



## Town of New Lebanon

Planning Board regular meeting minutes – unapproved  
March 16, 2016

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**Present:** Ray Herrmann, Planning Board Chairman  
Michael Blatt, Planning Board Member  
Jerry Grant, Planning Board Member  
Greg Hanna, Planning Board Member  
Wes, Powell, Planning Board Member  
Bob Smith, Planning Board Member

**Absent:** Josh Schuster, Planning Board Member

**Others Present:** Cynthia Creech; Fred Haley; Dan Tuczinski, Attorney for the Town

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Chairman Herrmann opened the regular meeting of the Town of New Lebanon Planning Board at 7:35 pm.

### Minutes Review:

Upon review of the 02.17.16 meeting minutes and public hearing minutes a motion was made by Jerry Grant and seconded by Wes Powell to approve them as submitted. The motion carried on the following vote:

Ray Herrmann	Aye
Michael Blatt	Abe
Jerry Grant	Aye
Greg Hanna	Aye
Wes, Powell	Aye
Josh Schuster	Absent
Bob Smith	Aye

### Regular Meeting:

#### **Case No.: PB-2016-001 – Land of Christine Dreyfus - ITM# 18.-1-67.11**

Request for two lot minor subdivision Total acreage located on Hand Hollow Rd (County Rt. 34) Lot 1: 50 acres; to be retained – Lot 2 453+ to be conveyed  
Agent: Fred Haley – map dated: 01.27.16

Fred Haley, PLS, acting as agent for the applicant, indicated that that lot #2 has not been percolated as it is currently vacant land with no development planned.

Upon review of the completed Short Environmental Assessment Form (SEAF) Ray Herrmann moved to issue a negative declaration. The motion was seconded by Bob Smith and carried on the following vote:

Ray Herrmann	Aye
Michael Blatt	Abe
Jerry Grant	Aye
Greg Hanna	Aye
Wes, Powell	Aye
Josh Schuster	Absent

Bob Smith                      Aye

Upon review of the application Bob Smith moved to approve the request for a two-lot minor subdivision with lot #2 being un-percolated. Wes Powell seconded the motion that was carried on the following vote:

Ray Herrmann              Aye  
Michael Blatt                Abe  
Jerry Grant                  Aye  
Greg Hanna                  Aye  
Wes, Powell                 Aye  
Josh Schuster               Absent  
Bob Smith                    Aye

**Case No.: PB-2015011: The Phoenix Project of Eastern NY – TM#19.2-1-66 and 67**

Deb Gordon is requesting Site Plan Approval

Map Dates: Issue date: 1.09.15; #1 rev.-10.21.15; #2 rev.-01.14.16, #3 rev.-02.08.16, #4 rev.-02.10.16

The applicant was not present. Dan Tuczinski, Attorney for the Town indicated that he has spoken with Ms. Gordon's Attorney and also spoke with Paul McCreary, Engineer for the Town. He further indicated that he feels that this Planning Board has been liberal and fair in its review of this case but the plan simply does not comply with the Town's code. In fact, the applicant has never defined the intended retail use. Since we are dealing with very small lots and underground laterals makes it even more important to know, in advance, what the intended retail is going to be as the septic will not handle uses that included food preparation. Having a cross easement off of West Street over the retail lot into the residential lot is also not an acceptable ingress/egress for the residential lot. The residential lot should have its own separate driveway off of Route 20 which would be subject to D.O.T approval and the map, in general, needs more detail. Mr. Tuczinski suggested that the Planning Board send Ms. Gordon a communication indicating that the application be revised to include the information that the Board needs to move forward. If the applicant does not wish to do that; then the Planning Board would have every right to deny the request. If however; the applicant decides to revise her plan the Board would then be able to re-open the public hearing in order to move forward in its review. In order to re-open the public hearing the Board will have to vote to rescind the motion that closed the original public hearing and then re-open the new public hearing.

A motion was made by Wes Powell to authorize the clerk to draft a letter to Ms. Gordon to be reviewed by the Town Attorney before it is mailed. The motion was seconded by Bob Smith and was carried on the following vote: [See attached communication]

Ray Herrmann              Aye  
Michael Blatt                Abe  
Jerry Grant                  Aye  
Greg Hanna                  Aye  
Wes, Powell                 Aye  
Josh Schuster               Absent  
Bob Smith                    Aye

**New Lebanon Farmer's Market – Possible Relocation**

Cynthia Creech indicated that she is representing the New Lebanon Farmer's Market in this matter. The Farmer's Market is currently being held at Windswept Farm but they are considering moving to another location. One consideration is Shatford Park owned by the Town. She submitted a site plan of Shatford Park while noting that the Town's Comprehensive Plan supports Farmer's Markets as well as Agri-tourism.

Michael Blatt asked if the Farmer's Market has reached out to the Town Board for approval. Ms. Creech said that Colleen Teal, Town Supervisor has contacted the Town's insurance company who indicated that this would not be a problem for the Town from an insurance prospective.

Chairman Herrmann asked if there would be any overlapping of schedules with the little league. Ms. Creech said: "No".

Ms. Creech asked if what she has submitted would qualify as a sketch plan. Chairman Herrmann noted that there really are no provisions for a Farmer's Market and that the last Farmer's Market, held at the Midtown Mall, was approved under the 'Flea Market' regulations. The Board indicated that this particular request may not require Site Plan Approval since it is being proposed on Town Property and recommended that Ms. Creech seek Town Board approval with positive recommendation from the Planning Board.

