



**MINUTES OF A PUBLIC HEARING OF THE ZONING BOARD OF APPEALS OF
THE TOWN OF NEW LEBANON HELD ON SEPTEMBER 7, 2010
ON A REQUEST MADE BY ROBERT MITTNIIGHT (TM# 7.-2-20.11)
FOR A(N) APPEAL**

Present: Jeff Hattat, Zoning Board Member
Ted Krolikowski, Zoning Board Member
Tony Murad, Zoning Board Member
Phyllis Stoller, Zoning Board Member
Jeannine Tonetti, Zoning Board Member

Absent: John Dax, Chairman
Charles Gerald, Zoning Board Member

Others Present: Robert Mittnacht, Joanna Johnson-Smith

CALL TO ORDER:

The public hearing was called to order at 7:35 pm by Acting Chairman Murad.

PROOF OF PUBLICATION AND POSTING:

Proof of publication was provided as follows:

NOTICE IS HEREBY GIVEN that the Town of New Lebanon Zoning Board of Appeals will hold a Public Hearing on an appeal by Robert Mittnacht from the Zoning Enforcement Officer's denial of Mr. Mittnacht's application to construct a pole barn at his property located at 1631 Route 20. Additionally, Mr. Mittnacht is appealing the Zoning Enforcement Officer's "Order to Remedy" in relation to a citation for violating Article VI of the Zoning Ordinance for maintaining an unpermitted use : a Truck Terminal in the RA-1 and Commercial Recreation Districts.

The Public Hearing will take place on Tuesday, August 3, 2010 at 7:30 P.M. at the American Legion Hall, 7 Mill Road, New Lebanon. This building is NOT wheelchair accessible. This meeting will be relocated to the New Lebanon Firehouse upon request. Anyone seeking this accommodation must call the Planning/Zoning Clerk at (518) 794-8884 at least 48 hours prior to the meeting. Anyone wishing to speak will be given an opportunity to be heard.

More information is available by contacting the Planning/Zoning Clerk during normal business hours.

PUBLIC COMMENT:

No members of the public were present to offer public comments. Mr. Mittnacht stated that he feels that he is not operating a truck terminal because there is no unloading, distribution or delivery being conducted on his property. What he has are regular box trailers used for storage.

Acting Chairman Murad asked in which zone on the property are the box trailers located. Mr. Mittnacht replied: "RA-1". Acting Chairman Murad asked if a portion of the property is located in the General Commercial Zone. Mr. Mittnacht replied: "Yes".

Acting Chairman Murad stated that the box trailers could be moved to the General Commercial Zone where a truck terminal is a permitted use and asked if they would be more visible or less visible there. Mr. Mittnacht stated that they may be less visible or they could be more visible it depends.

Acting Chairman Murad stated that there was a meeting held to re-zone Mr. Mittnacht's property and that he believes the entire property will be zoned General Commercial.

Jeannine Tonetti stated that Mr. Mittnight could either move the trailers to the Gen. Commercial Zone or wait until the new ordinance is in effect which will make this issue moot because truck terminals are allowed in the Gen. Commercial zone by SUP/SPR.

Acting Chairman Murad stated that he does not believe this is a truck terminal operation and continued on to explain the SUP/SPR procedure.

Mr. Mittnight stated that he feels it's a good idea to wait.

A motion was made by Jeff Hattat seconded by Jeannine Tonetti to continue the public hearing at next month's regularly scheduled meeting [October 5, 2010]

Respectfully submitted,

Cissy Hernandez
Planning/Zoning Clerk