

Town of Pine Plains Zoning Commission Minutes
January 10, 2007

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

Also Present: Rick Butler (Liaison), Warren Replansky (Attorney)

Guests: (8) members of the public, Millerton News

Meeting called to order at 5:15 PM.

Chase motioned to adopt the minutes from the December 6, 2006 and December 13, 2006 meeting. Motioned seconded by McQuade. All in favor.

The Commission discussed adding a third meeting of the Zoning Commission to their schedule each month. DePreter proposed that the Commission add an extra three hour meeting each month to take place on the second Saturday of the month from 9:00 a.m. until noon. All in favor.

DePreter explained that because of the extra monthly meeting, continuing to have the minutes done in such detail is more difficult and very time consuming. DePreter proposed streamlining the format of the minutes. All in favor.

Rick Butler thanked the Commission for the time and effort that they have invested so far. Butler explained that the Town Board's vote to only extend the Moratorium by six months does not need to be linked to the amount of time that the Zoning Commission has to get their work done. Butler explained that the vote to extend the Moratorium by six months and not one year was because there didn't seem to be enough support for a one year extension. Butler explained that the Town Board always looked at the Moratorium as being for one year with the absolute worse case being a six month extension. Butler stated that the Public Hearing for the Moratorium extension is set for January 11, 2007. Butler further stated that the Town Board will take the public's comments at the hearing into consideration. Brief discussion followed regarding the Moratorium.

The Commission had a discussion regarding the Agricultural buffer. Stolzenburg explained that she re-wrote the portion on the Agricultural buffer to clarify it and make it more direct. The Commission discussed why the Agricultural buffer on the map drawn up last January is 1,000 feet but the draft zoning law states a 50 foot buffer is required. Stolzenburg explained that the map is a different concept than the 50 foot buffer mentioned in the draft zoning law, which she stated, is a parcel by parcel basis. Stolzenburg further explained that when a non-farm development goes in next to a farm, that new non-farm development would need to buffer itself between itself and the farm. The Commission went on to discuss the Department of Health requirement that states that a private well should be no closer than 200 feet from a manured field. Stolzenburg will add language to the draft zoning law that states that when a private well in being put it, it has to be 200 feet from a manured field or whatever the Department of Health indicates. All in favor.

The Commission discussed the topic of “Rural Siting Principles” outlined on Page 32 of the draft zoning law. The zoning law states, “*Siting of all structures shall, to the maximum extent practicable, avoid placement on lands within the parcel that have been identified as having steep slopes > 15%, within 100 feet of stream banks, within 100 feet of any state or federal wetland, or within the 100 year floodplain. Additionally, structures shall, to the maximum extent practicable, avoid being placed on lands defined by the Dutchess County Soil Survey as being Prime Farmlands, or Soils of Statewide Importance*”. Stolzenburg stated that Ray Jurkowski had noted that the siting requirement for state wetlands can be left at 100 feet but that the requirement can be as low as 40 feet for federal wetlands. After a brief discussion, the Zoning Commission agreed to leave the siting requirement at 100 feet for both state and federal wetlands.

The Commission discussed item 2 (b) under Rural Siting Principles, on Page 32. Chase suggested that the Commission go back and check the commercial or non-residential uses on the use schedule because there may be some that do not require a site plan review or special use permit where the guidelines in this section may still apply. Stolzenburg will make a note to check that. The Commission discussed whether or not to remove the second sentence under item 2 (b) on Page 32 which pertains to the Rural Siting Principles and reads, “*They are recommended but not required for the siting of individual residences on existing or newly subdivided lots*”. Stolzenburg stated that she can add something that basically says that anything going through site plan review or special use permit, these guidelines will be applied and anything else it is just recommended, whether it’s an existing lot or a newly subdivided lot. Stolzenburg stated that she can also add language that says, “*...unless required by the Planning Board in a clustered subdivision.*”

The Commission discussed their preferences regarding the four options Stolzenburg listed under clustered and conservation subdivision. The Commission agreed to use Option #3 which reads, “*The Planning Board is authorized to require adherence to the regulations of Section IV(C) (3) (Clustered and Conservation Subdivision) for all subdivision applications in residential zoning districts where, in the opinion of the Planning Board during SEQRA review, the purposes of this Local Law can not be met under conventional subdivision methods*”. The Commission further agreed that the criteria listed under Option #4, should be moved up and included as part of Option #3 as guidelines to help the Planning Board in making their decisions. Brief discussion followed.

