

**TOWN OF NORTH EAST ZONING REVIEW COMMITTEE
MINUTES
August 29, 2022**

The Town of North East Zoning Review Committee meeting took place on Monday, August 29, 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, George Kaye, Julie Schroeder, Dave Sherman and Bill Kish. Also in attendance were Will Agresta, Chris Kennan, Lana Morrison, Laurie Kerr, Kathy Chow, Sam Busselle, Rich Stalzer, Tom Parrett, Meg Winkler and Rob Cooper.

North East Planning Board suggestions/requests

Chair Greenwood opened the meeting at 4:30PM and led a discussion of the points raised in the attached memo received from the North East Planning Board. Greenwood deferred discussion of points relating to the sub division code, such as conservation easements to create open spaces, that will be addressed at the time a review of Chapter 150 of our code takes place.

The North East Conservation Advisory Committee is developing a planting list that are predominantly native, do well in our current climate and are expected to do well in a warmer climate. It was suggested w also list prohibited invasive species.

Idea of a completion bond to make sure a project is finished. The example given was landscaping. **Agresta pointed out NYS does not allow bonding for non-infrastructure items.** Schroeder asked if the project's C of O could be withheld until landscaping was completed and Agresta confirmed it could.

On historical structures Agresta outlined a waiting period before a demolition permit is issued thereby giving interested parties time to make provisions to move a structure or alternatively, allowing historians time to document the structure before it is torn down.

Fencing should be setback from the property line to allow the fence owner to maintain both sides of the fence without trespassing.

Discussion regarding "pop up" businesses. There is nothing in our code now and it was agreed such businesses should be regulated.

Sidewalk discussion

Will Agresta gave an overview of the memo he prepared outlining possible options for the installation and maintenance of sidewalks that Chris Kennan had requested. Agresta had outlined three approaches.

1. Sidewalks via State and/or Municipal Capital Improvement project through grants and bonding.
2. Sidewalks via Zoning pursuant to Abutting Private Land Use Development meaning that when an applicant changes their property, zoning requires that a sidewalk be included in the site plan.
3. Sidewalks via Establishment of an Improvement District. A mechanism that can be utilized in either of the above approaches to take on the role of maintaining the sidewalk by creating a taxing authority. It can be included with other utilities such as sewer, storm water management and lighting. The oversight and the administration of the district would become a responsibility of the Town Board. By creating a district, the properties within the district will be taxed, similar to the water district that currently exists.

Agresta recommended that sidewalks be mandated in our zoning.

Setback discussions using an updated chart of Laurie Kerr's previous presentation

Before going through the revised setback chart, Dave Sherman presented his memo on the importance of using the centerline of the road, not the curb as the point of reference to determine setbacks.

The committee agreed we should use the centerline.

It was decided that we will add 33 ft from the sidewalk to include the road (24 ft), the sidewalk (5 ft) and snow shelf (5 ft) and an additional 2 ft buffer in determining the setbacks. Agresta agreed. He asked us to consider how much room is needed from the property line. It was acknowledged we do not know where the property line and the DOT right of way is on parcels without surveys. Agresta pointed out that the setback relates to the property line and not the right of way as the road can change. He also commented that **sidewalks can be built in the DOT right of way** as appears to be the case currently in front of CVS. Sherman pointed out that DOT can decide to expand their right of way and take additional land. We need to consider that possibility in our discussions.

Sherman had suggested in his memo and Agresta agreed we could have two measurements in the code. One from the centerline and one from the property line and require the greater of the two be used.

Greenwood asked to clarify where sidewalks should be placed. Agresta said that ideally you want them in the DOT right of way, but you may need to leave it open in the event that they go on the property. That is why we need to add language to for two measurements and require that the greater of the two be used.

Agresta pointed out we need to take into consideration the possibility of going from two to four stories and the effect a taller building would have.

The committee agreed we want to establish minimum and maximum setbacks to allow flexibility. We need to decide if the variation is 5 ft or 10 ft. This is in keeping with having parking in the rear.

Assuming we allow a 10 ft variation, committee members came up with the following suggestions of setbacks from the center of the road for the north side.

Bill Kish – 47 ft to 57 ft

Dave Culver – 48 ft to 58 ft

Dave Sherman – 63 ft

Public Comment

Laurie Kerr: Thanked Will for the sidewalk memorandum. She also supported the idea of retaining an engineer to start getting cost estimates.

Kerr also offered her opinion that the minimum set back should be 20 ft from the sidewalk so 53 ft from the center line of the road to allow for mature trees.

Chair Greenwood adjourned the meeting at 6:00PM.

Respectfully Submitted by

Edith Greenwood
ZRC Chair

Planning Board Suggestions/Requests for ZRC – February 23, 2022

- Definitions should be airtight. We get into more trouble due to vague definitions...
- Architectural & signage standards for the business districts. We need to be able to point to specific zoning language that gives priority to the Town's standards and says we can say no to "corporate standards" that would be in opposition to community standards.
- Sidewalk standards for boulevard district. Including regulations that would trigger the necessary steps to install a sidewalk when money becomes available. Projects in the boulevard should be required to reserve a sidewalk ROW.
- Parking to the rear! Fix setbacks
- Required rear lot interconnects in commercial districts
- Regulations that discourage flag lots and encourage shared driveways and other infrastructure
- Subdivision code that encourages retention of open space, preserves valuable farmland, and protects important ecosystems
- Zoning should define when ZEO must refer an application to PB, it should not be up to his/her discretion:
 - Changes to exterior
 - Signage updates
 - Repaving (see complete streets)
 - etc.
- Native planting requirements for commercial landscaping. Provide a list of approved species.
- Better enforcement requirements, penalties, etc. Including graduated penalties
- Ability for PB to specify building and land disturbance envelopes at subdivision time.
- Zoning should list specific tools that the PB and ZBA should use when reviewing a project.
For example:
 - Wetland maps
 - Hudsonia maps and report
 - Habitat assessment guidelines
 - Assessment checklist
- Require completion bond for commercial development projects
- Explore zoning that incentivizes people to put conservation easements on their property
- Historic preservation!! Have a provision that requires offering a house to be moved before being torn down if it is more than X number of years old (100?), among other provisions (explore what other towns have done)
- Incorporate the Hudsonia guidelines for protecting the various habitats/species. E.g., Hudsonia might recommend a bigger buffer for streams that have certain species.
- Lighting / dark sky regulations
- Fencing not right up on property line, but 5 feet in from the property line, so neighbors can maintain the space between fences (otherwise, they can put the fences adjacent to each other, making it impossible to maintain)
- addressing the idea of "pop up" businesses and/or temporary approvals
- solar farms, why the super high fencing? Prefer lower fences.