

TOWN OF WOODBURY Zoning Board of Appeals

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

MEETING MINUTES

June 20, 2022 – 7:30 p.m.
Shove Building, 281 Main Street South

MEMBERS PRESENT

Adam Goldberg
Mike Novak
Claudette Volage

ALTERNATES PRESENT

Jane Donn
Vincent Farisello
Deborah Schultz

MEMBERS ABSENT

Joe Donato
Robert Ratzenberger

ALSO PRESENT: Jeff Miller, Alexander Thomson and Janet Thomson

OPENING OF MEETING

- Call to Order – Chairman Novak convened the meeting at 7:40 p.m.
- Seating of Members / Alternates – Seated for the meeting were members Goldberg, Novak, Volage and Alternates Farisello and Schultz
- Chairman Novak reminded of the conflict-of-interest statutes and regulations, no one expressed a conflict.

PUBLIC HEARINGS

22-ZBA-2201 – 48 Old Sherman Hill Road / Map 102, Lot 30-B / Jeff and Karen Miller

Application for Special Permit for the proposed expansion of an existing nonconforming residence building located in the front yard setback pursuant to Zoning §1.4.2.3 and §9.6 to permit construction of a one-story 290 sf (20 ft x 14.5 ft) house addition with walk-out basement to rear of the existing non-conforming residence also within the front yard setback but behind and no closer than the existing building. Karen A. and Jeffrey A. Miller (owner/applicant).

Jeff Miller was present for the hearing and described the proposed addition on his property. It was noted that the abutter notifications were received and in the file. Mr. Miller's house is about 1000 sq ft and they are looking to add extra space in the form of a family room addition off the back of the existing house. The plans for the addition were reviewed by the Board. There is an existing patio and garage. A photo was also shown to assist the Board with visualizing the site. The roof will be a flat shed roof. The

addition will be about 3' from the barn with a walkout basement for additional storage. The garage will not be connected. It was questioned if a bathroom will be included, Mr. Miller noting maybe in the future. The application has been approved by the Inland Wetland Agency and the Health Department. It was confirmed that there are two existing sheds on the property. They are not creating any extra parking. There is no exterior lighting proposed. The Board had no remaining questions and there was no one from the public who wished to comment.

MOTION: To close the public hearing on application 22-ZBA-2201.

Made by Farisello, Seconded by Volage

Vote: 5-0-0 – **Approved** – Motion Passed

Ayes Farisello, Goldberg, Novak, Schultz, Volage

Nays None

Abstain None

22-ZBA-2202 – 533 Weekepeemee Road / Map 044, Lot 003 / Alexander and Janet Thomson

Application for Special Permit for the proposed expansion of an existing nonconforming residence building located in the front yard setback pursuant to Zoning §1.4.2.3 and §9.6 to permit construction of an enlarged rear replacement porch extending into the front yard setback but no closer than the existing building. 533 WKPM LLC (owner/applicant), Alexander L. and Janet L. Thomson (members).

Alexander and Janet Thomson were present for the hearing. Chairman Novak indicated that the abutter notifications were in the file. This home was built in 1800 and has a 1960's wing. It is a two-family home. Ms. Thomson explained that since their property is on a curve (corner), the area in question is actually considered a front yard. The porch in the rear is in poor shape and they are looking to reconstruct it and are looking to extend the existing roof over the basement bulkhead doors. Ms. Thomson stated that just a post and footing will encroach into the front yard setback at about 45'. The added roof area will not encroach any further into the setback area. Photos of the area were noted. The existing 6' x 20' concrete deck is being replaced; it will remain the same size. It was reiterated that it is just the roof being expanded. The whole house is encroaching into the setback. Chairman Novak clarified the plans. No one from the public was present at the meeting. An email letter of support from Alan Dayton, an abutting property owner, was read for the record.

MOTION: To close the public hearing on application 22-ZBA-2202

Made by Farisello, Seconded by Goldberg

Vote: 5-0-0 – **Approved** – Motion Passed

Ayes Farisello, Goldberg, Novak, Schultz, Volage

Nays None

Abstain None

MOTION: To amend the agenda to create a regularly scheduled meeting for other business so that they can take up these applications.

