

TOWN OF LEBANON
ZONING BOARD OF APPEALS
Thursday, September 21, 2017 ~ 7:00 p.m.
SPECIAL MEETING

MINUTES

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

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

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

1) Call to Order:

Chairman Walsh called the September 21, 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.

2) Public Hearing for the following:

- a. **#ZBA-17-6531:** Elizabeth Pistrutto, 57 Castlerock Lane, Bolton, CT, 06043, owner, for property at 44 Scanlon Terrace, Assessors Map 105, Lot 50. Variance from Zoning Section 5.1 to increase building height restriction from 25 feet permitted to 31 feet requested for construction of new single family dwelling in Lake Zone.

Chairman Walsh entered the following exhibits into the hearing record:

- a) Legal Notice; b) Two-page application; c) Property Description;
d) Abutters List; e) Assessors Street Card Map 105, Lot 50; f) Assessors Map 105; g) Plot Plan; h) Building plans of proposed house; i) Certified Mail Receipts & Return Receipt Cards (collectively).

Elizabeth Pistrutto, owner, was sworn in. Ms. Pistrutto explained that it would be a hardship to have invested a large amount of time (two years) and money into designing the house she hoped would be her retirement home. She said that the proposed house would not be obstructing anyone's lake view, since her property and the abutting neighbor's properties are not within view of the lake. Ms. Pistrutto owns the abutting lot to the rear (Lot 68).

Chairman Walsh noted that the Lebanon Zoning Regulations were changed approximately four years ago and included, specifically, the stricter height requirement. Ms. Pistritto said that she was not aware of the new zoning regulation and asked for the board's consideration of this. Chairman Walsh said that he understands that it would be a financial hardship for her, but sighted a lack of preparation in that she should have consulted the zoning regulations.

Jason McGrath, 91 West Island Beach Road, Lebanon, was sworn in. He is Ms. Pistritto's son and spoke in favor of the application. He noted that the house site is 6.1 miles from Red Cedar Lake and believes the proposed house design will have minimal effect on surrounding homes.

Michael Bugnacki, 9 Abbey Road, Manchester, CT, 06040, was sworn in, Ms. Pistritto's building contractor, spoke in favor of the application and noted that the building site is on the outskirts of the Lake Zone, far away from the lake and would not affect the surrounding properties.

Ronald Chalecki, 72 Scotland Road, Sprague, CT, abutting property owner and Zoning Officer for the Town of Franklin, CT, was sworn in. Mr. Chalecki reviewed the building plans and believes the design of the house would cause no harm to other surrounding homes. He stated no objection and is in favor of the application.

There was no further discussion. Chairman Walsh read the Record of Decision procedures according to the Connecticut General Statutes.

Mr. Nintean made a motion, seconded by Mr. Sczurek, to close the public hearing for application ZBA-17-6531. Motion unanimously approved.

- b. **#ZBA-17-6542:** Robert D'Eliseo, applicant, Lebanon Properties LLC, owner, 383 Trumbull Highway, Assessors Map 228, Lot 30. Variance from Zoning Section 5.2 to reduce front yard setback from 50 feet required to 18 feet requested for construction of outdoor restaurant patio.

Chairman Walsh entered the following exhibits into the hearing record:

a) Legal Notice; b) Two-page application; c) Property Description; d) Abutters List; e) Assessors Street Card Map 228, Lot 30; f) Assessors Map 228; g) Plot Plan; h) Certified Mail Receipts & Return Receipt Cards (collectively); i) Aerial photo of property.

Mark Reynolds, P.E., Reynolds Engineering Services LLC, 68 Bogg Lane, Lebanon, CT, was sworn in. Rob D'Eliseo, owner, was present. Mr. Reynolds reviewed the concept plan, dated 8/30/17. He noted that the entire restaurant is located on a corner lot and within the 50 foot front setbacks on both Route 87 and Tobacco Street, which all predates zoning

and Mr. D'Eliseo's ownership. Mr. Reynolds explained that to meet current setbacks, the patio would need to be located within the existing parking lot area which would be visually unaesthetic and cause unsafe conditions for customers and employees. Mr. Reynolds submitted photographs of the south side of the restaurant which Chairman Walsh labeled exhibit 'J' and a narrative labeled exhibit 'K'. Mr. Reynolds noted that the patio would offer seasonal outdoor seating only and, also feels that the required ADA compliance would most likely not be possible on the rear side due to sloping of the property.

