

**Town of New Lebanon
Zoning Re-Write Committee
Meeting Minutes – March 23, 2016**

Attending: Chuck Geraldi, Mark Baumli, Tony Murad, Greg Hanna, Wes Powell, Cynthia Creech, Cissy Hernandez, Ted Salem, Chair

1. Amend 205-11 D (2) (b) to change the period to remedy a zoning violation from 10 days to 30 days to make the violation removal period the same as the Building Code. The committee approved Tony's draft amended language, as follows: "Such notice shall require the removal of the violation within 30 days after service of the notice."
2. Amend 205-7 (4) (d) [3] to permit barbed wire fencing in non-farm situations. Upon review of Ted's draft amended language, the committee decided to leave the language of the second sentence as is, choosing instead the interpretation that unless the enforcement officer deems a particular installation to be harmful, barbed wire is permitted. The committee, however, determined that the first sentence of this subsection was ambiguous and agreed to the following change: "[3] Canvass, cloth, wire mesh, snow fencing, chicken wire, pallets, plywood or any other material of a nonstructural nature may not be used as fencing material or as any part of a fence [visible from the public right of way] *as that term is defined in Section 205-17 C.* [content in brackets deleted] *italicized content added*
3. Sharpen language in 205-14 G. (7) [a] to clarify that a common driveway should be taken into consideration when determining compliance with the 60 foot road frontage requirement. Tony presented draft amended language that would clarify that a common driveway should NOT be taken into consideration when determining compliance with the 60 foot road frontage requirement. He proposed amending subsection [b] to delete "or common driveway." Tony, in effect, also sought to change sub-section [a] to require a road, rather than a driveway to serve multiple lots in subdivisions. In this regard, Tony also proposed to change the current requirement that the placement of a road in what would otherwise be a minor subdivision remain a minor subdivision rather than creating a major subdivision. No consensus emerged on these proposals and the matter was put over to the next meeting.
4. Amend 205-14 E to enable use of a checklist to expedite procedures/requirements for the sketch plan conference in situations involving an already developed/improved site. Consensus emerged on the checklist concept as well as to apply it to all, not just developed site projects. How to implement this change entailed much discussion, in particular, whether Town Law section 274 which authorizes town boards to waive site plan review or some of its requirements, necessitated that the NL Town Board enact such a local law. Others felt that TB approval of the proposed change (to "shall") represented such enactment. It was agreed to consult the Town Attorney. There was consensus that the Planning Board was properly exercising discretion in advising applicants which of the enumerated elements in 205-14. E (2) were required for any given application.

Please note: Subsection (1) describes the purpose of the sketch plan conference which includes among other things to "generally determine the information to be required on the site plan application." This implies the PB already has the authority to pick and choose which of the

enumerated requirements apply to a particular situation. The language in (2) is at odds with this. **Action Item:** Ted will draft an amendment to the “shall” statement in subsection (2).

The committee also agreed to amend subsection E (1) (d) to read as follows: A topographical or contour map of adequate scale and detail to show site topography with contour intervals of at least 20 feet. *Topographical maps that meet this requirement are available at no cost in the Building/Planning/Zoning Department office located in Town Hall.*

5. Amend 205-14 to authorize the Zoning Board of Appeals, rather than the Planning Board, to conduct site plan reviews. Tony reviewed the list of uses that currently require SPR and gave the opinion that all of these uses to some extent did not require SPR. Rather, it is the scope and scale of the project (in conjunction with use) that should determine whether SPR would be required. Due to time constraints, this matter was put over to the next meeting. **Action Item:** The Planning Board representatives should discuss this idea with the PB
6. Signs – Consider adding “temporary signs” to the sign ordinance: define and set requirements. Cynthia provided the committee with Ghent's sign law that includes a provision for temporary signs (Thanks, Colleen!). While committee members agreed that there is a need to provide for temporary signs in the NL sign law, some members expressed the need to control a potential proliferation of such signs. **Action Item:** Ted will draft an amendment to the sign law incorporating “temporary signs.”
7. Farmers Market – consider whether to draft a local ordinance specifically permitting the market. There was general discussion about the status of the Farmer's Market for 2016. There was general consensus that the zoning ordinance should specifically address farmer's markets and will be taken up at future meetings.
8. Solar Energy –
 - Status of model solar local law - not out yet; Cissy will monitor.
 - Unified permitting process. The committee agreed that the 12 kW threshold was not too large. **Action Item:** Cissy will discuss with Colleen whether TB approval is needed of if the Building/Planning/Zoning Department may simply adopt the form/procedure.
 - Community Forum – scheduling and details – the CAC has agreed to co-sponsor. The session will be scheduled as soon as the state model is published.**Action Item:** Ted will send committee members who have not already received it a copy of a solar law he drafted.
9. Added Starter: Does a fence and other permitted structures require a zoning permit. Cissy expressed the view that there was no other mechanism to ensure that such “structures” as fences and <144sf sheds, etc. met setback and other zoning requirements and presented 205-11 showing the logic of “building” → “use of land” → “structure” such that current language requires such an interpretation. There was considerable discussion on this item with no clear consensus, however, a byproduct was to question whether the definition of “fence” was in conflict with the requirements in 205-7, particularly as regards to height. **Action Item:** Ted will review the language of these provisions as well as check to see if State Law defines “fence” as a structure.

Next Meeting: Tuesday, April 26 at 6 PM in Town Hall.