

**MINUTES OF THE REGULAR MONTHLY MEETING OF
THE TOWN BOARD OF THE TOWN OF NEW LEBANON
HELD ON JULY 14, 2020**

Present:

**Tistrya Houghtling, Supervisor
Jesse Newton, Councilmember
Norman Rasmussen, Councilmember (online)
Deborah Gordon, Councilmember
John Trainor, Councilmember**

Recording Secretary:

Marsha "Marcie" Robertson, Town Clerk

Others Present:

**Jack Lancto, BEDC
Marc Anthonisen, CSC
Jim Carroll, ZRC & Planning Board Member
Ted Salem, ZBA Member & ZRC Chair
Cynthia Creech, Deputy Court Clerk, CAC & ZRC Member &
BEDC
David Farren, CAC Chair
Jeff Hattat, Deputy CEO
Joe Ogilvie, Recreation Commission
Steve Powers, CAC & CSC Chair
Sharon Powers, BEDC
Peg Munves, CAC
Robert Gilson, CAC & CSC
Ed Godfroy, LVPA
Marc Frey, BEDC & CSC
Shawna Fitzsimmons, BEDC
Jeff Winestock, Highway Superintendent
Maggie Banker, Dog Control Officer
Bruce Shenker, NL Rep to CC Enviro Mgt & CSC Coordinator
Judy Zimmer, Cleaner
Christine Dreyfus, MOW
Monte Wasch, BEDC
Michelle VanHorn, Reporter, *The Eastwick Press*
Several members of the public**

CALL TO ORDER:

The meeting was called to order at 7:02 p.m. by Supervisor Houghtling. Supervisor Houghtling noticed all that the meeting was being recorded. Supervisor Houghtling asked all in attendance of the meeting to mute their phone except for the Town Board and the Town Clerk. A moment of silence was held followed by the flag salute. The meeting was held in person at Shatford Park Pavilion, online and via phone at:

meet.google.com/ttc-rpxo-sno or

via phone at: 1-260-277-0264
PIN: 198 214 592#

MINUTES:

The minutes of the **June 9, 2020 Regular Meeting** were reviewed. A motion was made by Supervisor Houghtling, seconded by Councilmember Trainor approved unanimously to approve the minutes as typed.

FINANCIAL:

Supervisor's Report:

Since this was an in person and online meeting the Supervisor's Report as of June 30, 2020 was available to the public via the public packets, the Town Clerk's email and the Town website and the Town Board was emailed the Supervisor's Report by Supervisor Houghtling. A motion was made by Councilmember Newton to accept the Supervisor's report as typed. The motion was seconded by Councilmember Gordon.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

PRIVILEGE OF THE FLOOR:

Joe Ogilvie, President of the Cork Screw Rail Trail stated that on behalf of the group he wanted to thank the Town Board for their support. Joe stated that two Saturday's ago a twenty-yard dumpster was delivered to the property on Lovers Lane and the volunteers filled it with a ton and a half of refuse. So, they are cleaning up the trail and wanted to thank the board for support.

Shawna Fitzsimmons stated that she had just found out that morning that she only had five minutes so she apologized that this will be rushed. Shawna read the following letter that she had prepared for the town board.

Good evening,

I am here tonight to request the Business & Economic Development Committee (or the BEDC) establish a clear outline to empower its subcommittees to act in accordance with the views of the community.

While I wasn't at the first BEDC meeting, I was informed that Tistrya, Town Supervisor, presented a whiteboard where all of those in attendance - 20 or so - put forth issues they felt could be addressed through the BEDC. Those projects or areas of interest of the members directly formed the subcommittees.

But isn't this backwards? Who does the work of the BEDC serve? The community, not the committee. How do we know what the community wants? (The formally adopted Comp Plan tells us). How do we know we even need business and economic development? (The Comp Plan tells us.) How do we know what areas of need the BEDC should focus on? (The Comp Plan tells us.)

In the introduction of the Comp Plan, it states that it is to "serve as a statement of the vision residents have for the future of the Town and as a plan for achieving that vision." Section III Part D specifically addresses the communities concerns and interests relating to Economic Development. So why wasn't Section III Part D— in other words, the resident's vision of economic development - the outline presented on the whiteboard during that first meeting?

Also, why did the Town Board, knowing there is a \$10,000 Comp Plan adopted by the Town Board, charge the BEDC to re-develop goals for the development of New Lebanon? The goals have already been established by the community in the Comprehensive Plan, which states it is a document that:

"...identifies 'the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long term protection, enhancement, growth and development of the town.' ...It addresses the community's sense of how the town should change and how to preserve what is best about its present condition. Finally, it provides guidance on how to achieve those goals. "

I was also informed by Monte, Chair of BEDC that none of the projects being proposed so far are antithetical to the Comp Plan. Is that how we gauge the direction of the BEDC? If a project doesn't negate the Comp Plan, then it's a go? Why would we not want to have more intention behind the projects we plan to conduct? What about responsibly planning so we can establish confidence in our community that their interests are what direct our work?

*Throughout the Comp Plan you'll find statements like, "conduct a careful review" and "ensure cost-benefit studies are conducted." Section III Part D specifically states, "all economic development efforts **must be** prudently planned and constructively managed." I argue the BEDC is doing neither of these things.*

So, I now have a few important questions:

- Originally, Section III Part D was to be driven by the Lebanon Valley Business Association. Is it not safe to say that the newly established BEDC is now that driving vehicle? If so, the "Economic Development" road map is already provided for us in the Comp Plan in Section III Part D. Why is the BEDC charged with developing its own road map?*
- Why does the work of the BEDC encompass such a broad range of focus areas in the name of the Comp Plan without actually following the comp plan? For example, when the BEDC chair agreed with me that the community center really doesn't belong in the purview of the BEDC, but "Tistrya has no other vehicle to tackle the community center with," I lose confidence that there are structures in place to ensure the work of the BEDC is following the Comp Plan as opposed to other interests. (For the record, I really want a community center!)*
- How and why did the Town Board approve a BEDC without assigning it to be the driving vehicle of the Comp Plan's Economic Development goals? Why did the town grant BEDC members jurisdiction over envisioning goals for the town? Is the current Comp Plan void and irrelevant somehow?*

In response to my concerns, I've been told by a subcommittee chairperson that we as a subcommittee are "beholden to our members" and that we are to work on projects that interest them. How does a subcommittee chair not even understand the most fundamental concept behind volunteering on a town committee? We are beholden to the community! I was not voted in. What gives me or any other committee member the right to reimagine what the community wants? I was also told that the Comp Plan is only meant to be a "Constitution" not a "Declaration of Independence." Somehow, the BEDC overlooked the importance of ensuring all volunteer members read that "constitution." I've also been told that I am "structure bound" and that some people in this committee "don't give a blind shit about structure."

To me, having adequate structure ensures we remain in line with what the community wants. Make a "prudently planned" roadmap based on the Comp Plan. Act on that Comp plan. Not: 'make a loose summary of what we're going to do, claim it's in line with the Comp Plan, let committee members interpret that how they want to, and hope that the town board agrees'.

I would ask that the Town Board evaluate my full 8-page letter that I sent this morning regarding this matter, which refers to specific examples that informed my opinion. I also ask that any proposed resolution on the rules of Town Committees, like the one being proposed tonight include that they are beholden to community members, not committee members, and that their purpose is to be in line with the comp plan in vision and action, not just nominally— since, at present, that is the "voice" of the community with which we should go by.

*Thank you,
Shawna Fitzsimmons
Community Member
BEDC Member*

Supervisor Houghtling stated that privilege of the floor is really for you to be heard but wanted Shawna to know that she did print out the longer version for the town board and they will all be able to read it and refer back to it.

Supervisor Houghtling stated that when we get to the resolution that applies to every committee, including the Comprehensive Plan Committee, so it wouldn't be right to tell them they have to follow the existing Comprehensive Plan because they are rewriting it but when Supervisor Houghtling spoke to the town Attorney, he felt like we should do a resolution, that won't happen until the next month's meeting.

Supervisor Houghtling stated that the Business and Economic Development Committee was formed loosely so the town board should define some parameters specifically for that committee. The Climate Smart Task Force was adopted by resolution and is very clear as to what they are to work on and what their goals are.

BUDGET AMENDMENT:

Supervisor Houghtling stated that we did receive via Highway Superintendent Winestock from the state our updated numbers for CHIPS, Extreme Weather and PAVENY. We over budgeted by \$10.89 on CHIPS and we never budget for PAVENY and Extreme Winter because it is never a guarantee that we are going to get it.

Budget Amendment #5 of 2020:

Highway Fund:

\$45,576.69 from DA-3501 (Consolidated Highway)
\$ 10.89 from DA-5112.2 (CHIPS)
\$24,733.13 to DA-5112.21 (PAVENY)
\$20,854.45 to DA-5112.22 (Extreme Winter Recovery)

Supervisor Houghtling stated to the Highway Superintendent Winestock that her understanding is that by receiving the letter, it is a pretty good sign that we are getting the funding that we weren't so sure if we were going to get it or not. Whether it is 100% or not we are not confident until we get it but it is coming.

Highway Superintendent Winestock stated that it a guarantee but they still could possibly take 20%.

Supervisor Houghtling stated that 80% is better than nothing and thanked Highway Superintendent Winestock.

A motion was made by Councilmember Newton and seconded by Supervisor Houghtling to approve the above noted budget amendment.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

AUDIT OF BILLS:

Supervisor Houghtling stated that we have quite a few interim abstracts. At the last meeting Supervisor Houghtling was given approval to do refunds for pavilion rentals that have been cancelled instead of making people wait until the next meeting.

General Nos. 200 through 205, in the amount of \$1,237.91;
As listed on Abstract No. 6A dated July 14, 2020.

General Nos. 206 through 246, in the amount of \$29,140.07;
Highway Nos. 64 through 76, in the amount of \$90,370.71; and
Escrow No. 7 in the amount of \$425.00;
As listed on Abstract No. 7 dated July 14, 2020.

A motion was made by Councilmember Newton and seconded by Supervisor Houghtling to pay the above noted claims from their respective accounts.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

OLD BUSINESS:

Estimated Revenue Decreases and Expenditure Cuts:

Supervisor Houghtling stated that that she will keep this item on the agenda through the end of the year. Supervisor Houghtling stated that she doesn't know how much updates she will have but at the last county board meeting she did get an update from PJ. Keeler who is the County Treasurer.

Supervisor Houghtling briefly summated we are only three months into the COVID Financial Impact and the initial projections on the county level are \$12 Million on the low end and we have hit half of that in three months. So, the cash is down \$6 Million on a county level, New York State has cut off all reimbursement for social services which is usually \$1.2 - \$1.5 Million in the county budget per month receivable and that has gone to zero.

Supervisor Houghtling stated that delinquent taxes are up by \$1.3 Million, delinquent tax payments are obviously higher than since June of 2015, because people do not have money to pay their taxes and also because the county has stopped all foreclosures. So, money that we would normally be getting for those properties back onto the tax rolls, we are not able to do right now.

Supervisor Houghtling stated that in 2019 at this time there was \$1,562 unpaid parcels, in 2020 there are \$1,736 unpaid parcels. Many of these are large commercial properties, so that makes it worse. You are looking at properties like the Lebanon Valley Speedway that pay significantly more taxes than other properties, as an example.

Supervisor Houghtling stated that relevant to County, on state aid they reduced it 30%. Sales tax, the second quarter to date, is down 13%, the year to date is down 4.6%. So, March and April are down \$1.8 Million, that is county wide. The projections that were presented at the beginning are on track. We are not at the very bottom; we are not at the very top. The good news is that we are more towards the bottom than the top, but we are pretty much where they estimated that we would be.

Water Testing Status:

Supervisor Houghtling stated that we do have good news. Out of the properties tested, we have heard from three of the property owners so far that they tested negative for PFOA and PFOS.

Supervisor Houghtling stated that for anyone who doesn't know, we had testing at the old landfill on Old Post Road, there were positive levels of PFOA and PFOS. The next step was to test within a half mile downgradient of the landfill. Unfortunately, DEC and the Department of Health cannot give the town those results directly because they are private properties. Supervisor Houghtling did reach out to the property owners, thanks to Peg Munves and Paul Rix for getting the list and phone numbers, pretty much everyone agreed to get the results to Supervisor Houghtling. Hopefully by the next meeting we will have a full report of what those results show.

Supervisor Houghtling stated that as a town board they will need to look into getting the landfill closed. Supervisor Houghtling stated that back when Mike Benson was Town Supervisor he entered into a contract with the county to accept \$625,000 from the county, that was their piece, it is now on the town to close it. Supervisor Houghtling stated that it is going to cost way more than that to close it, probably in the \$1 to \$2 Million range. That will be a large hit to the town budget, if the PFOA and PFOS haven't spread, we as the town board need to start talking about what the cost is to close it, what will it entail, etc.

Councilmember Newton stated that he thought there was some percentage of matching that we would get from the state because of the PFOA and PFOS.

Supervisor Houghtling stated that when the town entered into the agreement with the county, we didn't know that, now that we know there is PFOA and PFOS, she was told that there could be some grant or other funding. Definitely something to look into, the CAC is helping here, Peg Munves and Paul Rix have kind of formed a sub-committee to help. Supervisor Houghtling stated that she could ask them to start researching to see if there is any possible grant money available.

Chris Dreyfus asked how many private wells were tested? Supervisor Houghtling stated that she is not 100% sure but off of the top of her head, there was somewhere between fifteen and twenty.

