

TOWN OF GAINES ZONING REVISIONS

SUMMARY OF CHANGES TO AUGUST 5 DRAFT

At its meeting on September 3, 2019, the Zoning Advisory Committee approved the following changes to the draft revised Town of Gaines Zoning Local Law that was presented at the public informational meeting on August 5, 2019. These changes are shown in the draft zoning document underlined and in red text.

1. Responsibility for special use permits will be with the Planning Board instead of the Zoning Board of Appeals (*Replaced in all references to Special Use Permit responsibilities*)
 - Will improve efficiency and functioning of the development review process, as the details of the site plan review are often the conditions of the special use permit
 - Most municipalities have Planning Boards review both site plans and special use permits
 - The ZBA will focus on its statutory responsibilities – variances and interpretation. Special permits are permitted uses with conditions, not exceptions to the zoning. It is generally difficult for ZBAs in general to switch from one mode to the other.
2. Specify in the regulations that no member of the Planning Board may simultaneously serve on the Zoning Board of Appeals (*Section 310.B.4, p. 9*)
3. Allow agricultural packing, processing and distribution facilities in the AR district as a Permitted use, subject to the following conditions: (*Section 696, p. 74 and Definition of Agricultural Support Business (Agribusiness), p.122*)
 - All facilities for receiving, processing and/or packaging agricultural products must be located at least 1000 feet from any residential lot line.
 - All wastes and remnants must be disposed of in an environmentally safe manner that does not pollute the land, air or water, in accordance with the regulations of the New York State Departments of Health and Environmental Conservation.
 - No noise, noxious odor, dust or unsightly appearance will be permitted to affect any nearby or adjacent property.

These uses are currently allowed in the AR with site plan review.

4. Allow wine/ liquor stores in the CH district. These uses would be subject to the same design standards as all other buildings. (*Section 520. J, Table 1, p. 34*)
5. Require site plan review before demolition or significant exterior changes to buildings in the CH district (*Section 520. E, p. 22*)
 - These provisions are in the Town's current zoning and recommended to remain

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6. Add provisions for Planned Development (*Section 550, p.37-40*)
 - These provisions would allow a mix of uses on a site of any size and creative development proposals that do not fit into any listed permitted uses. For example, a recreational facility with year-round housing on a single lot; a small residential community with businesses; a mix of residential types developed as a coordinated complex
 - The process would require:
 - i. Apply to Town Board for rezoning to PD
 - ii. Obtain site plan review from the Planning Board
 - iii. Town Board rezoning to PD to allow exactly what is in the approved site plan. Any future changes would require an amendment to the PD by the Town Board
 - The process is cumbersome because it allows the Town Board to make exceptions to the zoning in cases where the project would be beneficial to the Town. Because of the long process, only motivated investors will be likely to pursue it.
7. Limits the length of time that political signs associated with *Town, County, and Statewide elections* may be displayed to 45 days prior to an election and 7 days following. Other temporary signs are permitted to be erected for 60 days at a time. (*Section 600. K, p. 45*)
8. Changed the allowed total sign area in the AR district to be the same as the C district. (*Section 600. M, p. 46*)
9. Removed the limit of 3 temporary signs per property. (*Section 600. I, p. 43*)
10. Removed paragraph 370.D under Penalties & Actions as it duplicates the reference to NYS Town Law Section 268 and does not add clarity to the enforcement process. (*Section 370. p. 14*)
11. Edits for clarity and consistency (numbering, etc.)