



Town of New Lebanon  
Zoning Board of Appeals Minutes - Approved  
February 5, 2013

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

Absent: Jeff Hattat, Zoning Board of Appeals Member

Others Present: Richard Beckwith, Jacob Beckwith, Bob Smith, Bruce Baldwin, Larry Benson, Brian Baker

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**Call to order:**

Upon closing the public hearing scheduled for Mr. Richard Beckwith, Chairman Murad called the regular meeting of the Town of New Lebanon Zoning Board of Appeals to order at 7:35 pm.

**Minutes Review:**

Upon review of December 2012 regular meeting and public hearing minutes a motion was made by Phyllis Stoller, seconded by Jeannine Tonetti to approve them as submitted. The motion carried on the following vote:

Anthony Murad	Aye
Jeff Hattat	Absent
Ted Salem	Abstained [was not a member in December 2012]
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

Upon Review of the January 2013 regular meeting minutes and public hearing minutes a motion was made by Ted Salem, seconded by Anthony Murad to approve them as submitted. The motion carried on the following vote:

Anthony Murad	Aye
Jeff Hattat	Absent
Ted Salem	Aye
Phyllis Stoller	Aye
Jeannine Tonetti	Aye

## **Case Review:**

► **Case No.: ZBA-2013- Richard Beckwith – (19.1-1-29.1 & 29.2)** Request for an appeal/interpretation regarding ZEO denial of a proposed smoke house). ZEO denial based on the proposed use is not listed in the Use Table; therefore prohibited.

Upon closing the public hearing scheduled for Mr. Richard Beckwith's request for a Smoke House Jeannine Tonetti stated that she saw no problems or issues with the request. Ted Salem asked for more information regarding the smoke emissions.

Mr. Beckwith brought samples of the hickory sawdust that he uses. There are no offensive odors. The effluent would be hickory smoke and they only burn about 3 gallons per six hours. Different varieties of woods are also used such as maple and apple but all are nice smelling.

Chairman Murad asked if there was any comparison to an outdoor wood burning furnace. Jacob Beckwith, an FDA inspector, stated that there is a big difference between an outdoor wood burning furnace and a smoke house. The smoke house releases more moisture than smoke. Chairman Murad asked if the actual smoker was more like an appliance added to the existing kitchen. Richard Beckwith replied: "Yes" and it will be vented on the north side of the building.

Jeannine Tonetti asked how many days per week he planned to be operational. Richard Beckwith said: "Five day per week, hopefully". They burn/smoke about 1,000 – 3,000 pounds of meat per week.

Ted Salem asked more about the sights, sounds and odors. Richard Beckwith stated that it will be vented at the north side of the building and will not be visible from Route 20. If one were to drive into the establishment they would most likely smell hickory but it would not be wafting onto Route 20. Jacob Beckwith reiterated that the smoke emissions are minor. It is essentially heat and moisture. Phyllis Stoller stated that it essentially seems like a kitchen appliance used for cooking but what she doesn't understand is how the operation fits as a 'farm operation'. Richard Beckwith stated that he would like to resurrect the irrigation portion of the property. He would like to grow his own vegetables to use as ingredients. He is also considering raising lambs. He would prefer not raising goats because they go all over the place. There is a good water source on the property and lambs are relatively easy to care for. Jacob Beckwith said that as far as aromas are concerned, people will mostly smell seasonings just as though someone were cooking supper. Very little smoke is emitted.

Ted Salem asked about traffic. Richard Beckwith stated that he would most likely have fresh product delivered via refrigerated truck. There would be approximately two to three deliveries per week. As far as employees it will just be himself for a while. Eventually, he may hire two or three employees but there would not be much increased traffic at all.

Larry Benson asked if he would be retailing at the site. Mr. Beckwith stated that he doesn't do retail at his establishment in Canaan but it's kind of forced on him a little bit because there is no place to buy meats locally. Maybe if someone came in and wanted to buy something he would consider it. He primarily showcases different producers in the area and can labelize.

Ted Salem stated that he feels that the section of the Farm Operation definition in the Zoning Ordinance that reads "produced on premises" is a stretch in this case. Phyllis Stoller agreed.

Chairman Murad stated while it may be a 'stretch', Mr. Beckwith has already indicated that he will raise livestock and grow his own vegetables for use in preparing his product. Additionally, Chairman Murad said he doesn't see this operation as a detriment to the abutters or the community. The property has been previously used as a farm operation and he views Mr. Beckwith's proposal as fitting the definition of a 'farm operation'.

Jeannine Tonetti stated that she does not view this proposal as a problem. She views it as an ancillary use to a farm operation. There have been no adverse environmental impacts shown and no one was present for the public hearing to protest.

Chairman Murad stated that this proposal does bring up the overall intent of the 'right to farm law'. He stated that he supports farming but he does realize that it can be a problem. The law was well intended and was originally adopted to protect existing farmers from new people moving near them and complaining about noise and odors and putting the farmers out of business. The law currently reads 'existing and future' and he thinks this could potentially be problematic. The Town Board should take a look at revising it.

Phyllis Stoller moved that the "smoke house" is an accessory use to the farming operation and therefore permitted. The motion was seconded by Ted Salem and carried on the following vote:

Anthony Murad	Aye
Jeff Hattat	Absent
Ted Salem	Aye
Phyllis Stoller	Aye
Jeanine Tonetti	Aye

Adjournment:

The meeting adjourned at 8:00 pm

Respectfully submitted,

Cissy Hernandez  
Planning/Zoning Clerk