Jeffrey Mellon, 15 Tobacco Street, adjacent property owner, was sworn in. He had concerns about the proposed patio lighting shining into his front yard.

Mr. Reynolds responded that there is an additional application process for a required special permit from the Planning & Zoning Commission which will address future requirements such as use, seating, landscaping, architectural details and lighting. Concerns from the public and commission members can be voiced at that time.

Mr. Reynolds submitted the concept map and Chairman Walsh labeled exhibit 'L'.

There was no further discussion.

Mr. DeCaprio made a motion, seconded by Mr. Geligoff, to close the public hearing for application ZBA-17-6542. Motion unanimously approved.

3) Adjournment:

Mr. Nintean made a motion, seconded by Mr. Sczurek, to close the special meeting. Motion unanimously approved and the meeting was adjourned at 7:50 p.m.

Respectfully Submitted,
Holli E. Pianka, Recording Secretary
September 28, 2017

(Minutes are unapproved as of transcription date.)

TOWN OF LEBANON
ZONING BOARD OF APPEALS
Thursday, September 21, 2017 ~ 7:00 p.m.
REGULAR MEETING
MINUTES

PRESENT: Jeffrey Walsh, Chairman
Michael Ninteau, Vice Chairman
Mark DeCaprio
David Geligoff
Keith Sczurek

ABSENT: Kathy Dunnet, Alt., Donna Skaats, Alt., Jerome Walsh, Alt. (exit 7:55 p.m.)
ALSO PRESENT: Holli Pianka, Recording Secretary

1) Call to Order:

Chairman Walsh called the September 21, 2017, regular meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:55 p.m.

2) Discuss and Act on Public Hearings:

- a. **#ZBA-17-6531:** Elizabeth Pistritto, 57 Castlerock Lane, Bolton, CT, 06043, owner, for property at 44 Scanlon Terrace, Assessors Map 105, Lot 50. Variance from Zoning Section 5.1 to increase building height from 25 feet permitted to 31 feet requested for construction of new single family dwelling in Lake Zone.

Mr. Geligoff made a motion to approve the variance for application ZBA-17-6531 to increase the building height to 31 feet, seconded by Mr. Sczurek. Vote: (3) In favor (D. Geligoff, M. DeCaprio, K. Sczurek) (2) Opposed (M. Ninteau, J. Walsh). Motion denied.

- b. **#ZBA-17-6542:** Robert D'Eliseo, applicant, Lebanon Properties LLC, owner, 383 Trumbull Highway, Assessors Map 228, Lot 30. Variance from Zoning Section 5.2 to reduce front yard setback from 50 feet required to 18 feet requested for construction of outdoor restaurant patio.

Mr. Geligoff made a motion to approve application ZBA-17-6542 with the condition that the patio shall have no roof and no permanent solid walls, seconded by Mr. DeCaprio. Motion unanimously approved. Vote: (3) In favor (D. Geligoff, M. DeCaprio, K. Sczurek, J. Walsh) (1) Opposed (M. Ninteau) Motion approved.

3) Approval of Minutes of Previous Meetings:

- a) **Mr. Ninteau made a motion to approve the June 15, 2017 Special Meeting Minutes, Mr. Sczurek seconded, and the Board unanimously voted to approve the minutes with the following correction. Page 1, change 'judgement' to 'judgment'. Motion unanimously approved.**

- b) **Mr. DeCaprio made a motion to approve the June 15, 2017 Regular Meeting Minutes as presented, Mr. Ninteau seconded. Motion unanimously approved.**

4) Old Business: None.

5) New Business:

Mr. Walsh made a motion to approve the 2018 ZBA Calendar of Meeting Dates, seconded by Mr. Geligoff. Motion unanimously approved.

6) Bills:

- a) Recognition Products \$4.25

Mr. Ninteau made a motion to approve bills in the amount of \$4.25, seconded by Mr. Walsh. Motion unanimously approved.

7) Correspondence: CFPZA Newsletter Summer, 2017.

8) Adjournment:

With no further business, Mr. Geligoff made a motion to adjourn, Mr. Sczurek seconded. Motion unanimously approved and meeting adjourned at 8:30 p.m.

Respectfully Submitted,
Holli E. Pianka, Recording Secretary
September 28, 2017

(Minutes are unapproved as of transcription date.)