

TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES October 11, 2021

The Town of North East Zoning Review Committee meeting took place on Monday, October 11, 2021, in the North East Town Hall located at 19 North Maple Avenue, Millerton, New York at 6:30 PM. Board members present were Chair Edie Greenwood, Ed Downey, George Kaye, Julie Schroeder and Dave Sherman. Also in attendance were Ralph Fedele, Tom Parrett, Griffin Cooper and Deb Phillips, secretary to the Zoning Review Committee.

Chair Greenwood opened the meeting at 6:30PM with a review of Town of North East Chapter 180 Zoning - Working Draft Select Definitions - BD/Irondale/MA/LC.

AGRICULTURE

The ~~production~~ growing and harvesting of crops, ~~or~~ plants, ~~or~~ vines and/or trees, and/or the raising of and caring for domesticated livestock, poultry and bees, associated with a farm for commercial purposes.

FARM

A fee-simple lot ~~parcel of land~~ of not less than 10 acres used for the production of crops, livestock or livestock products, including dairy products, eggs, poultry, aquaculture, fruit, nuts, honey, vegetable and field crops, plantations, orchards, nurseries, greenhouses or other similar operations used primarily for the raising of agricultural or horticultural commodities. The term "farm" includes necessary farm structures within the prescribed limits of the farm parcel and the storage of farm related equipment as part of the farm operation. The term "farm" does not include public stables, dog kennels, cage-type poultry farms, fur farms, nursery farms and pig farms. Notwithstanding the ten-acre limitation contained in this definition, land located within an Agriculture District, as that term is defined by Article 25-AA of the Agriculture and Markets Law, which is used in agricultural production in accordance with the definitions contained in § 301 of the Agriculture and Markets Law, shall be deemed to constitute a farm, regardless of its acreage. Nothing herein shall be deemed to prohibit gardening, the raising of animals or other agricultural activities conducted for private use or consumptions as an otherwise permitted accessory use to a dwelling.

Determination: Agricultural and Farm sections need a lot of work. What exactly is the Ag district? Why change to fee-simple?

FARM EQUIPMENT SALES AND RENTAL

The sale and/or rental of equipment machinery, tools and related supplies for use in agriculture, excluding motor vehicles sales or rental.

Determination: Okay except definition for Motor Vehicle needed.

INDOOR AGRICULTURE

The commercial growing of agriculture crops, plants, vines and trees, including by means of hydroponics (the process of growing plants in sand, gravel, or liquid, with added nutrients but without soil) inside a building, including the storing and processing of same inside a building, for wholesale and distribution off-premises.

Determination: Check with Agriculture and Markets. Why not call this hydroponic farming? Is this a nursery? Invite someone for Ag & Markets to come to talk with us.

GAS STATION

An establishment for the retail sale and dispensing of gasoline or other combustible motor vehicle fuels via outdoor dispensers.

Determination: An establishment for the retail sale and dispersal of motor vehicle gasoline or other combustible fuels via outdoor dispensers. Bill Kish provided this definition.

GAS STATION with CONVENIENCE STORE

A gas station in combination with a convenience store.

Determination: Keep as is. Could flip the wording. Which is the accessory use?

MOTOR VEHICLE

*Automobiles, trucks, boats, motorcycles, cargo and other vehicle trailers, recreation vehicles, farm machinery, or similar vehicles generally which are self-propelled by a battery-powered, electric or internal combustion engine, and for which a valid registration legally issued by a governmental authority is required to operate said vehicle. **Should this include construction vehicles?***

Determination: Eliminate the examples. Why are boats in this definition? Where do off road vehicles or bicycles without registrations fit? **Construction Vehicles and Farm Equipment should have their own definition.**

MOTOR VEHICLE BODY SHOP

A motor vehicle service shop providing collision repair services, including body and frame straightening, replacement of damaged body and frame parts, and painting.

Determination: Expand the definition to include the restoration of vintage motor vehicles and the fabrication of custom automobiles.

MOTOR VEHICLE REPAIR SHOP

A retail establishment for the general repair and routine maintenance of motor vehicles, with or without a gas station, including the ancillary sale of motor vehicle replacement items and accessories such as tires, batteries, belts, windshield wipers, automotive accessories or similar, but excluding painting, chroming, fabrication and/or body work.

Determination: Take out with or without a gas station.

MOTOR VEHICLE SALES and RENTAL

A retail establishment for the sale of new or used motor vehicles; the temporary rental of motor vehicles; and the incidental storage and/or display of motor vehicles in an indoor and/or outdoor area in conjunction with the sales or rental activities.

Determination: What is the intent here?

MOTOR VEHICLE SALES/RENTAL AREA

An area on a lot designated and approved for the storage, display and sale of new and used motor vehicles, consisting of and including showrooms enclosed within a building and open areas other than driveways, travel lanes and minimum required yard areas.

Determination: Unclear why it's a separate definition from Motor Vehicle Sales and Rental.

CONSTRUCTION EQUIPMENT SALES AND RENTAL

Determination: Combine it with Construction Vehicles and Farm Equipment.

INDUSTRY, LIGHT

~~*Includes the entire range of economic activity, and as applied to specifics, i.e., manufacturing, wholesale, retail, services, etc., shall have the meaning set forth in the Standard Industrial Classification Manual, published by the Executive Office of the President, Bureau of the Budget, 1957.*~~

An establishment engaged in the assembly, fabrication, manufacture, packaging and incidental storage of products made predominantly from previously prepared materials, as well as the research and development of said products, which results in little or no impact on the natural environment.

Determination: What does "made predominately from previously prepared materials mean"?

