

Town of Southport Zoning Ordinance Update Steering Committee Meeting #5

Tuesday March 10, 2015
5:00-6:30pm
Southport Town Hall

MEETING NOTES

Present Lisa Nagle, Elan Planning, Design & Landscape Architecture, PLLC
Nicolette Barber, Hunt Engineers, Architects & Land Surveyors, P.C.
Tillie Baker, Hunt Engineers, Architects & Land Surveyors, P.C.
Justin Faulkner, Zoning Board of Appeals
Glenn Gunderman, Town Board
Marcia Kimball, Resident
Chris Parsons, Planning Board
Peter Rocchi, Code Enforcement
Joseph Roman, Town Board
Susan Silvers, Resident
Dan Williams, Zoning Board of Appeals

Not Present Mike Stephens, Planning Board

The minutes from the last meeting were approved.

1. Review of work completed to date

Lisa presented a document outlining the actions completed to date based on the in-scope and out-of-scope items in the Diagnostic Report. Regarding duplicate regulations, Pete advised that the standalone sign ordinance (Ch.425) will likely be repealed by the Town and is on the agenda for the Town Board meeting on March 10th. Dan asked about the Pawn Store 30 day requirement that had been discussed at previous meetings. Lisa advised that this would not be covered by zoning law and would need to be addressed elsewhere in the Town Code.

Actions:

- Lisa to ask project attorney Lawrence E. Howard how pawn stores are usually regulated.
- Tillie to begin making edits to the Town's ordinance incorporating changes already signed off by the Committee.

2. Additional Services

The Town has approved additional services for zoning issues that are not covered by the Cleaner Greener grant. To save money, some of the issues will be addressed with the assistance of the Planning and Zoning boards. Mike Stephens and Jamie Gensel have prepared a list of recurrent issues encountered by the Planning Board and ZBA, respectively. The ZBA will narrow down this list to the most pressing items at their meeting on Wednesday 18th. The table below provides a summary of the additional services approved by the Town Board.

Additional Services (as approved by the Town Board)

Description	Notes	Action
Review AR District Uses to determine if any adjustments are desired	Input from Planning Board (PB) and Zoning Board of Appeals (ZBA)	<p>The size of accessory structures is an issue that comes up a lot (variances are often required for straightforward structures). The accessory structure definition also needs to be reviewed; usually accessory structures are dealt with through definitions and lot coverage.</p> <p>The Use Table subcommittee looked at CN and CR uses only, and Contractors Equipment Yards (CEYs) in the AR zone. Dan found that a substantial number of Southern Tier municipalities allowed CEYs in rural zones, some with site plan approval and some without. Villages tend to allow CEYs in industrial commercial zones.</p> <p>The Use Table subcommittee will go back and review AR uses. The Planning Board will give input on whether uses need to be added.</p>
Review and Move Definitions to end of zoning code.	Committee to give input on whether particular definitions need updating or review.	<p>Typically we move definitions to the end of the code to make it more user-friendly. Definitions for “Contractors Equipment Yard” and “Flea Market” have already been discussed.</p>
Review and reorganize Article X. Development Requirements	<p>525-82 Stormwater management: include reference to green infrastructure and consider combining with Chapter 452.</p> <p>525-95 Outside storage of certain vehicles, equipment or materials: possibly include accessory uses associated with drilling operations. Note “Drilling” is distinct from “Mining”.</p>	<p>Article 10 is very long. Stormwater management is in two places in the code, so one section should be repealed. Green infrastructure techniques should be included as an option.</p> <p>Lisa will provide options for “Outside storage” (goes with CEYs). Drilling will be discussed as well.</p>
Review and revise Article XI. Nonconforming Structures, Uses and Lots	<p>Rewrite to incorporate all of the nonconforming elements (structures, uses, and lots) because these usually have different requirements.</p> <p>Presently, 525-107 organizes nonconforming structure, use and lot under one heading.</p>	<p>Lisa will provide separate language for uses, structures and lots.</p>

Review and Combine Site Plan Review sections	Compare to General Municipal Law (GML) and discuss potential changes with PB. PB should ensure that flood damage prevention local law is referenced accordingly. 525-57 Concept plan contents and 525-60 Preliminary site plan. Incorporate green infrastructure techniques. Combine Chapter 431 Site Plan Review and Article IX Site Plan Review and Approval to ensure compliance with GML.	Planning Board and ZBA to look at site plan review duplicate chapters (one should be repealed). The site plan section should also be reviewed to ensure consistency with state law. Green infrastructure techniques should also be incorporated into site plan review.
Review & Combine Sign sections	Chapter 425 (Signs) and Chapter 525 (Zoning) §525-77.	
Review & Combine Stormwater sections	Chapter 452 (Stormwater Mgmt, Erosion and Sediment Control): Incorporate GI techniques	
Review and revise Article XII. ZBA	Check compliance with GML. Discuss changes with ZBA.	The ZBA section should be reviewed to ensure consistency with state law.
Review and revise Article XIII. Administration	Better to have administration in one article and enforcement in another.	

