

Town of Pine Plains Zoning Commission Minutes  
January 25, 2006

Members Present: Jon DePreter, Peter Caldwell, Helene McQuade, Gary Keeler, Vikki Soracco, Margo Jackson, Nan Stolzenburg (Consultant) and Scott Chase via speakerphone.

Guests: (7) members of the public, (1) reporter from the Register Herald and (1) reporter from the Millerton News.

Meeting called to order at 5:30 PM.

Caldwell moved to approve the minutes from the January 11, 2006 meeting. Seconded by Chase. All in favor.

Privilege of the Floor – There were no comments from the community.

DePreter stated that the membership of Mashomack has apparently bought the land from Dan Daly's estate and they have made a public notice in the paper that they intend to put 2,000 acres into conservation. DePreter stated that he is not sure if all 2,000 acres are in Pine Plains but there is at least a minimum of 1,000 acres. DePreter also stated that the Town Board voted unanimously in favor of the moratorium and that the SEQRA review is going to go only to a completeness declaration and will not be a final statement. DePreter explained that this now gives the commission one year to complete its work.

Chase stated that John Clarke gave him a CD of the PowerPoint presentation from the last meeting and asked if it would be possible to put the presentation on the town's website. Stolzenburg stated that it can be converted to a "pdf". The Zoning Commission secretary, Pineda stated that she will work on that. Chase stated that he will get the CD to Pineda.

DePreter stated that the Town Board currently has a project in the works for new sidewalks and lighting for South Main Street from the corner of Church and Main down to Smith Street and possibly as far as Myrtle Avenue. DePreter stated that the project may even start this summer.

DePreter asked if anyone had anything to say before turning the meeting over to Stolzenburg. DePreter stated that he had asked Stolzenburg to forward some information to the commission members and asked if everyone had success in printing the information.

Stolzenburg stated that she thinks the place to start the discussion is to fine tune what the commission wants to do in the hamlet. Stolzenburg referred to the file she forwarded entitled Section II (DRAFT Purpose Statements Version 3) and stated that she did some edits on it because the document had not been updated since the commission decided on the agricultural overlay. Stolzenburg stated that she feels there are different locations in the hamlet with different things going on so she is offering the commission a couple of different variations of the theme to consider. Looking at the land use map of the hamlet, Stolzenburg stated that you can see along Route 199 and at least part of Main Street

North and South, there is a mix of uses. Stolzenburg further stated that these are the main paths through town so the first concept was that these main corridors are certainly different than the side streets and especially on Route 199 where you can see outside of the little core right at the four corners, there are some commercial uses that intermix along this route. Stolzenburg stated that the first idea was to make sure that the zoning recognizes the importance of those corridors and allows the development that may take place be mostly as infill because there are not a lot of vacant lots left on those streets and that it should be consistent with what we're trying to accomplish on Main Street.

Stolzenburg went on to explain that the first option is to recognize Main Street and Route 199 as the basic corridors and treat them as a Main Street District. Stolzenburg stated that she thinks that would be all of the lots that front or have access to those highways and then there's everything else. Stolzenburg stated that may not be a particularly fine tuned way of looking at the hamlet but it is an option if the commission really doesn't want to be complex. Chase asked Stolzenburg if she is talking about specific lengths of those corridors. Stolzenburg explained that the first option is to just recognize those main corridors as running through the hamlet north, south, east and west and treat that as a whole and then as we go through the alternatives it gets more fine tuned and specific.

Stolzenburg stated that the second alternative really adds to the first and states that we are going to recognize Route 199 and Main Street as the main corridors but then recognize that there really are different residential places in the hamlet. Stolzenburg explained that the idea is that the older part of the hamlet and the more developed part of the hamlet are really different in many respects to other parts of the hamlet. Stolzenburg further explained that the undeveloped areas tend to be on the fringe and even though there might be similar lot sizes up off of North Main Street, it is still different so the next level of fine tuning recognizes the main corridor (the center) of the hamlet and then the other areas that we would treat slightly different to recognize the differences. Stolzenburg stated that one of the things we would want to maintain in the hamlet is the diversity of the hamlet. Stolzenburg further stated that we don't want everything to be exactly the same everywhere. Stolzenburg explained that the center area is basically a half mile radius from the center of town. The oldest part of the hamlet falls within that ½ mile area so that is what the center district would be.

