

TOWN OF WOODBURY
Zoning Board of Appeals
281 Main Street South
Woodbury, CT 06798
203.263.3467 ▪ www.woodburyct.org

MEETING MINUTES – JANUARY 21, 2025 - 7:30 PM
Shove Building, 281 Main Street South

MEMBERS PRESENT:

Joe Donato
Mike Novak, Chairman
Robert Ratzenberger
Claudette Volage

ALTERNATES ABSENT:

Seth Bernstein
Jane Donn
Demetrius Leonard

MEMBERS ABSENT

Adam Goldberg

NOTED OTHERS PRESENT: Andrew Berez, Stone Roberts and Besnik Mamudi

OPENING OF MEETING

- Call to Order – Chairman Novak called the meeting to order at 7:32 p.m.
- Seating of Members / Alternates – Seated for the meeting were regular members Donato, Novak, Ratzenberger and Volage

MOTION

To rearrange the agenda (to accommodate those present) and to defer Election of Officers to later in the meeting.

Moved by **RATZENBERGER**, Seconded by **DONATO**

Vote: 4-0-0 – **Approved** – Motion Passed

Aye Donato, Novak, Ratzenberger, Volage

Nay None

Abstain None

PUBLIC HEARING

24-ZBA-0004 – 656 Weekepeemee Road / Map 44, Lot 11 / OS-100 District / Andrew Berez (applicant/owner)
/ Application for area variances to permit a front yard setback of 10 feet in lieu of 50 feet as otherwise required per Zoning §4.2.1 and §7.2.1 for a proposed generator and separate propane storage tanks.

Andrew Berez, property owner, was present for the discussion. They are looking to install propane tanks and a generator in the front yard setback. The spot chosen is close to the road. The property is narrow and long and there is a river that runs through it. There is flood plain to avoid as well. The tanks would be hidden from the road due to the terrain as it drops off in this area. Setting the tanks 50 ft. back from property lines would put them into the flood hazard area. Photos of the location were reviewed with the Board. The applicant confirmed this is a residential household generator for emergency use. It was questioned how they will be able to fill the tanks; it was explained that there are hoses long enough to accommodate this location being reached from the road. The location of the septic tank and septic fields were noted. The entire property lies in the flood plain. Placing these

structures next to the house was not an option due to window locations. In addition, this would also still be within the 50 ft. front yard setback. Members had no additional questions or concerns.

MOTION

To close the public hearing on 24-ZBA-0004 for property at 656 Weekepeemee Road.

Moved by **RATZENBERGER**, Seconded by **DONATO**

Vote: 4-0-0 – **Approved** – Motion Passed

Aye Donato, Novak, Ratzenberger, Volage

Nay None

Abstain None

NEW APPLICATIONS

25-ZBA-0001 – 55 Good Hill Road / Map 36, Lot 9-A / R-40 District / Stone Roberts (owner/applicant), C&D Custom Electrical LLC (agent) / Application for area variance to permit a front yard setback of 20 feet in lieu of 50 feet as otherwise required per Zoning §4.2.1 and §7.2.1 for proposed generator.

Stone Roberts, property owner and Besnik Mamudi of C&D Custom Electrical were present for the discussion. A letter from Besnik Mamudi dated January 3, 2025, was read for the record. They are looking for a variance of the 50 ft. front yard setback requirement and are also asking for a waiver of the requirement for a certified A2 survey. The location of the property was discussed. They are asking for a waiver of the A2 requirement because the proposed generator location is right next to the house.

Members reviewed the information before them including a Zoning Location Survey. A building setback line is indicated, but not the specific detail of distance from the house to the property line.

It was debated what the use of the A2 survey would be. It was discussed that the front of the house is about 10 ft. from the street and the 50 ft. is to the back of the house in the patio area. An A2 Survey would provide the information to be specific in the dimensional variance that the Board would be issuing.

It was noted that the entire house sits in the setback. Existing condenser units are closer to the road. The generator would not be encroaching any more than the existing house.

It was confirmed that the generator is moveable. The property was confirmed to be about 3.5 acres and there is a stream that runs through it.

