

## *Local Law Filing*

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**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County   City   Town   Village  
(select one:)

**of New Lebanon**

**Introductory Local Law No. 8 of the year 2023**

**A LOCAL LAW TO AMEND CHAPTER 205 OF THE TOWN CODE OF THE  
TOWN OF NEW LEBANON, ENTITLED "ZONING."**

**Be it enacted by the Town Board of the Town of New Lebanon as follows:**

See attached.

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**(If additional space is needed, attach pages the same size as this sheet, and number each.)**

**TOWN OF NEW LEBANON**

**INTRODUCTORY LOCAL LAW NO. 8 OF THE YEAR 2023**

**A LOCAL LAW TO AMEND CHAPTER 205 OF THE TOWN CODE OF THE TOWN OF NEW LEBANON, ENTITLED “ZONING.”**

**SECTION 1**

This local law shall be referred to as “A Local Law to Amend Chapter 205 of the Town Code of the Town of New Lebanon, Entitled ‘Zoning.’”

**SECTION 2**

Chapter 205 of the Town Code of the Town of New Lebanon, relating to Zoning, is hereby amended as follows:

A. Paragraph A of Section 205-4 of Chapter 205 of the Town Code of the Town of New Lebanon is hereby amended to read in its entirety as follows:

A. The Town of New Lebanon is hereby divided into the following districts:

RA-5 Residential-Agricultural/Conservation

RA-2 Residential-Agricultural

RA-1 Residential-Agricultural

CC Central Commercial

C General Commercial

C-Rec Commercial-Recreational

C-R Commercial-Residential

C-I Commercial-Industrial

FZ-O Flood Zone Overlay

B. Paragraph B of Section 205-4 of Chapter 205 of the Town Code of the Town of New Lebanon is hereby amended to read in its entirety as follows:

B. District purposes. The following statements of purpose define the spirit and intent of each land use district and are to be used as guides in the interpretation and application of these regulations:

- (1) Residential-Agricultural/Conservation (RA-5) District. The purpose of the Residential-Agricultural/Conservation District is to encourage agricultural operations and open space preservation and allow very-low-density residential development that is consistent with those land uses, to maintain and protect the rural and small-town character of New Lebanon, to provide for and encourage open spaces and the protection of the Town's natural resources, and to foster safe pedestrian and traffic circulation consistent with the rural character.
- (2) Residential-Agricultural (RA-2 and RA-1) Districts. The purpose of the Residential-Agricultural (RA) Districts is to provide for low-density residential development consistent with goals to maintain and protect residential and neighborhood qualities and rural character, to protect the Town's natural resources, and to foster safe pedestrian and traffic circulation consistent with the rural character.
- (3) Central Commercial (CC). This district represents the “town center” of New Lebanon, having the most dense concentration of commercial properties. In furtherance of the Town’s comprehensive plan, this district is intended to have vibrant, customer intensive commercial activity in order to attract residents and visitors, and to the extent feasible, create a “walkable downtown.” Residential and community-oriented uses are consistent with this downtown feel.
- (4) Commercial Districts (C and C-Rec). The purposes of the commercial districts are to provide areas in the Town for retail and nonresidential development in a variety of scales and with a variety of retail uses and services to

meet the needs of the community, to add to the economic base of the community, and to ensure that commercial development is consistent with the character of New Lebanon.

- (5) Commercial-Industrial (C-I). The purpose of the Commercial-Industrial District is to provide a location for manufacturing, industrial and large commercial development in an area having adequate access to highways.
- (6) Commercial-Residential (C-R). The purpose of this district is to maintain the historically mixed-use area on the north side of Route 20 from New Lebanon Center east to the southerly intersection of Route 20 and Route 22.
- (7) Flood Zone Overlay (FZ-O). The purpose of the Flood Zone Overlay is to protect the public health and safety by regulating development in the area of Town subject to flooding as such area is identified on a map prepared by the Federal Emergency Management Agency, as such map may be amended from time to time, and to protect the important role these locations have in the environment.
- (8) Solar Overlay (S-O). The boundaries of the Solar Overlay District are intended to identify areas that may be appropriate for large-scale solar energy systems based on the following goals, and additional lands may be added to the Solar Overlay District by legislative action of the Town Board where consistent with the following goals:
  - (a) Avoiding prime farmland;
  - (b) Encouraging the productive re-use of unused or underused land formerly used for commercial excavation or similar commercial or industrial uses, and land where the potential use and development is adversely affected by real or perceived environmental contamination;
  - (c) Focusing the use and development of land for large-scale solar energy systems on areas in close

proximity to existing electrical grid infrastructure that is sufficient to support such systems;

(d) Avoiding important wetlands and floodways;

(e) Incorporating community values and priorities;

(f) Avoiding areas intended for commercial development of labor-intensive and/or customer-oriented establishments along the Routes 20/22 corridor; and

(g) Minimizing interference with existing viewsheds to the extent practicable.

