

Town of Pine Plains Zoning Commission Minutes  
April 25, 2007

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

Absent: Vikki Soracco

Guests: (5) members of the public.

Meeting called to order at 5:20 PM.

Caldwell motioned to approve the minutes from the April 11, 2007 meeting. Seconded by McQuade. All in favor

The Commission continued their discussion on the use table. DePreter suggested that an asterisk be placed where supplementary regulations are being added. Stolzenburg stated that she would alphabetize the uses in the final version of the use table. Discussion ensued.

The Commission discussed agricultural uses in the hamlets of Bethel and Pulvers Corners. The Commission members agreed to allow agricultural uses in Bethel and Pulvers Corners.

The Commission had a lengthy discussion regarding Concentrated Animal Feed Operations (CAFO). The Commission agreed that CAFO farms would be regulated by Ag & Markets and will not be included in the use table.

The Commission had a lengthy discussion regarding whether or not to require a site plan review for agricultural structures greater than 10,000 square feet. Stolzenburg stated that she does not think that would be consistent with the Ag & Markets Law. Discussion followed. The Commission agreed not to require a site plan review for agricultural structures.

Caldwell asked if we are eliminating the maximum lot coverage in the Ag Overlay. Stolzenburg stated that is a decision the Commission needs to make. Discussion followed. The Commission agreed to drop the minimum lot coverage and height requirement for agricultural uses.

Chase stated that right now we have no minimum lot size for residential uses but the Commission was going to discuss possibly having a minimum lot size for non-residential uses. Stolzenburg stated that we haven't gotten to that yet.

The Commission discussed shooting preserves. Caldwell suggested that the Commission consider supplementary regulations for shooting preserves. Caldwell further suggested extending the requirement as the Town of Northeast did by stating that people can not shoot within 1,000 feet of a neighbor's property line. Caldwell stated that the Town of Northeast also extended the minimum acreage from 100 which is the state requirement, to 200 acres. Discussion followed. The Commission agreed to expand the minimum acreage for shooting preserves to 200 contiguous acres. The Commission members further discussed and agreed to include a supplementary regulation that states that you should only use steel shot and not lead shot. Discussion followed.

Stolzenburg stated that she added in two lines, one for non-commercial windmills and one for commercial windmills and she has definitions for each of them but she wasn't sure about the location. The Commission discussed where to allow non-commercial windmills and commercial windmills/wind farms. The Commission members agreed not to allow windmills of any kind in the hamlets of Pine Plains, Bethel and Pulvers Corner.

The Commission discussed commercial wind energy conversion systems in the Ag Overlay. The Commission agreed by a 5 to 1 vote to allow wind energy conversion systems in the Ag Overlay and Ag/Rural area.

Stolzenburg stated that she has one other thing to add to the use table but she doesn't have the minutes from the last meeting yet. Stolzenburg stated that at the last meeting the Commission talked about splitting service businesses up into onsite and offsite categories but without the minutes, she didn't know what the decision was. Stolzenburg asked the Commission members if anyone has notes regarding that decision if they could email them to her. DePreter stated that he thinks he can remember the decision but he isn't going to feel comfortable unless he sees it in the minutes but he remembers that the Commission did cover that. Discussion followed.

DePreter stated that he wanted to revisit the conversion of existing single family dwellings to two family dwellings. DePreter stated that it's on the use table with site plan review in all districts. DePreter further stated that he was wondering if the Commission wants to also allow new two family dwellings to be permitted in all districts. Discussion followed. McQuade stated that for her requiring site plan review was to address any safety issues and wanted to make sure that the structures would be sound. McQuade asked if that is covered with a building permit. Keeler stated that they will need a building permit, stamped plans and an engineer. McQuade stated that if safety and health requirements were being met with a building permit then she's OK with that. Lengthy discussion followed, after which the Commission agreed to leave the conversion of existing single family dwellings to two family dwellings as it is on the use table in all districts with site plan review.

Chase stated that when we are describing steep slopes as greater than 15%, there should be some guidance somewhere in the law for the Planning Board that development on steep slopes shall be done in a manner that the disturbances are kept to a minimum and that they recognize that they need erosion control plans and the best management practices to allow it to happen. Discussion followed.

Chase stated that on Page 15, under “Monitoring Lot Splits”, it states that the official map and register shall be maintained by the Town Clerk. Chase stated that he was wondering if it should be updated annually by the Planning Board Secretary and then maintained by the Town Clerk. Stolzenburg stated that it should really be updated by the Planning Board Secretary after each subdivision is approved. Discussion followed. The Commission members agreed to state that the map and register shall be maintained by the Planning Board Secretary upon final approval of each subdivision.

