

TOWN OF WOODBURY Zoning Board of Appeals

281 Main Street South
Woodbury, CT 06798

203.263.3467 ▪ www.woodburyct.org

MEETING MINUTES

FEBRUARY 21, 2023

Shove Building, 281 Main Street South

MEMBERS PRESENT

Joe Donato
Adam Goldberg
Mike Novak
Robert Ratzenberger
Claudette Volage

ALTERNATES PRESENT

Jacob Amorando
Jane Donn

ALTERNATES ABSENT

Vincent Farisello

ALSO PRESENT: Richard Warren (O&G Industries)

OPENING OF MEETING

- Call to Order – Vice Chairman Donato called the meeting to order at 7:30 p.m.
- Seating of Members / Alternates – Seated for the meeting were regular members Donato, Goldberg, Novak, Ratzenberger and Volage
- Conflict of Interest – No conflicts were expressed.

PUBLIC HEARINGS

23-ZBA-0001 – 11 Stiles Road (Stiles Road Quarry) / Map 32, Lot 1 / EE District

In addition to normal business operation hours: Application seeks a variance of §7.9.10 to also permit nighttime operation of hot mix asphalt plant:

- *Sunday night through Friday night – 7:00 pm to 6:30 am*
- *With appropriate notice on a case-by-case basis also Saturdays – 7:00 pm Saturday to 7:00 pm Sunday*

O&G Industries Inc. (applicant/owner)

Richard Warren of O&G Industries, Inc. was present for the hearing. Abutter notifications were received for the file. Mr. Warren viewed a map with the Board identifying the location of the asphalt plant on the property. This application is for a variance which has been granted previously. It is for operation of the asphalt plant in the overnight hours for specific DOT projects/municipal projects requiring to be paved at night. O&G notifies the board anytime there is a contract that requires this activity. Last year three projects occurred and 36 nights that the operation did occur. Between years 2011 and 2022, the range of operation was from one night to the high end of 92 nights. If running at night, it is roughly 45-65 truckloads for an evening. As with last year's variance, it is again requested that on a case-by-case basis as needed due to any scheduling difficulties it is requested to be allowed a Saturday night and filling in all hours that are not approved within the zoning regulations. They are asking that the Land Use office

be able to approve if there is a requirement for 7 PM Saturday through Sunday 7 PM. The nearest residence is roughly .5 to .75 miles away. Mr. Warren noted a complaint letter that was registered with the Land Use Office for this application. He provided his email response to Ms. Lettick for the record.

The process for making asphalt was explained to the Board. No blasting or grinding is occurring at that time. There is, however, loading of the stone and loading of the trucks. This approval is just for the batching of asphalt. Strobe lights are used for the backup of the loader, jake brakes are not allowed on property day or night. Police shooting was addressed. There is no police activity. They allow hunting permits at the quarry. There is no gun range at the quarry.

No one from the public was present. Chairman Novak read an emailed letter from Gail Lettick dated February 14, 2023, for the record along with a response email from Richard Warren for the record.

It was questioned where O&G goes. Mr. Warren described the O&G locations, generally it is a half hour travel distance from a plant maximum. Mr. Warren addressed pollution by stating that asphalt, while it is a petroleum-based product it is also one (by weight and volume) of the most significant recycled items that is manufactured in the country.

The addition of the Sunday hours was explained. This is a by case basis. There was a project that needed Sunday morning paving, this is to accommodate such a case in the future. It is requested for 24 hours, but it is not necessarily needed. In current regulations, no Sunday hours are permitted. It was questioned how much advanced notice is given for a Sunday use, Mr. Warren advising there is not much notice time. Contractors could find an alternative. O&G provides the material, the installer would have the issue. Normal hours start 6:30 a.m. Monday Morning, as part of their normal variance request.

It was asked if there would be a hardship for O&G if they did not grant this change. It was explained the hardship would fall on the contractor. If the variance was denied or delayed for this reason, it would be burden for O&G.

MOTION:

To close the public hearing on application #23-ZBA-0001.

