

**ZONING COMMISSION JOURNAL OF ACTIONS
FROM MEETING HELD JANUARY 16, 2024
ORANGE TOWNSHIP - DELAWARE COUNTY**

The electronic recordings of this meeting serve as the official meeting minutes.
A full and accurate account of this meeting's audio and video can be found at www.orangetwp.org

Dennis McNulty called the meeting to order.

ROLL CALL: Christine Trebellas, Chair - Present
Dennis McNulty, Vice-Chair - Present
Les Pierce - Present
Pam Foster – Present
Karthik Avadhanula – Absent

ALSO PRESENT: Robin Duffee, Development and Zoning Director
Eric Gayetsky, Senior Zoning Officer

MOTION TO ELECT THE CHAIR FOR THE ORANGE TOWNSHIP ZONING COMMISSION FOR 2024

Motion by McNulty
Second by Foster

VOTE: Trebellas – yes McNulty – yes Pierce – yes Foster – yes Avadhanula - absent
Christine Trebellas elected Chair

MOTION TO ELECT THE VICE CHAIR FOR THE ORANGE TOWNSHIP ZONING COMMISSION FOR 2024

Motion by Trebellas
Second by Pierce

VOTE: Trebellas – yes McNulty – yes Pierce – yes Foster – yes Avadhanula - absent
Dennis McNulty elected Vice Chair

NEW BUSINESS

Route 23 Corridor Overlay District Application #RCOD-23-03, Requesting approval of a commercial development plan having parcel numbers 318-234-03-004-000 and 318-234-03-005-000. The plan proposed includes a supermarket, a restaurant and retail building.

Mr. Duffee gives a brief overview of the procedure for a RCOD application

- Zoning Commission will not be voting on this application; this is a work session for Zoning Commission to provide feedback to the applicant. Trustees may set hearing at tomorrow's trustee meeting. The trustee hearing will be posted on the website and notices will be mailed out.

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Mr. Duffee presents the staff report including the missing materials and the divergences list.

- The following is missing and/or incomplete
 - County engineer letter stating that proposed sight distances and access points are adequate
 - List of all divergences
 - Building materials and elevations for fast food restaurant and retail building
 - Phases for construction, if any
 - Loading spaces (minimum 12' x 50') and locations
 - Building setback lines with dimensions to closest property lines
 - Lighting levels (in footcandles) for proposed site *and* area extending minimum of 30 feet onto adjacent properties.
 - Signage plan, including locations and sizes of all proposed wall signs and monument sign.
 - Trash enclosure section views
 - Trash enclosure accent landscaping
 - Minimum tree height
 - Mechanical equipment locations and screening
 - Five (5) foot tall fence and contiguous landscaping labels on site plan indicating these along the adjacent residential uses.
 - Fence details, both for the perimeter and patio surround.
 - Lot coverage calculation - must be no more than 80%
 - Dimensions of parking lot islands
 - An executed acknowledgment requiring that all real property within the proposed development be placed in an existing JEDD or new JEDD in which the Township is the contracting party.
- Staff noted there may be divergences needed. The following are staff concerns and recommendations:
 - Standalone drive-throughs are prohibited and would require a divergence. As shown, the proposed fast-food restaurant appears to be a standalone drive-through. Additionally, drive-throughs may not abut a residential district.
 - Single-story buildings are shown with flat roofs. This would require a divergence.
 - Dumpster location does not comply with the 50' required roadway setback from US-23.
 - Parking does not meet the requirements
 - Grocery store building's south and east elevations are deficient of sectioning or offset walls, which is a divergence.
 - Restaurant building's east and west elevations, are deficient of sectioning or offset walls over what appears to be 50' in length on each side, and therefore, may be a divergence.
 - Retail building's west elevation, is deficient of sectioning or offset walls, which is a divergence.
 - Parking lot screening. The landscape plan does not incorporate a continuous planting hedge of thirty-six (36) inches in height
 - Loading spaces are not shown for the retail building or restaurant
 - Retail building appears within the minimum 100' setback from a residential district as per Sec. 20.06(G). This would be a divergence.
 - The setback from the Boza property on the north side appears to be too small. The minimum required setback will be 100'. The grocery store building may encroach upon this setback, which would require a divergence.

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- The setback from the northern parcel owned by the Solid Ground Land Company is shown as 15'. This will need to be called out as a divergence.
- Building to lot width ratio must be 40%-70%; It is unclear whether this standard will be met due to the number of proposed buildings and the property being a corner lot.
- Monument sign exhibit exceeds maximum permitted height as shown; Monument sign also appears to be encroaching upon the required 20' setback from the right-of-way, however, no distance is provided. There is also a reference to a proposed pylon sign, but no details are provided.
- Some plans and renderings show an access onto S. Parkway Drive to the west, and some do not. While the final determination for access will be determined by the County Engineer's Office, Orange Township staff does not support this as an access point.
- A traffic access study (TAS) will be required for this development.
- The Orange Township Fire Department will need to review and approve the plan prior to approval by the Board of Trustees.