Replansky asked if the density bonus will need to be approved by the Planning Board. DePreter explained that the individual applies to the Planning Board, the Planning Board sends the application to the Town Board for recommendation and then it comes back to the Planning Board for a final decision. Brief discussion ensued.

The Commission discussed whether or not Concentrated Animal Feed Operations (CAFO) should be included under Agricultural Zoning Exemptions of the draft zoning law. Stolzenburg explained that Ag and Markets has their own model site plan review language that they have approved for communities that want some limited control over these types of things. Stolzenburg stated that she would just use their language.

Discussion followed. The Commission agreed to hold off on deciding anything for now until Stolzenburg gets more information on CAFO farms.

Replansky advised the Commission that they should pay very close attention to the language about agricultural structures and practices because there are a lot of ways of getting around a site plan review or a special permit approval by calling something an agricultural practice when it really is not. Discussion followed.

The Commission discussed the fact that the supplementary development regulations for the Agricultural District are equally suitable for the Rural District. Stolzenburg stated that so far the Agricultural District and the Rural District share the same standards with the exception of Inpatient Healthcare Facilities which is permitted in the Rural District but not in the Agricultural District. The Commission discussed the possibility of combining the two districts and calling it the Rural Ag District.

Stolzenburg advised the Commission that she is working on the supplementary development regulations for the Agricultural/Open Space Overlay District that still need to be included in the draft zoning law.

Stolzenburg stated that supplementary development regulations for the Wellhead Protection Overlay District will be addressed at the January 24, 2007 when the Commission will discuss the Draft Wellhead Protection Plan with Steve Winkley, Ground Water Specialist with New York Rural Water Association.

Stolzenburg asked Replansky if he would want to see a reference to other local laws or does he prefer to carry in the whole body of other local laws into the zoning law. Replansky stated that he would rather have everything incorporated as much as possible into the zoning law.

Stolzenburg stated that on Page 39, Section K (3), Ray Jurkowski wrote a new section for storm water control that she will edit and have Jurkowski review, after which she will replace Section 3 of the draft zoning law with Jurkowski's storm water control. Brief discussion followed.

Stolzenburg stated that on Page 45, some language will be added to Section 3 (b) that includes light fixtures styles and names. Stolzenburg further stated that a table will be added to Section 3 (e) that outlines the maximum wattage by bulb type.

Chase stated that on Page 37 where it says "*Landscaped islands shall be integrated into parking areas to visually break up large expanses of paving and provide shading in parks lots having 30 or more spaces*", he feels that a 30 lot parking lot is too large and that it should be broken up with landscape islands of smaller lots of about 12 or 15 parking spaces. After a brief discussion, Replansky suggested just eliminating the number of spaces altogether. The Commission members agreed unanimously with Replansky's suggestion.

The Commission also discussed accessory structures and their use as home occupations. Replansky suggested putting some language into the draft zoning law that would prevent

people from building accessory structures for the purpose of creating a home occupation. Brief discussion followed.

The Commission had a lengthy discussion regarding home occupations and the guidelines outlined in Section “P” on Page 46. The Commission discussed the differences between the categories of major, minor and low impact home occupations and which standards should be applied to each category. The Commission members agreed to eliminate the category of “minor” home occupations and have only low impact and major home occupation categories. Stolzenburg will add language to the draft zoning law that states that low impact home occupations will be permitted by right but will require a Certificate of Use from the Zoning Enforcement Officer and the standards outlined in Section “P” will apply to all “major” home occupations. All Commission members present agreed.

