



Town of New Lebanon

Planning Board Regular Meeting Minutes – unapproved

May 16, 2018

- Present:** Ray Herrmann, Chairman
Elizabeth Brutsch, Planning Board Member
Greg Hanna, Planning Board Member
Wes Powell, Planning Board Member
Bob Smith, Planning Board Member
- Absent:** Michael Blatt, Planning Board Member
Josh Schuster, Planning Board Member
- Others Present:** Cissy Hernandez, CEO; Nick Daniels, Hershberg & Hershberg; Bryan Davis, BBL Construction Services, LLC; Thomas Light, Certified Document Security; Chris Potter, Stewart’s Shops Corp.; David Farren, CAC; JJ Johnson-Smith; Thaddeus Flint; Scott Larabee

I. Call to Order

Chairman Herrmann called the regular meeting of the Planning Board to order at 7:35 p.m.

II. Regular Meeting

Upon conclusion of the Public Hearings on Case No. PB-2018-002 and Case No. PB-2018-003, Chairman Herrmann called the resumption of the Regular Meeting of the Town of New Lebanon Planning Board at 7:45 p.m.

Chairman Herrmann has received correspondence from Paul McCreary who is representing Dunkin’ Donuts. The Applicant has requested a six-month extension on the approval granted by the Planning Board for their Application, claiming it has been a very slow process in dealing with the NYS Department of Transportation.

Member Wes Powell made a motion to grant the request for a six-month extension, which motion was seconded by Member Elizabeth Brutsch. The vote carried as follows:

Michael Blatt	Absent
Elizabeth Brutsch	Aye
Greg Hanna	Aye
Wes Powell	Aye
Josh Schuster	Absent
Bob Smith	Aye
Ray Herrmann, Chairman	Aye

Case No.: PB-2018-002: Mount Lebanon Heritage (19.1-1-69); Darrow School (29.-1-17)
(Public Hearing) Darrow School is requesting Site Plan Review to install a parking lot on Mount Lebanon Heritage’s property.

Representing the Applicant was the principal designer of the project, Nick Daniels, of Hershberg & Hershberg in Albany, which is the consulting engineer for Darrow School; and Bryan Davis from BBL Construction Services, the construction manager for the project.

There have been no changes since the last meeting. Bryan Davis said they have interest from a donor, but whether construction will begin this summer is still up on the air as funding needs to be arranged.

Chairman Herrmann asked CEO Hernandez if SEQRA is necessary, and she advised that at a minimum, the short form is required. The Applicant has already completed the SEQRA long form, and the Planning Board must complete their section of the form. The long form is required because the property lies in a historical district with wetlands.

Member Greg Hanna was given the task of completing the form, and he read each item aloud, and recorded the Board's response, with the assistance of the Applicant.

Member Smith made a motion to accept the negative declaration. Member Powell seconded the motion. The vote carried as follows:

Michael Blatt	Absent
Elizabeth Brutsch	Aye
Greg Hanna	Aye
Wes Powell	Aye
Josh Schuster	Absent
Bob Smith	Aye
Ray Herrmann, Chairman	Aye

Case No.: PB-2018-003: Stewart's Shops Corp. (19.2-1-48)
(Public Hearing) The Applicant is proposing a new Stewart's Shop.

Chris Potter appeared on behalf of the Applicant which is proposing to redevelop the existing Mini Mart.

Mr. Potter provided the Board with a letter he received from the NYS Department of Transportation, dated May 10, 2018, in which the DOT provided its comments to the Highway Work Permit Application submitted by Stewart's for Route 20/22 in the Town.

The Town Engineer, Paul McCreary, provided the Board with his comment letter on the Stewart's Application and is based upon the recent submittal by the Applicant. A copy of Mr. McCreary's letter was given to Chris Potter.

