



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: Richard Beckwith, Steve Clark, Pat Farnan, Glenn Westfall, Jeff VanDeusen, Mark Baumli, Melanie Hunt, Dolores Meissner, Greg Hanna, Julia Pomeroy

I. Call to order:

Upon the closing of multiple public hearings, Chairman Murad called the regular meeting of the Town of New Lebanon Zoning Board of Appeals to order at 8:05 pm.

II. Minutes review

Upon review of the May 3, 2016 and the June 7, 2016 meeting minutes a motion was made by Ted Salem seconded by Phyllis Stoller to approve them as submitted. The motion carried on the following vote:

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

III. Regular Meeting/Case Review:

Case No.: ZBA-2016-011-: Anthony Murad (Hand House) TM#10.3-1-65

Request for a Special Permit to allow for Multi Family in two buildings on a single parcel

Chairman Murad recused himself from these proceedings as he is the applicant in this case at which time Jeff Hattat became the Acting Chairman.

The Board noted that the current Zoning Ordinance defines “Multifamily Dwelling” as: *A dwelling or group of dwellings on one plot containing separate living units for three or more families for lease or rent only.* Additionally, the current use table indicates that a “Multifamily Family Dwelling” is permitted in the General Commercial zone via a Special Use Permit issued by the Zoning Board of Appeals.

Jeannine Tonetti indicated that the above noted proposal is within the boundaries of the law. Ted Salem felt that this was an appropriate request as the Town could use more housing.

Jeannine Tonetti moved to grant the Special Use Permit for a Multifamily Dwelling on property identified as SBL/TM#10.3-1-65. Phyllis Stoller seconded the motion that carried on the following vote:

Jeff Hattat	Aye
Jeannine Tonetti	Aye
Ted Salem	Aye
Phyllis Stoller	Aye
Chairman Murad	Recused

Jeannine Tonetti asked Chairman Murad if he would explain to the audience the difference between a Special Use Permit approval and an area variance approval.

Chairman Murad stated that a Special Use Permit is a permitted use but that it requires Board review and the final approval may contain certain conditions. Site Plan Review, handled by the Planning Board, is more complicated and final approval can also contain conditions. An area variance is different because the applicant is essentially asking to vary the law. New York State law allowed for Towns that have established zoning ordinances to also establish a Zoning Board of Appeals so that there would be an escape valve

since each property is different with different situations and circumstances that could not have been anticipated when drafting the laws. However; it is up to the applicant to make a good case. The Zoning Board of Appeals must act fairly to applicants while also protecting the Town's interests.

Case No.: ZBA-2016-005-: Melanie Hunt (Blueberry Hill Café) TM# 19.2-1-55.2

Request for a 14.5 ft. area variance in order to install a walk-in cooler; freezer and dry storage combination

Jeff Hattat indicated that he felt that this proposal is an improvement over using an old truck for storage. Jeannine Tonetti stated that the proposal is not making the situation anymore non-conforming. There has been no complaints from the abutter affected. Additionally, the LVPA has submitted written communication in favor of the request.

Phyllis Stoller moved to grant the 14.5 ft. easterly side setback area variance since the granting of such would be no more non-conforming and improve the site conditions. Ted Salem seconded the motion that carried on the following vote:

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

Case No.: ZBA-2016-007- Delores Meissner – TM# 19.2-1-43

In response to a Notice of Violation regarding signage at Meissner's Auction as well as Behold! New Lebanon, the applicant is seeking a variance from the Sign Law

Ms. Meissner explained to the Board that she has already taken down 3 of the signs in questions in connection with Meissner's Auction Service. The only one currently in violation that will require a variance is the vertical sign on the pole connected to the main sign that reads: "Antiques".

Jeannine Tonetti felt that the sign in question should be removed because it is non-conforming. Phyllis Stoller said that she doesn't think that it should be taken down because it has been there for 25 years or more and it is a nice sign.

Ms. Meissner indicated that that the signage is necessary for people to find the location. She has given many people directions to her place of business and even with the signage, they do not see it and drive right by.

Chairman Murad reminded the Board that they have previously set precedent in the past in the granting of sign law variances. Examples would be: Family Dollar, Stewarts, Nappa and Hannaford. People drive too fast and he agrees that New Lebanon is a 'pass through' town which makes him feel that the Board should grant the variance.

