

Town of Pine Plains Zoning Commission  
Public Hearing Minutes  
June 27, 2007

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

Members Absent: Vikki Soracco and Gary Keeler

Also Present: The Register Herald, Millerton News and approximately 100 members of the public.

DePreter opened the meeting at 7:00 PM. DePreter stated that before we get started, the Town Supervisor, Gregg Pulver has asked to take a minute or two to address the public.

Pulver thanked everyone for coming and thanked the Zoning Commission for having two of these meetings, one on a Saturday and again this Wednesday. Pulver explained that he wanted to apologize for the conflict of interest tonight between the caucus and this meeting. Pulver stated that he wished we had been able to change it, but that is out of our hands, we did not pick the time or the date. Pulver stated that he and two of the Town Board members were scheduled to be at the public hearing tonight but unfortunately we won't be able to be here. Pulver stated that the Town Board is still interested in the community's comments and stated that the Board will be listening. Pulver stated that as this process moves forward there will be at least two additional public hearings when the Town Board gets the zoning document and we will probably have the same format twice. Pulver explained that there will be a Saturday and a Wednesday public hearing and after a month or however long it takes to digest the first public hearing, we will have another Saturday and another Wednesday. Pulver stated that it's not that the Town Board is not listening but tonight we have the conflict with the caucus. Pulver thanked everyone again for coming tonight and for making their comments. Pulver stated that the Town Board is very interested in the outcome of these public hearings. Pulver thanked the Zoning Commission for their work and apologized again for not being here tonight.

DePreter explained briefly to the public the format of the public hearing. DePreter stated that the Commission will be accepting written comments until July 2, 2007. DePreter stated that after the public hearing and after the comments come in, basically what will happen is the commission members will sort this information through their heads and we will be meeting again on July 11, 2007 at 5:15 PM at the Town Hall to begin discussion of all of the comments and see if any of the commission members thought something rose to the occasion of changing the document. DePreter explained that all of the maps, the zoning document and all of the minutes of all of the commission's meetings are on the town's website.

DePreter stated that the presentation will be about 35 minutes long. DePreter further stated that the presentation will be given by consultant, Nan Stolzenburg but explained that the Commission wants to make it very clear that the ownership of this document is that of the Zoning Commission. DePreter stated that the second part of the meeting is for the public to inspect the maps that are posted on the wall and the fact sheets. DePreter

explained that after the presentation, there will be about 15 minutes for the public to view the maps. DePreter stated that then there will be the public comment period and that last time was about an hour and we allowed people about 5 minutes each to speak.

DePreter turned the floor over to Stolzenburg.

Stolzenburg presented the proposed draft zoning law to the public. A COPY OF THE PRESENTATION IS ATTACHED (Attachment #1)

DePreter stated that there will be about a ten minute break for people to look at the maps and pick up the fact sheets and then we will start the public comment period.

DePreter explained the format of the public comment period. DePreter stated that if anyone is curious about why all seven members of the Commission are not present tonight, it's because three of the members are at the Republican Caucus.

DePreter asked everyone who wants to speak to come up to the microphone and state their name and address. DePreter requested that if someone agrees with an issue that someone addressed before them, we are not saying that we don't want to hear from you but if you are agreeing with the person before you, then you don't have to restate the issue and just say that you agree with that particular issue.

DePreter explained that the Zoning Commission is going to listen to what the public has to say and if there are specific factual questions that the Commission can try to answer then we will take a little time at the end to compile those answers and give them at the end.

DePreter explained that the official response to the public comments will be at the Commission's next regular meeting on July 11, 2007 at 5:15 PM.

DePreter stated that before we start the public comment period, he would like to clear up a couple of misconceptions that have come to his attention about the plan. DePreter further stated that he would also like to go through the questions that the commission answered at the last meeting. DePreter stated that there has been some talk that window air conditioning units are going to be prohibited in this plan and that is not the case. DePreter stated that regarding commercial logging, there was a typo on the use table and explained that at the bottom of one page it says commercial and the top of the next page it says logging but just to make that clear, commercial logging is allowed in the AG/Rural Area. DePreter stated that it has also been said that metal roofs are not allowed and that's not true. DePreter stated that there was also a comment about benches not being allowed in front of your property and that is also not true.

DePreter stated that one of the other questions that we answered at the last meeting was how our zoning proposal is going to affect the Carvel development and in anticipation of that question, we did do a buildout with our final buildout and the final buildout number on that would be 391 homes. DePreter explained that then they have 200 existing lots there now so that would be 391 building permits on the property and that would be on the Pine Plains side of the property. DePreter stated that there's anywhere from another 30 to

60 in Milan. DePreter further stated that there would be some density bonuses allowed them if they met that threshold but 391 is the number.

DePreter stated that density is one issue and another issue is the siting of these homes and explained that we are, in smaller cases allowing it to be discretionary but with major subdivisions we are making it mandatory to have the development pattern be 75% in the form of a hamlet and the other 25% of those 391 homes would be allowed to be sited outside of that area in a conservation subdivision kind of way that we feel would emulate the pattern that currently exists in the town.

DePreter stated that we were asked if there was going to be an economic analysis and DePreter explained that we are not going to do an economic analysis for this plan and that is something the Town Board would do at their own discretion. DePreter stated that question was also answered in our Frequently Asked Questions portion of the town's website.

DePreter stated that there was a question about warehousing and explained that warehousing is allowed in the Main Street District, the Ag/Rural Area, the Ag Overlay and the Wellhead Protection Area.

DePreter stated that trailers have been a big issue but explained that the town recognizes trailers, mobile homes and manufactured homes all the same thing so we have it in the category of manufactured homes which is not to be confused with modular homes which is a whole different thing. DePreter explained that currently the board has double wide manufactured homes allowed under the plan and single wide ones as of now are prohibited unless they are on a farm as the Zoning Commission does not have any authority under the Ag and Markets Law to prohibit use of trailers on farms. DePreter further explained that existing single wide trailers are grandfathered in.

DePreter stated that the question came up about siting single family houses. DePreter explained that single family houses are not a major subdivision and are not sited. DePreter stated that there are some guidelines if the Planning Board wants to apply them but it is not mandatory.

DePreter stated that there was a question about the Mining District and why we are allowing mining in the Ag Overlay District. DePreter stated that the answer to that is if you take the Ag Overlay out of the Mining District then there would be almost no place to mine in town.

DePreter opened the public comment period.

Jim Mara, Hicks Hill Road, Pine Plains, NY – Mara thanked the members of the Zoning Commission for their endless hours of hard work. Mara stated that he also wanted to commend the Town Board for their willingness to enlist the diverse and capable people that the Commission has turned out to be. Mara first spoke as a member of Pine Plains United and stated that as Co-Chair of Pine Plains United (PPU) he would like to say that PPU applauds the Commission's work and the efforts of the people that turned out tonight to show that they are interested in their town and its future. Mara stated that PPU is very confident that this open and inclusive process will lead to a law that will allow the

town to control future development with flexibility, with particular concern for affordable housing.

Mara stated that he will now speak as an individual and not just as a member of Pine Plains United. Mara stated that in one area of the draft law concerning the Open Space Agriculture Overlay District, it states that the purpose of the Overlay District is to promote active agricultural land use and maintain the town's farmland, especially those lands that contain prime agricultural soils, soils of statewide significance and active farmland. Mara stated that a lot of the land has not been included in the Overlay District that has been used for farming for many years. Mara urged the Commission to include all farmland currently in use and suggested that the Commission change the density in the Overlay District to one principle dwelling for every 15 acres.

Mara stated that the potential overall buildout numbers could easily more than triple the town's size, along with the inevitable surge in property and school taxes. Mara urged the Commission to change the density within the Agricultural/Rural District to one principle dwelling for every 10 acres. Mara stated that he can live with the rest of the law.

Mara stated that because those among us not only oppose any kind of zoning for our town, they accomplished their end by generating groundless fear. Mara read a quote from the Dutchess County Planning Department and what it had to say about zoning in general. Mara stated that they wrote *"the economy and population base of a Northeast sector of the county can diversify and grow without spoiling the landscape or compromising the environment. Clearly stated local goals as in the Comprehensive Plan and well conceived regulatory practices (zoning) are a prerequisite to achieving an optimum balance between environmental and economic concerns."* Mara stated that times have changed and the wolves are at the door and we need to remember our goals as stated in the Comprehensive Plan and realize that the way to protect the rural character of our town while we grow in a planned and controlled way is through a progressive zoning law such as we have before us.

Mary Woods, Woods Drive, Pine Plains, NY - Woods stated that her parents bought property on Woods Drive in 1941 but feels that ideas and concepts about land use are irrespective of how long she or anyone else has lived here. Woods stated that she is pro zoning and is disturbed by some of the ideas that have been brought before us. Woods stated that separating Pine Plains residents into "them" and "us" is manipulative and divisive. Woods suggested that harking back to some utopian time in Pine Plains is a fairly well, propaganda type of ploy. Woods stated that Pine Plains was not and never will be a utopia and to think that going forward we can deal with Mitchell and his corporation and with Durst and their corporation on a handshake is foolish at best. Woods stated that we give up individual rights all the time for our own personal protection and the selective good. Regarding zoning decreasing the value of our property, Woods stated that in her experience as a real estate broker, the highest prices are paid for property that has the most protection with as much land as possible. Woods stated that it could be a disaster to have two large developments engaging aesthetically and physically at the same time. Woods stated that her most important point is that the zoning document does not go far enough in that it does not protect farmland enough. Woods stated that we need to put all farmland in the Agricultural Overlay District and feels that the 5 and 10 acre density are too small. Woods suggested that everyone read

Jeff Hoffman's letter in the newspapers for a review of this. Woods stated that most of us do not research Cancer or write peace treaties which will survive us but we have the opportunity to do something really wonderful here and let's not let short term greed get in our way. Woods stated that she has found that working with the Millbrook Land Conservancy that they are extremely knowledgeable and for those of us with parcels, they will be very glad to work with us in trying to plan the future of land use.

