

June 10, 2015

PINE PLAINS PLANNING BOARD MINUTES

WEDNESDAY, JUNE 10, 2015

7:30 PM

IN ATTENDANCE: John Forelle, Chairman
Sarah Jones
Louisa Grassi
Vikki Soracco
Steve Patterson
Peter Salerno, Alternate sitting for M. Stabile

ABSENT: Kate Osofsky, Alternate
Michael Stabile
Ken Mecciarello (attending training)

ALSO PRESENT: Three members of the public
Drew Weaver, ZEO

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

The purpose of the meeting was to discuss proposed Local Law No. 3 enacting amendments to the Zoning Law. All members of the Board received copies of the proposed law prior to the meeting.

The Board proceeded to review Local Law No. 3 and after much discussion of the proposed amendments came up with the following recommendations and comments:

- 1) **Proposal for New Performing Arts/Cultural Uses.** The Board endorses the new performing arts/cultural uses as proposed in the H-Bus and H-MS districts. In addition, the Board notes that in the past such uses have occurred in special situations outside of these districts such as the Tri-Arts Center. The Board suggests that the Town Board permit these proposed uses in the R district also but with the requirement of a Special Use Permit which would give the Planning Board discretion to grant such use where

appropriate and where traffic, parking and noise are not an issue. The Planning Board assumes that such uses in the R district would not include large-scale outdoor music or similar festivals.

- 2) **Proposal for Amending Agricultural Uses to Allow Existing Operations.** The Board supports agriculture wherever possible within the Town as consistent with the underlying Zoning Law, the Comprehensive Plan and the general sentiment of the residents of the Town. The Board expects that each parcel affected by this amendment will also fit with those goals but are unable to identify all the parcels to be affected. While the Board, in general, endorses this amendment they suggest that at the public hearing the Town Planner, Bonnie Franson, identify for the public exactly which parcels are affected for the public to comment on.
- 3) **Proposed Amendment to Section 100-70B of the Zoning Law (Extension of Non-Conforming Use).** Under Section 100-100B of the Zoning Law (action of Planning Board) the Planning Board may initiate changes to the Zoning Law. The Board hereby requests that the Town Board amend the Zoning Law of 2009 to eliminate subsections (1) and (2) of Section 100-70B which imposes a threshold limit for area variances for non-conforming use parcels. As a result of such an amendment, a request for an area variance from the owner of a property with a non-conforming use would be handled by the ZBA under Article XV in the same manner as they would handle any other parcel within the Town. The specific incident which triggers this request is the application last year of the Berlinghoffs for their property on Myrtle Avenue. While their request for a 50% expansion seemed logical to both the Planning Board and ZBA, the current provisions of the law limits the ability of the ZBA to grant an area variance to no more than 25% of the existing structure. While the Berlinghoffs could have applied for a use variance, the standards in the law make that difficult, if not impossible, to meet by a growing business. The Board believes that by giving the ZBA increased discretion, better decisions can be made concerning the future use of the occasional parcel that is in non-conforming use status. The Board is not concerned that this discretion will be abused or that it will open up a floodgate of requests from other non-conforming use property owners. The Board believes making this change to the Zoning Law is preferable to rezoning the affected parcel, even though an argument may be made that, at the time of the adoption of the law, the Berlinghoff parcel was incorrectly zoned H-CR rather than H-MS.

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OTHER BUSINESS:

Jones made a motion to approve the May 2015 minutes; second by Patterson. All in favor. Motion carried.

Drew Weaver brought up the subject of signage for the Pine Plains Emporium. Short discussion followed.

Patterson made a motion to adjourn at 8:45 pm; second by Jones. All in favor. Motion carried.

Respectfully submitted by:

Nancy E. Proper
Secretary

John Forelle
Chairman