



## Town of New Lebanon

Planning Board regular meeting minutes – unapproved  
September 18, 2013

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**Present:** Ray Herrmann, Planning Board Chairman  
Jerry Grant, Planning Board Member  
Greg Hanna, Planning Board Member  
Trina Porte, Planning Board Member  
Bob Smith, Planning Board Member  
Chuck Geraldi, Planning Board Member  
Mark Sheline, Planning Board Member

**Others Present:** Ann Clark, Joe Ellen Mumford, Erin Moore, Bob Windsor, Paul Calcagno, Kent Pratt, Brandee Nelson, Dan Russell, Gail Heinsohn, Monte Wasche, John Dax, Max Gitter, Tony Murad, Vivian Steinburg, Cynthia Creech, Paul Rix, Anna Duhon, Jack Pandey, J.J. Johnson-Smith, Sharon Moon, Michael Benson, Beth Larabee, Sue Cassidy, Alan Pavoni, other members of the public

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

### **Minutes Review:**

Upon review of the December 2012 minutes a motion was made by Mark Sheline seconded by Trina Porte to approve them as submitted. The motion passed unanimously with Chuck Geraldi abstaining.

Upon review of the June 2013 minutes a motion was made by Mark Sheline seconded by Trina Porte to accept them approve them as submitted. The motion passed unanimously.

### **Regular Meeting:**

#### **Case No.: PB-2013-048: Salls Road LLC (Joseph Brancato– [TM# 28.-1-34]**

Agent: Daniel J. Russell (Crawford and Associates)

Preliminary Review: Request for a 3 lot subdivision

Brandee Nelson, Engineer for Crawford and Associates as well as Engineer for the Town, recused herself from the proceedings.

Dan Russell explained that this request is for two new lots with a lot line adjustment conveying property to be merged with Lands of Marianni which is partially situated in Canaan. He has been before the Canaan Planning Board where he obtained a conditional approval contingent upon New Lebanon's approval. Chairman Herrmann asked if he has contacted the Tennessee Gas Company. Mr. Russell indicated that he has not yet done so but will send a notification to them and copy to the Board. Chairman Herrmann also stated that the request for the lot line adjustment can be included in this application as opposed to a separate application. Trina Porte asked if Mr. Russell was aware of any drainage issues. Mr. Russell said: "No". Chairman Herrmann asked if the road that is depicted on the map is abandoned. Mr. Russels said: "Yes, but there are no right of way issues".

Bob Smith moved to accept the submission as a preliminary plat and to schedule the public hearing for next month's regularly scheduled meeting. Greg Hanna seconded the motion which carried on the following vote:

Ray Herrmann	Aye
Jerry Grant	Aye
Greg Hanna	Aye
Trina Porte	Aye
Bob Smith	Aye

Chuck Gerald Aye  
Mark Sheline Aye

**► Case No.: PB-2013-049: Tilden Plaza Development [TM# 19.2-1-69]**

Agent: Paul Calcagno Jr. Development LLC and Erin Moore, Engineer/Clark Engineering  
Sketch Plan Conf/Review: Development of a supermarket site at Tilden Plaza

Ms. Moore informed the Board that the intent of the proposal is to develop the current Tilden Plaza into a supermarket site. Ms. Moore stated all setbacks can be met without the need of area variances. The proposed layout shows one entrance off of Route 20 and one exit on to Tilden Road. The site improvements eliminate the western most curb cut currently located off of Rt. 20 to accommodate D.O.T. requirements. According to the Applicant, this particular site has more to offer than the previous Hannaford site. There is an absorption area; secondary wastewater treatment (green space) adjacent to the library. There is a well on-site; they have no data now but it currently supports a restaurant. Stormwater infiltration will be under the parking area. They have shown where the sidewalk will be but are not proposing a sidewalk as this is being covered under the Town's sidewalk project. Handicap parking is shown. 104 parking spaces are possible with 16 % of the area with curbed planting islands (requirements is 15%). The large trees on Tilden will generally remain; only one medium tree in the front would be removed. The existing soil has good infiltration capacity. A SWPPP is required when disturbing more than an acre and it's possible that infiltration can be achieved with the current soil type. They are actively seeking alternative methods for managing drainage overflow.

Chairman Herrmann asked if the DOT will require a slowdown lane. Ms. Moore stated that they are not adding curb cuts nor are they using the Route 20 side as an exit so this should not be an issue as they have had a positive reception from the DOT thus far. The DOT and the DEC are primary concerns but they are optimistic about this site.

Bob Smith asked who will maintain Tilden Road as it may not accommodate the large trucks and increased traffic flow. Ms. Moore stated that it is a Town road and that they would have to look into how it is constructed in order to accommodate traffic.

