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ORANGE ZONING COMMISSION

MINUTES OF THE FEBRUARY 21, 2023 MEETING

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

- Oscar Parente, Esq., Chairman
- Judy Smith, Vice-Chairman
- Thomas Torrenti, P.E.
- Kevin Cornell, Esq., P.E.
- Paul Kaplan, Esq., Secretary

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

Chairman Parente welcomed everyone to the meeting and asked those seated at the table to introduce themselves for the record. Chairman Parente noted that their Administrative Assistant, Tammy Trantales, would not be in attendance this evening.

Review of the Meeting Minutes from the February 21, 2023

The Commission members reviewed the minutes and made corrections as necessary.

A motion was made by Commissioner Torrenti and seconded by Commissioner Smith to accept and approve the amended minutes from the February 21, 2023 meeting. The motion carried with the vote recorded as follows: Cornell, aye; Torrenti, aye; Smith, aye; Parente, aye. The vote was recorded as 4-0-1 to accept and approve the motion, with Commissioner Kaplan abstaining.

Old Business

Zoning Enforcement Officer Jack Demirjian presented the new language for ground solar arrays and renewable energy structures. The purpose of this new language is to regulate the locations of these structures in the residential zone. Discussion ensued about this new language and some minor revisions were made. It was suggested that Mr. Demirjian review these revisions with Town Attorney Marino.

New Business

There was no New Business at this time.

Report of the Zoning Enforcement Officer

Zoning Enforcement Officer Jack Demirjian mentioned that sometime in the next few meetings the Commission will review a text amendment application regarding proposed language for outdoor storage and displays in the C-1 and C-2 zone.

Bond Release Request – 197 Indian River Road

Mr. Demirjian stated that Vero will soon be opening at this location, which is across from the Christmas Tree Plaza. Most site work has been completed and they are requesting that their

bond be returned. Mr. Demirjian would like to retain the landscaping portion of the bond in the amount of \$100k. He is also holding the \$10k cash bond. This landscaping contingency is to ensure that there are no erosion issues or a problem with the plantings.

Commissioner Kaplan made a motion to release Bond # 42BSBIE4514 while retaining \$100k of this bond as a landscaping contingency. Commissioner Smith seconded the motion. The motion carried with the vote recorded as follows: Cornell, aye; Torrenti, aye; Smith, aye; Kaplan, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

PUBLIC HEARINGS:

APPLICATION FOR SPECIAL EXCEPTION, PERMIT OR USE - Submitted by Brian Cleveland Architects. For property known as 200 Indian River Road. To operate a retail store under Section 383-90 A of the Orange Zoning Regulations.

Mr. Brian Cleveland, from Brian Cleveland Architects, spoke on behalf of the tenant, Crazy Hot Deals, who is interested in moving into a 6,300 square foot retail space at 200 Indian River Road. They will be selling consignment items that are purchased from other retailers to resell them at a discounted price. They will be closed on Thursdays and opened the remainder of the week, from 10:00 am. to 7:00 p.m. Twenty-four parking spaces are required, and no renovations will be done other than signage at a later date. Mr. Cleveland noted that there is a rear loading dock for merchandise to be brought into the store and the space is currently vacant. Commissioner Cornell mentioned that this is an LI-3 zone in which retail is allowed by Special Permit.

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

The Commissioners felt that this business is consistent with the retail shopping center and does not adversely affect property values nor are there any parking issues.

A motion was made by Commissioner Smith and seconded by Commissioner Torrenti to approve the application submitted by Mr. Brian Cleveland to operate a retail store at 200 Indian River Road under Section 383-90 A of the Orange Zoning Regulations. The motion carried with the vote recorded as follows: Cornell, aye; Torrenti, aye; Smith, aye; Kaplan, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

PETITION TO AMEND THE ORANGE ZONING REGULATIONS – Submitted upon the initiative of the Town of Orange Planning and Zoning Commission. To amend Section 383-19 A (5) of the Orange Zoning Regulations to limit the number of Cannabis Establishments.

The Commission members reviewed the presented language of the Orange Zoning Regulations allowing no more than one Cannabis Establishment to be permitted in town. Chairman Parente questioned if this cannabis establishment should choose a different location for business, would then the previous site have to be repurposed and not be used to sell cannabis. It was duly noted that once an establishment closes and the permit no longer

used, the Commission could approve another under a different permit keeping the number of establishments at one.

Mr. Ronald Kaye, resident of 90 Hall Drive, has lived in the Town of Orange for two years. He commented that the Agendas for the Town meetings do not have links to the documentation being discussed and he feels that this is a handicap in offering full transparency to the citizenry. Commissioner Kaplan explained that the meeting is televised on OGAT and the Agenda is available at Town Hall and the Town website. Mr. Kaye further explained that he had to request from the Zoning Enforcement Officer the additional documents he needed to better understand what was to be discussed. He would like to see this changed to offer residents greater visibility.

Mr. Kaye also questioned the reasoning of the Town of Orange in restricting cannabis establishments to one per town, particularly in light of the number of liquor stores currently allowed in town. He feels that we will lose a large amount of revenue to the town by this restriction. While he does not have any particular preferences one way or the other, and understands why some residents might object on moral grounds, he questioned the reasoning behind the town's decision to limit cannabis establishments. Commissioner Kaplan expressed his personal perspective on his reasoning for such a restriction. Unlike liquor stores, this is a new type of pilot business, and he wants to see the traffic flow and how it operates before considering additional "like" businesses.

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

A motion was made by Commissioner Kaplan and seconded by Commissioner Torrenti to amend Section 383-19 A (5) of the Orange Zoning Regulations to limit the number of Cannabis Establishments per town with an effective date of Monday, March 13th as amended. The motion carried with the vote recorded as follows: Cornell, aye; Torrenti, aye; Smith, aye; Kaplan, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

A motion was made by Commissioner Torrenti and seconded by Commissioner Cornell to adjourn the meeting at 7:50 p.m. The motion carried with the vote recorded as follows: Cornell, aye; Torrenti, aye; Smith, aye; Kaplan, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

Respectfully submitted,
Deborah Satonick,
Temporary Recording Secretary