

**TOWN OF NORTH EAST ZONING REVIEW COMMITTEE
MINUTES
November 8, 2021**

The Town of North East Zoning Review Committee meeting took place on Monday, November 8, 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, Dale Culver and Dave Sherman (arrived at 7:55 PM).

Chair Greenwood opened the meeting at 6:30PM with a review of Will Agresta's responses to the questions raised at our last three meetings.

MOTOR VEHICLE

Exclude motorized bicycles from this definition as it relates to Motor Vehicles Sales and Rental. Clarify that motorized bicycles do not fall under these definitions.

ZRC does not see the need for list of power sources so suggest adding motorized between similar and vehicle.

*Automobiles, trucks, boats, motorcycles, cargo and other vehicle trailers, recreation vehicles, farm machinery, or similar **motorized** vehicles.*

MOTOR VEHICLE REPAIR

Clarify that repair does not include an accessory use of used car sales.

MOTOR VEHICLE SALES and RENTAL – MOTOR VEHICLE SALES/RENTAL AREA

Why can't these two definitions be combined? Solution may be to move the second definition to general standards.

INDUSTRY, LIGHT

Bill Kish thinks we need a better definition of light industry and **offered to create a definition.**

Bill also wants to better understand why light industry cannot be combined with manufacturing.

QUARRY, SANDPIT, GRAVEL PIT, TOPSOIL STRIPPING

Can we regulate filling?

PUBLIC UTILITY FACILITIES and SUBSTATIONS

Requested an example of how other communities have regulated utility facilities.

STORAGE OF ALCOHOL, GASOLINE

ZRC confirmed that this use should be added to the prohibited use list in the Irondale District.

GAS STATION

Want to remove "typical motor vehicle accessories" from this definition. Want to avoid a business such as Mavis qualifying as a gas station if left in.

FARMERS' MARKET

ZRC would like to remove either the word "temporary" or "seasonal" or come up with a better word to describe our intent.

OUTDOOR RECREATION

Want to make sure golf courses are not a permitted use in the LC district.

OFFICE, TRADESMAN (and WORKSHOP) – definition provided by Will Agresta on 11/5/2021

The office and or workshop of an electrician, plumber, painter, carpenter, building general contractor, heating/ventilating/air-conditioning contractors, refrigeration contractors, roofing contractors, and other such construction occupations, including ancillary display showroom contained in an area not exceeding 5% of the gross floor area of the principal building, indoor and outdoor vehicle parking, and storage of materials, equipment and supplies within a building. The definition of “tradesman office and workshop” does not include vehicle fueling facilities; ~~a building contractor's business or~~ storage yards; waste/refuse haulers or haulers of chemical, flammable or hazardous materials; ~~a mason, landscaper or excavator contractor.~~

In the last sentence the ZRC thinks “a building contractor’s business or” should be removed. Why are “a mason, landscaper or excavator contractor” precluded from having offices in the definition?

ALL RECREATION DEFINITIONS

All three definitions include the word facility without definition the term. The ZRC thinks we need to define both “facility” and “establishment”, another word often used in our code. For indoor recreation should the word “building” be used.

ZRC returns to reviewing additional definitions.

MEDICAL CLINIC

~~A structure designed for the practice of medicine, in which nonresident patients are treated.~~

An establishment providing short-term, primarily in-patient care, treatment, and/or rehabilitation services for persons recovering from illness, injury, or surgery who do not require continued hospitalization; excluding drug and alcohol dependency treatment.

Should this be named a REHABILITATION CENTER? Where would an urgent care facility or a doctor-based unit in a pharmacy fit? We need to have a definition for these activities as we want to encourage them.

MEDICAL RADIOLOGY/DIAGNOSTICS LAB

A medical establishment, licensed by the State of New York, that provides outpatient health and medical services to the general public on a walk-in or referral by a physician or other licensed medical care provider basis.

Is this meant to cover an urgent care facility? If so, it needs to be reworked and possibly renamed.

HOSPITAL, ANIMAL OR VETERINARY CLINIC

VETERINARY OFFICE AND HOSPITAL

An establishment for temporary occupation by sick or injured animals for the purpose of medical diagnosis and treatment and shall exclude the treatment or other care of humans.

ZRC thinks this can be improved. Below is a definition found on Google. Need to add that boarding of animals is not permitted.

A building or part of a building in which facilities are provided for the prevention, cure and alleviation of disease and/or injury to animals, and the care of animals and birds, and in conjunction with which there may be facilities provided for the sheltering of animals during the treatment.

