

ORANGE ZONING COMMISSION
MINUTES OF THE OCTOBER 18, 2022 MEETING

Approved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, October 18, 2022, at 7:00 p.m., lower level, Orange Town Hall, 617 Orange Center Road, Orange, Connecticut.

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

Signature of Tom Torrenti
TOWN CLERK

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

Vice-Chairman Smith welcomed everyone to the meeting. She explained that Commissioner Parente is attending this meeting remotely tonight. He will be able to hear the meeting and to participate. Those seated at the table introduced themselves for the record.

Review of the Minutes from the September 20, 2022 meeting.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the Minutes from the September 20, 2022 meeting, as written. 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.

There were no additional comments.

Old Business

None

New Business

Commissioner Cornell stated that it is obvious from the Notices of Violations the commission receives that there are blighted properties in town. He inquired how the Zoning Enforcement Officer enforces certain violations which are not in the residential zone or blight issues. Zoning Enforcement Officer Jack Demirjian stated that it is sometimes difficult. He reviews the conditions of approval. If they are not adhering to the approval, a warning would follow. If they are still non-compliant, fines may be levied against them to elicit compliance. He added that if a situation no longer meets the criteria, the approval could be revoked. A brief discussion ensued. ZEO Demirjian stated that there is definitive language of what is considered a blighted situation. ZEO Demerjian stated that if a blight situation is not corrected, the fines which were issued could result in a lien against the property. Discussion ensued.

There were no additional comments.

Report of the Zoning Enforcement Officer

ZEO Demirjian stated that the winery received a denial four (4) weeks ago. They are appealing the decision. ZEO Demirjian stated that he would keep the commission updated.

Rich D'Andrea, Traffic Engineer, Colliers Engineering & Design, explained the revised details of the traffic analysis. He stated that they added the future projects on 329 Smith Farm Road and 35 Old Tavern Road to the traffic analysis. Discussion ensued.

Vice-Chairman Smith asked if anyone from the audience would like to speak.

Pat Panza, 357 Lindy Street, is opposed to the proposal. He expressed his belief that even though the State of Connecticut has legalized marijuana, he is concerned about the safety of the fourteen (14) residences in the area. He displayed an aerial map. He stated that a referendum of 10% of the population should have occurred.

Mr. Panza stated that this facility is in a commercial area which abuts a residential area. He would like them to have limited hours. He stated there must be a "moral compass". He noted that he is a member of the Zoning Board of Appeals (ZBA) in Orange. Mr. Panza stated that he has heard from "officials" that this is a "done deal". Mr. Panza is concerned for the seventeen (17) children who live on the street. He urged the commission to consider the Health, Safety & Welfare of the surrounding community.

After Mr. Panza completed his talk, Vice-Chairman stated that she takes umbrage to the statement that this project is a "done deal". She expressed her belief that it shows disrespect for the commissioners.

Brian McGrew, Ridge Road, is opposed to the proposal. He stated that even though he does not live near the proposed site, he has concerns. He expressed his belief that this project would affect potential buyers. He stated that Town Attorney Vin Marino should recuse himself from this proposal since he helped draft the language. He expressed his belief that this facility would attract people from far away.

James Glaser, 332 Lindy Street, is opposed to the proposal. He stated that his house is close to the Boston Post Road. He is concerned that the kids in the neighborhood would not be able to play hockey in the street anymore. Mr. Glaser stated that kids are told drugs are bad for them. He believes this project is sending the wrong message to kids.

Leah Katz, Founders Way, is opposed to the proposal. She stated that she is one of the oldest kids in the neighborhood. She said it may be a small neighborhood, but it is special. She expressed her belief that every kid should be able to have fun and safety. Ms. Katz stated that she is speaking for all the children in the neighborhood. She urged the commission to keep the neighborhood safe.

Isabela Kurpios, Lindy Street, is opposed to the proposal. She stated that she is the second oldest child on the street. She said that she could always safely walk to the nearby shopping center. She's concerned this may change.

Gabriela Kurpios, Lindy Street, is opposed to the proposal. She stated that her daughter voiced her concerns. Ms. Kurpios expressed her opinion that this is the new face of drug dealing. She noted that people used to be incarcerated for using marijuana. She added that just because this drug has been legalized, it doesn't mean it should be near a residential neighborhood.

Ms. Zsamba stated that this is a regulated product. She expressed her belief that this is not a moral issue. She stated that 37 states have been approved for medical marijuana and 19 states have been approved for recreational marijuana.

Ms. Zsamba stated that they would like to move from Milford due to the many tenants and not enough parking. She added that there have not been any issues at the Branford and Westport facilities

Commissioner Cornell stated that the commission enacted a moratorium one year ago. There were multiple meetings. He noted that the commission did not hear from residents throughout this process. ZEO Demirjian stated that the only input the commission received regarding the text amendment was from Selectman Mitch Goldblatt, who was/is in favor of allowing a dispensary in town. The commission did not receive any public input. He noted that there was a split vote, yet it passed as a Special Use.

Commissioner Cornell stated that now the commission is reviewing a proposal that has specific criteria to meet because it is a permitted use by Special Permit. He noted that now there is public input. A brief discussion ensued. Commissioner Cornell stated that the commission had three (3) options. The topic could have been ignored, which would have meant that because it is a retail use, the dispensary could have located any place where retail is allowed. The commission could have prohibited it. The commission opted for a moratorium for a year to see how other towns dealt with it.

Vice-Chairman Smith stated that she would like to have a peer review traffic study since this is a relatively new use in the state. Discussion ensued. Chairman Parente stated that he agrees with a peer review, which would need to be done expeditiously. He stated that it is important to know if there could be a problem which is not currently anticipated. He added that Chief Gagne's input would be appropriate.

A lengthy discussion ensued. It was noted that the next TPZC meetings are on the 1st and 15th of November.

There were no additional comments.

Vice-Chairman Smith called for a 5-minute recess at 9:45 p.m. The meeting re-convened at 9:50 p.m.

Chairman Parente stated that he has a conflict of interest regarding the following application. He recused himself from participating in this public hearing and left the meeting.

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.

Commissioner Kaplan read the legal notice into the record.