

ORANGE ZONING COMMISSION
MINUTES OF THE AUGUST 25, 2020 SPECIAL MEETING

Approved Minutes

The Town Plan and Zoning Commission held a Special meeting on Tuesday, August 25, 2020, at 7:00 p.m., a Zoom remote Internet meeting. The following members were in attendance.

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

Michael B. O'Sullivan
TOWN CLERK

2020 SEP 25 AM 9:12

ORANGE, CONN.
TOWN CLERK'S OFFICE
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Jack Demirjian, Zoning Enforcement Officer
Tamara Trantales, Administrative Assistant
Bonnie Syat, Recording Secretary

Chairman Parente welcomed everyone to the Zoom video remote meeting. He noted those in attendance.

Review of the Minutes from the July 7, 2020 meeting and the August 11, 2020 Special meeting.

A motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve the July 7, 2020 Minutes, as written. The motion carried with the vote recorded as follows: Kaplan, aye; Smith, aye; Torrenti, aye; Cornell, aye; Parente, abstain. The vote was recorded as 4-0-1 to accept and approve the motion.

A motion was made by Tom Torrenti and seconded by Kevin Cornell to accept and approve the August 11, 2020 Special meeting Minutes, as amended. The motion carried with the vote recorded as follows: Torrenti, aye; Cornell, aye; Kaplan, abstain; Smith, abstain; Parente, aye. The vote was recorded as 3-0-2 to accept and approve the motion.

There were no additional comments.

Old Business

There were no comments.

New Business

There were no comments.

Report of the Zoning Enforcement Officer.

Zoning Enforcement Officer Jack Demirjian stated that he is researching Airbnb's. He will present a draft of proposed language at a future date.

ZEO Demirjian stated that the zoning office has been receiving calls recently about setbacks regarding propane tanks and generators. He expressed his belief that it is not referenced in the zoning regulations, and perhaps should be incorporated into the regulations. A brief discussion ensued. ZEO Demirjian asked for the Commission's comments to clarify whether new regulations should be drafted concerning possible setbacks for propane tanks and generators.

There were no additional comments.

PUBLIC HEARINGS: (7:30 p.m.)

Commissioner Kaplan read the legal notice into the record.

APPLICATION FOR SPECIAL USE -Submitted by Connor & Melanie Monck, for property known as 434 Old Tavern Road - Request for larger ground coverage as per Section 383-261(3)(a). To construct a 28'x 36' garage. An additional request has been made for a waiver of the submission of a sealed site plan as per Section 383-117B(1) of the Orange Zoning Regulations.

Commissioner Torrenti recused himself from this discussion & decision.

Connor Monck, Applicant, stated that he, his wife and their baby live in an old farmhouse. He stated that they have a small basement, which is not easily accessible. Their closets are small as well. Mr. Monck stated that they would like to add a 28' x 36' garage onto their property. He would use it to store their two 20' vehicles and perhaps a tractor. Mr. Monck explained that the building would have metal siding and five windows. There would be two garage doors with windows, and a door with a window. He expressed his belief that this structure would be aesthetically pleasing.

Commissioner Kaplan asked if there is a rendering of the proposed building, which Mr. Monck then displayed. Discussion ensued regarding the proposed location of the garage on the property.

Chairman Parente stated that the applicant has requested a waiver of the submission of a sealed site plan. After a brief discussion, it was noted that the adjacent neighbor submitted a letter of support into the record.

A motion was made by Judy Smith and seconded by Kevin Cornell to accept and approve the request for a waiver of the submission of a sealed site plan. The motion carried with the vote recorded as follows: Smith, aye; Cornell, aye; Kaplan, aye; Torrenti; abstain; Parente, aye. The vote was recorded as 4-0-1 to accept and approve the motion.

Chairman Parente read two letters into the record. They were both in support of the proposal. Commissioner Kaplan asked if there would be running water or utilities in the building. Mr. Monck stated that there would probably be power in the building in the future. There will not be water. Chairman Parente noted that they don't want someone to be able to live in it. Mr. Monck stated that there would not be a sink or a toilet in the building.

Commissioner Smith asked what the color scheme would be. Mr. Monck replied that the building would be forest green with white doors. Chairman Parente asked ZEO Demirjian if all pertinent signoffs have been obtained. He replied affirmatively. Commissioner Kaplan inquired if it would be one level. He also asked if there would be any hydraulics. Mr. Monck stated that it would be a one level structure. There would not be any hydraulics. Discussion ensued regarding height.

