



CITY OF PORT JERVIS COMPREHENSIVE PLAN AND ZONING CODE UPDATE

COMPREHENSIVE PLAN AND ZONING UPDATE COMMITTEE
ZONING SUB-COMMITTEE MEETING #1
FEBRUARY 5, 2018, 1:30 PM

SUMMARY NOTES

Meeting Location: Bavoso & Plotsky Law Office, 19 East Main Street, Port Jervis, NY
Meeting Attendees: Committee: David Bavoso, Valerie Maginsky, Dominic Cicalese, David Rivera, Laurie Powrie
Consultant: Michael Welti, AICP (Barton & Loguidice), Bob Murphy, Jr., AICP (Barton & Loguidice)

This was the first meeting of the City of Port Jervis Zoning Update Sub-Committee, a sub-committee of the Comprehensive Plan and Zoning Update Committee. The purpose of the meeting was to go over the main issues and concerns with the current zoning code. Members of the larger Comprehensive Plan and Zoning Update Committee and Port Jervis Building Department were present. The meeting was attended by members of the Committee and the Barton & Loguidice (B&L) consulting team (see above).

Welcome, Introductions, and Agenda Review

Following the welcome and introductions, Michael Welti (B&L) reviewed the agenda with the Committee.

Discussion

Hudson River Valley Greenway Grant Application Discussion

- Letters of Support. B&L will draft template letter for distribution by PJCD.

Current Challenges

Discussion of the shortcomings of the zoning code began with a desire by the Code Enforcement Department to streamline zoning district boundaries. It was stated that in the last 5 years, three local laws were adopted to amend boundaries to address realities on the ground. A comprehensive analysis of zoning district boundaries is needed so that adjustments are made in a piecemeal fashion. This is particularly true in the Jersey Street and East Main Street Corridors.

B&L advised that in considering new district boundaries, districts should not be separated down the centerline of roadways as this creates incongruous and discordant street characteristics.

It appeared to the subcommittee that the mixed-use/residential isn't clearly allowable in CBD. There appears to be a prevalence of pre-existing non-conforming, which needs to be cleaned-up.

Mr. Welti suggested allowing the character of downtown to expand eastward on Jersey Street. It was also pointed out by the code enforcement department that certain residential mixed-uses are considered accessory uses.

It was also suggested that the number of districts doesn't necessarily need to be reduced, perhaps just boundary adjustments. A discussion followed regarding the similarities and differences among the Neighborhood Commercial, Service Commercial, and R-2 Districts.

A desire to eliminate out-of-date or redundant uses was voiced by Code Enforcement officials. For instance, "health and fitness center/yoga studios" has a use comes with a parking requirement of at least 30 spaces. Also, "specialty food stores" as a use is redundant to "retail" uses. These are examples of issues to be amended.

Mr. Welti pointed out that this effort is an opportunity to address issues without falling into spot zoning instances.

Parking Discussion

Parking availability and the codes that govern it were brought up as a significant barrier to downtown occupancy and redevelopment. It was suggested that a municipal parking lot or garage would help alleviate issues associated with parking availability and code enforcement. It was suggested that this parking area could be on the vacant land along the railroad tracks stretching through downtown.

Mr. Welti asked with it was a lack of spaces to park or a lack of awareness about where to park. The subcommittee agreed that there are a limited number of spaces near the vibrant stretch of Front Street and the narrow streets in the immediate vicinity. There was also an acknowledgement that there is a lack of awareness about available spaces further afield from the most vibrant stretch of Front Street.

A suggested solution was to pave and stripe the area of MTA land behind Front Street businesses.

Lot Size and Variances

Code enforcement officials urged the need to adjust lot size requirements to make them more reasonable. The Zoning Code needs to recognize the size of most city lots. Outdated lot size requirements make the siting of nursery schools and light manufacturing, for example, unnecessarily prohibitive.

Mr. Welti asked if lot size requirements needed a complete overhaul, but was assured by code enforcement officials that commercial uses are cut and dry and that there is already some flexibility in residential uses. Lot size variances aren't overly prevalent right now as there isn't much new building going on. When they do occur, they tend to be lot area or setback-related rather than use-related. It was pointed out that regarding undersized lot size issues, variances aren't effective. Code enforcement is starting to experience a greater frequency of use variances for more modern uses that weren't prominent when the Zoning Code was first adopted (i.e. microbreweries, yoga studios, etc.)

Attention was drawn to the Hudson Valley Pattern for Progress's new presentation regarding different housing options and putting them into code. This suggest incorporation of code elements such as varying design styles, Minimum square footage, parking underneath, and provisions for "Granny flats", which are currently only allowed for a single family homes as an accessory apartment. It was suggested that allowing for smaller, energy efficient homes would be more accessible in today's world

Pre-existing non-conforming auto repair facilities are common variances along with multi-family encroaching bulk requirements (setbacks/lot width), pools, and the shopping center on Front Street.

