

**MINUTES OF THE TOWN PLAN AND ZONING COMMISSION
TOWN OF WOODBRIDGE
SPECIAL MEETING OF JUNE 27, 2016**

A special meeting of the Town Plan and Zoning Commission for the Town of Woodbridge was held on Monday, June 27, 2016, in the Senior Center Cafeteria, 4 Meetinghouse Lane, Woodbridge, Connecticut.

ROLL CALL

PRESENT: Jeff Kaufman, Chairman, Allen Lipson, and Alan Tyma
ALTERNATES: Stephen Skowronek and Andrew Pels
EXCUSED: Lawrence Greenberg, Kathleen Wallace, and Andrew Skolnick
ALSO PRESENT: Terry Gilbertson - Enforcement Officer

The Chairman called the meeting to order at 7:36 p.m. Mr. Skowronek was seated for Lawrence Greenberg in his absence. Mr. Pels was seated for Kathleen Wallace in her absence.

PUBLIC HEARING CONTINUATION

WOODBIDGE VILLAGE ASSOCIATES, LLC

Application for proposed changes to the Zoning Regulations to allow an alternative housing planned development.

The application was formally received by the Commission at the April 11, 2016 meeting.

Attorney John Knuff, on behalf of Woodbridge Village Associates, LLC, along with his client, Steve Wise, Principal of the Woodbridge Village Associates, LLC, Jonathan Perkins, Michael Galante, Traffic Consultant, and Michael Goman, Principal with Goman and York Property Advisors were present to discuss the application. Mr. Knuff noted that the presentation would begin with Jonathan Perkins, one of the Principals in the LLC.:

Mr. Perkins, who is a longtime Woodbridge resident, noted that they are seeking the proposed changes to the Zoning Regulations to lift the age restriction because the banks are less likely to lend real estate development money with restrictions, presumably because it narrows the field of potential buyers. Banks were freely lending in the real estate arena when they originally proposed and were approved for this project which was right before the housing crisis. Now, the picture has changed. It has been decided that they will restrict the development to owner occupied only. Also, they have requested another amendment to the board which is that the number of three-bedroom units be capped at 5% of all of the units unless it was age-restricted. Mr. Perkins then added that they want to get this built and believe that it will be great for the town.

Attorney Knuff addressed the Commission noting that he had handed out a revised proposed regulations amendment sheet that show the changes that Mr. Perkins articulated. This would limit the number of non-age-restricted three-bedroom units to seven, to minimize family size of residents, and would make the units owner-occupied condominiums instead of rentals. The other units are one and two-bedroom.

Attorney Knuff then introduced Michael Gorman who is an expert and was present to talk about school children and what we can foresee with this type of development based

upon his extensive research.

Chairman Kaufman noted that if the developer was making changes to the approved plan, including the mode of ownership of the units, they would need to file a new application according to the advice from town attorney Jerry Weiner. Technically, you are changing the application and need to submit a new plan. Attorney Knuff responded that this is a highly unusual interpretation of the law and that he will speak with Attorney Weiner.

Michael Goman, Principal with Goman and York Property Advisors, East Hartford, CT, gave a PowerPoint presentation to the Commission showing the town, as well as the state and the nation are aging and while the median age in the United States was 28.1 in 1970, it has risen to 40.3 in 2014. Mr. Goman also showed data that people are having fewer children and the traditional household is on the decline, with more single-parent homes. Renter occupied/multi-family tends to be on the lower. The reality is that when people decide to have a family, they want to buy a home so they get out of the renter occupied situation as much as they can and they tend to buy a home. Based on the number of bedrooms and the trends, the most school children this 134-unit development would bring would be about 28, but more likely would be 22-25.

Commissioner Kaufman questioned how any of the data is relevant to Woodbridge and spoke of other surprise enrollment increases the town has seen in the past when data had predicted otherwise. In addition, if the single-parent data did apply to the town of Woodbridge, a two-bedroom would be perfect for that scenario.

Mr. Goman explained to the Commission how the data is collected and presented.