Councilmember Newton stated that he thought it was a quarter mile downgradient.

Supervisor Houghtling stated that they went to a half mile downgradient.

Councilmember Newton stated that he thought that was like seventy-eight properties.

Supervisor Houghtling stated that it didn't end up being that way, their definition of downgradient seemed to be different. Supervisor Houghtling stated that we ended up getting the full list from Department of Health and DEC which they defined who they were going to test and it is somewhere between fifteen and twenty wells.

Live Streaming of Town Board Meetings:

Supervisor Houghtling stated that this is something the town board visited before COVID and the town board decided it was a great idea to live stream town board meetings, but didn't

want to spend the money. Supervisor Houghtling stated that she reached out to the high school to see if we could get student volunteers to do so with no success. The school was very excited but they couldn't find a high school student that was matching their enthusiasm with that volunteer effort.

Supervisor Houghtling stated that it was requested to go back on the town board agenda, especially now with COVID. This is kind of okay that we are on the computer, it would definitely be much more user friendly. You'd be able to see the whole town board, there would be microphones to hear the audience and the town board.

Supervisor Houghtling stated that there is no rental cost. It is \$150.00 a month, it includes equipment and installation and it is up to three meetings a month. They would install the wiring at the town hall and at the Shatford Park Pavilion and we could just move the equipment to the meeting location as needed. If we had to have a meeting at another location other than the town hall or the pavilion, there would be a small installation cost to wire that other location (ex. Firehouse).

Councilmember Rasmussen stated that he went to the website and checked it out and he found it convenient that all the meetings are archived and he thinks there is value in this and he thinks that as time goes on, we will move more in this direction in the future. He thinks we should give it a try for six to eight months.

Councilmember Trainor asked if we will have to sign a contract for the service?

Supervisor Houghtling stated that they did not say that we needed to enter into a contract. Her understanding is that it is the \$150.00 a month, but she didn't specifically ask about a contract.

Councilmember Gordon stated that she does not understand why Councilmember Rasmussen feels that it would be a better tool to have to go back and watch tape rather than just read your minutes. Why is that better?

Supervisor Houghtling stated that as a minutes taker, minutes really just have to have motions and seconds and votes and so if you are looking for a specific vote minutes can be very helpful, if you are looking for a discussion where there wasn't an actual motion and second and vote, minutes sometimes do not have that content.

Councilmember Newton stated they can be put on a CD.

Councilmember Rasmussen stated that minutes have just decisions as opposed to the discussions and we are in a world of the digital future.

Councilmember Newton stated that he still has concerns about paying that much a year for the service. He understands right now for COVID it is beneficial, but he wouldn't want to use that service at this rate for very long. Councilmember Newton stated that he still thinks this

could be handled in house for a lot less than this cost.

Councilmember Trainor stated that he agreed with Councilmember Newton, there are twelve people in attendance tonight and he wonders if the interest of the residents merit spending \$150.00 a month.

Councilmember Newton stated he has concerns of exceeding the three meetings a month and having to go up to the \$250.00 per month cost. He feels that during the COVID situation trying this for about six months is an option but making sure there is not a contract.

Supervisor Houghtling stated that she has heard from maybe three or four residents that have requested that once we go back to meeting in person, that we still maintain an online option. Right now, we are kind of offering an online option, Supervisor Houghtling thinks it is a little bit limited. Supervisor Houghtling asked if people would be open to if there is no contract doing it for the remainder of 2020 and revisiting it as to whether we want to continue it into 2021?

Councilmember Rasmussen stated that he would be interested.

Councilmember Newton stated that he would agree for six months if there is no contract for the basic package at \$150.00 a month

A motion was made by Supervisor Houghtling and seconded by Councilmember Rasmussen to live stream our meetings August through December of 2020, four months in case we don't like it or something significantly changes as long as there is no contract requiring us to be there longer than six months.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Supervisor Houghtling asked Ted Salem if he is okay if we don't include the planning and zoning board right now because with budget season coming up the town board could have three meetings a month.

Ted Salem stated that he can't speak for those boards because he is not the chair.

Supervisor Houghtling stated that she will reach out to the other boards.

Proposed Local Law #1 of 2020:

Supervisor Houghtling stated that we had the public hearing on Local Law #1 of 2020 are there any questions or comments from any town board before proceeding.

Councilmember Gordon stated that when she was reading over this document, she came across several things that seemed problematic and asked Ted Salem about it.

Councilmember Gordon stated that Ted Salem responded to her that two of those things are not up for grabs at this point and the other is a question of hers not really understanding the language in the format. Councilmember Gordon stated that this leaves her wondering where does she go now with her issues that she has with the document.

Councilmember Newton responded to Councilmember Gordon that she should go to the chair of the ZRC.

Supervisor Houghtling stated that Councilmember Gordon is talking about the upcoming Local Law, not the one that is in front of us.

Councilmember Gordon stated no, that it is about this Local Law.

Ted Salem stated two of the things that Councilmember Gordon is talking about are existing code, which we are not looking to change.

Councilmember Newton stated that two of Councilmember Gordon's concerns are not being modified by this Local Law filing, he asked her what her third concern was.

Councilmember Gordon stated that the third has to do with home occupations and home businesses and she doesn't understand the differences.

Councilmember Newton explained these to Councilmember Gordon and gave her examples of both.

Supervisor Houghtling read the Full Environmental Assessment Form, Part 2 – Identification of Potential Project Impacts. See addendum A.

A motion was made by Supervisor Houghtling and seconded by Councilmember Newton to adopt Part 2 of the Full Environmental Assessment Form in connection with proposed Local Law No. 1 of 2020 as prepared by the Attorney for the Town.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Supervisor Houghtling read the Full Environmental Assessment Form, Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance. See addendum B.

A motion was made by Supervisor Houghtling and seconded by Councilmember Trainor to adopt a Negative Declaration under the State Environmental Quality Review Act in connection with proposed Local Law No. 1 of 2020 as prepared by the Attorney for the Town and to direct and authorize the Town Supervisor to satisfy the filing and publications requirements in accordance with applicable regulations.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Supervisor Houghtling stated that before adopting the local law, the local law was referred to the county planning board on February 13, 2020 for review and more than thirty days have passed and we have not received any comments from the county.

A motion was made by Supervisor Houghtling and seconded by Councilmember Newton to enact Introductory Local Law No. 1 of 2020 as Local Law No. 1 of 2020 of the Town of New Lebanon with the following modification: Section 2, paragraph D, of the local law, concerning amending Section 205-8 (B), shall be modified to remove in its entirety proposed subparagraph (4) relating the establishment or modification of ponds.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

For Local Law #1 of 2020, see addendum C.

Annual Highway Bids – Equipment, Calcium Chloride, Fuel and Sand, Stone & Gravel:

BIDS:

Calcium Chloride:

Town Clerk Robertson read the following bid notice aloud:

**NOTICE TO BIDDERS
HIGHWAY DEPARTMENT
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON HIGHWAY DEPARTMENT is seeking bids for liquid calcium to be applied to town roads through 7/31/2021. Bids must be submitted on the bid form provided by the town. Bids must include the percentage (%) of calcium and the percentage (%) of water. Bids must be in a PLAIN ENVELOPE and labeled only with the item being bid and must include a "Non-Collusion Bidding Certificate." Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22 North, New Lebanon, New York, no later than 4:00 pm on Friday, July 10, 2020. Bids will be opened at the Office of the Town Clerk at 4:00 pm on Friday, July 10, 2020 and will be considered by the Town Board at the Regular Monthly Meeting at the New Lebanon Town Hall at 7:00 p.m. on Tuesday, July 14, 2020. The Town Board reserves the right to reject or accept all bids

Town Clerk Robertson stated that we received two bids. From Peckham Materials Corp we received a bid at 32% calcium and 68% water in the winter and 35% calcium and 65% water in the summer both for \$0.974. From Gorman Bros, Inc we received a bid at 32% calcium and 68% water in the winter and 35% calcium and 65% water in the summer both for \$1.00.

Supervisor Houghtling made a motion to accept both bids to be used at the discretion of the Highway Superintendent. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Gravel, Sand, Stone & Crusher Run:

Town Clerk Robertson read the following bid notice aloud:

**NOTICE TO BIDDERS
HIGHWAY DEPARTMENT
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for supplying the following items for use by the NEW LEBANON HIGHWAY DEPARTMENT through 7/31/2021:

1. Gravel
 - A- Bank run gravel
 - B- Item #3, 1" minus
2. Sand

3. Stone
 - A- Screened 3/8" sand
 - A- Washed #1-A
 - B- Washed #1
 - C- Washed Mixed #1 & 1-A
 - D- Gabion Stone
4. Crusher Run

BIDS MUST BE SUBMITTED ON THE BID FORM PROVIDED BY THE TOWN:

A – Delivered to the Town Highway Garage in New Lebanon

B – Picked up by the highway department (MUST INCLUDE IF LOADER IS AVAILABLE)

Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22 North, New Lebanon, New York, no later than 4:00 pm on Friday, July 10, 2020. Bids will be opened at the Office of the Town Clerk at 4:00 pm on Friday, July 10, 2020 and bids will be considered by the Town Board at the Regular Monthly Meeting at the New Lebanon Town Hall at 7:00 p.m. on Tuesday, July 14, 2020. The Highway Superintendent reserves the right to inspect and/or reject any materials. The Town Board reserves the right to reject any and all bids, or to accept more than one bid as determined by location and needs of the town. All bidders should present the town clerk with a valid mining permit and/or an agreement with the town, must include a "Non-Collusion Bidding Certificate," and must be submitted on the bid form provided by the town.

Supervisor Houghtling stated that her husband works for a company that is owned by the same people as Troy, Sand & Gravel so she will be recusing herself from this bid.

Supervisor Houghtling stated that Town Clerk Robertson did not have to read all of the bid results, that everyone has the information in their packets.

Highway Superintendent Winestock stated the he would like to go with Joy Sherman, Senter and Colarusso & Son. For the small price difference between Troy Sand & Gravel and Colarusso & Son the product provided by Colarusso & Son is a much better product.

Councilmember Newton stated that he can attest to that too.

We received bids from the following:

*Joy Sherman we received a bid for bank run gravel picked up for \$7.00 per yard.

*Colarusso & Son, Inc. we received a bid for item #3, 1" minus at \$16.75 per ton delivered and \$8.50 per ton picked up; screened 3/8" sand \$19.75 per ton delivered and \$10.50 per ton picked up; washed #1-A at \$20.75 per ton delivered and \$12.50 per ton picked up; washed #1 at \$20.25 per ton delivered and \$12.00 per ton picked up; washed mixed #1 and #1-A at \$20.50 per ton delivered and \$12.25 per ton picked up; gabion at \$20.25 per ton delivered and \$12.00 per ton picked up; rip-rap at \$25.75 per ton delivered and \$14.00 per ton picked up; and crusher run at \$17.50 per ton delivered and \$9.25 per ton picked up.

*Senter we received a bid for bank run gravel at \$9.50 per ton delivered and \$6.50 per ton

picked up; item #3, 1" minus at \$16.00 per ton delivered and \$13.00 per ton picked up; and screened 3/8" sand \$12.00 per ton delivered and \$9.00 per ton picked up.

*Troy Sand & Gravel we received a bid for bank run gravel at \$13.00 per yard delivered and \$8.00 per yard picked up; item #3, 1" minus at \$14.00 per ton delivered and \$10.00 per ton picked up; and screened 3/8" sand \$15.00 per yard delivered and \$10.00 per yard picked up; gabion at \$18.00 per ton delivered and \$10.00 per ton picked up; rip-rap at \$20.00 per ton delivered and \$12.00 per ton picked up; and crusher run at \$13.00 per ton delivered and \$8.00 per ton picked up.

Councilmember Newton made a motion to accept bids from Joy Sherman, Colarusso & Son, Inc. and Senter for the purchase of varied fills and materials. Councilmember Trainor seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Abstain
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Contracted Equipment:

Town Clerk Robertson read the following bid notice aloud:

**NOTICE TO BIDDERS
HIGHWAY DEPARTMENT
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

NOTICE IS HEREBY GIVEN that the Town of New Lebanon Highway Department is seeking sealed bids for the following equipment for hire for the 2020-2021 year:

1. Bulldozer, 8 to 10 ton – 70 or more horsepower
Hourly with operator & hourly without operator
Please include year and make in the bid.
2. Excavator – 14 to 16 ton – 70 or more horsepower
Hourly with operator & hourly without operator
Please include year and make in the bid.
3. Dump truck – 10-wheeler or tri-axle

Hourly rates

Please state whether the bid is for a 10-wheeler or a tri-axle

Please include year and make in the bid.

4. Mini excavator

Hourly with operator & hourly without operator

Please include year and make in the bid.

5. Mini Track Loader

Hourly with operator & hourly without operator

Please include year and make in the bid.

Bids **MUST** be in a **SEALED, PLAIN WHITE ENVELOPE (no logo)**; marked **"BID"**; and received in the office of the New Lebanon Town Clerk at the Town Hall, 14755 Route 22, New Lebanon, New York, no later than 4:00 p.m. on Friday, July 10, 2020. All bids must include a *Non-Collusive Bidding Certificate*. The bids will be opened at the Office of the Town Clerk on Friday, July 10, 2020 at 4:00 p.m. Bids will be considered at the regular monthly Town Board meeting to be held on Tuesday, July 14, 2020 at 7:00 p.m. at the New Lebanon Town Hall at 14755 Route 22, New Lebanon, New York.

The Town Board reserves the right to reject or accept all bids.

