

Town of Pine Plains Zoning Commission Minutes  
July 11, 2007

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

Guests: (11) members of the public. Register Herald. Millerton News.

Meeting called to order at 5:15 PM.

Caldwell motioned to approve the minutes from the June 16, 2007 and the June 27, 2007 public hearings. Seconded by McQuade. All in favor

DePreter stated for the record that at the first public hearing on June 16, 2007, there were twelve speakers from the public and at the public hearing on June 27, 2007 there were 25 speakers. DePreter further stated that there were 62 written comments received by July 2, 2007 at 4:00 PM. DePreter thanked everyone who attended the public hearings and submitted comments.

DePreter stated that he wanted to address some of the things that are being said. DePreter stated that he checked the local law that was given to the Planning Board members, which is Local Law #1 of 1996 and is the revised site plan law. DePreter stated that he thinks to a certain extent that what some people are considering added restrictions are actually restrictions that are in the 1996 local law. DePreter stated that the 1996 law was written by the Planning Board at the time and the members were Ed Casazza, Nancy DeFribritis, Bill Hedges, David Jones, Ken Meccariello, Ann Noonan and Bill Dillinger. DePreter stated that he is getting the feeling from some of the people in the community that they are thinking that this law is going to apply to their house somehow if they are going to do an addition or change the windows or a door or whatever. DePreter stated that he went back and looked at the exempted uses and it's absolutely identical to the exempted uses that we have in our current plan right now. DePreter read the exempted uses to the public. Chase stated that he wanted to clarify that it's no different than what's in effect right now and stated that we are trying to clarify this because there are people out there who are passing a lot of misinformation. DePreter stated that he thinks there is a suspicion that the seven Commission members are raising the threshold to trigger the site plan review but the review is exactly the same as it was before. Soracco asked if it is the same as the revised one that was before the Town Board and whether there were any changes in the revised one. DePreter compared the exempted uses between the two laws and stated that in some instances it is exactly the same and in some there is very little difference. DePreter stated that he thinks people might think that this is going to apply to them where it didn't before but there is absolutely no change in the threshold for residential uses in this town between 1996 when the law was written by the Planning Board than it is in this draft law. DePreter stated that he just wanted to get that straight and in the record.

DePreter stated that the Commission is going to talk about design standards tonight and we may very well want to take some of the specific language out. DePreter further stated that as to the language of whether the Planning Board has the right to look at a building in terms of size, shape and that kind of thing, he looked in the design standards and the site plan is what triggers the review. DePreter explained that if you're in a residential property, then the design standards do not even matter to you so these design standards are only for things that are going to be triggered by the site plan review. DePreter stated that this will be commercial activities to a certain extent. DePreter compared the two laws again to show that there was very little difference.

DePreter stated that there were environment constraints on Page 2 of the design standards and it said application for site plan shall be approved unless the proposed use meets the following minimum lot development standards and environmental constraints in general sites to be developed shall avoid areas where conditions such as slopes greater than 15%, bedrock, etc. are present. Jackson stated that the only reason we put so much in is because Warren Replansky said that he would rather it be all comprehensive and a stand alone document rather than referring to several different laws. Brief discussion followed.

DePreter stated that he has heard from people that we are restricting people from parking in front of their places on Main Street but, DePreter stated that it says on page 7 of the existing design standards *"to the greatest extent possible, parking areas shall be located in such a way as to minimize visibility from roadways and adjacent properties. Landscaping shall minimize any negative visual effects."* DePreter further stated that on page 11, it says *"a landscaped area may be required to screen and protect neighboring residential properties and passing motorist from the view of facilities, buildings and parking areas of the site development as warranted."* DePreter stated that on page 18 #8, it says *"where possible parking areas should be located on the side or rear of the business"* and stated that those are also existing laws. Chase stated that almost every zoning law that he has dealt with throughout the county does the same thing with parking. Chase explained that they try not to put it in front of buildings so people don't have to walk through parking lots to get into the building. DePreter stated that he just wanted to make it clear that the Commission didn't just pull a rabbit out of a hat in some of these cases and that a lot of this stuff is existing law that we are just folding it in, adding new ways and putting it in different areas.

