

ORANGE ZONING COMMISSION  
MINUTES OF THE SEPTEMBER 20, 2022 MEETING

Approved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, September 20, 2022, 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.

Jack Demirjian, Zoning Enforcement Officer  
Tamara Trantales, Administrative Assistant  
Robin Gengaro, Recording Secretary

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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 September 6, 2022 meeting.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the Minutes from the September 6, 2022 meeting, as amended. The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Cornell, aye; Smith, abstain; Parente, aye. The vote was recorded as 4-0-1 to accept and approve the motion.

There were no additional comments.

Old Business

None

New Business

None

Report of the Zoning Enforcement Officer

Zoning Enforcement Officer Jack Demirjian stated that the facility at 197 Indian River Road contains 175 units. They hope to have their Certificate of Occupancy by November. ZEO Demirjian noted that he was informed today that 37 Robinson Blvd., the project at Light Sources, has been scrapped.

ZEO Demirjian stated that there would be a text amendment application in the future to permit self-storage facilities as a special use. He noted that it is specifically prohibited now.

There were no additional comments.

PUBLIC HEARINGS: 7:00 p.m. – (2)

SITE PLAN APPLICATION - Submitted by Stellato Realty, LLC. For property known as 403 Derby Avenue. To add 31 additional parking spaces, assorted tables for outdoor seating, and widening the entrance lane for easier access to the property. A LIGHTING SUPPLEMENT has also been submitted in conjunction with this application. (Continued from the 8/16/22 meeting).

Joe Porto, Esq., Parrett, Porto, Parese & Colwell, Hamden, CT, stated that he is representing Stellato Winery. He noted that they have a new site plan from what was presented at the last meeting.

Attorney Porto stated that legislation allows for outdoor dining for a food service establishment, which the applicant qualifies for. A brief discussion ensued. Chairman Parente questioned the definition of a food establishment. Discussion continued. Chairman Parente noted that when the original application for the winery was submitted, the commission was careful that there would not be a kitchen, food trucks, etc. Attorney Porto stated that they have a food service establishment license. Discussion continued.

Attorney Porto stated that outdoor dining would be at least 50' away from the neighbors. They will increase the number of grapevines near the windmill for an additional buffer. Alan Shepard, P.E., 415 Howe Ave Shelton CT, stated that there would also be some arborvitae and fencing.

Mr. Shepard explained the process he used to determine how many parking spaces would be needed. He noted that the parking count and the seating area corresponds. Commissioner Kaplan asked if the regulation limits the amount of outdoor seating based on the amount of indoor seating. ZEO Demirjian replied affirmatively. He read the regulation into the record. It was noted that the indoor occupancy is 100.

Attorney Porto stated that this proposal complies with the outdoor seating regulation. He added that they meet the parking requirements. Attorney Porto stated that the outdoor seating would be far removed from the residential neighbors. He noted that the regulation states that there is a 10% restriction on outdoor occupancy, based on the indoor occupancy. He expressed his amazement that only ten patrons could be allowed outside on this 10-acre parcel of land. Discussion ensued. Commissioner Smith stated that this regulation was written for restaurants. Commissioner Kaplan stated that this is a residential area. An analysis based on restaurants along Route 1 is not feasible. He stated that the commission does not have discretion or the power to overlook the regulation. Discussion continued.

Commissioner Cornell stated that when this regulation was drafted and approved, it was carefully explained, and reflected in the language, that all special events would be held inside. Discussion ensued. Chairman Parente stated that any special event must be held in the tasting room per the regulation. Attorney Porto countered that the state statute permitting outdoor dining, as of right, was passed after this regulation was drafted. Discussion continued.

Attorney Porto stated that they recognize the issues. They have provided for a larger buffer. Commissioner Cornell stated that the winery was originally approved as a farm stand. Now they are asking for outdoor seating and additional parking to bring more people to the site. Commissioner Smith stated that this applicant has asked to increase parking already. She stated that they were approved as a farm stand with limited commercial activity. Due to their success, they need and want to expand. After a brief discussion, Chairman Parente stated that this use is not traditional outdoor dining. It is not a restaurant. It is in a residential zone. Chairman Parente stated that there are special standards for farm wineries.

Commissioner Cornell stated that the commission is attempting to find a reasonable balance in which the vineyard and the residential area could coexist. He noted that residents purchasing their homes had a reasonable expectation that they would not end up being next to a winery. Discussion ensued.

Chairman Parente asked if there were any comments or questions from the audience.

Alessandro Gomez, an abutting neighbor, stated that he is in opposition to this proposal. He stated that their social events are noisy. He opined that the winery should not have been permitted from the beginning.

