



## Town of New Lebanon

Planning Board Regular Meeting Minutes – unapproved  
August 15, 2018

**Present:** Ray Herrmann, Chairman  
Elizabeth Brutsch, Planning Board Member  
Greg Hanna, Planning Board Member [Acting Chairman]  
Bob Smith, Planning Board Member

**Absent:** Michael Blatt, Planning Board Member  
Wes Powell, Planning Board Member

**Others Present:** Cissy Hernandez, CEO; Thomas Light and Debbie Light; Fred Haley; J.J. Johnson-Smith; David Farren, CAC Member

### I. Call to Order

Chairman Ray Herrmann called the Regular Meeting of the Planning Board to order at 7:35 p.m.

### II. Minutes Review/Approval

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

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

### III. Regular Meeting

Upon conclusion of the Public Hearing on Case No. PB-2018-004, Chairman Herrmann called the resumption of the Regular Meeting of the Town of New Lebanon Planning Board at 7:36 p.m.

**Case No.: PB-2018-004: Jeremiah 2911 Properties (8.-1-32.1)**  
**(Public Hearing) The Applicant is requesting Site Plan Review to install a certified document storage building.**

Thomas Light appeared on behalf of the Applicant.

Chairman Ray Herrmann asked if any of the Board members had any questions or comments, and there were none.

Upon SEQRA review, Member Robert Smith made a motion to grant a Negative Declaration on the project, which motion was seconded by Member Elizabeth Brutsch. The motion carried as follows:

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

Member Greg Hanna made a motion to approve this Application, which motion was seconded by Member Robert Smith. The vote carried as follows:

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

Chairman Herrmann provided the Applicant with multiple stamped and signed copies of the Plans.

**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.**

The Applicant, Michael Darcy, was not in attendance, although he had been asked to provide the Board with monthly reports as to the status of this matter, either by attending the Board meeting, or sending an email; however, no information has been received from Mr. Darcy. Chairman Ray Herrmann asked CEO Cissy Hernandez whether she had received any information on the status of the DEC approval. CEO Hernandez explained that both she and this Clerk had sent emails to Theresa Swenson, the DEC representative assigned to this matter, requesting an update. When we had not received a response, CEO Hernandez called Ms. Swenson and requested that she forward an email as to the status of the DEC review, which email would be provided to this Board. While Ms. Swenson had agreed to provide this written update, the email had not been received as of the date of this meeting, so this Clerk will continue to follow up with Ms. Swenson to ensure a written report will be available at the next meeting.

Chairman Herrmann said this Board will postpone this matter again and keep it on the agenda for the next meeting prior to making a decision. According to advice from the Town Attorney, the Applicant is being allowed to continue because he is on the agenda and we are awaiting information from the DEC. The matter is stayed until next month. This Clerk will reach out to Mr. Darcy and ask that he attend the next Planning Board meeting.

**Case No. PB-2018-008 – Linda Seaman Moayed Nainis (19.-1-35.21 & 35.22)**  
**(Preliminary) Review of lot line change (abandonment of previously-approved minor two lot subdivision).**

Fred Haley, Surveyor, appeared on behalf of the Applicant. The subdivision which is the subject of this Application was granted a decade ago. However, the owner never sold the lots and has since moved out of town. Since the owner feels they're never going to sell the lots, they want to abandon the plan of creating two lots and just leave the property in its original state as one 13-acre parcel. Nothing has ever been done on the grounds; it has not been conveyed to any other party and the original deed is still in effect.

Mr. Haley explained that when a plan is approved and filed in the County Clerk's Office, it's a plan, but it's not a done deal. Many times plans have set in the County Clerk's Office for years; however, sometimes the tax assessor sees a plan and prematurely divides the property into separate tax parcels because they anticipate that it's going to be sold. The quicker they generate a separate tax parcel id number, the sooner the property can be taxed at a higher rate. However, oftentimes the person who is subdividing prevails upon the tax assessor not to assign separate numbers until the lots have been sold. Typically, when a lot is sold, the assessor is notified by receipt of the deed from the County. Sometimes plans generate new parcel id numbers before being sold; sometimes not until after they're sold.

This 13-acre parcel was divided into two pieces in anticipation that the owners would be able to sell it as two separate lots. The tax assessor assigned separate parcel ID numbers, anticipating sales which never materialized. Since the parcels were never conveyed, the owner wants the subdivision plan which created the two lots to be abandoned. No ownership interests have been changed. The same deed is in effect as when the property was originally purchased in 1989. No new deeds have been created. Abandoning the subdivision plan and returning the property to a single parcel will reduce the value of the property, but it will be less costly for the owner as a single parcel will mean lower property taxes.

Member Greg Hanna made a motion that no public hearing is necessary in deciding this matter, which motion was seconded by Member Robert Smith. The vote carried as follows:

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

Chairman Herrmann said the SEQRA form must be completed, and upon review and completion of the form, Member Brutsch moved to issue a negative declaration. The motion was seconded by Member Smith and carried on the following vote:

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

Member Robert Smith made a motion to accept this as an abandoned subdivision plan and revert this subdivision back to one parcel, with one tax id number. The motion was seconded by Member Hanna and carried on the following vote:

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

Chairman Herrmann proceeded to sign and stamp the plans as submitted by the Applicant.

Chairman Herrmann adjourned the meeting at 8:19 p.m.

Respectfully submitted,

*Donna M. Gedeon*

Donna M. Gedeon  
Planning/Zoning Clerk