Stolzenburg stated that a statement was made at the public hearing regarding the conservation subdivision technique advocated by Randall Arendt that we use as a model for our conservation subdivision did not use a net density technique and she wanted to clarify for the record that she researched it and found the models and it absolutely does and we followed the same model that is recommended so that statement was not correct. Stolzenburg stated that we did not pull that out of a hat inconsistent with the normal techniques that are used.

The Commission moved on to discuss the list of design standards that may possibly be removed. DePreter stated that all of the Commission members thought about some changes that they want to make to the draft plan and submitted them to the group two or three days before the meeting so we have a list that we are going to work from.

The Commission discussed the possibility of removing some of the language relating to the architectural design standards from the hamlet design. Caldwell stated that he would like to retain the language in the design standards that says "*Vehicular-oriented commercial land uses, such as drive-through businesses that would have a disruptive effect on the pedestrian orientation of the district shall be prohibited.*" DePreter stated that he had suggested removing it because it was repetitive and we have it elsewhere but if the Caldwell wants to leave it in then that's fine. Discussion continued. All Commission members agreed to remove the language where it is repetitive and add it to the Business District and the Main Street District.

The Commission discussed the design standard that states, "*all off-street parking shall be to the rear of the building and screened so as to not be visible from public right-of-way or adjacent residential uses.*" Chase stated that since it is already in the existing site plan review law, he would not want to see it removed but he would be willing to soften the language. Stolzenburg stated that it was only taken out because it was already stated in the previous section so it was repetitive. Chase stated that if it's repetitive then he is fine with removing it.

Chase stated he thinks the concept in the section pertaining to building scale is important and was not in favor of removing it. Chase stated that he would be willing to soften the language but he feels the concept is important. DePreter suggested making it be at the discretion of the Planning Board. Chase stated that would be fine with him. Stolzenburg stated that there are two paragraphs in that section on building scale and asked if the Commission wants to leave both paragraphs. Brief discussion ensued. The Commission members agreed to combine the two paragraphs pertaining to building scale into one.

Keeler stated that regarding the suggested rewrite on page 38 that reads, "*maximum building height: 35 feet. To create a visually unified street wall, buildings should be no more than 30% taller or 30% shorter than the average building height on the block, except for civic building cupolas and towers, which can be up to 50 feet in height, and church steeples, which can be up to 75 feet in height*", he suggests just saying, "35 feet and that it does not include cupolas, towers, which can go to 50 feet" and just leave the rest of it out. DePreter agreed. The Commission agreed to just say "Maximum building height: 35 feet and does not include cupolas and towers."

DePreter stated that on page 142 of the draft zoning law, item #3 states, "*new architecture shall relate to the traditional historic building standards of the Town of Pine Plains in regard to design, mass, scale, proportion, materials, texture, and color. Building components such as windows, rooflines and pitch, doors, eaves and parapets shall be compatible with historic structures in the Town. Vertical, double-hung windows, and steeply pitched roofs are encouraged.*" DePreter stated that he thinks that should be taken out. Keeler agreed. Stolzenburg asked if the Commission wants to keep all of these deletions and make another sheet that will get handed to the Town Board as ideas for future consideration. DePreter asked the Commission members if that is OK with them. All Commission members voted in favor of the idea.

DePreter made a motion to accept all of the changes that the Commission just made to the design standards. Keeler seconded the motion. All in favor.

