



**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 DARRELL PUCCIARELLO (TM #29.-1-67)
FOR AN AREA VARIANCE TO DEMOLISH AN EXISTING HOME (24' x 45')
AND REPLACE IT WITH A MODULAR HOME (26' x 50')**

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

Absent: Chuck Gerald, 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.

Case No. ZBA-2018-009 – Darrell Pucciarello (29.-1-67)

Darrell Pucciarello is requesting an area variance to demolish an existing home (24' x 45') and replace it with a modular home (26' x 50') on his residential property.

Upon proof of publication, Chairman Murad opened the public hearing at 7:08 p.m. He explained that two board members were missing; a quorum of three votes is needed, and the Applicant had 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.

No members of the public were present for comment. However, a letter had been received from an abutter, Dr. Carol Joyce-Blood, in which she said she is not opposed to the project; however, she will be at her neighboring property during the month of August and did not want her solitude disturbed by the construction. She requested the project be held off until September. Dr. Blood had called the Applicant to discuss this, and the Applicant said he has taken her wishes into consideration.

No other written communications from the public had been received.

The Applicant explained his intended plans and where the new house will be located on his property. In addition, the part of the project concerning the moving of a sunroom to the front of the garage is no longer going forward. The house is falling down and needs to be replaced. To move the sunroom to the front of the garage doesn't make any sense and costs too much money.

The Applicant said he has remeasured the property and believes he actually has 71' on both sides, so he doesn't feel he needs a variance. Chairman Murad strongly suggests that the Applicant proceed with the variance since he doesn't have a survey showing the actual measurements. Once the variance is granted, he will then have proof that the work he is doing has been authorized. The Applicant is not permitted to make his own

measurements; he needs a registered surveyor to do it. If the variance is granted, he will be covered, regardless of what the measurements turn out to be. The Applicant wouldn't want to go through with the building only to have the Code Enforcement Officer later determine that he did, in fact, require a variance.

Jeannine Tonetti said the garage doesn't require a variance as it's already there and the applicant will not be adding on to that, so that doesn't require any action by the Board.

Phyllis Stoller asked how many feet the building will be moving. The Applicant said it will be moved 5' in one direction and 2' in the other direction.

Jeanine Tonetti looked up the requirements in the Zoning Code and said 75' minimum at the front and 50' on the sides is the required setback. The new house is going to be built on the same footprint. It will not be located any further to the front; only the side placement will be extended as the new home is slightly bigger than the existing home.

The Applicant intends to demolish the existing house, first removing the custom-made windows, and will then rebuild when the time comes. As the new house is on the same footprint as the existing house, he only needs a variance for one side. Should he need it, there's plenty of room behind the house.

Chairman Murad asked if there were any other questions, and there were none. He then made a motion to close the public hearing at 7:17 p.m. Jeannine Tonetti seconded the motion, which carried on the following vote:

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

Respectfully submitted,

Donna M. Gedeon

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Planning/Zoning/CEO Clerk