



## **Town of New Lebanon**

Planning Board Regular Meeting Minutes – Approved  
June 19, 2019

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- Present:** Michael Blatt, Chairman  
Bill Banker, Planning Board Member  
Elizabeth Brutsch, Planning Board Member  
Tegan Joy Cook- Planning Board Member  
Greg Hanna, Planning Board Member  
Bob Smith, Planning Board Member  
Bill Banker, Planning Board Member
- Absent:** None
- Others Present:** CEO Cissy Hernandez, Deputy CEO Jeff Hattat, CAC Bob Gillson, Town Engineer Paul McCreary 2 members of the public.
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### **I. Call to Order**

Chairman Michael Blatt called the Regular Meeting of the Planning Board to order at 7:30 p.m.

### **II. Regular Meeting**

#### **Case No. PB-2019-008–Midtown Mall (Shaker Mill Properties) 19.2-1-51**

#### **Sketch Plan Conference**

Attorney Mitch Khosrova (representing Shaker Mill Properties) stated that they are looking for a special permit to operate a limited automobile repair shop. He said that the definition of a motor vehicle repair shop is in Subdivision 7, 205-13 of the Town codes, and A-Q are not applicable. The tenant just wants to do detailing work. There will be no sales or repairs taking place at this location.

The Site Plan includes all tenants, the square footage and the outline for parking areas. “We are here tonight hoping that you will deem the application complete”, stated Khosrova.

Board Member Smith said that his main concern is where the waste from the detailing would go. Khosrova replied that there are no toxic chemicals being used in the process. Alan Becker stated (proposed tenant), “Vehicles will come in clean, I would only be changing leather seats, polishing and buffering vehicles. There will be no heavy-duty repairs. No mechanical work would be done on this premises. I would be doing all mechanical work at my shop in West Stockbridge”.

This would be the location where Becker’s classic cars are stored while waiting to be finished. Member Smith asked, “This would be a dry stock place?”. Becker replied, “I would be cleaning exteriors. I am hoping to create something that would make New Lebanon Classier, it’s a win/win situation”.

Member Carroll asked, “Where would the cars enter, or will enter. Where would the garage doors go?”. Becker replied, “There would be double doors toward the back and middle of the building. We would like to install a 9-foot overhead door in the center”.

Member Carroll stated, “If the permit is granted for a repair shop, would a new permit need to be issued if someone else enters?” Khosrova replied, “If there is a change, the special permit would only grant what they are using it for”.

ZEO Hernandez stated, “A repair shop would be the best fit for this business. Detailing is not a permitted use”.

Chairman Blatt, “I am concerned about the fumes and exhausts. The police were called because of the fumes”. Becker stated, my brother removed a gas tank, he wasn’t thinking and that shouldn’t have been done”.

Member Hanna asked, “If a gas tank needs to be removed, would you bring it to West Stockbridge?”. Becker replied, “yes”. He also stated that there will be no open containers. There is a vent in the building but they will provide better ventilation”.

Member Hanna, “It is impractical to me that you would bring automobiles back and forth”. Attorney Khosrova, “He is not planning on moving vehicles back and forth”.

Member Cook asked, “Will you be using the facility for storage and cleaning”. My biggest concern is that vehicles have gas tanks. What about the fumes. There is an apartment adjacent to the building”.

Member Hanna inquired if there is a fire suppression system installed. The attorney stated that once they received approval a system would be installed. Mr. Becker went on to explain that they have a 3400 sq. foot area and each car would use 200 sq. ft. He would be storing the maximum of 17 cars at one time. Member Brutsch, “There will be nothing stored outside?”. Becker replied, “no”.

Member Brutsch was concerned about a noise issue. Becker said that if there was too much noise that he would deal with it.

Chairman Blatt asked what the business hours would be. Becker stated, “the earliest opening would be 9 in the morning and the latest would be 6 at night. Member Hanna wanted to know how many people would be working at one time. Becker replied, “two”.

Chairman Blatt wanted to know if the space was open to retail customers. Becker replied, “Retail customers can occupy the space”. Member Brutsch asked if there would be any signs installed, and the answer was no. Member Cook wanted to know if this would become a storage space for the cars. Khosrova replied, “This is not intended to be a storage facility”.

