



**Town of New Lebanon
Planning Board of Minutes – unapproved
December 18, 2024**

Present: Elizabeth Brutsch, Planning Board Chairperson
Jim Carroll, Planning Board Member
Becky Segal, Planning Board Member
Monte Wasch, Planning Board Member
Joshua Young, Planning Board Member

Absent: Greg Hanna, Planning Board Member
Steve Muse, Planning Board Member

I. Call To Order

Chairperson Brutsch called the meeting to order at 7:01 PM.

II. Approval of Minutes

Motion to approve minutes of November 20, 2024 meeting made by Board Member Young, second Board Member Segal.

Chairperson Brutsch	Aye
Board Member Young	Aye
Board Member Carroll	Aye
Board Member Wasch	Aye
Board Member Segal	Aye
Board Member Hanna	Absent
Board Member Muse	Absent

III. Public Hearing

Case No: PB-2024-009-Shoobs, Abbie (TM# 10.3-1-22)

Request for Special Permit for Short Term Rental.

Property Owners: Adriene and Abbie Shoobs

Board Member Segal made a motion to open the Public Hearing. Board Member Wasch seconded the motion.

Chairperson Brutsch	Aye
Board Member Young	Aye

Board Member Carroll	Aye
Board Member Wasch	Aye
Board Member Segal	Aye
Board Member Hanna	Absent
Board Member Muse	Absent

Chairperson Brutsch asked if there was anyone to speak for or against this project. Deb Gordon noted that there is another short-term rental in the neighborhood and she had no issues with the application.

Board Member Wasch made a motion to close the Public Hearing. Board Member Segal seconded the motion.

Chairperson Brutsch	Aye
Board Member Young	Aye
Board Member Carroll	Aye
Board Member Wasch	Aye
Board Member Segal	Aye
Board Member Hanna	Absent
Board Member Muse	Absent

IV. Public Hearing

Case No.: PB-2024-010-Baum, Joyce (TM#7.-1-15 & 16.3)

Request for 3 lot Minor Subdivision

Surveyor: Herman Pulcher

Map Date: January 2, 2024

Board Member Wasch made a motion to open the Public Hearing. Board Member Segal seconded the motion.

Chairperson Brutsch	Aye
Board Member Young	Aye
Board Member Carroll	Aye
Board Member Wasch	Aye
Board Member Segal	Aye
Board Member Hanna	Absent
Board Member Muse	Absent

Chairperson Brutsch asked if there was anyone to speak for or against this project, there were none.

Board Member Segal made a motion to close the Public Hearing. Board Member Wasch seconded the motion.

Chairperson Brutsch	Aye
Board Member Young	Aye
Board Member Carroll	Aye
Board Member Wasch	Aye
Board Member Segal	Aye
Board Member Hanna	Absent
Board Member Muse	Absent

V. Regular Meeting

Case No: PB-2024-009-Shoobs, Abbie (TM# 10.3-1-22)

Request for Special Permit for Short Term Rental.

Property Owners: Adriene and Abbie Shoobs

Having completed the public hearing for this application, the board members had no further questions. The decision document was presented by Board Member Wasch. Two minor changes were made to exclude the term “by existing forest” section l, and references to the lighting plan in section e. These changes are noted in the final decision document.

A motion to accept the amended decision document was made by Board Member Wasch and seconded by Board Member Carroll.

Chairperson Brutsch	Aye
Board Member Young	Aye
Board Member Carroll	Aye
Board Member Wasch	Aye
Board Member Segal	Aye
Board Member Hanna	Absent
Board Member Muse	Absent

Case No.: PB-2024-010-Baum, Joyce (TM#7.-1-15 & 16.3)

Request for 3 lot Minor Subdivision

Surveyor: Herman Pulcher

Map Date: January 2, 2024

Having completed the public hearing for this application, the board members had no further questions. Surveyor H. Pulcher stated the survey had been updated with indication that the property has not been perk tested. Chairperson Brutsch stated

she had reached out to the Chatham Planning Board and they had no comment on the application. The decision document was presented by Board Member Segal.

