



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

Others Present: Kent Pratt, Code Enforcement Officer

I. Call to order:

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 January 5, 2016 meeting minutes a motion was made by Jeff Hattat, seconded by Phyllis Stoller and unanimously carried to approve them as submitted.

III. Regular Meeting/Case Review:

Case No: ZBA-2016-001-: Tony Murad [10.3-1-65]

Request to appeal ZEO decision. The ZEO ruled that the renovation of the above noted property into a two family did not require a Special Permit.

Chairman Murad recused himself from the discussions as he is the applicant in this case. Upon the follow vote the Board voted Jeff Hattat to act as chairman:

| | |
|------------------|-----------|
| Tony Murad | Abstained |
| Jeff Hattat | Aye |
| Ted Salem | Aye |
| Phyllis Stoller | Aye |
| Jeannine Tonetti | Aye |

Mr. Murad explained to the Board that he was granted a standard building permit to renovate a one-family residence into a two-family residence. He said he is appealing the code enforcement officer's decision because he believes, based on the current use table, that converting a one-family into a two-family dwelling requires a special permit in a commercial zone. [Current use table attached]

Mr. Murad continued to add that he previously obtained a building permit for a single family residence when the original renovations began but now he feels that converting the single family to a two family is a change of use. An additional reason for this appeal is because he does not wish to give the appearance that his position as Chairman of the Zoning Board of Appeals exempts him from the regulations.

Jeannine Tonetti asked "You already applied for a building permit for a one-family; and now you wish to apply for a two-family? Mr. Murad said "Yes. It's been a one-family since the 60's)

Ted Salem said that he doesn't see the conversion of a one-family to a two-family residence as a change of use.

Kent Pratt read chapter 205-10 (non-conforming uses) as well as the abandonment clause on the next page and said that he does not believe there is a change of use unless there is an enlargement. Mr. Pratt also recommended that the "SP" be removed from this category and changed to P/SPR.

Ted Salem said that if the ZBA grants a special permit, he believes that it would set a precedent and he still stands that he does not interpret the current use table as a special permit being required for a two family in a commercial zone.

Mr. Pratt said that if Mr. Murad converts the carriage house into a third living unit, it would be at that time that a special permit would be required.

Much discussion ensued regarding whether or not the current use table indicates that a two-family residence in a commercial zone requires a special use permit.

Ted Salem moved to schedule the public hearing at next month's regularly scheduled meeting (April 5, 2016) to offer an interpretation on the matter. Jeannine Tonetti seconded the motion that carried on the following vote:

| | |
|------------------|-----------|
| Tony Murad | Abstained |
| Jeff Hattat | Aye |
| Ted Salem | Aye |
| Phyllis Stoller | Aye |
| Jeannine Tonetti | Aye |

Case No: ZBA-2016-002-: New Lebanon County Market [no TM#-not property related]

Request for relief from the Sign and Poster Control Law to allow for 20 – 24 temporary off premise signs in connection with the Farmer's Market currently held on Sundays

Cynthia Creech, representing the Farmer's Market in the request, indicated that the Farmer's Market has never been in compliance with the Sign Ordinance and they are trying to get into compliance. They are seeking to utilize approximately 15 electioneer type of signs along Route 20.

Ted Salem indicated that the Zoning Re-write committee has been working on this topic of temporary signs as they relate to special events for a very limited time; but time is of the essence since the Farmer's Market is due to open in June.

Ms. Creech asked: "What if each vendor applied for their own permit which would allow each to have two signs.

It was mentioned that the ZBA is not really the right venue to review this type of thing as the request is not based on a particular property.

Lengthy discussions ensued regarding temporary signage. No conclusion was reached and the applicant withdrew her application.

IV. Adjournment:

Ted Salem moved to adjourn at 9:50 pm. Tony Murad seconded the motion that carried unanimously.

Respectfully submitted,

Cissy Hernandez
Planning/Zoning Clerk

ZONING

205 Attachment 2

Town of New Lebanon

Zoning Law Use Table

[Amended 6-10-2014 by L.L. No. 1-2014; 7-14-2015 by L.L. No. 4-2015; 8-11-2015 by L.L. No. 6-2015]

KEY:

- SP = Special use permit
 - SPR = Site plan review
 - P = Permitted use (requires zoning permit, granted by right)
 - TSP = Town Board Special Permit
 - TSPR = Town Board Site Plan Review
- Any use not listed shall be prohibited.

| | Residential-Agricultural/Conservation | Residential-Agricultural 2 | Residential-Agricultural 1 | General Commercial | Commercial-Recreational | Commercial-Industrial | Commercial-Residential | |
|-----------------------------|--|-----------------------------------|-----------------------------------|---------------------------|--------------------------------|------------------------------|-------------------------------|--|
| | RA-5 | RA-2 | RA-1 | C | C-Rec | C-I | C-R | |
| Residential Uses | | | | | | | | |
| Boardinghouse or group home | SP | SP | SP | SP | | | SP | |
| Customary accessory uses | P | P | P | P | P | | P | |
| Manufactured home | P | P | SP/SPR | SP/SPR | | | SP/SPR | |
| Mixed use | | | | SP | SP | | SP | |
| Mobile home park | | | SP/SPR | | | | SP/SPR | |
| Multifamily dwelling | SP | SP | SP | SP | | | SP | |
| One-/two-family dwelling | P | P | P | SP | | | P | |
| Temporary mobile home | SP | SP | SP | | | | SP | |