

ORANGE ZONING COMMISSION  
MINUTES OF THE JUNE 1, 2021 MEETING

Unapproved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, June 1, 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., P.E.  
Tom Torrenti, P.E.

Jack Demirjian, Zoning Enforcement Officer  
Tamara Trantales, Administrative Assistant  
Bonnie Syat, Recording Secretary

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Michael B. O'Sullivan  
TOWN CLERK

Chairman Parente welcomed all to the meeting. He introduced those in attendance.

Review of the Minutes from the May 18, 2021 meeting.

A motion was made by Tom Torrenti and seconded by Judy Smith to accept and approve the Minutes from the May 18, 2021 meeting, as amended. The motion carried with the vote recorded as follows: Torrenti, aye; Smith, aye; Cornell, aye; Kaplan, abstain; Parente, abstain. The vote was recorded as 3-0-2 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 he has contacted Tighe & Bond to update the Town Map. Discussion ensued. ZEO Demirjian stated that he would provide the Commission with the updated maps when they are available.

ZEO Demirjian stated that during the past year with Covid, the Commission had directed him to allow signage at businesses which would normally be in violation. ZEO Demirjian stated that now, as Covid is slowly and hopefully coming to an end, signs along Route 1 are abundant. He stated that he is willing to enforce the signage regulations if the Commission agrees. Commissioner Cornell stated that he agreed to relax the sign regulations during the pandemic. Now he has concerns that some signs may cause safety issues. ZEO Demirjian noted that Orange does not allow temporary banners. He stated that all signs in town need a permit. After a brief discussion, ZEO Demirjian stated that he would address the signs he views as safety hazards before the 4<sup>th</sup> of July. After July 4, 2021, only permanent and permitted signs will be allowed.

There were no additional comments.

BOND RELEASE REQUEST- Property known as 161 Marsh Hill Road: Submitted by SP-FXF Orange, LLC. Request to release the remaining bond of \$175,700 for completed site work.

ZEO Demirjian stated that the majority of this bond was released last year. A portion of the bond was retained to ensure that landscaping was done properly. As ZEO Demirjian was walking the property, he was informed that many of the trees lining the exterior of the property have been replaced; 45 trees in all. ZEO Demirjian initially walked the property in February with snow on the ground. He stated that he was not comfortable releasing the bond until he could see the plantings. ZEO Demirjian is comfortable releasing the bond now.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to release the Bond for 161 Marsh Hill Road. 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.

**PUBLIC HEARINGS: 7:00 p.m.**

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 5/18/2021 meeting)

Marjorie Shansky, Esq. stated that she is representing 35 Old Tavern, LLC. She introduced those who are on the Applicant's "team".

Attorney Shansky stated that the Applicant would be reducing existing impervious surfaces by over 30,000 sq. ft., adding over 400 trees and shrubs, and introducing stormwater management features that serve the development. It will also improve the water quality of Silver Brook. Attorney Shansky stated that this proposal has been approved by the Inland/Wetlands Commission.

Attorney Shansky stated that the Applicant has provided this Commission with elevations of buildings which were not included in their initial presentation. She further stated that they have supplied the Commission with a plan of conventional parking as well as a shared parking plan. A brief discussion ensued.

Chairman Parente asked Attorney Shansky to discuss what transpired during the Traffic Commission meeting. Attorney Shansky noted that they appeared before the Traffic Commission three times. She stated that they discussed sidewalks and a crosswalk. Attorney Shansky stated that a crosswalk is in their plans. She noted that Orange does not have any provisions for sidewalks in Orange. Discussion ensued. Attorney Shansky stated that a sidewalk is still being considered on their property. Discussion continued.

Chairman Parente inquired how the Commission could ensure that a crosswalk is established. Attorney Shansky stated that the crosswalk is now on the plans. She noted that it could be made a condition of approval. Chairman Parente asked about pertinent signage for the crosswalk. Discussion ensued.

Ken Boroson, Kenneth Boroson Architects, explained the proposed plans for the bank. He also displayed elevations of the other buildings on the property. Discussion ensued.

David Sullivan, PE, SLR, formerly Milone and McBroom, explained that any signage or painting of the crosswalk would need the approval from the Traffic Commission. Discussion of the location of the proposed crosswalk ensued. Mr. Sullivan discussed the gist of the traffic study. A lengthy discussion ensued. Mr. Sullivan discussed the projected daily levels of service, in detail. He acknowledged that it would be a busy intersection.

Commissioner Torrenti inquired about the signal changes at the intersection. Discussion ensued regarding the traffic which already exists in the intersection and how to improve the flow of traffic.