The Commission discussed possible changes to the density in the Pine Plains Hamlet. Stolzenburg stated that one idea was to increase the density from  $\frac{3}{4}$  acre to a  $\frac{1}{2}$  acre. Stolzenburg stated that another idea was  $\frac{1}{3}$  acre with central water and a  $\frac{1}{4}$  acre with sewer for the inner area. Lengthy discussion ensued. DePreter stated that he would suggest just leaving all of the density alone. Keeler agreed. DePreter made a motion to leave the densities in the hamlet as they are. Keeler seconded the motion. Chase stated that he thinks that people made a very good observation that almost all of the lots behind the high school are a  $\frac{1}{2}$  acre. Chase stated that since those lots already exist as  $\frac{1}{2}$  acre lots and they are in one block then why not get that block into the  $\frac{1}{2}$  acre zone. DePreter and Jackson both agreed that Chase's idea made sense. DePreter took his previous motion off the table. DePreter made a new motion to take those lots that front the East side of Britton Street to those lots that front the West side of Woodside, North of Jackson and South of Ryan. Discussion continued. Chase motioned to make a change to the Center Residential to include those  $\frac{1}{2}$  acre properties. DePreter asked for a vote. The Commission voted 5 to 2 against making the change.

The Commission discussed the suggestion to change the Pine Plains Hamlet map to include two current commercial parcels in the Main Street District. One parcel is Galm's car wash, which is currently in the Residential District, and the other is Mitchell's warehouse with a portion of it currently in the Ag/Rural District. After a brief discussion, DePreter made a motion to have the map reflect the commercial nature of Galm's car wash and have it included in the Main Street District. Keeler seconded the motion. The Commission voted 6 to 1 in favor of including Galm's car wash in the Main Street District.

The Commission discussed the possibility of including Mitchell's parcel in the Main Street District. Caldwell made a motion to include Mitchell's entire six acre parcel in the Main Street District to include the current warehouse. Soracco seconded the motion. The Commission voted 6 to 1 in favor of including the entire Mitchell parcel in the Main Street District.

The Commission discussed removing the parcels along the West side of North Main Street from Jackson Road to Ryan Road from the Main Street District and making those parcels part of the Residential District. Chase stated that there really is no easy way to allow those parcels to be commercially used properties without a lot of disturbance due to the steep embankment. Discussion ensued. Keeler motioned to remove the parcels along the West side of North Main Street from Jackson Road to Ryan Road, but not including Superior Sanitation, from the Main Street District and making those parcels part of the Residential District. McQuade seconded the motion. All in favor.

McQuade made a motion to increase the size of the Ag/Open Space Overlay District to include all lands currently used in agriculture and horse farms. Jackson seconded the motion. DePreter stated that he would agree with the motion if some language is included that states that this needs to be ground truthed by the Town Board and include an addendum to that effect. Discussion ensued. DePreter stated that there is a motion and a second on the table and asked the Commission for a vote. The Commission members voted unanimously in favor of increasing the size of the Ag/Open Space Overlay District to include all lands currently used in agriculture and horse farms with an addendum to the Town Board requiring some ground

truthing. The Commission had a discussion with regard to amending the Ag/Open Space Overlay definition. Stolzenburg stated that she can make an adjustment to the definition.

Caldwell made a motion to create a Hammertown Rural Hamlet District. Jackson seconded the motion. Chase stated that his concern is whether it would be defensible since it would not be following the Comprehensive Plan. DePreter stated that he thinks this is a lot to put on the table right at the end of this process. Brief discussion followed. The Commission voted 4 to 3 against creating a Hammertown Rural Hamlet District. DePreter stated because it was a close vote by the Commission, an addendum can be sent to the Town Board.

The Commission discussed a correction to the draft zoning law that permits major home occupations in single family and multiple family residences in the Ag Overlay with site plan review. Stolzenburg stated that was just a typo on her part. McQuade motioned to allow the correction. Keeler seconded. All in favor.

Caldwell motioned to increase the base density in the Ag/Rural District from 5 to 10 acres. McQuade seconded the motion. The Commission members voted 6 to 1 against increasing the base density in the Ag/Rural District.

Caldwell motioned to increase the base density in the Ag/Open Space Overlay District from 10 to 15 acres. McQuade seconded the motion. The Commission voted 5 to 2 against increasing the base density in the Ag/Open Space Overlay District.

