

Town of Pine Plains Zoning Commission Minutes
May 11, 2005

Members Present: Jon DePreter, Nan Stolzenburg, Margo Jackson, Peter Caldwell, Vikki Soracco, Gary Keeler, Helene McQuade, Scott Chase and Rick Butler (Liaison for Town Board)

Guests: (6) members of the community.

DePreter called meeting to order at 5:30 p.m. The Commission acknowledged and thanked the Zoning Commission's secretary for her work getting the website up and running.

Caldwell motioned to approve the minutes from the April 26, 2005 meeting. Motion seconded by Keeler. All in favor.

Privilege of the floor - public not in attendance yet - Commission moved on to next topic.

DePreter handed out Use and Occupancy Classification, Chapter 3, submitted to him by Keeler. Keeler explained that it lists all of the occupancies and that the building code tells explicitly what occupancies are. Keeler further stated that the Use and Occupancy Classification gives an idea of what the occupancies are and as we talk about what we are going to allow in certain zones and districts, we have something that we can work with that will go well with our zoning code. Keeler stated he feels it will be good if zoning is tied to the building codes. Discussion followed.

DePreter handed out an article to the commission members, for their information, from a conservation overlay district workshop he attended, given by the Dutchess County Environmental Management Council.

DePreter presented a document which he stated Caldwell passed along to him. Caldwell stated it is a list of the available planning agencies in the area that hold workshops for a fee. DePreter stated he will hold onto the list in case the Commission decides to take that route. Keeler stated that he received a fax regarding such a workshop that was being held, whereby all the communities were invited to attend. Keeler further stated that he thinks it would not be a bad idea for this commission to have something like that to get everyone on board. DePreter stated it is definitely something the commission will talk about as things move forward. Discussion followed as to when it would be the best time to educate and present the commission's plans to the public. DePreter suggested it be once the districts are determined.

DePreter asked the commission if they all had a chance to look over the draft press release from Stolzenburg. Some of the questionable information in the press release was discussed. It was decided that the mailing address for the commission will be the Town Hall's address of P.O. Box 955, Pine Plains, NY 12567. In addition, commission members all agreed that they do not want their phone numbers listed in the press release. The Commission's secretary stated that there will be an email address on the website designated for Zoning and that she can set it up so that any email directed to the Zoning address is automatically forwarded to all commission members without the public having access to any personal email addresses. Keeler asked who will answer questions from the

public. Chase suggested that DePreter, as Chairman, discuss with Stolzenburg and issues that they feel should come back before the commission, can wait to be discussed at the next meeting. Otherwise, any of the questions that do not require group discussion and are straight forward, should just be answered by DePreter. Chase stated that some of the issues may even be dealt with via email by sending it back to the group.

Stolzenburg arrived and commission briefed her on what she had missed thus far, explaining the various items that were distributed among the commission members. Stolzenburg stated she is comfortable with the plan regarding the handling of emails.

Contents of the press release were discussed further and confirmed for final draft. Stolzenburg will produce final press release and commission secretary will forward to newspapers. Chase will forward email addresses for all of the newspapers to the secretary. DePreter asked the commission secretary when the minutes would be on the website. She stated that she can have them on the site tomorrow.

Stolzenburg discussed the handout taken from the press release that will be distributed to various locations in town for the public to pick up. Stolzenburg further stated it can also be placed on the website. The format of the handout was discussed and it was decided that one double sided page would be sufficient. Contents of the press release and handout were further discussed. The Commission secretary agreed to make the copies and distribute the handouts to various locations in town.

The Commission discussed the date for the next meeting and it was decided that the next meeting will be Wednesday, May 25, 2005 at 5:30 p.m., prior to the next Planning Board meeting again. Chase stated some concern about the meetings being limited to 1 1/2 hours. Keeler suggested that if the commission gets into a discussion that will need a lot of public input then the meeting might have to be changed to another day. DePreter addressed the community members in the audience, stating the date and time of the next meeting for their information.

Stolzenburg explained the "Draft Purpose Statement of Zoning Law" which she distributed to all commission members earlier for their review. She explained that the 11 purpose statements are pretty much paraphrased from the Comprehensive Plan. Stolzenburg stated that she went through all of the sections of the Comprehensive Plan and made sure that each topic was covered in one of the purpose statements. Stolzenburg stated she sent a copy to the town attorney for his review regarding any legal issues and to make sure she referenced the correct law. She stated she has not heard from the attorney as yet but will follow up with him.

Stolzenburg suggested that the Commission review the document and make sure it says what the commission wants it to say and that it sets the tone for what the commission wants the law to accomplish. DePreter asked the commission members if anyone had any comments or anything to add. Stolzenburg asked if the commission felt it captured the direction they want to have. All agreed that it is fine.

Stolzenburg stated that a lot of communities have a much broader statement and that this "Draft Purpose Statement of Zoning Law" is much more detailed, as she is trying to let people really know what the commission is trying to accomplish. Stolzenburg stated that as the commission goes along, if they encounter something that isn't covered in the statement, it can be edited and added to. Keeler asked Stolzenburg where the building

codes are that get adopted by town law and would it be in this document or another document? Stolzenburg stated she thinks another document. Stolzenburg asked if the town has already adopted the state code. DePreter directed the question to Butler as to whether the town has officially adopted the state building code. Butler stated he does not think that the town has. Stolzenburg advised Butler that it is something the town needs to address. Scott stated he thinks it is for the town attorney and town clerk to research. Stolzenburg will forward a message to the attorney to look into whether the town has ever adopted the state building code and if not, how the town can do so. Discussion followed regarding whether the building code should be in the zoning or should it be a separate action. DePreter asked the commission if they are happy with the general purpose description. All agreed it is fine. Stolzenburg asked if the "Draft Purpose Statement of Zoning Law" should be posted on the website. All agreed it should be. DePreter stated that it should be noted that it is a draft, Stolzenburg agreed.

