



# Town of Woodbury Zoning Commission

281 Main Street South  
Woodbury, CT 06798  
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**MINUTES – MAY 10, 2022  
REGULAR MEETING  
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

**MEMBERS PRESENT:**

Robert Clarke, Chairman  
Thomas Amatruda  
Ted Tietz  
Bob Wilson

**ALTERNATES PRESENT:**

Elmer Kiessling  
Jack Well  
Casey Rushin

**MEMBERS ABSENT:**

Donald Trella

**ALTERNATES ABSENT:**

**ALSO PRESENT:** Town Planner Will Agresta, Town Attorney Tom Kaelin, towns people, applicants and agents

**1. OPENING OF MEETING**

- a) CALL TO ORDER – Chairman Clarke convened the meeting at 7:02 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES  
Seated were Commissioners Clarke, Amatruda, Tietz, Wilson and Alternate Kiessling  
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

**2. PUBLIC HEARINGS**

There were no Public Hearings.

**3. PENDING APPLICATIONS**

There were no pending applications to consider.

**4. NEW APPLICATIONS**

- a) 22-ZC-0006 – 442 Main Street South / Map 103, Lot 010A / MSD / George Champion / Special Permit / Site Plan for mixed use per Section 5.1.4F to construct a separate single-family residence (existing building is an existing business) with modified yard setbacks per Section 5.1.8

*Commissioner Tietz recused himself. Alternate Rushin was seated at 7:05 p.m.*

Andrew Peklo, AIA, agent for the applicant, addressed the Commission. Mr. Peklo described the project to construct a separate single-family residence on the property behind the existing business. He reviewed plans with the Commission. There would be minor changes such as putting power lines underground. The location of the residence would be positioned based upon where the soil is best for the septic system. The residence would also be positioned so as to have a view of the street rather than the back of the existing building. Because of this, the applicant is asking for a smaller setback allowance. Since the building would be behind the Historic District boundary there is no need for the HD Commission to get involved.

**MOTION:**

To refer application (22-ZC-0006 – 442 Main Street South / Map 103, Lot 010A / MSD / George Champion / Special Permit / Site Plan for mixed use per Section 5.1.4F to construct a separate single-family residence (existing building is an existing business) with modified yard setbacks per Section 5.1.8) to the Planning Commission and to schedule a Public Hearing for the June 14, 2022, Zoning Commission Meeting.

Made by Chairman Clarke, Seconded by Commissioner Amatruda

Vote: 5-0-0 –Approved - Motion Passed

Ayes: Clarke, Amatruda, Wilson, Kiessling, Rushin

Nays: None

Abstain: None

**MOTION:**

To conduct a site walk of the property on application (22-ZC-0006 – 442 Main Street South / Map 103, Lot 010A / MSD) on June 11, 2022, at 10:00 a.m.

Made by Chairman Clarke, Seconded by Commissioner Wilson

Vote: 5-0-0 –Approved - Motion Passed

Ayes: Clarke, Amatruda, Wilson, Kiessling, Rushin

Nays: None

Abstain: None

*Alternate Rushin was unseated and Commissioner Tietz was reseated at 7:12 p.m.*

- b) 22-ZC-0008 – 5 Church Hill Road / Map 096, Lot 021-22 / OS-100 / Flanders Nature Center Amendment: Special Permit/Site Plan to construct 4-foot-wide pressure treated wood accessible ramp to the side entrance of the Van Vleck House.**

Vince LaFontan, Executive Director, Flanders Nature Center, addressed the Commission. Mr. LaFontan showed with visual aids the current steps and entrance to the Van Vleck House. He showed the kitchen garden entrance and indicated how the application is to construct a four foot wide ramp situated two feet away from the side of the house, with all proper railings installed. The ramp would connect from the walkway to the existing vestibule entry. Since this is an old house, it does not meet ADA requirements; however, they are trying to improve accessibility where possible as part of their current strategic plan.

**MOTION:**

To remand application (22-ZC-0008 – 5 Church Hill Road / Map 096, Lot 021-22 / OS-100 / Flanders Nature Center Amendment: Special Permit/Site Plan to construct 4-foot-wide pressure treated wood accessible ramp to the side entrance of the Van Vleck House) to staff for approval as per Section 7.3.1.5

Made by Chairman Clarke, Seconded by Commissioner Wilson

Vote: 5-0-0 –Approved - Motion Passed

Ayes: Clarke, Amatruda, Wilson, Kiessling, Tietz

Nays: None

Abstain: None

- c) **22-ZC-0009 – 506 Main Street South, Map 103, Lot 5 / MSD / 506 Main Street South LLC Amendment: Special Permit/Site Plan (Amending 21-ZC-2109) for a building addition (on rear of building) measuring 500 sf (10 feet x 50 feet) to the ground floor of the existing Carriage House (event space) and corresponding modifications to the rear parking lot layout.**

