

Town of Pine Plains Zoning Commission Minutes
June 14, 2006

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

Also Present: Warren Replansky (Town Attorney)

Guests: (12) members of the public, Register Herald

Meeting called to order at 5:30 PM.

Caldwell submitted a correction for his error in the density calculation he gave when he answered Rick Osofsky's question at the May 24, 2006 meeting about the hypothetical lots. The commission's secretary will insert an addendum into the May 24, 2006 minutes regarding Caldwell's calculation error. Caldwell motioned to approve the May 24, 2006 minutes as amended. Seconded by Keeler. All in favor.

DePreter stated that the public input portion of the meeting will be at the end of the meeting this evening instead of the beginning and will be about 10 minutes. DePreter explained that the last meeting was a 2 ½ hour meeting but all along the Commission only allowed 10 minutes for public comment.

DePreter read a memo from the Town Supervisor, Gregg Pulver stating that the Town Board would like the Commission's input regarding the Library's request for a variance from the moratorium for site plan review for construction of the new library facility. Keeler stated that he does not have a problem with that. Keeler further stated that the only thing he thinks needs to be kept in mind is the setbacks. McQuade stated that she thinks it would be great to go forward with the project. Caldwell agreed. Jackson agreed. Soracco agreed with Keeler, stating that it's fine as long as the setbacks are considered. Chase stated that he has no problem with the library moving forward. DePreter stated that he also is in favor of the library moving forward. All members agreed.

DePreter stated that he had a brief discussion with Joan Redmond regarding the CAC submitting a ridgeline protection proposal. DePreter stated that the CAC is going to try to take this on. DePreter stated that he told them that the Commission would like to have a proposal by August or September. DePreter stated that the CAC is a little understaffed but they will try to make a go of it.

DePreter stated that on the Commission's Draft Purpose Statements there are a number of different districts and one of them is a Planned Unit Development (PUD). DePreter stated that the Commission is getting closer to making a decision about whether or not a PUD will be necessary. DePreter further stated that he spoke with Gregg Pulver about it and they both thought it would be a good idea to look for a speaker to address the Zoning Commission, Planning Board and the Town Board on the topic to educate everyone so

when the Commission and the Town Board makes a decision on the subject everyone will be a little more informed. DePreter stated that the public would also be invited. DePreter explained that he had a speaker lined up but got axed at the end so we are back in the hunt for someone.

DePreter asked Chase if he spoke with anyone regarding a speaker on affordable housing. Chase stated that the County will send their person, Anne Saylor.

DePreter stated that for the longer term goal, he would like to get through the items on the evening's agenda before we get to the topic of use and then have a meeting or two talking about use so Stolzenburg can start drafting a document. DePreter stated that then the Commission can decide on the wording of the document that works best. DePreter explained that during that time while Stolzenburg is drafting the document, the Commission can arrange to have the speakers on Planned Unit Development and Affordable Housing as well as taking a look at the Pine Plains United Economic Analysis.

The Commission went on to discuss the Wellhead Protection District. Stolzenburg stated that she wanted to re-open the discussion on the density in the Wellhead District. Stolzenburg stated that the Commission made some tentative decisions at the last meeting and what brought this back to mind is that since that meeting, she has done some more research and she became less comfortable with the density restrictions. Stolzenburg stated that the issue of how to control what we need to control to have quality water and what is going to be the best for the water quality, that actually low density development is not always the best. Stolzenburg stated that while there is no magic number, there is nothing that says if you have a certain density per acre, that it is the magic number to protect water supplies. Stolzenburg stated that she was uncomfortable with the density restrictions because she is not sure that level of density is environmentally right or supportable. Stolzenburg asked if perhaps Chase can re-discuss in a little detail some of the research that the county has done that could support a direction that is going to be right for the environment and a fair way to move forward.