Made by Schultz, Seconded by Volage

Vote: 5-0-0 – **Approved** – Motion Passed

Ayes Farisello, Goldberg, Novak, Schultz, Volage
Nays None
Abstain None

MOTION: To take up application #22-ZBA-2201 (*48 Old Sherman Hill Road / Map 102, Lot 30-B / Jeff and Karen Miller*) as part of the regularly scheduled meeting.

Made by Goldberg, Seconded by Schultz
Vote: 5-0-0 – **Approved** – Motion Passed
Ayes Farisello, Goldberg, Novak, Schultz, Volage
Nays None
Abstain None

It was noted this is a rear yard addition to a front yard setback. This is a unique property. There is a very narrow area where they can do work. No concerns were expressed by the Board. There were no special criteria for conditioning the approval. There was no proposed additional lighting or parking being added, just a one-story addition.

MOTION: To approve application 22-ZBA-2201 (*48 Old Sherman Hill Road / Map 102, Lot 30-B / Jeff and Karen Miller*) as designed, a one-story addition.

Made by Farisello, Seconded by Schultz
Vote: 5-0-0 – **Approved** – Motion Passed
Ayes Farisello, Goldberg, Novak, Schultz, Volage
Nays None
Abstain None

MOTION: To take up application 22-ZBA-2202 (*533 Weekepeemee Road / Map 044, Lot 003 / Alexander and Janet Thomson*)

Made by Farisello, Seconded by Goldberg
Vote: 5-0-0 – **Approved** – Motion Passed
Ayes Farisello, Goldberg, Novak, Schultz, Volage
Nays None
Abstain None

Chairman Novak noted that this could be argued as a diminimus application. The far corner of the roof is 52' which would be within the setback. It is a small sliver of property that is being reviewed. The Board discussed that the supporting post will not be located in the controlled area. There were no concerns expressed by the Board.

MOTION: To approve application 22-ZBA-2202 (533 Weekepeemee Road / Map 044, Lot 003 / Alexander and Janet Thomson)

Made by Farisello, Seconded by Goldberg
Vote: 5-0-0 – **Approved** – Motion Passed
Ayes Farisello, Goldberg, Novak, Schultz, Volage
Nays None
Abstain None

OTHER BUSINESS / CORRESPONDENCE

Correspondence – None

CONSIDERATION OF MINUTES

- Meeting Minutes – 02/22/22

MOTION: To accept the minutes from February 22, 2022.

Made by Goldberg, Seconded by Volage
Vote: 4-0-1 – **Approved** – Motion Passed
Ayes Goldberg, Novak, Schultz, Volage
Nays None
Abstain Farisello (*due to absence from that meeting*)

PRIVILEGE OF THE FLOOR

Chairman Novak noted that it was a Federal Holiday and that they will not have a meeting on a Federal Holiday again so long as he is Chair.

Alternate Schultz questioned the new public hearing format. Historically a meeting was done including scheduling the hearing date. Chairman Novak explained this allowed the board to ensure that the applications were in order and remind the applicant of information they may need to have. Will Agresta, Town Planner assured that they will review that on the ZBA's behalf. This makes it easier for the applicant. This can be adjusted if necessary. Members discussed being able to receive the information ahead of time.

ADJOURNMENT

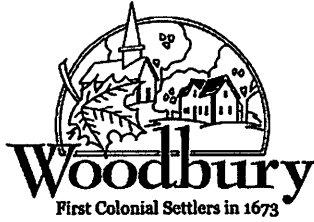
MOTION: To adjourn the meeting at 8:09 p.m.

Made by Goldberg

FILED SUBJECT TO APPROVAL

Respectfully Submitted,
Anne Firlings
Anne Firlings, ZBA Clerk

RECEIVED & FILED
IN WOODBUFY, CT
This 23rd day of June 2022
at 9:28 o'clock PM
[Signature]
Town Clerk



**Town of Woodbury
Zoning Board of Appeals**

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SPECIAL PERMIT APPROVAL

48 Old Sherman Hill Road

Karen A. and Jeffrey A. Miller (Applicant/Owner)