The Commission had a lengthy discussion regarding the regulation of lot dimensions on Page 17 of the draft zoning law. DePreter stated that the two concerns he had were the Main Street Overlay and the Rural Area for business, non-residential minimum lot sizes. DePreter proposed to reduce the minimum lot size for non-residential uses in the Main Street Hamlet District to one-third of an acre. All members agreed. DePreter proposed to reduce the minimum lot size for non-residential uses in the Business District to one-third of an acre. All agreed. DePreter stated that the maximum lot coverage for the Main Street District is currently 30% and he would like to propose that the maximum lot coverage in the Main Street District be changed to 50%. Discussion followed, after which the Commission members agreed by a 4 to 2 vote to change the maximum lot coverage to 50% in the Main Street District.

The Commission discussed the two acre minimum lot size for non-residential uses outside of town. DePreter asked as an example if someone has 100 acres and he gets 10 dwellings but then decides that all he wants to do now is put a business in, does he have to go back through the environmental control formula or is the environmental control formula only for residential uses. Stolzenburg stated that the environmental control formula has been set up for residential uses. Discussion followed. DePreter made a motion that the environmental control formula definition be changed to say “principal building” instead of “dwelling unit.” All agreed.

The Commission members discussed lowering the minimum lot size for non-residential uses in the Ag/Rural, Ag Overlay and Wellhead Protection Area and adding special supplementary regulations for certain uses that would require a larger lot size. Chase stated that he needs time to think about that. DePreter suggested leaving it for now.

The Commission discussed the maximum front yard setbacks on Page 17. Chase stated that in the Hamlet Residential Area, Bethel and Pulvers Corners there are many homes that are more than 25 feet from the road. Chase stated that he thinks the maximum front yard setbacks should be 50 or 60 feet from the road to make it a tighter community. Discussion followed. The Commission members agreed the change the maximum front yard setbacks in the Hamlet Residential Area and the hamlets of Bethel and Pulvers Corners to 50 feet.

Chase stated that on Page 19 it talks about the protection of cultural, historic and other unique features but he thought we should use the language of archaeological in places where we are saying cultural and historic. Caldwell stated that he made that suggestion and it was voted down but that he agrees with Chase. DePreter asked Chase if he would like to call for a revote. Chase stated that he would. DePreter asked the Commission members if they want to include language that says “cultural, archaeological and historic

features.” The Commission agreed by a 5 to 1 vote to include language that says, “cultural, archaeological and historic features.”

Chase stated that on Page 21 of the draft zoning law, it talks about the cash value of the proposed amenity. Chase stated that to clarify that, he would like to call it “the incremental cash cost to the applicant.”

Chase stated that on Page 21, item #4, it says that the Planning Board will schedule a public workshop and he thinks it’s important to clarify that it’s a public workshop at which the public shall be permitted to present written and oral comments. Stolzenburg stated OK.

Caldwell made a motion to publish the three maps on the town website for the public to review. Chase seconded the motion. DePreter stated that he has an additional property that he wants to include on the map first. Stolzenburg stated that she thinks the Commission needs to review the maps before publishing. DePreter asked the Commission if they would like to post the maps after the addition that DePreter wants included. The Commission agreed by a 4 to 1 vote not to post the maps on the website until they are reviewed further.

DePreter proposed that the last two remaining properties on the Southside of Route 199 heading toward Rhinebeck be included in the Main Street District. Chase stated that he is OK with including the auto body shop but the other one is just a little house with no parking for that property and he doesn’t see how it can support a business. Discussion followed. The Commission members agreed to include the auto body shop on the Southside of Route 199 in the Main Street District.

Stolzenburg stated that she has gone through all of the definitions and she added what she thinks the Commission wanted plus all of the standard definitions. Stolzenburg stated that there are three things that she is still confused about. Stolzenburg asked the Commission to come to the next meeting with some definition in mind for workshop, how to distinguish a rural office from other offices and she asked that the Commission also look at the supplemental standards that she gave to them on equipment storage because she doesn’t have a definition for equipment storage yet with regard to the type of equipment to be stored.

Public Comment - Erica Powers asked what the Commission’s current schedule is. DePreter stated that it is the Commission’s hope to be able to complete the review in a couple of more meetings. Brief discussion followed.

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

Respectfully submitted by:

Karen Pineda  
Zoning Commission Secretary