Steve Wise, Woodbridge LLC Associates, addressed the Commission regarding questions of the chart provided already showing the number of units each for the project. Mr. Wise said what they tried to do was to back into a reasonable assumption as to distribution of units so they had a meeting with the neighbors; we heard their concerns and limited the three-bedroom units to seven that were not age-restricted. By definition, everything else would have to be less and we limited the one-bedrooms, which would also not be major generators of children based upon the studies, to about twenty percent of units. Just to make an assumption as to a distribution of one-bedroom units, we do not have plans. We made an assumption, because it is actually a very reasonable assumption which was to go heavier on the two-bedrooms to give you a larger estimate of the potential school impact from this development.

Michael Galante, Traffic Consultant from Frederick P. Clark Associates, Inc, Fairfield, CT, was in attendance to present his traffic study to the Commission. Mr. Galante said that they were retained several months ago to look at this development for one very specific reason which was to provide the comparison between an age-restricted development and a development of the same type of unit that is not age-restricted and the increase in traffic. To do that they provided a letter dated May 5, 2016 which summarized how they came up with the estimates of the traffic, restricted vs. non-restricted as far as age of residents. The ITE trip generation handbook is used to retain this information which is approved by the CT Department of Transportation. Mr. Galante added that based on his experience, he feels very comfortable with these numbers, especially residential.

Chairman Kaufman noted that the traffic study should be redone because it is now outdated. There is a huge traffic problem in this area which isn't being taken into account.

The Commission was reminded by Attorney Knuff that they were there for a zone change and not to revisit the original application.

Commissioner Tyma discussed the concern that the units could be purchased as

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owner occupied and then be rented. Attorney Knuff responded that is a right anyone has.

The Chairman asked if anyone was present that wanted to speak in favor or opposition of the application. Present to speak in opposition of the application were:

Frank DeLeo, 19 Newton Road, informed the Commission that a petition was submitted by the residents to them which contains over 250 signatures, strongly urging denial of the proposed change and read, in part “To allow Woodbridge Village Associates to remove the active adult (AAPA) housing planned developments would cause serious harm to the welfare and quality of life of the entire town and especially those residents living nearby with increased traffic to the two main roads, namely Litchfield Turnpike (Route 69) and Amity Road (Route 63) with increasing needs for other town services such as police, fire, public works and the school system. Adding to the already horrific traffic is the state DOT plans to do major road work to Litchfield Turnpike, the highway ramps and adding a third tunnel in 2018. The town is not equipped to handle more traffic nor other social services due to the increased population that will result if the developer is allowed to make significant changes to his original and approved housing development from 2006.” Mr. DeLeo then expressed his concerns with the school system.

Ellen Scalettar, First Selectman for the Town of Woodbridge, was present before this Commission for the first time regarding a zoning matter but felt compelled to speak on the matter of this application and stated that it is her view that the current application to remove this age restriction is contrary to the welfare and best interest of our town and believes that this application should be denied. First Selectman Scalettar believes in the end it would have a negative financial impact to the town. The cost for educating the increased student body and the cost in dealing with the increased traffic and traffic accidents would cause an undue burden on our residents. Selectman Scalettar discussed the traffic outlook and the different projects already projected which will cause more traffic issues in this area and noted how this area is known for its high rate of auto accidents.

Dorothy Martino, 38 Merritt Avenue, voiced her concerns on the impact of the school system and asked the Commission to deny the change in this application.

Sheila McCreven, 63 Center Road, discussed with the Commission the complications with the math when doing impact of student enrollment on the school district with the growing projections for the Town of Woodbridge and presented to the Commission some documents regarding this and urged the Commission to take a very good look at the demographics.

Warren Luciani, 21 Lawrence Street, gave some insight on why this was a 55+ community and why they did what they did when he was on the Commission when this application was originally approved and how the traffic issues played a role in this decision making.

Mingjun Yuan, 23 Manila Avenue, expressed his concerns with the increase in students and the negative effects on the educational system this would bring and also his concerns with the increased traffic issues.

Ernest Britton, 1800 Litchfield Turnpike, expressed his concerns with the impact on the school system, the possibility of an increase in crime which would cause an increased burden on the police, and the negative effects on the taxpayers.

