

Town of Pine Plains Zoning Commission Minutes
Public Presentation
April 25, 2006

Members Present: Jon DePreter, Peter Caldwell, Gary Keeler, Scott Chase and Nan Stolzenburg (Consultant).

Absent: Margo Jackson, Vikki Soracco, Helene McQuade

Guests: (110) members of the public, (1) reporter from the Register Herald.

Presentation began at 7:00 PM with a brief introduction by DePreter. DePreter asked the members of the community to sign in using the sheets provided at each table. DePreter stated that the evening's presentation will be online for everyone to access early next week. DePreter reminded the public that the Zoning Commission meets every second and fourth Wednesday of each month at 5:30 PM at the Town Hall.

DePreter explained the format of the evening's presentation, stating that the Commission will present the material for the first hour and there will be a question and answer period for the second hour. DePreter stated that maps and surveys will be passed out before the question and answer period.

DePreter introduced the Zoning Commission members before turning the floor over to Chase.

Chase presented the process of the Zoning Commission. Chase explained that zoning is one of the tools that the community uses to guide development. Chase explained that up until now Pine Plains has been without zoning but has used Subdivision Regulations, Site Plan Approval and even Highway Regulations. Chase further explained that the Zoning Commission is here to help bring the Comprehensive Plan into being with the guidelines it put forth; however, the Commission is not here to rewrite the plan. Chase further explained the process of the Zoning Commission stressing that there will be no referendum in this process because New York State Zoning is not adopted by a referendum, it is adopted by a majority vote of the Town Board and adopted as a local law.

Chase explained what zoning will do and presented a list of items that will be in the zoning law.

Chase went on to explain the Zoning Philosophy stating that the zoning philosophy is to be consistent with the adopted Comprehensive Plan and will address the goals of the Comprehensive Plan. Chase stated that the Comprehensive Plan is available online, possibly at the library and copies may be purchased at the Town Hall.

Chase explained that in addition to the goals of the Comprehensive Plan, the Commission is trying to write a law that allows a certain amount of flexibility, creating incentives, treating everyone fairly through the use of a standard process and set of expectations, maintaining the ability to creatively use one's property and balance growth and development with preservation efforts.

Chase turned the floor over to the Commission's consultant, Nan Stolzenburg. Stolzenburg stated that she will be presenting the more technical aspects of what the Zoning Commission has been working on and discussing for about a year. Stolzenburg explained that the Commission has not been working in a vacuum of just those people who sit on the committee. Stolzenburg explained that the Commission is drawing its guidance from the Comprehensive Plan, the Dutchess County Soil Survey, resources from John Clark of Dutchess County Department of Planning and the Commission has relied on the GIS database as well as town consultants.

Stolzenburg presented the Build-Out Analysis technique and explained how it was used to show what Pine Plains could potentially look like with no additional land use regulations and using the town's current conditions of a half-acre minimum lot size. Stolzenburg explained that with the current half acre minimum lot size, the hamlet area could end up with 1,128 new dwellings and the non-hamlet areas with 28,306 new dwellings. Stolzenburg showed a map of that potential build-out according to the current regulations. Stolzenburg explained that the build-out confirmed that it is not consistent with meeting the vision in the goals that the Comprehensive Plan established.

Stolzenburg stated that the Zoning Commission worked on deciding what this zoning document is going to do, what it is going to regulate and what the important things are to regulate to meet those goals in the plan.

Stolzenburg presented a chart showing what zoning will do and explained that to control density, the Commission is proposing a base density to be established for each zoning district and that base density is further adjusted based on the environmental conditions found on the parcels. Stolzenburg explained that another emphasis of the zoning is to try and ensure proper siting of what does get built to meet the rural character and environmental goals of the plan by trying to move the structures away from critical or sensitive resources. Stolzenburg explained that another thing zoning will do is regulate uses. Stolzenburg stated that this is one area that the Zoning Commission has not delved into very much yet. Stolzenburg explained that the Comprehensive Plan and the Commission have set the stage to allow a lot of uses and a lot of flexibility with more emphasis being on siting and design and not on the use. The philosophy is that the impact is more important than the actual use.

Stolzenburg explained that the Commission is proposing a zoning that will establish a base density. Stolzenburg explained that base density sets the basic level of development allowed for each district. Stolzenburg explained how the environmental control formula is used to calculate the base density and that the base density of the parcels will be adjusted to take into account the specific environmental conditions that may be present. Stolzenburg explained how the Commission came up with the numbers and that the

Commission did a lot of build-out analyses looking at different scenarios using different numbers. Stolzenburg explained that the Commission did build-outs looking at densities from ½ acre to 20 acres using the environmental control formula. Stolzenburg further explained how the Commission used the build-out to target acceptable growth levels and their potential impact and consistency with the Comprehensive Plan. Stolzenburg went on to explain that the mathematical formula for the base density is, *Density equals Acreage multiplied by the Adjustment then divided by the Base Density*. Stolzenburg presented an example of how the formula calculates base density and protects environmental features.

