

## TOWN OF NORTH EAST ZONING REVIEW COMMITTEE WORKSHOP MINUTES July 22, 2024

The Town of North East Zoning Review Committee meeting took place at 7:30 pm on July 22, 2024, at the North East Town Hall, located at 19 North Maple Avenue, Millerton, New York. Board members present were Chair Edie Greenwood, Dave Sherman, Ed Downey, Julie Schroeder, and Bill Kish. Also in attendance were Chris Kennan, and Meg Winkler.

Sherman began the meeting by asking for **clarification regarding Rental Apartments Above Commercial**. He asked if the apartments were an incentive or if our approach was to make it as of right. **The ZRC confirmed that it was intended to be “as of right”**.

### Section 180-72-3 - Multifamily Dwellings

#### (A) Minimum Lot Area Required

Winkler started by questioning the minimum lot sizes required in **supplemental standards A (1) and (2)**. Greenwood explained that the BD West 4-acre minimum was to encourage commercial/residential building in the front of the parcel and multifamily development in the rear. Winkler wanted minimum lot sizes removed. **It was decided to retain the stated minimums**. Winkler felt the BD West 4-acre minimum requires more information as to what we are trying to accomplish. As it is now, she thinks it is confusing.

If we went with 1-acre minimums for the BD districts, Kish asked if we could require a masterplan for the subdivision of larger lots. Such a requirement is a legal question.

#### (B) Multifamily Standards

(2) – (b) Provides the explanation for the 4-acre minimum in BD West.

(2) – (c) No decision made to remove. **Ask Agresta to decide** if this section warrants being retained.

#### (C) Unit Density

ii – End the sentence after “contained in a single building” and delete all that follows.

iii – Leave the first and third sentences and delete the second sentence.

#### (D) Unit Standards

(1) – Delete as NYS building code provided standards.

(4) – Rental Units – Change 75% to 50%. It was suggested this section be moved to the Affordable Housing section. If moved, Kish wanted appropriate reference back to the Multifamily and Apartments Above Commercial sections. **A question for Agresta.**

Meg explained there are three rental metrics used currently. **Full market rate** (what the market will pay), **fair market rate** (provided by Dutchess County) and **Affordable Housing**. Sherman asked how the fair market rate apartment rates are enforced. Winkler responded it would all be part of an Affordable Housing Plan. Kish wants to require the apartment types to be proportional, so they will not all be large or studios.

**E** – Greenwood asked how the **10% Affordable Housing** metric is calculated. It was her understanding that if you build 10 units or more it applies. She now has learned that, as written, the Affordable Housing criteria applies when 5 units are proposed. **Greenwood thinks this is too restrictive and should not**

**apply to projects with less than 10 units.** ZRC did not come to a consensus. **Ask Agresta for input as to what threshold number would be appropriate.**

The committee stated their view that the draft code sections for Multifamily and Affordable Housing are the basics needed to allow housing to be built in the Boulevard Districts. It is the ZRC's hope that these sections will be reviewed and revised with the help of a housing consultant by the (to be formed) Housing Committee of the Town of North East.

Downey stated he felt the ZRC should not be dealing with Affordable Housing as he does not think Affordable Housing is a function of the zoning law. He feels it will be years before North East has a sewer so there is time to form a North East Housing Committee to address the numerous issues such as the whole administrative and enforcement functions. Forcing the ZRC to address the Affordable Housing issue has never made sense to Downey.

### **Rental Above Commercial**

**C** needs to be reconciled with **Multifamily Dwelling D (4) Unit Standards** to allow three-month leases.

### **Incentives**

Greenwood stated that Agresta and Van Cott were reworking this section. She asked if the committee would like to **reconsider in lieu of payments as an incentive option.** **The ZRC decided not to add it.**

### **Off Street Parking**

Kish in favor of changing to maximum parking metrics. Agresta pointed out the potential problem when there is a change of use (i.e. a new tenant with a different business). Kish suggested in this situation the code requires the owner go back to either the Planning Board or the Building Inspector for parking approval. Sherman discussed requiring land banking in site plan approval.

**Discussed allowing handicap parking in front of the building.** Kish felt it should be allowed if the front entrance is the most accessible entrance to the building.

No decision was made by the ZRC. **Ask Agresta to advise the committee, given the DC Planning comments, which approach to Off Street Parking should be put forth.**

**Attachment 1 Draft May 5, 2024, Page 3 Residential** – remove need for Special Permits

### **Section 180-54 Earth Materials Excavation, Deposition (filling), and Processing Activities**

Kish felt we need a **definition for processing**, a practice referred to frequently in the section.

Kish is working on reducing the number of definitions relating to Telecommunications.

Greenwood will set up a meeting when we receive the next turn of the draft regulations incorporation the changes made by Agresta and Van Cott.

Respectfully Submitted by

Edith Greenwood - ZRC Chair