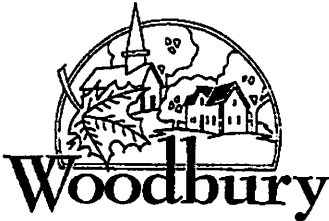


TOWN OF WOODBURY

Zoning Commission

281 Main Street South
Woodbury, Connecticut 06798-0369
(203)263-3467 ~ www.woodburyct.org



First land deed from the Indians
April 12th 1659

MINUTES – SEPTEMBER 14, 2021

REGULAR MEETING

7:00 P.M. – SHOVE BUILDING, 281 MAIN ST. SOUTH

MEMBERS PRESENT:

Robert Clarke, Vice Chairman
Ted Tietz
Donald Trella (*left at 8:21 p.m.*)

ALTERNATES PRESENT:

Jack Well
Casey Rushin

MEMBERS ABSENT:

Thomas Amatruda, Chairman
Bob Wilson

ALTERNATES ABSENT:

Elmer Kiessling

ALSO PRESENT: Town Planner Will Agresta, Towns people

1. REGULAR MEETING

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

2. OTHER BUSINESS

The new Town Planner, Will Agresta was introduced to the Commission. Mr. Agresta explained that he has been in planning for over 30 years in various municipalities with experience in Connecticut and New York. His background is in environmental science planning, GIS and landscape architecture. His expertise and what he particularly enjoys is the interpretation and drafting of zoning regulations. Vice Chairman Clarke inquired if he plans to stay. Mr. Agresta hopes to stay since by being a resident of Woodbury, working in town reduces travel time thus giving a better quality of family life. Alternate Rushin inquired as to whether being a town resident will create a conflict of interest with relationships he may have in town. Mr. Agresta stated that since he had moved in three years ago, he is not too established with contacts, and therefore does not foresee any conflict of interest.

MOTION:

Vice Chairman Clarke moved and Commissioner Tietz seconded for the Town Planner, William Agresta to be given authority and power as the Zoning Enforcement Officer in the absence of one employed by the Town.

Vote: 5-0-0 in favor. Motion unanimously approved.

3. ENFORCEMENT

a) 21-ENF-0006 / Taff / 148 Sycamore Avenue / NPV Unpermitted and Occupied Recreational Vehicles / Map 036 / Lot 035

Mr. Agresta, ZEO, addressed the Commission. He explained that he had a phone call with James Taff the trustee of the property. He had sent an email advising that someone should come to the Zoning meeting tonight. James Taff was going to try to get David Taff (relative and property owner next door) to come and represent for him. Mr. David Taff was not present. Mr. Agresta continued that James Taff stated there are two trailers on the property since a house fire, but no one is living in them. There are liens on the property that are going to court. The property will most likely be foreclosed. One trailer is out of sight, but the other one needs to be moved out of sight also.

MOTION:

Vice Chairman Clarke moved and Commissioner Trella seconded in regards to item *(21-ENF-0006 / Taff / 148 Sycamore Avenue / NPV Unpermitted and Occupied Recreational Vehicles / Map 036 / Lot 035)* that the ZEO advise the owner that the trailer must be moved out of site. If the trailer is occupied a permit must be sought.

Vote: 5-0-0 in favor. Motion unanimously approved.

b) 21-ENF-0008 / Beyer / 46 Leavenworth Rd. / NPV Construction of Unpermitted Pavilion & Possible Home-Based Business / Map 070 / Lot 048-12

1. Mr. Gabriel Cardona, 68 Banger St., Oakville, addressed the Commission. His father and sister live at 46 Leavenworth Rd. The landscaping business is his and is not registered to that address. However, there are many times the business trailers with mowers, equipment or brush come back to Leavenworth Road since he does not always have the time or space to store the equipment elsewhere.
2. The pavilion on the property was built without a permit. The pavilion was actually built on the leaching fields. Mr. Cardona is currently in contact with the Pomperaug Health Department, the Building Inspector and a septic specialist trying to resolve that issue in order to obtain a Special Permit. He is taking every step to correct this problem.
3. Vice Chairman Clarke instructed Mr. Cardona to contact the police to see if parking equipment on the street is an issue for traffic. The Commission reviewed photos taken of the property. There is obviously unmarked professional equipment visible which is not allowed. Items may be there temporarily but should not be permanent, daily fixtures. Discussion ensued regarding if Mr. Cardona is doing yard work at Leavenworth Rd., where he is allowed to put equipment.
4. Alternate Rushin stated that Mr. Cardona has admitted to storing equipment for a commercial business at that location. In theory he is operating a home based business from that location without a permit. The Commission explained that while operating a business

can be allowed, there are rules and limitations to follow as to what can and cannot be stored and for how long. A screened area may need to be built for everything to go behind. ZEO Agresta explained that a Special Permit application should be processed to see if the criteria is met. A Public Hearing would be held since it is a major home business. The other option is for the equipment to be stored elsewhere. It was also determined that the many vehicles coming and going are primarily personal driving vehicles for the residents of the property. Some of those vehicles are unmarked trucks with combination plates.