DePreter stated that he felt it would be a good idea to have the commission's minutes forwarded to the Planning Board members because he feels that they should be up to speed on what the commission is doing. Keeler agreed. DePreter will address the issue at the planning board meeting. All in agreement.

Stolzenburg handed out an analysis done from GIS on lot sizes and density of the different areas that are in the land use map. Stolzenburg presented the map from the Comprehensive Plan that outlines the proposed land use areas. Discussion followed regarding the analysis Stolzenburg handed out pertaining to the Hamlet, the Wellhead Protection Area, the Agricultural District, the Conservation District, and the Un-Constrained Areas. The calculations with all districts together were also discussed. Further discussion followed regarding average parcel size and the number of units per acre in the Hamlet of Pine Plains.

Stolzenburg stated that the commission had wanted to spend some time looking at the maps, understanding the environmental resources of the town, understanding how these came about and making some decisions about if the commission likes the maps, or should they be adjusted, or does the methodology on how they came to be need to be recalculated. DePreter stated he would like to know how the water study was done (referring to an area on one of the maps). Stolzenburg stated it was taken directly from the map that was in the county water study. Stolzenburg stated that the town engineer felt a more detailed study could help fine tune the boundaries but this is from the county water study. Keeler and DePreter asked how long ago that was. Chase stated it was 1992 and was the best available information. Stolzenburg further stated that the town engineer has felt that there could be additional work to fine tune the water study. DePreter asked if we have to do that. Stolzenburg stated she does not think so because the town is not going to pay for a geological study. Stolzenburg stated that she has the study from 1992 and can copy the Pine Plains part of the study so the commission can have it. Jackson asked if this is something that changes over the years. Chase explained that the geology does not really change.

DePreter presented a handout pertaining to the Agricultural District.

A member of the community questioned whether the public was going to have a chance to speak to the commission and stated that portion of the agenda was skipped at the beginning. DePreter explained that there wasn't any community members at the meeting when the meeting started. He further stated that the public will have an opportunity to

speak at the end of the meeting.

DePreter continued with his presentation of the content of the Agricultural District handout and stated that while on the Comprehensive Plan Committee, the concept of the Agricultural District came up which then went to the Town Board and was clarified and that the content in this handout is the system, the methodology. Stolzenburg stated that they went through several different methodologies to arrive at this and this is the one the Town Board decided on. It was basically a system that evaluated and prioritized lands to a ranking system to decide what parcels were to be included and what ones were not. Stolzenburg further stated, "You can see that we used the property class, whether it was a vacant property or an agricultural property, what the soils were, then rated those based on whether it was in an Agricultural District, an active agricultural property and if it had prime farmland soils on it. This is done to try to locate those lands that are truly used or have the potential to be used as agriculture". Discussion followed regarding unconstrained lands possibly being used for agriculture. Keeler asked who determined prime farmland. Stolzenburg stated it was the County Soil Survey. Keeler asked how old that study is. Stolzenburg stated it is not that old. Chase added that soils don't change. Discussion followed and Stolzenburg explained the various areas on the maps and what they represent.

McQuade stated to the commission that there is another overlay that's not represented here and that there is a protected area. Stolzenburg stated that is the critical environmental area which came after the maps were done but can be added on. Stolzenburg further stated that the things the commission needs to start thinking about are do the districts make sense, do you want to move forward with those districts, do you want to change them, and do you want to change their boundaries. Stolzenburg further stated that she thinks that would be the first area of significant decision making. DePreter stated that the methodology for the agricultural district has been established and also established is the methodology for the water extension district; so probably next time, the methodology for the conservation district should be established. Stolzenburg stated that she basically just did that. DePreter stated it can be discussed further next time.

Stolzenburg stated that she will make smaller versions of the maps for each commission member. Stolzenburg stated that between now and the next meeting, the commission needs to think about the districts, what they mean, where they are, how they were determined and how comfortable the commission is with it. She further stated that once the districts are identified, then the commission can start talking about density and other standards for each of those districts.

Privilege of the floor given by DePreter. DePreter stated it will be done at the end of the meeting this time but would like to stick with 5:30 next time.

Member of the community stated she had six items to mention that perhaps could be discussed at a later date. Number one was the possibility of being put on our e-mail list for meeting reminders. Keeler stated it will be on the website and DePreter further advised her to go to the website. Site address was provided. Said community member further asked if the public could have an opportunity for comments at the "end" of each meeting rather than at the beginning because things transpire and then comment has to wait until the following meeting. DePreter stated that we will see how it goes because we are running an hour and a half meeting so we're trying to move along. She also asked if when we start the provision for amending any type of zoning, will that involve a

referendum? Stolzenburg stated it does not require a referendum, it goes through the town board, it's drafted, then there's a public hearing, environmental review, county planning board review and gets adopted as a new law. Community member further stated that she lives on 1.12 acres and is wondering if she can have (2) residences. The commission stated they are not there yet. Community member further stated that she photographed all top soil when Stewarts and the post office were constructed and a considerable amount of top soil was removed. She states that this is a case of changing geology. The last item mentioned, by the community member, was that the map the commission has, that was infrared photography, was done by her professor, Dr. Edward Yose who invented it and has 72 patents.

Stolzenburg then asked the commission if there is any other section that is relatively benign that she should start working on. Chase suggested the building of definitions be started. Stolzenburg stated she will work on that.

DePreter motioned to adjourn, Jackson seconded, all in favor. Meeting adjourned.

Respectfully submitted by:

Karen Pineda
Zoning Commission Secretary