



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

I. Call to order:

Chairman Murad called the regular meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:30 pm.

II. Minutes Review

Upon review of the September 6, 2016 minutes a motion was made by Jeff Hattat, seconded by Phyllis Stoller to approve them as submitted.

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 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 the 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.

Adjournment:

The meeting was adjourned at 8:30 pm.

Respectfully submitted,

Cissy Hernandez
Planning/Zoning Clerk