



Town of New Lebanon

Planning Board Regular Meeting Minutes – Unapproved
October 26, 2020

Present: Elizabeth Brutsch, Chairperson
Jim Carroll, Planning Board Member
Greg Hanna, Planning Board Member
William Banker, Planning Board Member
Monte Wasch- Planning Board Member

Absent: Bob Smith, Planning Board Member
Tegan Joy Cook, Planning Board Member

Others Present: Timothy Schroder (Town Engineer) Cissy Hernandez (CEO) , Stephanie Ferrandino (Town Attorney) (9 members of the public Lori Bashour, Michael Lee, , Bryce Recer, Fred Haley, Andrew Schrupp, Gaston Robert, Lindsay Robert, Greg Gillibrand, Michael Carey

I. Call to Order

Chairperson Brutsch called the regular meeting of the Planning Board to order at 7:30 pm.

II. Public Hearing

Case No 2020-004 Minor Subdivision (TM # 19.4-1-34.100)

Fred Haley represented his client Sheryl Roden. Property owner is requesting a minor subdivision into two lots. Mr. Haley provides the board with revised plans, as per their recommendations at the October meeting. The town engineer Paul McCreary made the following recommendations that were noted. 1- The wetlands on the property may need to be subsequently checked. 2- With the septic system anyone would need to get approval from the Columbia County Department of Health. These were standard notes so that approval would not be determined for more than it is. The approval would just allow the four acre lot to be divided into two 2 acre conforming lots. There were no members of the public present with comments on this case. Town Attorney Ferrandino, “There is just one minor technical issue, the property when I was reviewing it is part of a trust., and the trustee should have been the one applying for this”, but I think the person that the trust was a benefit for actually signed the application. “She doesn’t have legal authority to do that because it is an irrevocable trust so we may just want a letter or something to document the file that the trustee is supporting the application that was made”. “Diane Salvador is the name of the trustee, it would make sense for the board that if anything is granted tonight that it is conditional upon the trustee writing a letter saying yes I consent to this”. .

Chairperson Brutsch closed the public hearing at 7:37 PM.

III. Regular Meeting

Case No 2020-004 Minor Subdivision (TM # 19.4-1-34.100)

Approval for a minor subdivision. Chairperson Brutsch, “Does the board have any questions in Regard to this application?” What do we feel about Stephanie’s recommendation about getting a letter from the trustee ?” Board Member Wasch, “I think it is necessary because anyone that would be purchasing the house would run into title problems”, the owner is the trust and

therefore the trustee has to approve”. Town Attorney Ferrandino, “Yes I think if you just get a letter saying I support this, if you do not receive a letter then you don’t sign the plans until you get the letter. It is easy to resolve as long as you can find the trustee. The trust happened in 2017 so it has to be someone that is around and actively managing it”.

Chairperson Brutsch made a motion to accept the subdivision with a condition with accepting a letter from the trustee. Board Member Wasch second the motion. The vote carried as follows:

Chairperson Brutsch-	Aye
Board Member Cook-	Absent
Board Member Carroll-	Aye
Board Member Hanna-	Aye
Board Member Banker-	Aye
Board Member Smith-	Absent
Board Member Wasch	Aye

Preliminary Hearing- Nokomis School & Ecology Center

Bryce Recer from CPL was preset to present for Nokomis. Town Engineer Paul McCreary sent a letter outlining the items that needed to be addressed. Mr. Recer goes through those items. Mr. Recer said that he will prepare a written response after the meeting based on the comments from the board.

Mr. Recer addresses the concern about the traffic at the facility. He begins by explaining that he originally thought that students would only be at the facility for trips once a week but in actuality it will be 20-25 students daily with one teacher. Local schools would be bringing their schools on a bus. If it is 25 or less students they will recommend the schools using smaller school buses. The smaller buses could handle Wadsworth Hill better than the long buses. During the summer and fall the center would be open to adults for classes. During this time they expect 20-25 cars going in and out on a daily basis.

According to the map presented to the board there were changes to the parking from the last meeting. Mr. Recer points out the old parking and goes over the new additional parking that was added. Some of the parking will be paved and some will have grass pavers, (to cut down on expenses). There will be grass for overflow parking. Curbing was recommended by the town engineer. Mr. Recer, “we are not in an urban environment, where this school is to be proposed and putting curbing in would be a detriment to our design. Most of the parking is the pavers which will collect the storm water through and there will be under drains that will collect and drain it to our drainage system which we are still designing and I will supply that at the next meeting with a SWPPP. I would like to get your thoughts on the curbing issue”.

