

Committee Attendance:

Edie Greenwood	Diane Engleke	Patti VandeBogart	Absent: Dale Culver
John Crodelle	Debbie Middlebrook		Bill Kish
Ed Downey	John Midwood		Mimi Ramos

Guest: George Kaye

Edie Greenwood asked Nan Stolzenburg to explain the map entitled “Zoning Districts with 1990 Comp Plan LC District” that was distributed at the Oct. 15, 2018 meeting. Nan said the purple areas are the actual natural resources and the green areas are where the current land conservation district is. She said some streams and wetlands were not included in the regulatory program from the original plan. Nan recommended reevaluating the map when talking about the natural resources’ strategies.

Edie: What we want to accomplish today is to go over any comments regarding the valuable farmlands goal (“**Protect our valuable farmlands, support our farms and their products, and encourage the continuation and diversification of agricultural activities**”) that was discussed at the September meeting. She started with Bill’s written comments:

Section 1c & d: Bill wants clarification on making farming the primary and all the other ancillary businesses secondary.

Nan: The NYS Ag & Markets Law is pretty detailed about the distinction between primary and secondary businesses and how they have to relate. She suggested adding an explanation box, with excerpts from the Ag & Markets law.

People are concerned about secondary activities on farms that are not really farm operations. Adding in the Ag & Market’s definitions would help explain things.

Ed: He took Bill’s comments to be largely concerned about how to define some of these things. We should default to the Ag & Market’s definition and see how it works.

Nan: She suggested adding a sentence that says be consistent with Ag & Markets, follow how they address agritourism and other secondary businesses on farms.

Edie: Item 1l, there are inconsistencies in our current code as to what a farm stand can do. Several sections of our current code need to be reconciled.

Edie: Moved on to review the strategies for the goal “**Protect the natural environment, ecosystems and open spaces in a resilient and sustainable way.**”

Edie read Bill’s written comments. Density zoning is not useful if one lot is being divided into two. When we deal with larger parcels, we need specific methodologies to avoid segmentation.

Nan: We can add a sentence or two that answers Bill’s question about needing specific methodologies to avoid segmentation.

Edie: Bill is a strong supporter of becoming a Dark Sky Community and recommend that both the town and village implement zoning that would enable us to be listed as an IDA International Dark Sky Community.

Ed: We talked about a goal of having a process that enables an applicant to come in and have a clear picture of all the information that we consider relevant to a subdivision process. Having this information in the document would be beneficial.

John Crodelle: It’s important that an applicant know what is required before they start spending money.

Ed: An applicant should be given a checklist.

Nan: Then we should add that in.

Debbie: Currently, applicants go to Ken McLaughlin, the Town and Village Building Inspector and he tells them what they need. It would be nice for them to have a checklist before speaking to Ken.

Edie: At the last meeting, Bill said they needed to work with a consultant to help develop such a checklist.

Edie: Asked if the recharge zones are mapped.

Nan: Dutchess County has done a hydro-geological study; so yes, that information is available. Brad Barclay (Dutchess County Planning) sent Nan a copy of the water study.

Nan: We don’t have a map of the recharge zones, but that could be done.

Edie: There is a current initiative to study the Ten Mile Watershed. She talked to Maria Grace of the Housatonic Valley Association who said the study covers 220 square miles and includes all of North East and Millerton. Edie offered to coordinate the requested data collection for the study. Maria Grace has suggested we wait and send her the first draft of our updated plan in early 2019.

Nan: We should mention that in our profile and inventory.

Ed: In 1999, there was a Harlem Valley Watershed study done by the Chazen Companies that was commissioned by the Dutchess County Water Authority. It could be obtained from the Dutchess County Water and Waste Water Authority.

Nan: Thinks that is what Brad Barclay sent her, she will look in her files.

Ed: When the Town of North East was looking into the water district, there was a hydro-geological assessment of the Webatuck Creek aquifer done in 1989. There was also a preliminary well head protection area in litigation by the Water Authority in 1991 that may be relevant.

Edie: Bill's point on 2m was to define when an application must go to the CAC for comment.

Ed: He felt that should be part of the application process, so the CAC would know that something is coming. His idea is to bring everyone in who might be commenting on an application.