Rich Deroscher, 506 Main St. S, addressed the Commission. Mr. Deroscher is seeking a Special Permit / Site Plan amendment for an addition to the rear of the building. The addition will add more kitchen area and then allow more room for the ballroom venue. The State has approved the modification to the septic system. The Historic District will not be involved since the addition is to the back of the building. Mr. Deroscher shared visuals and elevations for the project. The addition cuts into the parking lot which resulted in the parking area to be reconfigured. The business is required to have 139 parking spaces. There are now 140 spaces in the plan including six handicap spaces. Commissioner Amatruda confirmed that there are no new uses or capacity. Alternate Rushin asked if there was a guard rail being installed in the parking area. Discussion resulted in that being a needed addition. Town Planner Agresta noted that since it is a modification, a Public Hearing is not needed. Since the use is not being altered it can be approved as a modified site plan.

**MOTION:**

To approve Amendment Application 22-ZC-0009 amending Special Permit / Site Plan Approval 21-ZC-2109 to permit a minor modification consisting of a 500-sf ground floor building addition to the rear of the existing carriage (event space) building and corresponding minor modifications to the rear parking lot layout, subject to all prior conditions still applying and subject to modifying the note for the building to delete “for storage area” and to add a guard rail to match existing to protect the building.

Made by Chairman Clarke, Seconded by Commissioner Amatruda

Vote: 5-0-0 –Approved - Motion Passed

Ayes: Clarke, Amatruda, Wilson, Kiessling, Tietz

Nays: None

Abstain: None

**MOTION:**

To adjust the agenda to cover the Zoning Regulations Discussion with the Town Attorney prior to Enforcement.

Made by Chairman Clarke, Seconded by Commissioner Wilson  
Vote: 3-2-0 –Approved - Motion Passed  
Ayes: Clarke, Wilson, Tietz  
Nays: Amatruda, Kiessling  
Abstain: None

## **5. ZONING REGULATIONS DISCUSSION**

Town Attorney Tom Kaelin began discussion with the Commission regarding signage regulations. The Commission was looking for clarification regarding signage content. The Consultant had drafted the regulations without any distinction between business and political signs. Discussion continued about the case Reed v Town of Gilbert that is used as the standard to determine that sign regulations cannot be content based. All zoning regulations need to be content neutral. The location, material and length of time the sign is up can be regulated.

Mr. Kaelin felt that if political signs are treated as temporary signs then regulations can be enforced in that manner. Mr. Agresta was not certain that would be enforceable if it was a free speech issue. Mr. Kaelin asserted that in his research the two main considerations for the Commission should be 1) to make the regulations content neutral, and 2) to not have improper motive when drafting the regulations. He believed that the recommendations from the consultant were accurate and consistent with these considerations. He did think that the regulation regarding flags could be an issue because it is content based. The end consensus of the discussion was that Mr. Kaelin, Mr. Agresta and Mr. Gomes (consultant) will go over this together and Mr. Agresta will report back to the Commission.

## **6. ENFORCEMENT**

- a) **22-ENF-0001 – 466 Flanders Road / Map 94, Lot 16-A / OS-100 / Chris Teixeira**  
**Unauthorized land filling; and unauthorized parking and storage of commercial vehicle.**

Mr. Teixeira addressed the Commission. He stated that the excess fill has been removed from the property. He has tried to put the property back the way it was. He appeared before the IWA last night and came to an agreement for a plan. Mr. Teixeira is awaiting approval on the plan from the IWA. Once he has approval, he believes that the work will take about two weeks.

### **MOTION:**

To table enforcement item (22-ENF-0001 – 466 Flanders Road / Map 94, Lot 16-A / OS-100 / Chris Teixeira / Unauthorized land filling; and unauthorized parking and storage of commercial vehicle.) in order to await approval from the IWA.

Made by Chairman Clarke, Seconded by Alternate Kiessling  
Vote: 5-0-0 –Approved - Motion Passed  
Ayes: Clarke, Amatruda, Wilson, Kiessling, Tietz  
Nays: None  
Abstain: None

- b) **22-ENF-0009 – 47 Main Street South / Map 105, Lot 139 / MSD & HD / Kevin Barry**  
**Unpermitted banner sign.**

Mr. Agresta stated that the banner sign has been removed.

**MOTION:**

To remove item (22-ENF-0009 – 47 Main Street South / Map 105, Lot 139 / MSD & HD / Kevin Barry Unpermitted banner sign) from the Enforcement Report.

Made by Chairman Clarke, Seconded by Commissioner Amatruda

Vote: 5-0-0 –Approved - Motion Passed

Ayes: Clarke, Amatruda, Wilson, Kiessling, Tietz

Nays: None

Abstain: None

- c) **21-ENF-0008 – 46 Leavenworth Road / Map 70, Lot 48-12 / OS-100 / John Treacy Beyer Unauthorized construction of pavilion structure over existing septic system. NPV sent 10/27/21**

Mr. Agresta informed the Commission that the Health Department had finally processed the approval. There is the payment of a fee that is being waited on, but that should be resolved soon.

