

**TOWN OF NORTH EAST ZONING REVIEW COMMITTEE
MINUTES
April 1, 2024**

The Town of North East Zoning Review Committee meeting took place on Monday, April 1, 2024, 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, Dale Culver, Ed Downey, and Bill Kish. Also in attendance were Will Agresta, Chris Kennan, Lana Morrison, Meg Winkler, Rob Cooper, Maud Doyle, and Sam Busselle.

ZRC Working Draft Amendments – Boulevard District Incentives dated March 7, 2024

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A. Purpose, Intent and Applicability – The reference to BD 4 will be removed and BD East and BD West will be referenced.

Bullet 4 – Development of affordable housing for persons of low or moderate income will be expanded to say “more than what is otherwise required.”

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C. Incentives. (f) (2) – Agresta to rework the language to avoid redundancy.

ZRC Working Draft Amendments – Prohibited Uses dated March 7, 2024

Discussion regarding Quarry, Sand Pit, Gravel Pit, Topsoil Stripping. **Decided Topsoil Stripping is not necessarily mining. Should be addressed at another time.**

ZRC decided to ask our attorney for guidance as to what is described on Page 57 of our Comprehensive Plan will still be allowed if included in the Prohibited Uses.

Discussed the need for a fill provision for development on the boulevard.

ZRC Working Draft Amendments – Yard Standards dated March 7, 2024

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G. Height Exceptions. (1) – ZRC decided a height not to exceed an additional 12 feet was acceptable.

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G. Yard Exceptions. (1) (f) (3) (b)

Kish proposed we use 5% and the committee agreed.

ZRC Working Draft Amendments – Suppl. Use Standards: Non-Residential dated March 20, 2024

Kish distributed language regarding Smoke, Dust and Other Atmospheric Pollutants after consulting with the public health organization The Environmental Health Project. Agresta will review and clean up the wording and insert it into the draft section.

ZRC Working Draft Amendments – Multifamily Dwellings dated March 31, 2024

Greenwood, Kish, and Winkler have worked on outstanding issues in this section and Agresta updated the draft language outlined in the March 31 document.

Agresta confirmed that BD 4 could only be used for accessory uses and as currently zoned, no dwelling units could be built there.

Sherman raised the point that the draft language is silent on the issue of density. Agresta took the reference out as directed by the Housing Committee. In the case of the Boulevard Districts, he said the land will provide the constraints. Sewer and water availability will act as constraints. Greenwood mentioned parking as a constraint and Agresta added stormwater as an additional factor. Kish mentioned we do have coverage and set back metrics.

Sherman does not agree with doing away with density metrics as he feels they are an important part of a defining a community's vision of development.

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B. Unit Density (2)

The ZRC decided to use Alternative B.

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C. Unit Standards (6)

The Committee agreed to keep the draft language as presented.

D. Affordable housing units.

It was clarified that C (6) relates to fair market. This section refers to Affordable units.

Downey asked for clarification as to what a multifamily dwelling unit is. Agresta defined it as a structure with three or more units. He will clean up the language.

ZRC discussed the methodology of determining when a dwelling would be required to provide an Affordable unit. Currently the draft shows rounding up from .6 units, so if you had a 6-unit building, one unit will be Affordable.

The ZRC asked Agresta what he would recommend and then **decided to reduce .6 or .5 for rounding** as per Agresta's suggestion.

ZRC Working Draft Amendments – Sign Regulations dated March 20, 2024

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Supplemental to Gas Stations Table

It was decided to change the **area of fueling pump dispenser from 3 ft to 2 ½ ft.**

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Nonconforming Signs

Agresta confirmed that going forward Billboards were prohibited. Kish suggested we draft language that requires existing nonconforming signs be brought into compliance when specific events occur such as site plan review, change of use, resumption of use after a long idle of nonuse, etcetera.

Kish went on to state that **we need some means of cataloging existing nonconforming signs**, so the Town has some means of requiring compliance with our sign laws in the future.

To implement this approach, we need to create **a cataloging program** that is properly recorded with pictures and identifying parcel references. This could be done using the Town's current IPS system, which is used by the Planning, Zoning, and building departments and **should be done for the entire town.**

Culver wanted to know how we would define the degree of damage to a nonconforming sign that would permit it to be repaired. He gave the example of vandalism. Agresta said our current code does allow for rebuilding a structure without stating a percentage of damage. Culver stated he was more concerned about nonconforming signs being well maintained.

Agresta suggested we could leave the current nonconforming code as is. Culver felt this was not a good idea as the process to establish nonconforming signs done over 10 years ago was not completed. Therefore, we have no baseline as to which nonconforming signs qualify under our current law.

The ZRC decided to recommend that the town do a new catalogue of nonconforming signs so there will be a defensible standard going forward. North East will decide if such a project would include notification and the requirement to have nonconforming signs registered.

Kennan asked if the ZRC was asking if the catalogue was for all signs or for just nonconforming signs. **Agresta responded that it should be for all signs.** Schroeder noted that there are variances that have been granted for nonconforming signs.

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Obsolete Signs

Greenwood suggested the 30-day window to remove the sign be changed to 90-days.

Correction to March 18, 2024, minutes.

Wassaic Brook should be **Wassaic Creek**.

It was decided to have Greenwood contact our attorney with the legal questions regarding several of the proposed prohibited uses.

Agresta will work on pulling together the entire document of draft code.

Once completed the draft will be sent to our attorneys for review.

The ZRC will meet to discuss the attorneys' comments.

A final draft will be presented to the Town Board and the Planning Board for comment and then sent to the Dutchess County Planning Department for their comment.

Public Comment - None

The next Regular ZRC meeting is scheduled for April 15, 2024, at 4:30 pm.

Respectfully Submitted by
Edith Greenwood - ZRC Chair