

**TOWN OF NORTH EAST ZONING REVIEW COMMITTEE
MINUTES
November 23, 2020**

The Town of North East Zoning Review Committee meeting took place on Monday, November 23, 2020 via Zoom at 6:00 PM. Board members present were Chair Edie Greenwood, Dale Culver, Ed Downey, George Kaye, Bill Kish, Julie Schroeder, and Dave Sherman. Also in attendance were Will Agresta, Chris Kennan, Sam Busselle and Deb Phillips, secretary to the zoning review committee.

Chair Greenwood opened the meeting at 6:03PM.

Chair Greenwood circulated a draft of the Dutchess County Planning comments earlier in the week on the draft sign law. She noted that at the Sept 8 meeting Chris Kennan said the Town of North East Solar Wind & Sign Committee was still a North East town committee.

Will Agresta provided the Board with charts he compiled from the Town of North East Chapter 180 Zoning:

- (1) Principal Uses, Use Standards, Definitions, Parking Standards.
- (2) Schedule of Permitted Land Uses by Zoning District - Non-Residential.
- (3) Schedule of Permitted Land Uses by Zoning District – Residential.
- (4) Schedule of Permitted Land Uses by Zoning District – Boulevard Districts.
- (5) Definitions.

The Definitions in black type are use related and are reflected in the other charts as uses throughout the districts. The definitions in grey type are defining other terms that are being used within definitions or in the code.

He compiled the uses in alpha order by district (Residential, Non-Residential and Boulevard). In the North East Code, there are two types of use standards: (1) general use standards for a use, and (2) uses that are subject to a special permit that have additional standards that must be met.

The goal is to identify uses that have standard uses and that definitions and uses have parking standards. If there is no definition or no parking standard, we would want to create them. We also need to review existing definition and existing parking standards to see if they're still good for today. He finds it helpful to have all the parking standards in one place.

Kish: Asked if the only non-residential district is HB-III.

Sherman: There is HB-I, HB-II, HB-III and light industrial. HB-I and HB-II were originally mapped in the Boulevard area with conflicting definitions. There is an overlay with HB-I and HB-II that needs to be cleaned up.

Agresta: The end game would be to have the Boulevard become itself and have no overlays.

Sherman: A lot of what is in the current zoning goes back to the 1976 Comprehensive Plan.

Agresta: Need to think about uses that don't make sense; uses in areas that don't make sense; maybe there are uses that should be in more places.

Kish: Suggested having a design flow and go through all the uses that are mentioned in the tables and discuss which ones should be eliminated, which ones should be kept, or which ones are missing. Then map the uses to districts and determine the permit requirements for each use and worry about the parking last.

Agresta: The goal is to have a more concise list of uses, have good definitions for the uses, and decide on what districts they belong in and where they don't belong. Have standards if they need them and have a parking standard.

Kish: The odds of a sewer reaching all the way down the Boulevard district are exceedingly small. There may be uses that are closer to the sewer district that might be appropriate and further out might not be possible.

Sherman: The same thing applies to regulations with landscaping, trees, street lighting, sidewalks, etc. He doesn't see streetlights and sidewalks going all the way to the state line.

Agresta: Asked the ZRC if money weren't an issue doing street improvements and streetscape, would the ZRC want the Boulevard all the way down to the state line as a goal to achieve.

Downey: The question is whether the ZRC wants a mixed-used growth that's both commercial and residential.

Sherman: Looking at the Boulevard study, the code should seek uses complimentary to the downtown of the village, not replacing it. He would like development that would require greater space and easier automobile access.

Agresta: If you had a larger use toward the state line, you still would want walkability. He suggested a transition from the village to the state line. Maybe have a second district as you get closer to the state line.

Kish: Suggested doing a site visit to better understand all the constraints in the Boulevard district.

Agresta: **His goal is to have the charts become the use schedule in the code rather than listed section by section the way they are now.**

Sherman: Asked Agresta if he was concerned with parking standards being incorporated in the supplemental regulations rather than being put in a separate parking section. Or was Will concerned with supplemental regulations being used to define the use vs. a definition.