Chairperson Brutsch, “My first thought is maybe we can talk about the driveway, I am not keen on where the driveway is located. It is on a sharp bend”. Recer, “This spot (as he points to the map) would give you the best sight distance in either direction versus having it somewhere else on their property”. Chairperson Brutsch, “I know it gets very steep down there, we had talked briefly at the last meeting about using the adjacent driveway that goes up to the farm access, did you guys revisit that with the owner?” Recer, “the only problem we see going forth with that issue is (granted he owns parcels) our client isn’t fond of that idea because in the future if he wanted to sell he would have to get some easement. We think it would be better for our

client if he could have access from the town road”. Brutsch, “Correct me if I’m wrong, that is also access to the farm as well?” “This is not just a residential driveway” This in turn deals with the issue of fire access. CEO Hernandez, “Appendix B in the fire code: B-103.3 talk about fire hydrant and the fire truck .There is an existing pond there but it is on the other parcel. Recer, “would that be required?” CEO, “I did talk to the fire chief and yeah”. Recer, I will submit the plans after this meeting”. Chairperson Brutsch, My thought is that if you have to run a road down towards the pond for fire access any way it might make sense to combine all of your driveways and roads off of one that is already existing because you will need to get an easement for an access road to run across to the pond anyway unless you go with a different route, you know a new pond or some other system for the parcel that the building is on”. Recer, “So this is for fire flow to the building?” Chairperson Brutsch, yeah”. Recer. “Is that part of the building code?” Chairperson Brutsch, Yes, .that is what Cissy was just referencing”. Chairperson Brutsch, its part of the fire code”. Recer, “Ok I will get back to on that”. Chairperson Brutsch, “ and as far as the curbing, I would have to reach out to our highway department to look at the driveway entrance especially if it is being paved, and I would assume that they would like some curbing, at least to the entrance to that driveway. If not further in on the property. I don’t know if curbing is necessary or required except maybe at the building”. Mr. Recer points to the map and explains that there is a curb line by the sidewalk it is just hard to see on the map. Chairperson Brutsch, “so maybe extend it down around the corners so that buses aren’t tearing that up . My personal opinion is I don’t think the whole site needs to be curbed but I will ask the board to weigh in on that”.

Board Member Carroll, “I’m in the same frame of mind, I don’t think you need curbing everywhere up there”. Mr. Recer, “I am submitting an application to highway superintendent anyways so we will have the driveway covered. I will get his comments and see what he wants to do with that. If he wants to curb it or if he is ok without curbing it, I will definitely send it back to you guys”. Mr. Recer, “At this time our client doesn’t have a sign, if we have a sign we will submit it next Month with the plans”. We submitted it to the county and we are still waiting to get a meeting for the septic. For the water system there is an existing well for the system and that will be used for our public water supply. It will be tested and the results will be submitted to the county. In comment six from the engineer I was a little confused with the verbiage he used. I understand what he is getting at but our client is pretty set that they will not have any more than twenty five people per day. If the board would like us to write something on the form for our septic design saying that our design is only for the twenty five students we don’t have a problem doing that. Obviously if at some point it goes from 25 to 50, our septic would be under designed, and that would have to get redesigned and our client would be responsible for doing that before operating. Chairperson Brutsch, I wonder if Paul’s comment came from the fact you were talking about the one case”. Mr. Recer, yes, I changed it from 25 people a week to 25 people a day. I can reach out to him directly and talk to him about that. Number 7 is self-explanatory, we will have all of that stuff for the next meeting. The SEQR form, he had made his recommendation now I guess the question is going through is

Comments: Do you believe this could be considered a complete application? We will compose a SWPP, and submit it to the board, we are submitting all of the applications for this project that are required.” Chairperson Brutsch, Are you asking if we could go to a public hearing next month for final approval?” Mr. Recer, “No, no, Im just asking if we can establish SEQR”. Town Attorney Ferrandino, “ you don’t have any of the studies that you need to support that right? You still have the bat issue.”Mr. Recer, “About the bats, they are a threatened species, basically the D.E.C. website requires us to make a note that tree cutting would be done between November1-March 31st.

No other clearing would be allowed between April 1st and October 31st. We will note that on our plans for next months meeting.

Chairperson Brutsch, “Do you intend to do a lot of clearing on the site?”, Recer, “No the only clearing is minimal (he points out the existing road) so it’s just getting a little bit wider, and basically we are putting the building and parking on the open field. Our road is basically up to the tree line, the only clearing would be this side (pointing to the map) and where the storm water treatment is going to be, so it’s very minimal. Chairperson Brutsch, “that is one of my concerns, I have seen clearings take place where they clear the entire site”. Recer, “Our plan is about nature, so he wants to keep as much of that forest as possible”. Chairperson Brutsch, “ that brings us back to one of the comments that Paul made, typically we prefer parking per our plan and our code, off street and to the side, but t if you are going to keep all of the trees that is different”. Recer, “You will never see the parking from the right away, so if to not set a precedent in the town, if you wanted to write that in the approval letter saying, “ Due to the fact that the parking is 500ft off the road (or something like that), it doesn’t set a precedent for other applicants coming down the road to the town”. Chairperson Brutsch, well five hundred feet and buffered by,” Recer, Yes, buffered by”.

