



Town of New Lebanon  
 PO Box 328  
 New Lebanon, New York 12125  
 Phone: 518.794.8884 | Fax: 518.794.9694  
 Email: [buildingdept@townofnewlebanon.com](mailto:buildingdept@townofnewlebanon.com)

50.<sup>00</sup> App fee plus  
 25.<sup>00</sup> Newspaper P.H. Publication fee

\$75.00 RECEIVED

OCT 16 2023

NEW LEBANON BUILDING DEPT

**PLANNING BOARD APPLICATION**

Application No (office use only): \_\_\_\_\_

**SITE INFORMATION**

Site Location (911 Address): 28 Birch Hill Dr. Nearest Crossroad: Deer Ridge Dr, NL  
 Tax Map No.: 28.-1-60.1 (104800) Zoning District: R

**PROPERTY OWNER & APPLICANT INFORMATION**

Property Owner Name: Richard Adago and Nina Keller Phone: 917 941 1829  
 Mailing Address: 28 Birch Hill Dr., NL, NY 12125  
 Email: Kelleradago@gmail.com  
 Applicant Name (if different from Property Owner): \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Email: \_\_\_\_\_

**SURVEYOR INFORMATION**

Surveyor Name: Alvin Huehnel License No.: 48356  
 Mailing Address: 491 Martindale Rd, Caryville, NY 12521 (or 551 Warren St Hudson, NY 12534)  
 Email: \_\_\_\_\_ Phone: (518) 828-1245

**ENGINEER / ARCHITECT INFORMATION**

Name: \_\_\_\_\_ License No.: \_\_\_\_\_  
 Company Name & Address: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_

**NATURE OF PROPOSED WORK (a separate application is required for each request)**

- Lot Line Adjustment  Minor Subdivision  Major Subdivision  Site Plan Review  Special Permit  Appeal of ZEO Determination

Project Use/Description: Renting on Airbnb; whole house; expected rental 10-12 days per month or less; parking + garage available

- 1) Please attach a detailed narrative explaining the specifics pertaining to the proposed use, any anticipated changes to the site, space or floor plans, accommodations necessary for water, sewer, parking, lighting, etc.
- 2) Review the applicable Code section which applies to the specific application you are pursuing. Responses to the outlined requirements in the Code should be included as part of the narrative. See General Instructions.
- 2) Provide stamped plans of the property as required by the zoning code including property boundaries, existing site features such as woodlands, floor plains, other natural features, etc., existing structures, approximate well and septic locations and the proposed structure(s). Dimensions must be provided from the proposed building to the front, rear and side property lines. The front setback should be measured from the center of the traveled portion of the road.
- 3) Refer to the applicable Code section which applies to the nature of the proposed work for more detailed plan submission requirements.

- YES  NO Is the access road to the project a Town/County or State Road or highway? (New York State Town Law: §280-a)
- YES  NO Is any of the property within the flood plain? If yes, the flood plain area will need to be clearly labeled and lightly shaded on your survey map.
- YES  NO Is any of the property within a DEC regulated wetland? If yes, you may be required to contact DEC to conduct a site visit to flag the area.
- YES  NO Is any of the property within an ACOE regulated wetland?
- YES  NO Will one or more acres be disturbed by this project? If yes, you will be required (under NYS DEC regulations) to develop a Storm Water Pollution Prevention Plan (SWPPP) in order to obtain coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity.

The project occurring within 500 feet of (Check all that may apply):

- Municipal Boundary n/a
- County or State Park or recreation either existing or proposed
- State or County road or right-of-way, either existing or proposed
- State or County owned building or institution
- Stream or drainage channel owned by the County or for which channel lines have been established
- Active farm operation within a County Defined Agricultural District

PLEASE CHECK THE APPROPRIATE SPACE: I consent to the extension of the 62-day Public Hearing and review period. (See instruction item #4.)

YES  NO

I certify that the statements herein contained are true to the best of my knowledge and belief and I have prepared and submitted all pages of this application. By signing this application, the undersigned does hereby grant permission to members of the Town of New Lebanon Planning Board and Building Department to enter upon my property for the purpose of examining same by reason of an application now pending before said Board.

Signature of Property Owner: *Angela R. Deed Adams* Date: 9/29/23  
 Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**Fees:** Application fees are determined by the nature of the proposed work and can be found on the Town of New Lebanon website, payable by check to the Town of New Lebanon or in cash. If you were directed by the Planning Board at your Sketch Plan Conference that Escrow is required for this project, a separate check for that amount will be required at the time of application. If the escrow fees are not submitted with this application, this application will be deemed incomplete.

**A DECISION DOCUMENT BY THE PLANNING BOARD AND A BUILDING PERMIT APPLICATION MUST BE SUBMITTED AND OBTAINED BEFORE BEGINNING ANY CONSTRUCTION OR OCCUPANCY.**

**Office Review – office use only**

Date Received: \_\_\_\_\_ Application No: \_\_\_\_\_ Zoning Classification: \_\_\_\_\_

