

Town of Pine Plains Zoning Commission Minutes
Public Presentation
April 29, 2006

Members Present: Jon DePreter, Peter Caldwell, Margo Jackson, Vikki Soracco, Helene McQuade, Gary Keeler and Nan Stolzenburg (Consultant).

Absent: Scott Chase

Guests: (130) members of the public, (1) reporter from the Millerton News.

Presentation began at 9:30 A.M. with a brief introduction by McQuade. McQuade stated that there are sign up sheets on each of the tables and asked that everyone please sign in. McQuade explained that at the end of the presentation surveys will be distributed for community feedback. McQuade explained that the surveys may be dropped off at or mailed to the Pine Plains Town Hall. McQuade further explained that the PowerPoint presentation and maps will be posted on the town's website at www.pineplains-ny.gov by noon on Monday. McQuade stated that comments may also be emailed to the Commission at zoning@pineplains-ny.gov and that emails will be shared with all Commission members and will be discussed publicly. McQuade stated that the Commission encourages the community to attend the zoning meetings which are held the second and fourth Wednesday of each month at 5:30 PM at the Pine Plains Town Hall. McQuade stated that copies of the color maps that will be passed around later in the presentation will be available at the Town Hall, Monday through Friday from 9:00 a.m. and 3:00 p.m. and to cover the costs, there will be fee of \$1.00 per copy.

McQuade explained the format of the morning's presentation. McQuade stated that the Commission is going to start with an introduction of the Commission members, after which there will be a discussion of the philosophies that are being promoted and the proposed zoning concepts which include zoning districts, density and siting will also be discussed. McQuade stated that at the end of the presentation, the Commission will be asking for comments from members of the community in the audience.

McQuade introduced the Zoning Commission members before turning the floor over to Jackson.

Jackson explained that the Zoning Commission was formed by the Town Board to implement the Comprehensive Plan. Jackson further explained that this is required in order to adopt the first zoning law and the Commission's role is to carefully study, discuss and draft a zoning law for the Town Board. Jackson explained that the Commission's work is based on the adopted Comprehensive Plan. Jackson further explained that the Commission must hold at least one public hearing but will have ongoing public input as zoning is developed. Jackson explained that the Commission will then submit a final report to the Town Board with the Commission's recommendations.

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

Jackson went on to explain the zoning philosophy, stating that the zoning philosophy is to be consistent with and address the goals of the adopted Comprehensive Plan. Jackson stated that the goals of the Comprehensive Plan that will be addressed are preserving the natural beauty and rural character of Pine Plains, ensuring that new commercial and residential growth is consistent with cultural and environmental conditions, maintaining the Hamlet of Pine Plains as the town center for commercial, cultural and residential uses, ensuring that productive farmland will exist to support farming, providing for a range of housing types to meet all needs and protecting the historic elements and character.

Jackson explained that in addition to the goals of the Comprehensive Plan, the Commission is drafting zoning that also 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.

Jackson turned the floor over to the Commission's consultant, Nan Stolzenburg. Stolzenburg explained that to assist them in developing the zoning law, the Commission used information 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 explained that the town's attorney will also be brought into the process at some point.

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 what had been adopted in the Comprehensive 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. Stolzenburg explained that base density is not a minimum lot size, it's a number that says what the direction or level of protection that we want to have for development in Pine Plains is. Stolzenburg further explained that the base density is further adjusted based on the environmental conditions found on the parcels using an environmental control formula. Stolzenburg explained that another emphasis of the zoning is to try and ensure proper siting of what does get built 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 there is going to be some emphasis on the uses but not a lot. Stolzenburg explained that the Comprehensive Plan talks about the need for giving people the opportunity for businesses, home businesses, a variety of uses, and the potential for some commercial development while trying to build on the existing patterns

already in Pine Plains. Stolzenburg explained that there will be more emphasis on the siting and design and not so much on the 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 $\frac{3}{4}$ 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 base density is going to be or what the uses in that area would be. Stolzenburg presented the map of the proposed Wellhead Protection District.