Caldwell motioned to strengthen the language to change ridgeline protection standards to mandatory rather than "*to the greatest extent possible*". Jackson seconded the motion. The Commission voted 4 to 3 in favor of changing ridgeline protection standards to mandatory. The Commission agreed to send a note to the Town Board since the vote was a close vote.

Caldwell motioned on behalf of the public to require site plan review for single and two-family residences in the Agricultural Open Space Overlay District. Seconded by McQuade. The Commission voted 6 to 1 against requiring site plan review for single and two-family residences in the Agricultural Open Space Overlay District.

Caldwell motioned on behalf of the public to require clustering of subdivisions 5 to 15 units in size. Caldwell stated that the current requirement is for 15 units or greater. Seconded by McQuade. The Commission voted 6 to 1 against requiring clustering of subdivisions of 5 to 15 units in size.

Caldwell motioned on behalf of the public to permit single-wide manufactured homes outside of the Business and Main Street Districts of the Hamlet of Pine Plains. Seconded by Keeler. Discussion followed. DePreter stated that he did get some information on trailers. DePreter explained that he asked the Building Inspector, Drew Weaver to pull all of the trailer permits that have been approved and there have been eighteen (18) permits in the town for trailers since 1986. DePreter stated that we have no record as to whether they are single or double-wide. DePreter

further stated that the current law requires 30,000 square feet for a trailer to be put in town and the Zoning Commission's original proposal was 20,000 square feet so our plan was actually less restrictive for trailers in terms of the area that is needed. DePreter stated that the mobile home law currently has a stipulation that mobile homes on an individual lot shall be no less than 700 square feet. DePreter further stated that the current law has trailers sited 40 feet from the right of way of any highway or less than 40 feet from the property lines of abutting owners and the zoning law has the regular residential setback. DePreter stated that if people have been happy with the current trailer law he would suggest that the Commission just adopt the current mobile home law. Caldwell stated that the current law also says that the trailers have to be owner occupied or occupied by a family member and you can not set up a trailer and rent it out except on farms. Caldwell further stated that if we adopt the current law, it would include that stipulation. Discussion ensued. DePreter suggested removing the previous motion from the table. DePreter made a new motion to accept the current trailer law with the exception that we are going to change it so that it gets Planning Board approval as opposed to Town Board approval. Seconded by Keeler. All in favor.

Caldwell motioned on behalf of the public to allow and approve manufactured home parks with appropriate design standards. Seconded by McQuade. The Commission voted 5 to 2 against allowing and approving manufactured home parks.

The Commission discussed lowering acreage for Tourist/Spas to 2 acres from the current 20 acres and lowering the setbacks accordingly. Further discussion ensued regarding the definition for indoor and outdoor spas. Stolzenburg stated that we can include spa in the definition of indoor recreation. The Commission members voted and agreed unanimously to include "spa" in the definition of indoor recreation. Keeler motioned to lower the acreage for Tourist Spas from 20 acres to 10 acres. Seconded by McQuade. All in favor.

The Commission discussed adding decibel levels for sounds. Stolzenburg stated that there are standards if the Commission wants to be specific. Discussed followed. DePreter motioned to allow Stolzenburg to make a suggested number and include it as an addendum to the law and pass it on to the Town Board for them to discuss. Seconded by Caldwell. All in favor.

The Commission discussed changing the flood plain boundary. The Commission further discussed taking the hamlet boundary to the top of the escarpment along the area of Sunny Meadows Farm. DePreter motioned to change the outer hamlet boundary to follow the escarpment that runs North of Main Street and then Northwest to Pine Street. Caldwell seconded the motion. All in favor.

Caldwell motioned on behalf of the public to prohibit helipads, commercial public heliports or commercial public airports. Chase seconded the motion. Chase stated that he thinks the concern was about private helipads and not public helipads. Discussion followed. Caldwell's original motion was removed from the table. The Commission members agreed to vote on the uses individually. Caldwell motioned to ban private helipads throughout the town. Motion was not seconded. Caldwell motioned to ban commercial heliports throughout the town. Seconded by Chase.

