

TOWN OF NORTH EAST ZONING REVIEW COMMITTEE

MINUTES

June 14, 2021

The Town of North East Zoning Review Committee meeting took place on Monday, June 14, 2021, at the North East Town Hall, 19 North Maple Avenue, at 6:30 PM. Board members present were Chair Edie Greenwood, Dale Culver, George Kaye, Bill Kish, Julie Schroeder, Ed Downey and Dave Sherman. Also in attendance were Will Agresta, Tom Parrett, Meg Winkler and Deb Phillips, secretary to the Zoning Review Committee.

Chair Greenwood opened the meeting at 6:30PM started with the Working Draft District Purposes Statements (dated June 10, 2021) drafted by Will Agresta.

Boulevard Districts – BD-West

Kish: What we want to create is a commercial use area which allows for a residential component.

Agresta: For assuring affordable, you can write that as being inclusive or something that is an option. The question on the purpose statement is incorporating residential. All the residential uses would not necessarily be affordable. It's not correct to say primarily commercial use with affordable residential; there would be market rate residential as well. It could just say with residential. It could be called a mixed-use area.

Committee agreed on commercial with a residential component.

Kish: Disagreed with highway oriented.

Sherman: When talking about BD-West as an extension of the Village, we need to be clearer about what we are saying.

Agresta: He thinks the Committee wants what is like the Village where the intersection is with the bank. He thinks the intention now is to change the regulations to relax some of the setbacks and to make it more Village-like than it is rural-like.

Kish: The word highway should not be front and center because it detracts from pedestrian and other modes of transportation. The current HB3 is really the highway-oriented business district.

Agresta: Agrees with Kish that the highway is not helping; it's more negative than it is positive.

Downey: Asked what if it reads these districts define a primarily commercial use area that is an extension of the business center of the community.

Agresta: Suggested dropping highway oriented.

Chair Greenwood: Suggested taking out 'than historically developed' in the BD-West as per Kish's recommendation in the last sentence.

Boulevard Districts – BD-East

Agresta: There hasn't been a lot going on in BD-East in years so adding a residential use should help incentivize people to invest in a district that allows for different types of tenancy. With different types of tenants, you create a mix of income streams. If you have retail, office and housing, you have different lease terms and different type of people who are renting. It generates people to be there 24 hours a day.

Kish: The draft purpose statement speaks to residential and then also talks about hospitality as if it were residential which it isn't. If hospitality wasn't there, this is the residential use paragraph.

Agresta: Suggested that hospitality doesn't belong with residential, but it relates to water and sewer. He will work hospitality in a different way. He can make the utility issue a separate paragraph.

HB-III renamed Irondale Business District

Downey: We're going to have to introduce the concept of housing.

Kish: Asked Downey if he was talking about residential development within this district or recognizing that the uses must be compatible with the existing residential.

Downey: You run the risk of making all the residential uses non-conforming.

Chair Greenwood: We have talked about extending this district up to Sawchuk Road.

Kish: Asked what that means for the existing residential uses. We have a little bit of a conflict. We would allow the existing residential to remain as existing non-conforming in perpetuity but if somebody chose to sell their house lot for commercial use, that would be allowed but not the other way around.

Sherman: Asked about 'rural and historic character of the community' in the last sentence. He would prefer the word 'hamlet.'

Discussion of what was meant by traditional building forms.

Culver: Suggested just saying traditional building forms to be more environmentally friendly.

Agresta: Suggesting using 'surrounding area' instead of 'hamlet.' The Committee agreed.

Light Industrial (MA) - Will provided three alternative draft purpose statements.

Sherman and Schroeder: Don't think the name Harney & Sons should be in the ALT 1 section.

Kish: There are places where he wants to say that we won't be developing prime soils and particularly with the one-acre district. Asked if we are only talking about the mapped Harney parcel as being the MA District and we're not looking at expanding it. Or are we looking at having it pop up in other areas of the town? If so, we looking at this as a floating zone which could be mapped elsewhere?

Agresta: There are no floating zones in town. The only place someone could do light industrial is land that is zoned for it; it's going to land in the AR5A district. You can either put something in here to make a statement about future protection or be silent about it.

Schroeder: To limit it to the non-prime soil areas is not fair.

Agresta: Asked if you want to change "do not impact" to "avoid to the greatest extent possible."

Culver: That's sensible in terms of allowing proposals to be made but is it consistent with what we're trying to do.

Kish: If we state that we want projects that will not result in the net loss of prime soils, then there might be ways in which an applicant can offset the loss of prime soils in a particular area by preserving prime soils in a different area.

Culver: You want to minimize the loss and use as much mitigation as possible.

Schroeder and Kish agreed.

Kish: He doesn't like the words 'to the greatest extent possible or minimized' because they are too subjective.

Culver: When you say no prime soil can be touched, it's almost impossible to encourage any type of growth. If you can get mitigation, you can get something out of it that benefits the town. You need regulations where you can weigh the trade-off. Just saying no may reduce any opportunities.

Agresta: Suggested language to the effect of 'and which adequately mitigates impact to important viewsheds and losses of important prime agricultural soils.'