Member Cook asked what the turn-over rate of the vehicles would be. The turnover rate would be 30-45 days.

Town Engineer Paul McCreary stated, “For a motor vehicle repair shop you need to have a New York State repair license. Becker stated, “I do not have a NY State repair license, but I will not be Repairing car at this site”. Mr. McCreary continued to explain that the board could approve this as a highly limited motor vehicle repair shop, listing interior cleaning and detailing, and there would be no mechanical repairs taking place. On the building side of things McCreary explained that vehicular storage conditions would have to be met by the CEO.

Mr. Becker stated that there will be no lighting added, no signage installed and no changes to the Parking lot would take place.

Mr. McCreary said that ventilation, and fire suppression need to be reflected on the plan by the Architect/Engineer. He also stated that the board can limit what the plan is approved to. He urged them to do so.

CAC member Bob Gillson asked if silicone products would be used, and Mr. Becker replied that he uses Carbona wax.

Member Brutsch requested a blueprint and refined narrative before a public hearing, The site plans would need to be clarified. She stated, “You cannot operate until it’s up to code”. She also asked for an updated map, before approval is granted”. She requested to show where the door would be and a breakdown of each store on a larger map.

Khosrova stated to the board, “You are asking for a lot of conditions. There is no more information that you need”. Chairman Blatt stated that the lighting is there and the building would not change. Member Smith asked if there would be a special use for this building. Member Cook said that it would have to be separate from the site plan. The attorney stated that the problem is the way the code is written.

Town Engineer McCreary stated that the existing facility is valid. This would be a low impact nature of the tenant in the mall. There is a record of what already exists, and any new codes would not apply. He continued to state that if the applicant puts the information on the site plan that you would like to see there is nothing to stop a public hearing for next month.

Member Brutsch stated, “Any modifications need to be shown on the prints”. She asked if there was a site plan review for this site, CEO Hernandez, “The floor plan is currently what is existing”. Mr. Khosrova, “we are not required a site plan review. We will not give you anything more. Where Is the limitation? We are not required”.

Member Brutsch stated, “There is information missing from the narrative. The map is empty. Are There dumpster locations, you need to show this on the map. You also need to update the walkway.”

Member Smith made a motion to approve as a preliminary public hearing scheduled for July 19. Member Brutsch seconded. The vote carried as follows:

Chairman Blatt	Aye
William Banker	Aye
Elizabeth Brutsch	Aye
Jim Carroll	Aye
Tegan Joy Cook	Aye
Bob Smith	Aye

### **III- New Business**

#### **Appointed officials email in regards to Foil**

Chairman Blatt opened a discussion in regarding officials receiving their own email addresses based on the Freedom of Information Law. All members decided that they would like their own email through the town.

#### **Continued Discussion on expedited site plan review**

Member Carroll discussed what was spoken about at the ZRC meeting.

- If it is a new building a complete site plan review is needed.
- If there are no changes the CEO can handle it.
- If there is a change of ownership but there is no former site plan review a new site plan would be needed.
- New owner, same use and the site plan exists with no changes, CEO would handle it.
- New owner, same use but there was a prior site plan review on file the CEO would handle it.
- If there is a change of use with a greater impact that would go to the board.
- If there is a change of use with less impact and a site plan exists, that would go to either the board or the CEO.

Member Cook stated, “If a site plan review is equal to or lesser it doesn’t need to go to the Board. Member Brutsch questioned, “How many things are we going to send to the office?” She also requested that any permits that are approved or denied are listed and given to the planning board. Any cases that are expedited would be noted on the minutes.

### **III. Approval of Minutes- June 19, 2019**

Member Smith made a motion to approve the May 15, 2019 minutes. The motion was Second by Board Member Hanna. The vote carried as follows:

Chairman Blatt	Aye
William Banker	Aye
Elizabeth Brutsch	Aye
Tegan Joy Cook	Aye
Jim Carroll	Aye
Greg Hanna	Aye

Bob Smith

Aye

Chairman Blatt adjourned the meeting at 9:13 PM.

Respectfully submitted,

*Michelle Bienes*

Michelle Bienes  
Planning/Zoning Clerk