The Commission voted 4 to 3 in favor of banning commercial heliports throughout the town. Caldwell motioned to ban commercial public airports throughout the town. Seconded by McQuade. The Commission voted 6 to 1 in favor of banning commercial public airports throughout the town. Brief discussion followed.

Caldwell motioned on behalf of the public to include a provision for a challenge of the mining overlay district map if other large gravel deposits exist. Discussion followed. Motion was not seconded. No vote was taken.

Caldwell motioned to prohibit all large scale gravel mining in Pine Plains. Motion was not seconded. No vote was taken.

Caldwell motioned to include a provision for limited Transfer of Development Rights. Chase seconded. Discussion followed. Caldwell revised his motion to include "as long as the transfer of residences are clustered in the receiving parcel and limited to no more than 15% above what the receiving parcel is allocated for regarding numbers of residences under the provisions of the density." Seconded by McQuade. All in favor.

Caldwell motioned to allow density bonus incentives for including a public right of way for recreational purposes on existing old railroad beds. Caldwell explained that this can be done very simply by adding "existing old railroad beds" to the language that allows for incentive bonuses from recreational land. Keeler stated that he believes that a right of way on all railroad beds already exists and suggested referring this to Warren Replansky and the Town Board. Caldwell stated that railroad bed properties can be bought from the railroads and once you buy it, it's your private property and there is no absolute right of way permitted through your private property. Discussion followed. Keeler seconded Caldwell's motion. All in favor.

Caldwell motioned on behalf of the public to eliminate the provision giving developers a density bonus incentive for providing moderately priced housing, but preserve requirement that developments of 10 or more units must provide 10% as moderately priced. Motion was not seconded. No vote was taken.

Caldwell motioned on behalf of the public to provide an alternative so that developers contribute funds to the Town for building affordable housing within the hamlets instead of providing 10% of their units as moderately priced housing and the amount of money to be donated is to be negotiated by the Town Board. Brief discussion followed. Motion was not seconded. No vote was taken.

Caldwell motioned on behalf of the public to establish a growth management program that establishes limits on the number of housing units built each year, otherwise known as caps on the rate of new residential building in the community. Caldwell suggested a range of 50 to 75 units per year. Brief discussion followed. Motion was not seconded. No vote was taken.

Caldwell motioned on behalf of the public to require that permanent porta-potties be located on the sides or rears of buildings and be screened from view from the street. Seconded by Chase. Discussion followed. The Commission voted 5 to 2 against the motion.

Caldwell motioned on behalf of the public to require that outdoor lighting use low pressure sodium bulbs. Seconded by Chase. Discussion followed. The Commission voted 6 to 1 against the motion.

Caldwell motioned on behalf of the public to add frequency to the definition of noise. DePreter stated that the Commission had already agreed to have Stolzenburg make a recommendation as an addendum for decibel levels. Caldwell asked Stolzenburg if she can add frequency to the definition of noise. DePreter stated that we will add that as an addendum to the Town Board with the other noise item. Keeler seconded it. All in favor.

Keeler suggested some minor grammatical corrections and edits to Section 14 of the draft zoning law. Stolzenburg will make the edits.

Caldwell stated that the veterinary hospital in the Main Street District just purchased an adjacent  $\frac{3}{4}$  acre parcel and asked if by the current proposed zoning law, they would be allowed a 6,000 square foot footprint building on their new  $\frac{3}{4}$  acre parcel. Caldwell explained that they want to consider expansion of their veterinary hospital. Caldwell asked how they should proceed. Discussion followed. DePreter stated that it is hard to make a clarification because we don't have a final law. DePreter stated that he spoke with Mike O'Neil about this. Discussion continued. DePreter stated that he does not think the Commission is in the position to answer that question. Caldwell asked if they would be permitted to rebuild if the veterinary hospital burns down. DePreter stated that they would be able to rebuild. Caldwell stated that somebody had asked if buried utility lines are mandatory for single homes under the current proposed law. DePreter stated no.

