



Present: Chairman Dax
Jeff Hattat
Ted Krolikowski
Tony Murad
Phyllis Stoller
Jeannine Tonetti

Absent: Charles Gerald

Others: Jeff Redd, Lisa Robinson, Kevin Smith, Robert Mittnight, Joanne Johnson, Robert Johnson

I. Call to Order:

Chairman Dax called the regular meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:33 pm.

II. Minutes Review:

Upon Review of the July 6, 2010 minutes, Chairman Dax noted a typographical error, The word "passed" should be 'past'. A motion was made by Tony Murad , seconded by Phyllis Stoller to approve them as amended. The motion carried upon the following vote:

Chairman Dax	Aye
Charles Gerald	Absent
Jeff Hattat	Aye
Ted Krolikowski	Aye
Tony Murad	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

III. Application Review:

Case No: ZBA-2010-044 [TM# 18.-1-35]

Applicant/Property Owner: Lisa Robinson

Authorized Agents: Jeff Redd and/or Chris Robinson

Request: for a Special Permit to operate a Bed and Breakfast located at 94 School House Road

It was established that the surname "Robinson" is the applicant's maiden name. Her married name is Redd but she would like the permit to ultimately be issued under "Robinson".

Chairman Dax distributed copies of the provisions of the code relating to Bed and Breakfasts. The Board reviewed the letter from the DOH dated July 27, 2010 that reads: "*Under the regulations of subpart 7-1 of the NYS Sanitary Code, a Temporary Residence (or Bed &*

Breakfast) is defined as providing overnight housing for more than 11 persons. As long as the proposed bed & breakfast remains under this limit and the service of food is limited to a breakfast meal for guests only, the establish operator will not be required to obtain any permits or approvals from this agency”.

Jeff Redd confirmed that they will be serving eight guests maximum, 2 people per room. He also noted that they have sent out for a water test and are awaiting the results.

Chairman Dax noted the letter from Kent Pratt, Code Enforcement Officer indicating that the septic should be adequate.

It was also determined that the Bed & Breakfast is owner occupied, and that the sign meets zoning requirements.

The applicants indicated that they will not be in Town for the September meeting and requested that the Board schedule the public hearing for October.

Chairman Dax moved to refer the application to the local Planning Board for recommendations and to schedule the public hearing for the October meeting. Jeff Hattat seconded the motion which carried on the following vote:

Chairman Dax	Aye
Charles Geraldi	Absent
Jeff Hattat	Aye
Ted Krolikowski	Aye
Tony Murad	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

Kevin Smith: Informational Only

Kevin Smith stated that he wished to present the Board with an update on the status of his mobile home located on his property (tm# 19.1-1-15.2) for which the Board had previously granted an extension. He stated that his plan is to move it to his other lot (tm# 19.1-1-15.1) adjoining on the north side.

Mr. Smith continued to say that the ZEO instructed that a survey would be required to certify the flood plain elevation. However, after speaking with Tom Blanchard [NYSDEC Region 4 Flood Plain Manager], it was determined that a survey would not be needed because there are no base flood elevations set for New Lebanon. Joe Darcy will certify the 3 ft. elevation this week. He stated that he submitted his driveway approval from the Highway Spt. this week and that this should complete the necessary paperwork for his permit to move the mobile home from where it is now to the back lot.

Mr. Smith asked the Board if they had any guidance to offer on the elevation issue. Chairman Dax asked if Mr. Smith received written communication from Tom Blanchard. Mr. Smith stated that he feels that the ZEO should check on what the procedures are. Chairman Dax stated that if Mr. Smith disagrees with the ZEO in that a survey is needed, Mr. Smith should appeal that decision to the Zoning Board of Appeals before October 7, 2010 in order to benefit from a ‘stay’. Chairman Dax recommended that Mr. Smith meet with the ZEO to determine if anything is missing from the application and hopefully, the two can come to a meeting of the minds whereby an appeal would not be necessary.

Mr. Smith stated that as soon as he obtains the engineered stamp plans he will be putting a restaurant back in. Chairman Dax stated that that issue will be an entirely different application.

Robert Mittnight: Informational Only

Mr. Mittnight stated that he wished to update the Board on his current situation. He stated that he has met with his attorney and was advised to move forward on the 'Truck Terminal' appeal but to postpone action on the pole barn appeal because there is a hearing scheduled at Supreme Court for August 12, 2010 for the 'contempt' issue.

Chairman Dax moved to schedule the public hearing for the "Truck Terminal" appeal for September 7, 2010. Tony Murad seconded the motion with the proviso that all the paperwork is completed and that the abutters are noticed before hand. The motion carried on the following vote:

Chairman Dax	Aye
Charles Gerald	Absent
Jeff Hattat	Aye
Ted Krolikowski	Aye
Tony Murad	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

Ms. Johnson asked if it was legal for the ZEO to cite someone when there was already pending litigation. Chairman Dax stated that the two issues are not totally overlapping and are not interlocked tightly. Tony Murad stated they seem to be two separate citations.

IV. Adjournment

The meeting adjourned at 8:10 pm.

Respectfully submitted,

Cissy Hernandez
Planning/Zoning Clerk