Stolzenburg presented the proposed zoning districts. The first district presented was the proposed Rural District which Stolzenburg explained would have a base density of one dwelling per 5 acres and its purpose is to protect and maintain rural character and environmental features. Stolzenburg further explained that there will be development standards for siting that will move structures away from features that pose environmental limitations. Stolzenburg presented the proposed map of the Rural District.

The next district presented was the proposed Agricultural District. Stolzenburg explained that the purpose of the Agricultural District is to support and protect farming. Stolzenburg further explained that the proposed base density of the Agricultural District is one dwelling per 5 acres and those structures are to be moved away from features that pose environmental limitations and away from active farm fields, important farm soils and setback from farm uses. Stolzenburg presented and explained the map of the proposed Agricultural District.

The next district presented was the proposed Agriculture/Open Space Overlay District. Stolzenburg explained that an overlay is a district that sits on top of another district and that the overlay district will have further fine tuning development control to ensure that we give farming as much of a chance as we possibly can. Stolzenburg explained that the purpose of the Agriculture/Open Space Overlay District is to maintain a critical mass of farmland to promote agriculture. Stolzenburg explained that the proposed base density for the Agriculture/Open Space Overlay District is one dwelling per 10 acres with an incentive density of one dwelling per 5 acres if a substantial portion of the parcel is preserved for active agricultural operations. Stolzenburg stated that structures are to be moved off of prime and statewide important soils and away from active agricultural lands. Stolzenburg presented the map of the proposed Agriculture/Open Space Overlay District.

The next proposed districts presented were the Hamlet Districts. Stolzenburg explained that the purpose of the Hamlet Districts is to foster higher density development consistent with hamlets and to promote the traditional locations of settlement. Stolzenburg explained that the Hamlets of Bethel and Pulvers Corners are not high density hamlets. Stolzenburg further explained that the proposed base density for Pulvers Corners is one dwelling per one acre and one dwelling per ¾ acre for Bethel. Stolzenburg explained that the development standards for siting will require the use of hamlet style development standards so that additional growth in these two hamlets is consistent with the existing patterns. Stolzenburg presented the proposed maps of Pulvers Corners and Bethel.

Stolzenburg went on to explain the map of the Pine Plains Hamlet. Stolzenburg presented the four different districts within the hamlet, stating that they are a Business District, a Main Street District, a Center Residential District and a Non-Center Residential District. Stolzenburg explained that the Pine Plains Hamlet will be to promote hamlet style density and development with a mix of uses and retail development and will emulate current patterns. The base density in the Pine Plains Hamlet will be higher.

The next proposed district presented was the Wellhead Protection District. Stolzenburg explained that the Wellhead Protection District will protect the area containing the well and recharge areas for the public water system. Stolzenburg explained that the Zoning Commission has not yet discussed very much as to what the density is going to be in that area but that it has been added into the environmental control formula to recognize that it has a different role in the community than some of the other areas. Stolzenburg presented the map of the proposed Wellhead Protection District.

Stolzenburg presented a map showing what Pine Plains will look like in the future with the proposed zoning. Stolzenburg explained that the proposed zoning would add between 1,300 to 1,485 new residences in the Non-Hamlet areas and 772 new residences in the Hamlet areas.

Stolzenburg turned the floor over to Jon DePreter. DePreter explained the next steps that the Zoning Commission will take. DePreter stated that the Commission will adjust concepts as needed based on public input, develop the full text of the zoning law, there will be public meetings, a public hearing and a report and draft of the law will be submitted to the Town Board. DePreter explained that the Town Board will then have their own public hearing, a review by the County Planning Department and an Environmental Review. Then the final step will be a vote of the Town Board.

DePreter explained that there will be a short break to pass out maps and surveys, after which there will be a Public Comment period.

DePreter began the Public Comment session and asked that anyone who had questions or comments to please come up to the microphone and state their name and address.

Harry Wilson, Lake Road, Pine Plains – Wilson stated that there were a lot of numbers and detail thrown out here and it is a little confusing without having a hard copy in your hand. Wilson asked if before there is a meeting to get public opinion, can there be something in hard copy to look over that incorporates everything the Commission has been talking about.

DePreter stated that as of early next week, all of the material will be posted on the town's website at www.pineplains-ny.gov. DePreter stated that he knows we are hitting everyone with a lot of stuff in terms of numbers but if we can get some comments on the general concept, that's what we're looking for.

