

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(select one:)

of New Lebanon

Introductory Local Law No. 2 of the year 2020

**A LOCAL LAW TO UPDATE AND AMEND CHAPTER 102, CHAPTER 179 AND
CHAPTER 205 OF THE CODE OF THE TOWN OF NEW LEBANON.**

Be it enacted by the Town Board of the Town of New Lebanon as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF NEW LEBANON

INTRODUCTORY LOCAL LAW NO. 2 OF THE YEAR 2020

A LOCAL LAW TO UPDATE AND AMEND CHAPTER 102, CHAPTER 179 AND CHAPTER 205 OF THE CODE OF THE TOWN OF NEW LEBANON.

SECTION 1

This local law shall be referred to as “A Local Law to Update and Amend Chapter 102, Chapter 179 and Chapter 205 of the Code of the Town of New Lebanon”.

SECTION 2

Chapter 102 of the Code of the Town of New Lebanon, entitled “Farming”, is hereby amended as follows:

- A. Article I of Chapter 102, entitled “Right to Farm”, is hereby amended to read in its entirety as follows:

Article I Right to Farm – Commercial and Non-Commercial

§ 102-1 Legislative intent; purpose.

- A. It is hereby found and declared by the Town Board of the Town of New Lebanon that agriculture lands are irreplaceable assets. To that end, the Town Board affirms that farming is an essential activity. Farming, as defined in this article, reinforces the special quality of life enjoyed by citizens, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, it is emphasized to residents that this municipality encourages its agriculture and requests its residents to be understanding of the necessary day-to-day operations associated with agricultural land use.
- B. It is the general purpose and intent of this article to maintain and preserve the rural tradition and character of the Town of New

Lebanon, to permit the continuation of agriculture practices and the business of farming and to encourage the initiation and expansion of farms and agricultural businesses. In recognition of the fact that there are many practices and activities which are inherent to and necessary for the business of farming, it is the specific purpose and intent of this article to attain the aforementioned goals and objectives by providing that such practices and activities may proceed and be undertaken free of unreasonable and unwarranted interference or restrictions.

- C. The Town Board, in an effort to promote and foster a harmonious relationship between the residents of the Town of New Lebanon, and to conserve, protect and encourage the development and improvement of agriculture land for the production of food and other products, hereby declares that it shall be the policy of the Town of New Lebanon to provide reasonable notice to prospective landowners that farming activities may occur on neighboring lands.

§ 102-2 Definitions.

- A. Except as provided in Paragraph B, below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable and effective application.
- B. Terms used in this article shall have the meanings set forth in Section 301 of the New York State Agriculture & Markets Law, except as may be specifically defined below:

AGRICULTURAL LAND – Any single or multiple, contiguous or noncontiguous parcel or parcels that together represent all that real property within the boundaries of the Town of New Lebanon currently used for agriculture farm operations or upon which agriculture practices are being utilized or upon which agriculture farm operations or agriculture practices may in the future be established or utilized.

§ 102-3 Right to farm.

Farmers, as well as those employed or otherwise authorized to act on behalf of farmers, may lawfully engage in farm operations within the Town of New

Lebanon at any and all such times and at all such locations as are reasonably necessary to carry on a farm operation. In determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to both traditional customs and procedures in the agricultural industry as well as to advances resulting from increased knowledge or improved technologies.

§ 102-4 Accepted customs and standards neither public nor private nuisance.

No agricultural practice or appurtenances thereto, conducted or maintained in a manner consistent with management practices such as those recommended by state and federal agencies within the educational aspects of farmers and agricultural practices, herein and hereafter referred to as "accepted customs and standards," shall be or become either a public or private nuisance.

§ 102-5 Interference prohibited.

No person, group, entity, association, partnership or corporation shall engage in any conduct or act in any manner so as to unreasonably, intentionally, knowingly and/or deliberately interfere with, prevent, or in any way deter the practice of farming within the Town of New Lebanon.

§ 102-6 Penalties for offenses.

- A. Noncompliance with any provision of this article shall not affect title to real property nor prevent the recording of any document. Violation of any provision of this article may constitute an offense punishable by law with a fine of not less than \$50 nor more than \$250 for each day's violation or continuation of the violation.
- B. In addition, an action to restrain or enjoin any violation of this article may be brought in a court of competent jurisdiction by an aggrieved entity and/or the Town of New Lebanon.

§ 102-7 Notice to prospective neighbors; notice of farm use.

A. Agricultural data statement. As prescribed in New York State Agriculture and Markets Law Article 25-AA, § 305-b, the following requirements for agricultural data statements shall apply:

- (1) Submission, evaluation. Any application for a special use permit, site plan approval, use variance, or subdivision approval that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The board reviewing such application shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district.
- (2) Notice provision. Upon the receipt of such application by the appropriate board, the clerk of such board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. The notice shall include a description of the proposed project and its location and may be sent in conjunction with any other notice required by law. The cost of mailing the notice shall be borne by the applicant.
- (3) Content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.
- (4) Related requirements. In addition to the foregoing, the requirements for any such applications set forth in Chapter 179 and Chapter 205 shall also apply.

§ 102-8 Non-Commercial Farm Activity.

All non-commercial farm activity should conform to sound agricultural practices as defined by the New York State Agriculture & Markets Law and applicable guidance from the Commissioner of Agriculture and Markets.

SECTION 3

Chapter 179 of the Code of the Town of New Lebanon, entitled “Subdivision of Land”, is hereby amended as follows:

- A. Attachment 2, entitled, “Appendix B, Specifications for Road Construction”, of Chapter 179, is hereby amended to read in its entirety as set forth on the annexed Attachment 2, “Appendix B, Specifications for Road Construction”.

