

February 11, 2015

**PINE PLAINS PLANNING BOARD MINUTES  
WEDNESDAY, FEBRUARY 11, 2015  
7:30 PM**

**IN ATTENDANCE:** John Forelle, Chairman  
Sarah Jones  
Louisa Grassi  
Vikki Soracco  
Michael Stabile  
Kate Osofsky, Alternate  
Peter Salerno, Alternate

**ABSENT:** Steve Patterson  
Ken Mecciarello

**ALSO PRESENT:** Two members of the public  
Drew Weaver, ZEO

Chairman Forelle called the meeting to order at 7:30 pm.

**DISCUSSION OF PLANNING BOARD APPOINTMENTS:** Discussion of selection and notification process of Planning Board members based on information received from the Town Board.

**DISCUSSION OF PROPOSED ZONING LAW CHANGES:** Forelle led the Board in discussion on the proposed changes to the Zoning Law. Forelle stated the Board is expected to comment on different standards and questions as to how this proposed law is consistent with the zoning district that it affects, what areas of town it affects, whether there are adequate school and public facilities, its affect on other regulations, if it is consistent with the zoning objectives, if is it consistent with the comprehensive plan, are the uses permitted appropriate and the affect on town growth envisioned in the comprehensive plan. Forelle and the Board went through the draft document and discussed each change. Short discussion on the fence section change and the dumpster provision. Soracco stated she had a problem with the firewood section. Forelle stated this is not a change but what is already in the property maintenance law. Weaver stated for whatever reason they are including this in the Zoning Law. Discussion followed on the firewood section. Jones stated she was not interested in regulating where firewood goes. Soracco agreed. Discussion followed on the agricultural use section, the changes to the mobile home section and the changes to the affordable housing section. Discussion followed on the floating commercial district. Jones stated she has a lot of issues with it. She stated she is troubled that there has been

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no public discussion about why this is happening. Jones stated the idea is not bad but she is uncomfortable with a few things that are proposed. She stated primarily it looks as if the control of the Planning Board in one of these projects has been substantially limited because the Lead Agency in the SEQRA will be the Town Board. Jones stated the Planning Board only gets site plan review and then the Board shall approve the plan if it determines the plans are the same as the schematic plan approved by the Town Board except if it was revised to comply with any conditions or modifications of the adopted zoning amendment. Jones stated it gives the Planning Board no control over the project and she is uncomfortable with the Town Board doing the SEQRA on something that might be a really major project that is not consistent with what our Town is about. Jones stated she would like to have the Planning Board have their planner come and review this and give her thoughts on it. Jones stated she is not comfortable with the public hearing going forward at the next meeting. She stated statutorily the Planning Board has 60 days to do their review and that won't be up at the next Town Board meeting. She stated it is too important to put through in a hurried fashion. Forelle stated if the ZBA were to turn down the Dollar General, for instance, the Town Board could pass a floating district to allow it and the Planning Board would be obligated to issue a site plan for it. Jones stated the Planning Board wouldn't be the Lead Agency. Forelle stated once the Town forms the floating district then it has to get site plan review but it is mandated as long as it is in line with what is presented to the Town Board. Forelle stated a project that the ZBA would reject or the Planning Board would reject on a different level could just be done. Forelle stated that this could override any prohibited uses in the Zoning Law. Forelle stated that there are some pretty obnoxious uses that could just be legislated. Forelle stated that the Board's role is to comment on how this affects the intent of the Zoning Law and the intent of the Comprehensive Plan and he thinks it doesn't seem to further either one. Forelle stated that any future Town Board could do whatever they wanted to. Forelle stated he feels that it should be made clear to the Town Board that is not what the Comprehensive Plan intended and not what the Zoning Law intended when it was passed. Forelle stated he heard the Town Board wanted flexibility if there was a worthy and worthwhile project for the Town. Discussion followed. Stabile stated he understands that they want flexibility but this seems overboard. Stabile stated who knows down the road what would happen with a different Town Board. Weaver stated the Town Board actually rezones the parcel and Jones stated it can be anywhere in Town. Forelle stated that all the prohibited uses that are listed in

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the Zoning Law could be overridden. Jones stated that this could potentially impact every taxpayer and she feels they should notice everyone in the Town. Jones stated that there has been no public discussion of these changes at the Town Board meetings. Jones stated she doesn't feel the public knows what is happening or what the impact of it could be. Jones stated this really throws the Zoning Law out the window and makes it meaningless. Jones stated she feels the Town Board has plenty of business to do other than be Lead Agency on a SEQR. She stated if the review is not done in a satisfactory fashion it opens up the Town to litigation. Jones stated if it is a complicated project she feels the Town Board is not in a position to do an adequate SEQR. Jones stated this is not what the Town Board needs to be spending its time on. Jones stated when they had an NND in front of the Town Board they weren't able to get their act together to hire a lawyer to get the project started. She stated the NND is still in front of the Town Board even though it is dormant. Forelle stated this floating zone is much more problematic than the NND. Discussion followed on the sign section and accessory dwelling change. Forelle stated he would draft a letter to the Town Board including their comments on the proposed changes and send it to the Board members for their review. Forelle stated he would go to the public hearing and read the letter.

**OTHER BUSINESS:** Weaver advised the Board he received a sign permit application for Dollar General. He stated he is sending it back to them as the law says this has to be included in the site plan review.

Motion by Jones to adjourn; second by Soracco. All in favor.  
Motion passed.

Respectfully submitted by:

Nancy E. Proper  
Secretary

John Forelle  
Chairman