

Town of Pine Plains Zoning Commission Minutes
April 12, 2006

Members Present: Jon DePreter, Peter Caldwell, Margo Jackson, Vikki Soracco, Scott Chase and Nan Stolzenburg (Consultant).

Absent: Gary Keeler, Helene McQuade

Guests: (4) members of the public, (1) reporter from the Register Herald.

Meeting called to order at 5:30 PM.

Caldwell moved to approve the minutes from the March 22, 2006 meeting. Seconded by DePreter. All in favor.

Privilege of the Floor – There were no members of the public present at this time.

DePreter stated that Caldwell had the idea of changing the environmental control formula. Caldwell stated that he did not say to change it and went on to explain that what he said was that when DePreter makes his presentation he would recommend giving the public the bottom line and say that we arrived at this by the use of an environmental control formula and a consideration of base densities and leave it at that and then if somebody wants to know the details, it can be stated that it has actually been described in the Comprehensive Plan and the specific formula has been posted on the website. Caldwell further explained that DePreter can state to the public that if anyone would like him to go over the environmental control formula with them, he would be happy to do that but after the meeting because it takes some time to go through the details of it. Caldwell stated that he thinks the term “base density” should be called “average density” when giving figures of the results because people will understand the term “average densities” as a general term. Caldwell stated that he thinks it is a much more straight forward way of presenting this to the public. Chase stated that he doesn’t have a problem with the way Caldwell has suggested as long as everyone is clear at the end of the day what 5 acre base density is. DePreter stated that the build outs on at least two of the parcels will be presented and suggested that the commission go through the presentation Stolzenburg has created and just keep that stuff in mind instead of trying to decide abstractly. DePreter stated that he thinks that the idea is that there is a rationale for the environmental control formula and that is in the Comprehensive Plan. DePreter further stated that when the public sees the build outs, they are going to see how it works.

Stolzenburg distributed a copy of the PowerPoint she created for the Public Presentation. Stolzenburg explained the format of the presentation and the various options as to how the content of the slides can be presented. Stolzenburg further explained that in creating the PowerPoint, she decided that in the interest of time, she would start with the outline that she previously emailed to the commission members to review and then adjustments can be made if needed. Stolzenburg explained that the first slide is just to introduce to

the community what will be covered, followed by an introduction of the zoning commission members. DePreter stated that if nobody minds he will introduce the zoning commission members. DePreter stated that he will handle the agenda and introduction part of the presentation. Stolzenburg stated that the next two slides is an introduction to the zoning commission, how it was formed and how the commission is basing their work on the Comprehensive Plan. Stolzenburg went on to state that this portion of the presentation will also explain the formal process that will occur in writing the town's first zoning law. Chase stated that he is comfortable handling this part of the presentation. Chase further stated that he thinks one of the things that the commission needs to make clear is that we are not here to rewrite the Comprehensive Plan. Discussion followed

DePreter asked Caldwell if he would be comfortable presenting the planning process part of the presentation. Caldwell stated that he doesn't think it's a good idea to have so many people doing the presenting. DePreter stated that if the rest of the members are uncomfortable presenting, we can have Stolzenburg take over from the planning process portion of the presentation. Caldwell stated that he thought DePreter was going to do the presentation. DePreter stated that he was thinking of doing the first and second sections and that Chase would do the third and for the first night Stolzenburg can do the presentation. Caldwell stated that Stolzenburg previously said that she felt the commission should be doing the presenting. Stolzenburg stated that her original statement about having the commission doing as much as possible was to show that the commission is making the decisions and comfortable with the information but not everyone is comfortable standing up and feeling like they are going to be able to explain these things in a way that they want to. Stolzenburg stated that she will do whatever the commission wants her to do. Discussion followed.

The commission discussed the build outs that will be included in the presentation and the manner in which to present them. The commission moved on to discuss the development density and introducing the concept. Discussion followed regarding the best way to explain the environmental control formula and why the commission felt it should be used. DePreter stated that we should just say that the Comprehensive Plan had a couple of choices for us to choose from and we thought the environmental control formula was the best. DePreter further stated that it should be explained that the environmental control formula is going to be different from what people are used to and different from what the surrounding communities have. DePreter stated that it can be explained that we like it because we feel this is going to be built from the ground up in Pine Plains and that's the concept that the town had wanted in the Comprehensive Plan and that is why we are using it. Further discussion ensued.

Caldwell stated that there is a problem with the examples being presented and this is that the commission's decision to use a 10 acre base density has not been included. DePreter stated that at some point it might be good to discuss something in the Agricultural District that has some open fields that has a 10 acre base density if someone chooses not to cluster. Stolzenburg stated that another example can be included as we get into the Ag part of the presentation and we can use the 10 acre base density example at that point.

The commission discussed the build out scenarios that will be presented. Stolzenburg stated that she will include the numbers and the maps in the presentation. Stolzenburg stated that she has one slide for each district with the first being the rural district and we can talk about what the purpose of that district is and what the commission is proposing as the base density in that district. Discussion followed.

