



Present: Anthony Murad, Chairman
Chuck Geraldi, Member
Ted Salem, Member
Jeannine Tonetti, Member

Absent: Phyllis Stoller, Member

Others Present: Cissy Hernandez, CEO; Jeff Hattat, Deputy CEO; Chris Potter

I. Call to Order

Chairman Murad called the regular meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:00 p.m.

II. Minutes Review

Upon review of the April 3, 2018, Regular Meeting minutes, a motion was made by Jeannine Tonetti, and seconded by Anthony Murad, to accept the minutes as submitted, and the vote carried, as follows:

Chuck Geraldi	Abstained
Ted Salem	Aye
Phyllis Stoller	Absent
Jeannine Tonetti	Aye
Chairman Murad	Aye

III. Regular Meeting

Case No. ZBA-2018-006 Crismik (19.2-1-48),

Stewart’s Shops Corp. is requesting a sign variance for a 39’ sf freestanding sign which exceeds the permitted size by 15’ sf.

Chris Potter appeared on behalf of Stewart’s Shops Corp., the Applicant herein, which is making its submission with the permission of the current owner of the property, Crismik.

On the existing Stewart’s site located across the street, the current freestanding sign is 8’ wide (44 sf). The sign proposed for the new location will replace the current sign and be decreased to 6’6” wide (39 sf). Chairman Murad asked why the sign is being replaced, and Mr. Potter explained that the current sign has a great deal of white/unused space. It’ll be the same type of sign, just smaller. There will be no sign on the gas canopy; there will be one sign (17 sf) over the front door.

Jeannine Tonetti asked for an explanation of the proposed project. Chairman Murad said the Applicant is buying Sonny's, demolishing the building, building a new store and installing new gas tanks. The new store will be built directly behind the current E-Z building. Parking cannot be located at the rear of the building as the septic will be located there. The Planning Board has addressed this issue, and approved parking at the front of the building.

The Applicant said there will be a storm water management area, but the problem is where to discharge into as the State has determined the area is very shallow. Chairman Murad said that is a Planning Board issue. The Applicant said retaining walls will be installed.

Member Ted Salem moved to schedule the public hearing on the sign variance for the June 5, 2018, meeting. The motion was seconded by Jeannine Tonetti and carried on the following vote:

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

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.

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.

The DOT is requiring there be directional signs installed, directing drivers to enter through one location and exit through another. CEO Hernandez asked if the Applicant had already reached out to the DOT, and Mr. Potter said they have; however, they are slow to respond. Documentation was submitted to the DOT (Joe Visconi) eight months ago for the parcel across the street, and the Applicant has since advised the DOT that the plan has been relocated. The DOT provided the Applicant with some suggestions and comments, which have been incorporated on the new site. They have not heard back from the DOT at this point. The State standard for the size of the driveways is 16'; however, the Applicant advised the DOT that that width wouldn't allow access to the parcel by fuel tankers, so the driveway width was increase to 20'. All fuel deliveries come from Albany.

The existing curbing on Route 20 will be replaced with a new concrete curb. Chairman Murad said the curbing is now the responsibility of the property owner.

Member Tonetti asked about the reduced 5' setback, which was supposed to be 10'. The Applicant said a retaining wall with a fence on top will separate the property from the adjoining owner's (Larabee) property.

With regard to the kerosene island, Chairman Murad asked if that will be an actual structure, and the Applicant said it will just be a pump on a concrete island, not covered with a canopy.

Member Tonetti moved to schedule the public hearing on the side setback variance for the June 5, 2018, meeting. The motion was seconded by Member Salem and carried on the following vote:

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

Member Gerald moved to close the meeting at 7:17 p.m. and Member Salem seconded. The motion carried with the following vote:

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

Respectfully submitted,

Donna M. Gedeon

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Planning/Zoning/CEO Clerk