



## Town of New Lebanon

Planning Board Regular Meeting Minutes – Unapproved  
January 16, 2019

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**Present:** Michael Blatt, Chairman  
Elizabeth Brutsch, Planning Board Member  
Greg Hanna, Planning Board Member  
Bob Smith, Planning Board Member  
Wes Powell, Planning Board Member

**Absent:** None

**Others Present:** Paul McCreary, Town Engineer; Anthony Murad

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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

Upon conclusion of the Public Hearing on Case No. PB-2018-011, Chairman Blatt called the resumption of the Regular Meeting of the Town of New Lebanon Planning Board at 7:35 p.m.

#### **Case No. PB-2018-011 – Anthony Murad (19.4-1-26)**

(Public Hearing) The Applicant is requesting a special permit/site plan review for a mixed-use building, located at 565 Routes 20/22, which will house a brewery on the first floor and a residential unit on the second floor.

Chairman Blatt asked if there had been any changes since the last meeting. The Applicant said the plans have been revised to incorporate the items previously requested by the Board, including handicapped parking, sign location, lighting, and additional details on the slurry tanks.

There will be 3 lights shining on the face of the building and flood lights on the corners facing the telephone company property. Shown in more detail are the 2 slurry tanks located behind the building which will be used for the brewing process and a separate tank for the active septic system. No waste products are being injected into the land; they will only be stored temporarily and pumped out regularly pursuant an agreement with Averill Park Septic. The slurry tanks will have alarms on them. There are 3 existing tanks which have been thoroughly cleaned. The 4<sup>th</sup> tank is a pump chamber which will house 2 pumps and that also has an alarm on it, so they don't clog up from lack of use (exercising).

Member Brutsch asked if there was lighting picked out for the site or if they would be using what's presently there. Mr. Murad said they have no lighting currently but it will be designed for them. He discussed whether the various lights will operate on a timer or not.

Paul McCreary stated that according to the Town Code, the Board may as it deems appropriate require that lighting be controlled by automatic timers. He continued to read the lighting requirements in the Town Code. The Applicant said he has no problem with what the Board wants, but the lighting that's going to be in the front will be no more distracting than what you see at neighboring properties where the lights are on all the time.

Mr. McCreary asked what the intended hours of operation will be. Mr. Murad said they don't know. They have to be approved by the TTD and the Federal Government which is currently closed down; where they're applying is considered "non-essential". There is a certain federal person who will approve the label designs, even though they don't intend to be selling their product off-site at this time, but that person is on furlough as well.

The closing hour will probably be no later than 9:00 p.m. They don't have a lot of product to sell, and they're looking currently at four days per week, but they want to be free to expand if that becomes advisable. It won't be a late-night operation. All the other farm breweries are in similar situation and run until about 9 o'clock.

They may want to light the neighboring telephone property for security reasons. Today they use LEDs which are very efficient. There will be lights on the front and back corners of the building. Member Brutsch asked about leaving the lights on in the overhang all the time which would provide security at the door. She asked about adding a light where the upstairs apartment access is located.

Member Greg Hanna mentioned sealing off the apartment area from the brewery and the Applicant said they have to have a fire door separating the two uses. This is the major purpose that he's here for – to codify the mixed use of this building or to establish what has already existed as a mixed use.

Chairman Blatt asked if Mr. Murad had seen the recommendations from the Columbia County Planning Board and then provided him with a copy of their recommendations. The County said it is up to this Board to make the final determination, and they provided some additional suggestions for the project.

The Applicant said there will not be a lot of deliveries, but they will be made to the rear of the building. The downstairs will be separated by a fence-like structure between the taproom and the brewery as shown on the building permit application. He showed the Board the location of the handicapped bathrooms and where the doors are located. They feel people will want to be outside during the summertime and are considering erecting a tent there. There will be an open fence so you can see what's going on in the brewery. The Applicant continued to review the plans with the Board members.

Member Brutsch asked what the size of the largest truck is that will be making deliveries to the property, and Mr. Murad said he thinks it'll be a box truck, probably not anything larger. The plan right now is not to have outside sales. There will not be on-site food service.

Member Brutsch asked if they are surpassing the signage requirements. The Code allows 24 sf on the building and 24 sf as a standing sign, which sign can be two-sided. The hanging sign will be less than that. There will be lighting on the roadside sign.

Mr. McCreary asked about garbage and waste containers. Mr. Murad said at this time they don't know how much waste they will have, but they will deal with it appropriately. They will have a shielded, enclosed container and a contract with someone to haul the garbage on a regular basis. They just haven't picked the location yet, but that will be determined in conjunction with the landscaping.

Mr. McCreary discussed the arrangement of the existing access to the State roadway; there are very easements that are required. Mr. Murad has all the easements, but the problem is on both of the curb cuts on the south and north, he only owns one side of the cut and he has relayed to Joel Visconti who has made two visits there, how can he make the cut on one side and not the other which is on someone else's property. Mr. Murad is waiting to hear back from him. Between the barbershop and this 15' owned by the Shaker Swamp Conservancy which doesn't own any actual curbing, but they have 15' that goes out onto the highway, and then on the telephone company side, he has about 6' out from the actual cut, and then the rest of it belongs to the phone company which has been very slow to act. They are in the process with them, and he's been assured by them that it's no problem, and they can park both on their property and use the easement which has been used for years, but he doesn't have any documentation attesting to this as yet. He's told by the public attorneys that this use of their property to get into his property has been long established, and they can't just take that away, which Mr. McCreary confirmed is accurate. So, they essentially have the easement. They may end up renting that property, so they would clearly have use of the parking lot.

