

**TOWN OF NORTH EAST ZONING REVIEW COMMITTEE
MINUTES
March 14, 2022**

The Town of North East Zoning Review Committee meeting took place on Monday, March 14, 2022, via Zoom at 4:35 PM. Board members present were Chair Edie Greenwood, Dale Culver, Ed Downey, Bill Kish and Julie Schroeder. Dave Sherman and George Kaye were absent. Also in attendance were Will Agresta, Lana Morrison, Rion LoBrutto, Meg Winkler, Chris Kennan, Laurie Kerr, Sam Busselle and Deb Phillips, secretary to the Zoning Review Committee.

Chair Greenwood opened the meeting at 4:35PM with Recreation uses on Town of North East Chapter 180 Zoning – Schedule of Permitted Land Uses by Zoning District – Non-Residential. The meeting was turned over to Will Agresta.

Town of North East Chapter 180 Zoning – Schedule of Permitted Land Uses by Zoning District – Non-Residential

Recreation:

Agresta: Said **outdoor recreation** is defined as hiking, fishing, etc. and could include structures. It is more organized recreation which results in minor environmental intrusive use of the land. **Passive outdoor recreation** is where nothing much is changed on the landscape, maybe a trail.

Kish: Asked if a golf course would be passive recreation or outdoor recreation. Agresta said a golf course would go under outdoor recreation.

Culver: Suggested removing “excluding any motorized vehicle activities” in the definition of outdoor recreation.

Agresta: Will fix the definition.

Kish: Said **makerspace** should be added in Irondale Business District. Agresta and Chair Greenwood agreed.

Kish: Asked if a **museum** should be allowed in BD West with Planning Board site plan approval.

Downey: It would be a better use in BD East because of the space needs. In BD West we’re trying to encourage an extension of the Village in terms of commercial activity.

Chair Greenwood: Stated a museum should be allowed in both BD East and BD West.

Culver: The more flexible we make uses; the more opportunities will be brought to our attention.

It was agreed to allow a museum in BD East and BD West.

Kish: Asked why a special permit would be needed for a wildlife or **nature preserve**.

Agresta: You would want some approval for structures, parking, etc. It can be changed to site plan approval by the Planning Board.

Schroeder: Mentioned a private park with a trail through it with sculptures.

Agresta: That could be more of a museum; not a park.

Residential:

Chair Greenwood: Asked Agresta if these definitions would be used for the whole code.

Agresta: Yes, now we’ve only focused on the commercial definitions; some definitions are going to be in both residential and non-residential.

Chair Greenwood: We should consider **mobile homes** as dwellings.

Agresta: The only place a single-family home is allowed in the commercial district is the LC district. A mobile home is considered a single-family dwelling and would be allowed. A mobile home usually has an attachment to wheels; they have been replaced by single-wide and double-wide pre-manufactured homes.

Chair Greenwood: Asked why the word rental is in the use (**rental apartments above commercial**).

Agresta: Rentals in this area are what is needed. If you take the word rental out, you may not get any rentals.

Culver: Suggested putting in for rent or owner occupied.

Agresta: Ownership, unless you're really keeping them small, is going to be toward the higher-end market. Given the area that you have, you're going to have smaller apartments aimed more toward workforce type housing.

Downey: It should be rental and asked for input from the audience.

Meg Winkler: Agrees with Culver's opinion with rental and/or owner occupied. There are many people that do buy structures so they can have a business and also rent out other spaces.

Sam Busselle: I believe that also we should keep it open and not discriminate or be selective. There are many opportunities for developers to include any level of housing and we want every level of housing. We don't want to focus on just the ones that need subsidies, we need a full continuum of incomes. I'm surprised we've excluded the semi-detached and the one-family completely.

Chair Greenwood: Asked Busselle where he sees single-family or two-family houses in our commercial areas.

Busselle: There are single-family on the left side going out of town to Connecticut that were original houses. We don't need to clamp down in such a way that this isn't allowed. We have such an overwhelming need.

Kish: The **question in my mind is rental or sale**; is the need best served by making those rental apartments above businesses in the Boulevard District or should we allow to any kind of transaction.

Winkler: In an ideal world, we should be the most flexible and have mixed-use housing.

Busselle: I don't think we should exclude that; we should allow and have some caveats in terms of what our goals are in terms of how many housing units we need in both the Town and the Village. There are creative solutions where the density allows, not just having apartments on top in a commercial section. I don't know that we have enough expertise to permit an inspired complex that combines commercial and housing.

Agresta: There is a limited amount of real estate for commercial development in the Town. There's not going to be a lot of expansion of commercial districts. If you open it up wide to every conceivable type of housing opportunity, you could be doing a good thing, but you could also be eliminating your commercial development.

Schroeder: We should have rentals above; there is so limited land for commercial development.

Kish: We want to provide housing opportunities for people who need housing. He agreed with Schroeder.

Downey: What we've introduced as a second-floor component that is residential. We also want to create an extension of the Village where most people don't live on the first floor, that's where the business is. That is the logical thing to do in the commercial areas.

Culver: As long as an owner can rent a space, that's all that matters.

Chair Greenwood: The ZRC agrees with leaving it the way it is.

