



**Town of New Lebanon**

Planning Board Regular Meeting Minutes – Unapproved  
November 18, 2020

**Present:** Elizabeth Brutsch, Chairperson  
Jim Carroll, Planning Board Member  
Tegan Joy Cook, Planning Board Member  
Greg Hanna, Planning Board Member  
Bob Smith, Planning Board Member  
Monte Wasch- Planning Board Member

**Absent:** William Banker, Planning Board Member

**Others Present:** Paul McCreary (Town Engineer) Cissy Hernandez (CEO) , 8 members of the public Andrew Schrupp, Gaston Robert, , Michael Carey, Joe Carey, Mary Carey, Joseph Mauro, Bob Gilson (CAC Member), Lori Bashour

**I. Call to Order**

Chairperson Brutsch called the public hearing meeting of the Planning Board to order at 7:35pm.

**II. Public Hearing**

**Mauro Automotive Case No 2020-007**

Applicant is seeking SP/SPR for change of use from a residential garage to an automotive repair business. No members of the public were present. Public Hearing was closed at 7:26 PM.

**III. Regular Meeting**

**Mauro Automotive Case No 2020-007**

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

Mr. Mauro explained that he sent in a revised narrative letter. The additions he made to the narrative were that he is the only employee, and if needed a bookkeeper will be added but it will be a remote position off-site. He also explained that the parking area would be gravel. Chairperson Brutsch explained that we heard from the county and that that they said we can go ahead with this application with no objections.

Chairperson Brutsch asked Mr. Mauro to re-submit the map adding his name and date on the map. Board Member Hanna read the SEQR form out loud. Board Member Wasch made a motion to accept the SEQR form. 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-	Absent
Board Member Smith-	Aye

Board Member Wasch Aye

Board Member Carroll made a motion to approve the application as is. Board member Hanna 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-	Absent
Board Member Smith-	Aye
Board Member Wasch	Aye

**Preliminary- 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

Mr. Carey goes over the board’s recommendations from the October meeting. He explained that according to CEO Hernandez a rear door is not needed. He also goes on to explain that there is no lighting in the back room but there is a large window which provides adequate lightning. He also explained that he will add LED lights to the exterior.

Board Member Cook said that she was afraid of rodents due to the fact that there is a lot of sugar present in empty beverage containers. She inquired if there is a rodent control system in place. Mr. Carey explained, “I will be supplying extra trash bags in the vestibule so customers could double bag and tie the bags”. He also explained that there have not been any issues with rodents currently. Any rodent problems that arise will be taken care of immediately.

Chairperson Brutsch asked if Mr. Carey was able to get information about the pick-up of the bottles and cans. Mr. Carey, “I did not get any information from outside companies coming in to pick up the recyclables”. Chairperson Brutsch, “If there are trucks coming in to pick up the recyclables, where would they park?” Mr. Carey replied, “There is plenty of space for trucks to pull in. Chairperson Brutsch requested a map showing where the truck would pull in. Chairperson Brutsch asked Mr. Carey to update the plan and expand the map with the potential truck parking, name and date. No public hearing is necessary.

Board Member Cook made a motion to accept the application pending completion of the map. Board Member Hanna second the motion. The vote carries as follows:

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

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

Applicant is seeking a special permit to use 906 Route 20 for landscape storage & retail.

Mr. Schrump submitted a revised narrative, site-plan and aerial map. There is not a huge impact on the site. Board Member Cook inquired about screening. Mr. Shrumpp went over the proposed screening in regards to the corners of the property. Mr. Schrump will be planting 25ft of grass with drainage in the center so it does not restrict the view to traffic on Route 20. Mr. Schrump, “I am nervous about the sight line”. Mr. Roberts, “because the property is on a curve, you really need a good line of vision, for the safety of pulling out”.

Town Engineer Paul McCreary asked why there was a 100 ft. buffer in place. Mr. Schrump stated, “It is there for the stream”.Mr. Schrump explained that some of the buildings currently on the property will be removed. He goes on to explain the building logistics. After a discussion Mr. Schrump agreed to note the landscaping materials that will be used on site for the screening.

Chairperson Brutsch recommended to Mr. Schrump to revise the site plan with future expansions or potential additions. Town Engineer Paul McCreary explained that the environmental resources are shown on an EAF mapper. Chairperson Brutsch explains that three years ago there were no environmental issues for this site.

Chairperson Brutsch explained that this is a special permit and that the application needs to go to a public hearing. Board Member Wasch made a motion to set a public hearing for the December meeting. 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-                      Absent  
Board Member Smith-                      Aye  
Board Member Wasch                      Aye

**Other Business- Lori Bashour**

Ms. Bashour informed the board about the status of the SPDES permit. The current SPDES permit expired in 2015.CEO Hernandez reads an e-mail from Jamie Malcolm form the Department of Environmental Conservation in regards to the renewal of the SPDES permit.

The SPDES permit needs to be renewed and the overdue fees need to be cleared out. There is no current permit for the septic system. The process to renew the SPDES permit can take anywhere from 90-. 100 days. The application cannot be fast tracked, all a new permit will not be issued until well after the holiday season.

The board has two options: 1-Deny the permit and wait for the approval from the Department of Environmental Conservation. 2- The board can approve this one retail space without an active SPEDS permit.

Town Engineer Paul McCreary, “This will not impact the 300 ft. space. Chairperson Brutsch stated that she had a conversation with Town Supervisor Hotaling in regard to the SPEDS permit. Supervisor Hotaling went on to explain that outstanding permits are out of date and approval of use without a current permit is not a precedent to be set. It is up to the board to make the final decision.

Board Member Cook asked if the sunset clause would cover the lapse of the permit. Chairperson Brutsch stated that the board can allow the tenant to move in according to what Jamie Malcolm said. Chairperson Brutsch, “we can also specify in the approval that a SPEDS permit must be issued in a certain amount of time.

Ms. Bashour said that she will meet with the D.E.C. and get some clarification about what is the correct capacity for the septic system. She will make an informed decision based on the original permits. She will come back to the board next month.

Board Member Cook made a motion to amend the decision document for a 300 ft retail space Board Member Hanna 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-	Absent
Board Member Smith-	Aye
Board Member Wasch	Aye

The Board requested Ms. Bashour to reach out to the Department of Health and get a letter explaining the delay of the SPEDS permit due to COVID.

### **Approval of Minutes**

Chairperson Brutsch made a motion to table the 9/16/2020, and 10/28/2020 minutes as per review of the recording and comments Board Member Wasch 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-	Absent

Board Member Smith-	Aye
Board Member Wasch	Aye

Acting Chair Brutsch adjourned the meeting at 9:30.

Respectfully submitted,

*Michelle Bienes*

Michelle Bienes  
Planning/Zoning Clerk