

Town of New Lebanon  
Zoning Rewrite Committee  
Minutes – August 22, 2022

Present: Deb Gordon, Britt Buckenroth, Elizabeth Brutsch, Jim Carroll, Tony Murad, Steve Powers, Donald Lamonaca, and Ted Salem. The meeting was live streamed.

The meeting was called to order at 7 PM.

1. Introductory Local Law #5 - Self Storage Units Moratorium

Ted briefed the committee on the provisions of the moratorium, including the 6-12 month timeframe for the committee to make recommendations for any changes to current code. Jim volunteered to take lead. Ted is double checking with the Town Attorney whether the option to discontinue the use exists.

2. Town Board Add-ons to the Committee's book of work

Ted briefed the committee that at the suggestion of Mark Baumli, the Town Board asked the committee to review the need for parking lot licensing and a building permit expiration period. The Town Board understands that this will not get immediate attention.

3, Renewable Energy - Britt and Steve

Britt and Steve reviewed the proposed changes to the current solar reg. There was lively discussion about the PILOT requirement (instead of a straight assessment) for large scale and potentially community solar installations. Subsequent to the meeting, Ted confirmed with the Assessor that the Town chose not to opt out of a statewide property tax exemption for the added property value of a solar installation on a given property. (Note that the opt out affects residential as well as commercial systems.) Ted shared Kim's input with Britt and Steve, including her understanding that the decision not to opt out could be reviewed. As in the initial opt out decision, this review is outside the purview of the ZRC.

The committee indicated a preference to retain the maximum 60% limitation on a given lot; agreed to the proposed 5 megawatt/25 acre limit and agreed that references to community solar systems should be deleted as they are in practice indistinguishable from large scale systems.

Britt and Steve introduced the map of 3-phase wiring in town but wished additional time to superimpose viewsheds before proposing boundaries for a proposed solar overlay.

4. Telecommunications - Donald

Donald advised that he implemented the suggestions made at the last meeting. There was uncertainty about whether one of the exemptions (189-6 A) could be deleted and we will get a legal opinion when we present the draft for review. At Elizabeth's request, the review timeframe for Types I-III will be 90 days from when the application is deemed complete. Further discussion is needed on such deeming as the Planning Board fulfills that for all other special permits and site plan review but this process may not be analogous.

## 5. Event Venue - Elizabeth

Elizabeth presented a draft with emphasis on requirements for the RA-5. The committee accepted this framework although there are a few details that will be worked out. There is also a need for cross referencing with newly revised Chapter 101.

## 6. Shaker Heritage Overlay - Deb and Elizabeth

- the committee endorsed the proposed overlay boundaries
- the committee agreed to continue working on the overlay and will attempt to coordinate with the efforts of the other Town Shaker Heritage committee which may be proposing a historic district.
- Deb believes the uses the committee developed last year continue to be applicable and there may be a few others that may require conditions. It is not clear if that is possible, but Deb will draft her recommendations. (e.g., restricting a multi business complex to an existing historic building)
- Deb asked if the overlay could support smaller than RA-1 lot sizes (e.g., lots for specific individual buildings). Incentive zoning may be the only way to achieve that.

## 7. Zoning interface with other codes

Held over due to time constraints.

## 8. Junkyards

Held over

## 9. Multiple Use complex

Ted presented the concept of expanding the definition of “mixed use” to two or more uses provided the constituent uses were permitted in the zone in which the mixed use property was located. The committee endorsed this approach. (Subsequent to the meeting Cissy asked whether the constituent uses must also be permitted in zones leading up to the mixed use property. Ted will follow up with the attorney.

The meeting was adjourned at 8:45 PM

The next meeting of the ZRC will be Monday, September 26 at 7 PM.

Respectfully submitted, Ted Salem, Chair

h