ORANGE ZONING COMMISSION

MINUTES OF THE FEBRUARY 15, 2022, MEETING

The Town Plan and Zoning Commission held a meeting on Tuesday, February 15, 2022, at 7:00 p.m., lower level, Orange Town Hall, 617 Orange Center Road, Orange Connecticut.

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 Stenographer

Vice-Chairman Smith welcomed everyone to the meeting. She noted that Chairman Parente was unable to attend this meeting, so she will preside over the meeting this evening. Those seated at the table introduced themselves for the record.

Review of the Minutes from the February 1, 2022 meeting.
A motion was made by Paul Kaplan and seconded by Kevin Cornell to accept and approve the Minutes of the February 1, 2022 meeting, as written. The motion carried with the vote recorded as follows: Kaplan, aye; Cornell, aye; Torrenti, abstain; Smith, aye. The vote was recorded as 3-0-1 to accept and approve the motion.

There were no additional comments.

Old Business.
None.

New Business.
None.

Report of the Zoning Enforcement Officer.
Zoning Enforcement Officer Jack Demirjian stated that the Southern Connecticut Regional Council of Governments (SCROG) does not allow SCROG representatives to share the responsibility of being a representative. A substitute may attend the meeting if necessary. After a brief discussion, Commissioner Torrenti volunteered to be the representative for Orange.

There were no additional comments.

PUBLIC HEARINGS: 7:00 p.m. – (5)

RESUBDIVISION APPLICATION- Submitted by Sunrise Hill Estates, LLC. For the Re-subdivision of Lot 4 of Sunrise Hill Estates. To create a single-family residential lot from an existing lot comprised of 2.85 acres in the Residential (RES) Zone at the end of Skyview Road.
Commissioner Kaplan read the legal notices into the record.
RESUBDIVISION APPLICATION- Submitted by Sunrise Hill Estates, LLC. For the Resubdivision of Lot 4 of Sunrise Hill Estates. To create a single-family residential lot from an existing lot comprised of 2.85 acres in the Residential (RES) Zone at the end of Skyview Road.

Joe Porto, Esq., Parrett, Porto, Parese, & Colwell, Hamden, CT, stated that the engineer for this project is stuck in traffic. Attorney Porto noted that the engineer should arrive shortly. After a brief discussion, it was decided that Attorney Porto and his team would present their proposal after another public hearing has been heard.

Vice-Chairman Smith stated that the commission would hear the Site Plan application for the Edison Road proposal first.

SITE PLAN APPLICATION-Submitted by MLG Real Estate, LLC. For property known as 205 Edison Road. To construct a 29,856 sq. ft. addition with associated parking, driveways, and drainage. An APPLICATION FOR TEMPORARY SPECIAL USE EARTH MATERIALS REMOVAL AND FILLING has been submitted in conjunction with this application.

Rob Blanchette, Borghesi Building and Engineering, stated that he is representing 205 Edison Road. He displayed the Site Plan. Mr. Blanchette noted that Scott Magner, Vice-President of Operations for Aurora Products, was in attendance this evening.

Mr. Blanchette explained that the proposed expansion would encroach into the existing parking lot, which would be improved. Landscaping would be added to the parking area. Mr. Blanchette stated that the Fire Department requested the removal of one island and one parking space in the parking lot. He explained that there are still ten (10) parking spaces over the requirement. He noted that there would not be an impact on traffic. After a brief discussion, Mr. Blanchette explained where the loading docks would be located.

Vice-Chairman Smith asked ZEO Demirjian if all department head signoffs have been obtained. ZEO Demirjian responded affirmatively.

A motion was made by Paul Kaplan and seconded by Tom Torrenti to close the public hearing. 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.

Commissioner Cornell stated that this appears to be a straightforward application. It meets all the zoning requirements. Vice-Chairman Smith commented that it is good that an existing business is expanding and remaining in town.

A motion was made by Paul Kaplan and seconded by Kevin Cornell to accept and approve the SITE PLAN Application for 205 Edison Road, to construct a 29,856 sq. ft. addition with associated parking, driveways, and drainage. The motion includes an APPLICATION FOR TEMPORARY SPECIAL USE EARTH MATERIALS REMOVAL AND FILLING. The motion carried with the vote recorded as follows: Kaplan, aye; Cornell, aye; Torrenti, aye; Smith, aye. The vote was recorded as 4-0 to accept and approve the motion.

