



Town of New Lebanon

Planning Board Regular Meeting Minutes – unapproved
October 17, 2018

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

Absent: None

Others Present: Cissy Hernandez, CEO; Paul McCreary, Town Engineer; Ted Salem, ZBA Member; Fred Haley, Surveyor; Gaston Robert, Jr. and daughter; Joseph Kozaka and daughter; Ray Jurkowski, PE; Allen Stack; and J. Michael Deegan

I. Call to Order

Chairman Ray Herrmann called the Regular Meeting of the Planning Board to order at 7:30 p.m.

II. Minutes Review/Approval

Upon review, Member Greg Hanna made a motion to approve the minutes of September 19, 2018, as submitted, which motion was seconded by Member Wes Powell. The motion carried as follows:

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

III. Regular Meeting

Case No. PB-2018-009 – Shedman (19.1-1-13)

(Preliminary) Gaston Robert, Jr., is requesting site plan review to install an office in an existing garage. (The lot which previously just stored and sold sheds is now to have an office.)

Chairman Herrmann asked if anyone had any further comments on this. He mentioned that the matter would now have to be sent to County for their approval and asked that a motion be made for this Clerk to send the matter to County, which motion was made by Michael Blatt and seconded by Robert Smith. The vote carried as follows:

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

The matter will be scheduled for a Public Hearing for next month. No one had any further comments on this matter at this time.

Case No. PB-2018-010 – Joseph Kozaka (10.3-1-71)

(Preliminary) Joseph T Kozaka, Jr., is seeking approval of a minor two-lot subdivision to be located at 140 Old Post Road.

Fred Haley, Surveyor, appeared on behalf of the Applicant. The property was purchased in 1982 and was the main property of the Lebanon Springs Water Company. Some of the property is located on the north side of Old Post Road, and some of it is on the south side of Old Post Road. The Applicant would like the Board to recognize Old Post Road as the dividing line.

Chairman Herrmann asked if the parcel had any road frontage or is there a right-of-way. Mr. Haley said it does not have road frontage, but a 25’ right-of-way was granted in 1947 to benefit houses on the property owned by Art Clark. The right-of-way serves a house that is already back there which also doesn’t have any road frontage but uses the right-of-way for access, which house is now occupied. There were many properties that were purchased by Lebanon Springs Water Company with the intent to make a water district, which never came to fruition. The bank bound the parcels together and sold all the remaining pieces to Art Clark who then sold to Mr. Kozaka.

Chairman Herrmann asked if anyone had any comments. There is no construction proposed. They just want to recognize the road as the dividing line.

Member Brutsch asked if the Board was allowed to create these parcels, and Chairman Herrmann said yes, if there’s a right of way.

The north and south lands are being separated by the roadway. The lands on the south side have a house on it and the Applicants would like to sell that house with 5.75 acres of land. They don’t want to be encumbered by the 12 acres of rural vacant land to the north. That 12 acres of land to the north has prospective property owners who would like to purchase it if it is freed. It would then be combined with other properties into a single parcel.

Chairman Herrmann asked if the Board wished to accept this as a preliminary and schedule a public hearing for next month, which motion was made by Member Greg Hanna and seconded by Member Michael Blatt. The vote carried as follows:

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

Mr. Haley will take care of the abutter's notification and provide the mailing receipts and a copy of the cover letter to the property owners to this Clerk.

Case No. PB-2018-t/b/d– Nokomis Education Center (8.-2-80, 81 & 82)

(Sketch Plan Conference) The Applicant is requesting a three-lot merger and site plan review for Nokomis Education Center (abutting Mountain Road School).

Ray Jurkowski, PE with CPL, and Allen Stack appeared on behalf of the Applicant. The project encompasses three parcels located on Adams Crossing Road which were subdivided back in 2012, each parcel being just over two acres. The intent is that they combine all the parcels to create one parcel that's 8.6 acres in size and construct an educational facility on the parcel that remains. The footprint of the proposed building will be approximately a little over 3,000 sf, and it will have a second floor that consists of approximately 2,000 sf. The purpose of the educational center is for ecological studies. There will be three classrooms on the first floor and an open room and office space on the second floor. The intent as far as the use of the building will be to lease space to Mountain Road School, and then in addition to that, the ability of having other schools visit the site and utilize the classroom facilities, perhaps once a week maximum. They anticipate there will be bus traffic in and out of the site, so that's the reason they propose a little bit of a loop road so the buses can come in, the kids can disembark off the bus, and it can pull off to the side, and at the end of the session, the bus can just pull out and they can go back to the school. So it would be for field trips from area schools and things like that.

