

June 12, 2013

PINE PLAINS PLANNING BOARD MINUTES
JUNE 12, 2013
7:30 PM

IN ATTENDANCE: Don Bartles, Chairman
John Forelle
Sarah Jones
Vikki Soracco
Ken Mecciarello
Steve Patterson (arrived 7:35pm)
Peter Salerno-Alternate
Louisa Grassi-Alternate

ABSENT: Kate Osofsky

ALSO PRESENT: Drew Weaver, CEO
Sandra David, Town Board Liaison
One member of the public

Chairman Bartles called the meeting to order at 7:30 pm. He opened by stating that there were no applicants before the Board this evening. He stated the Board needs to deal with some unapproved minutes and other items. He stated that next month there would be at least one applicant possibly. He stated this would be something the Board has not yet had to deal with which is the designation of one residence as an accessory dwelling. He stated someone wants to build a second dwelling on a single parcel and this would need a Special Use Permit. Bartles stated the Board might possibly have two of them.

Bartles stated the Local Law was passed with the new terms. He stated everyone was sent a copy of it and in that it has the new terms of each individual. Bartles stated the Board is now on five-year terms and there are certain years that two people going off and certain years that one person goes off. Bartles stated the other thing that is pretty important in this is the education requirements. Bartles stated that education would come under a little more scrutiny by the Town Board with regard to each member getting their four credits per year. Bartles stated the question that was discussed was who gave approval for the course and when approval was necessary. He stated there are two issues. One being the actual approval of the course and the other is approval of reimbursement for the course. Bartles stated both of those approvals are in the Town Board's hands so when someone chooses to go to something the best idea would be to get an approval of some sort from the Town Board. He stated if it is going to be an extraordinary expense by all means get prior approval. Bartles stated the only thing members can do about pre-approval without a Board meeting is there is a resolution that goes back to August of 2008 which basically lists organizations presenting courses that are given prior approval. Bartles stated if a member chooses to attend a course at the last minute hopefully it would

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be one on the list in the 2008 resolution. Bartles advised the members to be careful about training from organizations not on the list. Bartles stated that members really should have prior approval for out-of-County training reimbursement. Discussion followed.

Bartles stated there was a public presentation about the re-evaluation or re-assessment that will be going on. Bartles stated it was a good session but there were only a couple of people there. Bartles stated those people asked good questions and he wanted to thank Peter Caldwell for asking a question about conservation easements and their effect on the tax base and the assessment of a piece of property. Bartles stated in the past we were told it does not affect the taxability of the property but it is going to. He stated if you have a huge parcel of land that is encumbered with a conservation easement, you would end up with that being devalued which devalues the whole tax base, which puts the tax levy on other people. Jones stated the video of the meeting is on Pine Plains Views.

Motion by Patterson; second by Jones to approve the March 2013 and April 2013 minutes. All in favor. Motion passed.

Bartles stated that at some point the Town Board would be readdressing the affordable housing issue with the idea that they will be making changes to the Zoning Law. He stated changing a Local Law is an involved process. Bartles stated that since the Board has been working with the Law for four years he thought it would be good to talk about issues that the Board has seen within the Law that they would like addressed, more information on or clarification on. He stated he has talked about this with Weaver and with Supervisor Coons. Bartles stated anything the Board may think of from signs to forestry issues or just streamlining things. Bartles stated he was hoping to start a discussion with the idea of either providing recommendations to the Town Board in areas they would like to see more on, whether or not professionals should be hired to help address the issues or just basically how to proceed. Bartles stated Weaver has a list of things he has run across in dealing with applicants. Bartles stated his thinking is every time the Board deals with signs they make sure they adhere to the standards and then approve them. Bartles asked if that is something Weaver should be doing rather than having applicants come before the Board. Bartles asked if Weaver could be making that decision whether or not a sign conforms and he has any question at all it could be referred to the Board. Bartles stated when the Board dealt with Forelle's forestry issue it was mandated under the State program and the Board had nothing to do except to make sure the highway was protected and the neighbors were notified. Forelle stated that was not a burden on him and wouldn't change the law. Forelle stated there is an interesting issue if the Board denied the permit and the State mandates it, what would happen. Forelle stated to run it by the Board he thinks is okay. Bartles stated Weaver informed him that in Gallatin they handle it strictly

