

TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES September 13, 2021

The Town of North East Zoning Review Committee meeting took place on Monday, September 13, 2021, via Zoom at 6:30 PM. Board members present were Chair Edie Greenwood, Bill Kish, Ed Downey, George Kaye, Julie Schroeder and Dave Sherman. Dale Culver was absent. Also in attendance were Will Agresta, Chris Kennan, Sam Busselle, Rob Cooper, Meg Winkler, Griffin Cooper and Deb Phillips, secretary to the Zoning Review Committee.

Chair Greenwood opened the meeting at 6:30PM with a review of the September 6, 2021, working draft schedule for the Boulevard East and West Districts.

- Makerspace: Bill Kish had provided a definition which had been circulated.
- General Repair Business: Chair Greenwood read Kish's draft definition: "A business providing repair services to the public for household appliances, computers, furniture, etc. Outdoor storage is prohibited."

Chair Greenwood: Mentioned the e-mail that was sent to everyone from Lloyd Hicks regarding service businesses. He is interested in a community kitchen and catering.

Kish: We talked about it at the last workshop meeting. Whether or not catering was necessarily a business which served on site. There was an idea of a commissary type of business where a Board of Health-approved kitchen facility would be made available for caterers, food pantries, food services or any type of use for a commercial kitchen.

Agresta: Do you see this as being used on a limited basis?

Kish: It might be a business that could share a facility with other businesses.

Chair Greenwood: Asked about having two definitions.

Agresta: Yes, depending on the use of the kitchen and if there would be on-site uses such as a banquet hall. Somebody who is renting the kitchen to others to make it work would be more like the commercial kitchen. If there aren't on-site activities and food was made to be taken off-site, that's a commercial kitchen that you rent.

Kish: Our thought is as long as there is such a facility, we'd like to have the flexibility to allow it to be either used by a single business like a caterer or allow it to be shared by multiple businesses or even the public. It's trying to create such a facility and get as much use out of it. He mentioned the possibility of it being educational by having cooking classes.

Agresta: The cooking classes example makes it indoor instructional retail. If you wanted a space that you rent, and the kitchen is a benefit; that's an on-site caterer. I did not think that is what you wanted.

Sherman: Thinks an on-site catering operation is more likely and perhaps that's what we should provide for.

Agresta: The terms community kitchen and commissary kitchen sound more like that's providing a service to the public.

Kish: Doesn't think in BD West or even in BD East that there is a demand for a banquet hall. The conversation around catering and banquet hall led us to this more creative idea of kitchen facilities that could be used in a flexible manner.

Sherman: Suggests someone should go to Philmont and see what Lloyd Hicks is talking about.

Chair Greenwood: Asked if rental apartment above commercial under the Residential category is limiting. We use the same term in the Irondale Business District but wouldn't want to preclude a well-designed unit that was in the back.

Agresta: You get into standards after you let it go beyond upstairs, you need to discuss density and how you want to control it. What ratio do you want between apartments and commercial?

Kish: Brought up if a store became vacant, could it be made into apartments. That adds housing but the question is does that ruin the commercial district.

Sherman: We wanted to incentivized commercial development by allowing rental apartments added as a second use. We could make apartments a special permitted use.

Agresta: To the point of incentivizing commercial development, the allowance of apartments isn't intended for the apartments to take over; it's intended to provide flexibility for other revenue source and a mix of uses. One simple way is to have it above; the other is you can have it on the ground floor or in a separate building but then you think about how to create standards so that it doesn't morph into just being housing.

Chair Greenwood: Mentioned Farmers' Market (under Entertainment) being in both BD East and West; asked if they can be outside in BD West.

Agresta: There's nothing that says you can't have them outside in either district.

Kish: Said he and Culver had talked about the idea of temporary uses with a time limit on vacant land.

Agresta: Need new definition and appropriate standards.

Chair Greenwood: In answer to Will's written question, does the Committee wants to put a size limit on artisan workshop, indoor recreation, and makerspace (all under Entertainment).

Kish: Said yes, we don't want something to be as big three indoor soccer courts for example.

Outdoor recreation was discussed. It currently exists but has not been addressed.

Kish: We would want to have a lot of standards; we don't want a permanent carnival or a go-kart track.

Chair Greenwood: Asked if we want to have square footage maximums on the three entertainment uses.

Schroeder: Yes. Greenwood agreed with Schroeder on the artisan workshops and makerspaces.

Agresta: It was focusing on the BD West to keep things on a smaller scale.

Sherman: Brought up the idea of progression of development and that over time, higher and better permitted uses will take over underutilized parcels.

Chair Greenwood: Asked if 3,500 square feet is too small a number for an indoor recreation facility in BD East.

There was confusion on where we stand on outdoor recreation as a permitted use in BD East.