Dick Hermans, Church Street, Pine Plains, NY – Hermans thanked the Commission for their work and stated that he thinks the Commission put in an incredible amount of hours. Hermans stated that we have aggressive developers coming to Pine Plains and even though the town did OK without zoning, he thinks the time for being passive about controlling the future is a thing of the past. Hermans stated that he thinks one of the advantages of having waited so long is that many of the concepts in this draft zoning law have been tested out before us. Hermans stated that he thinks one of the important things is the concept of developments of a certain size being considered as hamlets. Hermans stated that he thinks it's very important that we have that kind of standard so we aren't just going to create suburban sprawl but will actually create communities within our community that can have an identity of their own so the people within them can have a sense of home. Hermans stated that the ridgeline protection is really important to protect and to increase the beauty and that the more land that can be protected for future agriculture is important. Hermans stated that in Section E-1 regarding subdivision sketch plan, he would suggest adding a railroad bed right-of-way standard because we have a pretty magnificent one in town and Hermans stated that he feels that anyone who is looking to create a neighborhood, might be able to use that as a resource. Hermans stated that the logging issue is one he is sympathetic to and he thinks it looks like what is in the plan has a lot more protection for the trees than we had before. Hermans stated that obviously loggers have a right to earn a living but trees are also a resource, not only for our generation but for the future generations. Hermans stated that he hopes that the Zoning Commission will not be deterred from their task and thinks if people have a legitimate development project that they can work out, they should be able to do it with what is in this zoning law. Hermans stated that he really thinks the Town Board really needs to adopt this zoning law. Hermans stated that he thinks the commercial signs language might be a little too restrictive and feels that you have to be a little creative if you want to stop traffic so making them all designer style signs is not eye catching enough to draw attention to a business. Hermans thanked the Commission for their work.

Joan Osofsky, Ancramdale, NY – Osofsky stated that although there were no zoning restrictions when she opened her store, there was a deed restriction on the property and there were to be no commercial dwellings. Osofsky stated that when she purchased the property she approached the previous owner and convinced her to remove the restriction. Osofsky stated that when she looks back, she feels that one of her greatest accomplishments (The Hammertown) is not that she created a successful business but that she created it in Pine Plains. Osofsky stated that it brings people to our area from all over and the money supports the community, not only by donations to the fire department, library, etc. but it also provides employment for local people. Osofsky stated that her success was possible because the previous owner was open minded enough to let her share her vision and gave her the opportunity to state her case for her dreams. Osofsky stated that she did this while keeping in mind her love for the property. Osofsky

further stated that she supports the zoning proposal and the sense of need for structure in our community and feels that conscientious business people prefer to invest in a community that has guidelines. Osofsky asked why Hammertown isn't considered a hamlet and feels that just like Pulvers Corners and Bethel, Hammertown has a definite, physical identity. Osofsky thanked the Zoning Commission for their commitment and stated that this proposal is a living document and it needs respectful interpretation to encourage applicants in the future. Osofsky stated that we need this zoning plan so we don't have a big box store next to our hayfields and feels that we need this structure to maintain the integrity of this wonderful town, to keep it vital and create a place where our townspeople can work together in a community that respects its past and honors its present but most importantly it's going to work toward the future with insight and wisdom.

Jennifer Chase, Church Street, Pine Plains, NY – Chase stated that she loved the statement that was made about “we live here because we love it here” and she worries when she looks at the proposal that it would not allow most of the buildings and the businesses that we have here today because they would not be able to be created with this type of proposal. Chase stated that as she read through the proposal, she is a little concerned about some of the restrictions and the freedom that it takes away from the landowners. Chase stated that she is a kindergarten teacher in Pine Plains and she knows the wolves are coming but on the other hand our population is going down and businesses are closing. Chase stated that even though an economic study was not done, she really thinks the Commission should look at how much more money it will be for a landowner or somebody trying to build and how many people will not be able to afford to build and buy a house. Chase urged the Commission to think about those things and to think about the children that are not around and that are not coming to the school.

Harry Wilson, Lake Road, Pine Plains, NY – Wilson stated that he respects the work and long hours that has gone into this proposal but he wanted to know how, with the residential hamlet being  $\frac{3}{4}$  acres per dwelling, does this conform with small town character and not a suburban pattern.

James Sheldon, Gallatin, NY – Sheldon thanked the Zoning Commission for all of their time and effort. Sheldon stated that he spent about 25 years as a professional investor and he wants to speak in favor of the zoning proposal with some key modifications. Sheldon stated that he wants to speak on behalf of all people, whether you own your property in town or rent your home, whether you're a business person or whether you are hoping that one day to be able to move forward to buy a home here. Sheldon stated that owners or renters or whether they are residential or farmers or have a commercial business here, he can say with great certainty that your taxes for school and town services will go up dramatically as the town grows. Sheldon stated that the faster the town grows and the larger it grows, the faster and greater those property taxes will grow. Sheldon stated, how much and when is debatable but the evidence is overwhelming and not only in this town but nationwide the taxes for existing residents will rise dramatically as the cost of those services that need to be provided will far outweigh the additional revenues brought in by new homeowners.

Sheldon stated that if you look at what the Durst Organization has to say about this theory and what they have submitted in their filing for the Carvel Property, though they have not

listed any comparable developments to theirs North of the Mason Dixon Line, they say that those 950 homes are going to create a net positive benefit for the town and school district and therefore taxes will go down. Sheldon stated that maybe Pine Plains and Carvel are the exception then and maybe the Planning Board of this town is right when they say they and the Town Board, looking at the zoning document, can't make their decisions based on a market forecast because maybe the Durst forecast is right and maybe there should be more homes and more dense subdivision but they can't make that decision based on market forecast because they don't know for sure. Sheldon stated that they don't know for sure, he doesn't know for sure and the Durst Organization's consultants don't know for sure but, Sheldon stated, there's a great probability that the Durst analysis is wrong and if it is, then this town has everything to lose fiscally speaking and nothing to lose fiscally speaking by placing more restrictive densities in this zoning ordinance than is already in it. Sheldon stated that is one reason that he is urging the Commission to reconsider the buildout which he stated may triples the number of units allowed now. Sheldon stated that analysis goes for everyone here, renter, owner or businessman.

Sheldon stated that a lot of people here who are fortunate enough to own a home or open land are worried that a zoning ordinance will decrease their property values but Sheldon explained that a zoning ordinance that restricts the scope and the base of large scale development will most likely increase the value of your homes and your open land. Sheldon stated that it is simply a matter of supply and demand. Sheldon explained that the demand is going to be there and if you restrict the supply and limit the number of buildable lots and building permits to meet that demand then the lower supply means the price of what is available will rise and not fall. Sheldon stated that if Durst gets 1,000 lots or 500 lots as this plan seems to allow, in a region such as Northern Dutchess and Columbia County, which in its peak year issued no more than 100 building permits and Durst gets 500 or 1,000 you're going to get a lot less if you go to sell your house or land than you would if Durst is only allowed to get 200. Sheldon explained that supply is not simply a matter of the number of buildable lots, it's the timing of when those houses are put on the market. Sheldon stated that he thinks the zoning ordinance should include some reference and technique to limit the number of buildings that large scale developers are allowed to get permitted in a given year. Sheldon stated that he believes that the Town of Chatham talks about this issue of building permit caps for large scale, predominantly out of town, developers. Sheldon stated again that it's a supply and demand issue and if you're an owner of property in this town without the town putting some kind of cap year by year on the number of permits allowed or the number of lots allowed to be created, the value of your property is going to go down more. Sheldon stated that a message to those who don't know and who would like to there is a lot in this proposal that helps, there are a lot of detailed options that Nan Stolzenburg described that gives some relief to those who want to live here and can't afford the median house or whatever the offer is, however, in the plan they talk about mandatory requirements that a developer with a large enough subdivision would be required to provide as affordable or moderately priced housing. Sheldon stated that is great but that the problem with this zoning proposal is that it gives the developers extra incentives to do that and the town should not have to give the developer a nickel for incentives, they should be required to do it if it's large enough to provide moderately priced housing to subsidize some of that housing that the town Planning Board deems the subdivision to be approved. Sheldon stated that it is the same for the open space conservation subdivisions and stated that it

should be required, the town shouldn't have to pay for it. Sheldon stated that zoning comes down to a plight for profit for money between the developers who predominantly are going to come from outside of this town and this region and the townspeople who are here today and who are so well represented by this government and these committees. Sheldon stated that depending on how the zoning turns out some of those profits can go to the town which can be used to reduce taxes, to improve services, to conserve the rural character of the community and/or to provide affordable housing. Sheldon stated that if the zoning densities are too large and the incentives are too great, all of those profits are going to the developer. Sheldon stated that the developers will say that they deserve a profit and he agrees because he believes in profit and feels they deserve to profit from the risks being taken. Sheldon stated that developers put their money on the line, they deal with a lot of obstructions before they can get the pay-off but we all and you all take a risk too. Sheldon explained that the risk is that the economic reality of 3,000 buildable lots in this town is going to decrease property values and saddle everyone with huge property taxes. Sheldon stated that we don't know if it's going to happen for sure but there's a really good chance it could and there's a risk and we should be paid for that risk too, we should be represented by a zoning ordinance in this town that restricts more than this current one does. Sheldon stated that there are many ways to do this but a strong zoning ordinance is one of the best and indeed one of the most basic tools and stated that it is a way for townspeople to share in the profits of growth, to share the opportunities of growth and to minimize the risk of losing a community that we all want to see in the future.

Andrew Jarecki, Hicks Hill Road, Pine Plains, NY - Jarecki stated that he thinks it is extremely important to protect the farmland in this area. Jarecki stated that he is really enthusiastic about the idea of zoning and thinks it's very important as he has seen things go wrong in so many towns and you can just drive around to other places and see where it went wrong and see developers who never live in the towns that are exploiting, just like with Durst. Jarecki stated that Douglas Durst lives in Katonah and not in Pine Plains. Jarecki stated that there is always an opportunity for the people who want to make money from big developments to find a place to live that hasn't yet been destroyed or can get enough property because they are wealthy enough so they can separate themselves from a lot of the concerns that a lot of people here have. Jarecki stated that when he drives down Main Street and sees a restaurant or a house and he wonders if it is going to be there in six months. Jarecki stated that he wants it to be there in six months and he thinks she (referring to Jennifer Chase who spoke earlier) will get her wish because he thinks there's no question that there's going to be significant development in this area and there's no question that there is going to be another Kindergarten class and that there will be more kids than we can probably handle.

