



Town of New Lebanon  
Zoning Re-write Committee Minutes - Unapproved  
August 27, 2013

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Present: Bruce Baldwin, Committee Chairman  
Greg Hanna, Committee Member  
Tony Murad, Committee Member  
Ted Salem, Committee Member  
KB Chittenden, Committee Member  
Kent J. Pratt, CEO

Others Present: Vivian Steinberg, Wes Powell, Cynthia Creech, Christine Dreyfus, Paul Rix, Anna Duhon, Sather Duke, Robert Smith, Colby Gail

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**Call to order:**

Chairman Baldwin opened the regular meeting of the Town of New Lebanon Re-write Committee to order at 7:00 pm.

**Agricultural Zoning**

In depth discussion regarding the impacts of new farm operations on existing home owners: Removing the "A" from the current RA Zones (residential/agricultural) was not a favorable approach. A suggested solution that was discussed was restricting farming to greater than 7 acres. It was also mentioned that removing the "A" would set a precedent. Common sense needs to be applied in animal husbandry. Another suggestion was to change the existing RA1, RA2 and RA5 zones to Z1, Z2 and Z5.

General discussions:

Discussions ensued regarding incentive zoning and wetlands.

Greg Hanna reported on his research relating to the right to farm law.

Ted Salem reported on his research relating to fencing requirements. (attached)

Trina Porte's email was read for the record. (attached)

Respectfully submitted,

Bruce Baldwin, Chairman

# PROPOSED FENCE ADDITIONS TO ZONING REGULATIONS

Town of New Lebanon

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No building permit shall be required for work in any of the following categories

(4) Installation of fences which are not part of an enclosure surrounding a swimming pool

## Zoning Permits

No building, dwelling unit, fences over four (4) feet in height or corrals shall be constructed, enlarged or moved nor shall any use be established

## Definitions.

**FENCE:** An artificially constructed barrier or enclosure of any material or combination of used to delineate an area or boundary, to screen such area from view, to limit access, or any combination. Fences over six (6) feet high and also swimming pool enclosures shall require a building permit.

## FENCES, WALLS AND HEDGES

The following standards shall apply to fences, walls and hedges for all uses in all districts.

### Exceptions

- a. These fence, wall and hedge regulations shall not apply to agricultural fencing, walls or hedges or temporary, safety fencing erected during construction activities approved by the Town. For purposes of this section, the term "agricultural fencing" shall include, any fence constructed on a farm operation or constructed to enclose a residential garden.
- b. The Town Building Inspector may authorize a retaining wall in excess of the foregoing height limitation when it is determined that the same is necessary for the proper safety and preservation of persons or property.

### 1. Location

- a. Fences, freestanding walls and hedges and all supporting structures must be entirely on the property of the party erecting the fence.
- b. Fences and freestanding walls shall be setback at least 10 feet from the right-of way in the front yard. Hedges greater than 3 feet in height shall be setback 10 feet from the right of way in the front yard.
- c. No minimum distance shall be required between a fence, freestanding wall or hedge and a lot line, however, it is required that any fence, freestanding wall or hedge be installed interior from the lot line with adequate setback to provide for maintenance and lawn or field mowing.
- d. On a corner lot in any district, no fence, freestanding wall, hedge, sign or other structure or planting, more than 3 feet in height, shall be erected, placed or maintained within 30 feet of the triangle formed by the intersecting street lines and a straight line adjoining said street lines at points which are 30 feet distant from the point of intersection, measured along said street. The height of 3 feet shall be measured above the curb level, if any, or above the existing road level. In no event, however, shall a hazard to traffic be erected or maintained.

# **PROPOSED FENCE ADDITIONS TO ZONING REGULATIONS**

Town of New Lebanon

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## **2. Height**

- a. Fences or freestanding walls within a front yard shall not exceed four (4) feet in height.
- b. Fences or freestanding walls in a side or rear yard shall not exceed six (6) feet in height.
- c. A maximum of 10 feet in height shall be allowed to enclose a private or public tennis court, basketball, or sports courts provided that the fence is not more than 60% percent opaque, and provided the fence is set back at least 10 feet from the property line.
- d. Fence height shall be measured from the existing grade of the parcel to the highest point of either posts and/or the fence itself. No fence shall be erected on a berm as a means of circumventing the height requirements.