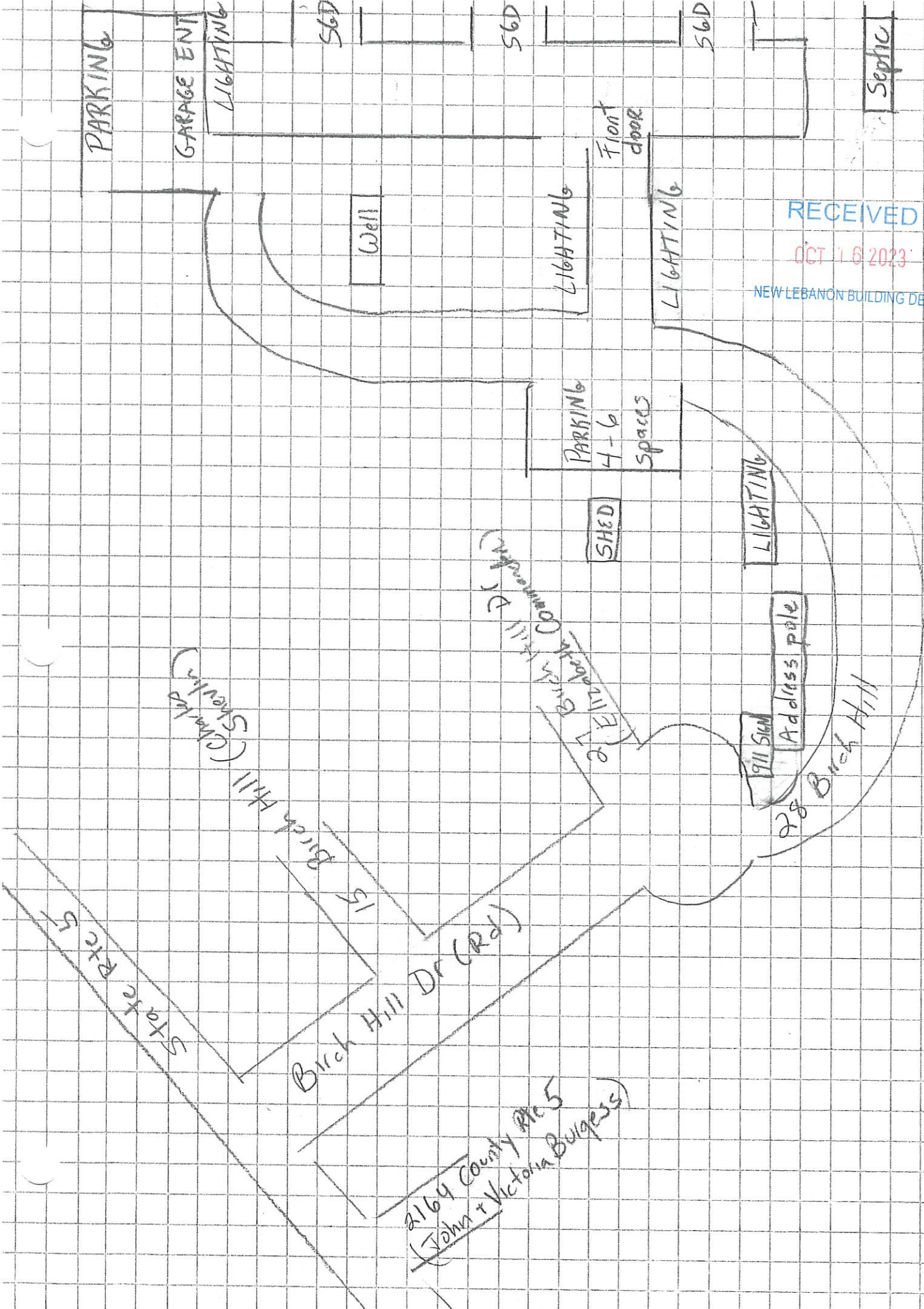
Fee Paid:  \$ \_\_\_\_\_ Date: \_\_\_\_\_ Check No.: \_\_\_\_\_ Receipt No.: \_\_\_\_\_

Clerk Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## General Instructions

Please Read

1. Attach hereto a copy of the duly filed deed indicating the current ownership of the subject property. If the owner is a corporation, attach a list of all directors, officers, and major stockholders. If applicant is a contract vendee, then attach a copy of the duly executed contract of sale.
2. If the applicant is not the owner, submit a letter signed by the property owner granting authority to the applicant to act on this application. If the owner is a corporate entity or trust, submit a letter signed by the authority of the entity or trust granting authority to the applicant to act on this application.
3. The applicant shall submit a list of the names and addresses of all adjoining property owners and of those property owners directly across all road frontages adjoining the proposed development. The list shall also contain the Town of New Lebanon current tax map numbers for each parcel.
4. NYS Town Law and/or the Town of New Lebanon Town Code obligates the Planning Board to conduct a Public Hearing with respect to certain projects within 62 days following receipt of a **COMPLETE** application for the project by the Planning Board Clerk. Due to the complexity of many proposals and the numerous technical and procedural requirements of all the applicable laws and regulations, many applications may be found to be incomplete or deficient and therefore, not ready for Public Hearing nor Planning Board approval. Thus, a determination based upon all pertinent facts and circumstances cannot always be rendered by the Planning Board within 62 days. To do so might result in a disapproval when, with further information or changes, and SEQR compliance, approval or approval with modifications might otherwise occur. In such cases, Planning Board staff will notify the applicant of missing or incomplete items in accordance with guidelines laid out in the Planning Board Manual.
5. In light of the above, you are asked to indicate, by checking the appropriate space on the application form, whether you consent to the extension of the 62-day public hearing period or review period, for so long as may reasonably be necessary to generate a submission which is complete and in conformity with all pertinent requirements. You may revoke your consent at any time by communicating that fact in writing to the Planning Board Clerk, whereupon your project proposal will be scheduled for the next regularly scheduled meeting of the Planning Board. In doing so, however, this might result in a disapproval when, with further information or changes, and SEQR compliance, approval or approval with modifications might otherwise occur.
6. Please be advised that the Planning Board review process often involved engineering, legal, and other professional skills. While the Planning and Building Department staff will provide guidance and assistance within reasonable limits, the responsibility for the proper presentation of the proposal lies with the applicant and the applicant's advisors, and not upon the Planning and Building Department, its staff, or the Planning Board.
7. An applicant has the ability to request a meeting with the Building Department and/or the Planning Board Chairperson to obtain guidance on responding to the application. This is a courtesy to assist applicants in preparing for their first Planning Board meeting and does not waive any provisions of State or Town Laws. The Planning Board reserves the right to request additional information not included in the application. Refer to the Planning Board Manual and Town Zoning Code for specifics related to procedures.
8. Fee Schedule: Individual fee schedules are listed on the Town of New Lebanon website and are specific to the type of project. These are subject to change from time to time at the approval of the Town Board. Escrow accounts will be established as required by the Planning Board upon the advice of applicable professionals engaged by the Town to assist the Planning Board.
9. Additional fees (escrow) may be required in an amount necessary to defray additional costs of special consultants engaged by the Town to assist in the review of an application. The Planning Board will endeavor to provide notice to the applicant in advance of securing a special consultant to allow the applicant time to alter or remove their application before the Planning Board.



