



Town of New Lebanon  
Zoning Board of Appeals Minutes - Unapproved  
April 5, 2011

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Present: Charles Gerald, Zoning Board of Appeals Member  
Jeff Hattat, Zoning Board of Appeals Member  
Tony Murad, Zoning Board of Appeals Member  
Phyllis Stoller, Zoning Board of Appeals Member  
Jeannine Tonetti, Zoning Board of Appeals Member

Absent: John Dax, Zoning Board of Appeals Chairman

Others Present: William Stelling, Jean Stelling, JJ Johnson-Smith, Bob Smith

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**I. Call to Order:**

Tony Murad announced that Chairman Dax will be absent this evening. Acting Chairman Murad called the regular meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:30 pm.

**II. Minutes Review:**

Upon Review of the February 8, 2011 regular meeting minutes and both sets of public hearing minutes, a motion was made by Phyllis Stoller, seconded by Jeff Hattat to approve them as submitted. The motion carried upon the following vote:

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

**III. Application Review:**

**Case No: ZBA-2011-008 – William Stelling IM# 18.-1-34.21**

Preliminary Review: Request for Front Setback Variance. The variance is requested to obtain relief from the required setback of 75 feet to construct a two car garage. Requested setback is 58 feet.

Acting Chairman Murad summarized that the applicant is seeking relief from the 75 ft. front setback requirement due to the topography to construct a two car garage. Acting Chairman Murad stated that while he is familiar with the topography of the site and without requiring the applicant to pay for a map he would like Mr. Stelling to submit a drawing depicting the drop in elevation just to have it on file. Otherwise the application is very complete.

Acting Chairman Murad reminded the applicant that he will be required to notice the abutters and to submit the receipts of the certified mailing.

Acting Chairman Murad also noted for the record that Zoning Board of Appeals members Jeff Hattat and Chuck Geraldini are the contractors of record for the construction of the two car garage which will create a conflict of interest at the next meeting when the request/application is actually voted on and that they will be required to recuse themselves from that vote. However, since tonight's meeting is simply a preliminary meeting in order to deem the application complete and move it forward he felt it was not necessary for both of them to recuse themselves this evening.

Acting Chairman Murad also explained to the applicant that the ZBA formerly was a 7 member Board but since the adoption of the new zoning law the membership is now 5. The way in which the membership will decrease to 5 is via term expiration. There are currently 6 members, until the end of the year when the next term expires. This means that 4 votes will be required to constitute a majority so a recusal from Members Hattat and Geraldini at the next meeting will still leave 4 members available to vote on the application.

Jeannine Tonetti moved to schedule the public hearing for the next regularly scheduled meeting [May 3, 2011] and to refer the application for local planning board recommendations. The motion was seconded by Phyllis Stoller and carried on the following vote:

Chairman Dax	Absent
Charles Geraldini	Aye
Jeff Hattat	Abstained
Tony Murad	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

#### **IV. Adjournment**

The meeting adjourned at 7:35 pm

Respectfully submitted,  
Cissy Hernandez  
Planning/Zoning Clerk