

Town of Southport Zoning Ordinance Update Steering Committee Meeting #7

Tuesday May 19, 2015
5:00 – 7:00 pm
Southport Town Hall

MEETING NOTES

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

Not Present Glenn Gunderman, Town Board

1. The Steering Committee approved the April meeting notes.
2. Public Comment

Residents Marty and Susan Dipetta spoke at the meeting. In 2008, the Town rezoned their property from AR to R1. The Dipettas were not aware of the rezoning and therefore did not understand the ramifications of the action on the property. They are now hoping to build a pole barn, which would be legal in AR (which allows up to 3,000 sq ft in total accessory structures), but not in R1 (which allows only up to 1,000 sq ft in total accessory structures.) The zoning ordinance allows up to two accessory structures per parcel in both districts.

The Steering Committee considered a second similar issue. Resident John Perrigo would like to build a two-story garage on his parcel in the AR district. As he already has two accessory structures on his property, the current zoning does not allow for this structure without a variance. Mr. Perrigo questions whether zoning should regulate the number of accessory structures. His email from April 29, 2015 asks the Committee to consider omitting the limit on accessory structures from the zoning code. The committee largely agreed that regulating the number of accessory structures is not necessary if the Town enforces cumulative square footage, lot coverage, and setbacks. In addition, the Committee wants to compare the pre-2008 and post-2008 zoning and consider the designation of lots with a narrow connection to a road from R1 to AR.

Dan Williams addressed the importance of notifying property owners that will have a zoning change on their property by mail. Southern Tier Central has GIS data and should be able to provide a list of parcels. The Town can then send out postcards.

Actions:

- Pete Rocchi to identify property as candidates for zoning change from R1 to AR.
- Pete will also contact David Bubniak of STC to obtain list of all property owners whose property will change zones later in the project.

3. Subcommittee & Steering Committee Review

a) Contractor's Equipment Yards (CEY)

The subcommittee has spent considerable time deliberating locations and appropriate regulations for CEY. Their goal is to allow residents to start a business on their property but to channel larger operations out of residential zones to reduce noise and traffic impacts. The subcommittee proposed allowing small operations in the AR zone. Since several rural roads are small and winding, they are recommending a maximum equipment weight of 30,000 pounds.

The subcommittee also proposed allowing CEY in I, CN, and CR zones without weight restrictions to allow for business growth. These zones are generally closer to appropriate truck routes. Marcia Kimball proposed a 3-acre minimum lot size. The Committee is undecided on a minimum size; while it could reduce impacts on neighbors, there are few lots in the CN and CR zones fulfilling that requirement. Another problem with including the CN and CR zones is that a CEY could start in the Town Center area. Currently, 525.91 lumps CEY together with gas stations and car repair businesses. The Committee is unsure whether to maintain this because the impacts are similar or whether to separate these uses.

Actions:

- Lisa to check whether the 30,000 pound weight limit works and create code language; write language about vehicle/equipment sales, vehicle filling stations and vehicle/equipment.
- Committee to confirm that 3 acres is sufficient minimum lot size for CEY

b) Flea markets

The Committee agreed with the consultant team's proposed language and agreed that a minimum of five days per month makes sense to distinguish a more permanent flea market from rummage sales.

Actions:

- Lisa to confirm final language

c) Gross Floor Area

Consultants proposed language replacing the current definitions with a one-sentence replacement. The Committee agreed with this change.

d) Family / ADU

The SC would like to encourage accessory dwelling units (ADU) in Southport by allowing them in every district. Lisa proposed requiring a family relationship between the residents of the primary unit and the ADU. The Town would only enforce that regulation if there were problems such as excessive noise or traffic impacts. She proposed rewriting the existing "family" definition to require the relationship.

Actions:

- Paul to check whether the code requires “family” in other places
- Lisa to provide final language for “family” and “housekeeping unit”
- Consultants to propose regulation of off-street parking for ADU

e) Home Occupation / Cottage Industry / Live-Work Units

The Town’s current zoning defines “dwelling with a business” and “dwelling above first-floor business”. The consultants proposed language for “live-work units” based on the existing definitions that would replace the two current uses. The SC agreed with that idea as it would make the zoning code easier to use. Marcia brought up the issue that businesses might start up as small home occupations but get bigger and lose their residential character. Mike agreed that the planning board could regulate the home occupations more strictly during site plan review.

Actions:

- Consultants change use table to show ‘Live-Work Units’
- Consultants to propose zones for home occupations / Cottage Industry / Live-Work Units

f) Use Table – Use Designation “X” to “S”

The current zoning code has the use designations “S” (permitted under site plan approval by Planning Board) and “X” (permitted in existing structure; site plan for demolition / expansion of existing structure or new construction). Lisa explained that this procedure could be problematic if a more intensive use moves into an existing building. Pete remarked that the current regulation on the other hand allows for a faster reuse of existing structures.

Actions:

- Steering Committee to review the proposed use table in its entirety
- Steering Committee to decide whether to keep “X” (permitted in existing structure; site plan for demolition / expansion of existing structure or new construction)

g) Special Use Permits

The consultants introduced special use permits. Currently, the planning board cannot address issues of land use during site plan review. A special permit process would allow for that, for example to address hours of operation. The Committee sees the potential to better integrate commercial uses with residential neighbors. On the other hand, Committee members voiced concerns, including potential abuse by future planning board members, permit fee as a burden to applicants, and need for training for planning board and BZA members.

Actions:

- Steering Committee to discuss benefits/drawbacks of special use permits
- Consultant to review use table and identify what uses would likely qualify for Special Use Permit for review by the committee

h) Roadside Stands

The current regulation allows for the sale of agricultural produce primarily grown on the premises. In the past, businesses have abused this to sell produce not grown on the premises. By doing this, they compete with retail businesses that pay property taxes. The Committee agreed to change the definition

to allow the sale of produce grown on the premises only. The Steering Committee pointed out that they would like to keep irregular lemonade stands legal.

i) Parking Table

No discussion took place.

j) Accessory Structures

Lisa presented potential language for accessory structure. In light of the earlier public inputs, the Committee agreed that regulating number of accessory structures might not be necessary. The Committee further prefers regulation that only uses the site plan review process for larger structures.

Actions:

- Steering Committee to review language option and to decide on preferred alternative

The next meeting is scheduled for June 16, 5 pm at Town Hall.