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OCT 16 2023

NEW LEBANON BUILDING DEPT

PARKING

GARAGE ENT

LIGHTING

56D

56D

56D

Septic

Well

LIGHTING

Front door

LIGHTING

PARKING  
4-6  
spaces

SHED

LIGHTING

911 Sign

Address pole

28 Birch Hill

15 Birch Hill (Charles)

Birch Hill Dr (Rd)

2164 County Rte 5  
(John + Victoria Bulgess)

Fire Department  
2 Birch Hill Dr

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: <span style="font-size: 1.2em;">Short Term Rental</span>			
Project Location (describe, and attach a location map): <span style="font-size: 1.2em;">28 Birch Hill Dr, New Lebanon, NY 12125</span>			
Brief Description of Proposed Action: <span style="font-size: 1.2em;">Special Permit for Short Term Rental' will rent entire house for weekends or holiday weeks; owner will not be present; caretaker and owner/host will be 15 minutes away.</span>			
Name of Applicant or Sponsor: <span style="font-size: 1.2em;">Nina Keller</span>		Telephone: <span style="font-size: 1.2em;">917 941 1829</span>	
		E-Mail: <span style="font-size: 1.2em;">Kelleradag@gmail.com</span>	
Address: <span style="font-size: 1.2em;">28 Birch Hill Dr</span>			
City/PO: <span style="font-size: 1.2em;">New Lebanon, NY</span>		State: <span style="font-size: 1.2em;">NY</span>	Zip Code: <span style="font-size: 1.2em;">12125</span>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres		N/a	
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,				
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
b. Are public transportation services available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input type="checkbox"/>	<input type="checkbox"/>	n/a
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor/name: <u><i>Nina Keller</i></u> Date: <u>9/30/23</u> Signature: <u><i>Nina Keller</i></u> Title: _____		

Elizabeth Commander  
PO Box 635  
Lebanon Springs, NY 12125  
(27 Birch Hill Dr., NL, NY)  
28.-1-61

Charles Shevlin  
149-25 15<sup>th</sup> Road  
Whitestone, NY 11357  
(15 Birch Hill Dr., NL, NY)

William Earnest and William Bezek  
2141 County Route 5  
New Lebanon, NY 12125  
28.-1-58

Casey O. York  
139 Churchill Road  
New Lebanon, NY 12125  
(57 Stone House Road, NL, NY)  
28.-1-46.2

Jean Dodds Aaron and William E. Aaron  
444 East 75<sup>th</sup> Street Apt. 20A  
New York, NY 10021  
(39 Stone House Road, NL, NY )  
28.-1-54

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John D. Burgess and Victoria C. Burgess

2164 County Route 5

New Lebanon, NY 12029

28.-1-21.122

Lucy Willis

110 Livingston St. Apt 1

Brooklyn, NY 11201

28.-1-46.1

Dear Abutters:

This letter is to notify you that the New Lebanon Planning Board will be holding a Public Hearing on behalf of Richard J. Adago and Nina G. Keller for the purpose of applying for a Special Use Permit/Short Term Rental. The property is located at 28 Birch Hill Dr., in the Town of New Lebanon.

The Public Hearing will take place on \_\_\_\_\_ at 7:30 pm at the Town of New Lebanon Meeting Hall; 14755 State Route 22N, New Lebanon, NY. Anyone wishing to speak will be given an opportunity to be heard.

More Information is available by contacting the Planning/Zoning Clerk during her normal business hours at 518 794 8884.

Sincerely,

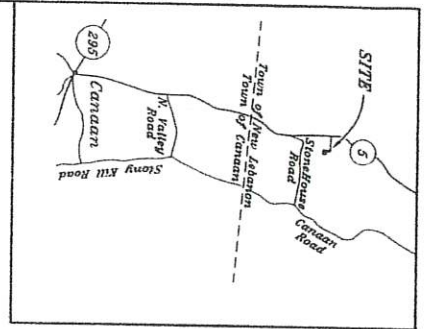
Richard J. Adago

Nina G. Keller

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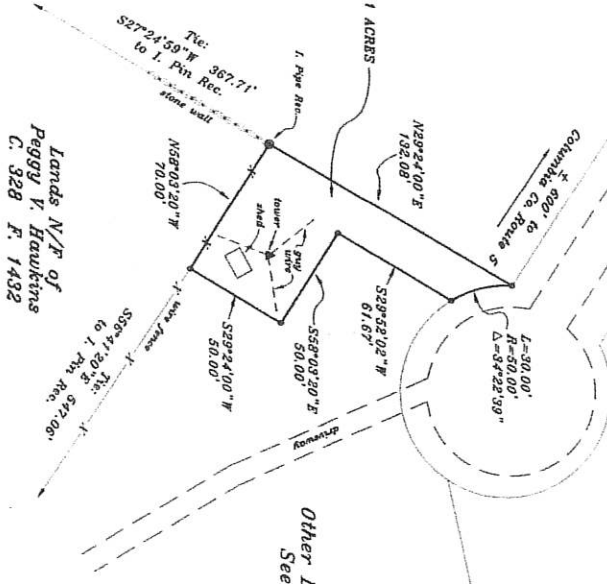
OCT 16 2023

