MINUTES
WOODBRIDGE TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING OF NOVEMBER 7, 2022

The regular meeting of the Woodbridge Town Plan and Zoning Commission (TPZ) was called to order on Monday, November 7, 2022, at 6:31 pm in the Central Meeting Room of the Woodbridge Town Hall, 11 Meetinghouse Lane, Woodbridge, CT by Chairman Rob Klee.

ROLL CALL
MEMBERS PRESENT: Robert Klee – Chair, Jeff Kennedy, Yonatan Zamir, and Andrew Skolnick
ALTERNATES: Chadi Noujaim and Kathy Hunter
EXCUSED: Paul Schatz
ABSENT: Robert Reed

Zoning Enforcement Officer (ZEO) Kristine Sullivan also participated in the meeting. Hunter voted in place of Schatz and Chadi Noujaim voted in place of Reed.

HEARING CONTINUATION

Luciani Properties LLC: 110 Luciani Road
Special Exception permit per Section 3.3. N of the Zoning Regulations of the Town of Woodbridge for Excavation, Removal, Filling, Grading and Processing of Earth Products to construct two single family residences.

The Chairman opened the recontinuation of the public hearing on the foregoing application. Derek Iwaszkiewicz was present to speak on behalf of the application. It was noted for the record that the following items had been submitted relative to the application earlier in the day to the Commission Office and distributed that evening to the Commission members:

- A two page set of project plans revised to November 7, 2022
- Copy of an inspection report dated January 1, 2016 to VA Vizzo regarding (110) Luciani Road provided by Out on the Limb Tree Service
- Copy of a letter to V.A. Vizzo, LLC regarding the stability of a rock slope at 110 Luciani Road dated November 11, 2015, from Herbert L. Lobdell, P.E.
- Letter to the Commission dated 11/7/2022, from Paul J. Stowell, Land Surveyor, regarding the changes to the project plans revised to November 7, 2022.

Mr. Iwaszkiewicz reviewed the changes to the plans revised to 11/7/2022 with the Commission members. He also responded to questions from Commission members as follows:

Q: No work has been done on the site since the technical analysis dated November 11, 2015, received by the Commission on December 1, 2015, was submitted?
A: No. The application at that time was denied and no work has been since.

Q: How will stormwater be directed to the temporary sediment ponds?
A: The method of directing the water will change as the site is worked.
Q: Has there been a current review of the status of the trees on the site.
A: That is not really in the purview of the Commission, but no updated review has been done. One could be done at the conclusion of the site work when it would be more useful to determine the stability/viability of the remaining trees.

Q: What is going on in the town unimproved portion of the “cul-de-sac” to the subject property line?
A: The Town has no current plans to “finish” the cul-de-sac. Only work related to creating the access to the proposed residences would occur as in the case of any other access across the town owned road right of way.

Jim Pretti, Consulting Engineer for the Commission from Criscuolo Engineering commented on the application including the following:
- He could not comment on how site drainage would get to the sediment traps since no information has been provided. The means of doing so would “morph” in the field as site work progresses.
- A geotechnical report would determine what types of rocks are on the site, and if they were subject to freeze thaw cycles that could result in rocks being split off.
- The addition of the four foot fence at the top of the slope is a safety necessity.
- An arborist would be able to assess the closeness of mature trees to the edge of the cuts on the site as to whether or not they would pose a safety issue to house when built.
- The submitted site plans, (which he had just seen during the hearing), on the second page, did not have standard details specific to how the sediment traps would be constructed and have water directed to them.
- The letter regarding the rock slope being stable is qualified by “Unless it is disturbed” ~ but the slope will be disturbed.
- There would be a value to having an assessment of the type of rock made prior to disturbance, and definitely after work is done. That assessment is not overly complicated.
- The lot drains mostly to Luciani Road and will continue to do so. There is a small section of the site that would drain towards what is shown as “lots” 13 and 14 if it is not controlled.

Commission members commented on the application noting:
- Usually, a sediment trap would be located at the lower end of a site.
- The plans appear to be “Boiler plate” and include errors such as referring to the town of “Milford” rather than “Woodbridge”.

Mr. Iwaszkiewicz then respond to the following additional questions from Commission members:
Q: Was a more detailed response to the Commission’s consulting engineer’s request in his memorandum dated August 25, 2022, item 6 under general comments for a detailed Construction Sequence, Maintenance of Stormwater Structures, and
Maintenance of Sediment and Erosion Controls be added to the plans, other than note # 13 on the revised plans
A: The controls will move as the project progresses.