Ted Salem said the he does not agree. The previous precedent was related to granting variances for the size of the signs not the quantity of them. He felt that by granting a variance for the amount of signs one may have is a slippery slope; once we do it how can you deny anyone else? Mr. Salem further stated that he feels that the clutter of too many signs is bad for business.

Phyllis Stoller said that she dislikes visual clutter but what is worse? We are talking about smaller businesses here not big ones like Family Dollar, Stewarts, Nappa and Hannaford who were actually granted variances. Even at 30 MPH one cannot read the signs.

Jeff Hattat said he interprets this request to be for a size variance and not a quantity variance.

Jeannine Tonetti said that the main sign is already oversized and asked Ms. Meissner the size of the sign in question. Ms. Meissner replied: about 10 square feet.

Phyllis Stoller moved to grant a variance for the aforementioned sign by adding the 10 additional square feet to the already oversized main sign. Jeff Hattat seconded the motion that carried on the following vote:

Jeff Hattat	Aye
Jeannine Tonetti	No
Ted Salem	No
Phyllis Stoller	Aye
Chairman Murad	Aye

With regard to the “Behold! New Lebanon” business signage much discussion ensued regarding the three undersized banners that are affixed to the Victorian structure.

Jeff Hattat moved that since the Board views the three undersized banners as one sign and given that the three undersized banners, in totality, do not exceed the 24 square foot requirement (even with the space in between them); that the applicant does not require a variance. Jeannine Tonetti seconded the motion that carried on the following vote:

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

Ted Salem mentioned to Ms. Meissner that the Behold! New Lebanon business has recently been utilizing many wire frame signs on the property and as the property owner she should ensure that they are taken down to avoid another notice of violation.

Case No.: ZBA-2016-008-Crismik LLC – Sunny Kumar – TM# 19.2-1-48

In response to a Notice of Violation regarding signage at the EZ-Mart, the applicant is seeking a variance from the Sign Law

The applicant did not send out his abutter notification. The public hearing could not be opened therefore; no decision had been made.

Case No.: ZBA-2016-009-Melanie Hunt (Blueberry Hill Café) TM# 19.2-1-55.2

In response to a Notice of Violation regarding signage at Blueberry Hill Café, the applicant is seeking a variance from the sign law

The Board summarized that the issue at hand in this is that there are three undersized signs affixed to the building and four free standing signs (3 of which are in violation): 1) the main sign with business name; the lemonade sign, the pie sign and the blue sign shaped into a coffee cup that advertises locally grown coffee.

Ms. Hunt said that the public actually looks for the blue coffee cup sign as a landmark to find her restaurant which helps her to stay in business. Chairman Murad asked if she would consider taking the lettering off of the blue coffee cup. Ms. Hunt said that she wouldn't be inclined to do that because she wants people to know that her coffee is locally grown and not like gas station coffee.

Ted Salem said that it wouldn't matter if she removed the lettering; our sign law is very clear. He read aloud section 162-3 E (7)

Lettering or symbols on the exterior structure of a business shall be considered a sign and shall be measured by connecting the extremities of the borders, lettering or symbols to be inscribed within a regular geometric form and, in addition, shall meet all the requirements of this chapter.

Chairman Murad said “geometric border” I don't see her sign as that. I see it more as a sculpture. He then asked the square footage of the signs that are affixed to the building. Ms. Hunt said that she didn't know. They were on the building when she purchased the property. She simply just reversed them and painted them.

Jeannine Tonetti commented that while she thinks that the free standing signs located at the Blueberry Hill Café may be charming, there are too many of them.

Ted Salem explained to the applicant if she feels strongly about keeping the sign that is shaped like a blue coffee cup; she could make that her permitted free standing sign and remove the others.

Phyllis Stoller said that all of these business are on Route 20 and it's hard for people driving at high speeds to notice them. Jeannine Tonetti stated that Mario's Restaurant is in compliance with the sign law and they do quite well and have been in business for a very long time. Ms. Stoller said that that may be true but Mario's Restaurant is a destination spot; Blueberry Hill Café' is a relatively new business. Ted Salem said that we can't make wholesale changes in the law. Phyllis Stoller said that she is not seeking to make wholesale changes in the law; but the reality is that the Blueberry Hill Café' as well as the Kendall House are both conducting business from residential structures. They look like houses not businesses and they are not noticed as businesses. Chairman Murad said that he thinks that is why "Judy's Gifts" (the former business located in the current Blueberry Hill Café' location) failed; because people didn't realize it was a business.

