

Public Information Meeting April 9, 2012 5:00 p.m.

Re: Comprehensive Plan/Zoning Update

Present: Sup. S. Reiter; Council Members A. Bax, E. Palmer, M. Marra & R. Winkley; Deputy Sup. G. Catlin; Bldg./Insp. T. Masters; Adm./Op. J. Ritter; Eng. R. Smith, Finance Officer M. Johnson & Town Clerk C. Brandon.

Also: Andrew Reilly & Ellen Parker of Wendel Engineers. 7 residents and 3 press reps.

The Supervisor turned the presentation over to Andrew Reilly.

Andrew Reilly: We were hired to look at the comprehensive plan because the Town was considering zoning upgrades. By law, zoning has to be in accordance with the comprehensive plan. You have to have reasons behind it in your decisions. The Town's plan was adopted in 2000 and zoning was never completed. We looked at the comprehensive plan and we suggested that they do an update. While doing the update, we informed the Town that we will look at the procedures and processes in the Town's zoning. They were outdated. Under the State's enabling legislation you can only do certain things. It gives local government the power to do things. Those laws have changed over the years and we want to make sure that the Town's laws were in accordance with the state regulations. Once updated amendments were adopted to the zoning codes in 2011 and then we proceeded with the hard work.

Over the last year we have been focusing on zoning. We did not start with a basis. The Town did do zoning work back in 2005. We looked at what the existing code was about and we evaluated those things. We have met with the Town Board several times. We went out to Sanborn because that was one of the areas that a major amount of changes were proposed that would affect properties out there. We had a great meeting out there. We are here to get input from residents because we know that zoning is very near and dear to everyone. It tells you what you can and cannot do to your own property and what can happen to the properties around you. We said in Sanborn that we would come to the Board meeting tonight to talk about what has been done and also represent this proposed zoning changes up to date. If these things go well and the Town Board likes what we have done and we get good input from the public the Town will proceed with the adoption of zoning. Then you would have it official and we would have to do SEQRA, refer to the County, have an official public hearing and hopefully at the end of that process we would adopt these zoning changes would affect the zoning map amended to the zoning code. Ellen will give you the general zoning code changes and we will update the web site and put on there to show these proposed changes to the code. We will also talk about residential in the code and on the map.

Ellen Parker: In terms of the residential zone, the Town has many residential zones. For R-1 zone, R-1 A,B,C, D we have collected them all in R-1 which is the same zone. There will not be a specific difference between the two except that there is a provision that if there is already a set back that has been established on that street it needs to follow. It will affect no real pain to any of the R-1 zone.

The RR zone (green area on the map) there is no change to that area. We have done is created a new residential rural transitional zone that the urban style house of R-1 and more rural style hour of RR. It could be applied elsewhere as things change but it is only in that area around Miller Road. The lots are a little bit smaller and the uses similar. R-2 is where two families are allowed is unchanged. People within an R district there is not much new changes to what we re proposing.

Reilly: It looks very different on the map because you use to have all these colors all around the Village of Lewiston and the only difference was the set backs. Now we

have consolidated them into one district. We believe it works well because of that set back clause. It really made those areas develop.

We worked on the business district. There was only one district. The Town struggled with that. One commercial district has to apply everywhere in the Town. It really made living in different parts of the Town where some were more rural than other. Some are more suburban and some village in nature. The town was hamstrung in having only one business district. Unlike the residential areas where we collapsed them we have actually created more commercial districts. We went from one to three. The first one is your standard business district where we did some tweaking to that and we created a rural business district which has more restrictions as to design requirements and it is smaller in nature. For example if Wal-Mart came to Town it would go in the standard business district and would not go into a rural business district. The final one is a mixed use. There are a lot of areas that are mixtures. Villages and hamlets tend to be mixtures. People living in Sanborn know that. You have areas with businesses right next to residential and that is a mixed use area. We created what we call a traditional neighborhood design district. It has been used throughout WNY. It allows to even have commercial on one level and residential on the 2nd level. It is a more modern zoning code. We created those 3 zoning codes and then we can use them and it gives the Town more power when having a rezoning request for commercial and is it correct in a commercial area. It gives them other tools to ask if it is correct and not having to put conditions on special permits etc.

The area around Ransomville Rd. which was zoned business before (more rural area) we changed most of that area to rural business. Those people who live in Sanborn know you have commercial in the downtown which didn't make sense, we changed it to that traditional neighborhood district.

The other change was around the Town Hall where a lot of the property because of the old ROW that still exists (the railroad) was zoned industrial. We changed it to a business area. Those were the big changes to the commercial areas of the Town.

