



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

MEETING MINUTES

August 15, 2022 – 7:30 p.m.

Shove Building, 281 Main Street South

MEMBERS PRESENT

Joe Donato
Robert Ratzenberger
Claudette Volage

ALTERNATES PRESENT

Jane Donn
Vincent Farisello

MEMBERS ABSENT

Adam Goldberg
Mike Novak

ALSO PRESENT: Brian Baker, John Eren, and John Trainor

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 Donn and Farisello
- Conflict of interest – No one expressed a conflict with items on the agenda.

PUBLIC HEARINGS

22-ZBA-2203 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 District / Turner Eren (owner/applicant)

Application for the following Area Variances related to the proposed expansion of an existing non-conforming use:

- ***Variance of Zoning §4.2.3.1 and §7.2.2 to permit a side yard setback of 10 feet and a rear yard setback of 15 feet both in lieu of the otherwise minimum required 20 feet for an accessory hoop pole structure measuring 929 sf with a height of 14.75 feet;***
- ***Variance of Zoning §4.2.1 to permit a total building coverage of 12.5% in lieu of the otherwise required 10% (existing coverage is presently nonconforming at 10.4%; an additional 2.1% is proposed with the addition of two new accessory hoop pole structures, measuring 929 sf and 2,075 sf respectively, for a total addition of 3,004 sf); and***
- ***Variance of Zoning §1.4.4.1 to permit the further expansion of the nonconforming use floor area in excess of 125% with the proposed addition of two new accessory hoop pole structures,***

measuring 929 sf and 2,075 sf respectively, for a total expanded floor area of 3,004 sf. A prior variance approval attaining maximum expansion to 125% was previously granted under 83-ZBA-208, April 18, 1983.

John Eren (Classic Turf) and Brian Baker (Civil1) were present for the hearing. Vice Chairman Donato read from the agenda the details of the three variances being requested. Brian Baker noted that the Erens have owned the property since 1978. The business was described to be manufacturing and storage. The two structures being discussed are for storage use for the business. John Eren passed out photos of the two hoop structures. It was noted that the other garage structure had been previously granted a variance. Mr. Baker explained that these two hoop structures were noted during a site inspection for excavation activities that were occurring on the site. A notice of violation was issued for the grading as well as the two hoop sheds. The Zoning Commission has since approved a stabilization plan. The existing metal garage shown in the photos was approved and installed, but they required additional storage for their materials on site. It was stated that after a verbal discussion with former First Selectman Bill Butterly, they thought they were approved to erect the buildings. No permits are in place for the two buildings. The hoop structures by definition they are considered structures. There is a concrete slab under all three structures. Mr. Eren expressed the need to store materials inside for weather as well as employee safety. It was noted that the buildings are tucked back on the property. Mr. Baker explained the locations of each, and the variances requested showing them on the plans. This increased floor area will keep them organized and safe. Flanders Nature Center owns the property in the back and the Animal Hospital is located to the side. It is an existing nonconforming use. A letter from Vince LaFontan of Flanders Nature Center was noted to be in the file indicating they had no problems with the variance requests as proposed. The hoop pole structures were described and is essentially just a cover from the weather. There is no heat or electricity in either. These are located over 300 feet from the road. Vice Chairman Donato called for any comments from the audience. John Trainor was present representing Flanders Nature Center and stated he was there to support what had been stated in the letter from Mr. LaFontan. Members had no additional questions.

MOTION: To close the public hearing (*on application 22-ZBA-2203*)

Made by Farisello, Seconded by Ratzenberger

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

Ayes Donato, Donn, Farisello, Ratzenberger, Volage

Nays None

Abstain None

MOTION: To discuss (*application 22-ZBA-2203*)

Made by Ratzenberger, Seconded by Farisello

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

Ayes Donato, Donn, Farisello, Ratzenberger, Volage

Nays None

Abstain None

Members briefly discussed the variances requested. The business has existed there for many years. Members discussed that the lay of the land could somewhat constitute a hardship for locations of the buildings. Member Ratzenberger noted the biggest issue was coverage. The consensus of the Board was that these buildings cannot be seen from the road and that it is a well-maintained property.

MOTION: To approve 22-ZBA-2203 (437 Sherman Hill Road / Map 4, Lot 8A / OS-100 District / Tumer Eren (owner/applicant). *Application for the following Area Variances related to the proposed expansion of an existing non-conforming use:*

- *Variance of Zoning §4.2.3.1 and §7.2.2 to permit a side yard setback of 10 feet and a rear yard setback of 15 feet both in lieu of the otherwise minimum required 20 feet for an accessory hoop pole structure measuring 929 sf with a height of 14.75 feet;*
- *Variance of Zoning §4.2.1 to permit a total building coverage of 12.5% in lieu of the otherwise required 10% (existing coverage is presently nonconforming at 10.4%; an additional 2.1% is proposed with the addition of two new accessory hoop pole structures, measuring 929 sf and 2,075 sf respectively, for a total addition of 3,004 sf); and*
- *Variance of Zoning §1.4.4.1 to permit the further expansion of the nonconforming use floor area in excess of 125% with the proposed addition of two new accessory hoop pole structures, measuring 929 sf and 2,075 sf respectively, for a total expanded floor area of 3,004 sf. A prior variance approval attaining maximum expansion to 125% was previously granted under 83-ZBA-208, April 18, 1983.)*

Made by Farisello, Seconded by Donn

Vote: 5-0-0 - **Approved** – Motion Passed
 Ayes Donato, Donn, Farisello, Ratzenberger, Volage
 Nays None
 Abstain None

OTHER BUSINESS / CORRESPONDENCE

Correspondence included a 2nd Quarter report from O&G Industries dated July 5, 2022, about nighttime activities.