Stolzenburg turned the floor over to Jon DePreter. DePreter presented what the proposed zoning would be like in Pine Plains using the same build-out analysis technique. DePreter stated that using all of the things that Stolzenburg just presented, we have taken the densities from the different districts that we have recommended and essentially it comes out that the future build-out with the zoning that we are proposing to the community now. For the new residences in the non-hamlet area, from 1,300 to 1,485 new residences in the non-hamlet area and for the hamlets, there is a potential to build 772 new homes in the hamlets. DePreter stated that these numbers represent the maximum potential build-out numbers not necessarily what is going to be built.

DePreter explained the next steps that the Zoning Commission will take. DePreter stated that since the Commission's presentation on April 25th, there has been a lot of buzz in town which is to be expected. DePreter explained that zoning is difficult and that first time zoning is going to be that much more difficult. DePreter stated that he thinks all of the Commission members know that and understand the importance of this so the public input the Commission gets during this process is going to be important to what the Commission does. DePreter further stated that this is not an 11th hour presentation, we are planning for public input in this for people who agree on certain issues and for those who disagree on issues. DePreter stated that the Commission just wants to have a civil and respectful conversation with the community about the issues presented. DePreter explained that the Commission's next steps will be to 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 and finally there will be a vote of the Town Board and not a referendum.

DePreter stated that after the Commission's first presentation on Tuesday night, there was a lot of talk going around town and a lot of people went to the Town Board members with their comments. DePreter stated that while that is absolutely fine, the Commission is asking that you come to us also and tell us how you feel.

After a short break to pass out maps and surveys, DePreter opened the question and answer period. DePreter stated that the surveys don't necessarily have to be filled out now, they may be mailed to or dropped off at the Town Hall. DePreter further stated that the maps and presentation will be on the town's website at www.pineplains-ny.gov.

DePreter stated that anyone who has a question or comment should come up to the microphone and state their name and address. DePreter further stated that he understands that there is a lot of passion surrounding this zoning but all he expects people to do is be civil and respectful of the audience.

Harry Wilson, Lake Road, Pine Plains – Wilson stated that he has four questions. Wilson asked what impact studies the Commission has for the public to look at on the number of home sites being proposed regarding educational expenses, police, fire, traffic, pollution, crime, increased taxes and the impact on various services. Wilson went on to ask what happens when the 2,000 additional homes being proposed is reached. Wilson asked what happens to the proposed developments currently on hold pending zoning ordinance and wanted to know if they are grandfathered. Wilson's final question was regarding the formula for open water which is 0.00 and what that means.

DePreter stated that the 0.00 means that for open water there is no credit for a house. DePreter further stated that the issue of the pending development is really a Town Board issue since there is currently a moratorium in place. DePreter stated that regarding the matter of what will happen when we hit the 2,000 additional homes, DePreter explained that most municipalities review their land use regulations every 5, 6 and sometimes 10 years and during that time those issues are reviewed and new decisions are made. DePreter further explained that the Commission is making a decision for now but it is really going to be up to the Town Board to address that issue as time goes on.

Tom Toigo – Gallatin. Toigo stated that he has been a life-long resident of the area and for the last 20 years has raised his children in Pine Plains. Toigo thanked the Commission for their hard work. Toigo stated that it is hard to judge some of this because there are so many missing pieces. Toigo explained that all of the specific prohibited and permitted uses within the districts are going to be the key to understanding a lot of this. Toigo stated that his general impression is that this is overly restrictive. Toigo further stated that he thinks the concepts sound really good but that it is going to have the practical effect of being anti growth and that the opposite of growth is stagnation which is something Toigo stated he has some real concerns about. Toigo stated that he thinks that there probably has been too much emphasis on exclusion and keeping people

out and he feels that's a bad starting point. Toigo further stated that he thinks that a lot of this creates a more expensive home building environment and will put many of the areas of the town out of reach of middle income families. Toigo stated that he has some concerns also about a mandate. Toigo stated that he read the Comprehensive Plan from cover to cover and the focus on maintaining rural character which he stated he thinks nobody is going to disagree with, but feels that perhaps it has more dimensions than what is being considered. Toigo went on to explain that the Comprehensive Plan recognizes that Pine Plains is a good and strong community because of the diversity of our families but he does not know if that is necessarily reflected in this zoning since a lot of people can't afford to live here. Toigo stated that with the price of gas being over \$3 a gallon now, commuting gets to be more and more of a hardship. Toigo explained that families who used to go to Kingston or Poughkeepsie a couple of times a week to get the things that they couldn't get here in Pine Plains have to think twice about it because at \$3 a gallon it actually costs money to run to the stores. Toigo stated that he is very anxious to see what the details are in terms of the hamlets, as he does not see anything that addresses a stimulus for local business. Toigo further stated that he thinks the revitalization of the downtown area is the key to the town and he would like to see the specifics of what is going to stimulate that. Toigo stated that he would like to see Pine Plains remain a vibrant self sustaining community and not turn into an expensive bedroom community.