We received two bids. A bid was received from D&J Excavating for a 1986 Autocar 400hp tri-axle at \$85 per hour with operator; a 2001 D3 CAT dozer at \$95 per hour with operator; a 1998 311B CAT excavator at \$130 per hour with operator; a 2013 KX 121-3 Kubota excavator at \$95 per hour with operator; a 2014 289D CAT mini track loader at \$95 per hour with operator; and a 2018 80 Yanmar excavator at \$125 per hour with operator. A bid was received from J. Bergeron Trucking for a 1987 Ford LTL 9000, 10-wheeler dump truck, 400 Catapillar, NYS overweight permitted, and \$1,000,000 liability coverage for \$85 per hour trucking rate.

Supervisor Houghtling made a motion to accept all bids received from D&J Excavating and J. Bergeron Trucking to be used at the discretion of the Highway Superintendent. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Fuel:

Town Clerk Robertson read the following bid notice aloud:

**NOTICE TO BIDDERS
TOWN OF NEW LEBANON
COUNTY OF COLUMBIA**

NOTICE IS HEREBY GIVEN that the TOWN OF NEW LEBANON is seeking bids for the following items for use by the NEW LEBANON HIGHWAY GARAGE and the NEW LEBANON TOWN HALL through 7/31/2021:

LOW SULFUR HEATING FUEL (*Number 2 Heating Fuel*) – Delivered to the Town Hall and Town Highway Garage for heating,

LOW SULFUR DIESEL FUEL – Delivered to the Town Highway Garage, and

KEROSENE – Delivered to the Town Highway Garage.

Bidder must guarantee to deliver fuel products at such times and places, and in such quantities, as may be ordered by the Town Highway Superintendent or other Town personnel. Failure on the part of the contractor to make timely deliveries of fuel products upon requisition of the Town may be regarded, at the option of the Town of New Lebanon, as a forfeiture of this contract upon the part of the bidder.

Bids are to be presented as a FIXED ADD to the posted gross rack price at the port of Albany, or the port of Rensselaer at noon on Monday, July 1, 2020.

Proof of posted rack price for any invoice/bill must be made available upon request of the Town Board.

The **FIXED ADD** will remain constant and will be added to the same terminals gross rack price as originally bid on the date of each delivery. Use of an alternate rack price will be allowed if it results in a lower net price for the Town, in which case documentation will be required for the original terminals gross rack pricing, as well as the alternate terminals rack price. An Alternate Fixed Price per Gallon Bid (*good through 7/31/2021*) may be submitted for each of the fuel items.

Sealed bids (*on the form provided by the Town of New Lebanon*) must be in plain envelopes, clearly labeled only with the item being bid, and must include a “Non-Collusive Bidding Certificate.” Bids must be received in the office of the Town Clerk at the New Lebanon Town Hall, 14755 Route 22, New Lebanon, New York, no later than 4:00 pm on Friday, July 10, 2020. Electronic and faxed bids will not be accepted.

Bids will be opened at the Office of the Town Clerk on Friday, July 10, 2020 at 4:00 pm and they will be considered by the Town Board at the Regular Monthly Meeting at the New Lebanon Town Hall at 7:00 p.m. on Tuesday, July 14, 2020. The Town Board reserves the right to reject or accept all bids.

We received two bids. From Main Care Energy we received a bid for low sulfur heating fuel at a \$0.1680 fixed add, low sulfur diesel fuel at a \$0.1825 fixed add, and kerosene at a \$0.2991 fixed add. From John Ray & Sons we received a bid for low sulfur heating fuel at a \$0.15

fixed add, low sulfur diesel fuel at a \$0.15 fixed add, and kerosene at a \$0.30 fixed add.

Supervisor Houghtling made a motion to accept the bid from John Ray & Sons. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Highway Superintendent Winestock wanted to state for the record that the bid submitted by Troy Sand & Gravel did not submit a mining permit that was required for the bid.

Dumpster Credit Donation Resolution:

Supervisor Houghtling stated that we already took action at the last town board meeting but we missed a step where we had to declare it a proper public purpose.

TOWN OF NEW LEBANON

RESOLUTION #18, 2020

TOWN DUMPSTER CREDIT DONATION TO THE CORKSCREW RAIL TRAIL

JULY 14, 2020

At the regular monthly meeting of the New Lebanon Town Board, held at the Shatford Park Pavilion and via video and teleconference, duly called and held on the 14th day of July 2020, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling

Seconded by Councilmember Trainor

TOWN DUMPSTER CREDIT DONATION TO THE CORKSCREW RAIL TRAIL

WHEREAS, the Corkscrew Rail Trail, a 501C3 not for profit organization, owns a parcel of land in the Town of New Lebanon located at 16 Lover's Lane; and

WHEREAS, the Rail Trail provides a community service through maintenance of the trail, which provides recreational resources available for use by the public; and

WHEREAS, the Town of New Lebanon is provided a \$200 credit towards a dumpster from the Columbia County Solid Waste Department that is used for Town Clean Up Day each year; and

WHEREAS, the Town of New Lebanon cancelled Town Clean Up Day for 2020 due to COVID-19; and

WHEREAS, the Town of New Lebanon Town Board authorized the usage of the \$200 credit at their June meeting if, and only if, the town would lose the credit if not used; and

WHEREAS, the Town of New Lebanon confirmed with the Columbia County Solid Waste Department would lose the \$200 dumpster credit if it was not utilized in 2020;

THEREFORE BE IT RESOLVED that the Town Board of the Town of New Lebanon hereby ratifies and confirms that the \$200 dumpster credit granted to the Corkscrew Rail Trail for the clean-up of the property at 16 Lover's Lane was undertaken in furtherance of supporting public recreation, which the Town Board determines is a proper public purpose.

Upon the question of the foregoing Resolution, the following Town Board Members voted "Aye" or "Nay" for said Resolution:

Roll Call Vote:

Councilmember Norman Rasmussen	Aye
Councilmember Deborah Gordon	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember Jesse Newton	Aye
Councilmember John Trainor	Aye

The Resolution, having been approved by a majority vote of the Town Board, was declared duly adopted by the Supervisor of the Town of New Lebanon.

Dated: July 14, 2020

Marcie Robertson
Town Clerk
Town of New Lebanon

Town Facebook Page:

Supervisor Houghtling stated that we adopted a social media policy then she was out in March with the flu and then COVID happened. We adopted a policy that said that we are allowed to have a social media presence but in order to do so we have to authorize each and every social media page that we are going to have. We never actually authorized the town Facebook page.

Supervisor Houghtling stated that we also have a request from the Climate Smart Task Force Committee to have a Facebook page which would make sense to be under the town's page. Supervisor Houghtling stated that Steve Powers who is the chair of the CSC has offered to set them both up, thank you. Supervisor Houghtling stated as herself and Town Clerk Robertson are both very busy, she would like to authorize a town Facebook page with a Climate Smart page under the main town page and authorize Steve Powers to set both up with the Town Clerk to administer the town page and the chair of the CSC to administer the Climate Smart page. Supervisor Houghtling stated to do this we have to make one amendment in the social media policy, on page 2 of the social media policy amend section IV. A. 1. To say "All Town social media sites or pages shall be approved by the Town Board and shall be administered by the Town Clerk or other town employee or committee member as authorized by the Town Board."

Supervisor Houghtling made a motion to amend the social media use policy on page 2, to read All Town social media sites or pages shall be approved by the Town Board and shall be

administered by the Town Clerk or other town employee or committee member as authorized by the Town Board. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Supervisor Houghtling made a motion authorizing a town Facebook page to be administered by the Town Clerk and to be created by Steve Powers, Chair of the Climate Smart Task Force with final approval by the Town Clerk before the page goes public. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Supervisor Houghtling made a motion to authorize a Climate Smart Communities Facebook page to be under the town Facebook page to be moderated by the Chair of the Climate Smart Task Force and set up via Steve Powers. Councilmember Trainor seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Town Policy Review:

Supervisor Houghtling stated that we have to review every policy before the end of 2020. We were doing pretty well and then COVID hit. Supervisor Houghtling stated we have seven more to do. One was on the agenda for March and Supervisor Houghtling was sick and Councilmember Rasmussen was absent, it had to do with job descriptions, evaluations and compensation plan update and Supervisor Houghtling and Councilmember Rasmussen were the two who were on the committee that created the proposal and Supervisor Houghtling didn't think it was ideal to move forward for approval without either of them in attendance.

Supervisor Houghtling stated she thinks this one should be at next months meeting. It is kind of in-depth, Supervisor Houghtling stated she will get the proposal to the board to have time to review it before next month's meeting.

NEW BUSINESS:

Playground and Basketball Courts:

Supervisor Houghtling stated she has had many requests from residents that we open the town playground and the town basketball courts. Supervisor Houghtling agrees people need things to do outside, but basketball is still considered high risk and looking at the affirmation that has to be signed and the safety plan that we have to follow concerns her.

Supervisor Houghtling stated that she did reach out to other towns in Columbia County to see what they are doing and she didn't get any yeses to opening their playgrounds and basketball courts but she did get six nos.

Councilmember Newton stated that he is in favor of opening the playground and basketball courts up with good signage on practicing safe social distancing.

Councilmember Gordon stated that it is a tough decision but being outdoors is healthy.

Councilmember Trainor asked if we have checked with the town attorney regarding any liability risk in opening the playground and basketball courts.

Supervisor Houghtling stated that we could make a motion based on checking with the insurance company that we are covered on our end for liability exposure.

Councilmember Rasmussen stated he is concerned with the towns liability exposure.

Councilmember Newton stated he is fine with opening provided the town isn't at risk with liability.

Supervisor Houghtling made a motion to open the basketball courts following any requirements and guidelines given to us by our insurance company to ensure that we are covering any potential liability for the town. Councilmember Trainor seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Supervisor Houghtling made a motion to open the playground following any requirements and guidelines given to us by our insurance company to ensure that we are covering any

potential liability for the town. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Dog Control Officer Requests

Supervisor Houghtling stated that we have a new Dog Control Officer, Maggie Banker, and since April she has received three phone calls saying the Maggie is doing a phenomenal job, thank you.

DCO, Maggie Banker stated that Ag & Markets is requiring her to get a rabies vaccination and she is asking the town to cover this expense. It is \$319.00 a piece with a total of three vaccinations and every other year a rabies titer. The town board agreed.

Councilmember Trainor made a motion for the town to cover the expense for Dog Control Officer, Maggie Banker to receive the required rabies vaccination. Supervisor Houghtling seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

DCO, Maggie Banker thanked the town board.

DCO, Maggie Banker stated that we currently have a purebred dog license option for residents to license multiple dogs as purebred with the idea of being a breeder. Per Maggie, Ag & Markets discourages against this. The thinking behind this is that it promotes back door breeders.

Town Clerk Robertson stated that in the nine plus years that she has been with the town, we have had maybe three purebred dog licenses with only one being an actual breeder many years ago. Town Clerk Robertson agrees with DCO, Maggie Banker. Town Clerk Robertson did reach out to a few other towns and they do not offer the purebred license option.

Supervisor Houghtling stated that she thinks this will have to be a local law with regard to dogs. To clarify Supervisor Houghtling stated that this first requested change would be to eliminate the ability to do a discount fee as a breeder unless you are an actual licensed

AKC registered breeder of Merit, the board agreed.

DCO, Maggie Banker stated that she would like the town to accept a rabies titer in lieu of a rabies vaccination for dogs and this is accepted by Ag & Markets.

DCO, Maggie Banker would like to change our town laws to setting an impoundment fee to owners whose dogs are running loose. Ag & Markets recommend on charging a fee for dogs that the DCO returns without it having to go to the shelter.

Supervisor Houghtling stated that Ag & Markets did inspect Maggie's property so she could keep a dog for 24 – 48 hours. There was no opposition from the town board.

Supervisor Houghtling will email all of the proposed changes to the town's dog control laws to the town attorney for review and will follow up with DCO, Maggie Banker and the town board.

Mutual Aid Agreement with Stephentown for DCO:

Supervisor Houghtling stated that Maggie Banker has also been appointed as Dog Control Officer for the Town of Stephentown. They want us to enter into a mutual aid agreement but their town attorney didn't have it prepared in time, hopefully by the August meeting.

It was suggested that the Town of Stephentown possibly split the cost of the rabies vaccinations for DCO, Maggie Banker.

Multiple Complaints Received:

Supervisor Houghtling stated that there were multiple complaints about a specific property in town. Supervisor Houghtling spoke to CEO Hernandez and they believe there is a way with our existing zoning and code to handle this situation. Supervisor Houghtling stated that she had put this on the agenda before speaking with CEO Hernandez, if there is no resolution working within the towns existing laws it may come back to the town board.

Supervisor Houghtling stated that there are complaints about speeding on town roads. Supervisor Houghtling stated she has reached out to the State Police, they have offered to do some extra coverage, but they are not able to sit on West Street, Cemetery Road, Adams Crossing or the other areas for extended periods of time. Supervisor Houghtling stated they suggested was one of the flashing speed limit signs, we had borrowed one from Chatham and she did hear back that it actually did slow down traffic. Supervisor Houghtling stated that she could get prices to see if it could fit into the new budget.

Supervisor Houghtling stated that she is going to preface this by stating that she strongly disagrees but she is only one of five board members and she is not the type of Supervisor to not include something in the agenda because she isn't in agreement with it. Supervisor Houghtling stated she is personally not for this, but she has had two residents reach out regarding smoke bothering them from either a neighbor's woodstove or a campfire outside. Supervisor Houghtling stated that she feels strongly that we live in a rural community and

a lot of people burn woodstoves or pellet stoves and she doesn't believe that is something the government should regulate.

