

TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES November 7, 2022

The Town of North East Zoning Review Committee meeting took place on Monday, November 7, 2022, at the North East Town Hall, located at 19 North Maple Avenue, Millerton, New York at 4:30 PM. Board members present were Chair Edie Greenwood, Dale Culver, Julie Schroeder, Ed Downey and Bill Kish. Also in attendance were Will Agresta, Chris Kennan, Lana Morrison, Rob Cooper, Rich Stalzer, Kathy Chow, Paul Bengston and Andrew Stayman.

Lighting Standards

Chair Greenwood opened the meeting at 4:30 PM explaining that the draft lighting standards code was being revised and would be discussed at a future meeting.

Boulevard West North Side Setbacks

Using a summary of the materials prepared by Laurie Kerr and Kathy Chow, the ZRC discussed the BD West North side minimum setback requirement from the centerline of Rt 44. **Agresta stated that the center of the road can move so he recommended two sets of setback numbers. One from the centerline and a second one from the property line of the parcel.** He said if we had the two reference points the minimum setback would be from the greater of the two. Kish was concerned that if we say greater, we might have a situation that would put the building further back and force parking in the front which we do not want.

Downey did not understand why we would use the greater of the two as he could not image the property line metric would be more. Agresta said the setback should not be determined by curbs or sidewalks and it should be based on the property line. You use the centerline to account for a possible taking by DOT.

The committee acknowledges we do not know where the property lines are so decided to assume they begin approximately 30 ft from the center of the road.

Agresta suggested we contact DOT and ask them what their preferred right of way is for the section of Rt 44 between the Village line and the Connecticut boarder.

Agresta asked about traffic studies. He was able to look up 2019 data that indicated 4,000 annual average trips per day on the boulevard. At this level DOT assumes a 4 ft shoulder. The assumed shoulder goes to 6 ft when the number exceeds 10,000 trips per day.

Kish, Culver, Schroeder and Greenwood agreed that that the BD West north side setback should be 50 ft minimum and 55 ft maximum from the centerline and 20 ft minimum and 25 ft maximum from the property line. Downey questioned the 5 ft difference and asked if it should be a variation of 10 ft. Culver noted that on the north side with shallow lots we want to keep parking in the back, so he felt a smaller variance made sense. However, on the south side a greater variation may be warranted. Downey also noted that if we allow building to go to three stories, they will have a greater visual impact, so he questions if we want them so close to the road.

Kelsey Brook Tributary setback

The proposed setback from the normal water edge is 40 ft on each side of the waterway. This is currently in the code under Section 180 – 11 E. Kish points out that the current NYS DEC and Federal NWI data shows a floodplain of 80 ft on the north side of the brook and 40 ft on the south side.

Agresta advocated as he has before, the need for a wetland permit process. He stated that when DEC classifies a stream, they regulate 50 ft. **He went on to clarify that the floodway where no one can build is not the floor plain.** Kish made a case not to create language in our code that is already covered in federal regulations. Agresta pointed out that we can create regulations and if they are not consistent with federal regulations, the set of regulations that are more stringent will be followed. Culver said we should try to be consistent with federal regulations as much as possible.

Side yard setbacks

Greenwood explained that the Kerr/Chow presentation called for 15 ft side yard setbacks on the north and 17.5 ft side yard setbacks on the south with the idea of allowing enough room to accommodate shared access driveways.

Agresta questioned why we would do this. It would lead to joint ownership of driveways. He would look at incentivizing shared driveways by giving a bonus, not through side yard setbacks. We are talking about small lots, so he suggests we do the minimum side yard necessary.

Using Incentives

Kish asked what it is that we could loosen restriction on in order to create a bonus. Examples of desired outcomes would be shared driveways, rear access roads, reduced parking, pocket parks. Agresta confirmed these sorts of bonuses would be written into the code. It can be written to allow the Planning Board room to negotiate the outcome, or it can be very specific.

The ZRC asked for examples of what an incentive code language could look like. When asked what we would be looking for Greenwood brought up affordable apartments. Agresta asked if we wanted to make some percentage mandatory. Agresta suggested an approach would be to require x percentage of units and give a density bonus if that number was exceeded. Culver noted we have to define what we mean by affordable housing and Schroder asked how compliance is monitored. Agresta said many municipalities have a Housing Board or it can be monitored by a paid administrator. Rentals are easier than sales as the apartment owners can be required to provide their rental information.

Using increased height limits to allow for more affordable units but require the additional floor or tower be set back in the building.

Previously the ZRC had agreed to raise the building height to 35 ft from the current 30 ft to be consistent with the height limit used in the rest of the town. If we are thinking of allowing three stories, we need to consider going to 42 ft to allow an architect some latitude on the ground floor which will be used for retail stores. **The question was raised if we should only allow the increased height in BD West – south side.**

Agresta pointed out that we can also use exemptions (floor area and parking standards) to encourage certain businesses such as a grocery store. Here the definition needs to be carefully written to prevent undesirable retail shops such as a vape shop qualifying as a grocery store.

For the record, the ZRC agreed that there will be no parking allowed on the front of the building in the BD West – north side District.

Public Comment

Kathy Chow: Chow wanted to address the floor area footage that we will allow. CVS is 12,000 sq. ft. She showed an example of a strip mall turned sideways. She asked us to address the size of each building footprint in addition to how much frontage there is to the main road. Lastly, she wants us to be flexible about the use of the back of these building to allow for inside parking or additional apartments on the ground floor.

Rich Stalzer: Stalzer told us Kelsey Brook is an unclassified stream and therefore not subject to any DEC wetland regulations. He is concerned about allowing too much hardscape. Stalzer points out that while Kelsey Brook is a tributary, it drains a very large area that ends up in significant wetlands north of Rt 44 and into Connecticut.

Sam Busselle: Sam advocated for great collaboration among all the various committees that he sees working separately. He reminded us that the Comprehensive Plan called for a Steering Committee to coordinate committee efforts and bring a longer term progressive view to planning. Sam described the visual exhibit the Millerton Tri-Town coalition is preparing. It will show different types of affordable housing and should be available for viewing by the end of November.

Paul Bengston: Directed the ZRC to use the forthcoming Tool Kit for Affordable Housing.

Chair Greenwood adjourned the meeting at 6:00 PM.

Respectfully Submitted by

Edith Greenwood
ZRC Chair