Moved by DONATO, Seconded by RATZENBERGER

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

Ayes	Donato, Goldberg, Novak, Ratzenberger, Volage
Nayes	None
Abstain	None

NEW APPLICATIONS - None

OTHER BUSINESS / CORRESPONDENCE - None

DELIBERATIONS / DETERMINATIONS

A draft motion was reviewed by the Board.

MOTION:

To open discussion on application #23-ZBA-0001

Moved by GOLDBERG, Seconded by RATZENBERGER

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

Ayes	Donato, Goldberg, Novak, Ratzenberger, Volage
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Nayes None
Abstain None

Consensus of the Board was that this has been done for many years. No concerns were expressed with the request. Members accepting the draft motion as written.

MOTION:

To approve the application #23-ZBA-0001 utilizing the draft motion as presented.

Moved by **GOLDBERG**, Seconded by **RATZENBERGER**

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

Ayes Donato, Goldberg, Novak, Ratzenberger, Volage
Nayes None
Abstain None

ADMINISTRATIVE - Meeting Minutes – 1/17/2023

MOTION:

To accept the minutes of the January 17, 2023 meeting as submitted.

Moved by **VOLAGE**, Seconded by **RATZENBERGER**

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

Ayes Donato, Goldberg, Novak, Ratzenberger, Volage
Nayes None
Abstain None

PRIVILEGE OF THE FLOOR – None.

ADJOURNMENT

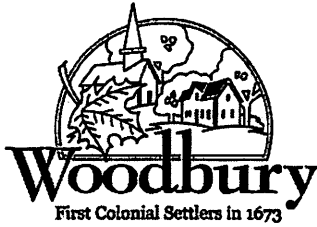
MOTION:

To adjourn the meeting at 8:00 p.m.

Made by **DONATO**, with no objections.

Respectfully Submitted,
Anne Firlings
Anne Firlings, ZBA Clerk

RECEIVED & FILED
IN WOODBURY, CT
This 24th day of Feb 2023
at 9:45 o'clock A M
Maria M. Mancini
Town Clerk



Town of Woodbury Zoning Board of Appeals

281 Main Street South

Woodbury, CT 06798

203.263.3467 • www.woodburyct.org

ZONING VARIANCE APPROVAL

23-ZBA-0001 – 11 Stiles Road

Variance to Permit Nighttime Operations

O&G Industries, Inc. (owner/applicant)

Date of Approval	February 21, 2023
Approval Expiration	December 31, 2023

Applicant	O&G Industries, Inc.
Owner	O&G Industries, Inc.
Application	23-ZBA-0001 – Zoning Variance to Permit Nighttime Operations
Project	Variance of Zoning §7.9.10
Address	11 Stiles Road – Stiles Road Quarry – Map 32, Lot 1
Zone	EE – Earth Excavation District

WHEREAS, the Woodbury Zoning Board of Appeals (“ZBA”) has received application 23-ZBA-0001 as submitted by O&G Industries, Inc. (Applicant/Owner) seeking a variance of Zoning §7.9.10 to permit nighttime operation of existing Hot Mix Asphalt Plant, associated truck traffic and use of heavy equipment (front end loaders) from 7:00 pm to 7:00 am, Sunday through Friday, in addition to the normal permitted operation hours, to be effective through December 31, 2023; and

WHEREAS, the additional nighttime hours of the asphalt plant operations would be limited to supplying asphalt under the following paving scenarios:

- To Connecticut Department of Transportation (“CTDOT”) or other public projects when specifications for the job, for all practicable purposes, require that paving work be done at night (e.g., taking into consideration set up times to close/re-open travel lanes);
- Any large scale commercial or industrial paving job that may necessitate “off hour” work (e.g., resurfacing of a parking lot shopping center or place of employment where there is no active shift); and