Noting that there were some members of the public who wished to speak regarding this item, Vice Chairman Clarke opened the meeting to the public.

5. Thomas Burns, 62 Leavenworth Rd., addressed the Commission. Mr. Burns reiterated his feelings expressed at the last meeting that he does not want commercial activity destroying the residential character of the neighborhood.
6. Jay Ivler, 150 Hazel Plain Rd., addressed the Commission. Since being home during Covid, Mr. Ivler has noticed increased activity in the morning hours between 7:30-8:30 a.m. and the afternoon hours between 4:30-5:00 p.m. that seems of a commercial nature. Mr. Ivler inquired as to who Mr. Beyer is. Mr. Cardona responded that Mr. Beyer is the owner of the property and their employer. Mr. Ivler noted that any action should not be adversarial neighbor versus neighbor; he wishes his neighbor success in his business. However, any non-permitted activity should be enforced. Vice Chairman Clarke noted that even with a permitted business, the equipment must not be seen and there could be a problem if it creates significant traffic. He recommended for the neighbors to talk to each other. Alternate Well stated that when you move to a town it is your responsibility to find out what the regulations are.
7. Robin Ivler, 150 Hazel Plain Rd., addressed the Commission. Ms. Ivler inquired as to how the town determines zoning. She was unaware that a neighbor in a residential area could have a commercial business. Vice Chairman Clarke directed her to the Zoning Regulations that are posted online. Alternate Rushin explained that an area remains a residential zone, but that is why a Special Permit with limitations is needed. ZEO Agresta stated that road traffic is also considered under the permit evaluation.

This item will remain on the agenda until it is resolved.

MOTION:

Vice Chairman Clarke moved and Commissioner Trella seconded to table item *(21-ENF-0008 / Beyer / 46 Leavenworth Rd. / NPV Construction of Unpermitted Pavilion & Possible Home-Based Business / Map 070 / Lot 048-12)*.

Vote: 5-0-0 in favor. Motion unanimously approved.

4. REGULATION WORKSHOP

Commissioner Trella suggested tabling the regulation workshop. Vice Chairman Clarke moved and Alternate Well seconded to accept the signage regulations as they are currently. A lively discussion ensued regarding signage and whether the regulations should be adjusted or if the Board of Selectmen should make ordinances regarding them. Even if the Board of Selectmen writes ordinances, the Zoning Commission still has to enforce them. Alternate Well felt that this has been battled for 50 years and it is never resolved. Alternate Rushin stated that the Commission should be open to discussion and accepting different viewpoints.

Commissioner Tietz and Alternate Rushin agree that a one size standard for all commercial zones in town should be accepted. ZEO Agresta felt that speed limit should have nothing to do with signage standards anymore. He also stated that free standing signs should not be the same as building mounted signs. Building signs are more of a directory and not meant to be seen from the road. Commissioner Trella felt that the amount of signage currently allowed is adequate maybe with some minor changes. He is not sure he wants the amount of expansion that Chairman Amatruda is recommending. ZEO Agresta stated that the less calculation needed the better it is for enforcement.

Alternate Well took back his second to the motion. No vote was taken.

Commissioner Trella left the meeting at 8:21 p.m.

5. PRIVILEGE OF THE FLOOR

There were no further comments from the public at this time.

6. CORRESPONDENCE

- The O&G Industries, August complaint logs for both quarries were considered.

7. CONSIDERATION OF MINUTES

Vice Chairman Clarke presented for consideration the minutes of the September 7, 2021, Special Meeting/ Site Walk meeting. He called for discussion there was none.

MOTION:

Vice Chairman Clarke moved and Alternate Rushin seconded to approve the minutes of the September 7, 2021, Special Meeting/ Site Walk as presented.

Vote: 3-0-1 in favor. Commissioner Tietz being the abstaining vote due to absence.

Vice Chairman Clarke presented for consideration the minutes of the August 24, 2021, Zoning Commission meeting. He called for discussion. The following change was requested.

MOTION:

Vice Chairman Clarke moved and Commissioner Tietz seconded to approve the minutes of the August 24, 2021, Zoning Commission meeting as amended:

Section 3.5—sentence 5: Change “town character” to “character of the town”

Vote: 4-0-0 in favor. Motion unanimously approved.

8. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:28 p.m.
Made by Vice Chairman Clarke

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 20 day of Sept 2021
at 8:25 o'clock A M
Andre J. Clark
Town Clerk