Vice-Chairman Smith asked Zoning Enforcement Officer Demirjian if there would be a bond. ZEO Demirjian replied affirmatively.
There were no additional comments.

**RESUBDIVISION APPLICATION—Submitted by Sunrise Hill Estates, LLC. For the Re-
subdivision of Lot 4 of Sunrise Hill Estates.** To create a single-family residential lot from
an existing lot comprised of 2.85 acres in the Residential (RES) Zone at the end of Skyview
Road.

Attorney Joe Porto, Hamden, CT, stated that he is representing the applicants for this re-
subdivision application. He stated that if this lot is split into two parcels, they would comply
with all the bulk requirements in the zoning regulations.

Mike Ott, Summer Hill Civil Engineers & Land Surveyors, Madison, CT, is a licensed
professional engineer and land surveyor. Mr. Ott distributed a revised drawing. He stated
that there were minor revisions to address the Town Engineer’s comments. The Town
Engineer requested notes on the existing lot and the proposed lot, that they would be
responsible for the storm water detention pond on the parcel. A brief discussion ensued.

Mr. Ott stated that both lots would meet the zoning regulations. The Health Department
approved it. Brian Slugoski, Chief Sanitarian, recommended that the State Health
Department review it for compliance. Mr. Ott stated that the soils on the lot are not great. He
explained that the perched water table is higher to control ground water. He noted that it does
not affect the leaching fields. A lengthy discussion ensued regarding drainage.

Vice-Chairman Smith stated that 150’ frontage is required, which he has because he
considers Derby Avenue as frontage. There is access from Skyview Road. Discussion
ensued. Mr. Ott noted that all setbacks are the same as on the record subdivision map, which
was previously approved.

Vice-Chairman Smith asked ZEO Demirjian if all department heads have signed off. ZEO
Demirjian replied affirmatively.

David Lord, Soil Scientist, Soil Resource Consultants, Meriden, CT, stated that this particular
detention basin is not considered wetland or watercourse by state standards. Mr. Lord
explained how it was determined. A lengthy discussion ensued.

Vice-Chairman Smith asked for comments/questions from the public.

Raphael D’Ambruso stated that he has resided at 612 Derby Avenue since 1955. He noted
that he has supported this project from the beginning, with some reservations. Mr.
D’Ambruso read his letter into the record. (Attached.) Mr. D’Ambruso stated that the
original proposal was presented to the TPZC in 2005. A concern of Mr. D’Ambruso’s is
that when he asked the engineers from Codespoti & Associates about this specific lot in 2005,
which abuts his property, they were not certain whether it would be suitable to build on due
to a high-water table. After a brief discussion, Commissioner Cornell stated that the process
of making a lot suitable involves a significant investment in time and effort. He surmised
that the developer did not want to do that in the original subdivision.
David Taiwo stated that he resides at 47 Skyview Road, adjacent to this proposal. Although he does not have a problem with this proposal, he stated that the road should have been completed by now. The developer told him they would make a driveway and plow the snow. Mr. Taiwo stated that they have not. School buses cannot come pick up their children so they must walk to the next cul-de-sac. Discussion ensued.

Vice-Chairman Smith stated that the Commission’s priority is the Health, Safety and Welfare of the Town. ZEO Demirjian stated that he has spoken with the Town Engineer and the Public Works Director. A brief discussion ensued.

Abisola Afolalu stated that he has lived at 42 Skyview Road since 2014. He noted that he had to remove the snow from the road himself after a storm so he could get his car out and go to work. He believes it would be irresponsible to subject people to the conditions the existing neighborhood is currently experiencing.

Vice-Chairman Smith asked Attorney Porto if the original developer is involved in this proposal. Attorney Porto replied affirmatively. He stated that this is the last lot and the last house for the subdivision. Attorney Porto stated that when the subdivision is completed, the road would go in. Discussion ensued. Attorney Porto stated that he would discuss this matter with his client.

Barbara Ekman, 365 Demarest Drive, commented that it has been seven (7) years since the subdivision and existing houses were finished and they still don’t have a road. She is concerned that there would be more issues if not addressed.