A motion to accept the decision document was made by Board Member Segal and seconded by Board Member Wasch.

Chairperson Brutsch	Aye
Board Member Young	Aye
Board Member Carroll	Aye
Board Member Wasch	Aye
Board Member Segal	Aye
Board Member Hanna	Absent
Board Member Muse	Absent

VI. Discussion

Chairperson Brutsch discussed plans for Planning Board training in early 2025. Chairperson Brutsch indicated the Town is searching for a Planning Board Clerk. Chairperson Brutsch thanked outgoing Board Member Monte Wasch for his service to the town.

VII. Adjournment

Board member Segal made a motion to adjourn the meeting and was seconded by Board Member Carroll.

Chairperson Brutsch	Aye
Board Member Young	Aye
Board Member Carroll	Aye
Board Member Wasch	Aye
Board Member Segal	Aye
Board Member Hanna	Absent
Board Member Muse	Absent

Submitted by:
Planning Board Member

TOWN OF NEW LEBANON PLANNING BOARD
RESOLUTION APPROVING MINOR SUBDIVISION
LANDS OWNED BY JOYCE BAUM AT COUNTY ROUTE 13, BRAINARD, NEW YORK

DATE: DECEMBER 18, 2024

WHEREAS, on November 20, 2024, Joyce Baum (the “Applicant”) applied to the Town of New Lebanon Planning Board (“Planning Board”) seeking a Minor Subdivision (the “Application”) on property located at 1713 COUNTY ROUTE 13, Brainard, New York (SBL: 7.–1–15 and 7.–1–16.3) (the “Project Site”); and

WHEREAS, the Project Site is located in the Town’s Residential-Agricultural 1-acre and 5-acre ‘RA-1’ & ‘RA-5’ zoning districts; and

WHEREAS, the Applicant is requesting a Minor 3-Lot Subdivision to create 3 separate parcels, one of 23.82 acres with an existing residence (Parcel 1), one of 2.2 acres (Parcel 3), and one of 8.62 acres (Parcel 4) (the “Project”); and

WHEREAS, the Applicant is not requesting a change to Parcel 2, which has 9.00 acres (7.–1–16.4);

WHEREAS, the parcels involved in the Minor Subdivision have the improvements indicated on the subdivision plat; and

WHEREAS, the Project will include no ground disturbance or alterations without first receiving appropriate permits and approvals from the Town of New Lebanon Building Department; and

WHEREAS, in furtherance of the Project, the Applicant submitted to the Planning Board, including but not limited to, application forms, site plans, environmental assessment forms, etc. (collectively the “Application Materials”); and

WHEREAS, the Planning Board held public meetings on the Application at the following meeting:

- 1) November 20, 2024 (discussion);
- 2) December 18, 2024 (discussion and public hearing);

WHEREAS, following one duly noticed public hearing and other meetings that preceded that and where the public was heard, the Planning Board closed the public hearing on December 18, 2024; and

WHEREAS, the Project is compliant with the Town’s Zoning Code and related area and bulk requirements applicable to the ‘RA-1’ & ‘RA-5’ zoning district; and

WHEREAS, the Project is an “Unlisted” action under the State Environmental Quality Review Act (“SEQRA”) and the Planning Board has conducted an uncoordinated environmental review; and

WHEREAS, the Planning Board has carefully reviewed and evaluated the Application Materials and comments from members of the public; and

WHEREAS, the Planning Board has sent notice to the Town of Chatham Planning Board whose Chairperson reviewed the plans and had no comment; and

WHEREAS, the Planning Board has evaluated the Applications Materials, and all other comments, as they relate to the Minor Subdivision criteria (Zoning Code § 179-6); and

NOW, THEREFORE BE IT RESOLVED, THAT, after due consideration of the Application and related Application Materials, the Planning Board finds that the Project meets the Zoning Code’s Minor Subdivision criteria set forth in Zoning Code § 179-6. Therefore, by this resolution, the Planning Board approves the Project’s Minor Subdivision application.

