

Town of New Lebanon  
Zoning Re-Write Committee  
Minutes – May 27, 2021

Present: Jesse Newton, Deb Gordon, Jim Carroll, Tony Murad, David Farren and Ted Salem

The meeting was called to order at 6:35 PM.

1. Historic District/Overlay in the Darrow Road area

a. Overlay: Committee members reiterated that residential, agricultural and other uses (e.g., Museum/library) that are currently permitted in the RA-2 and/or RA-5 zones must continue to be permitted. Therefore, a district overlay seemed the most straightforward approach.

b. Purpose: The goal of the overlay is to permit commercial enterprises that relate to and facilitate access and appreciation of the historical resources in the area, notably those in the Shaker tradition, Re-purposing currently under-utilized resources is also an interest.

c. Name: Members present liked Elizabeth’s proposed “Shaker Heritage District.” In this regard, the committee opted not to expand the historic overlay concept to other potential areas in Town, opting to use the current proposal as a test run. Other areas of historical significance could be considered in the future as consistent with the comprehensive plan.

d. Uses:

Note: Certain uses such as Museum/library are already permitted in the RA-2, RA-5 underlying zones and therefore do not need to be specified as permitted (or specially permitted) uses in the overlay.

Mixed Use – SP

Campground/seasonal camp – SP

Private school – SP (currently not permitted in RA-5)

Small Business Operation – SP

Social, recreational, fraternal club – P

Temporary Business Trailer – SP

Hotel – SP only in RA-2 portion of overlay

Motel – SP only in RA-2 portion of overlay

Theater – SP

Note: The above special permit designations anticipates that site plan review will only be required for new construction/significant renovation and that “SPR” will be removed from the use table.

e. Special events: Lectures, social events and related services (e.g., food service) are secondary to the primary uses permitted within the overlay. The language authorizing the overlay will specify that special events are permitted, within limits, such as:

Capacity: Indoor events are limited by space per building code  
Outdoor events not to exceed 150 persons  
Adequate off street parking must be provided  
Frequency: Not to exceed TBD number per year

Follow-ups:

- Ted will consult the attorney to see if there are any red flags in these general ideas.

## 2. Site Plan Review

The committee agreed to the following changes to implement the proposal that site plan review only be applicable to new construction or significant renovations: (italicized = new; strikethrough = deleted)

### 205-13 – Special Use Permits

E (9) Home Occupation 2 & 3 -- Combine H02 and H03 into Home Occupancy 2 to read as follows:

(9) Home Occupancy 2

(a) Special use permits for HO2 uses shall be granted only where the following standards are met:

[1] ... [5] as is

*[6] Sufficient off-street parking for customers, clients, and other visitors shall be provided as determined by the Board.*

~~(b) Home Occupation 3 (H03).~~ – delete in its entirety

(Note: also see Definitions below)

E (16) Home-based Business –

~~Home-based business. Special use permits for home-based business uses shall be reviewed and determined by the Planning Board. Any new or modified special use permit application for a home-based business shall also be subject to site plan review by the Planning Board.~~

(a) ~~The Planning Board shall grant~~ A special use permit for a home-based business shall be granted only where following standards are met:

[1] . . . [7] as is

(b) ~~A special use permit issued for home-based business shall be valid for one year~~ delete subsection in its entirety

### 205-14 – Site Plan Review

D. Applicability of review requirements. ~~The Use Table sets forth those land use activities that require site plan review and approval before being undertaken.~~[1] also delete editor's note

*(1) Any new land use activity shall require site plan review and approval before being undertaken, with the following exceptions:*

- (a) Construction of one and two family homes and ordinary accessory structures and related land use activities.
- (b) Landscaping or grading which is not intended to be used in connection with a project that is reviewable under site plan review.
- (c) Ordinary repair or maintenance of existing structures or uses.
- (d) Exterior alterations or additions to existing structures which do not increase the square footage of the existing structure by more than 25%.
- (e) Nonstructural agricultural or gardening uses.

E (2) Waiver of full site plan review. . . In granting that waiver, the Board shall determine that the ~~proposed change in use or~~ site plan change would not result in significant additional traffic generation, wastewater flows, or water consumption and would not otherwise adversely affect pedestrian and traffic circulation, eliminate parking, or alter the height of the exterior façade.

E. (3) Application. . . . The application shall include one or more of the following, as determined to be required by the Planning Board at the sketch plan conference:

. . .

~~(l) A full environmental assessment form as required by SEQRA. A short environmental assessment form will be sufficient for proposed single and two family residences located in a New York State certified agricultural district.~~

G. Specific standards

. . .

(8) Specific standards and considerations for agricultural district. Change subsections (8) and (9) to subdivisions (i) and (ii) under (8).

**205-20 Definitions**

HOME OCCUPATION 2 (HO2)

A home occupation that does not constitute a Home Occupation 1 (HO1) and that meets all of the following criteria:

- (1) No signs are located on the subject property, except as permitted by § 205-17B(11) of this chapter;
- (2) The profession or occupation is carried on ~~totally~~ *primarily* within the confines of the buildings on the subject property;
- (3) The profession or occupation is carried on by at least one person that resides within the dwelling unit and no more than ~~two~~ *three* persons that do not reside within the dwelling unit;
- (4) No more than ~~one~~ *two* commercial or special purpose vehicles, which vehicles may exceed 1 1/2 tons in capacity and 24 feet in length, is parked on the subject property; and
- (5) All materials and other equipment used in connection with the profession or occupation are stored within the principal building or an accessory building on the property.

### ~~HOME OCCUPATION 3 (HO3)~~

~~—Any home occupation that does not constitute a Home Occupation 1 (HO1) or a Home Occupation 2 (HO2).~~

SITE PLAN REVIEW - We need a definition

Note: We deferred discussion on which board should handle special permits if the change to SPR is adopted. Currently, SP without SPR goes to the ZBA. The Quad Board leans toward assigning the PB this responsibility. We will discuss next meeting when hopefully Elizabeth will be able to attend. Some of the above noted changes anticipate this change in responsibility and there are additional changes as reflected in the proposal sent before this meeting.

### 3. Prioritize other Items

The committee briefly discussed that Marijuana dispensaries couldn't be addressed until state regulations were issued, however, the consensus was that this was a retail use and would be treated as would be a liquor store.

Ch. 101 – Entertainment: moved up as a high priority in tandem with the historic overlay discussed above.

### Follow-up

- Jesse will have a proposal on food trucks for next meeting
- Ted will take a stab at Ch 101 changes

The meeting was adjourned at 8:10 PM

The next ZRC meeting is Thursday, June 22 at 6:30 PM in the Shatford Park pavilion.

Respectfully submitted, Ted Salem, Chair