

**MINUTES OF THE TOWN PLAN AND ZONING COMMISSION
TOWN OF WOODBRIDGE
REGULAR MEETING OF SEPTEMBER 8, 2009**

A regular meeting of the Town Plan and Zoning Commission for the Town of Woodbridge was held on Tuesday, September 8, 2009, in Woodbridge Town Hall, 11 Meetinghouse Lane, Woodbridge, Connecticut.

ROLL CALL

PRESENT: Jeffrey Kaufman, Chairman; Alan Tyma;
Allen Lipson; Philip DeGennaro and Lawrence Greenberg;

ALTERNATE: Robyn Berke

EXCUSED: Kathleen Wallace and Peggy Rubens-Duhl (alternate)

ABSENT: Akhil Reed Amar (alternate)

ALSO PRESENT: Terry Gilbertson, Zoning Enforcement Officer
Kristine Sullivan, Land Use Analyst
Robert Criscuolo, Commission Consulting Engineer
Linda O'Neill – Recording Secretary, DeeAnn Rich- Training

The meeting was called to order by the Chairman at 7:38 p.m.. Robyn Berke was seated for Kathleen Wallace.

PUBLIC HEARINGS

JAMES AND DIANE URBANO: 245 AMITY ROAD: Application under Section 3.123(2) Table of General use Regulations to amend use of the site to include restaurants.

Commissioner Greenberg recused himself from this application.

Diane Urbano was present to speak on behalf of the application. In her presentation she stated:

- That the Commission had previously approved retail uses for the site.
- She and her husband are now asking to add approval of restaurant uses for the site.
- The Zoning Regulations specifically require the use of restaurants on the abutting property which has been approved for an Active Adult Planned Development.
- It is a logical extension that the retail space at 245 Amity Road also include use of restaurants to allow patrons and employees to be able to eat at the site.
- The complimentary restaurant use on the site would provide a “green” aspect for the site since people would not have to drive offsite to be able to eat.

The Chairman questioned if there was adequate onsite parking for restaurant uses. Terry Gilbertson, Zoning Enforcement Officer, stated that the onsite parking is sufficient, and is actually oversized. He added that under the onsite parking areas are storm water detention chambers.

Mr. Steve Miller, 2 Oxbow Lane, Woodbridge speaking as a town resident and realtor, spoke in favor of the application.
No one spoke in opposition.

There being no further comments from the applicant, the Commission, staff or public, the hearing on the application was closed.

Later in the meeting, following discussion, Commission members acted as follows on the application:

Motion to approve the application under Section 3.123(2) Table of General use Regulations to amend use of the site to include restaurants.

**** Commissioner Tyma moved approval**
**** Commissioner Berke seconded**
**** Voting for: Commissioners Kaufman, Tyma, Berke, DeGennaro, and Lipson**
**** Opposed: No One**
**** Abstained: No One**
**** Recused: Commissioner Greenberg**
Passed by 5-0-0-1 approval

CARL DAVIA, DEVELOPER FOR OLGA V. GALUSTIAN: 140 RIMMON ROAD(hearing re-continuation): Application for a two lot subdivision and associated request for a waiver of the requirement for the provision of an open space set-aside in the subdivision.

Mr. Dirck Goss of Waldo & Associates, LLC, was present to speak on behalf of the application. In his presentation he stated:

- That the property has 5.3 acres and is proposed to be subdivided into two lots.
- They had reviewed the Commission's consulting engineer's comments. He had raised two main issues.
- The first issue was that the front yard set-back was not accurately represented. This has been corrected resulting in the septic plan being revised. That plan has been approved by the Quinipiac Valley Health District.
- The second issue is storm water management. This has been addressed by the installation of two rain gardens.
- The State Department of Transportation also has raised questions about sight lines.
- The Inland Wetlands Agency did not require a permit for the subdivision.
- The Conservation Commission has recommended waiving the requirement for open space contribution.

It was noted for the record that Commissioners Lipson and Kaufman were present at the June 1st meeting when the hearing on the application had commenced and that Commissioners Greenberg, Berke, Tyma, and DeGennaro had seen the DVD of that meeting.

The Chairman questioned if the D.O.T hasn't given its approval, how it that could be handled. Mr. Goss responded that it could be a condition of the subdivision approval. The Chairman asked how many buildings there were with the existing house and if there was

any living space in the garage. Mr. Goss responded that there were two buildings and no living space in the garage.

Commission Consulting Engineer Robert Criscuolo commented for the record stating:

- That there had been several revisions to the project, including stormwater run-off.
- That the rain gardens are designed in accordance with the 2004 Connecticut Stormwater Quality Manual.
- The revised plans now comply with the 125' front yard set back requirement.
- Recommended a \$12,000 bond for the project going forward to secure the installation and inspection of the rain gardens.