SECTION 4

Chapter 205 of the Code of the Town of New Lebanon, entitled “Zoning”, is hereby amended as follows:

- A. Section 205-8, entitled “Supplementary Regulations”, is hereby amended to add a new Paragraph G to read in its entirety as follows:
 - G. Short term rentals. If a short term rental is not occupied by the owner/operator, the owner/operator shall provide the Zoning Enforcement Officer with the name, telephone number, and email address of a contact person who must reside within twenty miles of the property and who must be authorized to act and receive notices and process on behalf of the owner/operator with respect to the property. Updated contact information shall be provided to the Zoning Enforcement Officer whenever the name, telephone number, or email address of such contact person changes, and not less than annually.
- B. Subparagraph 12 of Paragraph A of Section 205-9, entitled “Off street parking and loading”, is hereby amended to read in its entirety as follows:

- (12) Guide to off-street parking.

Guide to Off-Street Parking

Use	Spaces
Dwellings	1 space for each dwelling unit
Boardinghouse, tourist home, motel, hotel, short term rental	1 space for each guest room
Administrative, professional nonprofit, governmental	1 space for each 200 square feet of floor space
Funeral home	10 spaces, plus space for all employee and resident personal cars
Church or temple	1 space for each 5 seating spaces in the main assembly room
School: elementary, junior high	1 space for each teacher or employee
School: senior high	1 space for each classroom or office and 1 space for each 10 students
Theater or other place of assembly	1 space for each 5 seating spaces
Nursing or convalescent home	1 space for each 4 beds
Retail store or bank	1 space for each 50 square feet of floor space devoted to customer use
Clubs and restaurants	1 space for each 4 seating spaces
Bowling alley	5 spaces for each alley
Industrial or manufacturing	1 space for each 2 employees on the maximum working shift
Skating rink or dance hall	1 space for each 100 square feet of floor space
Automobile racing facility	1 space for each 3 seating spaces
Barbershop or beauty parlor	1 space per chair
Cleaner or tailor	2 spaces for establishment plus space for all employees
Professional offices	Adequate spaces for customers/personnel
All other uses	Same as for professional office

C. Subparagraph 4 of Paragraph A of Section 205-13, entitled “Special use permits”, is hereby amended to read in its entirety as follows:

- (4) For uses requiring a special use permit, no building permit or certificate of occupancy shall be issued by the Building Inspector until such use has been approved by the Board as provided herein. No premises shall be occupied or used and no certificate of occupancy shall be issued until all of the requirements of this section, and all conditions of the special use permit have been complied with. To the greatest extent practicable, the Planning Board shall conduct special permit review and site plan

review concurrently where pursuant to the Use Table, both a special use permit and site plan review pursuant to Section 205-14 are required.

D. Subparagraph 1 of Paragraph E of Section 205-13, entitled “Special use permits”, is hereby amended to read in its entirety as follows:

(1) Short term rental.

(a) Short term rentals shall be established, maintained and operated so as to preserve and complement the character and integrity of the surrounding area.

(b) If the short term rental is not occupied by the owner/operator, the owner/operator shall provide the Zoning Enforcement Officer with the name, telephone number, and email address of a contact person who must reside within twenty miles of the property and who must be authorized to act and receive notices and process on behalf of the owner/operator with respect to the property. Updated contact information shall be provided to the Zoning Enforcement Officer whenever the name, telephone number, or email address of such contact person changes, and not less than annually.

E. Subdivision (b) of Subparagraph 2 of Paragraph E of Section 205-13, entitled “Special use permits”, is hereby deleted in its entirety.

F. Paragraph B of Section 205-14, entitled “Site plan review”, is hereby amended to read in its entirety as follows:

B. Authorization of Planning Board to review site plans. The Planning Board is hereby authorized to review and approve or disapprove, and, where it deems appropriate pursuant to Section 205-14(E)(2), waive the review, of site plans for land uses within the Town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this chapter.

G. Paragraph D of Section 205-14, entitled “Site plan review”, is hereby amended to read in its entirety as follows:

D. Applicability of review requirements. The Use Table sets forth those land use activities that require site plan review and approval before being undertaken. Any person uncertain of the applicability of this chapter to a given land use activity may apply to the Zoning Enforcement Officer for such determination. Applicants who disagree

with the determination of the Zoning Enforcement Officer may apply for review by the Planning Board for a jurisdictional determination. The Zoning Enforcement Officer is authorized to grant a waiver for the sketch plan information requirements set forth herein where he or she determines that such information is not relevant to, or is not otherwise likely to be required by the Planning Board to conduct its sketch plan review.

H. Subparagraph (1) of Paragraph E of Section 205-14, entitled “Site plan review”, is hereby amended to read in its entirety as follows:

- (1) Sketch plan. A sketch plan conference shall be held between the Planning Board and the applicant prior to the preparation and submission of the application. The intent of such a conference is to enable the applicant to inform the Planning Board of the applicant’s proposal prior to the preparation of a detailed site plan and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and generally determine the information to be required on the site plan application. In order to accomplish these objectives, the applicant shall provide the following for a sketch plan, except to the extent that, pursuant to paragraph D of this Section, the Zoning Enforcement Officer determines that such information is not relevant or is otherwise not likely to be required for the Planning Board’s sketch plan review:
 - (a) A statement describing the project, giving evidence of compatibility with the Town of New Lebanon Comprehensive Plan and a time period for completion of the project;
 - (b) A rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
 - (c) An area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets, rights-of-way, easements, agricultural operations, and other pertinent features within 200 feet of the boundaries of the parcel; and
 - (d) A topographical or contour map of adequate scale and detail to show site topography with contour intervals of 20 feet or less. Topographical maps that meet this requirement are available in the

Building/Planning/Zoning Department office located in Town Hall.