Jeannine Tonetti said it's not the intent to hold business owners back. In fact, if we clean up the clutter it just might increase business here in Town; we are known as "junk valley". Chairman Murad said that that was an unfair statement. Ms. Tonetti said that she is simply making the point that when a business owner offers a good product, such as Melanie Hunt, they don't need excessive signage to bring in business.

Phyllis Stoller asked why can't we work with the business owners on these matters. Can't we negotiate rather than impose? She further stated that she has lived in the area since 1971 and remembers all the great businesses and signage that we had here in New Lebanon; such as Ruby's and the Show Boat. It was wonderful and whimsical.

Phyllis Stoller moved to grant a variance from the sign law to permit the 3 extra free standing signs: Blue Coffee Cup sign, The Lemonade sign, and the Pie sign. Anthony Murad seconded the motion that failed upon the following vote:

Jeff Hattat	No
Jeannine Tonetti	No
Ted Salem	No
Phyllis Stoller	Aye
Chairman Murad	Aye

Discussion turned toward the three signs that are affixed to the building. Ted Salem said that given the unique architectural aspect of the structure, he doesn't find it offensive. He said that the same rationale is not applied in this case because the building cannot support a conforming 24 square foot affixed sign. It was also noted that that the total square footage for these 3 affixed signs was less than the required 24 square ft. requirements. For these reasons Ted Salem moved to grant a variance from the sign law for the three signs affixed to the structure given the hardship of the unique architecture of the building which would not support a 24 square ft. sign. The motion was seconded by Jeff Hattat and carried on the following vote:

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

Case No.: ZBA-2016-010-Kendall House Properties, LLC – Patricia Farnan- (TM# 20.1-1-62)

In response to a Notice of Violation regarding signage at the Kendall House, the application is seeking a variance from the sign law

Chairman Murad explained to the applicant that tonight's meeting is a preliminary to obtain information and that a public hearing will need to be scheduled before a decision can be made.

Glen Westfall said that all of his signs are in violation. The business location is very difficult to see. They were limited to one driveway. Most of the signs were on the building. We added fish fry and ice cream. Pat Farnan said that it's a terrible intersection and that trucks typically push her back into her own driveway. How would a little old lady know that we sell ice cream?

Jeff Hattat asked if they ever went to the Planning Board for Site Plan approval. Glen Westfall said that they did get Site Plan approval and that the Planning Board instructed them not to cut the trees and to close one driveway.

Chairman Murad asked what their specific request was for when they applied for Site Plan approval. Glen Westfall said: "To open a business".

Ted Salem stated that there is a lot of signage being utilized on this property. Glen Westfall said that he sells signs.

Jeff Hattat moved to schedule the public hearing for next month's regularly scheduled meeting (August 2, 2016). The motion was seconded by Jeannine Tonetti and carried on the following vote:

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

Case No.: ZBA-2016-012-JRKE Properties, Inc.- Jeff VanDeusen Auto – (TM#8.-1-36)

In response to a Notice of Violation regarding signage at VanDeusen Automotive, the application is seeking a variance from the sign law

Chairman Murad explained to the applicant that tonight's meeting is a preliminary to obtain information and that a public hearing will need to be scheduled before a decision can be made.

Chairman Murad asked Jeff VanDeusen if he was asking for a variance for all of the non-compliant signs on his property. Jeannine Tonetti asked if there were 14 of them. Jeff VanDeusen said that he didn't know because he hasn't counted them.

Chairman Murad asked if he could live without some of them. Mr. VanDeusen said that he could but he would rather not. Chairman Murad then asked if he utilizes a free standing sign. Jeff VanDeusen said that he does but it is being utilized on his adjoining lot. Chairman Murad said that he felt that that would be considered a separate business called used car sales.

Jeff VanDeusen stated that the banners signs are tire banners so that the public knows what he sells. He then submitted photographs of other automotive business in other towns to prove that many automotive services utilized tire banners as part of their business advertising.

Jeff Hattat moved to schedule the public hearing for next month's regularly scheduled meeting (August 2, 2016). Phyllis Stoller seconded the motion that carried on the following vote:

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

Case No.: ZBA-2016-013- Steve Clark – Pillar's Restaurant – (TM# 19.1-1-22)

With authorization from Alan O'Brien, property owner, the applicant is seeking a Special Permit to change the use of the restaurant to a single family dwelling.

