

**TOWN OF NORTH EAST ZONING REVIEW COMMITTEE  
MINUTES  
August 1, 2022**

The Town of North East Zoning Review Committee meeting took place on Monday, August 1, 2022, at the North East Town Hall, located at 19 North Maple Avenue, Millerton, New York at 4:30PM. Board members present were Chair Edie Greenwood, Dale Culver, Ed Downey, George Kaye, Bill Kish and Julie Schroeder. Also in attendance were Will Agresta, Chris Kennan, Kathy Chow, Sam Busselle, Rich Stalzer, Meg Winkler, 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 his meeting with the potential buyers of the supermarket plaza. The buyers offered to send him a sketch of their preliminary plans for the site. Chris went on to asked what is involved in a sidewalk district as opposed to sidewalk requirements.

Agresta: A sidewalk district would be a taxing district.

Culver: Asked if a sidewalk district has a yearly budget.

Agresta: Yes. If you have a district, you're going to have improvements. Having a district confines the taxing to properties inside the district. Outside of the district, you can build it and pass an ordinance that the properties owners are responsible for maintenance of the sidewalks, i.e., plowing, shoveling, etc. He said he would send a more concise summary for Kennan.

**Lot Area and Bulk Standards Schedule for the Boulevard Districts**

Agresta: Starting with Boulevard West, he asked if the minimum lot area of one acre would not change. He asked Kish if his analysis showed that they were all at least an acre.

Kish: The former chiropractor's parcel is only .4 acres.

Schroeder: Thought the very small gas station and Fotomat tax parcels were illegal subdivisions. She asked how to deal with these small parcels as per establishment.

Agresta: One could argue per establishment means if you have two stores then you have two establishments. Another argument could be that per establishment could be one facility operating together could have multiple stores out of one building. A second building could be another establishment.

Culver: Asked if establishment is the right word.

Agresta: I'm not sure if it's necessary. We can get rid of per establishment per building and use minimum lot area.

Kish: When you bring an application to the Planning Board for site plan approval, it needs to be a minimum of one acre. He asked what we would do with respect to existing parcels that are smaller.

Agresta: That's probably already covered in your non-conforming standards. If it's legally non-conforming, it usually gets a pass on the acreage. You still have to meet all the other standards.

Schroeder: The gas station and Fotomat were never legally created.

Kish: These illegal subdivisions are wholly enclosed within that larger supermarket lot. Asked how these lots (gas station and Fotomat) would play out if the developer came to us and asked about those lots.

Agresta: If somebody comes to you and shows you a parcel minus those areas and you know that they are not legally subdivided, you're going to tell them that they need to show you the whole property.

Culver: Asked if those two lots have their own tax parcel numbers. Chair Greenwood confirmed they did.

Agresta: The tax parcel does not make it a zoning parcel.

Agresta: You might go to the tax assessor to find out the record of why it has a separate tax parcel. Suggested looking into when the deed was recorded creating those parcels. It has to be recorded but it doesn't make it legal.

Chair Greenwood: She and Kennan met with the potential buyers and asked what they were under contract to buy. They said the supermarket site, the gas station site and our current BD4 that is behind the supermarket.

**The Committee agreed to remove the reference of per establishment in the schedule.**

Kish: Asked if an applicant with a non-conforming lot would have to get a variance.

Agresta: No (referring to Code 180.80) "Lots existing prior to this enactment having an area less than that required for the district in which it is located shall be considered to be conforming with regard to lot area."

**Interior lot and corner lot**

Agresta: He suggested getting rid of interior lot. Your current definition of interior lot is a lot other than a corner lot. The corner lots are generally larger because you're going to require a front yard setback on both streets. We should also get rid of minimum lot width for interior lot.

Kish: Mentioned the land-locked parcel behind the Talk of the Towne Deli and how it is accessed. Suggested having it merged with the lot in front of it.

Agresta: If two non-conforming lots are next to each other in common ownership, they could be required to merge if you have a merger clause for non-conforming lots.

Kish: The only thing that will make these lots non-conforming is if we have code that says that any lot in BD must have road frontage. If we say that, then the rear lots become non-conforming, and we can force them to merge.

Agresta: If this is something you wanted to do, you will need legal advice. There's a process that has to be followed that is outside of zoning. Lots of towns have this requirement. You're looking for conformity.

Agresta: We should look at the reality of the lot widths being 200 feet. If those non-conforming lots are not 200 feet wide, they would need a variance to build.

Kish: Many of the lots on the northern side of Boulevard West are less than 200 feet. I think eventually we will get to separate bulk dimensions for the northern and southern parcels. We should probably say that the northern parcels can be narrower and smaller to keep them in conformance.