Stolzenburg went on to explain the third alternative and stated that it is about the same as the previous one but it recognizes that while not all places on Route 199 and Main Street are quite the same and recognizes that within that half mile radius of the center, Main Street has a different tone, flavor and character than it does outside of that area. Stolzenburg stated that the third alternative really looks at that Main Street District slightly different and shrinks it down to within that half mile or so radius from the center and then the same two residential areas, the center and then the non-center areas.

Stolzenburg went on to explain the fourth alternative. Stolzenburg referred to the land use map and stated that the area with the pink parcels is commercial parcels that really set the corner apart from other parts of the hamlet. Stolzenburg stated that area is really the town's downtown and that although it is not like a bigger city's downtown, it is in essence the center of town and that just by the nature of what's going on there, has some opportunities for a hamlet business district concentrating on business uses in that area which would need to be fine tuned but the concept being that you have the opportunity

for a hamlet business district somewhere bulls-eying from that intersection. Stolzenburg explained that we would have the hamlet business district and then this residential district that are different than these other potential residential districts on the outskirts. Stolzenburg stated that she thinks the key is the density issue that would be treated potentially different in each of the areas and that uses could be treated differently. Stolzenburg stated as an example that we can say that in the business district it is going to be primarily for commercial uses and then maybe we would allow a mix of uses, like an apartment above or in the back but it's not going to be primarily a residential area, whereas the Main Street corridor is more of a mixed use.

Stolzenburg explained her handout from the book called "Visions for a New American Dream". Stolzenburg stated that the book she took pages from does a very nice analysis and that the chapter she copied is called "Analyzing the Past to Better Plan the Future". Stolzenburg stated that it goes through a series of hamlets and analyzes them. Stolzenburg explained that she wanted to give the commission some background of what makes a hamlet a hamlet and that the last couple of pages are the 10 principles to create small communities.

Stolzenburg went on to explain that the commission should make sure that any new development that goes into the hamlet is pedestrian oriented, allows for park-type open spaces that would be suitable for a hamlet area, that the streetscapes are important so that the designs of existing streets and development allow any new streets to fit in. Stolzenburg stated that designing for the human scale which goes back to the design standards that we can put into place to make sure that the standards give us buildings that are for people and not for cars. Stolzenburg explained that structures such as Wal-Mart which are big box structures are not really designed for the human scale. Stolzenburg stated that she is not trying to give the impression that we want to design down to the color of the building but that there are some very specific characteristics that we want to make sure we build into here in terms of appropriate lot sizes, appropriate setbacks, making sure we have street trees and sidewalks, etc. Discussion followed.

Stolzenburg went on to explain the Section II handout and the descriptions for the hamlets of Pulvers Corners and Bethel to round out that section. Stolzenburg stated that she thinks the commission needs to talk about how they want to handle the sub-districts in the hamlet and if any of those are workable or too complex. Stolzenburg further stated that any changes we need to make can be woven into Section III which she gave to the commission. Stolzenburg stated that Sections 4 through 11 outlines the basic things that must be in the zoning code. Stolzenburg further stated that if the commission wants to encourage a sewer system then there has to be enough density to support and justify that sewer system. Stolzenburg stated that she spoke with Ray Jurkowski about if there were no sewers, what his thoughts were on the hamlet developing at half acre lots everywhere. Stolzenburg stated that Jurkowski's concern was that the big chunks of land that develop as a whole that would have storm water pollution prevention plans built into them are really not a concern and he is very comfortable with that but it's when there is one lot in one place and two lots in another place and then three lots someplace else that fall below the required level to have storm water pollution prevention plans and so his recommendation was that any development that might take place at half acre density should be coupled with requirements with at least evaluating the site for the need for storm water pollution prevention work because in his opinion that is where the impact would be. Discussion followed.