Simran Taneja presenting on behalf of Mekter Group responds to items listed in the staff report as being missing or requiring a divergence

- This is phased project with supermarket being phase 1, and fast food restaurant and retail building being phase 2
- Has been in contact with the Delaware County Engineer's office and are working on getting the required letter from that office
- Will provide an updated building materials list
- Will reflect the loading spaces
- Will provide building setback lines with dimensions from property line to building
- Lighting is being adjusted to comply
- Will provide detail for wall signage
- Trash enclosure is being taken care of
- Minimum tree height – five foot (5') requirement will be reflected
- Mechanicals are going to be on the roof
- Asks is there a requirement of an actual slope or a component of a slope mansard/parapet
 - Mr. Duffee replies that he will check the text on that
 - Ms. Trebellas would like the mechanicals to be hidden on the roof
- States that lot coverage is 73%
- Dimensions of parking lot islands will be updated
- Jedd acknowledgments have been signed and will be emailed over
- The square footage of the fast food seating area has been enlarged to comply
- Will search for a different location for the dumpster to make sure that it complies
- Will not be requesting a divergence for the parking, - will modify the parking so it complies
- Noted that the blank walls are not permitted for any of the sides
- Asks what is the vision for the parking lot screening
 - Mr. Duffee answers, there needs to be a 36" tall hedge to be around the exterior of any parking locations
- Will address loading spaces

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- Retail building is at exactly 100', not in the setback as staff comments said it appeared
- Will modify to comply with setback along Boza property
- Will notate the building to lot width ratio must be 40%-70% to make sure they comply
- Would like to request divergence to increase size of monument sign, and make sure it is prominent enough to be seen based on the size of the site
- Not requesting access on South Parkway as some plans have shown
- Will arrange for a traffic study based on the Delaware County Engineer's requirement
- Reached out to the fire department – waiting to hear back to get their requirements

Ms. Taneja states the first phase is an Indian grocery store with a bakery component and small dining area. Owners have other stores like this in other states. Second phase will have fast food with seating and also a retail shell.

Board Comments:

Ms. Trebellas:

- States this is the streamlined overlay, this is an informational session, Zoning Commission will not be voting on the application but providing feedback to the applicant
- Asks if there are any comments from Regional Planning; she wants to confirm the Board of Trustees will get those comments before they hear the case
 - Mr. Duffee responds Regional Planning will be hearing this at the end of the month; the Trustees will get Regional Planning's comments before they hear the case
- States the 100' setback between commercial and residential is critical
 - Ms. Taneja states from communication the applicant has had with Pickups Plus, there may be future plans for a Pickups Plus expansion and that is why they were looking at the setback divergence along the Solid Ground Land Company property line. Ms. Taneja further states they are trying to be respectful of the setbacks against residential properties however, after conversations with Pickup Plus and knowing they plan to develop in the future, the applicant was trying to fit in adequate parking
- Ms. Trebellas highly recommends sticking to the code. The applicant's overall parking has been exceeded. Ms. Trebellas suggests scaling back parking on that side to meet the setback
 - Ms. Taneja states she believes they can reduce the parking and increase setbacks on that side (Pickups Plus/Solid Ground Land Company), however it still may require a divergence.
- Has no problem with commercial use; very worried about divergences which should be for hardships, need to respect the adjacent residential and those setbacks.

Mr. McNulty:

- This is a 23-overlay project, the 23 overlay was designed so that there would be no divergences unless they are required by a hardship situation such as geography. Says overlay was intended for developers to come in and adhere to it, once you add divergences, it no longer complies. There will be people resistant to a development with divergences in the overlay, and it really needs to be respected.

Mr. Pierce:

- States that the applicant can request divergences if they are appropriate
- Encourages Ms. Taneja to connect with the community given a lot of the comments that were shared tonight, the applicant may make some modifications and meet with residents so they can support the project

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Ms. Foster:

- Asks what other states owner has stores located in
 - Ms. Taneja replies Virginia and Texas

Public Comment:

Kristen Jones, 251 South Parkway Drive

- Concerns over the traffic, specifically the dump trucks that would be driving into the neighborhood.
 - Ms. Taneja says they will mitigate any affects to the surrounding neighbors, and there would be construction fencing surrounding the project and a superintendent on site
 - Ms. Trebellas adds the traffic study has not been prepared yet, the county engineer will review the traffic study and then dictate where curb cuts will be located
- Asks if there will be any safety features to deter children from the pond
 - Ms. Trebellas states how the ponds are designed is dictated by the county engineer

Andrew Jones, 251 South Parkway Drive

- States the traffic concerns are more about the materials being transported to the site, and trucks speeding down through the neighborhood streets. Would strongly prefer if the trucks could only turn off/on US-23
- Asks if a service road has been planned, and if so how it will affect Parkway Drive and the Parkway Loop
 - Mr. McNulty says these are all Delaware County Engineer questions. States he is also curious as to what their (Delaware County Engineer) plan is.
 - Ms. Taneja states when the traffic study is done, because it is on Route 23 there is a high level of coordination between ODOT and the Delaware County Engineer.
- Question regarding light pollution
 - Ms. Taneja says they did have a photometric study done; there are some modifications that are needed and will be addressed.