Consensus was that the A2 would provide a dimension off the house, but it does not matter because the whole house is in the setback. The generator is not encroaching any closer to the setback than the house or the AC condensers. It was felt that because this is a moveable structure an A2 survey was not that necessary.

MOTION

To waive the requirement for an A2 survey and set a public hearing for the next regularly scheduled meeting.

Moved by **DONATO**, Seconded by **RATZENBERGER**

Vote: 4-0-0 – **Approved** – Motion Passed

Aye Donato, Novak, Ratzenberger, Volage

Nay None

Abstain None

MOTION

To modify/amend the agenda to add deliberation discussion regarding 24-ZBA-0004 – 656 Weekepeemee Road / Map 44, Lot 11 / OS-100 District / Andrew Berecz (applicant/owner) / Application for area variances to permit a front yard setback of 10 feet in lieu of 50 feet as otherwise required per Zoning §4.2.1 and §7.2.1 for a proposed generator and separate propane storage tanks.

Moved by **DONATO**, Seconded by **VOLAGE**

Vote: 4-0-0 – **Approved** – Motion Passed

Aye Donato, Novak, Ratzenberger, Volage

Nay None

Abstain None

DELIBERATIONS:

24-ZBA-0004 – 656 Weekepeemee Road / Map 44, Lot 11 / OS-100 District / Andrew Berecz (applicant/owner) / Application for area variances to permit a front yard setback of 10 feet in lieu of 50 feet as otherwise required per Zoning §4.2.1 and §7.2.1 for a proposed generator and separate propane storage tanks.

Members discussed the uniqueness and topography of the property. The use of the generator is for emergencies in case the power goes out. The consensus of the Board was that this was the only feasible location and that no one would see it from the street. The whole property is in the flood zone.

It was discussed that a Final As-Built survey indicating the final location of the tanks and generator should be required as it is extremely close to the property line. A variance usually requires this at the end of construction/installation.

MOTION:

To approve 24-ZBA-0004 for property at 656 Weekepeemee Road with the condition requiring an As-Built outlining the location post construction be submitted.

Moved by **VOLAGE**, Seconded by **DONATO**

Vote: 4-0-0 – **Approved** – Motion Passed

Aye Donato, Novak, Ratzenberger, Volage

Nay None

Abstain None

CORRESPONDENCE - 24-ZBA-0001 – Stiles Road 4th Quarter Report

The Board reviewed the O&G Fourth Quarter Compliance Report for Stiles Road Quarry dated January 3, 2025. No concerns were expressed by the Board. It was reminded that the O&G approval was granted for two years to run consecutively with the Zoning Special Permit approval, the Board won't see an application until the end of 2025.

ADMINISTRATIVE

Meeting Minutes – 11/19/24

MOTION:

To accept the Minutes of the 11/19/24 meeting as presented.

Moved by **DONATO**, Seconded by **VOLAGE**

Vote: 4-0-0 – **Approved** – Motion Passed

Aye Donato, Novak, Ratzenberger, Volage

Nay None

Abstain None

ELECTION OF OFFICERS

MOTION:

To nominate and elect Mike Novak as Chairman.

Moved by **DONATO**, Seconded by **RATZENBERGER**

Vote: 4-0-0 – **Approved** – Motion Passed

Aye Donato, Novak, Ratzenberger, Volage

Nay None

Abstain None

MOTION:

To nominate and elect Joe Donato as Vice Chairman.

Moved by **RATZENBERGER**, Seconded by **NOVAK**

Vote: 4-0-0 – **Approved** – Motion Passed

Aye Donato, Novak, Ratzenberger, Volage

Nay None

Abstain None

PRIVILEGE OF THE FLOOR – There was no one present for Privilege of the Floor.

ADJOURNMENT

MOTION:

To adjourn the meeting at 8:11 p.m.

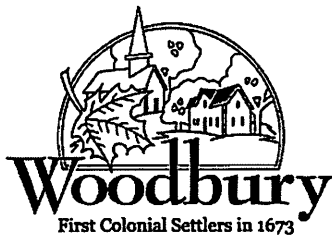
Made by **RATZENBERGER** with no objections.

