



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

Others Present: Tod Shields, Deb Gordon

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 November 3, 2015 meeting minutes a motion was made by Jeff Hattat, seconded by Phyllis Stoller and unanimously carried to approve them as submitted.

III. Regular Meeting/Case Review:

•Case No: ZBA-2015-004-: MacKenzie Calhoun [18.-1-49]

Request to construct detached garage in connection with BP# 15-072 – ZEO denied as the request requires a 10 ft. front setback variance

The applicant called to say he would not be in attendance.

•Case No: ZBA-2015-005-: Deb Gordon [19.2-1-66]

Request for area variances in connection with Site Plan Review No.: PB-2015-011 for relief from (1) front setback; (2) side setback-on west side of property; and (3) parking requirements

Upon closing the public hearing on the request of Deborah Gordon c/o of the Phoenix Project to obtain three area variances on her property located on Route 20 identified as SBL# 19.2-1-66 in connection with her application create a retail store with an apartment above. The following actions were taken:

FRONT SET BACK AREA VARIANCE FOR THE PURPOSE OF AN ADA COMPLIANT RAMP:

Jeanine Tonetti moved to grant 37.5 foot area variance to a pre-existing non-conforming structure noting that the area variance will not increase the amount of non-conformity. Phyllis Stoller seconded the motion that carried on the following vote:

Tony Murad	Aye
Jeff Hattat	Aye
Ted Salem	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

SIDE SET BACK AREA VARIANCE FOR THE PURPOSE OF AN ADA COMPLIANT RAMP:

Ted Salem moved to grant a 20 ft. side set back area variance on the westerly side of the property to a pre-existing non-conforming structure in order to install an ADA required ramp that cannot be placed anywhere else on the property. Jeff Hattat seconded the motion that carried on the following vote:

Tony Murad	Aye
Jeff Hattat	Aye
Ted Salem	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

PARKING VARIANCE:

Tony Murad noted that under current regulation 21 spaces would be required for retail with one apartment and moved to grant a variance that would authorize 5 spaces based on the unknown future retail use at this time. Additionally, future owners/operators of the retail space will agree to find alternative parking, if needed, through agreements with abutting property owners. Jeannine Tonetti seconded the motion that carried on the following vote:

Tony Murad	Aye
Jeff Hattat	Aye
Ted Salem	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

•Case No: ZBA-2015-006-: Jay Fastow [27.-1-65]

Request for area variance to construct a tennis court with fence on residential property located on Kelly Road
Agent: Todd Shields

The board discussed whether or not a tennis court would need a variance and in reviewing the definition of a structure it was unanimously decided that tennis courts would fit the current definition of a structure.

Upon reviewing the submitted map Ted Salem pointed out that there is a lot of open space on the property to the left of the driveway and inquired why that portion of land hadn't been considered for the location of the tennis court. Todd Shields indicated that because of the topography of the parcel the selected location is the best suited for a tennis court and even still will need a lot of excavating. The septic location also poses a hindrance.

Jeff Hattat requested that the applicant submit a contour map for the next meeting. Todd Shields agreed and also agreed to have the tennis court professionally drawn in.

A motion was made by Ted Salem, seconded by Phyllis Stoller to schedule the public hearing to next month's regularly scheduled meeting. The motion carried on the following vote:

Tony Murad	Aye
Jeff Hattat	Aye
Ted Salem	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

IV. Adjournment:

The meeting adjourned at 8:00 pm

Respectfully submitted,

Cissy Hernandez
Planning/Zoning Clerk