

Town of Pine Plains Zoning Commission Minutes
April 26, 2005

Members Present: Jon DePreter, Nan Stoltzenburg, Margo Jackson, Peter Caldwell, Vikki Soracco, Gary Keeler, Helene McQuade, Scott Chase (via speakerphone) and Rick Butler (Liaison for Town Board)

Guests: (1) member of the press (Registered Herald) and (6) members of the community.

At 6:35 p.m., Commission members introduced themselves, followed by an introduction by R. Butler, whereby he stated that the Town Board recognized the need in the community to set density standards and decided that a comprehensive zoning ordinance would probably be the best method of establishing density levels in different areas of the township. He explained that the Commission has been chosen from different groups, different political entities and members of the community and that the Commission's primary responsibility is to represent the needs of the township as a whole. He then stated that the town board's expectations are that a zoning ordinance be developed that follows the guidelines of the comprehensive plan. R. Butler stated that he was named liaison to the commission and is available via email or telephone but prefers email. He further stated that if anyone has a question for any of the other town board members, it is OK to call them as well.

J. DePreter stated that the timeframe for this process is about 18 months but can go a couple of months one way or the other. He stated that the Committee will be very open among each other and with the public. N. Stoltzenburg agreed to set and distribute the agenda via email one week prior to meetings. Minutes will be done by Zoning Commission Secretary and will be emailed to all members to be pre-read before being reviewed for approval at the start of each meeting.

J. DePreter advised the Commission that the town is getting close to having a website and that there will be a link for Zoning and minutes will be posted on the website, as well as the agenda.

J. DePreter suggested all communications between members should be cc'd to all members so everyone knows what's going on. He stated that he checked the legalities of this with Bob Freeman from Open Government and was advised that this would be OK as long as everyone is not going to a chat room where all members would be communicating at the same time.

S. Chase stated that he would agree to the extent possible that they all be cc'd but there may be questions or issues where somebody reads it the wrong way and he doesn't know if 100% of the email is appropriate to be shared universally among everyone. J. DePreter stated that perhaps a phone call would be more appropriate for certain questions or issues but doesn't want to get into a situation where those conversations are extended and become isolated. S. Chase stated he is comfortable with this idea.

J. DePreter stated that a flow chart will be devised as things develop and will be posted on website. N. Stoltzenburg asked the Commission's Secretary when the website might be up. She stated a couple of weeks. J. DePreter stated that the website will be good place for the public to be steered for updates and also stated that the Town Hall mailing address will be the official mailing address for the Zoning Commission.

The Commission discussed and agreed that J. DePreter and N. Stoltzenburg will be the ones to talk to press. N. Stoltzenburg stated that as documents are circulating among the Planning Board, the press is always interested in getting a copy, so this commission needs to make a decision about how to deal with documents that aren't complete or not reviewed yet. She stated that the Planning Board's position has been until they discuss something, it is not released until out on the table.

P. Caldwell stated that he thinks it is good not to release things prematurely because it might mislead people. J. DePreter stated he feels as soon as we have a document that can be released without causing confusion, we will release it and this can be a document by document decision. S. Chase agrees document by document is best. J. DePreter stated that a press release can be done when there is material of some interest. N. Stoltzenburg agreed to do press releases. All press releases will come before the Commission before they go out.

The Commission discussed setting aside time during each meeting for public comment. G. Keeler suggested it be limited to one 10 to 15 minute public comment period at the beginning of each meeting. All agreed.

The Commission discussed the role of the Comprehensive Plan in this process. N. Stoltzenburg stated that zoning must be consistent with the comprehensive plan. She handed out a checklist, made up from the comprehensive plan, of all the land use items mentioned in the plan, and stated that the list can be used as a general check list. She further stated that the Commission does not have to be a slave to the plan but must be consistent with the plan.

P. Caldwell asked if the designation of the critical environmental area should be added. N. Stoltzenburg advised that a critical environmental area is not a zoning issue and further stated that zoning can recognize the critical environmental area but the critical environmental area is really a SEQRA problem. N. Stoltzenburg further stated that we do need to pay attention to the critical environmental area but it is an area that has no standards attached to it.

A community member requested to see the list that was passed out to the commission which brought up the subject of how such requests are going to be handled. After some discussion, it was decided that the list will be held for now with the understanding that at some point it will be put out there for the public.

