

Town of Pine Plains Zoning Commission Minutes  
April 11, 2007

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

Guests: (4) members of the public. Millerton News.

Meeting called to order at 5:20 PM.

Caldwell motioned to adopt the March 12, 2007 minutes. Jackson had a question about the minutes and asked for an explanation as to the Commission's vote to allow car repair in the Wellhead Protection Area. Stolzenburg stated that she looked at her notes and she had that the Commission made warehouses permitted in the Wellhead Protection Area with a special use permit and site plan review. Pineda stated that when the Commission voted, DePreter said car repair and not warehouse so car repair is what the Commission voted on. DePreter proposed to clarify the minutes. Caldwell stated that the Commission voted that it was OK to have repair in the Wellhead Protection Area. Discussion followed. Chase proposed that the Commission approve the previous minutes with the understanding that questions were raised and that people were confused about car repair and warehouses in the Wellhead Protection Area and that issue will be further reviewed. DePreter motioned to approve the minutes as proposed by Chase. Motion seconded by Caldwell. All in favor.

Corrected  
on 6/16/07  
should be  
March 28, 2007  
RP

The Commission discussed the issue of car repair in the Wellhead Protection Area. The Commission members agreed not to allow car repair in the Wellhead Protection Area but to allow it in the Main Street and the Ag/Rural Area with special use permit and site plan review.

The Commission discussed warehouses. DePreter stated that unless he is wrong warehouses are what the Commission approved in the Wellhead Protection Area with special use permit and site plan review. All Commission members voted in favor of allowing warehouses in the Wellhead Protection Area with special use permit and site plan review.

The Commission continued their review of the draft zoning law. Stolzenburg stated that Don Meltz is working on the maps but is not done yet. Stolzenburg updated the Commission as to the status of the revisions to the draft zoning law and the additional sections that still need to be done. Stolzenburg stated that she referenced the Flood Plain local law already on the books. Stolzenburg gave the Commission an updated, more detailed table of contents. Discussion followed.

Caldwell stated that Stolzenburg has not included the Environmental Control Formula on the Table of Contents as he had suggested. Discussion followed. Stolzenburg will add the Environmental Control Formula to Section IV of the Table of Contents. Further discussion ensued regarding the Table of Contents and the possibility of including an index in the zoning law.

The Commission discussed whether there will be further supplementary regulations. Stolzenburg stated that the only ones she hasn't done yet are the hamlet standards, traditional neighborhood standards and mobile home standards.

The Commission discussed shooting preserves and how they should be categorized, how they should be handled and whether there should be some supplementary regulations. Caldwell asked if the Fish and Game Law would govern shooting preserves. Caldwell stated that he will forward the information from the Fish and Game Law website to the Commission. Discussion followed.

Stolzenburg suggested that the Commission go back and review the use table and decide if there is enough in the table to accomplish the goals of the town and to help the Planning Board plan for the uses. Stolzenburg further suggested that the Commission go through the uses and identify the ones that have the potential to be a problem and then the Commission can see if they can come up with some standards. Discussion followed.

The Commission moved on to continue their review of the draft zoning law, beginning with comments and suggestions by Keeler. In addition to grammatical corrections, Keeler had a few concerns to discuss.

Keeler stated that outdoor swimming pools and cellar door entrances should meet the side setbacks. Discussion followed. Stolzenburg stated that something can be added to the structure definition that includes cellar entrances. The Commission agreed to add outdoor cellar entrances to the definition for structures. Stolzenburg stated that she will add swimming pools and asked Keeler if the setbacks are his only concern regarding swimming pools. Keeler stated that side set backs are his concern.

The Commission continued the review with Keeler's comments and suggestions. Keeler stated that on Page 27, item 2b states, "*No accessory building or structure shall be permitted nearer than five (5) feet from a side or rear lot line.*" Keeler stated he thinks the discussion was that we may allow a shed up to 80 square feet or some real small thing but this permits a garage or any accessory structure to go within 5 feet of a property line. Keeler stated that perhaps the Commission might want to put a size limit on the accessory structure. Keeler stated that he thinks there either has to be a size limit or take it out altogether and just go by the side setbacks. Stolzenburg stated that it can just say that all accessory buildings or structures shall meet all side and rear setbacks. The Commission members agreed.

