

## **TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES June 27, 2022**

The Town of North East Zoning Review Committee meeting took place on Monday, June 27, 2022, Town of North East Town Hall, 19 N. Maple Ave. Millerton, NY at 4:30 PM. Board members present were Chair Edie Greenwood, Dale Culver, Ed Downey, Bill Kish, Dave Sherman and Julie Schroeder. Also in attendance were Will Agresta via Zoom, Chris Kennan, Kathy Chow, Laurie Kerr, Lana Morrison, Paul Bengston and Deb Phillips, secretary to the Zoning Review Committee.

Chair Greenwood opened the meeting at 4:30PM.

Chris Kennan gave an update of the sewer projects for the Town and the Village. The Village of Millerton will be the lead municipality for the wastewater system as the plant will be on Village property. Tighe & Bond Engineering has been retained by both the Town and Village to design the system for each municipality, both of which will have their own sewer district. The Village will own and operate the system. Grants have been submitted to pay for the system.

Kish: At a prior meeting, the Committee talked about a sideway district and Agresta identified two different ways to do it: (1) Create an improvement district or sidewalk district that the Town would administer; (2) within our zoning regulations and standards, we would require that when a property is developed it include a sidewalk. He asked who would make this determination.

Kennan: The Town Board should have some voice in this. He plans to bring it up to the July meeting and make a recommendation.

Chair Greenwood: The Committee did a site visit on the Boulevard with a focus on the north side on June 22, 2022.

Kish: He reiterated points about the Boulevard made in the Comprehensive Plan.

- (1) promote the aesthetics of a traditional village street with parking to the rear or side
- (2) require sidewalks to the pedestrian system in the village
- (3) move buildings closer to the street with shorter front setbacks
- (4) establish building designs that are consistent and have similar features as Victorian structures found elsewhere in the village
- (5) include standards so that signs and lighting are consistent with village scale, and
- (6) include landscaping such as trees and parking lot street trees, street trees, and screening of parking lots, dumpster etc.

Roughly from the center of Route 44, there's 44 feet of road curb to curb, then there's a five-foot snow utility strip and a five-foot sidewalk. The property lines, at least on the north side, per the GIS coordinates from parcel access, appear to be incorrect because they show that the property line is right up against the curb. What we observed out there and what agrees with the corridor plan is that they are a good ten feet in from the curb. He said this needs to be verified. He asked if the NYS Department of Transportation (DOT) ever create a survey of this part of the road.

Chair Greenwood: (Speaking to Agresta) You indicated at our last meeting you felt we should set our setbacks from property lines. Do we need to do all this engineering?

Agresta: What's important is to understand is where the right-of-way is. Getting maps that show the right-of-way would be helpful. There may be some recorded maps in the County land records.

Agresta: Look at the planning board files and see if there was a survey that the site plan was based on. That would show you where the front property line is.

Kish: Asked Agresta if it was possible that the property line and the right-of-way overlapped with each other.

Agresta: No, **the right of way and the property line are the same line.** You can't rely on the GIS data.

Kish: The setbacks should be minimized. (Talking about bank and Gulf station): You can see that the buildings have been centered. There isn't much room in the back to do anything. This forces having parking on the side and results in a front yard that is pretty useless. If you pull these buildings forward (and turning the bank 90 degrees), you could put parking in the back and have the façade face the street. (Mentions photos of Pine Plains and Tivoli). That would allow more density which would be good because BD West should be the small, retail area for the Town. The other side of the street allows for bigger structures; they may be set back further, look like different things and maybe have two tiers of buildings. On the north side, all we have room for is for one tier.

Agresta: The current development is highly curb cut dependent, for example the gas station and the bank. Both can be accommodated with a single driveway if designed right. The other point to think about is what happens to the existing buildings if somebody wants to add on. Think about the standards when accommodating the existing buildings.

Downey: Asked if you can write code in a way that says you need to build additions toward the front of the parcel.

Agresta: If the Gulf mart was going to expand, it would be possible to do so toward the front. We don't want to have these standards say the maximum setback for the front is 20 feet and then someone wants to do something with one of these buildings that doesn't physically work.

Culver: Wouldn't we want to encourage them to expand toward the road? if they are adding on, develop a site plan that maintains the best aesthetic and traffic flow with what's already existing.

Agresta: There has to be some kind of built-in relief to the existing buildings.

Downey: It's also likely that it will be in the property owners interest to move their front forward because they have a limited amount on all other sides for parking. If they're going to be expanding, encourage them to put additions on the front.

Chair Greenwood: We are trying to develop a code that will encourage people who are renovating to move forward when possible. Asked if there is any way to encourage development to face the street.