C. Subparagraph (6)(a) of Paragraph E of Section 205-13 of Chapter 205 of the Town Code is hereby amended to read in its entirety as follows:

(a) Flea markets and farmers' markets may be permitted only in General Commercial, Central Commercial, and Commercial-Recreational zoning districts.

D. Subparagraph (15)(a)[2] of Paragraph E of Section 205-13 of Chapter 205 of the Town Code is hereby amended to read in its entirety as follows:

[2] If located in a General Commercial, Central Commercial, Commercial Recreational, or Commercial Residential Zone, at least 25% of the square footage of the SBO must be devoted to retail. Such retail space must be located adjacent to the public entrance to the SBO, generally the storefront. Nothing herein should be construed to apply this requirement to a small business operation located in a Commercial Industrial Zone.

E. A new subparagraph (20) of Paragraph E of Section 205-13 of Chapter 205 of the Town Code is hereby added to read in its entirety as follows:

(20) Self-Storage Facilities. In addition to meeting the standards set forth for special use permit uses in Paragraph B of Section 205-13 of this chapter, all self-storage facilities shall comply with the provisions of this subparagraph (20). Where any standard set forth in Paragraph B of Section 205-13 and the provisions of this

subparagraph (20) conflict, the provisions of this subparagraph (20) shall control.

- (a) No outdoor storage of any kind shall be permitted.
- (b) The owner of the self-storage facility shall ensure that the facility and site are kept in a clean, orderly, and well-maintained condition.
- (c) All landscaping shall be maintained in perpetuity and any dead or dying landscaping shall be replaced.
- (d) Area and Bulk Regulations. In addition to complying with all other area and bulk regulations applicable within the zoning district, self-storage facilities shall comply with the following:
  - [1] Building coverage of all structures within the area of the property situated within the applicable zoning district shall not exceed 50%, except in the Commercial-Industrial zoning district. Within the Commercial-Industrial zoning district, building coverage for all structures within the area of the property therein shall not exceed 25%.
  - [2] The minimum front setback shall be 100 feet.
  - [3] The minimum side yard (each side) setback shall be 100 feet.
  - [4] The minimum rear yard setback shall be 100 feet.
  - [5] The maximum number of stories shall be 2.
  - [6] The maximum building height shall 15 feet for single story structures and 30 feet for two-story structures.
- (e) Building design. All buildings comprising a self-storage facility shall be designed in a rural or agricultural style and in a way that keeps with the

character and community values of the Town of New Lebanon. In addition, all such buildings shall comply with the following:

- [1] No self-storage building shall exceed 75 feet in width, nor 150 feet in length.
- [2] Roof pitch shall be no less than 3:12 and no greater than 6:12.
- [3] Gable roofs are preferred. Gambrel roofs, mansard roofs, and roofs with dormers may be acceptable in the discretion of the Planning Board.
- [4] Roofs shall include overhangs/eaves on all sides. Eaves along the side of each building shall be no less than 12 inches. Eaves along the end of each building shall be no less than 6 inches. For purposes of this provision, the Planning Board shall determine what exterior walls shall constitute the sides and ends.
- [5] All buildings must include trim on corners, eaves, and bases. The Planning Board shall require that long building elevations be broken up by trim, change of material, or other architectural method or features acceptable to the Planning Board every 30 feet, or such other dimension as the Planning Board shall determine is in furtherance of a design that otherwise meets the objectives of these provisions governing building design.
- [6] All overhead doors shall mimic traditional sliding or residential style overhead doors in detailing. Coiling overhead doors are prohibited on exterior walls. Door height shall not exceed 10 feet.
- [7] Windows (real or faux) shall be included on blank expanses of walls at regular intervals in the discretion of the Planning Board. Such windows shall be in proportion to the building.

[8] Cupolas may be included on buildings so long as they are in keeping with the overall character of the chosen design aesthetic and are in scale with the overall buildings.

[9] Buildings in which individual storage units are accessed from the interior of the building shall have loading doors located at the rear of the building.

(f) Site Design. Site design of a self-storage facility shall comply with the following:

[1] All self-storage facilities shall be screened using one or more of the following methods as deemed acceptable by the Planning Board:

[a] Enclosure of the facility within a stockade fence having a minimum height of 8 feet, with such landscaping as may be deemed appropriate by the Planning Board in its discretion, with consideration given to, among other things, the extent of fencing required and its location on the site;

[b] Screening of the facility by (i) evergreens having a mature height of greater than 16 feet, and which shall be planted at a starting height of at least 6 feet; and, between such evergreens and any public street (or, if applicable, between such evergreens and any adjoining lot where deemed appropriate by the Planning Board), (ii) either an earthen berm of not less than 4 feet in height, or landscaping consisting of deciduous perennials, evergreen shrubs that mature to a height of 4 to 6 feet, and landscaping stones, boulders, and similar materials, or a combination of such earthen berm and landscaping;

[c] Screening of the facility by use of the rear side of one or more self-storage buildings, provided such rear side does



not include entryways to individual units and is appropriately detailed and landscaped in furtherance of the aesthetic objectives of these regulations governing special use permit requirements for self-storage facilities.

