

Town of Pine Plains Zoning Commission Minutes
February 1, 2006

Members Present: Jon DePreter, Peter Caldwell, Helene McQuade, Gary Keeler, Vikki Soracco, Margo Jackson, Scott Chase.

Absent: Nan Stolzenburg (Consultant)

Guests: (5) members of the public, (1) reporter from the Register Herald and (1) reporter from the Millerton News.

Meeting called to order at 5:30 PM.

Caldwell moved to approve the minutes from the January 25, 2006 meeting. Seconded by McQuade. All in favor.

DePreter thanked the Zoning Commission Secretary for her work on the minutes.

Privilege of the Floor – There were no comments from the community.

DePreter stated that tonight he would like discuss the hamlet densities and come to some kind of conclusions on them. DePreter explained that for tonight's meeting he will go around the table and give each member an opportunity to share his or her thoughts on the hamlet issues then discuss them as a group and try to get some kind of consensus.

DePreter went on to state that the commission had discussed the rural area, then went on to discuss the hamlet but left the rural discussion with a couple of loose ends such as the base density for the whole rural district. DePreter stated that it seems that the group generally has a consensus but it needs to be made firm and that is something he would like to settle at the next meeting but he would like everyone to start thinking about it.

DePreter stated that regarding the commission's vote on the agricultural district at the October 26th meeting, there are suggestions with regard to having the resources be a resource base. DePreter stated that he thinks the commission needs to see that in the context that we were talking about density at the time. DePreter further stated that the commission had moved on and made a decision about soils being considered in the environmental control factor. DePreter explained that the problem is that it is a resource and it's not a parcel based district. DePreter stated that he and Stolzenburg discussed the issue and she offered a couple of possible solutions. DePreter stated that one of Stolzenburg's suggestions was to include the New York State Agriculture district and not just the active farms and that another idea is for Stolzenburg to go through the agricultural map as well as the aerial map and maybe take out some of the wooded stuff so we can get the district down to a manageable size and protect the fields that are of concern to the people. DePreter stated that Stolzenburg will draw up a couple of different options for the commission to look at and discuss. DePreter added that when the commission does decide on the agricultural district, then we will have to ask ourselves if clustering is going to be an incentive or mandatory and we would have to decide on whether the uses are going to be exclusively agricultural or are we going to say that they can have some other things in there. DePreter stated that Caldwell made a proposal to

have the base density up to 20 acres and that will be put on the table for discussion as well. DePreter explained that is the context of what the commission will be discussing and voting on at the next meeting.

DePreter stated that the commission now has a little less than a year to complete its work and we have to give the Town Board at least three or four months to review what we come up with so they can vote on it. DePreter further stated that the commission still needs to present what we have to the public so we have to pick up the pace now. DePreter stated that he would like to get a presentation to the community in March.

Caldwell asked if a date was chosen for the public presentation. DePreter stated that it has not because he wants to see if the commission can get the hamlets finalized and then we can get the final draft written and out to the public

DePreter stated that he would like to go around the table to discuss how the commission feels about Stolzenburg's recommendations regarding the issue concerning what we would allow should a developer decide they want to bring in a sewer system. DePreter stated that this does not mean that the town is endorsing building a sewer and this is not a request by the commission to the town to build one. DePreter explained that the issue is whether or not extra density will be granted if a developer comes in and states that they are willing to bring a sewer to their own particular project. DePreter stated that Stolzenburg's recommendation was 4 dwellings for every acre of land. DePreter stated that if the commission feels that is too intense, there is no reason why we can't make it 3 dwellings on one acre. DePreter further stated that he thinks the issue to discuss is whether or not there is going to be extra density and if so, then we need to discuss and decide where that is going to be in the district.