Nan: When an application comes in, you would have the sketch plan meeting and make sure the CAC gets the same information. Any issues or concerns get brought up early and are dealt with.

Nan: She asked the committee if they wanted the recommendations from the Habitat study repeated in here or referenced. Bill wants them incorporated, not referenced.

Ed: One option is having the comprehensive plan refer to the Habitat study as a resource.

Nan: Suggested referring to the study as a resource and implement its recommendations. It could be added as an appendix. In the 100 pages of the study, there are numerous excellent recommendations that are equally valid today. We could say the whole Habitat study and its recommendations are included in the plan; for details, see appendix.

Ed: Asked if anybody knows if there was any action taken by either the town or the village when that study was presented to them.

Dianne: The Planning Board asked Hudsonia to come up with individual sheets for each habitat, so the sheets could be given to applicants.

Nan: The critical thing for the planning board process is the maps. The safest way is to incorporate the Habitat study as a whole in an appendix and it becomes part of the adopted comprehensive plan.

Edie: Then you want to do the same exact thing with the Pedestrian Plan.

John Midwood: Yes.

Nan: 2n says integrate the recommendations from the Habitat Study into the zoning laws; that's one action. Another action would be to use the maps in the Habitat study.

Ed: The extent to which we can, all of this should be available in digital format.

Nan: She has it in PDF form.

Edie: It's on the website and has been sent to the Ten Mile River Watershed study staff.

Edie: Asked what does "yield plan" mean (referring to 2p).

Nan: A yield plan is basically when you have a piece of land and the zoning says on paper you can get 100 or 50 lots with two-acre density but, in reality, half of it is a wetland. So, the actual number of lots you can get in there would not be 50 because you can't fit 50 in the buildable portion. A yield plan is where a developer would go in and see where you are eligible for this much given the soil conditions, the slope and everything else.

Edie: Asked how that connects with net density.

Nan: It would incorporate net density. It wouldn't count steep slopes or wetlands as acreage. There is a technique or a definition for a yield plan.

Edie: 2r: Bill disagrees with granting density bonuses for green buildings; saying buildings come and go, subdivisions are forever. Edie felt buildings can last a long time and you might want to give a density bonus for a community need.

Dianne: We could ask for green affordable housing.

Nan: This also comes up in the housing section. This particular point is to encourage energy-efficient buildings.

John Midwood: In a priority list, you want affordable housing before energy-efficient buildings.

Eddie: Especially when you are thinking about retrofitting old, existing buildings to make housing. You want to do the best you can, but you may not get to LEED standards rehabbing an old barn.

Ed: Prioritizing green buildings makes sense for a community with a lot of building going on. Given our current lack of development, it's probably a lower priority for us.

Nan: Do you want to take it out entirely or do you want to somehow qualify it?

Eddie: Likes the idea of the town encouraging it.

Debbie: Encourage it but not offer a density bonus.

Nan: You have other priorities for density bonuses.

Ed: It makes more sense for us to rely on state and federal tax credits.

Nan: If you ever get to the point where there is a lot of building going on and LEED requirements become a higher priority, you can always go back and change it.

Eddie: Bill feels it's important to strengthen flood plan regulations.

Debbie: We need to stop referencing a 100-year storm.

Eddie: Asked what the Flood Dam Prevention Law is.

Nan: It's local laws; both the town and village has one. It goes along with the map that FEMA has produced. It's written for flood damage protection.

Eddie: For 5, Bill is concerned that our current R3A is quite large.

Nan: Maybe add in that we refer to the parts of the R3R district that are immediately adjacent to the village.

Ed: 8, Considering a wellhead or aquifer protection law to protect the Village water supply area is tricky because the village sits on an aquifer. You have to balance protecting the aquifer with enabling activity to go on in the village that doesn't conflict with the other things that you want to accomplish.

Nan: Do you want to add in when you're looking at any future aquifer protection law that it would be useful to protect water, but it has to balance all sorts of needs?

Debbie: Protecting drinking water should be a priority.

Nan: Could say that development needs to be consistent with protection of water.

Eddie: Bill's comment: 9h is redundant referring back to 2f (stormwater prevention plan).