Mountain Road School is staying in place. This facility is just for leasing additional space to them. It's not associated with Mountain Road School; it's a separate entity and is simply leasing them some space.

CEO Hernandez asked the Applicant if they had a proper detailed narrative in written format, and Mr. Jurkowski said he could provide something.

Mr. Stack said the three classrooms on the first floor would be used by Mountain Road School as additional school classrooms. It is not just for field trips. The leased space would be used on a daily basis.

Member Robert Smith said he wanted to let the Applicant know that there is farmland around the property, and they do spray. He doesn't want to have any hassle from the schools because they do spray conservatively. He previously had problems in that regard, so he's just letting the Applicant know that there is farmland around it that is sprayed conservatively and fertilized as well. If this project goes through, he doesn't want to hear anything about it, and the Applicant said they understood.

Mr. Jurkowski said there will be nine off-street parking spaces provided, one of which will be handicapped. Generally speaking, staff wise, the staff will be a minimum on a daily basis and some of the staff will actually be coming over from the Mountain Road School. Upstairs the office space will be occupied. There is one large educational room upstairs, and in addition to that, there is one office as well. There will be an elevator and stairwells.

The next submission to the Planning Board will be providing building elevation as well as a floor plan. Actually, there are two internal stairs which are actually going to be shaped as a

silo and encloses a stairway, and it will have an elevator to the second floor. The project will have private water and private septic, and the Applicant has already been in touch with the Department of Health and has conducted soil tests out there. The soils are very favorable as far as perc tests, which is good news, so they'll be going through that process as well.

The Applicant hasn't reached out to the Highway Superintendent as yet. They wanted to come before the Planning Board first.

Chairman Herrmann asked CEO Hernandez if she saw problems with there being two curb cuts. She said Adam's Crossing is a Town road, so Jeff Weinstock would have to weigh in on it. Mr. Jurkowski said the main reason for the two curb cuts is to allow better access for buses. They fully recognize that the Highway Superintendent will have to review the property. Chairman Herrmann personally recommends two curb cuts, but it's up to the Highway Superintendent. Member Smith said he felt two curb cuts was more logical.

Chairman Herrmann asked if we have enough to set this matter for a preliminary right now or do they have to wait for the narrative. Member Elizabeth Brutsch said she felt they should wait for the narrative because there were some other things that they need to know as far as the plans and lighting. Chairman Herrmann said this is a pre-submission at this point, just to give the Board some idea about the project. When the Applicant provides building layouts, the additional information will come with that. Chairman Herrmann asked if anyone had any negative comments about the proposal and there were none. CEO Hernandez reminded the Board that this project will also require a special permit.

Chairman Herrmann asked the Town Engineer, Paul McCreary, if he had reviewed the information and he said he had. Lighting is something the Board should ask about, and he doesn't know about the relationship with the adjacent school is, but obviously whatever times are happening there will be the same times that are happening at this new facility. He asked if there will be any evening events taking place at the educational facility that would not be school related, and Allen Stack said no, he doesn't see that happening. The second floor will be the ecology center and the first floor is the school, so the lease will be structured with those spaces divided. Mr. Jurkowski said they are in the process of designing the site right now. Mr. Jurkowski said they wanted to hear from the Planning Board first and see if they had any major concerns. The Applicant's intent is as soon as tomorrow to reach out to the Highway Superintendent and get his input because what they would propose to do for the Planning Board is to get those additional details on the plans. They recognize that they are in the conference stage only and have to add additional details. They are still in the process of getting Health Department approval. They will be reaching out to the Highway Superintendent regarding the curb cuts and any specific details that he will require as far as the apron and pavement.

