



Present: Chairman Herrmann
James Dixon
Jerry Grant
Trina Porte
Matt Murnane
Mark Sheline

Absent: Craig Trombley

I. Call to Order:

Chairman Herrmann called the regular meeting of the Planning Board to order at 7:34 pm.

II. Minutes Review:

Upon Review of the May 19, 2010 minutes, a motion was made by Matt Murnane , seconded by Mark Sheline to approve them as submitted. The motion carried upon the following vote:

Chairman Herrmann	Aye
James Dixon	Aye
Jerry Grant	Aye
Matt Murnane	Aye
Trina Porte	Aye
Mark Sheline	Aye
Craig Trombley	Absent

III. Application Review:

- Case No.: PB-2010-012: Harry R. Hicks-TM# 8.-2-36.11**
Request for a Two Lot Minor Subdivision at the intersection of State Route 20 and County Route 9 South involving the tanks used by the HL fuel company
Map Title: Lands of Harry B. Hicks Lumber Co., Inc.
Map Date: May 28, 2010
Agent: Fred Haley

Mr. Haley explained that Mr. Hicks would like to divide the propane business from the fuel oil business for insurance purposes. Mr. Hicks is not selling the property, simply leasing to Paraco Fuel Co.

Jim Dixon noted that there are several structures that are too close to the property lines. Mr. Haley explained that the property had been granted variances by the Zoning Board of Appeal for those structures during their last subdivision in 1996.

Trina Porte moved to accept the proposal as a preliminary plat and to schedule the public hearing for the July 21, 2010 meeting. Jim Dixon seconded the motion which was carried on the following vote:

Chairman Herrmann	Aye
James Dixon	Aye
Jerry Grant	Aye
Matt Murnane	Aye
Trina Porte	Aye
Mark Sheline	Aye
Craig Trombley	Absent

2. **Case No.: PB-2010-013: Fred Haley for Shirley Brent TM# 8.-2-41.1**

Request for a two lot subdivision. The applicant wishes to subdivide the 5 acres where the cell tower is situated; however; they acknowledge the need for a variance due to lack of road frontage.

Mr. Haley explained that Mrs. Brent would like to subdivide five acres with the cell tower that is located on her property. However, the only access would be via a Right of Way so they would need the Planning Board to refer them to the Zoning Board of Appeals for a variance since they do not have 60 feet of ownership on a public road.

Jim Dixon explained that a variance would be inappropriate in this case because the property can be subdivided legally without a variance.

Chairman Herrmann felt that it would be a hardship due to pre existing conditions if a variance would not be granted. Jim Dixon felt that it is not a hardship as the applicant had legal council when the cell tower was agreed upon and ultimately granted and that there is ample property at this point in time to submit an application that conforms to our Zoning Laws.

Trina Porte agreed that a variance would be in appropriate in this instance and expressed concern over the precedent that a variance would set.

Jim Dixon moved to refer the application to the Zoning Board of Appeals with the recommendation that the ZBA not grant approval for a variance since the property can easily be subdivided without one. Matthew Murnane seconded the motion which carried on the following vote:

Chairman Herrmann	No
James Dixon	Aye
Jerry Grant	Aye
Matt Murnane	Aye
Trina Porte	Aye
Mark Sheline	Aye
Craig Trombley	Absent

IV. Other/New Business:

◆Discussion ensued about the revised Zoning Law that was recently adopted. The Board questioned when it becomes legally effective

◆Trina Porte reported that the new Conservation Advisory Committee (CAC) is seeking two more members

◆Trina Porte reported that there will be a meeting on the 28th regarding the new Town Hall plan and that there will be a referendum vote on the 29th

◆Trina Porte reported that she is researching the possibilities of bringing wi-fi to New Lebanon

V. Adjournment

The meeting adjourned at 8:30 pm.

Respectfully submitted,

Cissy Hernandez
Planning/Zoning Clerk