WHEREAS, the variance application also seeks approval to allow, in the event that weather conditions create unforeseen delays in the completion of CTDOT contracted paving, and roadway conditions require and CTDOT approves paving on a Saturday night, with appropriate notice on a case by case basis, that the Zoning Enforcement Officer or Land Use Office be authorized to permit additional nighttime operations on a Saturday night and Sunday during the day (being defined as 7:00 pm Saturday through 7:00 pm Sunday); and

WHEREAS, the application materials received include the following:

- Application for Variance – 23-ZBA-0001;
- Cover Letter from O&G Industries, Inc., 01/05/23;
- Topographic Map of the Stiles Road Quarry Site Renewal Permit Map 2022-2023, H.W. Lochner, Inc., 10/2021; and

WHEREAS, a duly noticed public hearing as published in Voices on February 8 and 15, 2023 was open and closed on February 21, 2023, at which time interested persons were afforded an opportunity to be heard; and

WHEREAS, the ZBA has carefully considered all the information submitted and received, including all verbal and written public commentary;

NOW THEREFORE BE IT RESOLVED, upon careful consideration, the ZBA, in accordance with §9.6.1.2 of the Town of Woodbury Zoning Regulations, hereby approves the requested variance application consistent with the submitted materials, subject to the conditions set forth below; and

BE IT FURTHER RESOLVED, the ZBA hereby authorizes the publishing and filing of a Notice of Decision as required;

CONDITIONS OF APPROVAL

1. This variance applies only to the activities described in the application and supporting materials as required by conditions of contracts with the CTDOT or other public projects when specifications for the job, for all practical purposes, require that paving work be done at night and any large scale commercial or industrial paving job that may necessitate “off hour” work (when there is no other active shift).
2. This variance applies to nighttime activities from Sunday night through Friday night (7:00 pm to 7:00 am). This variance also shall permit, in the event that weather conditions create unforeseen delays in the completion of CTDOT contracted paving, and roadway conditions require and CTDOT approves paving on a Saturday night, that with appropriate notice on a case by case basis, the Zoning Enforcement Officer or Land Use Office shall be authorized to permit night operations on a Saturday night (being defined as 7:00 pm Saturday through 7:00 pm Sunday).;

3. Prior to the commencement of any activity authorized by this variance approval and to effectuate such approval, the applicant shall record an original Land Record Information Form containing a copy of this approval, signed by the Town Planner as provided by the Land Use Office, in the Town of Woodbury Land Records. A copy as recorded shall be provided to the Land Use Office.
4. Nighttime operation of the hot mix asphalt plant shall consist of paving work awarded either directly to the applicant as the general contractor or where the applicant will provide the materials to the contractor awarded the job. Copies of the contract provisions outlining nighttime paving of projects shall be provided upon request. With the exception of Condition 7 below, documentation shall be submitted quarterly for each job summarizing the total number of nights/dates that the asphalt plant was in operation and the number of loads per night. For monitoring purposes and upon request, weight tickets shall be provided to the Land Use Office for review of each night operation.
5. All plant loaders shall use a strobe light as a backup alarm instead of an audible alarm during the hours of 7:00 pm to 7:00 am.
6. All drivers shall be instructed to avoid the use of engine or “jake” brakes when entering or leaving the premises and when approaching all traffic signals.
7. The applicant shall designate one individual (Richard Warren) to respond to any complaints received as a result of nighttime operations. Said individual shall keep a complaint log, in addition to other compliant logs as otherwise required of the facility, which shall include the following for each complaint:
 - Name and address of the individual filing a complaint.
 - Date and time of the complaint.
 - The nature of the complaint.
 - Any follow-up response by O&G or others to address the issue(s) of the complaint.

The complaint log shall be updated and submitted to the Land Use Office within three (3) business days following each complaint.

8. The use of on-site lighting shall be so directed as to eliminate or reduce glare on adjacent parcels to the greatest extent practicable.
9. The variance shall expire on December 31, 2023.

MOTION

Made by **GOLDBERG**, Seconded by **RATZENBERGER**

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

Aye	Novak, Donator, Goldberg, Ratzenberger, Volage
Nay	None
Abstain	None