LETTER OF TRANSMITTAL

NEMERGUT CONSULTING

235 ROUTE 80 - P.O. BOX 666
KILLINGWORTH, CT 06419
NEMERGUTCONSULTING.COM

DATE: "4-07-23	
ATTENTION:	JIM VENTRES
RE:	MOODUS FOOD STOP
	416 EAST HADDAM -MOODUS RD
	MOODUS, CT
CLIENT: SHAHANI INC	
MAP NO. 64	LOT NO. 64

TO: LAND USE ADMINISTRATOR
TOWN OFFICE BUILDING
P.O. BOX 185 - 1 PLAINS ROAD
MOODUS CT 06469

WE ARE SENDING YOU ☐ ☑ HAND DELIVERED ☐ VIA MAIL

☐ SOIL TEST RESULTS ☑ PLANS ☐ REVISED PLANS ☐ MYLARS

☐ COPY OF LETTER ☑ Z.B.A. VARIANCE APPLICATION

COPIES	DATE	DESCRIPTION
5	4-04-23	APPLICATION FOR ZONING VARIANCE
1	4-04-23	ZONING VARIANCE APPLICATION FEE $160.00
1	3-30-23	24" X 36" SITE PLAN
5	3-30-23	11" X 17" SITE PLAN
1	11-22-21	24" X 36" PROPOSED FUELING CANOPY ELEVATIONS
5	11-22-21	11" X 17" PROPOSED FUELING CANOPY ELEVATIONS

THESE ARE TRANSMITTED (AS CHECKED BELOW)

☐ FOR YOUR APPROVAL ☐ APPROVED AS SUBMITTED ☐ RETURNED WITH REVIEW COMMENTS

☐ FOR YOUR USE ☐ APPROVED AS NOTED ☐ FOR SIGNING BY CHAIRPERSON

☐ AS REQUESTED ☐ RETURNED FOR CORRECTION ☐ FOR FILING LAND RECORDS

☐ FOR REVIEW AND COMMENT ☐

REMARKS PLEASE PLACE THIS APPLICATION ON THE AGENDA FOR THE ZONING BOARD OF APPEALS MEETING SCHEDULED FOR MAY 2ND.

COPY TO: SHAHANI, INC, W/INCL.

SIGNED

ROGER NEMERGUT P.E.

PHONE: 860-663-2384

TOWN OF EAST HADDAM
ZONING BOARD OF APPEALS VARIANCE/APPEAL/OTHER APPLICATION

For Internal Use Only:

MEETING DATE:_____ APPLICATION NO. _____

CONTINUED DATE: _____ Date Granted/Denied:_____

APPLICATION FEE PAID:_____

*For this application to be heard at the next Zoning Board of Appeals regularly scheduled meeting, it needs to be filled out completely.

*All of the items noted below in Paragraphs 1 through 4 must be filled out completely, regardless.

*The Zoning Board of Appeals' Secretary will review your application and contact you if your application is missing pertinent information. If she cannot get in touch with you before the deadline for the submission of the legal notice, your application will be denied without prejudice because it is incomplete. You may resubmit your new application after completing the missing information for the next regularly scheduled meeting with the Zoning Board of Appeals' Secretary. This will require the standard fee and waiting period.

If help is needed in any part for the completion of this application, please call the Land Use Office at 860-873-5031. Email - landuse@easthaddam.org

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1. Please check below which applies to your reason for submitting this application:

I (we) hereby apply to the Zoning Board of Appeals for the following:

✓ A Variance for the following sections of the Zoning Regulation: SECTION 10.1 SCHEDULE OF CONFORMING LOTS AND BUILDINGS *OR*

_____ To Appeal a ruling/action of the Zoning Enforcement Officer relating to: _____ *OR*

_____ Other: _____

2. ***This section needs to be filled out completely:*** **LOCATION OF AFFECTED PREMISES:**

Property Location 416 EAST HADDAM - MOODUS ROAD

Assessor's Map No. 64 **Lot No.** 64 **Deed Reference: Volume** 212 **Page** 104

Location on the SOUTH **side of** EAST HADDAM - MOODUS **Street/Road/etc**

0 **feet distance from the intersection of** ROUTE 149 .

Section of Town: MOODUS **Zone:** C-3

Owner/Applicant Name SHAHANI INC. Phone# 203-483-6464

Owner/Applicant Email mohammad@shahaniinc.com

Owner SHAHANI INC. Mailing Address 53 EAST INDUSTRIAL ROAD UNIT C-1 BRANFORD, CT 06405

Appellant(s) _____ Address _____

Lessee _____ Address _____

Agent ROGER NEMERGUT P.E. Address NEMERGUT CONSULTING 285 ROUTE 80 - P.O. BOX 666 KILLINGWORTH CT. 06419

3. If no previous appeals have been made to this property, please mark *N/A* here: N/A

But if a PREVIOUS APPEAL(S) has been made with respect to this property, please supply the Application No. _____ and the Date that it was Approved/Denied: _____.

4. Describe the nature of the variances as it relates to the zoning regulations (this must be filled out so the Board understands the purpose of the application): CANOPY AND GAS PUMPS FOR CONVENIENCE STORE 9' FROM FRONT PROPERTY LINE (STREET LINE) WHERE 30 FEET MINIMUM IS REQUIRED.

