Town of New Lebanon

Zoning Rewrite Committee

Minutes – May 23, 2022

Present: Deb Gordon, Elizabeth Brutsch, Greg Hanna, Jim Carroll, Tony Murad, Donald Lamonaca, Steve Powers, Marc Baumli, Jesse Newton and Ted Salem. The meeting was live streamed.

The meeting was called to order at 7 PM.

1. RVs as temporary housing – Jesse

A reasonably simple fix to add RVs as temporary housing, including the requirements for such units as contained in Chapter 88 - Campgrounds; i.e., provision to either tie into a septic system or pump waste out. No on-board storage of waste is permitted.

2. Compact housing clustering – Jesse

Compact housing replaces tiny homes. To enable the placement of multiple units on a property entails minor tweaks to Chapter 145 - Mobile Home Parks.

3. Accessory Housing - Jesse

The committee was generally in favor of permitting accessory structures (attached/detached) without limits such as family members, age, etc. There was consensus on the following points:

* one structure per site
* conform to setbacks for the zone
* not to exceed 400 square feet
* conformance with building/health codes
* 2 year ban on using an accessory unit as a short term rental.

Jesse will rough out proposals for the 3 preceding matters

4. Renewable Energy - Britt and Steve

Britt and Steve met again with a representative from NYSERTA who appeared to discourage the overlay approach to defining areas for additional large scale solar as being too complicated. The representative will review the town’s current code and offer recommendations and also provide resource material for wind energy. There was discussion as to whether an overlay approach was tantamount to spot zoning. The lack of 3-phase wiring in other than the main corridors also may preclude any expansion beyond current allowable areas. That said, Britt and Steve will rough out areas in town that may be appropriate for large scale sites; with emphasis on protecting viewshed and the environment.

Subsequent to the meeting, Ted reminded Britt and Steve of the comprehensive plan task to make certain that the current solar regulations adequately protect the town’s interests in maintaining its rural character and environment.

5. Telecommunications - Donald

Donald spoke with Andrew Campanelli; the author of the Towns article that encouraged towns to review their codes to be certain they protected the town from spurious siting of telecommunications equipment. Donald is still looking for support for the criteria the town may properly use to define siting requirements. Mr Campanelli offered the towns of Woodstock and Fishkill as examples. (Subsequent to the meeting , Michael Muadin, who viewed the livestream, sent Donald and Ted copies of these codes.) Ted will nudge the Association of Towns from whom we’ve asked for technical assistance.

6. Event Venue - Greg and Elizabeth

Greg and Elizabeth provided a handout with a conceptual framework. (Added to these minutes).

There was agreement that the recently revised Chapter 101 - Special events would be updated to exempt events venues from the 12 special events per year limit. There was less consensus on permitting this use in the RA-5 zone. Of note, it would not be possible to restrict this use to certain areas within RA-5 (e.g., areas supported with better roads). It’s an all or nothing deal. Several members were concerned about the impact on the rural character of these areas. Having a 500 foot setback (which would require a 24 acre parcel) may mitigate those concerns and Elizabeth and Greg will determine how many such properties exist. They will also follow up with the Business and Economic development committee to get a better sense of the basis for their advocacy for including the RA-5 in this use.

7. Historic Overlay - Deb

Deb asked the committee to reconsider the adoption of a historic overlay that would permit certain commercial uses in the RA-2 zone in the Darrow Road area. Deb noted that The Abode property was for sale and she was concerned that the restrictions on uses for existing buildings may prompt a developer to tear them down. There was general consensus that the circumstances that prompted the committee to withdraw its consideration of this matter were no longer present, notably the concern about spot zoning. Of note, there are several properties that have Shaker buildings that could benefit from this overlay. The concept paper regarding the original overlay proposal is added to these minutes.

There was also discussion about whether the overlay should contain standards related to design to promote consistency with the surrounding area. Tony offered that current site plan standards provide this requirement, however, Elizabeth stated that the Planning Board experience of late suggested a need for strengthening.

8. Zoning interface with other codes

Held over due to time constraints.