- [2] Facility entrances shall be designed to reduce direct views into the facility. Driveway access shall be set off to the side of the facility and curve to an entry gate located at the side of the facility. Gates shall not be permitted in the front yard. The Planning Board shall have authority to require such screening or landscaping as it deems appropriate for driveways providing access to the site.
- [3] Notwithstanding anything else contained in this chapter to the contrary, signage at the facility shall comply with the following:
  - [a] No sign shall exceed 24 square feet.
  - [b] Only one sign shall be permitted.
  - [c] Signage shall either be free-standing or mounted on a building where the building forms part of the screening required under these regulations.
  - [c] The materials, location, and architectural design of signage shall be consistent with and complimentary to the neighborhood and shall be approved by the Planning Board.
- [4] Building arrangement on the site shall take advantage of existing contours of the site and preserve existing vegetation to the extent practicable, and shall provide adequate circulation around and through the facility, including providing appropriate emergency access and circulation.

[5] Not more than 30% of the existing mature vegetation on the site may be removed for purposes of development of the facility. The Planning Board shall have the authority to require additional vegetation as it deems appropriate in furtherance of the objectives of these regulations governing special use permit requirements for self-storage facilities.

[6] Loading docks, parking areas, and waste storage containers shall be located at the rear of the facility. All waste storage containers shall be enclosed in an opaque enclosure that is consistent with the overall design aesthetic of the site.

[7] Buildings that have a building height in excess of 15 feet shall be landscaped to include trees and foundation plantings, with a mix of deciduous and evergreen trees, to reduce the scale of the building.

F. Subparagraph (13) of Paragraph B of Section 205-17 of Chapter 205 of the Town Code is hereby amended to read in its entirety as follows:

(13) Business signs in a General Commercial, Central Commercial, Commercial-Residential, Commercial-Recreational, or Commercial-Industrial District. In the General Commercial, Central Commercial, Commercial-Residential, Commercial-Recreational, or Commercial-Industrial zoning districts, any legally established business use not constituting a home occupation, a home-based business, a short-term rental, a boardinghouse, self-storage facility, or a business located within a multibusiness complex, shopping center, or mall, shall be permitted to have the following signs in addition to those permitted by § 205-17B(11):

(a) One freestanding sign not exceeding 24 square feet.

(b) One wall sign not exceeding the greater of 24 square feet or 1/2 square foot per linear foot of building frontage, but in no event larger than 100 square feet.

- (c) One sandwich board sign not exceeding eight square feet of surface area on each side, provided that such sandwich board sign is removed daily.
- (d) For each food truck operating on the property, one freestanding, one-sided sign not exceeding eight square feet of surface area or one sandwich board sign not exceeding eight square feet of surface area on each side, provided that such sign is removed daily.

G. Paragraph C of Section 205-20 of Chapter 205 of the Town Code is hereby amended to modify the term and definition of “Self-Storage Units” to the following term and definition of “Self-Storage Facility” to read as set forth below:

**SELF-STORAGE FACILITY**

A land use consisting of rental of storage space for personal property or business property in a warehouse building or in multiple individual units.

- H. Attachment 1, entitled “Area and Bulk Regulations,” of Chapter 205 of the Town Code, is hereby amended to read in its entirety as set forth on the annexed Attachment 1.
- I. Attachment 2, entitled “Zoning Law Use Table,” of Chapter 205 of the Town Code, is hereby amended to read in its entirety as set forth on the annexed Attachment 2.

**SECTION 3**

The Zoning Map of the Town of New Lebanon, entitled “Zoning Districts of the Town of New Lebanon,” adopted August 9, 2010 and amended from time to time thereafter, is hereby further amended to depict the zoning districts thereon as shown on Exhibit A hereto.

**SECTION 4**

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void,

unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

## **SECTION 5**

This Local Law is enacted pursuant to the New York Municipal Home Rule Law.

## **SECTION 6**

This Local Law shall become effective upon the filing of this Local Law with the New York Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_ of 2023 of the (County)(City)(Town)(Village) of New Lebanon was duly passed by the Town Board of the Town of New Lebanon on \_\_\_\_\_, 2023 in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.~~

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.~~

~~Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. ~~(City local law concerning Charter revision proposed by petition.)~~**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. ~~(County local law concerning adoption of Charter.)~~**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Marcie Robertson, Town of New Lebanon Town Clerk  
Clerk of the county legislative body, City, Town or Village  
Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_