

**TOWN OF LEBANON
ZONING BOARD OF APPEALS**

Thursday, March 17, 2022 ~ 7:00 p.m.

**SPECIAL MEETING / PUBLIC HEARING
Lebanon Town Hall**

MINUTES

PRESENT: David Geligoff, Chairman
Donna Skaats, Vice Chairman
Mark DeCaprio
Keith Sczurek
Eilleen Weinstein
Michael Nintean, Alternate
ABSENT: J. Walsh, Alt., P. Ziel, Alt.

- 1) Call to Order:
Chairman Geligoff called the March 17, 2022, Special Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:00 p.m. He read the legal notice into the hearing record and introduced the members of the board.
- 2) Public hearings for the following:
 - a) **#ZBA-22-1:** Niantic Bay Group LLC, 1967 N. Rosehue Path, Hernando, Florida, 34442 (applicant), Michael McMahon, PO Box 1198, Southwick, MA, 01077 (owner), for property at Deepwood Drive, Assessors Map 105, Lot 102. Variance from Section 5.2 to reduce the front yard setback on West Island Beach Road from 25 feet required to 19 feet requested for new residential home construction.

Chairman Geligoff opened the public hearing and entered the following exhibits into the hearing record: a) Legal Notice; b) Two-page application; c) Agent permission letter; d) Copy of deed; e) Assessors Street Card, Map 105, Lot 102; f) Assessors Map 105, Lot 102; g) Abutter's List; h) Site plan, dated February 18, 2022, prepared by Fedus Engineering LLC, 70 Essex Street, Mystic, CT; i) Building plans; j) Certified mail receipts, return receipt cards (collectively).

John Doran, owner, was sworn in. Also, Gregg Fedus, P.E., 70 Essex Street, Mystic, CT, of Fedus Engineering LLC, was sworn in to speak on behalf of the application. Mr. Fedus reviewed the variance request proposed site plan, specifically addressing a plan to resolve the water drainage issues, including installation of a rain garden in the front corner of the lot to handle roof water runoff and a swale.

Attorney Ed Cassella, 29 Elm Street, Old Saybrook, CT, was sworn in to speak on the application. Attorney Cassella discussed the specific hardship of the property, one being the implementation of the setback regulations on this legal non-conforming corner lot. This lot has been in existence since 1934, and that due to implementation of setbacks regulations on this legal non-conforming lot that predates zoning regulations, the required setbacks imposed on this lot only allow a building of a fourteen foot wide house, prohibiting a reasonable size house on the lot. By applying the required use to this property and not allowing a house to be built creates an unusual burden and hardship not to allow construction of a structure. He noted that if not a corner lot, this lot would be allowed to qualify for building, if West Island Beach side of the lot was a considered a side yard not a front yard.

He submitted a one-page document to the Board for comparison, listing neighborhood houses with similar widths on 50 foot wide properties, labeled Exhibit 'K'.

Public Comment:

Laurel Hannebury, owner, 454 Deepwood Drive, in opposition, submitted a letter describing her concerns of an existing drainage easement on property she owns at 461 Deepwood Drive causing potential damage to her property and to the wetlands at the rear of her property. Letter was submitted to the Board and labeled Exhibit 'L'.

Joseph Tontini, owner, 4 Park Road, in opposition, concern of proposed site plan not being correct regarding distance to his well from the new structure and potential safety issue with parking.

Tony DiCarmine, owner, 439 Deepwood Drive, concern of hydrolic issue with house under construction at 457 Deepwood and similar concern with proposed house.

John Doran, owner, made an informal inquiry to Brandon Handfield, consulting engineer for Town of Lebanon and also with the Building Official Jason Nowosad about designing a compliant plan to resolve water drainage issues by installing additional pipe connections, catch basins and a swale to alleviate existing and potential drainage problems due to the new construction. Also in past, has worked with Ms. Hannebury to try and resolve drainage issues. He feels confident that a storm water plan can be created to eliminate the drainage problem.

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

- a) **#ZBA-22-2:** Michael & Ann Buchas, 500 Deepwood Drive, Lebanon, CT, 06249 (owners), Assessors Map 105, Lot 174. Variance from Section 5.2 to reduce the side yard setback from 10 feet required to 2.9 feet AND Section 4.6(b)(4) to increase the impervious coverage from 20 percent required to 30 percent requested for construction of an addition.

Chairman Geligoff opened the public hearing and entered the following exhibits into the hearing record: a) Legal Notice; b) Two-page application; c) Copy of deed; d) Assessors Street Card, Map 105, Lot 174; e) Assessors Map 105, Lot 174; f) Abutters List; g) Site plan, revision date February 22, 2022, prepared by Connecticut Consulting Engineers LLC, One Prestige Drive, Meriden, CT; h) Amston Lake property map; i) Building plans and elevation views; j) Certified mail receipts, proof of mailing (collectively).

Mark Reynolds, L.S., was sworn in and submitted a property data to the board, labeled Exhibit 'K'. Mr. Reynolds reviewed the packet data.