Member Robert Smith said the existing road may not be suitable to handle the additional traffic which may be generated and wondered if the road needs to be redone? Can it withstand the amount of traffic? It's not just a Town road passthrough. Now you're putting a facility in there with a lot more traffic, so this is something the Highway Superintendent should be asked before the Applicant goes too far.

Chairman Herrmann asked how many buses a day will go there, and Mr. Jurkowski said because it's the Mountain Road School next door that is utilizing it, it is anticipated that they will be coming from that School and walking over to this facility. As far as the class trips,

buses will be coming perhaps once a week. They do not anticipate that there will be class trips on a daily basis.

Member Smith asked if Mountain Road School was looking to expand because that's how he sees this; now you're making more classroom space over there for them. Is this going to start as something small and eventually have 75-80 kids? Mr. Jurkowski said they are only proposing three classrooms, and they do not have a vision at this point for further expansion of the building. Their intent is to use the remaining land for agricultural purposes. Member Smith doesn't believe there will be any remaining land once they build the building; he knows because he used to farm it. There's only five acres of tillable ground, and once a building is constructed in the middle of it, there will not be any land left. He asked if they are going to put a septic system out back. Mr. Jurkowski said there wouldn't be large-scale farming. Member Smith said the building will take up $\frac{3}{4}$ of the available land; however, Mr. Jurkowski said out of the entire 8+ acres, the site plan only takes up .7 acres.

Member Blatt asked what the proposed occupancy of each classroom would be on a daily basis. Mr. Jurkowski said the maximum occupancy for the entire building would be 50 students, depending upon what takes place, but the classrooms themselves are not large, being roughly 13' x 20'. The entire footprint itself is only a little over 3,000 sf on the first floor. Member Blatt asked if that is 50 daily students, not counting any fieldtrips that could also be going on, and Mr. Jurkowski said no, that's 50 students total. If it happens to occur that classrooms are occupied and that open space on the second floor is also occupied with a class trip, that's when they're looking at that larger occupancy. Mr. Jurkowski explained the proposed site plan to the Board members.

Member Brutsch asked the Applicant how they intend to fund the project. Mr. Stack said he and his mother manage a privately-owned company which is fully funding the project. There's an agricultural farm over on Wadsworth Farm that will operate as a for-profit farm. It's a separate entity, but the idea is to have a staff person in the office of the ecology center upstairs who would get children interested in farming and ecology. They would use some microscopes on a fieldtrip basis and also do some soil sampling and the like. This is the basic relationship there.

Chairman Herrmann asked what the anticipated timeline is for the project. Mr. Jurkowski said they are currently on the architectural design and are approximately 70% through it at this point. They are working with Vermont Timberworks as far as the building structure itself, and are in the midst of fabrication. However, if the weather impedes the process, they may have to put it off until spring. If they have a warm winter, they will continue. The project is fully funded and ready to go, but weather could complicate the situation.

Chairman Herrmann said they have to await the complete submission and narrative. Mr. Jurkowski asked if the application had to be revised to include the special use permit. CEO Hernandez said it wouldn't be any different; they just have to check an additional box on the application.

Mr. Jurkowski said they are merging the three parcels, and according to the State, the Applicant doesn't need to get subdivision approval from a local planning board to do so. CEO Hernandez said this Town has always required local approval. Mr. Jurkowski said technically under State law, they can go down to the County Clerk's office and file it without local approval. Town Engineer, Paul McCreary said that's true, and asked if the Planning Board simply wants a map

showing all three parcels and how they will merge. Chairman Herrmann said he would be ok with that. Mr. Jurkowski has identified that in the plans but he will make it clear. CEO Hernandez said they would also like proof that it's been filed with the County Clerk. Mr. Jurkowski said they could either do that ahead of time, or as a condition of the final approval. CEO Hernandez said typically once the final subdivision is approved, the Board will waive a hearing, and you just file it at the County after which the County Clerk's office will send the Town a receipt. Mr. Jurkowski asked if there is a fee required for that, or it sufficient to show that it's clear the three lots are being combined. Chairman Herrmann said he didn't believe there was a fee to combine lots. Typically, the public hearing is waived because you're putting lots together. Mr. Jurkowski said he will provide the map showing the metes and bounds and how the parcels are being combined.

