

Village of Port Henry ZONING COMMISSION

Minutes of the Public Hearing, Aug. 20, 2013

Call to order.

All Zoning Commission members are present :

Evelyn Celotti, Jeff Kelly, Kelly Ann King, Sandra Lovell, John Viestenz

John Viestenz presented a summary of the Preliminary Report, after explaining the history of the Commission and why it was created. Opportunities for public questions and input were inter-spaced throughout this presentation. The Public Hearing was attended by 8 members of the public, and testimony was received in advance from one other (Paul Salerno). Bud Abbey spoke in general, indicating he was against zoning. Don Pierson and Ed Kudlacik raised specific questions about their property south of McKenzie Brook, which had been listed as part of the “Undeveloped Zone”, and others asked questions to clarify various parts of the text or maps. Ed Pierson and Ed Kudlacik also voiced their concerns about the ambiguity of some text in the Preliminary Report, and provided written amplification of their concerns on 8/22, which is attached.

Two specific changes were made to the text and maps during the meeting:

The “Waterfront and Public Recreation” page was changed to state that “... these zoning recommendations include no new restrictions on the use of privately owned land for either residential or commercial purposes”. (underlined text was inserted). And a paragraph was added to specifically include property owned by Paul Salerno that overlooks the lake (but has no lake access) and abuts property in the Transition Zone on south main Street (but does not have its own Main Street access). This property would have fallen into “Residential”; classifying it as either “Waterfront” or as “Transition Zone” would provide a wider range of development opportunities, and fit the nature of adjoining properties.

The other change was the deletion of lot 107.23-1-1.000, owned by Edward Kudlacik, from the “Undeveloped Zone”. This property's current physical characterization is old orchard, old farmland, gently sloping open ground, and does have access not only from two points on Main Street, but also (not previously recognized by the Zoning Commission) from Whitney Street. Note that only portions of the property were originally classified as Undeveloped. After discussion between the Zoning Commission and the property owners, it was agreed that the entire lot would be classified as “Transition Zone”, which it qualifies for due to the highway access.

Maps and text have been revised to reflect the above requests and testimony.

Further discussion among the Zoning Board included comments from Kelly Ann King, stating that she will not vote for the Final Report, as she feels that we still have not heard from a sufficient number of Village residents, and that the comments in support of zoning are from a minority of the residents. Additionally, she questions the need for any zoning at all, due to the small size of the Village, and the fact that there is no zoning elsewhere in the Town.

When there were no further questions or comments, the meeting was adjourned (8:27 PM).

John Viestenz

attachment: text from e-mail of 8/22/13 from Ed Kudlacik and Don Pierson to John Viestenz

[portion of e-mail from Ed Kudlacik and Don Pierson, to John Viestenz, 8/22/13]

John and Team,

Thank you for outlining the next steps in the creation of Zoning for the Village of Port Henry. Going forward, we have STRONG concern for the ambiguity in the following language on page 3 of the "Preliminary Report."

"No existing lot may be further subdivided without Zoning Board approval, even if the planned use for the sub-divided lot complies with the existing zone."

We STRONGLY recommend that the final Zoning rules, governing ALL of the properties in the Village, have unambiguous and documented criteria on how the Zoning Board reaches a decision on approval. Additionally, there needs to be clear definition of the Appeal procedures, roles, responsibilities and timeline of the process, if the Zoning Board should not decide in favor of the property owner's request.

While the intent of the Zoning Commission's Report is to keep the Zoning regulations nimble and simple, that goal must be balanced by clear, legal, and documented procedures that guide everyone (now and in the future) in consistently carrying out a well-conceived and balanced Zoning Plan for the Village of Port Henry.

Thank you and the Commission for your time and effort.

Regards,

Ed Kudlacik

Don Pierson