



Present: John Dax, Zoning Board of Appeals Chairman  
Charles Geraldi, Zoning Board of Appeals Member  
Jeff Hattat, Zoning Board of Appeals Member  
Tony Murad, Zoning Board of Appeals Member  
Phyllis Stoller, Zoning Board of Appeals Member  
Jeannine Tonetti, Zoning Board of Appeals Member

Others Present: Paul and Lisa St.Germain, Mr. and Mrs. William Stelling, Bob and J.J and Smith

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**I. Call to Order:**

Chairman Dax called the regular meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:30 pm.

**II. Minutes Review:**

Upon Review of the April 5, 2011 minutes, a motion was made by Jeannine Tonetti , seconded by Tony Murad to approve them as submitted. The motion carried upon the following vote:

Chairman Dax	Aye
Charles Geraldi	Aye
Jeff Hattat	Aye
Tony Murad	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

**III. Public Hearing:**

**Case No: ZBA-2011-008 – William Stelling [TM# 18.-1-34.2]**

Public Hearing: Request for Front Setback Variance. The variance is requested to obtain relief from the required setback of 75 feet. Requested setback is 58 feet.

No comments concerning the requested variance were received by the ZBA. Chairman Dax moved to close the above noted public hearing. The motion was seconded by Tony Murad and carried on the following vote:

Chairman Dax	Aye
Charles Geraldi	Abstained
Jeff Hattat	Abstained
Tony Murad	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

**IV. Regular Meeting:**

**Case No: ZBA-2011-008 – William Stelling [TM# 18.-1-34.2]**

Request for Front Setback Variance. The variance is requested to obtain relief from the required setback of 75 feet. Requested setback is 58 feet.

After reviewing the request and the applicants' reasons, and receiving no comments from abutters or other members of the public, the ZBA, determined that: granting the request would not create an undesirable change in the character of the neighborhood or detriment to nearby properties; due to the topography of the parcel no reasonable alternative to the requested variance appears feasible; the variance is not substantial; and no adverse impact on the physical or environmental conditions in the neighborhood would result. The ZBA granted the requested variance, not to exceed seventeen (17) feet into the prescribed front setback area, as shown on the attached drawing, upon the following vote:

Chairman Dax	Aye
Charles Geraldi	Abstained
Jeff Hattat	Abstained
Tony Murad	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

**Case No: ZBA-2011-016 – Paul St. Germain [TM# 10.3-1-35.2]**

Preliminary Review: Request for an SUP for a HO2. Applicant wishes to construct a studio for the purpose of a home occupation to design & construct custom furniture

Paul St. Germain stated that he has been a furniture maker for many years. He is a sole proprietor and who works alone. He has a low volume output making one piece at a time and there is minimal impact to the neighborhood. He also mentioned that there would not be any increased traffic. The only exception would be a lumber delivery by UPS from time to time, but most of the time he picks up his own lumber.

Tony Murad mentioned a letter received by a neighbor, Blossom Hasher expressing some concerns. He asked the distance from the proposed shop to her home. Chairman Dax asked if there was an access easement to his property on the Stouter/Hasher property. Paul St. Germain said "Yes". Chuck Geraldi asked the distance of the closest house. Paul St. Germain said approximately 200 ft.

Chairman Dax stated that section 13.2.1.3 of the ordinance indicates that the maximum noise level at the property line applicable to the use involved shall not exceed 70 dB as measured in accord with the procedure specific by the American National Standards Institute (ANSI). He furthered that ANSI has a scale that can be used to determine the calculation for attenuation in relation to the number of feet that are relevant. Paul St. Germain stated that he spoke with an acoustical engineer who told him that 70 dB is the equivalent of standing 5 feet from a vacuum cleaner. He stated that he also has a letter from his current land lord on Route 20 who can verify that the noise has never been an issue.

Chairman Dax asked if the Home Occupation would be conducted within the confines of the building. Paul St. Germain stated "Yes". Chairman Dax asked if he will hire employees. Paul St. Germain stated that he would like the opportunity to do so in the future.

Chuck Gerald stated that a dB reader can be purchased for approximately \$100.00. Chairman Dax stated that the ANSI standards are easily obtainable and feels no need for the applicant to purchase a dB reader.

Jeannine Tonetti referenced the letter from Blossom Hasher and asked what the eco sensitive issues were. Paul St. Germain stated that he wasn't sure but he thinks that maybe Ms. Hasher thinks that he plans on setting up shop further down the property and closer to the creek. Chairman Dax stated that if the distance to the creek is an issue it would need to be dealt with by the Zoning Enforcement Officer.

Tony Murad moved to set the public hearing for next month's regularly scheduled meeting. Chairman Dax seconded the motion that carried on the following vote:

Chairman Dax	Aye
Charles Gerald	Abstained
Jeff Hattat	Abstained
Tony Murad	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

**V. New Business**

Jeannine Tonetti informed the Board that she would not be in attendance at next month's regularly scheduled meeting.

**VI. Adjournment**

The meeting adjourned at 8:00 pm

Respectfully submitted,

Cissy Hernandez  
Planning/Zoning Clerk