Chase stated that he thinks that is a concern that he and Stolzenburg did talk about. Chase further stated that the work that is going to be released soon is the acreage that the Commission had talked about which he thinks is the 5 acre base density but in the environmental control formula in the Wellhead Protection Area it gets reduced and when you multiply it by 0.2, that density ends up being something like one unit per 25 acres. Chase stated that the Commission just could not justify that as supportable. Chase stated that would be way too restrictive based upon any of the literature that is out there. Chase further stated that the Commission felt that we needed go back down to probably just a regular base density of the 5 acres and put more focus on site plan, usage and performance standards. Chase stated that the 0.2 could probably even be dropped out of the environmental control formula. Stolzenburg stated that the Commission needs to pay a lot of attention to layout and percentages to imperfect surfaces, where the water going out is being treated and those are the really crucial things to worry about. Stolzenburg stated that she is not saying the Commission shouldn't worry about density but she wants to be able to have something that meshes with the known methods to take care of those issues. Discussion followed.

Stolzenburg stated that the Wellhead might be an important area to require or to have mandatory clustering for large projects to prevent a kind of sprawl of development out across the landscape. Stolzenburg stated that having a tighter development can be controlled better. Stolzenburg stated that the overlay lends itself to say these kinds of developments will be done as a cluster or in whatever other standards we need to have and have a specific use schedule that prohibits specific uses that shouldn't be in the area. Stolzenburg stated that she thinks that is a reasonable use of an overlay in this situation.

Chase stated that his recommendation is that we use the rural density as a base density. Chase further stated that he thinks putting the 0.2 in the environmental control formula would be overkill and feels that the Commission can drop that factor but then apply the overlay zone identifying the area as a critical environmental protection area. Chase stated that as the Commission goes through the uses and performance standards we should keep in mind that this is an area that needs extra attention and extra control and write that in. DePreter asked Chase if he feels the 0.2 should be dropped or altered. Chase stated that based upon what he has seen, he thinks it can probably be dropped because when you look at the areas that we are talking about, most of them had to deal with places where limestone cropped up and tended to be relatively steep at times so there would be the protection. Stolzenburg stated that the rest of the environmental control formula would stay so if they have a well under a steep slope or something like that, it is still going to be enforced like it is anywhere else. Chase stated that would mean that the densities are probably going to come out less than one unit per 5 acres anyway. DePreter stated he thinks it would be a great idea to exchange the density restriction for mandatory siting. DePreter further stated that he thinks if the density is taken out, we pretty much have to do mandatory siting. Keeler agreed with DePreter. Keeler asked what would happen if a sewage treatment were put in and how that would be handled.

Stolzenburg stated that whenever you have a driveway, roof, sidewalk or new road, it creates an impervious surface and it changes where the water goes and it changes the quality of the water as it picks up road salts and other things as it floats along the road. Stolzenburg stated it is not just leaching from the septic system that you would worry about but also how much impervious surfaces are being created, where water is going and how it is going to be treated and handled. Chase stated that any development that got to the point where there was going to be a sewage treatment plant, is a pretty major development and it's going to go through a detailed environmental review through the SEQRA process. Chase stated that would be the point where you would actually have your experts come in and review specifically the concern about the town wells. McQuade agreed that the primary consideration in that area is to protect the water supply and at the same time treat the property owners fairly. McQuade further stated that she agrees with the concept of having the overlay that has special restrictions and tools that need to be considered when that land is planned for development. Caldwell stated that it is a logical spot for a Planned Unit Development. Caldwell further stated that he would be surprised if a potential developer does not apply for a PUD for the area which would allow for clustering and design features that could accommodate the Commission's concerns about the town water. Jackson stated that protecting the quality of the water has to be the primary concern in terms of protection. Jackson further stated that the reason everyone initially voted to make it so strict is because we need water to live. Jackson stated that at first she was not in favor of dropping the 0.2 from the Environmental Control Formula but now she would feel comfortable doing that if there is mandatory

siting. Jackson further stated that she agrees that the plan has to be a balance between protection and being fair to people who develop but protecting the quality of the water is a priority. Jackson stated that she would want to make sure that the Commission really pays close attention to the water quality and that mandatory siting or clustering not be an option but really spell it out. DePreter asked if Jackson would be in favor of eliminating the 0.2 or modifying it. Jackson stated that she would agree with eliminating the 0.2 on the condition that the Commission agrees that there will definitely be something to replace it. Soracco stated that she feels the same way and that the water is the concern. DePreter stated that the Ag Open Space Overlay was meant to try to save the aqua fields and if the people were going to cluster property then they would get back to the 5 acre base density because we are mandatory clustering them but we are not necessarily still targeting the fields which probably are less important in the long run. DePreter stated that he is comfortable with that. Chase stated that he is comfortable with dropping the 0.2 and he thinks that it has to go hand in hand with mandatory siting and probably clustering provisions. Chase further stated that doesn't mean that he is saying he might consider that in other areas beyond the Wellhead Protection Area but definitely in the Wellhead Protection Area.