- I. Current Subparagraph (2) of Paragraph E of Section 205-14, entitled “Site plan review”, providing the application requirements for site plan approval following sketch plan conference, is hereby renumbered to be new Subparagraph (3) of Paragraph E of Section 205-14.
- J. Current Subparagraph (3) of Paragraph E of Section 205-14, entitled “Site plan review”, providing for payment of the required fee in connection with an application, is hereby renumbered to be new Subparagraph (5) of Paragraph E of Section 205-14.
- K. A new Subparagraph (2) is hereby added to Paragraph E of Section 205-14, entitled “Site plan review”, to read as follows:
 - (2) Waiver of full site plan review. Notwithstanding the following requirements for site plan review, at or subsequent to the sketch plan conference, the Planning Board may waive the requirement of review and approval where it finds, in writing, served to the Zoning Enforcement Officer and applicant, that such review and approval is unnecessary and would not serve the purposes of this chapter. In granting that waiver the Board shall determine that the proposed change in use or site plan change would not result in significant additional traffic generation, wastewater flows, or water consumption and would not otherwise adversely affect pedestrian and traffic circulation, eliminate parking, or alter the height of the exterior façade.
- L. A new Subparagraph (4) is hereby added to Paragraph E of Section 205-14, entitled “Site plan review”, to read as follows:
 - (4) Abbreviated site plan (inventory). For existing land uses that have not received site plan approval, that were lawfully established prior to the requirement that site plan approval be obtained, and that if established currently would be subject to site plan review pursuant to this chapter, the Zoning Enforcement Officer is authorized, upon the property owner’s consent, to compile, or to cause to be compiled, an abbreviated site plan (inventory). Such abbreviated site plan (inventory) shall consist of a drawing that depicts the structures located on the property, parking and lighting and other relevant features. The Zoning Enforcement Officer shall maintain such abbreviated site plans (inventories) for use by the Planning Board in any future site plan review(s) that may be applicable to the property. The Zoning Enforcement Officer shall notify, and if requested, provide a copy of a

submitted abbreviated site plan (inventory) to the Planning Board immediately upon its completion.

M. Subparagraph 13 of Paragraph B of Section 205-17, entitled “Signs and posters”, shall be amended to read in its entirety as follows:

(13) Business Signs in a General Commercial, Commercial-Residential, Commercial-Recreational, or Commercial-Industrial Districts. In the General Commercial, Commercial-Residential, Commercial-Recreational, or Commercial-Industrial zoning districts, any legally established business use not constituting a home occupation, a home-based business, a short term rental, a boardinghouse, or a business located within a multi-business complex, shopping center, or mall, shall be permitted to have the following signs, in addition to those permitted by Section 205-17 (B) (11):

- (a) One freestanding sign not exceeding twenty-four (24) square feet.
- (b) One wall sign not exceeding the greater of (i) twenty-four (24) square feet, or (2) ½ square foot per linear foot of building frontage, but in no event larger than one hundred (100) square feet.
- (c) One sandwich board sign not exceeding eight (8) square feet of surface area on each side, provided that such sandwich board sign is removed daily.

N. Paragraph J of Section 205-17, entitled “Signs and posters”, shall be amended to read in its entirety as follows:

J. Sign Schedule. The following sign Schedule shall be read in conjunction with the rules and regulations set forth in this chapter:

Use	Zoning District	Maximum Size	Number Permitted	Comments
Residential, Home Occupation	Residential	2 square feet	1	---
Short term rental and boardinghouse	All zones, or where ZBA allows	2 square feet	1	

Use	Zoning District	Maximum Size	Number Permitted	Comments
Farm	Residential	16 square feet	1	
Banners or flags	All zones	15 square feet each	3	
Bulletin Board associated with a church, school or similar institutional structure	All zones	24 square feet	1	
Business uses, except home occupation, home-based business, bed-and-breakfast, boardinghouse, and businesses located in multi-business complex	C, C-Rec, C-I, and C-R	Freestanding: 24 square feet;	1	Height of individual freestanding signs shall not exceed 30 feet.
		Attached to building: greater of 24 square feet or ½ foot per linear foot of building frontage up to 100 square feet;	1	
Business, window/door	All zones	Not to exceed 25% of each window/door surface		
Multi-Business complexes, shopping centers, malls, etc.	Applicable zones	Freestanding: 24 square feet, plus 10 square feet for each individual business space therein, provided that total surface area of sign shall not exceed 75 square feet	1	Height of individual freestanding signs shall not exceed 30 feet.
		Attached to each business in shopping center: 24 square feet	1	

Use	Zoning District	Maximum Size	Number Permitted	Comments
Real Estate Signs	All	6 square feet	1	Must be located on the property offered for sale or lease; must be located not closer than 6 feet from edge of any roadway.

O. Paragraph C of Section 205-20, entitled “Definitions”, is hereby amended to amend the following definitions of terms to read in their entirety as follows:

AGRICULTURAL DATA STATEMENT – See definition for “agricultural data statement” in New York Agriculture & Markets Law § 301.

AGRICULTURAL OPERATION – A farm operation, as defined in New York State Agriculture & Markets Law § 301.