Member Smith asked how many employees there will be at the school. He sees the designated parking spots on the plans, but at Mountain Road School they just pull in and park anywhere. How many employees are there going to be? Will there be enough parking spaces for people who come to the school? Mr. Jurkowski said there will be the office and maybe an instructor in the open space upstairs and then one teacher in each of the downstairs classrooms. With regard to the downstairs classrooms, the likelihood is they may be utilizing the parking at Mountain Road School and just walking over. One of the nine spaces would be designated handicapped, and there would be room for the occasional visitor as well. Member Smith said Mountain Road School sometimes has events and activities during the year, and the people park on both sides of the road, making it difficult to pass through. This is a narrow Town road. What other activities do they plan at the new facility? Should there be more parking to accommodate people? Jay said at this point they do not envision any other events, but perhaps they could park on the grass. Any events would be very infrequent. Based on the Board's concern, as a condition to approval, they will identify on the site plan that there will be no parking allowed on the Town road. They can't dictate what happens at Mountain Road School, but as far as this plan, they will make it clear that there is no street parking. If somebody parks there, that would be illegal and could be dealt with accordingly.

Member Brutsch asked what the purpose of the dumpster is, and Mr. Jurkowski said it's just for garbage, paper goods, things of that nature. Member Brutsch said it seems odd to include a large dumpster on the plans for a building of this size. Mr. Stack said even the school just has cans, but they keep them in an enclosure. Mr. Jurkowski said there may not be a large dumpster, but they still felt it was necessary to show some type of enclosure. Member Brutsch said that makes sense.

Chairman Herrmann asked if anyone had any further comments. He didn't think the Board could go any further at this time.

Mr. McCreary said from everything that he's heard tonight, this sounds like a school. He's looking at what it's use is so it can be tracked through the Code. As a school in an RA-2, it would require site plan review as well as a use permit. Now we know they have to provide a separate sheet for the lot merge so that that's crystal clear. Everything else needs to be put together for preliminary review by the Board. As long as the Board is comfortable with the information that's presented, that releases them to move forward for a preliminary submission.

Chairman Herrmann said they would want an engineering review, and CEO Hernandez said the Applicant will need to provide escrow for this purpose. The usual escrow amount is \$5,000, and any unused portion will be returned to the Applicant. Once the escrow account balance

reaches \$1,500, the Applicant would be advised that the account is getting low. The Applicant said they will provide a check prior to the next submission. CEO also reminded the Applicant to submit digital copies of all documents so they can be distributed to the Board members quickly.

IV. Additional Items

CEO Hernandez said approvals have now been received from all outside agencies (DOT and DOH) with respect to the Stewart's project, and asked Chairman Herrmann to stamp the final plans so she could issue the final permit, which he did.

Chairman Herrmann asked if anyone had anything else to say. The Board discussed the Darcy project and asked what the status was. CEO Hernandez said the Board doesn't prepare decision documents, so she had no instruction on how to proceed until the Board approved last month's minutes (which have been acting as decision documents). As a result, Mr. Darcy had an extra thirty days to continue operating as he had been.

Regarding decision documents, CEO Hernandez asked if the Board should be preparing them on all cases, and Paul McCreary said in his opinion they should. It was decided that Member Brutsch will begin preparing decision documents for the Board. Mr. McCreary explained what should be included on the decision documents. CEO Hernandez said Paul had a good sample resolution which will be provided to Member Brutsch as a template. Mr. McCreary said the decision document doesn't have to be a resolution; it just has to be a summary of the application; did the Board have any additions; an overall project summary; what was the Board's decision; and were there any conditions. It's preferable to have a decision document to present to the Applicant which outlines the agreed-upon project and which can be referred to later on should any questions or issues arise. CEO Hernandez said that would be very helpful with enforcement as well. Paul McCreary said this is also good so the Town residents know what the Planning Board has agreed to. Mr. McCreary said it's best that the Planning Board vote on the decision document. A draft can be prepared and modified as needed, and a final version can be presented at the night of the public hearing for vote by the Board.

Chairman Herrmann adjourned the meeting at 8:15 p.m.

Respectfully submitted,

Donna M. Gedeon

Donna M. Gedeon
Planning/Zoning Clerk