Chairperson Brutsch, You don’t have any information about building lighting or anything like that tonight?” Recer goes through the plan. CEO Hernandez inquiries about the plans that show the story. (These plans were not available to the board at this meeting) Chairperson Brutsch, “it seems to me that we are missing a lot of information in order to move this forward. So I don’t know if we want to vote this forward . When you come back you should list the type of parking, lighting information”. Recer, we do have a lighting plan for our parking and details for the footings and the electrical connections. With the buffer and the existing trees do you think we need a landscaping? plan?”. Chairperson Brutsch explains that landscaping plans are only needed when adding or drastically changing landscaping. Town Engineer Tim Schroeder asked for a landscaping plan to be submitted. Recer refers to Paul McCreary’s comments about the EAF and SEQR. His recommendation is that it would be an unlisted action. Recer, “usually with an unlisted action you just have to submit a short form”, would I need to do the full EAF?”. Chairperson Brutsch, “I would like to see a long form for this particular site and this project. Brutsch continues, “Paul also mentioned that there are some types of rare plants and animals in the area so I think it would be beneficial for the board for any future need that we have a long form on file. Members Hanna and Wasch agreed on the long form along with Town Engineer Schroeder. The decision was for a long form to be submitted. Town Attorney Stephanie Ferrandino, “When you have a professional representing an applicant and there is submitting documents it would be extremely helpful for you to provide an electronic version, because your electronic version is going to capture all of this stuff, where a lot of times we are getting it is scanned and sometimes you can’t interpret it, a flash drive. Just email it to Michelle”. “We can get those plans on our computer, it’s just helpful for us”. Chairperson Brutsch, your next step would be to get all the information, letters from appropriate people” Recer, “ for nexts month meeting, hypothetically if we do not have an approval from the health department for an approval for the septic yet or for our water system or for the highway permit but we have all of our other ducks in a row, could we move forward with the SEQR?” Recer, “No?” Ferrandino, “I wouldn’t do it, if plans change because the DOH is saying you need to do xyz you are going to end up redoing SEQR because the plans are changing and the SEQR needs to be whatever is on the table for approval so I don’t see any reason to rush it”. Recer, “Ok”. Ferrandino, “I would try to do it all on the same night”.

Valley Plaza- Michael Carey- Unit #3- Requesting Jurisdictional Determination

Michael Carey, the property owner of the Valley Plaza is requesting jurisdictional determination on the ZEO’s decision that the new retail tenant proposed for unit #3 requires site plan review due to the former tenant being the heritage center..

Mr. Carey, “This space is a retail space in the plaza and the heritage center was there before and its been empty since. We would like to put in a store so we can operate under the Jonathan Carey Foundation. I am asking the board to reverse the decision of the ZEO. Chairperson Brutsch asked for a clarification of what type of items would be sold. Mr. Carey, “wood crafts, wood furniture, some antiques, and a variety of new and used items”. Board Member Wasch asked where the items would be coming from. Mr. Carey, some of the wood products would be locally made by Steve Beech. We will also be selling some other items that are either purchased or donated, it will be a mix of products. We will also try to work with other local artisans”. Chairperson Brutsch, “so it will be different from the thrift shop, and be focused more on handmade items?” Mr. Carey, “It will be a big mix, I’m not sure of the exact percentage”. Brutsch, any profits that come in will go directly to the foundation?”Mr. Carey, Correct, above and beyond expenses”. Board Member Carroll, “Do you have a feeling for traffic, and about how many people will be going through, just based on square footage?”Mr. Carey, “it’s hard to say how much traffic there will be”.

Chairperson Brutsch asked if there would be any changes to the space, lighting or any signage installed. Mr. Carey, “No.” Board Member Wasch stated that there is a bathroom in the back of the space that is pretty minimal. The restroom will not be used for the public, it will be employee use only. Chairperson Brutsch, “how many staff will you be working in it?” Mr. Carey, “Probably just one at a time. The hours have not be solidified but they are looking at 9-5 and weekends. Town Attorney Ferrandino, “This application is a same use as previous store”.

Board Member Carroll made a motion that the proposed use is similar in kind to previous uses and we will overturn the ZEO’s decision and allow this use to go forward. Board Member Wasch second the motion. The vote carried as follows:

Chairperson Brutsch-	Aye
Board Member Cook-	Absent
Board Member Carroll-	Aye
Board Member Hanna-	Aye
Board Member Banker-	Aye
Board Member Smith-	Absent
Board Member Wasch	Aye

Valley Plaza- Michael Carey (The Jonathan Project) 2020-008

Applicant wishes to use the narrow unit (the remainder of the space left over from when Family Dollar moved into the former IGA). The space will be utilized as an area to store

Bottles and cans that are donated by the public.

