

ORANGE ZONING COMMISSION
MINUTES OF THE NOVEMBER 15, 2022 MEETING

Unapproved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, November 15, 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
Vincent Marino, Town Counsel

Chairman Parente welcomed everyone to the meeting. He asked those seated at the table to introduce themselves for the record. He noted that the order of items #5 and #6 on the agenda would be switched.

Review of the Minutes from the November 1, 2022 meeting.

A motion was made by Kevin Cornell and seconded by Tom Torrenti to accept and approve the Minutes from the November 1, 2022 meeting, as amended. The motion carried with the vote recorded as follows: Cornell, aye; Torrenti, aye; Smith, abstain; Parente, aye. The vote was recorded as 3-0-1 to accept and approve the motion.

There were no additional comments.

Commissioner Paul Kaplan joined the meeting at 7:09 p.m.

Old Business – Commissioner Training requirements.

Zoning Enforcement Officer Jack Demirjian suggested quarterly meetings in Town Hall to meet Commissioner Training requirements. He stated that a land use professional would address the commissioners for one hour at a time. ZEO Demirjian said that he will distribute the schedule to this commission and to the ZBA board when it is finalized. He noted that online seminars are also available.

There were no additional comments.

New Business

Commissioner Cornell stated that originally there was a state stipulation limiting a town of 25,000 residents or less to one cannabis dispensary. That statute has since been changed. Now, the only thing limiting the number of dispensaries in a town is a 5,000 square foot distance separation from another dispensary. Chairman Cornell proposed amending the distance regulation from the present 5,000 linear feet to 15,000 linear feet. Discussion ensued. Chairman Parente stated that Commissioner Cornell's point is well taken. Commissioner Cornell noted that it should be done expeditiously. Discussion continued.

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Commissioner Cornell suggested adding language to our regulations regarding accessory structures and sanitary systems. Discussion ensued.

There were no additional comments.

Report of the Zoning Enforcement Officer

ZEO Demirjian stated that he had CAZEO training last week. He did not have anything else to report.

There were no additional comments.

PUBLIC HEARINGS: 7:00 p.m. – (2)

PETITION TO AMEND THE ORANGE ZONING REGULATIONS – Article VIII §383-66 & Article XVIII §383-174. Submitted by Montar Group, LLC. To allow Self Storage Facilities in the Light Industrial 2 District by special use permit. (Continued from the November 1, 2022 Meeting)

Amy Souchuns, Esq, Hurwitz, Sagarin, Slossberg & Knuff LLC, stated that she is present this evening in lieu of Attorney John Knuff. Attorney Souchuns stated that this is a continuation of the last meeting. She stated that the commission has been provided with a preliminary site plan with views from I-95. It demonstrates that the facility would not be visible from the highway.

Commissioner Cornell stated that while analyzing the proposed language for the area open to development for self-storage, he speculated that if any parcel of land could be accessed by Salem Lane, other remnants of land could be assembled and turned into a large self-storage area. Discussion ensued.

Commissioner Smith asked what percentage of the lot has coverage. Dan Moore, Montar Group, stated that there is approximately 36% of lot coverage currently. Mr. Moore noted that the LI-2 zone allows 40% lot coverage. Discussion ensued.

Commissioner Cornell stated that self-storage facilities do not generate a large impact on the town infrastructure. He noted that smaller lots are more challenging to fit potential users into existing zones. A brief discussion ensued.

Attorney Souchuns stated that there are ways to address smaller lots. Discussion ensued. Attorney Souchuns said that the applicant is trying to assist older residents who are downsizing, giving them a place to store their belongings.

Chairman Parente asked if there were any public comments

Jeff Klaucke, 30 Lakeside Drive, stated that, as a senior citizen, he used to own a large house. He now lives in a condominium unit. He stated that he is trying to avoid self-storage units because he does not want to care for or pay for self-storage units.

Commissioner Torrenti expressed his belief that the self-storage facility should not be close to Marsh Hill Road, and it should have limited visibility. He suggested adding language to the regulations to assure that the facility would be a minimum distance from Marsh Hill Road. A brief discussion ensued. Attorney Souchuns stated that this facility in an industrial zone would not have high visibility. She stated that the opportunity for assembly of lots is somewhat limited. Discussion continued.

The commission decided to keep the public hearing open. This proposal will be on the December 6, 2022, TPZC agenda. After a brief discussion of the timeline of the application, Attorney Souchuns stated that they would be open to granting a request for an extension.

There were no additional comments.

APPLICATION FOR SPECIAL PERMIT AND USE & SITE PLAN APPLICATION - Submitted by Southern CT Wellness and Healing, LLC. For property known as 175 Boston Post Road. To open a Cannabis Establishment with a drive through service window and an adaptive reuse of a previously developed site. (Continued from the October 18, 2022 meeting)

Chairman Parente stated that the commission is still waiting for the Independent Traffic Study. ZEO Demirjian expects it to be delivered this week.

