

SPECIAL MEETING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

LOCATION: MUNICIPAL BUILDING, 4303 MAIN STREET  
PORT HENRY, NY 12974

DATE: SEPTEMBER 3, 2014

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough and Rich.

ABSENT: Trustee McDonald.

ATTENDANCE: Jeff Kelly, Linda Smyth, John Viestenz, Jackie Viestenz, Sandra Lovell and Ms. Abair.

Mayor Guerin called the Special Meeting to order at 7:00 pm, flowed by the salute to the flag.

Mayor Guerin indicated that the purpose of the Special Meeting was to review the proposed zoning regulations. Listed below is a time line with regard to previous review:

- 8/27/13            Final Zoning Report submitted to attorneys for review.
  
- 11/22/13            Memo received from attorneys after preliminary review of the Final Zoning Report, with attached questions for the Board.
  
- 3/25/14            Responses forwarded to attorneys with regard to their questions on Final Report, with additional questions from the Village Board pertaining to zoning regulations.
  
- 7/31/14            Memo received from attorneys with regard to the Village's responses to the attorney's original questions as well as the attorney's responses to the additional questions from the Board with regard to zoning regulations.

Mayor Guerin turned the meeting over to Trustee Rich who is the appointed liaison with regard to zoning. Trustee Rich indicated that this may be the first of several meetings that may be held on the proposed zoning regulations/laws.

Trustee Rich provided all with a copy of the original questions received from the Village attorneys after their review of the Final Report, Mr. Viestenz's (former Zoning Commission Chairperson) answers/responses to those questions, and the attorney's memorandum including their comments and further questions for the Board with regard to Mr. Viestenz's answers to their original questions.

Trustee Rich and the Board reviewed the attorney's memorandum and discussion ensued as follows:

It was noted that the Village Board may not serve as the Planning Board with regard to zoning regulations/laws. The prior Planning Board was disbanded due to lack of volunteer members. The attorneys suggest that the Village create/appoint a new Planning Board. A separate Zoning Board of Appeals (ZBA) will also be necessary. The Board would like to clarify what the duties/responsibilities are for each separate Board; Planning, ZBA and the Village Board with regard to zoning regulations and laws. Also, how many individuals are required to serve as members on the Planning Board and ZBA and what are the term limits for each?

The Board discussed implementing a formula for owner occupied residency in ground floor buildings within the proposed business district. Mayor Guerin indicated that he

would confirm such with the Village Code Enforcement Officer Bill Ball, but believes there is an existing formula consisting of 75% storefront, with 25% of the ground floor behind the store front designated for residential use. The Board decided to adjust the wording of proposed zoning regulations to allow for such a formula.

The Zoning process with regard to the current Moratorium that is in place, prohibits street level residential development within the deemed business district. This was explained to Mr. Jeff Kelly upon question. It was also noted that other surrounding communities and municipalities are ten years ahead of Port Henry with regard to zoning laws and regulations. Light zoning is deemed as necessary in the Village of Port Henry in order to protect what we currently have in place while allowing for and encouraging future growth.

It was also explained to Mr. Kelly upon question that due to the fact that there are no zoning laws currently on the books, anyone could develop the newly vacant Nu-Way laundry property as desired, at this time.

A discussion ensued with regard to split zones, such as commercial, industrial, residential, etc. John Viestenz asked if zones will have to be split by tax map lines. Trustee Rich noted that this question has been asked before however no clarity on the matter has been received. The Board will pose this question to the attorneys for clarification.

Ms. Abair asked why implementing zoning within the Village limits has taken so long. Trustee McDonough indicated that part of the reason is because we are such a small entity and we do not have the issues that larger, more populated areas encounter. Trustee Rich indicated that the proposed concept of zoning was first brought to the Board's attention after Aubuchon's Hardware store closed and it was rumored that the building owner wanted to convert the existing, vacant store front in to residential apartments. The Board adopted a Moratorium in order to prevent this from happening and in an effort to preserve what is deemed the current business district. The Board was informed by the attorney's that by adopting a local law to enact the Moratorium, they must show intent to implement and enact zoning laws/regulations for the entire Village. The Village can not zone just one area or section, such as a "commercial zone" or "business district."

Mayor Guerin indicated that the Village needs to move forward with zoning while encouraging development and continuing to clean up and improve Main Street; people are impressed and like the changes they've seen over the past five years.

Linda Smyth asked if the "Catch Penny" is an actual business. Mayor Guerin indicated that it was run as a business on the ground floor but is currently closed. The Moratorium prevents the owner from converting the storefront into a residential space however the Village has no other legal jurisdiction over the building as it is private property. Sandra Lovell indicated that the building is a fire hazard.

Trustee Rich called the meeting back to order in an attempt to stay focused and on task with regard to discussing the proposed zoning laws and regulations.

The Board decided that undeveloped land zones will require loose interpretation in order to promote future use and growth, while residential zones may require more restrictive zoning with a limited number of uses.

Trustee Rich indicated that the attorneys recommend the Village have a Comprehensive Plan in place and use such to assist with developing proposed zoning laws and regulations. Trustee McDonough indicated that the Village does have a Comprehensive Plan and that she will attempt to locate her copy. Trustee Rich informed the Board that the Zoning Commission's Final Report may be utilized as part of an acceptable plan in the absence of an official Comprehensive Plan.

## PUBLIC COMMENT PERIOD

John Viestenz asked if the Industrial Zones will be completely eliminated. The Board concluded that the proposed zoning regulations will provide for properties located in an industrial zone to be deemed part of the commercial zone, while allowing for special use permits. Commercial and industrial business that already exist, will be “Grandfathered” in to the proposed zoning laws.

Mr. Viestenz asked the Board what will become of the waterfront and recreation zone, as it was never clearly defined in the Final Report. Trustee Rich indicated that waterfront use will be designated to the east side of the rail road tracks which then posed the question: will the waterfront and recreation zones will be indentified geographically or by Tax Map Number. The Board will ask the attorney’s for clarification on how to legally classify such areas with regard to zoning laws.

Trustee Rich indicated that implementing zoning laws and regulations will be a lengthy process. The next steps will be to review the zoning maps and Comprehensive Plan. The questions the Board came up with as a result of discussion at this meeting and the matters that require clarification will be forwarded to the attorneys. When the Village receives a response from the attorney’s then another meeting will be scheduled for further review and discussion.

There was no additional public comment therefore a motion was made by Trustee Rich, seconded by Trustee McDonough, to adjourn the Special meeting at 8:16 pm. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none. Absent: Trustee McDonald, motion carried.

ADJOURNED

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Denise C. Daly, Village Clerk