Jarecki stated that he had the opportunity to watch what happened in the British Virgin Islands, one of the most beautiful places in the world and for many years the cruise ships couldn't get in for various reasons but the cruise ships came in and by careful manipulation and by working over the locals, they got the taxi drivers to really push to allow the cruise ships to come in. Jarecki stated that they said this was going to create all kinds of money with all kinds of local traffic and use of local businesses so they allowed the cruise ships to come in and it was an utter disaster. Jarecki explained that many of the beaches are now destroyed, the cruise ships have destroyed coral reefs, the amount of trash that has generated is far exceeding anything that could have been absorbed and the



taxi drivers turned out to be the only ones who benefited because even the local merchants found that the people coming ashore and destroying the beaches and leaving their trash there didn't care so much about the local merchants and they were actually buying most of their stuff from the company store on the cruise ships. Jarecki stated that is another big risk here and that developers come in with their own system and the people that go into those developments aren't necessarily coming down to Main Street in Pine Plains. Jarecki stated that he hopes that the big Pine Plains is better than the couple of beaches that had been the crown jewels of this beautiful part of the country. Jarecki stated that he applauds the Zoning Commission for their work in trying to get us to a place where we are protected.

Lou Galm, Pine Plains, NY – Galm stated that years ago he belonged to the Harlem Valley Partnership and at one time a portion of Millbrook was called Main Street USA by Cornell and they used Pine Plains as an example because it wasn't a strip town. Galm further stated that Pine Plains didn't have zoning and we were very lucky because it hasn't changed in 150 years. Galm stated that Pine Plains is the same town with a lot of the same buildings and he has been here for a long while and he remembers at one time there were two inns, three grocery stores, two barber shops, a movie theatre, two clothing stores, a shoemaker, and all of those shops were all in the town center. Galm stated that now with the new proposal, we talk about the environmental impacts, protecting the town center and stated that if you go out and look at Main Street we have the cemetery which is on commercial lot, there's property just past the cemetery that goes down and is kind of wetlands and then about 200 yards up the road on the right hand side all of the houses are down around 30 or 40 feet below the ground level and then you go up a little further and that property backs up to the Shekomeko Creek. Galm stated that then if you go out past the slaughter house, you get all of the head waters of the Wappingers Creek which is a sensitive area. Galm stated that if you go down South Main Street, there are beautiful homes that someday someone will come in and they will buy a home for \$700,000, spend \$60,000 to tear it down, put in a curb cut and put in a two way driveway. Galm stated that on North Main Street on the left hand side, there's about a quarter mile of road that has a 15 foot bank so if you want to develop that property you have to come off the residential street which will never happen.

Galm stated that the half mile waking area is really a mile because if you want to go from a store on one side to a store on the other side, then it's a mile. Galm stated that we are a very lazy society, people don't walk from the town parking lot to Deuel's or to the Post Office, people get in their car and drive down a quarter mile.. Galm stated that he thinks that commercial property should be looked at a little longer because to him it's not a good way to go because you are starting that strip town development.

Fulton Rockwell, Schultz Hill Road, Pine Plains, NY - Rockwell stated that he thinks he sees a discrepancy which is very important. Rockwell stated that he is a rancher and has been doing it for 39 years and he is certainly not against zoning, however on these fact sheets for the Overlay District it says something about permitted uses requiring Planning Board review and it states it's the same as in the Agricultural/Residential District. Rockwell stated that by putting the overlay on and suppose that overlay is 100 acres and suppose 90 of those acres are prime soils and you're not going to let anyone build on prime soils the contradiction is that you say that's OK in the Ag District but it's not OK in the Ag Overlay District. Rockwell stated that will still leave you 10 lots but you have

to put them on the 10 acres that aren't on the prime soil. Rockwell asked how that makes sense and asked why put the overlay on prime soils. Rockwell stated that in the Agricultural District the density rules seem to be mandatory, discussable, manageable or whatever however, when you lay on the Ag Overlay, on Page 49 it says dwellings and residential lots shall be located on the least agriculturally productive land feasible and shall avoid prime soils and soils of statewide significance. Rockwell stated that it also says that permits shall be issued to enable dwelling units to be located on lots containing higher quality soils only where such other location is not feasible. Rockwell stated that sounds mandatory and asked why it goes from non-mandatory in the Agricultural/Rural District to mandatory on the Ag Overlay. Rockwell asked if someone will answer his question. DePreter stated that the questions will be answered at the end like last time. Rockwell suggested that it would be better if the person asking the question would be allowed to ask one person on the board because then everyone would see that the people on the board are competent to answer the questions but when you distill it down to the chairman expert and the consultant expert, it leaves some doubt.

Brad Mitchell, Business Owner, Pine Plains, NY – Mitchell stated that his first comment is regarding Mr. Sheldon's economic analysis. Mitchell stated that he has an economic degree and there was one thing that Sheldon said that was correct but most of what he said was very interesting and he thinks that Sheldon needs some basic lessons in economics. Mitchell stated that one thing Sheldon said that was correct is supply and demand and if you make a very restrictive zoning proposal like this our supply will go down, the demand will stay the same or increases, prices go through the roof and young people and older people in this town will not be able to afford to live here. Mitchell stated that is where we are heading if you want it to be that way.

Mitchell went on to state that he is not a developer but he is a concerned business owner in Pine Plains and he has many issues and concerns with regard to the zoning proposal in its current form. Mitchell stated that he is not Dale Mitchell, he is a different person which Mitchell stated he is sure Gregg Pulver and a few others can appreciate. Mitchell stated that he and his father often disagree on issues but that he and his father have a mutual desire to improve Pine Plains through responsible commercial and limited residential growth. Mitchell explained his involvement with the Teesink Executive Committee and stated that he wanted to clarify misconceptions of that organization.

Mitchell explained that Teesink is a civic minded, non-political organization that represents a wide range of citizens with a wide range of concerns and NOT anti-zoning despite being labeled as such. Mitchell further explained that Teesink members feel that zoning is inevitable but the town needs a well thought out zoning policy completely unlike the one before us. Mitchell stated that the group mostly agrees that no zoning is preferable to this proposal, but that generally we would like to support a well thought out zoning proposal.

Mitchell stated that he would first like to recognize the hard work by individuals of the Zoning Commission and that he knows they had good intentions to help the town but unfortunately they have failed completely in achieving even a passably acceptable version of zoning. Mitchell explained that there are many people in town that feel the same way and despite the fact that Teesink is not a political organization, we are concerned with the politics of the town and how it relates to this proposal. Mitchell

stated that is why some members of Teesink, as well as non-members, are at the Republican Caucus tonight making this clear to the current Town Board and the rest of the population of Pine Plains. Mitchell stated that since those people could not be here tonight he and others will try to speak on their behalf.

Mitchell went on the state what he, and others, feel is wrong with the zoning proposal and read a list of concerns from a letter being submitted to the Zoning Commission from Teesink Crossroads 21. LETTER ATTACHED (Attachment #2)

Mitchell stated that item 16 in the attached letter, regarding commercial logging, was already addressed. With regard to item 21 of the attached letter pertaining to noise, Mitchell stated the document states that, *"No noise shall exceed intensity, as measured from the boundaries of the lot where such use is situated, which shall exceed levels normally associated with activities allowed within the zoned district."* Mitchell stated that he read the statement several times and even with two degrees, he can't figure out what that means. With regard to item 24 in the attached letter pertaining to vibration, Mitchell stated that part of that was done very well but that the commission might want to fix parts of it. With regard to glare as mentioned in item 25 of the attached letter, which states, *"no direct glare shall be permitted and all lighting fixtures shall be shielded so that the angle of illumination is directed downwards rather than out."* Mitchell asked who is going to decide what is down or up and if it is in the eyes of a neighbor. Mitchell stated that regarding the references to the "Greenway Connections" that it might be good to include the Greenway Connections in the zoning document if it's that important. Mitchell stated that they will continue to add to the list of concerns and submit it to the Town Board.

Art Collins, Dutchess Land Conservancy, Millbrook, NY – Collins stated that he is going to keep his comments very general and brief. Collins stated that Becky Thornton who is the President of Dutchess Land Conservancy was not able to make it tonight but she is submitting a letter to the Zoning Commission. Collins stated that Dutchess Land Conservancy was founded in 1985 and since we were founded over 25,000 acres of land has been preserved with conservation easements and they were all preserve by cooperating with private land owners who voluntarily preserved their land. Collins stated that he would say that more than 90% of what we do is work with landowners to help them voluntarily preserve their land. Some of what the Dutchess Land Conservancy does is work with towns and municipalities to encourage the development of innovative types of land use planning, zoning, comprehensive plans, etc. that strive for a balance between development that's appropriately planned and the preservation of our rural landscape. Collins stated that we are on the whole very happy to see the Town of Pine Plains as well as other towns taking an innovative approach to their land use policies and developing plans that have philosophies behind them that are absolutely looking to create land use planning on the town basis and not based on carving up things onto a cookie cutter kind of basis and that isn't just adopting a warehouse strategy towards the town's land. Collins stated that on a whole the Land Conservancy is very pleased with the balance that is being achieved in the zoning plan and the fact that there is sound planned development that is permitted with flexibility. Collins stated that the plan encourages and permits a range of housing types, encourages and prevents the distribution of density in a flexible way across the town, as well as striving to preserve the town's wellhead and the agricultural lands. Collins stated that for all of those reasons, he applauds the efforts of the Zoning Commission. Collins stated that he thinks the law being proposed rises to the

level to address the kinds of challenges that the town is facing now and the challenges of the future and we hope that the town gets behind this plan in the form that it is in now or with improvements that are being suggested. Collins stated that he wanted to commend the Zoning Commission members for their hard work.

