

**TOWN OF NORTH EAST ZONING REVIEW COMMITTEE
MINUTES
February 28, 2022**

The Town of North East Zoning Review Committee meeting took place on Monday, February 28, 2022, via Zoom at 4:30 PM. Board members present were Chair Edie Greenwood, Dale Culver, Ed Downey, Bill Kish, Julie Schroeder and Dave Sherman. Also in attendance were Will Agresta, Chris Kennan, Rion LoBrutto, Lana Morrison, Christopher Virtuoso, Paul Harney, Michael Harney, Tom Parrett, Sam Busselle, Kathy Chow and Deb Phillips, secretary to the Zoning Review Committee.

Chair Greenwood opened the meeting at 4:36PM and turned it over Will Agresta to lead us through his **Draft Schedule of Permitted Land Uses by Zoning District – Non-Residential dated Feb 20, 2022**

Agresta: He asked the ZRC to consider which uses should warrant just site plan review from the Planning Board or where we think a special permit is needed which comes with higher discretion. The main **difference between a site plan and a special permit** is that if a site plan meets the code, you are supposed to grant it. A special permit takes more convincing. For example, the special permit uses might have some standards of a buffer and there would be an evaluation of the quality of that buffer.

Chair Greenwood: Asked if both processes required SEQR review.

Agresta: Potentially, everything is subject to SEQR. The difference is the site plan public hearing is optional for the reviewing agency whereas with a special permit, it's required. Historically, most special permits in the Town of North East have been handled by the Zoning Board of Appeals. A lot of towns have changed that, and special permits now go to the town Planning Board. I usually advocate that it goes to one place so you're not going to multiple boards.

Agriculture:

Kish: Made a recommendation to the Committee to refer the **indoor agriculture** to some group of farmers to get their input. Schroeder and Sherman agreed.

Agresta: He anticipates it would be allowed in the residential district, at least the A5A.

Sherman: We said farms could be on lands that are subject to flooding. It could be used for agriculture, but it isn't desirable for permanent structures.

Agresta: Farming is going to allow structures; that's part of the definitions. If you prohibited that, the Ag & Market Law would be involved. By default, it may be permitted.

Greenwood: It should require a special permit in the LC district.

Agresta: He's not sure how indoor agriculture is going to be looked at differently from a greenhouse.

Sherman: Maybe we need to talk about how it could be shaped or formed so it doesn't look like an industrial building.

Kish: If you overlay the LC District with the Agricultural District, there are some spots where there is LC but it's not in an Ag district. If it's not in an Ag district, it's not subject to Ag & Markets. Asked if they could build that idea into the zoning – if not in an Ag district, is it prohibited or requires a special permit. We're trying to discourage too much construction.

Schroeder: Asked about **Harney growing hemp** on their property in the M-A District.

Rion LoBrutto from Harney Tea: He said it's not a permitted use in the M-A District.

Kish: Suggested "agricultural activities are permitted as an accessory use if the product will be consumed 100% by the operation on premises."

Schroeder: Suggested if another company for light industrial use came in that it would have to have a minimum of 15 acres. The 15 acres would not be covered by buildings because it's restricted. Asked why the land couldn't be leased out to a farmer who is going to sell his crop.

Agresta: There is no provision for farming in the M-A District.

LoBrutto: It's a good use for the excess of the property. These are the types of businesses that we should be looking at and encouraging in this type of historical farming area. This is thinking about light industrial in a new way.

Talking about marijuana, we haven't decided if we are going in that direction or not. We could possibly take it indoor and process it, but the decision hasn't been made to go in that direction yet. There is no mechanism right now for marijuana.

Chair Greenwood: Growing hemp should be allowed as an accessory use.

LoBrutto: It's a new business line for us; it has expanded and allowed us to hire additional people to process that material. It has allowed our business to grow. We are one of the only eight licensees in the state that have a processing license but also one that has a growing/processing and distribution license.

Sherman: Asked LoBrutto if there is anything else they might be thinking of growing.

LoBrutto: We are partnering with Camp Hill in Copake to process a hemp tea for them with their living garden. We could plant chamomile, peppermint, etc. between the rows, having tea to teacup here instead of importing from overseas. The ZRC shouldn't think about excluding a business like that; taking that property out of farming doesn't make any sense.

Chair Greenwood: What is currently in the law doesn't allow agriculture even though it's happening. What we are doing with this discussion is considering whether agriculture should be allowed.

Chair Greenwood: **Asked if there was any objection to allowing agriculture as an accessory use in the M-A District. No one objected.**

Automotive:

Schroeder: Asked why gas stations are allowed in Boulevard East; we have two that are convenience stores in Boulevard West.

Kish: The only kinds we are going to permit are ones combined with a convenience store.

Downey: The assumption included a convenience store.

Agresta: The definition is going to apply to the use; we can combine them with the uses now that have a convenience store.

Downey: Asked about changing the definition of gas station to service station and include charging stations.

Culver: The intent was to allow gas stations to have **charging stations** as well as other retail locations.

Agresta: It makes sense to build that in now.

Culver: Suggested changing gas station to fueling station.

Agresta: If someone wanted to put in a charging station in the Town, they would need some approval and the code would have to support that.

Kish: When we develop standards, we should encourage installation of charging stations.

Sherman: Asked if Harney would want any charging stations.

LoBrutto: We have several Teslas in our sales fleet and would certainly need some charging stations (said they already have one).

Agresta: It's probably doable if Harney is the one using the charging station. It's a different use if you're inviting the public to use the charging station.

Municipal/Utility:

Kish: Asked if it was decided that there are no site plans for municipal uses.

Chair Greenwood: It's a catch 22. Best practices would be to ask the Planning Board for input in a timely manner.

Downey: He would like to see an example of a community that does require municipal uses have site plan approval.