DePreter stated that the Commission members are all in agreement regarding the dropping of the 0.2 and replacing it with some strong language as far as performance and mandatory clustering.

DePreter stated that he thinks the mandatory clustering should be for major subdivisions. Keeler agreed. Keeler asked if minor subdivisions over the wellhead would have to go through SEQRA. Stolzenburg stated that all subdivisions go through SEQRA. Stolzenburg further stated that one thing the Commission could potentially do is develop a Type One list. Stolzenburg stated that it wouldn't be part of zoning but that the Commission could make a recommendation to the Town Board that minor subdivisions or some other kind of subdivisions should be treated as a Type One Action in the Wellhead Area. Discussion followed.

Stolzenburg asked Replansky if there would be anything that would prevent the town from adding minor subdivisions into the Wellhead Protection Area as a Type One Action. Replansky stated that the purpose of the Type One Action is to make it more restrictive than the SEQRA regulations. Replansky further stated that one lot subdivisions are still subject to SEQRA but if you want to make it a Type One Action, you can as long it can be justified. Stolzenburg stated that just being in the Wellhead Protection Area is justification because there needs to be a more stringent review in order to make sure that the water is taken care of. Replansky agreed. DePreter stated that he thinks it's a good idea and that the Commission should look into it. Replansky stated that the siting of a single family is a Type Two Action under SEQRA. Stolzenburg stated that the siting of a single family would not be a subdivision. Replansky stated that it would only apply to a subdivision and he isn't sure that you can make an action such as siting a house subject to SEQRA that is not subject to SEQRA under the SEQRA Regulations. Stolzenburg stated that subdivisions and site plan reviews could be a Type One Action but not just if someone owned a parcel and they are just going to get a building permit. DePreter suggested that the Commission investigate the subject.

The Commission moved on to discuss Use of Clustering in the Rural District. DePreter stated that he thinks the Commission should discuss offering a density bonus incentive for clustering and use of conservation subdivisions for major subdivisions in the rural district like the Ag/Open Space Overlay. DePreter stated that this is something he has been thinking about for a while. DePreter explained that we have something like this in the Ag District which is the Ag/Open Space Overlay but stated that it seems to him that the Commission really didn't have anything in the rural district to incentivize clustering and thinks it is something that the Commission might want to consider. DePreter stated that he thinks it would be a good approach to give people a density bonus of perhaps 20% if they cluster their homes. DePreter explained that is kind of like we are doing with the Ag/Open Space Overlay but the only difference with the Ag/Open Space Overlay is that we identified the extremely critical parts of the Ag District which are the fields but we haven't really done anything quite like that with the rural district. DePreter stated that there may be other methods that can be used and that the Commission might want to discuss it.

Stolzenburg explained that the Commission can leave clustering up to the applicant whether they want to do it or an incentive can be offered. Stolzenburg stated that a third way would be to require it under certain circumstances like a certain size parcel being developed or a major subdivision. Stolzenburg explained that a lot of towns require it for major subdivisions. Stolzenburg stated that a fourth option would be to have a list of specific criteria that might be a feature on the parcel that would be the trigger for clustering. McQuade stated that even as an incentive there would be that economic decision that was made by the developer as to what they perceived as desirability of the subdivision lot in a cluster, either by having more to sell and whether they would get a better price for it. DePreter stated that one of the things that he likes about clustering, whether it's an incentive or not, is they will probably be smaller lots and more of them which may drop the prices. Stolzenburg stated that it doesn't have to be a cluster; it can be a conservation subdivision which doesn't always result in a cluster. Chase stated that he thinks clustering becomes critical in terms of trying to preserve what we consider to be the rural character and the scenic value of the town. Chase further stated that if you begin to spread people out on 5 or 10 acre lots, you're not accomplishing one of the main things we are charged with accomplishing. Chase further stated that he thinks the Commission needs to think hard about clustering and he feels it should be the norm and give people the option of explaining some reason why they feel they should be excepted from it as opposed to the other way around. Discussion followed.