Councilmember Trainor stated that he agrees but what do they mean by campfires?

Supervisor Houghtling stated it is like backyard campfire for smores, it is not like they are burning anything illegal.

Councilmember Newton stated that he thinks a lot of it comes down to having good communication with your neighbor.

Highway Superintendent Winestock stated that people often heat with wood as they cannot afford heating fuel. He stated that he thinks this is a shame.

Councilmember Gordon stated that it seems like such a black and white issue and she can imagine there could be circumstances of burning something that could be harmful, but gauging these things can be somewhat difficult.

Councilmember Rasmussen stated that he feels that if it is not a safety issue and they are not burning anything like plastics or something that it is none of their business.

Ed Godfroy of the LVPA stated that the only time that NYS steps into this issue is during the early spring when they regulate open fires and as long as you have a fire in a contained area it is still legally allowed as long as your outside fire is watched and maintained, it is legal by NYS. Ed Godfroy stated that as a town, he believes that the town will have to follow NYS regulations also.

Joe Ogilvie stated he is concerned with the smell when plastic or trash is being burned, and it bothers his wife and daughter with their asthma.

Supervisor Houghtling stated that it is already illegal, DEC would be the appropriate place to report that to and if he needs any help to let her know.

Shawna Fitsimmons stated that she feels that since the sense of smell can affect your quality of life that this is something that could possibly be explored

Councilmember Newton stated that the only place that the town mentions smoke is there is a smoke opacity test in site plan review which comes into business and home occupancy, whatever they are and traditionally it hasn't been much of an issue with campfires and woodstoves. Councilmember Newton stated that we kind of have to pick and choose some of their enforcement things, because our enforcement office is already pretty overloaded.

Supervisor Houghtling stated that another piece is that if it is a local law, it is totally on taxpayer dollars to prosecute it. There is a lot involved. To have rules on the book that you cannot enforce makes no sense and to have rules on the book that you enforce but cannot

prosecute also makes no sense. Supervisor Houghtling stated that for her personally, the reason she is against both the noise and smoke ordinances is that she feels strongly about government not being involved in people's property. She is not for a lot of extras regulations.

Councilmember Newton stated that it comes down to two things, if we can write the golden rule and personal pride into zoning that is all we would have to do.

Town Committee Rules Resolution:

Supervisor Houghtling stated this is a generic town committee rules and regulations. Supervisor Houghtling stated it was her best attempt to not interfere with the way that our long-standing committees such as the CAC, the ZRC, and the Comp Plan have historically worked. Supervisor Houghtling stated that we have two new committees where it was requested that we have it in writing as opposed to her as the Supervisor saying no, you can't do that. Supervisor Houghtling stated that this will not directly address the mission statement for the BEDC but that is something that we will look at for next months meeting. Supervisor Houghtling stated that she talked to the town attorney and he feels that we should readopt that committee with a clear resolution like the Climate Smart Task Force has, they were adopted by resolution, it has whereas language, it talks about what it is they should be focused on. We will get to that piece, but this is not that. This is much more generic, meeting being open to the public, it talks about things like committee members not being just able to ad hoc reach out to NYS DOT or DEC or elected officials on behalf of the town or the committee.

**TOWN OF NEW LEBANON
RESOLUTION #19, 2020
TOWN COMMITTEE RULES AND GUIDELINES
JULY 14, 2020**

At the regular monthly meeting of the New Lebanon Town Board, held at the Shatford Park Pavilion and via video and teleconference, duly called and held on the 14th day of July 2020, the following Resolution was proposed and seconded:

Resolution by Supervisor Houghtling
Seconded by Councilmember Trainor

TOWN COMMITTEE RULES AND GUIDELINES

WHEREAS, the Town of New Lebanon has many town committees such as the Conservation Advisory Council, the Zoning Re-write Committee, the Climate Smart Task Force and the Business & Economic Development Committee; and

WHEREAS, the Town of New Lebanon wants all town committees to follow the same basic rules and guidelines; and

WHEREAS, some of the town committees are required by law to follow NYS Open Meetings Law and some may not be; and

WHEREAS, the Town of New Lebanon wants all town committee meetings to be open to the public to conduct their committee business in an open and transparent fashion; and

WHEREAS, the Town of New Lebanon recognizes the need for town committees to do research and to occasionally reach out to other government agencies such as NYS DEC and NYS DOT and other elected officials; and

WHEREAS, many town committees have subcommittees or working groups working within the full committee to do research and work required to bring information back to the full committee;

THEREFORE BE IT RESOLVED that the Town Board of the Town of New Lebanon hereby establishes the following rules and guidelines to be followed by all town committees currently in existence and any future town committees to be formed:

1. All town committees are subject to the rules laid forth in NYS Open Meetings Law, with full committee meetings to be held at the Town Hall (or other public location authorized by the Town Board), advertised to the public, open to the public to attend (but no requirement to allow the public to speak), with minutes recorded and provided to the Town Clerk or PZ Clerk for distribution to the public via the town website and email blast within 2 weeks of the meeting. If the full committee has subcommittees or working groups, those meetings are not subject to NYS Open Meetings Law unless the full committee votes that they are. Full committees decide what recommendations/proposals are made to the Town Board which makes all decisions.
2. Subcommittees or working groups formed from the full committee work within the context of the full committee and are not authorized to act (offer opinions, communicate or make recommendations) independent of the full committee. How these subcommittees or working groups operate within the full committee is to be determined at the discretion of the full committee.
3. Committee chairs (of the full committees) are to be appointed by the Town Board. All communications and requests from the committee to the Town Board are to come through the chair of the full committee or a member authorized by the full committee chair.
4. Communications with other government entities such as NYS DEC or NYS Ag and Markets must be approved by the full committee and a member of the committee designated by the full committee may reach out to them on behalf of the committee for research or other purposes. The chair of the full committee may reach out to other government entities such as NYS DEC or NYS Ag and Markets with approval from the Town Supervisor. If a committee needs to reach out to a county, state or federal elected official they must obtain authorization from the Town Supervisor who, upon approval, will make the appropriate introductions.

Upon the question of the foregoing Resolution, the following Town Board Members voted "Aye" or "Nay" for said Resolution:

Roll Call Vote:

Councilmember Norman Rasmussen

Aye

Councilmember Deborah Gordon	Aye
Supervisor Tistrya Houghtling	Aye
Councilmember Jesse Newton	Aye
Councilmember John Trainor	Aye

The Resolution, having been approved by a majority vote of the Town Board, was declared duly adopted by the Supervisor of the Town of New Lebanon.

Dated: July 14, 2020

Resignations from BEDC and CSC:

Supervisor Houghtling stated that unfortunately we do have a few resignations. Marc Frey has submitted a letter of resignation due to personal time commitments from the Climate Smart Task Force, Supervisor Houghtling thanked him for his time and stated sorry to see him go.

Supervisor Houghtling stated that Sal Shariff, Hollis Reh and Rochelle Dire have submitted letters of resignation from the Business & Economic Development Committee.

Supervisor Houghtling made a motion, seconded by Councilmember Newton and approved unanimously to accept the resignation from Marc Frey from the Climate Smart Task Force and the resignations from Sal Shariff, Hollis Reh and Rochelle Dire from the Business & Economic Development Committee.

CSC Request for Advisor & NYSEG Online Account Access:

Supervisor Houghtling stated that she did receive a request from the Climate Smart Communities Task Force to name Marc Anthonisen as the advisor for the Climate Smart Task Force, Marc has a lot of knowledge and specific study at Cornell University having to do specifically with Climate Smart Communities Program. Marc has volunteered his time and comes with a wealth of knowledge and the Climate Smart Task Force has decided that the role of advisor would be an appropriate role for Marc.

Supervisor Houghtling made a motion, seconded by Councilmember Trainor and approved unanimously to appoint Marc Anthonisen as advisor for the Climate Smart Task Force.

Supervisor Houghtling stated that New Lebanon is a designated Clean Energy Community. Supervisor Houghtling stated this is something that we have been working on for the last three years, with herself as Town Clerk, we just hit our fourth high impact action which was the LED street lighting, it was installed in March. Supervisor Houghtling stated that Marc helped us get it uploaded and we are now official, we are Clean Energy Certified, which does open us up for some possible grant funding. Currently the grants are on hold but when they come back both Marc and Jill will be in touch regarding possible grant opportunities.

Supervisor Houghtling stated that there is a regular entry of bills for benchmarking under the Clean Energy Community, Marc has voluntarily offered to take a big load of off the Town Clerk's office. Every month when the bills come in from NYSEG and John Ray & Sons, the

Town Clerk's office has to go in and enter how much energy and fuel usage the town has had. The Town Clerk's office is currently scanning and emailing Marc the bills as they come in. Supervisor Houghtling stated that there is an online option, there is no risk to giving Marc access, all he could really do is pay our bills. By giving Marc the online access, he could go and pull the bills online and get what he needs and this would be a huge relief on the Town Clerk's office. Supervisor Houghtling is asking for authorization for both NYSEG and John Ray & Sons, if offered to set up online accounts.

Supervisor Houghtling made a motion, seconded by Councilmember Newton and approved unanimously to set up online accounts with both NYSEG and John Ray & Sons if available and that we authorize Marc Anthoisen along with the Town Clerk's office to have access to all of those accounts.

Updated NYS Building and Energy Codes:

Supervisor Houghtling stated that there is an update to NYS Building and Energy Codes, Jeff Hattat is more familiar, we do not need the details. Basically CEO Hernandez, Deputy CEO Hattat and our town attorney said that yes, we need to update our code to match the new building code. Supervisor Houghtling stated that it would be appropriate to put it in with the next local law that is coming up that Attorney Tingley is looking at now.

Councilmember Newton made a motion, seconded by Supervisor Houghtling and approved unanimously to update our code to match the new building code and to put it in with the next local law that is coming up that Attorney Tingley is looking at now.

Possible Property Donation:

Supervisor Houghtling stated that she is pretty excited, there is a resident that is offering to donate a really beautiful piece of property to the town, it has a beautiful house and barn and a ton of acreage. Supervisor Houghtling stated that her and Monte Wasch went and looked at the property the other day and they both thought of possibly an artist in residency or theatre program. The property does fall partially in the Town of Chatham, Supervisor Houghtling stated that she did speak to the Supervisor of Chatham and they are very interested in talking about a possible collaboration between the Town of New Lebanon and the Town of Chatham bringing maybe The Berkshires art and theatre like Jacobs Pillow and other Berkshire's things and the Chatham Ghent Art Omi together in this central location. Supervisor Houghtling stated that she doesn't really have a proposal at this time, she didn't want to move forward in the event the town is not interested. Supervisor Houghtling asked if the town was open to hearing more, no one was opposed to it.

2021 Budget Calendar:

Supervisor Houghtling stated that the law states that by September 1, 2020 she has to send out to all department heads to request their budget. On September 20, 2020 they have to get their upcoming proposed budget to Supervisor Houghtling and then Supervisor Houghtling has to get the tentative budget out by September 30, 2020.

Supervisor Houghtling would like to propose that she gets her request out now to the department heads to have their budget to her by September 1, 2020. Supervisor Houghtling thought this would give all department heads and herself more time to prepare the budget for the deadline and asked if anyone was opposed to moving the timeline up a little. No one was opposed.

Councilmember Newton stated that he also spoke to Ed Godfroy of the LVPA and he and Councilmember Trainor are going to start working with the LVPA on July 27, 2020.

Surplus Town Highway Equipment:

Councilmember Newton stated that the town will be placing four pieces of town equipment out for surplus they are going to be a 1999 International dump truck, 1997 AWD drive International dump truck, a 5500 Dodge 4x4 drive dump truck (a 1 ton) and a 1988 Champion grader. Councilmember Newton stated that we are hoping to get about \$68,000 in total funds if we sell these and hoping to turn these over pretty quick.

Councilmember Newton stated that Highway Superintendent Winestock wants to do this to help his budget because he is still interested in purchasing the backhoe that was discussed recently.

Councilmember Newton stated that there is a question of a couple of items that are over at the town garage that could be considered scrap that we are going to talk about getting rid of. There are a couple of pieces of playground equipment that need a lot of work, not sure if they need to be assigned as surplus or not.

Supervisor Houghtling stated that we could declare it surplus and stated that we are junking it.

Supervisor Houghtling stated we want to go through Auctions International and have bids due to us the Friday before the August meeting.

Councilmember Newton stated that he feels that is a little fast because all the towns are doing this at the same time. Councilmember Newton stated that we will do that and see where we are.

Supervisor Houghtling stated that Kevin used to be the Auctions International guy, asked if Councilmember Newton is taking the lead on that. Councilmember Newton stated that he would rather not.

Supervisor Houghtling stated that she would take that on but she might go to Councilmember Newton for pictures and specific information regarding the equipment.

Supervisor Houghtling made a motion, seconded by Councilmember Newton and unanimously approved to declare the following highway equipment surplus a 1999 International 2x4 truck, a 1997 AWD International truck, a Dodge 5500 4x4 truck and a

1988 Champion grader and also to go out to bid on said equipment through Auctions International with bids due on or before Friday, August 7, 2020 at 4:00 PM and with bids to be decided upon at the August 11, 2020 town board meeting.

DEC Mining Permit:

Supervisor Houghtling stated she apologized to the audience; this was not on the agenda she was waiting to hear from the town attorney. Supervisor Houghtling stated she did hear from them that yes, we need to at least have a conversation on this if not take action.

