



**MINUTES OF A PUBLIC HEARING OF THE PLANNING BOARD OF
THE TOWN OF NEW LEBANON HELD ON FEBRUARY 16, 2011
ON A REQUEST MADE BY TOM HANSON (TM# 7.-1-27.11)
FOR A MAJOR SUBDIVISION**

Present: Ray Herrmann, Planning Board Chairman
Jerry Grant, Planning Board Chairman
Trina Porte, Planning Board Member
Mark Sheline, Planning Board Member
Bob Smith, Planning Board Member
Craig Trombley, Planning Board Member

Absent: Matt Murnane, Planning Board Member

Others Present: Joe Iuviene, J Lord, William Hoffman, Doug Clark, Kevin Smith, John Dax, Sandra Knakal, Linda Hursa, Tom Hanson, Andy Sandstrom, Robert Tittermore, other members of the public were present

CALL TO ORDER:

The public hearing was called to order at 7:41 pm pm by Chairman Herrmann.

PROOF OF PUBLICATION AND POSTING:

Proof of publication was provided as follows:

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF NEW LEBANON
COLUMBIA COUNTY**

NOTICE IS HEREBY GIVEN that the Town of New Lebanon Planning Board will be holding a Public Hearing on a request made by Tom Hanson for a proposed Major 4 lot subdivision requiring the installation of a private road. The property is located off of Hill Road in the Town of New Lebanon.

The Public Hearing will take place on Wednesday, February 16, 2011 at 7:30 P.M. at the American Legion Hall, 7 Mill Road, New Lebanon. This building is NOT wheelchair accessible. This meeting will be relocated to the New Lebanon Firehouse upon request. Anyone seeking this accommodation must call the Planning/Zoning Clerk at (518) 794-8884 at least 48 hours prior to the meeting. Anyone wishing to speak will be given an opportunity to be heard.

More information is available by contacting the Planning/Zoning Clerk on her normal business hours.

PUBLIC COMMENT:

Robert Tittermore stated that he is an abutter to the subject property and has lived there since 1978. He remembers when Mr. Johansen purchased the subject property and is familiar with its history. Mr. Tittermore stated that he feels there are quite a few problems with the current plans for a 4 lot subdivision submitted by the new owner, Tom Hanson. A few of the problems he noted are as follows:

- There is a discrepancy in the surveys. Mr. Tittlemore submitted to the Board a copy of a prior survey which depicts 25.8 feet as the road frontage on the subject property, while Mr. Hanson's survey depicts 49.88 feet of road frontage. Mr. Tittlemore feels the current survey is incorrect because when the previous owner [Mr. Johansen] installed the driveway he tore apart a portion of the stone wall where the original pin was located.

- The Subdivision regulations mandate a 60' wide right-of-way for road construction and that the subject property can not accommodate this requirement.

- There may be a potential violation on the property. In the early 80's Mr. Johansen applied for a building permit for a barn, which actually was a two apartment unit. When brought to the attention of the Town the Town required that he apply for a variance at which time he was told that he could not have a two apartment unit but was granted a hardship variance for a one apartment structure. Since that time, Mr. Johansen had left the area but before doing so he converted the original house into two units, so now he really has 3 living units on a property where he was granted a hardship variance for two single family homes.

- Drainage and Flooding. Mr. Tittlemore stated that he experiences flooding to his home due to the undersized culverts installed by Mr. Johansen and pointed out that the current plan does not depict culverts.

In Summary Mr. Tittlemore stated that Hill Road is very narrow and steep. The plowed portion is only 9 feet wide and it is very icy this time of year. In order for two cars to pass, one has to take to the ditch. For this reason the mail carrier had stopped delivering the mail for a period of time.

Mr. Tittlemore asked the name of the surveyor who drafted Mr. Hanson's current proposal. Mr. Hanson stated that in the 1990's the land was surveyed by Robert Ihlenburg, then Mr. Ihlenburg recertified the survey in 2010 for the closing at the time of purchase. After that, his surveyor, Brian Holbriiter, reviewed it and certified it for the current application.

In referencing the Engineers comments dated 02.16.11 submitted by Paul McCreary, P.E. of Morris & Associates Craig Trombley asked how the Town can set stipulations on private road widths when their own Town roads do not meet the specifications. He also asked how the Town can set stipulations on culvert size on a private road when the Town doesn't want anything to do with private roads. Paul McCreary stated that it is a requirement of the Town Regulations.

Bob Smith said that many of the Town roads have been there for many years and predate town zoning and subdivision regulations.

Craig Trombley then asked if the Town requires an applicant to build their private road to town specifications is the Town then responsible for bringing the town road/access road to town specifications as well. Paul McCreary, P.E. stated that this is a question for the Attorney for the Town.

Kent Pratt, Code Enforcement Officer/Zoning Enforcement officer commented that the plan meets the NYS Fire Code. The NYS Fire Code requires that a roadway must be a minimum of 20 ft. wide. If it is determined to be a driveway the NYS Fire Code requires a minimum width of 12 ft. The Town of New Lebanon Zoning Ordinance requires a minimum width of 10 ft. for driveways.

Kent Pratt also commented that he would research the issue of a single family residence being converted into a two family residence.

Tom Hanson asked if creating a 'shared driveway' rather than a 'private road' would eliminate some of the concerns mentioned. Chairman Herrmann stated that he would like an opportunity to consult with the Attorney for the Town regarding several key issues: ● The discrepancy of where the Town Road (Hill Road) ends and the "abandoned road" begins ● Current Ownership of the

abandoned road • Will the Town be required to widen Hill Road, or bring it to current Town road specifications, if the applicant is required to install a private road to Town road specifications • How many lots may be served by a shared driveway •

Chairman Herrmann stated that the public hearing will remain open and will be continued to next month's meeting.

Respectfully submitted,

Cissy Hernandez
Planning/Zoning Clerk

Attachment: Morris & Associates correspondence
dated 02.16.11 attached

DRAFT