

Village of Port Henry Zoning Commission
4303 Main Street
Port Henry, NY 12974

MINUTES, Zoning Commission Meeting **May 22, 2013**, Village Hall

(Rev: 5/30/13)

Called to order at 7:00 PM

Members present: Evelyn Celotti, Jeff Kelly, Kelly Ann King, Sandra Lovell, John Viestenz
Public: Matt Brassard, Bill Bryant, Debbie Henry, Frank Martin, Margaret Parah, Staley Rich,
Linda Smyth, Jackie Viestenz.

The ZC members were introduced, and the purpose of tonight's meeting was explained:

Members of the Zoning Commission are Evelyn Celotti, Jeffrey Kelly, Kelly Ann King, Sandra Lovell, and John Viestenz. Members are volunteers, appointed by the Village Board and charged with the task of developing a recommendation for initial zoning boundaries and definitions. The Zoning Commission is also responsible for holding public hearings and submitting a final report to the Village Board. Once the final report is accepted by the Village Board, the Zoning Commission ceases to exist. Any future actions regarding implementation of, revisions to, or rejection of, the Commission's recommendations is the responsibility of the Village Board.

The previously-published agenda, with expanded explanations was passed out. [Copy attached].

The public was also reminded that written comments and input are welcome, either by mail to the Village Office or by e-mail to "*JohnV dot PortHenry at gmail dot com*".

Three additional pages (the 2-column sheets of "Encouraged or Allowed" and "Not Allowed" uses for the three possible zones discussed at earlier meetings) were passed out, to provide a "scratch-pad" for people to return with comments, and to facilitate the generation of additional ideas. These three pages are just an "expansion" of the second page from tonight's agenda. [Copy attached].

The question of "Any More Meetings?" was explained: There can be more meetings similar to this one; and there will be at least one formal "Public Hearing" to present the "Preliminary Report" to the public, before anything is forwarded to the Village Board.

(Once the "Final Report" is submitted to the Village, the Village Board can proceed with the legal work, moving towards adoption of a Zoning Law; and the Village Board would hold at least one [more] Public Hearing on the proposed zoning law).

The floor was opened to the public:

Nobody expressed a total "no zoning!" attitude. Generally, the comments were in support of a commercial-retail zone that would protect the existing "downtown" from any further ground-floor conversion of commercial space to residential use. And, generally, the comments favored minimal restrictions in the residential areas, other than prohibitions on "Industrial" uses.

Comments are not direct quotes, but are representative of the thoughts being put forward. Comments from various people present, including members of the Zoning Commission, are combined:

I support the effort to introduce zoning to Port Henry. It is important that owners of commercial property have a set of “rules to go by” and that those rules are consistent.

Main St. and (part of) Broad should remain a Commercial/Retail zone.

Industrial zones can be pockets, at the edges of the Village. A list of specific lots should be compiled, such as the former “Self Storage & Coal Yard” at 6 Dock Lane. Available sites for “Industrial” development need to be specifically identified and so-labeled (zoned).

Some properties (specifically the old School at the end of Church Street) should be left “unzoned”, or zoned as “Developmental” at this time, to allow for either future residential development, or for future Commercial development (but not future Industrial use). Future use of that land could be open for whatever the future economic situations allow. Either Commercial or Residential would fit.

Zoning should not be so restrictive and so detailed that a property owner would have to face a long-term and difficult procedure to obtain a variance. Let's keep the final regulations as simple as possible so that property owners could come to the Board (Village Board or Zoning Board) and receive quick responses to their requests.

No restrictions on conversion of owner-occupied commercial properties. If the owner wants to convert ground-floor commercial space to a private residential space for his/her own residence (not for rent), zoning regulations should not be an obstacle.

There needs to be an exception (to the no conversion rule within the Commercial Zone) for economic necessity. Or, allow a “temporary” conversion if economic hardships exist.

Only a minimum restriction in residential areas regarding “home businesses”. Need to allow anything that can be done in part of the house or garage, that does not generate excess noise, fumes, truck traffic, or on-street parking.

In “Residential” areas, no travel-trailers or campers to be used as a residence (such as currently exists on Main St. across from the Dollar Store). There could be a 60 or 90 day provision, say you wanted to allow friends or family to occupy your motorhome for a period of time, as a temporary residence, or as a seasonal residence, but not as a permanent residence.

Mobil homes should be restricted to designated parks or do not allow. Manufactured homes are OK, once placed on a permanent foundation. In Residential areas, consider minimum lot size requirements, to prevent selling portions of existing lots, resulting in rows of “zero lot line” dwellings.

Zoning for Residential areas should remain “loose”. Prevent “Industrial” uses but allow a mix of residential and small commercial uses.

