



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

Absent: Jeff Hattat, Zoning Board of Appeals Member

Others Present: Heidi & Paul Hendrick, Janna Graves, Kent Pratt

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**I. Call to order:**

Chairman Murad called 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 March 1, 2016 meeting minutes a motion was made by Phyllis Stoller, seconded by Ted Salem to approve them as submitted. The motion carried on the following vote:

Tony Murad	Aye
Jeff Hattat	Absent
Ted Salem	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

**III. Regular Meeting/Case Review:**

Chairman Murad recused himself from the discussions as he is the applicant in this case. The Board agreed that Jeannine Tonetti will act as chairman.

Ted Salem indicated that he interprets the use table as there being no distinction between one and two family dwellings which would mean that a two family dwelling is grandfathered in.

Ted Salem moved to uphold the ZEO's decision that the conversion of Mr. Murad's property from a one family dwelling into a two family dwelling does not require a special permit. The motion was seconded by Phyllis Stoller and carried on the following vote:

Tony Murad	Aye
Jeff Hattat	Absent
Ted Salem	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

**Case No: ZBA-2016002-: Paul & Heidi Hendrick [8.-2-64]**

Request for side setback area variance on pre-existing non-conforming lot to install a pool.

The applicants indicated that they wish to install an above ground pool but their property is a pre-existing non-conforming 1 acre lot in a 2 acre zone.

The Board calculated that a 6 ft. area variance would be required on one side and a 15 ft. variance on the other.

Chairman Murad noted that this is not a self-created hardship.

Jeannine Tonetti moved to schedule the public hearing on the above noted case for the next regularly scheduled ZBA meeting (05.03.16). Phyllis Stoller seconded the motion that carried on the following vote:

Tony Murad	Aye
Jeff Hattat	Absent
Ted Salem	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

**Case No.: ZBA-2016-003-: Janna Graves [19.-1-45]**

Request for front setback variance to construct an addition to her existing home

Ms. Graves explained that she is proposing to construct an addition to her home that requires a front setback variance because the existing structure is pre-existing non-conforming and does not meet current front setback requirements.

A motion was made by Chairman Murad seconded by Phyllis Stoller to schedule a public hearing on the above request for the next regularly scheduled meeting. The motion carried on the following vote:

Tony Murad	Aye
Jeff Hattat	Absent
Ted Salem	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

**IV. Adjournment:**

Chairman Murad moved to adjourn the meeting at 8:15 pm. The motion was seconded by Ted Salem and carried unanimously

Respectfully submitted,  
*Cissy Hernandez*  
Cissy Hernandez  
Planning/Zoning Clerk



TOWN OF NEW LEBANON  
ZONING BOARD OF APPEALS

Decisions: APPEAL ACTION/INTERPRETATION

REFERENCE: TM# 10.3-1-65

**Appeal No.:** ZBA-2016-001-

**Dated:** April 6, 2016

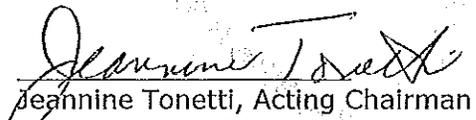
ACTION OF THE ZONING BOARD OF APPEALS OF THE  
TOWN OF NEW LEBANON, NEW YORK

TO: ANTHONY MURAD  
PO BOX 811  
LEBANON SPRING NY 12125

At its meeting held on April 5, 2016, the Zoning Board of Appeals considered your application dated February 8, 2016 for an appeal from the Zoning Enforcements decision that a special permit is not required for the conversion of a one family to a two family residence in the commercial zone pursuant to 205 Attachment 2; Zoning Law Use Table [Amended 6-10-14 by L.L. No. 1-2014; 7-14-2015 by L.L. No. 4-2015; 8-11-2015 by L.L. No. 6-2015] and the following interpretation was made:

Ted Salem moved that the Zoning Board of Appeals interpretation is that since there is no distinction between one/two family dwellings, a Special Permit is not required for the conversion of a one family residence into a two family residence in the commercial zone. Phyllis Stoller seconded the motion that carried on the following vote:

Chairman Murad	Abstained
Jeff Hattat	Absent
Jeannine Tonetti	Aye
Ted Salem	Aye
Phyllis Stoller	Aye

  
Jeannine Tonetti, Acting Chairman  
Zoning Board of Appeals  
Town of New Lebanon