Stolzenburg explained that there are a bunch of typos and edits that need to be fixed and she did not think she needed to go through that with the Commission so she just went ahead and fixed them. Stolzenburg stated that under the general purpose of overlay district, it does not specifically mention the Ag, Wellhead and Mining Overlay so she needs to add that into the purpose statements.

DePreter stated that he would like to talk about how we are going to finalize things. DePreter asked the Commission if we are going to say that we have approved this with Stolzenburg's amended changes and pass it on to the Town Board. Stolzenburg stated that the map changes will not be done by Saturday. Jackson stated that then there is no need to meet on Saturday. Caldwell stated that he would favor just having Stolzenburg go ahead with the changes and finish it to give to the Town Board and that this meeting be our very last meeting. Stolzenburg stated that she is comfortable with making the changes but she would like to have another set of eyes look at the mapping changes. Further discussion followed regarding edits to the draft zoning law. Motion by DePreter, seconded by McQuade that since single wide

trailers will now be allowed, standards for manufactured homes, shingles, roof pitch, etc. should be removed. All in favor. Discussion continued regarding edits.

DePreter motioned to accept the document as it is now with the changes agreed to tonight, with the provision that the maps will be double checked by himself and Chase. Keeler seconded the motion. Chase stated that he would like to add that when Stolzenburg has it done it will be emailed to the entire Commission and there will be a period of time that if somebody sees something that hasn't popped up already, that they still have a chance to correct it. DePreter stated that he is comfortable with just making the changes. Caldwell asked if the document will be posted on the website. Keeler stated that he thinks the Commission should also get hard copies. DePreter stated that the motion is on the table that we accept this as the final document with the changes that were made tonight and with the provision that the maps will be double checked by himself and Chase. All in favor.

DePreter asked Town Attorney, Warren Replansky what happens with the Commission now. Replansky stated that the Commission is done when the Town Board accepts the document for purposes of commencing its own review. Replansky further stated that the Commission is dissolved when the Town Board accepts the report. DePreter asked Replansky if the motion tonight to finalize the document was adequate. Replansky stated that there is nothing in the statute that requires anything specific and that the Commission is just presenting the report to the Town Board. Replansky further stated that he can assist with drafting a cover letter to the Town Board to accompany the document.

DePreter stated that Caldwell had motioned to post the document on the website. McQuade seconded the motion. All in favor. Caldwell stated that everything else can be removed from the website.

Public Comment – Jane Waters stated that when she did some proof editing of the document, the paragraph that describes how to qualify for the affordable housing really needs to be looked at because it doesn't make sense and it also sounds like it's more geared toward somebody who is renting rather than buying. Waters explained that when the Commission was talking about affordable housing she thought they were talking about purchasing houses but the paragraph looks as if it is talking about people having a certain percentage of their income per year for rent and she feels it is not clear. Stolzenburg stated that she can clarify the paragraph.

Erica Powers – Powers asked if the zoning no longer allows affordable rental units. Stolzenburg stated it does not mean that. Stolzenburg stated that it says *“the subdivisions of land into 10 or more lots for single family dwellings are required to include 10% of the total number of dwelling units within the subdivision as moderately priced housing units.”* Stolzenburg stated that it does not say that they have to be rental or for sale. Waters stated that there is a section that talks about how people qualify for that which is what she thought was confusing.

Matthew Rudikoff – Rudikoff asked if someone could restate the change that was made in the Ag Overlay. DePreter stated that the Commission voted to add active farmlands into the Ag Overlay. Caldwell stated that active farmlands not on good soils were added to the Ag Overlay. DePreter added that there will also be an addendum to the Town Board that this will need some clarification and ground truthing.

DePreter asked for a motion to adjourn. Keeler motioned to adjourn. Seconded by Caldwell. All in favor. Meeting adjourned at 7:25 PM.

Respectfully submitted by:

Karen Pineda  
Zoning Commission Secretary