

TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES August 15, 2022

The Town of North East Zoning Review Committee meeting took place on Monday, August 15, 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, Dave Sherman and Bill Kish. Also in attendance were Will Agresta, Laurie Kerr, Kathy Chow, Sam Busselle, Rich Stalzer, Meg Winkler, Rob Cooper and Paul Bengston.

Chair Greenwood opened the meeting at 4:30PM.

Laurie Kerr and Kathy Chow gave a presentation on proposed setbacks for Boulevard West.

Key points made were:

- bring buildings closer to the road and allow setbacks in the façade to create visual interest, setbacks need to allow for sidewalks, bicycle paths and tree canopies
- encourage pitched roofs with 40 ft height to the midpoint, allowing for three story buildings
- to reduce curb cuts on the north, allow for rear vehicle access across parcels
- establishing different criteria for the north and south sides of Rt 44
- North side building to face the road, south side building encourage to be deeper with less frontage facing the road
- allowing greater building frontage on the north (120 ft max) and smaller on the south (80 ft max) to preserve the views, and
- creating a greenway along Kelsey Brook (35 ft from center of the stream.)

Laurie Kerr confirmed that trees were to be planted on the property owners land.

ZRC questioned the idea of parallel parking on Rt 44. Kerr responded that there was room, it would slow down traffic and create the feel of the village.

This needs to be approved by NYS DOT.

Laurie Kerr indicated Chris Kennan is interested in exploring the concept of a sidewalk district that could include trees, possibly lighting and undergrounding power lines.

The committee discussed the need for a 5 ft snow shelf, 5 ft for sidewalk and the concept of requiring a landscaping easement from the property owner.

ZRC questioned the justification for a 35 ft stream buffer. Kish suggested the code not allow any building in the 100-year flood plain.

Will Agresta: There has been extensive discussion as to the actual setback numbers and this presentation is in line with the thinking. The idea of frontage variation is in line with the concept of flexibility which the committee has consistently advocated for.

NYS DOT issues

We need to deal with DOT as the south side sidewalk and any street parking is in the state right of way so to do anything will require DOT approval. Setbacks can be independent of DOT approval as they will be from the property line. He recommended that discussion with DOT start soon. The existing sidewalks in the DOT right of way is probably the easiest discussion to begin with. Sidewalks outside the DOT right of way will need easements. We need to know where the sidewalks are going to go. Whether the town has a sidewalk district or individual owners are required to install sidewalks as part of site plan approval is a separate matter.

Curb Cuts

The plan aims to reduce the number of curb cuts. That require entering into access easements that need to be agreed upon between the affected land owners. This is not something that can be forced as it could be viewed as a taking. The town can incentivize cooperation.

The Committee felt strongly that we need to do our homework and we need to begin discussions with DOT now. Chris Kennan needs to be involved, possibly with a member from the ZRC committee. Dale Culver pointed out the value of having agreement with DOT on these issues as an incentive for a potential developer to want to proceed.

It was also pointed out that we need to include curbing and drainage issues in the discussion with DOT.

The Committee suggested the Town, who has retains Tighe & Bond to develop a wastewater district, also consider retaining a consultant to develop a sketch plan and a check list of the approvals needed to address issues with DOT and drainage needs in the boulevard districts.

Agresta confirmed that he will use the center of the street in developing setback standards. This methodology is needed when you have irregular or non-uniform right of ways. When DOT determines it need to utilize their right of way for expansion purposes, it aligns with other parcels.

Agresta asked to walk through how much was needed from the property line. We have determined 10 feet for snow shelf and sidewalk. He told us to assume a 30 ft canopy for a mature shade tree some of which will be used to shade the sidewalk. We also need to consider not having a mature tree too close to the building. The Committee agreed that a 30 – 35 ft setback works for the north side, although would like to have the latitude to add up to an additional 5 – 10 ft to this dimension.

Dave Sherman is concerned that this plan does not consider what is currently built. Kathy Chow confirmed that their proposal would require additions to be added to the front on the north side.

Viewshed on the south side

Dave asked if the side yard requirement of 25 ft minimums is too narrow? It seems to be running contrary to the concept of opening viewsheds.

Agresta does not recommend variable side yard setbacks. He finds fixed setbacks are easier to implement. He point out that we are talking about taller buildings and the visual effect they will have needs to be taken into consideration. Laurie suggested her presentation be changed to 15 ft side yard setbacks for both sides.

Dave questioned with 25% building coverage and required parking standards if there will be enough room for adequate landscaping. Agresta suggested being more aggressive with landscape requirements. Require a percentage of green space within parking areas, and around the building.

Will confirmed that the 100-year flood plain is what the town and state are bound to as the regulatory constraint.

Discussion of a frontage requirement which we do not have in the current zone. No decision has been made yet. Legal input is needed.

Public Comment

Sam Busselle: Complemented the evolving processes the Committee and Laurie and Chow are taking.

Chair Greenwood adjourned the meeting at 6:00PM.

Respectfully Submitted by Edith Greenwood, ZRC Chair