AGRITOURISM – Activities conducted on a farm and offered to the public, or to invited groups, for the sale of agricultural products, education, recreation or active involvement in the farm operation. An agritourism activity shall be secondary to the primary farm use. Agritourism activities may be conducted in an accessory building or structure and include, but are not limited to, on-farm short term rentals, farm stay programs, u-pick operations, pumpkin patches and on-farm wineries, breweries, cideries, and distilleries.

FARM – A farm operation, as defined in New York State Agriculture & Markets Law § 301.

HORSE BOARDING OPERATION – A commercial horse boarding operation, as defined in New York State Agriculture & Markets Law § 301.

HORSE FARM – A commercial equine operation, as defined in New York State Agriculture & Markets Law § 301.

LIVESTOCK – Animals considered livestock under the New York State Agriculture & Markets Law, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer,

farmed buffalo, fur bearing animals, and wool bearing animals, such as alpacas and llamas.

- P. Subparagraph C of Section 205-20, entitled “Definitions”, shall be amended to add the following definition of term, to be inserted in proper alphabetical order by term:

SHORT TERM RENTAL – The rental or lease of any dwelling space within a residential property to transient fee paying guests for a period of thirty consecutive days or less, but not including spaces that are rented for an aggregate total of thirty days or less over a 365 day period or a single dwelling space (bedroom) within an owner occupied residence. Such residential properties may or may not be owner- or operator-occupied. The short term rental arrangement may or may not include provision of one or more meals. The short term rental use only includes occupancy; other activities such as group gatherings (e.g., weddings) are a separate use.

- Q. Subparagraph C of Section 205-20, entitled “Definitions”, shall be amended to delete the following definition of term:

BED-AND-BREAKFAST – An owner- or operator-occupied dwelling used for renting accommodations to transient fee-paying guests and providing not more than two meals to guests only.

- R. Attachment 2, entitled “Zoning Law Use Table” of Chapter 205, is hereby amended to read in its entirety as set forth on the annexed Attachment 2, “Zoning Law Use Table”.

SECTION 5

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 6

This Law shall become effective upon filing with the New York Secretary of State.

SECTION 7

This Local Law is enacted pursuant to the New York Municipal Home Rule Law.

SUBDIVISION OF LAND

179 Attachment 2

Town of New Lebanon

APPENDIX B Specifications for Road Construction

Section 1. General provisions.

- A. The following minimum road specifications shall apply to all roads constructed in the Town of New Lebanon.
- B. No new highway, road or street in the Town of New Lebanon shall be constructed, including preliminary work such as clearing, grubbing and removal of topsoil, until the plat and plans for the highways, roads or streets, including necessary drainage systems, have been completed, and approved by the Town Planning Board. If any bridge work is required, specifications must be obtained from the Columbia County Department of Public Works Commissioner. Intersection plan approval and all necessary permits must be obtained from the governing body maintaining the road at which the proposed rights-of-way will intersect. Prior to starting excavating, an inspection and approval of the proposed roads and rights-of-way must be made by the Town Engineer.
- C. The applicant shall submit an erosion control and sedimentation plan for all work which describes the construction methods and provisions planned to control surface water and minimize soil erosion. The plan shall be in compliance with methods recommended by the U.S. Soil Conservation Publication "NY Guidelines for Urban Erosion and Sedimentation Control."
- D. Construction stakeout.
 - (1) Prior to the start of road construction, the proposed right-of-way (ROW), center line of road, and edge of the proposed road surface shall be laid out with temporary wooden grade stakes. These stakes shall be placed every one hundred (100) feet on tangents and every fifty (50) feet on curves. All proposed lot entrances shall be marked with stakes. The stakeout shall be reviewed and approved by the Town Engineer prior to the beginning of construction. A set of cross-sections, at the staked intervals described above, of the proposed road section and its relationship to the existing ground shall be provided to the Town Engineer.
 - (2) A permanent on-site benchmark shall be established for vertical control.

NEW LEBANON CODE

- E. No highway, road or street within the Town of New Lebanon hereafter constructed or improved will be considered for acceptance by the Town Board of the Town of New Lebanon as a town highway or for maintenance with town funds until twelve (12) months have elapsed since the completion thereof as certified by the Town Engineer and unless the construction is in accordance with the standards and specifications contained herein. Any road dedicated to the town must be in a state of repair acceptable to the Town Engineer at the time of its dedication and acceptance by the town. The applicant shall be responsible for all repairs, maintenance and snow removal and assume all liability for the road until such time as the road is accepted.
- F. Construction of a road in accordance with these specifications shall not obligate the Town of New Lebanon to accept such road as a public road in the absence of formal dedication and acceptance of the same by the Town Board.

Section 2. Clearing of trees and brush.

- A. All trees shall be cleared at a minimum distance of eight (8) feet on each side of the proposed roadway and all brush shall be removed throughout the required right-of-way. On curves, an additional amount shall be cleared wherever necessary to maintain a minimum visibility of two hundred (200) feet at the road edge along the inside of the curve. The Town Engineer may waive the clearing of certain trees within the right-of-way.
- B. All wood, stumps and brush shall be chipped and thinly spread on site as mulch or removed from the site and disposed of in a legal manner. No burning on site will be allowed unless this requirement is waived and all permits have been obtained from the NYSDEC and local fire marshal having jurisdiction.

Section 3. Blasting.

No blasting for rock excavation shall take place without approval by the Town Engineer. All necessary permits and licenses for blasting shall be obtained. A proposed plan of blasting procedures shall be submitted for approval which shall include provisions for seismographic monitoring of adjacent structures.

