

TOWN OF WOODBURY Zoning Board of Appeals

281 Main Street South
Woodbury, CT 06798

203.263.3467 ▪ www.woodburyct.org

MEETING MINUTES – SEPTEMBER 16, 2024 - 7:30 PM Shove Building, 281 Main Street South

MEMBERS PRESENT

Joe Donato
Mike Novak, Chairman
Claudette Volage

MEMBERS ABSENT

Adam Goldberg
Robert Ratzenberger

ALTERNATES PRESENT

Jane Donn

ALTERNATES ABSENT

Seth Bernstein
Demetrius Leonard

NOTED OTHERS PRESENT: Andrew Peklo

OPENING OF MEETING

- Call to Order – Chairman Novak called the meeting to order at 7:35 p.m.
- Seating of Members / Alternates – Seated for the meeting were regular members Donato, Novak, Volage and Alternate Donn
- Chairman Novak reminded the Board of the statutes and regulations regarding Conflict of Interest. No one from the Board expressed a conflict.

PUBLIC HEARINGS

24-ZBA-0002 / 199 Westwood Road / Map 38, Lot 47 / OS-100 District / Jan Wruck (owner/applicant), Andrew Peklo (agent) / Application for a Special Permit pursuant to Zoning §1.4.2.3 and §8 seeking approval for the expansion of an existing nonconforming residence building located in the required front yard setback to permit construction of a one-story 416 sf (16 ft x 26 ft) house addition (adding a bedroom, bathroom, and laundry space) also within the front yard setback but no closer than the existing building. The existing building front yard setback is approximately 16 feet (the addition is proposed to be setback approximately 20 feet from the front property line).

MOTION:

To open the public hearing on 24-ZBA-0002 / 199 Westwood Road / Map 38, Lot 47 / OS-100 District

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

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

Aye Donato, Donn, Novak, Volage

Nay None

Abstain None

Andrew Peklo was present representing the owner. They are looking to put an addition on a circa 1850's home. The owner is looking to add a bedroom, bathroom and laundry on the first level of the home. The Health District and Inland Wetlands Agency have already signed off on the plans. Members discussed the setbacks of the property. The addition would be in the front yard setback, but no closer than the existing home setback slightly further than the house. Mr. Peklo briefly explained the plans. Members reviewed Planner Agresta's memo dated August 16, 2024. The property is 2.29 acres. The addition will be approximately 416 sq. ft. Section 1.4.2.3 of the Zoning Regulations was read for the record. It was deemed that it met the criteria for the Special Permit and it was duly noted that no neighbors attended the hearing. It was discussed that they can approve an expansion of a non-conforming structure if it does not encroach any further into the setbacks. A detailed map was provided and there does not appear to be another location to put the addition. Moving it to the back of the house, it would still be non-conforming and as noted by Mr. Peklo the topography goes up in the rear of the property. The location of the septic tank and fields are along the road. The septic is adequate for what they are adding and has been approved by the Health Department. The Board had no further questions or comments.

MOTION:

To close the public hearing on 24-ZBA-0002 / 199 Westwood Road / Map 38, Lot 47 / OS-100 District

Moved by **DONN**, Seconded by **DONATO**

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

Aye Donato, Donn, Novak, Volage

Nay None

Abstain None

MOTION:

To open discussion on 24-ZBA-0002 / 199 Westwood Road / Map 38, Lot 47 / OS-100 District

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

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

Aye Donato, Donn, Novak, Volage

Nay None

Abstain None

Consensus of the Board was that the application was fairly straightforward. No further discussion or concerns were noted.

MOTION:

To approve 24-ZBA-0002 / 199 Westwood Road / Map 38, Lot 47 / OS-100 District / Jan Wruck (owner/applicant), Andrew Peklo (agent) / Application for a Special Permit pursuant to Zoning §1.4.2.3 and §8 seeking approval for the expansion of an existing nonconforming residence building located in the required front yard setback to permit construction of a one-story 416 sf (16 ft x 26 ft) house addition (adding a bedroom, bathroom, and laundry space) also within the front yard setback but no closer than the existing building. The existing building front yard setback is approximately 16 feet (the addition is proposed to be setback approximately 20 feet from the front property line).

Moved by **DONATO**, Seconded by **DONN**

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

Aye Donato, Donn, Novak, Volage

Nay None

Abstain None

OTHER BUSINESS

Correspondence – 24-ZBA-0001 / Stiles Road Quarry – Second Quarter Report

Chair. Novak read for the record the Second Quarter Report from O&G Industries dated July 8, 2024.

ADMINISTRATIVE

Meeting Minutes – 06/17/24

MOTION:

To accept the Minutes of the June 17, 2024, regular meeting as presented.

Moved by **DONN**, Seconded by **NOVAK**

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

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

PRIVILEGE OF THE FLOOR – No one was present for this item.

ADJOURNMENT

MOTION:

To adjourn the meeting at 7:51 p.m.

Made by **DONATO** with no objections.

