

**TOWN OF NEW LEBANON PLANNING BOARD  
RESOLUTION APPROVING SITE PLAN AND SPECIAL USE PERMIT  
SHORT TERM RENTALS, DARROW ROAD, NEW LEBANON, NEW YORK**

**DATE: OCTOBER 19, 2022**

**WHEREAS**, on September 1<sup>st</sup>, 2022 Carol Reichert and Jerome Shereda (the “Applicant”) applied to the Town of New Lebanon Planning Board (“Planning Board”) seeking site plan review and special use permit for two proposed short term rental units (the “Application”) on property located at 194 Darrow Road, New Lebanon, New York (SBL: 30.-1-9.100) (the “Project Site”); and

**WHEREAS**, the Project Site is located in the Town’s Residential Agricultural “RA2” and “RA5” zoning districts, which permits “short term rental” with a site plan and special use permit from the Planning Board; and

**WHEREAS**, the proposed short term rentals will utilize existing historic structures and infrastructure already on the property as a means to provide an alternative revenue stream to support the recently approved Second Family Shaker Museum (the “Project”); and

**WHEREAS**, the Project Site is approximately 77.27 acres and is improved with the existing, historic Shaker structures which have been undergoing preservation and modernization to serve future functions, but includes field and forested areas; and

**WHEREAS**, the Project will be serviced by on-site private well water and septic system, the water system to include existing wells and added UV light for disinfection and has not yet been but will be submitted to the CCDOH for review and approval, and the septic system will require a DEC SPEDES permit, and has not yet been but will be submitted to the DEC for review and approval;

**WHEREAS**, the Project includes 6 parking spaces adjacent to the proposed short term rental properties and an additional 79 parking spaces, including 3 handicap accessible spaces which are located across the street from the Museum and the Project will include “on demand” lighting and signage for street crossing between the parking lot and the main 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’s septic system was previously approved in relation to the Second Family Shaker Museum Project and has been designed to accommodate a maximum of 250 people and the

approved septic system has been designed for this amount and will obtain the required DEC SPEDES permit; and

**WHEREAS**, the two properties have been restored and will continue to be maintained in an historic nature as outlined in the attached Exhibit A; and

**WHEREAS**, rentals will not exceed 2 weekends a month, 4 days per weekend as discussed with the Applicant during the meetings;

**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, architectural drawings, response to comments, project narratives, etc. (collectively the "Application Materials"); and

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

- 1) September 21, 2022 – Site Plan Review and Special Permit Regular Meeting
- 2) October 19, 2022 – Site Plan Review and Special Permit Public Hearing and Decision

**WHEREAS**, following one duly noticed public hearings and other meetings which preceded that and where the public was heard, the Planning Board closed the public hearing on October 19<sup>th</sup>, 2022; and

**WHEREAS**, the Project is compliant with the Town's Zoning Code and related area and bulk requirements applicable to the RA2 and RA5 zoning districts and therefore does not require any area variances; and

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

- 1) #1 OVERALL SITE PLAN – Amended
- 2) Unnamed floor plans submitted with the written narratives for each short term rental.

(collectively the "Final Site Plans"); and

**WHEREAS**, the Planning Board referenced the recently approved SEQRA determination made for the Second Family Shaker Museum at this same location;

**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 site plan review criteria (Zoning Code § 205-14(F-G)) and special use permit criteria (Zoning Code § 205-13(B)).

**NOW, THEREFORE BE IS RESOLVED, THAT,** after due consideration of the Application and related Application Materials, the Planning Board finds that the Project meets the Zoning Code's site plan review criteria set forth in Zoning Code § 205-14(F-G) and the special use permit criteria set forth in Zoning Code § 205-13(B). Therefore, by this resolution, the Planning Board approves the Project's site plan and special use permit applications for the proposed "short term rental" use in the RA2 and RA5 zoning districts, subject to the following conditions:

- 1) Rental of the unit(s) will occur on average two weekends (each 4 days long) per month as discussed during meetings.
- 2) Any and all current and new construction or renovation will require building permits from the Town of New Lebanon Building Department.
- 3) All required mitigation noted in the SEQRA Negative Declaration shall also be a condition of this approval and enforceable by the Town.
- 4) The short term rentals 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 site plan applications, the Planning Board makes the following findings related to the Project's compliance with Zoning Code § 205-14(F-G):

