

## TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES August 9, 2021

The Town of North East Zoning Review Committee meeting took place on Monday, August 9, 2021, via Zoom at 6:30 PM. Board members present were Chair Edie Greenwood, Dale Culver, Ed Downey, George Kaye and Dave Sherman. Julie Schroeder was absent. Also in attendance were Will Agresta, Chris Kennan, Sam Busselle, Ralph Fedele, Tom Parrett, Meg Winkler, Lloyd Hicks, Laurie Kerr and Deb Phillips, secretary to the Zoning Review Committee.

Chair Greenwood opened the meeting at 6:30PM with a discussion of Agresta's responses to ZRC questions from July 26, 2021, meeting.

- **Museum:** It was agreed leave it in BD-E and not be an allowed use in BD-W.
- **Artisan Workshop and Artisan Retail:** Agreed to define them separately. Agresta said you can put a cap size on artisan workshop for BD-W. Workshop and retail can work in both East and West, but workshop can have size limitations to keep it to a similar size to retail, the same for maker's space.
- **Indoor Recreation:** Should have square footage regulations/restrictions for BD-W.
- Discussion of **large-scale tire shop:** Agresta said it doesn't fit into any current definition. He suggested keeping it as an accessory to an automotive repair shop. Agresta said the principal business of an automotive repair shop could be fixing the general needs of a vehicle and that the accessory aspects such as oil changes, brake repairs, transmissions, tires, etc. are an accessory component to the overall service. Downey said having a broad definition makes sense.
- **Lodging:** Culver said a lot of the lodging component depends on how much infrastructure is available. Kish suggested limiting it to no more than 25 units. Downey said there are a lot of natural constraints as to what can be built in BD-E; the design is more important than the size and it does bring business into the community. Kish asked about overstressing water and sewer connections when they are available; do we have the ability to say a particular site can only have these many gallons of outflow and consumption? Sherman said when you create a district you wouldn't have a situation where somebody can come in and force you to provide water to them at a rate that would otherwise deprive the rest of the community of water that they needed. Culver said when the proposed supermarket was being discussed, they gave the planning board a projected daily gallonage usage. Agresta said he doesn't think you need a limit; the constraints are self-limiting. He suggested leaving it as is without a limit. Kish is uncomfortable with leaving it open for now with the idea that should these utilities become available, we can always limit the size of the use. Agresta said you can require a special permit and then address the design issues. Sherman said if a developer was going to build a hotel, it should be a special permitted use because of the water and sewer requirements. The Committee agreed.
- **Medical Radiology/Diagnostics Lab:** Sherman thinks it's not necessary with the close proximity to Sharon Hospital. Greenwood disagreed. Kish said if it's small, it can go in either East or West; something that requires a lot of space would not be appropriate for BD-W. Downey said medical services should be highly valued. Agresta said the service industries are what's going in now, not retail. Culver said with the demographics of our population, it's more likely to need medical than an arcade or indoor recreation. It was agreed not to limit the size for medical in the West.
- **Residential apartments over commercial:** All in agreement.

- Restaurant:** Greenwood said the whole section needs a lot of work. Asked if it makes sense to create draft definitions and come back to the section. Agresta asked if the ZRC want to see a lot of distinction in the food service uses or to look at it more broadly. The parking requirement is the difference. Downey would like it to be broad; he is not opposed to drive-thrus, he'd like to see standards that can be applied to the properties when they are developed.
- Drive-thrus:** Agresta said the standards for drive-thrus are easy; he asked if there are other things, the ZRC is concerned with for standards. Downey said design and character; encouraging development that reflects the architectural elements of Village. He would also like the restaurant to be relatively close to the road with the reasonable amount of setback, served by sidewalks, and with parking on the side and rear. Agresta said the Boulevard District will have a series of design standards. Culver said the design standards and drive-thrus are the most important. Greenwood mentioned that the County has been focusing on food trucks. Kish suggested permitting and regulating them. Agresta said food trucks are the same thing as short-term rentals; they are taking businesses away from people who have higher tax bills.

