



Present: Anthony Murad, Zoning Board of Appeals Chairman  
Jeff Hattat, Zoning Board of Appeals Member  
Ted Salem, Zoning Board of Appeals Member  
Jeannine Tonetti, Zoning Board of Appeals Member

Others Present: Phyllis Stoller (term expired but not officially re-appointed yet)  
Fred Haley, Bruce Baldwin

---

**Call to order:**

Chairman Murad opened the regular meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:33 pm.

Chairman Murad announced that Phyllis Stoller's term had expired on December 31, 2014 and the Board has not re-appointed her yet which means that she may not vote as a Board member.

Regular Meeting:

Minutes Review:

Upon review of the December 3, 2013 meeting minutes Jeff Hattat moved to approve them as submitted. The motion was seconded by Ted Salem and passed on the following vote:

Anthony Murad	Aye
Jeff Hattat	Aye
Ted Salem	Aye
Jeannine Tonetti	Aye

**Case No. ZBA-2013-003- Heather VanOort [TM# 19.1-1-51]**

Request for Area Variance. Applicant wishes to construct a 16x20 addition on the easterly side of the existing Jewelry Store on the corner of Cty. Rt. 5 and Rt. 20 but it will be only be 59 ft. from the stream which requires a 41 ft. area variance.

Chairman Murad noted that the applicant's revised letter to the Board confirms that the amount of variance needed has reduced from 15 ft. to 13.8 ft. and that the adjacent property owners have been notified.

Ted Salem asked if the screen porch at the rear of the house has a window or door impeding the possibility to construct the addition at the back of the house. Fred Haley confirmed that there is a kitchen against that wall.

Chairman Murad explained that he doesn't wish to deny the area variance so long as it is clearly explained and justified because the board is charged with granting the least amount of variance as possible so as not to set a precedent. This case is unique in that this property was zoned as 1 acre zoning and was changed to 2 acre zoning a few years ago so the current situation is certainly not self-created.

Jeanine Tonetti stated that Mrs. Chasen has submitted a revised narrative and the board now has an explanation for the reasons need the variance.

By resolution of the Zoning Board of Appeals, Jeannine Tonetti moved to grant the variance as depicted as you have demonstrated that the request to construct an addition 13.8 ft. from the neighboring property line is not a self-created hardship and that the 36.2 ft. variance is the least amount of variance that the property can accommodate. Jeff Hattat seconded the motion that was unanimously carried. The grant of approval has been based on survey map entitled LANDS OF BARBARA CHASEN; 28 Old Mountain road; Original date: December 3, 2013; revised on 12.24.13 and final revision date of 12.30.13.

The action of the Zoning Board of Appeals is based on the following findings:

- (i) The property was at one time zoned RA-1; this is not a self-created hardship, as a result, no undesirable change to the neighborhood or detriment to nearby properties will be created.
- (ii) The variance granted is the minimum variance required.
- (iii) There were no objections from neighboring property owners.
- (iv) The variance will have no adverse effect or impact on the physical or environmental conditions in the existing neighborhood.

Roll Call Vote:

Jeff Hattat	Aye
Anthony Murad	Aye
Ted Salem	Aye
Phyllis Stoller	Abstained (requires official re-appointment)
Jeannine Tonetti	Aye

**Adjournment:**

The meeting adjourned at 8:00 pm.

Respectfully submitted,  
Cissy Hernandez, Planning/Zoning Clerk



**MINUTES OF A PUBLIC HEARING OF THE ZONING BOARD OF APPEALS OF  
THE TOWN OF NEW LEBANON HELD ON JANUARY 7, 2013  
ON A REQUEST MADE BY BARBARA CHASEN (TM# 10.3-1-39)  
FOR AN AREA VARIANCE**

---

Present: Anthony Murad, Zoning Board of Appeals Chairman  
Jeff Hattat, Zoning Board of Appeals Member  
Ted Salem, Zoning Board of Appeals Member  
Jeannine Tonetti, Zoning Board of Appeals Member

Others Present: Phyllis Stoller (term expired but not officially re-appointed yet)  
Fred Haley, Bruce Baldwin

---

**Call to order:**

Chairman Murad re-opened the public hearing on Barbara Chasen's request to order at 7:30 pm.

**Case No. ZBA-2013-004- Barbara Chasen [TM# 10.3-1-39]**

Request for area variance to allow a residential addition to be constructed 13.8 ft. from the property line

With no comments from the public on this matter a motion was made by Jeff Hattat and seconded by Ted Salem to close the public hearing at 7:33 pm. The motion carried on the following vote:

Anthony Murad	Aye
Jeff Hattat	Aye
Ted Salem	Aye
Jeannine Tonetti	Aye

Respectfully submitted,

Cissy Hernandez  
Planning/Zoning Clerk



TOWN OF NEW LEBANON  
ZONING BOARD OF APPEALS

Decisions: **Area Variance**

APPEAL ACTION

REFERENCE: TM# 10.3-1-39

**Appeal No.:** ZBA-2013-004-

**Dated:** January 7, 2014

ACTION OF THE ZONING BOARD OF APPEALS OF THE  
TOWN OF NEW LEBANON, NEW YORK

TO: BARBARA CHASEN  
170 WEST END AVE, 8N  
NEW YORK, NY 10023

At its meeting held on January 7, 2014 the Zoning Board of Appeals having reviewed the facts over the course of several meetings grants the area variance pursuant to Article Seven of the Zoning Ordinance.

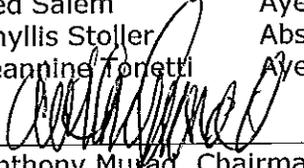
By resolution of the Zoning Board of Appeals, Jeannine Tonetti moved to grant the variance as depicted as you have demonstrated that the request to construct an addition 13.8 ft. from the neighboring property line is not a self-created hardship and that the 36.2 ft. variance is the least amount of variance that the property can accommodate. Jeff Hattat seconded the motion that was unanimously carried. The grant of approval has been based on survey map entitled LANDS OF BARBARA CHASEN; 28 Old Mountain road; Original date: December 3, 2013; revised on 12.24.13 and final revision date of 12.30.13.

The action of the Zoning Board of Appeals is based on the following findings:

- (i) The property was at one time zoned RA-1; this is not a self-created hardship, as a result, no undesirable change to the neighborhood or detriment to nearby properties will be created.
- (ii) The variance granted is the minimum variance required.
- (iii) There were no objections from neighboring property owners.
- (iv) The variance will have no adverse effect or impact on the physical or environmental conditions in the existing neighborhood.

Roll Call Vote:

Jeff Hattat	Aye
Anthony Murad	Aye
Ted Salem	Aye
Phyllis Stoller	Abstained (requires official re-appointment)
Jeannine Tonetti	Aye

  
Anthony Murad, Chairman  
Zoning Board of Appeals  
Town of New Lebanon