



Town of New Lebanon  
Planning Board Minutes - Approved  
January 19, 2011

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Present: Ray Herrmann, Planning Board Chairman  
Jerry Grant, Planning Board Member  
Trina Porte, Planning Board Member  
Mark Sheline, Planning Board Member  
Bob Smith, Planning Board Member

Absent: Matt Murnane, Planning Board Member  
Craig Trombley, Planning Board Member

Present: Joe Iuviene, Bill Hoffman, J.M. Lord, Tyler Sterling, Tom Hanson, Joe Hanson, William Better, John Dax, Sandra Knakal

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**I. Regular Meeting Call to Order:**

Chairman Herrmann called the regular meeting of the Planning Board to order at 7:36 pm.

**II. Minutes Review:**

Upon Review of the November 17, 2010 minutes, a motion was made by Mark Sheline, seconded by Trina Porte to approve them as submitted. The motion carried upon the following vote:

Chairman Herrmann	Aye
Jerry Grant	Aye
Bob Smith	Abstained
Matt Murnane	Absent
Trina Porte	Aye
Mark Sheline	Aye
Craig Trombley	Absent

Upon Review of the December 15, 2010 minutes, a motion was made by Trina Porte, seconded by Mark Sheline to approve them as submitted. The motion carried upon the following vote:

Chairman Herrmann	Aye
Jerry Grant	Aye
Bob Smith	Abstained
Matt Murnane	Absent
Trina Porte	Aye
Mark Sheline	Aye
Craig Trombley	Absent

**► Case No: PB-2010-049: Grocery Store/Pharmacy Project**

**TM# 19.2-1-60, 59, 58.11, 58.12, 58.2**

Con't Site Plan Review of Approved Sketch Plan for New Venture

Project Title: SUPERMARKET PHARMACY

Plans Dated: July 2010, **December 15, 2010**

Agent 1: William G. Hoffman, PE of DeLuca-Hoffman Associates, Inc.

Agent 2: Joe Iuviene for the relocation of the OTB and Gallop Inn

Chairman Herrmann noted that the Board is awaiting the ZBA orders on the three variances.

Bill Hoffman offered an update on the project:

- The Archeological Study is complete. The results were negative and have been filed with the State for their concurrence.
- The underground propane tanks that were proposed near the drive-thru have been moved to the rear of the building per recommendation of the CCDOH.
- The request to the ZBA for a front yard setback has been increased by 2 ft. The variance now needed is 34.92 ft.
- They have submitted to the ZBA a rendering depicting street print as an alternative to additional landscaping for visual relief in the parking field
- They have increased the landscaped area and added a curve to the parking lot near the rain garden area and added a walkway from the parking lot to Angel's Trumpet Flower and Gift Shop
- NYS and Columbia County Reviews are underway
- The Consensus of the NYS DOT is that at the location where the applicants proposes to tie into their drainage system may require upgrades by the applicants
- NYS DEC is reviewing the waste water disposal system. Their consensus is that a lot is being squeezed onto this site.

Mr. Hoffman asked if the Board was comfortable with setting a date to start the Public Hearing process.

Trina Porte requested herbicide and pesticide information as well as MSDS sheets. She further asked for more information regarding the dirt glue, specifically in that it takes 72 hours to cure and wondered if and how it would be tarped in the event of rain. Mr. Hoffman stated that the best time to start the process is in the summer months based on weather forecasts. If it rains the dirt glue will develop a thin coating/crusting if it becomes affected. Mr. Lord stated that the Phase I environmental assessment has been completed and will submit a copy to the Board.

Mark Sheline asked if the propane tanks that have been relocated to the rear of the building were at least ten feet from the building. Mr. Hoffman said "yes".

Trina Porte asked if Paul McCreary, P.E. was satisfied with all the peer reviews. Mr. McCreary said "yes".

Chairman Herrmann requested that the applicants submit a complete set of plans including the addition of the Valley Plaza (parcel 2) that has recently been added to the review.