Jim Wilson, 8 Fairview Road, noted that he is in opposition of this application and discussed the concerns that the units will be purchased as owner occupied and then rented out and suggested the different options that can be added, such as putting restrictions that the owner has lived in it for a certain numbers of years before it can even be considered to let you rent it out to prevent this from happening.

Beth Walter, 66 Luciani Road, presented the Commission with a letter and read it for the record. The letter discussed how it is prudent in light of this application to change the zoning regulations and asks this Commission to ask the various town departments for their input as to the potential effects living in this age restriction would have on their ability to meet the needs of the town and to have them submit written reports. Ms. Walter also asked that an independent traffic study be done.

Roger Sherman, 5 Fairview Road, asked the Commission to listen to the residents and deny this application.

Dorothy McCrum, 3 Alling Avenue, who has been a school bus driver for 40 years in the town, discussed how this area already has the highest concentration of children per square foot and how she is concerned with how many more children would be added to the schools. Ms. McCrum feels that the traffic report presented this evening is not reflecting the Litchfield Turnpike traffic. She has sat in traffic for over 25 minutes to move a ½ mile in the early morning hours in this location. Ms. McCrum then suggested the applicant consider little villages with mini-homes rather than condos.

Marilyn Schatz, 35 Country Club Drive, discussed her concerns with how this will put a tremendous burden on the school system.

Rosalie Rowland, 102 Luciani Road, expressed that she is against this application and feels that the residents should not have to help the applicant with their financial gain and feels that what would be best for Woodbridge would be the 55+ community.

Mary Wilson, 8 Fairview Road, discussed how the 55+ community is accepted by the residents and feels that the Commission has a good feel of what the residents are concerned about and hopes that they take into consideration all of the financial problems that would come with this application if approved.

Chuck Pyne, 162 Center Road, expressed how the data and projections of how the school population would be effected in the past has been proven to be wrong time and time again and feels you have to account your knowledge of Woodbridge and recent Woodbridge history to discount a lot of that data and feels if the age restriction is removed that it will be a bonanza for the folks who are just over the line to get into our school system and this needs to be taken into consideration when the Commission makes its decision.

David Konner, 12 Manila Avenue, discussed his concerns with the information being used from 10 years ago for the school study and voiced his concerns with the increased traffic.

Michael D. Broderick, 5 Old Still Road, and former Commission Member, feels that the Commission has to consider this whole town with this project and should be very thoughtful in their approach and added that they should not be having competing projects going on between a private developer versus the Country Club and a town development. We want to have a development that works.

Diane Urbano, 52 North Pease Road, expressed that she is in favor of the opportunity to consider development in this parcel and was always in favor of a development in that area but not a 55+ community. The feeling is that 55+ communities, in my own opinion, are best successful when they accommodate all of us. Lifting this restriction doesn't prevent 55+ from buying them. Any development is going to put some stress on the economics of the town but if it's a good one, tax revenue exceeds expenses.

Attorney Knuff then gave a short summary and discussed how they felt that they were invited to come back and try again. This approval is eight years old and we have had numerous meetings with various town officials to find a way to resuscitate this project. We read carefully your Town Plan of Conservation and Development. We went through in great detail your Home Village report. We understood at the meeting last May that there were certain things that this Commission and your Staff were concerned with. All of those things that were concerns, we did not ask for in this regulation amendment. We understand that this is a change but it is a change that is for the better. We feel that we have done all that we can and met you more than half way and don't know what else we can do.

Chairman Kaufman discussed how when putting together the Town Plan of Conservation and Development it was decided that a 55+ community would be a good choice for this area. Chairman Kaufman added that as of now there is no approved project on the Woodbridge Country Club property.

Mary Wilson, 8 Fairview Road, spoke again and added that this project was approved as it was stated which was a 55+ community. The people agreed to this. The Commission agreed to this. It doesn't talk about playgrounds for children. That is a whole different project.

At the conclusion of the discussion, it was the consensus of the Commission to continue this Public Hearing until the next regular meeting to be held on July 5, 2016.

Between hearings there was an intermission.

JEWISH COMMUNITY CENTER: 360 AMITY ROAD
Application for modifications to the special permit for use of the day camp pool and buildings.

