

Town of Pine Plains Zoning Commission Minutes
May 10, 2006

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

Guests: (14) members of the public, Register Herald, Millerton News

Meeting called to order at 5:35 PM.

Caldwell moved to approve the minutes from the April 12, 2006 meeting, the April 25, 2006 Public Presentation and the April 29, 2006 Presentation. Seconded by McQuade. All in favor.

Privilege of the Floor – A member of the public asked how many surveys the Commission received since the presentation. DePreter stated that 61 surveys were received so far but that approximately 50 were just dropped off this evening. Another member of the public stated that he doesn't know if he can say it often enough but he feels that the Commission is doing a conscientious job.

DePreter stated that regarding the surveys, as of the evening of May 9, 2006, the Commission had received 61 surveys from the public. DePreter further stated that just when he arrived for tonight's meeting, a gentleman (Tom Toigo) gave him a pile of surveys and stated that there are roughly 50 surveys in the batch. DePreter stated that anything that the Commission discusses this evening is not going to include the numbers from the surveys just submitted. DePreter asked for the Commission's opinion regarding the deadline for submitting surveys. DePreter suggested that the deadline be by the Commission's next meeting. All agreed.

DePreter stated that it was the Commission's intention to have the survey filled out by people who were at the presentation so we only made as many copies as were handed out at the presentation. DePreter stated that the copies we are getting in should be surveys from people who were at the presentation. Soracco asked what if they are not. Soracco stated that if people go online and read the presentation and are interested, we can't just say "sorry because you weren't there". Soracco stated that would not be fair. DePreter stated that he was just saying what the Commission had decided prior and that is why he brought up the topic. DePreter asked what happens if people start copying surveys and sending them in. Soracco stated that you can pretty much tell if that's being done but she doesn't think you can just throw out the ones coming in from people who weren't at the presentation. DePreter stated that if we were to discern that the surveys were copies of the original surveys, should they be accepted. Jackson stated that our main concern was that the people were informed. Soracco stated that we want the public input and if people read it online and talked to different people, she doesn't see how we can just say if they are copies they are not acceptable. Keeler stated that the only thing that we have to do is

we have to know that the people who were at the presentation and did go online were supportive or not supportive and then at some point in time we have to move on and not continue with surveys for months and months. Soracco stated that she thinks a month is fine but thinks that just because someone wasn't at the presentation, we can't just say "sorry you're input isn't important". DePreter stated that he was just stating what the Commission's intention was but we can have a discussion on how we want to handle it. Chase stated that he is not sure if that was the full intention but thinks we were just saying that if we knew that someone had been to the presentation and had the full understanding of it and then have a survey from someone who did not attend the presentation and who didn't understand it, which one are we going to give more weight to. Chase further stated that it is not that we are going to throw all of them out but whenever you talk to someone who is more informed you're going to pay more attention to what they are saying than someone who might not understand what the issues were because they didn't do their homework. DePreter suggested waiting until the next meeting and the Commission can look at what comes in and discern from there.

The Commission moved on to discuss the survey results. DePreter split the completed surveys among the Commission members for discussion. DePreter read the individual questions on the survey and the results of each question while the Commission members shared in reading the individual comments.

Jackson stated that it appears from the results of question number one, that there is a lot of support for the definitions of the districts but there are also some people who are unsure so maybe that means we need to inform them more about what the districts are.

DePreter continued with reading the survey results.

McQuade stated that someone approached her after the April 29th presentation and asked about an existing lot that they have and how that would be affected and she thinks that maybe the next presentation should somehow stress that any existing lots will be grandfathered and are not affected by any of this. Keeler asked if Stolzenburg or Chase knows if someone who has a lot subdivided where there hasn't been any plan for a house but then they decide to put a house on it, do they have to meet setback values that the Commission comes up with. Chase stated that if they can't then they would appeal to the Zoning Board of Appeals. Discussion followed.

Jackson stated that there seems to be resounding support for having mandatory siting requirements and for addressing affordable housing. DePreter stated that he thinks affordable housing is going to be a big issue. DePreter further stated that he was thinking that we might want to have a whole presentation with different ideas for affordable housing. Chase stated that there are probably people whose job it is to go and talk to communities about providing affordable housing and we could probably get one or two to come. DePreter stated that there are a number of different ideas floating around so he thinks the Commission should discuss that as a group. DePreter stated that it seems to him that affordable housing is a big concern for people and he feels it's something the Commission needs to talk about.

DePreter asked if the survey results should be posted on the website. Keeler stated that he thinks it would be good to have the survey results online. All agreed. DePreter stated that he wanted to mention that the Commission was handed approximately another 50 surveys at the start of tonight's meeting and those will also go online after they have been tallied and reviewed. McQuade stated that her concern is that she isn't sure if the people who filled out those surveys are people who are informed or had the benefit of an explanation of what the proposals are by either attending the meeting or having researched it. McQuade stated that she would be worried about people who have formed an opinion not based on information. Caldwell stated that he thinks the Commission has to process the surveys the same way we have the original 61. DePreter asked if we should review them here first and then put them online. Caldwell stated that the numbers can be put online but the comments should be reviewed at the meeting. Discussion followed regarding whether or not the survey results should be posted on the website before reviewing them at the next meeting. The Commission members agreed to treat the second batch of surveys the same way as the first batch by discussing the results of the surveys at the next meeting and then they will be put on the website. The Commission members agreed to make the next Zoning Commission meeting (May 24th) the cut off for accepting surveys.