Mr. Carey explained that the purpose of this use is to raise money for the foundation, the Jonathan Carey foundation is in honor of Mr. Carey's older son that was tragically killed. The Foundation is all about helping vulnerable children, abandoned, abused, orphaned and disabled children. The space is to the left of the family dollar that is approximately 24 x 100 deep. It was the supermarket and when Family Dollar went in a dividing wall went up. It is an empty storage area. Mr. Carey, "We would like to change the use to warehouse". In the doorway going in we just want to have a spot where people can deposit bottles and cans". Brutsch, "So there is no interior lighting right now, would you like to add lighting?" Mr. Carey, "As of right now it would just be storage of bottles and cans, there is lighting in the front area, and there is a light just outside the door". Board Member Wasch, "people would not enter, correct?" Mr. Carey, "there is just a small little area ". Board Member Carroll, "if there are no lights how will people see?" Mr. Carey, "there is just a small area going in and there will be a light there. The other area which is a storage area currently there is nobody in there. So there will be an area right inside the door where the people can put there bottles in, it is very similar to the drop boxes". Board member Carroll inquired, "So after they put them into the box through the wall what happens, what is the magic that happens in back of that? Do they just mount up in a big pile?" Mr. Carey, "oh no, we will be there at least twice a week ". Carroll, "so if there are no lights, how will you see?" Carey, "Well during the day there are good sized windows".

Chairperson Brutsch, "I am not sure that you can have people in a space without lighting, can you?" ZEO Hernandez, "there are no people in the room, the people only go in the entryway". (ZEO Hernandez points out the location on the provided map). There are no employees, it will just be warehouse space. Chairperson Brutsch, "So what are you going to do with the bottles once they collect in there?" Mr. Carey, "so once we collect a bunch of them we will bring them to collect the money on them". Chairperson Brutsch, "so you will not be sorting there?" Mr. Carey, "We have not worked out an arrangement yet. There are two different ways to do it: 1. there is a company that collects them, or 2- we will take them out in a truck and return them". Board Member Wasch, "is the redemption center going to be sanitary, the bottoms of the bottles are full of sugar, and I'm worried about varmints". Mr. Carey, "My thought was most people bag them and tie off the bags. What I would do is I would have a spot in the entryway with extra garbage bags there so they can double bag the bottles and cans".

Chairperson Brutsch asked, "How often to you plan on emptying it"/ Mr. Carey replied. "It would be emptied way before it gets full, the storage area is quite large". Chairperson Brutsch, "Would you need to provide dumpsters, just in case someone decides to bring their kitchen garbage and dump it there?" Mr. Carey, "We can put a dumpster out back". Brutsch, "So from Cissy's (Town ZEO) e-mail, She explained briefly what the project was, and she states that the only definition she could find in the use table was warehouse, which requires a special permit and site plan review. Ms. Hernandez goes on to ask that if the board is inclined they could accept this as both a sketch plan conference and a preliminary if we deemed it as complete. Is this correct?" Mr. Carey, "Correct, we would like to make this as easy as possible". Chairman Brutsch, "I'll offer up my thoughts. I think we can accept this as a sketch plan. I would like to see a little bit more on the site, like a where a dumpster might go if you need one. Where a truck might go to pick up. If you have an outside agency pick up the bottles where they would enter. I think the narrative can be worked on including the items we talked about. If the vestibule will be open 24/7. (Mr. Carey intercedes) "I can answer

those questions now. The truck can park on the side of the building, everything can be done right at the front door. There are two doors, if we need a dumpster we will place it in the back alongside the dumpsters for Family Dollar. As far as the 24/7 we would like to leave the vestibule open the entire time. It will be open 24/7 and we would install a camera and there will be lights inside the door and outside the door”. Chairperson Brutsch, “ So if we can get that information written down and documented with the rest of this, I think it would be helpful because eventually we would need to stamp something for the site plan review portion of this. It would be nice to have something in writing shown to stamp it. It would be an accurate reflection of what we are agreeing upon and what you are presenting”. Mr. Carey, “Ok”.

Board Member Carroll, “Is there a back door, or is the only entrance the front door area?” Mr. Carey replied, “There is no back door, there are two front doors. There is an entrance and an exit. The two doors are side by side. There are two ways in and two ways out. Board Member Carroll, “I don’t know the code, Town Engineer Schroeder. “From a code stand point is that the entrance and the exit share the same space, it sounds like it is a narrow long space. You need separation space for two forms of egress. If the two doors are directly adjacent to one another, you have a minimum requirement of distance between the two points of egress. They need to be 2/3 the diagonal distance apart from one another. So that would mean you would need another door towards the back space in order to meet the egress requirements.” Tim Schroder continues, another question that I have, being that there is a warehouse for storage we need to know what your storage system is, and what your density is going to be and things like that. It also plays into the fire hazard that this change of use of the space will impose on the building and the area. .Those are pieces we need to review”. Mr. Carey responds, “On the doors going in it is a small space (compares it to two tables at the meeting), the other space in the back is not for anybody else to go in”. Engineer Schroder, “regardless if it is for public use or employee use, there are requirements that you need to meet in order to meet egress requirements. If two points are required they have to have a certain amount of space between them. We need to review the square footage and the specific requirements “.

