

Zoning Review Committee (ZRC) Report to the North East Town Board

November 14, 2024

The purpose of the ZRC is to take the vision of our community as outlined in the adopted 2019 Comprehensive Plan and incorporate it into the zoning code of the Town of North East. The original code was adopted in the mid-1970s and has been updated by passing local laws to address specific issues ever since.

A complete overhaul of the code is an ambitious undertaking so, with the help of our consultant Will Agresta, we decided to begin our review by focusing on the commercial districts in our town as currently mapped. Aspects of the Residential zones, as well as the Land Conservation zone have also been included in part, but not as substantively as the Commercial zones. At this point, there are no recommended changes in the current Commercial District outer boundaries. As noted, this draft does not include an in-depth review of the Residential and Land Conservation districts in the town. Consider these districts as Part 2 of the zoning review process for the Town of North East.

Significant recommendations in the draft regulations include:

1. Creating Purpose Statements to align with the 2019 Comprehensive Plan.
2. Consolidating the Boulevard Districts and overhauling the permitted uses, as well as the lot area and bulk standards for this important area within the town.
3. Allowing housing in the Boulevard Districts in addition to commercial/retail/service uses.
4. Expanding and updating the definitions in our code (primarily those relating to the commercial districts but some others that needed to be updated).
5. Revising, updating and expanding the types of uses permitted in the commercial districts.
6. Revising and updating both general and supplemental use standards.
7. Putting the Uses and Bulk Standards for the entire town (for all districts, residential and non-residential) into chart form thereby making the code much more accessible to users.
8. Improving and updating design standards and site plan expectations for off-street parking, signage, landscaping and exterior lighting.
9. Providing an off-street parking and loading schedule (now in chart form) to provide standards that will help avoid excessive parking spaces and impervious pavement.
10. Changing current procedures to clarify and streamline our land use approval process, while also updating to reconcile with current New York Town Law standards.

Next Steps in the Approval process of the draft code include:

- Town Board receipt and review of the draft – Town Board makes changes as they determine.
- Referral of draft to Town Attorney for legal review – Town Board makes changes as they determine.
- Referral (discretionary, not required) to other local agencies as desired (Planning, ZBA, CAC, others) – Town Board makes changes as they determine.
- Town Board prepares or authorizes the preparation of EAF and proposed Local Law.
- Town Board sets Public Hearing date and publishes Public Hearing Legal Notice.
- Town Board Required Referrals:
 - Dutchess County Planning – (Zoning §180-104 and GML §239-m).
 - Referral to County Planning is to include a complete statement (i.e., copy of proposed local law, proposed amendments and EAF).
 - The Town Board cannot take final action on the amendments until County Planning responds or 30 days, whichever is sooner.
 - The Town Board can agree to a longer referral time if they want to (not required).
 - If there is no response by County Planning within the 30 days, then the Town Board can take final action without a response from County Planning (*except if County Planning sends their recommendations after the 30 days but at least 2 days or more before the Town Board takes final action then the County recommendations must be considered the same as if received during the minimum 30 days*).
 - If the amendments affect property within 500 feet of the following, referrals to those affected are required pursuant to NYS Town Law §264 – These referrals must be sent at least ten (10) days prior to the date of the Public Hearing:
 - Property of a housing authority – send to housing authority and chief executive officer of the municipality providing financial assistance thereto.
 - Boundary of a city, town or village – send to respective municipal clerk.
 - Boundary of a county – send to the County Clerk.
 - Boundary of a state park or parkway – send to regional state park commission having jurisdiction over such state park or parkway.
- Town Board holds Public Hearing – Town Board makes changes as they determine.
- Town Board closes Public Hearing.
- Town Board completes SEQRA and takes final action as deemed appropriate.
- Notice of Decision published
- If approved, the Town Clerk files adopted amendments with New York Secretary of State and sends amendments to ecode for publishing.