Keeler stated that on Page 29, item #1, under Building Placement, it says, "*there shall be no blank walls.*" Keeler stated that he thinks that should just be scratched out and he thinks that could be at the discretion of the Planning Board. Keeler stated that he is thinking of the commercial area. Discussion followed. The Commission members agreed to state that blank walls for commercial applications are discouraged but may be allowed at the discretion of the Planning Board under certain circumstances, such as facing an alley or another blank wall.

Keeler stated that he feels there should be some sort of height restriction on agricultural structures. Stolzenburg stated that she thinks it would be very hard getting that through Ag and Markets. There will be no height limits set for agricultural structures.

The Commission discussed the section on the size of parking spaces in parking lots. Keeler explained that all that needs to be stated is, "*Handicapped parking spaces shall be provided with an access aisles at least eight (8) feet wide (for 90 degree angle parking) and shall be provided in accordance with all State and Federal ADA regulations (ICC/ANSI A117.1).*" Brief discussion followed.

Keeler suggested several sections where the Building Inspector and Code Enforcement Officer should be changed to Zoning Enforcement Officer and/or Town Engineer.

Keeler asked if "Mobile Homes" should be referred to as "Manufactured Homes" throughout the document. Keeler stated that the old style mobile homes are now manufactured homes. DePreter stated that he thinks only double-wides were going to be allowed and that single-wides were no longer going to be allowed. Caldwell stated that the Commission outlawed single-wides. DePreter stated that what's in the use table are individual double-wide manufactured homes with site plan review in all districts.

Keeler stated that on Page 91, under the section on gas stations, it states, "*Filling stations shall be permitted only on lots of 1 ½ acre or more, with 250 feet minimum frontage.*" Keeler stated that he thinks it said 80 feet minimum frontage in the use table. Stolzenburg stated that this section is a regulation to that use so even if a district says 80 feet, this would supersede that.

Keeler stated that on Page 92 where it states, "*Bed and Breakfasts shall be owner-occupied and their Certificate of Occupancy shall so stipulate, and shall not contain more than 6 bedroom units in addition to a dwelling unit*", the 6 should be changed to a 5 to be consistent with the Building Code. Keeler stated that with 5 bedrooms and under they don't have to have annual inspections. Stolzenburg stated that a statement can be added that says that any bed and breakfast of 5 or more bedrooms is subject to the New York State Building Code in addition to the standards. Stolzenburg stated that we can add "up to 5 units must also be consistent with the New York State Building Code." Lengthy discussion continued. The Commission discussed eliminating the number of rooms from the definition for bed and breakfasts. The Commission further discussed changing the 6 bedrooms to 5 and state that the Zoning Enforcement Officer and/or Code Enforcement Officer shall be given access for annual inspections. Stolzenburg will make the changes. Brief discussion followed.

The Commission discussed mining and Keeler suggested that where it states the amount of earth that may be removed, it should state that amount is for a period of 12 consecutive calendar months. Lengthy discussion followed regarding mining in the Town of Pine Plains as well as the differences between small and large mines. Chase stated that he would like to check with the town attorney to make sure that by allowing mining activity of any kind in the Ag/Residential Area that isn't opening the town up to having DEC say that Pine Plains allows it anywhere in town, therefore they will issue a DEC permit. DePreter asked if the question for Replansky should be whether or not the DEC would be able to trump our limitations if we allow any mines. Chase stated yes. Soracco asked if we don't allow any mines can DEC still come in and say someone can have a mine. Stolzenburg stated that they might. Further discussion ensued.

Stolzenburg stated there are two definitions for mining in the definitions section but if the Commission is only allowing small mines then we should just have the definition for small mines. Stolzenburg stated that she will talk to Warren Replansky and Ray Jurkowski about it and get an opinion. DePreter stated that for small mines in the definitions section it says "*less than 1,000 tons*" and on Page 94 it says "*10,000 tons.*" Chase stated that he thinks the 10,000 tons on Page 94 is wrong. Stolzenburg stated that it should be 1,000 tons. The Commission members agreed that small mines with the removal of 1,000 tons of earth (or 750 cubic yards) were acceptable and not 10,000 tons and 7,500 cubic yards. Discussion continued regarding mining.

DePreter asked the Commission if they want to allow large mines in the Town of Pine Plains. McQuade, Jackson, Keeler, Caldwell and Chase voted against large mines. Soracco and DePreter voted in favor of large mines. Final vote was 5 to 2 against large mines.