Agresta: **The definitions should define what the use is; it should not regulate the use. Anything that is regulated in the use should be in the supplemental standards. The supplemental standards should be organized and grouped. For example, when looking at special permits, there are general standards that must be met, and the supplemental standards are the specific use standards that need to be met. Those should be in one part of the code for ease of use and organization. There are other supplemental standards that are embedded in the use specific standards and can be listed elsewhere. Those should be in another section of supplemental standards which are more applicable to every use. They would be grouped with all the landscaping standards, lighting standards, parking standards. They should be grouped together in the code. All the parking standards should be there; they should not be mainly there and have a few in the supplemental standards.**

Downey: It would be helpful if Agresta had a community like North East and had a similar code to provide the ZRC with that community's code to give the us a better understanding of what Agresta is looking for.

Agresta: He has amended codes and reorganized them in a way that the code would be used. He could make an outline of the code to make it easier to understand.

Sherman: Asked how to make the information in Dutchess County Greenway publication more easily known and how it should be referred to in the Zoning Code.

Downey mentions Section 180-105 Greenway Connections adoption: use. Will says it is referenced in Chapter 26 GREENWAY CONNECTIONS of our current code as well.

Agresta: Asked the ZRC if the Planning Board had been using the Greenway guidelines.

Kish: Suggested we incorporate the Greenway guidelines into the zoning by having a global statement regarding the use of these guiding tools for making decisions.

Agresta: When you have a special permit, the way your code is written, you have a series of general standards that you're supposed to find to grant the special permit. You need to show consistency with the Greenway Connections specific to the project at hand.

Agresta: Asked the Board if they wanted to do what Kish suggested. He then began the review of his chart of our current zoning list of uses and decide what to do with each of them.

(Town of North East Chapter 180 Zoning Principal Uses, Use Standards, Definitions and Parking Standards)

- *Accessory apartment*: Acceptable use.
- *Agriculture*: Suggested agriculture shouldn't be globally treated; maybe put it as a single use with subcategories.
- *Airport*: Sherman asked Schroeder if there was an airport application. Schroeder said the ZBA granted a special permit for one. Kish recommended not adding or keeping that use. Agresta mentioned there is no definition for airport.
- *Amusement and recreation facilities*: Agresta suggested consolidating this use. Sherman suggested narrowing it down vs. just being a generic use. Agresta said there can be indoor and outdoor uses, but they need to be defined.

- *Amusement and recreation facilities, indoor:*
- *Animal hospital or veterinary clinic, fully enclosed in a building:* Agresta asked the ZRC if it says fully enclosed in a building because they don't the kennel portion. Kish and Sherman replied it's because they didn't want kennel runs which could cause a nuisance. Agresta asked if boarding and grooming could be included in this use. Schroeder said it is now a separate use. Kish would like to keep them separate.
- *Animal husbandry:* Agresta said it's a form of farming.
- *Athletic field:* Agresta said to build into rec uses; if it's a Town facility, that's a different definition.
- *Auditorium:* Agresta said it's not really a use, if it's for public assembly then it's listed in the parking standards. It falls out of the code as a use.
- *Auto body shop:* Agresta said it's clear that it's not a repair shop.
- *Automobile laundry:* It was agreed to assume that means a car wash.
- *Automobile sales area:* Agresta thinks of it as a dealership.
- *Automobile sales area, which may include an accessory public garage and auto body shop:* Sherman said this type is more inclusive.
- *Bank, financial institution:* Agresta considers a bank the same as a financial institution. He would use the term bank and define it.
- *Bathing beach:* Agresta said it falls under recreation.
- *Bar or tavern:* Agresta said there are different levels of licensing for liquor in New York; a bar and a tavern are probably different from each other. He asked the ZRC if they wanted a stand-alone bar or be related to a restaurant. Schroeder's preference would be related to a restaurant. Greenwood said to be careful about over constricting new ideas. Kish said a new idea would be a brewery with a tasting room that they may want to allow; he doesn't recommend a roadhouse-type bar. Agresta said to look at the definition; it could include other types. Culver said Ag & Markets allows a place that brews its own beer or cider to sell on-site and that's outside of the bar and tavern definition. Agresta said to be mindful of those and provide for them.
- *Boardinghouse:* Agresta asked if there were any in town. Kish suggested consolidating boarding houses, rooming houses, motels, hotels into one lump and have a discussion.
- *Boat, boat trailer and marine accessory sales and rental:* Agresta said this is like the car dealership; he would keep them separately listed. He said motorcycles are missing here. They should all remain. Kish said boat sales and storage facility are no different than a trailer sales or servicing facility and a heavy equipment facility; he suggested taking things that have a lot in common and combine them together and make a set of single regulations.
- *Bowling alleys:* Agresta said its indoor recreation.
- *Building, accessory use of:* Agresta said the definition has a lot of standards and that is a no-no; you don't regulate in a definition.
- *Building materials sales, including lumber yard:* Agresta thinks this is a typo and redundant
- *Building materials sales, including lumberyards:* Agresta said you need to make some distinction between the brick-and-mortar store and a store that has brick and mortar with a yard for building materials. They're all going to be some level of wholesale and retail. The wholesale of construction building materials can be noisy and messy.