9. Storage Sheds

There is consensus that this use should be removed from the use table since there is an overabundance of these units within the town and such proliferation is inconsistent with the comprehensive plan.

The meeting was adjourned at 8:45 PM

The next meeting of the ZRC will be Monday, June 27 at 7 PM.

Respectfully submitted, Ted Salem, Chair

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| Commercial Events Concept Paper:  Commercial Event Venue – A location where events are routinely held, including but not limited to weddings, parties, meetings, family reunions, and corporate events. The location may be interior or exterior, and include but is not limited to tents, gazebos, barns, open exterior sites, and permanent structures such as commercial assembly buildings or converted residential structures. The venue must be a money making operation (fees are charged to attendees, either as the renters, such as in the form of a wedding, or as attendees to an event hosted by the owner of the property, such as in the form of a concert). Venues which host charity events are subject to the requirements under this section, as the attendees are typically charged for their attendance.  Commercial Event Venue may only be approved in the Commercial Zones on the Use Table.\*\*  *\*\*Requires Special Use Permit in RA-5*  Pre-existing commercial operations where commercial events are held are accessory to the current use and shall not be subject to the regulation, except when new or modified development is to occur and the property becomes subject to SPR (ie, an addition for an outdoor/indoor event space which is greater than 25% of the existing footprint.) These spaces are already subject to the Special Events chapter for events over 150 persons.   * *For example, Mario’s (P: Restaurant; S: Party Venue)*   Events of over 150 person are to be reviewed under the Special Events Chapter. This section under consideration allows a commercial event venue to apply to the Planning Board for additional events over 150 people beyond the 12 prescribed by the existing chapter on record. Smaller events under 150 may also be reviewed by the Planning Board, and may be limited based on the requirements outlined under SPR and SUP in the code   * *For example, an event venue in RA-5 may be restricted to fewer events than a venue in downtown NL*   The event space or venue must comply with all applicable Town and State Building and Fire Code regulations. For tents, fire safety data must be provided.  Regulations:   * Time of Events – No earlier than 8AM, ending by 10PM or 11:00PM – Do we need to incorporate separate time for set-up/break down? For example, can the event venue be open one hour before and one hour after an event ends, or does the event have to start one hour later and end one hour earlier * Fireworks – Not allowed due to close proximity of other buildings in the Commercial zone? Sparklers okay? * Traffic – Parking is limited at most commercial sites – allow for agreements with neighboring landowners to park cars, and if yes, then how do people get to the venue?   Possible RA-5 Use ideas:   * Only allowed when there is direct access to a County Road? Or to a paved road? Certain dirt road requirements? * *For example, is it okay to have something off of Gale Hill Road because it is wide and well traveled versus not okay to have something off of Wadsworth which is not wide?* * Maintain 500(?) feet from all property lines for all portions of the venue (parking, building/area, bathroom facilities, etc.) * Water Usage – Require underground water storage for fire safety and protect neighboring wells? * Maximum number of attendees – 350? 499? * **Requires Special Use Permit** |

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| **Proposed Shaker Heritage Overlay**  **Purpose**: To facilitate access to and appreciation of the historical resources in the area, notably those in the Shaker tradition, in furtherance of the Town’s Comprehensive Plan goal to promote New Lebanon’s rich historic heritage. Such increased access will be achieved by permitting commercial enterprises that complement this historical heritage and to encourage re-purposing of currently under-utilized resources. Establishing the overlay will also enable non-conforming properties in the area to become conforming  **Boundaries**: Map TBD  **Uses:**   1. Uses allowed in RA-2 or RA-5 zones will continue to be allowed within the overlay with the exception of: Fire Station, Hospital, Nursing Home and Commercial Excavation. 2. Uses allowed in the proposed overlay that are not otherwise allowed in RA-2 or RA-5 zones:   Mixed Use – SP  Campground/seasonal camp – SP  Private school – SP  Professional office - SP  Small business operation – SP  Social, recreational, fraternal club – P  Temporary business trailer – SP  Farm market- SP  Hotel – SP  Motel – SP  Theater – SP  (Note: Historic preservation, Museum/library, Place of worship and Short term rental gare already allowed in RA-2, RA-5) |  |  |
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