Keeler suggested that on Page 95 where it states "*No excavation shall be within 5 feet of the existing water table*", that it say, "Except pond excavation." Stolzenburg stated that whole section might come out.

Keeler moved on to Page 104 under ECHO Housing. Keeler stated that upon site plan approval you don't issue a Certificate of Occupancy and the draft zoning law reads in a way that suggests that a Certificate of Occupancy is issued upon site plan approval. Keeler stated that a building permit is issued upon site plan approval but not a Certificate of Occupancy. Brief discussion followed. Stolzenburg will change it to state, "Upon site plan approval, the Code Enforcement Officer shall issue a renewable building permit for a period of one year."

Keeler stated that on Page 105, #2 it states that "*prior to submittal of a formal application for special use permit approval, applicants are encouraged to meet with the Zoning Enforcement Officer.*" Keeler stated that he feels applicants should also be encouraged to meet with the Planning Board Chairman. Caldwell stated that he hears a lot of complaints from the community about getting shuffled back and forth. Caldwell suggested that the Commission create an application procedure manual with checklists that outline how to go about applying for all of the various permits. Caldwell stated that the manual can be available at the Town Hall. Keeler agreed with Caldwell. Discussion followed. Keeler stated that if a manual is created then it wouldn't be necessary to add the Planning Board Chairman to this paragraph.

On Page 131, Keeler stated there is no need for #9 (Filing of Building Permit) and no need for #12 (Expiration of Permit) because they are covered under the New York State Building Code.

On Page 134, Keeler asked if the section on Private Actions to Enforce the Law should be run by Warren Replansky for his opinion. Discussion followed. Stolzenburg stated that she can get the exact language from the State Law.

On Page 146, Keeler stated that there should be a definition for Building Inspector and he gave a suggested definition. Keeler further stated that there should be a definition for Zoning Enforcement Officer.

Keeler stated that he was done with his comments and suggestions and the Commission moved on with their review of the draft zoning law.

McQuade stated that most of her comments were covered but asked if the definition for Mobile Home Park should be changed to “Manufactured” Home Park. DePreter stated that the Commission had decided not to allow them so the definition for Mobile Home Park should just be removed.

McQuade stated that she did not have any further comments.

Jackson had a question about the time remaining to get through the comments and the timeframe in terms of the presentation to the public. DePreter stated that we are hoping to get through the review after our Saturday meeting. DePreter explained that he hasn't talked to Stolzenburg about how much time she needs to do her part but he would like to get it done within the next couple of meetings.

Soracco stated that most of her comments were addressed. The Commission moved on to Chase's comments and suggestions.

Chase stated that the Town of Pine Plains had joined the Greenway Compact and signed on as a Greenway town and has adopted the Greenway Guidelines. Chase suggested that in the purpose section of the zoning law, we should specifically refer to the Town Board having signed on to the Greenway Compact and say that part of the purpose is to implement the Town Comprehensive Plan and to support the implementation of the Greenway Compact program including the guidelines adopted by the Town Board. Chase stated that would allow the Planning Board to refer to the Greenway Compact. Discussion followed.

Chase stated that he isn't sure that there is enough guidance and guidelines for the development in Bethel and Pulvers Corners. Stolzenburg agreed and stated that she can add something. Chase stated that he will help with the language.

Chase stated that he thinks we may need some more supplementary regulations for things like shooting clubs and kennels and asked if the Commission put any limitations on the size of buildings for things like indoor recreation. Keeler stated that he also had a question about size limits for accessory structures. Discussion followed regarding the size limits of accessory structures. The Commission members agreed that accessory structures will have a maximum building footprint of 1,200 square feet in the hamlet.

Chase stated that he feels there should be some additional supplementary regulations on some of the uses, such as kennels and shooting clubs. Chase suggested that everyone review the list of uses. Chase stated that he is concerned about large scale lodging facilities. Discussion followed. Stolzenburg suggested that the Commission think about how they would like to refine the definitions for lodging and readdress it at Saturday's meeting.

Public Comment – there were no comments from the public.

Keeler motioned to adjourn. Seconded by Caldwell. All in favor.

Respectfully submitted by:

Karen Pineda  
Zoning Commission Secretary