Section 4. Rough grading.

- A. All topsoil shall be stripped from the bed of the proposed paved section, shoulder section and under the width of all fills. All stumps, loose stones, debris and brush

SUBDIVISION OF LAND

shall be removed from beneath the traveled way and the shoulder to a depth of two (2) feet below the subgrade.

- B. The subgrade shall be prepared by excavating and/or filling, removing unstable materials and replacing them with a foundation course, as required by the Town Engineer, and thoroughly compacted.
- C. Fill material for embankments shall be approved on site or imported material free from organic matter meeting the following gradations:

Sieve Designation	Percent Passing by Weight
6"	100%
No. 40	0% to 70%
No. 200	0% to 15%

- D. Fill material such as ripped shale may be used, provided that the material is sound and durable. Losses from magnesium sulfate soundness tests and freeze-thaw tests shall not exceed 35%.
- E. Embankment fill shall be placed in lifts and compacted to 95% of the Standard Proctor Maximum Density in accordance with ASTM D-698.
- F. Embankments should be no steeper than three horizontal to one vertical (3:1). Steeper embankments require approval of the Town Engineer. Excavating slope should be no steeper than three horizontal to one vertical (3:1). Steeper slopes may be allowed in the case of stable rock slopes. Every effort shall be made to blend in cuts and fills with the adjacent properties (even to the extent of cutting and filling out of rights-of-way prior to sale of lots).

Section 5. Sub-base.

- A. **Description.** This item shall consist of a sub-base course composed of gravel or crushed stone laid on a properly prepared subgrade to a finished thickness of not less than twelve (12) inches followed by a four (4) inch finished course of fine gravel, for a total compacted thickness of not less than sixteen (16) inches.
- B. **Materials.** All subgrade materials shall be secured from approved sources. The gravel or broken stone shall consist of clean, durable, uniform quality and grading and shall be free from thin or elongated pieces, soft or disintegrated stone, dirt or other objectionable features.

- (1) Geotextile fabric: Exxon GTF 200 or equal.

NEW LEBANON CODE

- (2) Base Course: NYS DOT Type 3 gravel.
 - (3) Finished Course: NYS DOT Type 4 gravel.
- C. Construction methods.
- (1) Preparation of the subgrade. The subgrade shall be free of all boulders, organic material, soft clay, spongy material and other objectionable material. Unsuitable materials shall be removed and replaced with select fill. In special circumstances other methods may be approved by the Engineer to provide a suitable embankment foundation. The subgrade shall then be properly shaped, rolled and uniformly compacted to the approved cross section and grade.
 - (2) Geotextile fabric shall be placed on top of finished subgrade in accordance with Section 207, Geotextile, of the New York State Department of Transportation Standard Specification Manual (current edition).
 - (3) All sub-base course material shall be deposited and spread by means of spreader boxes or approved mechanical equipment or from moving vehicles equipped to distribute the gravel or crushed stone in a uniform layer. Each lift shall not be greater than six (6) inches in thickness after compaction.
 - (4) The sub-base course shall be compacted to 95% of the Standard Proctor Maximum Density (ASTM 698). Immediately following the spreading of the gravel or course aggregate, all material placed shall be compacted to the full width by rolling with a minimum ten (10) ton vibrating roller. At all places not accessible to the roller, the sub-base course material shall be tamped thoroughly with mechanical tampers or with hand tampers.
 - (5) Other compaction methods may be used, provided that the specified density can be achieved. All culverts within the road area must be completed and proper drainage provided before any sub-base aggregate is placed upon the subgrade.
 - (6) Seasonal limits. No sub-base course material shall be deposited or shaped when the subgrade is frozen, thawing, or during unfavorable weather conditions
 - (7) Protection of sub-base course. After completion of sub-base course, as specified above, no traffic shall be allowed over its surface other than that absolutely necessary to haul material for the surface course.

SUBDIVISION OF LAND

Section 6. Surface course.

- A. Nonpaved roads. One of the following two surface courses shall be applied for nonpaved roads:
- (1) Option 1: A two course oil and stone surface treatment in accordance with NYS DOT specification Section 410, Bituminous Surface Treatment.
 - (2) Option 2: A gravel surface course stabilized with calcium chloride in accordance with NYS DOT Specification Section 411, Stabilized Gravel Surface Course. For this option, the gravel surface course shall be 4 inches thick and substituted for the 4 inch finish course of Type 4 specified under sub-base materials.
- B. Paved roads.
- (1) The following roads shall be paved:
 - (a) Major roads.
 - (b) Collector roads.
 - (c) Roads serving commercial and industrial uses.
 - (d) Roads located in Residential-Agricultural Zones RA-1.
 - (2) Pavement shall be constructed as follows:
 - (a) Materials.
 - [1] Base course: NYSDOT Type No. 403.13 Type 3 binder course; compacted thickness, two and one-half (2 1/2) inches.
 - [2] Top course: NYSDOT Type No. 403.1701 Type 6F Top course, high friction; compacted thickness, one and one-half (1 1/2) inches.
 - (b) Construction methods.
 - [1] Surface preparation. Gravel sub-base shall be free from holes, dips, bumps, etc. Apply a penetrating emulsion oil (MC250 or equal) at a rate of 4/10 of a gallon per square yard, chipped with 1A stone and rolled.

NEW LEBANON CODE

- [2] Apply base course and top course with self propelled paver and compact with a roller as described in NYSDOT Section 401-3.
- [3] The complete pavement shall be tested with a 16-foot straight edge laid parallel with the center line of the road and any area exceeding 1/4 inch variation from the surrounding area shall be corrected or replaced.