Keeler stated that potentially someone could come in and buy all of the property from the traffic light to Pioneer Drive, knock down all of those buildings and do what we say could be done there with the sewer. Keeler further stated that the land is subdivided but could be un-subdivided and put into larger block sections. Keeler stated that in light of that he is not sure he could go with 4 dwellings per acre of land. Soracco asked if the 4 dwellings per acre could be an apartment house or 4 town houses or if it would have to be 4 separate dwellings. DePreter stated that it's going to be an overall density and doesn't mean that everyone is going to have a ¼ acre lot. Chase stated that he thinks what Soracco is asking could be worked into the controls that the commission gives to the Planning Board to review. Chase further stated that just because someone may come in and buy up all of those lots doesn't mean that they would be able to do what Keeler is saying because the town could say that it is a major action and request an environmental impact statement which may show that there is huge community concern and in order to mitigate that impact, the town may deny the action. Soracco stated that if we go with 4 dwellings per acre, we are saying that a developer could come in and do what Keeler is saying. Discussion followed.

McQuade stated that she knows we're talking about whether this is something that is acceptable at all anywhere but she is still thinking about it in terms of the three separate rings. McQuade stated that if the character we currently have in that inner circle translates to an average of a ¼ acre or whatever the existing character is then she would be happy with that if they put in a sewer. McQuade further stated that if a ¼ acre or 4 dwellings per acre is compatible with the existing character then she thinks that is in

keeping with the Comprehensive Plan so she doesn't have any objection. McQuade went on to say that as the commission goes out into the outer rings she would like to see it decline so that it is something like 3 dwellings per acre and then 2 dwellings per acre, or even lower density in the outer area. Caldwell stated that what currently exists is a range of 0.15 acres to 0.95 acres. Chase stated that is not density, that is parcel size. Chase further stated to keep in mind that if someone has a 1/2 acre lot and builds a two family house, then that's the same as 4 units per acre. Keeler stated that he was referring to the business district which is the one block area from the center of town. Caldwell stated that if we are talking about one block from the center of town, then he will pass. Jackson stated that she feels that we are hoping to concentrate density in the town so that we leave the wide open spaces in the rural area and she is not sure what that comes out to in terms of numbers and how dense it will be. Soracco stated that she would like to do it as it is now and concentrate on not using the sewer. Soracco further stated that she is not in favor of 4 dwellings per acre anywhere in town. Chase stated that he doesn't have any problems with 3 dwellings per acre or the 4 per acre. Chase further stated that he thinks we already have that now on some lots and just because we might say that it is allowed to be done, it doesn't mean that the town has to allow everybody to come in to cut up into 1/4 acre lots. DePreter stated that what we are talking about is an average density and there are already areas that have that and it's fine. After some discussion, DePreter stated that he doesn't think he would go with 4 dwellings per acre and would rather go with 3 dwellings per acre because he feels it is important to look at building a pedestrian oriented community. DePreter further stated that there currently are not a lot of sidewalks and lights but since we are supposed to be looking ahead then perhaps if we do create an area like that, we can request from each developer that comes in that they put these things in and then the town can kind of fill in as it goes along. DePreter stated that in order to do that we are going to need a little extra density.

McQuade stated that she could agree with 3 dwellings per acre in the center but she likes the idea of lowering the density as we move away from the center because it follows the existing character. Caldwell agreed with 3 dwellings per acre within the 1/2 mile radius from the center as a density. Jackson agreed and stated that if that would get us more of a pedestrian kind of culture there she can agree with that but she's having a hard time seeing the town still being a village with enough sense of space and community with a base density of 3. Jackson stated that 4 dwellings per acre seems too crowded and two dwellings per acre seems like that would be crowded enough. Chase stated that he has no problem with three or four dwellings per acre. Discussion followed.

Keeler stated that if you look at where Videorama is with the apartments above and look at that lot size, it's probably 6 units per acre. Keeler further stated that there are other parcels in town like that. Jackson stated that is not too congested and it's not like there are a bunch of cars outside. Keeler stated that there is parking on the street. Soracco stated that we need to think about parking in the hamlet and that people may not realize it, but there is a problem in the winter with the apartments and where they can park because the cars have to be off the streets. DePreter stated that perhaps there will be a requirement to provide the parking for the apartments, but for right now we have to just decide on whether or not we like the idea of having it be denser in the middle and how dense that would be, and then fanning out and whether or not we have sewers.

DePreter made a proposition that if someone brings a sewer system in, the commission will consider 3 dwellings per acre within the ½ mile radius. Keeler stated that he would go along with that. McQuade agreed. Caldwell agreed. Jackson agreed. Soracco agreed. Chase stated he'll go with 3 but he believes it should be 4. DePreter agreed with the three.