Q: Would an engineer come out at the end of the excavation to access the stability of the rock/ledge face.
A: Yes

Q: If asked to have an updated assessment of the rock/ledge face done now, is the applicant opposed to having that done.
A: It could be done now, but typically it is done at the end of the excavation.
Note: Commission Consulting Engineer Jim Pretti noted that he had raised the issue because of the closeness of the rock to the proposed houses.

Q: There have been no flooding issues due to work on the site.
A: There have been no flooding issues.

Commission members then directed questions to Commission Consulting Engineer Jim Pretti, including the following:

Q: Is there a value to having more details on the plan
A: Yes, more detail was requested, and it is not on the plan. There needs to be a narrative describing how site work will proceed and control measures implemented.

Q: Do sediment traps move in the course of a project?
A: Yes
Note: Mr. Iwaszkiewicz said that he would be happy to address details in a letter. The intent is to build affordable single family homes.

Q: Is more time needed to review the plans that were submitted earlier in the day?
A: The last review letter, dated 10/31/2022, listed a few items that needed to be addressed, and the addition of notes to the plans. Some of those items have not yet been addressed.
Note: Mr. Iwaszkiewicz noted that he could submit a narrative as requested and address how runoff would be handled during construction.

Q: How would the rock be “removed”?
A: With a big hammer, which is an accepted building process. That process does not require monitoring as would be needed with the blasting. Most of the work on what is shown on the plans as “Lot 16” has been done.

There being no further questions or comments by the Commission members, the Chairman then moved to the public comment portion of the public hearing. Members of the public were asked to keep their comments to three minutes. At this time in the public
hearing the following members of the public spoke noting.

**Randolph Zichichi: 90 Luciani Street**
He was a senior with health issues.
Believed use of a “hammer” would be an exploitation and destruction to the neighbors on a daily basis.
Renters ruin property values.
The amount of disruption (from the project) is too much to ask.
One neighbor is within a yardstick of the property.
The original subdivider/developer would have built on the property if he could have.

**Deborah Zichichi: 90 Luciani Street**
Questioned if Commission members had physically looked at the site.
The site is rock with rock, trees, and dirt above
The site had the potential for damage if a heavy storm occurred.
There is a residence in the neighborhood with severely autistic children who would be impacted by the site work.
Expressed concern about traffic concerns due to the use of heavy trucks.

**Rosalie Rowland: 102 Luciani Road**
Submitted a letter for the hearing record. (Copies were distributed to all Commission members).
The original subdivider/developer would have built on the property if he could have.
Questioned who the partners and financers of the project were.
Hammering was/will be terrible.
Snow removal will be a problem.
The site is not feasible to build – it disrupts the neighborhood.

There being no further comments from the public, the Chairman asked if there was any interest by Mr. Iwaszkiewicz or by the Commission members in holding the hearing open. There being none, the Commission then acted as follows to close the public hearing.

*** Skolnick moved in to close the public hearing on the subject Application at 7:51 pm.
*** Zamir seconded
*** In Favor: Klee, Skolnick, Zamir, Kennedy, Hunter and Noujaim.
*** Opposed: No One
*** Recused: No One
*** Abstained: No One
Unanimous vote of approval.

NEW BUSINESS

**Anthony J. and Patricia Santagata: 9 Manila Avenue**
Application for three lot subdivision
The application submitted by Anthony J. and Patricia Santagata for a three lot subdivision of their property located at 9 Manila Avenue was formally received by the Commission. Commissioner Skolnick recused himself from the application.

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Attorney Dominick Thomas and Project Engineer Fred D’Amico were both present to speak on behalf of the application and noted the following regarding the application:

- No open space is being offered since the lots are small, 4000 sq. ft. in area, and the property is directly across from a public park.
- The property is currently occupied by a two family house.
- The property would be divided into three lots, with the existing house on the “center” lot.
- The proposed lots, including required setbacks for the existing house, are all Zoning compliant.
- The property is basically flat.
- The property is served by public sewers and public water.
- Detention galleries have been provided for storm water on each lot under the parking areas for each lot.

*Note: In response to a question from a Commissioner, it was explained that detention galleries are concrete structures placed in the ground into which the roof leaders are directed. The concrete structures are perforated, to allow the storm water to seep into the ground.*

- Parking access to the existing dwelling would be from South Bradley Road. Four parking spaces would be provided.
- For the new dwellings, which would be duplexes, one parking space would be provided in a garage “under” for each unit, and one space provide outside for a total of two spaces for each dwelling and four spaces for each duplex.
- The duplexes would not be deed restricted to make them affordable.
- The units would be similar in size to what has/will be constructed recently off of Merritt Avenue.