Section 7. Shoulders.

Shoulders shall be of compacted gravel or crushed stone, not less than four (4) feet in width. Shoulders shall be a slope of 5/8 of an inch per one (1) foot.

Section 8. Drainage.

- A. The center of all ditches with a 5% to 10% grade shall have a nine and one-half (9-1/2) foot setback from the edge of the shoulder of the road to allow for a three (3) foot “V” on each side of the center of the ditch. The “V” is to be filled with a minimum of six (6) inches of gabion stone to prevent erosion. Provide runoffs from ditches every 400 feet. On a ten-percent (10%) grade, road ditches shall have a water runoff a minimum of every one hundred (100) feet to ensure proper drainage from the ditches. The use of check dams shall be considered for placement in road ditches and stream channels where diversion of water is restricted. See Diagrams 1, 2, and 3, Typical Road Sections, for ditch details.¹
- B. All culverts shall be designed to handle a storm of 25 years frequency. Culvert pipes shall be of approved aluminum, galvanized metal or copper steel and not less than fifteen (15) inches in diameter. Pipes shall be installed in a straight line and at a uniform rate of grade between points to match grade and direction of drainage swales. Any changes in grade or direction may require the placement of a catch basin which will be determined by the Town Engineer. All culvert headwalls shall be concrete or gabion baskets filled with gabion stone. No culvert head walls shall extend above the shoulder of the road. Metal flared culvert end sections may be installed in lieu of headwalls at the discretion of the Town Engineer. A cross section view of each culvert crossing under all proposed subdivision roads shall be included in the final plans. (See Diagram No. 6, Typical Culvert Pipe Section.²)

¹ Editor's Note: Diagram Nos. 1, 2 and 3 are included at the end of this chapter.

² Editor's Note: Diagram No. 6 is included at the end of this chapter.

SUBDIVISION OF LAND

- C. All culverts shall be a minimum of six (6) inches below subgrade surface and shall have a minimum of six (6) inches of bank-run gravel completely surrounding the pipe.
- D. Under-drainage, where required, shall be a minimum of 2 1/2 feet below subgrade surface and shall be at least six (6) inches diameter ADS perforated plastic pipe or equivalent and proper manufactured couplings shall be used. Under-drainage shall have a minimum of six (6) inches of 3/4 inch drainage stone completely surrounding the pipe. If an open ditch is required due to excessive runoff, 1 1/2 inch quarry stone shall be installed from the level of the 3/4 inch stone and filled to the grade of the ditch. Under-drainage pipe shall have a minimum pitch of 4 inches in a 100 foot span.

Section 9. Delineators.

- A. Delineators shall be placed in accordance with the minimum standards of Section 646, Delineators, of the current edition of the New York State Department of Transportation Standard Specifications and Subchapter G, Part 291, Delineation Devices, of the New York State Manual of Uniform Traffic Control Devices. Additional delineators shall be placed by order of the Town Engineer.
- B. All culverts, driveways and curves shall be marked with plowable markers. Markers shall be a maximum of twenty-five (25) feet apart on curves and straightaways shall have markers every 125 feet where approved by the Town Engineer prior to placement.

Section 10. Finish grade and seeding.

- A. Fine grade all disturbed areas in the ROW with a minimum of four (4) inches of topsoil.
- B. Seed with Agway Conservation Mix or approved equal and apply fertilizer and mulch as required to establish turf.
- C. Control surface water, stake mulch or follow other methods discussed in the erosion control plan to stabilize slopes until turf is established.
- D. Re-seed, fertilize and mulch all areas as required until turf is established in all areas.

NEW LEBANON CODE

Section 11. Monuments.

Reinforced concrete or granite markers, at least four (4) inches square on top and four and one-half (4 1/2) feet long must be set at all changes in direction of rights-of-way, including points of tangent of curves and points of tangent at corners and at the intersection of lot lines with rights-of-way (one per lot minimum). Monuments shall also be placed every five hundred (500) feet on tangents and every one hundred (100) feet on curves.

Section 12. Guide railing.

- A. Guide rails shall be installed in all sections of road with embankments greater than 8 feet high, and along sections of road adjacent to bodies of water which are greater than 2 feet deep.
- B. Materials and construction details for guide railing shall be in accordance with NYSDOT Specifications Section 606, Guide Railing.

Section 13. Driveways.

- A. Suitable access to all buildings by emergency vehicles is required by the NYS Building Code.
- B. A driveway permit is required for driveways intersecting any town, county or state road. Town driveway permits shall be obtained from the Zoning Enforcement Officer, after written approval by the Town Highway Superintendent.
- C. The minimum driveway width shall be 12 feet and of suitable alignment to allow for access by emergency vehicles. Driveways shall be connected with a minimum of 6 inches of R.O.B. gravel and crowned in the middle.
- D. Driveways shall intersect roads at approximately a 90-degree angle but in no case less than 70 degrees. The intersection of the road and driveway shall be connected with a minimum radius of 20 feet and the first 50 feet from the edge of shoulder shall not be steeper than 3%. The driveway grade shall not exceed 10%. Lengths of drive at 10% grade shall be interrupted by flatter slopes every 500 feet.
- E. Adequate ditches and culverts shall be provided to accommodate drainage. Where driveways cross road ditches, an approved culvert not less than 15 inches in diameter shall be provided. The driveway shall not increase runoff onto the existing road unless approved by the Town Engineer.

SUBDIVISION OF LAND

Section 14. Underground utilities.