Chairman Parente stated that the commission is not interested in discussing anything substantive this evening. The commissioners will study the traffic report when it is submitted and discuss it at the next meeting.

Chairman Parente stated that a petition was filed by a resident seeking that Town Attorney Vincent Marino recuse himself from this proposal. Jesse Parks, 12 Founders Way, alleges that Town Attorney Vincent Marino has a conflict of interest in this case. Also, three petitions were submitted by residents seeking intervener status. Chairman Parente stated that the commission would review the petitions and consider whether to grant them intervener status.

Jesse Parks, 12 Founders Way, submitted his withdrawal for his request for Town Attorney Vincent Marino to recuse himself from this proposal. A brief discussion ensued.

Town Attorney Marino stated that there are three residents who are seeking intervener status. Attorney Marino explained what intervener status means. He clarified their rights and the documents they are entitled to receive regarding this application. Attorney Marino stated that these individuals have the burden of demonstrating how this application would cause harm to the environment and resources in the State of CT. A brief discussion ensued. Chairman Parente stated that it is not sufficient to make allegations. The interveners must provide evidence. Discussion continued.

Town Attorney Marino stated that when he watched the public hearing of the last meeting, he found it offensive. He stated that this is an administrative proceeding. Individuals have the right to be heard. He advised those in attendance that when a member of the public rises to address this commission, he/she rises to address an application. Everyone has a right to oppose an application, but they do not have the right to disparage members of the commission. Attorney Marino stated that it is not about the commissioners' party affiliations, it is about why an application should be granted or denied. Attorney Marino stated that if an individual is attacked in the future, the person making the comments would be ruled out of order, the meeting would stop, and the person would be asked to leave. A brief discussion ensued.

Jesse Parks, who is seeking intervener status, stated that there is compelling evidence that significant traffic would be generated for the marijuana dispensary, more than a retail store. He stated that the average queue time would be six minutes. He expressed his belief that the idling vehicles at the site would cause significant air pollution and potential harm to the environment and the Trout Stream. Discussion ensued.

Zoning Enforcement Officer Jack Demirjian, who is also the Wetlands Enforcement Officer, stated that the brook is on an adjacent property. He explained how he determined that there would not be any adverse effects to the brook. Mr. Parks expressed his belief that if a portion of the canopy is removed, there could be additional non-point wastewater runoff. Discussion ensued.

Commissioner Torrenti asked ZEO Demirjian if a proper signoff has been submitted from the Fire Marshal. ZEO Demirjian replied affirmatively.

James Glaser, 322 Lindy Street, who is seeking intervener status, distributed the 2015 Plan of Conservation and Development (POCD). Mr. Glaser's concern is that asphalt would be disturbed by removing the canopy. He believes that this application should appear before the Inland/Wetlands commission. ZEO/WEO Demirjian stated that the stream is the only watercourse nearby and it is not on this property. He stated that he has determined that there would not be any adverse impact based on the scope of work.

The last person seeking intervener status is Alady Cubas, 317 Lindy Street. Ms. Cubas stated that she lives close to the bank. She is concerned about runoff as there wasn't any stormwater management presented. She expressed her belief that contamination coming from businesses would increase littering and traffic. She is also concerned about potential contamination to the quality of her private well.

Chairman Parente stated that routine measures are implemented on all projects. A brief discussion ensued. Commissioner Kaplan noted that projects are inspected by the Building Department. Discussion continued. Commissioner Cornell stated that an independent traffic review, and our regular analysis, would be done. Discussion ensued.

Attorney Marjorie Shansky, representing the applicant, stated that she has had a lot of experience with interveners. She stated that the commissioners simply decide whether to accept the petition. The interveners have the burden of proof to support their case.

Attorney Marino advised the commission that when dealing with members of the public who are not represented by counsel, the commission should err on the side of the public's rights. He recommends the acceptance of their petitions for intervener status, so their rights are protected. He stated that this matter could be fought in court, if necessary. He assured all that their rights would be protected, as they have a right to be heard. Attorney Marino reiterated that mere statements are insufficient; evidence needs to be produced.

Attorney Marino advised the commission to grant intervener status to the three petitioners. Discussion ensued regarding intervener status. Chairman Parente stated that they have the right to be heard at the next meeting. Attorney Marino stated that they would receive copies of peer review, notices, etc.

It was noted that this public hearing would reconvene on December 6, 2022.

A motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve Intervener Status for Dr. Jesse Parks, James Glaser, and Alady Cubas. 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.

There were no additional comments.

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 8:52 p.m.

Respectfully submitted,
Tamara Trantales,
Administrative Assistant