Caldwell asked if people who don't have access online can pick up copies of the material at the town hall. DePreter stated that we will look into that. Chase stated that there is also a computer at the library where people can go to access the internet.

Connie Young, Myrtle Ave, Pine Plains – Young asked if there are any controls in the zoning plan over very intrusive development, such as cement plants.

DePreter stated that the Commission did touch on the fact that different districts will have different use schedules. DePreter gave an example explaining that one thing the Commission talked about was that within a half mile radius of the hamlet in that Main Street area, we will be encouraging mixed uses and we will be encouraging pedestrian friendly uses. DePreter stated that the Commission still has a lot work and it will require them to make up permitted use schedules so some of that stuff is going to take the Commission some time. DePreter explained that the plan does call for a great deal of flexibility and that is why we did set up the Main Street District and an Agricultural District. DePreter further explained that in the Agricultural District, we will be discouraging businesses that will interfere with the business of agriculture and in the pedestrian center we will be trying to discourage businesses that would not be business friendly and promote businesses that would be pedestrian friendly.

Jane Waters, Pine Plains – Waters commended the Zoning Commission, stating that she attended a lot of the meetings and the Zoning Commission has been working very hard and very diligently at this and has done a terrific job. Waters stated that on the questionnaire it asks about affordable housing. Waters suggested one way of doing that is to mandate that large developers set aside a certain number of units or a certain percentage of units for people who have below the median income. Waters stated that even with the kind of flexibility where we can have small lots, land is already getting to the point where it's not affordable for many people in town and if the Commission does require developers to set aside affordable housing, a certain number of the units should be required to be set aside for people who provide services in the town such as the volunteer fire people, the bus drivers, the teachers and the people who work on town boards. Waters stated that she is going to be attending a conference where this is discussed and she will be happy to bring back all of the material. Waters further stated that she would love to see protection of farming even more stringent than the Commission has now because it is so important in terms of preserving the rural character.

Stan Hirson, Pine Plains – Hirson stated that the words farming and agriculture have been used constantly through this whole process, and he would really like to know what the definition of farming and agriculture is and if it also includes horse activities. Hirson stated that he is concerned about this because we are located in horse central in Dutchess County. Hirson stated that the criteria for farming in terms of soil analysis would be very different from the criteria of what constitute good horse land. Hirson gave an example stating that if you were to make a training track for thoroughbreds that would take up a lot of land, which land in terms of drainage, may be totally inappropriate for what would be considered traditional farm land. Hirson stated that he would really like to know where the boundary is between food farming and use of land for recreational agricultural purposes.

Jim Mara, Hicks Hill Road, Pine Plains – Speaking this evening as the Co-Chair of Pine Plains United, Mara stated that in February of 1987, the Dutchess County Planning Department published a work called “Directions: The Plan for Dutchess County”. Mara stated that he would like to read a quote because he thinks it is relevant to the fact that we are putting together a zoning law as a proposal. Mara read the quote, *“the economy and population base of a northeast sector can diversify and grow without spoiling the landscape or compromising the environment. Clearly stated local goals and well conceived regulatory practices are a pre-requisite to achieving an optimum balance between environmental and economic concerns”*. Mara stated he believes that the work of the Commission is part of the very important task of following our Comprehensive Plan with regulatory practices for zoning which will control the road facing our town. Mara stated that Pine Plains United expresses their thanks to each member of the Zoning Commission for the countless hours they have already spent on behalf of the Pine Plains residents. Mara further stated that Pine Plains United supports the Commission and encourages them to persevere in the challenging work still ahead of them.

Ken Bowers, Planning Consultant hired by Pine Plains United to help them look at the impact of future growth in the town from the fiscal impact perspective. Bowers stated that they have basically been doing two different types of analyses, one is an average cost approach which looks at the cost of services and the other is a marginal cost approach to look at what the fiscal impacts are of this build-out. Bowers stated that he would like to commend the work that the Zoning Commission and their consultants have done and that it is extremely impressive and incorporates a lot of the latest thinking and planning and he thinks it is a great framework when thinking about zoning. Bowers stated that when he looked at costs of services, what he has been finding is that the new growth will not pay for itself in terms of cost of services, and in fact it is estimated that the cost of services in a new residential development in Pine Plains will outrun the revenue by about 15% and this is likely to get worse over time. Bowers stated that the taxes on the average home, based on the current tax rates and the assessment practices, is not enough to cover the school costs, based on what he believes to be a fairly conservative multiplier about how many school aged children would be generated by new residential development. Bowers stated that all of these costs that are not covered by development will register increased taxes on local taxpayers. Bowers further stated that he would like to say that hope is not lost in this case because there are several things that can be incorporated into the zoning framework, in fact in many cases are incorporated into the zoning framework to help mitigate these findings. Bowers stated that there is at least one study out there that looks at the costs and services in rural areas based on overall population density and he found a sort of optimal level of the zoning framework that was presented here is not that far off from what they looked at. Bowers further stated that several studies looked at the pace of growth and concluded that rapid growth tends to lead to greater increases in local taxes than moderate growth rates simply because of the need for local institutions to adjust to growth is more difficult if that growth happens very quickly. Bowers stated that he would like to say that planning for balanced growth will help mitigate impact and that means that not all large lot zoning, not necessarily all single family housing but housing that appeals to a broad range of household types will help mitigate the impact on the schools plus zoning that provides for commercial development will do the same. Bowers stated that clustered development in general helps preserve open space and helps lower