James Sheldon, Gallatin – Sheldon stated that he wanted to say just two things. Sheldon stated that he thinks the Commission has done a really great service, not only to Pine Plains but to the surrounding towns of Northern Dutchess, Columbia, Ulster and Greene counties who are now grappling with the same issues. Sheldon stated that this is a really good first step of a model. Sheldon explained that it states in the Comprehensive Plan that one of the community goals is to provide housing types of a variety, including affordable housing and the zoning ordinance in many towns is the place where town officials can work to implement that issue. Sheldon stated that there are a lot of ways to go about this but he didn't hear anything about incentives or mandates for encouraging affordable housing as part of the land use and zoning ordinance and he thinks that is one thing that needs to be looked at. Sheldon further stated that the Commission talked about how many buildings, what kinds of buildings and where those buildings may go but hasn't talked about when. Sheldon stated that part of development, land use, growth and meeting community goals has to do with how quickly the buildings are going to be constructed. Sheldon explained that there are techniques to implement and integrate a kind of chronology and if the number of homes in the community over whatever period that is will practically triple, it makes a big difference whether that happens regularly each year over 10 or 20 years or 2,200 new developments in the next 2 or 3 years. Sheldon stated that it affects the character of the town and certainly affects the fiscal impact so he urges the Commission to consider phasing in growth to set parameters not only for the types of buildings and amount of buildings but also the pace of growth. Sheldon stated that although the Zoning Commission does not control the marketplace, he thinks it is the right and obligation of the town officials, including the zoning commission, to influence the marketplace in a way that protects the goals that the community has.

DePreter stated that on the survey there is an item for affordable housing. DePreter explained that this is a preliminary meeting to get some feelings from the community so those people who feel strongly about that, should put it on the survey and add their comments in the comment area.

Jennifer Chase, Pine Plains – Chase asked if the one home per 10 acres in the Agricultural District is already on farms that are already set up. Chase stated that that for people like her husband and herself to try to buy land for a house if that overflows into areas that land is not farmland, then it will be very difficult to purchase. Chase further stated that it was hard for her to understand with the map

DePreter stated that we had an Agricultural District and then the concept inside of the Agricultural District is to take the active farmland fields and have that be the overlay. DePreter further stated that the map we are showing is a concept map and that the fields need to be ground-truthed. DePreter explained that the 10 acre base density was put in as an option for if a developer did want to come in and wants to break the parcel into small units then they are allowed to do that but they will get back down to the regular 5 acre base density. DePreter stated that the Commission felt that one of the things in the Comprehensive Plan was to allow people flexibility with their property.

Karl Crnobori, Pine Plains – Crnobori thanked the Commission for their hard work. Crnobori asked if both the concept of base density tied into separate districts and minimum lot sizes for certain districts can be in one zoning code and whether or not there is a plan for protection of any recreational features in the town, such as the ball fields or the lakes, which are part of the town hamlet but are different than the rest of the town.