Respectfully Submitted,

Anne Firlings

Anne Firlings, ZBA Clerk

24th Jan 2025
8:00
Maria M. Mancini



Town of Woodbury Zoning Board of Appeals

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

ZONING VARIANCE APPROVAL

24-ZBA-0004 – 656 Weekepeemee Road

Area Variance to Permit a Front Yard Setback of 20 feet in lieu of 50 feet

Andrew Berez (owner/applicant)

Date of Approval	January 21, 2025
Approval Expiration*	July 21, 2025
*If the conditions of approval are not timely completed.	

Applicant/Owner	Andrew Berez
Application	24-ZBA-0004
Project	Area Variance of Zoning §4.2.1 and §7.2.1 for accessory structures (generator and propane storage tanks) within a required front yard setback area.
Address	656 Weekepeemee Road – Map 44, Lot 11
Site Acreage	4.42 acres
Zone	OS-100 District

WHEREAS the Woodbury Zoning Board of Appeals (“ZBA”) has received application 24-ZBA-0004 as submitted by Andrew Berez (applicant/owner) seeking an area variance of Zoning Regulations §4.2.1 (as referenced per §4.2.3 and §7.2.1) to permit a front yard setback of 20 feet in lieu of the otherwise required 50 feet for placement of accessory structures (generator and propane storage tanks); and

WHEREAS the application materials received include the following:

- Application for Variance
- Site Sketch Plan, 11/18/24
- Site Photos
- Narrative; and

WHEREAS a duly noticed public hearing as published in Voices on December 4 and 11, 2024 was open and closed on January 21, 2025, at which time interested persons were afforded an opportunity to be heard; and

WHEREAS this action does not eliminate the necessity for the applicant to obtain any other required local, state or federal permits and approvals;

NOW THEREFORE BE IT RESOLVED the ZBA, in accordance with Zoning Regulations §9.6.1.2, finds the subject property exhibits a hardship as presented and hereby approves the requested area variance 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;

CONDITIONS OF APPROVAL

1. **Final Plans Endorsement** – The Site Sketch Plan as submitted shall be stamped on behalf of the ZBA Chair by the Town Planner as “approved.” Said final plan shall not be required to be recorded on the Woodbury Land Records.
2. **Approval Limited** – The approval herein shall be limited and specific (activity, layout and dimensions) to that detailed herein and as shown on the final plans endorsed as “approved” by the ZBA/Town Planner. Any changes or additions shall require a new and separate approval.
3. **Zoning Permit / Other Permit Approvals Required** – This approval is not authorization to commence any site disturbance or construction work until all other applicable permits and approvals have been duly obtained by the applicant/owner. A Floodplain Permit, Zoning Permit as well as other permit approvals required shall be separately obtained.
4. **Approval Effectuation** – To effectuate this approval, the applicant shall record on the Town of Woodbury Land Records an original copy of this approval (in the form of a **Land Record Information Form**), as signed by the Town Planner and provided by the Land Use Office. The applicant shall provide a copy as recorded to the Land Use Office.
5. **Failure to Record** – Failure to record the Land Record Information Form within six (6) months of the date of this approval shall render this approval for zoning area variance null and void without further written notice.
6. **Expiration** – This approval for area variance shall expire on July 21, 2025, if the approval is not recorded as required above.
7. **Acceptance of Conditions of Approval** – Acceptance of this approval and the conditions set forth herein shall be evidenced by the recording of the Land Record Information Form, indicating the applicant/owner’s agreement that this approval is contingent upon the strict compliance with the Town Regulations and the conditions set forth herein.
8. **As-Built** – Upon completion the applicant/owner shall submit a qualified As-Built Plan certifying the distance of the front yard setback of the accessory structures verifying compliance with the extent of area variance granted consistent with this approval and the endorsed final approved plans.

MOTION

Made by **VOLAGE**, Seconded by **DONATO**

Vote: **4-0-0 – Approved – Motion Passed**

Aye	Novak, Donato, Ratzenberger, Volage
Nay	None
Abstain	None