

ORNAGE ZONING COMMISSION
MINUTES OF THE APRIL 6, 2021 MEETING

Unapproved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, April 6, 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

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

Review of the Minutes from the March 16, 2021 meeting.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the Minutes from the March 16, 2021 meeting, as amended. 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.

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 at the last meeting, he briefly spoke of outdoor seating for restaurants and possibly expanding it to other uses, such as a cigar shop. ZEO Demirjian stated that he has been in contact with the owner of the cigar shop who would like to amend the language of the regulation. The amendment would be regarding the use of outdoor seating for uses other than food establishments. ZEO Demirjian stated that a proposal would be presented to the Commission soon.

ZEO Demirjian stated that the Governor passed a Bill that renewed last year's extended Outdoor Seating for this summer as well. The Applicant must submit a reasonably drawn plan that Department Heads could review. It must be determined that the Health, Safety and Welfare of the Community is not impacted. A brief discussion ensued.

Chairman Parente asked ZEO Demirjian about other projects in town which are under construction. ZEO Demirjian stated that the project at 197 Indian River Road has resumed work. He stated that he receives regular reports from the engineering firm. ZEO Demirjian will inspect the property when the engineers are onsite.

ZEO Demirjian stated that he and the Building Inspector spoke with the new developer of Beecher Walk. ZEO Demirjian noted that the original approval was a long time ago. They have been reviewing the approved plans. ZEO Demirjian stated that the Mission BBQ restaurant is almost completed. The Building Department has said that Mission BBQ is hoping to obtain their CO to open this week or next.

There were no additional comments.

PUBLIC HEARINGS: 7:00 p.m.

PETITION TO AMEND THE ORANGE ZONING REGULATIONS – Submitted by Noble Energy Real Estate Holdings, LLC. To amend the Orange Zoning Regulations to define and allow “Electric Vehicle Showrooms” and “Community Travel Centers” as special uses in the LI-2 District, along with parameters for location and eligibility of these new uses. (Continued from the 3/16/21 TPZC Meeting)

Chairman Parente recused himself from participating in this proposal due to a conflict of interest. Vice-Chairman Smith will preside over this application.

Vice-Chairman Smith stated that this proposal would allow two new uses by Special Use: an electric vehicle showroom and a travel community center.

John Knuff, Esq., 147 Broad Street, Milford, stated that he is representing Noble Energy. He noted that this proposal is for a regulation amendment. Michael Frisbie, Noble Energy, and Kevin Solli, Solli Engineering, are in attendance.

Attorney Knuff gave a brief presentation of the proposal. He explained the proposed text amendment. He noted that this business would not be like a Pilot gas station where tractor trailers are welcome. A brief discussion ensued. Vice-Chairman Smith asked if car repairs would be done at this location. Mr. Solli stated that all service and maintenance would be done indoors. He explained that servicing an electric vehicle is different than servicing a gasoline fueled vehicle. There would be upgrades, tire rotations, etc.

Commissioner Torrenti stated that he would want the language to be restrictive enough so that the town does not end up with businesses that are not suitable for this site. Attorney Knuff agreed. Vice-Chairman Smith stated that it is the Commission’s responsibility to think of other businesses that could comply with the regulations yet are not suited for this location. She added that this proposal is a tremendous concept. However, the Commission must consider all possible ramifications. Discussion ensued.

Attorney Knuff stated that there would be a vehicle charging station and a gas station at this site. Restaurants are not allowed in an LI-2 zone, so a McDonald’s restaurant would not be allowed here, for example.

Vice-Chairman Smith asked for public input. Jeff Gordon, Codespoti & Associates, representing Hartford Lodging Group and John Hall, Dichello Distributors, presented a brief history of this intersection. He noted that this is the only highway gateway to Orange.

After a brief discussion, Vice-Chairman Smith stated that the Commission must be mindful that we consider the use, not the user. The Commission could be enamored with the application and the proposal, yet they need to be certain the project would benefit the Health, Safety and Welfare of the Community.