Steve Clark explained that he is currently leasing the former Pillar's Restaurant as a living unit for which he was instructed to apply for a Special Use Permit. Chairman Murad stated that the property is located in a Commercial Residential zone where a single family residence does not require a Special Use Permit.

Case No.: ZBA-2016-014- Richard Beckwith – Hilltown Pork – (TM# 19.1-1-29.1)

In response to a Notice of Violation regarding signage at Hilltown Pork, the application is seeking a variance from the sign law

Richard Beckwith indicated that he has removed the small roadside signs that were in question. The outstanding issue is that he has two affixed banner signs on this structure. He paid 3,000.00 for them years ago. His property sets far back off of Route 20. He also asked if Suburban Propane was cited for their large oil tank that is being utilized as a sign. He further asked if trucks that had advertising painted on them would constitute a sign?

Discussion ensued.

Jeff Hattat moved to schedule the public hearing for next month's regularly scheduled meeting (August 2, 2016). Phyllis Stoller seconded the motion that carried on the following vote:

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

IV. Adjournment:

Jeff Hattat moved to adjourn the meeting at 9:25 pm. The motion was seconded by Ted Salem and carried unanimously.

Respectfully submitted,

Cissy Hernandez
Planning/Zoning Clerk



TOWN OF NEW LEBANON
ZONING BOARD OF APPEALS



Decisions: APPEAL ACTION – SPECIAL USE PERMIT

REFERENCE: TM# 10.3-1-65

Appeal No.: ZBA-2016-011-

Dated: July 5, 2016

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

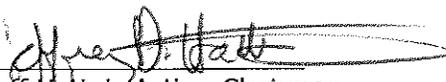
TO: ANTHONY MURAD
PO BOX 811
LEBANON SPRING NY 12125

At its meeting held on July 5, 2016, the Zoning Board of Appeals considered your application dated May 27, 2016 for a Special Use Permit to create a Multiple Dwelling Lot located on the above noted parcel. The property currently contains a previously permitted single family dwelling that has been converted into a two family and your proposed conversion of the existing carriage house structure into a single family residence.

The current Zoning Ordinance defines "Multifamily Dwelling" as: *A dwelling or group of dwellings on one plot containing separate living units for three or more families for lease or rent only.* Additionally, the current use table indicates that a "Multifamily Family Dwelling" is permitted in the General Commercial zone via a Special Use Permit issued by the Zoning Board of Appeals.

Jeannine Tonetti moved to grant the Special Use Permit for a Multifamily Dwelling on property identified as SBL/TM#10.3-1-65. Phyllis Stoller seconded the motion that carried on the following vote:

Jeff Hattat	Aye
Jeannine Tonetti	Aye
Ted Salem	Aye
Phyllis Stoller	Aye
Chairman Murad	Recused


Jeff Hattat, Acting Chairman
Zoning Board of Appeals
Town of New Lebanon



TOWN OF NEW LEBANON
ZONING BOARD OF APPEALS



Decisions: APPEAL ACTION – AREA VARIANCE

REFERENCE: TM# 19.2-1-55

Appeal No.: ZBA-2016-011-

Dated: July 5, 2016

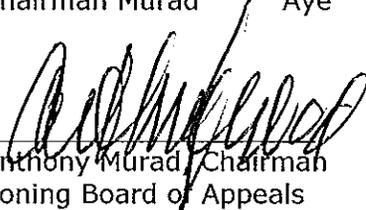
ACTION OF THE ZONING BOARD OF APPEALS OF THE
TOWN OF NEW LEBANON, NEW YORK

TO: M. HUNT, LLC
C/O MEALNIE HUNT
BLUEBERRY HILL CAFE
PO BOX 128
NEW LEBANON, NY 12125

At its meeting held on July 5, 2016, the Zoning Board of Appeals considered your application dated May 13, 2016 for a 14.5 ft. side setback area variance in order to install a shipping container that will be utilized as a walk-in cooler, a freezer and dry storage. This new unit will replace the existing storage unit.

