

ORANGE ZONING COMMISSION
MINUTES OF THE MAY 4, 2021 MEETING

Unapproved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, May 4, 2021, at 7:00 p.m., a Zoom Internet meeting. The following members were in attendance:

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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TOWN CLERK'S OFFICE
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Vice-Chairman Smith welcomed everyone to the meeting. She stated that she would be presiding over this meeting in the absence of Chairman Oscar Parente. The Commission and Staff introduced themselves for the record.

Review of the Minutes from the April 20, 2021 meeting.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to accept and approve the Minutes from the April 20, 2021 meeting, as amended. The motion carried with the vote recorded as follows: Kaplan, aye; Torrenti, aye; Cornell, aye; Smith, aye. The vote was recorded as 4-0 to accept and approve the motion.

There were no additional comments.

Old Business

There was no Old Business to discuss.

New Business

Commissioner Cornell inquired when in-person meetings would resume. Zoning Enforcement Officer Jack Demirjian expressed his belief that the Finance Department has met in-person once or twice. He stated that he does not always know how large the attendance would be for a TPZC application. ZEO Demirjian added that he is not aware of any other boards who have met in person. A brief discussion ensued.

There were no additional comments.

Report of the Zoning Enforcement Officer

Zoning Enforcement Officer Jack Demirjian stated that he has issued a few blight notices. He added that a few accessory structures would appear before the Commission in a few weeks. Commissioner Kaplan mentioned an oversized structure on Wheelers Farm Road, which was approved. He asked ZEO Demirjian if it was built in accordance with the approved plans. ZEO Demirjian stated that he and Building Inspector Lucien DiMeo have been at the site, but not recently. ZEO Demirjian stated that he would investigate it. A brief discussion ensued.

There were no additional comments.

PUBLIC HEARINGS: 7:00 p.m.

Commissioner Kaplan read the legal notice into the record.

SPECIAL PERMIT – APPLICATION FOR THE CONVERSION OF A SINGLE-FAMILY DWELLING TO ACCOMMODATE AN ELDERLY APARTMENT. - For Property known as 695 Wheelers Farms Road. Submitted by Brian and Amanda Cleveland. To construct an elderly apartment.

Commissioner Torrenti recused himself from participating and voting on this application. Vice-Chairman Smith stated that the Commission still has a quorum because there are three members present. Commissioner Kaplan asked the applicant if he would like to move forward with three Commission members. Brian Cleveland, property owner, replied affirmatively.

Mr. Cleveland stated that he is the property owner. He introduced his wife, Amanda and his parents, Ken and Kathy. His parents would reside in the elderly apartment.

Mr. Cleveland stated that he is proposing renovations for the house. He noted that a pool and patio would be constructed on the property in the future. It is noted on the plans to show their intentions.

Mr. Cleveland explained the floor plan. He stated that the new construction for the elderly apartment would be 895 sq. ft. There would be one bedroom, office space, a bathroom, closet, kitchen, living room and staircase. Mr. Cleveland is proposing to add an elevator in the common corridor.

Commissioner Kaplan asked if all pertinent signoffs from the sanitarian have been obtained. ZEO Demirjian responded affirmatively. Vice-Chairman Smith inquired where the exterior entrance to the elderly apartment would be. Mr. Cleveland described the location. A brief discussion ensued. Mr. Cleveland displayed a drawing of the floor plan. Vice-Chairman Smith stated that she wanted to be certain that there would be only one entrance facing the street. After a brief discussion of the elevator, Mr. Cleveland noted that the elevator would be for all three floors, including the garage.

Vice-Chairman Smith asked ZEO Demirjian if this proposal meets all the zoning regulations. ZEO Demirjian replied affirmatively. Vice-Chairman Smith stated that since this is a Special Use, the Commission must make certain findings. She noted that this is a large lot. Commissioner Cornell stated that the proposal is providing diversity housing for elderly residents. He opined that it would be harmonious with the neighborhood.

Vice-Chairman Smith asked for input from the public. There was none. Commissioner Kaplan asked if there has been any input from his neighbors. Mr. Cleveland stated that he has made the neighbors aware of his plans. A brief discussion ensued.

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; Smith, aye. The vote was recorded as 3-0 to accept and approve the motion.

Commissioner Kaplan stated that this proposal conforms to the Plan of Conservation and Development (POCD) in several ways, including housing diversity and allowing the elderly to remain in their homes for a longer period.

A motion was made by Paul Kaplan and seconded by Kevin Cornell to accept and approve the Special Permit Application for the Conversion of a Single-Family Dwelling to Accommodate an Elderly Apartment at 695 Wheelers Farms Road. The motion carried with the vote recorded as follows: Kaplan, aye; Cornell, aye; Smith, aye. The vote was recorded as 3-0 to accept and approve the motion.

There were no additional comments.

Commissioner Torrenti rejoined the meeting.

