

## TOWN OF NORTH EAST ZONING REVIEW COMMITTEE MINUTES October 2, 2023

The Town of North East Zoning Review Committee meeting took place on Monday, October 2, 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, Dale Culver, Julie Schroeder, and Bill Kish. Also in attendance were Will Agresta, Chris Kennan, Lana Morrison, Rob Cooper, Sam Busselle, Meg Winkler, and Rich Stalzer.

Referring to the draft definitions dated Sept 10, 2023, Greenwood noted that we needed to pick one of two definitions for Mobile Home provided in the document. Agresta had no preference as to which one we decided on, so Greenwood agreed to send the ZRC an email with both definitions requesting the members decide which one to use.

Greenwood asked Agresta to revisit references to Farmer's Market, Farm Market pointing out that there is a third definition in our code for Roadside Farm Stand. Some of the draft materials relating to these activities need to be revised.

### **Draft Zoning Amendments Section 180-13 - Prohibited Uses dated Sept 10, 2023**

Agresta clarified that these prohibited uses would apply to the entire code, not just the commercial districts. Greenwood questioned the prohibition of "Motels, Mobile Homes, Tourist and Boarding Homes". He told us Motel is an out-of-date term and that we have transitioned to using the term Hotel. We need to differentiate between Mobile Home and Manufactured Home. **The Committee agreed that Mobile Homes should be allowed.** North East has had Tourist and Boarding Homes although none seem to exist currently. **The Committee agreed that Tourist and Boarding Homes should be allowed with a special permit.**

### **Mobile Food Vendor**

**Decided Food Trucks should be an accessory use.** Kish wanted to make sure that food truck permit applications require the signature of both the owner of the property and the vendor. The concern is their impact on brick-and-mortar businesses. **Decided to limit permitting to 30 days in a year.**

Greenwood commented that the draft supplemental standards seemed overly restrictive. Given we want to limit food trucks to special events and temporary uses, Agresta will tailor these standards accordingly.

### **Outdoor Dining**

The Committee found the draft standards to be straightforward. The only change was to allow them to operate between 7:00 am – 10:00 pm.

### **ZRC Working DRAFT AMENDMENTS dated Sept 27, 2023**

Page 2 – B – Open Storage needs to be added to the Table of Permitted Accessory Uses

Page 2 – C (3) (5) – Kish felt the standards for "Smoke" and "Particulate Matter" standards were outdated. Agresta was asked to find more up-to-date standards.

Page 2 – C (6) – Change the title from "Noxious gases" to "Noxious substances".

Page 3 – C (7) – Remove "Glare" as it is already covered under our Lighting section.

### **Boulevard Districts Section 180-19 – BD-4 District (C) 1 (a)**

Kish pointed out that as it currently reads an accessory use, such as parking, does not need to be adjacent. Agresta will fix this by adding the word “abutting” and “with access from”.

Kish felt that (C) 1 (a) and (c) were duplicative and asked that the two be combined. Agresta did not agree but will look at what can be reworked.

### **Land Conservation District – Section 180-22**

Agresta included LC in the chart as the chart is for non-residential districts. Agresta stated that our current code is not well thought out regarding the LC district. The Committee has decided to address the LC District in the future as a separate review section. Agresta questioned what we do about the LC components currently in the commercial districts? Kish asked if we could exempt properties from site plan approval outside the commercial districts. **As our current code requires a special permit to build a dwelling in the LC district, the committee agreed to leave the code as is until the LC district is reviewed and remapped at a future date.**

Schroeder pointed out that roof or building mounted solar panels only need a building permit from the code enforcement officer in our current code. Agresta said **the draft code will require site plan approval for roof or building mounted solar panels in the commercial districts.**

### **Special Use Permit Approval – Section 180-25 B**

Kish wants to include language that Zoning Enforcement Officer be required to review an application to make sure it is complete before sending it on to the Planning or Zoning boards.

Kish asked that Agresta look at Wildlife or Nature Preserve Section 180-66 to see if the current code language makes sense. This section will be discussed by the committee at our next meeting.

Kish asked that Agresta develop regulations to cover 5G terminals.

### **Public Comment**

**Meg Winkler** – Stated mobile home is an outdated term. She will send an updated definition of manufactured home that now includes mobile home.

**Rob Cooper** – Wanted to require that food trucks be required to have Board of Health approval and NYS tax IDs. It was clarified that having a licensed food truck at a private event would not need a permit.

**Rich Stalzer** – Pointed out that there are food carts that are pulled by a truck that should be defined. He mentioned that often they have generators or refrigerators outside the cart. Agresta stated that carts are covered in our current draft definition.

There will be a workshop meeting held on October 9, 2023, at 7:30 pm.

The regular ZRC meeting will be held on October 23, 2023, at 4:30 pm.

Respectfully Submitted by  
Edith Greenwood - ZRC Chair