Supervisor Houghtling stated that she is again going to have to recuse herself from this, it is Troy Sand & Gravel and her husband works for a company owned by the same parent company. Supervisor Houghtling stated that Attorney Tingley also had to recuse because he is the attorney for Troy Sand & Gravel. Stephanie Ferradino is our attorney on this.

Supervisor Houghtling stated that there is an active mining permit at the location, they were asking for a slight modification, Attorney Ferradino recommended and the DEC was requesting that they be lead agency on this because they know much more about mining permits, the environment and the possible impact on it. DEC has been listed as lead agency. Supervisor Houghtling stated that there was one community member who messaged her very upset about naming DEC as lead agency, he is a neighbor to the mine and felt there were environmental concerns. Supervisor Houghtling stated that she asked this resident for more detail, but was never given anything more.

Supervisor Houghtling stated that we did receive from DEC a notice of complete application, a map, a mining permit modification and a negative declaration. The negative declaration means that it has been found by DEC that there is no environmental or significant environmental impact on this modification.

Attorney Ferradino stated that the DEC is seeking the towns input on the items in their July 1st letter. A response from the town pertaining to the issues raised by the public would be in order but Supervisor Houghtling doesn't know what those issues are which makes it a little tricky. Supervisor Houghtling stated that there wasn't an actual issue raised the resident was just mad that we had not been the lead agency. The town has thirty days to respond, which may be in the form of a report, memo or letter to DEC including supporting documentation such as town code provisions, information from neighbors, etc. which seeks reasonable steps or conditions relating to the following: setbacks; barriers to restrict access; dust; hours of operation and any prohibitions on mining at this location.

Supervisor Houghtling stated that Attorney Ferradino talks about getting creative to addressing neighbor complaints as relates to noise but again Supervisor Houghtling stated that she doesn't have any specific neighbor complaints.

Councilmember Newton stated that he runs a business that is an abutting property and he hasn't noticed any difference in use, it has been an operational gravel mine for at least

the last twenty-four years that he has been at his job.

Supervisor Houghtling stated the resident reached out to her via Facebook messenger back in March when the town declared DEC lead agency very upset and disappointed. Supervisor Houghtling did attempt to reach back out to this resident and never heard anything back from them.

Councilmember Trainor asked if it was simply an expansion?

Supervisor Houghtling stated the modification summated is to add a total of approximately 3.6 acres in two areas to the life of mine for purposes of excavation, 2.9 acres are proposed to be added to the north and .7 acres are proposed to be added in the southwest portion of the existing life of mine area, no other changes are proposed.

Councilmember Trainor asked if DEC gets no reply from the town it's okay.

Supervisor Houghtling stated DEC did a full evaluation and found no negative declaration and they want to know if the town has any input.

Councilmember Newton stated that he thinks no input because we haven't been able to confirm any other information.

Supervisor Houghtling stated that we could not authorize her to send a letter to DEC of no input, we could just not respond.

Councilmember Newton made a motion seconded by Councilmember Gordon approved by all except Supervisor Houghtling abstained to authorize Supervisor Houghtling to send a letter to DEC stating that the town has no input in this.

Internet:

Supervisor Houghtling stated that the pavilion internet has been installed it is about \$43.00 per month. There is an option to save another \$10.00 per month if we enter into a three-year contract, however we really only use the pavilion May through October and we now can offer internet to pavilion rentals and summer camp can use it. They did say we can disconnect in October and reconnect it in May.

Supervisor Houghtling stated that we will add this to the end of pavilion season closing and season opening to dos.

COMMITTEE/LIAISON REPORTS:

Assessor (Councilmember Rasmussen):

Councilmember Rasmussen Nothing to report.

Building Department (Councilmember Newton):

Councilmember Newton stated nothing to report.

Business & Economic Development (Councilmember Gordon):

Councilmember Gordon stated way too much. Monte Wasch stated that the next full committee meeting is in August, the sub committees are actively meeting, there are two sub committee meetings next week he is hoping that they will have something to present to the town board at the August meeting.

CAC & Environmental Management & Climate Smart Task Force (Councilmember Gordon):

Bruce Shenker stated the county environmental management committee has been looking at Columbia County becoming a Climate Smart County, a lot of the towns in Columbia County such as New Lebanon are either working towards being climate smart or already are. They are looking to propose it to the County Board of Supervisors and what they are proposing especially to the town that already are climate smart communities is that the towns write a letter of support to the county asking the county to also join the efforts. Supervisor Houghtling reiterated that what Bruce is proposing if the board is open to it, it would be on the August agenda for us to authorize signing onto a letter of support.

Supervisor Houghtling read the template of the proposed letter of support. Bruce will prepare the letter for the August meeting and send to Supervisor Houghtling.

David Farren spoke on behalf of the CAC that they did a short video link in the town newsletter and hopes that residents will go online and watch the video.

Steve Powers spoke on behalf of the Climate Smart Task Force has had three meetings so far, formed subcommittees and hopes to have a report for the board at the August meeting.

Fire, Law Enforcement & Emergency (Councilmembers Newton & Trainor):

Councilmember Trainor stated that July 27, 2020 is the LVPA meeting.

Councilmember Newton stated they will be starting to work on the budget.

Highway (Superintendent Winestock & Councilmembers Newton):

Councilmember Newton stated nothing major. Councilmember Newton stated that Highway Superintendent Winestock is looking to have the payment approved for the truck that was approved by the prior town board, the truck is ready and needs to be paid, the money is in the budget, they are looking for authorization for Supervisor Houghtling to pay that on an interim voucher when the bill comes in.

Councilmember Newton made a motion to authorize Supervisor Houghtling to pay for the new truck approved by the prior town board on an interim voucher when the invoice is received. Councilmember Trainor seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Historian & LVHS: (Councilmembers Trainor):

Councilmember Trainor stated the Historical Society might meet next week if they decide to. The town Historian says that she will be back in the month of August.

Justice Court/Constable (Councilmember Trainor):

Councilmember Trainor stated that there is nothing to report.

Library (Councilmember Trainor):

Councilmember Trainor stated that a lot of the library's information is in the newsletter. Supervisor Houghtling stated that the library let her know that we do have access as usual to all of the mid-Hudson libraries, you can go online and they will leave out for pickup and they are fine free.

Buildings, Parks & Recreation (Councilmembers Newton):

Councilmember Newton stated he is looking for approval from the town board for unfortunately another extension for about six weeks for Banker Enterprises for our pavilion bathrooms, the availability of a lot of products that need to go into that are very delayed.

Councilmember Newton stated he is also looking for authorization from the board to approve himself as the entity that works with the town engineer to work through these changes as they have to so long as it stays budget neutral.

Supervisor Houghtling made a motion, seconded by Councilmember Trainor and approved unanimously to extend the bathrooms contract through September 9, 2020.

Supervisor Houghtling made a motion, seconded by Councilmember Trainor and approved unanimously to authorize Councilmember Newton to modify anything in the contract regarding different types of things like toilets and light fixtures as long as the sum total of the contract price does not increase with the town engineer's approval.

Councilmember Newton stated he has contacted the current owner of the skatepark we were to get. Unfortunately, they were going to start working on it this weekend, but due to Councilmember Newton's injury and his contractor volunteers being very busy right now they will be trying to get down there in the next week or so. Councilmember Newton stated that as far as he knows over width permits are still kind of touchy with DMV. They are still looking at options of where to temporarily place it in the park, it is eighty-six feet long and forty-eight feet wide. He would love to have it set up permanently but that may not happen.

Supervisor Houghtling stated that she would like to propose something to the town board, she may be in the minority, she understands our budget situation but she does think we have done a very good job at being very frugal on expenses, we are getting a free skatepark that is probably valued in the \$200,000 - \$300,000 range donated to the town.

Councilmember Newton is working very hard to get volunteer labor to break it down and transport it here. Supervisor Houghtling stated she would like to see us be able to put it onto a cement slab as opposed to temporarily set it up in the grass, have to treat it and then have to take it apart and reassemble on the cement slab. Supervisor Houghtling stated that she feels that the added work for the temporary placement on the grass is substantial enough that she feels we should look for the money in the budget, if the town board agrees with her which they don't have to, they should make a motion to go out to bid on the materials for the concrete slab.

Councilmember Trainor stated he thinks it sounds okay to him.

Councilmember Rasmussen stated he thinks we should do it.

Councilmember Gordon asked where is the skatepark coming from? Can't it stay there where it is?

Councilmember Newton stated that it is coming from the Skate Factory in Ghent, NY. No, unfortunately it is inside the building that is used for storage.

Supervisor Houghtling stated that we signed a contract that we would have it moved by August 31, 2020.

Councilmember Newton stated the he has been pushing this town for twenty something years for a skatepark and he is still iffy about approving \$10,000 at a time like this.

Supervisor Houghtling made a motion to authorize Councilmember Newton to finish the engineering plans with Paul McCreary, the town engineer for the slab and hold off on the pavilion part for now and we go out to bid just on the slab and we have bids due on August 7, 2020 by 4:00 PM and then we can decide at the August 11, 2020 meeting if we are able and willing to spend that money or not. Councilmember Trainor seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Nay
Councilmember Trainor -	Aye

Councilmember Newton stated that we had a request from JJ who runs the New Lebanon

flag project to get the flags approved at their new locations and we got authorization from NYSEG to go ahead and put them up wherever you want. Councilmember Newton went out on July 3rd and placed a number of flags and unfortunately on the 4th of July had to start taking them down because the brackets breaking. Councilmember Newton stated that he is personally going to buy new brackets and asked if we budgeted any money for flags this year.

Supervisor Houghtling stated she cannot recall and also gave Councilmember Newton a \$100.00 donation from a community member towards flags to give to JJ.

Seniors (Councilmember Gordon):

Councilmember Gordon stated no report at this time.

Volunteers (Councilmember Rasmussen):

Councilmember Rasmussen stated he hasn't gotten back to volunteers after our COVID pause.

Project Management (Councilmember Rasmussen):

Councilmember Rasmussen stated he has started on this and the purpose here is to allow the board and the public to know what to expect and when from projects the board are already working on. Ted Salem has provided a project plan for the Comp Plan Review, Monte Wasch has completed this for the Business & Economic Development Committee, Councilmember Newton is working on the town infrastructure and Supervisor Houghtling has completed this for the skatepark and for the community center.

Supervisor Houghtling stated that she has a point of clarification for Monte, she heard in Shawna's privilege of the floor a question about the community center being under the Business & Economic Development Committee, Supervisor Houghtling stated she didn't think it was, she didn't see the community center as one of the projects or subcommittees that they moved forward with. Supervisor Houghtling stated that she was planning on creating her own work group outside of the BEDC to start looking at locations and other things. Monte Wasch confirmed that it was not currently being worked on by the BEDC.

Supervisor Houghtling stated that the community center is something that she ran on and she will personally take that on as her project and look for a few volunteers.

ANNOUNCEMENTS:

AUGUST:

***Tuesday, August 11th ~ Regular Town Board Meeting @ Shatford Park Pavilion
@ 7:00 pm***

PRIVILEGE OF THE FLOOR:

In addition to an in person privilege of the floor, Supervisor Houghtling will read all comments, questions and concerns emailed to supervisor@townofnewlebanon.com during

the meeting. Supervisor Houghtling stated she has not received any emails from anyone online.

Shawna Fitzsimmons stated that she joined the BEDC because back in February she had approached Supervisor Houghtling regarding the community center and it was suggested that she join the BEDC. Supervisor Houghtling stated she did not remember that and apologized.

Joe Ogilvie stated that if Councilmember Newton needs volunteers for the skatepark, his kids are all skaters and could help and for the cement Tegan Cook is very good with cement and concrete.

EXECUTIVE SESSION:

Supervisor Houghtling made a motion to enter an executive session to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation at 9:55 pm. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

Supervisor Houghtling made a motion to exit the executive session at 10:43 pm. Councilmember Newton seconded that motion.

Roll Call Vote:

Councilmember Rasmussen -	Aye
Councilmember Gordon -	Aye
Supervisor Houghtling -	Aye
Councilmember Newton -	Aye
Councilmember Trainor -	Aye

ADJOURNMENT:

A motion was made by Supervisor Houghtling and seconded by Councilmember Trainor to adjourn the meeting at 10:44 pm.

Respectfully submitted,

Marcie Robertson
New Lebanon Town Clerk

Addendum A

Full Environmental Assessment Form

Agency Use Only [If applicable]

Project:	Local Law 1 of 2020
Date:	July 14, 2020

Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)			
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

A mubnbbA

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit to any unique or unusual land forms on the access site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1.E.2g)

No Yes

If "Yes", answer question a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
 If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. NO YES
 (See Part 1. E.2)
 If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>

f. If there is a dam located on the site of the proposed action, is the dam [has failed to meet one or more safety criteria on its most recent inspection] <u>in need of repair, or upgrade?</u>	Ele	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D[.1.2[.],h, D.2.g) If "Yes", answer questions a - f. If "No", move on to Section 7.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU=s per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	[D1g, D2k] D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES If "Yes", answer questions a - j. If "No", move on to Section 8.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) If "Yes", answer questions a - h. If "No", move on to Section 9.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the <u>National or State Register of Historic Places</u> or that has been <u>determined</u> [nominated] by the <u>Commissioner of the NYS Office</u> [Board] of Parks, Recreation and Historic Preservation to be eligible for <u>listing</u> [inclusion] on the State [or National] Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>

c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "[Yes] Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>

c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

NO

YES

(See Part 1. D.2.j)

If "Yes", answer questions a – [g] f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
[f]e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
[g]f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

NO

YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

NO

YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>

b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

NO YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement[,] or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans			
The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character			
The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Addendum B

Project: Local Law No. 1 of 2020
Date: July 14, 2020

Full Environmental Assessment Form **Part 3 - Evaluation of the Magnitude and Importance of Project Impacts** **and** **Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The proposed action is the adoption of a local law to update and amend the current zoning law of the Town of New Lebanon. The amendments would include additional regulations concerning (among others) fences and pools; clarification of application and review procedures and standards for certain special permit uses; clarifications in procedures concerning receipt, investigation, and response to complaints; changes to the Town's sign regulations; and amendment of definitions to promote consistency with state law and for clarity purposes. There are some additional uses proposed to be added and minor changes proposed to be made to the Use Table, with appropriate notation for special use permit and site plan review indicated. Additionally, minor changes have been proposed to be made to the Area & Bulk Regulations. In addition, the zoning map is proposed to be amended.

