



TOWN OF WOODBURY

Zoning Commission

297 Main Street South

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MINUTES PUBLIC HEARING/REGULAR MEETING TUESDAY, August 10, 2010

7:30 P.M.

TOWN ANNEX

MEMBERS PRESENT:

Robert Clarke

Ted Tietz

ALTERNATES PRESENT:

Chris Conto

Roberta Zulpa

MEMBERS ABSENT:

Martin Overton

Chuck Cosgriff, Jr.

Ron Judson

ALTERNATES ABSENT:

Alan Green

ALSO PRESENT: Catherine Adsitt Town Planner AICP, Scott O'Keefe, Chris Gogas, Sara Shinn-Pratt, member of the press, and other interested residents.

I. CALL TO ORDER

Vice Chairman Clark convened the meeting at 7:30 p.m

II. SEATING OF MEMBERS AND ALTERNATES

Seated were Commissioners Clarke, Tietz, Conto and Zulpa.

III. PUBLIC HEARINGS - None

IV. REGULAR MEETING

Vice Chr. Clarke convened the Regular Meeting of the Woodbury Zoning Commission at 7:32 p.m. and reminded members of the Connecticut statute regarding conflict of interest.

A. PENDING APPLICATIONS

1. **10-ZC-1020/Taylor/785 Washington Road/Modification to Special Exception.Modify tube runs, add tubing runs, replace existing lift for summer tubing/year round, add curtain drains, catch basin, and pipe (Tax Assessor's Map 56/Lot 16B)**

Vice Chr. Clarke asked commissioners read a draft of a proposed motion. The Commission then went through the draft discussing changes they would like made. Items discussed included:

- Days and hours of operation
- Lighting

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- What time frame constitutes summer operations
- Water use
- Parking
- Multiple events on the same day
- Bond costs

MOTION:

10-ZC-1020/Taylor/785 Washington Road/Modification to Special Exception. Modify tube runs, add tubing runs, replace existing lift for summer tubing/year round, add curtain drains, catch basin, and pipe (Tax Assessor’s Map 56/Lot 16B)

To return the draft to the Land Use administrator for changes and to address the draft at the next meeting

Made by Clarke, seconded by Tietz

Vote 4-0 in favor

B. NEW APPLICATIONS

1 242 Bacon Pond Road/Special permit, Special Exception/Scott O’Keefe/Home based Lighting fixture business(Tax Assessor’s Map 086/Lot 33)

Mr. O’Keefe came forward and explained that bought the lighting business from Frank and Carol Hambrech. They would like to continue the business in his two car garage. Commissioner Zulpa asked if there were any other businesses around him. He replied yes, a dog kennel. She also asked about signs and if there would be any? Mr. O’Keefe explained that he had the signs that Mr. Hambrech used.

Commissioner Zulpa asked if he anticipated a lot of traffic or will it be a lot of online business? Mr. O’Keefe replied he did not anticipate a lot of traffic that usually it is by appointment and that he would like to do more online selling.

Commissioner Tietz asked how many employees he would have, to which he replied “just he and his wife”.

The Town Planner mentioned that the applicant has requested a waiver for the site development plan and asked Mr. O’Keefe to explain the reason for the request. Mr. O’Keefe explained that he is not proposing any changes to his property, that the inventory he has will be displayed in his existing garage.

Commissioner Tietz asked if the lights had to be assembled on the premises. Mr. O’Keefe explained that he puts the flutes on because they can’t be shipped on the lamps because they would break.

Commissioner Tietz inquired as to which regulation the application was being submitted under. Catherine Adsitt explained that it could be accepted under regulation number 1.3.1.3, where the proposed use is not permitted or prohibited by the regulations, the

Commission shall make the determination as to whether the proposed use is permitted in that district by special exception, or prohibited.

MOTION:

To accept application and assign number 10-ZC-1026 to 242 Bacon Pond Road/Special permit, Special Exception/Scott O'Keefe/Home based Lighting fixture business(Tax Assessor's Map 086/Lot 33) and to schedule a public hearing for the next Zoning Commission meeting on August 24, 2010.

Made by Clarke, seconded by Conto.

Vote 4-0 in favor.

MOTION:

To adjust the agenda to accommodate those people present.

Made by Clarke, seconded by Tietz.

Vote 4-0 in favor.