All underground utilities which are to be in the right-of-way, including water, sewer, drain, gas, electricity, telephone, cable television, including junction boxes, risers, manhole, catch basins and all pull boxes, shall be completely installed prior to construction of the sub-base. When underground utilities must cross the road, they shall be run through conduit or sleeves so removal and repairs may be made without disturbing the road. All excavations shall be suitably filled and tamped with vibratory tampers. All utility lines shall be buried a minimum of thirty (30) inches to the top of the pipes and cables and eighteen (18) inches to the top of boxes except for culverts designed to carry stormwater. Manhole and catch basin frames shall be a minimum of six (6) inches deep and shall be designed to carry H-20 loading.

Section 15. Inspection.

- A. Agents of the town shall have access to all parts of the work while under construction at all times. No portion of the work which will not be exposed upon final completion shall be covered until reasonable opportunity for inspection after written notice has been given. Approval under these specifications shall be made by the Town Engineer.
- B. The applicant shall submit to the Engineer for review the following:
 - (1) Sieve analysis for all fill (on-site or imported).
 - (2) Freeze thaw tests and soundness tests for shale to be used for embankment fill.
 - (3) Standard Proctor Tests (ASTM 698) to determine maximum density and percent compaction in place for embankments and gravel sub-base courses.
 - (4) Truck slips and certification of compliance with specifications for gravel sub-base, surface treatment, pavement materials and other specified materials delivered to the site.
 - (5) Catalog cuts or product data sheets on all other manufactured products incorporated into the work.
- C. It shall be required at the owner's or applicant's expense that a New York State licensed engineer certify to the Town Board and the Town Engineer that the roads

NEW LEBANON CODE

have been constructed true to line and grade and that the drainage system has been constructed in accordance with the road construction plans.

- D. As-built plans shall be submitted to the Town Engineer upon completion showing the alignment and grades of the road as constructed, all changes from the original plans and the location of all utilities in the ROW.

Section 16. Completion.

Approved road name signs shall be installed when the road has been completed. Mailboxes shall be in a cluster set back eight (8) feet from the traveled way of the road in a thirty (30) foot pulloff. The mailbox pull off shall be topped with the same material used on the traveled way of the road and the ditch line shall be set back four (4) feet from the edge of the pulloff or the water may be piped under the pulloff with approved culverts. Any additional right-of-way necessary for the construction of mailbox clusters shall be provided by the developer and shown on the subdivision plans. (See Diagram No. 7, Mailbox Cluster Detail.³)

³ Editor's Note: Diagram No. 7 is included at the end of this chapter.

ZONING

205 Attachment 2

Town of New Lebanon

Zoning Law Use Table

KEY:

SP = Special use permit

SPR = Site plan review

P = Permitted use (requires zoning permit, granted by right)

TSP = Town Board Special Permit

TSPR = Town Board Site Plan Review

Any use not listed shall be prohibited.

	Residential-Agricultural/Conservation	Residential-Agricultural 2	Residential-Agricultural 1	General Commercial	Commercial-Recreational	Commercial-Industrial	Commercial-Residential	
	RA-5	RA-2	RA-1	C	C-Rec	C-I	C-R	
Residential Uses								
Boardinghouse or group home	SP	SP	SP	SP			SP	
Customary accessory uses	P	P	P	P	P		P	
Manufactured home	P	P	SP/SPR	SP/SPR			SP/SPR	
Mixed use				SP	SP		SP	
Mobile home park			SP/SPR				SP/SPR	
Multifamily dwelling	SP	SP	SP	SP			SP	
One-/two-family dwelling	P	P	P	SP			P	
Temporary housing	SP	SP	SP				SP	

NEW LEBANON CODE

	Residential-Agricultural/Conservation	Residential-Agricultural 2	Residential-Agricultural 1	General Commercial	Commercial-Recreational	Commercial-Industrial	Commercial-Residential	
	RA-5	RA-2	RA-1	C	C-Rec	C-I	C-R	
General Uses								
Agritourism use	P	P	P	P	P		P	
Any Town use	P	P	P	P	P	P	P	
Boarding kennel	SP	SP						
Breeding kennel	P	P						
Bus station				P/SPR			P/SPR	
Campground/ seasonal camp	SP/SPR				SP/SPR			
Cemetery	SP	SP	SP					
Customary accessory use	P	P	P	P	P	SP	P	
Day care (in-home)	SP	SP	SP	SP			SP	
Day-care center (not as part of another business or office use)	SP/SPR	SP/SPR	SP/SPR	SP/SPR			SP/SPR	
Farm/agriculture	P	P	P	P	P		P	
Fire/emergency response station		SP/SPR	SP/SPR	SP/SPR	SP/SPR	SP/SPR	SP/SPR	
Garage, porch or yard sale	P	P	P	P	P		P	
Historic preservation	P	P	P	P	P	P	P	
Home-based business	SP/SPR	SP/SPR	SP/SPR	SP/SPR		SP/SPR	SP/SPR	
Home occupation 1	P	P	P	P		P	P	
Home occupation 2	SP	SP	SP	SP		SP	SP	
Home occupation 3	SP/SPR	SP/SPR	SP/SPR	SP/SPR		SP/SPR	SP/SPR	
Horse Boarding Operation	SP/SPR	SP/SPR	SP/SPR				SP/SPR	
Hospital		SP/SPR	SP/SPR	SP/SPR				
Museum/library	SP/SPR	SP/SPR	SP/SPR	SP/SPR	SP/SPR	SP/SPR	SP/SPR	
Nursing home		SP/SPR	SP/SPR	SP/SPR			SP/SPR	
Place of worship	P/SPR	SP/SPR	SP/SPR	SP/SPR			SP/SPR	
Private school		SP/SPR	SP/SPR				SP/SPR	
Professional office		SP/SPR	SP/SPR	P/SPR	P/SPR	P/SPR	SP/SPR	

