

TOWN OF LEBANON
ZONING BOARD OF APPEALS
Thursday, June 15, 2017 ~ 7:00 p.m.

SPECIAL MEETING
MINUTES

PRESENT: Jeffrey Walsh, Chairman
Michael Nintean, Vice Chairman
Mark DeCaprio
David Geligoff
Jerome Walsh, Alt.

ABSENT: Keith Sczurek, Kathy Dunnet, Alt., Donna Skaats, Alt.

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

1) Call to Order:

Chairman Walsh called the June 15, 2017, Special Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:00 p.m. He introduced members of the board and then read the legal notice. Jerome Walsh was seated for Keith Sczurek.

2) Public Hearing for the following:

- a. **ZBA-17-6250:** Dean Tine, owner, 282 Lakeside Drive, Lebanon, CT, 06249, Assessors Map 107, Lot 33. Request variances from Section 5.2 to reduce rear yard setback from the lake from 75 feet required to 16 feet, requested for construction of deck.

Chairman Walsh entered the following exhibits into the hearing record:

a) Legal Notice; b) Two-page application with three-page attachment; c) Property Description; d) Abutters List; e) Assessors Street Card Map 107, Lot 33; f) Assessors Map 107; g) Plot Plan; h) Building plans of proposed deck; i) Certified mail receipts and return receipt cards (collectively); j) Property file copies.

Mr. Dean Tine, owner, was sworn in and spoke on the application. Members of the audience who wished to speak were also sworn in, collectively. Mr. Tine read a statement, giving history of the house, prior deck construction and then removal of the deck as required by a court judgement. He stated that almost every house on Red Cedar Lake has a deck and many of the decks are closer to the water than the one he is requesting. He currently has French doors that lead to a proposed deck and the ZBA and the Lebanon Building Department. approved the original construction plans of the house with the doors many years ago. He stated that the doors pose a hazard without having a deck landing outside of

them. Mr. Tine reviewed the proposed deck plan, noting that there are existing deck footings 10 feet from the house that remain from the original deck construction which could be reused without further disturbance to any wetlands. Mr. Tine displayed photos of the existing property, dwelling and existing footings, collectively on a board, but would not submit these to be entered into the record as an exhibit. Mr. Tine did submit 40 letters of support from neighboring property owners. Chairman Walsh read the letter template into the record and labeled the group of letters collectively as exhibit 'K- notes supporting deck variance'.

The following property owners, previously sworn in, spoke in favor of the application:

Jim Truscio, 272 Lakeside Drive
Jennifer Granger, 258 Lakeside Drive
Kevin Kowalyshyn, 258 Lakeside Drive
Don Askowitz, 96 Lakeside Drive
John 'Skip' Chartley, 292 Lakeside Drive
Chris Bibeau, 280 Lakeside Drive
Cindy Albert, Lakeside Drive
Michael Albert, 244 Lakeside Drive
Jane Askowitz, 96 Lakeside Drive
Colleen Nieto, sister of Mr. Tine
Steve McShane, 46 Lakeside Drive
Doreen Breen, 312 Lakeside Drive
Frank Miano, 153 Lakeside Drive
Suzanne Chartley 292 Lakeside Drive

Chairman Walsh gave history on Mr. Tine's original variance request for the house construction at 48 feet from the lake (approved) and a 12 foot deck in 2008 (denied). The deck was installed without town approval and when the deck was discovered, Mr. Tine reapplied for the variance and was denied again. Mr. Tine appealed the ZBA decision to the superior court on the basis of the deck existing for over three years and prevailed. The town, protecting its' zoning regulations, appealed this decision to the state appellate court and then to the state supreme court and the appeal was upheld by the court. The deck was to be removed. The highest state court has already said the board cannot grant a 12 foot deck. Mr. Tine corrected the statement that the original approved variance was 38 feet not 48 feet and also requested to amend his application to reflect a request for a 10 foot deck.

There was no further discussion.