Downey: Asked Agresta if he was working with any communities dealing with the same issues and how they are dealing with it.

Agresta: There are communities who are trying to maintain agricultural use through having tourism-type activities, not so much conversion to industrial land.

Kish: We identified we have a housing shortage and we've determined we are an agricultural community that values its open space. If any of those things can be purchased and provided to the community as a mitigation for the loss of a viewshed or prime soils, the developer can offset the damage that they're doing by providing something elsewhere that the community couldn't afford.

Culver: The flexibility of having mitigation that is not necessarily sited in the same spot is a good idea because then you put the mitigation where it is more needed or more consistent with the community. It's having the ability to have those options.

Agresta: Trade-offs happen a lot of times.

Chair Greenwood: **The discussion of the LC District is hold until we meet with Gretchen Stevens.**

A5A

Kish: Should that be the right name.

Committee agreed on Agricultural/Residential (AR5A)

Kish: Said the last sentence in the AR5A location and purpose paragraph 'Protection of the underlying unique attributes of the AR5A District will required flexibility in open space ownership' seems like it's implying something important but it's not clear. He would like it to be more specific.

Agresta: Said to drop it.

Chair Greenwood: **Stated that the Committee has agree the R3A District will be eliminated.**

R1A District Low Density Residential

Chair Greenwood: Stated that the R1A District name would remain.

Kish: Will's questions which were (1) potential for future sewer and water connection, higher residential density, (2) with future sewer, potential extension of the R20,000 District south of the Village, and (3) potential for revision as a multi-family district or do we include multi-family use component for the R1A District will affect what we decide. He asked if we expect to have higher density in the area south of the boulevard district. He said it's positioned in a place where you could have higher density and that would be ideal.

Chair Greenwood: But we can't wait for sewer.

Kish: We're working under the assumption that there will be sewer, but the question is will there be sewer there.

Sherman: R1A is in competition with agricultural land, viewshed and open space.

Downey: Suggested thinking about expanding the R1A/R20,000 districts to include a Column A and Column B depending on whether there is a sewer for the area south of BD West. That area would be the logical place to look at for high-density residential.

Kish: We need to create a purpose statement for this new high-density district that you anticipate.

Kish: (talking to Will) Ed said we should create a new high-density residential district south of the Village and we've also identified that there are natural and agricultural resources that need to be carved out of the existing R1A. We can't think of anything to do with the remainder of the land so it might as well stay the way it is.

Agresta: The other alternative is to put the R1A district north of village into the AR5A. If you're trying to not make it one-acre zoning, that's about all you will do with it.

Medium Density Residential (R20,000)

Agresta: The additional land south of the Village would be taken out of the R3A.

Chair Greenwood: There is some R20,000 there already but we should consider making it larger. We could also include the current BD 4 district, possibly as a new high-density district.

Agresta: Suggested to focus the thought on the retention of the R20,000 becoming that district.

Kish: Commented on the 'providing for very small lots' in the Medium Density Residential (R20,000) District and felt we shouldn't have the language in there about very small lots. What we want is housing that people can afford and that's adjacent to the Village and walkable.

Agresta: He will craft some language that deals with that by adding higher density, greater affordability and pedestrian access.

Agresta: Affordability doesn't specifically mean affordable housing; it means it's affordable to anybody. It goes to opening the market to more people. Your market is five acres or more and that isn't going to change soon.

Kish: Suggested completing the boulevard districts first so the Town Board has the option to adopted it.

Chair Greenwood: Mentioned doing all of the commercial districts.

Kish: Asked Agresta when to talk about architectural review and standards that are a big part of completing the zoning for a district.

Agresta: It depends whether those things are global to all the districts or specific to an individual district.

There are two levels: There are supplemental standards that would apply to all the business uses and all the business districts and within the districts you might have specific standards for each district. Depending on the use, you may have a special use and that special use would have its own special standards. You have to decide the use and then how it's permitted. If it needs more attention, those standards get written for that use.

Public Comment:

Tom Parrett: There were a couple of instances when talking about prime soils and the interest of individual landowners in how prime soils gets conserved and could be used by some other purpose. He would like the Committee to do some research, or he offered to do research into how other communities have address these issues on the Committee's behalf.

Meg Winkler: Maybe there's an idea to think differently about AR5A. Maybe the definition of workforce is not only agricultural but workforce being our firemen, people who work in our community vs. just tourism and then ask for co-dependency on municipal utilities. She doesn't want to be limited by this mindset. She's brought examples to the Tri-Town Housing where soils engineers are constantly building engineered leach fields on ledges and sides of mountains. Usually when people buy land, it already has a soils test. It's been proven you can have an engineered septic. In the presentation from Dennis Wedlick, he gave examples where you could have five houses and have a joint well and septic system.

Kish: Part of our limitation is what New York State Department of Health will permit so that might be researched your group could do.

Winkler: She mentioned that the houses below her in Irondale are entry-level affordable housing. Maybe look at that as well for the whole Irondale District.

Chair Greenwood adjourned the meeting at 8:40PM.

Respectfully Submitted,

Deb Phillips
Zoning Review Secretary