

**TOWN OF LEBANON**  
**ZONING BOARD OF APPEALS**  
Thursday, September 15, 2016 ~ 7:00 p.m.

**SPECIAL MEETING**  
**MINUTES**

PRESENT: Jeffrey Walsh, Chairman  
Michael Ninteau, Vice Chairman  
Kenyon Gardner  
David Geligoff  
Keith Sczurek

ABSENT: Kathy Dunnet, Alt., Donna Skaats, Alt., Jerome Walsh, Alt.

ALSO PRESENT: Cheryl Straub, Court Stenographer  
Holli Pianka, Recording Secretary

**1) Call to Order:**

Chairman Walsh called the September 15, 2016, Special Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:16 p.m. He introduced members of the board and then read the legal notice.

**2) Public Hearing for the following:**

- a. **ZBA-16-5645:** Estate of Catherine Curtin, 2 Stewart Lane, Lebanon, CT, 06249, owner, Amy Shwisha, 15 Hunters Ridge, Woodbridge, CT, 06525, applicant, for property at 2 Stewart Lane, Assessors Map 106, Lot 4. Request variances from Section 5.2 to 1) replace existing one-story single family dwelling with two-story dwelling and 2) enlarge footprint within required 75 foot setback to lake.

Chairman Walsh entered the following exhibits into the hearing record:

a) Legal Notice; b) Two-page application; c) Fiduciary's Probate Certificate; d) Copy of the deed; e) Assessors Street Card Map 106, Lot 4; f) Assessors Map 106, Lot 4; g) Abutters list; h) Building plans; i) Copy of subdivision map, dated 1960; j) Plot plan revision date 8/26/16 prepared by Dutch & Associates Land Surveyors, Colcheser, CT; k) Certified mail receipts and return receipt cards (collectively).

Mr. Charles Dutch, Engineer for Dutch & Associates, Colchester, CT, was sworn in to speak on behalf of the applicant. He stated that the existing home has been owned by the applicant's family for 44 years and that the entire building is within the required setback from the lake. He noted that the structure is deteriorating and not suitable for year round use. The intention is to convert the dwelling to a year round residence for Ms. Swisha, her children and mother-in-law. The existing septic has been

found to be inadequate and a provision has been made for a new septic to be installed, utilizing a small vacant lot located across the street and which has been tested by the Health Department.

Ms. Amy Swisha was sworn in. She stated that she plans to purchase the small unbuildable lot across the street to install the new septic.

Mr. Dutch submitted a map which locates the proposed septic area. Chairman Walsh entered this into the hearing record and labeled exhibit (L).

Chairman Walsh requested that Mr. Dutch clarify the variance request and and to specifically note the distance from the closest point on the south side of the structure to the lake. Mr. Dutch clarified by stating that the structure will be no closer to the lake than it currently exists. The southeast corner eve of the dwelling to the lake will be 50 feet at the closest point and reconstruction of the existing deck will be no closer than 26.8 feet from the lake, as it currently exists.

Chairman Walsh asked the board members and Mr. Dutch if they had any further questions. There was no further comments or questions and there was no one else in the audience to speak on behalf of or in opposition to the application.

Chairman Walsh read the Record of Decision procedures according to the Connecticut General Statutes.

Chairman Walsh noted that the application will be discussed during the regular meeting in 3 parts; adding volume— one-story to two-story, deck reconstruction and north side and south side addition construction.

### **3) Adjournment:**

Mr. Gardner made a motion to close the public hearing and adjourn the special meeting, seconded by Mr. Ninteau. Motion unanimously approved and the meeting adjourned at 7:39 p.m.

Holli E. Pianka, Recording Secretary  
September 22, 2016

*(Minutes are unapproved as of transcription date.)*

**TOWN OF LEBANON**  
**ZONING BOARD OF APPEALS**  
Thursday, September 15, 2016 ~ 7:00 p.m.

**REGULAR MEETING**  
**MINUTES**

PRESENT: Jeffrey Walsh, Chairman  
Michael Ninteau, Vice Chairman  
Kenyon Gardner  
David Geligoff  
Keith Sczurek

ABSENT: Kathy Dunnet, Alt., Donna Skaats, Alt., Jerome Walsh, Alt.  
ALSO PRESENT: Holli Pianka, Recording Secretary

**1) Call to Order:**

Chairman Walsh called the September 15, 2016, regular meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:40 p.m.

**2) Discuss and Act on Public Hearings:**

- a) **ZBA-16-5645:** Estate of Catherine Curtin, 2 Stewart Lane, Lebanon, CT, 06249, owner, Amy Shwisha, 15 Hunters Ridge, Woodbridge, CT, 06525, applicant, for property at 2 Stewart Lane, Assessors Map 106, Lot 4. Request variances from Section 5.2 to 1) replace existing one-story single family dwelling with two-story dwelling and 2) enlarge footprint within required 75 foot setback to lake.

Mr. Ninteau called the board's attention to the probate court certificate dated 7/1/15 and specifies a one year limitation. Chairman Walsh noted that the board can require the applicant to produce an updated certificate if the ownership is in question.

A short discussion took place regarding the request to increase the volume from a one-story to a two-story dwelling and members agreed this would have a minimal impact on plan of zoning.

**Mr. Sczurek made a motion, seconded by Mr. Ninteau, as to Item 1) for approval to allow a second story on the existing house (20.75 ft. by 32.7 ft.) as on the map presented. Motion unanimously approved.**

The deck reconstruction was discussed and members agreed this also would have a minimal impact on plan of zoning.

**Mr. Ninteau made a motion, seconded by Mr. Gardner, as to Item 2) for approval to allow the existing deck to be reconstructed no closer than 26.8 feet to the lake. Motion unanimously approved.**

Members discussed the expansion of the dwelling to the north and to the south, noting a lack of hardship and causing a significant impact on overall plan of zoning.

**Chairman Walsh made a motion, seconded by Mr. Gardner, as to Item 3) to approve the application for construction of an addition on the southeast side no closer than 50 feet to the lake, an addition on the north side no closer than 44.5 feet to the lake, as shown on the proposed construction plan labeled exhibit 'J' submitted.**

**Vote: (1) In favor (Gardner), (4) Opposed (Walsh, Ninteau, Sczurek, Geligoff). Motion denied.**

**3) Approval of Minutes of Previous Meetings:**

- a) **Mr. Ninteau made a motion to approve the July 21, 2016 Special Meeting Minutes, Mr. Gardner seconded, and the Board unanimously voted to approve the minutes as presented. Motion unanimously approved.**
- b) **Mr. Ninteau made a motion to approve the July 21, 2016, Special Meeting Minutes, Mr. Gardner seconded, and the Board unanimously voted to approve the minutes as presented. Motion unanimously approved.**

**4) Old Business: None.**

**5) New Business:**

- a) **Mr. Sczurek made a motion, seconded by Mr. Geligoff, to approve the 2017 ZBA Calendar of meeting dates. Motion unanimously approved.**
- b) **Mr. Gardner made a motion, seconded by Mr. Ninteau to add the following language to the 'Record of Decision' form: 'If a variance is granted, applicant may additionally require, among other approvals and permits, Health District Approval, Wetlands Approval, a Zoning Permit, and a Building Permit before moving forward.' Motion unanimously approved.**

**6) Bills: None.**

**7) Correspondence: None.**

**8) Adjournment:**

With no further business, Mr. Gardner made a motion to adjourn, Mr. Geligoff seconded. Motion unanimously approved and meeting adjourned at 8:21 p.m.

Holli E. Pianka, Recording Secretary  
September 22, 2016

*(Minutes are unapproved as of transcription date.)*