**MOTION:**

To leave item (21-ENF-0008 – 46 Leavenworth Road / Map 70, Lot 48-12 / OS-100 / John Treacy Beyer Unauthorized construction of pavilion structure over existing septic system. NPV sent 10/27/21) on the Enforcement Report until it is officially resolved.

Made by Chairman Clarke, Seconded by Alternate Kiessling

Vote: 4-0-1 –Approved - Motion Passed

Ayes: Clarke, Wilson, Kiessling, Tietz

Nays: None

Abstain: Amatruda

- d) **21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 / Tumer Eren Unauthorized structures. NPV sent 12/07/21 – Pending resolve as Phase II**

This phase of the enforcement action has to go to the ZBA.

**MOTION:**

To table enforcement item (21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 / Tumer Eren / Unauthorized structures. NPV sent 12/07/21 – Pending resolve as Phase II)

Made by Chairman Clarke, Seconded by Commissioner Amatruda

Vote: 5-0-0 –Approved - Motion Passed

Ayes: Clarke, Wilson, Kiessling, Tietz, Amatruda

Nays: None

Abstain: None

- e) **22-ENF-0008 – 319 Main Street South / Map 104, Lot 091 / MSD / Lance & Christine Conducting a retail business absent a Zoning Permit and display of a free-standing sign absent a required Zoning (Sign) Permit. NPV sent 04/12/22**

There has been no action yet regarding the sign.

**MOTION:**

To table enforcement item (22-ENF-0008 – 319 Main Street South / Map 104, Lot 091 / MSD / Lance & Christine / Conducting a retail business absent a Zoning Permit and display of a free-standing sign absent a required Zoning (Sign) Permit)

Made by Chairman Clarke, Seconded by Commissioner Wilson

Vote: 5-0-0 –Approved - Motion Passed

Ayes: Clarke, Wilson, Kiessling, Tietz, Amatruda

Nays: None

Abstain: None

**7. DELIBERATIONS / DETERMINATIONS**

- a) **22-ZC-0007 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 / Tumer Eren Site Plan Application (Phase 1) associated with 21-ENF-0009 regarding remediation of unauthorized site development activities, including excavation and drainage improvements.**

*Commission Tietz recused himself. Alternate Well was seated at 8:33 p.m.*

Chairman Clarke presented the draft motion to the Commission for consideration. He called for discussion. There was some discussion regarding the bonding of the project.

**MOTION:**

To approve Site Plan Application 22-ZC-007 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 District for remediation of unauthorized excavation and drainage improvements in part addressing Zoning Violation 21-ENF-0009 per draft Approval Resolution dated May 10, 2022, subject to conditions.

Made by Chairman Clarke, Seconded by Commissioner Amatruda

Vote: 5-0-0 –Approved - Motion Passed

Ayes: Clarke, Wilson, Kiessling, Amatruda, Well

Nays: None

Abstain: None

*Full motion attached to the end of this document.*

**8. MEETING MINUTES**

Chairman Clarke presented for consideration the minutes of the April 26, 2022, Zoning Commission meeting. He called for discussion. There was none.

**MOTION:**

To approve the minutes of the April 26, 2022, Zoning Commission meeting as presented.

Made by Chairman Clarke, Seconded by Commissioner Wilson

Vote: 5-0-0 –Approved - Motion Passed

Ayes: Clarke, Wilson, Kiessling, Amatruda, Well

Nays: None

Abstain: None

Alternate Well was unseated and Commissioner Tietz was reseated at 8:42 p.m.

**9. OTHER BUSINESS**

Alternate Rushin, Alternate Well and Commissioner Tietz attended the joint Land Use meeting that was held. Alternate Rushin suggested that it would be beneficial for the Zoning Commission and the Planning Commission to have a meeting to be sure that everyone is on the same page. He believes there is some miscommunication regarding affordable housing, low income housing, high density housing and the locations allowed for such projects. Discussion ensued among the Commission on this topic, including that the grant money was approved and the Affordable Housing Plan had been adopted at the end of 2021. Commissioner Amatruda was not happy that the Commission was not made aware of that fact. He felt that before the Commission moves forward with the Residential Community in the new regulations, they should be presented with the Affordable Housing Plan. He stated that it used to be common to attend the other commission's meetings before Covid. So, it would be a good practice to get back to.

**10. PRIVILEGE OF THE FLOOR**

There were no comments from the floor.

**11. CORRESPONDENCE**

- O&G Industries, Inc. monthly complaint log

**12. ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 9:06 p.m.  
Made by Chairman Clarke

Respectfully Submitted,

*Robyn Wright*

Robyn Wright  
Clerk for the Zoning Commission

RECEIVED & FILED  
IN WOODSBURY, CT

This 13<sup>th</sup> day of May 2022  
at 3:45 o'clock PM

*Maria M. Mancini*  
Town Clerk

*Copies of documents and meeting audio are available at the Land Use Office*