



## Town of New Lebanon

Planning Board Regular Meeting Minutes – Unapproved  
June 17, 2020

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**Present:** Michael Blatt- Chairman  
William Banker, Planning Board Member  
Elizabeth Brutsch, Planning Board Member  
Jim Carroll, Planning Board Member  
Greg Hanna, Planning Board Member  
Tegan Joy Cook, Planning Board Member

**Absent:** Bob Smith, Planning Board Member

**Others Present:** Cissy Hernandez- CEO, Jeff Hattat- Deputy CEO, David Farren- CAC,  
Paul McCreary- Town Engineer

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### **I. Call to Order- ( This meeting was held virtually)**

Chairman Blatt called the regular meeting of the Planning Board to order at 7:32 pm.

### **II. Regular Meeting**

#### **Case No. PB-2020–Nokomis LLC TM # 27.-1-25 (Site-Plan Review)**

Mr. Bryce Recer was present from the firm of CPL which represents Nokomis LLC & Alan Staack. He is the civil engineer assigned to this job. Mr. Recer explained that Nokomis currently has a building permit for 20 acres of farmland that is utilized for growing medicinal plants, and storing them in an agricultural building. Nokomis LLC would like to expand the business and connect the two existing buildings. Mr. Recer went on to explain that there are currently seven employees on staff. CEO Hernandez said that the building permit that was issued was only for the barn structure to be used for storage of dried agricultural products. Such use ordinarily would be exempt from the building code but the applicant submitted stamped plans because he wanted a certificate of occupancy upon completion. Deputy CEO Hattat said there needs to be a detailed project plan submitted for this additional use..

Chairman Blatt asked if the farm was regulated. Mr. Recer replied, “The farm is considered a farm operation”. Member Carroll asked if the operation would be conducting the same activity and not changing. Mr. Recer replied, “Yes the business would not be changing, they just need more room to operate”. Member Cook asked if bottling of the product would be taking place. Mr. Recer, “Yes”. Member Cook went on to explain that if bottling is taking place more room would be needed.

Town Engineer McCreary stated that the plan is for an expansion of what is currently being done now. Site wise the only thing being done is that the two existing buildings are being connected. He also asked if there were any bathrooms on site and if so how many. Mr. Recer explained that

there is an office and one working bathroom currently. The number of employees on staff will not change, so there will be no increased use of the restroom. Board member Brutsch asked, “What is the access to the bathroom, and how do you enter”? Mr. Recer explained the bathroom is entered through the office.

Mr Recer explained that the septic system serves the current staff and there is no plan to increase the number of employees. Chairman Blatt asked Mr. McCreary if the plan is still considered to be under the Agricultural operation. Mr. McCreary relied, “Yes.”

Member Cook asked for an explanation on the amount of noise that would be produced from the bottling operation. Mr. Recer said that the bottling process takes place three hours per day, and he is not sure of how much noise takes place during that time. Mr. Recer said that he will get more detailed information on the bottling process.

Chairman Blatt asked if there would be any change in parking, addition of more lighting, addition of signs or an addition of new pavement. Mr. Recer replied no to all of the previous questions, “No”..

Board member Hanna asked if there was waste water, and if so does it go into the septic system. Town Engineer McCreary explained that if the septic system is industrial then we need to come up with something else. CEO Hernandez asked Mr. McCreary if the septic system would need to be looked at by Columbia County Department of Health. Mr. McCreary replied, “Yes”. Mr. Recer will contact the Columbia County Department of Health.

He also questioned the amount of acreage the property consists of, and inquired if the land was a subdivision. Mr. Recer said that the farm has been operating for a very long time and that the road has been functioning since they began their operation. David Farren (CAC member) stated that the road that the farm is located on is not the safest road to drive. Mr. Farren said that he is worried about traffic. Board Member Brutsch inquired about the type of vehicles that would be traveling the road to transport the bottles. Mr. Recer explained that UPS and Fed Ex trucks would be making the deliveries.

CEO Hernandez said that the Agricultural operations are permitted in all zones but not commercial/ industrial. She continued to explain that Agricultural operations are not required to undergo site plan review. The ordinance only requires a simple zoning permit. However, the applicant volunteered to do so because he wanted the planning board to be aware. The existing business has not yet obtained a Zoning Permit but we can issue one. Board member Cook asked for a clarification. “Right now the business is just Agricultural? Do they need a permit?” CEO Hernandez said, “Yes they need a zoning permit for the AG operation and either a building or zoning permit for any structure (based on the use). Cook then asked if they should get a permit for one building or all together. Both CEO Hernandez and Town engineer McCreary relied, “Do it all together”.

CEO Hernandez explained that both buildings need to meet building code and as built plans need to be submitted. Board member Cook asked, “Will there be a change in the current building”? She continued, “There is a lot more going on with the interior of the building”. Mr. McCreary said.

“What happens inside the building is up to Cissy”. “This includes the heaters, safety and the operation of the building”.

Board Member Carroll asked if alcoholic extract was being bottled. Mr. Recer replied, “I believe that it is non-alcoholic”. Mr. Carroll explained that there is special consideration that takes place in the storage of alcoholic extracts.

Chairman Blatt asked what other information is needed with the maps. Board member Brutsch would like a more detailed site plan which shows what is present there now along with the existing inventory. The application packet should also be sent to the county for review. Also, architectural plans that include drawings and specs are to be provided to the board.

CEO Hernandez explained that review happens first, then the stamped plan, then the permits and then the Certificate of Occupancy is issued. Chairman Blatt requested that the town attorney be contacted to see if he had any concerns.

Summary of needs for next meeting:

- Current inventory of wat is on site presently.
- Architectural drawings that show the new building and the proposed connector (breezeway)
- Columbia County Department of Health approval of septic system
- Information on waste water
- Drying process
- What happens to plants after oil extraction
- How many deliveries?
- Parking for employees

CEO Hernandez asked Bryce to submit all the information to Michelle a week before the meeting.

Member Brutsch made a motion to move the sketch plan to a preliminary meeting. Member Hannah second the motion. The vote carried as follows:

Chairman Blatt-	Aye
Member Brutsch-	Aye
Member Cook-	Aye
Member Carroll-	Aye
Member Hanna-	Aye
Member Banker-	Aye
Member Smith-	Absent

### **III. Other Business**

Chairman Blatt inquired about local law #1. He just received the document. He would like the input of the board. A discussion about the law will take place at the next board meeting which will be held on July 14<sup>th</sup>.

Michelle Bienes will reach out to Ted Salem and ask for the most recent version of local law #1 and she will forward to the board.

Member Carroll explained that the Comprehensive Plan Review Committee has a survey out and they will be implanting focus groups to discuss the survey.

The ZRC is review and revising the local laws for short term rentals and Airbnb's. The minutes were tabled until the next meeting. Meeting was adjourned at 8:30

Respectfully submitted,

*Michelle Bienes*

Michelle Bienes  
Planning/Zoning Clerk