

Town of Southport Zoning Ordinance Update Steering Committee Meeting #8

Tuesday, June 16, 2015
5:00 – 7:00 pm
Southport Town Hall

MEETING NOTES

Present Justin Faulkner, Zoning Board of Appeals
Marcia Kimball, Resident
Peter Rocchi, Code Enforcement
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
Chris Parsons, Planning Board
Joseph Roman, Town Board

1. The Steering Committee approved the May meeting notes.
2. Discussion
 - a) Map changes

Pete identified properties that warrant a change from R1 to AR. Pete will coordinate with STC to implement final map changes. The Committee agrees to change the map once at the end of the project. We will also ask STC to modify the colors to reflect standard planning practice (yellow for low-density residential, red for commercial, etc.)

- b) Contractor's Equipment Yards

The proposed language includes a minimum lot size of 3 acres in the AR zone and a minimum of 1 acre in the CR and I zones. The committee agrees that a larger minimum lot size in the AR zone allows for better protection for neighbors from noise, dirt, and aesthetic impacts of CEY operations. The Committee recommends using the Special Use Permit process for CEY in the AR districts to allow the Planning Board regulate sizes and operation of CEY businesses.

The committee would like to regulate the impact of CEY businesses on their neighbors. It wants to encourage entrepreneurs in the AR zones, but wants to push bigger businesses into the CR and I zones where they impact fewer neighbors. Lisa asked legal consultant Lawrence Howard and recommends not regulating vehicle weight in zoning. Changes to road use should be inserted into Town Code chapter

497: Vehicles and Traffic. The Town already has regulations for vehicles in excess of 10,000 lbs for the R1, R2, R3, and I zones in §497-12, -13, and -14 . A similar paragraph for 30,000 lbs vehicles in AR zones fits in as §497-12 B and after §497-14, limiting the maximum vehicle weight to 30,000 lbs on roads within the AR zone outside of the Truck Route System. The new paragraph should mirror the existing language of §497-12, -13, and -14.

The proposed language for §525-91 B (3) (c) requires four screening methods. The Steering Committee recommends changing that to allow the planning board to pick the most appropriate method during Site Plan Review.

Actions:

- Committee to recommend changing §497 of Southport Town Code to Town Board
- Lisa to change language of §525-91 B (3) (c) to “shall include all or any combination of the following items”

c) Accessory Structures

Lisa proposed including a paragraph for “customarily incidental” to ensure that accessory structures are subordinate to the principal land use. This gives the planning board discretion to decide the appropriateness in the different districts. All accessory structures over a certain building size have to go before planning board for Site Plan Review. The Steering Committee recommends a minimum of 1,500 sf. In addition, the regular size and bulk requirements in the different zoning districts will apply for accessory structures.

d) Special Use Permit

Lisa drafted language for a Special Use Permit (SUP). The Steering Committee then decided for which uses and in which districts to apply the SUP. The Steering Committee accepted the consultants’ proposed use table with the exception of the following uses:

- Multi-Unit Dwelling: SUP for CN, SPR for CR
- Live-Work Unit: by right (P) in CN and CR
- Cottage Industry: SUP in AR
- Vehicle Filling Station: SUP in CN
- Convenience Food Mart: SUP in CN and CR
- Contractor’s Equipment Yard: SPR in I, SUP in AR
- Self-Service Laundry: SUP in CN
- Vehicle Repair and Heavy Equipment: SUP in CN
- Kennel: SUP in CN and AR
- Salvage Yard: SPR in I
- Wind Farm: SUP in AR

For current proposed use table see attached document.

Actions:

- Committee to review proposed language and share comments with consultants by Sunday, 6/21/15

- Committee to review proposed use table
- Consultants to develop an SUP application form

e) Accessory Dwelling Units (ADU)

ADU will be regulated as an accessory structure. The Steering Committee decided that changes to the “family” definition are not necessary since the property owner has to live on the property and will likely maintain good conditions.

The consultants will include language into §525-75, allowing only one ADU per lot. The Steering Committee recommends imposing no additional size restrictions specifically for ADU. Only regulation similar to the following is recommended:

- A. Only one accessory dwelling per family shall be permitted.
- B. The owner(s) of the one-family dwelling with which the accessory dwelling is located shall occupy at least one of the dwelling units on the premises.
- C. An accessory dwelling unit may be located either in the principal building or in an accessory building.

The Steering Committee recommends regulating parking per SPR. For those districts where ADU are permitted by right, the Steering Committee proposes a low number such as 0.5 parking spaces per ADU, as it expects most ADU to be occupied by older residents and family numbers.

- f) Extraction and Soil Mining all excavation operations to apply for Mined-Land Reclamation permits

NYS DEC requires all excavating and mining operations that remove more than 1,000 tons or 750 cubic yards of material within twelve months OR more than 100 cubic yard in or adjacent to a non-protected water body to follow the requirements of the Mined Land Reclamation Law. The consultants recommend using the DEC values as a threshold for regulating extraction and soil mining by creating two categories (private and commercial extraction and soil mining). The private category will be a permitted use in AR, I, and C. The commercial category will be regulated under Sit Plan Approval in AR, I, and C.

Actions:

- Steering Committee to review districts for extraction and soil mining until 6/21/15
- Lisa to propose definitions for private and commercial extraction

The next meeting will be Tuesday, July 21, 5 pm at Town Hall.