Rick Osofsky, Pine Plains – Osofsky stated that he is not sure about the concept of the 10 acre overlay. Osofsky further stated that he is a farmer and read the Comprehensive Plan but thought that it said there should be incentives built into the zoning for these farms to continue. Osofsky stated that it seems to him that what the Commission is offering is to take away the 5 acres and then telling him that if he continues to farm and give up development rights, then he would go back to 5 acres which is what he started with. Osofsky stated that he just doesn't understand what the incentive is. Osofsky went on to state that he too would like to thank the Zoning Commission and thinks that they have done a very good job. Osofsky further stated that he believes a number of the issues were addressed by the Commission, specifically the issues as to base density as opposed to minimum lot size. Osofsky stated that he is personally concerned about the densities that are proposed and said that it is true that at this time we basically have ½ acre minimum lots and we are going from that ½ acre minimum lot size to something 20 to 30 times larger than that. Osofsky explained that what the Commission seems to be proposing on the model build-out presented is a pattern that nearly paralyzed the growth in this town over the last 40 years and wonders if that kind of growth is enough to support a vital downtown hamlet. Osofsky stated that over those 40 years the town lost grocery stores, a country store, a department store and numerous retail activities that were once very much a part of this town and he is wondering if there has been any analysis as to whether or not the growth projected here is enough to support the downtown. Osofsky stated that somebody from Pine Plains United talked about some of the implications that residential

growth may have but he wonders whether or not the committee used the resources from fiscal consultants to at least make some projections as to what the build-out would do in terms of the vitality downtown. Osofsky stated that when zoning was discussed over a decade ago, everyone was so concerned about what was going to happen immediately if we didn't do something in terms of the school district, with the kids and the population, and the only thing that has happened over that 20 year period is that the population has declined and the demographics of the community has changed. Osofsky stated that we are one of the poorest districts in the state and we have very large substantial state aid benefiting us but what has happened most recently is that we are getting very close to a point where the state aid program is going to kick in and take a lot of that state aid away from us and for those of us who live in the community, the tax burden for us who work here is significant. Osofsky asked if any of that has been analyzed. Osofsky stated that he didn't see anything in any of the studies that suggested that the Commission did any economic forecast as to what this build-out would do, what the consequences would be to the town and what it would do to the school district.

DePreter stated that he thinks that maybe the Commission should look at how many people lived in the town 40 years ago and how many live here now and that might have an affect on Osofsky's question about the business district. DePreter stated that maybe it's not just a matter of numbers but that could be a very important piece of information. DePreter stated that regarding the school issue, we do have a member from the school board on the Commission expressly for that reason.

Henry Demoni, Pine Plains – Demoni stated that he has been in Pine Plains for a little more than 2 years and asked if affordable housing can be defined. Demoni also asked with regards to existing farms in this area, when there are new developments that go up near farms, it seems like they dictate how the farms operate. Demoni stated that he has seen it before when he lived in Wappingers Falls and there were farms already in existence when developments went up and people actually had to change their way of living from the way they lived for the past 50 years. Demoni asked how that would impact here.

Ed Casazza, Pine Plains – Casazza stated that he thinks that we need intelligent civil dialogue between all of the people. Casazza further stated that he thinks all of the people here have the same concerns and they want the town to prosper. Casazza stated that there may be some differences in how each of us feel but that's what is important, to work together, not as opposing sides. Casazza stated that is all he asks.

Dick Dunham, Bean River Road, Pine Plains – Dunham thanked the Zoning Commission for the wonderful work that they are doing and the very thoughtful way that they approached this to come up with at least a beginning concept of what could be really modeled for an approach to protecting and supporting what's important to all of us in Pine Plains. Dunham further stated that it looks to him as though there are some rural areas now in the rural district that he would think of as farms and maybe ought to be agricultural.

Patricia Jean, Pine Plains – Jean asked if the hamlets are going to be architecturally restricted, keeping with what is already in place. Jean stated that some hamlets are not architecturally worthy but the Town of Pine Plains has some very interesting architecture that needs to be preserved. Jean further stated that she also wants to thank the Commission. Jean stated that she was at some of the early zoning meetings and the Commission has come a long way and did a lot of work.

Wesley Chase, Pine Plains – Chase stated that he grew up in Pine Plains and still resides here today. Chase asked the Commission what kind of correspondence they have had with the Dutchess Land Conservancy to add into the plan. Chase further stated that he thinks the Zoning Commission has done a great job and hopefully through everyone working together something can actually get accomplished.

Molly Schaefer, Hunns Lake Road, Pine Plains – Schaefer stated she thinks everyone is craving viable business. Schaefer further stated that she went to a place that is just opening, called Mountain Cow Café and it was fabulous.

DePreter asked if anyone else had anything to ask or comment on. There were no other comments or questions.

End of Presentation.

Respectfully submitted by:

Karen Pineda
Zoning Commission Secretary