Mr. McCreary says there is a dilemma about how many people will be maximized use for the tasting room – a maximum of 50 people which is a B use. Given the arrangement of the access driveways for this parcel and the adjacent parcel which is a key element in this, it's not just this parcel that would be affected by a modification. It seems like the type of driveway entrance modification that would be required for four entities requires it to be shared. They're not going to have in that space four separate driveway access points and have it work for each property. It makes all the sense in the world to have something that is shared and has cross easements for access to the roadway. Personally, he doesn't know how that functioned in the past when things were a little bit more active at the site and the adjacent sites, but he assumes it worked well. He fully believes and will state that it is not practical because there are too many lots and it just won't work. Shared access is the only way for it to work. Mr. McCreary thinks the argument can be made that the access points to the state route should not change. This is in his professional opinion, and the Applicant agrees. This will become part of the decision document.

The DOT wants to know how the traffic volume generated by the proposed business and the residence above would impact the state roadway. Member Smith said it's what it was in the past. Mr. McCreary said given the previous uses of this particular site and existing uses nearby, he doesn't see where this is an issue at all traffic wise. The previous use (Lenny's) allowed 90 people according to the Building Department records. This is many more people than the Applicant is applying for. Given the proposed usage, this Board finds the current curb cuts adequate and appropriate.

Member Brutsch mentioned that the building allows 50 people for inside occupancy, but if there are people outside, how will they deal with parking. Mr. Murad said they have enough land to accommodate the parking. He's shown 14 spaces on the plans as required by the actual occupancy, but there's an entire lawn behind the building where they will allow

parking. The plans don't show a lot of parking at the telephone company, which he has their permission to use, but he's sure they can park there. Member Brutsch said she wants to be sure people don't park on Routes 20/22. Mr. Murad said that won't be a problem because they would be obligated to remediate that somehow. They can't park on the highway and the police will issue tickets. If the parking lot's full, they could put a sign out that says "parking lot full, come back another time". This is how it works at other breweries - they sell beer until they run out, and then they close.

Mr. McCreary said they discussed the potential for showing on the site plan where additional parking could be or at least list it as a note which would give the Applicant the ability to deal with that without having to come back before the Board. Mr. Murad said the plans show a gravel parking area by the phone company. It's just not delineated as to where the slots would be because it's gravel. Members Smith and Powell feel that is sufficient and it worked before. This gravel area can be considered as part of the site because the Applicant will have a written agreement of one kind or another with the phone company.

The Applicant wants to run a responsible business and is willing to spend the money it takes to build something they think is a quality structure and a quality business. If it means he needs someone out there to say no entry, they'll do that. Chairman Blass suggested the decision document say overflow parking may be on Fairpoint's property in accordance with an agreement with the property owners.

Member Hanna asked about the wetlands on the property. The Applicant explained that the wetlands start behind the septic system. You can walk on their property and it's pretty hard even after a rain. There's a culvert in there, and once you cross the culvert, it becomes wetland and is spongy. The Shaker Swamp Conservancy owns the property on the north side of the building and they wanted to use that area on which to park so they'd have access behind the barbershop property, but they can't because it's wetlands. So they really need to park over by the phone company and the Applicant has agreed to make that accommodation - they don't expect more than 7 people driving in so he doesn't see it as a problem. To the point about the wetness, his property is bone dry except for that little bit that is shown on the plan right behind the septic system.

Member Hanna asked if there was elevation shown on the plans and there is not; the Applicant said the building is out of the flood plain.

Member Brutsch asked about landscaping, and the Applicant said everything in the back will be lawn. They will be obtaining professional landscaping ideas and want it to be attractive. Member Brutsch asked if there would be landscaping around the septic tanks, and the Applicant said the tanks will be blocked off and a barrier placed around them so people won't be able to park on top of them. Where there's any important equipment, it will be blocked off with some kind of landscaping tool such as a fence or masonry sculpture.

Chairman Blatt said he has nothing else and asked who would like to complete the SEQRA form. Member Hanna reviewed and completed the SEQRA form out loud.

Member Brutsch made a motion to approve the negative declaration, which motion was seconded by Member Hanna. The vote carried, as follows:

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

Chairman Blatt asked for a motion to accept this proposal for final approval, which motion was made by Member Powell and seconded by Member Hanna. The vote carried, as follows:

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

Member Brutsch will draft the decision document for Board review. The Applicant asked that he be given the opportunity to comment on the decision document before it is approved. Final approval will be given at the next Planning Board meeting. Chairman Blatt will stamp the plans once the decision document has been approved

### **III. Minutes Review/Approval**

Upon review, Member Elizabeth Brutsch made a motion to approve the regular meeting and public hearing minutes of December 19, 2018, which motion was seconded by Member Wes Powell. The vote carried, as follows:

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

Chairman Blatt adjourned the meeting at 8:22 p.m.

Respectfully submitted,

*Donna M. Gedeon*

Donna M. Gedeon  
Planning/Zoning Clerk