

**RESOLUTION OF THE PLANNING BOARD OF THE  
TOWN OF NEW LEBANON GRANTING MINOR SUBDIVISION**

**WEST FAMILY LAND, LLC**

**AUGUST 17, 2022**

WHEREAS, an Application for approval of a Minor Subdivision Plat was submitted to the Planning Board by West Family Land, LLC (the “Applicant”) for property commonly known as 263 Chair Factory Road, New Lebanon, New York (the “Property”);<sup>1</sup> and

WHEREAS, the Property comprises approximately 316-acres of land that straddles both the Town of New Lebanon and the Town of Canaan, but the Applicant’s request for a Minor Subdivision concerns only that portion of the Property situated in the Town of New Lebanon, as shown on a plan review by this Board at its Sketch Plan meeting held on June 23, 2022; and

WHEREAS, the Application for approval of a Minor Subdivision Plat is detailed on the plan prepared by Derrick D. Gardner, P.E., entitled “Chair Factory Road, West Family Land LLC, Minor Subdivision, Town of New Lebanon & Canaan, Columbia County, New York” (C100),” dated June 1, 2022 (the “Minor Subdivision Plan”); and

WHEREAS, at the request of the Town, the Applicant submitted to the Planning Board a Full Environmental Assessment Form (“Full EAF”) in accordance with SEQRA to enable the Planning Board to conduct its SEQRA review based on more detailed information than may otherwise have been requested for a Minor Subdivision; and

WHEREAS, the existing buildings and structures on the Property are situated in the Town of New Lebanon although most of the Property is forested and is intended to remain in that condition; and

WHEREAS, the New Lebanon portion of the Property is classified in two (2) zoning districts - the RA-2 (Residential-Agricultural) District, and the RA-5 (Residential-Agricultural) District; and

WHEREAS, the Applicant described the plan for the development of the Property, as shown on the Minor Subdivision Plan and which is described below:

- A. Maintain the existing 6-residences in New Lebanon, and convert an existing barn to another residence – each residence is currently served by private well water and septic systems;
- B. Create two (2) lots with frontage on Chair Factory Road for development of two new single-family homes in New Lebanon. However, one of these lots also has been designed to accommodate a shared driveway extending through to provide access for a potential house to be constructed on a portion of the Property in Canaan and an easement for such access will be provided in the deed;
- C. Create a new lot with a driveway from Chair Factory Road to the existing larger residence on the hillside;

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<sup>1</sup> Tax Map No. 29.-1-20 & No. 39.-1-7 in the Towns of New Lebanon and Canaan, respectively

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- D. Designate a new lot containing the existing 5-residences<sup>2</sup> and barn (that will be converted to a residence, noting that this Lot 3 as shown on the Minor Subdivision Plan is proposed to be the subject of a subsequent Conservation Subdivision); and
- E. Preserve over 75% of the Property by subjecting the forested areas on Lots 2 and 3 to one or more conservation easements.

WHEREAS, the Minor Subdivision Plan details the following subdivision of the Property into 4 lots:

- Lot 1 comprising 10.13 acres is a new single-family lot.
- Lot 2 comprising 38.86 acres in New Lebanon would connect to 167.69 acres in the Town of Canaan and could accommodate a single-family house in New Lebanon while also enabling a driveway to access another house location in Canaan; The preferred goal of the Applicant is to establish a conservation easement on the entirety of Lot 2 and forego any future development of single-family homes in connection therewith.
- Lot 3 comprising 45.27 acres in New Lebanon consists of the existing 5 residences noted above together with the existing barn that would be converted to a residence. Lot 3 connects to 30.71 acres in Canaan that would be operated for agroforestry as part of an agriculture and forest conservation program.
- Lot 4 comprising about 23.42 acres in New Lebanon would contain the existing, larger house on the hill that would be subdivided and sold as the “Estate Lot;” and

WHEREAS, Lot 3 is the portion of the Property that is contemplated in the future to be the subject of a Conservation Subdivision so that each of the 6 residences (including the to-be-converted barn) would be able to be individually owned with Common Area shared among them under a homeowners’ association, mutual access easements or some similar regimen; and

WHEREAS, the Applicant has stated its intent to preserve over 75% of the forested land on Lots 2 and 3, which aligns with the spirit and intent of the Conservation Subdivision provisions of the Town’s Zoning Ordinance; and

WHEREAS, there have been no perc tests completed on Lot 1, Lot 2, and Lot 4 and each would therefore be required to have perc tests completed prior to the approval of any new construction; and

WHEREAS, a public hearing was duly noticed and held on August 17, 2022 at which time all those wishing to be heard were given an opportunity to speak, although nobody spoke other than the Applicant; and

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<sup>2</sup> These existing residences currently are designated as 257, 260, 261, 265 and 267 Chair Factory Road.

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WHEREAS, the Planning Board closed the public hearing and considered all information before it, as well as relying on its own knowledge of the site, the surrounding area and the proposed subdivision.

NOW THEREFORE BE IT RESOLVED that the Planning Board determines that any action concerning this Minor Subdivision Application does not commit it to taking any other action with regard to the future Conservation Subdivision Application and adopts a Negative Declaration under SEQRA as relates to the Minor Subdivision, with any future plan needing to be separately evaluated under SEQRA at the time it is submitted and more details are provided; and

BE IT FURTHER RESOLVED that the Planning Board grants this Minor Subdivision Application for the Property consistent with all the information contained in the Whereas clauses above, as if those had been recited separately here, and authorizes the Chair to sign the Minor Subdivision Plan for recording in the Office of the Columbia County Clerk in accordance with the procedures specified in the Code of the Town of New Lebanon.

On a motion of Planning Board Member \_\_\_\_\_, seconded by Planning Board Member \_\_\_\_\_, this resolution was approved unanimously.

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ELIZABETH BRUTSCH, Chairperson