The Commission discussed whether or not they wanted to include shopping centers on the Use Schedule. Replansky suggested that if the Commission is going to allow shopping centers, they should be allowed as a defined use with separate criteria and regulations. Discussion ensued regarding shopping centers. Stolzenburg stated that she will come up with something regarding shopping centers for the Commission to review.

The Commission members discussed junkyards. Stolzenburg explained that the current local law does not prohibit junkyards, it only prohibits junk coming in from outside of the town. Stolzenburg further explained that currently if the town wanted to set up a junkyard for residents, it can but if someone wants to bring junk from someplace else, they can not. Discussion followed, after which the Commission agreed to remove the junkyard section entirely from the draft zoning law and just leave the old junkyard law in effect.

The Commission discussed the existing mobile home law and the language that should go into the zoning law. Replansky stated that the town’s existing mobile home law is pretty old so he wouldn’t just adopt that law into the zoning law. Replansky further stated that it might be better to do something more state of the art. Discussion followed regarding mobile home parks being done as mobile home PUDs. Replansky stated that if the Commission is going to make it as a PUD, a separate zoning law would get created for the PUD so you don’t really have to have it in the zoning law. Stolzenburg stated that there would need to be a section for a mobile home PUD outlining the process. Discussion followed. Stolzenburg will draft some language for a mobile home PUD law that will have some guidelines. All members present agreed.

DePreter stated that on Page 51 under Multi-Family Dwellings, item “b” states, “*The maximum building area coverage shall be twenty-five percent (25 %)*”. DePreter stated that 25% should be changed to 30% since the Commission has allowed 30% for everything else.

The Commission discussed item 10 (f) on Page 57, which pertains to the periodic inspections of Bed and Breakfasts and Boarding Houses. The Commission agreed to amend Section 10 (f) to state that Fire and Safety Inspections are required every year and a new Operating Permit must be issued every year. Replansky suggested also including a provision that states “*upon the granting of the special permit, the property owner shall*

provide written permission to the Zoning Enforcement Officer to perform yearly Fire and Safety Inspections". Brief discussion followed regarding whether boarding housing should be added to the Bed and Breakfast category. The Commission members agreed to have a separate section for boarding houses and Stolzenburg will get the appropriate language to be included.

The Commission had a brief discussion about the parking standards on Page 52 under Multi-Family Dwellings being different than the standards that are in the parking section in the draft zoning law. Stolzenburg will make an amendment so that both sections reflect the same standards for parking.

Stolzenburg stated that she has a whole mining section that she will add into the draft zoning law. Stolzenburg further stated that the Commission still needs to go back and revisit the section because the section that Jurkowski had done did not address small mines. Jurkowski was present and he gave an explanation of what he came up with for mining. Replansky stated that he would like to review what Jurkowski came up with and he may have some additional suggestions. The Commission agreed that Replansky should review the mining section. Stolzenburg stated that she will put a placeholder in the Use Table for mining but the Commission will come back to it after Replansky gives his recommendation.

Stolzenburg stated that she had a note on other items subject to special use permit and that she had cell towers, kennels, vet hospitals and riding academies that still have to be added to the Special Use Permit Section of the draft zoning law. Stolzenburg stated that those items will be added.

Keeler stated that on Page 61, Section "C", third sentence that "Building Inspector" should be changed to Zoning Enforcement Officer.

The Commission discussed special use permit applications and who the applications should be made to. Replansky stated that all applications should go to the Zoning Enforcement Officer or the Code Enforcement Officer, whichever one is designated. Replansky further stated that ALL applications should go that designated person and that person should send it to wherever it needs to go. The Commission agreed that all applications for special use permits should go directly to the Zoning Enforcement Officer.

DePreter asked the public if there are any comments. There were no comments from the community.

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

Respectfully submitted by:

Approved: 1/24/07

Karen Pineda
Zoning Commission Secretary

Jon DePreter, Chairman