Expansion of Existing Nonconforming Single-Family Residence Structure

Date of Approval **June 20, 2022**

Permit Expiration* **December 20, 2022**

***If Special Permit Approval (Land Record Form) is not Recorded on the Woodbury Land Records**

Applicant: **Karen A. and Jeffrey A. Miller**
Owner: **Karen A. and Jeffrey A. Miller**
Application: **22-ZBA-2201 – Special Permit**
Project: **Special Permit per Zoning §1.4.2.3 and §9.6 for expansion of existing nonconforming single-family residence structure**
Address: **48 Old Sherman Hill Road**
Map/Lot: **102/30-B**
Zone: **OS-60**

WHEREAS, the Woodbury Zoning Board of Appeals (“ZBA”) has received application 22-ZBA-2201 as submitted by Karen A. and Jeffrey A. Miller (applicant/owner) seeking approval of a Special Permit for the expansion of an existing nonconforming single-family residence structure, constructed in 1850 and located in the front yard setback, pursuant to Zoning §1.4.2.3 and §9.6 to permit construction of a one-story 290 sf (20 ft x 14.5 ft) house addition with walk-out basement also within the front yard setback but to the rear of the house and no closer than the existing structure, for property consisting of approximately 0.47 acres located at 48 Old Sherman Hill Road, as shown on Assessor Map 102, Lot 30-B, within an OS-60 Zoning District; and

WHEREAS, a separate Wetland/Watercourses Permit (22-IW-0010) has been obtained from the Woodbury Inland Wetlands and Watercourses Agency; and

WHEREAS, application materials received include the following:

- Application for Special Permit;
- Addendum to Application (Narrative);
- As-Built Zoning Location Survey, Riordan Land Surveying, 12/08/21, revised 04/29/22;
- Proposed Zoning Location Survey, Riordan Land Surveying, 12/08/21, revised 05/09/22;
- Floor Plans and Elevations, William Mangold;
- Photos; and

WHEREAS, a duly noticed public hearing was open and closed on June 20, 2022; and

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

NOW THEREFORE BE IT RESOLVED, upon careful consideration of the information received, the ZBA, in accordance with §1.4.2.3 and §9.6 of the Zoning Regulations, hereby approves the application for Special Permit, subject to the Conditions of Approval set forth below; and

BE IT FURTHER RESOLVED, the ZBA hereby authorizes the publishing and filing of a Notice of Decision as required; and

BE IT FURTHER RESOLVED, this approval is specific to that detailed herein and the final plans as endorsed as “approved” by the ZBA/Town Planner;

CONDITIONS OF APPROVAL

1. The submitted plans as listed herein shall be endorsed by the ZBA/Town Planner as “approved” along with notation of the following: **22-ZBA-2201 – Approval Date: June 20, 2022 – Expiration Date: December 20, 2022 if the Special Permit Approval (Land Record Form) is not Recorded on the Woodbury Land Records.**
2. Expiration
 - a. Within six (6) months of the date of this approval and prior to the issuance of a Zoning Permit, the applicant/owner shall record on the Woodbury Land Records an original endorsed **Land Records Information Form**, as provided by the Land Use Office and containing this approval. Failure to record in this time period shall render the Special Permit null and void without further written notice.
 - b. Following the recording above, the approved expansion shall be completed within five (5) years of the date of this approval. Failure to complete the expansion in this time period (evidenced by issuance of Zoning Certificate of Compliance and Building Certificate of Occupancy) shall render the Special Permit null and void without further written notice. An extension may be requested prior to the expiration.
3. Acceptance of this approval shall be evidenced by the recording of the Land Records Information Form, indicating the applicant/owner’s agreement that this approval is contingent upon the strict compliance with the Town Regulations and modifications and requirements set forth herein.
4. Any variation from or alteration of the approved Special Permit or final plans shall require prior review and separate approval and permit.
5. Upon completion of the expansion as approved herein, an As-Built Plan detailing and certifying the completed improvements shall be provided by the applicant in a form, content and number as required by the Land Use Office to determine permit compliance and satisfactory completion consistent with this approval and the endorsed final plans.

