



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: Deb Gordon, MacKenzie Calhoun, Kent Pratt

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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 April 7, 2015 [Rev.1] meeting minutes a motion was made by Jeff Hattat, seconded by Phyllis Stoller and unanimously carried to approve the revisions.

Upon review of the October 6, 2015 minutes a motion was made by Phyllis Stoller, seconded by Jeff Hattat and unanimously carried to approve them as submitted.

**III. Regular Meeting/Case Review:**

Chairman Murad informed both applicants that tonight's meeting will be a preliminary meeting wherein the Board will ask questions and obtain facts/information before the public hearing.

**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

Mr. Calhoun summarized that he would like to build a new garage which requires a 10 ft. area variance in order to meet front setback requirements.

Chairman Murad asked if the topography behind the house was too steep. Mr. Calhoun said "Yes. Additionally, I would be encroaching on any property line no matter the location". There is a ROW for an overhead utility. The well and septic are also a factor.

Chairman Murad asked if there was a reason not to build it closer to the house. Mr. Calhoun indicated that in doing so he would have to cut into the existing staircase and redirect them. He also stated that the new proposed garage would eliminate the garage under the house.

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

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

**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

Ms. Gordon summarized that the buildings are historic and would like to keep them as unchanged as possible during renovations; particularly the façade facing Route 20 and West Streets. The building will be handicapped accessible and there is barely enough room for the ramp. The proposed ramp will begin on the west side of the property continuing around the front of the building where a handicapped entrance is proposed. The front currently has two entrances; one is double doors not to be made handicapped accessible but the other door on the left is 32 inches but has room to widen to 36 inches which would achieve the ADA goals. The proposed porch/deck is 5 ft. deep but we could be narrowed if this is a problem. However; the thought was to install a bench there. The ramp itself is 3.5 ft. and there is 4 ft. between the properties.

Chairman Murad commented that the Board would be reviewing the front and side variances as well as parking.

Ms. Gordon reminded the Board that the site plan includes both parcels but the variances are only pertaining to the corner lot which is the proposed retail store. She also indicated that she is renovating on spec. and doesn't actually know who will buy it and what type of store they will propose there. Therefore; they are depicting 1,400 sq. ft. but would imagine that no more than 1,000 sq. ft. will be devoted to customer use; and with the apartment upstairs all totaled the proposal would require 21 spaces according to currently zoning regulations which they obviously are unable to meet this requirement. Ms. Gordon also noted that she has spoken with the current owner of the Valley Plaza to ask if they would ever consider renting space to the prospective store owner to which he said: "Yes".

Ted Salem asked if the applicant has reached out to the D.O.T. with regarding to any possible encroachment into their ROW. The applicant stated that she didn't realize that she needed to. Chairman Murad indicated that he doesn't feel it will be an issue however; it would be a good idea to contact them.

Ted Salem asked if the porch staircase will face West Street. Ms. Gordon said: "Yes".

Kent Pratt asked if there will be footings on the ramp. Ms. Gordon said: "Yes".

Chairman Murad indicated that because it is an historical building there may be exemptions due to certain levels of alteration.

Kent Pratt asked if the variances are granted, will they run with the land if the property is sold. Chairman Murad said: "Yes. Unless, of course, the new owners change the use or configuration that would trigger another Board review.

Chairman Murad stated that in his opinion this request is for a retail use and is not a 'change of use' which should not technically require Site Plan Review by the Planning Board as he feels it only requires variances from the ZBA.

**IV. Adjournment:**

The meeting adjourned at 8:30 pm

Respectfully submitted,

Cissy Hernandez  
Planning/Zoning Clerk