Appropriate action on the application was deferred until the Work Session portion of the evening’s meeting. At this time there was a brief recess in the meeting.

**Litchfield Turnpike LLC: 10 and 14 Merritt Avenue**

**Application for fifteen lot subdivision**

The application submitted by Litchfield Turnpike LLC, for a fifteen lot subdivision of the LLC’s property located at 10 and 14 Merritt Avenue was formally received by the Commission. Project Engineer John Paul Garcia was present to speak regarding the application. Commissioner Skolnick recused himself from this application.

In his presentation and in response to questions by Commission members regarding the application, Mr. Garcia noted the following:

- The parcel to be developed is 3 acres in area.
- It is on the east side of the West River.
- Twelve new duplexes would be constructed.
- A permit for the development has been issued by the Woodbridge Inland Wetlands Agency. (Copies of that permit were distributed to the Commission members.
- The property is serviced by public sewers and public water.
• Approval for the sewer tie-in has been received from the Greater New Haven Water Pollution Control Authority (GNHWPCA).
• The property is in the T-3D Zone, where the minimum size lot is 4000 sq. ft. in area.
• The proposed lots vary in size from 5700 sq. ft. to over 16,000 sq. ft.
• A traffic study was done and submitted.
• A sewer study was done and submitted.
• The development complies with the Town Plan of Conservation and Development.
• Each individual duplex unit would have 1400 sq. ft. of living space on two floors.
• Two interior garage parking spaces would be provided for each unit, and two exterior parking spaces.
• The subdivision road would be 450’ in length with a cul-de-sac.
• In discussion with the Woodbridge Conservation Commission, open space will be provided along the West River from the New Haven town line to Merritt Avenue.
• The units would not be sold, but developer owned and rented.
• The project would take between twelve to eighteen months to complete, including a brand new sewer line.
• The units would not be affordable as allowed by Connecticut General Statute Section 8-30.g
• There could be on street parking, but that would be a decision of the Police Commission.
• 22 and 24 Merritt Avenue, which were previously developed by the applicant are rentals. Likewise, 12 and 14 Merritt Avenue which are currently under construction will also be rented. They will be tied into the sewer and water system installed with the subdivision Road.

Appropriate action on the application was deferred until the Work Session portion of the evening’s meeting.

WORK SESSION
Litchfield Turnpike LLC: 10 and 14 Merritt Avenue
Application for fifteen lot subdivision
Staff noted that under State Statute, subdivisions do not require that a public hearing be held. However, given the size and scale of the subdivision, it was recommended that a public hearing on the application be held by the Commission. Because the property is adjacent to the city of New Haven, the application will have to be referred to the Regional Planning Commission (RPC) of the South Central Regional Council of Governments. The RPC meets the second Thursday of each month, so the application would not be discussed by the RPC until the RPC’s regular meeting on December 8th. It is therefore recommended that if a public hearing is held, that it be at the Commission’s regular meeting on Tuesday, January 3, 2023, to allow time for receipt of comments from the RPC.
Staff also recommended that the submitted Traffic Study be referred for a peer review. It was the consensus of the Commission members to have a peer review done. Following discussion, the Commission then acted as follows to schedule a public hearing on the application.

*** Klee moved to schedule a public hearing on the application of Litchfield Turnpike LLC for a fifteen lot subdivision of property of the LLC located at 10 and 14 Merritt Avenue for the Commission’s regular meeting on Tuesday, January 3, 2023

*** Zamir seconded
*** In Favor: Klee, Skolnick, Zamir, Kennedy, Hunter, and Noujaim.
*** Opposed: No One
*** Recused: No One
*** Abstained: No One
Majority vote of approval.

Anthony J. and Patricia Santagata: 9 Manila Avenue
Application for three lot subdivision

Staff again noted that under State Statute, subdivisions do not require that a public hearing be held. In discussion Commission members noted the proximity of the subject application property to the property of the Merritt Avenue subdivision application and given that that it might be appropriate to also hold a public hearing on the 9 Manila subdivision application. Commissioner Hunter noted that one of the impediments to creating housing opportunities in the state was “barriers” that delay housing projects from being processed in an expeditious manner.

