



**MINUTES OF A PUBLIC HEARING OF THE ZONING BOARD OF APPEALS OF
THE TOWN OF NEW LEBANON HELD ON APRIL 3, 2018
ON A REQUEST MADE BY MIKE MUNSINGER (TM #19.2-1-51) FOR
A VARIANCE FROM CHAPTER 162 SIGNS AND POSTERS AND
A SIDE LOT LINE VARIANCE FOR A STORAGE SHED (Unapproved)**

Present: Anthony Murad, Zoning Board of Appeals Chairman
Ted Salem, Zoning Board of Appeals Member
Phyllis Stoller, Zoning Board of Appeals Member
Jeannine Tonetti, Zoning Board of Appeals Member

Absent: Chuck Gerald, Zoning Board of Appeals Member

Others Present: CEO Cissy Hernandez, Deputy CEO Jeff Hattat, Mike Munsinger
and Dave Cullen

Case No.: ZBA-2017-008 – Shaker Mill Properties c/o Lori Bashour (19.2-1-51)

Mike Munsinger, owner of M&M Tap Room, is requesting an area variance for a 12' x 18' shed that was built too close to the property line, for which a stop work order was issued. He is also seeking a sign variance for two small signs located near the main entrance of the restaurant.

The applicant has signs on his property in excess of what the sign law permits for which he wants a variance.

CEO Hernandez confirmed the Public Hearing was correctly noticed. The Applicant presented his mailing receipts and proceeded to read the letter he sent to all abutters, which letter was acceptable.

Ted Salem asked if the signs are still up now that football season is over (i.e., Direct TV banner advertising NFL Sundays under the window, and Pabst Blue ribbon sign), and the Applicant confirmed they were still in place. To the left of the bar entrance door is a wire neon light which is the Pabst Blue Ribbon beer sign ("PBR sign"). Below the window is the banner from Direct TV about NFL Sundays. There is also a Coors Light beer sign in the window.

Chairman Murad asked if there was a complaint about the signs; CEO Hernandez confirmed there was. The Applicant was charged with being in excess of the number of signs allowed; the issue being the number of signs, not the size of the signs. There are no signs by the road, although the name of the business appears on the mall marquis and is the standard 2' x 3' size.

With regard to the shed, CEO Hernandez said she has not received any negative comments about the shed. Chairman Murad asked what distance the shed is from the property line,

and CEO Hernandez said it's 3', which is beyond the setback requirement distance from the building to the property line of about 18'-20'. The question is whether a variance for that is warranted.

Member Tonetti asked what kind of a variance does he want? He's 3' from the property line.

The Applicant said another owner has a shed there located in close proximity to each other. During installation of the Applicant's shed, a neighbor came over to assist. The only issue that neighbor (abutter) had was when National Grid installed lights which illuminated the neighbor's backyard.

An abutter, Dave Cullen, lives on the southwest side of the mall. Mr. Cullen is not opposed to the shed, he just has some questions about it: Does it involve any machinery; will it make noise; and is there any significant lighting to be attached to the building. The applicant responded no to each item.

When they first opened, they were allowed to use shared storage in the vacant space next door. In that space, the Applicant stored wood for the pizza oven (he goes through a cord a week), extra supplies, catering equipment, and empty bottles and kegs. Chris, the owner, has since decided to rent that space and has changed the lock, so Mr. Munsinger no longer has access to it. The shed out back stores about two cords of wood, empty bottles and kegs, catering equipment, ornaments, and decorations. It is full but won't be getting bigger. Only the inside of the shed is lit.

Mr. Cullen asked if the Applicant intends to finish the outside of the shed, and Mr. Munsinger confirmed he does. Mr. Cullen said there is currently some kitchen equipment outside the shed which should be stored inside. Mr. Munsinger said they're in the process of emptying the original space and organizing the contents in the shed, and that equipment will be housed in the shed.

Member Salem moved to close the Public Hearing at 7:36 p.m., and Member Stoller seconded it. The motion passed with the following vote:

Phyllis Stoller	Aye
Jeannine Tonetti	Aye
Church Gerald	Absent
Ted Salem	Aye
Chairman Murad	Aye

Respectfully submitted,

Donna M. Gedeon

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Planning/Zoning Clerk