

TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES June 19, 2023

The Town of North East Zoning Review Committee meeting took place on Monday, June 19, 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 and Kathy Chow.

Landscaping Regulations – MDRA June 12, 2023, DRAFT

Purpose and Intent

It was agreed that the 9th bullet point be expanded to read “Provide habitat and food sources for birds, insects and other wildlife species and assisting in maintaining biodiversity.” This point is to be moved up to become the 5th bullet after “Controlling flooding and erosion of topsoil.”

Sherman suggested that in the last bullet point, the phrase “Enhancing property values and beautifying the community” be changed to “Enhancing the appearance and beautifying the community”. Kish felt this should be expanded further to include language from the Comprehensive Plan either from page 51 “Rural character, beautiful scenery, green spaces, mountains, open spaces, extraordinary landscapes” or from page 18 “Resource-rich landscape guided by a strong commitment to preserve the environment and ecosystems.” Kish agreed either approach to updating this bullet would be acceptable.

Kish took issue with the reference in this paragraph to protecting property values. Agresta responded that zoning was created to maintain property values. He felt that landscaping is more important than the architecture or the use in maintaining property value. Kish asked for case law that proves that is in fact true. Agresta referred Kish to NYS Town law 261 and 263. Kish made it clear that he dislikes the references to protecting property values but will defer to what Agresta writes.

Kish asked that the phrase “to enhance and protect our ecosystems” be added to this paragraph. Agresta can work this into the paragraph.

Discussion of the first sentence in the last paragraph in this section. It was agreed the first sentence be modified as follows “It is the intent of these standards that, **at minimum**, landscaping standard **shall be** implemented.....”

Existing Vegetation

Section B (2) bullet two. Kish felt using only one example was meaningless so suggested the reference to oaks be removed. The committee agreed.

New Landscaping

Kish disagrees with Agresta’s recommendation that the Planning Board reference established sources outside of the code and he would rather provide a list of preferred trees and shrubs which he believes the CAC is working on. It would be the responsibility of the CAC to keep the list current. Agresta feels that a preferred list will limit variety and will not allow the landscape designer to make decisions based on the site and intended landscape functions.

Kish wants these resources to be referenced in the code. Agresta suggests having the list and giving it to applicants at the time of application. Agresta felt having suggested resources such as Cornell Cooperative would limit horticultural plants and hurt local nurseries. Schroeder felt it will over complicate the process.

Kish feels leaving it to the Planning Board is insufficient and that we need to provide a reference to knowledgeable resources in our code.

It was suggested that the committee research various sources for landscaping in our area and make this discussion an agenda item at its July 6 workshop meeting. An additional discussion will be whether this list is incorporated into the code.

New Landscaping (4)

Add "Large-leafed and/or fruit trees that may be considered a nuisance shall be avoided."

Pedestrian Walkways and Parking Areas

Parking area landscaping

It was suggested that point (3) "A minimum of 15% of the area (defined by drawing an outer perimeter of all paved areas) shall include landscaped islands within the internal environs of such area." should be moved ahead of point (2). Agresta will either do that or merge the two points together.

Agresta explained that point (2) describes the use of islands within a parking area. Kish wanted more language relating to providing shade in parking lots. Kish wanted to add language provided by Kerr and Chow "Provide shade over a minimum of 30% of the rear and side yards with trees or other. Shade is measured at noon on the summer equinox 15 years after the trees have been planted."

Agresta and Schroeder felt this was already covered under New Landscaping point (9) describing the minimum size of new plantings. Kish felt there needed to be more language and a required percentage of shade provided at planting maturity. Agresta asked Kish to send him references in other planning codes using this approach. Agresta went on to say that the Planning Board needs to be more forceful in letting applicants know what the board wants.

Schroeder suggested, given a multitude of variables, that the percentage of shade be set as a goal. Kish suggested language such as "It is highly recommended that the landscaping provide shade for ___% of shade at midday." Schroeder agreed with this approach. Agresta commented that this approach may make it difficult for smaller applicants. He is concerned that the Planning Board will start making exceptions and the concept will be lost. Agresta will rework the language.

Landscape Plan Requirements – Section B (4)

Kish would like language added requiring the applicant to keep plantings alive, for example watering during drought conditions. He feels this is very important when islands are being proposed. Kish proposed the following language be added: **"Islands must be of a sufficient size and design to support the growth of and the continued growth of the plants within."** Agresta had no problem adding the language.

Downey made a general comment regarding the committee's approach to our review. He senses our concern about a process not being properly monitored or done and that is not the approach the ZRC should take. Downey encourages us to set an aspirational tone and set out our expectations of how the process should be done.

Off Street Parking and Loading – MDRA May 6, 2023, DRAFT

Maintenance of Off-Street and Loading Facilities Required E (2)

Sherman asked if the regulations could be more forceful when it comes to the maintenance of parking space striping. Agresta said the current language does give the code enforcement office the authority to require such maintenance.

Kish asked if EV charging should be included within this part of the code or be a separate section. Agresta said he is dealing with this question for a number of communities. Kish commented that possibly we should require conduits be laid for future connections. Agresta said many communities are evaluating where to require the laying of conduit, but so far, none have finalized that requirement for new and expanded projects. At this point, none of the communities he is working with are mandating EV chargers be installed but analysis is being done as to how many should be required. Provisions would be needed in multi-family and commercial projects.

Agresta told us most communities are considering EV chargers as an accessory use, not as a principal use.

Scope of a Boulevard Study request

Downey reiterated his understanding that the Town has offered to undertake a property line study. Kennan clarified that the Town would be able to provide an existing conditions report relative to the road and the sidewalks. All agreed such a study would be helpful to the ZRC.

Kish also felt a set of renderings of what various building height, bulk, width and setbacks were also needed. In essence, more of a planning document is needed. Agresta offered to send us a pedestrian safety analysis recently done by Southbury CT to give us some ideas.

Sherman felt the Town might want in the future to create a new streetscape design plan for the boulevard to include amenities such as street lighting. He offered to contact local surveyors to help scope out what information could be gathered to create an accurate plan.

Downey felt gathering this information is an important first step.

Public Comment

Sam Busselle: Busselle advocated for the idea of an overarching purpose statement as was discussed by Meg Winkler in the minutes of our last meeting. He felt it would be very important when we get to housing.

Greenwood announced there would be a ZRC Workshop meeting on Thursday July 6, 2023, at 7:30 PM without a Zoom link but will be open to the public. The next regular meeting of the ZRC will be on Monday July 17, 2023.

Respectfully Submitted by
Edith Greenwood - ZRC Chair