

## TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES April 12, 2021

The Town of North East Zoning Review Committee meeting took place on Monday, April 12, 2021 via Zoom at 6:30 PM. Board members present were Chair Edie Greenwood, Ed Downey, George Kaye, Bill Kish, Julie Schroeder and Dave Sherman. Dale Culver was absent. Also in attendance were Chris Kennan, Sam Busselle, Rob Cooper and Deb Phillips, secretary to the Zoning Review Committee.

Chair Greenwood opened the meeting at 6:30PM and said the ZRC was going to go through each of the districts and discuss their current purpose and asked Bill Kish to walk us through the process.

Kish: The basic idea is to start with the very general and work to the very specific. Each step of the way is to come to a consensus where we are.

Step 1: Review what we have today. Look at each of the district we have and determine what the current purposes are; have a discussion whether it district has achieved its purpose and identify in each district what should be eliminated or changed. Discuss any possible new districts that we might want to consider adding.

Step 2: We then have a more conceptual discussion where we talk about the districts that we want to retain or any new ones we want to add. We create a very simple purpose statement for each one.

Chair Greenwood: We've come to a consensus that BD1 through BD6 will become two districts, East and West. We have a draft purpose statement that we've developed.

Sherman: In BD4, the area south of the Kelsey Brook behind the supermarket, we were looking to take that out of the Boulevard district and putting it into the zoning district to the south of it. That's one exception to incorporating BD1 through BD6 into two.

Chair Greenwood: I question if that creates a landlocked parcel situation.

Kish: HB III seems to be primarily focused on wholesale uses. The Planning Board has an application before us in that district.

Sherman: You may have other retail services there and also some contractor shops. There could be auto body shops or similar businesses that are not going to be desirable in the BD West as it relates to the framework of the Village business districts.

Downey: Read through the HB III District uses that are in the Zoning Law. He couldn't find anything in the Comprehensive Plan that specifically made a reference to what should be done either within or by extending HB III.

Kish: HB III is really a catch-all for everything that wouldn't fit on the Boulevard or the Village as far as commercial activity.

Chair Greenwood: Mentioned M and MA. **At our last meeting, a question for Will was what is "industry." Agresta's response was "I assume what is meant is light industry, not something involving hazardous materials or chemicals. This could include small manufacturing with warehousing and some distribution, start-ups, offices, data centers, equipment repair or other such uses not typically found among retail stores."**

Sherman: Some of that comes close to what we were talking about in HB III. We could look at an office park, something that might have a shared entrance and campus site with other smaller buildings in it that are serving but are not retail.

Chair Greenwood: It's interesting with the kind of crossover between our HB III and the light industrial. Maybe we want to allow flexibility.

Sherman: Could see allowing the smaller light industrial uses in the HB III but noted there is not much land in HB III.

Kish: There are special permit conditions for light industrial uses. In terms of its current use, MA basically exists to serve Harney. We could identify that as its current use.

Chair Greenwood: Let talk about M District that doesn't have any land and decide if it should be eliminated.

Sherman: Doesn't see the likelihood of any facility fitting within that definition.

Chair Greenwood: It was Agresta's recommendation to drop it.

Next, we are going to talk about the residential zones. The largest area is A5A agricultural with five-acre minimum lot size.

Kish: The uses that are described are various kinds of dwellings, various kinds of agriculture, other things like golf courses, playgrounds and schools. Primarily, it is residential and agricultural.

Sherman: When we get to thinking about uses, there should be uses that are respectful of the landscape and not be detrimental to the viewshed or the appearance and quality of our Town as it is perceived by our residents and visitors.

Chair Greenwood: The next residential level is R3A which is the three-acre lot size south of the Village along the Connecticut border. She asked Sherman how that happened.

Sherman: That goes back to the 1976 Comprehensive Plan. It may have been compromise that included some areas south of the Village that would not be in the R20,000 District or R1A District but still has a low-density development pattern. The planners during the 1990s Comprehensive Plan suggested eliminating R3A and make it A5A.

Kish: One of his questions is housing that people can afford and a question of whether three-acre lot is desirable for anybody.

Schroeder: We should eliminate it.

Sherman: Suggested allowing for a special permitted use for a multi-family grouped as a cluster within a three-acre lot.

Kish: Maybe think about merging part of this into the A5A and in the part closer to the Village try and create higher density such as R20,000 or multi-family.

Sherman: Agrees with Kish.

Schroeder: We need to keep in mind the conservation easements.

Downey: Doesn't think a changing in the zoning would have an impact once a property is already in conservation easement which in our area tend to be in perpetuity. If you were to change the lot size from the three acres, these areas are ripe for the conservation easement concept because there are areas of very strong soils for agricultural purposes. The combination of those two factors could be addressed by creating the ability to have smaller lots in parts of the property; the rest of the property would be larger to meet the overall density.

