

TOWN OF NEW LEBANON PLANNING BOARD
RESOLUTION APPROVING LOT LINE ADJUSTMENT
65 DERMODY ROAD, NEW LEBANON, NEW YORK

DATE: MARCH 17, 2024

WHEREAS, on April 10, 2024, Timothy & Dale Hctor (the “Applicants”) applied to the Town of New Lebanon Planning Board (“Planning Board”) seeking a Lot Line Adjustment (the “Application”) on property owned by the Applicants located at 65 Dermody Road (SBL: 29.-1-66.2) to remove an existing lot line from a 1974 subdivision approval that was never acted upon (the “Project Site”); and

WHEREAS, the Project Site is located in the Town’s General Residential-Agriculture, 2 acre “RA-2” zoning districts; and

WHEREAS, the Applicants are requesting a Lot Line Adjustment for the purpose of removing an existing lot line from a 1974 subdivision approval that was never acted upon (the “Project”); and

WHEREAS, both parcels involved in the Lot Line Adjustment have improvements including but not limited to residential structures, a pond, out buildings, driveways, etc.; 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, an application form, survey, short environmental assessment forms, etc. (collectively the “Application Materials”); and

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

- 1) March 17, 2024 (discussion & decision).

WHEREAS, the Planning Board voted to waive the public hearing; and

WHEREAS, the Project is compliant with the Town’s Zoning Code and related area and bulk requirements applicable to the ‘RA-2’ zoning districts; 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 evaluated the Applications Materials, and all other comments, as they relate to the Lot Line Adjustment criteria (Zoning Code § 179-3); 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 Lot Line Adjustment criteria set forth in Zoning Code § 179-3. Therefore, by this resolution, the Planning Board approves the Project’s lot line adjustment application.

BE IT FURTHER RESOLVED, THAT, in approving the Project’s Lot Line Adjustment application, the Planning Board makes the following findings related to the Project’s compliance with Zoning Code § 179-3:

- A. The lots created by the boundary/lot line adjustment conform to the area and bulk regulations of the Town of New Lebanon for the ‘RA-2’ 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 Applicants and adjoining parcel owner recognize 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 either property owner 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 Plan(s) approved by the Planning Board.

On the motion of Planning Board member Hanna, 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	ABSENT

Elizabeth A. Brutsch

Elizabeth Brutsch, Chair
Town of New Lebanon Planning Board

Date: April 17, 2024