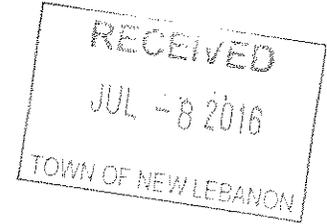
Phyllis Stoller moved to grant the 14.5 ft. easterly side setback area variance since the granting of such would be no more non-conforming and improve the site conditions. Ted Salem seconded the motion that carried on the following vote:

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


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



TOWN OF NEW LEBANON
ZONING BOARD OF APPEALS



Decisions: APPEAL ACTION - AREA VARIANCE

REFERENCE: TM# 19.2-1-43

Appeal No.: ZBA-2016-007-

Dated: July 5, 2016

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

TO: DOLORES MEISSNER
MEISSNER'S AUCTION HOUSE AND BEHOLD! NEW LEBANON
PO BOX 115
NEW LEBANON, NY 12125

At its meeting held on July 5, 2016, the Zoning Board of Appeals considered your application dated May 17, 2016 for a variance from the sign law that was initiated by a notice of violation (#C16-018) wherein you were cited for violations of Chapter 162 "Signs and Poster Control Law" in that "Meissner's Auction Service" and "Behold! New Lebanon" were utilizing excessive signage.

Meissner's Auction Service Signage

At this meeting it was noted and appreciated that you had already removed all but one 'excessive' sign at the "Meissner's Auction Service". The one remaining sign for which you were requesting a variance is physically connected to the main sign extending down its pole and reads: "Antiques".

The Zoning Board of Appeals had viewed this as one sign and granted your variance request via the following motion:

Phyllis Stoller moved to grant a variance for the aforementioned sign by adding the 10 additional square feet to the already oversized main sign. Jeff Hattat seconded the motion that carried on the following vote:

Jeff Hattat	Aye
Jeannine Tonetti	No
Ted Salem	No
Phyllis Stoller	Aye
Chairman Murad	Aye

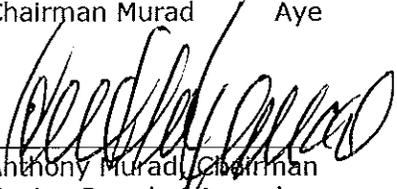
Behold! New Lebanon Signage

The excessive signage cited for this violation were 3 separate undersized banners that in total read: Station - Behold! (etc.) - Store.

In this case, the Board offered an interpretation, not a variance, via the following motion:

Jeff Hattat moved that since the Board views the three undersized banners as one sign and given that the three undersized banners, in totality, do not exceed the 24 square foot requirement (even with the space in between them); that the applicant does not require a variance. Jeannine Tonetti seconded the motion that carried on the following vote:

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


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

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TOWN OF NEW LEBANON
ZONING BOARD OF APPEALS



Decisions: APPEAL ACTION – AREA VARIANCE

REFERENCE: TM# 19.2-1-55

Appeal No.: ZBA-2016-009-

Dated: July 5, 2016

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

TO: M. HUNT, LLC
C/O MEALNIE HUNT
BLUEBERRY HILL CAFE
PO BOX 128
NEW LEBANON, NY 12125

At its meeting held on July 5, 2016, the Zoning Board of Appeals considered your application dated May 18, 2016 for a variance from the sign law that was initiated by a notice of violation (#C16-020) wherein you were cited for excessive signage as you currently utilize 3 signs affixed on the building and 4 free standing signs. The requirement is one sign on the building and one free standing sign and neither to exceed 24 square feet.

With regard to your free standing signs; the Board indicated that it did not wish to permit any more than the one allowable free standing sign as evidenced by the following failed motion:

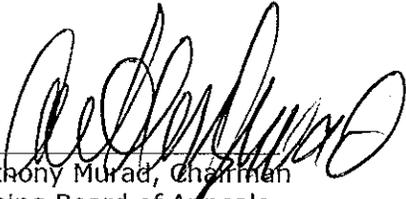
Phyllis Stoller moved to grant a variance from the sign law to permit the 3 extra free standing signs: Blue Coffee Cup sign, The Lemonade sign, and the Pie sign. Anthony Murad seconded the motion that failed upon the following vote:

Jeff Hattat	No
Jeannine Tonetti	No
Ted Salem	No
Phyllis Stoller	Aye
Chairman Murad	Aye

With regard to the three signs affixed to the building depicted in the attached photograph; the Board felt that given the unique aspects of the architecture of the building that a 24 square ft. sign would not be supported therefore they granted the variance based on the following motion:

Ted Salem move to grant a variance from the sign law for the three signs affixed to the structure given the hardship of the unique architecture of the building which would not support a 24 square ft. sign. The motion was seconded by Jeff Hattat and carried on the following vote:

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



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

