

MINUTES
WOODBRIIDGE TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING OF SEPTEMBER 5, 2023

A regular meeting of the Woodbridge Town Plan and Zoning Commission, was held on September 5, 2023, 2023, in the Central Meeting Room Town Hall, 11 Meetinghouse Lane, Woodbridge, Connecticut, attended by:

Members: Robert Klee ~ Chairman, Andrew Skolnick, and Paul Schatz.

Alternate:

Excused: Yonatan Zamir, Jeff Kennedy, Chadi Noujaim ~ alternate, and Aaron Hoffmann ~ alternate

Hunter voted for Zamir.

Zoning Enforcement Officer Kristine Sullivan was unable to attend.

The Chairman called the meeting to order at 6:35 pm.

AMENDMENT OF AGENDA

The Chairman noted that an application had been submitted after the evening's agenda had been posted that would require an amendment to the evening' agenda to include under New Business. Accordingly, the Commission members acted as follows to amend the evening's agenda:

*** Schatz moved to add to the evening's agenda, receipt, and appropriate action regarding the application of Kriz Farm Ice Cream, LLC, 13 Bear Hill Road, Bethany, in accordance with Section 4.5.D of the Woodbridge Zoning Regulations for a special exception permit to erect two wayfinding or directional signs offsite in the Town of Woodbridge on the northwest corner of Bear Hill Road and Seymour Road and the southeast corner of Acorn Hill Road and Seymour Road, both locations being in the Residence A Zone of the Town of Woodbridge.

*** Skolnick seconded

*** In Favor: Klee, Skolnick, Schatz, and Hunter

*** Opposed: No One

*** Recused: No One

*** Abstained: No One

Unanimous vote of approval.

PUBLIC HEARINGS

Woodbridge Child Care Center: 5 Meetinghouse Lane

Application for special exception permit for relocation of the Woodbridge Child Care Center to 5 Meetinghouse Lane and expansion of Child Day Care to 96 children

The Chairman opened the public hearing on the application submitted by the Woodbridge Child Care Center for a special exception permit for relocation of the Woodbridge Child Care Center to the existing meeting house for the First Church of Christ Woodbridge located at 5 Meetinghouse Lane. He noted that the application had been formally received by the Commission at its regular meeting on July 6, 2023, and at that time had been scheduled for a public hearing this evening. He also noted that the

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application materials had been distributed to the Commission members and posted on the Commission page of the Town Website.

Robert Sheiman, of the Whitneyville Cultural Commons, consultant on behalf of the Church and the Child Center was present to for the public hearing. In his discussion and response to questions from Commission members he noted:

- The prior childcare which had been located in the Church Meeting House had occupied three rooms. The current application seeks to expand that use to an additional three rooms.
- The application to relocate the Child Center is to allow the Center to have room to expand.
- The move would free up space at the Center Building to accommodate expanding needs of the Town regarding the Fitness Center and Police Department.
- The Child Center is currently licensed for 56 children and with the expanded classroom area could expand to 96.
- Because of the increase in the number of children being cared for, an additional five toilets would need to be provided. There are two existing bathrooms so the additional stalls would be added to those bathrooms. One bathroom would be staff and one for children.
- A preliminary review of whether the existing septic system is adequate for the expanded childcare facility has begun with Quinpiack Valley Health District (QVHD). It may be that the current septic is adequately sized for an expanded childcare based on the septic requirements if the Meeting House was used to its full event capacity. A final determination will be made by QVHD once they have reviewed the final floor plans for the Child Center as to if the septic will need to be expanded or not.

Note: Commissioner Hunter noted that as discussed at the July 6, 2023, TPZ meeting that other agencies would determine the appropriateness of the location of the Child Care Center in proximity to the Cell Tower in the Church Steeple.

At the conclusion of Mr. Sheiman's remarks, the Chairman asked if there were any questions further questions by Commission members. There being none, the Chairman then reviewed the guidelines for which public comment should be made for the public hearing and asked if any member of the public present wanted to speak regarding the application. There being no public comments, the public hearing was closed as follows:

***** Schatz moved to close the public hearing on the application submitted by The Woodbridge Child Care Center for a special exception permit for relocation of the Woodbridge Child Care Center to 5 Meetinghouse Lane and expansion of Child Day Care Center to 96 children.**

***** Skolnick seconded**

***** In Favor: Klee, Skolnick, Schatz, and Hunter**

***** Opposed: No One**

***** Recused: No One**

***** Abstained: No One**

Unanimous vote of approval.

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HKH Holdings, Inc, dba The Summit: 180 Amity Road

Application for special exception permit for use of a catering liquor establishment at 180 Amity Road.

