

Town of Pine Plains Zoning Commission Minutes
May 12, 2007

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

Absent: Vikki Soracco, Gary Keeler

Guests: (3) members of the public. Register Herald

Meeting called to order at 9:00 AM.

Caldwell motioned to approve the minutes from the April 14, 2007 meeting. Seconded by Jackson. All in favor

The Commission discussed Clustered and Conservation Subdivisions and the New Hamlet Guidelines. Caldwell stated that item A6 reads, "*the site contains identified scenic views or scenic vistas.*" Caldwell further stated that the only identification that was ever made was in reference to the scenic views in the Comprehensive Town Plan. Caldwell asked if we should mention something to the effect that some of these scenic views and scenic vistas are shown in the Comprehensive Town Plan. Discussion followed. The Commission agreed to add language that states, "site contains identified scenic views or scenic vistas as determined by the Planning Board or identified by the Comprehensive Plan or as otherwise identified as important to the town."

The Commission discussed the requirement that talks about preserving 50% of the parent parcel as open space. Chase stated that Michael Klemens' whole concept was that areas that are identified as critical, such as a wetland and a stream, are interconnected systems and just the fact that there is a 100 foot buffer around them doesn't protect the various species that move in and out of that wetland. Chase stated that there needs to be more than a 100 foot buffer and feels that the Commission needs to talk about some sort of language for preserving this permanent open space that preserves the space in a condition that it can still be used for wildlife habitat. Discussion followed.

The Commission agreed to add language to the open space criteria, open space standards and the definition for open space that addresses the ecological principle of wetlands and its associated uplands.

Stolzenburg stated that part of the Ag/Rural District requirements is slightly different for the Ag Overlay regarding mandatory clustering. Stolzenburg asked if the Commission still wants to have these be the same if someone were to be in the Ag Overlay and has a large enough subdivision. Stolzenburg asked if they should have the same Rural Hamlet and Traditional Neighborhood Standards. DePreter stated yes. The Commission agreed.

The Commission discussed the Manufactured Homes section. Jackson asked what the minimum roof pitch of 5:12 means. DePreter explained that would be a pitch of a 5 foot rise for every 12 foot horizontal. Brief discussion followed regarding roof pitch. DePreter asked the Commission if the Manufactured Homes section is accepted as written by Stolzenburg. All agreed to accept the Manufactured Homes section as written.

DePreter proposed to accept the Clustered and Subdivision and New Hamlet Guidelines with the changes made up until now. All agreed.

The Commission had a discussion regarding the upcoming public presentation. DePreter gave a run down of the process. DePreter stated that Stolzenburg will take all of the changes and will put them into the document, then Stolzenburg will email version 3 of the draft zoning law to the Commission on Monday morning, May 14, 2007 and Pineda will make copies for all Commission members. DePreter explained that then the Commission will read it and any comments the Commission members have can be forwarded via email to all members so the Commission will know where everyone stands and that hopefully we can come in on May 23rd and basically OK this document and get it out to the public. Discussion followed.

Caldwell stated that he wanted to volunteer to write a procedure manual for the town which will accompany the zoning document. Caldwell stated that he would like to volunteer to go through and make a list of the pages that he thinks could be extracted for a procedure manual to be used by anyone who wants to know how to proceed with various applications. Caldwell asked for the Commission's OK to do that. The Commission members agreed. Brief discussion followed.

Caldwell stated that he will also document whatever pages in the draft zoning law that he thinks comes from existing town law so there will be a final page number tally and there will also be a page number tally for the inclusion of existing town law. Discussion ensued.

The Commission continued their discussion regarding the presentation. Stolzenburg stated that after May 23rd, she is going to make whatever changes need to be made and will get the formal version of the draft zoning law back to the Commission. Chase stated that our goal is to formalize the changes on May 23rd and it may still mean that Stolzenburg leaves with some changes to make but at the end of that evening, the Commission will have given her their approval for those changes and for the document to go out to the public. Discussion continued.

The Commission discussed the format of the public presentation. DePreter stated that he was thinking of presenting just the highlights of the draft zoning law. Stolzenburg stated that there will be some people who will have read the document and they will come with comments and then there will be people who will come in looking for information to learn about it. Stolzenburg stated that it wouldn't hurt to do a short presentation but not one that is hours long because at the public hearing there should be plenty of time to hear what people have to say. Stolzenburg stated that the public hearing can be left open for written comments afterwards so anyone who came to that meeting and heard the presentation and then looked at the document would still be able to comment on it. DePreter suggested having two public hearings, one on a Wednesday evening and one on

a Saturday morning. The Commission discussed having a short presentation at the start of the public hearings that would include the highlights of the draft zoning law.