As there were no further questions, a motion was made by Kevin Cornell and seconded by Paul Kaplan to close the public hearing. The motion carried with the vote recorded as follows: Cornell, aye; Kaplan, aye; Smith, aye; Torrenti, abstain; Parente, aye. The vote was recorded as 4-0-1 to accept and approve the motion.

Commissioner Kaplan expressed his belief that this proposal is not overwhelming in size. It seems to make sense to him. Commissioner Cornell stated that this area of town has larger lots, rural and farm uses. He believes that this proposal will not impact the adjacent street. He believes it is a good fit. A brief discussion ensued. Chairman Parente agreed with the other Commissioners. Commissioner Smith believes that this project would have a positive impact since it is harmonious with the neighborhood.

As there were no further questions, a motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve the request for an Application for Special Use, for 434 Old Tavern Road, to construct a 28' x 36' garage. The motion carried with the vote recorded as follows: Kaplan, aye; Smith, aye; Cornell, aye; Torrenti, abstain; Parente, aye. The vote was recorded as 4-0-1 to accept and approve the motion.

There were no additional comments or questions.

SPECIAL PERMIT – APPLICATION FOR THE CONVERSION OF A SINGLE-FAMILY DWELLING TO ACCOMMODATE AN ELDERLY APARTMENT. -Submitted by property owner John Hart. For property known as 470 Peck Lane. To create an elderly apartment.

John Hart, homeowner of 470 Peck Lane, stated he is requesting approval for an elderly apartment. He noted that his father requires more guidance as he ages, and it would be more comforting for them to be in the same house. There will not be any exterior changes. Chairman Parente stated that this would be an elderly apartment above the garage.

Discussion ensued regarding square footage. Chairman Parente noted that the maximum square footage allowed is 900 sq. ft. Mr. Hart stated that the apartment would be 638 sq. ft.

As there were no further comments, 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; Smith, aye; Cornell, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

Chairman Parente expressed his belief that the application complies with our zoning regulations. He read a portion of the regulations into the record to show the applicant's compliance.

As there were no further questions, a motion was made by Paul Kaplan and seconded by Judy Smith to accept and approve the request for a Special Permit for the conversion of a single-family dwelling to accommodate an elderly apartment at 470 Peck Lane. The motion carried with the vote recorded as follows: Kaplan, aye; Smith, aye; Cornell, aye; Torrenti, aye; Parente, aye. The vote was recorded as 5-0 to accept and approve the motion.

SITE PLAN APPLICATION- For property known as 329 Smith Farm Road, Smith Farm Road (Map 32 / Block 5 / Lot 4), Smith Farm Road (Map 32 / Block 5 / Lot 5), Smith Farm

Road (Map 32 / Block 5 / Lot 6), Neenan Street (Map 32 / Block 5 / Lot 7) and Neenan Street Extension, submitted by Gyroscope Development Group, LLC. A proposed residential community that will qualify as assisted housing pursuant to system.

PETITION TO AMEND THE ORANGE ZONING REGULATIONS AND ZONING MAP - - Submitted by Gyroscope Development Group, LLC.

To amend the Orange Zoning Regulations to create a new Lascana Assisted Housing District, Article XXV, and to rezone the parcels at 329 Smith Farm Road, Smith Farm Road (Map 32 / Block 5 / Lot 4), Smith Farm Road (Map 32 / Block 5 / Lot 5), Smith Farm Road (Map 32 / Block 5 / Lot 6), Neenan Street (Map 32 / Block 5 / Lot 7) and Neenan Street Extension to the new Lascana Assisted Housing District.

Chairman Parente stated that there are two applications, a Site Plan application and a Petition to Amend the Orange Zoning Regulations and map submitted by Gyroscope. If approved, the regulation will become Article XXV.

Andrea Gomes, an attorney for Shipman & Goodwin in Hartford, is representing the Applicant. Chairman Parente stated that he anticipates hearing this presentation and leaving the public hearing open. The meeting would reconvene on September 1, 2020. Attorney Gomes stated that it is acceptable to them to continue the public hearing on 9/1/20. She thanked the zoning department for their professionalism and helpfulness throughout the process.

Attorney Gomes stated that the original notice was correctly noticed on the Town Website, in the newspaper and with the Town Clerk. She briefly explained the proposal process.

Attorney Gomes stated that the following power point presentation will be submitted into the record and posted online. She clarified that this is not introducing new information. There are six separate parcels located in the Residential zone. There is one existing house on the property, which will be demolished. The two adjacent houses along Smith Farm Road will remain. Attorney Gomes stated that the properties would be protected & screened during and after construction.