Attorney Knuff stated that they are aware of traffic issues on Marsh Hill Road. He noted that they are not proposing changes to the zoning map. Attorney Knuff stated that, looking forward, electric vehicles will become more prominent in the years to come.

Commissioner Kaplan inquired if there would be a kitchen. Attorney Knuff replied affirmatively. Mr. Frisbie spoke of elevated food items, plus convenience foods, which would be available at the travel center.

As there were no additional comments, Vice-Chairman Smith asked for a motion to close the public hearing.

A motion was made by Paul Kaplan and seconded by Kevin Cornell to close the Public Hearing. The motion carried with the vote recorded as follows: Kaplan, aye; Cornell, aye; Torrenti, aye; Smith, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

Commissioner Torrenti stated that this project is too similar to just another gas station and convenience store. Commissioner Kaplan agreed. Commissioner Kaplan stated that he is not excited about using the LI-2 zone like this. Vice-Chairman Smith stated that this is a great concept and proposal; the electric vehicle component makes this project more appealing. However, she is not a fan of placing retail in a LI-2 zone. A brief discussion ensued.

A motion was made by Kevin Cornell to deny the application to amend the Light Industrial zone text to allow the use of an electric vehicle showroom and community travel center. Paul Kaplan seconded the motion. The motion carried with the vote recorded as follows: Cornell, aye; Kaplan, aye; Torrenti, aye; Parente, abstain; Smith, aye. The vote was recorded as 4-0-1 to accept and approve the motion.

There were no additional comments.

Chairman Parente resumed presiding over the meeting.

PETITION TO AMEND THE ORANGE ZONING MAP – Submitted Upon the Initiative of the Orange Town Plan & Zoning Commission. To amend the Orange Zoning Map. To change property known as 28 Salemme Lane (a.k.a. Assessor's Map 3-1-1 (Owned by Yale University). To change this parcel from Transit Oriented Development District TODD to Light Industrial LI-2 OR Light Industrial LI-4.

Chairman Parente stated that re-zoning 28 Salemme Lane to LI-2 or LI-4 and deleting Article XXIV, which would mean repealing the TODD regulations, is before the Commission this evening. They will be handled separately.

Commissioner Kaplan read the legal notice into the record.

Chairman Parente stated that the applications were submitted to the Regional Planning Agencies. All agencies have responded stating that this proposal would not cause significant regional impact. ZEO Demirjian stated that he also sent notices to West Haven and Milford. He has not received a response.

Joe Hammer, Esq., Day Pitney, 195 Church Street, New Haven, stated that he is representing Mr. Crowley, owner of 28 Salemme Lane. Attorney Hammer stated that in March of 2020, right before Covid hit, the former ZEO Paul Dinice wrote a letter to Yale. Attorney Hammer stated that he responded on their behalf. Yale indicated that they would support re-zoning the property to LI-4. It would meet all standards to a zone change, it is a reasonable use, and it is consistent with the surrounding area and the re-zoning of the former Bayer property to LI-4. The entire West Campus is LI-4. Attorney Hammer stated that it was early in 2008 when the TPZC created the district, LI-4, to enable and to help support university use and function. Attorney Hammer presented a brief history. He noted that 28 Salemme Lane was zoned TODD, mixed use. It was intended to support the commuter rail station. After a brief discussion, Chairman Parente noted that the train station will not be constructed in Orange at this time.

Chairman Parente asked Attorney Hammer if it were accurate to say that the difference between LI-2 and LI-4 is essentially university uses. Attorney Hammer stated that this is the main difference. Commissioner Cornell wished to clarify that dwellings are not permitted. Attorney Hammer replied affirmatively, stating that it is specifically stated that dwellings are not permitted in this zone. He noted that the parcels are all functioning as a single facility. Chairman Parente stated that food service is not open to the public. Attorney Hammer responded affirmatively. He added that according to the Minutes from 2008, the TPZC carefully crafted the regulations. The retail on the property is intended for students, not for the public.

