

Town of Pine Plains Zoning Commission Minutes
February 8, 2006

Members Present: Jon DePreter, Peter Caldwell, Helene McQuade, Vikki Soracco, Scott Chase and Nan Stolzenburg (Consultant).

Absent: Gary Keeler, Margo Jackson

Guests: (7) 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 February 1, 2006 meeting. Seconded by McQuade. All in favor.

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

McQuade offered her perspective and opinion about extending the mixed use district on North Main Street up to Patchin's Mill. McQuade stated that it seems like the rationale for doing that is that we have the smoke house and Superior Sanitation there and extending the district would include them in that mixed use district. McQuade explained that her view of that section of North Main Street is that it's primarily residential except for those two parcels. McQuade stated that it seems to her that we would be taking too much of North Main Street which is primarily residential. Chase stated that he understands the concern and depending upon how the design criteria come out we may need to adjust the boundary. DePreter stated that the commission needs to look at the topography in that area and that he is not sure how much is available for business anyway because the area is pretty sloped. DePreter stated that none of these ideas are set in stone.

DePreter stated that the commission needs to talk about the 10,000 square foot for dwellings and what that means in terms of businesses and residences. DePreter further stated that it might help to clear up exactly what a dwelling unit is. Stolzenburg stated that a dwelling can be a single family home, an apartment, a two family home, it could be one building with 3 units or it could be 3 separate units. Stolzenburg stated that the 10,000 square foot minimums that she had in her chart under hamlet business was for commercial but we need to talk about how the commission wants to treat residential in that area.

DePreter stated that before the commission goes any further with the discussion, he wanted to mention that at the last meeting, the commission discussed not allowing for sewer outside of the ½ mile radius but we never officially took the vote for the record. DePreter stated he would like to put that vote on the table again stating that there will be no bonus for sewer outside of the ½ mile radius except if it were provided for in a floating zone. McQuade stated she agrees, Caldwell agreed, Soracco agreed, Chase agreed and DePreter agreed.

The commission returned to the discussion pertaining to the 10,000 square foot recommendation. Stolzenburg stated that she thinks the commission needs to think about how to handle residences in the hamlet business district and what kind of density or other measurements do we want to have for commercial businesses. Discussion followed regarding the question of converting an existing building in its entirety to a commercial use and what if it's commercial and residential. Chase stated that the 10,000 square foot minimum is for the creation of a new lot. Chase further stated that the commission can talk about what happens with the creation of any new lots and about the intensity of land use of existing lots. Chase asked if there are density intensity standards that the commission can come up with and what kind of guidelines can we give to the Planning Board so that somebody doesn't try to over intensify and the Planning Board doesn't feel like they are being arbitrary in saying yes or no.

DePreter suggested that the commission start with a discussion regarding the 10,000 square foot for new building and then leave the re-use issue for now and just say that it would be a site plan review. Discussion followed.

Stolzenburg asked if the commission would want to allow residential uses such as someone coming in, taking the Stissing House down and building a house in its place. Chase stated that he thinks the residences should be secondary or perhaps the first floor has to be primarily commercial and be the primary use on the site. DePreter stated that he would propose that the commission accept Stolzenburg's proposal of the minimum lot size in the hamlet business district being 10,000 square foot. Caldwell asked if the commission is going to specify a maximum lot size. Stolzenburg stated that in the hamlet business district that might be important otherwise someone can come in and take multiple lots together to put up something very big. Stolzenburg explained that there can be maximum lot sizes and/or maximum building footprints. Stolzenburg further stated that some communities do not limit the size of the building but make sure that if the façade is more than 80 feet long along the road frontage that there has to be façade breaks so that it's not one big long length of building. Stolzenburg stated that she would not be so concerned about a big lot but she would be more concerned about a big building that would be inappropriate in that area. Discussion followed. DePreter stated that perhaps the commission can think of the issue of maximum lot size as a review process for now and see what we can do and then come back to this question.

The commission went on to discuss whether they want to treat two family and multi-family dwellings differently than single family dwellings and whether or not the commission wants to make any of these residential districts exclusively single family residences or allow single family, two family or if someone comes in and wants to put in a 10 unit apartment building. Brief discussion followed.

The commission went on to discuss the agricultural district. Stolzenburg suggested that the commission start discussing what they want to accomplish by having an Ag overlay. Chase stated that he thinks the question it comes down to is what the commission is trying to accomplish is that anything that happens in the Ag district would be essentially agriculture so in picking a goal, the extreme goal would be to say that we are going to keep that area primarily agriculture in use and for agricultural uses in the future. DePreter stated that is a good place to start. DePreter further stated that for him that is a pretty tough item to pass with the town and that the Comprehensive Plan was pretty clear about sticking with mixing uses in town and he thinks it's quite restrictive for him to say

that but then it depends on how big the district is and what is going on in it. DePreter stated that the last time the commission spoke about this issue, he thinks we were looking at it in terms of making a list of uses that would be pretty much ruled out of an Ag district but not necessarily saying that there is no residential activity. DePreter further stated that if there is residential activity, it should be done by siting and any other uses that would come up would be a variance or a special use. DePreter stated that we should have a list of things that are not permitted and then have a process to go through for other things instead of trying to list every specific business. Stolzenburg stated that there are uses that are prohibited, uses that are permitted by right which means they don't have to go through a special use permit review process and then there are uses that are permitted by right but have to go through a site plan review process and then there are the other categories of special use permits which are uses that are allowed but have some characteristic that may make it more difficult to site and become compatible with that neighborhood so you have them go through a special use permit process so that you can take care of any issues related to that use. DePreter stated that he would like to allow any use to happen in the agricultural district as long as it doesn't conflict with agriculture. Stolzenburg stated that even if someone wasn't going through a site plan or a review process, they would still have to meet all of the requirements of that zoning district so you could potentially have mandatory siting requirements for all dwellings and then the building inspector would be responsible for ensuring that they follow through. Discussion followed.