- A. The Project is a permitted use within the zoning district with a special use permit. The Project is designed to support the adjacent educational use already permitted and reviewed by the Planning Board with a Special Use Permit.
- B. 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 the forest and existing vegetation on the parcel.
- C. All lighting will be dark sky lighting and downward facing. All lighting will be turned off and not activated after 10:00pm or before 6:00am, unless otherwise permitted for a special event.
- D. The Applicant will meet with the Town's Highway Superintendent. The Applicant shall obtain a driveway curb cut permit in conjunction with the Building Permit.
- E. The Final Site Plans are compliant with all off-street parking and area and bulk requirements applicable to the Project.
- F. The internal parking area and access are acceptable and includes crosswalks to the proposed entrance and related sidewalks to reduce the potential for any conflict on the Project Site. A circulation plan has demonstrated that no conflicts will occur.

- G. The Applicant has demonstrated that the Project Site is capable of handling the proposed private on-site water well and septic systems, both of which will receive respective required approvals.
- H. The Project Site consists of existing historic buildings and is completely surrounded by existing forest and related vegetation and therefore no significant visual impacts will result from the building.
- I. The Project's use is limited by the conditions noted herein. The Project Site is surrounded by existing forest and is distant from the nearest residence. The Project Site is adjacent an existing farm operation. The minimal traffic increase from this Project will not impact the Level of Service of the road and therefore not result in noise to nearby receptors.
- J. 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.).
- K. The Project will not result in any odors that would be detectable at the property line. The Project Site is at a large distance from the nearest residence and it completely surrounded by existing vegetation. The Project Site is directly adjacent an active farming operation.
- L. The Project will not result in the disturbance of any streams or wetland areas.
- M. The Project is compliant with the Town's Comprehensive Plan as it will encourage repurposing of historic buildings without removing their integrity and encourage interaction with the environment thought education.

**BE IT FURTHER RESOLVED, THAT,** in approving the Project's special use permit application as a "short term rental" in the RA2 and RA5 zoning district, the Planning Board makes the following findings related to the Project's compliance with Zoning Code § 205-13(B):

- a. The Project does not include the storage of flammable and explosive materials.
- b. The Project will does include any uses that would emit radioactivity or electrical disturbances.
- c. The proposed use is a passive use that will only operate on the weekends to support the adjacent educational institution.
- d. The Project Site is surrounded by existing forest and is at a great distance from the nearest residence. The Project Site is adjacent an existing farm operation.
- e. 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.).

- f. The renderings and lighting plan demonstrate that the building and use would not result in any glare that would not interfere with the useful enjoyment of adjoining properties. The buildings are all existing historic structures and all lighting will be dark sky lighting and downward facing. All lighting will be turned off and not activated after 10:00pm or before 6:00am.
- g. The Project does not propose any uses that would result in smoke.
- h. The Project will not result in any odors that would be detectable at the property line. The Project Site is at a large distance from the nearest residence and it completely surrounded by existing vegetation. The Project Site is also directly adjacent an active farming operation.
- i. 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.
- j. 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.
- k. The septic system in compliance with all regulations and will receive a DEC SPEDES permit.
- l. The proposed off-street parking is compliant with the requirements of the Zoning Code.
- m. The internal parking area and access is acceptable and includes crosswalks to the proposed entrance and related sidewalks to reduce the potential for any conflict on the Project Site. The Final Site Plans also includes a circulation plan that demonstrates no conflicts will occur.
- n. The Project Site is completely surrounded by existing forest and related vegetation and therefore no significant visual impacts will result from the change of use.
- o. The Project is a permitted use within the RA2 and RA 5 zoning districts as a museum with a special use permit. The Project is designed to support the adjacent educational institution.
- p. SHPO, by correspondence dated June 10, 2022, determined that the project will not result in any adverse impacts on historical or archeological resources.

**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.

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

<b>Elizabeth Brutsch</b>	<b>Aye</b>
<b>Jim Carroll</b>	<b>Aye</b>
<b>Brent Gawron</b>	<b>Absent</b>
<b>Greg Hanna</b>	<b>Aye</b>

Steve Muse  
Monte Wasch  
Josh Young

Aye  
Aye  
Aye

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Elizabeth Brutsch, Chair  
Town of New Lebanon Planning Board

Date: \_\_\_\_\_

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