

TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES May 1, 2023

The Town of North East Zoning Review Committee meeting took place on Monday, May 1, 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, Dale Culver, Dave Sherman, Julie Schroeder, Ed Downey, and Bill Kish. Also in attendance were Will Agresta, Chris Kennan, Lana Morrison, Rich Stalzer, Rob Cooper, Paul Bengston, Laurie Kerr, and Kathy Chow.

Review of Definitions and Lighting Standards

The Chair explained she was seeking the committee's signoff on previously developed sections of the code prior to sending these sections to our attorney for legal review. In the definition of FARM EQUIPMENT SALES and RENTAL definition, the term farm vehicles was replaced with tractors and farm machinery. The current definition of MOTOR VEHICLE SALES and RENTAL will also need to be revised.

At the next meeting of the ZRC, the definition of AGRICULTURE, INDOOR will be discussed. Schroeder questions why it does not allow direct to consumer sales.

It was agreed the draft lighting standards were fine.

The Committee informed Agresta that the Town passed a resolution allowing the retail cannabis dispensaries. The resolution will be sent to Agresta for input as to possible changes in the current code.

Boulevard West Bulk Standards

The ZRC discussed height incentives. Sherman proposed using the Elizabeth's Jewelry building as a model for what he would like to see further forward on the site and allowing taller buildings farther back on the larger south side parcels. As the current code allows for 2 story buildings the question becomes how to incentivize building a mixed-use structure with housing on the second floor.

Notes: Elizabeth's Jewelry has a height of 21 ft 3 inches. Dutchess County Planning does not have the resources to help us visualize different heights. We need to find an architect with the necessary software.

A building with commercial uses on the ground floor and rental units above will be as of right.

The ZRC needs to address the building height if the parcel allows for additional structures farther back from the road as it does in BD West. Kish proposes that the topography would allow additional height if we used the height calculation from the edge of Route 44. He suggested all development be kept at the 35 ft height, making the maximum height measurement a horizontal plain from the road.

The committee decided if multiple buildings were proposed, the structure nearest to Route 44 needs to be built first.

Side Yard Setbacks

Driveways are allowed in the side yard setback. A two-way commercial driveway requires 24 ft. To encourage shared driveways equally divided between two parcels with a 10 ft buffer on each, a width of 44 ft, or 22 ft side yard setback for each is needed. For a single lane driveway with a 10 ft buffer, only 16 ft would be required. The committee agreed we need some setback for buildings but liked the idea of no setback if shared parking exists. The result would be a seamless parking area, which the committee agreed was what we want to push. **To encourage the use of incentives, a 25 or 30 ft set back was discussed.** Agresta suggested we look at the individual parcels to see if increasing the current set back which is 20 ft, would create a hardship for an owner to build as of right.

Rear Yard Setbacks

BD West North abuts residential properties and there are regulations in the current code to create buffers in that situation. However, the land slopes up on the north side and the village parcels use the southern portions of the land as a buffer. The current rear setback is 50 ft. **A rear setback of 25 ft was suggested.** Agresta stated that there can be different setbacks for buildings and parking.

In BD West South we are dealing with Kelsey Brook. The case was made to have consistent rear setbacks where possible. **Agresta suggested using a flood plain overlay district which could prohibit certain uses and structures in the overlay district.** He pointed out it is a legal question if we want to prohibit building in flood plains.

Public Comment

Meg Winkler: Unable to attend, Winkler sent the following comments. She is in favor of allowing up to 40 ft height to the midpoint of the roof to allow 3 story buildings. Winkler thinks an incentive allowing a building footprint of up to 12,000 sq ft should require 20% Affordable housing on the second and third floors. She wants to encourage developers/architects to build housing and to discourage the building of 1 story spaces (outside of a grocery), as Winkler is not in favor of large retail spaces similar to the type of buildings built by Dollar General, etc.

Laurie Kerr: Kerr feels we should view Kelsey Brook as an asset that can be turned into an amenity. She suggested the setback be 30 ft from the center of the brook before any parking is allowed.

Rich Stalzer: He felt the setback number from the brook should be at least 40 ft. On flood plains, Stalzer noted the maps are not updated regularly. **Agresta explained that the Town is obligated to abide by the FIMA maps.** A property owner can apply to FIMA for an amendment.

Kathy Chow: She advocated that we consider allowing the building height required in the rear be taller than 35 ft. It could be done in a visually pleasing manner and allows the creation of more desperately needed housing.

Agresta deliverables in order of priority:

Purposes Statements for the Commercial Districts. - received

Draft incentive regulations should be ready soon.

Agresta will check his notes and confirm that the draft parking regulations need no further review.

Working on feedback on the sign regulations revised by Kish and Schroeder.

Revised Landscaping regulations to follow.

Chair Greenwood adjourned the meeting at 6:00 PM. The next meeting will be held on May 15, 2023.

Respectfully Submitted by
Edith Greenwood - ZRC Chair