NEW LEBANON BUILDING DEPT



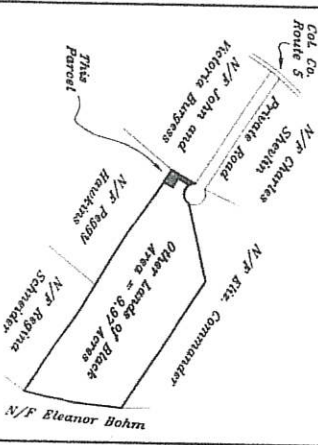
Lands N/E of Burgess L. 706, P. 201

AREA = 0.11 ACRES



Lands N/E of Peggy V. Hawkins C. 328 P. 1432

Other Lands of Black See Inset Map



\*REGULATION TESTS\*  
 Lolly # C-171  
 has (been) not been tested  
 percolation tests as required by the  
 Columbia County Department of Health.  
 Signed: *[Signature]*  
 Town of New Lebanon, Planning Board

Owner of Record  
 Perry A. Black Box 17  
 28 Birch Ave  
 New Lebanon, NY 12125

Subdivider  
 County of Columbia  
 407 State Street  
 Hudson, New York 12534

PLANNING BOARD  
 TOWN OF NEW LEBANON  
*[Signature]*  
 Chairman

JUL 14 2000

*[Signature]*  
 SURVEY BY:  
 ALVIN R. HERNIMZ  
 S.E. 123, INC., NO. 40308  
 481 LAUREL AVE.  
 GRANVILLE, N.Y. 12841  
 TEL: (518) 857-8984  
 FAX: (518) 857-8989

- Notes:
1. Source of title is Cartridge 300, Frame 2480.
  2. Subject to any and all easements, rights of way and/or restrictions of record.
  3. Unsubdivided alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 1430, Subdivision 2 of the N.Y.S. Education Law.
  4. Ownership of 0.11 acre parcel is to be retained by Black, but leased to the County of Columbia. Transfer of title will occur V and when the Black property is sold.
  5. The property is listed as Tax Map Parcel No. 2800-01-00.
  6. Zoning District - Residential Agricultural (RA-2).
  7. This property is shown as Parcel 3 on a map entitled: "Survey of Property of Peggy V. Hawkins" prepared by Alvin R. Hernimz, dated 7/14/2000. Alvin R. Hernimz, dated May 6, 1987, revised May 14, 1987 and filed in the Columbia County Clerk's Office as Map Number 11176.

NEW LEBANON  
 FIRE TOWER  
 SUBDIVISION  
 TOWN OF  
 NEW LEBANON  
 COLUMBIA CO., NY  
 SCALE: 1" = 40'



Town of New Lebanon  
 PO Box 328  
 New Lebanon, New York 12125  
 Phone: 518.794.8884

Email: [BuildingDept@townofnewlebanon.com](mailto:BuildingDept@townofnewlebanon.com)

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NEW LEBANON BUILDING DEPT

**ZONING REVIEW/VERIFICATION APPLICATION (Step 1 of 2)**

Application (office use only) No: Z-2023-004

\_\_\_\_\_

Site Location (911 Address): 28 Birch Hill Rd or Dr Nearest Crossroad: Deer Ridge Rd, NL

Tax Map No.: 104800 28,-1-60.1 Zoning District: RA 2

\_\_\_\_\_

Applicant Name: Nina Keller

Mailing Address: 28 Birch Hill Dr NL NY 12125

Email: Kelleradago@gmail.com Phone: 917 941 1829

Applicant's Agent/Professional: \_\_\_\_\_

Agent Phone: \_\_\_\_\_ Agent Email: \_\_\_\_\_

\_\_\_\_\_

Owner Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Owner's Agent/Professional: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_

- New Structure  Additions/Decks/Accessory Structures  Interior/Exterior Remodel  Change of Tenant  Change of Use  Other

Project Use/Description: Short term rental

*Example: Request to establish (fill in the blank – such as Office Space Use, Retail Use, Restaurant Use, Auto Repair Use) use at unit #123 (at Mall Name if applicable) or Request for Modification of Space for (fill in the blank)*

1) Please attach a detailed narrative explaining the details of the proposed use, including proposed tenant, any anticipated changes to the space or floor plans, accommodations necessary for water, sewer, parking, etc.

2) If your proposal changes the exterior footprint in any way, please include a sketch of the property including existing structures, approximate well and septic locations and the proposed new structure/addition. Dimensions must be provided from the proposed change in the building to the front, rear and side property lines. The front setback should be measured from the center of the traveled portion of the road.

