



Town of New Lebanon
Zoning Board of Appeals Minutes – Draft Unapproved
December 3, 2013

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

Absent: Jeff Hattat, Zoning Board of Appeals Member

Others Present: Fred Haley

Call to order:

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

Regular Meeting:

Minutes Review:

Upon review of the November 2013 minutes Phyllis Stoller moved to accept them as submitted. The motion was seconded by Ted Salem and passed on the following vote:

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|------------------|--------|
| Anthony Murad | Aye |
| Jeff Hattat | Absent |
| Ted Salem | Aye |
| Phyllis Stoller | Aye |
| Jeannine Tonetti | Aye |

Case No. ZBA-2013-004- Barbara Chasen [TM# 10.3-1-39]

Request for area variance to allow a residential addition to be constructed 15 feet from the property line

Fred Haley said that Ms. Chasen has submitted a narrative with explanation as per the Board's request. However; the 'fly in the ointment' is that the builder's plans calls for 14 ft. from the property line rather than the 15 ft. originally requested.

The Board commented that the submitted letter does not address why the addition could not be placed at the rear of the structure. Fred Haley stated that he believes that constructing the addition at the rear of the structure would block their view and there is a porch currently in that location which is their favorite sitting place.

Phyllis Stoller commented that the plan could be more descript so that it is clear to the Board what is existing on the structure so that any hindrances could clearly be indicated.

Chairman Murad stated that the Board is obligated to grant the least amount of variance necessary and without more information as to why this much of a variance is needed it puts the Board in a tough situation. He further stated that it bothers him that the original application was for 15 ft. which is what was advertised. Additionally, it is the information reviewed and used to set the public hearing for tonight and now the applicant is changing the request to 14 ft. He also said that he feels that the applicant could pull the addition in without losing too much space. Phyllis Stoller added that without seeing a clear depiction it's difficult to judge. Ted Salem asked if one foot really makes that much of a difference. Chairman Murad said that the issue is that the preliminary meetings are held in order to gather the facts before setting a public hearing and in this instance they are altering the request after the fact. Ted Salem also asked why the "L" shape couldn't be moved to abut the deck. Fred Haley said that he suspects that they are trying to keep the interior intact as it is a historic home without losing a portion of their existing kitchen. Mr. Salem also asked if re-orienting the bathroom would reduce the amount of variance. Chairman Murad noted that the bathroom does not need to meet ADA standards on a residential structure.

A motion was made by Jeannine Tonetti seconded by Ted Salem to continue the public hearing into next month's regularly scheduled meeting to give the applicant's time to answer some of the questions that have arisen. The motion carried on the following vote:

| | |
|------------------|--------|
| Anthony Murad | Aye |
| Jeff Hattat | Absent |
| Ted Salem | Aye |
| Phyllis Stoller | Aye |
| Jeannine Tonetti | Aye |

Chairman Murad summarized that the Board is requesting that the letter be modified to address the reason why the addition cannot be placed at the rear. Additionally, the applicant needs to address why the addition could not be narrower.

Adjournment:

The meeting adjourned at 8:05 pm.

Respectfully submitted,

Cissy Hernandez
Planning/Zoning Clerk



**MINUTES OF A PUBLIC HEARING OF THE ZONING BOARD OF APPEALS OF
THE TOWN OF NEW LEBANON HELD ON DECEMBER 3, 2013
ON A REQUEST MADE BY BARBARA CHASEN (TM# 10.3-1-39)
FOR A(N) AREA VARIANCE**

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

Absent: Jeff Hattat, Zoning Board Member

Others Present: Fred Haley

CALL TO ORDER:

Proof of publication and notification having been provided, Chairman Murad opened the public hearing 7:34 pm.

PUBLIC COMMENT:

No comments concerning the requested variance were received by the ZBA.

A motion was made by Chairman Murad seconded by Ted Salem, and approved to continue the public hearing at the next regularly scheduled ZBA meeting to be held on January 7, 2013.

Respectfully submitted,

Cissy Hernandez
Planning/Zoning Clerk