Board Member Wasch, “are you using the entire space for any other purpose? Mr. Carey, “Storage space right now”. Board Member Wasch, “Is there anything store in there right now?” Mr. Carey, “Yes, there are building materials for the plaza “. Wasch, “but there are no goods being moved in or out?” Mr. Carey, “We have put materials in there from the empty store, but the space has been used for storage for years”.Mr. Wasch. “Again the public has no access to the storage area, other than the little vestibule?” Mr. Carey, Correct!” Chairperson Brutsch, “Will you continue to store those items in the back of the unit?” Mr. Carey, yes, it really is need”. Member Carroll, What is the wall between the dollar store and the storage area, cinderblock, sheetrock?” Mr. Carey, “No it’s like a sheetrock”.

Carroll, Cissy and her group may have to look at. In my opinion they created some non-conforming wall “. Mr. Carey, “Cissy has already looked at that I believe it is conforming”. Mr. Carey, “the wall is just a dividing wall, because Family Dollar did not take up the full space that the former grocery store had. That’s all code so we are not touching the wall we just want to use the space to collect bottles so we can help children”. I’m just hoping this wouldn’t get extra complicated for some reason”. Member Carroll, I’m just thinking about there not being a second set of egress. What if there are people in there and there is a fire or some emergency. What if you can’t get out the front, there is no back door”. Chairperson Brutsch, “I think at a minimum you will have to add doors to the back”. Mr. Carey, Cissy did look it up and said that it shouldn’t be a problem, she said due to the

length of the space that there would be no need for another door”. Maybe Cissy can weigh in because we are trying to raise money to help children so the least expenses obviously the better”. Cissy, with my research there was no need for a door but I would like to consult with the town engineer about it”.

Chairperson Brutsch, “When you say that the wall between Family Dollar is conforming, is it a one, two or zero hour separation? “Cissy, “It is one hour”. Chairperson Brutsch, “Does that meet the code for warehouse space classification?” Cissy, “According to my research it does, but let me go over it with Tim. The reason I know that it is a one hour rating is because I went through this with Family Dollar”. (Cissy pulls out a map of Family Dollar) She continues to explain the dimensions. Cissy, “My research in the existing building code led me down the path that we are switching from an M use to an S-2 use, but I would like to consult with Tim after the meeting”. Board Member Carroll, “What is an S2?” Cissy, “S-2 is storage, and its empty cans and bottles, and that’s what I was looking for. So I don’t have the hard copy code books, I only have the digitals, the PDF’s so I just printed the sections that were applicable to the case ”. Chairperson Brutsch, “ So there seems to be that there is more information that we need , but do we feel comfortable enough to accept this as a sketch plan and move it to a preliminary to our next meeting, or do we want to hold it at sketch plan?”

Board member Hanna made a motion to accept the sketch plan and move the case to a preliminary. Chairperson Brutsch second the motion. The vote carried as follows:

Chairperson Brutsch-	Aye
Board Member Cook-	Absent
Board Member Carroll-	Aye
Board Member Hanna-	Aye
Board Member Banker-	Aye
Board Member Smith-	Absent
Board Member Wasch	Aye

Mauro Automotive- Joseph Mauro 2020-007

Applicant is seeking SP/SPR for change of use from a residential garage to an automotive repair business.

Mr. Mauro, “I own 25 acres in New Lebanon, I have a detached garage that is 28x36 .I have over 25 years of automotive experience as a technician, over ten with Ford as a master technician, I am not looking to do any construction just a change of use . The property was rezoned residential to commercial, which we allow me to do this. I had an area variance approved for the road frontage because I didn’t have enough. I am the sole proprietor, business hours will be 8am-6pm Monday through Friday and weekend hours based on customer needs. I am looking to only have up to ten vehicles at once at it will be by appointment only. I am not going to have customers come leaving stuff because less is more because it is my property and if I can make a living ad not have many cars stay there then I am happy with that”. Mr. Mauro hands the board a sketch of his house with the locations of where the well and septic are. He goes on to explain where the lights are. “I specialize in diesels, I am not looking for people to just come in for a flat tire or oil change. I am a successful drag racer, and I will be having friends and such coming to me on the off season

Chairperson Brutsch, “ on your map you have parking in the back, but the driveway doesn’t extend back there, Was that just an oversight?, or is that just a grass drive to get to that parking”. Mr. Mauro, “ It is just grass and dirt right now but I am planning on putting down gravel The property is totally secluded by woodlands and set back , the driveway is 533 feet back from the garage . There is no sight from the road, you won’t see anything, and my house is over 200 feet away from the garage. There will be a small sign by the road and a small sign on the garage”.