N. Stoltzenburg asked if the commission had any questions on the role of the comprehensive plan and there were no questions.

N. Stoltzenburg passed out to the commission, a chapter from the book "All you ever wanted to know about zoning" which she stated is a summary of what is in a zoning ordinance and that this can also be posted to website for all to see.

N. Stoltzenburg stated that to have a successful zoning ordinance, it needs to be kept simple and the language ordinary and not to be written in a way that nobody is going to understand and interpret. She then gave a brief history of zoning, describing the three aspects of zoning such as Use, Density and Siting. She explained that a zoning law consists of the written text and the map, that there must be a section that lists the definitions, that the comprehensive plan recommended 5 districts so that is something the

commission will have to decide on as well and that a purpose is needed for each zoning district. A discussion followed, whereby N. Stoltzenburg explained the different types of use, such as "permitted use", "special use", overlay districts, as well as what a non-conforming use is and suggested that the commission will have to make a decision on how non-conforming uses will be dealt with.

N. Stoltzenburg explained that when there is zoning, there must be a zoning board of appeals so that people can get interpretations and can appeal a decision that the planning board makes and that a decision needs to be as to who will deal with any use subject to a special use permit. N. Stoltzenburg further stated that there needs to be authorized enforcement of the law.

The last piece handed out was a table of contents so the commission could see what a table of contents of a typical zoning law looks like. N. Stoltzenburg stated that this table of contents is typically the organization, going from why we're doing this, what the districts are, what the uses are, then the regulations that will be imposed.

G. Keeler asked if it would be possible to get an easel with the different maps we will need. J. DePreter advised CAC has maps and perhaps they can be used. N. Stoltzenburg stated that she owes maps from the Comprehensive Plan in large scale and will provide them by the next meeting. G. Keeler stated that the problem with the GIS maps is that the parcel boundary lines are off. N. Stoltzenburg stated that she thinks we have to go back to the original text parcel maps and cross check it with what's in the database in order to find errors that will have to be adjusted. G. Keeler agreed. N. Stoltzenburg further stated that the Comprehensive Plan encourages use of natural boundaries for districts as much as possible so it may or may not be important.

N. Stoltzenburg stated that the adoption of a zoning law requires a SEQRA (State Environmental Quality Review Act) and there are two ways to go about it, one way being the use of the full Environmental Assessment Form which is more oriented to a specific project like a development and the other way being to do a Generic Environmental Impact Statement, which looks at all of the decisions made in the zoning law and analyzes the potential environmental impacts of having the districts or requirements. She further stated that the Generic Environmental Impact Statement is what the Department of State recommends to be done for a zoning law.

N. Stoltzenburg stated that how the minutes are taken will differ to a certain extent and that the efficient way to do that is to build the GEIS as you go and so as you make decisions, it gets recorded appropriately, then when you are done with your draft zoning, you also have your draft GEIS. A discussion followed regarding how minutes can be set up to avoid having to read through 12 months of minutes to pull out what needs to go into the GEIS.

P. Caldwell stated we can have a set of minutes and a living document which he offered to undertake to write and just write the law as we go along and it's constantly revised and developed as we proceed and feels the draft forms should not be made public because they are constantly under revision. N. Stoltzenburg asked how parts of the minutes that support the GEIS can be captured to go into the statement. P. Caldwell suggested we keep writing the GEIS as we go along and incorporate all of that into it. J. DePreter stated can we have it written as minutes and after minutes are approved, pull it out of the minutes and put it into the statement? M. Jackson stated it's hard to say without seeing

the GEIS. N. Stoltzenburg could bring sample of a GEIS. N. Stoltzenburg agrees that if the Commission wants to go the GEIS route, it be built as it goes along. J. DePreter agreed. N. Stoltzenburg motioned if all agreed to go with the GEIS, all agreed.

J. DePreter presented the question, "when do we involve the public in terms of a public hearing?" N. Stoltzenburg advised to meet the requirement you have to have a public hearing but feels it's best to engage people more than just at the end. She explained that there could be workshops, focus groups, interviews and presentations.