The Chairman opened the public hearing on the application submitted by HKH Holding, Inc, dba The Summit, for a special exception permit for a catering liquor establishment in the portion of 180 Amity Road formerly used by Wheelers. He noted that the application had been formally received by the Commission at its regular meeting on July 6, 2023, and scheduled at that time for a public hearing this evening. He also noted that the application materials had been distributed to the Commission members and posted on the Commission page of the Town Website.

Marissa Spencer was present on behalf of HKH Holdings for the public hearing. In her presentation and in response to questions from the Commission she noted:

- 180 Amity Road was formerly occupied by Wheelers Restaurant.
- The current proposal is to use the facility to hold “events” such as showers, post funeral receptions, birthday parties and the like.
- The area would be renovated to accommodate 160 people, including any “staff” necessary when events were held.
- The fire marshal will be consulted with to determine the occupancy based on the fire safety criteria.
- There would be no expansion of the main building, just removal of some existing interior walls, and the use of “high” tables, instead of “seating” tables.
- HKH Holdings includes several businesses, but the main one is Howard K Hill Funeral Services which has three locations in the state. Currently families secure their own spaces for reception areas after funeral services are held. The intent is to have the proposed space available for families to rent directly from the funeral home.

At the conclusion of Ms. Spencer’s remarks, the Chairman asked if there were any questions further questions by Commission members. There being none, the Chairman then reviewed the guidelines for which public comment should be made for the public hearing and asked if any member of the public present wanted to speak regarding the application. There being no public comments, the public hearing was closed as follows:

***** Schatz moved to close the public hearing on the application submitted by HKH Holdings, Inc, dba The Summit, for special exception permit for use of a catering liquor establishment at 180 Amity Road.**

***** Skolnick seconded**

***** In Favor: Klee, Skolnick, Schatz, and Hunter**

***** Opposed: No One**

***** Recused: No One**

***** Abstained: No One**

Unanimous vote of approval.

Amendments to the Zoning Regulations proposed by the Town Plan and Zoning Commission to add a new section 3.3.II to the Zoning Regulations regarding Marijuana Establishments and amendments to Section 3.3.HH of the Zoning Regulations regarding Liquor Establishments

The Chairman opened the public hearing on the amendments to the Zoning Regulations proposed by the Commission regarding Marijuana Establishments and attendant amendments to the Zoning Regulations regarding Liquor Establishments. The Chairman noted that the proposed amendments to the regulations had been posted on the Commission page of the Town Website.

Staff Note: As required by State Statute, the proposed amendments had been filed in a timely fashion with the Town Clerk's office and with the Regional Planning Commission (RPC) of the South Central Connecticut Council of Governments (SCRCOG). Comments dated August 15, 2023, had been received from the RPC of the SCRCOG indicating that the amendments would have no adverse intermunicipal impacts or impacts to Long Island Sound.

The Chairman then gave a brief summary of the proposed amendments noting that the proposed amendments to Section 3.3.HH had been made to make the treatment of both Marijuana Establishments and Liquor Establishments in as close a manner as possible in terms of distances between similar types of establishments and distances from other specific types of uses.

After giving the guidelines for which public comment should be made for the public hearing, the Chairman then asked if any member of the public present wanted to speak regarding the application. There being no public comments, the public hearing was closed as follows:

***** Schatz moved to close the public hearing on the application submitted by HKH Holdings, Inc, dba The Summit, for special exception permit for use of a catering liquor establishment at 180 Amity Road.**

***** Skolnick seconded**

***** In Favor: Klee, Skolnick, Schatz, and Hunter**

***** Opposed: No One**

***** Recused: No One**

***** Abstained: No One**

Unanimous vote of approval.

NEW BUSINESS

Jessie Wrubal: 9 Acorn Hill Road

Application for special exception permit for excavation, removal, filling, grading, and processing of earth products related to the residential site development of the subject property.

The application submitted by Jessie Wrubel for a special exception permit for excavation, removal, filling, grading, and processing of earth products related to the residential site development of property located at 9 Acorn Hill Road was formally received by the Commission. The application was accompanied by a check for the Town

and State application fee and a check for recording the decision of the Commission on the Town land records, two copies of the drainage study and a site plan showing the proposed development of the property.

Because the application is for a special exception permit, a public hearing is required. It was the consensus of the Commission members to schedule a public hearing on the application for the Commission's regular meeting on October 2, 2023. It was noted that the application did not need to be referred to the Regional Planning Commission of the South Central Connecticut Council of Governments unless it was determined that the property is within 500 feet of an abutting municipality. Staff will be asked to verify if that is necessary or not.

