

**TOWN OF LEBANON**  
**ZONING BOARD OF APPEALS**  
Thursday, July 21, 2016 ~ 7:00 p.m.

**SPECIAL MEETING**  
**MINUTES**

PRESENT: Michael Nintean (Acting Chairman)  
Kenyon Gardner  
David Geligoff  
Keith Sczurek

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

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

**1) Call to Order:**

Vice Chairman Michael Nintean (Acting Chairman) called the July 21, 2016, Special Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:06 p.m. He noted that although a quorum was present to make a decision on the application, a fifth voting member was not present and the vote would need to be unanimous for the application to be approved. He informed the applicant that he has the option of postponing the hearing to the next scheduled meeting. Mr. Johnson, the applicant, stated that he would like the hearing to take place this evening. Vice Chairman Nintean then introduced the Board and read the legal notice.

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

- a) **#ZBA-16-5473:** John A. Peterson III, et al., 41 Oak Street, Rensselaer, NY, 12144, owner, for property at 418 Deepwood Drive, Assessors Map 105, Lot 195. Request the following variances from Section 5.2, 1) to replace existing one-story single family dwelling with two-story dwelling in same location, reducing side yard setback from 10 feet required to 4.7 feet, 2) to reduce side yard setback from 10 feet required to 5.7 feet for deck construction, 3) to reduce setback from the lake from 75 feet required to 65 feet for deck construction.

Vice Chairman Nintean entered the following exhibits into the hearing record: a) Legal Notice; b) Two-page application; c) Copy of the property description; d) Assessors Street Card Map 105, Lot 195; e) Assessors Map 105, Lot 195; f) Abutters list; g) Construction Plans; h) Plot plan dated 6/9/16 prepared by Rob Hellstrom Land Surveying, Columbia, CT; i) Revised plot plan received 7/6/16; j) Certified mail receipts and return receipt cards (collectively).

Vice Chairman read an email correspondence dated 7/14/16, from Margret Graf, 424 Deepwood Drive, abutting neighbor, opposing the application, labeled exhibit 'K'.

Mr. John Peterson, owner, was sworn in and spoke on the application. He stated that the property has been family owned since 1934 and the cottage was built when no zoning regulations existed. The current structure would be removed with exception of the existing fireplace (photo submitted and labeled exhibit 'I') and a new dwelling would be rebuilt on the same footprint, with an addition of a new deck on the lakeside. A one foot roof overhang was taken into consideration and calculated into the side yard setback. Mr. Peterson submitted email correspondence to the Board dated 6/19/16, from Alan Schuman, owner at 412 Deepwood Drive, in favor of the application, which Vice Chairman read and labeled exhibit 'M'. Also submitted additional photographs labeled exhibits 'N' through 'Q'. The proposed deck would have no stairway access to the yard and would be utilized by handicapped family members and as a safe place for the young children. Whitney McCormick, granddaughter was sworn in and spoke in support of her family's application.

Mr. Gardner said he understands the applicant's request to rebuild the structure on the same footprint so as not to build any closer to the Graf residence, but it appears that the foundation can be relocated, meeting all setbacks with no variance required.

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

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

### **3) Adjournment:**

Mr. Gardner made a motion to adjourn the public hearing and special meeting, seconded by Mr. Geligoff. Motion unanimously approved and the meeting adjourned at 7:40 p.m.

Holli E. Pianka, Recording Secretary  
July 27, 2016

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

**TOWN OF LEBANON**  
**ZONING BOARD OF APPEALS**  
Thursday, July 21, 2016 ~ 7:00 p.m.

**REGULAR MEETING**  
**MINUTES**

PRESENT: Michael Ninteau (Acting Chairman)  
Kenyon Gardner  
David Geligoff  
Keith Sczurek

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

**1) Call to Order:**

Vice Chairman Ninteau called the July 21, 2016, regular meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:41 p.m.

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

- a) **#ZBA-16-5473:** John A. Peterson III, et al., 41 Oak Street, Rensselaer, NY, 12144, owner, for property at 418 Deepwood Drive, Assessors Map 105, Lot 195. Request the following variances from Section 5.2, 1) to replace existing one-story single family dwelling with two-story dwelling in same location, reducing side yard setback from 10 feet required to 4.7 feet, 2) to reduce side yard setback from 10 feet required to 5.7 feet for deck construction, 3) to reduce setback from the lake from 75 feet required to 65 feet for deck construction.

The sign was returned and Vice Chairman Ninteau returned the sign deposit check to Mr. Peterson.

Members looked at the options available, mainly that a new dwelling could comply with the current zoning regulations and setbacks if the house location was shifted and then no variance would be required. Mr. Sczurek considered one reason to keep the existing footprint is to save the original fireplace. Members said they understand the applicants reasoning, but do not see any valid hardships.

**Mr. Geligoff made a motion, seconded by Mr. Sczurek, to approve application #ZBA-16-5473. Vote: (1) Approved (Sczurek), 3) Opposed (Ninteau, Gardner, Geligoff) Motion DENIED.**

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

- a) **Mr. Geligoff made a motion to approve the May 19, 2016 Special Meeting Minutes, Mr. Gardner seconded, and the Board unanimously voted to approve the minutes as presented. Motion unanimously approved.**
- b) **Mr. Geligoff made a motion to approve the May 19, 2016, Special Meeting Minutes, Mr. Sczurek seconded, and the Board unanimously voted to approve the minutes as presented. Motion unanimously approved.**

**4) Old Business:** None.

**5) New Business:** None.

**6) Bills:**

Mr. Geligoff made a motion to approve payment of a bill dated 6/20/16, in the amount of \$10.95 from Recognition Products, seconded by Mr. Sczurek. Motion unanimously approved.

**7) Correspondence:** CFPZA Summer newsletter on file.

**8) Adjournment:**

With no further business, Mr. Geligoff made a motion to adjourn, Mr. Gardner seconded. Motion unanimously approved and meeting adjourned at 7:55 p.m.

Holli E. Pianka, Recording Secretary

July 27, 2016

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