

TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES April 25, 2022

The Town of North East Zoning Review Committee meeting took place on Monday, March 25, 2022, via Zoom at 4:30 PM. Board members present were Chair Edie Greenwood, Dale Culver, George Kaye, Bill Kish, Dave Sherman and Julie Schroeder. Also in attendance were Will Agresta, Lana Morrison, Rich Stalzer, Paul Bengston, Kathy Chow, Chris Kennan, Sam Busselle and Deb Phillips, secretary to the Zoning Review Committee.

Chair Greenwood opened the meeting with a discussion of using a land conservation district and/or overlays for specific resources.

Agresta: Most towns deal with wetlands on their own, whether it be in the zoning regulations or a separate wetlands law and in some places with a separate board. For the most part, **you have to map on a case-by-case basis if you're going to regulate wetlands as opposed to relying on DEC wetlands.** If you don't want to create a law, do it as an overlay with standards that would define your resources. **As applications come in, you would have to delineate the specific parcel.** For floodplains, stay with the FEMA map that you can overlay in the Town. **Each time an applicant comes in, an engineer would map it to the parcel.**

Sherman: Suggested that the state and federal wetlands in the Boulevard area get transferred onto a zoning map.

Agresta: There hasn't been any changes to the 100-year floodplain recently but if you're going to regulate wetlands, which North East doesn't do that much, you'd probably incorporate the 100-year floodplain into this package.

Sherman: You really need to have some wetland information on the map. He suggested continuing something similar to the current LC that gets hard mapped to the zoning map of the Town. Then we can deal with environmental features and an overlay.

Kish: Asked how we give the Hudsonia map resources a regulatory meaning; what do we say about them in the zoning so that they need to be considered and have some official standing.

Agresta: There is reference to Hudsonia maps.

Agresta: Ed Downey has listed nine resource to protect: **(1) wetlands, water bodies and watercourses; (2) aquifers; (3) floodplains; (4) scenic resources and viewsheds, particularly those seen from the Harlem Valley Rail Trail; (5) steep slopes; (6) woodlands and forests; (9) important wildlife corridors and habitat areas; (8) agricultural land; (9) historic site and structures.**

Kish: Added **ridgelines.**

Chair Greenwood: Added **NYS Parklands.**

Chair Greenwood: Asked what a ridgeline is.

Agresta: Highest point of a mountainside/hillside. You would want to define some elevation below the ridge and that would be the area that is regulated.

Agresta: **Asked the Committee to take the resource list and define each item. They are all interconnected but need to have separate definitions.**

For steep slopes, you would have to define them. They are site specific and based on a topographic map. For agricultural overlay, you would have to identify important soils.

Woodlands and forests need to be identified where they are, the same with wildlife corridors and habitat areas.

Scenic resources and view sheds would need to be defined.

Aquifers need to be defined on a larger level or something specific to the Town protecting a public water source; that would require a study and a mapping of the aquifer and the recharge areas.

Kish: If we are looking for a way to define a wetland, we could ask Hudsonia for their definition of a wetland.

Agresta: Asked what the Comprehensive Plan recommends relative to wetland protection.

Kish: It's very specific: it talks about habitat protection, wetland protection, incorporating the recommendations of the Hudsonia report regarding natural resources.

Chair Greenwood: Asked Sherman if he was a proponent of keeping the status quo.

Sherman: My concern is that a Town of our size does not have the budget or the capacity to monitor our own wetlands law. I think using the existing protective layers that we can easily map is the better way to go. I'm more concerned about how much we are putting on our plate that requires expertise beyond something we can see just standing in the field.

Kish: What we, as writers of zoning code, need to look at is what instruction do we give to applicants and the Planning Board when it comes time to look at a project.

Culver: The Planning Board has to work with our code; our code is what we reach for to give applicants guidance.

Chair Greenwood: Asked Agresta if towns ever suggest or require that Hudsonia be involved.

Agresta: You might hire Hudsonia to help. I don't think they do regulatory work.

Agresta: I believe you have a flood regulation already. You can incorporate storm water into your zoning regulations.

Agresta: Asked if you want to focus on two or three resources and make them the overlay district for now and then we'll add to it later.

Kish: Another suggestion is leaving the LC District as it is for now. Sherman agreed.

The ZRC decided to work with the existing LC District for the current package of regulation due by the end of this year, with the understanding that we will return to the discussion of all the natural resources we want to protect when we address the residential districts of North East.

ZRC will move forward with standards, starting with bulk standards at the next meeting.

Kish: Asked about design standards and noted the need for visual examples and architectural input.

Agresta: He made the point that communities wrestle with firm design standards versus design guidelines.

Definitions

Office Business

Kish: Not clear to me that a software engineer would be able to do that in a business office the way it's currently defined, and they are not a tradesman according to how that is defined.

Agresta: Suggested adding some other adjectives.

Farming

Kish: We have very limited capabilities to regulate farming activities that are allowed but he likes that the definition of a farm excludes fur farms; wants to keep it prohibited.

Schroeder: You may run into problems with Ag & Markets of the state definition of a farm.

Agresta: Doesn't think Ag & Markets will exclude it.

Brew Pubs

Kish: Many incorporate the brewery into the brew pub; suggested making that clear.

Outdoor Dining

Kish: It's not clear if outdoor dining incorporates a structure.

Agresta: We can add accessory structures. We can cover that in the parking standards. Outdoor dining section would have standards about structures, separation from the parking lot, landscaping, lighting, etc.

Things that shouldn't be a bank

Kish: Payday loans, same-day loan stores and pawn shops aren't banks.

Agresta: We've already excluded pawn shops and check-cashing stores.

Kish: Then add payday loans and same-day loans.

Sherman: Asked if they are allowed under some other use definition.

Agresta: Asked why a pawn shop isn't a retail store. The flip side is prohibit them straight out. Asked how a pawn shop technically differs from a consignment shop.

Kish: It differs that you have the right to buy your stuff back within a particular period of time.

Junkyards

Kish: Typically, a junkyard has inoperable automobiles and so would an auto body shop. We probably need to carve out something with respect to those types of businesses because otherwise they could be combined with junkyard definition.

Agresta: You could address that they could be there for a period of time.

Public Comment:

Paul Bengston: Introduced himself as Community Program Director at North East Community Center and he will be working with Tri-Town Coalition.

Chair Greenwood adjourned the meeting at 6:14PM.

Respectfully Submitted,

Deb Phillips
Zoning Review Secretary