



Present: Chairman Dax, Chairman Zoning Board of Appeals  
Charles Geraldi, Zoning Board of Appeals Member  
Jeff Hattat, Zoning Board of Appeals Member  
Ted Krolikowski, Zoning Board of Appeals Member  
Tony Murad, Zoning Board of Appeals Member  
Phyllis Stoller, Zoning Board of Appeals Member

Absent: Jeannine Tonetti, Zoning Board of Appeals Member

Others: Robert Mittnight, Bernadette Torra, Michael Torra, Matt Krolikowski, Joanna Johnson-Smith, Robert Smith, Lisa Robinson, Jeff Redd

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**I. Call to Order:**

Chairman Dax called the regular meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:35 pm.

**II. Minutes Review:**

Upon Review of the September 7, 2010 minutes, it was noted that the September meeting started at 7:30 not 7:50. A motion was made by Jeff Hattat , seconded by Phyllis Stoller to approve them as amended. The motion carried upon the following vote:

Chairman Dax	Aye
Charles Geraldi	Abstained (due to absence from the September meeting)
Jeff Hattat	Aye
Ted Krolikowski	Aye
Tony Murad	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Absent

**III. Application Review:**

**Deliberation: Case No. 10-049-: Robert Mittnight – TM# 7.-2-20.11 [Appeal]**

Applicant is appealing ZEO's Order to Remedy Violation dated May 17, 2010 citing a violation of Article VI: Truck Terminal is not permitted

Chairman Dax noted that Mr. Mittnight has stated that the trailers are used for storage and that no loading, unloading or deliveries take place.

Under the ordinance in effect at the time the Order to Remedy was issued, "Warehouse and Truck Terminal" is a use permitted as of right in the General Commercial and Industrial Districts. The use is undefined in the ordinance. Under the recently adopted Zoning Law, "Truck Terminal" is a use permitted pursuant to special permit and is defined as a use involving loading and unloading cargo and freight.

The Board considered the record and determined that there was no evidence demonstrating that the trailers at issue constituted a truck terminal inasmuch as no loading and unloading activity occur within the meaning used in either the former or current law.

On motion made by Chairman Dax and seconded by Tony Murad, respectively, the Board voted to grant the appeal as follows:

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

**Deliberation: 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

Upon SEQR review it was determined that this proposal would have no adverse environmental impact and was determined that it was a type II action. A motion was made by Tony Murad, seconded by Phyllis Stoller to authorize Chairman Dax to sign the Short Form SEQR. The motion passed on the following vote:

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

Chairman Dax summarized that by letter dated July 27, 2010 the Columbia County Health Department advised the applicant that *Under the regulations of subpart 7-1 of the New York State 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 and breakfast remains under this limit and the service of food is limited to a breakfast meal for guests only, the establishment operator will not be required to obtain any permits or approvals from this agency. Please be aware that owner occupied bed & breakfasts with an occupancy of up to 11 people are still subject to regulation under Title 19 of the New York State Residential Uniform Building Code. It is advised that you contact the local town code enforcement officer if you have not already done so.* By letter dated July 28, 2010 the New Lebanon Code Enforcement Officer advised the applicant *Based on the submitted diagram relevant to the septic system located at 94 School House Road, a 1,000 gallon septic tank with 400 ft. of perforated pipe should be adequate for three guest sleeping rooms and one owner occupied sleeping room Bed and Breakfast operation.*

Having reviewed the proposal and determined that the applicant's plans comply with the requirements of Article Eight, Section 7(B) of the former Zoning Ordinance applicable to Bed and Breakfast uses, the ZBA granted the special permit on the following vote.

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

**IV. Other/New Business:**

Chairman Dax reminded the Board that there is a Mandatory Training Requirement (Town Code § 7-3) and instructed that each member's four hour training certification should be sent to him; in turn, he will file with the Town Clerk.

**V. Adjournment**

The meeting adjourned at 7:55 pm.

Respectfully submitted,

Cissy Hernandez  
Planning/Zoning Clerk