Restaurant:

Agresta: A few meetings ago, the only commercial restaurant thing you wanted in the Irondale District was cater/commercial kitchen.

Kish: A food truck wouldn't hurt anything there.

Agresta: There are multiple types of **food trucks**. One could be permanently parked there; ones that drive around, and ones that show up at events (carnivals, fairs, etc.). Suggested looking at the standards he circulated.

Schroeder: Doesn't object to them being at special events; but ones that are around all the time are competing with our restaurants.

Culver: The definition allows for a limited duration. Suggested defining duration.

Kish: Favors them, they provide variety and can be an attraction to bring people in.

Chair Greenwood: We will talk more about it at the next meeting after we have reviewed what Agresta circulated.

Retail:

Chris Kennan: Asked if vape store and any tobacco specialty business would include **cannabis retail**, were we ever to legalize it.

Agresta: I would think so.

Kish: Asked if zoning would have to be amended to allow it. Agresta said yes.

Kish: Suggested leaving it as it is now and if and when the Town decides to permit it, then the definition could be tweaked. Other committee members agreed.

Solar Energy Systems - Accessory Use

Chair Greenwood: Said she is surprised that the roof and building-mounted systems need site plan approval.

Agresta: That's in the commercial areas. He would advocate that **anything in the commercial areas needs to go to the Planning Board**.

Agresta: If an applicant is doing a free-standing solar system as part of their development, your current code says in addition to site plan, they need a special permit from the Zoning Board of Appeals (ZBA). Asked if we want to keep it that way or put it all with the Planning Board.

Warehouse/Commercial Industry:

Kish: Asked if wholesale distribution should be allowed in Boulevard East. Exclude light industry in the Boulevard District.

Chair Greenwood: I would like to put **wholesale distribution** back in Boulevard East.

Agresta: You don't have the property for something huge scale. One thing you will get out of this is the truck traffic.

Schroeder: Millerton already has problems with traffic getting through town; we don't need to aggravate that.

Kish: Suggested putting a size limit on it.

Discussion of Special Permits

Chair Greenwood: Asked to hear what people have to say about the special permit process being with the Planning Board.

Agresta: I've always advocated getting rid of special permits outside of the Planning Board. You get applicants bouncing back and forth between boards. I don't know how you segment the use aspects from the layout of the land; it's all related. There may be some special permits where you don't need the site plan.

Downey: My inclination is to have it consolidated with the Planning Board. From an applicant standpoint, it's sometimes hard for them to understand why they are bouncing back and forth, particularly when the issues are Planning Board issues.

Schroeder: Agrees with Agresta where he mentioned special permits and residential areas where you might not need site plan approval. The advantage of just dealing with one board is a big plus.

Schroeder: If we could have joint meetings when we have a SEQR review, that wouldn't be such a problem.

Downey: Asked if you mean that it's going to be defined by the district it's in.

Agresta: It's not so much the district as is there Planning Board site plan approval involved.

Schroeder: Mentioned a kennel in a residential area that doesn't require site plan approval. Asked if it goes to Planning Board or left with the ZBA.

Agresta: If you want to spread some of the permitting and not take it all away from the ZBA, I suggest you focus on the things that the Planning Board isn't dealing with.

Chair Greenwood and Schroeder agreed it makes sense. Kish is in favor of it.

Chair Greenwood needs to make sure Culver, Kay and Sherman agree.

Agresta: It might be a good homework assignment for everyone to look at the use table and determine whether any of these uses need to require a special permit or is a site plan review sufficient. The biggest different besides the standards, is a public hearing is optional for a site plan by the reviewing agency; a special permit it is not, it is required. It could also be an optional decision based on the application that comes before you. You could make the public hearing mandatory if you want to.

Schroeder and Kish agreed with making the public hearing mandatory.

Public Comment

Laurie Kerr made a presentation regarding the development of the Boulevard District. She advocated for underground utility lines, uniform set back requirements, sidewalks, and architectural standards.

Kish: Agreed with what Kerr presented. He doesn't see any way that zoning solves the problem of power lines; we can't zone them underground.

Kerr: That might be a negotiation with Central Hudson. There are two possible solutions. One is to take them underground and the other is to run them behind the buildings.

Kish: I feel like we need a specific type of expertise to help with this design work.

Schroeder: We do have the Boulevard template developed by Dutchess County Planning with the tree-lined street and the grassy area, but it has never been utilized.

Agresta: With almost all design-type standards do you make them standards or do you make them guidelines. You can have a minimum setback and a maximum setback.

Kerr: My argument is that setbacks should be within a very tight range because that's how you create a beautiful street.

Busselle: Mentioned the need for immediate housing. We have money coming, once the state gets the budget together, to invest in housing. Unless we have properties that we can recommend, we're dead in the water. In order to get any type of pre-development going on, we have to get people imagining where it can be and how many units and what kind of character the housing could be. I don't think we can wait until we finish the zoning review. We need to get both the Town and the Village boards to focus on housing. I plea that we focus on that as well the BD and get more people involved. We have a core group now willing to do the work and I want to expand that group.

Chair Greenwood adjourned the meeting at 6:20PM.

Respectfully Submitted,

Deb Phillips
Zoning Review Secretary