



TOWN OF WOODBURY

Zoning Board of Appeals

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

PUBLIC HEARING/REGULAR VIRTUAL MEETING MINUTES April 19, 2021 – 7:30 P.M.

MEMBERS PRESENT

Joe Donato
Adam Goldberg
Claudette Volage

ALTERNATES PRESENT

Jane Donn
Deborah Schultz

MEMBERS ABSENT

Mike Novak
Robert Ratzenberger

ALTERNATES ABSENT

Vincent Farisello

ALSO PRESENT: Maryellen Edwards, Lisa Turoczi, Matt Rink, Jon Rabideau, Tim Drakeley, Michael Lattis, Cynthia Mauborgne and other interested members of the public.

REGULAR MEETING

Call to Order – Chairman Donato convened the virtual meeting at 7:33 p.m.

Seating of Members & Alternates/Conflict of Interest – Seated for the meeting were regular members Donato, Goldberg, Volage and Alternates Donn and Schultz. Reference to Conflict of Interest was made, no conflicts were noted.

PUBLIC HEARING

21-ZBA-2102 / Hine (owners), Turoczi (agents) / 233 Weekepeemee Road / Variance Request of Section 4.2 to Allow Property Side Setback 20 ft. instead of 40 ft. and Section 3.1.1.2 to have the barn less than 100 ft. from the property line and street line / Map 040 / Lot 035

Lisa Turoczi was present for the hearing. She noted that the barn was originally proposed to go near the original animal fencing, however the Inland Wetlands Agency denied this because of fill in a wetland. The Wetlands Agency was amenable to moving it closer to the house. The other side of the house has septic, so this is really the only location. The animals are currently being held in a “makeshift” shed in the location of this proposed barn. They are swapping out this shed for a proper barn. Letters in favor of the proposal from both neighbors on either side were noted. It was noted that there is about 75’ between the property line and the house. It was confirmed that the Wetlands Agency approved this spot because it is in the regulated area but is not in the wetlands. No one from the public spoke in favor or against the application. Ms. Turoczi reminded members that there were letters in favor from the neighbors submitted for the record.

MOTION:

To close the public hearing on application 21-ZBA-2102 (*Hine (owners), Turoczi (agents) / 233 Weekepeemee Road / Variance Request of Section 4.2 to Allow Property Side Setback 20 ft. instead of*

40 ft. and Section 3.1.1.2 to have the barn less than 100 ft. from the property line and street line / Map 040 / Lot 035).

Made by Alternate Donn, Seconded by Alternate Schultz
Vote: 5-0-0 in favor

21-ZBA-2103 / Braxton Mfg. Co. Inc. (owners), Rink & Bader (applicants) / Special Permit for Change of Use from Existing Non-Conforming Use as Metal Manufacturing to Woodworking, Carpentry Shop & Office Sec. 9.6.1.3 (8.5 & 9.6.2.3) / Map 040 / Lot 045A

Matt Rink was present for the hearing. They are looking to move their woodworking shop from their location in Danbury closer to their home. It is currently a non-conforming industrial building in a residential area. They looked into what the existing use was and what that entailed and compared that to what they would be doing. Chairman Donato acknowledged that they are most concerned with the intensity of use if it would be more or less. Looking at the current use and what is located inside the building, there is industrial metal working machinery. The high school robotics club is using the building currently. Braxton Manufacturing provided them with details on the business when it was there. Hours of operation were 7 a.m. – 5 p.m., 6-8 employees, 6-8 vehicles, shipping and receiving from 7 a.m. – 5 p.m. Mr. Rink noted that they would have fewer employees, their hours would be 7 or 8 a.m. – 5 p.m., Monday – Friday (As a small shop, they may work some Saturdays or later in the evening), they would have 3-4 vehicles, shipping and receiving would generally be 8 a.m. – 5 p.m. (they get a shipment a week and this fluctuates depending on projects being worked on). Mr. Rink noted that the intensity would be very similar to what has been done their historically. There's machinery in the space now, they would use machinery as well. It was confirmed that primarily woodworking equipment would be used (i.e. table saw, chop saw, planer, band saw, CNC wood router, dust collection system, an air compressor to run small tools, etc). When questioned about the noise, he noted that there is sound/noise, they do wear ear protection. He felt that the noise would be equal to the noise from the machinery that is currently occupying the space. He didn't feel that the sound would travel outside of the building and they wouldn't be doing work outside. It was noted that in the layout provided their equipment is placed at the rear of the building. Mr. Rink explained that the noise from the existing metal working machines would be comparable to the woodworking machines, and there are also existing woodworking tools in the building as well. A decibel test was not done, but he was confident the noise would be similar. There will be no trailers. Their primary business is cabinets and furniture, although they do some renovation work as well. Any contracting work is done off site. It was confirmed that the building is still owned by Braxton Manufacturing, who used the building for metal parts manufacturing and an engineering lab. Mr. Rink explained they wanted to get the approvals to have their business before purchasing the building. A letter from Cynthia Mauborgne dated April 19, 2021 was read for the record.

