



Present: Charles Geraldi  
Jeff Hattat  
Ted Krolikowski  
Phyllis Stoller  
Tony Murad  
Jeannine Tonetti

Others Present: John Dax, J.J. Johnson, Robert Johnson, Bruce Baldwin, J.M. Lord, Bill Hoffman

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**I. Call to Order:**

Acting Chairman Murad called the regular meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:30 pm.

Acting Chairman Murad announced that with the adoption of the New Zoning Ordinance came the decision to reduce the ZBA membership from seven members to five. This is to be done through attrition and since John Dax's term expired on December 31, 2010 the ZBA will be functioning with 6 member until next year when the next member's term expires.

Ted Krolikowski asked if he were to resign from the ZBA, would John Dax be able to continue his term. Acting Chairman Murad said that he didn't think so, but it would be a question for the Attorney for the Town.

**II. Minutes Review:**

Upon Review of the December 7, 2010 minutes, a motion was made by Jeannine Tonetti , seconded by Phyllis Stoller to approve them as submitted. The motion carried upon the following vote:

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

**III. Public Hearing(s):**

**Case No.: ZBA-2010-049 a, b and c- Hannaford Bros. Co. [TM#19.2-1-58.2]**

Request for Area Variance: Front Yard Setback, Building Mounted Signage & an area variance from the size of a parking area not separated by landscaped areas

Project Title: SUPERMARKET & PHARMACY

Plans Dated: July 2010, **Rev date: December 15, 2010**

Agent: William G. Hoffman, PE of DeLuca-Hoffman Associates, Inc.

Acting Chairman Murad announced that he had just been notified that the County Planning Board had rescheduled their December meeting therefore; we do not yet have their recommendations on this application. Also, the applicant has not yet notified their abutters therefore the public hearing can not officially be opened this evening.

Mr. Hoffman stated that he would like to update the Board on the following items:

A. Proposed Building Sign:

The sign has been examined further. The original sign had a computed area of 150 square feet. The elimination of the icon was examined as well as reducing the size of the sign. A total of four illustrations have been submitted:

Option 1: The signage reduced to 24 square feet (presented previously);

Option 2: The signage at 150 square feet (presented previously);

Option 3: The signage reduced to 120 square feet (removing the icon); and

Option 4: The signage reduced to 120 square feet (by reducing the overall size).

Hannaford Bros. Co. prefers Option 4.

B. Parking Lot Dividers and Landscaping:

Hannaford Bros. Co. has investigated the use of the street print to provide a visual breakup of the parking field yet still allow for ease of snow removal. A slight reconfiguration of the southwest corner and an increase in the size of the end cap near the westerly end of the parking lot was studied. The plan, illustrates of the use of the street print on other projects, and technical information on the street print materials has been submitted. The island change would result in the loss of two parking spaces. The street print would divide the parking lot into segments of the sizes noted with the attached information. If the street print is counted as breaking up the parking lot, the individual parking lot segments within the 12,000 square foot areas are allowed by the current ordinance.

C. Adjustment of Landscape Plan:

The landscape plan was adjusted to show that the recently planted 2-inch caliper Maples along the frontage will be transplanted or replaced. Drawing C-5.0 includes this adjustment with the change to the parking field as the southwest corner and the addition of the street print.

D. Investigation of Placement of Overhead Utilities Underground:

Hannaford Bros. Co. has reviewed this and would project the cost to be in the order of \$270,000.00. This would not be a viable option for the applicant. It is noted that while the Town could require the utility providers to relocate within the right of way at their cost, they could not require the utility providers to place the lines underground at their cost.

E. Area Variance from front yard setback on County Route 5A side:

Mr. Hoffman noted that the original encroachment was 32.92 feet. The dimension of this encroachment has been revised by two feet to 34.92 feet to allow for fascia and wall thickness that have been determined during the building design process to be slightly more than the first contemplated.

Jeanine Tonetti asked why they decided on 120 square feet. Mr. Hoffman said that upon reducing the scale, anything less than 100 square feet was difficult to see from the street.

Mr. Hoffman also pointed out that that they have added a walkway leading from their parking lot to the Angel's Trumpet Floral & gift shop.

Mr. Hoffman also updated the Board on outside agency communications: The Archeological Study resulted in negative findings, which has been submitted to the State for their concurrence and that they should have a response within 30 days. They should know more from the DOT by the next meeting and should have comments from the DEC within a day or so.

Phyllis Stoller gave Mr. Hoffman a type written list of recommended plant material.

Acting Chairman Murad moved that he feels that the applicant has addressed all the questions from the last meeting and that the Board can continue with the Public Hearing at the next regularly scheduled meeting in February pending abutter notification and County Planning Board recommendations. The vote carried on the following vote:

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

**Case No.: ZBA-2011-001: David & Estare Weiser [TM# 28.-1-76]**

Request for 25' area variance to construct a one car garage located at 44 White Tail Trace

Agent: Tony Murad

Tony Murad recused himself as he addressed the Board on behalf of the applicants and asked Chuck Geraldi to act as Chairman.

Tony Murad explained that they are proposing a one car garage on a  $\pm$  20 acre lot in the Deer Ridge Subdivision. Due to the topography, the only buildable site is where the house is situated, but this requires a 25 ft. area variance because the setback requirement is now 75 feet. Mr. Murad also explained that the abutters are not affected by this and that if the applicants had planned to do this last year, a variance would not be required because the setback before the newly adopted zoning ordinance was 50 ft.

Acting Chairman Geraldi asked Mr. Murad to prepare a better drawing for the next meeting, as the one submitted was difficult to read.

A motion was made by Jeff Hattat, seconded by Phyllis Stoller to schedule the public hearing for the next regularly scheduled meeting in February.

**V. Adjournment**

The meeting adjourned at 8:07 pm.

Respectfully submitted,  
Cissy Hernandez  
Planning/Zoning Clerk