DePreter stated that the next thing to do is to discuss what the districts are and where they will be.

DePreter asked if the commission agrees with the center residential district being defined as a ½ mile radius from the corner of Church and Main Streets. After some discussion, Keeler agreed, Caldwell agreed, Jackson agreed, Soracco agreed, Chase agreed and DePreter agreed.

Chase asked if we are going to get ourselves into trouble trying to explain the logic as to why we stop at a particular point. DePreter stated that because we are trying to make it pedestrian oriented, we can say that we took a ½ mile radius because studies have shown that a ½ mile is about as much as people are going to walk. Chase stated that he feels that is a legitimate response to the question.

DePreter went around the table once more to get a more official vote regarding the ½ mile radius. DePreter stated that we are saying that our center residential is a ½ mile radius from the corner of Church and Main Streets. Keeler agreed, Caldwell agreed, Jackson agreed, Soracco agreed, Chase agreed and DePreter agreed.

The commission moved on to discuss sewer incentives for the non-center residential area. DePreter stated that he is not in favor of any sewer incentives for the non-center residential area because it defeats the purpose of being pedestrian friendly. DePreter further stated that the commission has allowed an incentive for higher density in the center residential area but the question to get on the table and decide on is whether there is going to be any density bonus outside of that fringe area. DePreter asked if the commission agrees with having no sewer bonus for the non-center residential area. Keeler agreed. Caldwell stated that he feels that the commission should be identifying specific residential sites for moderately high density with a sewer system and mandatory, inclusive low cost housing for potential expansion and that he would not want the non-center residential area to preclude that possibility. DePreter stated that he agrees with that intention but the idea of picking individual sites in town scares him. Caldwell suggested three possible sites; the large area of land to the North owned by Adams, the area of the Village Green proposal and the Sunny Meadows farm. Caldwell stated that those are three potential sites where we can have moderately dense development with all services provided including low cost housing. Caldwell stated that if the commission agrees with that then it would conflict with what the commission is doing for the next perimeter. DePreter stated that this scares him because it starts to get into a parcel based choosing of property that he thinks is dangerous territory to a certain extent, both politically and community conception-wise because someone may question why a particular piece of property was chosen. Caldwell stated it would be chosen because it's adjacent to the town. DePreter stated that it would make that particular piece of property more valuable than the piece next to it and all we can say is the only reason we chose it is because the parcel is currently empty. DePreter stated that he doesn't think he wants to get into picking individual parcels for specific uses and that the whole thing about

affordable housing is something that he would like to deal with separately.

Chase stated that there are a couple of ways that Caldwell's suggestion could potentially be done but we would need to talk with Stolzenburg. Chase explained that there could be a floating district and then we can have an overlay that essentially defines the area where the floating zone can land and it doesn't give the developer the ability to do something by right but that they would still have to go through a re-zoning, the Town Board and a very public process. DePreter stated that he thinks that's a very good way to compromise and that we would not be specifically picking a certain area but we would say by definition what we would like to do and then let it be determined by a group of individuals other than the zoning commission. Caldwell agreed and stated that we could just say that the floating district terms could potentially allow for moderately high density development with services provided by the developer. DePreter asked Caldwell if with that caveat he would then agree with giving no sewer bonus for the non-center residential area. Caldwell agreed. Jackson agreed.

DePreter stated that we now have the sewage side done and we have defined our districts so now we have to go through and look at Stolzenburg's recommendations for the hamlet Main Street center and non-center without any sewage bonuses. DePreter stated that Stolzenburg's recommendation is that the commission thinks about the differences between a residential density and commercial density. DePreter stated that is something he can't answer without her being here and suggested moving on to the Main Street center. DePreter stated that Stolzenburg's recommendation is one dwelling for every 1/2 acre with no sewer which is currently what it is now. DePreter stated that he thinks it's probably a good idea to just leave it at that. Chase stated that the present subdivision regulation is 20,000 square feet which is a little less than a 1/2 acre. Chase stated that he would be inclined to stick with that. **DePreter proposed to the commission that in the center residential area we will basically be endorsing the existing the 20,000 square foot limit with no sewer. Keeler agreed. Caldwell agreed. Jackson agreed. Soracco agreed. Chase agreed and DePreter agreed.**