Ed: Noise, odor and smoke are important terms to define. You almost have to have some way to measure them. How do you enforce them?

Debbie: For the noise ordinance for the village, they got rid of the decibel requirement. Some of the issues were not necessarily things that were going to be measured. The ordinance states to keep the noise contained to one's property.

Nan: There's something in the town zoning that says there won't be any odor, noise or smoke that will be created as a nuisance in the M district. Usually, you don't want any of that anywhere. You have a statement that's in there now that's applied to the whole town, not just the M district.

Debbie: There is a recurring issue with a residence that has an indoor wood-burning stove that is burning things it shouldn't. The Dept. of Environmental Conservation had to be involved.

John Crodelle: There is a state law and a penal law concerning maintaining a public nuisance where it applies to someone creating a nuisance and a health hazard.

Nan: Do you want to leave this more general?

Ed: It's not easily defined and then enforced.

John Midwood: The noise issue is controversial; it might be better to use language to recommend the value of it.

Nan: Suggested saying evaluate local laws and enforcement capability to address noise, odor, smoke and other public nuisances.

Ed: The M-A district is a floating zone; it was created as a response to the Hipotronics application. Without rezoning the whole area, that particular zone was put down in that location and became the zoning for that parcel. Pretty much everything is either residential or agricultural immediately outside the village. If it wasn't brought up in the public comments, we should leave it the way it is.

Nan: Asked if it should be taken out entirely.

It was agreed to take it out.

George Kaye: It's a difficult thing as to how to limit noise. We had such a negative response that we had to give it up. The police can't do anything about it because there is no law regarding noise. We need something, but the problem is how you do it.

Nan: If your plan doesn't recognize that there is an issue that needs to be addressed, when you go to do a noise ordinance, someone could mention that this was never mentioned in the comprehensive plan.

John Crodelle: Asked George what was the most frequent type of noise that people were complaining about.

George: Operation of chainsaws, ATVs.

John Crodelle: Mentioned the issues in Salisbury regarding the noise from Lime Rock Park.

Nan: Something very general like evaluate local laws and enforcement capability to address noise, odor, smoke and other public nuisances doesn't give you anything other than the subject has been addressed.

Dianne: On 9g, we already have a joint town/village CAC.

Nan: We will take that one out entirely.

Ed: We should discuss the advantages and disadvantages of an overlay zoning district.

Nan: An overlay district is usually mapped; it typically adds some sort of zoning development requirement oriented usually to some sort of natural resource that is not parcel based. Historic districts are often overlay districts.

Ed: Suggested having an overlay of the rail trail district; the rail trail really works only if the landscape beside it continues to be kept in a certain way. The trail is important to us economically as well as recreationally.

Nan: When we get to our next set of goals, add that in and use it as an opportunity to discuss what an overlay is and how it would work.

Eddie: Asked if communities get rid of their LC districts and make the maps all overlays.

Nan: There's not a right or wrong way to do it. The overlay concept is hard for some people to comprehend. She will add it in and it can be reviewed when the committee gets to recreation.

Next goal discussed: "Recognize and support the Village of Millerton's charming character, its role as the primary center for commerce, culture and social interaction in the Town, and a place where businesses are prosperous and meet the needs of both residents and visitors."

Debbie: Section 3: The sewer feasibility study has done soil samples at the prospective spot. She is waiting for the report.

Eddie: Section 1: She's never heard the term transect-based land use.

Nan: Transect-based zoning is basically looking at planning on a continuum so that your main street densest, dense, less dense and very less dense is on a transect. It makes sure that your zoning in the village aligns with those transects. We need to define it or not use it.

Debbie: 4: Are we talking about Veterans' Park? Not sure the area where the Town Green is mentioned.

Eddie: I think it refers to the area around the gazebo.

Nan: Do we need to change #4 or eliminate it? Is this something you want to have in the comprehensive plan that the state should be looking at because the state is obligated to look at your plan.

Eddie: Cathy Fenn (of Townscape) was upset because the state never got back to us for comment on the plans for the trail extension and we have been told the extension of the rail trail has been put out to bid.

Ed: Asked if they are providing for any parking.

