

TOWN OF NORTH EAST ZONING REVIEW COMMITTEE WORKSHOP MINUTES August 28, 2023

The Town of North East Zoning Review Committee meeting took place on Monday, August 28, 2023, at the North East Town Hall, located at 19 North Maple Avenue, Millerton, New York at 7:30 PM. Board members present were Chair Edie Greenwood, Ed Downey, Dave Sherman, Dale Culver, and Bill Kish. Also in attendance was Rich Stalzer, Rob Cooper, and Kathy Chow.

Irondale Business District Bulk Standards

Agresta recommended the following changes to our existing standards.

- the Front Yard setback be reduced from 80 ft to 40 ft
- the Side Yard setbacks be simplified to 20 ft on each side, rather than the current formula of a total of 60 ft (with neither side being less than 20 ft) for the combination of the two side yards
- the Maximum Driveway Width be reduced from 50 ft to 36 ft

All other standards remain as in our current code. Some regulations will be move to other sections.

The committee agreed to use all of Agresta's suggestions.

Light Industrial (M-A) District Bulk Standards

Agresta recommended reducing the Maximum Driveway Width from 50 ft to 36 ft.

All other standards remain as in our current code. Some regulations will be move to other sections.

The committee agreed to change the driveway width and leave the other standards unchanged.

Land Conservation (L-C) District Bulk Standards

The committee left the LC bulk standards as is, given there were no recommended changes from Agresta at this time. **It was acknowledged that more work needs to be done regarding the LC District.**

Water Course Setbacks in Non-Residential Districts

The committee discussed if the measurement should be from the center of the stream or the mean high-water line. It was decided the regulation in the boulevard districts should be either 30 or 35 ft, depending on which measurement method is used in our code. If a mean high-water line is used, the definition should be included in our code. The committee favored using the center of the stream but will defer to Agresta to decide between the two metrics.

There was no discussion leading to a decision regarding water course buffers. **The question posed by Agresta was should they be a setback or a regulated area in the boulevard districts.**

Landscape Standards regarding Parking Lot Shade

Kish reviewed the materials Agresta sent and drafted the following email to the Committee.

I have revised my suggestion provided earlier based on what Will has provided:

- At least 30% of paved area of parking lots will be shaded.
 1. Shade will be provided by shade trees
 2. The shade diameter of a tree will be based on the expected canopy diameter of each shade tree at 15 years of age
 3. Area of shade provided by trees will be calculated as if the Sun were directly overhead
 4. Overlapping areas of shade (when the canopies of two or more trees overlap) shall not be counted twice
 5. Expected canopy diameters will be based on authoritative resources

This is something that we can easily implement and requires no complex math or technology.

The committee agreed with Kish and will ask Agresta to include these requirements in the draft code. **The committee encourages the use of diagrams and illustrations where applicable.** We now consider the draft Landscaping regulations ready for legal review.

Cannabis Dispensaries

Kish noted that cannabis dispensaries are permitted in North East but that we have not decided where they should be allowed. The state rollout of licensing dispensaries has been problematic and continues to be in flux. Temporary Pop-Up dispensaries are being allowed by the NYS until the end of the year. The committee agrees we need to address where brick and mortar dispensaries will be allowed in North East. The question for Agresta and the Town Attorney is how much authority lies with the town or does the state supersede local codes with regard to cannabis.

Regardless, **the committee feels we should add cannabis dispensaries to our table of uses where retail is allowed.**

Enforcement

Enforcement of the adopted code is a responsibility of the Town Board. Our concerns about the lack of enforcement of our code needs to be brought up with the Town Board. Sherman asked if Agresta has language relating to enforcement that should be added to our code. He is most concerned about enforcement of property maintenance requirements outlined in site plan approvals. Sherman wanted to know if the draft Town of Greenburgh NY Parking Lot Shade requirements document had ever been adopted and if so, how effective it has been.

Special Permits

Chair Greenwood asked for confirmation that the Committee is moving the issuance of Special Permits from the Zoning Board of Appeals to the Planning Board in our proposed regulations. The committee confirmed that this is our suggestion.

Chair Greenwood adjourned the meeting at 8:30 PM.

Respectfully Submitted by
Edith Greenwood - ZRC Chair