Code enforcement officials would like to see multi-family development be conditional (rather than permitted) across the board in all zoning districts to control rental unit development and to give the building department more power to enforce landlord compliance. Conditional use permits are useful in ensuring property owner compliance. On the legal side, increased penalties for code violations would also help in this regard.

It was suggested that the amended code consider the disparities between allowable/conditional uses in the Central Business District and Service Commercial District. For example, restaurants are allowable uses in the Central Business district but conditional in the Service Commercial District.

Design Review

Design review was discussed next. Mr. Welti asked about where design is taken into consideration currently. According to the current code, the Planning Board is supposed to consider design review, but this analysis isn't usually robust and in some cases is not done.

An architectural review board idea was broached by the City Council a few years ago but didn't go anywhere. Mr. Welti pointed out that usually, municipalities restrict architectural reviews to downtown or a historic district.

It was mentioned that a landscape architect is retained in the Town of Wawayanda.

Mr. Welti asked how much the subcommittee would like to see the Planning Board weigh in on design of a site. There was agreement that what the code currently says in that regard is appropriate – that development needs to be in concert with the remainder of the neighborhood. There was some thought that the Planning Board hasn't held applicants firmly enough to this standard. While retroactive enforcement is not available, if a certain percentage is renovated, there's a threshold that requires compliance. Code enforcement stated that because they interact with them more regularly, they have sought avenues to have property owners take into account design considerations where possible.

Signage regulations also need to be considered. The recent trend of LED lighting can lead to signs that are too bright, distracting, and ultimately unsafe.

Mr. Welti suggested that design guidelines could give more confidence to the Planning Board, rather than having to rely on opinion only. It would also be easier to implement than form-based codes.

Industrial Uses and Climate Smart Communities

Conversation next turned to industrial uses. Recently there were preliminary discussions about sports complexes in the Light Industrial (LI) District. Most of LI in the City is owned by the railroad, but there are some on Erie Street. This is an example related to the need to introduce more uses into LI district, since factories aren't likely to be prolific going forward.

This was followed by discussion on floating zones with particular requirements followed by a turn to the Climate Smart Communities distinction offered by NYSDEC. Climate smart elements to consider include ground-mounted solar. Some places use solar panels in parking areas for relief from sun and precipitation. Code enforcement officials added that these structures are currently treated like accessory structures and that there are currently something like 40 instances of solar installations between roof and ground mounted. This part of the code is something that needs to be looked at.

Stormwater Management and Flood Resiliency

Mr. Welti asked about stormwater treatments/green infrastructure and whether they should be considered as requirements or strong preferences. Subcommittee members commented that provisions for stormwater need to be added to parking lot design code. Energy code best practices were also brought up

related to encouraging LEED certification and that the NYS Building Code is already changing. It was cautioned that incentives need the presence of demand to be effective.

Attention then turned to hazard mitigation and flood resiliency. It was remarked that these issues are currently absent from the code. Many properties would benefit from a site-specific elevation certificate to reduce flood insurance rates. The subcommittee was also cautioned to consider drought resiliency and measures which would encourage water conservation. The encouragement of rainwater harvesting in the code was suggested.

Waterfront Access and Hospitality

With industry receding from waterfronts across the country, access to shorelines for residential, commercial, and public uses is becoming an essential component of redevelopment efforts. The Delaware and Neversink Waterfront areas would be good locations for bed-and-breakfasts – which are already allowed in waterfront districts.

Concern was raised about how to treat AirBnB in the City. Bed-&-Breakfasts are already allowed in residential zones. Banquet halls have limited “permitability”, only allowed as an accessory to a hotel.

Code enforcement officials stated that applications for restaurants with banquet accessories are becoming common.

There then were discussions about hotels and motels. Where are they allowed? What is the difference? The subcommittee would like to keep visitors in Port Jervis rather than forcing them into Pennsylvania.

Other waterfront/downtown elements were discussed including sidewalk cafes, signage, breweries, and public art. These are currently being worked on. See example codes from elsewhere. Sentiment was expressed asking “Why limit what businesses can do to better effect their prospects when it can just be regulated?”

Next Steps

- Next Comprehensive Plan and Zoning Update Committee Meeting (B&L) – Thursday, Feb. 22, 2018. 7-9pm at City Hall, 20 Hammond St., Council Chambers

Public Comment

There were no members of the public in attendance at this meeting.

Wrap-up and Adjournment

The meeting was completed and adjourned at about 2:30 PM.