Kriz Farm Ice Cream, LLC, 13 Bear Hill Road, Bethany
Application in accordance with Section 4.5.D of the Woodbridge Zoning Regulations for a special exception permit to erect two wayfinding or directional signs offsite in the Town of Woodbridge on the northwest corner of Bear Hill Road and Seymour Road and the southeast corner of Acorn Hill Road and Seymour Road, both locations being in the Residence A Zone of the Town of Woodbridge.

The application submitted by Kriz Farm Ice Cream, LLC, to erect two wayfinding or directional signs offsite in the Town of Woodbridge on the northwest corner of Bear Hill Road and Seymour Road and the southeast corner of Acorn Hill Road and Seymour Road, both locations being in the Residence A Zone of the Town of Woodbridge was formally received by the Commission. The application was accompanied by a check for the Town and State application fee and a check for recording the decision of the Commission on the Town land records, and letters of consent from the property owners on which the signs would be located.

Attorney Owen T. Weaver was present on behalf of the applicant to ask that the Commission accept the application and schedule it for a public hearing.

It was the consensus of the Commission members to schedule a public hearing on the application for the Commission's regular meeting on October 2, 2023.

WORK SESSION

Woodbridge Child Care Center: 5 Meetinghouse Lane
Application for special exception permit for relocation of the Woodbridge Child Care Center to 5 Meetinghouse Lane and expansion of Child Day Care.

*** Schatz moved to approve the application for a special exception permit for relocation of the Woodbridge Child Care Center to 5 Meetinghouse Lane and expansion of the Child Day care to 96 students.

*** Skolnick seconded

*** In Favor: Klee, Skolnick, Schatz, and Hunter

*** Opposed: No One

*** Recused: No One

*** Abstained: No One

Unanimous vote of approval.*

**Note: In discussion of the foregoing motion, Commissioner Hunter spoke to make a statement that there was a "double standard" when it came to expanding public*

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community uses such as the Child Center and the recently the Community and Cultural Center at the former fire house and housing. She opined that if a less intense use such as three unit single bedroom development was proposed in the Residence A Zone, it would be shot down. She asked that that Commission members consider the size of lots in the Residence A Zone as it relates to housing, perhaps as the “Planning” hat of the Commission and consider having public sewer and water expanded for housing purposes.

HKH Holdings, Inc, dba The Summit: 180 Amity Road

Application for special exception permit for use of a catering liquor establishment at 180 Amity Road.

***** Schatz moved to approve the application for a special exception permit for use of a catering liquor establishment at 180 Amity Road**

***** Skolnick seconded**

***** In Favor: Klee, Skolnick, Schatz, and Hunter**

***** Opposed: No One**

***** Recused: No One**

***** Abstained: No One**

Unanimous vote of approval.*

**Note: In discussion Commissioner Schatz asked to have clarified the difference between a catering liquor establishment and a bar/restaurant license. It was noted that a catering establishment must be 3500 sq. ft. or less in area.*

Amendments to the Zoning Regulations proposed by the Town Plan and Zoning Commission to add a new section 3.3.II to the Zoning Regulations regarding Marijuana Establishments and amendments to Section 3.3.HH of the Zoning Regulations regarding Liquor Establishments

In discussion regarding the amendments, Commissioner Skolnick noted that the Regional Planning Commission had noted that there was a typo in the amendments. Commissioners then reviewed the amendments and found that in Section 3.3.II,7(b)(vi) at the end of the paragraph it says, “...negative effects of serving or selling alcohol.” ~ but the section is about cannabis, so the word “alcohol” needed to be replaced with “marijuana/cannabis”.

Note: In discussion of the motion below:

- *Commission Schatz stated that he was concerned about removing separation distances from any “church or other religious facility or institution”, noting he had spoken with the rabbi of his synagogue and leaders of other churches in town and they were not in favor of that deletion. He added that his concern was that houses of worship include classes for children.*
- *The Chair noted that no public comment had been received regarding the proposed amendments.*
- *Commissioner Hunter questioned if the public just “did not know” about the proposed changes, and how the public could be better informed.*
- *Commissioner Skolnick noted that the statutory requirements for notice had been properly met.*

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- *The Chair noted that the Commission had discussed the matter over the course of several meetings and had even had a member of the Connecticut Bar come to a Commission meeting and discuss the various aspects of regulating cannabis/marijuana.*
- *The Chair noted, getting back to the concern raised by Commissioner Schatz, that the language in 5.a.i (regarding cannabis/marijuana establishments) and 3.a.i (regarding liquor establishments), was broad enough to encompass classes conducted at religious facilities*

