



## Town of New Lebanon

Planning Board regular meeting minutes – approved  
January 20, 2016

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### Present:

Michael Blatt, Planning Board Member  
Greg Hanna, Planning Board Member  
Wes, Powell, Planning Board Member  
Josh Schuster, Planning Board Member  
Bob Smith, Planning Board Member

### Absent:

Ray Herrmann, Planning Board Chairman  
Jerry Grant, Planning Board

### Others Present:

Deb Gordon, Kent Pratt, David Cullen, Chris Lee, Kelly Kilventon

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The Board agreed upon Greg Hanna as acting Chairman in Chairman Herrmann's absence.

### Minutes Review:

Upon review of the December 2015 minutes Michael Blatt moved to accept them as submitted. The motion was seconded by Wes Powell and carried unanimously; with Bob Smith abstaining due to his absence at the December meeting.

### Regular Meeting:

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

Deb Gordon is requesting Site Plan Approval only on the store (19.2-1-66) however is submitting depictions of the residential abutting lot as well (TM# 19.2-1-67)

Latest Map Notes: issue date 10.09.15; rev. 2a 01.14.16

Acting Chairman Hanna indicated that the Engineer was only able to take a “quick look” at the revised map submitted this evening because he received these revisions so close to the meeting. He provided his comments as follows via email dated 01.20.16.

- *The Site Plan shows shows a driveway entrance onto West Street that has a throat width of only 15 feet. Given that this is a commercial site, it would be expected that this driveway needs to accommodate two-way traffic. A 15 foot driveway width will not accommodate two way traffic.*

Deb Gordon indicated that she could potentially make the throat of the driveway wider and asked if 18 ft. would be sufficient. The Board said that they would defer to Paul McCreary, Engineer for the Town and will advise her accordingly. [Note for the record: during subsequent follow up with Mr. McCreary he indicated that 18 ft. would be sufficient but that 20 ft. would be significantly better].

- *It appears that the two (2) sewage treatment areas (one for each property) have been sized. While no information has been provided for that sizing, I can guess that the commercial property is sized as a four (4) bedroom residence (3 bdrm apartment and 1 restroom for the 1st floor commercial space) and the residential property sized for a three (3) bedroom residence. If I recall correctly, information regarding the design of the system was to be provided. That was not done, and the plans indicate that design details are not shown on the plans.*

Deb Gordon indicated that she did not realize that she was required to submit septic design plans. The Board referenced section 205-14 2 (c) of Site Plan review which indicates that the submission of a *description of the method of sewage disposal and location, design and construction materials of such facilities* is a requirement. Bob Smith further stated that future buyers of the property should be aware in advance that the septic would not accommodate certain business such as a butcher shop.

- *Due to the required offset from the property line (10 foot minimum) and due to the sizing performed for the two (2) sewage disposal systems, the areas needed have become larger. There is a note indicated on the site plan stating "Boundary Line Adjustment or Easement for Sewage Disposal System" and the property line has been modified. It is my opinion that the better option is a boundary line adjustment. Given that, the properties will need to be surveyed and new property lines established to accomplish this. This also means another action for the Applicant to perform and the Planning Board to consider.*

Deb Gordon indicated that she would prefer offering an easement rather than perform a lot line adjustment. The Board agreed that an easement would be sufficient.

- *The parking area and access/egress drive(s) are proposed to be crusher run gravel material. This is not a material that can be stripped to delineate parking spaces or other pavement markings such as handicap parking. A handicap parking sign will need to be erected for the handicap parking space along with a sign indicating the dedicated adjacent handicap parking space isle to account for the inability to provide pavement markings.*

Deb Gordon stated that she prefers to use compacted gravel which she believes has the ability to be striped but that she is also proposing to erect a handicapped parking sign.

- *The Holding Tank is still indicated on the Site Plan. Given the discussion at the December Planning Board meeting, it was my understanding that the holding tank would no longer be utilized; it would be a possible addition once the property is sold and the actual use determined.*

Deb Gordon stated that while she is not planning to install a holding tank; she would prefer to leave the depiction on the plan so that future buyers will know that there is room to install one if they so desire. The Board stated that if she decides to keep this depiction on the final map it should be clearly labeled as "potential space/location for a holding tank" or some similar language that will make it very clear that a holding tank has not yet been review/approved or installed.

- *Given the proximity of the sewage disposal field to the parking and maneuvering isles for the properties, it may be prudent for the Applicant to propose a method of preventing vehicles from inadvertently driving on those locations.*

Deb Gordon stated that she does not want to make any decisions right now about a barrier that would prevent vehicles from inadvertently driving on disposal field however; when she does decide what type of barrier she will choose she will depict it on the revised plan.

- *Will the commercial property need a dumpster and, if so, where will that be placed and shielded from view?*

Deb Gordon indicated that she has not given much thought to where to dumpster will be located but will have the engineer depict it on the revised plan.