Attorney Porto stated that he misspoke earlier. The road would be put in when construction is finished, not when the re-subdivision is completed. He acknowledged that he heard what the neighbors said. Attorney Porto reiterated that he would speak with his client. Discussion ensued.

Commissioner Cornell stated that perhaps it would be prudent to keep the public hearing open. After a brief discussion, Vice-Chairman Smith concurred. Attorney Porto agreed to keep the public hearing open.

There were no additional comments.


To hold a public hearing in accordance with PA 21-29, §6 (f) regarding opting out of the provisions of Section 6 (a) to (d) of PA 21-29 concerning Accessory Apartments.

To hold a public hearing regarding opting out of the provisions of Conn. Gen. Stat. §8-2 (9)(d), as amended by PA 21-29 concerning limitations on parking spaces for dwelling units.
Commissioner Kaplan read the legal notice into the record.

Vice-Chairman Smith noted that the State has passed new legislation. New laws have been passed, several of which pertain to zoning. She stated that she has discussed the new laws with ZEO Demirjian and Town Attorney Vin Marino. The three (3) items the commission could opt-out of are before the commission this evening. Vice-Chairman Smith noted that a 2/3 vote is required. Since there are only four (4) members in attendance tonight, the vote needs to be unanimous to pass.

The TPZC discussed the temporary health care structure legislation. Vice-Chairman Smith expressed concerns regarding the septic issue. Discussion ensued. Vice-Chairman Smith and ZEO Demirjian read comments from Town Attorney Vin Marino into the record. Vice-Chairman Smith asked for public comments.

Dr. Lawrence Messina, 214 Surrey Drive, expressed his concerns, stating that people needing healthcare should have the best care. Dr. Messina stated that he is opposed to temporary healthcare structures.

Edward Hartell, 528 Wagon Trail, stated that he is not in favor of this legislation. He recommended that the TPZC opt-out.

ZEO Demirjian read resident Wayne Garrick’s letter into the record. (Attached.) Mr. Garrick suggested that the TPZC opt-out of all three (3) legislative topics before the commission tonight.

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. The vote was recorded as 4-0 to accept and approve the motion.

Vice-Chairman Smith stated that Town Attorney Marino created a Resolution in the event the commission decided to opt-out of the legislation.

A motion was made by Paul Kaplan to opt-out of the Temporary Healthcare Structures legislation. Commissioner Kaplan read the Resolution into the record. (Attached.) Commissioner Cornell seconded the motion. The motion carried with the vote recorded as follows: Kaplan, aye; Cornell, aye; Torrenti, aye; Smith, aye. The vote was recorded as 4-0 to accept and approve the motion. Vice-Chairman Smith noted that the 2/3 vote requirement carried.

Vice-Chairman Smith stated that the next item is about Accessory Dwelling Units. Commissioner Cornell expressed his belief that Accessory Dwelling Units are similar to the Temporary Healthcare Structures legislation, which the commission has decided to opt out of. Commissioner Cornell stated that the legislation does not seem to address setbacks. It also does not take septic systems into consideration. Commissioner Kaplan noted that a large portion of Orange has septic systems and wells.

Vice-Chairman Smith stated that Attorney Marino has provided some factors, which she read into the record. She then asked for public comments.
George Ekman, 365 Demarest Drive, expressed his belief that this legislation would affect our town infrastructure, police, fire, schools, etc. Mr. Ekman recommended that the commission opts out of Accessory Dwelling Units.

Mr. Hartell stated that there are many good reasons to opt-out of this legislation. He stated that Orange already has provisions for auxiliary housing as part of our regulations. He recommended that the commission opts out. A brief discussion ensued.

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. The vote was recorded as 4-0 to accept and approve the motion.

A motion was made by Paul Kaplan to opt-out of the Accessory Dwelling Units legislation outlined in the Resolution created by Town Attorney Vin Marino. (Resolution attached.) Commissioner Kevin Cornell seconded the motion. The motion carried with the vote recorded as follows: Kaplan, aye; Cornell, aye; Torrenti, aye; Smith, aye. The vote was recorded as 4-0 to accept and approve the motion.

