



Town of New Lebanon  
Planning Board Minutes - Unapproved  
October 20, 2010

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Present: Chairman Herrmann, Chairman  
Jerry Grant, Planning Board Member  
Craig Trombley, Planning Board Member  
Trina Porte, Planning Board Member  
Mark Sheline, Planning Board Member

Absent: Matt Murnane, Planning Board Member  
Jim Dixon, Planning Board Member

Others Present: Chad Fowler , Rocky Brown, Fred Haley, Bill Hoffman, Jay Lord, Ed  
Godfroy, Jeff Winestock, Joe Iuviene

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**I. Call to Order:**

Chairman Herrmann called the regular meeting of the Planning Board to order at 7:30pm.

**II. Minutes Review:**

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

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

**III. Public Hearing:**

**Case No.: PB-2010-015: Lands of Shirley Brent TM# 8.-2-41.1**

Revised proposal of the proposed two lot minor subdivision located on route 20 at Cell Tower location

Map Title: Lands of Shirley Brent

Map Date: July 20, 2010

Agent: Fred Haley

Proof of publication having been furnished, Chairman Herrmann opened the public hearing at 7:35.

*NOTICE IS HEREBY GIVEN that the Town of New Lebanon Planning Board will be holding a Public Hearing on a request made by Ms. Shirley Brent for a two lot minor subdivision. The applicant is proposing to subdivide the cell tower situated on their property along with 5 acres. The property is located on Route 20, in the Town of New Lebanon.*

*The Public Hearing will take place on Wednesday, October 20, 2010 at 7:30 P.M. at the American Legion Hall, 7 Mill Road, New Lebanon. This building is NOT wheelchair accessible. This meeting will be relocated to the New Lebanon Firehouse upon request. Anyone seeking this accommodation must call the Planning/Zoning Clerk at (518) 794-8884 at least 48 hours prior to the meeting. Anyone wishing to speak will be given an opportunity to be heard.*

*More information is available by contacting the Planning/Zoning Clerk during normal business hours.*

With no public comments offered and no written communications received, Chairman Herrmann closed the public hearing at 7:36 pm.

**IV: Regular Meeting:**

**Case No.: PB-2010-015: Lands of Shirley Brent TM# 8.-2-41.1**

Deliberation: revised proposal of the proposed two lot minor subdivision located on route 20 where the cell tower is situated.

Map Title: Lands of Shirley Brent

Map Date: July 20, 2010

Agent: Fred Haley

Upon SEQR review Mark Sheline moved to classify the application as a Type II action and to authorize Chairman Herrmann to sign the Short Form. The motion was seconded by Craig Trombley and carried on the following vote:

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

Upon final review of the application of the above noted application, a motion was made by Trina Porte, seconded by Craig Trombley to approve the minor two lot subdivision dated July 20, 2010 as revised from the plan dated June 1, 2010. The motion carried on the following vote:

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

**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<sub>1</sub>, Rev. 1 Date 09.10.2010<sub>2</sub>, Received date: 09.14.2010<sub>3</sub>

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

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

Engineer for the Town: Paul McCreary of Morris Associates, Inc.

Mr. Bill Hoffman, Engineer for the Grocery Store/Pharmacy project summarized the major discussion items raised at last month's Planning Board meeting held on September 15, 2010 outlined in addendum 1 dated October 5, 2010 as follows:

*Comment: Rearrangement of the propane tanks:*

Response: The propane tanks have been reevaluated based upon the Boards concern regarding the appearance of the above grade tanks in such a prominent location. The tanks will remain in the location shown but will be placed underground to respond to the concern of the Board. The site plan has been modified to reflect this change.

*Comment: The Addition of pedestrian walking path on the County Rt. 5A side (West Street):*

Response: There is a shallow ditch along the road that serves this site as well as the County Public Works garage. A complete sidewalk along the roadway would be difficult to construct without interfering with the ditch and is therefore not proposed. Piping the drainage raises other concerns due to the shallow cover. A connection from the sidewalk at the front of the store to the edge of County Route 5A with a short culvert to cross the ditch has been added to respond to the Board's concerns. This connection will allow the store to be accessed from the public street without crossing the ditch.

*Comment: The Addition of sidewalks on the Route 20 side:*

Response: The site plan has been modified to provide room for a sidewalk to be constructed along Routes 20/22. Deferring the construction of the sidewalk is preferred until such time as sidewalks in front of the adjacent properties are constructed. This will allow elements such that the materials of construction, age, etc. to be similar. You will note that the walk is swept around the power poles to avoid necessitation of their relocation. Provisions to insure the sidewalk was constructed in the future could be achieved through a letter of understanding between the applicant and the Planning Board, which would accompany the approvals. (Plowing and maintenance of the sidewalk is also something that should be discussed further with the Planning Board and the Town).

