



**MINUTES OF A PUBLIC HEARING OF THE ZONING BOARD OF APPEALS (unapproved)  
OF THE TOWN OF NEW LEBANON HELD ON AUGUST 7, 2018  
ON A REQUEST MADE BY HERBERT & DARLENE JONES (TM #7.-1-21.200)  
FOR AN AREA VARIANCE TO BUILD A 24' X 36' GARAGE**

---

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

**Absent:** Chuck Geraldi, Member  
Ted Salem, Member

**Others Present:** Cissy Hernandez, CEO; Jeff Hattat, Deputy CEO; Herbert & Darlene Jones;  
Darrell Pucciarello; Kevin C. Smith, Sr.; Gaston Robert, Jr.; Cathy Wilkerson

---

**Case No. ZBA-2018-008 – Herbert & Darlene Jones (7.-1-21.200)**

*Herbert & Darlene Jones are requesting an area variance to build a 24' x 36' garage on their residential property.*

Upon proof of publication, Chairman Murad opened the public hearing at 7:01 p.m. He explained that two board members were missing; a quorum of three votes is needed, and the Applicant has the option of postponing the Public Hearing until a full Board is present, or going ahead and taking the chance that all members present will vote to grant the requested variance. The Applicant decided to proceed.

Herb Jones explained the garage project and why a variance was needed. The garage will be 10' away from the property line. It's the only flat spot available without affecting the septic or the well or getting too close to the stream. The grade on the other side of the house is too steep, and they'd have to put a driveway across the septic to get back there. The well is located at the back of the property.

Chairman Murad asked if anyone had any comments for or against the plan. Cathy Wilkerson, an abutting property owner, was present and asked the Applicant to show her on the map where the garage will be placed. She is not opposed to the project; she just wanted to know where it will be located and wanted to know if it is near the little stream. Mr. and Mrs. Jones showed Ms. Wilkerson and the Board where the garage will be located and continued to explain why this location was the only available option for the placement of same.

No written communications from the public had been received.

Chairman Murad explained this is exactly what the Zoning Board of Appeals does. Every property is different and has its own issues. People should not be prevented from enjoying their property; they just can't do it at the expense of other people. The ZBA acts as a relief valve so if a law cannot be complied with in its entirety, the Board is authorized to grant a variance of the law.

Chairman Murad asked if there were any other questions, and there were none. He then asked for a motion to close the public hearing at 7:07 p.m, which motion was made by Phyllis Stoller and seconded by Jeannine Tonetti. The vote carried as follows:

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

Respectfully submitted,

*Donna M. Gedeon*

Donna M. Gedeon  
Planning/Zoning Clerk