Stan Hirson, Bean River Road, Pine Plains, NY – Hirson stated that he knows it is a very emotional issue and he's not here right now to advocate for or against zoning but to address specific issues with the Zoning Commission. Hirson stated that his issues have to do with the definition of some of the agricultural land based on soils. Hirson stated that his understanding is that economic use is included in agricultural uses and he really feels that should be independent of the constitution of the soil because while some soils are fine for grazing, there are a lot of economic uses that are independent of soil quality. Hirson stated that he thinks this is important because this area was dairy farms with wide open spaces that were maintained by the dairy farms and they have changed to horse farms and Hirson stated that he believes that Dutchess County has the second highest population of horses in the state of New York and that the only county higher is Saratoga. Hirson stated that he feels that the value and economic benefit to Pine Plains by the equine activities has been overlooked. Hirson stated that this is his third community and explained that he was born in Massachusetts right on the ocean and no matter how the residents felt about zoning, they couldn't drain the water. The second community Hirson spoke of was Aspen, Colorado and he stated that there was snow and a great economic benefit but it brought in some undesirable coke heads and movie stars but they just had to leave the mountains. Hirson stated that the problem here is that we have these wonderful open spaces and the outlying area that have the great potential for economic development for the town and that can be eliminated. Hirson explained that wonderful resources can be filled in, the rail beds can be closed off to the public, the open spaces can be built up and we are in losing the possibility of economic development. Hirson urged the Zoning Commission to take that into account.

Kathleen Corby, Poplar Avenue, Pine Plains, NY – Corby stated that she is speaking as a resident and a business owner in Pine Plains and she applauds the commission's efforts. Corby stated that she agrees with everything said by one of the previous speakers and thinks the zoning plan is fantastic. Corby stated that when she first moved here she didn't want to live here because there was no zoning so she supports the zoning plan and the commission's time and energy. Corby further stated that she lived for almost 20 years in Santa Barbara, California and she is not confused or frightened by the zoning plan because she had the privilege of living in a community that had really restrictive zoning and it made Santa Barbara a beautiful place to live. Corby explained that Santa Barbara had zoning in 1930's, 1940's and the 1950's and that's why today Santa Barbara is not an ugly piece of concrete freeway, with smog and sprawl like Los Angeles all the way the San Diego. Corby stated that it covered very wealthy people, it has college students, small businesses, it has migrant farm workers and everybody lived there and everybody had a say but most importantly when she looks back to when she lived there in 1970's to the 1990's it looked just as beautiful in the 1990's as it did the day she moved there in. Corby stated that is what it's about in the end, it's about preserving the land and making it look as beautiful as it should be and protecting that beauty not for us here but 30 or 40 years down the line. Corby stated that she hopes 30 or 40 years down the line, if she is still alive she can come here and see this beautiful open space that is truly a gift of Pine Plains to this community.

David Chittick, Ancram, NY – Chittick stated that he grew up in Stanfordville and graduated from Pine Plains High School so he remembers Pine Plains the way it used to be and there are a lot of things he would like to see still here that aren't here but everything changes. Chittick stated that basically he is for good zoning because he likes to see things planned. Chittick stated that he thinks the commission was given a very difficult task and they have done as well as they could with the time given. Chittick stated that zoning laws in general are pretty good and they do help to stabilize the community. Chittick stated that the Town of Clinton put in zoning back in 1958 and that there is very little commercial development they didn't plan for. Chittick further stated that his main warning is that we need to plan for Pine Plains as far as how we are going to allow the place to grow commercially along with the residences for people to have a place to live. Chittick stated that he would love to see a few more areas designated as being commercial properties for responsible development but you don't know what you are going to receive because we don't have a crystal ball. Chittick stated that we can only try to live here and do the best we can for the community. Chittick stated that he is more emotional about this than he thought he would be and he is very pleased to see so many people interested in being here and thinking about this.

George Rush, Old Orchard Road, Pine Plains, NY – Rush stated that he bought a house in Pine Plains six years ago and he can only offer an anecdotal impression of how much it has changed in just that little time. Rush stated that Stissing Lake is certainly the jewel of this town but just to see the little bit of suburbia sprouting up along Lake Road in what had been urban forest gives you sense of things to come. Rush stated that if you walk down the path around Thompson Pond and look over your shoulder you see this house looming. Rush further stated that Mr. Murphy owned the land and lived here his whole life and there was no law to limit him from building it so it was certainly within his rights. Rush stated that street and others have so much potential to evaporate before our eyes. Rush further stated that he can imagine how the lake would change if a string of houses went in there so he applauds and thanks the Zoning Commission.

Lisa Nagel, Community Planner from Saratoga Springs, NY – Nagel stated that she owns her own Planning and Design firm such as Nan Stolzenburg and has known Stolzenburg for a number of years and feels she does great work and the Town of Pine Plains is very fortunate to have her here. Nagel stated that she is here tonight representing Pine Plains United who engaged her firm originally to review the Carvel proposal. Nagel further stated that as the issue of the zoning ordinance has begun they have asked her to participate in reviewing the ordinance. Nagel congratulated the Zoning Commission and stated that she has worked with a number of communities throughout New York State and has prepared a number of Comprehensive Plans and Zoning Ordinances. Nagel stated that it is a tremendous amount of work and a very emotional issue for communities and that she is speaking as a planner this evening and that in general she feels the zoning ordinance is a very well thought out document. Nagel stated that it does seem daunting at a 194 pages but it really isn't once you take apart the pieces. Nagel explained that the document is based on the town's existing development patterns and is very flexible in terms of the lot size provisions in that there are no minimum lot sizes. Nagel stated that she agreed with a previous speaker who spoke about the benefits of waiting to do zoning because zoning has grown since it was first introduced in the 1920's which separated uses and today we are encouraging a mix of uses in our communities. Nagel stated that is

exactly what this zoning ordinance does because it is very flexible rather than rigid. Nagel stated that she feels that the design guidelines and siting standards that Stolzenburg referenced in her opening remarks are very critical in a community such as Pine Plains and in maintaining the character of rural communities. Nagel stated that she commends the commission for putting those design standards directly into the document because many communities have put them into separate documents. Nagel stated that she would suggest that they be done in this document or mandating that they be done. Nagel further stated that there was a comment about the expense of this zoning ordinance with regard to developers but feels quite the contrary. Nagel explained that a portion of her company actually works with private developers and the private developers can look at a zoning ordinance and know the process that they are going to go through and know that they are not going to get many hiccups along the way. Nagel stated that developers are appreciative of that because time is money to them so if you take a working zoning ordinance that is as clear and articulate as this one, it is a positive benefit to the community. Nagel stated that there was a speaker who stated that this document was a sloppy, confusing and complicated document that doesn't cover the Comprehensive Plan and that is quite the contrary. Nagel explained that she read the Pine Plains Comprehensive Plan and zoning ordinance and stated that the Comprehensive Plan is a very well thought out document and that New York State has such a thing as implementing zoning in accordance with the Comprehensive Plan and that is exactly what this Zoning Commission is trying to do. Nagel stated that it is the law that once you have a Comprehensive Plan, you are obligated to create a zoning ordinance that implements the vision of that plan and that's exactly what this zoning ordinance does. Nagel stated that she thinks it's a great document, it's very flexible and there are a lot of pro-active new techniques that many communities that she works with are not yet using but we are trying to get there slowly, however, this community is really jumping in with both feet and she thinks it's great.

Don Potter, Johnnycake Hollow Road, Pine Plains, NY – Potter stated that he was thinking about when all of the members of the commission signed on for this job, they might have known that they are not going to be able to please everybody but now they know that they can't please anybody. Potter stated that he feels the commission should be commended because it's a job that most of us wouldn't want. Potter stated that his nephew is a commercial appraiser in Philadelphia and he told him (Potter) that he was reading some periodicals that said that a lot of developers are looking at Pine Plains because there is no zoning. Potter stated that his nephew said the developers think it's easy pickings. Potter further stated that it is very easy to be negative about the zoning document but he thinks that we have to have it because we have to protect ourselves. Potter stated to people who are against zoning that if there's a change and if it happens, which he stated it will, then it will be too late.

Joan Redmond, Johnnycake Hollow Road, Pine Plains, NY – Redmond stated that Lisa Nagel said everything she wanted to say but there were a couple of things that caught her attention, things that she thinks is very positive about this draft zoning law. Redmond stated that the density standards allow for flexibility of lot sizes, affordable housing is mandated in large subdivisions and also that non-conforming businesses will be grandfathered in the business district. There is one area that she thinks could be considered and stated that she thinks that site plan review for single family dwellings should be required in the Agricultural/Residential District. Redmond further stated that

more agricultural land and former farm land should be included in the Ag Overlay District to prevent segmentation of potentially valuable farmland. Redmond stated that once it's developed, it will be gone forever.

Torey Soracco, Pine Plains, NY – Soracco stated that she observed at the last public hearing and at this one as well that at 32, she is one of the younger people in the room and stated that there are some people in this room who should be ashamed of themselves. Soracco stated that they are probably close to twice her age and they are snickering at people expressing their opinions, using profanity to describe them and that's unacceptable. Soracco stated that is not what a public hearing is about and that everyone has their opinions and we should feel comfortable. Soracco stated that she is petrified standing up there right now because she is wondering what people behind her are thinking and saying and that's unacceptable at a public hearing. Soracco further stated that she doesn't understand how a lot of this zoning came to the surface again when the Carvel development started and the zoning is to protect us and maybe get us a few things in the town. Soracco stated that what she doesn't understand is if Carvel takes the incentives, they get between 500 and 550 units but the town gets nothing in return from the Durst Organization. Soracco stated that she isn't just from Pine Plains but she is of this town and she loves Pine Plains but when she looks around she sees some of the people who helped her family raise her and made her who she is and she considers this town like her sibling that she can talk bad about but nobody else can. Soracco stated that she imagines the town that she loves and lives in and she thinks that we can control this and we can get along and she thinks it's completely possible. Soracco stated that when large residential developers or commercial developers want to do anything in this town wouldn't it be wonderful if they had a set amount of time to have hearings and give the community information to try to sell us on their project and then as a town, we vote and we decide as each project comes up. Soracco stated that she knows that sounds naive but to her that represents a living, breathing current comprehensive plan and that would represent the feeling of this community at that time. Soracco further stated that she filled out that comprehensive plan survey three or four years ago but she is a different person now. Soracco stated that those are her ideas and she just wanted to share them.