## **3. Materials and construction**

- a. All fences and freestanding walls shall be constructed and installed in accordance with the generally accepted standards of good workmanship and any applicable manufacturer's specifications.
- b. All fences and freestanding walls shall be maintained in a structurally sound condition, and components or finishes that become deteriorated shall be repaired or replaced promptly.
- c. All fences and freestanding walls shall be so installed so that the finished side shall face outward from the parcel, towards the abutting properties; all bracing shall be on the inside of the fence. A fence so designed as to be structurally supported by posts, cross members or rails on one (1) side only (including but not limited to picket or stockade fences) shall be erected with the posts, cross members or rails on the inner (property owner's) side facing interior to the property owner's lot.
- d. Canvas, cloth, wire mesh, snow fencing chicken wire, pallets, plywood or any other material of a nonstructural nature shall not be used as a fencing material or as any part of a fence visible from the public right-of-way except when used for agricultural uses. The use of barbed wire, broken glass, electrification or any other material or device intended to cause injury is prohibited.
- e. Retaining walls visible from the public right-of-way should be faced with masonry or other decorative screening, textures, design, or landscaping to minimize the blank appearance of walls and ensure compatibility with existing structures.
- f. All fences, walls and hedges shall be maintained and, when necessary, repaired or replaced.

8/19/13

Printer Friendly

From: "t4peace@juno.com" <t4peace@juno.com>  
Subject: RE: Zoning Rewrite Proposed Changes  
Date: Fri, August 16, 2013 4:53 pm  
To: amuradbullder@mac.com, mnd923@fairpoint.net, rayhermann51@gmail.com, potatoe@peoplepc.com, bbaldwin@townofnewlebanon.com, FairWF717@aol.com, ceo@townofnewlebanon.com, pzde

**Submitted for the Record, as I cannot be in attendance at the next meeting of the Zoning Rewrite Committee:**

Our **Comprehensive Plan** clearly states that one of our Town's top priorities going forward is **to preserve the Town's rural and agricultural character**. To reduce or remove [or ghettoize to Route 20] the Agricultural [as in R/A] Zoning Designation is **in direct contradiction t**

And considering that many local families depend upon growing vegetables, raising chickens, keeping bees, and/or harvesting maple s; use and/or as a small business to provide income, the removal of the Agricultural Zoning Designation, the creation of fencing requirer restriction of what types or location of agricultural uses are to be permitted **would destroy the affordability of our local food-produ and be punitively restrctive to local residents.**

Also consider these facts: Hurricane Irene washed away hundreds of acres of topsoil in 2011, crop failures of soybeans, corn, and orar death of millions of pollinator bees are creating world-wide food shortages and unaffordable food prices, unemployment is still high a Blackberry just laid off 3,000 workers last week--and many families here need to go to our local foodshelf in order to have enough foo children. So the idea of you taking steps to **reduce** the availability of any local agricultural land seems like a very bad and very foolish owners who get a reduction in their property taxes by allowing others to farm or hay their meadows might agree with me as well.

Please keep these facts--**and all the families this would affect**--in mind when consideration is given to changing our local Zoning Law what needs our townspeople currently have and perhaps focus your attention there:

You could consider enacting a local law to ban hydrofracturing, in order to preserve the drinkability of our water supply, as did another York who just won a court case upholding their right to ban hydrofracturing.

You could consider utilizing the recent New York State law titled "**Complete Streets**" to work with the DOT on bringing a grocery store which is still considered a "food desert" and in order to lower the costs we currently have driving to other towns to buy groceries.

You could consider zoning that would be friendlier to the development of Senior Housing, Cluster Housing with Conservation Easemen Center with a Community Health Clinic...the possibilities are many, and would be in keeping with our Comprehensive Plan's directives

Thank you for your work on behalf of all our residents,

Trina Porte, member of New Lebanon Planning Board,

wife of a vegetable gardener,

member of Trusted Roots Farm CSA,

and buyer of local maple syrup, corn, herbs, squash, tomatoes, cucumbers, peppers, wine, jelly, bread, pie, beef, sausages, ham, and

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**Attachments:**

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