



Town of New Lebanon
Zoning Board of Appeals Minutes - unapproved
February 5, 2019

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

Absent: None

Others Present: Cissy Hernandez, CEO; Michael Benson; Joe Benson; Tegan Joy Cook

I. Call to Order

Chairman Anthony 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 January 15, 2019, special meeting minutes, a motion was made by Ted Salem, and seconded by Jeannine Tonetti, to approve the minutes as submitted. The vote carried as follows:

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

III. Regular Meeting

Upon conclusion of the Public Hearing on Case Nos. ZBA-2019-001 and Case No ZBA-2019-002, Chairman Murad called the resumption of the Regular Meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:10 p.m.

Case No. ZBA-2019-001–Christine Benson/Shadow Brook Farm, LLC (19.-1-58)

(Public Hearing) The Applicant is requesting an area variance to build a farm stand on its property located at 2479 County Route 5, the location being 55' from the center of County Route 5.

Michael Benson and Joe Benson appeared on behalf of the Applicant and explained that the Applicant wished to install a 20' x 20' farm stand on its property with an additional

10' x 20' of freezer space, for a total of 20' x 30', which building would be used to sell the Applicant's farm-raised meat.

The Applicant is unable to locate the building 75' from the road, as required by the Town Code, since that would place it in the middle of their driveway. Therefore, they are requesting a 20' variance from the setback requirements which would allow the farm stand to be placed in a location that is easily accessible and is, with the topography of the land being an issue, the most level spot on the property.

Chairman Murad asked if anyone had any additional questions, and Member Tonetti said she's sympathetic to their plight because they're putting the building in the right place, even though it doesn't conform to the setback requirements, and she doesn't see any problem with it.

Member Tonetti made a motion to grant a 20' variance to the setback requirement because this is the best place for the building to be located due to the topography of the land. The motion was seconded by Member Stoller, and the vote carried, as follows:

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

Case No. ZBA-2019-002 – Tegan Joy Cook (20.1-1-60.1)

(Public Hearing) The Applicant is requesting an area variance (sign law) for excessive signage on her property located at 435 US 20.

The Applicant appeared on her own behalf and said she wishes to place two single-sided signs of 24 sf on the island at the edge of either end of her driveway which would allow passersby to see the signage no matter which direction they were coming from. While these two signs would be placed on either side of the driveway, she confirmed that wording would only appear on one side of each sign. [The Applicant is entitled to one 24 sf double-sided sign, but she would be splitting them into two single-sided signs with the back side of each remaining blank.] The signs will be installed once the weather improves.

Member Tonetti suggested removing the American flag and the New Lebanon 200 sign currently located in front of the Applicant's store as they are clutter at this point. Member Tonetti said she confirmed with the Town Supervisor that the Town will be removing both of those signs. She asked if the Applicant had discussed with her landlord the removal of the old gas sign on the property, and the Applicant said she has not.

The variance is required because the Applicant is asking to install two double-sided signs of 24 sf, which wouldn't be allowed anywhere else in town, but the Applicant has the special circumstance of lack of visibility.

Member Salem confirmed the variance will be for two freestanding, one-sided 24 sf signs, where one is currently allowed, both having identical messaging, located outwardly facing traffic, and that the large sign for which the Applicant was previously granted a variance be removed. Chairman Murad said there has to be a reason for granting the variance, and in this case, the reason is visibility on either side. Furthermore, the pole containing the large sign may remain for future use, but the signage must be removed, or be made opaque if it is left standing.

Member Salem made a motion that the Board grant the requested variance for 2 one-sided, 24 sf signs, for one business, to be ground mounted at either end of the driveway, because of the unique circumstances of that particular property, in particular the lack of visibility coming via vehicle and the profusion of other objects in that space. In addition, the existing large sign will be removed. The motion was seconded by Chairman Murad, and the vote carried, as follows:

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

With no further business before the Board, Chairman Murad asked for a motion to close the meeting at 7:20, which motion was made by Member Geraldi and seconded by Member Stoller. The vote carried, as follows:

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

Respectfully submitted,
Donna M. Gedeon
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Planning/Zoning Clerk