5. This application relates to:

_____ area; ____ number of family units; _____ signs; _____ street frontage; _____ yard dimension ; ____ or other (please explain): BUILDING SETBACK REQUIREMENT

6. Please state any deed restrictions (if there are none, please write N/A): N/A

7. Is this property within 500 feet of Colchester, Salem, Old Lyme, Haddam or East Hampton? If yes, which town(s) (if not, write N/A) : N/A

8. With respect to any VARIANCE of the Zoning Regulations, which is requested, please complete the (a), (b) and (c) below:

(a) Strict application of the regulations would produce an UNDUE HARDSHIP because: SEE ATTACHMENT

(b) The hardship created is UNIQUE and not shared by all other properties alike in the neighborhood because: SEE ATTACHMENT

(c) The variance would not change the CHARACTER OF THE NEIGHBORHOOD because:

SEE ATTACHMENT

9. With respect to an APPEAL from a ruling or action of the Zoning Enforcement Officer, the appeal should be sustained because: N/A

10. You must mail a letter to all adjoining Property owners within 100 feet of your property lines, including across the street, by certified mail/return receipt at least 14 days prior to the scheduled Public Hearing date. (See Page 5 of this application which can be used as the letter.

(a) LIST the abutting property owners that you are required to notify in #11 of this application.

(b) YOU MUST PRESENT the certified mail & return receipts (white certified mail receipts and green return receipts cards) at the Public Hearing in order for your appeal to be heard. This is your proof that you notified the required property owners within the required time frame by law.

11. List ALL ADJOINING PROPERTY OWNERS within 100 feet of your property lines, including across the street. Please supply mailing addresses. You may use the back of this sheet if necessary.

Map 64 Lot 46 Name DUTCH LOWER MILL PROPERTY Address P.O. BOX 464 MOODUS. CT 06469

Map 64 Lot 65 Name LAWERNE & WILSON MELON Address 406 EAST HADDAM. MOODUS ROAD MOODUS. CT 06469

Map 55 Lot 68 Name CUDY ANNINO & REBECCA SKINNER Address 405 EAST HADDAM- MOODUS ROAD MOODUS. CT. 06469

Map 64 Lot 63 Name ACB PROPERTY LLC Address 232 COUNTY LANE MADISON. CT 06443

Map____ Lot____ Name____ Address____

Map____ Lot____ Name____ Address____

Map____ Lot____ Name _____ Address _____

Map____ Lot____ Name _____ Address _____

Map____ Lot____ Name _____ Address _____

12. A PLOT PLAN is required to show the property lines, building lines, location of septic system, well and other structures on property along with your proposed addition, garage, shed, i.e. or whatever else your variance is needed for must also be indicated on the PLOT PLAN as well as the distances from all property lines. The Board, at its discretion, may require an A-2 survey on any application.

13. Submit this completed application with Site Plan drawn to A-2 standard (but not required to be surveyor or engineer certified) **and Application/Appeal fee of $160.00** to the Zoning Board of Appeals mailbox located in the Land Use Office at least 17 days before the next scheduled public hearing in order to be placed on the agenda for that hearing. Failure to submit your application, map, and payment will be a cause for the application to be incomplete. See the chart below to make sure you have your application in on time.

Date Filed: _____

X _____ 4/4/2023
Signed by Property Owner(s)

X _____
Signed by Appellant(s) or Agent

ATTACHMENTS TO ZONING VARIANCE APPLICATION FOR:
SHAHANI, INC. 416 EAST HADDAM- MOODUS ROAD

ITEM 8 (a)

STRICT APPLICATION OF THE REGULATIONS WOULD PRODUCE AN UNDUE HARDSHIP BECAUSE

THE SITE PREVIOUSLY HOUSED A CONVENIENCE STORE/GAS STATION (CUMBERLAND FARMS).

THE PROPOSED PROJECT WILL ULIZE THE EXISTING BUILDING, LEAVING A LIMITED AREA BETWEEN THE BUILDING AND THE STREET FOR THE GAS PUMPS AND CANOPY. THIS IS THE SAME AREA THAT THE PRIOR PUMPS AND CANOPY WERE LOACTED IN. THERE IS NO OTHER FEASIBLE OR PRACTICAL LOCATION.

ITEM 8 (b)

THE HARSHIP IS UNIQUE AND NOT SHARED BY ALL OTHER PROPERTIES ALIKE IN THE NEIGHBORHOOD BECAUSE:

THERE IS A CONVENIENCE STORE/GAS STATION LOCATED ON TH SAME STREET JUST UP THE ROAD. THIS SITUATION IS UNIQUE BECAUSE THE PARCEL WAS ONCE OCCUPIED BY A CONVENIENCESTORE/GAS STATION.

ITEM 8 (c)

THE VARIANCE WOULD NOT CHANGE THE CHARACTER OF THE NEIGHBORHOOD BECAUSE:

IT IS LOCATED IN A COMMERCIAL ZONINING DISTRICT IN MOODUS CENTER AND NOT A RESIDENTIAL ZONE. THE SITE WAS PREVIOUSLY OCCUPIED BY A CUMBERLAND FARMS GAS STATION/CONVENIENCE STORE.

THE RED THERMO SECURED "SP" LOGO IN THE LOWER CORNER OF THIS CHECK MUST FADE TEMPORARILY WHEN WARMED BY TOUCH OR FRICTION. SEE BACK FOR ADDITIONAL FEATURES.

SHAHANI INC
DBA SHANANI DISTRIBUTORS
53 EAST INDUSTRIAL ROAD
UNIT C1
BRANFORD, CT 06405

DATE 4/4/23

3599
51-110/211

PAY TO THE ORDER OF The Town of East Haddam $ 160.00

One hundred Sixty Dollars only. DOLLARS

WELLS FARGO Wells Fargo Bank, N.A. Connecticut

MEMO Fee for Various Application

Mobile Deposit Safe Details on back

⑈3599⑈ ⑆021101108⑆ 2030001015745⑈

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