municipal service costs. Bowers further stated that it would be consistent with the findings of his study and he thinks the overall goals of community character and farmland preservation is to consider extending the 10 acre overlay outside of where it is currently designated.

Foster Reed, Jackson Corners Road – Reed stated that he was very impressed with everything he saw tonight, but the only thing that seems to have a very large impact that hasn't been spoken about is the amount of traffic anticipated. Reed stated that if there are 2,200 more dwellings in the build-out, which would be at least an additional 5,000 vehicles at the intersection and at some point, the amount of congestion of traffic changes the character.

Jim Petrie – Petrie asked if it is possible to talk about how this plan will impact the proposed Carvel development?

DePreter stated that the Commission has not targeted any specific projects so we can't really comment on that.

Becky Thornton with the Dutchess Land Conservancy stated that she wants to commend the Zoning Commission and Stolzenburg for a great job on what was accomplished so far. Thornton explained that she worked with a lot of zoning codes, master plans and with a lot of different towns and developers. Thornton stated that she would like to say that she really likes what Pine Plains is looking at right now in terms of the ideas for their zoning. Thornton further stated that she likes the incentives for protecting agricultural land and having a base density versus a standard lot size. Thornton explained that not having a standard lot size allows great flexibility to have one acre lots, 5 acre lots and 20 acre lots so that a mix of housing types can be provided for different types of people and different types of residences. Thornton stated that she encourages the Commission to continue and it will be great to know that Pine Plains will grow in a rural way. Thornton further stated that in terms of the Agricultural Overlay Zone, she is actually interested in seeing more detail in terms of how these agricultural areas are decided upon or figured out to ensure that the agricultural areas that the Commission really wants to protect do end up becoming protected.

Joan Redmond, Pine Plains – Redmond asked if the Zoning Commission has considered how they want to handle ridgelines and if the Commission is addressing that.

DePreter stated that the Commission did talk about ridgeline protection and there was a desire among the Commission members to look at that issue. DePreter stated that item and the one mentioned earlier about affordable housing is on the survey so we would like to know how people feel on that.

Chase stated that yes; the Commission is going to be looking at ridgeline protection.

Susan Crossley, Johnny Cake Hollow Road, Pine Plains – Crossley stated that she has been attending the Zoning Commission meetings and wanted to compliment the Commission on their hard work. Crossley further stated that she thinks the

Commission's proposals are really good and really on target. Crossley explained that she moved here because of the rural character of the area and is delighted that the Commission is focusing on trying to preserve the rural character. Crossley stated that she recently drove the back roads of New Jersey to Philadelphia and that 10 years ago those were all rural roads and horse farms and now they are all subdivisions. Crossley stated that she does not want to see that happen in Pine Plains.

Kathleen Corby – Corby stated that when her husband chose to move to Pine Plains, she did not want to because there was no zoning and she thought it wasn't wise to come to a town without zoning. Corby stated that she applauds the Commission and she knows that this has been a lot of work. Corby stated that this is a very comprehensive plan and it's nice to see things being preserved. Corby further stated that the Commission has done a great job and looks forward to seeing it on the internet and learning more about it.

DePreter asked if there were any further questions. There were no further questions or comments from the community.

DePreter asked the Commission members if any of them had anything to say before closing the presentation. Chase stated that there was one fact that was not stated earlier in the presentation. Chase explained that the Commission has given the public some numbers and they will see them online, but to keep in mind that Pine Plains is presently a community of between 1,200 and 1,300 dwelling units. Chase stated that we are starting from that range and with the numbers that the Commission has proposed, we are seeing an additional 2,100 or 2,200 new dwellings over the time period that we see this plan being implemented. Chase further stated that we are not looking to see that happen in the next 5 years or 10 years but sometime out into the future.

DePreter thanked the community for coming and reminded everyone to please get the surveys in to the Commission.

End of Public Presentation.

Respectfully submitted by:

Karen Pineda
Zoning Commission Secretary