MOTION

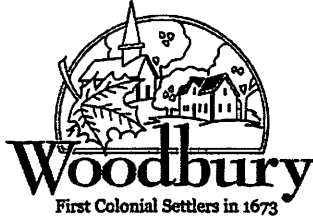
Motion by FARISELLO, Seconded by SCHULTZ

Vote: 5-0-0 – APPROVED – Motion PASSED

Ayes: Novak, Goldberg, Volage, Schultz, Farisello

Nays: None

Abstain: None



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SPECIAL PERMIT APPROVAL

533 Weekepeemee Road

533 WKPM LLC (Applicant/Owner)

Expansion of Existing Nonconforming Single-Family Residence Structure

Date of Approval	June 20, 2022
Permit Expiration	*December 20, 2022
	**December 20, 2027
*If Special Permit Approval (Land Record Form) is not Recorded on the Woodbury Land Records	
**If approved expansion improvements are not completed per approval conditions	

Applicant: 533 WKPM LLC, Alexander L. and Janet L. Thomson (members)
Owner: 533 WKPM LLC, Alexander L. and Janet L. Thomson (members)
Application: 22-ZBA-2202 – Special Permit
Project: Special Permit per Zoning §1.4.2.3 and §9.6 for expansion of existing nonconforming single-family residence structure
Address: 533 Weekepeemee Road
Map/Lot: 44/3
Zone: OS-100

WHEREAS, the Woodbury Zoning Board of Appeals (“ZBA”) has received application 22-ZBA-2202 as submitted by 533 WKPM LLC, Alexander L. and Janet L. Thomson, members (applicant/owner) seeking approval of a Special Permit for the expansion of an existing nonconforming single-family residence structure, constructed in 1800 and located in the front yard setback, pursuant to Zoning §1.4.2.3 and §9.6 to permit construction of an enlarged rear replacement porch extending into the front yard setback but no closer than the existing structure, for property consisting of approximately 1.33 acres located at 533 Weekepeemee Road, as shown on Assessor Map 44, Lot 3, within an OS-100 Zoning District; and

WHEREAS, application materials received include the following:

- Application for Special Permit;
- Narrative Letter, 05/23/22;
- Plot Plan Map- Porch Project;
- Building Plans;
- Proposed Porch Roof Extension Photos; and

WHEREAS, a duly noticed public hearing was open and closed on June 20, 2022; and

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

NOW THEREFORE BE IT RESOLVED, upon careful consideration of the information received, the ZBA, in accordance with §1.4.2.3 and §9.6 of the Zoning Regulations, hereby approves the application for Special Permit, subject to the Conditions of Approval set forth below; and

BE IT FURTHER RESOLVED, the ZBA hereby authorizes the publishing and filing of a Notice of Decision as required; and

BE IT FURTHER RESOLVED, this approval is specific to that detailed herein and the final plans as endorsed as "approved" by the ZBA/Town Planner;

CONDITIONS OF APPROVAL

1. The submitted plans as listed herein shall be endorsed by the ZBA/Town Planner as "approved" along with notation of the following: **22-ZBA-2202 – Approval Date: June 20, 2022 – Expiration Date: December 20, 2022 if the Special Permit Approval (Land Record Form) is not Recorded on the Woodbury Land Records; following recording Expiration Date: December 20, 2027 if approved expansion improvements are not completed per approval conditions.**
2. Expiration
 - a. Within six (6) months of the date of this approval and prior to the issuance of a Zoning Permit, the applicant/owner shall record on the Woodbury Land Records an original endorsed **Land Records Information Form**, as provided by the Land Use Office and containing this approval. Failure to record in this time period shall render the Special Permit null and void without further written notice.
 - b. Following the recording above, the approved expansion shall be completed within five (5) years of the date of this approval. Failure to complete the expansion in this time period (evidenced by issuance of Zoning Certificate of Compliance and Building Certificate of Occupancy) shall render the Special Permit null and void without further written notice. An extension may be requested prior to the expiration.
3. Acceptance of this approval shall be evidenced by the recording of the Land Records Information Form, indicating the applicant/owner's agreement that this approval is contingent upon the strict compliance with the Town Regulations and modifications and requirements set forth herein.
4. Any variation from or alteration of the approved Special Permit or final plans shall require prior review and separate approval and permit.
5. Upon completion of the expansion as approved herein, an As-Built Plan detailing and certifying the completed improvements shall be provided by the applicant in a form, content and number as required by the Land Use Office to determine permit compliance and satisfactory completion consistent with this approval and the endorsed final plans.

MOTION

Motion by FARISELLO, Seconded by GOLDBERG

Vote: 5-0-0 – APPROVED – Motion PASSED

Ayes: Novak, Goldberg, Volage, Schultz, Farisello

Nays: None

Abstain: None