



**MINUTES OF A PUBLIC HEARING OF THE ZONING BOARD OF APPEALS (unapproved)  
OF THE TOWN OF NEW LEBANON HELD ON JUNE 5, 2018  
ON A REQUEST MADE BY STEWART'S SHOPS CORP. (TM #19.2-1-48) FOR A  
SIDE SETBACK VARIANCE FOR PLACEMENT OF A DIESEL AND KEROSENE ISLAND**

---

**Present:** Anthony Murad, Chairman  
Ted Salem, Member  
Phyllis Stoller, Member  
Jeannine Tonetti, Member

**Absent:** Chuck Gerald, Member

**Others Present:** Jeff Hattat, Deputy CEO; and Chris Potter

---

**Case No. ZBA-2018-007 Crismik (19.2-1-48).**

*Stewart's Shops Corp. is requesting a side setback variance for placement of a diesel and kerosene island. Stewart's proposes a 5' setback where 10' is required.*

Upon proof of publication, Chairman Murad opened the public hearing at 7:06 p.m.

No members of the public, other than Chris Potter, who appeared on behalf of Stewart's Shops Corp., the Applicant, were present for comment. No written communications from the public had been received.

The Applicant is proposing the installation of a high-flow diesel and kerosene dispenser for general public use. Diesel fuel will also be available at the regular gasoline tanks, but this tank/island will be for the use of large trucks. Mr. Potter explained the reason they need the setback is due to the overall width of the lot. By the time they get the driveway set, as determined by the New York State DOT, and construct the building with parking, they will need this area for placement of the kero island.

Chairman Murad asked if paving will be to the edge of the property or will there be a barrier. Mr. Potter said a retaining wall with a fence on top will separate the property from the adjoining owner's (Larabee) property, and there will be 5' until you get to the pavement. Planting will be on the higher side. The fuel depot island will be right at the beginning of where the plantings are – the planter will come up in front of it. This placement is an effort to allow trucks more access to go around the building.

Chairman Murad asked if the Applicant had been in front of the Planning Board and if they had any issue with respect to the island. Mr. Potter said they had appeared before the Planning Board who had no issue with the island.

Chairman Murad asked if there were any other questions, and there were none. He then made a motion to close the public hearing at 7:10 p.m. Jeannine Tonetti seconded the motion, which carried on the following vote:

Phyllis Stoller  
Jeannine Tonetti  
Chuck Gerald  
Ted Salem  
Chairman Murad

Aye  
Aye  
Absent  
Aye  
Aye

Respectfully submitted,

*Donna M. Gedeon*

Donna M. Gedeon  
Planning/Zoning/CEO Clerk