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

3) Adjournment:

Mr. Geligoff made a motion to close the public hearing and adjourn the special meeting, seconded by Mr. Nintean. Motion unanimously approved and the meeting adjourned at 7:43 p.m.

Respectfully Submitted,
Holli E. Pianka, Recording Secretary
June 21, 2017

(Minutes are unapproved as of transcription date.)

TOWN OF LEBANON
ZONING BOARD OF APPEALS
Thursday, June 15, 2017 ~ 7:00 p.m.

REGULAR MEETING
MINUTES

PRESENT: Jeffrey Walsh, Chairman
Michael Ninteau, Vice Chairman
Mark DeCaprio
David Geligoff
Jerome Walsh, Alt.

ABSENT: Keith Sczurek, Kathy Dunnet, Alt., Donna Skaats, Alt.
ALSO PRESENT: Holli Pianka, Recording Secretary

1) Call to Order:

Chairman Walsh called the June 15, 2017, regular meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:45 p.m. He reminded the audience that there is no public comment during the regular meeting.

2) Discuss and Act on Public Hearings:

- a. **ZBA-17-6250:** Dean Tine, owner, 282 Lakeside Drive, Lebanon, CT, 06249, Assessors Map 107, Lot 33. Request variances from Section 5.2 to reduce rear yard setback from the lake from 75 feet required to 16 feet, requested for construction of deck.

Chairman Walsh noted that during the public hearing, Mr. Tine amended his application, reducing the size of the deck to 10 feet.

Mr. Ninteau does not see a valid hardship and does not believe the board can legally grant the variance. Chairman Walsh agrees, but also noted that occasionally in the past, variances have been granted for a request that were of minimal impact to the town's overall plan of zoning.

Chairman Walsh agrees and noted the board has a statutory obligation. The larger deck requested would definitely be a violation, but members should consider whether or not they believe deck would have a major impact on the overall planning of zoning. An approval could be used as a precedence for future applications.

Mr. Geligoff feels that 10 feet is a minor adjustment, aesthetically, the deck would blend into the neighborhood much better and not affect the plan of zoning. There are remnants of a deck and existing footings.

Mr. DeCaprio also feels it would be of minimal impact, does not see any environmental harm.

Mr. Jerome Walsh feels it is minimal impact on the zoning regulations.

Mr. Ninteau stated the whole deck would be in violation of the zoning regulations and granting the variance would weaken the integrity of the board.

Mr. Geligoff made a motion, seconded by Mr. DeCaprio, to approve the deck application as amended, reflecting a 10 foot deck, 28 feet from the water line. Vote: (3) In favor (D. Geligoff, M. DeCaprio, Jerome Walsh) (2) Opposed (Ninteau, Jeffrey Walsh). Motion denied.

3) Approval of Minutes of Previous Meetings:

- a) **Mr. Geligoff made a motion to approve the January 19, 2017 Special Meeting Minutes, Mr. Ninteau seconded, and the Board unanimously voted to approve the minutes as presented. Motion unanimously approved.**

4) Old Business:

Chairman Walsh noted that since the last time the board had met, fellow member Kenyon Gardner, had passed away and is a great loss to the board. Mr. Gardner was well respected by the ZBA and the community, and he will be greatly missed.

5) New Business:

6) Bills:

- a) CFPZA 2017/2018 Membership dues \$110.00.
b) CFPZA ZBA Booklets \$58.00.

Mr. Walsh made a motion to approve bills in the amount of \$168.00, seconded by Mr. DeCaprio. Motion unanimously approved.

7) Correspondence: CFPZA Newsletter Spring, 2017.

8) Adjournment:

With no further business, Mr. Walsh made a motion to adjourn, Mr. Geligoff seconded. Motion unanimously approved and meeting adjourned at 8:20 p.m.

Respectfully Submitted,
Holli E. Pianka, Recording Secretary
June 21, 2017

(Minutes are unapproved as of transcription date.)