Stolzenburg asked if the commission wants to see mandatory siting standards in the Ag overlay. DePreter stated that he would like to see a lower base density in the Ag district with maybe a 7 or 8 acre base density and if people site homes correctly they can come back down to the 5 acre base density and do it as an incentive. DePreter stated that he feels there should be some siting language in the Ag district. Chase stated that he has seen some sort of a point system where as long as someone is able to attain a certain number of points such as if they locate the house so it is fully hidden by vegetation they would get so many points, if it's partially hidden then maybe they don't get as many points or whatever it is that we determine is important and as long as they get enough points there really isn't a concern and the building inspector could go ahead and issue a permit. Stolzenburg stated that if we are going to rely on the building inspector to make these determinations, we can't leave it so loose that he could be arbitrary about it. DePreter stated that he would want to see the Planning Board doing the numbers as a back up for the building inspector.

Stolzenburg suggested taking it one step at a time and stated that you want to make sure you have siting criteria for all buildings to make sure that open space and active farm fields are preserved as much as possible. McQuade agreed that siting is critical and as far as the overall discussion it boils down to two issues which are the density and siting. McQuade stated that at one point the commission had a discussion about whether we wanted to have an agricultural district and we decided that we would have the prime soils and soils of statewide importance become a factor as one of the environmental constraints. McQuade further stated that she can see the importance of having the district defined so that we know where we are going to put the siting standard because that's different from the density. McQuade stated that she is having trouble envisioning what it all translates out to when we talk about density with incentives. DePreter stated that he is just talking about incentives for clustering. McQuade stated that she likes the idea of having a point system incentive for the clustering but that protecting the ridgelines is

another issue which may not just be confined to the agricultural district. Stolzenburg stated that no matter where you are in the town, siting is important and if you're siting away from active agriculture or siting away from a ridgeline, you're siting away from all of the things that we've identified already so you don't really need an overlay district to do that, you just need to set the criteria and say that these are the things that we are going to require you to move away from. DePreter stated that he feels if there were a higher base density of 7 or 8 acres just in the Ag district and we have siting requirements, we won't have to worry about over development because it will be pretty restrictive. DePreter went on to state that if someone wants to do something with clustering to provide more homes and possibly have a certain amount of conserved land, then they win themselves back to the 5 acre base density because they've met many of the different conditions. DePreter stated that he would have a very high comfort level between the fact that they clustered their homes, sited their homes and preserved some land on it. Chase stated that he is concerned that there needs to be some community involvement in the siting and to leave it up to only incentives, he is afraid that there will be some who will just rather avoid more community input. Discussion followed. **Caldwell stated that he favors the idea of mandatory site review and thinks a density bonus is reasonable for the agricultural district. McQuade agreed, Soracco agreed, Chase stated he is OK with that. DePreter stated then siting is mandatory but clustering is an incentive.**

Stolzenburg asked the commission if they want to go back and discuss the uses in the Ag overlay since the commission never made a decision on that. Chase stated that he thinks we will have to have some limitations but it can't be entirely performance based because there are probably some commercial businesses that we want to really push to be in the town center. Chase further stated that he feels we are going to have to go through the exercise of going down through the land use list and plan what is acceptable in this district and not acceptable in other districts. DePreter stated that his question on this is how far down a road do we have to go before we make a presentation. Stolzenburg stated that she thinks that if the commission can philosophically establish what we are going to allow, such as farm related uses, home occupations, compatible uses that will be allowed, some with site plan review and others that will be prohibited and some others we might want to allow but might want to have a special use permit process or whatever combination of those you want, that should be enough to present to the public to see how they feel about that general concept. DePreter suggested that the commission agree on a general scenario without getting into heavy detail because we are going to put this thing out there and we're going to get more input. The commission discussed the possible general philosophy on uses in the Ag district for the purpose of a public presentation.

Stolzenburg asked the commission where they want the Ag district to be. McQuade stated that she feels everything currently being actively farmed and prime soils are two priorities. McQuade added that the commission did establish soils of statewide importance as an important environmental factor so she thinks those three factors combined should make up the Ag district. Caldwell stated that he thinks the agricultural district should be parcel based which would include everything in the given parcel. Caldwell stated that he spoke with 51 rural landowners in Pine Plains and believes that the commission is going to find that the rural landowners are going to think it's bizarre to draw boundaries in the agricultural district that only include portions of their farm so he thinks the agricultural district should be parcel based. Soracco stated that she would like to see the active Ag lands and soils. Chase stated that he wants to think on it a little.

DePreter stated that he likes the idea of it being parcel based ideally but when he looks at the map, basically everything outside of the town short of the mountains is going to be in the agricultural district. DePreter stated that he talked to a couple of different farmers and they do not like the idea of the woods being included in the Ag district. DePreter further stated that everything we are doing here has been resource based so he thinks the fields are essentially what we are trying to protect. Discussion followed.

Stolzenburg asked if the commission would like to think about the Ag district and make a decision next time or if they want to make a decision now. Chase stated that he is leaning towards the soils and the usage as opposed to the parcel based but stated that he would like to have Jackson and Keeler present for the discussion.

DePreter stated that our next regularly scheduled meeting will be March 8, 2006. DePreter suggested that the commission consider a weekend in April for a presentation. McQuade stated that she can coordinate a day with the school.

Chase motioned to adjourn. Seconded by DePreter. 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.**