For the side yard variance request, Mr. Reynolds noted the following:

- 1) This property causes an unusual hardship with its triangular shape and very minimal side yard area.
- 2) The house construction took place in 1958, prior to the enactment of the zoning regulations.
- 3) Mrs. Buchas has physical restrictions which makes the garage necessary for safe entry into the home.

Mr. Reynolds also noted that this type of construction is consistent with other nearby parcels on Deepwood Drive and that the proposed garage will not obscure the view from any neighboring property.

In regard to the lot coverage variance request, Mr. Reynolds noted the following points:

- 1) In accordance with DEEP Storm Water Quality Manual, the stormwater volume exceeding 20 percent will be collected and directed to underground infiltration protecting Amston Lake water quality. Nearby towns have standard methods for calculating and addressing excess stormwater which can be utilized along with engineering design to address any concerns about storm water and increased coverage on the property.

Public Comment:

Laurel Hannebury, in favor of the application.

Ken Lavoie, concern that an abutting owner may not have been notified. Mr. Reynolds responded that proof of mailing to that owner has been provided to the town.

Ann Buchas was sworn in stating that handicap access is necessary for medical reasons.

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

Chairman Geligoff read the notice regarding the appeal of decision according to the Connecticut General Statutes Sec. 8-8.

- 3) Adjournment:
Mark DeCaprio made a motion, seconded by Eilleen Weinstein, to close the special meeting and public hearing. Motion was approved unanimously, and the meeting was adjourned at 8:16 p.m.

Michael Nintean left the meeting at 8:17 p.m.

**Respectfully Submitted,
Holli E. Smith, Recording Secretary
March 23, 2022**

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

**TOWN OF LEBANON
ZONING BOARD OF APPEALS**

Thursday, March 17, 2022 ~ 7:00 p.m.

**REGULAR MEETING
Lebanon Town Hall**

MINUTES

PRESENT: David Geligoff, Chairman
Donna Skaats, Vice Chairman
Mark DeCaprio
Keith Sczurek
Eilleen Weinsteiniger

ABSENT: J. Walsh, Alt., P. Ziel, Alt.

- 1) Call to Order:
Chairman Walsh called the March 17, 2022, regular meeting of the Town of Lebanon Zoning Board of Appeals to order at 8:25 p.m.
- 2) Discuss and Act on Public Hearings:
 - a) **#ZBA-22-1:** Niantic Bay Group LLC, 1967 N. Rosehue Path, Hernando, Florida, 34442 (applicant), Michael McMahon, PO Box 1198, Southwick, MA, 01077 (owner), for property at Deepwood Drive, Assessors Map 105, Lot 102. Variance from Section 5.2 to reduce the front yard setback on West Island Beach Road from 25 feet required to 19 feet requested for new residential home construction.

Following a brief discussion, it was the consensus of the Board that this application lacks a valid hardship. There was no further discussion.

A motion to approve application ZBA-22-1 was made by Keith Sczurek, seconded by Eilleen Weinsteiniger, Vote: In favor (3) Weinsteiniger, DeCaprio, Sczurek. In opposition (2) Geligoff, Skaats. Application denied.

- b) **#ZBA-22-2:** Michael & Ann Buchas, 500 Deepwood Drive, Lebanon, CT, 06249 (owners), Assessors Map 105, Lot 174. Variance from Section 5.2 to reduce the side yard setback from 10 feet required to 2.9 feet AND Section 4.6(b)(4) to increase the impervious coverage from 20 percent required to 30 percent requested for construction of an addition.

Following a brief discussion, it was the consensus of the Board that this application lacks a valid hardship. There was no further discussion.

A motion to approve application ZBA-22-2 (setback request) made by Keith Sczurek, seconded by Mark DeCaprio. Vote: In favor (1) DeCaprio. In opposition (4) Weinstein, Sczurek, Skaats, Geligoff. Application denied.

A motion to approve application ZBA-22-2 (coverage increase to 30 percent) made by Donna Skaats, seconded by Keith Sczurek. Vote: In favor (1) DeCaprio. In opposition (4) Weinstein, Sczurek, Skaats, Geligoff. Application denied.

- 3) Approval of Minutes of Previous Meetings:
a) Eileen Weinstein made a motion to approve the December 16, 2021 Regular Meeting Minutes, as presented, Donna Skaats seconded. Motion unanimously approved. Abstained: M. DeCaprio
- 4) Old Business: None.
- 5) New Business:
A training session covering Zoning Board of Appeals is now mandated by the State Legislature and will be scheduled for members to attend.
- 6) Bills:
Keith Sczurek made a motion, seconded by Mark DeCaprio, to pay the CFPZA yearly membership dues in the amount of \$110.00. Motion unanimously approved.
- 7) Correspondence: None.
- 8) Adjournment:
With no further business, Eileen Weinstein made a motion to adjourn, Mark DeCaprio seconded. Motion unanimously approved and meeting adjourned at 8:58 p.m.

**Respectfully Submitted,
Holli E. Smith, Recording Secretary
March 23, 2022**

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