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through the CEO including the notification of adjacent property owners. He stated they cover all the bases the Board did. Bartles stated he is looking at whether or not it was a burden. Forelle stated it wasn't. Forelle stated he thought it was useful to have the neighbors aware of what is going on. Jones asked what recourse the neighbors would have. Weaver stated it is not about recourse but just making the neighbors aware. Weaver stated in Gallatin the applicant has to send a letter via certified mail to all the neighbors and show proof to him. Weaver stated that is for any timber harvest. Forelle stated he doesn't think that any timber harvest is beyond the scope of the Board. He stated his was under a State mandated program but if it is a straight commercial cut he sees no harm in going before the Board. Jones stated if there is an issue the Board should know about it and manage it and it can be done in a public forum. Forelle stated that getting ready to come before a public forum makes the landowner dot their i's and cross their t's that maybe wouldn't happen if it didn't come before the Board. Forelle stated he agrees with Bartles about signage. Forelle stated if the Board deals with one or two forestry issues a year, he would like to see them come before the Board. Soracco asked if this doesn't all go through the State. Bartles replied Forelle's was but not Doar's. Soracco asked if there have been any problems in Gallatin. Weaver stated at times with boundary line issues. Forelle stated he thought it was a good process for him. Bartles stated it seems as if everyone agrees about signs. Jones asked Weaver how he felt. He stated he agreed. Weaver stated the language is descriptive enough to follow. Bartles stated the way that non-conforming uses are treated is on his list and Weaver's. Bartles stated this early in the law we should be given as much flexibility as possible to try to bring some of these non-conforming uses into conformity. Bartles stated he would like to see the whole non-conforming aspect of the law pulled out and reviewed. Discussion followed. Bartles asked the Board to read that section and see how they feel it might be altered and then the Board can draft something to go to the Town Board. Jones stated she thinks the Board needs to think if there were ways that the Zoning Law has restricted people from having things that we want. Jones stated if you have a successful business you want it to flourish and not stand in the way of that. Jones stated we want to be business friendly in the Town and Zoning can be very hostile. Jones stated we don't want business to pull out of town. Jones stated that ideally you would like the word out that the Town is a friendly place to do business. Bartles stated he sent the information about the Antler Club to everyone and that will be another non-conforming use that the Board may have to address. Weaver stated this corporation was incorporated prior to Zoning. Soracco stated it was done in the 1930's and is the whole one side of the lake. Bartles stated it is a little over ten acres. Soracco stated they were summer bungalows. Bartles stated they all used to be summer bungalows and now they have been turned into multi-season homes. Bartles stated there are people who are shareholders and each one has a potential house there. Weaver stated under the Zoning Law he couldn't give them

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a building permit because of the density. Weaver stated that one of the owners is asking him if is this worthless now. Bartles asked what the appeal process is. Weaver stated through the ZBA. Discussion followed. Bartles stated this was brought up when the Zoning Law was being written but never included or addressed in the law. Weaver stated that Bartles had mentioned it possibly being an issue with everything going through his office. Weaver stated he doesn't have a problem with that. He stated it works out well for the applicant and the Board as it filters a lot of things. Weaver stated he is happy to deal with it but it needs to be addressed better in the Zoning Law because the procedure is just not there for people to look online and see what they need to do. Weaver stated his role is very limited according to the Zoning Law. Weaver stated the ordinance gives him power but the procedure for site plan and special use permit doesn't incorporate him in the steps. Weaver stated there are two sections pertaining to mobile homes that say two different things and there is a definite contradiction. Weaver stated he has a potential applicant who wants to build a second dwelling on their property and have the original dwelling designated as the accessory dwelling. Weaver stated the original dwelling was too large. The applicant came back and said this is part of an agricultural operation and we can do whatever we want. Weaver stated he spoke with Ag & Markets and they said no because you have an accessory dwelling clause and you are not being too restrictive and if they need to apply for a variance let them do it. Weaver stated the Zoning Law says agricultural operations shall not be subject to a site plan or special use permit review and approval. Weaver read the section of the law defining agricultural operations. Bartles asked if the applicant has to demonstrate that the person going in the house is a farm worker. Jones agreed. Weaver stated yes. Weaver stated he would like to know the answer on this as he doesn't know what to do. Forelle asked if his sense was that they were using it as farm worker housing. Bartles stated he can't build a second house on the property unless one is designated an accessory house. Weaver stated they are trying to take the route of it not being an accessory building but a farm worker house. Patterson stated what if it's a farm for six months and then it's not a farm anymore. Bartles stated that is an issue. Bartles stated there is a lot of talk about the Echo housing. He stated after it stops being an Echo house it has to be removed from the property. Weaver stated that is correct. Bartles stated that the Law is written in such a way that once it is removed it couldn't be resold in Pine Plains, as it is too small. Bartles asked if it could become another Echo house. Weaver stated yes. Weaver stated he would like to put accessory home issue on the list. Weaver stated also some of the notification requirements in the village are very expensive. Weaver stated maybe that could be addressed by a different radius with higher density. Bartles stated it's a nice list to start with. Bartles stated he thinks a lot of it is just clarification.

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Soracco asked Jane Waters if there are things coming to the ZBA that could be incorporated. Waters stated the ZBA would have to discuss it, as they don't meet on a regular basis but only when an applicant comes to them. Soracco stated she was thinking of the pool issue. Waters stated it actually has been a different issue each time they have dealt with a pool and they haven't turned any of them down. Soracco stated the expense is a lot. Bartles stated pools were on his list with regard to corner lots. Waters stated a couple had to put them near the lot line because of trees so there were different needs.

Bartles reiterated that education is going to become more and more important. He stated he would try to clarify whether or not the members are expected to make up credits from previous years.

Jones stated she would like to say something about the conservancy issue. She stated some of the thought is that undeveloped land that can't be developed does not require the services and tends not to raise your tax levy. She stated it often tends to make other properties more valuable as it maintains the character of the community that tends to maintain real estate values. Jones stated there are a lot more complicated notions involved in it. Jones stated it is more complicated and not a cut and dry issue. Bartles stated there is one very large parcel he is thinking about where the development rights were sold at a significant income to the owner so that parcel has now been devalued because of that and basically reduced. Bartles stated a SEQR-style investigation would help figure the impacts. Bartles stated the Dutchess County Planning just sent out some information wondering if Pine Plains is still interested in the State Farmland Purchasing Program. Bartles stated something everyone should keep an eye on.

Bartles asked the Board to go through the minutes and come up with thoughts about what needs a lot of work and what just needs clarification.

Patterson made a motion to adjourn; second by Jones. All in favor. Motion passed.

Respectfully submitted by:

Nancy E. Proper
Secretary

Don Bartles, Jr.
Chairman