

**MINUTES OF THE PUBLIC HEARING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
ON PROPOSED LOCAL LAW #5 OF 2022
HELD ON SEPTEMBER 13, 2022**

Present: Tistrya Houghtling, Supervisor
Britt Buckenroth, Councilmember
John Trainor, Councilmember
Marianna Anthonisen, Councilmember

Absent: Deborah Gordon, Councilmember

Recording Secretary: Marsha (Marcie) Robertson, Town Clerk

Others Present: Sharon Powers, IT Website Support & BEDC Member
Steve Powers, CAC Member & CSC Chair
Peg Munves, CAC & BEDC Member
Ted Salem, ZBA Member & ZRC Chair
Mary Young, NL Rep to CC Office for the Aging & NL Rep
to CC Traffic Safety
Don Hillman, Attorney Couch White Law Firm
Conrad & Lukas Coon, Owners of Coon Self-Storage
Members of the Public

CALL TO ORDER:

The Public Hearing was called to order at 6:55 pm by Supervisor Houghtling. The meeting was held in person at the New Lebanon Town Hall, 14755 State Route 22 North, New Lebanon, NY 12125 with members of the public also being able to view the meeting at the following link: https://townhallstreams.com/towns/new_lebanon_ny

PUBLIC HEARING NOTICE:

Town Clerk Robertson read the following public hearing notice aloud:

**NOTICE OF PUBLIC HEARING
INTRODUCTORY LOCAL LAW NO. 5 of 2022
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of New Lebanon on September 13th, 2022 at 6:55 p.m. at 14755 Route 22 North, New Lebanon, New York, 12125 regarding the adoption of Introductory Local Law No. 5 of the Town of New Lebanon for the year

2022. Introductory Local Law No. 5 of the Town of New Lebanon for the year 2022 is to establish a 12-month moratorium on land use applications for self-storage units for the Town of New Lebanon.

Copies of said proposed Local Law are available for review at the Office of the Town Clerk of the Town of New Lebanon, 14755 Route 22 North, New Lebanon, New York, 12125 and the proposed local law can be viewed on the town website at www.townofnewlebanon.com.

Participation by the public will be in person at the New Lebanon Town Hall. Those not attending in person who wish to comment on the proposed local law can email in advance of the meeting to supervisor@townofnewlebanon.com and all comments will be read at the public hearing and entered into the record.

Marcie Robertson, Town of New Lebanon Town Clerk
8/10/2022

PUBLIC COMMENT:

Supervisor Houghtling opened the floor to public comment and asked if there was anyone that wished to speak regarding Introductory Local Law #5 of 2022 or have any comments that they would like to put on the record.

Don Hillman, Attorney for Camp DD, Couch White Law Firm addressed the board regarding Camp DD stating that for more than a year has had an application for a self-storage facility. On July 25th, the Planning Board denied their application. On August 9th, it appears that this moratorium was offered up for board consideration and as the board could expect, his client, Camp DD has some real concerns about this. He stated that his client has spent a lot of money, time, legal fees, many meetings and engineering on this to now have this moratorium proposed. He stated that it is obvious from where they stand that it is an attempt to pinch off his client's application should they prevail in the Article 78. They are curious to know where this is coming from, is the object to stop his clients project?

Supervisor Houghtling stated that typically a Public Hearing is for the Town Board to hear from them but she stated that she is happy to answer that question for him if he would like. She stated that this moratorium has nothing to do with their application. During privilege of the floor in a public meeting that occurred a resident asked the Town Board before the Planning Board made their decision to implement a moratorium immediately to stop the application. Supervisor Houghtling told the resident that is not proper, the application is not new, it has been in front of the Planning Board for some time and the Town Board was waiting to see what the outcome of their decision was.

Supervisor Houghtling stated that the intention of the Town Board with this moratorium is to prevent new applications from coming in while they take time to look at the zoning and see legislatively if there are changes that they wish to make for

future applications. The moratorium is to prevent future application from coming while they are reviewing the zoning and potentially making changes.

Attorney Hillman responded that he understood and thanked the supervisor for the clarification. He stated that if that's the case, they would ask for a carve out for his client's application in the event they prevail with the Article 78 that the moratorium won't apply to his client's application since it is already over a year and a half into the process.

Ted Salem, ZBA Member & ZRC Chair stated that local law says pending or new applications, so it would affect their application unless the Town Board in its discretion waived it. He stated that it is presumed that any application, including one that might be pending is affected.

Supervisor Houghtling stated that is the way the law is written. She stated that the attorney's request did come to the Town Board through the town attorney today, they had a legal council meeting and the town attorney will be in touch in the morning for any action that the Town Board might take in executive session tonight.

Attorney Hillman asked if there will be a vote tonight on this moratorium?

Supervisor Houghtling responded that she didn't think there will be a vote in public meeting tonight. There could be direction to the town attorney through the Town Board and the town attorney will be in touch with him in the morning.