PETITION TO AMEND THE ORANGE ZONING REGULATIONS – Article §383-143.4 - Submitted by Luis Rodriguez of 510 Boston Post Road. To amend the Orange Zoning Regulations to allow cigar lounges/stores to obtain a Special Permit for outdoor seating.

Luis Rodriguez stated that he is proposing an amendment to the zoning regulations to permit cigar lounges/stores to obtain a Special Permit for outdoor seating.

Mr. Rodriguez stated that they are not represented by the current zoning regulations for outdoor seating, yet they congregate. He stated that many of his customers would like the opportunity to sit outside and enjoy cigars. Some customers bring their lunch, as this business is not allowed to serve food or drink. Mr. Rodriguez noted that there are still people who do not want to be inside of a building because of Covid.

A brief discussion ensued regarding the proposed text, which was submitted to the Commission. Mr. Rodriguez stated that he added wording from regulations in other states to create a fair regulation and to protect other establishments. Commissioner Cornell asked Mr. Rodriguez if there were any restaurants close to his business at 510 Boston Post Road. Mr. Rodriguez replied affirmatively, citing Applebee's. However, they do not have outdoor seating. A brief discussion ensued.

(Mr. Rodriguez' computer "froze", and he was disconnected during the Zoom meeting. He was able to re-join the meeting after a few minutes.)

Chairman Kaplan explained to Mr. Rodriguez what the Commission discussed while Mr. Rodriguez was temporarily disconnected from the Zoom meeting. Discussion ensued regarding the distance of restaurants from the cigar lounge. Mr. Rodriguez is proposing that there be 500 feet from an established restaurant with outdoor seating. Discussion continued. Commissioner Cornell stated that he agrees with Commissioner Torrenti that 300 feet may be acceptable. Commissioner Torrenti stated that he would be comfortable with the 500 foot distance from restaurants with outdoor seating. However, Commissioner Torrenti pointed out

that Mr. Rodriguez might be creating an issue for himself in the future, as well as for any future restaurant coming to the area. Discussion ensued.

Commissioner Kaplan inquired if a new restaurant would have a problem if they wanted outdoor seating. Discussion ensued. Commissioner Cornell stated that once Mr. Rodriguez has his outdoor lounge set up, a restaurant who wants outdoor seating will not supersede him. A discussion of the proposed text ensued.

A brief discussion ensued concerning the proposed location of the outdoor cigar lounge. Mr. Rodriguez explained that it would be located by the loading dock at the rear of the building.

The Commission asked for public input. There was none.

Vice-Chairman Smith stated that a Special Permit is required for outdoor seating. She noted that the Commission has more discretion when considering a Special Permit. Commissioner Cornell stated that when there is a text change, the Commission must find accordance with the Plan of Conservation and Development (POCD). Vice-Chairman Smith agreed.

Zoning Enforcement Officer Jack Demirjian brought Subsection L of the proposed text to the Commissioner's attention to be certain that they were aware that the Applicant is proposing an increase in occupancy from 10% to 15%. Commissioner Cornell inquired if there is a particular reason the Applicant is proposing an increase of occupancy. Mr. Rodriguez stated that other businesses with outdoor seating exceed the occupancy limit with standees at an event such as a Superbowl party. A brief discussion ensued. Commissioner Cornell stated that 10% occupancy would allow four more persons; 15% would allow 6 more persons. He noted that this would cascade for other restaurants. Discussion continued. Vice-Chairman Smith stated that 10% has worked for restaurants; perhaps 15% would be reasonable for outdoor seating for cigar lounges.

Commissioner Cornell stated that outdoor dining is required to have a defined number of seats. Mr. Rodriguez explained that the area has not been designed by engineers yet, so that has not been established at this time. He noted that they must allow for safe ingress/egress, per the Fire Marshal. Discussion ensued.

Vice-Chairman Smith stated that this public hearing will be continued at the May 18th meeting.

There were no additional comments.

SPECIAL USE & SITE PLAN APPLICATION in conjunction with an ARCHITECTURAL STANDARDS SUPPLEMENT & LIGHTING SUPPLEMENT– Property known as 35 Old Tavern Road and 308 Racebrook Road located in the LSC Zoning District: *Submitted by 35 Old Tavern Road, LLC. A proposed mixed-use development including the construction of a 134,000 sq. ft. three story building with 72 dwelling units along with 226 parking spaces. An APPLICATION FOR SPECIAL PERMIT has also been submitted in accordance with section 383-175B for shared parking. (Continuation from the 4/20/2021 meeting)*

Vice-Chairman Smith stated that the Applicant has provided renderings of the buildings that were not presented to the Commission at the last meeting. After a brief discussion, Vice-Chairman Smith stated that this public hearing would be continued at the May 18th meeting.

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

The meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Tamara Trantales,
Administrative Assistant