Eddie and Debbie: Not to their knowledge.

Nan: Is this area something where you want bike racks, signs, a kiosk?

Eddie: The railroad structure is privately owned, and the plaza is privately owned.

Ed: The railroad plaza is on the west side and owned by Leslie Hoss. That's an area where you could develop municipal parking. It's not unreasonable to have that as a goal.

Nan: 5: Change "obtaining" to "should there be an opportunity to obtain."

Ed: With the rail trail extending north, it's going to be a greater issue. He's curious as to whether any provision has been made for parking north in the village or in the Irondale area.

Eddie: There was one very vague presentation and it never came up. At that meeting she had mentioned the idea of having fiber-optic cable installed underneath the trail but there was never a discussion about parking.

Nan: What do we want to with #4?

Ed: Not sure what people mean when they talk about it (the town green). If it's where the gazebo is, then we're talking about encouraging the state and county when they develop that to provide proper infrastructure.

Nan: It's not a bad recommendation to encourage the state and county to provide infrastructure for the trail when they expand or improve the trail. We will take #4 out and replace it with a general statement. Do you want to take #5 out or change it to "should it ever become available?"

John Crodelle: Refer it to as the old railroad depot.

Nan: We could say something general like "should they become available, consider obtaining the railroad plaza and the old railroad depot and redeveloping for community use."

Edie: One issue that has not been mentioned is walkability.

Nan: This is where we can mention the Pedestrian Plan.

Edie: In 6d, you talk about the setbacks. Isn't the reason the setbacks are what they are is because of the need to create room for septic systems?

Nan: For new houses being built, they should be close to the road and the septic put in the back. If you put in a sewer system and open up areas for development, you would want the new buildings to be character-like, closer to the street and not set way back.

John Crodelle: At one of the past meetings, he suggested we have somebody in an administrative capacity from the health department to come out and tell us what they will accept.

Ed: Should this PRB district in the village be changed to general business? What should we do about the former school building? What kind of uses should it be allowed for?

Debbie: The owner of the former elementary school building has come with an idea, but they need to talk to Ken McLaughlin.

Ed: There are three pieces: the school piece, the former housing project and the theatre project site. This is a specialized type of business that backs up to the cemetery.

Nan: Had questions about this area because it's very limited as to what's allowed in that area.

Debbie: Since it's surrounded by residential, how do you change it, so it doesn't impact on the people living there?

Ed: Doesn't think it's a Planned Residential Business district (PRB). He mentioned a PRB where there aren't any residences, the part that's on the other side of the road, leads into the cemetery and goes north. Thinks it should be made general business.

Debbie: The only residential in there is the boarding-type house. Kent Glass is working on their building, so you could go north of that up to Wakeman Road. The only place where there are people living is in the former Christina's restaurant.

Nan: You could allow for mixed-use building.

Debbie: There are two residences there.

Ed: Are they primary residences, owner occupied?

John Crodelle: Jon Barrett owns the second house.

Ed: The other two areas, the former housing site, theatre site and the school, what should happen to them?

Debbie: Not sure what to do with the school since it's surrounded by residences. Right now, it can only be a school or a couple of residences. Their concept is to work cohesively in a residential area, but they would need a variance to do it.

Ed: Since it is a property that is unusual, there's a large amount of area that is not usable. Contiguous to the former housing site, that's a whole block of land there that needs to be thought about from a planning standpoint.

Nan: There are a couple ways the plan could address it. One is to look at the PRB district and adjacent lands at the school and evaluate and update the zoning. The other is to take a step back and make decisions whether it should be general business or whatever you want. It depends on whether you want to give some guidance as to what it could be or whether you want to look into it further and make some decisions.

Ed: We should be thinking about it from a planning perspective. We should be inviting feedback.

Nan: Could say it's a critical intersection and the design needs to be very careful; it needs to emulate the village character.

Debbie: 6g: The planning board does address signs and parking lots, she mentions Salisbury Bank.

Nan: 6h: In the old plan, the design standards were well articulated but weren't incorporated into either the town or village zoning. There is no need to redo them.

The meeting adjourned at 6:05PM. The next meeting will be November 19 at 4PM at The Annex.