DePreter stated that he likes Chase's concept but the only thing he has a problem with is that it seems pretty clear in the Comprehensive Plan that flexibility of use of property was a pretty high priority. DePreter stated that what he likes about the plan so far is that it is flexible and it allows people a lot of creativity with their property. DePreter stated that he thinks if we have a flexible plan that allows for creativity, we might draw those kinds of people to Pine Plains. DePreter further stated that other towns are kind of restrictive and we have no minimum lot sizes and have the potential to have a creative design and building standards. DePreter stated that he is afraid that if we make clustering mandatory, we are kind of limiting that flexibility right off the bat. DePreter stated that he would have a hard time defending a mandatory clustering policy. Chase stated that he doesn't see a clustered subdivision as being one that is significantly restrictive. Discussion followed.

McQuade stated that she is wondering about the administration of anything that the Commission puts in place whether it's an incentives or mandatory. McQuade asked if it is easy to write so that it's clear and easy to follow. Stolzenburg stated that she thinks this section would have to say what your expectations are and what kind of open space needs to be preserved and under what conditions. Stolzenburg stated that there is a section in the subdivision law that explains the review procedures. Stolzenburg explained that it is pretty laid out but it's also designed to be done early on, like in the sketch plan phase, so that someone is not investing thousands of dollars in a highly engineered lot layout because you're working in concept. McQuade asked how subjective it is, or is it going to be very clear that a certain percentage is to remain open while a smaller percentage of the parcel that's being subdivided is to have all the building. Stolzenburg stated that she thinks they are highly defined but there are always places that are interpreted or misinterpreted. Stolzenburg stated that she thinks from an administrative point of view, a system is going to have to be set up. McQuade stated that she is leaning towards where Chase is coming from in that the Commission makes decisions about density based on a lot of thought. McQuade further stated that she has always seen siting requirements as part of the overall plan so her feeling is that she is happy with the density that the Commission has arrived at and she doesn't want to compromise that decision further but she would also like see some siting requirements in keeping with the Comprehensive Plan, whether it is clustering or conservation development.

Caldwell asked what scale of development we are talking about and if it is major subdivisions of 5 or more units. Stolzenburg stated that the Commission has not defined it yet but oftentimes these are mandated for major subdivision which is either 4 or more or 5 or more in this town, but you can make it whatever you need to make it. Stolzenburg further stated that if it is a minor subdivision that has a new road, that is also considered a major subdivision. Caldwell stated that the whole point of the flexibility that the Commission put into the Comprehensive Plan was to allow for good design and also not penalize anybody with a requirement of having to buy excess acreage so he thinks everything is set for good design. Caldwell further stated that if you're saying that in addition to allowing the flexibility for good design you want to deter bad design then there should be a penalty for a cookie cutter major subdivision. Stolzenburg stated that by requiring a cluster or conservation you are in essence saying that cookie cutters are not allowed. Caldwell stated that he is in favor of a mandatory requirement for good design that involves clustering of major subdivisions or conservation subdivisions. Jackson stated that she tends to agree with what Caldwell is saying. Jackson further stated that what appealed to her about what DePreter said was in general she would always favor creativity over cookie cutters but she thinks her sense of it right now as far as the way to get there is that the base densities the Commission had agreed on are kind of like the foundation toward how to do that. Jackson stated that she would be more in favor of conservation subdivisions that would in some way take into account what the features of the land are. Jackson stated that she thinks that is a more creative approach and one that is more consistent with the Comprehensive Plan so she favors mandatory siting in some way and not the incentive for that. Stolzenburg stated that an incentive has to be worthwhile to the property owner. Discussion followed.