It was recognized that by establishing Zoning, even though it begins as “loose”, procedures then exist for future additional restrictions. For example, even though the original zoning laws may not have any restrictions on “fencing” or “lighting” in Residential areas, some people have specific suggestions / recommendations that could be enacted by a future Zoning Board.

The next meeting for the Zoning Commission was set for Wed., May 29, 5PM, at the Literacy Volunteers office.

===== end of Minutes for 5/22 Meeting; additional materials referred to in the Minutes are attached.

--- Agenda for tonight's meeting was passed out to all present:

**Village of Port Henry Zoning Commission
4303 Main Street
Port Henry, NY 12974**

May 22, 2013

AGENDA, Zoning Commission Meeting May 22, 2013, Village Hall

Call to order at 7:00 PM

Introductions and explanations:

Members of the Zoning Commission are Evelyn Celotti, Jeffrey Kelly, Kelly Ann King, Sandra Lovell, and John Viestenz. Members are volunteers, appointed by the Village Board and charged with the task of developing a recommendation for initial zoning boundaries and definitions. The Zoning Commission is also responsible for holding public hearings and submitting a final report to the Village Board. Once the final report is accepted by the Village Board, the Zoning Commission ceases to exist. Any future actions regarding implementation of, revisions to, or rejection of, the Commission's recommendations is the responsibility of the Village Board.

Tonight's meeting is an opportunity for the public to express opinions and provide suggested alternatives to the preliminary ideas that the ZC is starting with.

This is not a debate. Please, just one person at a time.

No arguing (either between members of the public or between the public and members of the Zoning Commission).

We want to know (and understand) your comments, so we might ask a few questions, but we will not be debating the details.

Anyone wanting to submit **written comments** is encouraged to do so.

Instead of testifying in person, or

In addition to your verbal comments;

Either before or after tonight's meeting.

More meetings? There can be more meetings similar to this one; and there will be at least one formal "Public Hearing" to present the "Preliminary Report" to the public, before anything is forwarded to the Village Board.

(Once the "Final Report" is submitted to the Village, the Village Board can proceed with the legal work, moving towards adoption of a Zoning Law; and would hold at least one [more] Public Hearing on the proposed final version).

We are asking the residents and property owners of the Village to help define the zone(s) and help with suggested “Allowed” or “Not Allowed” uses that could exist within a given zone.

For example:

“**Commercial/Retail**” zone could allow
a mix of residential and commercial;

and could prohibit:

- > conversion of existing street-level commercial space to residential use (apartments).

- > “Industrial” uses, such as large warehousing, distribution (oil, propane dealers), or sites generating excessive noise, chemicals, etc.

“**Residential**” zone (most everything other than Main St.) could allow
a mix of single-family, and multiple family housing,
professional offices,
home-based businesses,
lodging (B & Bs, for example),

and could prohibit Industrial uses.

“**Industrial**” zone could allow warehousing, distribution, sites generating excessive noise, using chemicals, etc., or other uses which are otherwise prohibited in the Retail and Residential zones.

Zoning can protect existing neighborhoods by separating incompatible land uses.

Additional 3-page handout was passed out later, during the meeting:

ENCOURAGED or ALLOWED

NOT ALLOWED

IN RESIDENTIAL AREAS

“Lodging”, such as B&Bs, within residential areas IF the lot size is sufficient, and the parking sufficient for the tenants.

Professional offices.

“Home-based business” as long as hours are limited to normal daytime or early evening, parking is sufficient, there are no (or limited) truck deliveries or shipments.

Casino, night club, entertainment.

Industrial activities (noise, fumes, volume of truck traffic).

Need limitations on noise, fumes, lighting (how bright? all night?)

“Trailer Parks” or other housing with where multiple units are sited on lots less than __ feet x __ feet.

Mobile homes used as a residence, not mounted on a permanent foundation. Skirting and landscaping requirements should be listed.

[what is appropriate, and in-appropriate, fencing? No “security” fencing in Residential areas? Limits to “temporary” fencing?]

ENCOURAGED or ALLOWED

NOT ALLOWED

IN COMMERCIAL – RETAIL AREAS

All retail activities.

Encourage 2nd hand shops,
book store, clothing,
and (of course !) hardware.

Professional offices and services

Existing residential remains residential,
or can be converted to commercial.

Same building can be a mix of
residential and commercial.

Existing ground-floor commercial space
cannot be converted to residential (except
if residential portion is occupied by the
owner).

Businesses that are defined as
“Industrial”
[definitions to be developed].

ENCOURAGED or ALLOWED

NOT ALLOWED

IN COMMERCIAL – INDUSTRIAL AREAS

Businesses that require on-site warehousing.

New construction of residential housing.

Businesses that are primarily serving clients via delivery, and not “over-the-counter” retail. (For example, fuel oil storage and delivery).

Businesses that generate “excessive” noise, fumes, or require frequent heavy truck traffic.