Chairman Cornell stated that shared parking regulations are written so that the Commission may accept a shared parking analysis yet is not required to. Mr. Sullivan stated that he was asked to show the project and parking if the parking was not shared. He stated that the bank and retail building would need to be eliminated. Discussion ensued. Commissioner Cornell opined that the 3,600 square foot building would be a long-term vacancy. A discussion ensued regarding the proximity of parking spaces to businesses in the proposed project.

Commissioner Cornell expressed his belief that the idea of a Town Center has a large pedestrian aspect to it. Discussion ensued. Chairman Parente noted that it would make a difference if the retail building were removed. Discussion continued.

Attorney Shansky stated that this development has been thoughtfully created. She expressed her belief that this proposal is consistent with the goals of the town. Attorney Shansky stated that Mr. Sullivan's testimony proved that parking calculations reflect the feasibility of this project. However, Attorney Shansky stated that her client has given her permission to remove the retail building from the plans if the commissioners have concerns about it. Discussion ensued.

Cathy Hatrick, a resident and abutting neighbor to the proposed project, cited a letter she had recently submitted for the record. Ms. Hatrick is concerned that dumpsters are being proposed along her property line. She stated that there is an overgrown buffer there now, which is nice. Her fear is that the Applicant will remove the buffer and there will not be anything between her house and the project.

Mr Ott stated that the LSC (Local Shopping Center) district requirement is a 30' buffer. Mr. Ott suggested to Ryan Chmielewski, licensed Landscape Architect, that it would be important to show the development in relation to the existing buffer and what is being proposed. Mr. Chmielewski displayed renderings of the existing & proposed site. Property lines were discussed. Mr. Chmielewski stated that there is not a 30' buffer there now. They will add to it. After a brief discussion, Attorney Shansky stated that they would either maintain or

embellish the buffer. She noted that it would be zoning compliant. Chairman Parente asked Ms. Hatrick if the present buffer adequately shields her property. Ms. Hatrick replied affirmatively, yet she noted that a 3-story building could not be hidden. Discussion continued of the existing buffer and the buffer which is being proposed.

Chairman Parente asked if there were any additional comments. There were none.

Chairman Parente stated that the Commission needs to discuss the elimination of the retail building. Chairman Parente asked the Commissioners if they had strong feelings regarding the removal of the retail building from the project. The Commissioners mostly responded in favor of the removal of the building. Discussion ensued.

Attorney Shansky stated that they would submit a revised plan, showing the site without the retail building. Commissioner Smith stated that the removal of this building would reduce the intensity of the development. It would also provide more parking with less traffic. Commissioner Smith noted that this is a very generous offer. Commissioner Cornell agreed that it is a very generous offer, yet he still has several concerns. He acknowledged that the retail building was one of them; he prefers that it would not be there. Discussion ensued.

Commissioner Cornell stated that this application is before the Commission as a result of a change in the zoning regulations. A zone text amendment was approved to allow mixed use in a Town Center type of development. He stated that a Town Center type concept is based on a desire to create a place for town residents where they could travel to, live in, work, and shop in this type of an environment. Commissioner Cornell stated that to be successful, a Town Center should be pedestrian friendly. The shops should support each other. A lengthy discussion ensued. Commissioner Cornell opined that this project does not meet all the criteria for a Town Center. Discussion continued.

Chairman Parente stated that the Commission should discuss the offer from the applicant to remove the retail building from their plans. He polled the Commission for their opinions. Most of the Commission stated that they would be more comfortable without the retail building on the property. A brief discussion ensued.

Chairman Parente asked Zoning Enforcement Officer Demirjian what role the Traffic Commission has in the final decision. ZEO Demirjian stated that the Traffic Commission has an advisory role. They defer the actual ruling to the TPZC. Discussion ensued.

Chairman Parente asked ZEO Demirjian if all pertinent signoffs have been obtained. ZEO Demirjian stated that the signature from the Police Chief is contingent on the Traffic Commission approval. ZEO Demirjian noted that he does not see any negative impact on other departments. He stated that he would discuss this with Chief Gagne. A brief discussion ensued.

(Commissioner Smith left the meeting for personal reasons.)

Attorney Shansky stated that they granted an extension for this evening, and they will grant another extension. It was noted that this proposal will be continued to the next TPZC meeting which is scheduled for June 15<sup>th</sup>.

Commissioner Cornell asked Mr. Ott if the dumpsters are in a corral. Mr. Ott replied that there are enclosures. Commissioner Cornell asked Mr. Ott to supply drawings by the next meeting. Mr. Ott agreed.

There were no additional comments.

As there was no further business, 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 9:20 p.m.

Respectfully submitted,

Tamara Trantales,  
Administrative Assistant