

Town of New Lebanon
Zoning Rewrite Committee
Minutes –January 20, 2025

Present: Steve Powers (via Stream), Elizabeth Brutsch, Jim Carroll, Greg Hanna, Tony Murad, Donald Lamonica, and Ted Salem. The meeting was live streamed.

The meeting was called to order at 7:00 PM.

1. Mt. Lebanon Historic District

The subcommittee continues to refine the proposal and is hoping to make a presentation to the Town Board in the next month or so.

2. Telecommunications

Attorney Campanelli responded to the latest request to move this project forward. Donald, Elizabeth and Ted will meet with him this coming Wednesday to go over the last set of comments on the draft.

3. 2025 ZRC submissions to the Town Board

The committee reviewed the compendium of proposals prepared by Ted. Appended to these minutes are the several changes made by the committee. The changes are bolded in red. Only sections affected by changes are included.

In addition, the following decisions were made:

- consider adding Telecommunications if ready, although the need for public forums may affect adding this item timely
- do not wait for the Mt. Lebanon zoning proposals but consider the inclusion of proposed definition changes that have town-wide effect. The ZRC can discuss these changes on-line instead of scheduling a separate meeting.
- defer Ridgelines and Hilltops until after the updated Comprehensive Plan is done

Note: I added Manufactured Home – change to P in RA-1 which I forgot to include but we had decided to do at our November meeting.

The next meeting of the ZRC will be **March 17** at 7PM in the Town Hall.

The meeting was adjourned at 8:35 PM.

Respectfully submitted,
Ted Salem, Chair

ZRC Proposed Code Changes – 2025 – v.3 1/22/2025

Strike through = proposed deletions; *italicized* = proposed additions

Post 1/20 ZRC changes are **bolded in red**

Prompt Removal of Refuse Containers, per Peter's request

170-4 Prompt Removal of Refuse Containers from Town Roads

[a] Refuse containers that are placed roadside for collection by a refuse collection vendor shall be placed at the front of the property in a manner as not to obstruct either lane of traffic.

*[b] Refuse containers shall be placed for collection no earlier than noon on the day before the designated refuse collection day for the affected property and **shall be removed by noon the day after the designated refuse collection day.***

Chapter 205 Changes:

Use Table

- ~~Change One/two-family dwelling to one/two/three-family dwelling. No change to where permitted and level of review.~~
- Add new use under Business Uses: Community Center - SP in all commercial zones, except Industrial
- Add new use under Business Uses: Fitness Center, **YOGA STUDIO** - SP in all commercial zones, except Industrial
- **Add a new use under General Uses: Human Composting Facility - SP in all commercial zones, except Central Commercial and Industrial**
- **In Manufactured home change the level of approval from SP to P in RA-1**
- Substitute School for the existing Private School. Continue as SP in RA-1, RA-2. Add as SP in Central Commercial and General Commercial
- Add Private Stable as a Permitted Use (P) to General Commercial and Commercial Recreational zones
- Delete the use Social Club (it is included in Social, Recreational, Fraternal)
- Add to the existing use Theater, except drive-in, *Concert Venue*
- Change Self-Storage units *Facilities*

Definitions

- ~~**ABANDONMENT (HOUSING): A circumstance where the owner of a property (residential or commercial) intentionally gives up possession and control of the property or fails to use or maintain it for a period of (TBD - needs discussion).**~~
- Replace the definition for CEMETERIES with the following: Land used or intended to be used for the burial of dead human beings, **and dedicated for cemetery purposes** including columbariums **and** mausoleums, but excluding crematoria, **mortuaries, and composting facilities** when operated within the boundary of such lands and in accordance with the requirements of 205-13(17) of this chapter. Such term shall also

include land and buildings actually used and essential to the providing of cemetery purposes, including, but not limited to, storage facilities, necessary tools and equipment. This term does not include family burial ground in which no lots are sold to the public and in which burials are restricted to a group of persons related to each other by blood or marriage or other partnership.