Bob Smith stated that he would prefer that the new supermarket remain in character with the country setting versus the big box store appearance. Ms. Moore stated that the shorter end will be facing Route 20 and she saw no problem with accommodating aesthetic preferences. Ms. Moore indicated that she could submit elevation drawings. Mr. Calcagno stated we are just proposing a site to attract a supermarket right now and can accommodate a country style later. He is hopeful that the Board will schedule a public hearing on this project soon in order to gain input from the public then get into aesthetics. Chairman Herrmann stated that the maps need to be updated with current property owners and abutters and encouraged the applicants to review Chapter 14 of the Zoning Ordinance to clearly depict all the requirements outlined within. Chairman Herrmann stated the Board encourages this project but because the current submission is lacking information so the most that can be offered this evening is a sketch plan approval. Ms. Moore indicated that they are working on the requirements outlined in Chapter 14 of the Ordinance however; they prioritized some of the items for tonight's meeting.

Greg Hanna asked if the applicant will purchase the property before they obtain a tenant. Mr. Calcagno said: "No, there is a pre-purchase agreement". Greg Hanna asked if the applicant would go to closing without a tenant. Mr. Calcagno stated the he doesn't think that this will be an issue with this site because this site addresses all the issues that other former site had to contend with. Mr. Calcagno also indicated that he would purchase this property whether or not it becomes a supermarket. Greg Hanna asked if the applicant would begin construction before a tenant is obtained and would they do any demolition without a tenant. Mr. Calcagno stated that he will re-develop the site no matter what.

In referencing the Long Form SEQR, Trina Porte stated that on page 6 it reads that no jobs will be eliminated and asked if the applicants were re-locating the current business tenants in the plaza. Ms. Moore and Mr. Calcagno indicated that the property will be sold as vacant property but pointed out that there are other retail locations in Town where the current tenants could move.

Trina Porte stated that on page 7 it references herbicides and pesticides and she would like to review the MSDS sheets. Chairman Herrmann stated that it is a bit too early to be reviewing SEQR. Ms. Moore stated that when this information becomes available she will submit it.

Jerry Grant stated that the public hearing that the applicant is seeking for the purpose of public input may be handled through the Town Board as currently the plans submitted to the Planning Board thus far is only a sketch plan. There are still too many variables. "For example; as a resident you are asking what I want in a supermarket. I would say that I want a pharmacy but I can't see a pharmacy at this point."

Ms. Porte said that she is surprised that this site is the best choice for a supermarket because when Hannaford was proposing this opportunity they had chosen a site that was on the corner of Route 20 and County Route 5a and had DOT issues; while this site is on the corner of Route 20 and a Town road which is much smaller than 5a. Mr. Calcagno stated that it is because Tilden Road is a Town road and the NYS DOT does not have jurisdiction.

Trina Porte asked if the applicant has considered the site of the former hotel.

(Public disruption)

Greg Hanna asked if the old Rail Road bed runs behind the property. Ms. Moore said: "Yes". Mr. Hanna mentioned that there is a movement to make the old railway a trail. Ms. Moore indicated that this could still work but don't quote her at this time.

Bob Smith moved to approve the sketch plan. Mark Sheline seconded the motion that carried on the following vote:

Ray Herrmann	Aye
Jerry Grant	Aye
Greg Hanna	Aye
Trina Porte	Abstained
Bob Smith	Aye
Chuck Geraldi	Aye
Mark Sheline	Aye

**Sketch Plan Conference:**

Alan J. Pavoni – 7.-2-19 (property owner: Robert Campagna)

Mr. Pavoni stated that he is renting from Mr. Campagna who owns and operates the used car dealer/repair shop in West Lebanon adjacent to the LVS Speedway. He plans to service/sell used RV's as his primary business and to also sell RV accessories. Additionally, he would like to have a machine shop to make parts needed for the repairs of the RV's. He is wondering if the Board feels that these would be separate businesses requiring site plan review. The Board's general consensus was that the property has been used motor vehicle sales and service for quite a long time and that selling accessories and making parts to service would be accessory to the main business. Mr. Pavoni indicated that there is currently fencing that would screen the back portion of the property where RV's would be seasonally stored. [Appeal No.: 07-015; dated May 2, 2007 attached]

The meeting adjourned at 9:15 pm

Respectfully submitted,

Cissy Hernandez  
Planning/Zoning Clerk



TOWN OF NEW LEBANON  
ZONING BOARD OF APPEALS

Decisions: Appeal

APPEAL ACTION

REFERENCE: TM# 7.-2-19

**Appeal No.:** 07-015

**Dated:** May 2, 2007

ACTION OF THE ZONING BOARD OF APPEALS OF THE  
TOWN OF NEW LEBANON, NEW YORK

TO: SPEEDWAY ENTERPRISES, LLC  
CAMPAGNA, ROBERT  
1615 ROUTE 20  
WEST LEBANON, NY 12195

At a meeting of the Zoning Board of Appeals held on May 1, 2007, after holding a hearing and taking evidence, the referenced appeal was considered and the action described below was taken.

The Zoning Board of Appeals, by a unanimous vote of all members present constituting a majority of positions on the Board, granted the appeal. The Board based its decision on the sworn testimony of witnesses Jonathon Koepp and Albert Bosolt and Exhibits 1-3, finding that they demonstrated that the property in question was in use for Used Car Sales by a Used Car Dealer and as a Public Garage within the twelve months prior to this date and therefore the prior, non-conforming Used Car Sales and Public Garage uses in place at the time of the enactment of the zoning ordinance have not been discontinued.

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John Dax, Chairman  
Zoning Board of Appeals