*Comment: Additional Storm Water Runoff information involving both parcels.*

Response: The project will not result in any runoff being directed to the easterly portion of the grantee's land. In fact, some of the current runoff from the easterly parcel will be intercepted and added to the drainage for the project. The area is identified on the drainage plan as subattachment #J of Attachment D of the Sketch Plan [of the original application dated September 2010].

The easterly parcel currently uses infiltration, which apparently has worked satisfactorily for the Valley Mall. DeLuca-Hoffman Associates, Inc. would expect any future changes on the easterly

side of the project to be noted with any site plan revisions for that parcel. This work, if any, is not part of this application.

A complete storm water analysis with supporting computations, profiles, and details will be prepared after the applicant appears before the Zoning Board of Appeals. Deferring the detailed analysis is the result of consideration of the following:

- While field work and testing is complete, the final geohydrolic test and infiltration analysis and reports needed to complete the storm water management design are about two weeks from being completed by Haley & Aldrich, the project geohydrolic engineers.
- The Sketch Plan currently includes the basic conceptual approach to storm water management. The final configuration of the storm water management system should not affect the issues for which we need further discussion and recommendation from the Planning Board before we file the Zoning Board of Appeals Applications.
- The exactness of the final computation could be affected by changes that may result from the ZBA action on the application.

*Comment: Submittal of a Long Form SEQRA:*

Response: A long form for SEQRA has been prepared together with a Draft Declaration of Lead Agency for SEQRA. This declaration can be provided as a Word document and revised as necessary if the Planning Board is not the lead agency. If you want the Word or pdf files for these documents, please contact Celina Daniel at our office. [attch to addendum #1, dated October 5, 2010]

*Comment: Number of Park spaces to be reviewed.*

Response: The applicant concurs that further discussion of the number of parking spaces will be warranted since we would like favorable recommendations from the Planning Board on variance items to accompany our visit to the Board of Appeals. Information is presented in the Sketch Plan (pages 4 and 5 and Attachment E) [of the original application dated September 2010].

*Comment: Size & number of parking "modules" to be reviewed:*

Response: The information on the actual size of the parking modules is provided in Attachment I [of the original application dated September 2010]. It should be noted that this variance results from submission under the new Ordinance (such a provision was not in the old ordinance), is made for ease of snow removal and maintenance, and additional landscaping has been added around the perimeter of the site to mitigate this effect.

*Comment: Size of sign on the building:*

Response: The Draft Sketch Plan Application had contained some information on signage. This information is being added back into the application.

The proposed building signage is 150 square feet and believed appropriate for the size of the building. The building signage represents 3 percent of the front wall area, which is relatively small. It has been our experience that most commercial buildings often have 7 to 10 percent of wall area covered by signage.

The tabular ordinance requirements summary on Drawing C-1.5 (dated July 2010) will be amended to include the signage information. Building signage is an added item for which the applicant will request favorable recommendation from the Planning Board to the Board of Appeals.

Comment: Confirm building setback variance needed for Route 5A side:

Response: **Variance for front setback:** The reason the applicant believes the variance is required is based upon ordinance language and definitions that state:

7.2.2 Corner Lot.

*On a corner lot in any district where a front setback is required, a setback shall be provided on each street equal in depth to the required front setback on such streets. One rear setback shall be provided on each corner lot and the owner shall designate the rear setback on the application for a zoning permit. In no case shall the designated rear lot width be so interpreted as to reduce the building width of a corner lot facing an intersection street, and of record at the time of the passage of this local law to less than twenty-four (24) feet.*

The amount of the front yard variance is 42.06 feet.

Comment: Impact of "parking on gravel area" behind the New OTB building (may be held for site plan review for that area).

Response: Information on the use of the parking lot behind the existing Valley Mall should be reviewed with any site plan for changes to the easterly lot of the site. We expect the Owner will make a separate application for the renovations to the existing Valley mall Plaza parcel.

Comment: Affects of salt/snow melt entering the storm water drain system (DEC review?)

Response: It was noted that salt is used in lieu of sand for winter conditions. The amount of salt can be significantly reduced by early removal of snow, grades on parking lot, adequate inlets, and reducing the snow melt that can run across the parking lot. The elements have been incorporated in the design and are part of the reason the variance for the internal parking field landscaped islands is being requested.

