



**TOWN OF WOODBURY**  
**Zoning Board of Appeals**  
281 Main Street South  
Woodbury, CT 06798  
203.263.3467 ▪ [www.woodburyct.org](http://www.woodburyct.org)

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**MEETING MINUTES**  
**February 22, 2022 – 7:30 p.m.**  
**Shove Building, 281 Main Street South**

**MEMBERS PRESENT**

Adam Goldberg  
Mike Novak  
Robert Ratzenberger  
Claudette Volage

**MEMBERS ABSENT**

Joe Donato

**ALTERNATES PRESENT**

Jane Donn  
Deborah Schultz

**ALTERNATES ABSENT**

Vincent Farisello

**ALSO PRESENT:** Richard Warren, O&G Industries, Inc.

**OPENING OF MEETING**

Call to Order – Vice Chairman Novak convened the meeting at 7:30 p.m.  
Seating of Members & Alternates – Seated for the meeting were regular members Goldberg, Novak, Ratzenberger, Volage and Alternate Donn

**ELECTION OF OFFICERS**

The slate of officers was determined at the last meeting. Mike Novak was nominated for Chairman and Joe Donato for Vice Chairman.

**MOTION:**

To accept the officers as nominated.

Made by Donn, Seconded by Ratzenberger

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

Ayes                Donn, Goldberg, Novak, Ratzenberger, Volage

Nays                None

Abstain            None

**PUBLIC HEARINGS**

**22-ZBA-2200 – O&G Industries, Inc. / 11 Stiles Road / Stiles Road Quarry / Map 32, Lot 1**

**Variance 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 6:30 am, Sunday through Friday, in addition to the normal permitted operation hours, to be effective through December 31, 2022**

Richard Warren of O&G Industries, Inc. was present for the discussion. Chairman Novak read the application details for the record. It was noted that this application has come before the Board many times. The description of the activity for which the variance was requested was summarized. The hardships noted were CT DOT requirements. Mr. Warren submitted the Abutter Notifications for the record. It was noted that the hours O&G is requesting they would not be fully operational during those hours, they are looking for being able to operate within that timeframe, which is usually an 8-hour operating shift. Mr. Warren also noted that the application is substantially the same however there is one addition. Last year due to weather conditions and a large work schedule, DOT allowed for Saturday paving and there was a request from a contractor asking them to open, but O&G did not have the permitting allowed to do that. Added to this application was a request to, on a case-by-case basis, request permission from the Land Use Office or Zoning Enforcement Officer to permit a Saturday operation if it is requested or required by DOT. It is not expected that it will be a regular or ongoing thing. Zoning regulation 7.9.10.B was noted. What O&G is requesting is to have the option to operate on Saturday night from 7:00 p.m. through 6:30 a.m. Sunday with permission granted from the Land Use Office on a case-by-case basis. (It was confirmed this was included in the application; second paragraph of the page entitled "Describe the Activity for Which the Variance is Requested.") There was brief discussion about the adoption of this clause to allow the Land Use Office authority to decide on this if the situation should arise. Chairman Novak asked the record to reflect that Mr. Warren was agreeable to this.

*(No members of the public were present at the hearing).*

**MOTION:**

To close the public hearing on application 22-ZBA-2200 (*O&G Industries, Inc. / 11 Stiles Road / Stiles Road Quarry / Map 32, Lot 1 / Variance 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 6:30 am, Sunday through Friday, in addition to the normal permitted operation hours, to be effective through December 31, 2022*).

Made by Goldberg, Seconded by Don

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

Ayes                Donn, Goldberg, Novak, Ratzenberger, Volage

Nays                None

Abstain            None

There were no questions from the Board and there was no further discussion.

**MOTION:**

To approve application 22-ZBA-2200 (*O&G Industries, Inc. / 11 Stiles Road / Stiles Road Quarry / Map 32, Lot 1 / Variance 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 6:30 am, Sunday through Friday, in addition to the normal permitted operation hours, to be effective through December 31, 2022*) with the stipulation that the motion be constructed with the stipulation and description of the activity which is included in the packet.