CONSIDERATION OF MINUTES - Meeting Minutes – June 20, 2022

To approve the minutes (*of the June 20, 2022, meeting as submitted*).

Made by Farisello, Seconded by Volage
 Vote: 3-0-2 - **Approved** – Motion Passed
 Ayes Donn, Farisello, Volage
 Nays None
 Abstain Donato, Ratzenberger (abstained due to absence at last meeting)

ADJOURNMENT

MOTION: To adjourn the meeting at 7:48 p.m.

Made by Farisello with no objections.

FILED SUBJECT TO APPROVAL

Respectfully Submitted,

Anne Firlings

Anne Firlings, ZBA Clerk

RECEIVED & FILED
IN WOODBURY, CT

This 17th day of Aug 2022
at 11:30 o'clock A M

Maria M. Mancini
Town Clerk

ZONING VARIANCE APPROVAL
437 Sherman Hill Road
22-ZBA-2203 – Tumer Eren (Applicant/Owner)

	Date of Approval	August 15, 2022
	Permit Expiration*	February 15, 2023

*If this Variance Approval (Land Record Form) is not Recorded on the Woodbury Land Records

Applicant: Tumer Eren
Owner: Tumer Eren
Application: 22-ZBA-2203 – Zoning Variances
Project: Variance of Zoning: (1) §4.2.3.1 and §7.2.2 to permit a side yard of 10 feet and a rear yard of 15 feet both in lieu of 20 feet; (2) §4.2.1 to permit a building coverage of 12.5% in lieu of 10%; and (3) §1.4.4.1 to permit the further expansion of a nonconforming use in excess of 125% of the nonconforming floor area with an additional floor area of 3,004 sf.
Address: 437 Sherman Hill Road
Map/Lot: 4/8A
Zone: OS-100

WHEREAS, the Woodbury Zoning Board of Appeals (“ZBA”) has received application 22-ZBA-2203 as submitted by Tumer Eren (applicant/owner) seeking the following zoning variances for property consisting of approximately 3.26 acres located at 437 Sherman Hill Road, as shown on Assessor Map 4, Lot 8A, within an OS-100 Zoning District:

- Variance of Zoning §4.2.3.1 and §7.2.2 to permit a side yard of 10 feet and a rear yard of 15 feet both in lieu of 20 feet;
- Variance of Zoning §4.2.1 to permit a building coverage of 12.5% in lieu of 10%;
- Variance of Zoning §1.4.4.1 to permit the further expansion of a nonconforming use in excess of 125% of the nonconforming floor area with an additional floor area of 3,004 sf; and

WHEREAS, application materials received include the following:

- Application for Zoning Variance;
- Addendum to Application (Narrative);
- Photos of Built Structures;
- C-1.1 – Grading & Drainage Remediation Plan, Civil 1;
- C-2.1 – Grading & Drainage Remediation Plan Details, Civil 1;
- C-3.1 – General Location Map; and

WHEREAS, a duly noticed public hearing was open and closed on August 15, 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 §9.6.1.2 of the Zoning Regulations, hereby approves the application for the requested zoning variances, 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

CONDITIONS OF APPROVAL

1. The applicant shall submit two (2) original copies of final Site Plans for endorsement by the ZBA/Town Planner as “approved,” revised as follows:
 - The final Site Plans shall be augmented with an **As-Built Survey** certifying the zoning bulk standards relating to all buildings and structures verifying same consistent with this approval.
 - The following notation shall be prominently included:
22-ZBA-2203 – Approval Date: August 15, 2022 – Expiration Date: February 15, 2023 – if the Zoning Variance Approval (Land Record Form) is not Recorded on the Woodbury Land Records.
2. The zoning variances granted herein shall be limited and specific to that detailed herein and shown on the final Site Plans as endorsed as “approved” by the ZBA/Town Planner. This Approval is not authorization to commence any site work or construction.
3. Within six (6) months of the date of this approval and prior to the issuance of any Zoning Permit, the applicant/owner shall:
 - Obtain separate approval from the Zoning Commission and/or other applicable permit agencies.
 - Following Zoning Commission approval, the applicant 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 obtain Zoning Commission approval and complete the recording of the Land Records Information Form in the time period set forth herein shall render the granted zoning variances null and void without further written notice.
4. 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.

MOTION

Motion by FARISELLO, Seconded by DONN

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

Ayes: Donato, Donn, Ratzenberger, Volage, Farisello

Nays: None

Abstain: None