



Town of New Lebanon  
Planning Board Minutes - Approved  
March 16, 2011

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Present: Ray Herrmann, Planning Board Chairman  
Jerry Grant, Planning Board Chairman  
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: J Lord, Joe Iuviene, David Holmes, Pat Farnan, Kevin Smith, Gail  
Heinsohn, Greg Baumli, Robert Tittermore

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**I. Call to Order:**

Chairman Herrmann called the regular meeting of the Planning Board to order at 7:55 pm.

**II. Minutes Review:**

Upon Review of the review of the February 16, 2011 regular mtg. minutes, the February 16, 2011 Hannaford Public Hearing minutes, the February 16, 2011 Tom Hanson Public Hearing minutes, February 16, 2011 Dax/Knakal Public Hearing minutes, a motion was made by Bob Smith, seconded by Jerry Grant to approve them as submitted. The motion carried upon the following vote:

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

Mark Sheline arrived.

**III. Case Review:**

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

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

Project Title: SUPERMARKET PHARMACY

Plans Dated: July 2010 **Rev. 5: date 02.01.11**

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

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

J.M. Lord of Hannaford Bros. Co. requested review of the full EAF be postponed as their may be further changes to the site plan. Mr. Lord updated the Board on the status of outside agency review as follows:

New York State office of Parks, Recreation and Historic Preservation in their letter dated March 1, 2011 indicate that have received and reviewed the Phase I report of findings from the "archeological dig" provided by Hartgen Archeological and they can not concur with their recommendations. They are specifically concerned about the conditions located in the central portion of the project site so they are requesting additional trenching.

The NYS Department of Environmental Conservation's review is underway and the septic plans may change. "In fact we are working on a better plan".

The NYS Department of Transportation has responded to the Traffic Impact Study via a letter dated March 3, 2011. Mr. Lord stated that some of the requirements will require closing all of the existing curb cuts and create one center curb cut closer to the bank which compromises the proposed interior traffic flow, relocating telephone poles/trees, expanding the sidewalks, etc. Mr. Lord stated that he is concerned that these requirements may be a 'deal breaker' but he is hoping to meet with the DOT to determine if there is room to negotiate. If that fails, he stated he would reach out to the County. Joe Iuviene stated that it may be beneficial if the Town submitted letters of support prior to a final decision being made by the DOT. Chairman Herrmann concurred and offered to submit a letter of support on behalf of the Planning Board and that he would contact the Town Supervisor as well.

Trina Porte stated that she has had an opportunity to review the MSDS. ~~Sheets and she is requesting that the product known as "round up" not be used for weed killing.~~ All four herbicides, including round-up, are potentially harmful to humans, and especially when they come in contact with water, according to the E.P.A. website. Since Hannaford intends to have them sprayed on the small parcels of land specifically designed as part of the stormwater treatment for this property, Ms. Porte requested alternative ways to keep the weeds down, such as mulch mats, or organic grass clippings she offered to supply from her property [if this is legally possible for Hannaford to accept]."

Jerry Grant stated that in cases such as these where the product is simply being used for weed control, he too does not think it's necessary. It would be in the spirit of the Comprehensive Plan if an alternative method is considered. Mark Sheline stated that he feels that the MSDS sheets are offering 'worst case' scenarios. Bob Smith stated that he uses this stuff in his capacity as a farmer and that 'Round Up' is one of the safest products especially when diluted and it can be bought directly off the shelf. Trina Porte stated that she is not trying to be disrespectful but feels she would be negligent in upholding public safety concerns if she did not oppose the use of this product. The EPA is stating that it is a dangerous product to humans and it will be fed into the stormwater system. She furthered stated that mulch mats could be considered as a safer alternative. Chairman Herrmann stated that this discussion may be a bit premature. Mr. Lord stated that he would look into alternative methods.

**Case No: PB-2011-021: SMITTYTOWN ENTERPRISES, LLC**

[TM# 19.1-1-15.200]

Project Description: To Reopen Smitty's Pizza Restaurant after fire damage.

Plans Dated: February 14, 2011

Upon Short Form SEQR review a motion was made by Jerry Grant, seconded by Mark Sheline to classify the above noted application as a Type II action. The motion 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

The Board noted that it was not yet in receipt of the Columbia County Planning Board's recommendations, but that it should arrive in the next day or so.

Mr. Smith asked if the Board would consider granting him a conditional approval tonight so that he may progress forward with the project.

After discussing the plan and noting that the business had pre-existed prior to being destroyed by the fire, a motion was made by Trina Porte, seconded by Bob Smith to conditionally approve the Site Plan application contingent upon receipt of, and the contents of, the Columbia County Planning Board's recommendations. The motion 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

[Note: The CCPB recommendations came in the following morning. With no concerns listed from the CCPB, Chairman Herrmann stamped the plan as approved on March 18, 2011].

**Patricia Farnan [TM# 20.1-1-62] – Sketch Plan Conference/Pre-Application Meeting:**

The property is located across from Hess on the south side of Rt. 20. The applicant wishes to have a (1) Sandwich Shop (2) retail store (3) apt and (4) storage. The Restaurant requires SPR as does the Retail Store....the apt was pre-existing and the storage is being considered as a customary accessory use, therefore these two items will not require SPR review

David Holmes, P.E., engineer for the applicant submitted a sketch plan, narrative, site map and topo map. He stated that they are not adding or altering the exterior of the structure, however, they have plans to do a few interior renovations. They are planning to add a handicapped bathroom on the ground level with a ramp. Chairman Herrmann asked where the apartment will be located. Ms. Farnan stated it will be on the ground level as well, near the rear of the property. It was noted that there are 12 proposed parking spaces and that the parking lot surface will remain pervious via crusher run.

In referencing the plan, Chairman Herrmann stated that the map depicts an easement and would like the plan to show who hold the easement. Chairman Herrmann also noted that if there are any floodplains on the property, it should be clearly indicated as such with light shading.

Chairman Herrmann stated that he would like an opportunity to ask Mr. Howard, Attorney for the Town if a traffic study would be required since the proposal is a change of use from residential to commercial and is located on the bend of routes 20/22. Mr. Holmes stated that the increase in traffic would not be a lot and reminded the Board that there are only 12 parking spaces.

Chairman Herrmann asked if they are planning to offer 'take out' in addition to dining in, to which Ms. Farnan replied: "Yes".

**IV. Other/New Business:**

**V. Adjournment**

The meeting adjourned at 9:11 pm.

Respectfully submitted,

Cissy Hernandez  
Planning/Zoning Clerk