

**TOWN OF LEBANON  
ZONING BOARD OF APPEALS**

Thursday, July 16, 2020 ~ 7:00 p.m.  
Fire Safety Complex, 23 Goshen Hill Road, Lebanon, CT

**SPECIAL MEETING / PUBLIC HEARING**

**MINUTES**

PRESENT: Jeffrey Walsh, Chairman  
Mark DeCaprio  
Keith Sczurek  
Michael Ninteau, Alt.  
Jerome Walsh, Alt.

ABSENT: David Geligoff, Donna Skaats, Philip Ziel, Alt.

ALSO PRESENT: Holli Smith, Recording Secretary

- 1) Call to Order:  
Chairman Walsh called the July 16, 2020, Special Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:02 p.m. He read the legal notice into the hearing record and introduced the members of the board. Michael Ninteau was seated for D. Geligoff and Jerome Walsh seated for D. Skaats.
- 2) Public Hearing for the following:
  - a. #ZBA-20-8487: Amy McGonagle & Patrick Curtin, 15 Hunters Ridge, Woodbridge, CT, 06525, owners, for property at 2 Stewart Lane, Lebanon, CT, 06249, Assessors Map 106, Lot 4. Variance from Section 5.2 to reduce the required 75 feet setback from the lake to 39.1 feet requested to construct addition.

Chairman Walsh opened the public hearing and entered the following exhibits into the hearing record: a) Legal Notice; b) Two-page application and 4-page attachment; c) Property description; d) Abutters list; e) Assessors Street Card, Map 106, Lot 4; f) Assessors Map 106; g) Site plan existing; h) Site plan proposed; i) Schematic property map dated 1/28/19; j) 3-page reference site map prior to demolition; k) Uncas Health District correspondence referencing approvals, executed deeds, easements, as-builts of septic system; l) Certified mail receipts, proof of mailing (collectively).

Amy McGonagle, applicant/owner, was sworn in to speak on the application. She described the current existing living area of the house and not include expansion of a second-floor addition, only a first-floor bedroom and bath addition, handicapped accessible, in order to accommodate her permanently disabled brother, who is also co-owner of the property.

K. Sczurek asked the applicant if this was the same request applied for in 2016 included in rebuilding of a dwelling. Ms. McGonagle stated that it is much different and reduced in size. Ms. McGonagle has submitted documents and certification of her brother's disability with the application and feels that her brother's disability is an acceptable hardship. She is asking for the board's approval in accordance with the American Disabilities Act.

J. Walsh (Chair), recalled that during the 2016 variance hearing, it was explained that the proposed additions on the north and south sides of the dwelling were denied due to lack of a valid hardship, a hardship that is not personal or financial. Referring to the new addition request, he stated that a personal hardship is not considered a hardship. The addition requested is very similar to the original request in 2016 and that the hardship must be caused by zoning and not personal or financial reasons.

Patricia McCarthy, abutting neighbor at 6 Stewart Lane was sworn in and spoke in favor of the addition.

John McGonagle, was sworn in, inquiring on whether the American Disabilities Act applies legally.

M. Nintean said that the board is bound by State statutes as to what can be allowed by a variance and the decision goes with the property. He feels modifications could be done to the existing house to allow handicapped accessibility.

J. Walsh (Chair) said that there are limitations as to what the board can do. He explained to the owner that if denied, an appeal can be made to the Superior Court.

Ms. McGonagle said that improvements have been made to the septic and lot acquired across the street, also many easements filed to improve this lot and surrounding properties.

M. DeCaprio noted that due to the strict interpretation of hardship, zoning prohibits the addition and the board is bound by precedence. Other applications have been denied for this reason.

Ms. McGonagle said there were no alternatives for a bedroom and bathroom on the first level.

There was no further discussion and no one else in the audience to speak either in favor or in opposition to the application.

**3) Adjournment:**

Mr. Nintean made a motion, seconded by Mr. Sczurek, to close the special meeting and public hearing. Motion was unanimously approved and the meeting was adjourned at 7:27 p.m.

Respectfully Submitted,  
Holli E. Smith, Recording Secretary  
July 21, 2020

*Please see minutes of subsequent meetings for approval of these minutes and any corrections hereto.*

**TOWN OF LEBANON  
ZONING BOARD OF APPEALS**

Thursday, July 16, 2020 ~ 7:00 p.m.  
Fire Safety Complex, 23 Goshen Hill Road, Lebanon, CT

**REGULAR MEETING  
MINUTES**

PRESENT: Jeffrey Walsh, Chairman  
Mark DeCaprio  
Keith Sczurek  
Michael Ninteau, Alt.  
Jerome Walsh, Alt.

ABSENT: Dave Geligoff, Donna Skaats, Philip Ziel, Alt.

ALSO PRESENT: Holli Smith, Recording Secretary

- 1) Call to Order:  
Chairman Walsh called the July 16, 2020, regular meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:28 p.m.
- 2) Discuss and Act on Public Hearings:
  - a. #ZBA-20-8487: Amy McGonagle & Patrick Curtin, 15 Hunters Ridge, Woodbridge, CT, 06525, owners, for property at 2 Stewart Lane, Lebanon, CT, 06249, Assessors Map 106, Lot 4. Variance from Section 5.2 to reduce the required 75 feet setback from the lake to 39.1 feet requested to construct addition.

J. Walsh (Chair) advised that no approval for expansion to the north or the south was given as was originally requested in 2016 and believes the hardship requirements were explained then as is usually done at all hearings. He feels this application is a very similar request, with the only difference being a personal hardship, which the regulations do not allow. He did note that this lot is uniquely affected, being smaller than the surrounding lots.

There was no further discussion.

A motion to approve application ZBA-20-8487 was made by K. Sczurek, seconded by M. DeCaprio, Vote: In favor (1) M.DeCaprio  
Opposed (4). M.Ninteau, K.Sczurek, Jerome Walsh, Jeffrey Walsh  
Motion failed. Application denied.

- 3) Approval of Minutes of Previous Meetings:
  - a) Mr. Ninteau made a motion to approve the January 16, 2020 Regular Meeting Minutes as presented, Mr. Sczurek seconded. Motion unanimously approved.
- 4) Old Business: None.
- 5) New Business:
  - a) Discussion and election of officers was tabled to the next regular scheduled meeting.
- 6) Bills: None.
- 7) Correspondence: CFPZA Newsletter
- 8) Adjournment:

With no further business, Mr. Ninteau made a motion to adjourn, J. Walsh (Alt.) seconded. Motion unanimously approved and meeting adjourned at 7:42 p.m.

Respectfully Submitted,  
Holli E. Smith, Recording Secretary  
July 21, 2020

*Please see minutes of subsequent meetings for approval of these minutes and any corrections hereto.*