Comment: Additionally, the Planning Board has requested that the following items be submitted as soon as feasible in advance of the next meeting:

- Two additional copies of the smaller map (one for the permanent file and one for the Engineers for the Town).
- One additional copy of the bound application to send to the Engineers for the Town.
- Initial Escrow amount of \$5,000.00

Response: The additional plans and escrow fee have been submitted.

Comment: Propane Gas Usage: The Board inquired about the use of propane fuel and how much was for cook and how much was other uses.

Response: The anticipated average propane use is as follows:

Cooking	5,670 gal/yr
Water Heating	1,650 gal/yr
Building Heat	3,650 gal/yr
Total:	10,970 gal/yr

Comment: Porous Parking: an inquiry about the use of porous pavement

Response: Our office believes there are better Storm water BMP's that are more suitable for the site and note that the DEC Manual prohibits porous pavement use in this type of setting (reference page 5-8 enclosed) [of Project Addendum #1, dated October 5, 2010].

Comment: Vehicular Conflicts: An inquiry about potential vehicular conflicts at the driveway intersections behind the bank

Response: A raised island and additional directional signage have been added to the site plan to address these concerns. The traffic on the service drive is very low as noted in the traffic study that was prepared by CME (18 and 26 peak PM and Saturday peak levels per study). It was also noted that tractor-trailer truck deliveries tend to occur in the early morning hours.

Comment: An inquiry regarding Fire Demand

The Cistern will provide adequate water for a hose stream, sprinklers, and a slight reserve. The hose demand is about 15,000 gallons, the sprinkler demand is about 39,000 gallons, and the cistern has a slight reserve capacity of about 6,000 gallons to allow some fluctuation in actual tank level. Excerpts from NFPA for this type facility consistent with insurance requirements are attached in addendum1, dated October 5, 2010.

Jerry Grant inquired about the possibility of a second means of ingress/egress off of West Street (County Rt. 5A). Engineer Paul McCreary agreed as he felt that only one means of ingress off of Route 20 may create traffic congestion. Bill Hoffman stated that he would check into it further, but at the very least they could consider changing the existing ingress/egress off of West Street from 'service use only' to an 'in only' entrance for the public to use as well. He further stated that the limited number of customers that will use the service entrance most likely would not adversely affect store service vehicles. The applicant could also consider installing a small store sign that clearly indicated "in only".

Craig Trombley inquired about the location designated for snow removal and express concern that it may not be large enough, which may cause visibility issue at the corner of West Street and Route 20.

Further inquires/concerns/requests from the Planning Board to be discussed at next month's meeting include:

- ▶ The impact of number of employee parking spaces on the overall parking plan
- ▶ Consideration of additional Curb cut from County 5A for general public use
- ▶ Pesticide Use
- ▶ The rearrangement of the landscaping at the southwest corner to increase the snow removal area and address a snow removal plan for excess snow removal
- ▶ The need for property line adjustment

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- ▶ Request for a change in the type shrubbery
- ▶ Request for a fountain in the pocket parks
- ▶ Request for cigarette butt receptacle
- ▶ Request for updated water tests, esp. copper and lead test as the existing tests are from the 1990s
- ▶ Request for a rendering of the Exterior of the building, including signage in order to view the aesthetic
- ▶ Submission of Soil and Storm water reports
- ▶ All outside agency communication (ie: NYS/CC DOT, NYS DOH, CC DPW, etc)
- ▶ MSDS data sheets

**Case No.: PB-2010-052: Stewart's Shops Corp. TM# 19.2-1-49.200**

Prelm. Site Plan Review of Proposed Sketch Plan for: (1) 9' x 65' Addition to existing building; (2) 7' 9" x 13' 6" exterior freezer

Plan Title: Stewart's

Plan Date: 09.24.2010<sub>1</sub> , Received Date: 10.04.2010<sub>2</sub>

Agent: Jennifer L. Howard

Upon review of the submitted application, some of the Board members felt that this application for such a minimal addition should not have been referred for site plan review.

Jerry Grant moved to waive a public hearing on this application and to approve the site plan as submitted. Mark Sheline seconded the motion. The motion was carried on the following vote:

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

**IV. Other/New Business:**

Trina Porte announced that she will be absent at the November meeting.

**V. Adjournment**

The meeting adjourned

Respectfully submitted,

Cissy Hernandez  
 Planning/Zoning Clerk