Chase stated that he wanted to suggest that because we are not all experts in this that perhaps Stolzenburg could show the Commission some language that she feels has worked for other communities so that we could get a feel for the types of requirements or design features that get called into play when there is a request for mandatory clustering. Stolzenburg stated that she can write it up with different options and the Commission can look at it and make a decision. DePreter stated that maybe what we can say is up to a certain number of houses or acres there is a 20% bonus. DePreter further stated that he is worried about being overly restrictive with the people who have the smaller lots and he feels the Commission can justify it by saying we want the flexibility on the smaller parcels for the people who are trying spin off more affordable lots but we can make it mandatory on the larger parcels.

The Commission moved on to discuss the use of siting guidelines for minor subdivisions. Stolzenburg stated an incentive for better design for minor subdivisions can be offered. Stolzenburg further stated that she is not sure whether the property owner would ever take advantage of a density bonus because if someone is just interested in splitting a lot up for their kids, they might not be interested in more lots. Stolzenburg explained that outside of the clustering and conservation and subdivision development guidelines, there are some things like the Greenway Connections which has several pages of excellent rural design standards that are common sense kinds of things that you would hope people would do, like not destroying stone walls or moving the house to the side rather than stuck in the middle of the lot. Stolzenburg stated that she doesn't know if the Commission would want to require any of those rural development standards for a minor subdivision that's not being clustered or a conservation subdivision. Keeler stated that he would favor just having guidelines for the Planning Board and not requiring it. McQuade agreed with guidelines. Caldwell stated that he would favor them to be required. Jackson stated that she can live with guidelines. Soracco favored guidelines. Chase stated that he looks at many of them as common sense and that there are a lot of people who do not use common sense so if you have to require common sense then you have to require it. Stolzenburg stated that maybe we can just leave that issue open and she will write something and make a note in the minutes that the Commission needs to specifically go back and revisit the issue.

The Commission moved on to discuss siting of individual homes not going through subdivision review. Stolzenburg explained that this would be for existing parcels that do not need to go through Planning Board approval to build a house. DePreter stated that this zoning deals with subdivision of new lots and he thinks we need to be clear to the community that the Commission is not going to be siting individual homes. Keeler stated that he thinks the Commission needs to address this and stated that there needs to be setbacks. Stolzenburg stated that we are not talking about setbacks; we are talking about whether to have the same siting standards for good rural design. Soracco stated that we already have that. DePreter stated that it would be very unusual for the town to step in and site single family homes. Stolzenburg stated that is one thing that the Comprehensive Plan doesn't call for. DePreter stated that when the Comprehensive Plan Committee gave this idea to the Town Board, they said there is no possible way. DePreter stated that he can pretty much say with conviction that the Town Board is not going to pass it if we do that. McQuade stated that when we discussed the hamlet and talked about certain design standards to try to encourage hamlet type siting, such as having housing closer to the sidewalk instead of way back on the lot, McQuade asked if

that is something that the Commission would discuss in this section. DePreter stated that would be a subdivision and under site plan review. Chase stated that he thinks that the Commission had talked about at least trying to establish some guidelines. Chase further stated that with an open lot, if someone decides to put a house right in the center of it in the middle of some fields that the community feels are important when in fact it might be better to move the house off to the side or to the back in the trees, then the question comes down to how much you feel you can infringe on individual property rights. Chase stated that he thinks we need to have some kind of discussion about whether there are some guidelines that are applied. DePreter stated that he thinks it's very important that we don't start siting single family homes on existing parcels. DePreter further stated that he doesn't think the Town Board would pass it. DePreter explained again that it was already given to the Town Board by the Comprehensive Plan Committee and they threw it out and it's the same people on the board now. McQuade stated that at a minimum she thinks that the Commission should at least consider guidelines because there may be important things that people would be happy to comply with if they knew about it. DePreter stated that maybe the Building Inspector could give them the guidelines. Soracco stated that when people come in to the Planning Board and to the Building Inspector, there are already guidelines. Soracco asked how many more things we have to put on the people. Stolzenburg stated that she doesn't look at it as how many things you are requiring of people but whether or not you are requiring the right things. Soracco stated that we have been doing it for years and so far we haven't been too bad and we're still one of the rural communities, so she doesn't understand why the Commission should throw more things on top of it now. DePreter suggested that the Commission talk about guidelines at the next meeting. Soracco asked how many more guidelines the building inspector has to have. DePreter stated that he tends to agree with Soracco but if we can come up with some reasonable guidelines just as long as there's a sentiment that we are not going to be trying to bring the houses in front of the Planning Board, then he would be happy with that.

