

ZRC Proposed Code Changes – 2025 – final draft 1/31/2025
Strike through = proposed deletions; *italicized* = proposed additions

Chapter 101

Amend the definition of Special Event as follows:

SPECIAL EVENT

A group activity, including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony or nonroutine activity that:

- A. Will take place on a public road or on any ground abutting thereon;
- B. Is expected to bring together 150 or more people at one time or an aggregate of 500 or more people over the course of any twenty-four-hour period; ~~and~~ *or*
- C. Meets one or more of the following criteria: . . .

Chapter 170 - Prompt Removal of Refuse Containers, per Peter's request

Amend Article I of Chapter 170 as follows:

Article I SOLID WASTE

§ 170-1 Legislative intent.

The purpose of this article is to promote the orderly, sanitary, and safe disposal of refuse and garbage within the Town of New Lebanon, and to protect the health and well-being of the inhabitants of the Town of New Lebanon.

172-2 Definitions

Refuse is any type of waste material, including garbage, rubbish, and decaying or non-decaying waste.

Refuse Container is a moveable metal or plastic collection facility for the deposit of garbage and waste.

§ 170-3 Prohibition against dumping.

No person, firm, company, municipality or corporation, public or private, may use any lands within the Town of New Lebanon, Columbia County, New York, for the dumping, deposit or storage of garbage or refuse of any kind originating outside the Town of New Lebanon, except as provided in a written agreement entered into between the Town Board of the Town of New Lebanon and such person, firm, company, municipality or corporation, public or private.

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.

§ 170-5 Penalties for offenses.

Each violation of this article shall be deemed a separate misdemeanor, punishable by imprisonment for a period not to exceed one year, or by a fine not to exceed \$1,000, or both. Violators shall also be held responsible for cleanup and restoration of the site to its original state.

Chapter 205:

205-3 Purposes

- Amend item D to read: "To promote a *range of housing opportunities* for all *income levels*."

Use Table (SP = Special Permit; P= Permitted)

- Add new use under General Uses: Association Quarters - SP in all commercial zones except Industrial
- Add new use under Business Uses: Community Center - SP in all commercial zones, except Industrial
- Add new use under Business Uses: Fitness Center - SP in all commercial zones, except Industrial
- Add new use under General Uses: Human Composting Facility - SP in all commercial zones, except Central Commercial and Industrial
- For Manufactured Home, change the level of approval in RA-1 from SP to P
- Substitute School for the current 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 Social Club (replaced by Association Quarters)
- Delete Telecommunications facility (allowed zones contained in proposed Ch. 189)
- Add to the existing use Theater, except drive-in, *Concert Venue*
- Change Self-Storage ~~units~~ *Facilities*

Definitions

- ASSOCIATION QUARTERS - Facilities used by an association organized for a common purpose to pursue common goals, interests, or activities and usually characterized by membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.
- Replace the current definition for CEMETERIES with the following: "Land used or intended to be used for the burial of dead human beings, 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 provision 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 place where people from a particular location 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 or more families ~~for lease or rent only~~. This use includes cooperative (Co-op), condominium (Condo) and similar ownership arrangements
- FITNESS CENTER - A place that offers exercise equipment and facilities for physical activity. Fitness centers are also known as health clubs, health spas, weight rooms, and gyms. This use also includes yoga studios, 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.
- Delete PRIVATE SCHOOL definition (see School, below)
- Add to the first sentence of SHORT TERM RENTAL, as follows: "A residential use consisting of the rental or lease . . ."
- Add: SCHOOL - Facility used primarily as an educational institution, providing teaching and classes for its enrollees, with or without sleeping and eating facilities for the employees and enrollees.
- Change SELF-STORAGE UNITS FACILITIES
- Delete SOCIAL, RECREATIONAL OR FRATERNAL CLUB (replaced by Association Quarters)
- Delete TELECOMMUNICATIONS TOWER (definitions contained in proposed Ch. 189)
- Replace THEATER with THEATER (EXCEPT DRIVE IN), CONCERT VENUE - same definition

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

Update Zone Boundaries (provide map to Paul)

Uses - the same as existing Central Commercial District Uses with the following exceptions:

- Do not include:
 - Stables Commercial and Private
 - Mini Golf
 - Motor Vehicle Sales;
 - Motor Vehicle Repair and Service
- Also see above, Use Table

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 15 feet.
- 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 shall apply to building design in the Central Commercial zone and are incorporated by reference. (Add as an appendix to 205?)

Miscellaneous Changes

Delete 205-11 (4) re: ZEO requesting interpretation.

Amend 205-13 A. (4) The sentence that begins: “To the greatest extent practicable . . . shall conduct special permit and site plan review concurrently where, pursuant to the Use Table, both a special use permit and site plan review . . .” *We also should tell code publisher to delete the Editor’s Note*

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.”

Amend 205-13 (21) (f) as follows: Building Design. All new buildings and structures shall be designed and constructed so as to be compatible with the neighborhood and in keeping with the design and construction of buildings and structures then existing on the site. In considering

whether this standard is met, the Planning Board shall consider the architecture, materials, colors, size, massing, and orientation of existing buildings and structures on the site.

Amend 205-13 (21) (g) [3] as follows:

[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 ~~unless it is a sign that lawfully existed at the site as of April 30, 2024 (or replacement thereof), in which case such sign shall not exceed the greater of 24 square feet or the square footage of such sign as it lawfully existed April 30, 2024.~~

[b] Only one sign shall be permitted, ~~unless more than one sign lawfully existed at the site as of April 30, 2024, in which case such lawfully existing signs (including replacements thereof) shall be permitted to continue, but no additional signs shall be permitted.~~

[c] Any new signage shall either be free-standing or mounted on a building where the building forms part of the screening required under these regulations.

[d] The materials, location, and architectural design of any new signage shall be consistent with and complimentary to the neighborhood and shall be approved by the Planning Board

Amend 205-14 D. as follows: "Site plan review and approval shall be required prior to beginning any new land use activity, engaging in any previous land use activity after having not engaged in such land use activity for a period of ~~18 months~~ 365 days or more, or changing any land use activity, except with respect to the following: . . .