Mr. Carl Davia, applicant was also present and submitted a letter from Harry and Maureen DiAdamo, in favor of the application.

Mr. Steve Miller, 2 Oxbow Lane, Woodbridge, questioned who would enforce any restrictions put on the property in the future.

No one spoke in opposition.

There being no further comments from the applicant, his representative, the Commission, staff or public, the hearing on the application was closed.

Later in the meeting, following discussion, Commission members acted as follows on the application:

On the request for a waiver of Open Space Set-Aside:

Motion to grant the waiver based on the Commission's finding that in its judgment the purposes of Chapter VIII of the Subdivision Regulations for the Town of Woodbridge will not be served by the strict enforcement of the open space dedication requirement.

** Commissioner Lipson moved approval of the motion

** Commissioner Kaufman seconded

** Voting for: Commissioners Tyma, Lipson, Kaufman, Greenberg, Berke, and DeGennaro

** Opposed: No One

** Abstained: No One

Passed by unanimous approval

On the application for a two lot subdivision at 140 Rimmon Rd.:

Motion to approve the subdivision application based on the following conditions:

1. *Prior to the Commission's signing of the Subdivision Mylar, the applicant shall furnish proof that the State Department of Transportation has approved the driveway cut for Parcel B.*
2. *Prior to the Commission's signing of the Subdivision Mylar, the applicant shall furnish either written certification by the project Land Surveyor that the required monuments delineating the lot corners have been installed or, shall furnish a completion bond in amount of \$1,600.00, to cover the cost of the installation of the required*

monumentation for the subdivision, in compliance with Chapter V, Section 2 of the Woodbridge Subdivision Regulations. If a bond is provided for the installation of the required monumentation, the bond shall be furnished by cash or certified bank check . The bond shall be released only upon receipt by the Commission of a written request for the release of the bond, accompanied by written certification by the project Land Surveyor that the required monuments delineating the lot corners have been installed.

3. *The record Subdivision Mylar shall be revised to include, as required by Chapter IV, Section 1. (i) of the Subdivision Regulations for the Town of Woodbridge, street numbers assigned in consultation with the Town Assessor for all the new lots in the subdivision.*
4. *The deed for Parcel B shall include a deed restriction approved in form and content by Town Counsel, to provide formal notice to the owner(s) of Parcel B that the rain gardens must be maintained in accordance with Note 15 of the record “Subdivision Plan~Property of Olga V. Galustian, 140 Rimmon Road, Woodbridge, Conn”*
5. *This subdivision approval shall become null and void, if the applicant does not file the Subdivision Mylar in accordance with the timeframe provisions of Section 8-25 of the Connecticut General Statutes*
6. *Pursuant to Section 8-26c. of the Connecticut General Statutes, all work in connection with the subdivision shall be completed by September 8, 2014.*

**** Commissioner Lipson moved approval of the subdivision as conditioned**
**** Commissioner Greenberg seconded**
**** Voting for: Commissioners Kaufman, Lipson, Greenberg, Tyma, DeGennaro, and Berke**
**** Opposed: No One**
**** Abstained: No One**

Passed by unanimous approval

On the request for certification of the sediment and erosion and storm water management plan for the subdivision:

Motion to certify the sediment and erosion and storm water management plan for the subdivision, subject to the requirement that a \$12,000 completion bond in the form of a bank check, be posted to provide bonding of the sediment and erosion controls and storm water management system for the development of Parcel B.

**** Commissioner Kaufman moved approval of the motion**
**** Commissioner Lipson seconded**
**** Voting for: Commissioners Tyma, Lipson, Kaufman, Greenberg, Berke, and DeGennaro**
**** Opposed: No One**
**** Abstained: No One**

Passed by unanimous approval

RECEIPT AND APPROPRIATE ACTION ON APPLICATIONS AND 8-24 REFERRALS RECEIVED SINCE THE JULY 6, 2009 MEETING OF THE COMMISSION CONTINUED ON JULY 20, 2009

- **STEVE MILLER—LEVEY MILLER MARETZ—COMMERCIAL REALTORS**

Preliminary discussion of 1659 Litchfield Turnpike owned by KFP Family Limited Partnership and 140 Bradley Road owned by Perrotti Woodbridge Holdings LLC.

Mr. Steve Miller, 2 Oxbow Lane, Woodbridge, CT spoke on behalf on his clients, KFP Family Limited Partnership and Perrotti Woodbridge Holdings LLC, respective owners of 1659 Litchfield Tpk and 140 Bradley Road.

