



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: Jeff VanDeusen, Kent Pratt, Patricia Farnan, Mark Baumli, Glenn Westfall

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 August 2, 2016 minutes a motion was made by Jeff Hattat, seconded by Phyllis Stoller to approve them as submitted.

Case No.: ZBA-2016-010-Kendall House Properties, LLC – Patricia Farnan- (TM# 20.1-1-62)
In response to a Notice of Violation regarding signage at the Kendall House, the application is seeking a variance from the sign law

Chairman Murad noted that the Board cannot rule on this case until the violation involving their 2011 Site Plan Approval has been cleared.

Case No.: ZBA-2016-016-Kendall House Properties – P. Farnan (TM20.1-1-62)
Applicant is appealing CEO/ZEO determination on violation C16-013 citing that the property is in violation of their Site Plan Approval

Chairman Murad said that the ZBA does not know what the intent of their Planning Board approval was and that the reasonable approach would be to go back to the Planning Board to obtain clarification. The applicant's narrative submitted with the 2011 application indicated that the grounds would be kept as *non-commercial as possible* therefore, it is the Planning Board who should be able to determine whether or not the grounds are being kept as *non-commercial as possible*. Ted Salem said that what we are trying to determine is if they are in violation of the conditions of their 2011 Site Plan Approval. Chairman Murad said that in the meantime, the applicant can continue business as they are until this is resolved.

Patricia Farnan said that they have cleaned up a lot of stuff and the only outside items that remain are garden items, a buggy, and picnic tables for people to sit at while they are eating. Chairman Murad said that he is not comfortable second guessing the Planning Board's approval.

Chairman Murad stated that if the applicants wish to follow through with the ZBA tonight, the ZBA would most likely rule against them. They are better off going to the Planning Board for a determination. Chairman Murad asked the applicant why they didn't just go back to the Planning Board for a modified Site Plan approval. Ms. Farnan said because she doesn't feel like she is doing anything wrong and doesn't agree that she is in violation.

Chairman Murad explained that if the ZBA rules against the applicant, they can either comply with the ZEO orders or appeal to the NYS Supreme Court.

A motion was made by Chairman Murad, seconded by Jeff Hattat to direct the applicants to appear before the Planning Board with this matter and leave the public hearing open in the event they need to return. The motion carried on the following vote:

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

Case No.: ZBA-2016-008-Crismik LLC – Sunny Kumar – TM# 19.2-1-48

In response to a Notice of Violation regarding signage at the EZ-Mart, the applicant is seeking a variance from the Sign Law

The Board discussed that they obtained a legal opinion and feel that since Mr. Kumar has not tended to this application they would consider it abandoned.

Kent Pratt, CEO/ZEO informed the Board that he just learned that the property is going up for auction.

A motion was made by Ted Salem, seconded by Phyllis Stoller to consider this application abandoned due to the applicant's lack of follow up and 3 cancelled public hearings. The clerk is to notify him in writing of this decision. The motion carried on the following vote:

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

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

Jeff VanDeusen stated that he is planning to send abutter notices for the October meeting as he would like to move forward with his application. The Board encouraged Mr. VanDeusen to prepare reasons why he needs so much signage.

Ted Salem moved for a continuance to the October meeting. Jeff Hattat seconded the motion that carried on the following vote:

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

Case No.: ZBA-2016-019 – Kent Pratt, ZEO – ZBA Interpretation

The ZEO would like a ZBA interpretation on the “light industrial” provisions in order to determine if Mr. Pavoni’s application (PB-2016 003 – TM# 8.-1-51) may fall into this category

Kent Pratt stated that after his initial classification of this application into 3 separate categories he later determined that the application in its entirety may fall into the definition of ‘light manufacturing’ and is seeking an opinion/interpretation from the ZBA.

Upon review of the application it was determined that there is not going to be any motor vehicle sales, RV system repairs with no proposed engine work, light fabrication and up to 10 vehicles to be winter stored screened behind the tree line.

Jeannine Tonetti moved to uphold the ZEO’s new interpretation to classify the application as “light Industrial. The motion was seconded by Phyllis Stoller and carried on the following vote:

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

NEW BUSINESS:

Jeannine Tonetti announced that she will not be present for the October 4, 2016 meeting.

Adjournment:

The meeting adjourned at 8:30 pm.

Respectfully submitted,

Cissy Hernandez