Cynthia Mauborgne, 413 Westport Road, Easton CT – Ms. Mauborgne noted she owns the house on 57 Weekepeemee Road. She questioned whether the appropriate mailings were sent and whether others had received them. After researching the business, she questioned if they are going to grow and need more parking and a showroom. This building is right on the road. She felt that the nature of the business this was going to become retail and concerned there would be dumpsters and trailers. She noted she uses air compressors in her business, so knows that they are extremely noisy. She questioned that neighbors did not know this meeting was happening.

Certificates of mailing were shown, confirming they'd been sent.

Mr. Rink tried to address the neighbor's concerns. The building size is 3,000 sq. ft. The basic rule in woodworking is you need 1,000 sq. ft. per employee. Anything more than that would not be enough room for equipment and pieces you are working on. He read section 1.4.4.1 of the regulations noting that they would only be able to add on an additional 750 sq ft., this would not be a significant expansion and given the site, there is not really much expansion capability. They would be moving from a 5,000 sq. ft. space to this smaller workshop, they know this going into it. They have never had a retail component to their shop and don't have a desire to do that. Their website reflects their work, which they do in their shops and then transport to the job site where they are installed. He felt much of Ms. Mauborgne's concerns were speculation on the type of business they have. The building is a good scale to what they want to be operating at. From a practical perspective, they cannot add on to the workforce of the shop. He has been in business for 10 years. Mr. Rink noted that they have had 6 employees and had expansion and growth but realized that it took away from what they enjoyed doing. They are trying to be more efficient. The sales process was explained, they work with designers and architects. They don't advertise, everything they do is custom, and they do a lot by word of mouth. They work through designers, their website and social media. It was questioned if they would have signage. They would like something similar to what is there.

Cynthia Mauborgne – Ms. Mauborgne questioned if trailers or dumpsters would be in the line of site. She also inquired how one would pick out kitchen cabinets without a showroom. Mr. Rink replied that they don't have multiple work vehicles or trailers, he drives a van back and forth to work. There would be a 3-yard dumpster which measures about 7' x 4' which would be located on the left side of the building by the retaining wall. Regarding the kitchen cabinets, they work with individuals at their homes, showing them designs and samples. Customers find ideas online. The van does not have commercial writing on it. Ms. Mauborgne questioned the use of air compressors. The air compressor they use is 100-gallon compressor, it makes less noise than the smaller ones. He noted it is in their best interest to keep the noise levels down. The idea is to build the compressor into an insulated box to keep the noise down. Mr. Rink expressed that they wish to be good neighbors and any disruptions would be resolved. Ms. Mauborgne questioned the chemicals to be used, the smell and how they would be disposed. Mr. Rink explained that they have switched to 100% waterborne finishes, as they don't want the exposure to the chemicals as well as not having the volatile compounds in their customers homes.

MOTION:

To close (the public hearing on) 21-ZBA-2103 (*Braxton Mfg. Co. Inc. (owners), Rink & Bader (applicants) / Special Permit for Change of Use from Existing Non-Conforming Use as Metal Manufacturing to Woodworking, Carpentry Shop & Office Sec. 9.6.1.3 (8.5 & 9.6.2.3) / Map 040 / Lot 045A*).