Attorney Gomes provided a general background of the project. She stated that there would be seven separate buildings, six of which would comprise 46 rental units. She explained that there would be one- and two-bedroom units, with a minimum of 75% for moderate- and low-income households. Attorney Gomes stated that this project would provide real affordability in Orange.

Attorney Gomes stated that they would like to change the zone from Residential to Lascana Assisted Housing District. They have created a new housing section, using the Planned Residential District (PRD) as the initial model. Attorney Gomes stated that because this is an 8-30g application, they could be site specific; it is not spot zoning.

Attorney Gomes stated that the application was filed on July 2, 2020. They received Wetlands approval on July 14, 2020, which was posted on the town website. Attorney Gomes summarized the various departmental reviews. The Fire Marshal agreed to provide his signoff if Gyroscope maintains a secondary emergency access. The applicant agreed in writing on August 4, 2020. The Board of Selectmen approved the abandonment of a portion

of Neenan Road on August 12, 2020. A brief discussion ensued. Attorney Gomes noted that they have met all requirements of the zoning regulations and Special Permit without actually obtaining a Special Permit, as it does not fit within an 8-30g. Discussion continued.

Brian Baker, P.E., Civil I, displayed drawings and summarized the property. He stated that there is a minimal flood plain on the property. A brief discussion ensued. Mr. Baker stated that the six multi-family buildings will be served by a main access driveway. He explained that they will be providing permeable pavement in certain areas. At the request of the Fire Marshal, there will be an emergency access driveway, which he explained. He noted that the Fire Marshal's needs were satisfied with this access driveway. Mr. Baker described the proposed lighting. He stated that there would not be any light trespass onto neighboring properties.

He noted that this is a relatively balanced site. A brief discussion ensued. Mr. Baker stated that construction would be done in two phases. The main infrastructure will be completed in phase one. The construction of the buildings will take place in phase two.

Mr. Baker explained the drainage on the property. He stated that he has been working with the Regional Water Authority (RWA) and the Inland/Wetlands Commission. The Inland/Wetlands Commission requested that the Applicant "bump out laterals" onto the properties of the two property owners so that they would only have to pay the connection fee from the "stub" to the house.

Mr. Baker summarized his presentation by stating that there are gentle grades, well drained soils and limited Wetland areas on the subject property. He expressed his belief that this area is very well suited to be developed without any negative impact. Commissioner Cornell asked if there is natural gas in the area. Mr. Baker replied affirmatively. He further stated that electricity, phone and cable would be located underground.

Attorney Gomes displayed the landscaping plan. Katie Haas, licensed Landscape Architect, assisted in obtaining the Wetlands permit. Ms. Haas described the proposed landscaping plan. She stated that all plantings have an aesthetic as well as ecological benefit.

Attorney Gomes stated that Paul Bailey, Principal of Paul B. Bailey Architects, LLC, New Haven, specializes in multi-family and affordable housing. Mr. Bailey stated that their goals are to blend in well with the local neighborhood. He wants to recreate the feeling of a village square. Mr. Bailey displayed renderings with the Village Green area in the center of the complex. There will be a community building. He explained that there will be three styles of buildings, similar to town houses. There will be six front doors without interior hallways. Mr. Bailey provided descriptions of the various buildings. He stated that there will be flats & townhouses. Commissioner Cornell inquired if this layout would allow them to meet ADA accessibility guidelines. Mr. Bailey replied affirmatively. After a brief discussion, Mr. Bailey stated that residents can age in place. Mr. Bailey expressed his professional opinion that this development will not have any adverse impact on the neighborhood or the Town of Orange.

Michael O'Rourke, Senior Traffic Engineer, Hardesty & Hanover, explained how the traffic data was compiled. Discussion ensued. Chairman Parente asked about on-site parking. Mr. O'Rourke stated that they would provide more than enough parking to meet the requirement.

Chairman Parente stated that the Town Engineer pointed out the PRD regulations require two parking spaces per unit. Discussion ensued. Attorney Gomes stated that the zoning regulations currently provides for 1.2 parking spaces per the Institute of Traffic Engineers (ITE) standard. Carol Martin, Gyroscope, stated that she has been working in affordable housing development for the last 10-15 years, primarily in Fairfield County. She stated that the number of spaces range from 1.5 up to 1.75 parking spaces. She has never constructed a project that has two spaces per unit. Discussion ensued. Ms. Martin stated that they are doing their best to balance the existing town regulations with how their properties operate. A lengthy discussion ensued. Mr. O'Rourke stated that the basic ITE consideration is 1.25 parking spaces per dwelling unit. Discussion continued.