Although the proposed action is a local law affecting land use that would apply to the entire town, the proposed action in reality amounts to merely an amendment/update to existing zoning. The amendments and updates are intended in large part to clarify and refine existing laws governing land use in Town. The Town Board has reviewed the proposed amendments and based thereon, as well as on the information contained in Part 1 and Part 2 of the Full Environmental Assessment Form, the Town Board concludes that the proposed action will not result in any potential significant adverse impacts to the environment, including regard to land, geological formations, surface water, groundwater, flooding, air, plants and animals, agricultural resources, aesthetic resources, historic or archaeological resources, open space resources, Critical Environmental Areas, transportation, energy, noise, odor or light, human health, community plans, or community character.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

E. mubrabba

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town Board of the Town of New Lebanon _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Local Law No. 1 of 2020 - A Local Law To Update and Amend Chapter 205 of the Code of the Town of New Lebanon

Name of Lead Agency: Town Board of the Town of New Lebanon

Name of Responsible Officer in Lead Agency: Tistrya Houghtling

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency: _____ Date: _____

Signature of Preparer (if different from Responsible Officer) _____ Date: _____

For Further Information:

Contact Person: Tistrya Houghtling, Town Supervisor

Address: Town of New Lebanon Town Hall, 14755 State Route 22, New Lebanon, NY 12125

Telephone Number: 518-794-8889

E-mail: supervisor@townofnewlebanon.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

Addendum C

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

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. 1 of the year 2020

A LOCAL LAW TO UPDATE AND AMEND 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.)

2 mubrihbfA

TOWN OF NEW LEBANON

INTRODUCTORY LOCAL LAW NO. 1 OF THE YEAR 2020

**A LOCAL LAW TO UPDATE AND AMEND 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 205 of the Code of the Town of New Lebanon”.

SECTION 2

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

A. Paragraph C of Section 205-4, entitled “Districts, purposes and boundaries”, is hereby amended to read in its entirety as follows:

C. The locations and boundaries of the zoning districts hereby established are shown on a map entitled “Zoning Districts of the Town of New Lebanon”, initially adopted August 9, 2010, and as amended from time to time. The FZ-O is shown on the map entitled “Flood Insurance Rate Map.” The maps and all notations, references and other information shown thereon are hereby declared to be a part of this chapter and shall be kept up-to-date in the offices of the Town Clerk for the use and benefit of the public.

B. Subdivision (b) of Subparagraph (4) of Paragraph B of Section 205-7, entitled “Area and bulk regulations”, is hereby amended to read in its entirety as follows:

(b) Location.

[1] Fences, freestanding walls and hedges and all supporting structures must be entirely on the property of the party erecting the fence.

[2] Fences and freestanding walls shall not obstruct sight distance at intersections or rights-of-way and shall comply with required setbacks at street corners.

[3] Any fence, freestanding wall or hedge built along an adjacent lot shall be installed interior from the lot line with a two-foot setback to provide for maintenance and lawn or field mowing. Lawns and other growth shall be maintained by the property owner to the property line in accordance with New York State Property Maintenance Code.

C. Subdivision (d) of Subparagraph (4) of Paragraph B of Section 205-7, entitled "Area and bulk regulations", is hereby amended to read in its entirety as follows:

(d) Materials and construction.

[1] 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.

[2] 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.

[3] Canvas, cloth, wire mesh, snow fencing, chicken wire, pallets, plywood or any other material of a nonstructural nature may not be used as fencing material or as any part of fence. The use of any fencing material, or device, intended or which is likely to cause harm or injury to humans is prohibited. Examples of materials prohibited in this section include, but are not limited to, broken glass or electrification. All fences require a zoning permit unless they are exempt under § 205-7B(4)(a)[1].

[4] All fencing that has a discernable finished side must be installed or constructed so the finished side faces to the exterior of the lot center.

[5] 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.

D. Paragraph B of Section 205-8, entitled "Supplementary regulations", is hereby amended to read in its entirety as follows:

B. Water recreation, water storage and ponds. The accessory use of land for water recreation or water storage such as swimming pools (whether aboveground or in-ground), ponds, or open outdoor water storage tanks shall comply with the following requirements:

- (1) All swimming pools, open outdoor water storage tanks, and other water recreation or water storage shall comply with setback requirements.
- (2) Drainage of a swimming pool, pond, open outdoor water storage tanks or other water recreation or water storage shall not interfere with any public or private water supply, existing sanitary facilities or surrounding properties.
- (3) An aboveground swimming pool or other aboveground storage structure shall be located so that there is no danger to surrounding properties or water supply or sewerage systems in the event of a break of the container.

E. Subparagraph (1) of Paragraph D of Section 205-11, entitled “Zoning administration and enforcement”, is hereby amended to read in its entirety as follows:

(1) Complaints.

- (a) Any person may file a written complaint regarding a violation of this chapter with the Zoning Enforcement Officer.
- (b) Within 10 days of the filing of a written complaint, the Zoning Enforcement Officer shall, in writing addressed to the complainant, acknowledge receipt of the complaint, provided that the complainant has provided his or her mailing address to the Zoning Enforcement Officer at the time of the filing of the complaint.
- (c) All such filed written complaints shall be investigated by the Zoning Enforcement Officer and a report prepared thereon and action instituted where appropriate within 30 business days.

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

(1) Bed and breakfast.

- (a) Bed-and-breakfasts shall be established, maintained and operated so as to preserve and complement the character and integrity of the surrounding area.
- (b) Off-street parking shall not be located in a front yard and shall be screened from roads and adjacent properties so as not to detract from the residential character of the site. In addition to the parking guideline for bed-and-breakfasts set forth in Section 205-9(A)(12), an appropriate number of off-street parking spaces shall be provided for members of the owner's family residing in the dwelling unit. Any outdoor lighting shall use fully shielded fixtures and shall not cause light to glare onto neighboring properties.
- (c) A single exterior sign or display may be established on the site of the bed-and-breakfast.

G. Subparagraph (2) of Paragraph E of Section 205-13, entitled "Special use permits", is hereby amended to read in its entirety as follows:

(2) Boardinghouse.

- (a) In addition to meeting the minimum lot size requirements for the district within which it is located, there shall be a minimum of 5,000 square feet on the lot per room designated as sleeping accommodation for boarders, as well as 5,000 square feet for the family residing on the lot.
- (b) All prescribed standards for bed-and-breakfast uses shall be met. Off-street parking shall not be located in a front yard and shall be screened from roads and adjacent properties so as not to detract from the residential character of the site. In addition to the parking guideline for boardinghouses set forth in Section 205-9(A)(12), an appropriate number of parking spaces shall be provided for members of the owner's family residing in the dwelling unit. Any outdoor lighting shall use fully shielded fixtures and shall not cause light to glare onto neighboring properties.

H. Subdivision (a) of Subparagraph (6) of Paragraph E of Section 205-13, entitled "Special use permits", is hereby amended to read in its entirety as follows:

- (a) Flea markets may be permitted only in General Commercial and Commercial-Recreational zoning districts.

I. Subparagraph (9) of Paragraph E of Section 205-13, entitled “Special use permits”, is hereby amended to read in its entirety as follows:

(9) Home Occupation 2 and 3.

- (a) Home Occupation 2 (HO2). Special use permits for HO2 uses shall be reviewed and determined by the Zoning Board of Appeals. The Zoning Board of Appeals shall grant a special use permit for an HO2 use only where following standards are met:

[1] The use shall be compatible with the character of the neighborhood.

[2] There shall be no exterior alterations in connection with the profession or occupation that are inconsistent with the character of the neighborhood.

[3] The use shall produce no appearance, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbances that would exceed those normally produced by a residence.

[4] The use shall not cause a substantial increase in traffic in the neighborhood.

[5] Any commercial or special purpose vehicle on the property shall be screened from view from the street and adjoining properties or stored under cover. Any commercial or special purpose vehicle in excess of one and one-half (1 ½) tons capacity or twenty-four (24) feet in length shall be stored in an enclosed structure within the principal building or an accessory building, or within the rear yard and shall be screened from view from the street and adjoining properties.

- (b) Home Occupation 3 (HO3). Special use permits for HO3 uses shall be reviewed and determined by the Planning Board. Any new or modified special use permit application for an HO3 shall also be subject to site plan review by the Planning Board.

[1] The Planning Board shall grant a special use permit for an HO3 use only where following standards are met:

[a] The use shall not appreciably alter the character of the neighborhood.

[b] The use shall be conducted primarily within the confines of the building(s) on the property.

[c] The use shall be carried on by at least one person that resides within the dwelling unit, and no more than three (3) persons that do not reside within the dwelling unit.

[d] No signs are allowed, except as permitted by section 205-17 (B)(11) of this chapter.

[e] The use shall not produce any appearance, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbances that substantially exceeds those normally produced by a residence. There shall be no exterior alterations in connection with the profession or occupation that are inconsistent with the residential character of the neighborhood.

[f] The use shall not cause a substantial increase in traffic in the neighborhood.

[g] There shall be no more than two (2) commercial or special purpose vehicles stored at the property. All commercial or special purpose vehicles shall be screened from view from the street and adjoining properties or stored under cover. Any commercial or special purpose vehicle in excess of one and one-half (1 ½) tons in capacity or twenty-four (24) feet in length shall be stored in an enclosed structure within the principal building or an accessory building, or within the rear yard and shall be screened from view from the street and adjoining properties.

[h] Sufficient off-street parking for customers, clients, and other visitors shall be provided as determined by the Planning Board.

[2] A special use permit issued for an HO3 shall be valid for one year and must be renewed annually. A request for renewal shall be made in writing to the Zoning Enforcement Officer no less than 30 days prior to the expiration of the special use permit or latest renewal. Upon receipt of such a request, the Zoning Enforcement Officer shall determine whether the use conforms to the special use permit and site plan approval and all conditions therein and set forth in this section. In the event the Zoning Enforcement Officer determines that the use conforms and that all conditions are satisfied, the Zoning Enforcement Officer shall administratively renew the special use permit for a one-year period. In the event the

Zoning Enforcement Officer determines that the use does not conform or that not all conditions have been satisfied, the applicant shall have a period of seven (7) days to bring the use into compliance and to satisfy any such conditions. Upon such compliance, the Zoning Enforcement Officer shall administratively renew the special use permit for a one-year period. If the applicant fails to bring the use into compliance and to satisfy any such conditions within such seven (7) day period, the Zoning Enforcement Officer shall not renew the special use permit.

J. A new subparagraph (16) of Paragraph E of Section 205-13, entitled “Special use permits”, is hereby added to read in its entirety as follows:

(16) Home-Based Business. Special use permits for home-based business uses shall be reviewed and determined by the Planning Board. Any new or modified special use permit application for a home-based business shall also be subject to site plan review by the Planning Board.

(a) The Planning Board shall grant a special use permit for a home-based business only where following standards are met:

[1] The use shall be carried on by at least one person that resides in the dwelling unit, and no more than two (2) persons that do not reside in the dwelling unit.

[2] No signs are allowed, except as permitted by Section 205-17 (B) (11).

[3] There shall be no more than six (6) commercial or special purpose vehicles stored at the property. All commercial or special purpose vehicles in excess of two (2) shall be screened from view from the street and adjoining properties or stored under cover. Any commercial or special purpose vehicle in excess of one and one-half (1 ½) tons capacity or twenty-four (24) feet in length shall be stored in an enclosed structure within the principal building or an accessory building, or within the rear yard and shall be screened from view from the street and adjoining properties.

[4] All materials or other equipment shall be stored within the principal building or accessory building or within the rear yard and shall be screened from view from the street and from adjoining properties. Such storage areas shall be identified on the site plan.

[5] The use shall not produce any appearance, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbance that substantially exceeds those normally produced by a residence.

[6] The use shall not cause a substantial increase in traffic in the neighborhood.

[7] Sufficient off-street parking for customers, clients, employees and other visitors shall be provided as determined by the Planning Board.

- (b) A special use permit issued for home-based business shall be valid for one year and must be renewed annually. A request for renewal shall be made in writing to the Zoning Enforcement Officer no less than 30 days prior to the expiration of the special use permit or latest renewal. Upon receipt of such a request, the Zoning Enforcement Officer shall determine whether the use conforms to the special use permit and site plan approval and all conditions therein and set forth in this section. In the event the Zoning Enforcement Officer determines that the use conforms and that all conditions are satisfied, the Zoning Enforcement Officer shall administratively renew the special use permit for a one-year period. In the event the Zoning Enforcement Officer determines that the use does not conform or that not all conditions have been satisfied, the applicant shall have a period of seven (7) days to bring the use into compliance and to satisfy any such conditions. Upon such compliance, the Zoning Enforcement Officer shall administratively renew the special use permit for a one-year period. If the applicant fails to bring the use into compliance and to satisfy any such conditions within such seven (7) day period, the Zoning Enforcement Officer shall not renew the special use permit.