Mr. Miller described the properties in the vicinity of Litchfield Turnpike and asked the Commission for input regarding future development of the area. The Commission expressed interest in the development of a master plan for the mixed use of the area. The Commission would welcome a plan of development for this area inasmuch as Litchfield Turnpike is the gateway to the community

WORK SESSION: Consideration and appropriate action regarding:

- **SHADY LANE NEIGHBORHOOD ASSOCIATION**
Discussion of concerns regarding the Jewish Community Center's Summer Camp Program

The Shady Lane Neighborhood Association expressed concerns regarding possible zoning violations by the Jewish Community Center. Appearing on behalf of the application were Sheila Wartel, Jay Charkow, Lawrence Wartel, and Elizabeth Hennessey. Among the concerns regarding the neighbors on Shady Lane include use of the summer camp, elimination of certain trees, excessive noise, and litter. Mrs. Wartel submitted a letter to the Commission and Mrs. Hennessey distributed several pictures.

Mr. Scott Cohen spoke on behalf of the JCC. Mr. Cohen said that he had met with neighbors and the camp director at the end of June to discuss the concerns that were expressed. Mr. Cohen indicated that the JCC would be happy to continue discussions with the neighbors.

- **ECONOMIC DEVELOPMENT COMMISSION**
Discussion and appropriate updates regarding joint subcommittees with the Economic Development Commission

An e-mail from EDC Chairman Roger Harrison was distributed. EDC members will attend the TPZ meeting on October 5, 2009.

- **REGULATION REVISIONS:**
Discussion and appropriate action regarding ongoing update of the regulations, including but not limited to signage.

There was a brief discussion of the status of updating the Zoning Regulations – inclusive of possible zoning regulations regarding tree cutting.

Copies of the draft revised regulations prepared by Murtha Cullina will be e-mailed to all TPZ members. Hard copies will be furnished as requested.

Further discussion and appropriate action on regulation revisions was otherwise

deferred until a special meeting of the Commission on October 19, 2009.

- **UPDATE OF TOWN PLAN OF CONSERVATION AND DEVELOPMENT**
Discussion and appropriate action regarding updating the Town Plan of Conservation and Development in particular as it relates to the Town's acquisition of the properties n/f owned by the Woodbridge Country Club.

Note: It was noted that the Conservation Commission would like to participate in any amendment to the Town Plan of Conservation and Development related to the Town owned Country Club of Woodbridge.

CORRESPONDENCE RECEIVED:

Consideration and appropriate action regarding correspondence received since the July 6, 2009 meeting of the Commission, including the following items:

- **Copy of an e-mail to Town Tree Warden Warren Connors from Town Counsel James Perito, and referenced draft ordinance/zoning regulation regarding Tree Cutting which as been referred to the TPZ for comment by the Board of Selectmen's Ordinance Committee.**

ZEO Terry Gilbertson said that soil erosion and sediment concerns are arising from clear cutting lots.

The matter was continued for discussion with Regulation Revisions.

APPOINTMENTS:

- **MEMBER OF THE COMMISSION'S ARCHITECTURAL REVIEW BOARD TO FILL THE VACANCY LEFT WHEN PATRICIA WARREN MOVED OUT OF STATE.**

This matter was continued for further discussion.

- **REPRESENTATIVE TO BUILDING BLOCKS FOR DEVELOPMENT SUBCOMMITTEE FORMED WITH THE ECONOMIC AND DEVELOPMENT COMMISSION**

Consensus to appoint Philip (Buddy) DeGennaro, who volunteered to serve on this subcommittee.

APPROVAL OF MINUTES

- **Regular Meeting, July 6, 2009 continued on July 20, 2009**

** **Commissioner Greenberg moved approval of the minutes as submitted**

** **Commissioner Tyma seconded**

** **Voting for: Commissioners Tyma, Lipson, Kaufman, Greenberg, Berke, and DeGennaro**

** **Opposed: No One**

** **Abstained: No One**

Passed by unanimous approval

- **Special Meeting, July 27, 2009**

** **Commissioner Greenberg moved approval of the minutes as submitted**

** **Commissioner Berke seconded**

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**** Voting for: Commissioners Tyma, Lipson, Kaufman, Greenberg, Berke,
** Opposed: No One
** Abstained: DeGennaro
Passed by 5-0-1 approval**

ADJOURNMENT

**** Commissioner Lipson moved adjournment at 10:02 p.m.
** Commissioner Berke seconded
** Voting for: Commissioners Kaufman, Lipson, Greenberg, Tyma, DeGennaro
and Berke
** Opposed: No One
** Abstained: No One
Passed by unanimous approval**

Accordingly, the meeting was adjourned at 10:02 p.m.

Respectfully submitted,

Ms. DeeAnn Rich
Recording Secretary