Rosemary Lyons Chase, Chase Road, Pine Plains, NY – Chase thanked the Zoning Commission for their work, their thought, their analysis and for coming to agreement. Chase stated that the Zoning Commission has produced a document based on public input from many public surveys and the committee developed a comprehensive plan. Chase explained that the commission has exercised the decisions of the comprehensive plan, such as scenic views, rural character and a strong town center. Chase thanked the commission for those things. Chase stated that what we have in the proposed law protects Pine Plains from what Jim Mara called the wolves at the door and we need this now. Chase explained that we have a design, we have a structure but for those who are anxious about it, she explained that this is meant to be a living, organic document that is not set in stone. Chase stated that it will grow and be altered and it will be changing as we are.

Matthew Rudikoff, Planner for the Durst Organization - Rudikoff stated that the Durst Organization asked him to come to make a couple of comments on the aspects of the zoning ordinance. Rudikoff stated that he has been involved with Pine Plains since the 1980's and has attended many of the Zoning Commission meetings, read their minutes and the zoning ordinance and he has some comments. Rudikoff stated that many people

have addressed the contents of the Comprehensive Plan. Rudikoff stated that in the Comprehensive Plan it states, *"low residential density and through-traffic in Pine Plains is considered a primary limitation on retail and commercial growth."* Rudikoff stated that another comment from the Comprehensive Plan is that the Comprehensive Plan sets the goal to promote and encourage business development in the hamlet. Rudikoff stated that the Commission did talk about that but that the Comprehensive Plan also says the number one complaint of Pine Plains' business owners is that there are not enough customers due to limited residential density and through-traffic. Rudikoff stated that rural character is really not the only thing addressed in the Comprehensive Plan and that there are certainly other issues addressed. Rudikoff stated the comment about low residential density goes on to say that while there is this desire for enhanced small business and retail growth, at the same time residents desire to keep Pine Plains rural. Rudikoff stated that there is a conflict between those two and there are no real studies by the town to address that. Rudikoff stated that the Zoning Commission's response to that was that they were advised by the Town Board to deal with that issue and that's OK but Rudikoff stated that what really isn't OK is that the issue was never even discussed. Rudikoff asked what would have been the impact on the hamlet if the density were doubled and would that have been good or bad. Rudikoff stated that is a subject that could have been discussed and he thinks to a very substantial degree that was not discussed. Rudikoff stated that in the Comprehensive Plan where it talks about setting the goal of promoting and encouraging business development, it says actually "promote" business development and that is the actual word in the Comprehensive Plan. Rudikoff stated that promoting business development is more than providing some incentives and stated that is not promoting economic development.

Rudikoff went on to speak about the business issues and the Comprehensive Plan issue with regard to fiscal impacts. Rudikoff stated that he doesn't know if anyone attended when former Mayor of Millbrook, Mike Murphy and with the assistance of the Tribute Garden Foundation of Millbrook did very remarkable renovation of Millbrook. Rudikoff stated that Millbrook is not Pine Plains, nor is Rhinecliff but all of those places where there are hamlets that have active businesses where there are people and traffic where investments are being made, they all have a mix of different kinds of uses around them and they have that with density in the hamlet like Rhinebeck has or they have it in the outlying areas where there are planned unit developments and other kinds of developments. Rudikoff stated that Downtown Pine Plains is in decline and that the pharmacy for the first time in history is closing on Sundays because there is no business. Rudikoff explained that closing on Sundays is the first step of that pharmacy being bought by a chain pharmacy, which Rudikoff stated he understands that offers have already been made, but not to buy it and operate it but to buy it and close it down because of a chain that also has a store in either Millbrook or Red Hook or Millerton. Rudikoff stated that will continue to happen because the rate of growth based upon the number of building permits over the past twelve to fourteen years. Rudikoff stated that with that rate of growth, this business kind of disinvestments in the hamlet, what makes anyone think that with basically the same rate of growth that will result from the proposed ordinance that there is going to be any different kind of growth in the hamlet, particularly with this whole new set of regulations placed on property owners who want to do things with their property. Rudikoff stated that he thinks that is a very critical question.



Rudikoff stated that in planning the Durst project in the beginning of our process, the Comprehensive Plan was just being adopted but we monitored the process very carefully. Rudikoff stated that it was crucial to us to see what the Comprehensive Plan said. Rudikoff stated that in the Comprehensive Plan, there's a section on page 52 which actually provides the way the Town of Pine Plains wants conservation clustered subdivisions done and there's actually an example and it's very instructive. Rudikoff stated that the Durst plan took that example, the actual piece that is in the Comprehensive Plan and we followed that religiously. Rudikoff stated that the example that is in the Comprehensive Plan has a certain number of acres and the Carvel plan has more acres per unit than that example. Rudikoff stated that it also has less feet of road per unit, it's comparable in terms of open space and Randall Arendt concept is to avoid the natural resources. Rudikoff explained that the density that was in the Comprehensive Plan is approximately one unit per 2 ½ acres, and that example that was in the Comprehensive Plan which provides a couple of dwelling units per a couple of acres and what is proposed now is if it's 5 acres or 10 acres plus a decrease in density based on environmental control formula issues is at 7 acres or 12 acres, that is as much as a 2,000% decrease in density if you go from half acre to 12 acres. Rudikoff stated that if you use the Randall Arendt example of 2 ½ acres and you go to the existing ordinance of 7 or 8 acres or a 12 or 14 acres, depending on the environmental control formula, it's 600%. Rudikoff stated that for a first zoning ordinance that kind of a change really is quite dramatic and in many ways not quite understandable.

Rudikoff went on to explain how the environmental control formula works. Rudikoff stated that there was no real presentation at either of the public hearings about the way the environmental control formula works. Rudikoff explained that how it works is it establishes a numerical value which says if you have lands with certain slopes or waters or other types of sensitive environmental features that you cannot count the amount of that land in its entirety as part of figuring out how much density you are going to get. Rudikoff further explained that isn't completely a wrong concept but a lot of it can be very wrong because primarily it relies on what the numerical factor is so if you have lands with a certain slope, does that land count as 60% that you can get density for or does it count as 30% that you can density for or how much density do you lose as a result of that environmental feature. Rudikoff stated that the idea is that the number, whatever that the number is, it is supposed to be the number that protects the environmental resource, it's not supposed to be some number that somebody picks because it sounds good or because it will reduce the density. Rudikoff went back to Randall Arendt's plan and explained that he avoids natural resources so the concept of first reducing or eliminating land from density then saying that you have to avoid it, is known as double-dipping. Rudikoff stated that maintaining the rural density is not really the only objective of the Comprehensive Plan. Rudikoff stated that as you eliminate land from density, you are affecting what the fiscal impacts are going to be and you are affecting what the rural landscape is going to be but once you avoided the sensitive resources what then is the added reduction in density, what is that based on. Rudikoff stated that the reduction of density is really just a mechanism to reduce density and when planning reduces density and not just to protect natural resources, sometimes that's not OK and sometimes that's inappropriate. Rudikoff stated that what is interesting about this environmental control formula is this idea of the number. Rudikoff stated that the Zoning Commission actually had a discussion at one of their meetings about what the protection was and Nan Stolzenburg said that after doing some research regarding ground water resources, that

she discovered that several kinds of issues really didn't affect water quality and that the environmental control formula number should really be a lower number. Rudikoff stated that Stolzenburg really acknowledged or recognized that what the number in the environmental control formula is has to be related to the natural resource. Rudikoff stated that another Commission member actually said it's just a numbers game because we are just picking a value for the environmental control formula and you're really backing into the buildout and that you are really backing into whatever you decide you want the town to be. Rudikoff stated that a planner this bothered him and stated that the comment is actually in the minutes Rudikoff stated that isn't the way the environmental control formula should work but the statement was made and although he doesn't know if the Commission actually followed that advice or not, the statement was made.

Rudikoff stated that he wanted to comment on some issues that related to rural character. Rudikoff stated that he doesn't live in Pine Plains but he does know Pine Plains because of his involvement here over many years and he knows how he feels about the place, but there's another aspect of the character of the community, which is how the community deals with people who want to do things with their land and what the procedures will be by which people will be able to do things with their land. Rudikoff stated that the issue for us at this point is that some of these technical issues just don't really seem right for the town and that there's a level of detail that in his opinion is really more appropriate for a town that is really under more development pressure. Rudikoff stated that he thinks there's a level of detail that is just out of character with how Pine Plains does things and stated that one of the earlier speakers said that the ordinance looks good because it clearly lays out the steps that you have to take in order to do anything with your land. Rudikoff asked how many applications before the planning board now actually need natural resource consultants, wetland consultants, visual impact consultants and archaeological consultants. Rudikoff stated that the everyday person who wants to do things with their land is going to have to do a lot more and if you own a piece of land and want to put it up for sale the appraisal really has to be done with some level of detail and the appraiser can use the maps by the county, a soil conservation service but there has to be some kind of analysis regarding what type resources are on the land just to know what they are going to be able to build on that land. Rudikoff stated that ordinary property owners are going to have to face certain things that at least strike us as a little bit odd, and a little too restrictive. Rudikoff went on to say that he thinks there is some confusion in the zoning ordinance about the metal roofs and stated that it's true that metal roofs are fine but it is also true that in the ordinance in the hamlet district you can't have a building that is either stucco or concrete or metal. Rudikoff stated that is very restrictive. Rudikoff stated that in the hamlet center residential, a new home can be built without site plan review and you can build up to a two family home but anyone with a single family home who wants to put on an accessory apartment they have to get a site plan review and a special use permit. Rudikoff stated that doesn't sound like so much but getting site plans and getting special permits, with public hearings and filings and neighbors isn't always as easy as it is made out to be and for the person who is trying to create an affordable unit in an accessory unit in their home, that requirement is something that can be viewed as difficult.

Rudikoff stated that another difficult thing that strikes him odd is in section 13 that if you have something like a 7, 8 or 9 acre lot it's very possible you are only going to get one unit with the 5 acre base density but there is a condition that says if you have less than the

allowed 5 acres, you are allowed one subdivision, so if someone has 8 acres and is only allowed one unit and someone else with as little as one acre can get two units on it, that doesn't sound very logical. Rudikoff stated that he supports the concepts of zoning but looking at some of these issues he suggests some ongoing dialogue about these issues. Rudikoff stated that the Carvel DEIS certainly has a great deal of information about the zoning.