BE IT FURTHER RESOLVED, THAT, in approving the Project’s Minor Subdivision application, the Planning Board makes the following findings related to the Project’s compliance with Zoning Code § 179-6:

- A. The lots created by the Minor Subdivision conform to the area and bulk regulations of the Town of New Lebanon for the ‘RA-1’ & ‘RA-5 zoning districts, as set forth in Zoning Code § 205, Schedule 1.

BE IT FURTHER RESOLVED, THAT, the Planning Board directs the Planning Board clerk to file a signed copy of this resolution with the Town Clerk within five (5) days from the adoption of this resolution.

BE IT FURTHER RESOLVED, THAT, the Applicant recognizes and agrees that the Approval is not valid until all conditions are complied with and the subdivision map is filed with Columbia County, and;

BE IT FURTHER RESOLVED, THAT, that no construction or alteration of any kind is allowed until the Applicant obtains a building and/or other appropriate permit(s) from the New Lebanon Building Department, and;

BE IT FURTHER RESOLVED, THAT, no certificate of occupancy or temporary occupancy shall be permitted until all conditions set forth in this document have been met, inclusive of all requirements shown on the Site Plan(s) approved by the Planning Board.

On the motion of Planning Board member Segal, seconded by Planning Board member Wasch, the foregoing resolution was adopted with all Planning Board members voting as follows:

Elizabeth Brutsch	AYE
Jim Carroll	AYE
Greg Hanna	Absent
Steve Muse	Absent
Becky Segal	AYE
Monte Wasch	AYE

Josh Young

AYE

Elizabeth A. Brutsch

Elizabeth Brutsch, Chair
Town of New Lebanon Planning Board

Date: December 18, 2024

TOWN OF NEW LEBANON PLANNING BOARD
RESOLUTION APPROVING SPECIAL USE PERMIT
SHORT TERM RENTAL, 39 SPRING HILL ROAD, NEW LEBANON, NEW YORK

DATE: December 18, 2024

WHEREAS, on November 20, 2024 Abbie and Adrian Shoobs (the “Applicant”) applied to the Town of New Lebanon Planning Board (“Planning Board”) seeking a special use permit for one proposed short term rental unit (the “Application”) on property located at 39 Spring Hill Road, New Lebanon, New York (SBL: 10.3-1-22) (the “Project Site”); and

WHEREAS, the Town of New Lebanon Zoning Code (“Zoning Code”) defines “short term rental” as a “The rental or lease of any dwelling space within a residential property to transient fee-paying guests for a period of 30 consecutive days or less, but not including spaces that are rented for an aggregate total of 30 days or less over a 365-day period or a single dwelling space (e.g., bedroom) within an owner-occupied residence. Such residential properties may or may not be owner- or operator-occupied. The short-term rental arrangement may or may not include provision of one or more meals. The short-term rental use only includes occupancy; other activities such as group gatherings (e.g., weddings) are a separate use.” Zoning Code § 205-20.

WHEREAS, the Project Site is located in the Town’s Residential Agricultural “RA-2” zoning district, which permits “short term rental” with a special use permit from the Planning Board; and

WHEREAS, in furtherance of the Project, the Applicant submitted to the Planning Board, including but not limited to, application forms, environmental assessment form, site plan package, project narratives, etc. (collectively the “Application Materials”); and

WHEREAS, the Planning Board held public meetings on the Application at the following meeting:

- 1) November 20, 2024 – Special Permit sketch plan conference
- 2) December 18, 2024 – Special Permit Public Hearing and Decision

WHEREAS, following one duly noticed public hearing and an earlier meeting with the Planning Board regarding the use, the Planning Board closed the public hearing on December 18, 2024; and

WHEREAS, the Project is compliant with the Town’s Zoning Code and related area and bulk requirements applicable to the RA-2 zoning district and therefore does not require any area variances; and

WHEREAS, considering all comments from the Planning Board and, the Applicant provided a final set site plans with the following sheets:

- 1) Application with site plans

2) Additional site plan information
(collectively the “Final Site Plans”);and

WHEREAS, the Project is an “Type II” action under the State Environmental Quality Review Act (“SEQRA”) and does not therefore require review; and

WHEREAS, the Planning Board has carefully reviewed and evaluated the Application Materials and comments from members of the public; and

WHEREAS, the Planning Board has evaluated the Applications Materials, and all other comments as they relate to the special use permit criteria (Zoning Code § 205-13(B), (E(1))).