Agresta asked where everyone stands on drive-thrus. Downey is fine with them. Sherman thinks they should be in BD-W where the highest amount of traffic will be, and BD-E would be great for restaurants. Kish feels it is not in the best interest of the community to encourage any fast-food restaurant chains. Kaye said drive-thru restaurants, banks and pharmacies should all be included. Downey is fine with drive-thru and regular restaurants. Culver agrees with Kish about not encouraging fast-food chains; the latest health crisis (pandemic) has demonstrated that we have to allow for the ability to give people less contact but still the level of service they need; the design and safety factors are very important. Greenwood stated the majority consensus is that drive-thrus should be allowed. Agresta will develop standards on drive-thrus.
- Outdoor tables:** Greenwood said outdoor tables can be handled as a permitted accessory use with standards. Agresta said the design standards would deal with separation and safety; you want to encourage such standards.
- Retail bakery:** Kish said there are probably many other types of facilities that produce things that are analogous to bakeries, and we should create a category to put them all together so that bakery wasn't standing alone. Agresta said the retail bakery was to distinguish from a wholesale bakery; it can be called a retail specialty food instead of a bakery if it's less than the offering of a grocery store. Greenwood and Culver agreed. Sherman questioned having a wholesale bakery; suggesting that it could go in the Irondale District or the light-industry district.
- Catering:** Greenwood asked if it is retail or wholesale. Agresta said it's either on-site or off-site; it can be accessory as well. Sherman asked for clarification of a banquet hall. Agresta said it would be a larger facility that only has banquets. He said to be concerned whether a caterer has an off-site location (not in a restaurant); they don't have a lot of traffic and don't need a lot of parking. The other kind is a full-fledged caterer that has a banquet hall and you come to them. Kish mentioned a commissary kitchen or a commercial kitchen. Sherman said it wouldn't have to be in the BD-E or BD-W; leave those areas for retail businesses. Kish said it's not a pedestrian-type of use and doesn't belong in BD-W. Downey agreed and also said it could also be done in a residential area. Culver and Kaye agreed with Downey. Catering will not be a permitted use in the Boulevard District.
- Florist:** Downey said it doesn't need to be an issue. Agresta said it is its own entity; it's definitely retail. Kish likes having a comprehensive definition of retail which includes examples; Sherman, Culver, Downey and Kaye agreed.
- Antique stores:** Greenwood said let it happen if that's what the market warrants and it generates foot traffic. Kish asked how it helps the community; we should recognize needs of the community and limit antiques stores to allow for other things. Culver asked how to limit an antique store since it is retail. Kish said to focus them in BD-E to allow more practical retail in BD-W. Culver said they

provide synergy to things like restaurants and other walkabouts. Culver said a lot of business models have changed over the years because the economic forces have dictated that we have to change. Kish agrees with wanting to encourage a circular economy where things can get resold; antique shops can be defined so it doesn't interfere with that. Downey said trying to define an antique is impossible. He said if we banned antique stores, it's going to be a story and it's not useful for our overall commercial profile. Sherman said limiting a particular type of business in one of our business zones and it's available and thriving in the Village center is a problem; it intensifies the action and interest to be available to do something in the Village. Kaye said Millerton has become a destination point for antiques; we would be doing ourselves harm by limiting it. Greenwood said it would spook potential owners if you started removing types of retail businesses that they can rent to. Culver said the draw to antique stores is a positive for Millerton and it brings people to town on the weekends. He said the antique stores filled the empty spaces; we need vibrancy in downtown to draw in other retail businesses. Greenwood, Culver, Downey and Kaye agreed they should be allowed. Kish said it goes against the Comprehensive Plan. Sherman questioned Will whether we are talking about something we can't define. Greenwood said it's very hard to define; suggested putting it on hold and decide when we see the definition.