ZONING

	Residential-Agricultural/Conservation	Residential-Agricultural 2	Residential-Agricultural 1	General Commercial	Commercial-Recreational	Commercial-Industrial	Commercial-Residential	
	RA-5	RA-2	RA-1	C	C-Rec	C-I	C-R	
Public park, forest or recreational area	P/SPR	P/SPR	P/SPR	P/SPR	P/SPR		SP/SPR	
Retirement home	SP/SPR	SP/SPR	SP/SPR	SP/SPR		SP/SPR		
Short term rental	SP	SP	SP	P			SP	
Small business operation (SBO)				SP	SP	SP	SP	
Social, recreational or fraternal club				P/SPR	P/SPR			
Roof-mounted solar energy systems for on-site consumption	P	P	P	P	P	P	P	
Ground-mounted solar energy systems for on-site consumption, under 1,000 square feet	P	P	P	P	P	P	P	
Ground-mounted solar energy systems for on-site consumption, over 1,000 square feet	SP/SPR	SP/SPR	SP/SPR	SP/SPR	SP/SPR	SP/SPR	SP/SPR	
Large-scale solar energy systems and community solar energy systems				SP/SPR	SP/SPR	SP/SPR	SP/SPR	
Stable, commercial	SP	SP	SP	SP	SP			
Stable, private	P	P	P					
Telecommunications facility	TSP/TSPR	TSP/TSPR	TSP/TSPR	TSP/TSPR	TSP/TSPR	TSP/TSPR	TSP/TSPR	
Temporary-business trailer				SP/SPR	SP/SPR	SP/SPR	SP/SPR	
Veterinary hospital	SP/SPR	SP/SPR	SP/SPR	SP/SPR				

NEW LEBANON CODE

	Residential-Agricultural/Conservation	Residential-Agricultural 2	Residential-Agricultural 1	General Commercial	Commercial-Recreational	Commercial-Industrial	Commercial-Residential	
	RA-5	RA-2	RA-1	C	C-Rec	C-I	C-R	
Business Uses								
Adult use						SP/SPR		
Auction sale, excluding livestock auction				SP/SPR				
Automobile racing facility					SP/SPR			
Bank				P/SPR	P/SPR	SP/SPR	P/SPR	
Bar				SP/SPR	SP/SPR		SP/SPR	
Bowling alley				P/SPR	P/SPR		P/SPR	
Car wash				SP/SPR	SP/SPR		SP/SPR	
Commercial excavation	SP/SPR							
Commercial Trades Operation				SP/SPR		SP/SPR	SP/SPR	
Convenience store				P/SPR	SP/SPR		P/SPR	
Dance hall				P/SPR	P/SPR			
Farm market		SP/SPR	SP/SPR	P/SPR	P/SPR		P/SPR	
Farm stand	P	P	P	P	P		P	
Flea market				SP/SPR	SP/SPR			
Greenhouse	P	P/SPR	P/SPR	P/SPR		P/SPR	P/SPR	
Hotel				SP/SPR	SP/SPR		SP/SPR	
Laundromat				SP/SPR			SP/SPR	
Miniature golf and driving range				P/SPR	P/SPR		P/SPR	
Mortuary and funeral parlor				P/SPR			P/SPR	
Motel				SP/SPR	SP/SPR		SP/SPR	
Motor vehicle fueling station				SP/SPR	SP/SPR		SP/SPR	
Motor vehicle repair and service				SP/SPR			SP/SPR	
Motor vehicle sales				SP/SPR	SP/SPR		SP/SPR	

ZONING

	Residential-Agricultural/Conservation	Residential-Agricultural 2	Residential-Agricultural 1	General Commercial	Commercial-Recreational	Commercial-Industrial	Commercial-Residential	
	RA-5	RA-2	RA-1	C	C-Rec	C-I	C-R	
Multi-Business Complex, Shopping Center, Mall				SP/SPR			SP/SPR	
Personal service shop (barber, beautician, tailor, massage therapist)				P/SPR			P/SPR	P/SPR
Private recreation area, involving firearms or archery range					SP/SPR			
Restaurant (non-drive-through)				P/SPR	SP/SPR		P/SPR	P/SPR
Restaurant (with drive-through)				P/SPR	SP/SPR		P/SPR	
Retail store				P/SPR	P/SPR	SP/SPR	P/SPR	P/SPR
Self-storage units				P/SPR			P/SPR	
Social club					SP/SPR			
Theater, except drive-in				P/SPR	P/SPR			
Wholesale store				SP/SPR				
Industrial Uses								
Light industrial						SP/SPR		
Manufacturing						SP/SPR		
Research						SP/SPR		
Sawmill						SP/SPR		
Warehouse and truck terminal				SP/SPR		SP/SPR		

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. ___ of 2020 of the (County)(City)(Town)(Village) of New Lebanon was duly passed by the Town Board of the Town of New Lebanon on _____, 2020 in accordance with the applicable provisions of law.

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative body)
(Elective Chief Executive Officer*)

3. ~~(Final adoption by referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative body)
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative body)
(Elective Chief Executive Officer*)

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. ~~(County local law concerning adoption of Charter.)~~

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Marcie Robertson, Town of New Lebanon Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____