Member Elizabeth Brutsch said she agrees with a number of Mr. McCreary's comments. She believes additional parking spaces are necessary. However, Member Bob Smith said there are additional parking spots available at the fuel pumps. The Applicant said half the time, customers fuel up and leave their car parked at the pumps while they enter the store. This is not an issue so long as there aren't a lot of people waiting to get gas. This is why they believe the spaces at the gas pumps should be counted as parking spaces. The new location will have substantially more parking spaces than the current location. There are also areas in

the parking lot which will not be striped, but people are still going to park there. There are presently 24 parking spaces on the plan, not counting the pump spots. The outdoor area including all spaces and aisles is almost the size of the proposed building. Thirty spaces are required based on the building square footage. However, if you look at the site area and take the storm water area into account, you can't take away from the parking to put in additional landscaping.

Chairman Herrmann said Mr. McCreary's comments also involve additional landscaping, including islands. The Applicant needs to justify deviating from the Code if certain items are not possible, such as parking behind the building. Member Smith said the place will look a lot better than it presently does. Member Hanna asked if it is the responsibility of the Zoning Board to grant these exceptions. Chairman Herrmann said no, the Planning Board just has to justify why it deviated from the Code. The Board has some latitude, but they don't want to set a precedent. Chairman Herrmann said it is justified because there's not enough area on the site, but he will run it by the attorney first.

Member Brutsch said the Applicant has already provided some curbing and planting. She mentioned that he doesn't have to add six additional parking spaces, but the employees will be taking up several parking spaces.

Member Powell said this will look like the Schodack Stewart's. He asked if two or three additional spots could be striped. The Applicant said he believes they could get four more spots to stripe.

Member Powell asked where the delivery trucks park, and the Applicant said behind the shop in the delivery area. People should be able to get by even if a delivery truck is parked back there. This happens at all their stores. Stewart's supplies their own fuel tankers and schedules fuel deliveries so there will be no conflict with delivery trucks.

The Applicant said they've already appeared before the Zoning Board seeking a sign variance and a variance for the kero island, and a Public Hearing has been scheduled.

Member Brutsch asked about the impact on wells of neighboring property. The Applicant said they added the neighboring well – the Larabee neighboring house lot. They also have the approximate location of the leech field and septic system. The Applicant will reach out to the DOH for a permit. They also talked to the DOT and received minor changes yesterday, a copy of which was presented to the Board. The DOT's only issue is with the width of the driveway. The Columbia County DOT wanted the entrance located on the eastern side and the exit located on the western side.

CEO Hernandez said the Town Supervisor has been assisting with getting the matter through the DOT. Member Smith said a wider opening would make entering and exiting easier; however, Mr. Potter said they want the driveways to be 16' as any larger would allow people room to exit out the entrance and vice versa.

Member Brutsch said they have four maples proposed and asked if a different variety would be possible. The Applicant said they are proposing two trees in the front and two in the back. There is no space on the sides of the building as retaining walls will be built on both sides to make everything drain properly. The DOT catch basin invert is very shallow and limits the

space on the side. Perhaps they could add two more trees to the back in between the septic area. Chairman Herrmann said Mr. McCreary was concerned that using strictly deciduous trees would not allow the property to be screened all year. The Applicant said shrubs and perennials will be planted in the beds, and perennial flowers and grasses will be planted along the retaining walls.

Member Brutsch asked how the lighting will operate on the site. The Applicant said lights will be set by timer and photocell. When it's dark, they will come on automatically, regardless of the time. A timer is set to have the lights come on an hour before opening and they will go off an hour after closing. When those lights go out, all illuminated signs go out as well.

Chairman Herrmann asked if security lights will remain on. The Applicant said night lights are on within the shop, as is the case with the current location. Timers work the same in all shops, and there's only an issue if someone fails to adjust them to account for the time change.

Chairman Herrmann said they will continue to talk about this matter at the next meeting. The Public Hearing will be continued.

Member Powell asked if the Applicant had any questions for the Board. The Applicant said he will address Mr. McCreary's changes. The DOT is hung up on the SEQRA process. He's had a number of correspondence with them, and its approval in advance is required. The Applicant believes it's a Type 2 action since the building is under 4,000 sf. Chairman Herrmann asked if the DOT wants Board approval first, and the Applicant said, yes, but no further action is required by the Board so there won't be a letter. Chairman Herrmann said this is a question for the attorney.

