

**MINUTES OF THE QUAD BOARD MEETING OF  
THE TOWN BOARD, THE PLANNING BOARD, THE  
ZONING BOARD OF APPEALS AND THE  
CONSERVATION ADVISORY COUNCIL OF THE TOWN  
OF NEW LEBANON HELD ON FEBRUARY 27, 2018**

**Present:**

**Colleen Teal, Supervisor**  
**Kevin Smith Sr., Councilmember**  
**Mark Baumli, Councilmember**  
**Norman Rasmussen, Councilmember**  
**Jesse Newton, Councilmember**  
**Dan Tuczinski, Town Attorney**  
**Paul McCreary, Town Engineer**  
**Hazel “Cissy” Hernandez, CEO/ZEO**  
**Jeff Hattat, Deputy CEO/ZEO**  
**Michael Blatt, Planning Board Member**  
**Robert Smith, Planning Board Member & Ethics Bd Member**  
**Wes Powell, Planning Board Member & ZRC Member**  
**Greg Hanna, Planning Board Member & ZRC Member**  
**Tony Murad, ZBA Chair & ZRC Member**  
**Ted Salem, ZBA Member & ZRC Chair**  
**Phyllis Stoller – ZBA Member**  
**Jeannine Tonetti – ZBA Member & Ethics Board Member**  
**Cynthia Creech – CAC Member & Court Clerk**  
**Peg Munves – CAC Member & ZRC Member**  
**Jack Lancto – CAC Member**

**Recording Secretary:** **Tistrya Houghtling, Town Clerk**

**Others Present:** **Jeff Winestock, Highway Superintendent**  
**J.J. Smith, NL Rep to CC Office for the Aging**

**CALL TO ORDER:**

The meeting was called to order at 6:35 p.m. by Supervisor Teal.

**ZONING REVIEW:**

***The following Topics were discussed:***

**Zoning review:**

- Do we want to put in a Planned Unit Development District to allow for more flexibility – we used to have one but removed it because it was not being utilized
- Site Plan Review – can we add a waiver application and provision to allow the boards more autonomy with the process
- The Town Attorney and Town Engineer will provide workshop training sessions for the Planning Board and the Zoning Board of Appeals to ensure that there is consistency in the process and to ensure that there is proper documentation with each application to allow for enforcement if an applicant veers away from what

- was approved
- We have some difficulties with development and businesses wanting to come in without having public water and sewer available
  - Some expressed a view that we as a town are overregulated with our zoning laws – the Town Engineer disagreed and believes that we need training to allow flexibility of the boards to remove some regulations that don't apply to certain applications
  - Are the boards getting ample time to review all paperwork submitted with applications before the initial meeting – we currently require 5 days – there was a consensus that 10 days is more reasonable to give the boards ample time and still allowing applicants to get through the process in a timely fashion – even though our code currently states 5 days, the Town Attorney stated that we can start doing 10 day deadlines and then update the code with the next zoning update
  - It would be helpful for consistency, enforcement and future boards to use a checklist with each application that then gets attached to the decision document
  - Decision documents should be prepared by the chair of each board – it has been recommended by the Town Attorney and others that the clerk should not prepare decision documents as they could misunderstand the full intent of the board and therefore misrepresent the decision in this binding document
  - Clerk is now only 2.5 hours a week for each board – is this adequate time considering the work load and that all the board members are volunteers?
  - Should the Town pay for the Town Engineer to attend all board meetings so that the boards have professional guidance at the meetings?
  - Should the resolutions be prepared in advance of the meetings by the Town Attorney or the Town Engineer?
  - Decisions are often made at the Public Hearing to speed the process up for the applicant – the Town Attorney recommended that decisions should not be made at the Public Hearing because you can't prepare the documents you need for proper enforcement – the decision should be made at the next meeting after the Public Hearing
  - The CAC requested that a piece be added to the front of the zoning code stating that we have a Comprehensive Plan and NRCP that should be consulted when reviewing applications – that way boards and the public will be reminded that they should consider these documents when reviewing applications

**Zoning Map:**

- The Zoning Re-Write Committee will work on reviewing the zoning map for needed edits – this is listed on their to do list in group 3, meaning it is not a quick fix, but rather one that will take some time
- The CAC requested that the maps in the NRCP be considered when looking at editing the zoning map – there are overlays prepared by Clark Engineering that are in the comprehensive plan that should be considered when editing the zoning map – the CAC offered to help on the zoning map edits as well

**Zoning Re-Write Committee Tasks Moving Forward:**

- The Zoning Re-Write Committee set out a list of tasks to be addressed with the zoning – they separated them into 3 groupings based on how easy of a fix they are and how long they may take to resolve – it was agreed that the Zoning Re-Write Committee would continue to work on the issues they addressed in the minutes from their 2/14/18 meeting (see attachment A) and would ask for help from other boards as needed
- It was decided that the ZRC would provide drafts to the Town Board for review as each task is finished or in small groupings of tasks, but not waiting until the whole list is completed to submit them to the Town Board for review

**ADJOURNMENT:**

A motion was made by Supervisor Teal and seconded by Councilmember Rasmussen to adjourn the meeting at 8:07 pm.

Respectfully submitted,

Tistrya Houghtling  
New Lebanon Town Clerk

## **ATTACHMENT A**

### **ZONING RE-WRITE COMMITTEE**

February 14, 2018

**Present:**

Ted Salem, ZBA, Chair  
Mark Baumli, Town Board  
Jesse Newton, Town Board  
Greg Hanna, Planning Board  
Wes Powell, Planning Board  
David Farren, CAC  
Peg Munves, CAC  
Cissy Hernandez, CEO/ZEO  
Jeff Hattat, Deputy CEO/ZEO

**Absent:**

Tony Murad, ZBA

The meeting began at 6:35 PM

This meeting was a follow-up to the January 30<sup>th</sup> Quad Board Meeting and at the request of the Town

Supervisor to identify issues and problems that members found within the Zoning Code and Map. The committee proceeded to brainstorm and list out these issues, then organized them into related groupings and along three ratings, namely 1= quick win and should be addressed immediately; 2= more deliberations required, intermediate term; 3= very involved, requiring considerable deliberations, longer term.

The groupings and issues follow. For group 1, one or two members volunteered to take lead and draft a proposed solution to the issue.

### **Group 1**

Unregistered Vehicles: lack of clarity as to the # permitted – Wes

Fencing – lot lines, materials – Jesse and Greg

Ponds – clarify size subject to local regulation and the need for a permit – David and Peg

Signs – share current draft that addresses content neutrality with members – Ted

### **Group 2**

Definitions in general - Jeff

Farm definition, Junk Storage, Accessory structure

Site Plan Review / Special Permits

Expedited process for appropriate projects, overlap between SPR and SP standards, need for a single board to administer

Home Occupancy – In general and also HO3

Address work outside home, clarify “specialized vehicles”

Address possible conflict with state code

### **Group 3**

Zoning Map

RA2 vs RA5, especially in the Springs

Commercial/Industrial Zone borders on secondary roads

Lack of realistic Commercial/Industrial Space

Existing non-conforming use / trailer park

Hamlet overlay

PUD/Floating zone

Subsequent to the meeting, Cissy(per conversation with David) identified another issue, namely application submittal procedure and of abutter notifications. Cissy will take lead on this matter

The next meeting is **Tuesday, March 27 at 6:30**. This is a recurring meeting scheduled for the 4<sup>th</sup> Tuesday of each month, unless bumped by a special town board meeting.