans will not use Carlson Road. Discussion ensued.

Commissioner Cornell stated that 2 Boston Post Road would be a parking lot. Some of the cars would be covered. He discussed the existing floor grates. He expressed concern in case oil drips from the vehicles. Discussion ensued. It was stated that the old sanitary system inside the building is not set up for oil. Perhaps cut off the sanitary system? Mr. Dion stated that they understand his concern. Discussion continued.

Commissioner Kaplan inquired how many employees they would have. Mr. Bruton stated that he does not know at this time; it depends on the eventual tenant.

Mr. Dion stated that he looked at 14 intersections during morning and afternoon peak hours and traffic volumes. A brief discussion ensued. He stated that they hope to be operational by 2021. Mr. Dion summarized that the roadway network could accommodate traffic. Discussion continued.

Chairman Parente stated that the commission would not consider the application until they have obtained local approval. Although they do not have data regarding traffic while Sam's Club and Lowe's were there, Mr. Dion believes these stores generated a lot more traffic than what is being proposed now.

Todd Johnson, Architect, explained the layout of 48 Boston Post Road. He stated that the employee break room, locker rooms, a small business office, small pickup area and bathrooms would be in the rear of the building. Discussion ensued regarding new canopies. Mr. Johnson stated that the metal canopies would be permanent. Renderings were displayed and explained. Chairman Parente asked about the building materials on the façade. Mr. Johnson stated that they will match the existing façade. There would be two small canopies over the employee entrance and pick up area.

Mr. Bruton stated that they would be demolishing what is left inside of 2 Boston Post Road. They are adding a small rest room in the upper right corner for convenience. Commissioner Cornell stated that it appears 48 Boston Post Road could stand alone. Mr. Bruton stated that both projects could stand on their own. They have no intention of combining parcels. A brief discussion ensued.

Chairman Parente stated that the commission would consider each parcel separately. He noted that warehouse use is prohibited at 2 Boston Post Road. It would be an off-street parking facility.

Chairman Parente asked the ZEO if all the required signoffs have been obtained. ZEO Demirjian replied affirmatively. A brief discussion ensued. OSTA approval for roads will come last.

ZEO Demirjian stated the he reviews bonds with the Town Engineer, based on the sitework. BL Companies has been in consultation with the ZEO and the Town Engineer. It was noted that bonds are handled administratively.

It was the consensus of the commission that they did not need additional information from the applicant. It was noted that small changes would be made. There would be less traffic than when Sam's Club and Lowe's were there. Commissioner Cornell expressed concern for the residential neighborhood nearby. A brief discussion ensued concerning the sound features and traffic patterns, which show sensitivity to neighbors. The Town Engineer has signed off. OSTA also reviews drainage calculations. Chairman Parente stated that this proposal seems to be a good project for the town.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the Site Plan and Architectural Supplement for 48 Boston Post Road, subject to a bond in an amount to be determined by the ZEO and the Town Engineer. The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Cornell, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the Site Plan, Architectural Supplement and Lighting Supplement for 2 Boston Post Road, subject to a bond in an amount to be determined by the ZEO and the Town Engineer. The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Cornell, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

A motion was made by Kevin Cornell and seconded by Tom Torrenti to amend the vote of 48 Boston Post Road to include the Lighting Supplement. The motion carried with the vote recorded as follows: Cornell, aye; Torrenti, aye; Kaplan, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

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

The meeting was adjourned at 8:51 p.m.

Respectfully submitted,
Tamara Trantales,
Administrative Assistant