

Town of Pine Plains Zoning Commission Minutes
April 14, 2007

Members Present: Jon DePreter, Peter Caldwell, Helene McQuade, Gary Keeler, Margo Jackson, Scott Chase and Nan Stolzenburg (via speakerphone).

Absent: Vikki Soracco

Guests: (1) member of the public present at the start of the meeting. (6) members of the public arrived at 11:30 AM.

Meeting called to order at 9:05 AM.

Stolzenburg stated that she still has some work to do on the definitions. The Commission discussed when the draft zoning law should go out to the public. Stolzenburg stated that she wouldn't want the draft zoning law to go out to the public with any holes in it. Chase agreed and stated that he would prefer to have the Commission read through the next draft before putting it out to the public. Discussion followed regarding what should be done to get the draft zoning law ready for the public. DePreter suggested that once Stolzenburg is done with the draft, she can email it to the Commission to review and if there are any further changes to be made then perhaps they can be addressed via email and not have to wait until the next meeting.

Stolzenburg stated that it is unknown when Ray Jurkowski will have the mining overlay map ready. Discussion followed regarding Ray Jurkowski's and Warren Replansky's opinions on restricting large mines everywhere in Pine Plains. DePreter stated that he will contact Jurkowski.

The Commission continued with their review of the draft zoning law. Chase stated that the Commission has not given a purpose to the Bethel and Pulvers Corners hamlets. Chase stated that he wrote language that says the purpose is to promote residential uses consistent with scale, building form and historic character of the existing residential and agricultural uses. Chase stated that he will send his language to Stolzenburg to work on. Discussion followed regarding hamlet standards.

The Commission discussed large scale lodging in the Ag/Residential Area. Chase stated that there might be some further supplementary regulations needed. Caldwell asked if there should be something that says that there should be no non-agricultural uses permitted for those areas that we want to protect for agriculture. Discussion ensued. DePreter suggested that perhaps we can have in the Ag Overlay for commercial uses the same standards as residential uses by having to preserve 75% of the fields. Stolzenburg explained that the Ag Overlay has a different purpose which is to solely protect the agriculture and suggested that the Commission take another look at the Ag Overlay. The Commission moved on to discuss commercial uses in the Ag Overlay.

The Commission discussed Nursing Home/Senior Citizen Housing, Bed and Breakfasts, Boarding Houses, Camps, Cell Towers, Commercial Logging and Craft Workshops in the Ag Overlay and Ag Residential Area.

The Commission members agreed that Nursing Home/Senior Citizen Housing, Bed and Breakfasts, Boarding Houses and Camps do not conflict with agriculture.

The Commission voted on whether or not to allow cell towers in the Ag Overlay and Ag Residential or to limit them to the existing site in the Wellhead Protection Area. Final vote was 4 to 2 in favor of limiting cell towers to the existing site in the Wellhead Protection Area and not to allow them in the Ag Overlay and/or the Ag Residential Area.

The Commission discussed equipment storage facilities. Chase stated that there are no minimum lot sizes for residential uses but asked if there are minimum lot sizes in the rural area for commercial uses. Lengthy discussion ensued regarding minimum lot sizes, possible design standards and supplementary regulations for certain uses in the rural area.

The Commission went back to their discussion on equipment storage. DePreter stated that he thinks that the minimum lot size for equipment storage should be one acre in the rural area. Stolzenburg stated that we don't have a definition for equipment storage yet and she thinks that everyone is thinking something different. Discussion continued regarding equipment storage and minimum lot sizes.

The Commission discussed whether to have a category for small equipment storage and a separate category for large equipment storage or whether there should just be one category with standards. The Commission agreed to have two categories for equipment storage facilities, one for small and one for large.

DePreter asked the Commission members if anyone feels that equipment storage is an appropriate use for an agricultural area. Lengthy discussion continued. The Commission members agreed that all equipment storage must be either under cover in a structure or completely screened from view.

The Commission discussed kennels in the Agricultural area. Chase stated that he feels there needs to be some supplementary regulations for kennels. Stolzenburg stated that she will add some kennel standards.