Agresta asked if the Town comes to the boards for site plans or use variances for municipal facilities. He said in New York State, if the Town is not going to come to the boards (assume to mean planning and zoning), the Town is supposed to exempt itself in the regulations. Kish said he would lean towards requiring that the Town does come to the various board but can exempt themselves from whatever decision was reached. **Agresta said the Town Board decides what the code says. He said the options are an outright exemption, an exemption with a referral, or the Town could be subject to the Town's regulations.**

- *Bus passenger shelter, for which the Board of Appeals may waive the provisions of Section D below:* Kish said it should be eliminated.

- *Business, professional or governmental office park:* Agresta asked if the ZRC saw a use being different as far as businesses, offices, and a park where you want a larger, stand-alone establishment. Kish said the Board should discuss what their idea of an office park is. Agresta said an office park in the Town would be a larger scope on a larger parcel but not necessarily tied to the general streetscape. Sherman mentioned the regulations under the light industrial section, referencing Harney Tea on the 20 acres of land with the building on one side with the layout so that something else could go in. Agresta said an office park could be two kinds of things: it could be one property with multiple buildings with separate or shared parking; or it could be a larger property made up of separate lots bound together by a common road system.
- *Cabin, hunting and fishing:* Kish said it could be an accessory use. Agresta said it could be a structure that is not four seasons and it may not meet the definition of a single-family house under the building code. Kish said it fits in the definition of tiny houses. Sherman said there are no seasonal dwellings in the principal uses but there are seasonal dwellings around lakes and ponds. Agresta asked if they are physically seasonal or seasonal because of the way they are used. Schroeder noted they were pre-existing before regulations (i.e., water supply, sewage disposal). Sherman asked if you want to change the law so that they are permitted. Agresta asked if the ZRC wanted to allow additional seasonal structures or allow conversions so they become permanent residences. Sherman said there are cottages and cabins on common land and typically not individual lots. Kish said a landowner leased slices of land for people to build cabins on many years ago. Schroeder said there is no formal subdivision.

Greenwood offered to schedule a walk of the Boulevard with Agresta and then determine the next meeting date in January.

Public Comments: None.

Kish: Mentioned Agresta discussed modifications to the zoning over time earlier in the meeting and how it can spoil its integrity. He asked who is responsible for ensuring that it doesn't happen.

Agresta: It's the adopting agency of the code; the responsibility rests on the Town to maintain the integrity of the organization of the code.

Greenwood adjourned the meeting at 8:05 PM.

Respectfully Submitted,

Deb Phillips
Zoning Review Secretary