Rick Osofsky, Pine Plains, NY – Osofsky stated that a couple of comments were made about the wolves being at the door and the comment was started by suggesting that the other side is creating this fear and by saying that we have to have zoning because the wolves are at the door. Osofsky stated that he thinks that is all unnecessary. Osofsky further stated that there were comments made about a town in California being a great town and it has had zoning since 1951. Osofsky stated that Pine Plains has never had zoning and it's a great town too. Osofsky suggested giving the town more credit and that maybe it's good because of the nature of the people to do a nice job. Osofsky stated that he is not suggesting that we don't need zoning. Osofsky further stated that he thinks we should have a zoning ordinance but don't think that we just happened to survive, we survived it because when we want to paint a building in Pine Plains a color, you go to Thayer and you ask him what color or someone might come along and say that you really shouldn't build a certain building a certain way and suggests a different way. Osofsky stated that it has to do with the human dynamics. Osofsky stated that we created all sorts of civic institutions, including democracies without people telling us what to do and that we do things in our best interest because they are in our best interest. Osofsky stated that he is not saying that because we don't need zoning, he's just suggesting that you give this town a little more credit than you choose to give. Osofsky stated that if Carvel is an issue then deal with Carvel and if there are wolves at the door then you attack the wolves but when he reads the ordinance he doesn't see it attacking the wolves. Osofsky read from the section in the ordinance on Development Regulations for the Hamlet. Osofsky stated that any time there is site plan review and a special use permit required, it goes through this process and it starts by saying that generally roof shapes, slopes and cornices should be consistent with the prevalent types in the areas and the rhythm of the building spacing along the street, proportions for facades. Osofsky further stated that it says that buildings shall be designed so that entrance doors and windows, rather than blank walls, garages, side walls or storage areas, face the street. Osofsky stated it also says the front façade of the building shall be parallel to the main street and no parking area shall be located in the front yard setback, detached garages to the rear of buildings are encouraged, the scale and mass of buildings shall reviewed by the Planning Board during Site Plan Review and determined to be compatible with that of adjacent and nearby buildings and in order to minimize the apparent scale of buildings greater than 40' in width, facades facing the street should be broken by periodic setbacks, and rooflines should include offsets and changes in pitch, other design features such as porches or cupolas, window bays, separate entrances should also be. Osofsky stated that it also says exterior materials of new construction shall be compatible with those traditionally used in the hamlet. Osofsky stated that he would like to know what is traditional in this hamlet. Osofsky further stated that we are going to do all of those things but stucco, sprayed-on textured surface finishes, metal, and concrete blocks are not permitted. Osofsky stated that he doesn't know where this is copied from but again, if it's density that you're concerned with, what is wrong with a metal building. Osofsky explained that there are metal buildings in town and they are built because they are sound, they're economical and they make businesses

affordable. Osofsky stated this is only the beginning because the document also says that the front facade of the principal building on any lot shall face onto a public street, a variety of architectural features and building materials is encouraged, there should be no blank walls, all roofs shall be pitched with a minimum pitch of 5" vertical rise for each 12" horizontal, peaked or slope roof dormers and cupolas are encouraged, the spacing, pattern and detailing of windows and window openings shall be reviewed by the Planning Board. Osofsky stated that he can go on but asked what does any of this have to do with Carvel and what does this have to do with the wolves at the door. Osofsky asked has somebody in this town recently built a building that you didn't like or has somebody painted a building purple. Osofsky stated he does not think the Planning Board should tell him that windows should be spaced in a certain way. Osofsky stated to Jon DePreter that this is all in here and you sit there at the start of the meeting telling the public that there is misinformation such as steel roofs and window air conditioners but that's not the issue. Osofsky stated that while we can have steel roofs we can't have steel buildings and we can have window air conditioners but we can't have split units outside that are not protected from the neighbor. Osofsky stated that these cumbersome regulations are what we don't need. Osofsky stated to DePreter that he wouldn't want to tell him what color to paint his house and he doesn't want to tell him how to live. Osofsky stated that when someone goes for site plan and special use and are told about windows and doors and facades and roofs but not what color to paint the house, that is not the point. Osofsky stated that if you want zoning and you want to restrict density, if you want to control Carvel and if you want to control any other development in town then that's fine, but why do we need all this detail to live, we lived quite well without this.

Osofsky referred to the earlier comments by Joan Osofsky and stated that Joan would not be allowed to be here today but she was fortunate enough to have a lady who understood her passion. Osofsky explained that he was at a meeting when the discussion came up about offices and he believes it was Scott Chase who said that we couldn't have offices outside of the town and we were sitting in the Town Hall at the time and we asked the commission if the Town Hall building can be an office and they said no and Osofsky asked why. Osofsky stated that he doesn't understand that degree of control and that is not the wolf, that is the Town Hall and that's an office and that's the only difference. Osofsky stated that all that time was spent on this document so spend the next few months really working this document through and don't say what you're trying to do right now is get this document on the table and passed. Osofsky suggested extending the moratorium.

Erica Powers, Attorney for the Village Green Development – Powers stated that she very much appreciates Matt Rudikoff's comments. Powers further stated that she would just like to speak about the moratorium issue that has just been raised and to repeat what she said at the Town Board meeting last week. Powers stated that there are carrying costs, the cost of experts, the cost of supplies, materials and labor that accelerate over the period of a moratorium and she thinks that we are all aware that the law requires a moratorium to be limited to a reasonable period of time. Powers stated that with all due respect to attorney Rick Osofsky, two more years is not a reasonable time. Powers explained that when this law goes to the Town Board, there will be ample opportunity for hearings and potential revisions.

Sandra David, Schultz Hill Road, Pine Plains, NY – David stated that she worked on the Comprehensive Plan and the main thing is that everybody in Pine Plains is interested in keeping the town rural and she thinks that there's not much argument that suburban is not rural. David explained that rural has to do with low density and she feels that this plan being presented really addresses that in a wonderful way. David stated that she has a list with some details but stated that she won't take up time with that now. David stated that she thinks overall it's a wonderful plan.

James Sheldon, Gallatin, NY – Sheldon stated there was one thing that Mr. Rudikoff said that he thinks needs to be challenged. Sheldon stated that Rudikoff said that there have been 12 to 18 building permits a year issued in the town and that rate of growth would be sustained or continued by this zoning ordinance. Sheldon stated that he doesn't think that should be allowed to go into the record unchallenged.

DePreter asked if there were any further comments and there were none. The Commission took a few minutes to discuss some of the questions and comments of the evening, after which DePreter addressed the public.

DePreter stated that with regard to the comment about why we are not allowing offices outside of the hamlet, DePreter stated that we are actually allowing offices in the Ag/Rural area where we said a new office building would be less than 10,000 feet. DePreter stated that it is also fair to say that home occupations are allowed so you can't confuse home occupation offices with office buildings. DePreter explained that this would be a new office building and it would be allowed in the Ag/Rural area and it just has to be less than 10,000 feet. DePreter stated that in the Ag Overlay offices are allowed in existing buildings.

DePreter addressed a question about sewers. DePreter stated that we do actually have a provision for higher density in the hamlet if a sewer is provided, either by the municipality or in some instances by a private developer.

DePreter stated that someone was talking about the soils. DePreter explained that the language about the soils is to the greatest extent possible and what that means is that if you have a parcel that is 20 acres and all of it is on prime soils, you have the right to build your property but we are just saying that if you have a parcel that has 50 acres and that's all the land you have and 30 acres is prime soils and 20 acres is not, we would like to see you build on the 20 acres. Fulton Rockwell stated that DePreter is not making it clear whether it's mandatory or not. Rockwell stated if you take the 50 and the 20, is it mandatory to put it on the 20. DePreter stated it's not mandatory, it's to the greatest extent possible.

As to the comments about the design standards and the site plan and the complexity of these things, DePreter stated that what he is holding up here are two documents, one is the amended site plan review for the Town of Pine Plains and one is the design standards. DePreter stated that these are documents that some of which were existing law before the zoning draft and some of which was revised and enhanced by the Zoning Commission but much of what is being said here has already been reviewed by the Planning Board and in the middle of our Planning Board process, the town decided to form a Zoning Commission. DePreter stated that just to clear the record, the seven members of the

commission didn't invent all of this. DePreter stated that to be fair the amended site plan review and design standards were not totally approved by the Planning Board so he is not trying to say that everybody approved this.

DePreter stated that regarding the point that we can't please everybody, that's true and he thinks it's very important to note that even among the seven commission members we did not always get all seven of us to agree on everything. DePreter stated that he thinks what we have here is a compromise among the seven of us.

DePreter stated that he hopes that answers some questions. DePreter thanked everyone for their comments.

DePreter stated that he would like to close the public hearing. DePreter asked the commission for a motion to close the public hearing and accept the resolution read by DePreter. McQuade motioned to close the public hearing and accept the resolution. Jackson seconded the motion. All in favor. RESOLUTION ATTACHED (Attachment #3).

Respectfully submitted by:

Approved: 7/11/07

Karen Pineda  
Zoning Commission Secretary

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Jon DePreter, Chairman

# ATTACHMENT #1

## Town of Pine Plains Zoning Commission Presentation and Public Hearing

June 2007

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### Draft Zoning Philosophy

- To be consistent with adopted Comprehensive Plan
- To address these community goals:
  - Preserve Pine Plains' natural beauty and rural character.
  - Ensure that new commercial and residential growth is consistent with cultural and environmental conditions.
  - Maintain Hamlet of Pine Plains as town center for commercial, cultural and residential uses.
  - Preserve farmland and encourage farm businesses.
  - Provide for a range of housing types to meet a broad range of needs.
  - Protect historic elements and small town character.

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### Draft Zoning Philosophy

- To allow for flexibility on the part of landowners and the Planning Board.
- To create incentives to provide important community amenities.
- To treat everyone fairly through use of a standard process and clear set of expectations.
- To maintain the ability to creatively use one's property.
- To balance growth and development with preservation efforts.
- To provide for affordable lots and units.

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### The Zoning ...