- COMMUNITY CENTER - a **public** location where people from a particular community can meet for social, educational, or recreational activities.
- DWELLING, MULTIFAMILY - A dwelling or group of dwellings on one plot containing separate living units for three **four** or more families ~~for lease or rent only~~. This use includes cooperative (Co-op), condominium (Condo) and similar ownership arrangements
- ~~DWELLING, THREE-FAMILY - A building designed for or occupied exclusively by three families living independently of each other.~~
- FITNESS CENTER, ~~YOGA STUDIO~~ - A place that offers exercise equipment and facilities for physical activity. Fitness centers are also known as health clubs, health spas, or weight rooms, and are commonly referred to as gyms. This use also includes yoga studios, ~~where yoga classes are taught and designed to create a calm and peaceful environment~~ dance studios, martial arts studios and similar facilities.
- **HUMAN COMPOSTING FACILITY - Also known as Terramation and natural organic reduction, a place that engages in the process that occurs when human remains are transformed into soil.**
- Replace PRIVATE SCHOOL with SCHOOL - Public, private profit or private non-profit facility . . . (the rest the same as existing Private School)
- Add to the first sentence of SHORT TERM RENTAL, as follows: "A residential use consisting of the rental or lease . . ."
- Add: RIDGELINE - The elongated crest or series of crests at the apex or the uppermost point of intersection between two opposite slopes or sides of a mountain or hill.
- Change SELF-STORAGE UNITS FACILITIES
- Replace THEATER with THEATER (**EXCEPT DRIVE IN**), *CONCERT VENUE* - same definition

Central Commercial District (work with Jon on how to organize within 205)

Area and Bulk

Building Height:

- Retain the three story maximum
- Increase maximum height from 40 to 50 feet

Setbacks

- Front Setback: Decrease the minimum from 75 to 50 feet
- Create a 100 foot maximum setback
- Side Setback: Decrease the minimum from 20 to **10 15** feet. ~~however, if there is a disparity of height between two structures by twenty or more feet, then the side setback for the larger structure shall be 20 feet from the lot line of the neighboring structure.~~

NOTE: The ZRC should consider developing a variable setback; e.g., for each 10 feet of height/ "x" amount of setback

Lot size: Decrease the minimum from 30,000 sf (approx. ¾ acre) to 20,000 sf (approx. ½ acre)

Parking:

Every reasonable effort shall be made to comply with the provisions of 205-9.A. (4) which concerns the location of parking to the rear or side of a building it serves.

Design

The Downtown Design Guidelines, developed by in:site:architecture **will have effect for shall apply to** building design in the Central Commercial zone and are incorporated by reference. (Add as an appendix to 205?)

Protection of Ridgelines & Hillsides The ZRC decided to defer this item until after the next Comprehensive Plan update

Miscellaneous Changes

Add a new 205-13 E.(17) as follows:

(17) Cemeteries.

[a] No burial or memorial plots or buildings shall be located closer than 50 feet to any residential lot line, except when a dense evergreen hedge, **dense** landscaped strip or wall at least six feet in height provides complete visual screening from all adjacent residential properties. Burial or memorial plots with headstones, monuments or other grave markers limited to less than six feet in height may be located as close as 25 feet to any residential property line. This provision shall apply to both new cemeteries and proposals for expansion of existing cemeteries.

[b] All burials shall be undertaken in strict accordance with applicable regulations of the New York State Department of State and the Department of Health.

[c] A cemetery in the Town of New Lebanon may opt to allow, pursuant to New York State Department of State regulations, the interment of pet cremated remains “. . . where the interment is incidental to the burial of human remains.”

Items to be included, if possible:

- Breeding Kennel, Dog Boarding - Donald
- Renewable Energy- Wind Turbines, Storage Batteries - Steve **I think we decided to pass on this for a while**

Other Housing Changes Recommended by County Coordinator not included in the above proposed changes

- Do we recommend reducing setbacks in the Commercial-Residential and General Commercial districts to mirror the ones proposed for the Central Commercial district.
- Clarify content on calculating density: This wasn't discussed, but ZRC will explore this more fully.