

Town of New Lebanon
Zoning Rewrite Committee
Minutes – January, 23, 2023

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

The meeting was called to order at 7 PM.

1. Feedback from the attorney -

Below is a summary of the meeting I had with Jon Tingley on 1/20/23:

Historic Overlay/Preservation

We spoke in detail about the difference between an overlay (a zoning tool) and a historic preservation approach (that can address individual sites or establish a district(s) or both). I'd prefer to go over this on Monday, but below are answers to some of the specific questions we've raised:

- an overlay is a zoning tool and requires uniformity within it. So we couldn't designate specific areas within it for quarter acre zoning, although we could create a separate overlay. We also couldn't restrict the multi-business to existing buildings, but we could create a new use that, within its definition, requires it be within an existing historic building
- yes we can impose additional restrictions such as no lighted signs
- yes we can define design standards within the overlay, that would be in effect ancillary to site plan review. But within an overlay, we couldn't get into such details as materials, types of windows. That would be in the province of a historic preservation approach
- If we did wish to go the historic preservation approach, it is possible to have the PB be the historic preservation commission. Lots of things would need to happen to define historic sites, etc.

Solar:

- Yes, we can establish a non-contiguous overlay.
- Yes we can establish a 5 Mw limit, however, as a practical matter, the town loses control to the state for any project >20 Mw. So ok to proceed to include that limitation.

Telcomm

- Jon agrees with Dick to remove all the content related to shot clock and just reference the federal Telecommunications law.
- Jon also agrees with Dick re: the inability of the Town to deny ANY co-location, provided the co-location does not make a significant alteration. So we probably need to say that any such co-location requires a special use permit from the PB.
- Jon agreed that the Planning Board could be the review authority for telecom projects.

2, Renewable Energy - Steve

Given the attorney's feedback, the committee re-endorsed the proposal to substitute an overlay for the current permitted zones. The question arose whether panels atop a parking canopy structure would be considered ground-mounted (subject to large-scale regulations) or roof-mounted (not so subject). Looking at some pictures as examples, it did appear that such a set-up more closely resembled a ground-mounted system, but Britt and Steve will review in more detail.

3. Telecommunications - Donald

Based on the attorney's feedback, Donald will remove content related to the shock clock, except to cite the federal regulations, and will remove the requirement for a special permit for certain co-locations, provided it doesn't significantly alter the involved structure.

4. Shaker Heritage Overlay - Deb and Elizabeth

Deb said she and Elizabeth had a productive meeting with Kyle Kuffel, chair of the Shaker Preservation Committee (SPC). Their discussion had the following implications for the proposal before the ZRC:

- conform the overlay boundaries to those of the recently passed moratorium on demolitions; significantly larger and encompasses more private homes. Reportedly, involved homeowners are supportive of the expansion. The committee agreed to expand the overlay.
- The SPC had interest in the quarter-acre zoning concept for a portion of the overlay. This would require the definition of a separate overlay.
- The SPC leans more toward an historic preservation approach, involving stricter, more detailed design standards.

After discussion, the committee agreed that it was time to get a pulse check from the Town Board on its take on the two general directions. This item will be placed on the February TB agenda. We will ask the board to prioritize the goals of preservation, economic development and expanded housing opportunities as well as the size of the area to be included.

5. Self Storage Sheds - Jim

Jim presented more details of a proposal for a warehouse style design for future installations of this use, including design standards and size limits specific to this use. There was considerable disagreement over whether this approach was preferable to existing set-ups (with enhanced design standards) which ultimately led to a proposal to remove the use for any future development. Tony and Jim will work on developing the rationale which Ted will discuss with the attorney.

6. Accessory Dwelling Units - Ted

Ted briefly went over the proposed regulation. After discussion, the committee agreed that existing setbacks should continue to prevail for any ADU.

7. Compact Homes - Ted

Ted shared the proposed regulatory language before the meeting; this codifies the committee's previous agreements. On a related subject, the committee agreed that, as requested by Cissy,

the placement of a manufactured home in an RA-1 should be changed from a special use permit to a permitted use,

8. Multiple Use Complex - Ted

The committee reviewed Ted's revised definition. The term "compatible" will be removed as potentially too confusing and unnecessary. The use will be allowed by special permit in Commercial Recreational, but not Industrial.

9. Cannabis - Jim

The committee reviewed Jim's proposals for dispensary and on-site consumption installations. It is very unlikely that a dispensary will be placed in town in the foreseeable future, but the committee agreed that it best protected the town to define the use. The dispensary use will be separate from but in alignment with "retail." As such, it should be a permitted use, not subject to a special use permit. The specific regulations related to each of the two uses will be placed in 205-8– Supplementary Regulations (or wherever the attorney advises).

10. When and What to refer to the Town Board.

The committee will shoot for having the following ready for presentation to the TB at its March meeting: event venue, solar, telecommunications, self-storage, accessory dwelling units, compact homes, and cannabis facilities.

The meeting was adjourned at 8:45 PM

The next meeting of the ZRC will be Monday, February 27 at 7 PM in Town Hall.

Respectfully submitted, Ted Salem, Chair