



**Present:** Anthony Murad, Chairman  
Chuck Gerald, Member  
Ted Salem, Member

**Absent:** Phyllis Stoller, Member  
Jeannine Tonetti, Member

**Others Present:** Jeff Hattat, Deputy CEO; Kellie McMillan, J. Michael Deegan

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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 7:03 p.m.

### **II. Minutes Review**

Since a majority of the Board was not present (only two members were present who had attended the August 7, 2018, regular meeting and public hearings), the minutes of said meeting were held for approval until the November 6, 2018, meeting.

### **III. Regular Meeting**

#### **Case No. ZBA-2018-012 – Kellie McMillan (19.2-1-87)**

[Preliminary] Kellie McMillan is requesting an area variance to install a 10' x 16' pre-built shed to replace a 10' x 10' metal shed.

Chairman Murad advised the Applicant that since only three of the five Board members were present, she would need approval from all three members because the vote is of the entire Board, not just the people who are present. The only thing the Board is going to be voting on tonight is to move the Application forward to a Public Hearing. The purpose of this meeting is to find out what the Applicant is doing, what she wants, and why she needs it, and then the Board will ask her for more information if they think it's needed.

The Applicant explained the project and said there was previously a metal shed on the site which was damaged in a storm. A few weeks ago, the shed actually was picked up and moved forward against the tree line. The Applicant's property is located on Lover's Lane and she abuts a field. She decided to replace the 12' x 12' damaged shed with one that was a slightly bigger – 10' x 16'.

The Applicant had been advised of the setback requirements by the CEO. The shed is located close to the tree line; however, it can't be moved from that location because it'll then be too close to the road.

The Board reviewed the drawing submitted by the Applicant. Member Salem confirmed that the Applicant is seeking two 25' variances – one from the back and one from the side. Chairman Murad asked how high the shed was going to be, and the Applicant said this is a pre-made shed and the sides (walls) are six feet high.

Member Salem asked if the shed was going to be anchored at all, and the Applicant responded that it's going to be set, but is not permanent. The shed will be made of wood, so it's not likely to blow away.

Chairman Murad asked Deputy CEO Jeff Hattat what the maximum size is for sheds not to require a permit, and he said it's 12' x 12' or 144 sf. The proposed shed is 160' sf, so it will require a building permit in addition to zoning approval.

Chairman Murad said the Applicant is making the case that she really can't put the shed anywhere else, and there's no way she could make the rear setback requirement. The new shed will be installed where the previous shed was and will be slightly bigger.

Member Chuck Geraldi made a motion that this matter be set for Public Hearing, which motion was seconded by Member Salem. The vote carried as follows:

|                  |        |
|------------------|--------|
| Chuck Geraldi    | Aye    |
| Ted Salem        | Aye    |
| Phyllis Stoller  | Absent |
| Jeannine Tonetti | Absent |
| Chairman Murad   | Aye    |

Chairman Murad advised the Applicant that she'll return to the ZBA next month. He said this is a simple matter; however, there is an established process to be followed. As simple as this matter is, oftentimes matters are more complicated. The Board wants to have all the information available before they go to a public hearing so they'll have a sense of where the matter will go. The Applicant has explained everything adequately to them, so they're on for next month.

This Clerk provided the Applicant with the abutters' information and instructed her how to proceed.

Member Geraldi moved to close the meeting at 7:12 p.m., which motion was seconded by Chairman Murad. The motion carried with the following vote:

|                  |        |
|------------------|--------|
| Chuck Geraldi    | Aye    |
| Ted Salem        | Aye    |
| Phyllis Stoller  | Absent |
| Jeannine Tonetti | Absent |
| Chairman Murad   | Aye    |

Respectfully submitted,

***Donna M. Gedeon***

Donna M. Gedeon  
Planning/Zoning/CEO Clerk