Thomas Lynch, Attorney from Lynch, Trembicki and Boynton, representing the JCC was present to speak on behalf of this application and presented as follows:

- On June 6th there was a presentation by Marc Cote, Acoustical Engineer, and the focus on a lot of the comments was relative to the emphasis of his report being done on the picnic area and not the pool area.
- The application before the Commission tonight is to amend the permit as it relates to the pool and there were certain questions raised as to what proposals we intend to present to you to address the noise concerns from the pool area because that is where the increase in activity would be.
- Copies of Mr. Cote's amended report were distributed to the Commission over a week ago and a copy was also forwarded to Attorney Timothy Lee per his request and he has submitted his comments and concerns.
- The one thing that needs to be stressed is that we would really like tonight to focus on Mr. Cote's recommendations as to negating sound and structural amendments because I think that was what a lot of the concerns were at the last meeting.

Marc Cote, Principal with Cote Acoustical Consulting, was present to present his amended sound mitigation plan and stated the following:

- At the last meeting our focus was on the picnic area.
- This new report now addresses both the picnic area and the pool area.
- The JCC asked Mr. Cote to provide recommendations on how to achieve sound mitigation in both of these areas.
- In the pool area right now there is a substantial fence built on top of a 3'-4' tall berm.
- It is composed of tongue and groove planks with areas of wholes at the bottom base area and there are sections to the North West where there's a large drop in the fence as it turns towards the out building. With these imperfections, it could be a much more effective barrier if these imperfections were not present.
- With what is proposed we want to reduce the sound levels by at least 5 dBA which was the same as presented at the last meeting.
- It is recommended to increase the height of this fence to 10' with sound absorptive panels in two locations which will be a very prominent reflector of sound.

Mr. Cote discussed the calculated barrier insertion losses with the Commission as per his breakdown in his letter and sketches submitted to them which were dated June 15, 2016, page 3 and 4, Table 1, showing what is anticipated for all residences located along the west property line and what they will experience and also what the residents further to the west, north and south will experience based on the increase in the barrier height to 10'.

- There is an extension of the fence on the East side of the out building.
- Unrelated to the pool activities and related to the camp activities, there are some picnic tables that are located between the pump house and the West berm that are used by campers. I suggested they put another barrier in as shown in the report. To prevent sound from bouncing off the building itself and jumping over the fence we can add sound absorptive panels to the face of the building on the West side.

- These calculations are based upon assumptions that we have a perfect barrier at the existing height.
- At the picnic area we propose the same as we did at the last meeting which is to heighten the barrier and move all of the tables as close as possible to that barrier so that way it is more effective.
- In SK-01 there are two fences that are currently 5'-8" and 6'. We are proposing to increase the heights of these fences to 9 feet and then add a fence connecting those two to prevent sound from wrapping around and to protect residents to the south which includes 127 Pease Road where we have a barrier extension that will be perpendicular to the property line which will also be 9 feet.
- The area that is shown along the West barrier, that is the location where we will move all of the picnic tables to.
- There will be some additional benefit that was not included in the chart provided because they are trying to be conservative.
- Some assumptions that were made while performing this analysis were the pre-existing conditions.
- Calculations for the picnic area are for groups of children at a seated height of 3.5 feet evenly distributed along the tables in the location shown on SK-01 but closely approximated by placing them into equal groups at 6, 10, 18, and 22 feet away from the west barrier.
- Calculations for the pool area assume a conservative standing height of 5 feet evenly distributed within the pool area surrounded by chain link fence in equal groups positioned at 30, 60, 90, and 120 feet away from the west barrier.
- Barrier insertion losses were calculated in third octave bands using the widely accepted Fresnel Number method of calculation which well-represents the performance of a thin flat barrier.
- As the overall A-weighted barrier insertion loss performance of a barrier will depend on the spectral balance of the sound source, we needed to assume a sound spectrum of the human voice. We used the source spectrum for children vocalizing loudly as referenced from a paper prepared by the US Environmental Protection Agency in 1977, titled Speech Levels in Various Environments.
- The sound reductions will be perceived as being 25-30 percent less than the original sound.

