



Town of Woodbury Zoning Commission

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

**MINUTES – MAY 29, 2024
SPECIAL MEETING
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

MEMBERS PRESENT:

Bob Wilson, Chairman
Thomas Amatruda
Ted Tietz

ALTERNATES PRESENT:

Casey Rushin (*arrived at 7:12 p.m.*)

MEMBERS ABSENT:

Donald Trella
Robert Clarke

ALTERNATES ABSENT:

Jack Well
Jake Amorando

ALSO PRESENT: Town Planner Will Agresta

1. OPENING OF MEETING

- a) CALL TO ORDER – Chairman Wilson convened the meeting at 7:00 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Wilson, Amatruda and Tietz
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. NEW APPLICATIONS

- **24-ZC-0009 – 694 Main Street South / Map 102, Lot 22-D-1 / MQ District
MHGN RE, LLC (owner/applicant) – Michael Hayek
Special Permit/Site Plan – *Receipt of application and scheduling of Public Hearing – OH by 08/02/24***
 - Add ADA Ramp
 - Add Roof Structure over Main Entrance Door
 - Resurface Existing Concrete Outdoor Dining Area with Tiles
 - Expand Outdoor Dining Area to South of Covered Area – surface with 2ftx2ft Pavers
 - Replace existing Freestanding Sign with New Sign

Michael Hayek, Saw Mill Road, Danbury, addressed the Commission. Mr. Hayek explained that he has just purchased the Good News Café. The application is mainly to address and make legal already existing items. The owner will be keeping the existing name but replacing the sign with one that is 4' x 6'. Town Planner Agresta brought up the septic system, which was originally

going to be redone. Upon talking to professionals, Mr. Hayek was told that the existing septic is sufficient for the location. There will be some maintenance issues with the system addressed. Mr. Hayek explained that the Health Department had stated that the old and newly scoped septic systems accommodated the same seating capacity (200 seats combining inside and outside), so he will not need to put in a new system. The old patio will be tiled and the proposed expanded patio will be 2' x 2' pavers. A new handicap ramp will be built to code. The applicant is also proposing a stone wall on the street side in the future. There is no new lighting. The restaurant has access to all the parking in Village Square, so parking spots are not an issue. Discussion commenced as to whether a Public Hearing was necessary. The members all agreed that the changes made were minor and a Public Hearing was not necessary.

MOTION:

To waive the Public Hearing and for staff to prepare the draft approval on application **24-ZC-0009 – 694 Main Street South / Map 102, Lot 22-D-1 / MQ District MHGN RE, LLC (owner/applicant) – Michael Hayek**

Made by Chairman Wilson, Seconded by Commissioner Amatruda

Vote: 3-0-0 – Approved – Motion Passed

Ayes: Amatruda, Wilson, Tietz

Nays: None

Abstain: None

Alternate Rushin was seated at 7:15 p.m.

Commissioner Tietz was unseated at 7:16 p.m.

3. PENDING APPLICATIONS

There were no Pending Applications to be considered.

4. DELIBERATIONS / DETERMINATIONS

There were no items to deliberate at this time.

5. ENFORCEMENT

- **24-ENF-ZC01 – Chohees Trail / Map 044, Lot 018 / OS-100 District TRP Farms, LLC (Owner)**
Unauthorized site alteration and site disturbance, use of property for unauthorized earth and tree materials stockpiling and processing facility, removal off-premises of earth materials in excess of 100 cubic yards and the placement, storage and use of unauthorized processing equipment and machinery.

1. Mr. Agresta explained the nature of the enforcement issue to the Commission. The office has been trying to resolve this issue since 2022. There has been some response from the owner and some issues resolved themselves. A month ago, there were some local complaints made about trucks hauling material into Bethlehem. The First Selectman of Bethlehem called to inquire as to

the nature of the hauling. Mr. Agresta showed photos from the property that show logs, stumps, stockpiled materials, and trailers. The photos seem to indicate that an unpermitted excavation / processing business is taking place. Mr. Agresta stated that there could be a permit granted for the property, but not for any importing or exporting of material since the property is not in an Earth Excavation zone.