- **Concentrates densest growth in hamlets:** Allows for multi-family development in hamlets, allows and has standards for creation of new rural hamlets (similar to Bethel or Pulvers Corners) and traditional neighborhoods (similar to hamlet of Pine Plains), concentrates higher density in hamlet of Pine Plains in bulls-eye approach.
- **Preserves Important environmental features and rural character:** clustering, conservation subdivisions, design standards, layout standards, protection of agriculture, protection of public water supplies, sets density to have low density residential development.

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### The Zoning ...

- **Promotes senior and affordable housing:** allows accessory apartments, ECHO housing, no minimum lot size concept, by-right split of smaller lots, mandatory provision of moderately priced units for large subdivisions.
- **Promotes business growth:** mixed uses in hamlets, Main Street District, 1/3 acre parcel size for business, establishes central business district, use table that draws businesses with customers to hamlets, maintains existing uses (as non-conforming and allows 25% increase in size).

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### Proposed Zoning Districts

#### ■ Agricultural/Rural District

- **Purposes**
  - To protect and maintain rural character, open space, scenic resources, agricultural lands, sensitive environmental areas, and to maintain low density residential land uses.
- **Base Density**
  - 1 dwelling per 5 acres based on net buildable acreage; no minimum lot size.
- **Development Standards Include**
  - Cluster/conservation subdivisions (50% open space; mandatory on large subdivisions as traditional neighborhoods, discretionary for smaller subdivisions), ag buffers, rural-style siting of structures (avoid steep slopes, placement along sides or woodland boundaries, not at top of ridge line, etc.)

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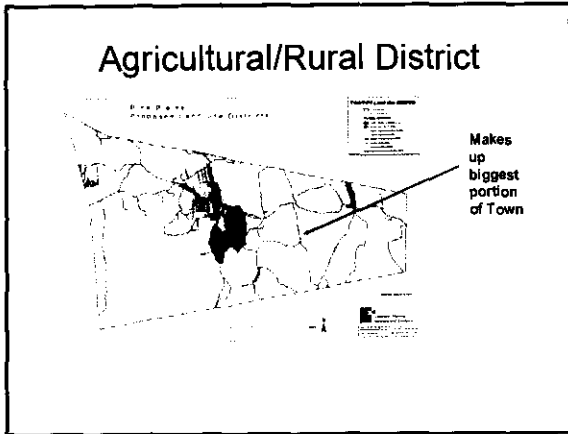
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### Proposed Zoning Districts

■ **Agriculture/Open Space Overlay District**

- Purposes
  - To maintain a critical mass of farmland, to promote agriculture
- Base Density
  - 1 dwelling per 10 acres based on net buildable acreage; no minimum lot size
- Development Standards Oriented to Siting
  - Structures moved off prime/statewide important soils and away from active agricultural lands, cluster/conservation design mandatory for all major subdivisions with 75% open space as rural hamlet or traditional neighborhood, siting and uses to protect and promote agriculture.

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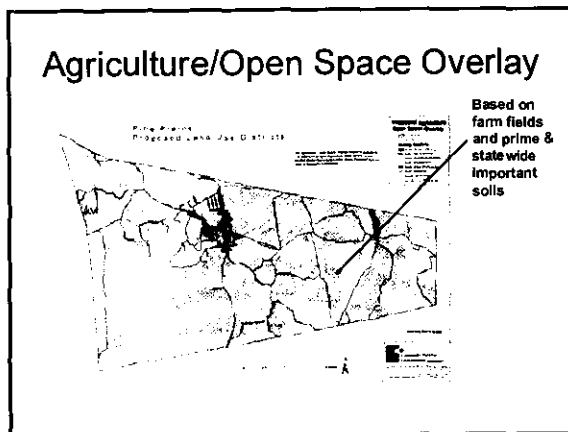
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## Proposed Zoning Districts

### ■ Hamlet Districts: Pulvers Corners and Bethel

#### – Purposes

- To foster higher density development consistent with hamlets and to promote the traditional locations of settlement

#### – Base Density (minimum lot size)

- Pulvers Corners: 1 dwelling per 1 acre
- Bethel: 1 dwelling per 3/4 acre

#### – Development Standards Oriented to Siting and Design

- Hamlet style development standards so that new is consistent with existing (building placement, scale, style, sidewalks/street trees, lot size diversity, commercial design standards, etc.) and oriented towards rural hamlets

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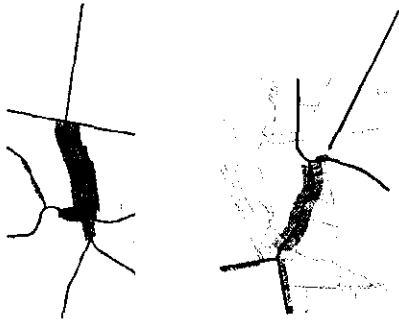
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## Pulvers Corners and Bethel



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## Proposed Zoning Districts

### ■ Pine Plains Hamlet

#### – Hamlet Business, Main Street, Center Residential, Residential (non-center)

#### – Purposes

- Promote hamlet style density and development with mix of uses and retail development. Emulate current patterns.

#### – Density

- 1 du per 1/4 acre – Business, Main St and Center; 1 du per 1/3 acre in Residential; 1/3 acre min. lot size for non-residential in Business, and Main Street districts.

#### – Development Standards Oriented to Siting and Design

- Hamlet design standards oriented to promote traditional neighborhood patterns

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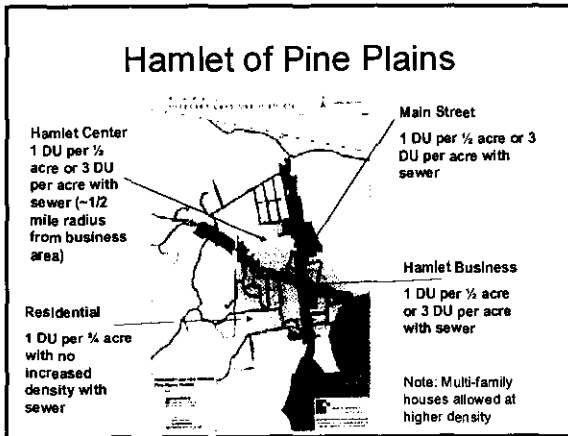
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### Proposed Zoning Districts

- **Wellhead Protection Overlay District**
  - Purposes
    - Protect area containing the well and recharge areas for the public water system serving Pine Plains
  - Base Density
    - 1 du per 5 acres based on net buildable acreage
  - Development Standards (Based on recommendations from NY Rural Water Assoc.)
    - Certain uses prohibited, limits to site coverage, stormwater control methods required.

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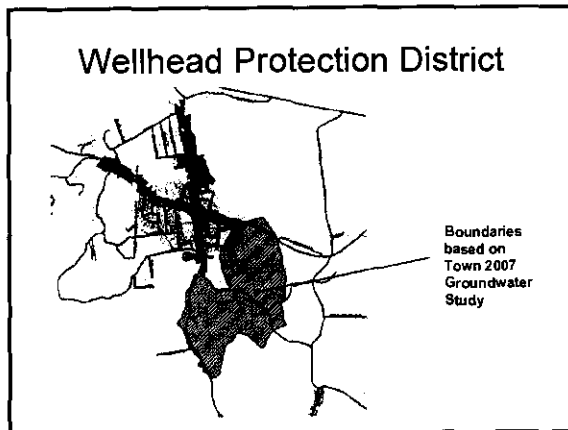
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## Proposed Zoning Districts

### ■ Mining Overlay District

- Purposes
  - To permit and regulate mines that remove over 1000 tons or 750 cubic yards of materials in areas suitable for such activities (mines that require DEC mining permits)
- Base Density: Same as underlying zone
- Uses: Same as underlying zone but large mines will only be allowed in this overlay. Small mines allowed elsewhere.
- Development Standards: Non-mine uses same as underlying zone, mining to follow NYS requirements for mining

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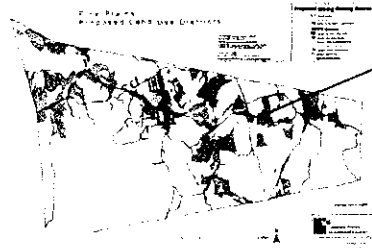
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## Mining Overlay District



Boundaries based on Town Engineers study of soils and geology but not in Hamlets, Wellhead Area or on properties already protected with easements

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## Other Major Highlights of Draft Law

- Incentives (open space/Ag, senior housing, public access or cultural/historical features)
- Moderately-Priced Housing (required for large subdivisions)
- Use of Cluster/Conservation Subdivision
- Rural Development and Hamlet Development Guidelines
- Enforcement/Administration

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### Next Steps

- Review comments from public and adjust draft if needed
- Submit report and draft law to Town Board
- Town Board's adoption process
  - Public hearing
  - County Planning Department review
  - Environmental Review (SEQRA)

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### Public Comment

- Maps and draft zoning are on Town website: ([www.pineplains-ny.gov](http://www.pineplains-ny.gov))
  
- THANK YOU FOR ATTENDING TODAY.  
YOUR INPUT IS VERY IMPORTANT.

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# ATTACHMENT #2

**Teesink Crossroads 21  
Post Office Box 16  
Pine Plains, NY 12567**

**June 27, 2007**

Dear Community Members,

My name is Brad Mitchell and I am NOT a developer. I am a concerned business owner in Pine Plains and I have many issues and concerns with the zoning proposal in its current form. I need to give a little background first:

I am not Dale Mitchell I am a different person (I am sure Gregg Pulver a few of you others can appreciate that). I am not my Father and we often disagree on issues. We own separate businesses and think differently. Still we have a mutual desire to improve Pine Plains through responsible commercial and limited residential growth.

Also, as a member of the Teesink Executive Committee, I would like to clarify misconceptions of that organization. We are a civic minded, non-political organization that represents a wide range of citizens with a wide range of concerns. We are NOT anti-zoning despite being labeled as such. In fact, I can state that at our last meeting we decided to agree (some reluctantly) that zoning is inevitable but what the towns needs is a well thought out zoning policy completely unlike the one before us.

We mostly agree that no zoning is preferable to this proposal, but that generally we would like to support a well thought out zoning proposal. So how do we get there?? This is certainly not the way!!!!

First of all, I would like to recognize the hard work by individuals of the zoning commission. I know they had good intentions to help the town. Unfortunately, they have failed completely in achieving even a passably acceptable version of zoning.