Attorney Hammer stated that he has provided the Minutes from the 2008 process to create the LI-4 regulations, and to rezone the property to LI-4. Attorney Hammer read portions of the 2008 Minutes into the record. He noted that, in the 2008 Minutes, the First Selectman stated that there are benefits of having a university in town. Attorney Hammer stated that re-zoning 28 Salemme Lane to LI-4 would foster benefits. He demonstrated that it is consistent and complimentary to the existing LI-4 zone, as well as being consistent with the Plan of Conservation and Development (POCD), the zoning regulations and the zoning map. Attorney Hammer added that this property is not adjacent to any residential properties. A brief discussion ensued.

Chairman Parente asked if there were any comments from the public. Jeff Gordon, Codespoti & Associates, representing Hartford Lodging and Dichello Distributors, stated that there are two separate issues in the same neighborhood. Mr. Gordon stated that he agrees with Attorney Hammer that LI-4 is an appropriate choice for this parcel.

Mr. Gordon stated that he does not see an advantage in repealing the TODD regulations. Discussion ensued. Mr. Gordon suggested that the TPZC should amend the POCD because it encourages transit-oriented development. He does not believe there is a rush to eliminate the

TODD zone. Discussion continued. Chairman Parente stated that the Commission spent a lot of time crafting the regulations. Commissioner Smith stated that while they were creating the TODD zone, she did not intend to have the density which occurred. She stated that developers want the density, but she is not convinced that it would promote the Health, Safety and Welfare to protect the town. Commissioner Smith expressed her support for eliminating TODD. Discussion ensued.

Commissioner Kaplan stated that he agreed with Commissioner Smith. He said that if the opportunity to have a train station in town reappears, the Commission would review it then.

Commissioner Smith stated that the Commission must rewrite the POCD every 10 years because things change. She noted that TODD seemed like the right thing to do at the time. Discussion ensued.

Chairman Parente asked for a motion to close the Public Hearing. 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.

Commissioner Smith expressed her belief that changing the zone of 28 Salemm Lane from TODD to LI-4 is logical and consistent with the POCD. Chairman Parente agreed. He stated that the property is contiguous with the other Yale property. He noted that it makes sense to be bound by the same regulations.

A motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve the Petition to Amend the Orange Zoning Map, to change property known as 28 Salemm Lane from Transit Oriented Development District TODD to Light Industrial LI-4. The effective date is April 27, 2021. The vote was recorded as 5-0 to accept and approve the motion.

There were no additional comments.

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.

Commissioner Smith stated that the Commission worked very hard to create these regulations. The Commission worked with a planner and there was considerable input. Commissioner Smith stated that the Commission thought these regulations would benefit Orange. Ultimately, the state did not provide funding for a train station in Orange. Commissioner Smith stated that the TODD regulations the Commission envisioned as favorable for the town did not work out that way. She supports the idea of protecting the town by removing this district. Commissioner Smith stated that if another opportunity comes forward, the Commission will explore it at that time. Chairman Parente stated that he agrees with Commissioner Smith. Commissioner Kaplan stated the Commission did their best with the regulation. He expressed his belief that the zone does not serve the town well, despite the Commission's best efforts.

Commissioner Cornell believes that the Commission is required to make a finding which is consistent with the POCD when making a zone change. Chairman Parente stated that the Commission had every reason to believe a train station would come to Orange.

Commissioner Smith stated that she appreciates the industrial uses in that zone, such as FedEx, another hotel, etc. She commented that the Commission must be mindful to keep the LI-2 and LI-4 zones there. Discussion ensued. Commissioner Kaplan expressed his belief that this zone is consistent with the POCD. Chairman Parente stated that he strongly believes that there has been great progress in the LI-2 zones. He stated that the TODD is now inconsistent with our progress.

A motion was made by Paul Kaplan and seconded by Judy Smith to Amend the Orange Zoning Regulations by Deleting Article XXIV Transit Oriented Development District, TODD. The effective date is April 27, 2021. The vote was recorded as 5-0 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; Smith, aye; Cornell, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

There were no additional comments. The meeting was adjourned at 8:43 p.m.

Respectfully submitted,

Tamara Trantales,
Administrative Assistant