

**TOWN OF NORTH EAST ZONING REVIEW COMMITTEE  
MINUTES  
May 9, 2022**

The Town of North East Zoning Review Committee meeting took place on Monday, May 9, 2022, via Zoom at 4:30PM. Board members present were Chair Edie Greenwood, George Kaye, Bill Kish, Dave Sherman and Julie Schroeder. Also in attendance were Will Agresta, Michael Harney, Rion LoBrutto, Chris Kennan, Kathy Chow and Deb Phillips, secretary to the Zoning Review Committee.

Chair Greenwood opened the meeting at 4:30PM with a Will Agresta leading the discussion of Lot Area and Bulk Standards in the non-residential districts.

**Light Industrial (M-A) District**

Sherman: Other than the agricultural use that is under consideration for a property in the M-A District, the remainder of the Harney Tea property on the west side of the driveway is still open to development. With the setbacks listed in our current code, the frontage of that property could be developed toward the road. He agreed with Schroeder that a composting operation should be considered Light Industrial and not Agricultural.

Schroeder: It is her understanding that there might be some bagging of the compost with other materials for retail sales and that it may not qualify for an agricultural use.

Chair Greenwood: Asked if the Committee was proposing that the composting operation on Coleman Station Road is considered Light Industrial and put it in an M-A District subject to verification of the Ag & Markets Law. Sherman and Schroeder agreed.

Kathy Chow was asked to comment. She said McEnroe Organic is a big industrial site and NYS has recently passed laws about composting that would suggest that it's operation should be bigger and more efficient than it is now. There are new laws that require large food waste producers such as grocery stores to bring their food scraps if they are within 25 miles from a composting operation.

Kish: It makes more sense to me to be creating a floating district for composting and allow that to land where McEnroe Organic is.

Agresta: He likes the thought of Kish's as introducing it as a singular use. If they are dealing with household waste, there all kinds of permits that they have to have. It's clearly Light Industrial.

Chair Greenwood: Going back to the existing M-A district.

Kish: Asked if the **Standard Minimum Lot Area per Establishment** with a required 1 acre allows the possibility of if being subdivided internally. Schroeder: Asked what is meant by Establishment.

Agresta: Usually it implies per lot. He has seen codes talk about multiple uses requiring more acreage. If we all agree "per establishment" was not intended to be a separate tenant requiring another 15 acres, I would take those words away to be clear.

Sherman: I agree and add something that would allow multiple businesses on a property.

Agresta: You don't have anything in the current zoning that limits that kind of activity.

Chair Greenwood: Asked if taking out "per establishment" has solved the problem.

Agresta: For the most part, yes.

Kish: We have the **minimum driveway center line separation of 70 feet**. In various places, we seem to be encouraging driveways to be spaced further apart. Asked if that was because of traffic or some

other reason. From a sight development view, it's not better to have driveways to be spaced far apart. If you can't have a shared driveway, put the two driveways next to each other where you're concentrating that into one space.

Agresta: If you have a shared driveway, you have control in and out of the one driveway. If you put two driveways right next to each other, you have two driveways conflicting and competing with each other. The separation is to get them to control traffic.

Chair Greenwood: Asked if **maximum building coverage** of 20% is typical.

Agresta: These numbers are more tailored towards North East. Industrial properties tend to be dense. The site coverage would include building coverage plus parking areas, paved walkways, etc.

### **Driveway Width**

Schroeder: Asked how wide the driveway is for Harney Tea.

Agresta: It's about 54 feet. I'm fine with the 50 feet but there are other ways to deal with this with the turning radius.

### **Maximum Height**

Kish: Asked if the current building fits into the 35 feet.

Agresta: The thing about the height is, for some reason, it's really just buildings. There's an except for a water tower or some kinds of cell towers. The traditional zoning for most residential properties is 35 feet; industrial is usually anywhere from 40 to 60 feet.

Agresta: The existing code, the way it's laid out, is more than a textual format; it is not in a table as I have put it here. Asked if we want to move it to a new table in the revision which is what most codes do use.

Chair Greenwood: The table is a very accessible way of displaying the information.

Agresta: There are some of these things that related to each individual district, but some relate to all districts. He suggested standards specific to a district would fall into another section outside the table.

### **Irondale Business (IB) District**

Agresta: Asked about **Minimum Lot area per Establishment**.

Chair Greenwood: To be consistent, shouldn't we take it out.

Agresta: The over-arching issue is there any desire that somehow more establishments generate more acreage requirements.

Kish: Asked if having more establishments necessarily mean that any aspect of the use gets more intense; septic systems, parking, etc.

Agresta: Yes and no. For offices, it would not. Septic needs are going to relatively the same. Yes, if you have different mixed uses.

Kish: With respect to the minimum lot area, we should look for the smallest possible because we have very little commercial space available. To require a fairly large lot, it reduces the number of possibilities. Asked if one acre is the smallest that we can envision for the Irondale Business District.

Schroeder: Mentioned the Taylor site where there is bulk storage for fuel, the big warehouse and a welder. We have three uses; how do we treat them?

Agresta: In one way, you're artificially requiring larger lots to have multiple tenants.

Sherman and Schroeder agree to stay with one acre.

**Minimum Lot Width – Interior lot / Minimum Lot Width – Corner lot**

Agresta: The next two standards are about lot width. There is something that your code does that not a lot of codes do. The lot width is the setback line, not anything about street frontage. You don't have street frontage requirements.

Agresta: Where you provide street frontage, it narrows down getting flag lots. What needs to be clear with corner lot street frontage is the potential confusion as to which yard is which. Most codes don't do that. They look at a corner lot and any place where you have frontage, that's frontage. Other codes might tell you how to pick the rear or side yards. You treat the streets as all front yards. It's not getting rid of corner lots. Your code could be interpreted that only one of the streets on the corner lot have these standards and then there's a different standard for the other street. This doesn't make a lot of sense; they should be uniform across the front yards.

Kish: The Irondale District and the Boulevard District do not have corner lots.

Agresta: I would do this globally because you're going to have corner lots in residential neighborhoods.

Kish: If we put aside the current set of lots that we're looking at which are very shallow, is there anything about having an 80-foot front yard and a 50-foot rear yard that encourages parking to be in the front or is completely unrelated.

Agresta: It definitely pushes the parking in the front.

Kish: Asked if we should consider swapping the 80-foot and 50-foot setback to encourage parking to the rear.

Agresta: There are two different buildings next to each other (Irving Farm and Precision Auto). The coffee facility stands out in my mind as more attractive. It has a yard in front of it, and so does Precision but there it has pavement as well which takes away from the island in front. The one that is closer to the street which resulted in no parking in front of it has somewhat of a better appeal.

Sherman: Raises the concern where a commercial district area abuts up again a residential area. Suggests in this situation we require greater setback from the building line to the property line.

Chair Greenwood, Schroeder and Kaye agree on the 50-foot setback for the front.

Agresta: Take a closer look at these tables and assess what you want to do with them.

Public Comment

None

Chair Greenwood adjourned the meeting at 6:00 PM.

Respectfully Submitted,

Deb Phillips  
Zoning Review Secretary