Board Member Wasch, “Do you plan on being the sole employee? You are not going to have a staff?” Mr. Mauro, “ No just myself at this time, because I don’t know as far as bookkeeping , if it becomes too much for me to handle myself maybe a bookkeeper as a remote situation. I will be the only one in the shop. No customers allowed”. Board Member Carroll,” You want to change the use from a residential garage to an automotive repair business, you also have to have residential on site. Would this be a mixed use property? “ZEO Hernandez, “so there is a category for mixed use, but the definition of mixed use is in the code book”. Board Member Carroll, “the definition of a mixed use is a combination of a residential and commercial space such as a storefront with apartments with one or more upper floors and retail space on the bottom floor. That’s just one example”. ZEO Hernandez, “My thoughts were that he could fit that category but then there was a discrepancy of whether or not I was interpreting that correctly and that this may not fit that category. So I sent Mr. Mauro to the ZBA and it turned out not to fit that category. I thought it would be safer to have him go on this path until we get further clarification on that definition”. Carroll, “Ok I’m satisfied”. Mr. Mauro,” I spoke to the assessor and she said a quarter of my property is commercial and the rest of it is residential”.

Town attorney Ferrandino, “The local law definition for home occupation has it changed. Home occupation excludes home occupation but then it says home occupation 1 (which is completely confusing to me because it says that a home occupation that meets all of the following criteria, and then it just says no signs, and the professional occupation is carried out totally in the confines of the building on the subject property. I am just curious why they distinguished one from the other. “. Hernandez, “I have no idea”. Mauro, “When we went through the packet automotive was excluded on home occupation”. Ferrandino, it still is but there is a second home occupation, which in some municipalities is slightly more intense than the just regular home occupation. So I was just curious if this would fall in to the second category but there is not much of a definition”. Mauro, that’s why I am going through the residential / commercial zoning because that would allow me to operate”. Hernandez, There is also category for HO 3, and HO 4. They are in the special permit section “. Wasch, “One might think that automotive is excluded in home occupation because one might not want one to have an automotive business in the same building as residential. This is two separate buildings and the area is zoned for residential and commercial. I don’t see why we would have any objection in allowing this to move forward”. Town Engineer Schroeder, “in a mixed use property the definition here reads somewhat to the building code does and it states that it is in the same building, So that would not apply here because it is in two separate buildings. The one part of this that may impact the project is that looking up an automotive relating occupancy falls into an F1 category and looked up the existing building code, this is a change in use and in the existing building code change of us one of the exemptions is motor vehicle related occupancy has to comply with the building code. In the building code under plumbing fixtures in the required section under fixtures, it requires a bathroom and a service sink. So I think that needs to be reviewed to be assured that that doesn’t change your site plan”.

Hernandez, “So I have not done a code review on this, but I did suggest that Joe reach out to a design professional and get their opinion before we move forward with the town so to get an idea of how expensive the modifications to the building would be and if it will fit his budget”.

Chairperson Brutsch to Mr. Mauro, “Have you reached out to anyone at this point?” Mr. Mauro.

“Yes, I have had a discussion with them and I am under the impression that if I am the only employee that I do not need a bathroom because I have my house, I do not have to provide a bathroom for anyone else”.

Brutsch, “Is the building completely empty right now?” Mr. Mauro,

“No”, Brutsch, “Does it have a mechanical exhaust system, or anything like that that?”

Mauro, “the exhaust system goes out the door. It’s all private/ personal use right now and it’s set up pretty well. I have been a drag racer since 2007 and I have been building my own stuff “.

Chairperson Brutsch, “I think that something else we will have to look at is the mechanical systems as well”. Mauro, “I am not modifying the building, it is all existing”.

Chairperson Brutsch, “Do we accept this as a sketch plan and move forward to the next stage?”

Board Member Wasch, “The garage you have now is not just for parking your car? You are using it to do repairs and construction on the maintenance of vehicles right now, they just happen to be you.

The use isn’t really changing it’s just that the cars will be owned by others?” Town Engineer

Schroder, “the building code that we currently use would classify the structure as an accessory to a residence. So it still falls under the New York State Residential code. If it goes over to a use group

of F1 or any of the uses in the commercial code so you have to look at a completely different set of requirements. The commercial code is a more stringent set of requirements than the residential

code. Each use has subdivisions that we have to go through, so by classifying it as a commercial structure he will be pushed over to the commercial code through the existing building code.

Chairperson Brutsch, what more does the board want to see? I think his narrative is very comprehensive. He has already provided all of the information that is sighted in site plan review.

All of the bullet points are covered, the new narrative he supplied tonight, and he has provided us with a sketch“. Schroder, “My only concern was that if a bathroom was needed, how would that be

accomplished?” Chairperson Brutsch, “looks like we would need a little bit more information , just confirming that there is going to be no additional site changes required based on where you on in

the building code. You said the driveway is not gravel right now but you intend to make it gravel?”

Mauro, Yes I will just top it with gravel, but the driveway is gravel, it’s just the parking area that is to the left of the garage that needs gravel”. Brutsch, just note that on the plans for our engineers to

review”. Board Member Wasch, “I want to see the applicant provide in the plans that there will be no other employees, that he will be the sole employee. That would answer the bathroom business”.

Brutsch. “You might want to look at the impact the cars pulling on and off the gravel driveway will have”.