Vice-Chairman Smith stated that the third and last opportunity for the commission to opt-out of the recent legislation concerns Parking. Discussion ensued amongst the TPZC. ZEO Demirjian read a portion of the statute into the record. Vice-Chairman Smith stated that Town Attorney Marino provided reasons to opt-out if that is what the TPZC decides.

Ms. Ekman expressed her belief that the laws we need for parking are already in place.

Mr. Hartell expressed his belief that the Town should opt-out of the parking regulations. He stated that our parking regulations seem sufficient.

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. The vote was recorded as 4-0 to accept and approve the motion.

Commissioner Kaplan made a motion to opt out of the provisions, according to the Resolution. (Resolution attached.) The motion was seconded by Kevin Cornell. The motion carried with the vote recorded as follows: Kaplan, aye; Cornell, aye; Torrenti, aye; Smith, aye. The vote was recorded as 4-0 to accept and approve the motion.

There were no additional comments.

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

The meeting was adjourned at 9:22 p.m.

Respectfully submitted,
Tamara Trantales, Administrative Assistant
Town of Orange, CT
Zoning Department
Feb.15, 2022

Dear Members,

My name is Raphael D’Ambruoso. I’ve called 612 Derby Ave. here in Orange “home” since 1955.

I have some questions: Is the original developer involved in this project? If so, is he or she here tonight? If so, I wish to ask him or her some questions? If not, I wish to read the following statement:

When the proposal to develop housing on the land along Rte.34, between Grassy Hill Road and my property was initially presented to the Orange Zoning Committee in 2005, I supported it—but with some reservations. One of them concerned the lot now being proposed for “re-subdivision.” So at the initial zoning meeting I asked the engineers from Codespoti, the Orange firm employed by the original developer, about that specific lot which abuts my property. They answered that they were not sure at that point in time whether or not that lot would be suitable to build on because it had a high water table probably due to the fact that it is lower than the lots surrounding it. They concluded their explanation by saying that they would know of that lot’s suitability as a viable lot to build on only “after” they reshaped the topography and installed the proper drainage—which seemed reasonable and prudent.

Their conclusion begs the question: “If after the topography was reshaped and the proper drainage was installed, why didn’t the original developer himself sell the 2 lots individually, as they originally existed at that time? That option would probably have been significantly more profitable than combining the 2 lots into one large entity. I suspect that he acted on the advice of the Codespoti engineers who probably pointed out to him the possible danger and liability of building a house on the lot in question. Consequently, he probably chose the more pragmatic and possibly more ethical option: namely, combining the 2 individual lots into one large entity and selling it for as much as he could in order to avoid any possible danger and liability related to building on the lot that abuts my property.

I realize that this meeting is for the purpose of considering “the Re-subdivision of Lot 4” rather than building a house on it. However, it seems that one would follow the other as logically as night follows day. After all, let’s be straightforward: this “Re-subdivision” is probably not being considered for the purpose of establishing a bird sanctuary on the re-subdivided lot. Therefore, allowing the re-subdivision is probably opening the door for a house to be built on that lot and thereby risking the possible danger and liability that the original Codespoti engineers and the original developer probably chose to avoid.

I’ve been counselled to request that this letter be submitted to the zoning board in writing and be included with the minutes of this meeting. Thanks for letting me read it and thanks for listening.

Respectfully submitted,

[Signature]
Raphael D’Ambruoso

Submitted by Raphael D’Ambruoso on 2/15/22.
I read the article in the Orange Town News in regards to a few contemplated zoning regulations and I would appreciate it if you would be so kind as to pass my thoughts along to the Planning & Zoning Commission.

Most of those who have worked or served on boards with me know I am very much in favor of diversity and creating a ‘fabric’ for our community, but the ‘care giver’ temporary housing unit seems problematical to me. First, I think the size is much too large at 500 SF. That could be a trailer 10 feet wide by 50 feet long!! Just or my drive up Lambert Road each day, there are at least 3 or 4 recreational or storage trailer violations on my short jaunt to I-95. I think if one has a care-giver, it would make more sense for their accommodations to be within the existing residence. If, for one reason or another the resident can demonstrate that there is insufficient space, I can envision a 200 SF temporary structure, satisfying all setbacks and sanitary requirements permitted as per a Special Permit. At 500 SF, before one knows it, everyone will have a care-giver (this could be for cognitive reasons rather than physical) and trailers will be adjacent to a multiple of residences. As we all know, once something is in place, very difficult to remove. I would not be in favor of trailers for care-givers except under extraordinary circumstances with an annual renewal certificate.