G. Keeler asked N. Stoltzenburg when she feels she will have a flow chart and if she can have something by next meeting. N. Stoltzenburg advised that she needs some direction; some input of the kind of model the Commission is looking for before she can do a flow chart. S. Chase stated it seems that we are not going to know exactly what the tough issues are going to be but will know when we get there. He further stated that he thinks the biggest issue is the density that is put within the districts and that at some point during that discussion the Commission should have some form of public input. S. Chase recommended a bulk mailing be done to advise the public since not everyone comes out to the meetings.

G. Keeler stated maybe the table of contents handed out can be used for a flow chart and just go by sections. P. Caldwell feels that is too piecemeal and doesn't bring enough to the public. He stated he agrees with something along the lines of what S. Chase suggests that when we decide on the districts and decide on the density standards, we then send out and have public workshop or a public hearing on that body of work before we proceed with the rest of it. N. Stoltzenburg agreed that not every section is going to have the same need for public input, thinks C. Caldwell is right, the districts and the density are certainly areas that people are concerned about.

S. Chase suggested the Commission let it ride for a little bit and recognize that we are going to have to do that probably in the district and density point and then again there might be two or three times that we will have to do it.

J. DePreter stated that maybe there's an initial type of workshop or presentation that explains who Commission is, what its doing, and introduces the members to the community. N. Stoltzenburg suggested that might be a good opportunity for a first press release. J. DePreter agreed. S. Chase agreed that public education is important. S. Chase again stated that many people may not make it to a workshop and feels it would have to be done more through press and maybe a bulk mailing. N. Stoltzenburg stated she can draft a press release to be reviewed at the next meeting and maybe by then there will be a better idea of whether the website is up and then the press release can advertise the website address all at once. She further stated that a bulk mailing was not part of the discussion on the budget so that would be up to the town board. R. Butler suggested if the Commission decides to do a mailing, it would need to consider the fact that Pine Plains' zip code extends beyond the borders of the township and it also does not cover all of Pine Plains. N. Stoltzenburg suggested that the property tax list could be used for a mailing list. R. Butler stated that using the property tax list and the voting rolls go a long way but almost no way of guaranteeing that a bulk mailing will get everybody.

J. DePreter stated he feels the Commission can work with the press and use the website and then come up with a day to introduce the Commission in a presentation. Helene asked are we always thinking of the public hearings as a time when the public would be

reacting to some decisions that we already made or do we want to time them so that maybe there's an opportunity for input before we have substantial discussion? J. DePreter stated there should be some input before we move ahead.

J. DePreter stated if we present our basis to the community by press, we're going to get comments from people that way and feels the Town Board has done a good job of trying to get the community reflected in all of the Commission members, but also feels a more public presentation is real important.

S. Chase stated that he feels there's a limit to what kind of group writing can be done. He stated that the ground work has been laid through the surveys that were done for the master plan and doesn't feel we should have to go back through the community and rework all of that. S. Chase further stated that the ultimate reaction is whether the town board adopts the Commission's recommendations or not. J. DePreter agreed that the Comprehensive Plan is there but questioned whether everyone understands it and feels it should be explained to the people. R. Butler stated he feels that as we go along, it's going to become clearer when you have enough information together to take to the public and when you need to seek their opinion.

N. Stoltzenburg stated that the language from the press release can be printed off in a little handout that could be placed at public locations for people to take and read. G. Keeler stated the school kids can even take it home. J. DePreter suggested the locations of the handouts could be in the press release. N. Stoltzenburg stated she will write press release for next meeting. J. DePreter asked if all were comfortable with that, all agreed.

N. Stoltzenburg asked the Commission how they would like her to proceed to get started. After some discussion, it was agreed that N. Stoltzenburg will provide the Commission with material to read a week or so before the meetings and suggested the Commission come prepared with thoughts and comments on them. Discussion followed regarding where to start with the process. All agreed that the press release and maps would be a place to start.

Discussion followed regarding when regular meetings should take place. Because of various availability issues of the members, it was decided and agreed that the next meeting would be held on May 11th at 5:30 p.m., prior to the planning board meeting.

J. DePreter asked if anyone has any questions or comments. A short discussion followed regarding definitions. P. Caldwell asked N. Stoltzenburg if she is going to bring density figures next time. She stated for existing conditions, she should have that done by then.

Respectfully submitted by:

Karen Pineda
Zoning Commission Secretary