Timothy Lee, Attorney with the law firm of Fascano, Ippolito & Lee, New Haven, CT, who represents the Shady Lane/Pease Road neighbors, with respect to this application noted that present this evening is their Acoustic Engineer, Nathaniel Flanagan from Brooks Acoustics Corporation to present his findings. Mr. Flanagan presented as follows:

- He was contracted to go out today and take readings at the 16 Shady Lane neighborhood and by the JCC camp while it was in operation.
- Mr. Flanagan took 2 separate measurements, one was 47 ½ minutes and one was 15 minutes.
- On both of these measurements there were multiple occasions that exceeded the 55 dBA city ordinance limit for daytime hours and it even went up as high as 59 dBA from the shouting and yelling of the children and counselors.
- Usually on the first day it is less active. There were no megaphones being used

that I heard and that is expected to be used in the future.

- That 59 dBA is expected to rise with that.
- As it is now the camp is in violation of the city ordinance and we would expect something similar at night.
- As far as the proposed changes to that area there will be people running around in that picnic area and at different heights, not just people sitting down, so the barrier calculations with the sources of the barrier distance is one of the keys to understanding how much reduction you are going to get from the barrier so that is a very important variable that we have to understand. It's something that is hard to quantify in terms of how much that barrier is going to do with so many people running up and down the pool.
- Another big thing that we really need to look at is the amplification system that they use at the pool. It is potentially 7-8 feet higher than the kids so the barrier will be less effective due to the change in height and if you expect the speakers to be louder than the children, you could see a level of at least 65 dBA at the 16 Shady Lane property.
- It is our professional opinion that this will have a negative effect on the surrounding neighborhoods.
- We would recommend that there be changes to this and that the heights be closer to a 20 foot barrier, doubling the thickness from 1 ¾ to 2 ¾ plywood board, and having somebody consistently go out to make sure that there are no cracks in whatever material they use so that the sound doesn't go back through again.

The Commission then discussed what was presented with Mr. Cote and Mr. Flanagin regarding the comparisons of the data provided.

Chairman Kaufman questioned if the neighbors were in favor of a 20 foot fence. Mr. Flanagin replied that he would not be at liberty to answer that for them but he is recommending that something more extreme than the 10 foot fence be installed and that better actions are needed.

Attorney Lee then spoke again regarding two thoughts that he had. One being that right now the pool is not being used during the evenings, and it is not used on the weekend so we are actually going to be increasing the noise level for the residents on weekday nights and on weekends. Secondly, with regard to the discipline levels, the actual measure at 16 Shady Lane today was above the noise ordinance for amplified noise and hopes that the Commission will take that into consideration when they render their decision.

Attorney Lee then acknowledged that the Commission has spent a lot of time on this application and that he certainly appreciates that time and the encouragement they have made for the two parties to come together to try to reach a resolution of this case. What he wants to remind the Commission is that the proof is in existence right now as a result of an agreement reached between the neighbors and the JCC back in 1994 and 1995 when the JCC first came before this Commission with this application the neighbors opposed it. The neighbors and the JCC met to try to work on their differences and they came back in December of 1994 in support of the application because the JCC agreed to limit the hours of

operation to camp time only and agreed to not have evenings and not have weekends. The neighbors are entitled to live with what they bargained for.

Attorney Lee then added that they are asking the Commission to deny this application and does not believe that the application meets the requirements for a special permit. The neighbors are taking this application very seriously. They've hired a lawyer, they've hired an acoustics engineer, they've hired a real estate appraiser, and they have been here 5-6 nights of public hearings and feel that this application should be denied. If you do approve this application, we ask that you please approve it subject to conditions which will safeguard the neighbors. We also ask that any and all improvements associated with the application be constructed prior to the operation of the pool club and then have them tested by the acoustic engineer. If approved, we would like the conditions regarding the hours of operation. We would also like you to impose a limitation on the use of the pool club. We also ask the Commission to impose a limitation on how many members the club can have and also a limitation on the number of people who can use the pool at any one time. Also, we ask for a limitation on the sale of food or concessions at the property. Next, we want to insure that the pool is not going to be used for any special events. We ask for a condition that does not allow amplified noise. We are asking you to deny the application because we think it violates the standards of a special permit and violates the agreement between the JCC and the neighbors. We feel that this use of the property is going to have a negative impact on these property owners. I am still not 100 percent sure what the JCC is proposing after listening tonight as far as improvements to this application.