Commissioner Kaplan asked what the average age of the tenants would be. Ms. Martin replied that the occupants are driven by the community they live in; there is no age restriction. They are targeting folks who may need care in the future.

Ms. Martin stated that she was concerned about affordable housing in town. She lives around the corner from Smith Farm Road. Ms. Martin stated that mobile trailer homes are disappearing. People are losing affordable housing options. She expressed her belief that other developers are focused on density. She has tried to provide more affordable units with less density. She noted that 70% of the units will be affordable with 30% of the units at market rate. Ms. Martin stated that she wanted to demonstrate how affordable housing could be done successfully and not make density the issue. She said she was extraordinarily proud of this project. It is a productive use of an underused site. She believes this will benefit the Orange community.

Chairman Parente asked for comments from the public. Zoning Enforcement Officer Jack Demirjian stated that he has only been contacted by Paul Davis. He is part of this Zoom meeting.

Paul Davis, 335 Smith Farm Road, stated that he is here representing his wife and himself. He stated that his property line will be bordered by this project. He believes it would have a major impact on their life. Mr. Davis presented a brief background. He purchased his home in 1978. It is on one-third of an acre. It has a well and a septic system.

Mr. Davis stated that the wooded area behind his house could accommodate one or two single family homes. He stated that although Mr. Bailey does not feel there would be adverse impact, Mr. Davis has concerns. He does not want their privacy compromised. Among his concerns is a negative impact on the housing market. Mr. Davis credited the developers for meeting with them on several occasions, trying to meet their concerns. Mr. Davis displayed an aerial view of the site as it is now.

Discussion of the proposed buffer between Mr. Davis' house and the project ensued. Mr. Davis stated that a building will be close to his property line. He noted that Ms. Martin and her team have been very accommodating. Mr. Davis stated that they anticipate an 18-month construction process. He noted that his wife has respiratory issues so they would not be able to remain in their home during construction, citing dust, vibrations, etc. He is concerned that

construction could affect their well water. He commented that the project's soils may contain pesticides.

Mr. Davis stated that this project will be a severe impact on him and his wife for a year and a half. He stated that he and Gyroscope have reached a possible solution, yet it does not alleviate the inconvenience. Mr. Davis appreciates that the developers have eliminated additional costs and are working with him. Ms. Martin stated that any damage done during construction would be taken care of.

ZEO Demirjian stated that Mr. Davis is the only resident who has reached out to him regarding this proposal. He noted that people have had ample time. A brief discussion ensued.

Paul Davis stated that he did not receive a letter informing him of this meeting. He does not know if his neighbors are aware of this application. ZEO Demirjian stated that this proposal was noticed a few months ago. Two neighbors called Carol. ZEO Demirjian stated that he personally put letters in the neighbors' mailboxes. Everything was done according to Governor Lamont's Executive Orders. ZEO Demirjian noted that this application was accepted for receipt at a previous meeting. Discussion ensued.

Attorney Gomes stated that they have followed all applicable requirements. The abutters were noticed. The agendas and Minutes are very accessible. After a brief discussion, Attorney Gomes stated that when the storm hit, there was concern that this application may not have been properly noticed. Attorney Gomes stated that they and the Zoning Department have gone "above and beyond legal requirements".

Attorney Gomes stated that she appreciates Mr. Davis' comments. She addressed market values, stating that evidence shows it does not affect market values. She stated that a substantial row of 8-10 ft. arborvitae trees will be planted in an attempt to screen the area adequately.

Chairman Parente stated that in the environmental report, pesticides could be a potential issue. Jay Soltis, a licensed professional with Geoquest, stated that the only issues are an underground oil storage tank and the use of pesticides. Mr. Soltis explained the tests used to determine if pesticides are present. Low levels of pesticides were found in the soil. It was determined that oil blending is no longer necessary. A brief discussion ensued.

Attorney Gomes expressed her pride in the team and Gyroscope's intentions. She stated that conversations were beneficial. Attorney Gomes urged the Commission to approve this proposal.

Chairman Parente stated that he would like to keep the public hearing open. It would allow time for the Commissioners to review the application again and to digest what was presented tonight. The Commission agreed. This proposal will be placed on the September 1, 2020 TPZC agenda. It was noted that this was a very well put together application.

8/25/20

TPZC MINUTES

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

The meeting was adjourned at 10:27 p.m.

Respectfully submitted,

Tamara Trantales,
Administrative Assistant