Schroeder: That's also the best land for development. We're going to have sacrifice something when it comes to agricultural land. We could go with the clustering concept and a lower lot size.

Downey: We need to get an updated indication from the Dutchess Land Conservancy of how many acres are in easements. And get updated information on the amount of open space property in the Town that is owned by the Taconic State Parks system. Those two pieces will show how much is still available.

Chair Greenwood: We can probably do away with R3A.

Sherman: Agrees with Kish about merging into the A5A.

Schroeder: In the MA District, there could be in the foreseeable future marijuana farms and production facilities.

Chair Greenwood: R1A Low Density Residential is north of Beilke Road.

Kish: There are some large, undeveloped parcels in that area.

Schroeder: There is some very viable farmland that should not be zoned one-acre.

Sherman: We can't zone it to make it affordable.

Kish: We aren't looking to eliminate R1A.

Chair Greenwood: That leaves us with the R20,000 District. She agrees with Sherman's comment that you can zone it, but people may have very different ideas and do assemblages or buy existing lots that are five-acre lots zoned R20,000 but use the entire parcel for single residences.

Chair Greenwood: LC- Land conservation encompasses the entire town. Agresta suggested we consider an overlay district.

Schroeder: Agreed on an overlay zone to accommodate changes in the wetland areas.

Kish: Concerned with special permits for construction in LC and suggested adding extra steps for the SEQRA process.

Chair Greenwood: The third bullet in Step 1 is what new zoning districts we should be thinking about.

Kish: Suggested small agriculture as an overlay.

Downey: The typical farm is smaller in acreage than when the law was done in the 1970s.

Schroeder: So many of the large parcels have been purchased and leased out as smaller operations.

Downey: Asked Schroeder if it's reasonable to say that farming now breaks into two categories: one being direct sale of product and the other is leasing of land (particularly with second homeowners) for crops.

Schroeder: Mentioned Vail and Coon Brothers that are farming thousands of acres. They are viable, commercial agricultural enterprises.

Kish: Mentioned organic.

Schroeder: You're going to have problems when you're dictating how somebody has to farm.

Kish: His concern is having an organic farmer with a farmer next to him that is spraying and the adverse effect the drift of the spray could have on the organic farmer.

Downey: Asked if they are looking at other districts to consider. Asked about an overlay district to protect the viewshed from the Rail Trail.

Kish: Viewshed protection is important; an overlay is a useful tool for that.

Chair Greenwood: Asked what the difference between ridgeline and viewshed is.

Kish: If there are things that extend over the ridgeline, they become the highest object and dominate the viewshed.

Downey: It's an issue that's been around for a while and somewhat controversial. Ridgeline is generally addressing two issues: one is not having structures built above the ridgeline; the other is erosion issues.

Kish: Talking about overlays, he would like to take a close look at Hudsonia for habitats and special environmental areas. The less that we put into the zoning in terms of resources for the Planning Board to be aware of, the more likely that the Planning Board is to miss something.

Schroeder: Asked what distance from the Rail Trail were we talking about.

Downey: That would be an analysis of where you are on the Rail Trail. You can make a fairly reasonable assessment with digital overlays as to where those viewsheds might be.

Busselle: Mentioned a housing overlay from the Ulster County Action Plan. He said it's imperative we address the need for affordable housing in our community. We need to develop a more robust approach with the housing committee.

Chair Greenwood: Asked Busselle to explain that the housing overlay concept is.

Busselle: An overlay zone is a zoning district applied over one or more previously established zoning districts, establishing additional standards and criteria in addition to those of the underlying zoning.

Communities often use overlay zones to protect specific features such as historic buildings, wetlands, steep slopes and waterfronts. They can also be used to promote specific development projects such as mixed-use development. In the Comprehensive Plan, there are a number of things that are aspirations but aren't itemized as to how to get to the reality that has to do with diversity, whether it's income diversity or other diversity. The equitable aspect is pervasive all over the country. All of these things suggest that we have to become more granular on the subject of what kinds of housing we need, the nature of the housing and the help of a consultant who can give different examples of clusters and subdivisions.

Chair Greenwood: Asked Busselle to do more digging into other housing overlay codes or purpose statements.

Kennan: Regarding the water areas and streams, the Ten Mile River Coalition which is supported by the Housatonic Valley Association, is in the process of creating a vision statement for the Ten Mile and the Webatuck Creek. It's almost finished, and they would probably share it with the ZRC. It's not very specific but it prioritizes water quality, stream health and climate resilience.

Chair Greenwood adjourned the meeting at 8:33PM.

Respectfully Submitted,

Deb Phillips

Zoning Review Secretary