At the conclusion of discussion, the Commission members acted to schedule a public hearing on the subject application as follows:

*** Kennedy moved to schedule a public hearing on the application of Anthony J. and Patricia Santagata for a three lot subdivision of their property located at 9 Manila Avenue for the Commission’s regular meeting on Monday, December 5, 2022

*** Klee seconded
*** In Favor: Klee, Skolnick, Zamir, Kennedy and Noujaim.
*** Opposed: Hunter
*** Recused: No One
*** Abstained: No One
Majority vote of approval.

Rimmon Road LLC c/o Gary Greco: 356 Rimmon Road
Application for a three lot subdivision with open space

Project Engineer Alan Shepard of Nowakowski, O’Bymachow, and Kane was present on behalf of the applicant. Staff noted that since the Commission’s last meeting that the following items had been received and distributed to the Commission members relative to the application:

- Written comments on the application from John Hutchinson, who resides at 344 Rimmon Road.
• A letter from the Regional Planning Commission of the South Central Regional Council of Governments.
• Comments from the Regional Water Authority.
• Comments from the Quinnipiac Valley Health District.
• Comments from the Valley Council of Governments.
• A letter from Woodbridge Conservation Commission Chair Tim Austin.

Mr. Shepard noted that in response to discussion with the Conservation Commission, that a pedestrian easement across Lot #1 to the adjoining Town owned property at 312 Rimmon Road would be provided in addition to the dedicated open space set aside in the subdivision.

There was a discussion with staff about the process of determining what, if any, open space would be provided in a subdivision or resubdivision. At the conclusion of discussion, Commission members acted to approve the subdivision via the following motion:

*** Skolnick moved to approve the application of Rimmon Road LLC c/o Gary Greco for a three lot subdivision with open space of property of the LLC located at 356 Rimmon Road, Woodbridge, Connecticut.

The subdivision approval is based on the following plans prepared by Nowakowski, O’Bymachow and Kane, entitled and dated:

- Sheet 1 – “Subdivision of Property, Prepared for Rimmon Road, LLC, 356 Rimmon Road, Woodbridge, Connecticut”, Scale: 1” = 100’; Dated May 10, 2022, revised to Oct. 25, 2022;
- Sheet 2 – “Overall Site Plan, Prepared for Rimmon Road, LLC, 356 Rimmon Road, Woodbridge, Connecticut,” Scale: 1” = 100’; Dated May 10, 2022, revised to Oct. 25, 2022;
- Sheet 3 – “Site Plan – Lot 1, Prepared for Rimmon Road, LLC, 356 Rimmon Road, Woodbridge, Connecticut,” Scale: 1” = 100’; Dated May 10, 2022, revised to Sept. 12, 2022;
- Sheet 4 – “Site Plan - Lot 2, Prepared for Rimmon Road, LLC, 356 Rimmon Road, Woodbridge, Connecticut,” Scale: 1” = 100’; Dated May 10, 2022, revised to Oct. 25, 2022;
- Sheet 5 – “Site Plan – Lot 3, Prepared for Rimmon Road, LLC, 356 Rimmon Road, Woodbridge, Connecticut,” Scale: 1” = 100’; Dated May 10, 2022, revised to Oct. 25, 2022;
- Sheet 6 – “Soil and Erosion Control Plan, Prepared for Rimmon Road, LLC, 356 Rimmon Road, Woodbridge, Connecticut”, Scale: 1” = 100’; Dated May 10, 2022, revised to Oct 25, 2022;
- Sheet 7 – “Sight Line Map for Lot 1, Prepared for Rimmon Road, LLC, 356 Rimmon Road, Woodbridge, Connecticut”, Scale: 1” = 100’; Dated May 10, 2022, revised to Sept. 12, 2022; and
- Sheet 8 – “Site Line Map for Lot 2 and Lot 3, Prepared for Rimmon Road, LLC, 356 Rimmon Road, Woodbridge, Connecticut”, Scale: 1” = 100’; Dated May 10, 2022, revised to Sept. 12, 2022.

In accordance with Connecticut General Statute Section 8-26c, all work in connection with the subdivision shall be completed within five years.
after the approval of such plan for the subdivision. This expiration date shall be November 7, 2027. The mylar for the approved subdivision shall be filed or recorded on the Land Records of the Town of Woodbridge in accordance with Section 8-25 of the Connecticut General Statutes. Failure to file or record the subdivision plan in the time prescribed by CGS 8-25 shall result in the subdivision approval becoming null and void.

*** Zamir seconded
*** In Favor: Klee, Skolnick, Zamir, Kennedy, Hunter and Noujaim.
*** Opposed: No One
*** Recused: No One
*** Abstained: No One
Unanimous vote of approval.