\_\_\_\_\_

Height: \_\_\_\_\_ Width: \_\_\_\_\_ Length: \_\_\_\_\_ Lot Size: \_\_\_\_\_ # of Stories: \_\_\_\_\_

**RA1, 2 & 5 Districts:** For Principle Buildings, what is the building coverage (Footprint) in sq. ft. 3500

**Comm/C-rec/C-R Districts:** For Principle Buildings, what is the percent of Lot Coverage : \_\_\_\_\_

I certify that the statements herein contained are true to the best of my knowledge and belief and I have prepared and submitted all pages of this application

Signature of Property Owner \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Applicant Nina Keller Date: 9/25/23

**Fees:** Zoning Permit Fee please refer to Town Fee Schedule:

<https://secureservercdn.net/192.71.233.235/432.ab5.myftpupload.com/wp-content/uploads/2021/03/Updated-fee-Schedule-12.5.20.pdf>

**Zoning Officer Review – Office Use Only**

Date Received: 10/16/23

Application No: Z-2023-004  
FBD in Cloud Permit + Program

Zoning Approval is authorized. Application referred to the CEO for issuance of a building and zoning permit

Zoning Permit Issued & does not need to be referred to the CEO

Application Denied  Referred to ZBA  Case # \_\_\_\_\_ Referred to PB  Case # \_\_\_\_\_

Reason for denial:

Short Term Rentals Require Special Permit approval.

If denied, you may appeal the denial to the Zoning Board of Appeals by filing a written appeal on the form available from the Planning & Zoning Clerk within sixty days after the date of the denial, specifying the grounds thereof and the relief sought.

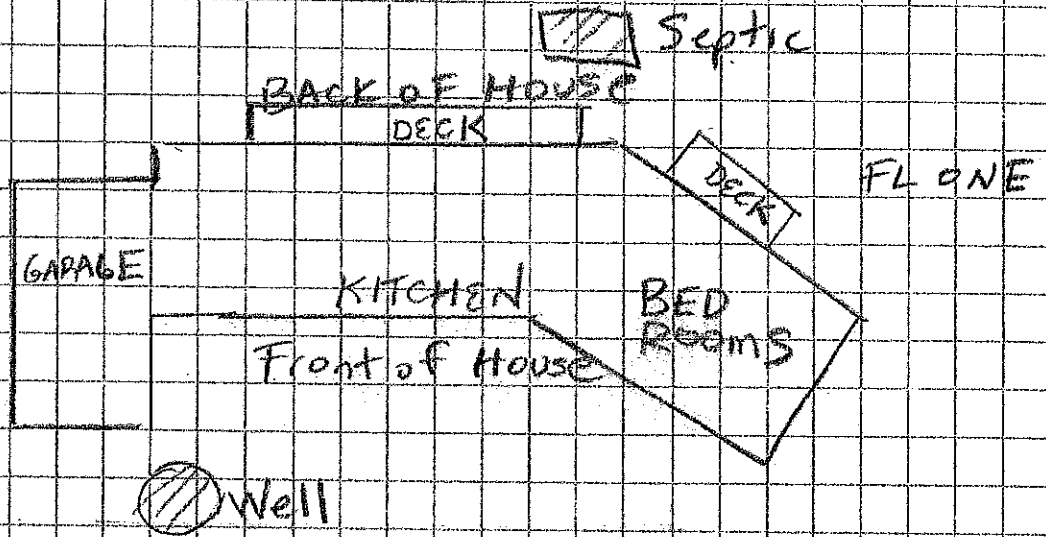
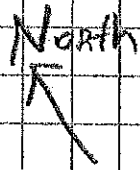
ZBA Approved  PB Approved:  Special Conditions:  Case No # \_\_\_\_\_ Decision document Dated \_\_\_\_\_

Zoning Officer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Fees	
Date: _____	<i>See Cloud Permit Program</i>
Zoning Review Fee: _____	
Ck No: _____	
Receipt No: _____	

28 BIRCH HILL DR

New Lebanon, NY 12125



Application for Short Term Rental

No changes in structure

Use of interior + deck

3-4 bedrooms; 3 bathrooms

8 guests



Town CEO &lt;ceo@townofnewlebanon.com&gt;

**Re: Your recent submission for Short Term Rental**

1 message

**Nina Keller** <kelleradago@gmail.com>

Mon, Oct 16, 2023 at 1:11 PM

To: Building Department &lt;buildingdept@townofnewlebanon.com&gt;

Cc: Samantha Long &lt;pzclerk@townofnewlebanon.com&gt;

Glad you got the materials. Thanks for the update. Nina

On Mon, Oct 16, 2023 at 12:21 PM Building Department <buildingdept@townofnewlebanon.com> wrote:  
Good Morning Nina:

I am sorry I missed you Thank you for dropping off the aforementioned fees.

Cissy Hernandez, Zoning Officer/Administrator

Town of New Lebanon

P.O. Box 328

[14755 State Route 22](#)

[New Lebanon, NY 12125](#)

[www.townofnewlebanon.com](http://www.townofnewlebanon.com)

On Mon, Oct 16, 2023 at 10:47 AM Building Department <buildingdept@townofnewlebanon.com> wrote:  
Good Morning Nina:

I hope this email finds you well. I realize that we've previously discussed this but a friendly reminder as a follow-up never hurts. We are in receipt of your submission materials for the above-noted request but are awaiting the processing fees in order to move forward. As discussed, the Step 1 Zoning Review application is 25.00. and on separate check, the Planning Board Special Use Permit application is 50.00 plus there is a 25.00 reimbursement fee to the town for any newspaper notices that will be needed when the public hearing is scheduled. Checks are made payable to the Town of New Lebanon and can either be mailed to the address in my signature below dropped off in the wooden locked drop-off box located on the deck at the main entrance of Town Hall, or hand-delivered.

I am including Samantha Long, P/Z Clerk on this email so that, 1) that you have her contact information should you need her assistance, and 2) so that she is aware that once the fees are received, your paperwork will be forwarded to her for the November 15, 2023 meeting.

