



TOWN OF WOODBURY Zoning Board of Appeals

281 Main Street South
Woodbury, CT 06798
203.263.3467 ▪ www.woodburyct.org

MEETING MINUTES – FEBRUARY 20, 2024 - 7:30 PM Shove Building, 281 Main Street South

MEMBERS PRESENT

Joe Donato
Mike Novak, Chairman
Robert Ratzenberger
Claudette Volage

ALTERNATES PRESENT

Jane Donn

ALTERNATES ABSENT

Jacob Amorando
Seth Bernstein

MEMBERS ABSENT

Adam Goldberg

OPENING OF MEETING

Call to Order –Chairman Novak called the meeting to order at 7:30 p.m.

Seating of Members / Alternates – Seated for the meeting were regular members Donato, Novak, Ratzenberger, Volage and Alternate Donn

ELECTION OF OFFICERS

MOTION:

To nominate and elect Mike Novak for the position of Chair.

Moved by **DONATO**, Seconded by **RATZENBERGER**

Vote: 5-0-0 – **Approved** – Motion Passed

Aye	Donato, Novak, Ratzenberger, Volage, Donn
Nay	None
Abstain	None

MOTION:

To nominate (and elect) Joe Donao for Vice Chair.

Moved by **VOLAGE**, Seconded by **NOVAK**

Vote: 5-0-0 – **Approved** – Motion Passed

Aye	Donato, Novak, Ratzenberger, Volage, Donn
Nay	None
Abstain	None

PUBLIC HEARINGS

24-ZBA-0001 – 11 Stiles Road / Stiles Road Quarry / Map 32, Lot 1 / EE District / O&G Industries, Inc (applicant/owner) / Application seeks a variance of Zoning §7.9.10 to permit through December 31, 2025, authorization to operate the hot mix asphalt plant in addition to normal business hours. The following additional operation hours are requested under the variance: From Sundays 7:00 pm to Mondays 6:30 am; and with appropriate notice on a case-by-case basis Saturdays 7:00 pm to Sunday 7:00 pm.

MOTION:

To open the public hearing on application 24-ZBA-0001 – 11 Stiles Road / Stiles Road Quarry.

Moved by **RATZENBERGER**, Seconded by **DONATO**

Vote: 5-0-0 – **Approved** – Motion Passed

Aye	Donato, Novak, Ratzenberger, Volage, Donn
Nay	None
Abstain	None

Richard Warren of O&G Industries was present for the application and submitted certificate of mailings to the abutters for the record. Mr. Warren clarified that the application is for all nights Sunday-Friday and then the additional Saturday night on a case by case basis. It was confirmed that the legal notice does not indicate the particulars with respect to the days and times. The Board referenced the application. Sunday night was clarified in the application to be from 7PM Sunday – 6:30 AM Monday.

It was noted that this application is the same as in previous years, with the exception of a request to make it a two year renewal. This would coincide with O&G’s two year permit renewals for Park & Stiles quarries. If there were no complaints during the year, they are requesting that the second year be handled administratively through the office as opposed to another public hearing. The approval could be conditioned to allow for this. It could also be complaint conditioned.

Chair Novak indicated they could adopt the description of the activity for which the variance is requested as they have done in years past. Addressing the second year would be a change. Mr. Warren offered that it could be approved as a two-year period; however, if complaints are received in the first year the variance would expire, and a renewal would require a public hearing to continue after one year.

It was clarified that complaints need to be submitted to the Board, this is done both in the quarterly reports, as well as notification to the Land Use Office within three days of any complaint.

No one from the public was present for the hearing. Member Donn questioned Mr. Warren on the process of blast related/damage complaints. Mr. Warren explained how O&G handles these issues. It is anticipated that any complaints would be most likely be due to noise from nighttime operation. There is no processing, blasting or heavy machinery operating. The area of the plant was described, where it is located there would be minimal effect on neighboring properties.

Chair Novak read paragraph two of the variance description to clarify the operations days and times. It was noted that work on Sundays is rare. The motion of approval should be constructed using the description in the application. Should there be any “material complaints,” they would need to come back at the first year anniversary to reevaluate. Mr. Warren offered that should a complaint be received; the Board could condition that he come to a meeting to document the complaint and the resolution of that complaint.

Chair Novak discussed the structure of the motion. In addition to the description of hours of operation it should be added that if there are any complaints Mr. Warren will appear at the next regularly scheduled meeting to explain the complaint and its resolution. The presence of such complaints may require, at the Boards discretion, a reevaluation of the first year of the two-year period.

MOTION:

To approve 24-ZBA-0001 – 11 Stiles Road / Stiles Road Quarry / Map 32, Lot 1 / EE District / O&G Industries, Inc (applicant/owner) / a variance of Zoning §7.9.10 to permit through December 31, 2025, authorization to operate the hot mix asphalt plant in addition to normal business hours. The following additional operation hours are authorized: Sundays 7:00 pm to Mondays 6:30 am; and with appropriate notice on a case-by-case basis Saturdays 7:00 pm to Sunday 7:00 pm., subject to the operational conditions as listed on previous approvals and the following additional conditions: (1) If there are any complaints during the first year, an O&G representative (Mr. Warren) shall attend the next regularly scheduled meeting of the Board to explain the complaint and its resolution; and (2) the Board may, dependent on the complaint and its resolution, reevaluate the two-year renewal.

Moved by **DONN**, Seconded by **RATZENBERGER**

Vote: 5-0-0 – **Approved** – Motion Passed

Aye	Donato, Novak, Ratzenberger, Volage, Donn
Nay	None
Abstain	None

Mr. Warren questioned if the Board was satisfied with the information provided in the quarterly reports. Members expressed no concerns with the provided reports.

NEW APPLICATION - None

OTHER BUSINESS / CORRESPONDENCE - None

ADMINISTRATIVE - Meeting Minutes – 11/21/23

MOTION:

To accept the Minutes of the November 21, 2023, meeting as presented.

Moved by **RATZENBERGER**, Seconded by **DONATO**

Vote: 5-0-0 – **Approved** – Motion Passed

Aye	Donato, Novak, Ratzenberger, Volage, Donn
Nay	None
Abstain	None

PRIVILEGE OF THE FLOOR – Member Donn questioned the status of the pending lawsuit relative to 361 Rail Tree Hill Road (AirBnb) and if the appeal notice would be sent to the Board members.

ADJOURNMENT

MOTION:

To adjourn the meeting at 7:51 p.m., made by Member Donato with no objections.

Respectfully Submitted,
Anne Firlings
Anne Firlings, ZBA Clerk

RECEIVED & FILED
IN WOODSBURY, CT

Feb 22nd Feb 24

Maria M. Mancini