Agresta: The other way to go is add lot width requirement to the acreage.

Culver: Doesn't want to make it tougher for lots that already exist.

Agresta: You could keep these widths and use these standards for anyone making new lots. You could add exceptions of both area and lot width for sub-standard lots.

Agresta: The lots on the north are roughly conforming to a little under conforming. Looking at the existing development, are you comfortable with the way they are now, or do you want them smaller or to you want them larger?

Kish: If we had larger widths to work with, it gives the developer and planners more to work with. There are fewer constraints. As lots get smaller, you get more constrained. The lots on the north are going to be difficult to work with because they are pretty narrow and shallow.

Downey: Agreed, you're also talking about parking and not just a building. You need adequate parking for commercial and residential purposes. With less than 200 feet, it gets challenging.

Chair Greenwood: **Asked the Committee if they agreed with 200-foot width on the north side. All agreed.** She asked Agresta about the south side.

Agresta: I am not a fan of having different standards for north and south. You don't want short width, long narrow lots on the south side. If you have depth with a sewer, you could have a 200-foot lot that goes really deep. A subdivision doesn't set forth the dimensions of a lot. It sounds like we don't want long, narrow lots. You want development, not lots.

Kish: Asked if everyone was comfortable with a 2:1 ratio. If we stick with 200 feet for the minimum width, you could go 400 feet deep.

Downey: Wetland restraints would limit how far you could go in depth.

Agresta: **Codes often exclude a certain amount of non-buildable lands in achieving the minimum lot area.** Asked if you want to have any exclusions to the lot area in regard to sensitive resources. On residential subdivisions, he has seen towns restrict anywhere from 25-70% of wetlands from the minimum lot area. You would have to define the resources and then exclude them.

Culver, Greenwood and Kish agreed that it would be a good idea.

Kish: Why not say 75% must be buildable and outside of constraints. Suggested saying the smallest lot that can be created must have at least three-quarters of an acre of buildable land where buildable is defined as outside the constraints.

Agreed by Agresta, Chair Greenwood and Culver.

Agresta: Asked the Committee if they want to see the buildings closer to the street. Committee agreed.

Agresta: Asked the Committee if they want to make it a hard, fast build to this line or have variables given to the developer and the Planning Board as a review concept. He suggested 30-45 feet with flexibility. Or you can hold them to the 30 foot and get the variation you may want by requiring that

every 50 feet of a building frontage has to have some articulation with a setback of the building, or a change in the siding or texture of the building.

Culver: Likes the idea of flexibility of allowing a developer to pitch a couple of concepts.

Kish: Doesn't see how you can achieve a 40-foot setback on the north side.

Schroeder: **Asked about sidewalks on both sides of the road and Agresta stated we should aim to have sidewalks for both sides.**

**Public Comment:**

**Sam Busselle:** He is concerned that potential buyer (of the supermarket site) should give us ideas as to what he wants to do there without first saying what we would like to have there. We're limiting ourselves by not coming up with suggestions as to what kinds of things we would like to see there. The fallback to a village-like development; we have a grid system with houses on either side of the street and then some commerce on the first floors of Main Street. That is limiting to an enlightened developer to a fairly boring layout. It doesn't take advantage of the depth on the south side of the Boulevard. It doesn't take advantage of a mixed use of what we're talking about in terms of housing and commercial. The assumption is we are going to put the housing above the commercial. We're going to a very traditional system without seeing anything from an enlightened developer. Our layout now with the Ford dealership, as well as the gym, those are massive, ugly buildings. We're not going to get to this quaint, little Village-like operation. We can go with what Laurie Kerr recommends which I hardly agree with.

**Meg Winkler:** It was mentioned that the potential buyers might be interesting in buying behind. Asked if that was the area that is being considered for multi-family. (Greenwood said yes). How do we approach that; will it be fast track or wait until January.

Chair Greenwood: We really don't know, as multi-family is dependent on sewer.

Winkler: We don't give them anything about the vision.

Chair Greenwood: We did talk about vision, and they are talking about one- and two-bedroom rentals above commercial.

**Kathy Chow:** We are trying to create a walkable community. Sidewalks and slowing the traffic is going to be important. This should be an extension of the Village that's inviting to pedestrians and for people to come on bicycles. The buildings need to be appropriate so that upstairs where the residential is to make it ADA. You need a building of a certain size to make it realistic to put in some kind of an elevator.

Chair Greenwood adjourned the meeting at 6:00PM.

Respectfully Submitted,

Deb Phillips  
Zoning Review Secretary