There are MANY, MANY people in town that feel the same way I do. Despite not being a political organization, we are concerned with the politics of the town and how it relates to this proposal. Thus some members of Teesink AND MANY THAT ARE NOT MEMBERS OF TEESINK are at this moment in the Republican Caucus making this clear to the current town board and the rest of the population of Pine Plains. They could not be here tonight (two places at the same time) so myself and others will try to speak on their behalf.

So what's wrong with the current zoning proposal?

- 1) The zoning commission didn't listen to the general population of Pine Plains, but only a small cross section of newer residents and weekend home owners that want to build a wall around Pine Plains and keep it exactly the way it is. Support for

this statement is massive. For example, why were the questions submitted to the zoning commission never answered? I have the lists if you want to reacquaint yourself with the community's questions and concerns. I think the Caucus Fight happening right now, whether successful or not, might open up eyes to the fact that there is MASSIVE dissatisfaction with the zoning commission's efforts.

- 2) There has not been enough time for the community to read and understand this massive 194 page "light touch" (sarcastic) zoning. After over two years of work and numerous hours of commission efforts, how do you expect to understand such a complicated document in just a few weeks. I beat myself up wondering how I would find the time to document the hundreds of problems with this document before coming to the conclusion it didn't matter. First of all the zoning commission has no interest in listening to the true public of Pine Plains or making any substantive changes. Second of all, these issue can be brought forth over time to the town board which is the one that really matters at this point. It is obvious to the community that this proposal will have to be modified substantially.
- 3) Now on to the real problems with the zoning proposal: **THE BIGGEST PROBLEM IS A CLEARLY UNFAIR AND MOST LIKELY ILLEGAL ENVIRONMENTAL CONTROL FORMULA (ECF).** I will stress how unfair it is with a simplistic example of two adjoining 100 acre parcels. Let us assume 5 acre zoning. The first parcel has no constraints (is flat with no "steep" slopes, water, etc) and presumably will support 20 housing units based on a 5 acre density. With no minimum lot size they are put on a 10 acre piece (1/2 acre lots). The second parcel is much more beautiful and has rolling hills (steep slopes) and a pond and stream and small wetland. There is a flat 10 acre section adjoining the first 10 acres that were developed on parcel 1. The owner wants to put a similar 20 units on his flat 10 acres next to the first development. However, the ECF calculates that only 10 units can be built because of his environmental features that are so lovely. **IS THIS FAIR?????? Two adjoining properties each with 10 easily buildable acres (that can be developed ) treated differently??** I think you better check with lawyers to see if this is legal. My gut tells me no. By the way, where does this type of zoning exist? We have never been answered that question. I believe it does not exist. So it appears we are the guinea pigs of NAN to experiment on. I would rather Pine Plains not be a guinea pig experiment of some absurd zoning concept created to simply confuse the public. Too strong a statement? Not if one realizes that **the ECF has NOTHING to do with preserving the environment.** That person in the second example can probably still build on the "steep slopes" and close to ponds and wetlands because that is not prevented by this proposal. As long as they meet all other buffer requirements and state and county guidelines they can build on that lovely 50-60 acres of rolling hills and close to the lake or wetland. This is the "rotting foundation" of this proposal: It does not save the environment but puts a density control variably and arbitrarily punishing people with what I would call nicer pieces of property. This is clearly unfair, arbitrary, variable type zoning treating people unequally in the same "zones". **THAT IS ILLEGAL. IF NOT ILLEGAL, CLEARLY UNFAIR AND NOT IN KEEPING WITH OUR RURAL CHARACTER.**

- 4) This segues nicely into the point of rural character. Many believe that the rural character of Pine Plains is not just its physical attributes, but the character of the people itself. When you build walls to prevent people from coming to town or promoting business you help to destroy that rural character. When young people can not afford to buy a home and older citizens are forced out by higher taxes you destroy the rural character. That is what this proposal does. Look at the economics.
- 5) Why is there no financial analysis of this proposal? We spend potentially a couple hundred thousand or more on consultants and lawyers and we don't spend \$10,000 or \$20,000 on economic analysis?
- 6) Land surveying costs skyrocket under this proposal, as well as engineering and other development costs-this leads to more costly housing that drives out the young and the retired citizens.
- 7) Where's the PUD???- Ignoring the 800 pound gorilla in the room is not good planning. Pine Plains will have some commercial and residential development in the near future and ignoring proposals already brought forth does not make them go away. The only reasonable course of action was to have a PUD (planned unit development) to give the town more say in its future direction without ivory tower concepts destroying the positive potential.
- 8) Where's the plan for a public sewer system to promote (commercial) growth in the village. Red Hook is now paying the price for its lack of planning in the past. Does Pine Plains want to follow in their footsteps???? The major contributor to pollution to the well head area would currently be private and business septic systems. Most are poorly maintained and unsupervised which means that they will always provide a constant threat of human waste and chemical waste. The town should be encouraged to install a waste water treatment plant and development that would utilize a high tech waste water treatment plant. What are you doing in your plans to address these concerns?
- 9) A personal concern of mine is how you drew the map of the Hamlet Main Street (H-MS) district to include my warehouse property. Thank you, but why did you not include all of the parcel? Also, the part you did not include is where my warehouse currently is sited. This appears arbitrary as other parcels in this district include the ENTIRE parcel. Why was this done so arbitrarily? There is no consistent distance from the Road, so there is no argument on that basis. Also, what restrictions would I have in building an office there in the future (which I had a building permit for at one time)? Or additional outside storage space around the warehouse? Could I do that?
- 10) The wellhead protection overlay is drawn very strangely. Actually the whole town is on top of the aquifer, so why not show it as such? There is a little area around the well and then nothing adjoining. Does this make sense? Either the wellhead area should include the entire town of Pine Plains, or it should be reduced in size so as not to affect the town's growth. Protecting our drinking water is very important, but as Nan has pointed out density in the wellhead area is not as important as reasonable construction techniques.
- 11) Mining-do you really want to restrict over 1000 tons or 750 cubic yards. A big house can pull more than that out. Will that construction be considered a mine???



- 12) Why are no additional cell towers permitted in the town? We don't have good coverage right now, and towers can now be designed to be less obtrusive.
- 13) Blank Walls-what about solar applications with North facing walls preferred Blank (no windows)
- 14) Why is a Home Occupation, Major or in accessory structure not allowed in the Ag-O? (page 12)
- 15) If the Wellhead protection area does not have a density issue attached, why is senior citizen housing not allowed in it? (page 12)
- 16) The use of logging is not included anywhere in town (I am told this was an error that May have been fixed already) (Page 13)
- 17) Since Kennels are not allowed anywhere in town except AG/R WHP and AO, if, God Forbid, the Vet Hospital in town burned down (and hopefully every animal and person was saved) would they be allowed to build again in that location?
- 18) What is the issue with "grandfathered" properties that burn down or change use? Will they be able to rebuild without constraint, or are they subject to the new zoning regulations that would prohibit it?
- 19) Same with Veterinary Hospital-not allowed in any area except AG/R and AO
- 20) Who will maintain the morass of regulations that this zoning proposal creates? At what cost?
- 21) Noise- what the heck does this mean????(page 29) "No noise shall exceed intensity, as measured from the boundaries of the lot where such use is situated, which shall exceed levels normally associated with activities allowed within the zoned district."
- 22) Atmospheric effluence: No **UNREAASONABLE** dust, dirt, smoke, noxious odor or noxious gases shall be disseminated beyond the boundaries of the lot where such use is located (page 29). What about the coffee factory? Who decides what is unreasonable?
- 23) Heat-no unreasonable heat shall be produced that is perceptible beyond the boundaries of the lot..... (page 29)
- 24) Look at vibration on how to do it right. (page 30)
- 25) Glare-" No direct glare shall be permitted and all lighting fixtures shall be shielded so that the angle of illumination is directed downwards rather than out."(page 30)
- 26) "In considering any discretionary decision relating to subdivision, site plan, special permits. Or area variances, the reviewing board will apply the principals in "Greenway Connections" to the maximum extent practical. Copies of the "Greenway Connections" are available in the Town Hall." (page 30)

I could keep going into hundreds of issues of concerns, mistakes by this commission, and downright confusing text that makes this a "train wreck waiting to happen." We will continue to try to examine this proposal and point out other issues and concerns, but honestly, this will take weeks if not months. It's a mess.

I was talking to a zoning commission member recently that mentioned that there are huge passages that he does not remember even talking about in the meetings. What happened?

Did you abdicate your responsibility to the consultant? Did you take the best interests of the community to heart, or did you just try to get this done-FINALLY?

This zoning proposal is sloppy, confusing, over complicated, does not follow the comprehensive plan in spirit, destroys the rural character of its people, and does not even really protect the environment as it purports.

Worst of all it is built on a rotting foundation of the Environmental Control Formula which is really a variable density formula in disguise. That is unfair to the entire population of Pine Plains and could very possibly be unconstitutional. I see this extremely restrictive zoning proposal as a step backwards that will raise the costs of any residential or commercial development so high that the young in the community will have no place here to work or live and the older citizens will be forced out of the community because they can not pay the skyrocketing taxes that will develop. That is NOT my idea of rural character.

We will continue to add to this and eventually submit it to the town board.

Thank You.

Sincerely,  
Brad Mitchell and  
TC21 EXECUTIVE COMMITTEE MEMBERS

# ATTACHMENT #3

## RESOLUTION

### **Closing of the Zoning Commission's Public Hearings**

It is hereby resolved by the Town of Pine Plains Zoning Commission that:

WHEREAS, the Town of Pine Plains is in the process of writing its first Zoning Ordinance, and

WHEREAS, the first of two (2) Public Hearings was held on June 16, 2007 and the second Public Hearing was held on June 27, 2007,

THEREFORE BE IT RESOLVED TO, close the Public Hearing after the June 27, 2007 hearing, and

BE IT FURTHER RESOLVED TO, allow written comments to be received until the close of business (4:00 PM) on July 2, 2007 to be included in the comment period for the Zoning Ordinance

By order of:

\_\_\_\_\_  
Jon DePreter, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Karen Pineda, Secretary

\_\_\_\_\_  
Date