Luciani Properties LLC: 110 Luciani Road
Special Exception permit per Section 3.3. N of the Zoning Regulations of the Town of Woodbridge for Excavation, Removal, Filling, Grading and Processing of Earth Products to construct two single family residences.

The Commission members discussed the application noting concerns including:

- The lack of a narrative regarding erosion controls
- The lack of updated information regarding the onsite trees and geotesting of the rock/ledge.
- The struggle of rights for a property owner under the zoning regulations while balancing disturbance to neighbors.
- The impact of the excavation activity on the neighbors.

At the conclusion of discussion, the Commission members acted to deny the application per the following motion:

*** Klee moved to deny the application of Luciani Properties LLC for a Special Exception permit per Section 3.3. N of the Zoning Regulations of the Town of Woodbridge for Excavation, Removal, Filling, Grading and Processing of Earth Products to construct two single family residences on property of the LLC located at 110 Luciani Road, because despite requests by the Commission and Commission’s consulting engineer, the applicant did not provide:

- A geotechnical analysis and report on the existing rock slope due to its potential to cause damage to the parcels themselves and the neighboring properties, and the potential to endanger public health and safety during the demolition of the rock slope.
- An updated arborist report regarding the existing trees on the site and their potential to be affected by the proposed site work.
- A narrative describing how runoff will get into the temporary sediment traps during the construction period and details of the temporary sediment trap construction.

*** Kennedy seconded
*** In Favor of the motion to deny the application: Klee, Skolnick, Kennedy, Zamir, Hunter and Noujaim

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*** Opposed: No One
*** Recused: No One
*** Abstained: No One
Unanimous vote of approval.

**Discussion and appropriate Action regarding cleanup of Zoning Regulations**
The Commission members will individually review the draft “cleanup” of the Regulations prepared by Glenn Chalder for the Commission’s regular meeting on November 7, 2022 for discussion and appropriate action at that meeting.

**Discussion and appropriate Action regarding action on cannabis regulations**
Discussion on this item was deferred until the Commission’s regular meeting on November 7, 2022.

**Report Regarding the Regional Planning Commission of the South Central Regional Council of Governments (SCRCOG)**
Commissioner Skolnick reported that at the October 13, 2022, meeting of the Regional Planning Commission of SCRCOG, that the RPC had determined that all of the following Action Items did not have any intermunicipal impacts, or adverse impacts to Long Island Sound:

- City of New Haven: Proposed Text Amendment to the Site Plan Review section of the Zoning Ordinance.
- Town of Orange: Proposed Regulation Amendment – Self Storage Facilities.
- Town of Hamden: Addition of Section 678 – Adult-Use Cannabis.
- Town of East Haven: Petition for Text Amendment to Zoning Regulations.

**Report Regarding the Housing Committee**
Commissioner Hunter reported regarding the Housing Committee and requests from that Committee to the Commission discussed at the Committee’s meeting on November 2, 2022. In her report Hunter noted:

- Following the Board of Selectmen’s adoption of the Affordable Housing Plan which had been prepared by the Committee when it was titled the Housing Opportunity Study Committee, the Committee had been renamed to be the Housing Committee and recharged.
- Reviewed the charge of the renamed Committee
- The Committee was requesting that the TPZ amend the Town Plan of Conservation and Development (TPCD) to include the adopted Affordable
Housing Plan and as appropriate amend the housing section of the TPCD to be in harmony with the adopted Housing Plan.
- Amend Section 3.4 of the Zoning Regulations to allow Opportunity Housing in the DEV-1 Zone.

**Report of the Zoning Enforcement Officer**

The ZEO had nothing to report.

**CORRESPONDENCE RECEIVED:**

Notice had been received of a proposed modification of the wireless telecommunications facility on the existing monopole structure at 77 Pease Road by AT&T.

**APPROVAL OF MINUTES**

Action regarding the minutes of the Regular Meeting on September 6, 2022, and the Regular Meeting on October 3, 2022, was deferred until the Commission’s regular meeting on December 5, 2022.

**MEETING ADJOURNMENT**

*** Zamir moved to adjourn the meeting at 10:01pm
*** Skolnick seconded
*** In Favor: Klee, Skolnick, Kennedy, Zamir, Hunter, and Noujaim
*** Opposed: No One
*** Recused: No One
*** Abstained: No One

Unanimous vote of approval.

Accordingly, the meeting was adjourned at 10:01 p.m.

Respectfully submitted,

Kristine Sullivan,