

# TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES April 17, 2023

The Town of North East Zoning Review Committee meeting took place on Monday, April 17, 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, Julie Schroeder, Ed Downey, and Bill Kish. Also in attendance were Will Agresta, Chris Kennan, Lana Morrison, Sam Busselle, Paul Bengston, Laurie Kerr, and Kathy Chow.

## **Boulevard West Bulk Standards**

### **Minimum Lot Area**

The current requirement in the boulevard district is 1 acre. It was decided to leave it at 1 acre. The required lot minimum will be calculated by excluding 90% of wetlands, flood plain, areas under water and steep slopes to determine the minimum lot area. Said another way, only 10% of the lot area with these impediments will be included in the calculation.

While we are currently dealing with the commercial districts, Agresta recommended this concept should be applied to all districts.

Discussion of how to treat the flood plain. The Town is responsible for regulating the flood plain. It is currently address in Chapter 95 entitled FLOOD DAMAGE PREVENTION of our current code.

### **Steep Slopes**

Agresta pointed out that we need to develop a definition of the angle for steep slopes. It will apply to all districts. He suggested 15%, stating 25% was the old standard. Kish suggested we use 20% and Agresta said that is what NYC DEP uses in their watershed when it relates to septic systems.

### **Setbacks**

Agreed upon defined criteria:

- We need two points of reference: center of the road and property line.
- ZRC agreed to assume 30 ft estimated DOT right of way.

### **North Side front yard**

**The ZRC consensus is that the front yard setback will be 50 ft to center and 20 ft from property line.**

Clarified that we would use **the greater distance** defined by these two points of reference as the front yard setback. In addition, the code will allow the planning board to grant up to 10 ft of additional building site leeway based on site specific justification.

### **North Side rear setback**

Agresta point out that if the rear setback is reduced from 50 ft, it precludes using a reduction as an incentive to encourage rear parking interconnectivity. Sherman noted that this area abuts a Village residential district which triggers other buffering requirements in our code and agreed to come back to the ZRC with his thoughts on how this situation should be addressed.

### **Kelsey Brook setback**

Kish wants to exclude paving or building in the flood plain.

It was agreed that the ZRC should review Chapter 95 in the current code.

The ZRC discussed the need to establish a buffer along streams but no footage was determine.

### **Site Coverage**

**The ZRC confirmed 40% coverage with up to 60% with incentives in Boulevard District West.**

Agresta is developing the regulations for the use of incentives and community benefits. He asked for clarification of the committee's intent of using incentives to allow additional stories. At a 35 ft height limitations we are allowing a 2 ½ stores building as of right. Are we starting with allowing one story and incentivizing anything additional? The ZRC needs to decide what it wants.

### **Sign law**

Agresta has reviewed what was submitted to the County. He told us subsequent court decisions have clarified what is needed and he feels our sign law should be simplified. Kish requested that he review what had been sent to him recently so it can be discussed at our next meeting.

### **Public Comment**

**Laurie Kerr:** We are disappointed by the lack of progress the ZRC is making in addressing the Boulevard West code update. The line by line approach based on the old zoning gets the committee drawn into confusing discussions of whether this or that number is right. The ZRC needs to be considering the concepts behind the numbers and if other major concepts are missing. The vision we believe we and the ZRC both share is:

- A vibrant, mixed -use neighborhood, with prosperous businesses and ample housing
- A beautiful, treelined street where it will be safe and pleasant to walk and bicycle
- A space that transitions from the density of the Village to the more open country side, while continuing the look and feel of our historic rural town
- A place that will attract developers because the rules have been drafted to create a thriving neighborhood, without burdensome restrictions that add complexity and expense to the process.

Attempting to amend the zoning from the era that brought us the currently failing strip cannot deliver this common vision; it will just continue to bog us down. As an alternative, we have drafted zoning rules expressly designed to achieve our shared goals. It would be more expeditious and productive if the ZBA started with the rules we've put forward, amending them as the group sees fit. We would love to work with the ZBA in this process and think it will result in a neighborhood that we will all be proud of. Attached is a summary of our bulk zoning proposal.

Chair Greenwood adjourned the meeting at 5:56 PM. The next meeting will be held on May 1, 2023.

Respectfully Submitted by

Edith Greenwood - ZRC Chair