

**MINUTES OF THE PUBLIC HEARING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
FOR PUBLIC HEARING ON INTRODUCTORY LOCAL LAW #3 OF 2023
HELD ON AUGUST 8, 2023**

Present: Tistrya Houghtling, Supervisor
Norman Rasmussen, Councilmember
Marianna Anthonisen, Councilmember
Deborah Gordon, Councilmember
John Trainor, Councilmember

Recording Secretary: Marsha (Marcie) Robertson, Town Clerk

Others Present: Monte Wasch, Ethics, Planning, BEDC, & Shaker
Preservation Com. Member
Ted Salem, ZBA Member & ZRC Chair
Josh Young, Planning Board & QOL Member, Shaker
Preservation Com., & BEDC Chair
Sharon Powers, IT Website Support, BEDC & QOL Com.
Member
Steve Powers, CAC & ZRC Member & CSC Chair
Mary Young, NL Rep to CC Office for the Aging & Traffic
Safety
Peg Munves, CAC Co-Chair
Rae Gilson, BEDC Member
Donald Lamonaca, CAC & ZRC Member
Doug LaRocque, The Columbia Paper
Members of the Public

CALL TO ORDER:

The Public Hearing was called to order at 5:30pm 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 MULTIPLE PUBLIC HEARINGS
INTRODUCTORY LOCAL LAW NO. 3 of 2023
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

PLEASE TAKE NOTICE that four public hearings will be held by the Town Board of the Town of New Lebanon on August 8th, 2023 starting at 5:30 p.m. at 14755 Route 22 North, New Lebanon, New York, 12125 regarding the adoption of four Introductory Local Laws:

Intro. No. 3 of the Town of New Lebanon for the year 2023 at 5:30 pm. Introductory Local Law No. 3 of the Town of New Lebanon for the year 2023 is to amend Chapter 205 of the Town Code of the Town of New Lebanon;

Copies of said proposed Introductory Local Laws 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 laws 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 laws 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
7/14/2023

PUBLIC COMMENT:

Supervisor Houghtling opened the floor to public comment and asked if there was anyone that wished to speak regarding Introductory Local Law #3 of 2023 or have any comments that they would like to put on the record.

Mary Young: Mary referenced page 9 and 10 and her concerns regarding cannabis dispensary location. She does not see anything in the law that states that cannabis dispensaries cannot be by schools or churches and she feels that is very important to have that written in the law.

Ted Salem: Ted stated, that NY State law states that cannabis dispensaries cannot be near schools or churches. Ted stated that state law will supersede local regulation.

Craig Skerkis: Craig commented, that if the state law states that a dispensary cannot be within 500 feet of a school or church and the town wants to make it within 250 feet, and then the state changes it to 100 feet, he does not think that would change the town's law. He thinks a local law can be more strict than a state law.

Ted Salem: Ted stated, he does not think a town law can be more strict than the state.

Doug LaRocque: Doug stated, the town laws can be more restrictive than the state.

Ted Salem: Ted stated, that he does not think there is anyone here that wants to make it more restrictive than the 500 feet.

Supervisor Houghtling: Supervisor Houghtling stated, that town law can be more restrictive than state law. Town laws can be more restrictive than state, but not less. She will ask the town attorney when he joins the meeting later on.

Sharon Powers: Sharon asked if the state law changes in the future, can it then be addressed at that time? The Supervisor replied, yes the town can amend the code by local law at any time.

Monte Wasch: Monte stated, if the state law changes, the state law still supersedes town law.

Ted Salem: Ted commented that the regulations are definitely in flux and we need to see what the state is going to do. Right now the state has the limits in terms of placement near schools and churches.

Supervisor Houghtling: Supervisor Houghtling commented, there has not been talk of the state wanting to allow it near schools, she has never heard that.

Mary Young: Mary stated, her point is that people are bringing lawsuits against the law and she is concerned that the law will get adjusted and not in favor of those that do not want it near schools, churches, and parks.

Supervisor Houghtling: Supervisor Houghtling commented, if the law gets adjusted based on a lawsuit, if a court overrules a regulation then the town's regulation would also be overruled.

Ted Salem: Ted stated, they have also made this subject to a special use permit. The Planning Board would then have jurisdiction and review of deciding either one of those types of uses. He stated, the town has recourse in terms of it's ability to regulate it.

Supervisor Houghtling: Supervisor Houghtling asked Ted Salem what are the zones that both of the schools are currently in?

Ted Salem: Ted responded, general commercial or commercial/residential.

Mary Young: Mary referred to the map and stated that she sees it as commercial/recreation.

Ted Salem: Ted responded, it is residential.

Supervisor Houghtling stated that she had not received any emails regarding Introductory Local Law #3 of 2023.

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 the Public Hearing at 5:41pm. The motion was seconded by Councilmember Trainor.

Roll Call Vote:
Councilmember Rasmussen- Aye
Councilmember Gordon- Aye
Supervisor Houghtling- Aye
Councilmember Trainor- Aye
Councilmember Anthonisen- Aye

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk