



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

MEETING MINUTES - JULY 17, 2023
Shove Building, 281 Main Street South

MEMBERS PRESENT

Joe Donato
Robert Ratzenberger
Claudette Volage

MEMBERS ABSENT

Adam Goldberg
Mike Novak

ALTERNATES PRESENT

Jacob Amorando
Vincent Farisello

ALTERNATES ABSENT

Jane Donn

ALSO PRESENT: Justin Quinn, Carly Weisman, and Attorney Franklin Pilicy

OPENING OF MEETING

- Call to Order – Vice Chairman Donato called the meeting to order at 7:30 p.m.
- Seating of Members / Alternates – Seated for the meeting were regular members Donato, Ratzenberger, Volage and Alternates Amorando & Farisello
- Conflict of Interest – No conflicts were expressed.

PUBLIC HEARINGS

23-ZBA-0002 – 24 Linden Road / Map 105, Lot 16 / R-40 District

Application for an Area Variance to permit a rear yard setback of 43 feet in lieu of 50 feet as otherwise required per Zoning §4.2.1. Justin B. Quinn and Martina Marie Piscatelli (applicant/owner)

Vice Chairman Donato confirmed receipt of five abutter notifications. Justin Quinn and his architect Carly Weisman were present for the hearing. They are looking to construct an addition on the home which is on a non-conforming lot. Mr. Quinn referred to a memo written by the Town Planner for the Board to reference. A survey of the property was noted, and Mr. Quinn described the location of the property. Existing conditions were shown to the Board. The house was built in 1943. The addition location was shown with architectural renderings showing the addition elevations. An existing gable sunroom is proposed to be removed and replaced with the new addition. The variance is just for the rear yard setback, as it meets the side yard setback. It was explained that the property line is not exactly parallel. They are asking for approval of a 43 ft. rear yard setback. The house was built prior to Zoning. It is located in an R40 zone which requires about .91 acres, and this property is just .36 acres. Mr. Quinn showed the Board the scale of their lot compared to an R40 lot; it is undersized. The lot is unique in both width and depth and makes it difficult to build within the R40 setbacks. Architectural drawings were shown to show that the proposed is in character with the existing neighborhood, keeping it small.

Vice Chairman Donato asked if the addition would encroach into nonconformity any more than the existing structure. The answer being yes, as the rear property line was described as being not parallel, moving south the property line “pinches” in a bit more. On the north side the nonconformance is 44 feet, on the south side the property line moves in .3 feet.

Member Ratzenberger summarized that with the angle of the lot, they are only encroaching a foot, only about half the building is going further than what is already existing.

Ms. Weisman noted they are conforming with coverage and all the other setbacks, and this is the only variance they are requesting.

Member Volage asked what was on the portion of the lot they are encroaching on, Mr. Quinn indicating it is just yard and showed the area on his plans.

There was no one from the public present for the hearing.

MOTION:

To close the public hearing (on application 23-ZBA-0002 – 24 Linden Road / Map 105, Lot 16 / R-40 District Application for an Area Variance to permit a rear yard setback of 43 feet in lieu of 50 feet as otherwise required per Zoning §4.2.1. Justin B. Quinn and Martina Marie Piscatelli (applicant/owner)

Moved by **RATZENBERGER**, Seconded by **VOLAGE**

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

Ayes	Donato, Ratzenberger, Volage, Amorando, Farisello
Nays	None
Abstain	None

NEW APPLICATIONS

23-ZBA-0003 – 361 Rail Tree Hill Road / Map 54, Lot 3C-5 / OS-100 District

Appeal of Zoning Enforcement Officer May 31, 2023, Cease and Desist Order (22-ENF-0018)

Violation of Zoning §1.3.1.2 and §4.1.1.5C. Daniel T. and Francesca K. Lisk (owner)

Attorney Franklin Pilicy representing the applicant was present. It was noted that the hearing was being scheduled for September as that was when the Town Attorney could be present. Attorney Pilicy questioned the notice requirements and was told the Land Use Office would follow up with him.

MOTION:

To schedule a public hearing for September 18, 2023, for 23-ZBA-0003 (361 Rail Tree Hill Road / Map 54, Lot 3C-5 / OS-100 District Appeal of Zoning Enforcement Officer May 31, 2023, Cease and Desist Order (22-ENF-0018) Violation of Zoning §1.3.1.2 and §4.1.1.5C. Daniel T. and Francesca K. Lisk (owner)

Moved by **FARISELLO**, Seconded by **RATZENBERGER**

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

Ayes	Donato, Ratzenberger, Volage, Amorando, Farisello
Nays	None
Abstain	None

OTHER BUSINESS / CORRESPONDENCE - None

DELIBERATIONS / DETERMINATIONS

Select Items from this Agenda – As determined Ready by the Board

MOTION:

To take up item 23-ZBA-0002 (24 Linden Road / Map 105, Lot 16 / R-40 District Application for an Area Variance to permit a rear yard setback of 43 feet in lieu of 50 feet as otherwise required per Zoning §4.2.1. Justin B. Quinn and Martina Marie Piscatelli (applicant/owner)

Moved by **FARISELLO**, Seconded by **RATZENBERGER**

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

Ayes Donato, Ratzenberger, Volage, Amorando, Farisello
Nays None
Abstain None

Member Ratzenberger noted that they are encroaching for just about 10 feet and then gradually to a foot more than what the building is currently. He had no issue with this request.

Member Farisello noted this is not something that was created by the applicant. The nonconformance is due to the small size of the lot and the building which both existed prior to 1969. It is consistent with the rest of the neighborhood. It will not alter the nature of the locality. It is a hardship of the land itself.

Consensus was that it is a “justifiable” hardship. It was also noted that no neighbors were present to speak against the request.

MOTION:

To grant the request (for 23-ZBA-0002 (24 Linden Road / Map 105, Lot 16 / R-40 District Application for an Area Variance to permit a rear yard setback of 43 feet in lieu of 50 feet as otherwise required per Zoning §4.2.1. Justin B. Quinn and Martina Marie Piscatelli (applicant/owner)

Moved by **FARISELLO**, Seconded by **RATZENBERGER**

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

Ayes Donato, Ratzenberger, Volage, Amorando, Farisello
Nays None
Abstain None

ADMINISTRATIVE

Meeting Minutes – 02/21/23

MOTION:

To approve the minutes of the 2/21/23 meeting as submitted.

Moved by **RATZENBERGER**, Seconded by **VOLAGE**

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

Ayes Donato, Ratzenberger, Volage, Amorando, Farisello
Nays None
Abstain None

PRIVILEGE OF THE FLOOR - None

ADJOURNMENT

MOTION:

To adjourn the meeting at 7:52 p.m. Made by Member Farisello with no objections.

Respectfully Submitted,
Anne Firlings
Anne Firlings, ZBA Clerk

RECEIVED & FILED
IN WOODBURY, CT
This 19th day of July 2023
at 1:30 o'clock P M
Maria M. Mancini
Town Clerk