Stolzenburg stated that then we have the Ag District where under development standards for siting she stressed the active farm fields, farm soils, set backs from farm uses and those types of things and with the uses certainly oriented toward agriculture. Stolzenburg stated that then we have the Agricultural Open Space Overlay district and its purpose. DePreter stated that he thinks we have to define what that Open Space Overlay is. Stolzenburg stated that she will show the maps. Caldwell stated that he has a concern and that Stolzenburg persisted with the terminology that if 50% of the parcel is preserved then they will get increased density. Stolzenburg stated that she just put that number in as a place holder for now and she realizes that the commission has not made a determination on the number yet. Caldwell asked if the wording could be changed to read "a substantial portion of the parcel" rather than "50% of the parcel". Stolzenburg stated that for the purposes of the presentation yes but the commission has to define that number. DePreter asked if perhaps the commission can agree to a number now because he feels the more specific we can be with the people the better. Caldwell stated that he thinks giving people incentives based on surrendering 50% of what we have been trying to protect is too generous and we ought to go to a much more rigorous requirement for people to acquire incentives for extra building of residences in the Agricultural District. Caldwell stated that he feels the commission ought to say at least 75% and preserve 75% of the open fields and open spaces and not allow them to be developed by developers who want to put up residences. Caldwell further stated that the overlay district of a 10 acre base density as he understands it is going to be defined by the aerial photos that show the open fields. Stolzenburg stated that is correct. DePreter stated that the parcels can be bigger than just the fields. Caldwell stated that he understands that but that the 10 acre base density applies only to the fields and asked if what is being said here is that if they preserve 50% of then entire parcel or of the open fields? DePreter stated it is of the entire parcel. Stolzenburg stated that she thinks that if the overlay is a subset of someone's parcel and the density is oriented to the subset of the parcel then the incentives can only apply to that subset. Caldwell stated that is exactly right and it only applies to the fields. DePreter stated that he thinks we are only using the fields as a different density but we are applying the incentives to the whole parcel. DePreter further stated that he thinks the incentive language belongs in the Agricultural District. Discussion followed.

Stolzenburg stated that this discussion brings up a good question and she can't answer it right now but will have to think about it. Stolzenburg suggested that perhaps she can take the 50% out and say "substantial" for now. DePreter stated that he doesn't know if this incentive language should be in the Open Space Overlay District but that it should be in the Agricultural District. DePreter further stated that this can be worked out and suggested that the commission go on with the presentation discussion for now. Discussion followed regarding the content and format of the presentation.

Caldwell asked if the maps and the presentation are going to be posted on the website in advance so that people can have a chance to review them. Stolzenburg stated that the only hesitancy she has with putting them on the website is that there is the potential for people to misinterpret it but stated that it's up to the commission. DePreter stated that he feels we should present it to the public first. Chase agreed and stated that we can put it on the website afterwards. Stolzenburg stated that perhaps we can put the survey on the website also. Chase stated that he thinks the most valid input we are going to get is from the people who have heard the presentation. Chase further stated that he is afraid that if we just hang this stuff out there, what we get back would be based on people's own interpretation of the information presented. DePreter stated that perhaps we can have our question and answer period and then ask people to fill out the survey before they leave. Jackson suggested that perhaps we can give out the survey at the beginning so people can be thinking about their answers to the questions on the survey as we go along. DePreter stated we can have them on the tables. Discussion followed regarding the survey and its contents.

The map of the Proposed Land Use Districts in the Pine Plains Hamlet was discussed next. DePreter stated that the Main Street District going North and South is not on the map. DePreter explained that it should go from Patchin's Mill down to the junction of Routes 82 and 83. Stolzenburg stated that she will have the map adjusted before the presentation. The commission also determined that the Business District needs to be adjusted which Stolzenburg stated she will have done as well. The commission further discussed the various districts and corrections that need to be made to the map.

The commission moved on to discuss the map of the Proposed Land Use Districts for the Agriculture Open Space Overlay. Stolzenburg stated that this map shows the wellhead, the three hamlets and stated that everything in brown represents the agriculturally based parcels. Stolzenburg stated that she noticed that there are some active fields that are outside of the Ag District and she wasn't really sure how the commission wants to handle that so she left them on the map for now. Caldwell asked if Stolzenburg knows what the numbers of acres are in the Ag Overlay District. Stolzenburg stated that she does not know off hand but that Don Meltz could probably calculate it. Caldwell stated that it would be interesting to have that number and the number that is in the Ag District as well.

DePreter stated that it would help if we took out the fields that are not in the Ag District because they are not really going to be in the Ag Overlay. Caldwell stated that DePreter would now be up against McQuade because she was quite adamant that it was a mistake not to protect all of the open fields whether or not they are in the Ag District. Stolzenburg stated that she only added all of those open fields in to show where they are. DePreter stated that it was his impression that it was the open fields in the Ag District and that's what he thinks the commission had agreed to. Caldwell stated that the commission did not agree to that but that the commission agreed to McQuade's inclusion of other fields which are not in the Ag District. DePreter disagreed and stated that if we go back and check the minutes we'll see that what McQuade was asking for was that open fields that are in the Ag District were going to be this plus the open fields and then inside that there would be an overlay. Stolzenburg stated that what she has written down from that

meeting was that the Ag District was to be parcel based and classified by the Assessor as an agricultural parcel. DePreter stated that he thought it was also going to be that open and active fields were going to be in the Ag District. Caldwell stated that it was going to be those in the Ag District as well as those outside of the Ag District. DePreter suggested checking the minutes. The zoning commission secretary, Pineda stated that she will check the minutes and email them to the members. Stolzenburg stated that she would suggest that if the minutes aren't clear that the commission discuss this issue either via email or meet to work it out. Stolzenburg further stated that it is not a big deal to fix it but we only have a week and a half. DePreter stated that Pineda will check the minutes for the definition of what the Ag District was and that might solve everything. Caldwell stated that there is no argument about what is in the Ag District, but the issue comes up about the areas that are not in the Ag District but are open fields to be protected. Caldwell further stated that DePreter is saying that was not the consensus of the group. DePreter stated that he just wants to be clear about what it was that we said before we go to the public presentation.

DePreter asked for a motion to adjourn. Motion made by Caldwell. Seconded by Soracco. All in favor.

Respectfully submitted by:

Karen Pineda
Zoning Commission Secretary