Town of New Lebanon
Zoning Board of Appeals Minutes – unapproved
July 7, 2026

Present:	Tony Murad, Zoning Board of Appeals Chairperson Ted Salem, Zoning Board of Appeals Member Meghan, Knoll, Zoning Board of Appeals Member Sharon Powers, Zoning Board of Appeals Member Chuck Geraldi, Zoning Board of Appeals Member
Others Present:	Andrew Clark (Legal Counsel), Brendon Becker, Alicia Legland, Elizabeth Brutsch, Michael Brutsch, Dawn Brutsch, Amy Brueckmann, Matt Baker, Joshua Young, Abbie Shoobs, Adrian Shoobs, Peg Munves

I. Call to order:

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

II. Minutes review

Upon review of the January 6th, Public Hearing & Regular Meeting minutes, a motion was made by Board Member Salem, seconded by Board Member Powers and carried to the following vote:

Chairman Murad – Aye
Board Member Salem – Aye
Board Member Powers – Aye
Board Member Knoll – Aye
Board Member Geraldi - Aye

III. Regular Meeting/Case Review:

Case No: PB 2026-003 – Area Variance – Umar Khan – TM# 19.1-1-27
Applicant(s): Umar Khan Agent: Matt Baker

Applicant seeking area variance for the installation of fence along western and southern property lines.

Upon conclusion of the public hearing, the Board Members then discussed the factors applicable to this application. Those factors are as follows:

1) **Compatibility** – The Board acknowledges that the request made by the applicant is not incompatible with the neighborhood.

2) **Feasible Alternatives** – The Board acknowledges that to the applicant, there is no other alternatives, though Board Members Knoll and Powers acknowledge that feasible alternatives could be found.

3) **Substantiality** – The Board acknowledges that the request for an eight (8) foot fence along the western boundary is a substantial difference to current zoning codes, but said substantial request is mitigated by the recessing of the applicants fencing. The applicant's agent has agreed to stagger the eight (8) foot fencing by beginning the eight feet sections 30 feet from the corner of the Route 20 corridor portion.

4) **Environmental** – The Board acknowledges that this request has no significant impact on changes to the environment, as the variance request is not changing anything significant to the environmental factors.

5) **Self-Created Hardship** – The Board acknowledges that this request is a self-created hardship, but said hardship is not fatal to an area variance approval.

Board Member Knoll motioned to approve the area variance, subject to the findings above with said motion seconded by Board Member Salem and carried to the following vote:

Chairman Murad – Aye
Board Member Salem – Aye
Board Member Powers – Nay
Board Member Knoll – Aye
Board Member Geraldi – Aye

Case # PB-2025-011 – Area Variance – Tilden Project LLC (TM# 19.2-1-69)

Applicant(s): Joshua Young

Applicant seeking area variance for 41-unit, mixed use building.

At this juncture, Chairman Murad was recused prior to deliberations on this application and Board Member Salem appointed Interim Chair. The Board reiterated to members of the public, that no further public comments were being received at this time, as the public comment section of the application was closed and the applicant had waived their 62-day notice at the last meeting, held in September 2025. The applicant was invited to present any updates to the application, which Mr. Young indicated that the application with the Planning Board had received a negative declaration relating to the SEQRA and was now moving forward with Site Plan Review and Special Permit application. Upon conclusion the Board entered deliberations relating to the following five factors:

1) **Adverse Effect** – Board Members had a lively discussion regarding this factor, with Board Member Geraldi arguing his thought that the project would have an undesirable change to the neighborhood, in conjunction with many public comments received during the Planning Board's SEQRA process. Interim Chair Salem indicated that his stance had not substantially changed since the September meeting. Visually the project meets zoning requirements as presented. Concerns regarding noise, light pollution and other environmental factors were covered in the Planning Board's review and that by concentrating development in the newly zoned central commercial district would help in reducing impact on the rest of the municipality. Board Member Geraldi disagreed with this sentiment, by echoing other concerns particularly with the number of new residents in a small area and that the project would greatly change the density of the downtown area.

2) **Feasibility** – The Board concurred that due to the utilized specific funding source, as relating to affordable housing, there was no apparent alternative other than the request for this variance.

3) **Substantiality** – Most members of the Board, while considering this factor, agreed that the request for said variance would not be substantial by adding 13 units to the project. Board Member Geraldi disagreed with this sentiment, stating that by the addition of these extra units, it thereby creates a substantiality issue.

4) **Adverse Impact on Physical Environment** – The Board agreed to defer to the Town of New Lebanon Planning Board, as lead agency on the project and its determination as relating to SEQRA.

5) **Self-Imposed Hardship** – The Board agreed that due to the applicants pursuit of a specific funding stream for a specific goal was a conscious decision and thus was a self-imposed hardship, but was not fatal to the application despite being self-imposed.

Board Member Knoll made a motion to approve the area variance request with said motion being seconded by Board Member Powers and carried to the following vote:

Board Member Salem – Aye
Board Member Powers – Aye
Board Member Knoll – Aye
Board Member Geraldi – Nay

IV. Adjournment

A motion was made by Board Member Geraldi to adjourn the regular meeting, seconded by Board Member Knoll and the motion was carried by the following vote:

Board Member Salem - Aye
Board Member Geraldi – Aye
Board Member Knoll – Aye
Board Member Powers – Aye

Interim Chair Salem called the regular meeting to close at 8:02pm.

Respectfully Submitted,

Courtney Potter
Planning/Zoning Clerk