Stolzenburg stated that DePreter had asked her to make some recommendations in terms of density. Stolzenburg further stated that she thinks that the one acre build out is not advisable long term for the hamlet and that the hamlet is where the higher density should be and with the right kind of development standards, this would be the place to support that. Stolzenburg stated that we already have a water system in the hamlet and a better chance of having sewers at least in parts of it. Stolzenburg further stated that she did quite a bit of looking in other communities and what their densities for hamlets were and a lot of them are 8 dwelling units per acre which she thought was not really what Pine Plains wanted. Chase stated that on the parcel area bar chart that Stolzenburg gave the commission, the largest grouping is  $\frac{3}{4}$  of an acre and so with that without sewers down to half acre seems to make sense. Stolzenburg stated that the chart is a density and not a minimum lot size. Stolzenburg further stated that she thought about that and hesitated to box the commission into minimum lot size because she thinks there are a lot of other things that can be done in the hamlet without being boxed into a half acre minimum lot size. Stolzenburg stated that she thinks the chart shows that there are plenty of parcels in the hamlet that are smaller than a half acre. DePreter stated that he doesn't think the county would allow us to go below a half acre septic-wise. Keeler agreed. Brief discussion followed.

Stolzenburg stated that the other chart she sent to the commission was just to show them the distribution of the different sizes of lots that exist in the community and she thinks the commission needs to talk about the districts, the density and to try and come to some understanding and conclusion on them.

DePreter suggested that the commission talk about the alternatives and then get into density and discuss the issue of whether the commission wants to have flexibility on the densities. Keeler stated that basically if you go one block away from the center light, like in Rhinebeck, Red Hook and surrounding communities, that is your commercial area and the densest as well as where you have your mixed uses such as apartments up over businesses and business rentals on the second floor and that type of thing and he thinks that is what we have to have in order to maintain the town center. Keeler stated that the alternative that comes the closest to that is the fourth alternative (the hamlet business district). Keeler further stated that he thinks that anything that is done in the business district should have Planning Board approval so that there is a control on even something as simple as putting up an interior wall to make an office in an existing building. McQuade stated that she agrees with alternative four because she thinks we spoke a little about it at the last meeting with John Clarke and spoke about that bulls-eye. McQuade further stated that she thinks it is important to recognize what currently exists and what we are trying to preserve but since we realize that we have to have growth we can use that as a baseline and then still be able to preserve the more rural nature even of the outlying Pine Plains hamlet which might be more like a Pulvers Corners and Bethel hamlet. Caldwell stated that he is fine with alternative four and asked where the new town hall is going to be moved to. DePreter stated that he doesn't know about that. Stolzenburg stated that she didn't realize that the town hall was moving. Keeler stated that there have been discussions but there is nothing concrete. Caldwell stated that Rick Butler told him that they are planning to move the town hall into the town center but they haven't formulated a concrete plan. Caldwell further stated that the idea is that if we are going to focus on the town center then we should move the town hall to the town center.