Unfortunately, I am also opposed to accessory dwelling units as well unless the property is on sewer and then, I think a new zone for 2-family residences can be created. I think this goes to ‘quality of life’ for those seeking a semblance of peacefulness and space in a single family zone. In fact, I don’t think "single family zone" is a bad phrase! What Orange may need is a revised planning concept because I have always been in favor of mixed uses and zones which delineate appropriate uses.

Sorry to make it 3 out of 3, but I am also opposed to reducing the parking requirements. Perhaps one of the largest violations in Town is the parking of commercial vehicles and those with auto hobbies with cars parked outside. One of my neighbors has 5 cars parked outside, another, 1 car, 2 trucks and 2 trailers. No need to complain because I value our neighbors more than the visual pollution, but wouldn’t it be nice if the regulations were either consistent with what people actually do and/or provide alternatives which in my opinion, should include suitable screening. We actually have one car parked outside, but it is screened from the road and our neighbor by dense planting. It’s amazing how many people have garages, but instead of vehicles housed in the garage, they operate their business from the garage.

As I have probably mentioned, I have designed projects in approximately 50 of the 169 municipalities in CT. Some have great zoning regulations, others are antiquated. I have always felt the regulations in Orange are generally very good, but they could use improvement/refinement and perhaps if we had additional personnel, they could be enforced in a "user-friendly" manner? Ultimately, this makes our community much more enjoyable in which to live and adds value to our property just as the school system and services do.

Thank you so much.

Wayne Garrick
RESOLUTION TO OPT OUT OF THE PROVISIONS OF
CONN. GEN. STAT. §8-2 (D)(9), AS AMENDED BY THIS PA 21-29, §4,
REGARDING LIMITATIONS ON “PARKING SPACES FOR DWELLING UNITS”

WHEREAS, Connecticut Public Act 21-29, effective October 1, 2021, §8-2 (d)(9) of the General Statutes establishing limitations on parking spaces for dwelling units; and

WHEREAS, a municipality, by vote of its legislative body may opt out of the provisions of Conn. Gen. Stat. §8-2 (d)(9), as amended by this PA 21-29, §4, regarding limitations on “Parking Spaces for Dwelling Units”, provided the planning and zoning commission pursuant to PA §5, (1) first holds a public hearing in accordance with the provisions of section 8-7d of the General Statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said sections within the period of time permitted under section 8-7d of the General Statutes, (3) states upon its records the reasons for such decision, and (4) publishes a notice of such decision in a newspaper having substantial circulation in a municipality not later than 15 days after such a decision has been rendered; and

WHEREAS, the planning and zoning commission of the Town of Orange, has complied with the requirements of § 5 of Public Act 21-29 prior to acting upon this resolution.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ORANGE, that it declares its affirmative decision to opt-out of the provisions of Conn. Gen. Stat. §8-2 (d)(9), as amended by Public Act 21-29 concerning limitations on parking spaces for dwelling units;

BE IT FURTHER RESOLVED THAT THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ORANGE bases this decision and declaration on multiple factors including (1) the existing zoning regulations adequately address the parking needs for the Town of Orange; and (2) the failure of Public Act 21-29 to provide the Planning and Zoning Commission of the Town of Orange, the Board of Selectmen and the people of the Town of Orange with enough flexibility to regulate the parking needs in a way that is compatible with the goals of the Orange Zoning Regulations and its Plan of Conservation and Development.

AND BE IT FURTHER RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ORANGE, that by adoption of this resolution, the Planning and Zoning Commission of the Town of Orange votes to opt-out of the provisions of this law, with the recognition that such opt-out shall not be valid and effective until the Board of Selectmen, as the legislative body of the Town of Orange also holds a vote to opt-out of the provisions of Conn. Gen. Stat. §8-2 (d)(9), as amended by this PA 21-29, §4; and
BE IT FURTHER RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ORANGE that the town clerk be directed to publish notice of the passage of this resolution in a newspaper having substantial circulation in the Town of Orange not later that fifteen (15) days after this Resolution has been adopted, and following the publication of this Resolution, refer this matter to the Board of Selectmen for discussion and action.