K. Section 205-17, entitled "Signs and posters", is hereby amended to read in its entirety as follows:

§ 205-17. Signs and posters.

A. Intent and Purpose. The intent of this section is to promote and protect the public health, safety and welfare of the residents of the town by regulation of signage.

B. Rules and Regulations.

- (1) For purposes of determining number of signs under this section, a sign shall be considered to be a single display surface or display

device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of the elements, each element shall be considered to be a single, separate sign.

- (2) For purposes of determining the surface area of a sign under this section, surface area shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign, and including all of the elements of the matter displayed; provided, however, that 50% of the total surface area of both sides of a freestanding sign or a projecting sign that is substantially perpendicular to the road or walkway and that contains identical content on both sides so as to permit observation of its messaging from either direction shall be excluded from such calculation. Frames and structural members not bearing letters, words, numbers, figures, emblems, logos, or pictures shall not be included in computation of surface area.
- (3) All exterior signs must be constructed of durable materials, shall be lettered in a professional and workmanlike manner and shall be maintained in good condition and repair at all times. Exterior signs and posters made of cardboard, paper or similar non-permanent material are prohibited except for temporary signs.
- (4) All illuminated signs shall be constructed such that all transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.
- (5) Excepting portable and temporary signs, all signs and their structures shall be securely anchored and constructed to prevent lateral movement that would cause wear on supporting connections.
- (6) Signs and their structures must be kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring and loose fastenings. Signs and their structures must be maintained at all times in such a safe condition as not to be detrimental to the public health or safety.
- (7) No sign shall be placed in or projected onto the public right-of-way or placed so as to impair visibility for motorists. Signs shall not project over adjoining property lines.
- (8) Wall signs shall not extend above the roof or parapet of the building, shall not extend beyond the ends or over the top of the walls to which

attached and shall not extend more than nine inches from the face of the buildings to which they are attached.

- (9) The height of a freestanding sign shall not exceed 30 feet.
- (10) Monument- or masonry-type signs or bases shall not exceed four feet in height.
- (11) The following signs are permitted in any zoning district:
 - (a) One sign not exceeding two (2) square feet;
 - (b) On a farm, one additional sign not exceeding sixteen (16) square feet;
 - (c) Three banners or flags not exceeding fifteen (15) square feet each;
 - (d) Temporary signs that comply with paragraph F of this Section.
- (12) In addition to any other signs permitted under this chapter, a place of worship, museum, library, school or government office shall be permitted to have a bulletin board not exceeding twenty-four (24) square feet.
- (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 bed-and-breakfast, 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) $\frac{1}{2}$ 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.

- (14) Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign itself.
- (15) Signs which are animated, flashing or with intermittent illumination are prohibited.
- (16) Feathered flag, tear drop flag and blade flag signs are prohibited.
- (17) No sign shall contain content that is obscene.

C. Signs for Multi-Business Complexes, Shopping Centers, Malls, etc.

- (1) A multi-business complex, shopping center, or mall shall be permitted one freestanding sign not exceeding twenty-four (24) square feet, plus ten (10) square feet for each individual business space therein; provided, however, that in no event shall the total surface area of such freestanding sign exceed seventy-five (75) square feet, nor shall the total height of the freestanding sign exceed thirty (30) feet.
- (2) Notwithstanding anything else to the contrary contained in this Section 205-17, a multi-business complex, shopping center, or mall shall be permitted one sign not exceeding twenty-four (24) square feet for each individual business space therein, each such sign being attached to the building and located eighteen (18) inches or less from the building face and being located in general proximity to each individual business space.

D. Any sign in disrepair or which becomes obsolete shall be repaired or removed at the expense of the property owner within 30 days of the date of an order to such effect issued by the Zoning Enforcement Officer. A permanently installed structure on which the sign is mounted need not be removed, provided the structure is in good repair and, to the extent any surface area formerly used for signage remains, such area is a neutral color and opaque. Any replaced or repaired sign must conform to all regulations in this chapter.

E. A flora or stone sign may be permitted as long as it conforms to other regulations of the sign this chapter.

F. Temporary Signs. Temporary signs shall comply with the following:

- (1) Each temporary sign shall not exceed 6 square feet in surface area.

- (2) Each temporary sign shall be located no closer than 6 feet from any roadway.
- (3) Temporary signs shall not be attached to any tree, utility pole, or road sign.
- (4) No temporary sign shall be displayed during any calendar year for more than two display periods, each of which shall not exceed 30 consecutive days and which display periods shall be at least 60 consecutive days apart.

G. Exemptions. For the purpose of this chapter, the following signs shall not be included in the application of the regulations herein:

- (1) Historical markers.
- (2) Integral decorative or architectural features of buildings, except letters, numbers, trademarks, moving parts or moving lights.
- (3) Signs not in excess of two (2) square feet in size that identify hours of operation.
- (4) Non-illuminated signs not in excess of two (2) square feet in size that demark a property's boundaries.
- (5) Address signs not in excess of two (2) square feet in size on multiple dwelling units.
- (6) Non-illuminated signs on the interior sides of fences which enclose athletic fields, as well as on scoreboards contained within such athletic fields.
- (7) Window and door signs and posters, provided that such do not exceed 25% of each window/door surface.

H. Approvals. Excepting temporary signs, all signs require application for and issuance of a zoning permit from the Zoning Enforcement Officer and payment of any and all applicable application and permit fees.

I. Nonconforming signs. A lawful pre-existing, nonconforming sign may be maintained subject to the provisions of this section.

- (1) Any existing on-premises sign which was legally constructed and erected under the sign provisions or other regulations set forth in the

Zoning Code, Town Code or which was granted a variance may be continued and maintained, provided, however, that such sign may not be moved, altered, enlarged or modified unless such sign is changed to a conforming sign. Once modified or changed, such sign may not be changed back into a nonconforming sign.

- (2) All other signs in existence on the effective date of this chapter shall be made to conform to the standards herein or shall be removed within sixty (60) days after receipt of written notice from the Zoning Enforcement Officer to the owner to comply.

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	---
Bed-and-breakfast and boardinghouse	All zones, or where ZBA allows	2 square feet	1	
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	

Use	Zoning District	Maximum Size	Number Permitted	Comments
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	
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.

L. Paragraph C of Section 205-20, entitled “Definitions”, is hereby amended to add the following definitions of terms, to be inserted in proper alphabetical order by term:

BANK – An establishment that accepts deposits, pays interest, clears checks, makes loans, acts as an intermediary in financial transactions, and provides other financial services to its customers.

BANNER or FLAG – Piece of cloth, nylon, synthetic cloth, or similar material bearing a symbol, logo, slogan or other message, usually in a square or rectangular shape.

BUS STATION – A lot, structure, or building used for the boarding and exiting of buses, the selling of transport tickets, the incidental sale or dispensing of food and drink, and the incidental storage of buses.

COMMERCIAL/SPECIAL PURPOSE VEHICLE – Any truck or van used in connection with operating a business.

COMMERCIAL TRADES OPERATION – General contractors, masons, painters, refrigeration contractors, HVAC contractors, roofers, carpenters, small scale excavating contractors and similar operations.

DRIVING RANGE – A tract of land used for practicing golf shots, especially drives, where clubs and balls may or may not be available for rent.

FIRE/EMERGENCY RESPONSE STATION – A facility where fire/emergency vehicles and equipment are housed.

FUNERAL PARLOR – An establishment with facilities for the preparation of the dead for burial or cremation; for the viewing of the body; and for the conduct of funerals.

GREENHOUSE – A building chiefly comprised of a transparent or translucent material on its roof and/or walls and which is used for cultivating plants.

HOME-BASED BUSINESS – A business or profession in which various administrative tasks are conducted on the property by a person residing therein and which is clearly incidental to the principal use of the lot for residential purposes, but where the business or profession primarily provides goods and/or services off-site. Home-based businesses may include, but are not necessarily limited to, landscapers, plumbing contractors, electrical contractors, carpenters, painters, and similar professionals/artisans.

HOME OCCUPATION 1 (HO1) – A home occupation that meets all of the following criteria:

- (1) No signs are located on the subject property, except as permitted by Section 205-17 (B) (11) of this chapter;
- (2) The profession or occupation is carried on totally within the confines of the buildings on the subject property;
- (3) The profession or occupation is carried on exclusively by one or more persons that reside within the dwelling unit;
- (4) The profession or occupation will not produce visits to the property by customers, clients, colleagues, employees, or contractors;

- (5) Any deliveries made in connection with the profession or occupation are made by vehicles that do not exceed the size of typical vehicles used to deliver mail, parcels, or packages to the residence;
- (6) No more than one commercial or special purpose vehicle, which vehicle shall not exceed one and one-half (1 ½) tons in capacity and twenty-four (24) feet in length, is parked on the subject property; and
- (7) All materials and other equipment used in connection with the profession or occupation are stored within the principal building or an accessory building on the property.

HOME OCCUPATION 2 (HO2) – A home occupation that does not constitute a Home Occupation 1 (HO1) and that meets all of the following criteria:

- (1) No signs are located on the subject property, except as permitted by Section 205-17 (B) (11) of this chapter;
- (2) The profession or occupation is carried on totally within the confines of the buildings on the subject property;
- (3) The profession or occupation is carried on by at least one person that resides within the dwelling unit, and no more than two persons that do not reside within the dwelling unit;
- (4) No more than one commercial or special purpose vehicle, which vehicle may exceed one and one-half (1 ½) tons in capacity and twenty-four (24) feet in length, is parked on the subject property; and
- (5) All materials and other equipment used in connection with the profession or occupation are stored within the principal building or an accessory building on the property.

HOME OCCUPATION 3 (HO3) – Any home occupation that does not constitute a Home Occupation 1 (HO1) or a Home Occupation 2 (HO2).

LIBRARY – A facility that houses a collection of books or other written, printed or digital material, including manuscripts and pamphlets, posters, photographs, motion pictures, and videotapes, sound recordings, and computer databases and that may sponsor or hold community events, such as concerts, seminars, talks, fundraising events, and similar events.

MINIATURE GOLF – A game modeled on golf played with a putter on a short grassless course that may include obstacles.

MIXED USE PROPERTY – A property that includes both commercial space and residential space, such as a storefront building with apartments in one or more upper floors and retail space on the first floor.

MOTEL – A building or group of buildings, whether detached or in connected units, used as individual sleeping or living quarters with direct outside access and related office, and with or without restaurant facilities, designed primarily for transient travelers, and provided with the accessory off-street parking facilities. The term “motel” includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include parking areas for house trailers or mobile homes or to include dwelling units, except for that of the owner or manager.

MUSEUM – An organized institution, including but not limited to halls of fame, zoos, aquariums, botanical gardens and arboretums, that is essentially educational or aesthetic in purpose, with professional staff, which ordinarily owns, exhibits, maintains, and/or utilizes artifacts, art, and/or specimens, including non-tangible electronic, video, digital and similar art, cares for them, and exhibits them to the public on some regular schedule.

MULTI-BUSINESS COMPLEX, SHOPPING CENTER, MALL – A structure or series of connected structures that contain three or more businesses.

PLACE OF WORSHIP – A building or structure, or groups of buildings or structures, that by design and construction is primarily intended for conducting organized religious services and associated accessory uses.

POND – A body of water that has a depth of three (3) feet or more below surrounding ground elevation.

PUBLIC PARK – A property or structures designated for public access with or without a fee. A park owned and/or operated by the Town shall be considered a Town Use.

SELF-STORAGE UNITS – A land use consisting of rental of storage space for personal property, business property or recreational vehicles in a warehouse building or multi-sized individual units.

SIGN, ANIMATED – A sign or any portion thereof having movement effected by mechanical or natural means, including, but not limited to,

blinking, flashing and general intermittent light, as opposed to light of a constant intensity and value.

SIGN, FEATHER FLAG, TEAR DROP, BLADE FLAG – A sign typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and attached to the shaft and which is typically shaped as a feather, tear drop or blade.

SIGN, FREESTANDING – Any sign not attached to or part of any building but separate and permanently affixed by any other means, in or upon the ground.

SIGN, ILLUMINATED – Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of a sign.

SIGN, PORTABLE – A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or another sign, including sidewalk signs.

SIGN, REAL ESTATE – A sign not exceeding 6 square feet in surface area and located not closer than 6 feet from any roadway that indicates that the premises on which it is located is for sale or for lease.

SIGN, SANDWICH BOARD – A portable sign constructed in such a manner as to form an “A” or tent-like shape, whether hinged or not at the top.

SIGN, TEMPORARY – Any sign, except a real estate sign, that is not permanently affixed to a building or the ground.

SIGN, WALL – A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall.

SIGN, WINDOW OR DOOR – Any sign visible from a sidewalk, street, parking area or driveway or other public space, that is painted or affixed to the inside or outside of glass or other material.

TEMPORARY BUSINESS TRAILER – A mobile structure used for facilitating a project or event. It may contain office space, storage space or facilities specific to and for the duration of the project or event.

TEMPORARY HOUSING – A mobile or manufactured home, including a recreational vehicle, that is sited on an approved lot and used as a single-family residence or a period of time not to exceed 12 months.

