

**MINUTES OF THE PUBLIC HEARING OF
THE NEW LEBANON TOWN BOARD
ON PROPOSED LOCAL LAW
AMENDING THE CAMPGROUND ORDINANCE CONTROL
HELD ON AUGUST 8, 2011**

Present: Margaret Robertson, Supervisor
Bruce Baldwin, Councilmember
Doug Clark, Councilmember
Karl (K.B.) Chittenden, Councilmember

Absent: Councilmember - vacant

Recording Secretary: Colleen Teal, Town Clerk

Others Present: John Dax, ZBA Chairman
Howard Commander, LV Speedway
Lisa Connell, Reporter for *The Chatham Courier*
Thaddeus Flint, Reporter for *The Eastwick Press*
Several members of the public

CALL TO ORDER:

Supervisor Robertson called the public hearing to order at 6:50 p.m.

PROOF OF PUBLICATION AND POSTING:

Town Clerk Teal provided the Town Board with proof of publication and posting of the public notice as follows:

NOTICE OF PUBLIC HEARING
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA

PROPOSED LOCAL LAW No. 3 OF 2011, AN AMENDMENT TO CHAPTER 88 OF THE TOWN CODE OF THE TOWN OF NEW LEBANON ENTITLED CAMPGROUNDS

NOTICE IS HEREBY GIVEN that the Town Board has introduced a Local Law to amend the Campgrounds Ordinance of the Town of New Lebanon as set forth in Chapter 88 of the Town Code. The proposed changes to the ordinance incorporate the Camping Grounds regulations set forth in the Town of New Lebanon Zoning Ordinance adopted 8/9/2010; replace specific requirements set forth throughout the ordinance with reference to the appropriate State or County regulatory authority or Code including the New York State Sanitary, Building, Fire, and Property Maintenance Codes; and clarify the application process. A copy of said proposed law is available for public review in the office of the New Lebanon Town Clerk during regular office hours.

PLEASE TAKE FUTHER NOTICE that a public hearing upon said proposed local law will be held at the American Legion Hall at 7 Mill Road in New Lebanon on the 8th day of August 2011, at 6:45 p.m. and that an opportunity to be heard will be given to those favoring or opposing the passage of said proposed law.
Colleen Teal

Town Clerk
07/26/11

PUBLIC COMMENT:

No one spoke in favor of or opposing enactment of said proposed local law.

John Dax, Zoning Board of Appeals Chairman, noted that the language of section 88-5.B gives the impression that annual renewals are also required to have a recommendation from the Zoning Board of Appeals and to go before the Planning Board for site plan review

and a special permit. Section 88-10 addresses annual renewals and clarification of the language in Section 88-5 to specify “initial license application” would eliminate the confusion. Additionally, Mr. Dax noted the unnecessary use of legalese such as “aforesaid” and several typographical errors throughout the document.

Howard Commander, Lebanon Valley Speedway, presented the town board with the following written statement regarding the Campground Ordinance:

“Request to the Town Board to Amend and Clarify the Campground Ordinance

We believe that the campground ordinance was originally designed to prevent ‘campgrounds’ and campers from becoming defacto trailer parks. At the time of the ordinances adoption there was concern that many ‘campers’ would be congregating on Canaan Road, concern over which caused the Campground Ordinance to be drafted.

Though we have had capers and recreational vehicles at our premises since the late 1950’s, we were never considered a campground until recently when it was suggested that we needed a permit.

In those 50 years no one ever requested that we be licensed by the Town, despite the requirement in the law which state that ‘The owner or operator of any existing unlicensed camping ground or tourist camp shall have sixty days after this chapter takes effect to make application for a license to operate such camp pursuant to the provisions of 88-5 hereof.’

While some will claim that a failure to enforce a regulation does not constitute an exemption, we would counter by saying that our entire operation has been in plain sight for more than fifty years. Clearly the people who drafted the Campground Ordinance did no have us in mind, else they would have taken action to make us follow the specifics of the regulations.

Additionally, every zoning law allows for continued use of property when newly drafted regulations make those existing uses ‘non-conforming’. Why then, does the Campground Ordinance not give this same treatment to existing ‘campgrounds.’ Again, this supports our argument that the recreational vehicles and campers at the Lebanon Valley Speedway were not the target of the ordinance.

While we have enough land area to comply with the requirements for individual campground spaces, we think that the resulting spreading out of these vehicles would result in a far less attractive landscape. By forcing us to this larger area, we wonder what the perceived benefit to the Town would be?

Campgrounds generally are primary uses. While the law does not distinguish, we believe that the use of our property for overnight parking of recreational vehicles is an accessory use. We provide complementary space for those of our patrons who bring recreational vehicles. We do not charge a fee for this use.

As we firmly believe that we do not meet the definition of a campground, we request that the Town Board promulgate a law that states ‘that overnight and long term parking of recreational vehicles is permitted as customary accessory us (see Use Table) when no fee is charged.’

All persons desiring to be heard, having been heard, a motion was made by Councilmember Clark, seconded by Councilmember Chittenden, and approved to close the public hearing at 7:02 p.m.

Respectfully submitted,

Colleen Teal, RMC
New Lebanon Town Clerk