Agresta said the Committee is getting hung up on way too much detail. The key that's been missing in our process is flexibility. We aren't going to get too far if we don't start making some decisions a little quicker. He said he will start putting together some definitions. Will warned the ZRC that if we continue with this much detail, the definitions will be more difficult than the uses. He said the committee needs to be more resolute in moving forward. If the goal is to encourage opportunities, we need to be more flexible and a little greyer.

#### **Public Comments:**

**Meg Winkler:** Contemporary retail is based on mixed use and multi-functional spaces. Most stores can't exist stand-alone one item anymore. She questioned how detailed do people get in their communities. Agresta said don't get too scared about having stand-alone type uses. If multiple types of uses fall into the realm of a particular store and all those uses are permitted, they are all permitted. She is aware that in other communities private clubs can get around zoning. Agresta said it depends on how the club is structured. If they have a membership or fee component and they are doing something that doesn't fall into one of the definitions of the uses allowed in that district, they are operating illegally. The issue in such a case is a lack of enforcement if they continue.

**Sam Busselle:** Elements of the Comprehensive Plan show the frustration from the residents who can't afford to live here any longer. The Comprehensive Plan is hugely descriptive of the concept of equity, employment, economic development and housing. I think if we don't have sort of an over-arching plan here to how we are going to reinforce or recognize those goals and determine narrative in the zoning that will encapsulate those desires, we're not going to be able to build a scale of the needs, either in developing agriculture in an innovative way or sufficient housing to accommodate the farmers' workforce and the retail workforce. My suggestion is we need to have that over-arching narrative that's going to attract developers to the districts and try to promote development by the language that sets up a description of a particular district, for example the BD-W. We have to have the capacity to promote what we're looking for in terms of that kind of equity as well as solicit developers who have a sensitivity to our desires. My email I sent earlier has two or three descriptions, one having to do with workforce housing for farmers in an area that developed what was called a "workhood" as opposed to a neighborhood. It's a fascinating departure from thinking that all the workforce people have to be in a walkable distance to town; they created a whole little community including a commercial kitchen, restaurants, food, food pantries, fresh food. Why do we have to have a farmers' market once a week for the people who can afford a \$3 leaf of kale. I think this bigger picture is going to set us up for a much more kind of aspirational zoning code and as you've all often saying this kind of granular approach to definitions is really tying us all down. We need to have this overall statement of how are going to get from where we are to where we want to be.

Greenwood asked if Busselle had looked at the executive summary in the Comprehensive Plan. Busselle said he did but that is a more general, even the mission statement in that general executive document does not represent the specifics that have to do with equity and employment. The Plan goes right into chapters about agriculture and housing with more detail, bringing up the items that we want to reinforce and promote. I was disappointed in that and also in the Comprehensive Plan itself there were many, many references to all of the important goals that we have but they're all scattered in both document one and two, in notes and comments. If you collect them all, you get a pretty good sense, but you have to collect them all from different parts instead of having an over-arching description.

**Lloyd Hicks:** To build on the point that Meg made about multi-use and to a comment Bill made about commissary kitchens, there is a kitchen in Philmont that has a retail market open seven days a week and they also have a café that has about 30 different producers that are either producing food there or retailing their food. I think this just emphasizes the point that Meg made, that this could actually be more than just a kitchen for a commercial use. It could actually serve people and it could also be an outlet for local farms to sell their products. The Underwear Factory in Poughkeepsie is a similar model; they have a commissary kitchen and a café. The Philmont commissary kitchen/café is a small multi-use facility; it's something that we could use in our area.

Busselle: One more thing about Philmont, I recommend that people go to the maker's space there. It's a community space where people can go and hang out, do ceramics, do things for kids. It offers both entertainment as well as education and artisan opportunities.

**Kennan:** Said the cannabis legislation will be in front of the Town Board soon to have the choice to opt in or opt out of permitting dispensaries and smoking lounges. If the Town does not opt out, it will automatically be opted in. The decision as to where dispensaries will be located and the decision to where smoking lounges (if they are permitted) would be located will go before the ZRC.

Chair Greenwood adjourned the meeting at 8:30PM.

Respectfully Submitted,

Deb Phillips  
Zoning Review Secretary