**Adjournment:**

Wes Powell moved to adjourn the meeting at 9:35 pm. Greg Hanna seconded the motion that carried on the following vote:

Ray Herrmann	Aye
Michael Blatt	Abe
Jerry Grant	Aye
Greg Hanna	Aye
Wes, Powell	Aye
Josh Schuster	Absent
Bob Smith	Aye

Respectfully submitted,  
*Cissy Hernandez*  
Cissy Hernandez  
Planning/Zoning Clerk



Town of New Lebanon  
 Planning Board  
**DECISION**

FOR OFFICE USE ONLY	
Application Number	PB-2016-001
Application Received	02.02.16
Date of Public Hearing	03.16.16
Date Notice Published:	
Eastwick Press	03.04.16
Columbia Paper	03.03.16
Date of Abutter Notification	03.04.16
Date of County Referral	n/a
Date of Approval	03.16.16
Decision Filed w/Town Clerk	03.16.16

At a meeting of the Planning Board and upon conducting A duly noticed public hearing on **March 16, 2016**, I certify that the Town of New Lebanon Planning Board voted to approve a Minor two-lot subdivision on an application made by:

**Christine Dreyfus**  
 (Applicant name)

Plan Information	
<b>Lands of Christine Dreyfus            County Rt. 34 (aka: Hand Hollow Rd)            New Lebanon, NY</b>	
Map date:	01.27.16

For property located at: County Route 34; New Lebanon  
 Tax map no.: 18.-1-67.1

By: Cissy Hernandez  
 (Planning Board Secretary)

Date: 03.16.16

RECORD OF VOTE:

		Yes	No	Absent	Abstained
Chairman:	Ray Hermann	x			
Member:	Michael Blatt	x			
Member:	Jerry Grant	x			
Member:	Greg Hanna	x			
Member:	Wes Powell	x			
Member:	Josh Schuster			x	
Member:	Bob Smith	x			



Town of New Lebanon  
PO Box 328  
New Lebanon, NY 12125

## Planning Board

Phone: (518) 794-8884  
Fax: (518) 794-9694

### **Town Supervisor**

Colleen Teal

### **Chairman:**

Ray Herrmann

### **Members:**

Michael Blatt  
Jerry Grant  
Greg Hanna  
Wes Powell  
Josh Schuster  
Bob Smith

March 21, 2016

Deborah Gordon  
c/o The Phoenix Project of Eastern NY  
26 Spring Hill Road  
Lebanon Springs, NY 12125

Re: Site Plan Review Application No.: PB-2015-011  
19.2-1-66 and 67

Dear Ms. Gordon:

At last night's regularly scheduled Planning Board meeting your above noted application was discussed with Daniel Tuczinski, Attorney for the Town. Given your absence at this meeting, the Board has requested that I send you this written communication to advise you of the results of its member's discussions in order to provide additional information to you in this matter.

In furtherance of your site plan approval, the *use* of the commercial (proposed retail) space must be more clearly defined because the demands for septic and the type of sewage disposal system remain unknown. As Paul McCreary, PE outlined in a previous communication, the wastewater treatment need is dictated by the type of establishment that will be utilizing the space. The strength of the wastewater for a realtor's office is much different than that of a food preparation and/or dining establishment. This information will be key in the design of the system and is also important in determining available area and the type of system needed. Moreover, this information is also needed in the review of other site plan features and how they may be impacted by the size and type of system which may be required.

The Planning Board suggests two alternatives for your consideration. The first option is to amend the project use portion of the application by generally defining the retail use as: *any permitted retail use or office space with the exception of any commercial use which involves food preparation and/or dining services*. By limiting your application to a permitted use which does not cause excessive demand on the on-site Sewage disposal system, this will help mitigate a potential problematic impact. Of course it is preferable if you can specify what type of commercial use you are proposing and the type of use is relevant to site plan consideration.

The second option is to withdraw your current application at this time without prejudice to you submitting a later application when the specifics of the use proposed are known. Specifics may also be determined in connection with the proposed sale of the premises and perhaps a contingency could be added to the contract conditioning the sale of the premises and retail space upon town approval.

The Board noted that if you choose the first option, the public hearing needs to be reopened and continued as there are several items which have not been furnished, despite previous Board requests. These items must be submitted for review prior to the next regularly scheduled meeting on April 20, 2016. If you cannot meet this deadline and do not contact the Board prior thereto, the Board will respectfully disapprove your current application as it is incomplete. The outstanding items are as follows:

1) An application for a lot line adjustment accompanied by a survey map depicting the new boundary lines and confirming that the proposed septic fields for each lot are wholly within the boundary lines for each parcel must be submitted; 2) The residential lot off Route 20 must show the layout of a driveway for ingress and egress to that parcel along with notes indicating that it is subject to DOT approval; 3) The depiction of the exact location of the septic fields must be shown along with the type and location of protective barriers designed to prevent damage to the septic fields; 4) The depiction of snow storage areas; 5) The depiction of all exterior lighting and verification that the lighting plan will meet current code. Details concerning the type and scope of lighting must also be submitted.

In closing, I would like to convey the Planning Boards appreciation of your efforts to restore a part of the Town's history. Please consider the information provided herein and let us know how you would like to proceed.

If you have any questions of if we can be of further assistance please feel free to contact us.

Sincerely,

Cissy Hernandez  
Planning/Zoning Clerk  
Building/Planning/Zoning Administrator

Cc: Colleen Teal, Town Supervisor  
Town of New Lebanon Planning Board  
Kent J. Pratt, Code Enforcement Officer  
Dan Tuczinski, Attorney for the Town  
Paul McCreary, Engineer for the Town