- *What is the width of the proposed ADA ramp and the accessible route leading to it?*

Deb Gordon clarified that the ADA ramp is approximately 3.5 wide and that the path is the same width. The Board asked that the ADA door be depicted on the revised map.

- *The isle width for the parking for the residential property is very narrow making maneuvering into and out of those parking spots difficult. Also, Parking spot 1 and 5 on the commercial property and parking spots 3, 4 & 6 on the residential property have right angles delineating the spots and making maneuvering in and out of those spots difficult (they should have radius corners).*

Michael Blatt commented that the current Site Plan Review is for the commercial property only. Deb Gordon said that she could have the parking spaces rounded off on the revised plan

- *The proposed plantings have not been identified as to type and planted size. There was also discussion at the December Planning Board meeting regarding existing vegetation and if that is to remain.*

Acting Chairman Hanna reminded the applicant that at the last meeting they did speak a little about the vegetation at the rear of the property and asked if that vegetation would remain. Deb Gordon indicated that the existing vegetation would remain; they are mostly old lilac trees and that she will be adding some medium shrubs to create a visual barrier.

- *While the Site Plan now contains much more information, it may be worth the Applicant's effort to review the Site Plan requirements section of the Town's Code to ensure that all items are included in the Site Plan.*

Deb Gordon indicated that she would review Chapter 14 (Site Plan) review to ensure that all requirements are met.

**Midtown Mall [19.1-1-51] – Sketch Plan Conference/Pre-application meeting**

Owners requested to have NYSEG install lighting in the alley/roadway on the westerly side of the property behind the mall. This site alteration has generated complaints from the abutters who indicated that the lights are shining into their windows. The Code/Zoning Enforcement office has reached out to both the Owner and NYSEG and ultimately issued an Order to Remedy to the property owner.

Acting Chairman Hanna asked Kent Pratt, Code Enforcement Officer, what the issues are. Kent Pratt indicated that the two abutters that are present this evening have complained that the new lighting is too bright. Chris Lee, representing the Midtown Mall, stated that these are the same lights that are used at Jimmy D's, the former bowling alley and at Mario's. Acting Chairman Hanna asked if the lights could be shielded. Chris Lee indicated that NYSEG does not offer shielded lights and since the light belong to NYSEG he cannot alter them.

David Cullen, an abutter to the Midtown Mall, stated that he's lived there for 26 years and there were never lights there and that these current lights just appeared overnight without Town approval and wondered what the lights were for. Chris Lee indicated that it is a fire lane and always has been a fire lane and is willing to work with the abutters in any way he can. David Cullen said that there used to be lights on the door that used to be motion censored. These current lights are large street lights with big arms and are now on all the time. Chris Lee said that there were 150 watts bulbs. Kent Pratt indicated that NYSEG offered to conduct a lumen test. Bob Smith asked who decided that the lights needed to be there and Wes Powell asked who pays the electric bill. Chris Lee responded: "We do". Chris Lee also indicated that he would be happy to take down the current NYSEG lightening and install something a little more 'neighbor friendly'.

In summary, the Board advised Chris Lee that if he decides to continue to utilize the newly installed street lights or if he decides that he wishes to introduce a new/different lighting plan that would be more 'neighbor friendly' he should apply for Site Plan Review before site improvements are made. To assist with the submittal requirements and an approved lighting plan the applicant should review Chapter 14 of the Zoning Ordinance.

### **New Business:**

#### **Signs vs. Murals**

Bob Smith stated that he wishes to discuss the 'mural vs. sign' issue. He continued so say that the sign/mural that has been installed on the former OTB building needs to come down and asked Kent Pratt to deal with it. Kent Pratt stated that it is not enforceable because, after much discussion with the Attorney for the Town, it is not deemed to be a 'sign' per the current definitions. Bob Smith stated the he feels that murals should be addressed as part of our sign ordinance.

#### **Appointment to the Zoning Re-write Committee**

Acting Chairman Hanna indicated the Town Board has requested a second Planning Board Member to serve on the Zoning Re-write committee and asked for volunteers. Wes Powell volunteered and the Planning Board unanimously appointed him.

#### **Solar Farms:**

It was noted that the Town has just recently received an application for a 'Solar Garden/Farm' on property to the east of the elementary school and that currently our "Use Table" does not list it which means this would be a prohibited use. The Town Supervisor has asked the Planning Board to discuss the matter in order to gain some insight as to whether or not the Town should consider legislation that would allow for solar gardens/farms.

The general consensus was that it would be a great addition as it is sustainable energy and there is a potential to lower electrical bills for the Town residents. Naturally, the Board encourage careful legislation of such applications to negate any negative impacts.

#### **Adjournment:**

A motion was made by Michael Blatt and seconded by Wes Powell to adjourn the meeting at 9:30 pm. The motion carried unanimously.

Respectfully submitted,

Cissy Hernandez  
Planning/Zoning Clerk