Agresta: In his August 9, 2021, notes, he had indoor rec, arcade not so much, BW West size limit, BD East no limit.

Chair Greenwood: She said after that, we decided no indoor recreation in BD West. If we don't address it, what exists now in BD East will be grandfathered in.

Sherman: Asked what the concern is about outdoor recreation in BD East. He does not see a problem.

Agresta: In past meetings, you have ruled out outdoor recreation in the commercial districts.

Chair Greenwood: Asked what the maximum footage for indoor recreation should be in BD East.

Kish: Suggested 5,000 square feet.

Agresta: The size limit will determine what kind of indoor recreation will be allowed.

Chair Greenwood: Said 5,000 square feet will be the maximum for indoor recreation with the idea that larger appropriate uses (e.g., racket sports) could come before the ZBA for an area variance.

Sherman: Said Rob Cooper who may want to put in a museum suggested our committee meet with the property owners in the boulevard and find out what they want to do with their properties.

Kish: He wants a real definition of a museum before deciding.

Kish: Makerspace should be allowed in the Irondale Business District. Brew pubs should require a special permit.

Agresta: The state is encouraging the beer and spirits making industry and has been quite liberal, it's not hard to get approval for such operations. Does not think brew pubs raise to the level of needing a special permit. Can be handled with standards.

Agresta: Asked how you want to handle food trucks; as a specific use or a use by itself.

Kish: Mentioned about a narrow strip of property in Dover Plains with electric hookups where different food trucks park there on different days and he feels this a desirable use.

Agresta: Said they are site specific; asked if you would want something site specific on a more temporary basis as an accessory use to something else. He asked if you want to regulate food trucks at events.

Chair Greenwood: It should be some type of accessory use; Schroeder agreed.

Chair Greenwood: Asked if a definition for food truck was needed for us to proceed.

Agresta: It depends on how far you want to go with this. He mentioned a regulation he wrote a few years ago called mobile food vendor and he agreed to send it to the committee.

Sherman: Should we consider putting a food truck permanent use in the code now or should that be left to a later time.

Schroeder: Concerned about the affect of a dedicated food truck use adversely affecting the existing restaurant businesses who pay taxes. She does not believe such a use should be allowed.

Kish: Thinks we should stop calling a drive-thru a permitted use and call it an accessory use.

Agresta: There will be standards for how to develop a drive-thru. Do you want to limit it to specific principal uses or leave it open ended?

Kish: Doesn't want to encourage a drive-thru for every type of business but acknowledges there are certain types of businesses that need a drive-thru because of health concerns.

Chair Greenwood: Thinks it should be open-ended because someone may come up with a creative idea that hasn't been thought of.

Chair Greenwood: Asked where a bar would fit. It was confirmed that a standalone bar or tavern was not permitted but a restaurant could serve drinks.

Kish: Building roof solar systems should be subject to site plan approval. It affects the look of the building, and we are moving toward architectural standards specifically for the commercial district. It should be integrated into the overall site plan.

Schroeder: Mentioned carports serving to support commercial solar installation in commercial districts.

Agresta: Then you would need ZBA approval and site plan approval.

Irondale Business

Kish: Caterer (under Restaurant and Retail Food) would be the same as that they decided for community kitchens in the Boulevard Districts.

Chair Greenwood: The actual purpose statement of the Irondale Business District should be revised to indicate the similarity between it and BD-E.

Kish: Mentioned the storage of alcohol, gasoline, crude oil, liquefied petroleum gas or other highly flammable substance.

Schroeder and Greenwood abstained from Kish's comment due to a pending ZBA matter.

Kaye and Kish would like it to be removed. Downey said if Greenwood and Schroeder can't participate, he would leave it in and decide at a later time. Sherman agreed with Downey. No decision made.

Agresta: Asked if the Committee wanted to give it (referring to the storage facility that exists already) the flexibility to expand and/or create a different one within the district.

Chair Greenwood: No. We need to provide Will with our consensus view as to if this use is left in or taken out.

LC District

Kish: Asked what game preserve and wildlife preserve are.

Agresta: Pretty much a protective entity.

Committee agreed to take out game preserve and leave it as wildlife preserve.

Kish: Would like a definition for a private park.

Agresta: Suggested taking private out and let private be covered as a wildlife preserve.

Kish: Suggested if recreation/passive outdoor facility required construction it should require review.

Agresta: Asked about parking for recreation/passive outdoor. He suggested doing a review triggered by its size. An example would be if the number of parking spots exceeded a certain number.

Schroeder: Asked how much control we have over electric transmission lines.

Agresta: Probably none; that's a public service commission.

Agresta: Asked if the Committee was okay if personal service business was in the Irondale Business District as opposed to just being in the Boulevard District.

Sherman: Asked why the Committee is okay with the retail categories okay in the Irondale Business District.