Larry Wartel, 9 Shady Lane, read a letter to the Commission which expressed his concerns with the possible approval of the modifications in this application and does not feel that any sound mitigation will help prevent amplified sound from disturbing the tranquility of the neighbors and he opposes this application.

Jessica Halprin, 4 Elderslie Lane, member on the board at the JCC, wanted to press upon the difference of opinion as far as what the total dBA is for the city ordinance limits for daytime and evening are after her google search comparison with what was presented this evening.

Beth Walter, 66 Luciani Road, commented on how the JCC is a community center and not a pool club and feels that the Commission should deny this application as well as enforce the existing special permit because there still is a noise problem.

Roger Sherman, 5 Fairview Road, noted that he believes the JCC does do a lot of great things for the community but he believes that this is a quality of life issue for the residents and feels for them.

Jay Charkow, 10 Shady Lane, said the bottom line is that the JCC is doing this to make money and doesn't think that the quality of life of the residents versus this gives the Commission much of a choice other than to deny this modification.

JoAnn Curd, 127 Pease Road, noted that she does not want a 10 foot fence put behind her property.

Yang Wu, 139 Pease Road, expressed his concerns with the JCC's acoustical reports not being done while there was activity on the site and feels that there are already noise issues existing that need to be addressed before even considering adding this modification.

Hedy Kober, 147 Pease Road, said how today she needed to leave her home office and go elsewhere because she couldn't work due to the level of noise coming from the JCC camp and presented to the Commission a recording of the noise she was hearing. Ms. Kober then stated that she doesn't feel that there should be any approval of any plan before all of the sound mitigation from the existing approved application has been completed. Chairman Kaufman addressed the applicant and said that let's assume that the JCC agrees with their acoustic consultant and you are saying yes, you will put in this 8-10 foot designed fence as stated, is the JCC also willing to put up a minimum 5 foot vegetation on the neighbors side of the fence? Attorney Lynch responded that his client is a not for profit organization so cost obviously is a factor. They would be willing to undertake the noise mitigation that was recommended by Mr. Cote. Again, with the cost or the expense they don't feel that they can do the vegetation on the other side of the fence. The fencing itself is our reaction to the neighbors' concern about the noise and he then expressed his concerns with the presentation of the neighbor's acoustical engineer. Attorney Lynch then added that comments that were made about certain conditions put in place in the 1994 approval, there were no conditions placed in there about putting up landscaping or berms. Chairman Kaufman did not agree and stated that the original plans showed berms and vegetation being planted all along. Attorney Lynch then said that the town would not have released the bond had they not completed everything required. Chairman Kaufman then added that it does show those things on the plans.

Chairman Kaufman then questioned what happens if they approve the application and you have to come back in a year to see if it is working? Attorney Lynch responded that the point being is the extension to the pool hours so whatever noise there was today will be reduced 50 percent because of a diminished capacity of the pool and then the noise is going to be reduced further by Mr. Cote's mitigation plan and he feels that this plan meets the neighbor's concerns.

Commissioner Tyma added that you are talking 200 people maximum. How many children are at the summer camp? Scott Hurwitz, Vice President of the JCC responded that today there was in excess of 300 people on the site, some of those parts much closer to the neighbors like the ballfield. It would be a little bit noisier today. The camp today was 70 adults and 250 kids.

The Commission then discussed a list of things that were possibly agreed to in our discussions which were:

- The hours of 10 a.m. until 7 p.m. close.
- From June 15th until Labor Day.
- Maximum number of people to be 200.
- No megaphones
- No loudspeakers.
- No concession stands.
- Replace the trees along the neighbor's yards.

- No additional lighting.
- No rentals.

There being no further comments or questions by the Commission members, the public hearing was closed.

Accordingly, the meeting was adjourned at 12:03 a.m.

Respectfully submitted,

Ms. Tammy Riccitelli
Recording Secretary