***** Skolnick moved to approve the Amendments to the Zoning Regulations proposed by the Town Plan and Zoning Commission to add a new section 3.3.II to the Zoning Regulations regarding Marijuana Establishments and amendments to Section 3.3.HH of the Zoning Regulations regarding Liquor Establishments, with the edit to Section 3.3.II, 7(b)(vi) at the end of the paragraph to change the word “alcohol” to “marijuana/cannabis”.**

***** Hunter seconded**

Discussion of the motion included:

- *Commissioner Schatz stated that he was concerned about removing separation distances from any “church or other religious facility or institution”, noting he had spoken with the rabbi of his synagogue and leaders of other churches in town and they were not in favor of that deletion. He added that his concern was that houses of worship include classes for children.*
- *The Chair noted that no public comment had been received regarding the proposed amendments.*
- *Commissioner Hunter questioned if the public just “did not know” about the proposed changes, and how the public could be better informed.*
- *Commissioner Skolnick noted that the statutory requirements for notice had been properly met.*
- *The Chair noted that the Commission had discussed the matter over the course of several meetings and had even had a member of the Connecticut Bar come to a Commission meeting and discuss the various aspects of regulating cannabis/marijuana.*
- *The Chair noted, getting back to the concern raised by Commissioner Schatz, that the language in 5.a.i (regarding cannabis/marijuana establishments) and 3.a.i (regarding liquor establishments), was broad enough to encompass classes conducted at religious facilities.*
- *Commissioner Schatz expressed concern that future commissioners would not extend their interpretation of that section to include schools based in houses of worship.*

At this time, Commissioner Schatz moved to amend the original motion to include in 5.a.i. in Part 1 of the amendments regarding cannabis/marijuana establishments and 3.a.i in Part 2 regarding liquor establishments to specifically include “schools in houses of worship.”

The motion to amend the original motion was seconded by the Chair for purposes of discussion.

The motion to amend was defeated by a vote in favor of Schatz and opposed by: Skolnick, Klee, and Hunter.

The Chair then called for a vote on the original motion which was as follows:

***** In Favor: Klee, Skolnick, and Hunter**

***** Opposed: Schatz**

***** Recused: No One**

***** Abstained: No One**

Majority vote of approval.

WORK SESSION

Report regarding actions of the Regional Planning Commission(RPC) of SCRCOG

Commissioner Skolnick reported that at the August 10, 2023, RPC meeting the following referrals were found to have no adverse intermunicipal impacts or adverse impacts to the ecosystem or habitat of Long Island Sound:

- City of New Haven. Received 6.28.23. Public Hearing, TBD.
 - Text Amendment, Definitions, Establishment of Mixed Used District, Adult Use Cannabis, New Mixed Use Zone for Implementing Long Wharf Responsible Growth Plan
 - Text Amendment Adding Transit Oriented Development (TOD) District AKA Transit Oriented Community Zone (TOC) as New Zoning District
 - Zoning Map Amendment Designating 7.33 Acres as TOC Zone
- Town of Orange Text Amendment – Outdoor Storage/Display.
- Town of Woodbridge Text Amendment Addition of New Section Regulation of Adult Use Cannabis.

Report of the Housing Committee

Hunter reported:

- The Committee continues to hold community informational meetings in August
- Met with a group of faith based leaders called “Connect”.
- Temple Emanuel will be sponsoring a “conversation” on October 3, 2023.
- Confirmation has been made that Attorney Mark Branse will conduct a training session on affordable and fair housing on October 30, 2023, at 6:30 pm. In the auditorium of the Jewish Community Center.
- Made a recommendation to CUPOP regarding the Former Country Club of Woodbridge (because of the RFQ by the Board of Selectman for a master plan of the property). The Committee recommended the use of a portion of the property for housing with the number of units needed to allow for a moratorium for the Town on housing.

Discussion and appropriate action regarding cleanup of the Zoning Regulations

Due to Staff being out, there was no discussion of this item

Zoning Enforcement Report

Due to Staff being out, there was no discussion of this item

Approval of Minutes

Due to Staff being out, action on the minutes was deferred until the regular meeting on October 2, 2023.

Meeting Adjournment

*** **Schatz moved to adjourn the meeting at 7:39 pm**

*** **Skolnick seconded**

*** **In Favor: Klee, Schatz, Skolnick, and Hunter**

*** **Opposed: No One**

*** **Recused: No One**

*** **Abstained: No One**

Unanimous vote of approval.

Accordingly, the meeting was adjourned at 7:39 pm.

Respectfully submitted,

Kristine Sullivan,