Actions:

- Planning Board to look at site plan review duplicate chapters (one should be repealed); review site plan section to ensure consistency with state law; incorporate green infrastructure techniques.
- Lisa to provide separate language for uses, structures and lots.
- Lisa to provide options for “outside storage”.
- Use Table subcommittee to review AR uses.
- Planning Board to give input on whether uses need to be added to AR zone.
- Nicolette will send Dan and Jamie a shortlist of issues for the ZBA to review.

There are still a couple of committee meetings needed to finalize the scope of work covered by the grant. A public workshop will be held in April that will present the work done to date and list of work still in progress to get the public’s feedback on the project and whether anything is missing. The Committee will meet again in May and June. Adoption of the zoning updates is on track for July or August.

3. SC review and approval of January items.

a. Final edits to parking table.

The definition of GFA was approved.

The calculation for senior housing developments (whether assisted living, nursing home or congregant care) will be decided per Site Plan Review to encourage dialogue between developers

and the Planning Board to ensure that parking is not overbuilt. Parking criteria will be provided in a Planning Board 'cheat sheet' to assist the Planning Board with decision-making. Lisa pointed out that applicants can pay for an engineer and a planner when doing site plan review.

The calculation for private schools warrants further discussion, especially if the school does not have an auditorium (which is required for the current required parking calculation).

Actions:

- Tillie and Lisa will research parking requirements for private schools.
- Tillie and Nicolette will check the status of parking requirements in other zones (the parking table revisions only apply in CN and CR).

b. PMR/PSHOD vs PDD

PDD is a longer process (but is not likely to take longer than existing PMR or PSHOD). It begins with the Town Board for a legislative change to zoning and receipt of a sketch plan from the developer, which is then referred to the Planning Board for recommendation. The proposal then goes back to the Town Board for approval before the formal PDD process begins. From beginning to end PDD generally takes about a year. Essentially, the Town Board's purview relates to the legislative zoning changes required while the Planning Board's purview is to make sure the proposals work on the ground. A PDD can be thought of as writing zoning for a particular project.

A major advantage of PDD is that it is generally understood and recognized by the development community, whereas PMR and PSHOD are unique to Southport. PDD can also allow small commercial uses for sundries. The intent can be tweaked to emphasize the Town's objectives regarding aging in place and economic development in accordance with the Comprehensive Plan. The Town Board can reject a PDD proposal based on intent or objectives in the PDD language. Alternatively, the Town Board can simply say no to an application. PDDs are usually allowed in any zoning district, but towns often allow it everywhere but rural areas. Some towns also place a minimum acreage requirement.

The Committee approved the replacement of PMR/PSHOD with PDD. Questions were raised regarding Woodbrook Assisted Living, which is currently zoned PMR and would be affected by a zone change to PDD. The Committee would not want to prevent Woodbrook from potentially expanding in the future. If PMR is removed this would make the Woodbrook parcel nonconforming.

Actions:

- Nicolette to incorporate LEED-ND where relevant and tweak intent to include aging in place and economic development.
- Dan to ask Woodbrook management about their plans for expansion.
- Lisa to check the implications of a zoning change to PDD on Woodbrook and options that would allow future development. We will also consider how this affects Park Terrace apartments.

c. Residential Cluster Development (RCD)

RCD would apply in the AR zone only. The draft language is very similar to the Town's existing RCD, including the 20 acre minimum requirement. Section 525-40 (Review process) has been added. The RCD is intended to preserve natural land while allowing for development, in accordance with the goals of the

Comprehensive Plan. RCD also allows more density if preserved open space is made accessible to the public. 15% reserved for roads and stormwater is standard.

RCD can be optional or mandatory. It's also simply allowed and not a zoning change like PDD. RCD is essentially a different way to do a residential subdivision. Where RCD is optional, if developers do not take advantage of RCD the standard subdivision language will apply. Importantly, RCD is also cheaper for developers because the clustering of development and preservation of open space reduces the length of required roads and other infrastructure. The Town's current language for RCD uses "shall", implying that RCD is mandatory. The Committee is in favor of keeping RCD mandatory.

The next meeting will be a Public Workshop scheduled for April 21st at 6pm

Action: Pete to confirm the venue for the public workshop.