Dated at Orange, Connecticut this 15th day of February 2022.

Judy Smith
Vice Chairman, Planning and Zoning

Commission

ATTEST:

Mary Shaw
Orange Town Clerk
RESOLUTION TO OPT OUT OF THE PROVISIONS OF
CONN. GEN. STAT. §8-1bb AND SUBSECTION (D) 5 OF § 8-2, AS AMENDED
BY PUBLIC ACT 21-29 CONCERNING TEMPORARY HEALTH STRUCTURES.

WHEREAS, Connecticut Public Act 21-29, effective October 1, 2021, amends the
provisions of Conn. Gen. Stat. §8-1bb and subsection (d) 5 of § 8-2 to authorize the
installation of temporary health care structures in residential zoning districts; and

WHEREAS, a municipality, by vote of its legislative body may opt out of the provisions
of Conn. Gen. Stat. §8-1bb and subsection (d) 5 of section 8-2 of the General Statutes,
as amended by Public Act 21-29, provided the planning and zoning commission
pursuant to Conn. Gen. Stat. §8-1bb (j), (1) first holds a public hearing in accordance
with the provisions of section 8-7d of the General Statutes on such proposed opt-out, (2)
affirmatively decides to opt out of the provisions of said sections within the period of time
permitted under section 8-7d of the General Statutes, (3) states upon its records the
reasons for such decision, and (4) publishes a notice of such decision in a newspaper
having substantial circulation in a municipality not later than 15 days after such a
decision has been rendered; and

WHEREAS, the planning and zoning commission of the Town of Orange, has complied
with the requirements of section (j) of Conn. Gen. Stat. §8-1bb prior to acting upon this
resolution.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING AND ZONING
COMMISSION OF THE TOWN OF ORANGE, that it declares its affirmative decision
to opt-out of the provisions of Conn. Gen. Stat. §8-1bb and subsection (d) 5 of section
8-2 of the General Statutes, as amended by Public Act 21-29, authorizing the
installation of temporary health care structures in residential zoning districts;

BE IT FURTHER RESOLVED THAT THE PLANNING AND ZONING COMMISSION
OF THE TOWN OF ORANGE bases this decision and declaration on multiple
factors including (1) the incompatibility of temporary healthcare structures within
the residential neighborhood which have been designated as historic or are eligible
for such a designation (2) the failure of Public Act 21-29 to provide the Planning and
Zoning Commission of the Town of Orange, the Board of Selectmen and the
people of the Town of Orange with enough flexibility to regulate temporary
healthcare structures in a way that is compatible with the goals of the Orange
Zoning Regulations and its Plan of Conservation and Development, (3) the small
number of zoning enforcement personnel available to the Town of Orange
whereby it may be difficult, if not impossible, to assess whether a particular
temporary healthcare structure actually complies with the provisions of Conn. Gen.
Stat. §8-1bb and subsection (d) 5 of section 8-2 of the General Statutes, as amended
by Public Act 21-29.
AND BE IT FURTHER RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ORANGE, that by adoption of this resolution, the Planning and Zoning Commission of the Town of Orange votes to opt out of the provisions of this law, and also to consider amending its zoning regulations to include as a prohibited use "temporary healthcare structures pursuant to the amendments made to the General Statutes by Public Act 21-29 with the recognition that such provision shall not be valid and effective until the Board of Selectmen, as the legislative body of the Town of Orange also holds a vote to opt out of the provisions of Public Act 21-29; and

BE IT FURTHER RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ORANGE that the town clerk be directed to publish notice of the passage of this resolution having substantial circulation in the Town of Orange not later that fifteen (15) days after this Resolution has been adopted, and following the publication of this Resolution, refer this matter to the Board of Selectmen for discussion and action.

Dated at Orange, Connecticut this 15th day of February 2022.

Judy Smith
Vice Chairman, Planning and Zoning

Commission

ATTEST

Mary Shaw
Orange Town Clerk
RESOLUTION TO OPT OUT OF THE PROVISIONS OF § 6 (a) to (d) of PA 21-29 CONCERNING ACCESSORY APARTMENTS.

