



**Town of New Lebanon**

Planning Board Regular Meeting Minutes – Unapproved  
February 20, 2019

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

**Absent:** Jim Carroll, Planning Board Member

**Others Present:** Jeff Hattat, Deputy CEO; Paul McCreary, Town Engineer; Thomas & Carol Benson; Christine Thorne; Cindy Elliott; Paul Rix; Joanna Johnson-Smith

**I. Call to Order**

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

**II. Regular Meeting**

**Case No. PB-2019-001 – Thomas & Carol Benson (19.-1-57.111)**

(Preliminary) The Applicant is requesting a lot line change to transfer land to their two daughters by changing their property lines located on County Route 5.

Chairman Blatt asked the Applicant to give a brief narrative of what they’re attempting to do. The Applicant reviewed the history of the parcel and identified the lot lines for same on the map provided to the Board. The Applicant wishes to split their property into two similarly-sized lots which will ultimately be left to their two daughters.

Town Engineer, Paul McCreary, said he has reviewed the application and it appears pretty straightforward. Chairman Blatt said this would be considered a minor subdivision, not a lot line change, because the Applicants are asking for the property to be divided into two separate parcels. In this case, there will have to be a public hearing with the neighbors being notified. Mr. McCreary said if you have one lot being divided, it’s considered a minor subdivision, and the Applicant has to go through the proper procedures.

Chairman Blatt asked for a motion to accept this matter as preliminary and to schedule a public hearing for the March meeting, which motion was made by Member Hanna and seconded by Member Brutsch. The motion carried, as follows:

Bill Banker	Aye
Elizabeth Brutsch	Aye
Jim Carroll	Absent
Greg Hanna	Aye
Bob Smith	Aye

**Case No. PB-2019-002 – Kelly Hagan (19.2-1-72)**

(Sketch Plan Conference) The Applicant is requesting permission to utilize the facility located at 9 Tilden Road to open a roadside food eatery operating under the name “The KShack”.

Christine Thorne appeared on behalf of the Applicant who lives out of town but is looking to move back to the area and intends to operate this property as a seasonal food stand and serve local and organic food. The existing structure will be used and there will be no change to the footprint. The only changes to be made to the structure would be painting and updating of the existing signs. The parking lot and dumpster area would remain as is. All seating will be outdoors. There may possibly be a tent or awning installed. There will be a restroom located inside the building. Lighting will remain as it already exists.

Mr. McCreary asked if the original use of the property (barbeque) worked historically, and the Board said it had. Chairman Blatt asked if anyone had any questions or comments or concerns and there were none. He said it was possible for the Board to approve this matter at this meeting since there would be no changes to the property as established by the previous owner. The matter would be approved as containing all the existing conditions, if something needs to be changed, the Applicant would need to return the Planning Board for approval.

Additional items to be included in the decision document were discussed, including the possible addition of a tent, to be no larger than 12’ x 24’. Mr. McCreary said a tent over 400 sf would require a building permit. The months of operation were discussed, and it was decided not to limit the time period in case the Applicant decides to sell pies during the holiday season. The hours of operation will be 11:00 a.m. – 9:00 p.m. year-round. Mr. McCreary then asked if the Board would be amenable to Member Brutsch creating the decision document to be published through the Clerk, and they agreed they would.

Chairman Blatt asked for a motion to approve this matter, which motion was made by Member Hanna and seconded by Member Smith. The vote carried as follows:

Bill Banker	Aye
Elizabeth Brutsch	Aye
Jim Carroll	Absent
Greg Hanna	Aye
Bob Smith	Aye
Michael Blatt, Chairman	Aye

Deputy Hattat suggested the Applicant come in to see the CEO next week to get final direction on how to proceed.

**Case No. PB-2019-003 – Sandpiper Ranch, LLC (17.-1-30.111)**

(Preliminary) The Applicant is proposing a minor subdivision of land it owns located on Old Gale Road and Wadsworth Road, using Old Gale Road as the dividing line for the 2 parcels which will create a parcel of approximately 84+/- acres on the west side (which is to be sold) and a parcel of 3+/- acres on the east side of Old Gale Road.

Cindy Elliott, Surveyor, appeared on behalf of the Applicant. She described the project to the Board and its location on the map. Old Gale Hill Road will be the dividing line. Most of the

land is wooded. The Seller has a contract to sell the 84 acres, which is the reason for the subdivision. There is a gas line easement going through the property. It's a fairly simple subdivision using the road as the dividing line.

The Applicant is not planning any construction on the property. There has not been a perc test, which will be noted on the map. This is not the purpose of the subdivision. Neither parcel has done a perc test. There is a stream on the property. The final map will include contours.

Chairman Blatt asked if there were any wetlands and Ms. Elliott identified same on a wetland map. This will also be noted in the notes section of the final map.

There is more than enough property for a dwelling site, although that is not the Applicant's goal.

Chairman Blatt asked if anyone had any additional questions, and there were none. He asked for a motion to accept this matter as preliminary. Member Hanna made a motion to accept this as a preliminary, which motion was seconded by Member Brutch. The vote carried, as follows:

Bill Banker	Aye
Elizabeth Brutsch	Aye
Jim Carroll	Absent
Greg Hanna	Aye
Bob Smith	Aye
Michael Blatt, Chairman	Aye

A public hearing will be scheduled for the March meeting.

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

Upon review, Member Brutsch made a motion to approve the regular meeting minutes of January 16, 2019, which motion was seconded by Chairman Blatt. The vote carried, as follows:

Bill Banker	Abstained
Elizabeth Brutsch	Aye
Jim Carroll	Absent
Greg Hanna	Aye
Bob Smith	Aye
Michael Blatt, Chairman	Aye

Upon review, Member Hanna made a motion to approve the public hearing minutes of January 16, 2019, which motion was seconded by Member Smith. The vote carried, as follows:

Bill Banker	Abstained
Elizabeth Brutsch	Aye
Jim Carroll	Absent
Greg Hanna	Aye
Bob Smith	Aye
Michael Blatt, Chairman	Aye

#### IV. Other Business

Chairman Blatt informed the Board that with Wes Powell's resignation from the Planning Board, he was also removed from the Zoning Rewrite Committee ("ZRC"). The ZRC is asking for a Planning Board member to serve on their committee. Town Board member, Mark Baumli, said it was acceptable if there was only one member representing the Planning Board on the ZRC.

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

Member Hanna made a motion to approve the Decision Document prepared for this matter, which motion was seconded by Member Brutsch. The motion carried, as follows:

Bill Banker	Abstained
Elizabeth Brutsch	Aye
Jim Carroll	Absent
Greg Hanna	Aye
Bob Smith	Aye
Michael Blatt, Chairman	Aye

This matter now being deemed complete, Chairman Blatt stamped several copies of the plans.

Chairman Blatt adjourned the meeting at 8:10 p.m.

Respectfully submitted,

*Donna M. Gedeon*

Donna M. Gedeon  
Planning/Zoning Clerk