DePreter stated that we have a defined agricultural district which we presented to the public and that was basically class parcels, based on property tax parcels as our Agricultural District. DePreter stated that Caldwell would like to go back and revisit those issues and has a proposal that he would like to read. Caldwell asked if DePreter was going to have Jim Mara here. DePreter stated that he has a feeling that there are a lot of issues that might come out of this so he has gotten some background information such as a list of all of the Ag-exempt properties in Pine Plains. DePreter further stated that we have Jim Mara nearby if we need him and Stolzenburg is going to give the Commission a little primer on the difference between Ag-exemption and Ag-class parcels. Caldwell suggested that it would be helpful to have Stolzenburg give the overview of the distinctions that the Commission is going to be discussing before going into his proposal.

Stolzenburg stated that the Zoning Commission decided a long time ago that the New York State Ag District was not part of the definition of agriculture. Caldwell stated that the Commission did not discuss the rural definition of agriculture. Stolzenburg stated that the Commission had talked a long time ago about how to determine the Agricultural District boundaries. Stolzenburg explained that we talked about the New York State Ag District as one boundary definition and tax parcels that are classified as agriculture by the town or locations that have active agriculture taking place on them. DePreter stated that then there are parcels that are getting Ag-exemptions. Stolzenburg stated that those overlap to a certain extent some of the others so the distinction is that the lands that are included in Ag District 21 are not necessarily lands that get either an agricultural exemption or are considered as an agricultural parcel by the town. Stolzenburg explained that agricultural districts formed years ago have changed over the years and every 7 or 8 years they get reviewed and most of the time parcels are removed from those Ag districts. Stolzenburg stated that there are a lot of residential parcels within the Ag District that are not being farmed which was one of the reasons the Commission decided not to use the boundary of the New York State Ag District as the boundary of the local zoning Ag District.

Stolzenburg stated that the difference between something that gets an Ag-exemption and something else is that you don't have to be within the New York State Agricultural District in order to get an Ag-exemption but you do have to meet the criteria that the state lays out which is you have to have 7 acres of land with a gross income from that farm operation of \$10,000 or you can have less than 7 acres but you have to show a \$50,000 income level of that smaller parcel. Stolzenburg further stated that the land has to be actively agriculture with an income and not just mowed to keep it open. Discussion ensued.

DePreter asked if there are any questions as to these ideas and concepts. There were no questions or comments.

Caldwell distributed a copy of the Agricultural Open Space Overlay, which was presented at the last meeting. Caldwell explained that the map shows, in the blue diagonal hatched areas, all of the open fields taken from the aerial photo throughout the town. Caldwell further explained that a number of them, numbering over 40, are outside of the Ag District which has the dark brown background. Caldwell stated that the concern he has is that so many of these properties have agricultural assessment exemptions which means that they are in active agriculture but yet they are excluded from our map that was shown at the Commission's presentations of the Agricultural Overlay Zone. Caldwell stated that it seems to him that in order to be consistent, the Commission should say that anyone who has an agricultural assessment exemption and is thereby in active farming should be included in the Ag District because they are in active farming. Caldwell further stated that the areas that are not in active farming which show up as open fields should be included in the Ag Overlay Zone to protect them for future potential agricultural use with a 10 acre base density. Caldwell stated that the Commission had decided that good soils should be protected with a 10 acre base density and all of these fields that are shown from the aerial photo and depicted on the Commission's April 12th map, all except two, are on good soils.

DePreter stated that the Commission did not decide that we were going to protect soils with a 10 acre base density but were protecting the soils with 0.4 and 0.5. Caldwell stated that his understanding was that prime soils and soils of statewide importance should be protected as valuable resources for agriculture and within the Agricultural District they are protected with a 10 acre base density. Stolzenburg stated that the active agricultural operations is what was included in the overlay so all of the green areas that overlap the brown areas, all of the open fields that have crops or pastures or whatever are in the Ag Overlay, but it wasn't based on the definition of soils. Caldwell stated that what he is saying is that in addition to the fact that these areas are active agricultural they are also on prime soils and soils of statewide importance which is an additional reason that they should be considered for a 10 acre base density. Caldwell stated that he feels that in order to have a policy that is consistent throughout the town it is the only thing that we can do that would make treatment of active agricultural land consistent throughout the township. Keeler asked if we can have Jim Mara at the next meeting. Keeler stated that what he would be afraid of is something else coming from leftfield that we don't know about, and if we set a precedent because of what we did in the Agricultural District, it may bite us somewhere else. Keeler further stated that he would like to make sure and would like to hear what Mara has to say. Caldwell agreed.

DePreter stated that this issue should be put at the first part of the agenda for the next meeting.

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

Respectfully submitted by:

Karen Pineda
Zoning Commission Secretary