Bob Smith offered a motion to schedule the public hearing for next months regularly scheduled meeting (February 16, 2011) and to refer the application for Columbia County Planning Board review. The motion was seconded by Jerry Grant and passed on the following vote:

Chairman Herrmann	Aye
Jerry Grant	Aye
Bob Smith	Aye
Matt Murnane	Absent
Trina Porte	Aye
Mark Sheline	Aye
Craig Trombley	Absent

**►Case No.: PB-2010-018: John Dax & Sandra Knakal  
TM #27.-1-91, 10.112, 10.12, 12**

Prelim Review: Request to subdivide a two acre parcel and combine remaining parcels into one of 40 Acres located at 3583/3584 Cty Rt.. 9

Project Title: Lands of John W. Dax and Sandra L. Knakal

Plans Date: 1/11/11

John Dax referenced the above noted maps and explained that what he wishes to combine the existing 4 lots and subdivide a 2 acre lot, so that when complete there will be one lot of approximately 40 acres and one lot of two acres.

Jerry Grant moved to accept the application as a two lot minor subdivision and lot line change and to schedule the public hearing for next month's regularly scheduled meeting [February 16, 2011]. The motion was seconded by Bob Smith and carried on the following vote:

Chairman Herrmann	Aye
Jerry Grant	Aye
Bob Smith	Aye
Matt Murnane	Absent
Trina Porte	Aye
Mark Sheline	Aye
Craig Trombley	Absent

**►Case No.: PB-2010-019: Tom Hanson [TM# 7.-1-27.11]**

Sketch Plan Conference/Prelim Review: Request for 4 lot major subdivision with the establish of a private road located on

Project Title: Survey of Land N/F of David A. & Judith L. Johansen

Plan Date: October 27, 2010

Tom Hanson referenced the above noted maps and explained that he would like to subdivide the property into 4 lots and that due to lack of road frontage will require the constructing a private road, with a home owner's association agreement.

Chairman Herrmann informed Mr. Hanson that escrow would be required for engineer review of the road. Mr. Hanson stated that the proposed private road will disturb less than one acre of land and should not require an extensive amount of engineer review and asked if 3,000 would suffice for escrow. The Board agreed that 3,000.00 would be acceptable.

Chairman Herrmann stated that he would like Jeff Winestock, Highway Superintendent to review for comment as well as the fire department.

The Board requested that the maps be revised to clearly depict the location map.

Bob Smith moved to accept the application as a Major 4 lot subdivision conditioned upon the above noted revision and to set the public hearing for the next regularly scheduled meeting (February 16, 2011). The motion was seconded by Jerry Grant and passed on the following vote:

Chairman Herrmann	Aye
Jerry Grant	Aye
Bob Smith	Aye
Matt Murnane	Absent
Trina Porte	Aye
Mark Sheline	Aye
Craig Trombley	Absent

ZBA Recommendations:

**Case No.: ZBA-2011-001: David & Estare Weiser [TM# 28.-1-76]**

ZBA request for Recommendation: Request for 25' area variance to construct a one car garage located at 44 White Tail Trace

Agent: Tony Murad

Tony Murad stated that the application is before the ZBA for a 25 ft. variance. The variance is needed mostly due to steep slopes. Even with the variance they will have to cut into a slope.

Trina Porte pointed out that the survey map does not show topos therefore there is not enough information for her to consider making a recommendation.

Bob Smith stated that he is familiar with the property and sees nothing wrong with making a recommendation that the ZBA grant the variance.

Jerry Grant stated that the new zoning law was passed to create a greater setback and a variance is for hardship. He feels that the applicant is making a case for financial hardship in addition to the steep slopes and the abutters will have a say when the ZBA scheduled their public hearing.

Mark Sheline stated that he sees no problem in recommending that the ZBA grant the variance because he too is familiar with how steep it is in that area.

Mark Sheline moved to recommend that the ZBA grant the requested variance. The motion was seconded by Bob Smith and carried on the following vote:

Chairman Herrmann	Aye
Jerry Grant	Aye
Bob Smith	Aye
Matt Murnane	Absent
Trina Porte	No
Mark Sheline	Aye
Craig Trombley	Absent

**IV. Other/New Business:**

**►Confirmation of Professional Services outlined on Morris Associates, PLLC invoice no. 0059874**

Upon review of the above noted invoice, a motion was made by Trina Porte, seconded by Mark Sheline to confirm that services have been provided as described.

Chairman Herrmann	Aye
Jerry Grant	Aye
Bob Smith	Abstained
Matt Murnane	Absent
Trina Porte	Aye
Mark Sheline	Aye
Craig Trombley	Absent

### **Review of Proposed Sign**

#### **V. Adjournment**

The meeting adjourned at 9:30 pm.

Respectfully submitted,

Cissy Hernandez  
Planning/Zoning Clerk