Made by Member Goldberg, Seconded by Member Volage
Vote: 5-0-0 in favor

REGULAR MEETING (Continued)

NEW APPLICATIONS

21-ZBA-2104 / Collette (owner), Rabideau (applicant/agent) / 79 Nettleton Hollow Road / Special Permit to Construct Addition within Setback (Sec. 1.4.2.3) / Map 072 / Lot 012

Jon Rabideau was present for the discussion. The homeowners are looking to construct a mudroom/laundry room addition in between the garage and the kitchen. It encroaches the setback by

approximately 8 feet. It cannot be pushed back because there is an existing chimney pipe. The hardship being the lay of the land and they don't want to encroach on the well.

MOTION:

To accept 21-ZBA-2104 (*Collette (owner), Rabideau (applicant/agent) / 79 Nettleton Hollow Road / Special Permit to Construct Addition within Setback (Sec. 1.4.2.3) / Map 072 / Lot 012*) for the next scheduled regular meeting of the Zoning Board of Appeals on May 18, 2021

Made by Alternat Schultz, Seconded by Alternate Donn

Vote: 5-0-0 in favor

21-ZBA-2105 / Sand Dune LLC (owner), Drakeley (agent) / 305 Main Street South / Variance Request to Add an 8' x 23'3" Front Porch and Tear Down and Replace a 19' x 24' Addition with a 23' x 24' Addition (Sec. 5.1.5 Coverage & Setback) / Map 104 / Lot 085-4

Tim Drakeley was present for the discussion. They recently purchased the property. There was once a front porch that wrapped around the building, this had been removed. They are looking to put it back to match the houses on either side of it. They are also looking to tear down a dilapidated addition and replace with a new addition making a better profile. It would remain a single level addition a few feet wider, the same distance back. Maryellen Edwards requested a site plan/map be submitted indicating the dimensions of the porch with the distances to the property lines. In the back the addition would be moved so that it is 18" off the line, issue being a cesspool in the back right hand corner. Drawings with the setbacks and dimensions should be submitted before the public hearing so it is clearer.

MOTION:

To accept application 21-ZBA-2105 (*Sand Dune LLC (owner), Drakeley (agent) / 305 Main Street South / Variance Request to Add an 8' x 23'3" Front Porch and Tear Down and Replace a 19' x 24' Addition with a 23' x 24' Addition (Sec. 5.1.5 Coverage & Setback) / Map 104 / Lot 085-4*).

Made by Member Goldberg, Seconded by Member Volage

Vote: 5-0-0 in favor

Public Hearing would be May 18, 2021.

21-ZBA-2106 / Lattis & Pakula (owners) / 877 Washington Road / Variance Request to Expand 44" Toward Western Property Line / Map 072 / Lot 001

Michael Lattis was present for the discussion. They are looking at adding a small bump out single level addition in the rear of the house. There are no opportunities in other directions due to the property constraints. They are constrained in any direction. They are looking to add additional space in a bedroom and bathroom. There is a part of the house that already extends 40" into the setback, they hoped that 44" would not be excessive. It was questioned if they could just go the 40", Mr. Lattis replying that if it was necessary, they could compromise and make that work. The 4" offers a better layout. It would allow for a bathtub; this is the only full bathroom in the house.

MOTION:

To accept 21-ZBA-2106 (*21-ZBA-2106 / Lattis & Pakula (owners) / 877 Washington Road / Variance Request to Expand 44" Toward Western Property Line / Map 072 / Lot 001*).

Made by Alternate Donn, Seconded by Member Volage

Vote: 5-0-0 in favor

Public Hearing is the next regular meeting, May 18, 2021.

PENDING APPLICATIONS

21-ZBA-2102 / Hine (owners), Turoczi (agents) / 233 Weekepeemee Road / Variance Request of Section 4.2 to Allow Property Side Setback 20 ft. instead of 40 ft. and Section 3.1.1.2 to have the barn less than 100 ft. from the property line and street line / Map 040 / Lot 035

Alternate Schultz noted they don't have any other location to put the barn. It was agreed that the hardship is the lay of the land. Both neighbors had no problem with the request and there is already an existing shed there.