WHEREAS, Connecticut Public Act 21-29, effective October 1, 2021, establishes default provisions that allow construction of ADUs (referred to in the Act as "accessory apartments") on lots accompanying single-family homes, unless a municipality chooses to opt out of this provision. Zoning regulations must be amended by Jan 1, 2023 to follow the law, lest non-compliant sections of zoning regulations would become null and void (in which case the law will govern); and

WHEREAS, a municipality, by vote of its legislative body may opt out of the provisions of § 6 (a) to (d) of Public Act 21-29 concerning Accessory Apartments, provided the planning and zoning commission pursuant to Public Act §6 (f), (1) first holds a public hearing in accordance with the provisions of section 8-7d of the General Statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said sections within the period of time permitted under section 8-7d of the General Statutes, (3) states upon its records the reasons for such decision, and (4) publishes a notice of such decision in a newspaper having substantial circulation in a municipality not later than 15 days after such a decision has been rendered; and

WHEREAS, in addition to allowing ADUs accompanying single-family homes, P.A. 21-29 places limits on other conditions of approval, including:

a. ADUs cannot be restricted to homeowners or relatives of occupant of primary structure;

b. Approval process shall not require a public hearing, special permit or special exception; and decisions must be rendered within 65 days of application;

c. Permission to construct an ADU shall not be conditional to correcting a nonconformity or requiring fire sprinklers if they are not required by the fire code for the principal dwelling;

d. Regulations shall not require ADUs to have an exterior door, be connected to the primary structure, or have more than one parking space;

e. Regulations must permit the maximum size of the ADU be 1,000 SF, or 30% of the size of the primary structure, whichever is smaller;

f. The construction of an ADU may not trigger more restrictive lot coverage requirements than applicable to the primary home, require greater setbacks than are required for the primary home, require greater height,
landscaping, and architectural design standards than apply to single-family dwellings;

g. ADUs shall not be required to be affordable;

h. Municipalities may regulate the use of ADUs as short term rentals;

i. ADUs shall not be required to be served by separate utilities and shared septic systems shall not be considered "community wastewater systems" for regulatory purposes; and

j. ADUs built or permitted after 1/1/22 that are not deed-restricted do not count toward denominator (total dwelling units) in §8-30g threshold calculation

WHEREAS, the planning and zoning commission of the Town of Orange, has complied with the requirements of § 6(f) of Public Act 21-29 prior to acting upon this resolution.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ORANGE, that it declares its affirmative decision to opt-out of the provisions of § 6 (a) to (d) of Public Act 21-29 concerning Accessory Apartments;

BE IT FURTHER RESOLVED THAT THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ORANGE bases this decision and declaration on multiple factors including (1) the incompatibility of accessory apartments within the residential neighborhood which have been designated as historic or are eligible for such a designation; (2) the Orange zoning regulations already regulate accessory apartments that provide temporary, affordable housing options for individuals likely to be served pursuant to § 6 (a) to (d) of PA 21-29; (3) the failure of Public Act 21-29 to provide the Planning and Zoning Commission of the Town of Orange, the Board of Selectmen and the people of the Town of Orange with enough flexibility to regulate accessory apartments in a way that is compatible with the goals of the Orange Zoning Regulations and its Plan of Conservation and Development, (4) the small number of zoning enforcement personnel available to the Town of Orange would make it difficult, if not impossible, to assess whether a particular accessory apartment complies with the provisions of the General Statutes, as amended by Public Act 21-29.

AND BE IT FURTHER RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ORANGE, that by adoption of this resolution by the Planning and Zoning Commission of the Town of Orange, it votes to opt-out of the provisions of this law, with the recognition that such opt-out shall not be valid and effective until the Board of Selectmen, as the legislative body of the Town of Orange, also holds a vote to opt-out of the provisions of § 6 (a) to (d) of Public Act 21-29; and
BE IT FURTHER RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ORANGE that the town clerk be directed to publish notice of the passage of this resolution in a newspaper having substantial circulation in the Town of Orange not later that fifteen (15) days after this Resolution has been adopted, and following the publication of this Resolution, refer this matter to the Board of Selectmen for discussion and action.

Dated at Town, Connecticut this 15th day of February 2022.

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Judy Smith
Vice Chairman, Planning and Zoning

Commission
ATTEST:

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Mary Shaw
Orange Town Clerk