Parker: We have two industrial districts in the Town now. One allows housing and one doesn't. Otherwise they are similar. They were very open in terms of what they allowed. We removed residential as an allowed use in the I-1 district. We specified what uses are allowed instead of saying anything that cannot be. It was a little too protective so it is a lighten up district and we have light industry, some processing things that don't have a lot of industrial (referred to map). 2 districts which is basically the landfill we left alone. That is essentially not anything.

Reilly: We cleaned up a lot of parcel boundaries. A lot of the industrial zones didn't follow parcel boundaries and it made no sense. 90% of boundaries were zoned industrial with a small percent zoned something else.

Parker: We did that where we could. In all of the zoning districts there were areas where parcels could be 1, 2 or 3 different zoning categories because the lines were not following parcel lines. Now where we could we have the districts following parcel lines.

Reilly said I know there are people here from Sanborn and we did have a meeting out there and we have made some changes to the area. We tried to create what makes the most sense for the community. We did tweak some areas. In the southern part of Sanborn and again it is where we followed the old railroad lines (industrial) and so a lot of the southern part of Sanborn area here (referring to map) was industrial. We got rid of that. I believe we have addressed and again we will go back to the residents when we put this on the Web site. We addressed a lot of issues that were brought up. In the traditional neighborhood business district no drivethru's areas are allowed. That gets us through the zoning districts.

Parker: The most relevant for people was the special use permit. The code now lists that you must have this, this & this. There are specific criteria that the Town can follow. Now they have a rational basis for making decisions along with the conditions. The law now looks at the problems with the permits.

Reilly: Now, you have these very general criteria which we have kept but have added some specific things that you look at for those particular uses. We put the burden of proof upon the applicant.

Parker: We also made greater clarity in the definition so the Board knows.

Reilly: With the PD's 4 districts, we have eliminated those and created PUD District and created a lot of criteria with those. A PUD is kind of a zone by itself. If it meets that standard you can re-zone that property to PUD and that is the re-zoning of that property. This is a very powerful tool. We wanted to make sure you had a good PUD law and use it correctly. The changes make it simpler instead of 4 different ones. We are still taking input. We are here to receive any questions or comments. The Town Board asked us to get this information out and we have addressed the issues that were brought out by the public before we go through the public hearings. I think we have addressed the issues in Sanborn.

Reiter asked if any residents wish to speak at this time.

Vicki Bell of 5759 West Street. Can we get a copy of these changes that were made?

Reilly: After tonight's meeting, we will get a copy to the Town Clerk so it can be put on the Town's Web site. This is the proposed zoning so no one mistakes it with existing and it will be available. It is about a 1½-2 month process to adopt, hold public hearings, notices etc but we want to make sure we heard you correctly in Sanborn.

Paulette Glasgow of 836 The Circle. I commend you for the designed requirements. There are a lot of businesses along there and they park in the front.

Reilly: We tried to accommodate. We always use existing uses with parking in the front but encourage parking in the rear or side. The people will be grandfathered. We are trying to make it a village atmosphere. In the coordinating review, we will send it to the State DOT. They typically don't comment on land use.

Paulette Glasgow: I would recommend where the farm and the farm land and is it possible because that barn is over 100 years old (Sanborn Museum) and is there any way that you can make that an historic area?

Reilly: Zoning does not do that. That is a separate issue and you could go for local designations. That is called historic overlay.

Paulette Glasgow: If you did an historic overlay it would preserve and protect them.

Reilly said that is not a zoning issue. You could create a local designation on that historic preservation.

Paulette Glasgow: I am hoping that you have taken the vagueness out of it.

Reilly: You have added design which is important, you are clearing up what uses are allowed and not allowed and where you want it. Before you only had one business district so it was very difficult to figure out what was allowed. I will by tomorrow or the next day get to the Town Clerk a disc and we will e-mail what we can so it can be put on the Town's web site. We will blow this map up and make the area bigger.

Reiter asked that they be put in the Clerk's office.

Masters asked about the un-zoned properties in Lewiston.

Parker said the cemeteries would become rural residential.

Reilly said we took all the un-zoned properties except for the Tuscarora Reservation. T

Reiter: I would like the Power Authority property that runs by State Parks (Artpark) and could you be definitive about where the line goes thru there. I would appreciate that.

Reilly: I will work with Tim Masters and others that have more history of that and make sure it is described correctly as to what are those lands. Right now it is zoned State Power Authority which there is no zoning district and it does not say anything about uses whatever and so we will say un-zoned property.

Reiter: What was explained to me on the Authority's law is that it is a little different than State owned property. We need to define that.

Reilly: Let us know when you want to have another meeting in Sanborn.

Reiter: Of the 116 people that attended, we have only received 12 responses and that is less than 10%.

Bax MOVED to adjourn and seconded by Marra. Carried 5-0.

Time 5:35 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon
Town Clerk