

MINUTES
REGULAR MEETING
ZONING BOARD OF APPEALS
LISBON TOWN HALL
TUESDAY, OCTOBER 24, 2017
7:15 P.M.

1. Call to Order

The Regular Meeting of the Zoning Board of Appeals was called to order by Steven Beck, Chairman, at 7:15 pm.

MEMBERS PRESENT: Steven Beck, Ronald Babbitt, Leo MacDonald, Robert Jencks, Frederick Kral, III, Kirk Miles (Alt)

MEMBERS ABSENT: Robert Chubka (Alt)

2. Reading of previous minutes:

A motion was made by R. Babbitt second by R. Jencks to approve previous minutes and site walk of September 2017. VOTE: UNANIMOUS, MOTION CARRIED

3. Correspondence

- a. Profit & Loss Statement – September 2017
- b. CT Federation of Planning & Zoning Agencies Newsletter
- c. Memo, Lisbon Quarterly Newsletter submission deadline November 10

4. Bills and action thereon

- a. The Bulletin, \$427.30, inv#238483, dated 1/11/217 re: Hendels Lisbon LLC Public Hearing Notices
Motion by R. Jencks second by F. Kral to pay. VOTE: UNANIMOUS, MOTION CARRIED

5. Old Business

- a. Application (17-01) for Appeal of Cease and Desist Order for modifications made to a free standing sign in the BV-2 Zone – Applicant, Hendels Lisbon LLC -114 River Road – Motion made by L. MacDonald second F. Kral to approve.

VOTE:

R. Jencks: YES, because P&Z had a year to act on the regulation and didn't.

F. Kral: YES, we went through this before and came to the same conclusion.

R. Babbitt: YES, the signage is much safer this way than it was the old way and that is reason enough.

L. MacDonald: YES, based on regulation 15.3(d) being antiquated and not addressed by the Planning and Zoning Commission, and should be addressed and changed.

S. Beck: YES, because zoning regulations call for antiquated lighting compared to what is now available; safety is also an issue and Planning and Zoning Commission should update the regulation. UNANIMOUS, MOTION CARRIED

Motion by L. MacDonald second by R. Jencks to have Chairman S. Beck send a memo to Planning and Zoning asking them to update 15.3(d) in the regulations.

VOTE: S. BECK NO, MOTION CARRIED

6. New Business – NONE

TOWN OF LISBON

PLANNING AND ZONING COMMISSION
ZONING BOARD OF APPEALS

CERTIFICATE OF APPROVAL: GRANTING OF VARIANCE, SPECIAL PERMIT OR
SPECIAL EXCEPTION

Owner of Records: Hendels Lisbon, LLC 35 Great Neck Road, waterford, CT 06385

Applicant(s): Hendels Lisbon LLC, / Harry Heller, Esquire (agent)

736 Route 32, Uncasville, CT 06382

Regulation(s):

Varied/cited: Section 15.3(d)

See Attached

Variance/Special Permit GRANTED: _____

Relief from Cease and Desist Order granted on October 24, 2017, with respect to

modifications made to a free standing sign in the BV-2 Zone, at 114 River Road.

October 24, 2017


17-01

Date Adopted: _____

Petition Number: _____

The Connecticut General Statutes require that this certificate be recorded in the land records in the office of the Town Clerk and the statutory recording fee be paid before the variance or special permit shall be lawfully effective.

Certified: _____



Steven M. Beck, Chairman

Received for Record: _____

at _____

Attest _____

Laurie J. Tirocchi Town Clerk
Town of Lisbon

APPLICATION
ZONING BOARD OF APPEALS
Town of Lisbon

APPEAL NUMBER: _____

DATE FILED: _____

1. I/we hereby appeal to the Town of Lisbon Zoning Board of Appeals from the decision of the Planning and Zoning Commission and/or the Zoning Enforcement Officer whereby he issued a Cease and Desist Order for an allegedly illegal sign on premises at 114 River Road, Lisbon, Connecticut dated August 10, 2017.
 - A. ☐ USE ☐ ERECT ☐ ALTER ☐ ADD TO ☐ OCCUPY ☒ OTHER
 - B. ☐ LAND ONLY ☐ STRUCTURE OR BUILDING ☐ OTHER
 - C. FOR USE AS: ☐ FAMILY RESIDENCE ☒ BUSINESS ☐ INDUSTRY
☐ ACCESSORY BUILDING ☐ OTHER
2. Location of affected premises: LOT NUMBER 06
 TITLE OF SUBDIVISION MAP N/A BV -2 Zone
 ASSESSOR'S MAP NUMBER 20 LOCATED ON THE Easterly SIDE
 OF River Road (Route 12) STREET 50 FEET DISTANT FROM
 THE INTERSECTION OF River Road with Interstate 395