Public input – Privilege of the Floor: With 11 minutes remaining, DePreter asked if anyone from the public had anything to say. A member of the community stated that it was his understanding at the last meeting that some of the agriculturally exempt parcels were not included in the Agricultural 10 acre zoning area. DePreter stated that what happened was that the Commission decided not to include agriculturally tax exempt parcels in the Agricultural District but that the Agricultural District was going to consist of primary use properties that are agriculture. DePreter further stated that the 10 acre area being referred to is the Agricultural/Open Space Overlay. The community member stated that maybe he doesn't understand the difference but stated that farming is farming. DePreter explained that the way the Commission defined the difference is that the Agricultural District is a parcel based district and those parcels that were included in that district were the parcels that were coded as primary and agricultural use parcels by the local tax assessor. DePreter further explained that the base density for the Agricultural District is 5 acres and if you have open and active fields on the parcel, then those were in an overlay district and that overlay district is the 10 acre base density. Brief discussion ensued.

Community member, Rick Osofsky stated that if there is a farm and nobody wants to farm it, just because it's an all farm field, we have that 10 acres and preserving it for something. Osofsky stated that he is confused. DePreter stated that if nobody is farming

and if you wanted to change it then you would probably just go to the Zoning Board of Appeals (ZBA) and say you are no longer in agriculture. Osofsky stated that would work but asked if that is true. Osofsky further stated that a field might be farmed right now but tomorrow it might not be so you're saying that there will be a process or a procedure where someone you can just go to the ZBA. Chase stated that the property wouldn't be classified as a farm anymore once farming stops. Osofsky asked if there is any impact because the day that you decide to sell it, it's no longer a farm so it doesn't prevent anything and it doesn't promote anything, it's just gone. Osofsky stated that it's there while someone is farming it and if tomorrow he decides to stop farming it then it goes back to 5 acres. Stolzenburg stated that she doesn't think Osofsky should think of it as tomorrow you can come in and get it changed. Osofsky asked what if he stopped farming it. Stolzenburg stated that you might not be farming it but someone else might be farming it. Osofsky stated that if whoever owns a farm can stop farming it at any time, it's a decision that they make so once they stop farming, it could be changed. Osofsky asked how it is protected the day someone decides to subdivide it and sell it. DePreter asked what about the situation where somebody doesn't want to stop the farming but they want to put the houses in the middle of the fields anyway. DePreter stated that is what it's protecting against. DePreter asked if anyone else had any questions.

Community member, Brad Mitchell stated that the Commission has outlined a rough schedule of about one or two more meetings per month with 10 minutes each for public speaking and then specific topic speakers for PUD, Affordable Housing and a Wellhead Protection Speaker. Mitchell asked where the provision for a general discussion with the public is. Mitchell asked if the Commission truly wants community input. To which Mitchell stated he thinks the answer is yes but the only things offered so far are the two presentations where the concepts, base density and the environmental control formula were discussed. Mitchell stated that the Commission then asked for an immediate response to the survey. Mitchell asked "shouldn't you have another discussion forum now that people have more understanding of the plan". Mitchell stated that a significant number of survey responses indicated that people did not understand or were unsupportive. Mitchell further stated that he did look at the statistics and about 60% were highly supportive but the rest were not. Mitchell asked when the community can have an open dialogue with the Commission as major questions have not been answered. Mitchell stated that he thinks now is the time to set this up. DePreter stated that people can email any questions they have to the Commission at the Zoning Commission's email address. DePreter stated that he thinks the Commission provided the public with 25 minutes of discussion at the last meeting. DePreter explained that the Commission has offered 10 minutes at every meeting for the last year and a half and it's only been in the last two months that people have come. DePreter stated that is probably because the Commission's proposal has been out. DePreter stated that he would like to remind everyone that the town's website always has the Commission's email address and questions may be forwarded to the Commission. DePreter further stated that the emails go to all seven members and can be discussed as the Commission sees fit. DePreter stated that as far as any other presentations we're going to give, the Commission had this discussion already and that we have some elements in the community that want to see things written down a little more clearly and we have some who think we should just go out and have another questionnaire period. DePreter stated that the Commission has decided to go ahead a little bit further and get some things on paper and then we will probably have another presentation and then we will have another question and answer

