



**MINUTES OF A PUBLIC HEARING OF THE ZONING BOARD OF APPEALS OF  
THE TOWN OF NEW LEBANON HELD ON OCTOBER 4, 2016  
ON A REQUEST MADE BY JEFF VANDEUSEN (TM# 8.-1-36) FOR  
FOR VARIANCE(S) FROM CHAPTER 162 SIGNS AND POSTERS**

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

Absent: Jeff Hattat, Zoning Board of Appeals Member  
Jeannine Tonetti, Zoning Board of Appeals Member

Others Present: Celine & Mike Polacinski, Carol VanDeusen, Julianna Fagina, Jeff & Rachel VanDeusen

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**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

Upon proof of publication Chairman Murad opened the above noted public hearing at 7:31 pm.

Chairman Murad asked the applicant why he feels the need for a variance(s). Mr. VanDeusen stated that in the automotive repair and tire business it is standard practice to utilize multiple tire company's exterior advertising banners because it advertises to the public that they sell tires and the brand of tires they sell. He further stated that he has been in this business for over 20 years here in New Lebanon and no one has ever complained before now. All of a sudden we are not allowed to advertise?

Chairman Murad indicated that when a complaint is received by Zoning Enforcement officer, by law, there must be follow-up. The sign law has not been enforced for a number of years but the enforcement issues are not Zoning Board of Appeals nor a Town Board issues. The enforcement duties are that of the Zoning Enforcement officer. Since no two business are alike, New York States provides an appeal process. A variance means to vary the law when necessary and that a Zoning Board of Appeals must grant the least amount of variance possible.

Chairman Murad explained that this Zoning Board of Appeals is made of five members which means that in order for a variance to be granted, three members of the five members would have to vote positively. With two members absent tonight; all three that are present would all have to vote positively; therefore he informed the applicant that he had the right to postpone to such a time when a full board is present which is what Mr. VanDeusen decided to do.

Carol VanDeusen, Rachel VanDeusen, Julia Faginas, Celine & Mike Polancinski all spoke in favor of granting the variance(s).

Respectfully submitted,

Cissy Hernandez  
Planning/Zoning Clerk