 Owner Hendels Lisbon LLC* Address 35 Great Neck Road, P.O. Box 201, Waterford, CT 06385
 Applicant Hendels Lisbon LLC Address 35 Great Neck Road, P.O. Box 201, Waterford, CT 06385
 Lessee N/A Address _____
 Agent Harry B. Heller, Esquire Address 736 Norwich-New London Turnpike, Uncasville, CT 06382
3. PREVIOUS APPEALS have been made with respect to this property as follows:
 Application Number(s) Unknown Date(s) Unknown
4. This appeal relates to ☒ USE _____ AREA _____ YARD DIMENSIONS _____ HEIGHT _____
 STREET FRONTAGE _____ NUMBER OF FAMILY UNITS _____ OTHER _____
 DESCRIBE BRIEFLY Zoning Enforcement Officer alleges that Section 15.3(d) of the Zoning Regulations have been violated by a change in certain internal components of a sign on the premises.
5. VARIANCE of the following Section of the Zoning Regulations is requested:
 - A. Strict application of the regulations would produce UNDUE HARDSHIP because:

 - B. The hardship created is UNIQUE and not shared by all properties alike in the neighborhood because:

 - C. The variance would change the CHARACTER OF THE NEIGHBORHOOD because:

6. The CEASE AND DESIST ORDER dated August 10, 2017 for the above named premises by the Zoning Enforcement Officer is APPEALED because: (i) The Cease and Desist Order was never properly served on the property owner and applicant that has owned the property since October 9, 2014 and (ii) the LED lighted sign on the premises complies with the requirements of the Lisbon Zoning Regulations and an electrical permit for such work was issued by the Building Official (who also serves as the Zoning Enforcement Officer) on January 28, 2017. The internal modifications made to the sign on the commercial premises do not violate the provisions of Section 15.3(d) of the Lisbon Zoning Regulations.

HENDELS LISBON LLC

By: _____

Harry B. Heller, its Authorized Agent

Paul B. Burr 9/15/17 3:00
(ZONING ENFORCEMENT OFFICER OR P&Z CHAIR)

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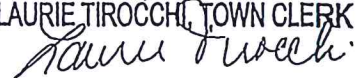
7. Any other business which may come before the Board – L. MacDonald reminded the Board that there are vacancies on the Zoning Board of Appeals and if they know of anyone wishing to join, they should be encouraged to send a letter to the town with their interest.
8. Adjournment - Motion was made by F. Kral second by L. MacDonald to adjourn at 7:38 PM.

VOTE: UNANIMOUS MOTION CARRIED



Elaine Joseph, clerk

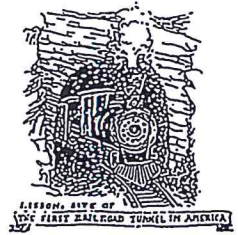
APPROVED: _____
Steven Beck, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 10/26/17 AT 2:45pm
ATTEST. LAURIE TIROCCHI, TOWN CLERK




TOWN OF LISBON
INCORPORATED 1786

ZONING BOARD OF APPEALS
1 NEWENT ROAD
LISBON, CONNECTICUT 06351
TEL. 860-376-3400
FAX 860-376-6545



NOTICE OF DECISION

Town of Lisbon
Zoning Board of Appeals

At the regular meeting of the Town of Lisbon Zoning Board of Appeals held on Tuesday, October 24, 2017 the commission took the following action:

1. Application 17-01: for Appeal of Cease and Desist Order issued by the Zoning Enforcement Officer, with respect to modifications made to a free standing sign in the BV-2 Zone. – Applicant, Hendels Lisbon, LLC, 114 River Road APPROVED

Dated at Lisbon, Connecticut this 26th day of October, 2017.

Steven Beck, Chairman
Lisbon Zoning Board of Appeals

RECEIVED FOR RECORD AT LISBON
CT ON 10/26/17 AT 2:45pm
ATTEST. LAURIE TIROCCHI, TOWN CLERK
Laurie Tirocchi