OPEN SPACE / CONSERVATION

PARK, PUBLIC

A public playground, public recreation center or area, and other public areas, created, established, designated, maintained, provided or set aside, by public entity, for the purposes of public rest, play,

active or passive recreation, enjoyment or assembly, and all buildings, facilities and structures located thereon or therein.

Do we need the words public playground? Otherwise, OK.

WILDLIFE or NATURE PRESERVE

A parcel of land maintained for the conservation, possession, propagation, protection, safeguarding and/or preservation of fauna, flora and physical features of geological or other special natural resource interest or importance.

Can we add language to prohibit establishing a public zoo?

RESIDENTIAL

DWELLING, MULTIFAMILY

A dwelling or group of dwellings on one ~~plot fee simple lot~~ parcel, containing separate living units for three or more families but which may have common and shared joint services or facilities, or both.

Change fee-simple lot to parcel

DWELLING, RENTAL APARTMENTS ABOVE COMMERCIAL

A residential dwelling unit(s) for rent contained within an upper floor of an existing or proposed commercial use building.

Meg Winkler sent the following definition in the Ancram code for the ZRC to consider.

Mixed-use dwelling: a residential dwelling located in the same building that contains nonresidential uses. All nonresidential uses in a mixed-use dwelling shall front the street.

Thinking of senior housing needs, the ZRC questioned if first floor units in the rear could be possible to regulate without creating problems in BD-W. Noted that parking standards would be a factor. There was concern that too much housing would reduce the amount of commercial space in the commercial districts. In BD-E we allow multifamily as well as residential above commercial.

Question if second floor offices would be allowed. Can we require that some housing be built on the second story? Some felt this would be too restrictive. The consensus was to use incentives instead.

We need a definition of what we mean as affordable housing. The crux of the issue is how aggressive are we willing to be to make affordable housing available. Market forces may not get us affordable housing.

We need to find examples of codes from other rural communities that are dealing with the affordable housing issue and see if there are solutions to providing affordable housing. Suggest we reach out to our county planning department and to Will Agresta to help us find examples that are working.

RESTAURANT

BREW PUB (MICRO BREWER)

An establishment with a valid “micro brewer” license duly issued by the New York State Liquor Authority for the manufacture, containerization, storage, sale and distribution of beer it produces, including the sale for on-site consumption of said manufactured beer and any New York State labeled beer directly to retail consumers. On-site sale for consumption must also make food available. ~~No other items can be sold.~~

Will had previously responded that such sales are prohibited by NYS law, and a town cannot override a state law. Bill suggested we delete the last sentence and the ZRC agreed.

CATERER / COMMERCIAL KITCHEN

An establishment whose principal business is the preparation of food and/or beverages for off-premises sale and/or distribution, as well as consumption, or for a specific event, person or organization, typically consisting of full course meals or specialty products for consumption off-premises, where the food and beverages are picked-up or delivered, and service thereof may be provided at the off-premises location; may also include on-site accessory training or instructional classes in food and/or beverage preparation.

ZRC found this definition confusing. Should be made simpler. Bill agreed to develop a definition.

CONVENIENCE STORE

~~A one-story retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and household supplies to customers who purchase only a relatively few items. Such establishment may shall include the retail sale of gasoline, oil and other automotive fluids, but no repairs or servicing of motor vehicles shall be permitted.~~

A retail establishment containing less than 3,000 feet of gross floor area offering for sale prepackaged food products, household items, newspapers, and a limited range of freshly prepared food (coffee, fruit, cold sandwiches) for off-site consumption.

DO YOU WANT THIS ONLY IF WITH A GAS STATION???

Yes. The ZRC felt the last sentence of the old definition should be added back, and the word "shall" replace the word "may."

Public Comment

Meg Winkler sent in written comments. Her points on housing in multi-use dwellings were referenced earlier. In addition, she made the following points.

Meg think's it's important to define and have zoning rules surrounding porn/adult entertainment shops and to make it clear in our code they are not permitted. She would also like pawn shops not to be permitted.

The ZRC reopened the topic of allowing **Warehousing, Commercial Storage Building** in the M-A District. The committee had no problem with warehousing being an accessory use as it is now. The issue the ZRC is debating is allowing the whole site to be Commercial Storage.

The ZRC had not focused on **Warehousing, Self Storage** as a permitted use in the M-A District and seemed to agree it should be removed in M-A but left in the Irondale Business District.

The ZRC decided to table a vote on these two Warehousing uses in the M-A District.

Chair Greenwood adjourned the meeting at 8:45 PM.

Respectfully Submitted,

Edie Greenwood
ZRC Chair