



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

Absent: Jeannine Tonetti, Zoning Board of Appeals Member

Others Present: Jeff Van Deusen, Joan Phelps, Albert Phelps, Delores Meissner, Bobby Meissner,  
Terry Meissner, Patricia Farnan, Glenn Farnan, Melanie Hunt, Sunny Kuhmar,  
Kent Pratt

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**I. Call to order:**

Upon the closing of a public hearing, Chairman Murad called the regular meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:40 pm.

**II. Minutes review**

Upon review of April 4, 2016 meeting minutes a motion was made by Phyllis Stoller, seconded by Ted Salem to approve them as submitted. The motion carried on the following vote:

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

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

**Case No.: ZBA-2016-004-: Albert & Joan Phelps – TM# 19.-1-13**

Request for front & side setback variance to construct a two-car garage

Chairman Murad explained that since a Zoning Board of Appeals member is absent, the applicants may re-schedule tonight's meeting for next month when there is a full board. The applicants chose to proceed tonight.

Upon review of the above noted case it was determined that the property is in a substantially nonconforming situation and therefore Jeff Hattat moved to approve a 5 ft. variance from the 75 ft. front yard setback requirement and a 26 ft. side yard variance on the north westerly corner of the property in order to construct a two-car garage. The motion was seconded by Ted Salem and carried on the following vote:

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

**Case No.: ZBA-2016-005-: Melanie Hunt (Blueberry Hill Café) TM# 19.2-1-55.2**

Request for a 14.5 ft. area variance in order to install a walk-in cooler; freezer and dry storage combination

The applicant explained that she is currently using an old truck for storage that will be removed if granted approval on this request for a variance to install a shipping container that will be converted to a walk-in cooler/freezer and dry storage.

Jeff Hatatt asked if the unit would be moveable. Ms. Hunt stated: "Yes".

Jeff Hattat moved to schedule the Public Hearing for next month's regularly scheduled meeting (July 5, 2016). The motion was seconded by Phyllis Stoller and carried on the following vote:

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

**Case No.: ZBA-2016-011-: Anthony Murad (Hand House) TM#10.3-1-65**

Request for a Special Permit to allow for Multi Family in two buildings on a single parcel

Chairman Murad announced that he will be recusing himself from his own proceedings. The Board agreed that Jeff Hattat would be acting Chairman on this case.

Mr. Murad summarized that he has already obtained a prior permit recently to convert the single family residence into a two family residence and now he is seeking to convert the 'carriage house' in a single family residence which would create a multi-family lot.

Ted Salem moved to schedule the public hearing for next month's regularly scheduled meeting (July 5, 2016). The motion was seconded by Phyllis Stoller and carried on the following vote:

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

**SIGN LAW VARIANCE REQUESTS:**

**General Discussion:**

Chairman Murad stated that the Town has tried to create re-iterations of the Sign Law. At the very least, in his opinion, the ZBA could 'stay' any existing signs until we get this resolved. It does not make sense to him that we go full force on a regulation that may change. Ted Salem said that there has been no indication that the Sign Law should be revised. The Zoning re-write committee has simply been working on adding a section to the currently sign law that would include temporary signs. He further stated that if the Town Board wishes the Sign Law to be modified they would need to make an official request to the Zoning Re-Write committee.

**Case No.: ZBA-2016-007- Delores Meissner TM# 19.2-1-43**

In response to a Notice of Violation regarding signage at Meissner's Auction as well as Behold! New Lebanon, the applicant is seeking a variance from the Sign Law

Delores Meissner indicated that the main free standing sign has been there since she bought the place in the 80's. Kent Pratt stated that she has two other free standing signs. Delores Meissner stated that the little shops on the westerly side of the property were retail when she bought the property. Aren't they a separate business that would be allowed their own sign? (Depicted as Meissner's #1 in the attached photo). She said that she is willing to remove the smaller wooden signs. (Depicted Meissner's #2 and #3 in the attached photo).

Discussions ensued as to whether the little shops were considered a separate business and whether those shops could have their own sign.

Ted Salem said let's focus on the main large free standing sign for a moment: In addition to the main free standing sign that says Meissner's Auction (Depicted as Meissner's #5 in the attached photo); the pole of this sign is encased by another sign that says 'antiques' which is being counted as an additional sign which is one of the signs that would require a variance (depicted as Meissner's #6 in the attached photo)

With Regard to the 'Behold! New Lebanon' business being conducted out of the Victorian structure on the property, it was determined that since this was a separate business they would be allowed one sign on the building and one free standing sign and neither to exceed 24 sq ft. Kent Pratt indicated that the free standing sign is compliant (depicted as Meissner's #7) but that the sign on the building is actually 3 banners (depicted as Meissner's #8, 9 and 10) in the attached photo). Terry Meissner stated that he can link them together as one sign and it will not exceed 24 sq. ft. Ted Salem said that in his opinion these 3 banners are one sign. The Board indicated that they should move forward with the request for variance on this matter.