INDUSTRY, NON MANUFACTURING

Includes those activities described under Code 6 in the Dutchess County Planning Department Land Use Classification and Code, except junkyards, scrap and waste wholesaling.

MANUFACTURING

Includes a range of assembling and fabrication activities conducted within enclosed buildings, including production, processing, packaging, warehousing and distribution of: household and consumer goods, clothing and shoes, electronic equipment, medical instruments, food and beverages, pharmaceuticals, personal care health and beauty products and other similar products from previously manufactured components; manufacture of products and merchandise involving the use of chemicals and plastics; wholesaling, warehousing and distribution centers; machine shops; and printing and publishing. Excluding concrete and asphalt batch plants; slaughter plants, packing houses, animal by-products rendering, and other such animal processing activities; motor vehicle salvage and reclamation yards and facilities; processing or production of oil, natural gas, geothermal resources or other hydrocarbons; foundries; medical, biological or hazardous waste disposal facilities; bulk chemicals; explosives; sulfuric, sulfurous, nitric or hydrochloric acids; pesticides, insecticides and herbicides; or any prohibited use as set forth in this chapter.

Determination: Should it be incorporated into Light Industry? Do we need these lists?

PUBLIC UTILITIES INSTALLATION

A facility, substation or other installation owned or operated by a public utility company consisting of any person, firm, corporation or governmental agency duly authorized to furnish to the public, under governmental regulation, electricity, gas, water, sewage disposal and treatment, steam, cable or communication service. This definition shall not bestow any special status or standing not already provided by State or Federal law.

Determination: Ask why this is in here. Question is what we can regulate and how do we want to regulate it. What can we do about 5G? Can we regulate a sub-station?

QUARRY, SANDPIT, GRAVEL PIT, TOPSOIL STRIPPING

A lot or land or part thereof used for the purpose of removing overburden to extracting minerals, clay, stone, sand, gravel, other naturally occurring aggregate deposits or topsoil for sale, which shall be considered as an industrial commercial operation, excluding incidental land preparation excavation and/or filling activities pursuant to an otherwise approved subdivision, site plan, special permit and/or building permit ~~and exclusive of the process of grading preparatory to the construction of a building for which a building permit has been issued, or highway construction.~~

Determination: Are we defining something we are not allowing? **Question to Agresta:** Does this address what is outlined in the Infrastructure and Transportation goal in the Comprehensive Plan (Page 57.)

Kish suggested we address the opposite of this definitions to address the filling of land. We should ask Will if we need a separate definition to cover the reverse activity.

STORAGE OF ALCOHOL, GASOLINE, CRUDE OIL, LIQUEFIED PETROLEUM GAS OR OTHER HIGHLY FLAMMABLE SUBSTANCE

The temporary storage of alcohol, gasolines, crude oil, liquefied petroleum gas or other highly flammable substances, within either in-ground or aboveground storage containers as a principal use, excluding gasoline at permitted gas stations.

Determination: Remove temporary, add threshold amounts and remove as a principal use. The thinking is that the principal use is selling the product. Bill Kish provided the following definition.

“The storage of alcohol, gasolines, crude oil, *diesel fuel*, liquefied petroleum gas or other highly flammable substances, within either in-ground or above ground storage containers, excluding gasoline at permitted gas stations *or storage of fuels as required by a permitted business for consumption onsite.*”

Do we need a definition for the use of stored fuel as an accessory use for consumption by the primary user with size limitations or does Bill's definition cover the accessory use of fuel storage?

STORAGE OF DYES, SOLVENTS OR OTHER CHEMICALS

The accessory temporary storage of dyes, solvents or other chemicals in fluid or other forms, either in-ground or aboveground storage containers, and incidental to a principal permitted use.

Determination: Need to make it clear that the body issuing special permit can place limits on quantities and types of chemicals being stored.

WAREHOUSE, SELF-STORAGE

A building designed and constructed with internal individual rooms, compartments or units, which may be of various sizes within a larger facility, leased or rented on an individual basis for varying periods of duration (i.e., monthly, annually or similar) for the storing of personal property.

Determination: Take out "which may be of various sizes within a larger facility."

WAREHOUSING, COMMERCIAL STORAGE BUILDINGS

A building, or a portion thereof, used for the temporary housing and storage of raw materials, works in progress, finished product, wares, food and non-food and beverage products, equipment, parts and supplies before their use, export or distribution off-premises, including climate controlled facilities, but excluding self storage warehousing and the bulk storage of materials that are inflammable, explosive or that present hazardous conditions ~~goods or materials~~. This definition shall not be deemed to include storage as an accessory use in connection with a permitted principal use on the same property.

Determination: Add "materials which are potentially harmful to health or the environment" to the exclusions.

Discussion regarding this use in the M-A district. Kish wanted it removed as he does not see it as a good use of the current M-A district. Four voted to remove it as a use in M-A. The Chair feels this needs to be re-addressed when all ZRC members are present.

WHOLESALE DISTRIBUTION BUSINESS

An establishment engaged in selling and distributing merchandise to retailers and other businesses, other wholesalers, or persons acting as agents or brokers, and/or engaged in buying and selling merchandise to such parties as a broker. Establishments that sell products to the general public, whether in part or in whole, are considered "retail stores" not "wholesale stores."

Determination: Clarify that the buyer is not the consumer.

Public Comment: None.

Ways to leverage the Housing and Climate Smart Committees:

Ed Downey feels we need a definition for affordable housing. We should ask the Tri-Town Coalition. Bill Kish suggested forming a subcommittee to interface with Climate Smart Committee. Kish and Greenwood agreed to be the subcommittee.

Chair Greenwood adjourned the meeting at 8:30PM.

Respectfully Submitted,

Deb Phillips
Zoning Review Secretary