



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

**Absent:** None

**Others Present:** Deputy CEO Jeff Hattat, Kellie McMillan; J. Michael Deegan

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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 7:00 p.m.

### **II. Minutes Review**

Upon review of the August 7, 2018, regular meeting and public hearing minutes, a motion was made by Member Ted Salem, and seconded by Member Phyllis Stoller, to accept the minutes as submitted, and the vote carried as follows:

Chuck Gerald	Abstain
Ted Salem	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye
Chairman Murad	Aye

Upon review of the regular meeting minutes of October 2, 2018, a motion was made by Member Ted Salem, and seconded by Member Chuck Gerald, to accept the minutes as submitted, and the vote carried as follows:

Chuck Gerald	Aye
Ted Salem	Aye
Phyllis Stoller	Abstain
Jeannine Tonetti	Abstain
Chairman Murad	Aye

### **III. Regular Meeting**

Upon conclusion of the Public Hearing on Case No. ZBA-2018-012, Chairman Murad called the resumption of the Regular Meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:05 p.m.

**Case No. ZBA-2018-012 – Kellie McMillan (19.2-1-87)**

*[Public Hearing] Kellie McMillan is requesting an area variance to install a 10' x 16' pre-built shed to replace a 10' x 10' metal shed on her property.*

Chairman Murad asked if anyone had any further comments with respect to this Application, which no one did.

Member Tonetti said it seems like a very minimal request.

Chairman Murad said there is no feasible alternative on this property where the shed could be located.

Member Salem made a motion to accept the application for two 25' area variances, one for the back and one for the side of the Applicant's property, based on the fact that there isn't any reasonable alternative for placement of the shed on this lot, and that there will be negligible, if any, impact on the adjoining properties. The motion was seconded by Chairman Murad, and the vote carried as follows:

Chuck Gerald	Aye
Ted Salem	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye
Chairman Murad	Aye

**Case No. ZBA-2018-013 – Anthony Murad (19.4-1-26)**

*[Preliminary] Tony Murad is requesting a special permit for mixed use to renovate an existing building to have a bar and residential space.*

[Chairman Murad recused himself from the Board and took a seat in the audience.]

The Board agreed that Member Chuck Gerald would be acting Chairman and preside over this matter.

Mr. Murad explained the project and said he has also submitted an Application for a Special Permit/Site Plan Review to the Planning Board. He basically wants to memorialize an existing use. The building has been there for over 100 years and has been used for various things during that time. It had been lived in by the former owners, and there was an apartment in the back which was lived in by a previous owner. The building already was a mixed use. What he is trying to do is memorialize it, codify it, so they have absolute determination/definition of the use of the property. He would like to note that this is not a change of use as it has been residential on the second floor in two different spots, and it has been a commercial use on the lower floor for many years. The building was first used as a school, and then became the grange.

The Applicant has already applied for four permits for various structural activities in the building, all of which have been granted, including demolishing the rear (where the most recent apartment was) and the greenhouse.

While working with his architect and reviewing the Zoning laws, the Applicant realized he needed a permit to indicate the building will be residential above and commercial

below. There is a category in the Zoning code under residential use called mixed use. For that he needs a special permit which is granted by the ZBA. Because he intends to run a microbrewery/taproom downstairs, the nearest thing to that in the use table is “bar” which is a permitted use, but requires site plan review.

Member Salem made an observation that the Planning Board can hear this matter. Member Tonetti reviewed the Zoning Ordinance for special permit/site plan review and confirmed the Planning Board can handle this matter. The Planning Board can issue a special permit when someone is applying for both special permit/site plan review. The ZBA will not make a decision on this matter; it has to go before the Planning Board.

It was agreed that the Applicant would proceed with his Planning Board application for Special Permit/Site Plan Review. He thereupon withdrew his Application before the Zoning Board.

Acting Chairman Geraldi moved to close the meeting at 7:25, which motion was seconded by Member Stoller. The vote carried as follows:

Chuck Geraldi	Aye
Ted Salem	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye
Chairman Murad	Aye

Respectfully submitted,

***Donna M. Gedeon***

Donna M. Gedeon  
Planning/Zoning/CEO Clerk