2. Tim Pabst, owner TRP Farms, arrived at the meeting to address the issue. Mr. Pabst asserted that the stumps are from a 10 acre area he is clearing for farming. He is allowed to clear and process on site. His intent is to grind down stumps on property and not to sell. The millings are solely for maintenance of driveways when they are all put in. The bulldozer on site is specifically for the regrading of the site. This is all legal as long as the activity is not affecting wetlands. Mr. Pabst also claims that the First Selectman of Bethlehem has a private issue with his family and that is the reason he pursued things with the town.
3. The Commission inquired about the trucks that went to Bethlehem. Mr. Pabst denied that there were any trucks hauling material to Bethlehem. There is a separate lot in the back that has a building permit with a driveway easement on this property. Some trucks could be for that purpose. Alternate Rushin inquired if a permit is needed to bring in that amount of millings. A permit would only be necessary if it involved wetlands. Alternate Rushin then asked if a permit was needed to process stumps. Mr. Pabst asked if that would fall under the agricultural zone. Mr. Agresta stated that he would need to look into it.
4. Discussion led to the Commission taking Mr. Pabst's word on the situation. Alternate Rushin encouraged Mr. Pabst to keep open communication with the Land Use office to ease issues. Mr. Pabst asserted all he has done for the town and that he is not playing games but trying to improve the neighborhood.

MOTION:

To remove item 24-ENF-ZC01 – Chohees Trail / Map 044, Lot 018 / OS-100 District TRP Farms, LLC (Owner) from the Enforcement Report

Made by Chairman Wilson, Seconded by Commissioner Amatruda

Vote: 3-0-0 – Approved – Motion Passed

Ayes: Amatruda, Wilson, Rushin

Nays: None

Abstain: None

Commissioner Tietz was reseated at 7:40 p.m.

6. ADMINISTRATIVE

Chairman Wilson presented the minutes of the May 14, 2024, Zoning Commission meeting for consideration. He called for discussion. There was none.

MOTION:

To approve the minutes of the May 14, 2024, Zoning Commission meeting as presented.

Made by Chairman Wilson, Seconded by Commissioner Tietz

Vote: 3-0-1 – Approved – Motion Passed

Ayes: Amatruda, Wilson, Tietz

Nays: None

Abstain: Rushin

7. PRIVILEGE OF THE FLOOR

There were no comments from the floor.

8. CORRESPONDENCE

There was no correspondence to consider.

9. DRAFT ZONING REGULATIONS WORK SESSION

Chairman Wilson began the work session starting Article III Regulatory Standards, Section 10 General Standards

10.1 General Performance

Statement good as recommended.

10.1.1 Emissions

- **10.1.1.A:** There was discussion on what this included. It will be reworded to include “Authorized construction” and “other mitigation techniques.”
- **10.1.1.B:** No changes made

10.1.2 Noise and Light

- **10.1.2.A-D:** There was discussion if this was the purview of the Commission or should be an ordinance. Mr. Agresta passed out a decibel level limit sheet. He pointed out that the Commission still needs to have the authority for repeat offenders. The consensus was for the ZEO to get a decibel meter in order to enforce the regulation accurately. The ZEO should test it out on Bacon Pond Road to get a general idea of decibel levels.

10.1.3 Waste

- **10.1.3.A-B:** No changes made

10.1.4 Hazards: No changes made

10.1.5 Electromagnetic Interference: No changes made

10.1.6 Vibration: No changes made

10.1.7 Display

- **10.1.7.A-B:** There was discussion about how Section 11.6 allows approximately 5% of frontage area. There are times where the Commission can make exceptions based on the type of use.

10.2 Required Setback Areas

- **10.2.A:** This was good as recommended with the statement ending with “in this section” instead of “below”
- **10.2.B:** A diagram should be added

- 10.2.C: There was discussion about right-of-ways. This should be clarified for better understanding.
- 10.2.D-G: No changes made
- 10.2.H.1-6: Add pillars to 10.2.H.6.b
- 10.2.I: No changes made. Alternate Rushin would like flagpoles added.
- 10.2.J: No changes made

10.3 Building Height

Statement good as recommended.

10.3.1 Measurement of Building / Structure Height

- 10.3.1.A-B: No changes made. Possibly adding a diagram

10.3.2 Exemptions from Height Restriction

- 10.3.2.A-E: No changes made

10. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:04 p.m.

Made by Chairman Wilson

Respectfully Submitted,

Robyn Wright

Robyn Wright
Clerk for the Zoning Commission

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

RECEIVED & FILED
IN WOODBURY, CT
This 6th day of June 2024
at 7:50 o'clock A M
Maria M. Marcini
Town Clerk