Cissy Hernandez, Zoning Officer/Administrator

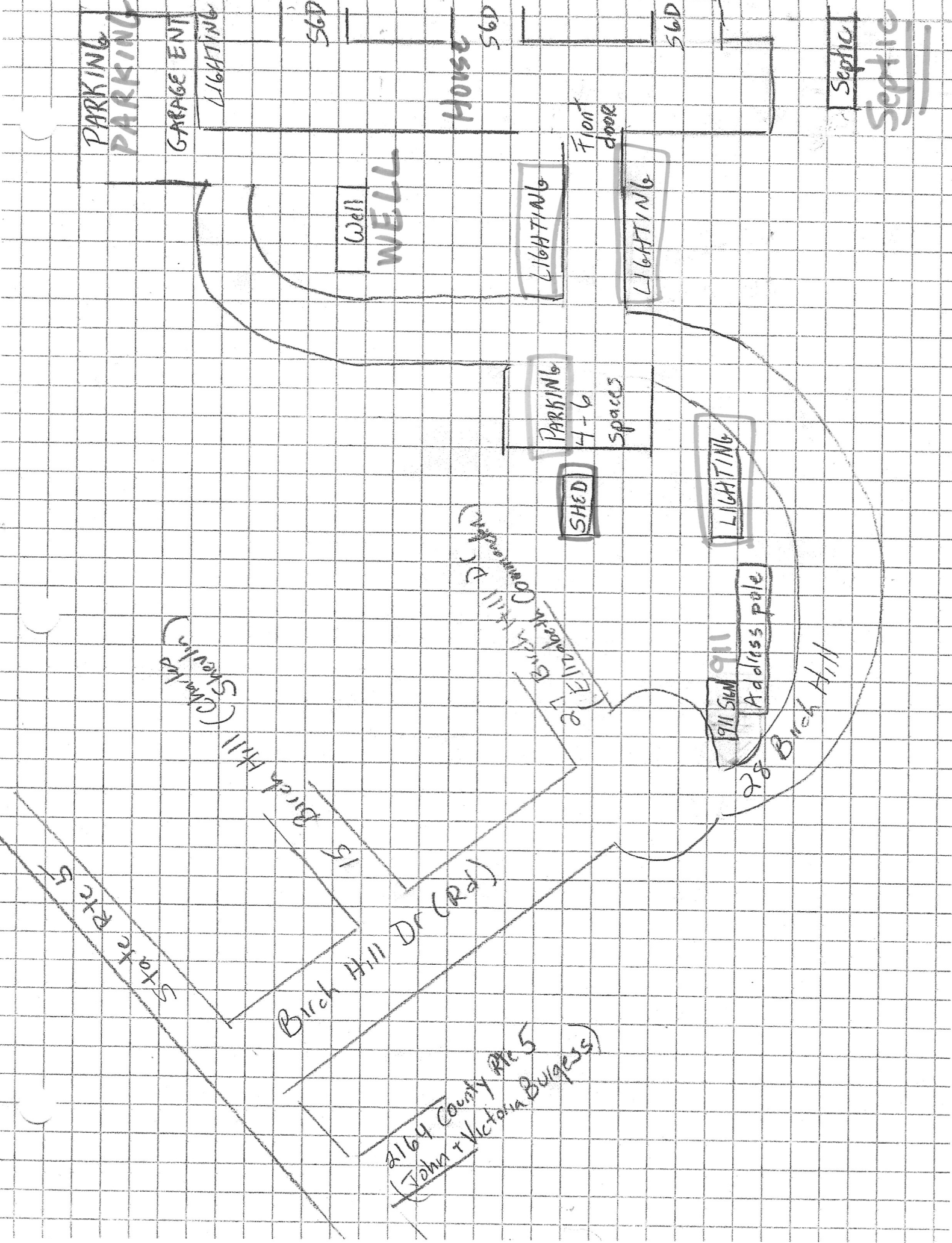
Town of New Lebanon

P.O. Box 328

[14755 State Route 22](#)

[New Lebanon, NY 12125](#)

[www.townofnewlebanon.com](http://www.townofnewlebanon.com)



PARKING  
PARKING

GARAGE ENT  
LIGHTING

SGD

House

SGD

SGD

Well

WELL

LIGHTING

Front door

LIGHTING

Septic

Septic

PARKING  
4-6  
spaces

SHED

LIGHTING

911 SIGN

Address pole

278 Birch Hill

Birch Hill (Crawford)

15 Birch Hill

278 Birch Hill (Crawford)

Birch Hill Dr (Rd)

2169 County Rte 5  
(John + Victoria Burgess)

State Rte 5

Re: Special Use Permit for Short Term Rental (Airbnb), Nina Keller and

Richard Adago, 28 Birch Hill Drive, New Lebanon, NY 12125

Dated February 5, 2024

Dear Members of Planning Board,

On December 8, 2023, I received an email from PZ Clerk in reference to a pending application for a short-term rental for the above property. That email, on behalf of the chair, requested a map which included “parking, the well, the septic, the actual structures, etc.” Please see attached map.

The other documents for the application have been provided to the clerk. We hope to on the February 2024 agenda.

In addition, we have reviewed Zoning 205-14 entitled “Abbreviated Site Plan” under which this application falls as the use of this property as a Short-Term Rental was lawfully established prior to the requirement that site plan approval be obtained.<sup>1</sup> The subject property has been listed on Airbnb since January 14, 2018 and has had numerous rentals and requests during that period and are listed as follows:

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<sup>1</sup> Abbreviated site plan (inventory). For existing land uses that have not received site plan approval, that were lawfully established prior to the requirement that site plan approval be obtained, and that if established currently would be subject to site plan review pursuant to this chapter, the Zoning Enforcement Officer is authorized, upon the property owner's consent, to compile, or to cause to be compiled, an abbreviated site plan (inventory). Such abbreviated site plan (inventory) shall consist of a drawing that depicts the structures located on the property, parking and lighting and other relevant features. The Zoning Enforcement Officer shall maintain such abbreviated site plans (inventories) for use by the Planning Board in any future site plan review(s) that may be applicable to the property. The Zoning Enforcement Officer shall notify, and, if requested, provide a copy of a submitted abbreviated site plan (inventory) to, the Planning Board immediately upon its completion.



