



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

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Present: John Dax, Zoning Board of Appeals Chairman  
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, Chairman  
Jeff Hattat, Zoning Board Member

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Others Present: Pierre Joseph, JJ Johnson-Smith, Bob Smith, James Moore

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**I. Call to Order:**

In Chairman Dax's absence the Board authorized Tony Murad to act as Chairman. Acting Chairman Murad opened the regular meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:40 pm.

**II. Minutes Review:**

Upon Review of the June 7, 2011 minutes, stated that she was not present for the June meeting and would abstain from the vote, therefore there was not a quorum to approve them. Approval was postponed until next month's regularly scheduled meeting. Ms. Tonetti also noted that her name appears both in the 'present' and 'absent' list and should be corrected to clearly reflect her absence at the July meeting.

**III. Application Review:**

**Case No: ZBA-11-021 – Pierre Joseph [TM# 19.2-1-68]**

Request for a Special Permit to convert office space into a one bedroom apartment in the general commercial zone

It was noted that Mr. Joseph was missing one abutter notification certified mailing receipt. Acting Chairman Murad stated that the public hearing could not be open without this proof of mailing especially since Paul Clark, owner of the Tilden Plaza is a major abutter. However, Chuck Gerald and Jeanine Tonetti felt that the public hearing could be opened and then held open until the next meeting. Acting Chairman Murad stated that he would accept a verbal comment from Mr. Clark if Mr. Joseph could reach him by phone. Mr. Joseph was unsuccessful and only reached Mr. Clark's voice mail.

Acting Chairman Murad instructed Mr. Joseph to obtain a letter from Mr. Clark and submit it to the p/z clerk who would then contact the ZBA members to coordinate a special meeting. Jeanine Tonetti asked Mr. Joseph if he was facing any deadlines for beginning his project to which Mr.

Joseph replied 'no' and that if he has to wait until the next regularly meeting it would not hold up his plans.

The public hearing is to be continued.

**Case No: ZBA-11-014 – James Moore for Max Gitter [TM#18.-1-66]**

Request for an area variance for a proposed addition to a garage. The existing garage is non-conforming at 27 ft. from the center of Cty. Rt. 34

Upon review and discussion of the above noted application Acting Chairperson Murad noted that granting the requested variance would not set a precedent. Jeanine Tonetti moved to grant the request variance as the building is pre-existing. The motion was seconded by Phyllis Stoller and carried on the following vote:

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

**IV. Adjournment**

The meeting adjourned at 7:50 pm.

Respectfully submitted,

Cissy Hernandez  
Planning/Zoning Clerk