The commission moved on to discuss the non-center residential area. DePreter stated that Stolzenburg recommended one dwelling for every 3/4 acre which gets into our idea of feathering out as we go out. DePreter stated that he thinks that we have to make a distinction that this doesn't necessarily mean a 3/4 acre minimum lot. Keeler stated he would not like to see a density higher than one acre near the lakes. Caldwell stated that when we drew the hamlet boundary, we already drew the boundary one lot east of the lake so that the land around the lake is not in the hamlet. Discussion followed.

Chase stated that he just wanted to mention that because we don't have the information being discussed up with the projector that he would not mind if during the discussion someone from the audience wants to come up and without being real intrusive looks over his shoulder. Chase stated that he knows some people don't like to have people looking over their shoulders but he is not opposed to it for himself. Soracco stated that it would bother her to have someone looking over her shoulder. Keeler stated it would bother him too.

DePreter stated that the proposal on the table is that in the non-center residential district we will allow one dwelling on every ¼ acre with the environmental control formula. Keeler agreed with that. Caldwell agreed. Jackson agreed. Soracco agreed. Chase agreed and DePreter agreed.

DePreter stated that the last thing to discuss is the Main Street Business Overlay District. DePreter further stated that it doesn't necessarily have to be in the ½ mile radius because they are basically design standards and are going to recognize that this is the major transportation route and it is mostly going to be about mixed use. DePreter suggested that the commission define the district up to a location point that will be the main corridor where we are going to try to encourage mixed use. Keeler stated that he thinks west should be Stissing Mountain Road. DePreter suggested going east to the end of Factory Lane. Keeler suggested that Main Street go south to Route 83 and should include Mountain View Restaurant. Keeler suggested that Main Street go north to Patchin's Mill. All agreed.

The commission discussed what the density should be along the main streets. After some discussion, DePreter asked if the commission is comfortable with the existing density of two dwelling units per acre. Keeler stated he would be comfortable with that. Caldwell stated with no sewer. DePreter stated that the sewage density only goes out a ½ mile and it supersedes the main street density but the use issue extends all the way up. DePreter stated that he thinks it was the commission's intention to keep the sewer in the ½ mile radius regardless of whether it's on Main Street or not. Keeler agreed. DePreter stated that we can say that the Main Street Overlay is only for use and not for the density. Keeler agreed.

DePreter asked if the commission wants to officially designate that the Main Street Overlay will go west on Route 199 and will be marked by Stissing Mountain Road, the east will be marked by Factory Lane, on Main Street, the south side will be marked by the intersection of Route 83 and the north side will be marked by Patchin's Mill/Silvernails Road and we will recognize the existing 20,000 square foot density level in that but the sewage capacity will only go out to a ½ mile density. Keeler agreed. Caldwell agreed. Jackson agreed. Soracco agreed. DePreter agreed.

Chase stated that he would like to add that the issue is going to be that in the Main Street District we extended it so far out that there's going to have to be a differentiation in the commercial uses, Chase stated that he thinks there ends up being two commercial zones where certain uses that are appropriate to be along those roads within walking distance of the light but there are other commercial uses that may not be appropriate all the way out. DePreter stated that maybe we should make a little note regarding a commercial variation outside of the ½ mile radius.

The commission moved on to discuss the hamlets of Pulvers Corners and Bethel. DePreter stated that Stolzenburg's recommendation in the hamlet of Bethel was for mixed use about one acre and that one acre gives less density to this less dense hamlet. Jackson stated that Stolzenburg may be thinking that we want to make the hamlets denser but these are rural hamlets. Jackson further stated that she would not want to see Bethel and Pulvers Corners become really populated. Chase stated that after we drew the hamlet boundaries he wasn't sure whether people could do clustering and still create small lots