There were 6 rentals from January 2018 to January 2020.<sup>2</sup>

There were 5 rental requests, either withdrawn or declined, from June 2018 to June 2019.<sup>3</sup>

From March 2020 to November 2022 there were no rentals offered due to the Covid-19 pandemic.

There were 3 rental requests which were declined in 2023.<sup>4</sup>

Zoning Code 205-14 applies to this short-term rental request and therefore requires only a “a drawing that depicts the structures on the property, parking and lights, and other relevant features.” The map, drawing and other documents submitted are therefore sufficient for approval under this section.

Thank you and I look forward to the Board’s approval of this application.

Nina G. Keller  
Richard J. Adago.

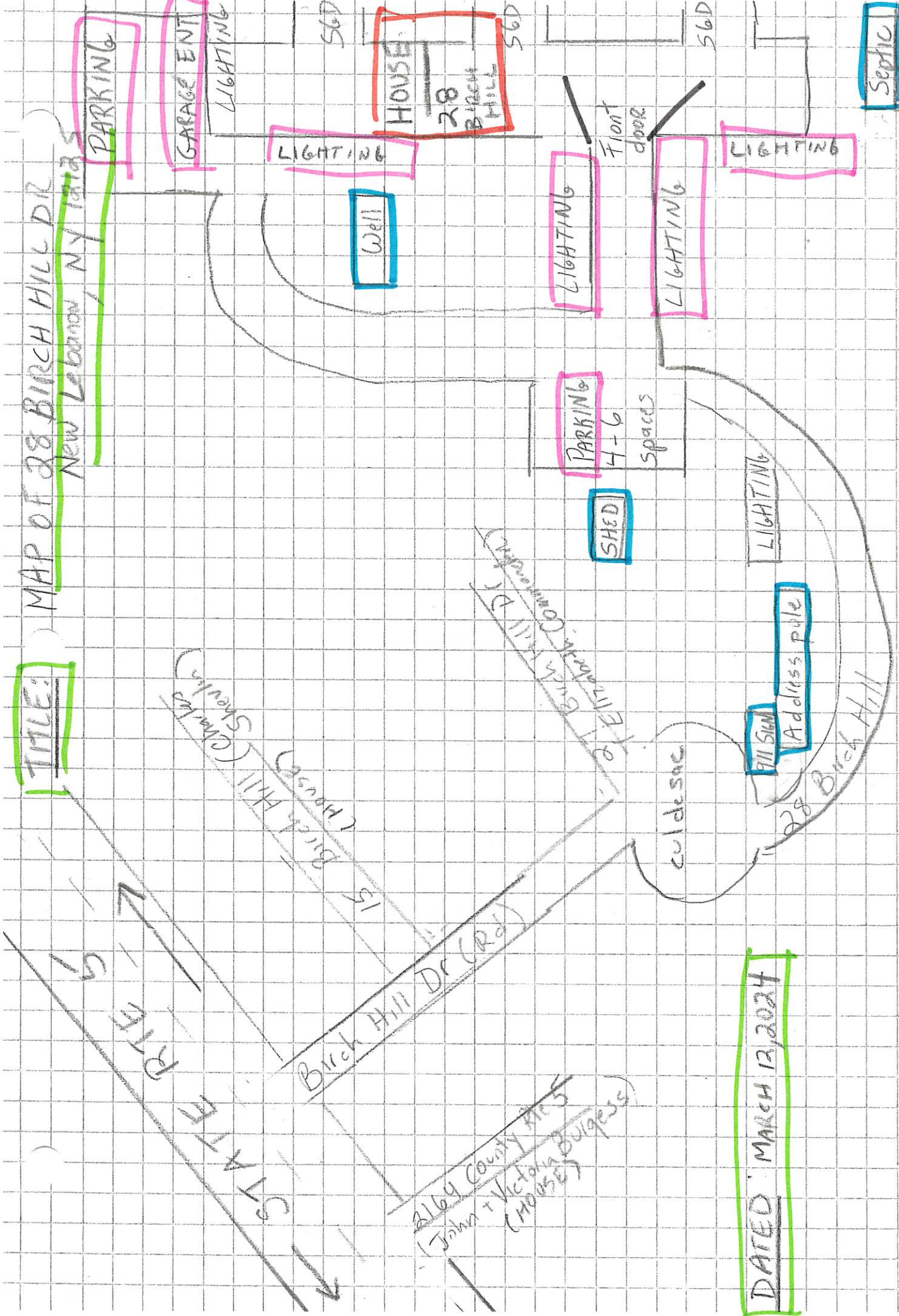
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<sup>2</sup> January 15, 2018, February 24, 2018, September 22, 2019, October 14, 2019, January 17, 2020, and January 31, 2020.

<sup>33</sup> June 2, 2018, August 17, 2018, October 15, 2018, November 22, 2018, May 29, 2019, and June 13, 2019.

<sup>4</sup> January 27, 2023, March 19, 2023, July 17, 2023.

