

NORTH EAST ZONING REVIEW COMMITTEE WORKSHOP MINUTES February 22, 2021

The Town of North East Zoning Review Committee meeting took place on Monday, February 22, 2021 via Zoom at 3:30 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 Chris Kennan and Sam Busselle.

Chair Greenwood opened the meeting with a discussion of the Draft Boulevard District Purpose Statement circulated by Will Agresta on February 15 to include changes made at the February 8th meeting. The amended Boulevard District Purpose Statement was agreed to by the Committee.

The Committee began a review of the Feb 19th revised list of the two Boulevard District uses sent by Will Agresta. A use not mentioned on the new list was funeral homes. Julie Schroder has been approached by several funeral directors. After discussion, it was decided that our focus in the BD is on higher retail activity and a funeral home anywhere in the BD would not be the highest and best use of our commercial districts, especially considering the intermittent use. It was noted we should find a better place somewhere near the Village along one of our major corridors with room for parking. Another use not mentioned was self-storage. It was decided that self-storage units would not be a good use in the BD so should not be included.

The Committee decided to review the stated uses listed in BD West (area nearest the Village) first. There was a discussion about Motor Vehicle Repair and Body shops that are currently allowed uses but don't align with the retail businesses intended to serve the day to day needs of our community that we want to encourage in BD West. Because issues surrounding non-conformity are not always easily answered, no decision was reached; also, the Committee does not want to engage in spot zoning. The Committee agreed the overall intent of BD West is to be retail and an extension of the Village.

Regarding convenience stores with fuel dispensing, there are several existing operations and discussion followed about not allowing more. The issue of making existing uses non-conforming was discussed and Ed Downey made the point he thought convenience stores should be allowed and that market forces would regulate the number. Bill Kish made it clear he does not agree and that he wants such establishments removed as a permitted use. He envisions the possibility of a new convenience store that would lead to the deterioration of an existing store. Bill pointed out that such operations are an invasive use given the need to put in tanks and create paved areas.

Edie Greenwood raised the subject of electric vehicle charging stations assuming that type of operation would fall under the definition of fuel. Bill Kish felt EV stations would probably not be at convenience stores but nearer to other businesses where drivers spend time. Julie Schroeder suggested we consider EV stations as an accessory use. EV stations could be included in the parking standards. Ed Downey pointed out that the definition of a convenience store in our current code states "Such establishment may include the retail sale of gasoline, oil and other automotive fluids "so pumps are allowed but not required. He felt the use should be convenience store, not gas station and we should list gas station as an accessory use.

A discussion ensued as to what a convenience store could encompass. Bill felt a food mart would be covered under the current definitions of grocery store and not convenience store. Bill went on to say that what we have now does not service the needs of our community. They provide cheap food that is not healthy, they create litter, and they do not provide any decent paying jobs. By encouraging more, Bill feels we are doing absolute harm. Edie Greenwood made the point that the job of zoning is not to tell people how to eat. Dave Sherman suggested "Convenience Store" definition be moved out of the automotive section. He was also concerned about making the current stores non-conforming uses in the district. If allowed, most on the Committee felt it should only be permitted in BD East.

The ZRC moved on to "Entertainment". **Why is Farmers' Market considered entertainment and not retail? – A question for Will.**

"Lodging". It was felt Country Inn was not the right name to use here as in our code it refers to a business in the countryside. Possibly Hotel would be a better term. The ZRC felt it should not be permitted in the BD West district but should be allowed in the BD East district. No one felt the use should be limited to 10 lodging units.

"Municipal Uses". **Why have it, given the municipalities right to override zoning by using the Monroe Balancing test? – A question for Will.**

"Office". **Where would a Bank go? Bill felt it should be defined and Ed felt it should be listed under Retail. – A question for Will.** Some on the Committee questioned if "Veterinary Office" should be allowed in BD West. Julie Schroder and Bill Kish felt we should allow the use in both districts so as not to preclude a small veterinary practice in either district.

"Residential". The Committee agreed with the schedule as provided by Will Agresta.

"Restaurant". The Committee agreed references to drive ins are obsolete as defined in our code but there is no need to discourage window service where appropriate. The Committee does need to discuss drive-throughs. Ed stated the issue regarding drive -throughs is, do we want to discourage fast food restaurants. Bill felt we should, but several others on the Committee thought they should be allowed. Ed suggested we not eliminate the use but create a strong set of standards, which include aesthetics. It was noted that other businesses such as banks and pharmacies also utilize drive throughs.

Bill acknowledged he was the sole dissenter but wanted to make his case. He feels the fast-food industry does not have anybody's best interests at heart. It exists solely to make a profit and they do that by reducing the overall health of a community. If we at the local level don't take on the responsibility of regulating anything because the market must be the ultimate force, it saddens him, and we should know better. He ended by saying we all need to think about this as this issue will become before us many times.

Dale acknowledged Bill's concerns but felt it may take a long time for people to be comfortable with indoor dining again. He agreed with Ed about the importance of standards and the site plan approval process. Julie felt it is not the job of zoning to try to legislate a healthy lifestyle. Ed thanked Bill for expressing his point of view as strongly as he did and even though we do not all agree, Bill adds value to this group and makes us all think. George followed by saying we all agree with Ed's comment.

"Retail". If hardware store includes a lumber yard it should only be allowed in BD East. Julie questioned the definition of garden center. If an Agway store or a retail greenhouse fits into the definition it should only be in BD East, but she can see other, smaller types of businesses that she could see in BD West. Bill pointed out that on the south side of BD West there are only a few large deep lots and we need to encourage higher density retail that supports the Village such as a grocery store. It was agreed that large scale operations such as a hardware store with a lumber yard and a garden center with a greenhouse should not be allowed in BD West. Julie did not disagree but stressed the need for flexibility.

– A question for Will. How to clearly define these uses.

What is the distinction between "General Merchandise Retail and Furniture and Consignment Store"? Should there be more uses identified (e.g., Antique stores) rather than use an umbrella term?

– A question for Will.

Bill asked that we all think hard about uses we don't want to see if we are going to use an amorphous term.

At the next meeting we need to continue with a review of the uses on the BD East and begin our discussion of HD III on Route 22, north of the Village. Following the commercial districts, the ZRC will address the LC district for the entire town.

Public Comment:

Sam Busselle suggested there be a Purpose Statement created, he termed it the "North Star" of the revised North East zoning code, to provide linkage between the Comprehensive Plan, the Housing Initiative, and Economic Development.

Meeting ended at 5:10 pm.

Respectfully submitted,
Edith Greenwood, ZRC Chair