Jeff Hattat moved to set a public hearing on both the Meissner's and the Behold! New Lebanon sign law variances for next month's regularly scheduled meeting (July 5, 2016). The motion was seconded by Phyllis Stoller and carried on the following vote:

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

Ted Salem asked Kent to explain exactly what is being cited as a violation of the sign law and asked if the gas pricing sign is exempt due to state law (Depicted as EZ-Mart #1 on the attached photo). Kent Pratt said: "Yes". Kent Pratt, CEO/ZEO also indicated that he sees this property as two businesses. One is a convenience store and the other is a laundry-mat. Therefore; they would be allowed one on the building and one free standing for each business.

Mr. Kuhmar stated that the large main sign (Depicted as EZ-Mart #2 on the attached photo) was there when he purchased the property and that Stan Koloski, ZEO issued a permit when the EZmart swapped out the sign to say EZ-Mart.

Chairman Murad said that the Indian Food sign wasn't there at the time of purchase (Depicted as EZ-Mart #3 on the attached photo). Mr. Kuhmar agreed but said that that particular sign has increased his business by 30%. Mr. Kuhmar continued to say that the rest room sign (Depicted as EZ-Mart #4 in the attached photo) is a DEC requirement. The Board asked if the DEC requires that the signage for a public rest room be posted on the exterior of the building. Mr. Kuhmar said that he can remove it.

Ted Salem said that they will also need to discuss the "ATM" sign as well as others. Mr. Kuhmar stated that he needs to them to run his business.

Jeff Hattat moved to set a public hearing on the EZ-Mart's sign law variance request for next month's regularly scheduled meeting (July 5, 2016). The motion was seconded by Phyllis Stoller and carried on the following vote:

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

**Case No.: ZBA-2016-009-Melanie Hunt (Blueberry Hill Café) TM# 19.2-1-55.2**

In response to a Notice of Violation regarding signage at Blueberry Hill Café, the applicant is seeking a variance from the sign law

Kent Pratt indicated that Blueberry Hill Café has 4 signs in excess of the requirement and that the sign advertising lemonade is not depicted in the photos. Ms. Hunt stated that the orange signs on the building were there when she bought the property (Depicted as Blueberry Hill Café #s 1, 2 and 3 on the attached photo). She simply turned them over and painted the reverse side. She further stated that she feels that businesses need to have sign so that people will know what their business is about. The blue sign that is

shaped like a coffee cup is her landmark. Everyone tells her that when they are trying to locate her restaurant they look for the "Blue Coffee Cup".

Discussions ensued regarding whether or not the Blue Coffee Cup would be considered a sign if there were not writing on it.

Jeff VanDeusen stated that he feels that the sign law needs to be re-written. A long discussion followed. Ted Salem explained that the Zoning Board of Appeals does not have not authority to change the law and that if he would like the law to be changed he would have to bring that request to the Town Board. Chairman Murad stated that many people think that more signs increases business but that is not necessarily the case. Ted Salem also indicated that that the Town Board has heard a lot of complaints from residents and other businesses about excessive signage in town and that that was considered bad for business.

Jeff Hattat moved to set the public hearing on the above noted case for the next regularly scheduled meeting. The motion was seconded by Ted Salem and carried on the following vote:

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

Short discussion ensued regarding whether or not Bucky's Bagels sandwich board (listing daily specials) would be considered allowable under the proposed temporary sign regulations.

#### **IV. Adjournment:**

Jeff Hattat moved to adjourn the meeting at 9:00 pm. Phyllis Stoller seconded the motion and carried unanimously.

Respectfully submitted,

Cissy Hernandez  
Planning/Zoning Clerk



TOWN OF NEW LEBANON  
ZONING BOARD OF APPEALS

Decisions: Area Variances

REFERENCE: TM# 19.-1-13

**Case No.:** ZBA-2016-004-

**Dated:** June 7, 2016

ACTION OF THE ZONING BOARD OF APPEALS OF THE  
TOWN OF NEW LEBANON, NEW YORK

TO: ALBERT AND JOAN PHELPS  
PO BOX 390  
NEW LEBANON, NY 121225

At its meeting held on June 7, 2016, the Zoning Board of Appeals considered your application reviewed on May 3, 2016 for a front yard setback variance and a side yard setback variance to construct a two-car garage and the following determination has been made:

The property is in a substantial nonconforming situation and is not a self-created hardship. Jeff Hattat moved to approve a 5 ft. variance from the 75 ft. front yard setback requirement and a 26 ft. side yard variance from the 35 ft. requirement on the north westerly corner of the property in order to construct a two-car garage. The motion was seconded by Ted Salem and carried on the following vote:

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

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Anthony Murad, Chairman  
Zoning Board of Appeals  
Town of New Lebanon





**Blueberry Hill  
Cafe #1, 2 & 4**



**Blueberry Hill  
Cafe #3**

