



**Town of New Lebanon
Zoning Board of Appeals Minutes – unapproved
November 7, 2023**

Present: Anthony Murad, Zoning Board of Appeals Chairperson
Charles Gerald, Zoning Board of Appeals Member
Ted Salem, Zoning Board of Appeals Member
Phyllis Stoller, Zoning Board of Appeals Member
Jeannine Tonetti, Zoning Board of Appeals Member

Absent:

Others in Attendance: Lori Berube, Henry Grossbard and Paul Gurda

I. Call to Order 7:00pm

II. Public Hearing

Case No: ZBA 2023-004– Area Variance Berube/Grossbard [TM # 19.0-1-33.1]

Area Variance for single family home and Gazebo

Property Owner: Lori Berube and Henry Grossbard

Applicant: Paul Gurda

Paul Gurda gave an in depth description of what the property owners would like to do with the property. Due to a ledge outcropping, the 100' setback from the pond would prevent the proposed house from having a direct view of the pond. Moving it to a spot 50' from the pond would allow for a full view of the pond from the house.

Motion to close the Public Hearing made at 7:15pm by Board Member Salem and seconded by Board Member Stoller. the vote carried as follows:

Chairman Anthony Murad-	Aye
Board Member Ted Salem-	Aye
Board Member Jeanine Tonetti-	Aye
Board Member Charles Gerald-	Aye
Board Member Phyllis Stoller-	Aye

III. Regular Meeting

Board Chairperson Murad opened the regular meeting at 7:16pm

The Board of appeals considered the five factors:

1. Conformity to neighborhood:

The proposed variance will not have an undesirable effect on the neighborhood.

2. Alternative : If the pond is to be seen, there is no alternative to the proposed siting.

3. Environmental: No environmental issues were identified.
4. Substantiality Due to the lot size and topography, the Board determines that the variance is not substantial.
5. Self-created hardship. The request is a self-created hardship, in that the owners knew or should have known of the setback requirements. However, in area variances this is not fatal to the request.

The Board voted unanimously to grant the 50' variance for both the proposed house and Gazebo

Board Member Salem made a motion to approve the request for a 50' variance for the Gazebo and the house. Seconded by Board Member Stoller. the vote carried as follows:

Chairman Anthony Murad-	Aye
Board Member Ted Salem-	Aye
Board Member Jeanine Tonetti-	Aye
Board Member Charles Gerald-	Aye
Board Member Phyllis Stoller-	Aye

Board reviewed October 3rd meeting minutes and board member Salem made a motion to accept them into the records, Board Member Tonetti seconded.

Chairman Anthony Murad-	Aye
Board Member Ted Salem-	Aye
Board Member Jeanine Tonetti-	Aye
Board Member Charles Gerald-	Aye
Board Member Phyllis Stoller-	Aye

Board Member Gerald made a motion to close the Zoning Board of Appeals meeting at 7:30 PM . Member Salem second the motion, the vote carried as follows:

Chairman Anthony Murad-	Aye
Board Member Ted Salem-	Aye
Board Member Jeanine Tonetti-	Aye
Board Member Charles Gerald-	Aye
Board Member Phyllis Stoller-	Aye

Respectfully Submitted,

Samantha Long
ZBA Clerk