The commission moved on with their discussion regarding the alternatives. Jackson stated that she likes the idea of the fourth alternative in designating the business district and the different uses along Main and Church Streets as well as the residential areas but the question she has is about different residential areas. Jackson stated that one area that is distinctive is Pine Street with all of the Victorian houses as well as Myrtle Avenue. Jackson stated that the character of those places is unique and she wondered if that is something to consider preserving in some way or define differently. Stolzenburg stated that the residential part of Pine Street would be part of that center area. Jackson stated that she doesn't know if it's a zoning commission issue but it seems that those houses are old farm houses and Victorian houses. DePreter explained how he tried to get a historic district formed at one time by going house to house and asking his neighbors but it didn't pan out. Jackson stated that her perception is that it seems as though the Myrtle Avenue and Pine Street areas define the character of Pine Plains. DePreter stated that the thing is that we are always balancing these things and we're going to be putting a lot in front of the people already and he is afraid that even though he agrees 100% with Jackson's intentions, there's part of him saying that you don't want to hit people with too much too soon. Jackson stated that she is not advocating in doing it, but that she is asking if alternative four would protect that area. DePreter stated that he thinks that would be more of a design standard issue. Stolzenburg agreed that it would be a design standard and stated that she thinks that those are all developed lots so what we would be concerned about there would be maybe someone buying the lot, tearing down the house and building something else in its place. Stolzenburg explained that we can go so far as talking about where the building would be placed on the lot so it's not set out of line with the other buildings but we probably can't say it has to be built back up as a Victorian without a historic review. Stolzenburg explained that you can, through site plan review, add building design and review but most communities don't apply it to residential structures. Discussion ensued regarding site plan and historical reviews.

Chase stated that he feels that some of the commission's biggest decisions are where growth occurs and how it's accommodated in terms of the business center. Chase further stated that there is going to be some infill to vacant lots or even lots that can accommodate more development and he thinks that one of the things the commission needs to think about is how far to take the mix process. Chase stated that he feels there is a mix that needs to occur but the zoning commission was put in place to implement the plan that is before us but one of the weaknesses in the plan is that there is not a great deal of detail that went into the downtown plan. Chase stated that there were concepts that were verbally outlined and one of the things the commission can suggest, either from Stolzenburg or even John Clarke, are some rough infill plans as to where all other buildings could be. Chase stated that is kind of outside of the realm of the zoning commission but we could suggest as part of our report back to the town board that these are the regulations that go into effect and then suggest that maybe a couple of patch-ons to the existing plan might be considered too. Chase further stated that in terms of actual new commercial uses that would be developed on new properties that we really come down to a couple of spaces that are available. Chase stated that one possible available space is the Catholic Church lot. Chase stated that maybe we can go back to the town board and form a committee that sits down with the church to see what might be possible. Chase stated that the church had considered that at some point there might be a church school. Chase went on to state that a school needs a parking area and maybe there would become an opportunity to develop public parking that would be paid for at the public expense but yet would be a benefit to the church in the future. Chase further stated that

maybe we could get a couple of acres for the town hall. Chase stated that he isn't even sure that wouldn't be a better place for the library.

Chase stated that the other property we have to put real thought into is the Village Green behind Stewarts and how much expansion and what type should we allow out there.

Keeler stated that he is pretty sure that there is a deed restriction on the church property but he does not know how it reads. DePreter stated that Chase's ideas are good ideas but for right now he would like to have an opinion on which one of the alternatives he feels the most comfortable with so we can get a sense of where everyone's thoughts are. Chase stated that his sense was that he is most comfortable with what Keeler was saying and that we focus the development within a one block area and try to strengthen that as the commercial core and provide whatever guidance to the planning board so they can help make that happen most efficiently. DePreter asked Chase's opinion regarding the Main Street alternative where there is one that has the Main Street going a longer distance and one having it be within a designated radius. Chase stated that he doesn't have a problem putting in some design and performance standards as there are a lot of commercial uses that could be interspersed with the residential uses as long as it is done well in terms visually in the site plan. DePreter stated that it sounds like Chase is agreeing with the group. DePreter further stated that he also agrees with alternative four for all of the reasons that have been stated. Soracco stated that she is going with alternative four and that she agrees with Chase to some degree that the Main Street district could be a little longer and shouldn't just go to Pine Street. Soracco further stated that if we want to build or increase our town center, how are we going to do that if we just have a little district when there are possibilities of making it larger. Brief discussion ensued.