Owen Weaver, Esq., 23 Green Hill Road, stated that although he works for Marino, Zabel & Schellenberg, he is not here tonight in a professional capacity but as a resident. He is speaking on behalf of himself, his wife, and their young children. He stated that the winery is a nice establishment. However, the activity is not limited to just a few months a year. Mr. Weaver stated that there is heavy activity during weekends. He stated that this is not a farm stand, it is an outdoor wine bar. He bought the house next to the vineyard according to the existing regulations. He is opposed to additional parking. Mr. Weaver stated that patrons walk right up to his property line. Discussion ensued.

ZEO Demirjian read the letters into the record. Rudy Zimmerman, 884 Racebrook Road, stated that he is in opposition to this proposal. His concerns are that there would be increased noise, light pollution, and traffic on Racebrook Road, in a residential neighborhood. He believes that the owners of the winery should respect their original approval. A second letter signed by property owners on Green Hill Road and Walnut Hill Road cited that the level of noise and proximity to their properties would add further disturbance to their properties and lives.

A motion was made by Paul Kaplan and seconded by Judy Smith to close the public hearing. 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.

Chairman Parente stated that the regulations assert that outdoor occupancy shall not exceed 10% of the indoor occupancy. After a brief discussion, Commissioner Cornell stated that if the applicant is not compliant with that regulation, then there is no need to have 35 additional parking spaces.

Commissioner Cornell stated that the commission is allowed to regulate outdoor dining. Commissioner Smith read a portion of the POCD (Plan of Conservation and Development) into the record. Commissioner Kaplan stated that this proposal is much more intense than the initial approval. Commissioner Smith noted that having 14 lights and extended parking for a farm stand is too intense. She stated that the commission does not have the discretion to ignore the regulations. Discussion ensued. Commissioner Cornell stated that he is not comfortable with the intensity. Discussion continued.

A motion was made by Tom Torrenti and seconded by Paul Kaplan to deny and reject the Site Plan Application for Stellato Realty, LLC, 403 Derby Avenue. The motion carried with the vote recorded as follows: Torrenti, aye; Kaplan, 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.

Chairman Parente called for a 5-minute recess at 8:10 p.m. He reconvened the meeting at 8:15 p.m.

PETITION TO AMEND THE ORANGE ZONING REGULATIONS – Article 1 §383-14 & §383-19, Article V §383-42, and Article XIV §383-143. Submitted by Southern CT Wellness and Healing, LLC. To allow cannabis establishments in the Commercial C-1 District by special use permit. (Continued from the 9/6/22 meeting.

Attorney Marjorie Shansky stated that the applicant, Anne Marie Zsamba, Director of Green Thumb, attended the last meeting. She is here remotely tonight. Attorney Shansky stated that this text amendment is for a new use due to the recent act of legislation decriminalizing the recreational use of cannabis.

Attorney Shansky stated that this text amendment was approved by the Traffic Commission. She received an acknowledgment from the Chief of Police and approval of the security plan. It was noted that the text was originally created by Town Counsel Vincent Marino. Attorney Shansky stated that she submitted a letter dated September 6, 2022, (attached) citing the consistency with the Plan of Conservation and Development (POCD). A brief discussion ensued.

Commissioner Cornell summarized this proposal, stating that this text amendment would supersede the existing moratorium on cannabis. It would allow the Town of Orange to have one establishment. If they are granted a Special Permit, they would be moving their existing medical facility from Milford to Orange. The facility is currently for medical use. They would be applying with the State of CT to be both a medical facility and a retail recreational facility. Then will apply for hybrid use when feasible. Discussion ensued.

Chairman Parente asked if there were any further questions. It was noted that there no one was in the audience.

ZEO Demirjian read the email regarding the security plan from Chief Gagne into the record. It was noted that he approves the text amendment.

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.

A brief discussion ensued. Chairman Parente stated that although his initial reaction was against it, he now thinks it makes sense for the town. Commissioner Smith remarked that she is ambivalent. Discussion continued. Chairman Parente noted that the proposal has all the security controls the commission would be seeking. Commissioner Kaplan noted that this is

only one store. Since a former restaurant was located at this site, he does not think traffic or parking would be an issue.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the Petition to Amend the Orange Zoning Regulations, to allow cannabis establishments in the C-1 District by Special Use Permit. It is consistent with the POCD in accordance with Attorney Shansky's letter dated September 6, 2022. The effective date of this text amendment would be September 23, 2022. The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Smith, abstain; Cornell, nay; Parente, aye. The vote was recorded as 3-1-1 to accept and approve the motion.

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 8:45 p.m.

Respectfully submitted,

Tamara Trantales,  
Administrative Assistant