Made by Ratzenberger, Seconded by Volage  
Vote: 5-0-0 – **Approved** – Motion Passed  
Ayes            Donn, Goldberg, Novak, Ratzenberger, Volage  
Nays             None  
Abstain         None

**OTHER BUSINESS / CORRESPONDENCE**

Correspondence included the fourth quarter report from O&G Industries dated December 28, 2021.

**CONSIDERATION OF MINUTES - Meeting Minutes – 11/16/21**

**MOTION:**

To approve the minutes (of the November 16, 2021 meeting as submitted).

Made by Donn, Seconded by Ratzenberger  
Vote: 5-0-0 – **Approved** – Motion Passed  
Ayes            Donn, Goldberg, Novak, Ratzenberger, Volage  
Nays             None  
Abstain         None

**ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 7:42 p.m.

Made by Goldberg

**ADJOURNMENT**

**MOTION:** To adjourn the meeting at 7:32 p.m.

Made by member Ratzenberger

**FILED SUBJECT TO APPROVAL**

Respectfully Submitted,  
*Anne Firlings*  
Anne Firlings, ZBA Clerk

**VARIANCE APPROVAL**

**11 Stiles Road – O&G Industries, Inc.**

**22-ZBA-2200 – Stiles Road Quarry Nighttime Operations**

<b>Date of Approval</b>	<b>February 22, 2022</b>
<b>Permit Expiration</b>	<b>December 31, 2022</b>

Applicant:       **O&G Industries, Inc.**  
Owner:           **O&G Industries, Inc.**  
Application:      **22-ZBA-2200 – Variance to Permit Nighttime Operations**  
Address:          **11 Stiles Road -Stiles Road Quarry**  
Map/Lot:          **32/1**  
Zone:             **EE – Earth Excavation District**

**WHEREAS**, the Woodbury Zoning Board of Appeals (“ZBA”) has received application 22-ZBA-2200 as submitted by O&G Industries, Inc. (Applicant/Owner) seeking a variance 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 6:30 am, Sunday through Friday, in addition to the normal permitted operation hours, to be effective through December 31, 2022; and

**WHEREAS**, the variance application also seeks approval to allow, in the event that weather conditions create unforeseen delays in the completion of Connecticut Department of Transportation (“CTDOT”) contracted paving, and roadway conditions require and CTDOT approves paving on a Saturday night, with appropriate notice on a case by case basis, the Zoning Enforcement Officer or Land Use Office to permit night operations on a Saturday night (being defined as 7:00 pm Saturday through 6:30 am Sunday); and

**WHEREAS**, the application materials received include the following:

- Application for Variance – 22-ZBA-2200;
- Cover Letter from O&G Industries, Inc., 01/11/22;
- 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 was open and closed on February 22, 2022; 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 of the information received, the ZBA, in accordance with Section 9.6.1.2 of the 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**

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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 6:30 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 6:30 am Sunday);
3. An original Land Record Information Form containing a copy of this Variance Approval, signed by the Town Planner / Zoning Enforcement Officer, as provided by the Land Use Office shall be recorded by the applicant on the Town of Woodbury Land Records prior to the commencement of any activity authorized by this variance. A copy as recorded shall be provided to the Land Use Office.
4. All loaders shall use a strobe light as a backup alarm instead of an audible alarm during the hours of 7:00 pm to 6:30 am.
5. 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.
6. 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.
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 which will include the name and address of the individual filing the complaint, the date and time, the nature of the complaint and any follow-up response by the applicant or others to address the issue(s) raised. This 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. This variance shall expire on December 31, 2022.

**MOTION**

Motion by **RATZENBERGER**, Seconded by **VOLAGE**

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

Ayes: Novak, Goldberg, Ratzenberger, Volage, Donn

Nays: None

Abstain: None

PLANNING BOARD  
10000  
THURSDAY, FEBRUARY 24, 2022  
12:55 PM  
Maura M. Mancini  
Mayor