Board member Hanna makes a motion to accept this as a preliminary with the changes that were discussed and authorize this to be sent to the county and move this case to a public hearing. Board

member Carroll second the motion. The vote carried as follows:

Chairperson Brutsch-	Aye
Board Member Cook-	Aye
Board Member Carroll-	Aye
Board Member Hanna-	Aye

Board Member Banker-	Aye
Board Member Smith-	Absent
Board Member Wasch	Aye

Andrew Schrump (Gaston Robert) Special Permit/ SPR (TM # 19.1-1-13)

Mr. Schrump, “I am in the processes of purchasing the property on Route 20 that is currently The Shedman., for my landscaping business, we submitted a site plan and a special permit application. We would like to use the property for our landscaping business and supplies. Right now the facility has three storage buildings and we are going to keep everything the same, just utilize what’s there on site.

Board Member Carroll, Will you be doing repairs on site?” Schrump, “Just the maintenance”. Carroll, “Are you close to the stream that is in the back of the property?” Mr. Schrump “There are already bumpers in place. Right now there are concrete bollards that separate from the stream. On the sketch we placed where we would store the materials and where we would park the trucks”. Carroll, “How many trucks or trailers do you have”. Schrump.” Right now it is one pick-up. One dump truck and five trailers. A lot of the stuff we do is on properties, but in between jobs we want somewhere where we can store our vehicles so they are not out in the weather”. Carroll, Will you have a fuel tank?”. Schrump, that will be determined but there really is no need for us to have a fuel tank. There is an existing fuel tank there and if that was to remain we would utilize it”.

Board Member Wasch, “In regards to materials will you be selling to customers?” Scrup, “In regards to materials if you say you want some mulch we would deliver it. This will all be off- site, I do not want to be on-site to receive materials”. Chairperson Brutsch, “Do your employees use their own trucks or will they be parking their vehicles there”. Schrump, they will be parking there in the employee parking area”. Schrump, I have one employee currently”.

Chairperson Brutsch to Town Attorney Ferrandino, “We have to determine if this can be a sketch plan conference based on Cissy’s email”. Board Member Carroll, “There is one concern that I might have and that would be a need of screening, so it doesn’t look like a contractors yard. “ Schrup, “the materials will be stacked in little piles and not look like a quarry”. Brutsch, “Do you know how many types of materials you will have”? Schrup, “There will be four types of materials”. Brutsch, “will you ever have to fence the property in to prevent people from entering”. Schrup, “Possibly”. Carroll, “for aesthetic purposes, putting screening across the front will make the property look nice”. Chairperson Brutsch agrees with Board Member Carroll.

Chairperson Brutsch, I would like to look at where the bulk materials for landscaping are because they are on the short side of the site so they are closer to the river and a potential flood zone. There is a hundred foot buffer noted on the site that we did a while back. That is a consideration that I would like to see. How is the material stores? Can we put it in a bunk? Can we flip flop the trailers with the storage?” Schrup, “That wouldn’t be a problem”. Chairperson Brutsch, “I think from needing more of an official plan in our records I think a site plan needs to be more of an official site plan. Showing the site more accurately and dimensioned and the buildings to scale it doesn’t necessarily need to be engineered but it needs to be accurate. That’s what we ask for.” Schrup, Ok, I wasn’t exactly sure”. Hernandez, if you can put setbacks to your property lines where your

storage areas are going to be that would be beneficial”. Schroeder, “make sure there is a plan to protect the stream from run-off”.

Chairperson Brutsch added,” it would be beneficial to add to the narrative the number of employees, parking on the site, what is the work schedule). There is existing lighting on the sight. In the book there is a list for site plan review, you should take a look at the list and make sure you are doing what the lists outlines”. Board member Hanna made a motion to accept this case as a sketch plan. Board Member Wasch second the motion. The vote carried as follows:

Chairperson Brutsch-	Aye
Board Member Cook-	Absent
Board Member Carroll-	Aye
Board Member Hanna-	Aye
Board Member Banker-	Aye
Board Member Smith-	Absent
Board Member Wasch	Aye

Workshop- Lori Bashour

Lori has asked to have a mini workshop. Lori, “I’m addressing what was discussed at the last meeting. One of the things that was requesting on the decision document was the septic, the SPEDS permit and the application. Cissy has these in her files, they were submitted in 2007. Since that time the septic issue has come up numerous times in other meetings. We have state of the art septic and rumors fly around town and future tenants are turned off by that. So I wanted to explain publicly, the field in the front (where the farmers market was) is a leech field. There is a 3,000 gallon holding tank. There are pumps in the tank. The pumps alternate so they will not get worn out . If one wears out there is still another pump that keeps going. In the tank there is a flow, if the flow goes to high it sets off an alarm letting you know that one of them is not working. Before the water gets to that it goes to the middle of the parking lot,(solid septic tank- 1,000 gallons). It gets pumped every three months. The pipes that come in to that tank, are from each of the wings of the building. One from the center and one from each wing. There are three of them. China City and M& M’s each have a grease trap. Those grease traps are pumped out every quarter. The grease trap for M &M’s was added in 2015. We have a well. On the well we have a meter”. The D.E.C and the Columbia County Board of Health both have the septic plans on file. The issue of the septic overflow which happened in August. So what happened was we have a well ,that measures the water and you read the meter and it keeps track of how much water is going in. A toilet in M & M’s was running. Thousands of gallons of water a day was going out of the toilet. It was taxing the system. Once this was turned off this stopped. We have an annual inspection done. I have the report here.

