

Draft Purpose Statement table - May 10, 2021 ZRC meeting

District	Purpose Stmt (Shorthand)	Relationship to other districts	Incompatibilities	Competition
BD-WEST	Village extension (compatible architecture), walkable, uses provide "everyday goods & services", allow for accessory housing. Attractive streetscape (incl views). Smaller setbacks, parking to rear. Good signage & lighting	Relates primarily to village and to the BD-E		Supermarkets should be HERE!??? (WE NEED TO DISCUSS)
BD-EAST	More auto focused, larger lot sizes & uses, larger setbacks (rural appearance), residential multi-family, hospitality, also good signage & lighting, outdoor display of merchandise,	Like BD-W this is primarily retail & service, but for less walkable, less daily need establishments.		
HB-III	"less pedestrian" commercial uses. But, there's the RAIL TRAIL! (Maybe the R/T doesn't really need to be serviced by HB3). Mix of wholesale, B2B and retail. Auto repair & bodywork. businesses that attract "Occasional" use. Very light industrial. Most uses will occupy very small parcels.	Relates to hamlet (residential), relates to the BD districts because they are both commercial, relates to A5 & R1 to north.	The hamlet (residential). Need to protect the hamlet.	Uses are smaller as compared to those which might appear in BD-E, not really in competition
MA	"No-nuisance" light industrial. Does not take any high-quality potential farmland out. Does not impact important viewsheds. Are warehouses desirable?	Currently sits right in the middle of A5.	Lots of potential incompatibilities with adjacent districts. Probably need strong special permit standards.	
A5A				
R1A				
R20000				
LC				

**TOWN OF NORTH EAST ZONING REVIEW COMMITTEE
MINUTES
MAY 10, 2021**

The Town of North East Zoning Review Committee meeting took place on Monday, May 10, 2021 via Zoom at 6:30 PM. Board members present were Chair Edie Greenwood, Dale Culver, George Kaye, Bill Kish, Julie Schroeder and Dave Sherman. Ed Downey was absent. 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 6:30PM.

Chair Greenwood: Asked Agresta what were his take-aways from the chart developed at the April 26th workshop.

Agresta: Suggested getting away from the reality of what is now in the Boulevard District and taking a high-level view of it being on a highway and the idea of it being more of an extension of the Village. The language of serving the needs of the community is important but does not reflect the tourism aspect if we are interested. Have some understanding of what lower density and medium to large size are and what they mean. In HB-III, he liked the idea of coming up with a name that is more specific to the Town. The concerns with the wetlands and the Rail Trail are real and suggested fostering a connection with the Rail Trail if there are businesses that would be frequented by visitors and townspeople. Elimination of the M District is fine. Shouldn't be worried about spot zoning in the MA district. If you wanted to expand the MA district but don't know where, you could develop criteria for landing an MA District that could take away concerns about spot zoning. In the A5A District, he didn't understand the text about belongs in subdivision regs.

Kish: Most of the activity that takes place in A5A at the Planning Board is all subdivision stuff.

Agresta: If you're going to eliminate the R3A, be mindful when you do things like that and if you're going to go in the A5A direction, the property owners in the R3A might not be happy with it.

Chair Greenwood: The idea would be that in areas closer to the Village it would be replaced by either R1A or R20000.

Agresta: That's a good overall plan; you're moving density from one place to the next. He asked why the problems in R1A are problematic.

Chair Greenwood: It's very large and there's a major farm with prime soils with a lot of acreage currently zoned R1A. We don't want to do away with R1A, but it makes sense to take the farmland out of the one-acre zoning.

Schroeder: Part of the problem is because it's easily developed land. That farm (on Merwin Road) is unique and should be taken out of R1A.

Chair Greenwood: That farm has been highlighted as vulnerable by the American Farmland Trust.

Kish: We could shift the district lines to push the density into the area that would be most appropriate.

Agresta: Asked why the current R20000 didn't really get developed.

Chair Greenwood: A lot of it is wetlands. Two very desirable five-acre lots have become single homes even though they were zoned R20000. Downey had pointed out that those properties benefit from the Town water system. He questioned that when a municipality has invested in infrastructure, is there any way going forward, we can stop this from happening again?

Agresta: On one hand, it takes away from smaller lots and affordability but a bigger house on a bigger lot generates more taxes. Housing will be tied to sewer not so much public water. The R20000 is one of the big connections to the Village and working with the Village on getting water and sewer is part of their plan to be successful.

Chair Greenwood: The owner of a piece of property in BD4 had no problem of it being rezoned to R20000.

Agresta: That parcel is land-locked. His right-of-way doesn't give him zoning rights. You can get around that if you want to develop the property. If that property is a good candidate for multi-family housing, you might not want to make it an R20000; you might want to make it a multi-family zone. You make a use in the R20000 multi-family but the trouble with that is that everything else is still viable. It's more valuable as a multi-family development than a single parcel.

Agresta: His initial reaction to changing the LC district to an overlay is that we may not want to give away what we already have. The LC district has geographic areas that it protects. The theory of the overlay is to protect them still. If you're going to do an overlay, you need to focus on what it is you want the overlay to protect or achieve. The LC zone needs to be specific to the resources it is protecting.