Committee agreed to take out drive-through (bank, pharmacy, restaurant), personal service business and take out all restaurant and retail food/beverage uses except for caterer.

Committee agreed to allow building supply store in the Irondale Business.

Committee agreed to address the MA district uses in their next workshop meeting.

Public Comment:

Sam Busselle: He's been looking at segments of the Comprehensive Plan that relate to economic vibrancy, housing and agriculture. His concern is with limiting all the housing to the second floor in the Boulevard District.

Agresta: In the Boulevard District, there are two different residential uses. In the East, it would be both these uses - residential apartments above commercial and stand-alone multi-family. In the BD West, it would just be apartment above commercial.

Busselle: That limitation is not allowing a creative developer to intersperse housing in commercial; he thinks that is a mistake.

Agresta: That would be eliminating commercial; you would just get housing.

Busselle: It's not true when we don't have a supermarket and we're trying to revive the commercial area. To limit a visionary who can combine both commercial and residential in a walkable way is not necessary. We need to count on the imaginative and creative developers if we specify that this is a possibility to come up with some creative solutions. He thinks that is true of the agriculture component in the commercial area.

Chair Greenwood: We have no agriculture in the commercial area.

Busselle: You're talking about markets, food preparation.

Chair Greenwood: This is not agriculture; it's the selling of agriculture.

Busselle: There may be some other way of expanding the concept of food supply. We already lost some boundaries there with extraordinary food distribution capacity. At this point, we should ask the farmers and the people who are providing these foods if there is a possibility of enriching the delivery system and the product. Until we talk about that with farmers and people who are contributing a great deal (used Rock Steady Farm as an example). It needs to be discussed with them before we cut it out completely.

Schroeder: We have very limited commercial space in the Boulevard District. To suggest there is role for agriculture in that district is a pipe dream.

Busselle: There is a role for food and food supply purchase and that is directly related to agriculture.

Agresta: We do support that. The retail use alone allows the selling of all kinds of food.

Busselle: Points out the current Farmers' Market limits the number of different vendors of the same product. He thinks that is a constraint that needs to be overcome.

When someone suggested we only need parking for one food truck at a time, it limits competition. Carports provide benefits – shade, solar panel platforms and possible charging stations.

Meg Winkler: In the Irondale Business District, dwellings and residential have totally been taken out except for above commercial and she thinks this is very unrealistic. It already is a mixed-use area; the understanding of walkers in this area is misunderstood. Many people walk farther than Irving Farm; they walk with their families every day to the Village and there are no sidewalks. We need dwellings. Like Sam Busselle said, it doesn't allow for creative thinking of mixed-use spaces of residential and commercial.

Agresta: Asked Winkler if she's asking the Committee to add in dwellings.

Winkler: Yes; we currently have certain lots that allow for dwellings that wouldn't allow for businesses. We also have a lot of homes that, if they were to be taken down, could allow for a multi-family dwelling, an apartment building or townhouses. I don't see why allowing fuel to be stored is more of a priority than people having homes to live in.

Agresta: That's a decision for the Town. Do you want to have complete mixed-use districts everywhere or just some districts that are commercial?

Winkler: We need apartment buildings, multi-dwelling units, cluster housing; I know it's all subject to perc tests and septic but there are existing properties with wells. We need to be holistic in our approach to our whole Town.

Rob Cooper: I wish the timing were a little different with the people coming into the shopping plaza. They may have so many ideas that we haven't even thought of yet. I would hate to restrict them from doing anything they would want to do. There might be good things they are thinking of; maybe consider including them in one of your meetings.

Kish: Asked Cooper if he knew anyone interested in the shopping plaza.

Cooper: I've had meetings with them.

Agresta: If somebody comes in with an idea, no matter where it is, and it's an attractive project for the community, your Town is going to be open to good ideas and specific adjustments can be made.

Cooper: The space you were talking about before, I call that venue space with the commercial kitchen. There's a perfect example in Lakeville at The Grove. It has a commercial kitchen that can be rented for an event.

Agresta: That's different than renting the kitchen for the purpose of running a business. That's two distinctive types of uses.

Cooper: As far as my property goes, I have so many deed restrictions that I am limited to what I can do. They don't want any agriculture, playgrounds, schools, gas stations or anything with a cellar or basement on my property.

Chair Greenwood: Asked Agresta about the ZRC's discussion of having a Farmers' Market if it would be allowed in BD West on the vacant part of Cooper's property.

Agresta: It's in both. That will depend on how we rewrite the standards.

Cooper: It depends if it's agricultural.

Chair Greenwood and Kish: It's not agricultural.

Chair Greenwood adjourned the meeting at 8:48PM.

Respectfully Submitted,

Deb Phillips
Zoning Review Secretary