

ORANGE ZONING COMMISSION
MINUTES OF THE FEBRUARY 7, 2023 MEETING

Approved Minutes

The Town Plan and Zoning Commission held a meeting on Tuesday, February 7, 2023, at 7:00 p.m., lower level, Orange Town Hall, 617 Orange Center Road, Orange, Connecticut.

Oscar Parente, Esq., Chairman
Paul Kaplan, Esq., Secretary
Thomas Torrenti
Kevin Cornell, Esq., P.E.

Jack Demirjian, Zoning Enforcement Officer
Deborah Satonick, Temporary Recording Secretary
Bonnie Syat, Recording Secretary

Chairman Parente welcomed everyone to the meeting. He asked those seated at the table to introduce themselves for the record. Chairman Parente noted that Commissioner Judy Smith and Administrative Assistant Tammi Trantales would not be in attendance this evening.

Review of the Minutes from the January 17, 2023 meeting.
The Commission members made one correction to the minutes.

A motion was made by Paul Kaplan and seconded by Kevin Cornell to accept and approve the amended minutes from the January 17, 2023 meeting. The motion carried with the vote recorded as follows: Cornell, aye; Kaplan, aye; Parente, aye. The vote was recorded as 3-0 to accept and approve the motion with Commissioner Torrenti abstaining.

There were no additional comments.

Old Business

Zoning Enforcement Officer Jack Demirjian advised that he has been getting a lot of calls recently regarding solar panels and he invited Mr. Michael Gallagher to provide information to the Commissioners, if they so desired. Mr. Demirjian explained that currently the town treats solar panels as they would any other structure and there is no special language in the zoning regulations regarding them.

Mr. Gallagher, from Prime Energy Solar in Milford, spoke on the topic of solar panels. He currently is representing a client on Lambert Road. Mr. Gallagher explained that a ground mount solar array is required to provide sufficient energy for his client as the roof coverage of his home is insufficient. A solar array of 25 kilowatts, measuring 65' length x 25' depth x 11' height, would provide enough energy to cover most homeowners' needs. Ground mount solar arrays cannot be used in urban areas as they typically require one to three acres.

ZEO Demirjian would like this topic addressed more clearly within our zoning regulations as it is becoming a more popular alternative with rising energy costs. Some considerations would involve the aesthetics of a solar array on front lawns, corner lots, or historical districts. Mr. Kaplan added that solar panels on the roof have posed problems in instances where there have been house fires. It was agreed that ZEO Demirjian will contact other towns to determine their zoning regulations and the topic will be addressed again with the Commission members.

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New Business

The proposed amendment to the Cannabis regulations, limiting the number of stores in one town, are being reviewed by the planning authorities as they have a thirty-five-day timeframe to respond.

Report of the Zoning Enforcement Officer

Zoning Enforcement Officer Jack Demirjian thanked everyone for their attendance at the first training session which discussed the perception of affordable housing in our town. This was an educational training session and the next training session is scheduled for the first week in May.

The winery on Derby Avenue is setting a date for a hearing on their appeal of the TPZD decision for additional outdoor dining of over twenty plus tables as well as additional parking

Commissioner Kaplan read into the record the legal notice of the applications for the Public Hearing dated 02/07/23.

PUBLIC HEARINGS: 7:00 p.m. – (2)

APPLICATION FOR SPECIAL EXCEPTION, PERMIT OR USE - Submitted by Brian Cleveland Architects. For property known as 200 Indian River Road. To convert existing retail space to operate an escape game room under Section 383-90 A of the Orange Zoning Regulations.

ZEO Demirjian stated that as the applicant is not present so this application should be tabled until further notice.

APPLICATION FOR SPECIAL EXCEPTION, PERMIT OR USE – Submitted by Codespoti & Associates, PC. For property known as 449 Boston Post Road. To adapt an existing developed lot for a day care & retail facility. A required parking space reduction has been requested under Section 383-175 B of the Orange Zoning Regulations.

Mr. Jeff Gordon, Codespoti & Associates, spoke on behalf of his clients PCM Enterprise, LLC and Bright Beginnings, LLC. As part of the application a deed was submitted to demonstrate that there is a perpetual parking easement in place. The survey map shows greater details, including a retaining wall, lighting, plus historical information regarding sewer and drainage. He also added the recalculated building parking.

Mr. Gordon explained that both Section 383-175 and 383-175 B apply in this application. Section 383-175 allows for a reduction of the parking requirement due to peak parking demands at different hours of the day. This applies as the daycare has morning and afternoon drop offs that differ from the needs of retail parking which requires more parking on weekends. Section 383-175 B also applies as there are alternate forms of transportation available, specifically a public transit system located in close proximity. The bus stop is displayed on the survey map.

A photometric plan was also submitted showing the location of the LED lighting, which would have shields to prevent any light spillage. Mr. Gordon added that the shrubs and heavy landscaping would also prevent any light spillage. The applicant would be supplementing additional landscaping as well as investing money into enhancing the building aesthetically.

Chairman Parente inquired if the reduction in parking from fifty-five to forty-six spaces could present an issue in the future with other retail businesses that might move to this location. It was noted that the square foot of the retail space is only 3,000 square feet and it would be highly unlikely that there would be future issues with other retailers.

Mr. Rajat Gupta, owner of the proposed daycare, advised that the daycare would have proper Connecticut State licensing. He also noted that the pickup and drop off is on a rolling basis between 6:30 a.m. to 10:00 a.m. and again between 3:00 p.m. to 6:30 p.m.

A motion was made by Kevin Cornell to close the Public Hearing portion of the meeting, seconded by Thomas Torrenti. The motion carried with the vote recorded as follows: Kaplan, aye; Cornell, aye; Torrenti, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

The Commissioners agreed that there is a good mix of uses to justify the shared parking analysis. The grant shows that the parking is a permanent easement on the land records.

A motion was made by Paul Kaplan and seconded by Kevin Cornell to approve the Special Exception Permit for property known as 449 Boston Post Road under Section 383-175 B for a required parking space reduction. The day care & retail facility has peak needs that offset each other making this applicable. The motion carried with the vote recorded as follows: Kaplan, aye; Cornell, aye; Torrenti, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

A motion was made by Paul Kaplan and seconded by Thomas Torrenti to adjourn the meeting at 7:47 p.m. The motion carried with the vote recorded as follows: Kaplan, aye; Cornell, aye; Smith, aye; Parente, aye. The vote was recorded as 4-0 to accept and approve the motion.

Respectfully submitted,

Deborah Satonick,
Temporary Recording Secretary