The Commission discussed large scale lodging facilities in the Ag Overlay. Stolzenburg stated that she has a note that large scale lodging facilities were taken out of the Ag Overlay already. DePreter stated that he was wondering if Chase wanted to talk about what he wanted as supplementary regulations for the Ag Rural. McQuade asked if the Commission ever decided what the difference is between large scale and small scale lodging. Stolzenburg stated that she has a note that we need to revisit the definition. DePreter stated that another thing that he would suggest is to have language that says that franchise signage and graphics will not be allowed. DePreter asked if that should be carried over to the rural area as well. The Commission agreed to carry that language over to the rural area.

DePreter stated that light industry has been removed from the use table.

The Commission discussed office buildings in the Ag Overlay and agreed that they would be OK. Chase stated that if office buildings are restricted to existing buildings only, he would not have a problem with it

The Commission had a lengthy discussion regarding public utility in the Ag Overlay and agreed that there should be supplementary regulations for public utilities. DePreter asked Stolzenburg if there is some way that she can do supplementary regulations for public utilities. Stolzenburg stated that she will try. Stolzenburg stated that is one area that she is not completely familiar with but she will do some research and see what she can come up with. Chase stated that he is wondering about windmills and wind farms. Discussion followed. Stolzenburg stated that it is very possible that windmills will be deemed a public utility but they are not yet. Stolzenburg further stated that there can be a set of definitions specifically for windmills. The Commission agreed to treat windmills and wind farms separately. Brief discussion followed.

The Commission discussed indoor recreational businesses in the Ag Overlay. The Commission agreed to allow indoor recreational businesses in the Ag Overlay. Caldwell opposed the idea.

Chase stated that right now we have a two acre minimum lot size and asked how somebody would be able to do something like a bowling alley and still preserve 75%. Chase stated that by the time they get the bowling alley and parking they wouldn't be preserving 75%. Discussion followed regarding what the allowable percentage of lot coverage should be in the Ag Overlay. The Commission agreed that the maximum lot coverage for the Ag Overlay should be 25%.

Stolzenburg stated that for the Ag/Rural Area the draft zoning law currently states that half of the lot has to remain as open space. Stolzenburg asked if the Commission is going to allow every inch of the remaining half of the lot to be built over or should there still be some level of impervious control. After some discussion, DePreter stated that he would like to think this through after the meeting and suggested that the Commission move on for now.

The Commission discussed the possibility of having a maximum building size for each district. The Commission members agreed to allow a maximum building size of 12,000 square feet for the Ag/Rural District, Wellhead Protection Area and the Ag Overlay.

The Commission discussed outdoor shooting preserves. Caldwell suggested that outdoor shooting preserves be a separate category and restrict them to rural areas or Ag Overlay areas. Caldwell stated that the Commission has reviewed the state requirements for licensed shooting preserves that he sent them which mandates that shooting preserves have to be on a parcel with a minimum of 100 acres. Caldwell suggested that those state mandated regulations can be extended for shooting preserves but also stated that they must be in the Ag/Rural District or the Ag Overlay and not in any other districts. DePreter suggested using the state mandated regulations but also require a special use

permit to address hours of operation. Discussion followed regarding shooting preserves, hours of operation and supplementary regulations. DePreter stated that licensed shooting preserves will be allowed in the Ag/Rural and Ag Overlay districts with special use permit and site plan review.

The Commission discussed restaurants. Chase suggested that any restaurants in the Ag/Rural District be limited to existing buildings only. Discussion followed. The Commission agreed that restaurants in the Ag/Rural District will be allowed but limited to existing buildings only.

The Commission discussed whether or not to allow restaurants in the Ag Overlay and have them limited to existing buildings only. The Commission members agreed to allow restaurants in the Ag Overlay in existing buildings only. Caldwell opposed the idea.

The Commission discussed the definition of service businesses and whether or not to allow them in the Ag/Rural District and the Ag Overlay. Lengthy discussion followed regarding the various types of service businesses and their possible impacts on the various districts. DePreter stated that a business that is not customer based and is primarily used as a gathering point for crews that are going to go out and work offsite would be more compatible in the rural areas. DePreter further stated that the service businesses that bring customers to the location and services the customer at that location is different. DePreter asked the Commission if there should be two categories, one for onsite services and one for offsite services. Brief discussion followed. The Commission members agreed that onsite service businesses will be allowed in the Business District and the hamlets of Pine Plains, Bethel and Pulvers Corners. The Commission agreed to allow offsite service businesses in the Business District, Main Street Overlay, Ag/Rural Area and the Ag Overlay. The Commission further agreed that in the Ag Overlay, offsite service businesses will be limited to existing buildings only.