Corey Draeger, 250 South Parkway Drive

- States the reality is that it's more or less a 1.5 lane width road with parking on one side. For two vehicles passing, both vehicles will be passing in the grass or berm. The roads as they exist right now, will not accommodate what is being proposed
- Understands that there will be increased traffic with added development. There is no other access to US 23 besides the one entrance /exit. People try to exit out of the 23 exit and it's very dangerous.
 - Mr. McNulty questions the Delaware County Engineer's office hasn't seen this, correct?
 - Ms. Taneja responds we are in conversation with them
 - Ms. Trebellas states the Delaware County Engineer will take these things into account That is the key of why we need a traffic study, and why the county engineer would review this

Karri Hagel 330 South Parkway Drive

- Has a question about the parking requirements; thinks that there needs to be consideration of the shared parking area
 - Ms. Trebellas states there are minimum and maximum parking to take into account; there is also a note to look at the parking

Lina Scrocca 250 South Parkway Drive

- Additional traffic concern, when she leaves early in the morning it's completely dark, no streetlights and kids are waiting for bus along the street.

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- Ms. Trebellas asks if township park department has looked at adding sidewalks and trails to the site.
 - Mr. Duffee replies, no they haven't
- Mr. Trebellas asks Ms. Taneja if any are proposed
- Mr. Duffee states there is a sidewalk being proposed on the site plan

David Weaver, 340 North Parkway.

- As far as curb cuts on 23; if you try to turn right off South Parkway onto 23, it's already torn up.
- There should be no left turn off Parkway onto 23.
- Not commercial roads
- Encouraging the fellow residents to get in touch with the county engineer's office by calling or emailing tomorrow their concerns, get out ahead of the issues.

Mary Horn, 230 North Parkway

- The landscaping plan shows trees, how long is their responsibility to keep them alive
 - Ms. Taneja says one of the requirements of the application is to acknowledge and agree to maintaining the landscape that's planted.
 - Mr. Duffee states it is a requirement that any trees, shrubs or landscape material that dies, be properly removed and replaced within 6 months. If material is not removed and replaced, the zoning office should be notified of the issue.
 - Ms. Trebellas says that it is a requirement that the landscaping and even retention ponds, per the guidelines of the county would need to be built and maintained accordingly.

Beth Boza, 159 South Parkway Drive

- Wonders if there will be mounding and about the fencing requirement.
 - Ms. Trebellas and Mr. Duffee both state that mounding is not a requirement
- Asks if the 100' setback is from building to property line, goes on to say some of the parking area seems close to property lines which would allow for the lighting to spill over.
 - Mr. Duffee says the 100' is from a building to a property line.
- Would like to know about the allowance for trash enclosures to residential even with screening requirements.
- Asks about the process for sending out notices.
 - Mr. Duffee replies this is a work session so no notices were sent out. There will be notices sent out to adjacent property owners for the Board of Trustees hearing.

Musa Purba, 90 Parkway Drive

- Concerned about two curb cuts entering development from Parkway, one being near his driveway. Wonders if they can do one large entrance instead.

Ben Potter, 270 South Parkway Drive

- States one of the primary objectives of the Route 23 Connect Study is to limit the number of intersections on the Rt 23 corridor. On the most current renderings, Parkway Drive is not even on it. May be an oversight but it's obvious Parkway Drive is not a priority.
- Curious about the number of daily visits.
 - Ms. Taneja says the traffic study will address the number of anticipated visits; noted it's a more specialized super market, not a Kroger level grocery, but will still have a good number of visits.
- Wonders about storm water plan.
 - Ms. Taneja says they are working with Delaware County Engineer on this

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- Ms. Trebellas states the county engineer's office will be dictating those requirements, and whether it will tie-into US-23.
- Asks about nuisance odors from a bakery, restaurant and the dumpster enclosures.
 - Ms. Taneja says smell mitigation not necessarily required.
 - Ms. Trebellas says the dumpster has required screening.
 - Ms. Taneja reiterates, the dumpster has required screening and landscaping.
- Would like to know how the applicant has worked with the township to surpass the minimum requirements.
 - Ms. Taneja replies keeping in mind the adjacency of the residents, trying to meet requirements, with a couple divergences so that it fits into the neighborhood well. We are providing a different experience to the community.

Tim Korona, 200 South Parkway Drive

- Recognizes that the site will eventually be developed, but asks why are we tearing down mature vegetation that provides a nice natural barrier?
- Why are we tearing down green space and not developing other vacant properties along 23 that are sitting empty?

Glen Horn, 230 North Parkway Drive

- There is an enormous amount of noise pollution; he hears the dumpsters being emptied at all hours of the night. Wonders if the hours the dumpsters are emptied be dictated or if there is a noise ordinance.
 - Mr. Duffee states there is a noise resolution in effect.

Ms. Taneja says she appreciates and respects everyone's time and comments. The intention is to grow and add to the community.

Meeting adjourned