C. ENFORCEMENTS

- **345 Main Street South**, Bloxom, application in process
- **122 Pomperaug Avenue**, waiting for response from property owner
- **357 Main Street South**, no further parking complaints have been received, it was noted that the truck has been seen across the street and to keep this on enforcement
- **135 Main Street North**, Vice Chr. Clarke read an approval that was given from the Inland Wetland Agency to the owner Chris Gogas, San Remos Restaurant. The commissioners asked Mr. Gogas to explain the issue again and reviewed how it came before the commission. Mr. Gogas provided a recap for the Commission.

Catherine Adsitt explained that the Commission needed to determine if the proposed modifications represent a minor, non-substantial deviation from the approve site development plan, if the modification are substantial. The Commission may authorize the ZEO to authorize minor, non-substantial deviations. Substantial changes are treated as a new application and require the submission of an application for review.

Commissioners reviewed the 2004 approval and the site plan that was reviewed by the Inland Wetlands Agency. The change in the amount of coverage was reviewed. Mr. Gogas indicated that the site would remain under 65% coverage. The Town Planner stated the coverage permitted in the district is 50% and the Zoning Commission, for purposes of flexibility may permit up to 65% coverage.

MOTION:

To allow the ZEO to review the plans and authorize any minor, non substantial deviations from the special exception for 135 Main Street North, San Remos Restaurant, Chris Gogas (owner)

Made by Zulpa, seconded by Tietz

Vote 3-1 in favor, Clarke opposed

Commissioner Zulpa left the meeting

- **Middle Quarter District**, discussion was held regarding signage.

D. PRIVILEGE OF THE FLOOR

Sarah Shinn Pratt came forward to speak about the Woodbury Ski application and to urge the Commission to understand the feelings of the neighbors. None of them want the summer tubing. The noise from the conveyor belt is loud and prevents neighbors from enjoying their yards. She told the Commission she was aware she was moving near a ski resort, but the owner has been pushing the limits. It is not his God given right to operate the ski area in the summer.

E. OTHER BUSINESS

08-ZC-8015 / 785 Washington Road/ Tax Assessor's Map 56/Lot 16B/ Request for Bond release

Commissioners asked Catherine Adsitt if there was anything new. She replied there was not. The Commission decided to keep the item on the agenda and for the Land Use office to provide updates as they come in.

Annual Report

The Commission reviewed the Annual Report and it was noted that Alan Green was listed as an alternate and he is a member, that information should be changed. Commissioners also asked for a review of the attendance and corrections as necessary.

MOTION:

To accept the Annual report as amended.
Made by Clarke, seconded by Conto
Vote 4-0 in favor

It was decided that the Annual Fee and Updated Zoning map would be discussed at the next meeting.

MOTION:

To add to the agenda 5-ZC-5007, 641 Main Street South, Ken Devino, bond release request to the agenda.
Made by Tietz, seconded by Clarke
4-0 in favor

05-ZC-5007/ 641 Main Street South/ Ken Devino/ Partial bond release request for landscaping

Catherine Adsitt informed the Commission that the Land Use office has a letter from landscape architect that states the applicant has planted a majority of the plantings and has maintained them, and they appear to be healthy. The reason the request was forwarded to the Commission is that staff could not find any provision in the Zoning Regulations that would allow for a partial bond release. The regulations read "the bond shall be released upon certification that all required improvements have completed to the satisfaction of the

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Commission and other appropriate town departments”. It would be up to the Commission to determine if a partial bond release could be permitted.

Commissioner Clarke asked if there was any precedent set before with respect to partial bond releases. No one could recall one.

MOTION:

To deny the request for the partial return of the bond for 05-ZC-5007/ 641 Main Street South/
Ken Devino/ Partial bond release request for landscaping
Made by Clarke, seconded by Conto
Vote 4-0 in favor

F. CONSIDERATION OF MINUTES

Regular Meeting – July 14, 2010
The following change was made:

- Page 3, Para. 5 – Should read: “...he feels that the impact **on one** ...”
- Page 4, Para. 9 - Should read “...approved parking areas and **no**...”
- Page 4, Para. 11 - “issues should read **issue**, approves should read **approve**”
- Page 11, Para. 1 – Should read “...at the north **end**...”
 - Para. 6 – Should read “..but **the father** declined..”
 - Para. 12 – Should read “..**excused** himself..”

MOTION:

To approve the minutes of the Tuesday, July 13, 2010, Regular Meeting of the Woodbury Zoning Commission, as amended.
Made by Clarke, seconded by Tietz.
Vote 4-0 in favor.

G. CORRESPONDENCE

None

H. ADJOURNMENT

MOTION:

To adjourn the meeting at 10:15 p.m.
Made by Clarke.

FILED SUBJECT TO APPROVAL
Respectfully submitted,

Donna Suszynski, Administrative Assistant