

## TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES February 20, 2023

The Town of North East Zoning Review Committee meeting took place on Monday, February 20, 2023, 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, Dave Sherman, Ed Downey, Julie Schroeder and Bill Kish. Also in attendance were Will Agresta, Lana Morrison, and Sam Busselle.

Chair Greenwood started the meeting by confirming and clarifying certain decisions made at previous meetings.

### Coverage

Coverage on the north side of BD west. 40% coverage with up to 60% coverage (building footprint and parking) if incentives are utilized.

Coverage on the south side of BD west still to be determined. Should it be the same as the north side? Question how much coverage is possible given the need for parking.

### Building Size

Clarified that we would allow an 8,000 sq ft single story building but go up to 12,000 sq ft for a 2 story building with residential on the second floor. Agresta pointed out that this would result in the same coverage as described for the north side of BD west.

Kish suggested that for buildings that include apartments, we require x % be set aside for residential amenities and recreational green spaces.

**Given we are offering an incentive for residential on the second floor, the question was raised as to how much should be required to be affordable versus market rate. The committee felt 20% was reasonable, and it should be based on square footage, not number of units.**

Kish offered to contact the Millerton Tri-Town coalition group to ask for their empirical data regarding affordability specific to our community.

Schroeder raised the question of oversight and enforceability of affordable rents. Agresta noted two approaches – the formation of a Housing Committee or hired a consultant or nonprofit to oversee the eligibility of prospective tenants, rent rates and a selection process in the event of multiple applications.

**When using the NYS definition of Affordable Housing, a deed restriction is required.**

### Building Height

The current code only allows 30 ft in the boulevard districts vs 35 ft in the rest of the town.

35 ft allows 2 stories and possibly 3 stories but then it is tight. However, the use of dormers can create more usable third story living space. Agresta suggested 40 ft would be more than adequate for a three-story building with generous retail ceiling heights. Currently the midpoint of the roof is used to determine the building height. **It was agreed we should allow 35 ft in the boulevard districts and if we do allow a third story a slightly higher height should be considered.**

**Committee agreed we would require peaked roofs.** The pitch of the roof needs to be decided.

Greenwood will contact Ken McLaughlin to determine when an elevator is required in a commercial building.

### **Second Floor Office Space**

Should office space be allowed on the second floor. Agresta noted that nonresidential uses on the second floor would require we relook at how the incentives would be applied to allow a larger footprint. Agresta suggested that whenever apartments are build, we require a minimum percentage to be affordable.

Agresta reiterated his understanding that if the builder kept to the allowable coverage of 40%, a 2-story building of all retail and commercial uses would be allowed.

Several committee members questioned the compatibility of apartments and office space on the same floor. If such flexibility is allowed, we need to rethink the metrics used to determine when the housing requirement is met to warrant the incentive.

**Further discussion led to the realization that the committee needs to clarify what will be allowed as of right.** What is allowed if the builder does not need or want to take advantage of incentives that expand the allowable coverage and building size on the property.

We have talked about allowing a single floor building of up to 8,000 sq ft. Would we allow a two-story building with a footprint of 4,000 sq ft or are we not going to allow such structures?

Downey asked what we think the community wants. The question we are wrestling with deals with competing interests and what is the right balance.

### **Minimum Building Separation**

Examples from other codes require separation up to the allowable building height, for example 35 ft and other codes require separation of the height of the tallest existing building. Kish asked if this only relates to building built close to the road. Agresta advised the committee to go see and measure what already exists in other villages and towns. He suggested Kent CT would be a good example to look at.

Kish reiterated the need to define what a grocery store is. Agresta agreed and will work on a definition.

### **EV Charging Stations**

Downey suggest there be a policy statement at the beginning of such a proposed ordinance. Agresta has developed language for EV charging stations for another community and he told us the focus is on the need and accessibility of such stations. Current codes make EV charging stations an accessory use in a variety of locations. He felt the EV charging station regulations should not be difficult to implement and incorporate.

### **Public Comment**

**Sam Busselle:** Busselle has reviewed the draft purpose statement for the boulevard districts and thinks the references to housing need to be expanded to senior and workforce housing needs. He suggested we look at the purpose statement for senior and workforce housing in the existing Rhinebeck code. Busselle asked that we consider how overlay zones could be applied in the boulevard districts to further accomplish the goal of increasing housing.

Chair Greenwood adjourned the meeting at 6:00 PM. The next meeting will be held on March 6, 2023.

Respectfully Submitted by

Edith Greenwood - ZRC Chair