period. Mitchell asked for an estimate of when that would be. DePreter stated that he can not give an estimate right now. Replansky stated that the Commission is required by law to have a public hearing. Stolzenburg stated that the public hearing will be at the end when there is a document and a draft to have a public hearing on. DePreter suggested to Mitchell that if he has a direct question, he should just give the Commission the direct question. DePreter stated that he thinks Mitchell's question is about the process of when he can give the Commission a question. DePreter stated that he thinks it would be more constructive to just give the Commission the question. DePreter asked Mitchell what his question is. Community member Tom Toigo stated that is not a dialogue. DePreter asked Toigo what he means and why that isn't a dialogue. DePreter stated that the Commission is being asked when we will be able to answer your question and DePreter asked "what is your question".

Rick Osofsky stated that most of the people who live here are people who have been here quite a while and with businesses in town and according to the Commission's original proposal, let's have an open and constructive discussion about it now. Osofsky stated that now there are a lot of issues. DePreter stated that he would ask the group for which Osofsky is speaking, if the group wants to submit 10 questions, the ones that the group edits for the Commission, then just submit them at any given time. Osofsky stated that they will but he just wants to know the process. DePreter stated that is the process. Osofsky stated that he proposed a question last time about the environmental control formula and there was some disagreement among the Commission and he thought we were going to come back to that issue since that was a specific question that he asked about how the environmental control formula, as proposed, protects certain environmental qualities of a parcel and how did the Commission achieve that result in the example that he offered last week. Osofsky stated that Chase suggested that all parcels are not the same. Osofsky stated that he understands that but that's not the issue at all and that is not an answer. Osofsky stated that the question was two 100 acre parcels, one with no environmental constraints and the other with constraints but no building on any of those constraints and he got different answers. Osofsky stated that the one that had 15 degree grades somewhere down along the property was not going to have the right to build on the same 10 acres in the corner. Osofsky stated that he asked for some justification. Stolzenburg stated that she thinks the Commission decided last time that they asked her to do these Frequently Asked Questions with the answers but she doesn't think that in the time that the Commission has we can pull together a detailed enough answer off the cuff to explain and she thinks the reason why there hasn't been another public information session was that one of the complaints that people gave was that there weren't enough details. Stolzenburg explained that the original presentation was to present concepts. Stolzenburg stated that she thinks the Commission talked about needing to get it on paper so you can see the details and you would then have a more grounded place to have the discussion because you can refer to a certain section and offer input. Stolzenburg stated that right now there is nothing like that yet to have that kind of discussion. Osofsky stated that he absolutely appreciates that and that's what he wanted to hear. Osofsky stated that was his question to DePreter regarding the process. Osofsky stated that he thinks one of the things that concerns him personally is that last time he was here he was told this was going to be done in October so there's not a lot of time and all these things are happening and we just like to know the process. Osofsky suggests that the Commission take its time. DePreter stated that he doesn't think that Osofsky was here at the beginning of the meeting to hear this but the Commission's process is that we

are going to go through what we discussed today, go through some general conversations about uses, Stolzenburg is going to start writing the document, during that period of time we will be having the topic oriented speakers coming in on Planned Unit Developments and Affordable Housing and that each one of these will have open discussion periods. DePreter stated that tonight we had 15 minutes of open discussion but at our 2 ½ hour meetings, we may have 20 minutes. DePreter suggested that the public should feel free to use the website as well.

DePreter asked for a motion to adjourn. Motion to adjourn was made by Keeler. Seconded by McQuade. All in favor.

Respectfully submitted by:

Karen Pineda
Zoning Commission Secretary