

**MINUTES OF THE PUBLIC HEARING OF  
THE NEW LEBANON TOWN BOARD  
ON PROPOSED LOCAL LAW AMENDING SPECIFIED SECTIONS OF  
CHAPTER 205 (ZONING) OF THE NEW LEBANON TOWN CODE  
HELD ON AUGUST 11, 2015**

**Present:** Michael Benson, Supervisor  
Dan Evans, Councilmember  
Chuck Gerald, Councilmember  
Irene Hanna, Councilmember  
Matthew Larabee, Councilmember

**Recording Secretary:** Colleen Teal, Town Clerk

**Others Present:** Andy Howard, Attorney for the Town  
Ted Salem, Zoning Board of Appeals Member & Zoning  
Re-Write Committee Chair  
Cynthia Creech, Deputy Court/Assessor's Clerk;  
Recreation Commission, CAC, & Zoning Re-Write  
Committee Member  
Robert Smith, Planning & Ethics Board Member  
Phyllis Hulbert, NL Rep. to CCOFA  
Kevin Smith, Ethics Board Member  
Gregg Gilliland, LVPA  
Mary Young, LVPA  
Bobby Waters, LVPA  
Thaddeus Flint, Reporter for *The Eastwick Press*  
Several members of the public

**CALL TO ORDER:**

Supervisor Benson called the public hearing to order at 6:46 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  
OF THE TOWN BOARD  
TOWN OF NEW LEBANON  
COUNTY OF COLUMBIA

**PROPOSED LOCAL LAW AMENDING SPECIFIED SECTIONS OF CHAPTER 205 (ZONING) OF THE NEW LEBANON  
TOWN CODE**

NOTICE IS HEREBY GIVEN that the Town Board has proposed a local law *amending specified sections of Chapter 205 (Zoning) of the Town of New Lebanon Code* that will provide additional and/or amended definitions for Agricultural Operation, Small Business Operation (SBO), and Farm; amend Small Business Operation (Section 205-13); and further to amend the Zoning Use Table. A copy of said proposed law is available for public review in the office of the New Lebanon Town Clerk during regular office hours and is available on the town website at [www.townofnewlebanon.com](http://www.townofnewlebanon.com).

PLEASE TAKE FURTHER NOTICE that a public hearing upon said proposed local law will be held at the Town Hall at 14755 Route 22 in New Lebanon on the 11<sup>th</sup> day of August 2015, 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  
7/15/15

**PUBLIC COMMENT:**

The following persons spoke opposing the passage of the above noted local law:

**Robert Smith** addressed the board asking why do we even bother to have a law, the Town Planning Board told Behold they could not have signs down on the OTB and they are there and no one will do anything about it so why even bother to have any laws at all. Nobody will enforce them.

**Dorothy Dooren** addressed the board expressing her concerns about this proposed amendment. She provided the board with a copy of the section of the current Zoning Law that defines District purposes, a copy of the current Zoning Districts map, and a “proposed map” depicting the amendment. [background noise – unclear] An SBO (Small Business Operation) is defined as a retail business that manufactures what is sold on premises. The Zoning Ordinance has a broad, all-encompassing definition of manufacturing; it defined as establishments engaged in the mechanical or chemical transformation of materials or substances in to new products, including the assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, resins, or liquors. Nothing is prohibited in this definition. So our SBO’s will include craft shops. The definition incorporates all other kinds of manufacturing as well. Because SBO’s will be permitted in all commercial zones it includes most of the property along Route 20. Imagine Route 20 as an extended uncontrolled industrial strip mall, miles of Wastequip and TCI type industries, everything is permitted. And once you permit such activities in an ordinance, you must approve them. Uncontrolled because SBO projects would be exempt from site plan review by the Planning Board, a special permit would be required from the Zoning Board of Appeals however according to the language in the proposal, the ZBA may – not shall but may - place reasonable restrictions on the operation of the SBO and only those places where the operation would appreciably alter the character of the commercial zone in which it is located. This is a high bar before any restrictions would even be permitted on the SBO project. State statute section 263 of the Town Law requires zoning regulations be made in accordance with the town’s Comprehensive Plan which the town adopted in 2005. And this is a general vision in the Comprehensive Plan: *New Lebanon will be an attractive, friendly, and well-maintained community that values its diverse population, rural character, scenic beauty, natural resources, and cultural and historic heritage. In response to the needs of the entire community, it will promote carefully thought out commercial and residential growth, responsible land use, public services, and social and recreational opportunities.* Surely, uncontrolled wide-spread manufacturing is not part of the plan for our town. The SBO proposal also conflicts with the Zoning Ordinance which clearly defines the purpose of the four commercial districts in accordance with the Comprehensive Plan. [Ms. Dooren noted she passed out a copy of the page of the Ordinance that defines the districts.] For the General and Commercial Recreation districts purpose, the purpose is to provide areas in the Town for retail and nonresidential development and to ensure that commercial development is consistent with the character of New Lebanon. No manufacturing is permitted in this definition

of Commercial and Commercial-Recreational Districts. Commercial-Residential District is to maintain the historically mixed-uses of the Commercial-Residential zone. Finally, the Commercial-Industrial District is to provide a location for manufacturing, industrial and large commercial development and as she said a couple months ago at the first hearing, there is ample acreage there for manufacturing development. Ms. Dooren stated that she knows that the Re-write Committee has been struggling with this, she knows a number of people have and she thinks that is because the proposal clearly does not fit into the current plan for the town. It is trying to fit a round peg into a square hole. As she understands the purpose of the Re-write Committee, it is to address inconsistencies and technical problems with the Zoning Ordinance such as the case with the clarification of agricultural operation and farm in this proposal. So the SBO proposal is an entirely different matter. Instead of providing clarification, the proposal up-ends the Comprehensive Plan and the Ordinance and creates new inconsistencies. For one example, any manufacturing project in the Commercial zone could simply call itself an SBO to circumvent the site plan review process. And if you sell widgets, you have to go through the site plan review process; if you manufacture and sell them, go don't. And to say that this proposal would simply allow in Commercial districts what is currently permitted as a home occupation, say soap-making, is misleading. Home occupations take place in someone's home or are carried out by a resident, at least it is restricted in the home occupation ordinance so that any activity produces no disturbances – noise, smoke, glare and so on – beyond what is produced by a normal residence. The SBO proposal has no such restrictions. She understands the soap example was a family that makes small batches of goat milk soaps, if she is not mistaken, made from the milk from the goats they raise. In contrast, the SBO proposal would, for example, allow the manufacturing of industrial type cleaners which is an entirely different kind of manufacturing. She urged the board not to approve this proposal. It has been fifteen years since the Comprehensive Plan was adopted. If the vision of our town has changed so much, perhaps it is time for an update but please do not throw the baby out with the bathwater. There are currently seventy-four (74) commercial properties along Route 20 [unclear] along with one hundred twenty-five (125) residential properties. It works. Come September, she invites the board to come take a drive along Route 20 in the morning and see the kids that appear from seemingly out of nowhere to get on the school bus. Manufacturing, however, would be a game changer. Thank you.

All persons desiring to be heard, having been heard, a motion was made by Supervisor Benson, seconded by Councilmember Larabee, and approved to close the public hearing at 6:59 p.m.

Respectfully submitted,

Colleen Teal  
New Lebanon Town Clerk