Chase asked what the real differences are between the hamlets of Bethel and Pulvers Corners and the rural residential areas. Chase stated that he doesn't think that there is a great deal of businesses in them now and asked if that is something that the Commission might want to change. Stolzenburg stated that maybe the Commission might want to discuss the scale. Caldwell stated that he believes that the Commission already decided that any retail businesses in Bethel or Pulvers Corners can be no larger than 5,000 square feet. Chase stated that he thinks it just comes down to scale and intensity and he thinks that 5,000 square feet would be a big building in either of those hamlets. Discussion followed. The Commission members agreed to leave the maximum commercial building size in the hamlets of Bethel and Pulvers Corners at 5,000 square feet.

The Commission discussed small scale lodging facilities and tourist resorts. Stolzenburg suggested that the definition section be defined by size as well as the difference between a large and a small lodging facility. The Commission members agreed that the large scale lodging facilities will be renamed "rural lodging". McQuade stated that we already have a category for tourist resorts/spa and asked why don't we just get rid of large scale lodging or rural lodging and just stick with tourist resorts/spa. The Commission agreed to allow tourist resorts and spas in the Ag/Rural Area only, and not allowed in the Ag Overlay.

The Commission discussed the definition of small lodging facilities. Keeler stated that he will look into what the number of units should be so that it is consistent with the building code and what's required.

The Commission discussed and agreed to have small lodging facilities in the Main Street Overlay, the Business District and in Bethel and Pulvers Corners.

The Commission had a lengthy discussion regarding supplementary regulations for tourist resorts and spas. Stolzenburg will include supplementary regulations for tourist resorts and spas that state that no building shall be larger than 12,000 square feet with a 50% open space requirement. Brief discussion continued.

The Commission briefly discussed warehouses. The Commission agreed to allow warehouses in the Ag Overlay in existing buildings only.

Keeler asked to go back and discuss small lodging facilities and stated that maybe they can just be called boarding houses. Keeler read the New York State Building Code definition for boarding houses. Discussion followed. DePreter stated that the zoning law already has boarding houses under a separate category and it's different than small lodging facilities. Keeler stated that a small lodging facility can be described as having no more than 10 sleeping units. Caldwell asked if that would then require the Commission to define a large lodging facility as being greater than 10 units. Discussion followed. The Commission members agreed to define a small lodging facility as having no more than 25 units.

At 11:50 a.m., Caldwell recommended that the Commission have the public comment period and then just stay afterwards to finish the discussion on the use table. DePreter agreed.

Public input – Brian Gerber had a question about shooting preserves. He stated that he knows that Northeast has some restrictions on shooting preserves but he hopes that Pine Plains will also do something similar. He said he knows that the state has some requirements in order to get a license but that requirement only requires that you have 100 acres and you can not shoot within 500 feet of a hamlet. Gerber said that he hopes that the Zoning Commission can put in something similar to Northeast which is a minimum requirement of 500 acres, not split by roads and they can not shoot within 1,000 feet of somebody else's property. DePreter thanked Gerber for his comments.

Jane Waters – Waters stated that she doesn't know whether the regulations would deal with the cases where part of the acreage is in Pine Plains and part of it is in Millerton. DePreter stated that he is trying to think of how that is handled with other properties that are divided by town lines. DePreter stated that he thinks it's where the majority of the property is or where the tax listing is to some extent. Brief discussion followed. DePreter stated that he thinks that if we stick with what we have for shooting preserves, we should make it clear that 100 acres needs to be in Pine Plains and not part in one town and part in another.

Katherine King had a question about where tourist resorts and spas would be allowed.

DePreter explained that the Commission had decided to allow them in the Ag/Rural area and would not be allowed in the Wellhead Protection and Ag Overlay areas. DePreter stated that maps of these areas are on the town's website. Caldwell showed King a map of the area. DePreter asked King if that helps answer her question. King stated yes.

Brian Gerber asked if the 100 acre minimum for shooting preserves has to be owned by one person or if the 100 acres can be owned by several people together. DePreter stated that he thinks it would have to be a parcel of 100 acres. Caldwell stated that the Commission has not said that they were doing that yet. Caldwell explained that it is just a suggestion at this point but the Commission has not officially voted on it yet.

