



Present: Anthony Murad, Chairman
Ted Salem, Member
Phyllis Stoller, Member
Jeannine Tonetti, Member

Absent: Chuck Geraldi, Member

Others Present: Cissy Hernandez, CEO; Jeff Hattat, Deputy CEO; Mike Munsinger and Dave Cullen

I. Call to Order

Chairman Murad called the regular meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:20 p.m.

II. Minutes Review

Upon review of the March 20, 2018, Special Meeting minutes and Public Hearing minutes, a motion was made by Jeannine Tonetti, and seconded by Phyllis Stoller, to accept the minutes as submitted, and the vote carried, as follows:

Phyllis Stoller	Aye
Jeannine Tonetti	Aye
Church Geraldi	Absent
Ted Salem	Aye
Chairman Murad	Aye

III. Regular Meeting

Upon conclusion of the Public Hearing on Case No. ZBA-2017-008, Chairman Murad called the resumption of the Regular Meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:37 p.m.

Case No.: ZBA-2017-008 – Shaker Mill Properties c/o Lori Bashour (19.2-1-51)

Mike Munsinger, owner of M&M Tap Room, is requesting an area variance for a 12' x 18' shed that was built too close to the property line, for which a stop work order was issued. He is also seeking a sign variance for two small signs located near the main entrance of the restaurant.

Shed:

Member Tonetti said she sees no problem with the shed, which cannot be located any closer to the building. Chairman Murad said storing the items outside is much more unsightly than the shed.

Member Tonetti made a motion to grant the 17' side variance and approve the shed, which was seconded by Member Salem. The motion carried on the following vote:

Phyllis Stoller	Aye
Jeannine Tonetti	Aye
Church Gerald	Absent
Ted Salem	Aye
Chairman Murad	Aye

The following conditions are a requirement of the variance: The shed cannot be moved any closer to the building as there is a road in between, and the shed is essential for the storage of wood and equipment. The shed is specific to this applicant. There shall be no outside lighting or undue noise emanating from the shed.

Signs:

Member Tonetti asked if there was any problem with moving the Direct TV banner inside the building. Member Stoller said she thinks it's important for people to know they can watch football there. Member Salem said everyone knows that, and it's a destination.

The Applicant said inside the building is very busy. The NFL has only 17 regular season games, and the fans are dedicated and come to the restaurant to watch the games. Member Tonetti said people do know that the football games are broadcast at the restaurant. Chairman Murad said in this case, the signs are justified because the signs on the building exterior are difficult to see. He doesn't want to create a precedent, but he doesn't see a problem with the amount of signage.

The Applicant said the signs are relevant to his business. Member Stoller asked if the NFL sign could be removed seasonally, when the NFL is not playing, and the Applicant said it could, at which point Member Stoller said she has no problem with it. Member Tonetti asked if he needs the beer sign. The Applicant said a distributor gave it to him; it's a decoration.

Chairman Murad said it's not easy to see this location. He reminded everyone there always has to be a balance in favor of the most injured party. The signs benefit the Applicant and that benefit far greater than the Town's loss, so it's permitted under the State Zoning Law. Member Salem said there is no data or facts to back that up. Member Tonetti said it is not a hardship getting people into the building.

Member Salem said take the football sign down after the season. The only basis he'd go along with it is due to the lack of visibility from any public thoroughfare. Member Stoller said if you don't know there's a bar with a tv, it's two little signs over the door, and you need to have something to find it. Signs are ok with her and are necessary. Member Tonetti said the beer sign isn't necessary and could go. The NFL sign is unique. There's already a Coors Light sign in the window, but the window is too small to add the PBR sign. Member Salem understands the business reason for the football sign, but not the beer sign.

Member Salem made a motion to grant a variance for the Direct TV banner only during football season, but they do not allow a variance for the PBR sign. The motion was seconded by Member Tonetti and carried on the following vote:

Phyllis Stoller	Aye
Jeannine Tonetti	Aye
Church Gerald	Absent
Ted Salem	Aye
Chairman Murad	Opposed

IV. **Additional Items:**

CEO Cissy Hernandez requested the Board's opinion as to whether an RV qualifies as a temporary mobile home. CEO Hernandez explained the code definitions for each and said a mobile home is a manufactured home built prior to 1976. There is a situation in town where a resident is using an RV parked on his property as a temporary dwelling while construction takes place on his residence. There are also several other people in town who are residing in RVs. Under the campground code, if you have a primary residence, people are allowed to stay in your yard. The complaint is this person isn't paying taxes on a house. CEO Hernandez has advised this resident that he has until May 1, 2018, to correct the situation. The resident would like this date extended to July 1, 2018, in order to finish construction. He has already had two six-month stays without Board approval. Chairman Murad said even a temporary mobile home wouldn't be paying taxes. CEO Hernandez said an RV isn't tied into a septic system, so who is monitoring waste removal. It was noted the resident is using a portapotty which is regularly maintained by Darcy Construction.

Member Tonetti said we have temporary abode and building code for non-temporary housing which requires a permit. If there is no building code against someone living in an RV, it should be permitted.

Member Stoller suggested the deadline might give the resident more of an incentive to complete construction on his home.

CEO Hernandez said she will treat the situation as a temporary dwelling and instruct the resident to go to the ZBA for a special permit.

Chairman Murad said you can't say it's not allowed because campgrounds permit it. CEO Hernandez said it's only permitted if you have a primary residence. Chairman Murad agreed the Code isn't clear.

Chairman Murad made a motion to provide the ZEO guidance for directions or instructions that an RV is the same as a temporary mobile home and does require a special permit, and is under the same time limits that a temporary mobile home would be faced with. The motion was seconded by Phyllis Stoller and carried on the following vote:

Phyllis Stoller	Aye
Jeannine Tonetti	Aye
Church Gerald	Absent
Ted Salem	Aye
Chairman Murad	Aye

Member Stoller moved to close the meeting at 7:55 p.m. and Member Salem seconded. The motion carried with the following vote:

Chairman Murad	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye
Church Gerald	Absent
Ted Salem	Aye

Respectfully submitted,

Donna M. Gedeon

Donna M. Gedeon
Planning/Zoning/CEO Clerk