Chairman Herrmann gave this Clerk permission to send the matter to the County for review and approval. We will await submission of the new plans which are being revised to include this evening's comments and Mr. McCreary's changes, then the plans will be sent to the County.

Case No.: PB-2018-004: Jeremiah 2911 Properties (8.-1-32.1)
(Preliminary) Certified Document Security is requesting site plan review to install a certified document storage building.

Thomas Light appeared on behalf of the Applicant which is seeking to have additional boxes stored in their facility for which they do not have any room. Therefore, the Applicant is seeking to build another building separate from the current building. The area is approved for storage but would be a separate building which would be heated, insulated and have fire suppression and humidity control.

This matter was tabled at the last meeting because there was not sufficient detail provided. The Applicant has the requested information at this time and submitted architectural drawings showing exterior, outside lighting, etc. The Applicant met with the County DOT and they see no problems with site distance. The DOT will advise the Applicant as to what they need. There will be a requirement for paving a certain distance in the driveway off the

main highway. The Applicant met with the DOT last Friday, and they're sending him a template.

CEO Hernandez requested the Applicant provide a digital copy of all plans and documents, and the Applicant said he'll get them.

Member Powell asked if there was enough room behind the building for tractor trailers. The Applicant said yes, there is plenty of room back there. Member Powell said the sketch shows 300 sf. The applicant provided a photo showing the current building and Flood Plain. Member Brutsch said the site plan shows no radius of a tractor trailer driving on site. The Applicant said the driveway comes in by a pole and the site plan shows more indication where tractor trailers will be located. Member Brutsch asked the Applicant to update the plans to reflect that. Member Smith said there's almost 300 sf in the area. He formerly farmed this property and believes the Board is nitpicking.

Member Powell asked that the site plan show the distance where the tractor trailer will sit. The Applicant agreed and said there's a whole lot of room back there. The ground level will be raised. 5' of fill will be installed in some areas. Member Brutsch asked if the updated site plan will show the grading, and the Applicant said it will.

Chairman Herrmann asked if someone will make a motion to accept this as preliminary. Member Smith made a motion. Member Brutsch said they should accept this as sketch, not preliminary yet.

Member Brutsch made a motion to accept this as sketch, which motion was seconded by Member Hanna. The vote carried as follows:

Michael Blatt	Absent
Elizabeth Brutsch	Aye
Greg Hanna	Aye
Wes Powell	Aye
Josh Schuster	Absent
Bob Smith	Nay
Ray Herrmann, Chairman	Aye

The matter has been accepted as a sketch plan.

The Applicant will provide additional detail on lighting, new elevation where the building sits and the driveway dimensions of the turnaround in back. Member Brutsch suggested the Applicant refer to the Zoning Code to see what's required, review the list to see what they typically look for. Chairman Herrmann said there's a checklist of items to follow. The Applicant said he has it and will go through it, but some items on the checklist aren't applicable, such as plumbing. Topography is probably the biggest item. Member Smith said the property is all flat, it's never been under water, so what's the problem? The Applicant said none of the construction is in the 100 year Flood Plain. The building will be built on higher ground, so there's no problem there. Member Smith said you can park five tractor trailers there. The Applicant asked if the Board wants elevation and topography, and Member Brutsch told him to follow the list. The Board has to hold everyone to the same standard.

Case No.: PB-2018-005: Michael Darcy (19.2-1-85)

(Preliminary) The Applicant is requesting a Special Permit with Site Plan Review for the purpose of conducting a Home Occupation 3 (HO3) on his residential property located at 45 Lover's Lane.

Mr. Darcy was absent from this meeting. Chairman Herrmann instructed this Clerk to contact the representative from the DEC to see what the status of her inspection is, after which this matter will be put back on the agenda.

III. Minutes Review/Approval

Upon review, Member Greg Hanna made a motion to approve the minutes of April 18, 2018, as submitted, which motion was seconded by Wes Powell. The motion carried as follows:

Michael Blatt	Absent
Elizabeth Brutsch	Aye
Greg Hanna	Aye
Wes Powell	Aye
Josh Schuster	Absent
Bob Smith	Aye
Ray Herrmann, Chairman	Aye

The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

Donna M. Gedeon

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Planning/Zoning Clerk