Respectfully Submitted,

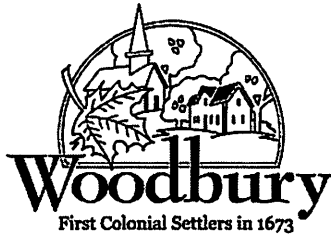
Anne Firlings

Anne Firlings, ZBA Clerk

RECEIVED & FILED
IN WOODBURY, CT

This 18th day of Sept 2024
at 4:10 o'clock P.M.

Maria M. Mancini
Town Clerk



Town of Woodbury Zoning Board of Appeals

281 Main Street South

Woodbury, CT 06798

203.263.3467 ▪ www.woodburyct.org

SPECIAL PERMIT APPROVAL

24-ZBA-0002 – 199 Westwood Road

Special Permit Per Zoning §1.4.2.3 – Expansion of Nonconforming Dwelling in Setback

Jan M. Wruck (owner/applicant)

Date of Approval	September 16, 2024
Approval Expiration*	March 16, 2025
*If the conditions of approval are not timely completed.	

Applicant	Jan M. Wruck
Owner	Jan M. Wruck
Application	24-ZBA-0002
Project	Special Permit pursuant to Zoning §1.4.2.3 seeking approval for the expansion of an existing nonconforming residence building located within a required 50-foot front yard setback with an addition (bedroom, bathroom, and laundry space) measuring 416 sf (16 ft x 26 ft) also within the required front yard setback but no closer than the existing residence building.
Address	199 Westwood Road – Map 38, Lot 47
Site Acreage	2.29 acres
Zone	OS-100 District

WHEREAS the Woodbury Zoning Board of Appeals (“ZBA”) has received application 24-ZBA-0002 as submitted by Jan M. Wruck (applicant/owner) seeking a Special Permit pursuant to Zoning §1.4.2.3 to permit the expansion of an existing nonconforming residence building located within a required 50-foot front yard setback with an addition (bedroom, bathroom, and laundry space) measuring 416 sf (16 ft x 26 ft) also within the required front yard setback but no closer than the existing residence building; and

WHEREAS according to the property Assessor Card, the house and garage were constructed circa 1850, which is prior to April 1, 1969, as is required per Zoning §1.4.2.3 for eligibility of the requested Special Permit; and

WHEREAS the existing subject property is located within an OS-100 District with frontage and street access via Westwood Road. The existing lot area is 2.29 acres. Applicable conforming OS-100 District yard setbacks are 50 feet front, 40 feet side and 50 feet rear; and

WHEREAS the existing residence building is entirely located within the applicable 50-foot front yard setback. The property also includes a detached garage building in the front yard setback, as well as a shed structure to the rear that is compliant regarding setbacks. The existing front yard setback for the existing residence (or garage) is not quantified or certified on the submitted property survey but appears to be approximately 16 feet (the garage is setback slightly farther). As such, both the existing dwelling and detached garage are “dimensionally nonconforming” structures; and

WHEREAS the new addition is proposed with a front yard setback of approximately 20 feet, which is greater than the existing nonconforming front yard setback noted above for the existing residence building; and

WHEREAS the application materials received include the following:

- Application for Special Permit
- Property Boundary Survey (annotated Site Plan)
- Elevation rendering of proposed addition, Peklo Design & Joinery, 07/02/24
- Floor Plan, Peklo Design & Joinery, 06/22/24; and

WHEREAS the new addition is proposed within 100-feet of a stream that flows between the existing residence and garage, which requires a Wetland/Watercourse Permit from the Inland Wetlands and Watercourses Agency (IWWA). A Wetland/Watercourse Permit was issued by the IWWA on August 12, 2024, and serves as the “report” required per CGS §8-3c(b) to the ZBA prior to its rendering a decision on the Special Permit application; and

WHEREAS a duly noticed public hearing as published in Voices on September 4 and 11, 2024 was open and closed on September 16, 2024, at which time interested persons were afforded an opportunity to be heard; and

WHEREAS the ZBA has considered all the information submitted and received, including all verbal and written public comments received;

NOW THEREFORE BE IT RESOLVED upon consideration of the information received, the ZBA, consistent with Zoning §1.4.2.3, §8.2 and §9.6.1.3, hereby **APPROVES** Special Permit Application 24-ZBA-0002 and authorizes the publishing and filing of a Notice of Decision as required, subject to the following conditions:

CONDITIONS OF APPROVAL

1. The plans as submitted shall be stamped by the Town Planner as “approved.” The Special Permit granted herein shall be limited and specific to that detailed herein and as shown on said plans.
2. This Special Permit 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.
3. To effectuate the Special Permit approved herein, the applicant/owner shall record on the Town of Woodbury Land Records an original copy of this Special Permit 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.
4. Failure to record the Land Record Information Form within six (6) months of the date of this approval shall render the granted ZBA Special Permit null and void without further written notice.
5. Acceptance of this Special Permit 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’s Regulations, requirements and the approval conditions set forth herein.

MOTION

Made by **DONATO**, Seconded by **DONN**

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

Aye Novak, Donato, Volage, Donn

Nay None

Abstain None