**DePreter went around the table to get a more official vote regarding which alternative the commission members are in favor of. Keeler stated he wants to go with alternative four, McQuade agreed with alternative four, Caldwell agreed, Jackson agreed, Soracco agreed, DePreter agreed and Chase stated that he's interested in focusing in that one block area and discussing what radiates along the corridors from there.**

DePreter suggested discussing the agricultural overlay district. Stolzenburg stated that by preserving the soils we are preserving the agriculture that may be on those soils. Stolzenburg further stated that if that is confusing and if it is going to be a conflict with what we have actually drawn as the agricultural overlay then she has no problem with just saying that the purpose of it is to preserve the prime agricultural soils, soils of statewide importance and the active farmlands upon those soils. DePreter agreed with that wording and stated that would cause less confusion. DePreter asked if anyone wanted to make any comments on the purpose statements. None of the commission members had any comments.

DePreter suggested moving on to discuss density to see how the members feel. DePreter directed the commission members to the printout with the suggestions for density. DePreter stated that basically the suggestions are one dwelling for every half acre with no sewer on Main Street, one dwelling on every half acre with no sewer in the center residential area, one dwelling for every  $\frac{3}{4}$  acre with no sewer on non-center residential. DePreter stated that is really no change in the current laws except for the non-center

residential. Stolzenburg stated that was where she went back and forth because she really doesn't think that the commission wants big, huge lots or very low density in the non-center areas. Stolzenburg stated that she isn't really sure if the  $\frac{3}{4}$  acre will do that. DePreter stated that perhaps it might not have to be a  $\frac{3}{4}$  acre minimum lot size and that perhaps it may just be a density that someone gets and not a minimum lot size. DePreter stated that he thinks that is an important distinction and that we would not be saying that you have to have  $\frac{3}{4}$  of an acre but you're going to qualify for that just the way you do in the rural area. Stolzenburg stated that where it will be just a  $\frac{3}{4}$  acre lot is when someone is only cutting off one piece. Brief discussion ensued.

Stolzenburg asked the commission members if sewers were available, would they want to allow the hamlet to be denser than what it is now or would they want to maintain the current  $\frac{1}{2}$  acre density regardless of whether there are sewers or not. Keeler stated that he is positive that the church parcel cannot have residences on it because it has a deed restriction but isn't sure what the parcel can have, if anything. Caldwell stated that we received the Title from Jon Adams. DePreter stated that the deed did not have any indication of restrictions on it. Discussion followed.

Keeler stated that he thinks some parcels in that  $\frac{1}{2}$  mile radius are big enough and could spin off lots and he would want to see  $\frac{1}{2}$  acre lots. DePreter stated that what he is trying find out first is whether or not the commission members are conducive to the thought that if someone brought a sewer system to a piece of property if they would be able to get four dwellings on every acre, which would be a dwelling on each  $\frac{1}{4}$  acre. Keeler stated that he thinks that's possible if there were a sewer system. Chase stated that he feels that with the right design standards the  $\frac{1}{4}$  acre is not a problem. Jackson stated that is what John Clarke was saying in his presentation. DePreter agreed stating that it would put less pressure on the land outside of the hamlet. Chase stated that there are lots in Bethel that are only  $\frac{2}{10}$  of an acre. McQuade stated that she is OK with it until we get to the non-center residential area and feels that she would prefer the 1.33 per acre rather than the 3 dwellings per acre.

The commission ran out of time and DePreter apologized stating that he needs to end the meeting to make way for the Planning Board. DePreter reminded everyone that the next meeting is next Wednesday, Feb. 1<sup>st</sup>. Stolzenburg stated that she can be at the next meeting. DePreter stated we will be here next Wednesday at 5:30 and will continue with the current discussion.

Keeler motioned to adjourn. Seconded by Soracco. All in favor.

Respectfully submitted by:

Karen Pineda  
Zoning Commission Secretary

**\* Bold font denotes a decision made by, and agreed to, by the Zoning Commission for purposes of composing the Generic Environmental Impact Statement.**