NOW, THEREFORE BE IT RESOLVED, THAT, after due consideration of the Application and related Application Materials, the Planning Board finds that the Project meets the Zoning Code’s special use permit criteria set forth in Zoning Code § 205-13(B), (E(1)). Therefore, by this resolution, the Planning Board approves the Project’s special use permit applications for the proposed “short term rental” use in the RA-2 zoning district, subject to the following conditions:

- 1) Any and all current and new construction or renovation will require building permits from the Town of New Lebanon Building Department.
- 2) The short-term rental shall comply with all requirements of the New York State Building Code and New York State Fire Code.

BE IT FURTHER RESOLVED, THAT, in approving the Project’s special use permit application as a “short term rental” in the RA-2 zoning district, the Planning Board makes the following findings related to the Project’s compliance with Zoning Code § 205-13(B), (E(1)):

- a. The Project does not include the storage of flammable and explosive materials.
- b. The Project does not include any uses that would emit radioactivity or electrical disturbances.
- c. The Project will not generate excessive noise at the property line.
- d. The Project does not include any proposed uses that would result in vibration at the property lines (e.g. large trucking facility, industrial uses, etc.).
- e. The plan and discussion with the Applicant demonstrates that the building and use would not result in any glare that would interfere with the useful enjoyment of adjoining properties, nor will it impact the local character and integrity of the surrounding area.
- f. The Project does not propose any uses that would result in smoke.
- g. The Project will not result in any odors that would be detectable at the property line.

h. The Project does not include any uses or structures that would result in significant amounts of air emissions that would be regulated by the NYSDEC.

i. The Project does not include any direct point source discharges into any stream or other water body. The Project does not include any disturbances to regulated streams or wetlands.

j. The septic system is compliant with all regulations

k. The proposed off-street parking is compliant with the requirements of the Zoning Code.

l. The Project Site is surrounded by existing forest and related vegetation and therefore no significant visual impacts will result from the Project.

m. The Project is a permitted use within the RA-2 zoning district with a special use permit.

n. All structures are existing on the property and there are no plans to add new buildings or enlarge existing buildings. The parking for the Project is all off the street and will have minimal visual impact to the road because it is shielded by existing vegetation on the parcel.

o. The Project uses the existing private on-site water well and septic systems.

p. The Project will not impact the Level of Service of the road and therefore not result in noise to nearby receptors or impede vehicular or pedestrian traffic.

BE IT FURTHER RESOLVED, THAT, the applicant will submit to the Zoning Enforcement Officer information regarding the local agent, including name, address, contact information.

BE IT FURTHER RESOLVED, THAT, the Planning Board directs the Planning Board clerk to file a signed copy of this resolution with the Town Clerk within five (5) days from the adoption of this resolution.

BE IT FURTHER RESOLVED, THAT, the Applicant recognizes and agrees that the Approval is not valid until all conditions are complied with, and;

BE IT FURTHER RESOLVED, THAT, that no construction or alteration of any kind is allowed until the Applicant obtains a building and/or other appropriate permit(s) from the New Lebanon Building Department., and;

On the motion of Planning Board member Wasch, seconded by Planning Board member Carroll, the foregoing resolution was adopted with all Planning Board members voting as follows:

Elizabeth Brutsch	AYE
Jim Carroll	AYE
Greg Hanna	Absent

Steve Muse	Absent
Becky Segal	AYE
Monte Wasch	AYE
Josh Young	AYE

Elizabeth A. Brutsch

Elizabeth Brutsch, Chair
Town of New Lebanon Planning Board

Date: December 18, 2024