Chairperson Brutsch, “the permit has an expiration date of 2015. The permit was issued 9/13/07 and it seems like it expired. The SPEDS permit. “Bashour “I would hope that all of the times I spoke to the Columbia County Board of Health that if that was an issue they would have said something”. I will call the D.E.C and find out about that”.

Pest control: Bashour “We replaced the pest control company that we used in the past and called Orkin. They placed 15 rat based traps around the exterior of the building and also gave a recommendation of what we can do ourselves. I spoke to Carmen Barbado and he suggested

things that could help, and I also spoke to Maggie at the board of health. Some of the ideas to help are: putting the dumpsters on cements blocks, and putting them together., pulling the propane tanks away from the building, they are also contracting M & M's and China City for the inside”.

“ You guys all said at the last meeting that the landlord can have permission for use, but when the tenant comes they would have to submit another application for a permit to Cissy, so they would be able to occupy as that specific tenant. That’s getting a little complicated because tenants don’t know what to do either. It has to be explained to each and every one. Our new tenant would have to submit a building application to qualify as a retail space. I have created an application based on a conversation with Cissy, the person would answer all of the things that pertain”. Ms. Bashour goes through the proposed application and explains it. This would alleviate the applicate from having to come in front of the board because it was already approved as a retail space. Ms. Bashour also made a recommendation that she would submit the application on behalf of the tenant. CEO Hernandez, “ Lori, I would rather you apply”. Lori “this form would replace the narrative”. Hernandez “conceptually I think it’s a great idea”.

Lori explains that the applicant for the beer store was present at a previous meeting, and the applicant was confused. She is not coming back. The determination letter is in her name. Ms. Bashour inquired what she needs to do to switch to her name. So if another beer store comes in it is already taken care of. Ferrandino, “My sense is what would happen is the decision has been decided and signed based on the application that was made. If you had another tenant come in I think the board would look to this and say that it is a like for like because we already approved this. It will be a one meeting thing if the town board hasn’t passed the waiver provision that is still looming out there. You would make an application now so you can do it sooner than later. Lori, my application would say retail, office or small business because those are the three things that people are asking for the most and they also don’t require special permits. Small businesses are different. Lori asked Ted Salem about small businesses. Lori states that she is confused where she would go to get small businesses labeled.

Board Member Carroll, “the direction we are going towards is SBO can be written in the decision document that this is good for an x number of retail/office and SBO. The SBO has to conform to certain rules set forth in the code. All of that would be documented into the site plan review document when a small business operation wants to come in they have to conform to this. If it doesn’t they would have to come in for a separate briefing. Town Attorney Ferrandino, “We are desperate to have a meeting with you where we look at your site as a totality. Both so that we are feeling comfortable and that you are feeling comfortable. So we can create our own path to facilitate the ability to get people in and out. Theoretically we can look at what is needed and what is on site we can give you feed back so you can move people in and out. I think that we are trying to get to a point where we can draft a decision document guided to the specific property and what is allowed at that property. Lori,” it will take work to do that”.

Ferrandino, “Start to get the information of what exists now and do a little workshop like this than we get lists of what needs to be done” . Bashour, “I will get the documents you need”. Wasch, remember time”. Ferrandino, “I would start simply, put together a current site plan and write on it the differences and that will start the discussion. This will end up allowing you to be nimble. We can get there. Chirperson Brutsch will get a list together for Lori.

Cissy, “we are making progress to the OTB and wanted to go over the decision document”. It should be edited on the construction drawing and on the presented plan. The board needs copies of the plan from last month’s meeting to be signed and stamped.

Lori explained her frustration with the Alan Becker site plan. The stamp can say approved with modifications Lori will take the modified plan and make it larger with indications visible. Moving along having documentation will be helpful.

County needs to send something saying that the violations are lifted. Clarification on the expiration date of the SPEDS permit.

Approval of Minutes

Chairperson Brutsch made a motion to table the minutes as per review of the recording and comments provided by Lori Bashour. Board Member Wasch second the motion. The vote carried as follows:

Chairperson Brutsch-	Aye
Board Member Cook-	Absent
Board Member Carroll-	Aye
Board Member Hanna-	Aye
Board Member Banker-	Aye
Board Member Smith-	Absent
Board Member Wasch	Aye

Acting Chair Brutsch adjourned the meeting at 10:30.

Respectfully submitted,

Michelle Bienes

Michelle Bienes
Planning/Zoning Clerk