



Present: Ray Herrmann, Planning Board Chairman
Jim Dixon, Planning Board Member
Jerry Grant, Planning Board Member
Matthew Murnane, Planning Board Member
Trina Porte, Planning Board Member
Mark Sheline, Planning Board Member

Absent: Craig Trombley, Planning Board Member

Others Present: Fred Haley, Robert Weber, Svetlanna Yuzhelevskaya, Bobby Diramio,
Nancy Wolf, Tom Seamon

CALL TO ORDER:

Chairman Herrmann called the regular meeting of the New Lebanon Planning Board to order at 7:35 pm.

APPROVAL OF MINUTES

Upon review of the March 17, 2010 meeting minutes a motion was made by Trina Porte, Seconded by Jim Dixon and passed unanimously to accept them as submitted.

PUBLIC HEARING:

Linda Nainis – TM # 19.-1-35.2

Proposal: Minor two lot subdivision located on Old Shaker Road.

Map Title: Lands of Linda Nainis Minor Two Lot Subdivision

Map Date: January 18, 2010

Agent: Fred Haley

Proof of publication having been provided, Chairman Herrmann opened the public hearing on a request made by Linda Nainis for a two lot subdivision at 7:40 pm.

Jerry Grant stated that the Nainis property adjoins the Shaker Museum/Library property and that they were not noticed. However, Mr. Haley pointed out that the official owner of record is the Shaker Heritage Foundation and they were in fact noticed.

Upon SEQR review Jerry Grant also noted that because the Shaker Museum and Library is a Registered National Historic Landmark, he believes that a full EAF is required per 6NYCRR part 617: §617.4 (b) 9

The Board decided to obtain legal council as to whether or not a Long Form SEQR is required and extended the public hearing to the next regularly scheduled meeting.

REGULAR MEETING:

Robert Weber – TM#’s 27.-1-31.12 and 31.111

Preliminary Review: Lot Line Adjustment between the above noted parcels
Map Title: Lands of Robert W. Weber, Sr. and Elfrieda A. Weber
Map Date: March 9, 2010
Agent: Fred Haley

Upon review of the proposed lot line change, the Board noted that the proposed line adjustment would actually make parcel two more conforming. The new line will offer a 50 foot setback in relation to the pond. A motion was made by Jim Dixon seconded by Jerry Grant to accept the proposal as a preliminary plat and to set the public hearing for the May 19, 2010 meeting. The motion carried on the following vote:

Ray Herrmann	Aye
Jim Dixon	Aye
Jerry Grant	Aye
Matthew Murnane	Aye
Trina Porte	Aye
Mark Sheline	Aye
Craig Trombley	Absent

RECOMMENDATIONS ON ZBA APPLICATIONS:

Case No. 2010-014: Svetlana Yuzhelevskaya (TM# 18.-1-74)

Recommendation on: A request has been made for a 25ft. rear and side setback on property located at 614 Salls Road. The ZEO’s denial is based on “The request requires a variance for rear and side setbacks. 50 ft requested, 75 ft is required. Article Four (3) (D) does not provide relief. No useable foundation currently exists.”

Some felt it was more appropriate to simply locate the new modular home in the RA2 district so that an area variance would not be needed. Others recommended approving the requested variance because (1) it would have negligible impact; (2) fewer trees would be harmed, (3) would not cause conflict because there have been no objections from the neighbors; (4) Limited viable septic.

A motion was made by Jim Dixon, seconded by Mark Sheline to offer no objections to the Zoning Board of Appeals in granting the requested area variance. The motion carried on the following vote:

Ray Herrmann	No
Jim Dixon	Aye
Jerry Grant	Aye
Matthew Murnane	No
Trina Porte	Aye
Mark Sheline	Aye
Craig Trombley	Absent

Case No. ZBA-10-013: Darrow School – TM# 29.-1-17 [Area Variance]

Representative: Tom Seamon

Recommendation on: a request has been made for an area variance to install four 7ft. diameter wind turbines roof mounted onto the Science Building. The tallest one is 56 ft. from bottom grade. The ZEO's denial is based on article 7; a maximum height allowance of 35 ft. is permitted in the RA 2 and RA 5 zones.

Jerry Grant stated that even though the Planning Board does not hold jurisdiction on this application, he was concerned that a full EAF would be required per 6NYCRR part 617: §617.4 (b) 9 before the ZBA could deliberate on this case as this property also abuts the Shaker Museum/Library, which as mentioned earlier, is a Registered National Historic Landmark.

The Board requested that this case be referred for legal council to assist the ZBA in determining whether a full EAF is indeed required.

Matt Murnane commented that the Science Building already exceeds the maximum height requirements.

A motion was made by Jim Dixon, seconded by Jerry Grant to recommend approval of this request assuming there are no conditions upon SEQR review. The motion carried upon the following vote:

Ray Herrmann	Aye
Jim Dixon	Aye
Jerry Grant	Aye
Matthew Murnane	No
Trina Porte	Aye
Mark Sheline	Aye
Craig Trombley	Absent

NEW BUSINESS:

The Board felt that whether or not a property abuts a Registered National Landmark should be included as one of the questions on the draft of the new applications. It was also noted that the Board should just begin to use the new draft applications on a trial basis as they can always be modified over time as needed.

ADJOURNMENT:

The meeting adjourned at 9:00 pm by general consensus.

Respectfully submitted,

Cissy Hernandez
Planning/Zoning Clerk