Agresta: He's not familiar with any. The entity that adopts the code is the Town Board.

Kish: There are three ways to approach this: (1) what we have right now where referral is not required; (2) the Town Board can choose to refer something to the Planning Board for an advisory opinion; or (3) the Town Board needs to refer projects to the Planning Board but doesn't need to abide by the Planning Board's decision or that the Town Board can simply vote to exempt a particular application from Planning Board review.

Chris Kennan: The Town would welcome the expertise and the input of the Planning Board. Getting into a situation where there are referrals, votes, etc. ends up regardless of what the content is, adding to complication and delay. A future Town Board might just be completely unwilling to share the aspects of a design with a Planning Board. This Town Board is happy to get that input. He would rather it not be written in the code because it causes complexity to anything that we do. There are plenty of opportunities for people to appear before the Board to make comments.

Culver: One of the things that bothers me about the concept of the Board welcoming our input is it almost sounds like we need to go check and see if they need our input. I wonder about what Bill was saying regarding a referral. I thought they had to vote on the Monroe Doctrine to exempt a project. When there is a vote like that, that's already a step that has to be taken. If the comments are only welcome if we choose to seek out what they are doing and then put the time and effort to ask the questions, that doesn't seem very welcoming.

Downey: I'm puzzled to why a Town Board would be concerned about the input of a board that is appointed for the purpose of promoting good planning in a community and would reasonably expect they would have expertise on that issue. Why would they object to a process that said when in a certain period of time, they have to give us comments.

Agresta: It's just another thing that gets in the way of what they need to do. Town Board doesn't want to be subordinate to an appointed board, they don't want another step in their process, and it costs money.

Office/Medical:

Sherman: Doesn't see a medical office or dental office as a stand-alone use on a single parcel in an M-A District. It wouldn't make sense for them to be outside the Village or the immediate environs of the Town around the Village. It would be appropriate if they were a tenant in a business park or some other large enterprise.

Chair Greenwood: Currently we are talking about one specific parcel and all of these medical/office uses would result in an adaptive reuse of an existing facility.

Kish: It would come to the table when we start talking about other areas where we might allow a medical clinic.

Sherman: He want to think about the **uses in M-A if another M-A district was formed**. Wants to clarify that we're not allowing one individual storefront or building that has an office or two. If it's outside the Village, it's going to be for a larger purpose. It would be appropriate if they were a tenant in a business park or some other large enterprise. Possibly the way to handle this is to require a higher minimum lot size and in the district standards. The current code requires 15 acres and 500 ft of frontage in M-A.

Culver: He would hate to restrict an opportunity if it came along that would enhance what we have.

Agresta: If the Town Board doesn't want to do it, they don't need much of a reason; they can just say no.

Chair Greenwood: We could look at the M-A District of 21 acres and whether we are willing to consider medical uses as a possible use on that site. The ZRC decided not to include medical uses at this time.

Schroeder: Asked if a **funeral home** could be put in a residential area as a special permitted use. The ZRC instructed Agresta to add funeral homes to BD East and in the Irondale District.

Public Comment:

Tom Parrett: When the Town Board has a project and whether the Planning Board should be consulted, that's an important step. A bit of delay, that's okay. The current Town Board doesn't have much Planning Board experience on it unless I'm wrong and a little bit of expertise wouldn't hurt. I encourage how to make that possible and do it in a way that's efficient.

Sam Busselle: I would agree with Tom. One of the things that we look forward to in terms of the Planning Board being allowed to plan as opposed to just react to existing the applications. I think to learn more about the future of planning and what we can do to improve or encourage the kind of recommendations that are being made in the Comprehensive Plan through more knowledge and training for the Planning Board would be very useful. I think there are many, many ways of getting a very creative complex there in the Boulevard District with housing as well as commercial. I don't think we need to limit it at this point and say "no, absolutely not." There are single-family houses there now and I don't think that's the best use for sure, but we should be as liberal as we can. Because of the overwhelming need that we have for housing, there at least 250 that are cost burdened and not including the Village's needs.

Chow's e-mailed comments:

Suggestions: As we look to the future (10+years) I hope our town will accommodate trends I see happening as millennials dominate our workforce and young families thrive
Cars will be diminished (not eliminated but each person will no longer need a car, parking needs reduced). Gas station locations will evolve to predominately convenience stores
Encourage walking / biking, ridesharing
Public transportation WILL be possible <https://www.youtube.com/watch?v=W0oxz9KpilY&t=70s>.
Walkability - services nearby where people work - lunch, convenience store, food, childcare
Outdoor gathering spaces among buildings - benches, picnic tables, wifi spots
"Work" blends with "life." Flexible live / workspaces to accommodate artisans, techies, farmers, childcare, eldercare
Small food businesses - grow, process, sell, serve
Combined workshop / retail enables makers to work when retail is slow
Food trucks - at work sites and tourist spots e.g.at rail trail parking
Places / activities for teens & seniors
Pet services - daycare, grooming
Farm worker housing - seasonal boarding
Businesses I'd like to see in North East:
Slaughterhouse / meat packing / processing sales
Gravel pit - to reduce transport of materials
Asphalt plant - modern, efficient

Meg Winkler's emailed comments:

My comment in reviewing the attached is once again the info states "Non-Residential" however, includes Residential definitions allowed and not.
It perplexes me why our Town would not include "Mixed-use dwelling"* (SPD) in especially Bd East/West for several reasons.
-- contemporary innovative architecture offers wonderful mixed-use designs
--residential units on the 2nd floor preclude elderly, those with disabilities, and /or small children from often considering those types of apartments.

Chair Greenwood adjourned the meeting at 6:24PM.

Respectfully Submitted,

Deb Phillips
Zoning Review Secretary