Agresta: You can require it to face the street, but it doesn't mean it doesn't have to be the main door entrance. If you have sidewalks up and down, front access starts increasing.

Sherman: Passed out hand-outs of the measurements taken on the Boulevard to show the dimensions of what is there now. Originally, the idea was to make the Boulevard complimentary to the Village. He also measured the buildings including houses on Main Street in the Village which provide a continuation of green space. He stressed the importance of good landscaping.

Kish: The question about what the setback and the look and feel of the south side vs. the north side is an important point. They should be quite different. The south side has more depth and an opportunity to go further away.

Agresta: If there is more opportunity for development on the south side, that's where you should focus your smallest setback. You're more likely to achieve it there than waiting for someone to add on the north side.

Agresta: If you're going with the extension of Village concept, I'm trying to understand the rationale for having a lopsided setback.

Sherman: It allows for more landscaping and a sense of openness.

Agresta: When you look at the existing examples on the north, those green spaces, although they provide more of a rural feel, they don't contribute much to the landscape.

Agresta: Whatever number you pick, that's the maximum setback. What I've been hearing is that the buildings are too far back. If we're going to extend the sense of the Village, they need to be closer to the street. If you want it at 20 feet, the wording must say 20 feet. We have to come up with a concept of how you want this to look, where you want the buildings and how you want them to relate to the Village. We're not getting anywhere without having any real standards. You can do an average setback, but you still have to have a concept.

Agresta: Right now, you have a 50-foot setback. All that says is that the building can't be any closer than 50 feet from the street. It could be 60, 70 or whatever to get to the rear of the lot. You're not mandating it be at 50, it could be further back, but you can't be any closer than 50.

Agresta: We can get language that varies the setback from lot to lot. If you don't have controls making them do the things you want to achieve, there is nothing that is going to force them to do what you want. Are you trying to make them come closer or leaving it for them to decide?

Downey: I think it's reasonable on the north side that you want to bring things as close as possible. You want to have something similar to what Laurie Kerr and Kathy Chow presented. I think most of us agree in setting a required building line, a setback that one must build at on the north side. It would be logical to do the same thing on the south side. The commercial space isn't what gives the community its rural character.

Downey: We're having a line on both sides where the frontage of the building must appear. There is some flexibility for moving back to create an average.

Sherman: You have a minimum and a maximum setback. You set those two numbers and the building is going to be somewhere between those numbers.

Kish: On the north side at least, we should stick to a line. What's there (the existing Boulevard) right now doesn't work. When the commercial section in the Village was built, it was built like downtown. The buildings on the eastern part of Main Street were houses that people lived in and were eventually converted to commercial use. It doesn't make sense to emulate houses that were converted to commercial use as part of our Village concept in the Boulevard.

Chair Greenwood: The task at hand is figuring out where the real rights-of-way are.

Agresta: That can be done by looking at DOT maps, property maps that have been surveyed and put into land records or in planning board files.

Agresta: (talking to Kennan) With the scoping of the engineering map and planning report, has any thought been put into not just mapping and engineering the sewer lines in the Boulevard, but incorporating the design of sidewalks within that concept to double-duty. Digging up the pavement for the sewer line is an opportunity to put sidewalks in. It's an opportunity to get grant money for multiple components.

Kennan: We're not quite there yet.

**Public Comment:**

Laurie Kerr: We suggested setbacks, we said a minimum of 35 feet and a maximum of 40 feet. Fifty percent of the frontage has to be within there. You often see buildings that might have a porch on the front or some kind of setback in a more complex shape. We want to enable that kind of variety. In terms of view sheds, we were saying on the south side that the building frontage along the street could only be a maximum of the length of the lot. (She suggested 50% of the length of the lot). It's just a thought about enabling the view shed to the south. We did the same on the north. You could relax that requirement for maximum frontage to enable buildings that are more parallel to the street. There are a lot of tools that you can use to get the result you want and the variety within that.

Chair Greenwood: (to Agresta) Are these things you put in the code or should they be brought up in pre-Planning Board applications.

Agresta: If you want to achieve those kinds of things, you need to codify the best you can.

Paul Bengston: What Will brought up at the end here about digging up to do the sewer line and all the other issues at the same time is a great lead-in to that fact that it's super effective to do more of a planning process for this area rather than try to write zoning standards.

Kathy Chow: I liked the comment about the Millerton Green and like the idea of somehow a pocket park.

Chair Greenwood: There will be no meetings in July. Beginning in August, meetings will be held the first and third Mondays.

Chair Greenwood adjourned the meeting at 6:00PM.

Respectfully Submitted,

Deb Phillips  
Zoning Review Secretary