



**Town of New Lebanon  
Planning Board Minutes – unapproved  
November 17, 2021**

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Present: Elizabeth Brutsch- Chairperson  
Brent Gawron -Board Member  
Jim Carroll -Board Member  
Greg Hanna- Board Member  
Steve Muse- Board Member  
Monte Wasch -Board Member

Absent: William Banker- Board Member

Others Present: Stephanie Ferradino- Town Attorney, Robert Gilson- CAC, David Farren- CAC,  
Cissy Hernandez- ZEO, 3 members of the public

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**I. Regular Meeting**

Chairperson Brutsch made a motion to open the regular meeting opened at 7:30 PM. Board Member Carroll second the motion. The vote carried as follows:

Elizabeth Brutsch	Aye
Jim Carroll	Aye
Brent Gawron	Aye
Greg Hanna	Aye
Steve Muse	Aye
Monte Wasch	Aye
William Banker	Absent

**Case No: PB 2021-005 Taconic Engineering, DPC (Camp DD, LLC) TM # 19.4-1-22**

Nokomis requested an adjournment until the December 21, 2021 meeting. The adjournment was granted.

**Sketch Plan/ Site Plan Review -Joanna Phillips TM # 18.-1-4.121**

Applicant is replacing an existing manufactured home with a larger one. Manufactured homes in RA 1 require SP/SPR.

Mrs. Phillips explains the detailed surveyed map to the board. She also explained that they will not be accessing her neighbor's driveway. The original dimensions will be removed from the map. The septic system was signed off on in 1988. The original footprint had two bedrooms, and the well was installed by Gould's.

A new narrative was supplied to the board. The home will be 15 feet in height. Board Member Carroll asked if the applicant would be changing the driveway. Mrs. Phillips said that they will be leaving the driveway the way it is currently. There is a garbage dumpster on the property. Board Member Carroll asked if the applicant would be willing to screen in the dumpster. Mrs. Phillips said that she will screen

in the dumpster. Board Member Wasch inquired if the home would be heated by propane and recommended that it not be near the bedrooms.

ZEO Hernandez verified the required setbacks for RA1:

- 35 ft. side setback
- 50 ft. rear setback

Board Member Wasch made a motion to continue with the application as preliminary and to schedule the Public Hearing for the December 21, 2021 meeting. Board Member Carroll second the motion. The vote carried as follows:

Elizabeth Brutsch-	Aye
Jim Carroll-	Aye
Brent Gawron	Aye
Greg Hanna	Aye
Steve Muse	Aye
Monte Wasch	Aye
William Banker	Absent

**Application # 21-133 Sketch Plan Conference- Howard Commander (Shaker Flats) TM #18.-1-4.121**

Applicant submitted a request to expand the existing Lebanon Valley Speedway business activities/use to include a separate parcel. The new parcel abuts but is an addition to 7.8 acres of expanded use. Auto Racing requires SP/SPR. Application denied by ZEO.

Mr. Fred Lee was present representing Howard Commander. The applicant would like to join two separate parcels and hold mud bog events there. ZEO Cissy Hernandez clarified that that is not what the application states. She also explained that the access is from land in the jurisdiction of Stephentown. Board Chairperson verified that one parcel is in New Lebanon and the other parcel is in Stephentown.

Mr. Lee explains that the applicant just wants to move the mud bog events to the two adjoining parcels. The trucks just come in and go through mud pits, there is not a track. These events are usually combined with other events. Board Member Carroll was concerned that this would be another event that brings a lot of noise. Mr. Lee explained that there will be noise but not as much noise as the drag tracks.

Board Chairperson inquired how many people are expected at the event. Mr. Lee said that he would like to see approximately 500 people which includes the trucks and spectators. The spectators would tailgate, looking back from Route 20. ZEO Hernandez asked if there would be RV's staying overnight for these events. Mr. Lee said these events would be over at dusk and there would be no RV's.

Board Member Carroll asks about running water. Mr. Lee said that there is no water. ZEO Hernandez said that the flood plains are approved. Board Member Carroll asked how you keep mud from going into the Kinderhook Creek. It is not wetlands. Mr. Lee explained that the mud is dug out in the pits. Board Member Hanna was concerned that in the past there was a flooding issue on this land. Mr. Lee said there would be no overnight camping. There will be three events per year.

Board Member Carroll asked how many trucks there would be on the premises at one given time. There will be two trucks at once. There will be 50-75 participants and the event would begin at 10:00 and end at 5:00. No lighting will be necessary. Town Attorney Ferradino inquired about why it would be necessary to combine parcels. Mr. Lee explained they will be combined due to insurance purposes.

Board Chairperson Brutsch told the applicant that a lot-line adjustment is a different application. ZEO

Hernandez explained what the next steps in the application process would be.

- Fill out application for events
- Lot-line adjustment application

Town Attorney Ferradino explained even if it is combined it is still a new use. She told the applicant to come back with new plans and the plans should include all of the parcels. She also noted that Stephentown has not given their approval yet.

Board Member Carroll asked the applicant where they stand with Rensselaer County. Mr. Lee explained that he has spoken to Stephentown in regards to the driveway and parking. Board Chairperson Brutsch asked the applicant if Stephentown denies access do they have an alternate plan. Mr. Lee said that have an alternate parking plan in place if Stephentown denies them access.

Board Chairperson explained to Mr. Lee what is needed for the next meeting:

- Map showing both parcels
- Engineered plans showing where the bogs are
- Show access to the bogs
- Show where the facilities, parking, access point and concessions will be

Mr. Lee explained that he would like to get approval right away. Board Member Carroll requested that a contingency with penalty clause be put in if an approval occurs. Board Chairperson Brutsch explained to Mr. Lee that an escrow account in the amount of \$5,000.00 needs to be put in place to cover the costs of engineer and attorney fees. Board Member Hanna requested copies of all agreements that Harry Commander has signed over the years. The clerk said that she would work on getting that information.

## II. Approval of Minutes

October 20, 2021

Board member Carroll made a motion to accept the minutes with two recommendations, delete random o on page three and add critical environment. Board Member Muse second the motion. The vote carried as follows:

Elizabeth Brutsch-	Aye
Jim Carroll-	Aye
Brent Gawron	Aye
Greg Hanna	Aye
Steve Muse	Aye
Monte Wasch	Aye
William Banker	Absent

## III. Local Law III

Board Chairperson went through the proposed Local Law III and explained the changes. The changes were made to align with New York State. There was also a change with the Special Use Permit, ZBA's role was deleted. All Special Use applications would now go to the Planning Board. A clarification was made in regards to the amount of time an applicant has to submit a complete application. The deadline for applications is 10 days prior to the meeting. Like use to like use was exempt. Food trucks were added.

Board Member Carroll made a motion to adjourn the November meeting. Board Member Wasch second the motion. The vote carried as follows:

Elizabeth Brutsch-	Aye
Jim Carroll-	Aye
Brent Gawron	Aye
Greg Hanna	Aye
Steve Muse	Aye
Monte Wasch	Aye
William Banker	Absent

The meeting was adjourned at 8:15 PM.

Respectfully,

Michelle Bienes  
Planning Board Clerk