Agresta: North East town law has a Flood Prevention law as required by FEMA. He thinks North East lacks a wetland law in the town law that would require a permit process to develop. Schroeder agreed. Wetlands are mapped at the time an application for a project in a wetland area is proposed and focuses on specific parcels. No town does a complete mapping of their wetlands. You define wetlands and map them on a case-by-case basis.

Sherman: We need to understand how and what Hudsonia mapped because they identify certain areas that could be possible habitat areas. They also identified areas where various species migrate from one area to another. There were very few parts of the Village that was not already under the large circles of buffer going around this habitat area.

Agresta: You need to look at their maps and start pairing it down to the things that are more significant.

Schroeder: It's a problem in the Town as well with all the buffer areas.

Kish: It's our intention to get Hudsonia to make a presentation.

Chair Greenwood: Asked Agresta about housing overlays.

Agresta: An overlay is just one tool to put housing in a district. It's about what type of housing you're trying to achieve and then look at the option of how to achieve it, whether it be an overlay or a special permit use, etc.

Chair Greenwood: Asked Agresta to explain what a floating district is and whether it might be something of value for North East.

Agresta: You could use a floating overlay for a housing development if you're not sure where it should go but you have some ideas of the criteria it should have. An overlay zone is one that you know what its

purpose is trying to protect or achieve. Usually, it is geographically mapped over an existing zone. Both of the district standards apply. **An overlay can cross districts. The portions that are in those protection areas have extra standards and that's what the overlay district talks about. The floating zone is something different. It usually has a purpose like a housing development. You write all the standards and design standards on how to develop that use but you don't know where it's going to land because you haven't figured that out and the market is going to help figure that out too.** Part of the zoning regulation not only tells you the standards of it, but it has a component part of it for a conceptual plan. You're getting the plan and the rezoning at the same time and the plan is built according to standards you have already defined.

Kish: Asked if we might develop a floating district with standards for a supermarket and that way a developer would know that if they can meet these standards that they could put in several different locations. If the Boulevard didn't work, maybe somewhere on Route 22.

Agresta: You could write the use with the incentive for the use you want, and the incentives attract someone to build it. You could do that with a floating zone, but you could also do that if you were looking at the HB III District and the Boulevard District.

Chair Greenwood: We have an LC district. We have a mapped area currently, but it was mapped a long time ago. She asked if it would have to be updated if kept as a mapped area.

Agresta: If your LC District is specific to a resource and it doesn't relate to the resource, you have to look at the LC District and see what you're trying to protect. You would probably have to update it if the boundaries were not consistent with what you're trying to protect.

Sherman: Asked what incentives you would give to have a grocery store come in.

Agresta: More density than some other uses in the zone, give it more uses that aren't allowed elsewhere in the zone, development potential to make more money, relaxed standard for setback, bigger height, an extra story.

Kish: Asked about financial incentives.

Agresta: You can't do that with zoning, but you can do it at the Town Board level. You can have tax incentive programs for new development but that's not in the zoning code.

Schroeder: Her concern is that if we encourage a supermarket in an area like HB III it will draw away from the Village and the rest of the Boulevard District.

Busselle: Doesn't think we're getting far enough with our own commitments in the Comprehensive Plan to provide for affordable housing. The zoning that we are talking about is a very traditional interpretation of what zoning is. He wants to encourage more cost-effective housing clusters that combine affordable and market rate options as outlined in our Comprehensive Plan. We don't want to have a single collection of affordable housing; we want to integrate it with other housing. Euclidian housing is characterized by exclusionary zoning and apt to be economic segregation which is what we have now. He suggests we consider a form-based approach to zoning.

Agresta: It doesn't have to be form based. **You can achieve the affordable housing desires of development and higher density by overlays, floating zones, by having uses that allow that and have a different density than the underlying density for single-family lots. You can have a mixture of market rate, affordable rate, single-family detach, single-family attach, mixture of lots, mixture of one parcel like a condo.** The land can be supported by higher density with sewer and

water. You can have higher density that isn't supported by sewer and water, but it will be in outlying areas and take up some of the farm parcels.

Busselle: In terms of the agricultural land, all this land that is agriculturally zoned isn't tillable. Portions of it could be developed in a nice way in a cluster separated and recognizing the viewsheds and the tillable land. Somewhere between 200 and 400 units have to be accomplished if we begin to address the cost burden issues of the low income and middle-income people that are already living here, let alone the ones that are looking to live here.

Chair Greenwood: We've learned something from overlays that may help with Busselle's concerns about affordable housing. We can accomplish some of your goals in terms of developing a housing overlay.

Busselle: As far as the combination of affordable and market rate, it's an awkward situation where the non-profit developers are restricted to the lower income. And there are for-profit developers who are inclined to do the minimum number of affordable units. It makes more sense to have a unified, unsegregated cluster of buildings.

Agresta: He will send a better explanation of the floating and overlay zones to the committee. With no more questions, Agresta left the meeting.

Chair Greenwood: The next step is to go to the purpose statements as developed and outlined on the attached table.

Chair Greenwood adjourned the meeting at 8:39PM.

Respectfully Submitted,

Deb Phillips
Zoning Review Secretary