

Town of New Lebanon
Zoning Rewrite Committee
Minutes – September 23, 2021

Note: The committee’s next meeting will be Monday, October 18 at 6:30 in Town Hall.

Present: Jesse Newton, Deb Gordon, Elizabeth Brutsch, Jim Carroll, Tony Murad, David Farren and Ted Salem. Member of the Public: Midnight Forman

The meeting was called to order at 6:38 PM.

1. Status of Local Law

At the request of the Town Board, Ted referred items on which the committee was settled to the Town Attorney. These were: site plan review; special permits to the Planning Board, special events and food trucks. Elizabeth asked if an additional item could be added, namely increasing the application filing period in advance of a PB meeting from 5 to 10 days. She will give Ted the citation and language and he will provide it to Jon. Note that the Shaker Heritage overlay was not included because this item is not yet settled.

The Town Attorney provided feedback on the committee’s proposals. What follows below summarizes that feedback and the committee’s response.

Item	Attorney Comment	Committee Response
site plan review: 25% renovation exemption	recommends no exemption; if structure is large the impact of 25% may be significant.	keep exemption; this is the recommendation by Coons and there isn’t an issue in NL given actual existing structures.
home based business - remove reference to SPR	wishes to clarify if Town wishes to fully exempt this use - needs discussion	NA
HO3 - eliminate - no SPR for any HO	some technical issues in the language	NA
special event - exempt churches	may be constitutional issue - will study further	wishes to keep the exemption
Content of Application	Doesn’t see need for names of principals or copies of agreements with subcontractors	agreed, but we should have the name of a contact person for owner(s)

Timeframes for application/decision	May be unworkable and unfair - need to explore	NA (Elizabeth also wishes to study further)
review standards for CEO	Too discretionary	Agreed - should narrow and be more specific
Insurance requirement	Should require for all events and specify liability limits	Agreed
Food trucks	Its inconsistent to make it a permitted use and say it is not a land use; a zoning permit will allow a determination of compliance	Mixed views on this, including creating a separate local law but consensus seems to be to not exempt from zoning permit

2. Decisions of Special Events

The committee confirmed the thresholds for involving the license: 150/500 overall and 500/1000 for Town Board. It also confirmed the single event duration of 4 days but wished to lower the cumulative number of event days for any given property from 20 to 12. The committee also wished to insert restrictions for the discontinuation of outside entertainment as follows: residential zones 10 PM weekdays, 11 PM weekends; commercial zones: 11 PM weekdays, 12 midnight weekends

3. Historic District/Overlay in the Darrow Road area

There followed considerable discussion on the overlay. Tony noted that The Abode was opposed to the idea, although committee consensus was that The Abode in fact carried out activities that are not presently permitted and would benefit from the overlay. The Museum did not see a benefit. Darrow School dormitory work would likely be in the RA-2 and therefore permitted, however, it had long term plans for structures in the RA-5. A possible solution here would be to permit the Private School use in RA-5 and Jim wanted the committee to explore the need to distinguish between RA-2 and RA-5 in various uses. Committee members continued to grapple with achieving the comprehensive plan objective to re-purpose historic buildings with impact on what is now a residential neighborhood. The committee will continue to work on this into next year.

Follow-ups:

- Elizabeth will provide citation and language for PB application timeframe
- Ted will work with Jon Tingley on items discussed above
- Ted will work with Jeff to come up with objective review standards for special event applications

Due to the cooling evenings, meeting at the pavilion is no longer an option and court sessions on the 4th Thursday tend to be lengthy. We will need to find a new day/time for future meetings. Having to work around the Town Board's budget sessions, **we will meet next on Monday, October 18 at 6:30 PM in Town Hall.**

The meeting was adjourned at 8:10 PM

Respectfully submitted, Ted Salem, Chair