



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: Louise Clouser, Jeff VanDeusen, Mitch Keller, Steve Downing

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**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 October 4, 2016 minutes a motion was made by Ted Salem, seconded by Phyllis Stoller to approve them as submitted.

Jeff Hattat	Abstained (absent at the October meeting)
Ted Salem	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye
Anthony 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

Upon the close of the public hearing the Board discussed the case. Phyllis Stoller opined that from County Rt. 9N it is not very commercial except for Paintworks. If Mr. VanDeusen takes down his signs it will look like a plain building. She further stated that this is a small business and she thinks that signage is important. She would like to see some sort of compromise and would like to see his business flourish.

Jeff VanDeusen submitted photos of his building depicting that he has already removed all the signs on the west facing side of the building except for his actual business name sign. He further stated that he was not happy that he had to take them down. Chairman Murad said that he appreciates the applicant's effort.

Jeannine Tonetti asked the size of the remaining business name sign. Jeff VanDeusen indicated that it is less than 24 sq. ft. Maybe 4x4 or 4x5. Jeannine Tonetti asked Mr. VanDeusen if he utilizes a free standing sign. Jeff VanDeusen said that he does not utilize a free standing sign for the Auto repair business because there is no safe place to put a free standing sign as it would restrict customer traffic flow. Jeff Hattat indicated that most of the signs that remain are the vendor banners on the face of the building. Ted Salem said that he didn't see a need for vendor banner signs and that he typically sees these type of vendor banner signs on the interior of these types of businesses. Jeff Van Deusen said that they do not allow customers inside of their shop so they would not serve a purpose there and that the office area is just too small.

Jeff VanDeusen asked why a Bridgestone Tire Banner would offend anyone. Chairman Murad said that the issue is not about being offended. The Town has a sign law and in order to grant a variance from the sign law the Board needs to gather relevant facts. Jeff VanDeusen said that the Family Dollar was granted a sign variance a few years ago and they are a large chain franchise where everyone knows what they sell. People would not know what I sell unless I advertise. This is the whole purpose of the vendor banner signs.

Jeannine Tonetti said that we work for the Town and we can't just make a deal with an applicant. It's not just one business being targeted with regard to sign law compliance, it's all of the businesses.

Chairman Murad said that he disagrees. First, it is proper to find a solution that does not require a variance. Second, if that is not possible, it is proper to grant the least amount of variance as possible. At the same time we need to consider the property owners rights. If the Town's rights are not diminished, the property owner's right are superior. Chairman Murad encouraged the Board to read the publication "All you ever wanted to know about Zoning". He continued to say that at the public hearings all members of the public who offered comments were in favor of granting the variances.

Jeannine Tonetti said that what makes this case unique is that that applicant is not able to utilize all of his permitted free standing signage due to safety issues. This request comes with a handicap. Additionally, the one affixed business name sign is smaller than the requirement. She continued to say that she agrees with Ted Salem in terms of tire vendor banners not being necessary for business; but she would also agree that the applicant does need a bigger sign.

Phyllis Stoller stated that the applicant maintains that he utilizes the tire vendor banners for increased sales. Chairman Murad said that in the submitted photos he sees a sign that is not all that impressive. The one that says "Winter Rules". Chairman Murad also commented that the rest of the tire vendor banners are attractive colors and are in a rigid position. He noted again that we have two separate business here owned by one entity. Chairman Murad asked the size of the tire vendor banners. Jeff VanDeusen said that he wasn't sure. Jeff Hattat asked for the width of the garage door which would give us an idea of the banner length. Jeff VanDeusen said about 10 feet.

Discussion ensued in terms of compromising with a trade-off. The Automotive Repair business does not utilize a free standing sign and the affixed business sign is smaller than required therefore maybe the Board could factor in that un-utilized square footage. Each business is allowed 48 square feet of signage (one affixed and one free standing).

Jeannine Tonetti said that the used car sales business on the adjoining lot is a separate issue and we shouldn't mix them. She thinks that the trade-off should be that he cannot utilize a free standing sign for the Automotive Repair business and reminded the Board that precedent has already been set for issuing variances on size of signs. Ted Salem said that a large business name sign would be ok with him. It is the clutter of the numerous other signage is what the town does not want. Phyllis Stoller said that everyone does not fit into the regulations set forth by the zoning law.

Chairman Murad asked if the Board could 'stay' this case. He expressed his appreciation for the applicant's efforts in terms of removing all the signage on the west facing side of the building but the applicant needs to present an alternative the Board with regard to the front of the building. Ted Salem stated that he is ready to vote. Chairman Murad said that he would rather come to amicable conclusion and doesn't see how postponing another month would hurt.

Chairman Murad asked Jeff VanDeusen if the vendors could give him smaller banners to use. Jeannine Tonetti said that she would like to see Mr. VanDeusen come back with a better proposal. Chairman Murad said that if he could position the tire banners to appear as one sign the Board may consider 60-70 square feet for the size since they have allowed it for others.

Anthony Murad moved to table the deliberations to next month's meeting and asked the applicant to return with an alternative sign plan. Ted Salem seconded the motion that carried on the following vote:

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

**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

(NOTE: STAYED UNTIL CASE NO. ZBA-2016-016 IS RESOLVED)

No action taken. The case is temporarily stayed.

**Case No.: ZBA-2016-020-Lebanon Valley Auto Racing Corp – (TM#7.-2-4)**

Preliminary: In response to a Notice of Violation regarding signage at VanDeusen Automotive, the application is seeking a variance from the sign law

Louise Clouser represented the applicant in this case. She stated that Lebanon Valley Auto Racing has had their signs up for many years before the sign law went into effect. She will obtain affidavits proving such for Sign #1 depicted in the photo. The H&L Fuel off premise sign was also there before the sign law went into effect. Chairman Murad said that the H&L Fuel off premise sign was not there prior to 1968 when the sign law went into effect. Ted Salem asked if that off premise sign could be moved to a less conspicuous place. Ms. Clouser said that she would let the Board know next month.

It was noted that a variance was granted for an oversized sign and that the other sign is a painted barrier and has been there for a very long time.

Jeff Hattat moved to schedule the public hearing for next month's regularly scheduled meeting (12.06.16). The motion was seconded by Jeannine Tonetti and carried on the following vote:

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

**Adjournment:**

The meeting was adjourned at 8:30 pm.

Respectfully submitted,

Cissy Hernandez  
Planning/Zoning Clerk