Attorney Hillman commented that he thinks having a waiver or a carve out, allows the board to accomplish their objective of revisiting the issue while still protecting his client's rights and it will prevent what is now a discreet Article 78 from becoming a wider, broader and more expensive litigation for both the town and his client.

Supervisor Houghtling responded that she believes the town attorney had a detailed conversation with Attorney Hillman and he did relay all of that to the Town Board and he gave his advice and opinion and they will meet later this evening in executive session as it is pending litigation it is privilege conversation. She thanked Attorney Hillman for coming and sharing his perspective and told him that Attorney Tingley will contact him in the morning.

Lukas Coon, Owner of Coon Self-Storage asked the Town Board how this moratorium will affect his existing business?

Supervisor Houghtling responded that this moratorium is on pending and future applications for twelve months, so it will not affect a current approved use for self-storage.

Lukas Coon asked if he were to come before Planning Board and the Town Board for

expansion, adding more buildings or modifying the interior of a building would it apply?

Supervisor Houghtling responded that it would apply to any expansion that he wanted, it wouldn't apply to what he is currently approved for. She stated that it would apply for twelve months until the Town Board potentially makes zoning revisions but for twelve months an expansion would come in front of the board as a new application.

Lukas Coon responded that this is very detrimental to his business. He stated that for the past several months he has been turning away approximately five to ten people daily because he doesn't have any availability. He has a wait list of forty people long looking for units that he doesn't have.

Supervisor Houghtling asked him if he was at full capacity?

Lukas Coon responded that he is at full capacity and working on a wait list exclusively. He stated that this is an issue countywide. He stated that to not be able to expand is detrimental to his business and somewhat infuriating after already putting a substantial investment into the town in the business.

Supervisor Houghtling responded and thanked Mr. Coon for sharing that perspective. She asked him if he has plans in the future for an expansion and how much space on the property does he have for expansion?

Lukas Coon responded yes; they would have expanded this year but the cost of buildings have doubled. He stated that he has twenty acres and he thinks they currently occupy three or four acres.

Conrad Coon stated that any expansion would be on the back of the existing buildings. He stated that the front building is 60 X 104 sq ft and he wanted to do a conversion and put storage units in it.

Supervisor Houghtling stated that she would have to check with our Building Department but she would think with the building that is current, as long as they aren't changing the exterior of the building, they could do interior renovations.

Ted Salem, ZBA Member & ZRC Chair stated no, it is a change of use so it would require Planning Board approval. He stated that it is built into this introductory local law an exception process that the Town Board has the discretion to waive the moratorium for a particular application. He stated that if they have plans to do something and interested in pursuing it, they would apply through the Town Board and there is a procedure laid out in the local law.

Supervisor Houghtling stated that it is \$35.00 and if the Town Board waived it then

they would go in front of the Planning Board for the normal procedure.

Ted Salem, ZBA Member & ZRC Chair stated they go to the Planning Board first and they would make a recommendation to the Town Board, then if the Town Board grants the waiver, then it goes back to the Planning Board for its normal procedure.

Supervisor Houghtling stated the intention of the moratorium is for new storage units, where an existing storage unit where at capacity and needing to expand, there are ways to go through a waiver process if they do go forward with the moratorium.

Lukas Coon stated that the Town Board is holding a hearing on a moratorium based on the recommendation of a community member.

Supervisor Houghtling responded that it is not a community member. She stated that they had many community members come forward and discuss the amount of self-storage, does it fit in the Comprehensive Plan and other things. She stated that they adopted a new Comprehensive Plan and they want to make sure that the zoning is in line with what they say that they want. They created a vision statement for the town and they want to make sure that they are following it. If they do move forward with the moratorium there is a waiver process and then there would be a process with the new potential local law.

Lukas Coon stated that Supervisor Houghtling has covered everything very well and his wish at this point, as an existing business, would be to be excluded from the moratorium without having to go through the waiver process.

Supervisor Houghtling acknowledged his request. She stated that this local law will not be on the Town Board meeting agenda until at least the October meeting.

Councilmember Anthonisen commented that if anyone was interested in the comments from the public at the Planning Board meetings, they are recorded and can be viewed on Town Hall Streams.

Supervisor Houghtling stated that she had not received any emails regarding Introductory Local Law #5 of 2022.

CLOSING OF PUBLIC HEARING:

All persons desiring to be heard and having been heard, a motion was made by Supervisor Houghtling, to close the Public Hearing and adjourn at 7:13pm. The motion was seconded by Councilmember Trainor.

Roll Call Vote:

Councilmember Buckenroth-	Aye
Councilmember Gordon-	Absent
Supervisor Houghtling-	Aye

Councilmember Trainor-
Councilmember Anthonisen-

Aye
Aye

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk

Draft