MOTION:

To accept 21-ZBA-2102.

Made by Member Goldberg, Seconded by Alternate Schultz
(no vote)

Maryellen Edwards questioned if they were approving the application. Chairman Donato restated the motion.

MOTION:

To approve 21-ZBA-2102.

Made by Member Goldberg, Seconded by Alternate Schultz
Vote: 5-0-0 in favor

Maryellen Edwards noted that since these approvals are filed on the land records, they may wish to be clearer on what is being approved. The motion was then restated.

MOTION:

To approve the variance request application 21-ZBA-2102 / Hine (owners), Turoczi (agents) / 233 Weekepeemee Road / Variance Request of Section 4.2 to Allow Property Side Setback 20 ft. instead of 40 ft. and Section 3.1.1.2 to have the barn less than 100 ft. from the property line and street line.

Made by Member Goldberg, Seconded by Chairman Donato
Vote: 5-0-0 in favor

21-ZBA-2103 / Braxton Mfg. Co. Inc. (owners), Rink & Bader (applicants) / 60 Weekepeemee Road / Special Permit for Change of Use from Existing Non-Conforming Use as Metal Manufacturing to Woodworking, Carpentry Shop & Office Sec. 9.6.1.3 (8.5 & 9.6.2.3) / Map 040 / Lot 045A

Chairman Donato noted that they are allowed to continue a non-conforming use as long as it doesn't increase in intensity. There was one neighbor that spoke out against the application. Alternate Donn expressed that this has existed as a non-conforming metal shop with noise and cars and when the neighbor bought the property this business was already there. As long as the new use is not more intensive, they have the right to approve it. A memo from the Town Planner dated March 12, 2021 was noted for the record. It has to have significant impact on the surrounding neighborhood and will result

in the subject property being maintained better. It was thought that the property would be maintained better. Members agreed that metal versus woodworking are relatively the same with machinery and noise from machinery. Submitted drawings had storage for chemicals being used and sound proofing. Member Goldberg predicted that the current owner would not have that. Member Volage noted it is a family business and it was presented that they don't want to expand that much as they are moving to a smaller facility than they currently occupy. It was questioned if they could add to the approval that they cannot have any intensification of the non-conformity. It was questioned if there was even room for the applicant to add a showroom, this did not seem feasible to the Board. The pieces that are being created seemed to be on a scale that was more mobile (i.e. bed frames, tables, stools, etc.). Kitchen remodels are not their main activity. The road was described as being pretty busy and the neighbor that was concerned is right on the road as well.

MOTION:

To approve 21-ZBA-2103 / Braxton Mfg. Co. Inc. (owners), Rink & Bader (applicants) / 60 Weekepeemee Road / Special Permit for Change of Use from Existing Non-Conforming Use as Metal Manufacturing to Woodworking, Carpentry Shop & Office (*per Sec. 9.6.1.3 - 8.5 & 9.6.2.3 / Map 040 / Lot 045A*) with a caveat that it cannot be used for more intense purposes than already explained to us.

Made by Member Goldberg, Seconded by Chairman Donato
Vote: 5-0-0 in favor

OTHER BUSINESS – Discussion regarding going back to in-person meetings

Members discussed returning to in person meetings. Members were split on this. It was decided that the May meeting would remain virtual, and they would discuss again moving to in person in June.

CORRESPONDENCE - None

CONSIDERATION OF MINUTES – 3/15/21

MOTION:

To accept the minutes (*of the 3/15/21 meeting as presented*)

Made by Chairman Donato, Seconded by Alternate Donn
Vote: 5-0-0 in favor

ADJOURNMENT

MOTION:

To adjourn the meeting at 8:56 p.m.

Filed Subject to Approval.

Respectfully submitted,
Anne Firlings
Anne Firlings, ZBA Clerk

**RECEIVED & FILED
IN WOODBURY, CT**
This 21ST day of April 2021
at 3:35 o'clock P M
Jonide A. Cook
Town Clerk