and maintain the average density. Chase stated that there are so few places to put anything that he thinks that the commission will go through a lot of discussions but maybe only get another 6 or 7 houses in Bethel. Caldwell stated that in July where we got to this point and decided that applying a base density wasn't going to work with either Bethel or Pulvers Corners. Caldwell further stated that what we said would work is formulating design standards to replicate the pattern of distribution of the residences that already exist in those hamlets so that nothing was done that would violate the scale and the distribution that exists and that it would just be added to but only in the same kind of format. DePreter asked the commission if someone brought in a sewer system, would they want to allow increased density in Bethel or Pulvers Corners. Keeler stated no. Jackson stated she would not like to see either hamlet denser. Soracco stated that we don't want to make it denser but what about the surrounding land, it could make it denser. Caldwell stated that now you're talking about rural Pine Plains. Chase stated that he thinks what Soracco is saying is that for instance; the Adamses own a big chunk of property outside of the hamlet and they could concentrate all of their development up next to the road in the hamlet zone and leave the rural alone. Discussion followed.

DePreter stated that Stolzenburg suggested Pulvers Corners with one dwelling per one acre of land with no sewer. DePreter suggested discussing the sewage issue first. DePreter asked the commission if they are willing to gain any density for sewage in Pulvers Corners or Bethel. DePreter stated that the proposal on the table is to not increase density in either hamlet for sewage. Keeler agreed. Caldwell stated that Chase had explained that they have a water problem in Bethel and that if there are going to be more residences they are going to have to restore the water system so if that's the case, it's going to require services for additional structures. DePreter stated that people are not going to get a permit for a $\frac{3}{4}$ acre lot if they can't get clean water and septic. Caldwell stated that Chase mentioned previously that if there are going to be more houses in Bethel there is going to have to be a central water system. Discussion followed.

Chase explained that the difficulty with the water in Bethel was that the lots were developed based upon the central water system that was there and then that system went away and people were forced to drill wells on lots where you can't physically get separation between the well and the septic system. DePreter stated that he thinks we are getting off track and that whether or not they get a water system out there is not really what we're asking. **DePreter explained that we are just saying if a sewage system is brought into Pulvers Corners or Bethel, are we going to give them extra density. Keeler stated no. Caldwell stated he will follow Chase's lead. Jackson said no. Soracco said no. Chase said no. DePreter said no.**

The commission moved on to discuss the hamlets of Pulvers Corners and Bethel without sewer. DePreter stated that Stolzenburg's suggestions were one dwelling for every one acre of land in Pulvers Corners with no sewer and one dwelling for every $\frac{3}{4}$ acres of land in Bethel with no sewer. Discussion followed regarding adjusting the boundaries in Pulvers Corners to protect the rural view shed, the prime soils and the agriculture. DePreter proposed reconfiguring the boundaries for the hamlet of Pulvers Corners to accommodate the fields to the southwest that are on the prime soils and soils of statewide importance, as well as the northeast corner. Keeler stated that if that's done, then he would agree with Stolzenburg's numbers.

DePreter went around the table and asked the commission for a vote on whether they want to change the boundaries to accommodate the fields. Keeler, Caldwell, Jackson, Soracco, Chase and DePreter all agreed. DePreter stated and then we accept Stolzenburg's recommendation of a density standard of one dwelling on one acre for the hamlet of Pulvers Corners and ¾ acre in Bethel.

DePreter stated that for the next meeting Stolzenburg is going to bring in some alternatives for the agricultural district so maybe what we can do next time is talk about the agricultural district, the different ways to define it and about the different uses. DePreter stated that once we do that then the question everyone is going to have to ask themselves is whether or not it should be a use restricted totally to agriculture or are we going to allow mixed use and then also clustering and if we are going to want clustering, will it be incentive based or mandatory.

A member of the public had a question about the hamlet having 3 units per acre. DePreter explained that it is only if a developer were to come in and put in sewage. The same member of the public stated that what he doesn't understand is that it was said that a developer is probably only going to do it if they have about 90 units so the only way the rest of the place will fill in is if you ask for a municipal sewer system. Keeler explained that the county says you can't have anything less than a half acre per unit anyway.

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

Respectfully submitted by:

Karen Pineda
Zoning Commission Secretary

*** Bold font denotes a decision made by, and agreed to, by the Zoning Commission for purposes of composing the Generic Environmental Impact Statement.**