TOWN USE – Any structure, building or land use activity that directly relates to the administration or performance of Town of New Lebanon functions, pursuant to the Town Code, Town Budget, or resolutions passed by the Town Board.

M. Paragraph C of Section 205-20, entitled “Definitions”, is hereby amended to delete the following definitions of terms:

CHURCH – A building or structure, or groups of buildings or structures, that by design and construction is primarily intended for conducting organized religious services and associated accessory uses.

HORSE FARM – An agricultural operation related to the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this be construed to include operations whose primary on-site function is horse racing.

MOTEL/HOTEL – A building or group of buildings, whether detached or in connected units, used as individual sleeping or living quarters with direct outside access and related office, and with or without restaurant facilities, designed primarily for transient automobile travelers, and provided with the accessory off-street parking facilities. The term “motel” includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include parking areas for house trailers or mobile homes or to include dwelling units, except for that of the owner or manager.

TEMPORARY MOBILE HOME – A mobile or manufactured home that is sited on an approved lot and used as a single-family residence or a business for a period of time not to exceed 12 months.

N. 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 - A written statement required pursuant to § 305-b of the Agriculture and Markets Law of the State of New York as part of the review of any application for special use permit, site plan approval, use variance or subdivision approval for property within an agricultural district containing a farm operation or property with boundaries within 500 feet of a farm operation located in an agricultural district. 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 500 feet of the boundary of the property upon which the project is proposed; and a Tax Map or other maps showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

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 may 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 bed-and-breakfasts, farm stay programs, u-pick operations, pumpkin patches and on-farm wineries, breweries, cideries, and distilleries.

AUTOMOBILE RACING FACILITY – A facility designed for the outdoor recreation involving automobile racing, with or without spectators. For the purposes of this chapter, this use may include the racing of vehicles such as, but not limited to, motorcycles, dirt bikes, snowmobiles, jet cars, trucks and fire trucks.

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.

BOWLING ALLEY – A recreational business that accommodates bowling. Food and beverages may be sold on premises, provided such food and beverage sales are accessory to the principal use of recreational bowling.

BUILDING HEIGHT – The vertical distance measured from the mean elevation of the proposed finished grade at the front entrance of the building to the maximum structural ridge of the roof.

COVERAGE – That percentage of the plot or lot area covered by the building area, including accessory structures.

FAMILY – One or more persons maintaining a common household.

FARMSTAND – A roadside structure, not to exceed 300 square feet and set back at least 15 feet from the road, which is used seasonally for the sale of farm produce and agricultural products produced on premises and which produce/products are immediately accessible to customers without entering a structure.

HOME OCCUPATION – A profession or other occupation conducted within a dwelling unit by one or more persons residing therein and clearly

incidental to the principal use of the lot for residential purposes and which does not constitute a home-based business as defined in this chapter. In particular, a home occupation includes, but is not limited to, art studios, dressmaking, teaching, offices of a clergyman, lawyer, landscape architect, physician, dentist, architect, engineer, optician, realtor, accountant, barbershop, beauty parlor, or similar use, but shall not include animal hospital or dog kennels, automotive repair service, restaurant, clinic or hospital or similar use.

INDUSTRIAL, LIGHT – Includes limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities such as beverage bottling, distribution and warehousing; distribution centers; ice production, storage, sales and distribution; laboratories for research, testing and experimental purposes; machine shops; manufacture of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacture of precision instruments and equipment such as watches, electronics equipment, photographic equipment, optical goods and similar products; manufacturing of articles or merchandise from previously prepared or natural materials such as cardboard, cement, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, stones and other such prepared materials; printing and publishing.

LAND USE ACTIVITY – Any construction or other activity which changes the use or appearance of land or a structure or the intensity of use of land or a structure. "Land use activity" shall explicitly include, but not be limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansions of existing uses, roads, driveways, and excavations for the purpose of extracting soil or mineral deposits. This shall include, but is not limited to, residential structures, commercial buildings, residential or commercial accessory structures, signs, parking lots, communications towers, mines, roads, ponds, and windmills.

MOTOR VEHICLE – Any device that is designed, manufactured or modified to be as a self-propelled conveyance of persons or objects by any power other than muscular power, including automobiles, cars and trucks. Vehicles, such as a trailer, that are designed to be towed or drawn from behind an internally powered vehicle and that are subject to registration are included in this definition.

PERSONAL SERVICE – An establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel such as a beautician, barber, tailor, or massage therapist.

RAVINE – A valley with sharply sloping walls created by the action of stream waters or any other natural effect.

RESEARCH – An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

RESTAURANT (NO DRIVE-THROUGH) – Any structure having as a principal use the preparation and dispensing of foods and beverages for consumption on the premises or elsewhere (takeout), whether food is served upon order or taken by self-service and where there are no facilities for drive-through service.

RESTAURANT (WITH DRIVE-THROUGH) – An establishment where food and/or beverages are sold in a form ready for consumption, where some portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place outside the building.

RETAIL USE, RETAIL BUSINESS, STORE OR SHOP – Traditional establishments, such as florists, lumber and hardware stores, pharmacies, grocery stores, convenience stores, stationery stores, bookstores, video rental stores, clothing stores, department stores, shoe stores, antique stores, etc., that sell goods or merchandise to the general public for personal or household consumption.

SIGN – Any device, including but not limited to letters, words, numbers, figures, emblems, logos, pictures or any combination of these, located out of doors or outside or on the exterior of any building, or affixed to the inside or outside of glass windows and doors, used for visual communication intended to attract the attention of the public and visible to the public right of way and/or other properties. Notwithstanding anything else in the foregoing to the contrary, the term “sign” does not include signs erected and maintained pursuant to and in furtherance of a governmental function or that are required by any law, ordinance, rule or regulation, on-site traffic control, circulation, parking, safety, and related signs, and signs demarking the boundaries of a property, such as “No Trespassing” or “Posted” signs.

SOLAR PANEL – A device that relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SPECIAL USE – A land use which is deemed permissible within a given zoning district or districts but which may have the potential to exhibit characteristics or create impacts incompatible with the purposes of such district. The special use shall, therefore, be subject to approval by the Zoning Board of Appeals or Planning Board, as applicable, in accordance

with conditions set forth for such use, as well as other applicable provisions of this chapter.

STRUCTURE – Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and signs.

- O. Attachment 1, entitled “Schedule 1, Area and Bulk Regulations”, of Chapter 205, is hereby amended to read in its entirety as set forth on the annexed Attachment 1.
- P. 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

SECTION 3

The Zoning Map of the Town of New Lebanon, entitled “Zoning Districts of the Town of New Lebanon”, adopted August 9, 2010, is hereby amended to depict the zoning districts thereon as shown on Exhibit A hereto.

SECTION 4

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 5

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

SECTION 6

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

ZONING

205 Attachment 1

Town of New Lebanon

Schedule 1, Area and Bulk Regulations
[Amended 6-10-2014 by L.L. No. 1-2014]

District ^{1,2}	Minimum Lot Size	Maximum Building Coverage (Footprint) of Principal Building	Minimum Front Setback (feet) ^{3,6}	Minimum Side Yard Each Side (feet)	Minimum Rear Yard (feet)	Maximum Stories	Maximum Height (feet)	Minimum Road Frontage (feet)
RA-5	5 acre	10,000	75	75	75	2 1/2	35	60
RA-2	2 acre	4,000	75	50	50	2 1/2	35	60
RA-1	1 acre	4,000	75	35	50	2 1/2	35	60
C	30,000 ⁴	75% of lot	75	20 ⁵	25	3	40	100
C-Rec	30,000 ⁴	50% of lot	20 ⁵	25	25	3	40	200
C-I	30,000	25% of lot	75	50	50	3	40	200
C-R (see note below)								

NOTES:

- ¹ See regulations specific to overlay districts for additional area and bulk requirements.
- ² In the Commercial-Residential District, residential uses shall be subject to the area and bulk regulations applicable to the RA-1 District, and commercial uses shall be subject to those applicable to the Commercial District.
- ³ Measured from the center of the traveled portion of the road.
- ⁴ Except for wholesale store, hotel and/or motel, which requires two acres minimum.
- ⁵ Fifty when adjacent to residential zone, and 40 when adjacent to existing building.
- ⁶ Except as pertains to motor vehicle sales businesses, which may display vehicles being outside a structure with a setback no less than 25 feet from the edge of pavement.

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		
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	
Bed-and-breakfast	SP/SPR	SP/SPR	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.~~

~~**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____.~~

~~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____.~~

~~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.

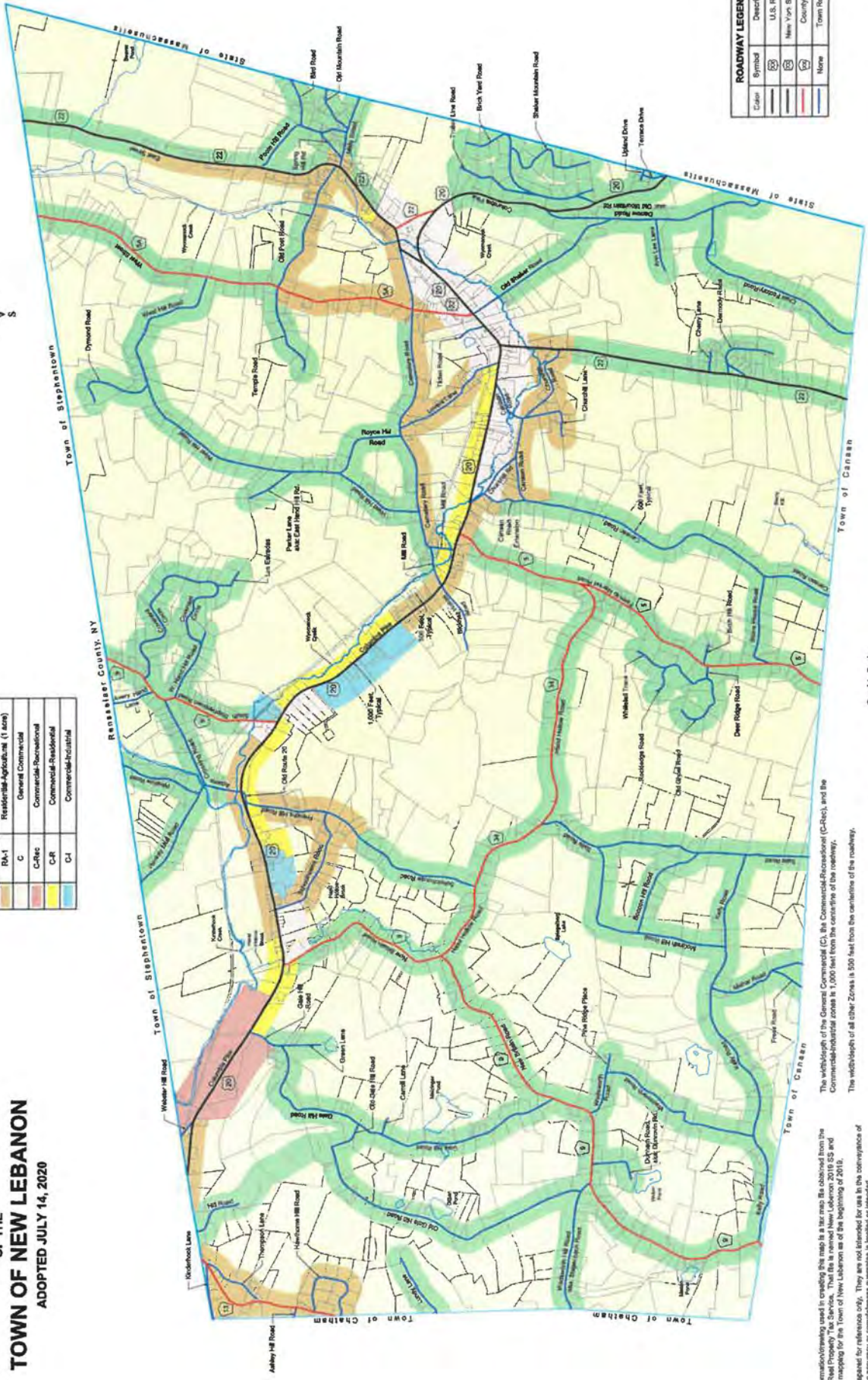
Marcie Robertson, Town of New Lebanon Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____

ZONING DISTRICTS OF THE TOWN OF NEW LEBANON ADOPTED JULY 14, 2020

ZONING DISTRICTS		
Color	Abbreviation	Description
Light Green	RA-5	Residential-Agricultural/Conservation
Light Yellow	RA-2	Residential-Agriculture (2 acres)
Light Orange	RA-1	Residential-Agriculture (1 acre)
Light Purple	C	General Commercial
Light Blue	C-Rec	Commercial-Recreational
Light Cyan	CI	Commercial-Industrial



ROADWAY LEGEND	
Color	Description
Black	U.S. Route
Red	New York State Route
Blue	County Road
Grey	Town Roadway



NOTES:
 The base data/information/drawing used in creating this map is a tax map file obtained from the Comsewogue County Real Property Tax Services. This file is named New Lebanon 2019 5S and represents the tax mapping for the Town of New Lebanon as of the beginning of 2019.
 Tax maps were prepared for reference only. They are not intended for use in the conveyance of land. Absolutely no accuracy or completeness guarantee is implied or intended.
 This map has been created to visually show the Zoning Districts in the Town of New Lebanon, NY. The tax map parcels are shown by a thin light grey color line and are to be read only for locating vertices.

FILE: 1.10.2020-07-14
 TOWN OF NEW LEBANON