TITLE: MAP OF 28 BIRCH HILL DR  
New Lebanon, NY 12556



DATED: MARCH 13, 2024

Nina Meller  
Richard Adaso  
- Owners

Re: Short Term Rental  
28 Birch Hill Rd, N.L., NY 12125  
March 12, 2024  
Nina Keller & Richard Adago

3/12/24

205-13 (B)

Special use performance standards. In granting any special use permit, the Board shall take into consideration the public health, safety and general welfare and the comfort and convenience of the public, in general, and of the immediate neighborhood, in particular. The Board shall consider whether aspects of the proposed use are subject to regulation by other levels of government and whether compliance with such regulations is adequate to protect the public health, safety, and general welfare and the comfort and convenience of the public. The Board may require modifications to development proposals, submission of alternative design and layout proposals, and may attach reasonable conditions and safeguards to eliminate or minimize potential impacts as a precondition of its approval. Before making a decision on whether to approve, approve with modifications, or disapprove a special use permit, the Board shall give specific consideration to the following:

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MAR 12 2024

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(1) Fire and explosion hazards. All activities involving the storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Methods of prevention and suppression of these hazards shall be approved by the local officials responsible for fire prevention and public safety.

NO storage of flammable or explosive material. N/A.

(2) Radioactivity or electrical disturbance. No activities shall be permitted that emit radioactivity or electrical disturbance that will jeopardize the health of adjacent residents and properties or property or otherwise adversely affect the operation of any equipment other than that on the premises.

N/A. No radioactivity or electrical disturbances.

(3) Noise. The maximum noise level at the property line applicable to the use involved shall not exceed 70 dB as measured in accord with the procedure specified by the American National Standards Institute.

No excessive noise. Only residents and guests. No parties allowed.  
No amplification.

(4)

Vibration. No vibration shall be permitted which is detectable, other than by instrument, at the property line.

N/A. No parties.

(5)

Glare. No direct or reflective glare from any lighting or process shall be permitted where such will interfere with traffic safety or the useful enjoyment of adjoining properties.

No process with glare,  
Only residential.

(6)

Smoke. No emission shall be permitted of a shade equal to or darker than Ringelmann Smoke Chart No. 2.

N/A - residential use.

(7) Odors. No emission of noxious gases or other matter shall be permitted in a quantity or of a type that permits it to be detectable, other than by instrument, at the property line.

No odors. Residential use.

(8)

Other forms of air pollution. No emission of fly ash, dust, smoke, vapors, gases or other forms of air pollution, including construction-related dust and odors, shall be permitted which can jeopardize human health, animal or vegetable life or which otherwise contributes to the deterioration of or detracts from adjacent properties, provided that for specific air pollutants that are regulated under federal or state law, compliance with all such applicable laws, regulations and/or permits issued thereunder shall constitute compliance with this performance standard.

N/A.

(9)

Discharge of water. No polluting or objectionable waste shall be discharged into any stream or other natural drainage channel or upon the land that will in any way interfere with the quality, operation or continuation of these natural systems or contribute to their despoliation.

N/A. Residential water use.

(10)

Traffic access. All proposed traffic accessways shall be adequate but not excessive in number, adequate in width, grade and alignment and visibility, and sufficiently separated from street intersections and places of public assembly and shall meet other similar safety considerations.

Road and driveway unchanged.  
Residential Use.

(11) Parking. Adequate off-street parking and loading spaces shall be provided in accordance with this chapter to prevent parking in public streets of the vehicles of any persons connected with or visiting the use. Shared parking is encouraged where the peak parking demands of different uses occur at various times of the day. Use of a widely accepted means of projecting demand for shared use, such as the Urban Land Institute's shared parking report, shall be employed to demonstrate shared parking effects.

Only ~~any~~ parking on private area near house allowed, No parking on public road. Maximum 3-4 cars.

(12)

Circulation. The interior circulation system shall be adequate to provide safe accessibility to all required off-street parking and to provide for the convenience and safety of vehicular, pedestrian, and bicycle movement within the site and in relation to adjacent areas or roads.

N/A

(13)

Landscaping and screening. All parking and service areas shall be reasonably screened at all seasons of the year from the view of adjacent residential lots and streets, and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Existing trees shall be preserved to the maximum extent practical.

Private driveway and trees around house.

(14) Character. New Lebanon is a culturally, economically, socially, and architecturally diverse community. The Board shall consider this diversity in making conditions on special use permits. The character of the proposed use, buildings, structures, outdoor signs and lighting shall be in general harmony with the character of the surrounding neighborhood and of the Town of New Lebanon.

N/A. Will remain residential.

(15)

Historic and natural resources. The proposed use shall be designed and shall be carried out in a manner that protects historic and natural environmental features on the site under review and in adjacent areas.

House remains the same.  
N/A

(16)

Sewage treatment and water supply. The adequacy of available sewage disposal and water supply services supporting the proposed activity or use shall be sufficient to meet the needs of the proposed activity or use.

Well + septic for residential location. 6-8 residents.

(17)

Emergency services. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire, police, and other emergency service protection.

All accessible.  
911 on pole in front of house

**(18)**

Size and scale. The location and size of such use, the nature and intensity of operations involved in or conducted in connection with the use, the size of the site in relation to the use, its site layout and its relation to existing and future access streets shall be such that both pedestrian and vehicular traffic will not be hazardous or inconvenient to or incongruous with said residence district or conflict with the normal traffic of the neighborhood.

*N/A. Same residential use.*

**(19)**

Character. New Lebanon is a culturally, economically, socially, and architecturally diverse community. The Board shall consider this diversity in making conditions on special use permits. The character of the proposed use, buildings, structures, outdoor signs and lighting shall be in general harmony with the character of the surrounding neighborhood and of the Town of New Lebanon.

*N/A.*