Jane Waters asked if the requirements set for shooting preserves are all for new properties getting a license to operate a shooting preserve and if old properties that are already licensed would not come under this. DePreter stated that they would be existing businesses and would come under the non-conforming uses in the document.

Brian Gerber asked if a person is licensed on 45 acres would they be grandfathered in. DePreter stated it would be grandfathered in but he doesn't know how what will happen when their license comes up for renewal. Keeler stated that they would have to change the use in order for that to be an issue. Brief discussion ensued between DePreter and Gerber regarding licenses for shooting preserves.

The Commission returned to their review of the draft zoning law.

The Commission discussed medical offices. DePreter stated that medical offices are allowed in the Hamlet Main Street and Business Districts with site plan review. The Commission discussed and agreed to also allow medical offices in the hamlets of Bethel and Pulvers Corners with site plan review.

The Commission had a lengthy discussion regarding veterinarian hospitals. The Commission agreed not to allow veterinarian hospitals in the two rural hamlets, the Main Street Overlay and the Wellhead Protection Area. McQuade asked if there still needs to be supplementary regulations for veterinarian hospitals. Chase stated that the kennel provisions that Stolzenburg is writing would apply to the veterinarian hospitals.

The Commission discussed riding academies. DePreter stated that we have them in the hamlets of Bethel and Pulvers Corners, the Ag/Rural Area, the Wellhead Protection Area and the Ag Overlay. Discussion followed. The Commission members agreed not to allow riding academies in the Wellhead Protection Area.

The Commission discussed cemeteries and agreed not to allow cemeteries in the Ag Overlay.

The Commission discussed educational/charitable/religious uses. Stolzenburg asked if the Commission wants to change it to two separate categories and have one for religious uses and one for education or charitable uses. Discussion followed. The Commission members agreed to have a separate category for religious uses and a separate category for educational facilities.

DePreter asked if the Commission wants to allow religious uses with site plan review and special use permit in all districts except in the Ag Overlay where we would like to have it in existing buildings only.

Chase stated that churches could be very successful and very active and could have a lot of people going in and out with large parking areas and asked if that is something that should be put in every residential neighborhood. Discussion followed. The Commission members agreed not to allow religious uses in the hamlet residential and center residential areas.

The Commission discussed having a separate category for education and training facilities. The Commission members agreed not to allow education and training facilities in the hamlet residential and center residential areas.

The Commission discussed membership clubs. The Commission members agreed not to allow membership clubs in the hamlet residential area and residential area and to eliminate them on prime soils and soils of statewide importance. The Commission further agreed to allow membership clubs in the Ag Overlay in existing buildings only.

The Commission discussed municipal offices, public assembly, municipal support and car repair and agreed that no changes were needed to the use table.

Chase stated that for car repair there should be standards similar to the equipment storage category that says it should be completely out of sight and that there should be no cars stored that are visible.

The Commission discussed supplementary regulations for self storage structures. The Commission members agreed to add a small section under special use permits for self storage that addresses the aesthetics.

The Commission discussed car washes. The Commission members agreed to add additional supplementary regulations to protect the neighbors.

The Commission discussed Day Care/Nursery Schools. DePreter suggested that maybe day care/nursery schools should be removed from the residential areas and add something under home occupation that covers day care/nursery schools. The Commission members agreed. The Commission further agreed that in the Ag Overlay day care/nursery schools will be allowed in existing buildings only.

The Commission discussed agricultural uses. McQuade stated that she had a question about the Wellhead Protection Area and stated that we have agriculture as a permitted use with no qualifications but asked if the Commission wants to require site plan review or special use permit. DePreter stated that he doesn't think we would be able to. Stolzenburg explained that if it's in a New York State Ag District she doesn't think we will be able to do that. McQuade asked if Wellhead Protection is in an Ag District. Stolzenburg stated that she believes part of it is. Stolzenburg further stated that the regulations that Steve Winkley wrote pretty much excluded agricultural uses.

The Commission discussed mortuary/funeral parlors, crematorium, heliport/private landing area, air fields, zoos and game farms and inpatient healthcare. The Commission agreed that no changes need to be made to the use table for those uses.

DePreter stated that the Commission will continue their review of the draft zoning law at the next meeting on April 25th.

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

Respectfully submitted by:

Karen Pineda
Zoning Commission Secretary