



Town of New Lebanon
Zoning Re-write Committee Minutes - Unapproved
November 15, 2013

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

Absent: KB Chittenden, Committee Member

Others Present: Cissy Hernandez, B/P/Z Administrator

Call to order:

Chairman Baldwin opened the regular meeting of the Town of New Lebanon Re-write Committee to order at 9:00 am. Chairman Baldwin stated that he hasn't put together an agenda but would just like to review and put things in order to present to the Town Board.

Fencing

It was unanimously agreed upon and recommended that the new definition of fence be added to the definitions portion of the Zoning Ordinance and that the modified fence regulation replace 205 7B(4) (see newly revised fence regulations attached).

Cell Tower: (telecommunications)

It was unanimously agreed upon and recommended that in the use table of the Zoning Ordinance that asterisks or footnotes be used indicating that a Town Board license is also required and to reference Town Code Chapter 189.

Manufacturing Definition

It was unanimously agreed upon and recommended that Manufacturing be added to the use table in zones "Commercial" and "Commercial Residential" via Special Permit/Site Plan Review and that an asterisk/footnote be added to indicate that three or fewer employees would not require a special permit.

Accessory Structures

It was unanimously agreed upon and recommended that section 205-7 B (5) be re-written to comply with NYS building code in that structures under 144 square feet; not 140 square feet do not require a building permit. However; a zoning permit would still be required.

Columbia County Planning Board Referrals

It was unanimously agreed upon and recommended that section 205-12(B) (ZBA procedures) include a statement that complies with NYS Town Law indicating that Zoning Board of Appeals interpretations are not subject to Columbia County Planning Board referral for review.

Road Frontage

It was unanimously agreed upon and recommended that the road frontage requirement listed in the use table/residential zones be changed from 25 ft. to 60 ft.

1 & 2 Family Residence:

It was unanimously agreed upon and recommended that 2 family dwelling units be added to 1 family dwelling units in the use table thereby eliminating the special permit requirement for 2 family dwelling units because the NYS Building Code treats 1 and 2 family dwelling units the same.

Use Table Modifications:

The following two items were tabled due to conflicts that may incur with the farming regulations. These items will be addressed at a later date:

- The “P” permitted use statement should indicate that the action would still require a zoning permit
- Garage/Yard sales: Add an asterisk/footnote to indicate that this action does not require a zoning permit.

Right to Farm Law

Ongoing committee discussions

Respectfully submitted,

Cissy Hernandez
Building/Planning/Zoning Administrator

PROPOSED FENCE ADDITIONS TO ZONING REGULATIONS

Town of New Lebanon

revised - 10-30-2013

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.

1. 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, provided, however, that the requirement specified in Section 2 (b) concerning sight distance at intersections or rights of way and street corners shall apply to all forms of fences walls or hedges . 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.

2. 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 not obstruct sight distance at intersections or rights of way and shall comply with street corners.

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. Lawns and other growth shall be maintained by the propoerty owner to the property line in accordance with the New York State property maintenance code.

3. Height

a. Fences or freestanding walls within a front yard, in a side yard or rear yard shall not exceed six (6) feet in height unless approved or required by a board as part of an application for a special use permit or a site plan review.

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b. 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 meets set back requirements.

4. 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. 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. The use of barbed wire, broken glass, electrification or any other material or device intended to cause injury is prohibited.

d. 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.