Caldwell stated that for the presentation, Stolzenburg could present the highlights off of the maps to initiate it and then also include a map of the buildout for the current zoning regulations. Caldwell stated that he thinks that should be touched on again. DePreter stated that he is a little afraid of getting back into that. Caldwell stated that he feels the Commission should do the buildout again because one of the big features of this zoning code is how much development is going to be permitted in the town of Pine Plains under our proposed zoning code. Caldwell further stated that he doesn't think that can be ignored. McQuade stated that she thinks the reason the buildout was done last time was to highlight what the town would look like if we don't do anything and that the main reason was to emphasize that we need to do something. Chase stated that it's not a question of if, it's a question of when a buildout gets done because if we don't do it, the Town Board has to do it as they go through their SEQRA review. Discussion continued regarding whether or not to do a current buildout and present it at the public hearings.

Caldwell proposed to ask Don Meltz to do the buildout that will not include the incentives and get a graphic of it for the Commission to review, after which the Commission can decide whether or not we can include it in the presentation. Further discussion ensued.

Caldwell asked if he can formally request that a buildout and a map be done so the Commission can review it. Chase stated that he doesn't see how more information will hurt us. Jackson and DePreter stated that they were not in favor of doing a buildout. Chase stated that he would like to see where we ended up as we have gone through the process since we have changed the environmental control formula, we changed the district boundaries, etc. Chase stated that he presumes that we are still within the range that we were shooting for but until another buildout is done he doesn't know. DePreter asked Chase if he would want to change the environmental control formula or the base density based on any of this and if he would want to come back to the table and discuss it all again. Chase stated that his gut feeling is that we haven't changed it more than 25% in terms of the numbers but if the buildout shows that it changed 50% one way or the other, then he probably would come back to discuss it. Lengthy discussion continued.

Jackson made a motion to do the buildout but that it be used by the Commission procedurally and not used in the presentation. Caldwell stated that Jackson's motion should be addressed separately because his existing motion is to do a buildout and map it so the Commission can look at it and then make a determination as to whether or not to use it. McQuade, Caldwell, Chase and Jackson were in favor of Caldwell's motion. DePreter opposed. The Commission voted by a 4 to 1 vote to in favor of Caldwell's motion to do a buildout to be used to make a determination as to whether or not to use it in the presentation.

Jackson proposed that the Commission not make a decision as to whether or not to use the buildout in the presentation because she is confident right now based on this discussion that regardless of what the buildout is, she thinks we should not use it in the presentation. All members agreed.

Stolzenburg stated just to clarify the Commission's decision that she is to do the buildout, send the Commission the results and not include it in the presentation unless the Commission changes their minds. Brief discussion followed.

Caldwell stated that he wants to make one other observation to counter what Jackson has said and that is that the Commission considers fiscal impact as the independent variable of the number of residences in the community. Caldwell stated that anyone who is concerned about the fiscal impact of the zoning code is going to want that datum. Discussion followed. Caldwell stated that the Commission never voted on whether or not the Zoning Commission should consider the fiscal impact studies made available by Pine Plains United. Jackson stated that she is comfortable with us having the information to give to the Town Board. DePreter suggested moving on.

Stolzenburg stated that she will get the buildout to the Commission and they can decide what if anything they want to do with it. Stolzenburg further stated that in terms of the presentation, we are going to have a short presentation at the public hearing that talks about the highlights tying in what the Commission is trying to attain and the positive reasons for doing zoning as well as tying it to the Comprehensive Plan. Stolzenburg stated that if the Commission wants, we can talk about some changes from the last presentation then open it up to the public for comments.

The Commission discussed the format of the public presentation/hearings and the highlighted topics to be included. DePreter suggested the highlighted topics as being the concentration of growth in the hamlet, preservation of important environmental features and rural character, affordable housing and senior housing, business growth and the flexibility of the zoning law.

Caldwell suggested that the Commission state that this zoning proposal does not re-zone any existing, non-conforming uses. Discussion followed regarding pre-existing uses.

Chase stated that the Commission is required by law to write a zoning law that is consistent with the Comprehensive Plan and he feels that while presenting the highlighted topics, the Commission should lay out what some of the main goals of the Comprehensive Plan were and show the ways that those topics are consistent with and accomplished the goals and objectives of the Comprehensive Plan. Brief discussion ensued regarding the format and how the proposed zoning law will be presented to the public.

The Commission discussed the possible dates for the public hearings and agreed to hold the first public hearing on Saturday, June 16, 2007 from 9:00 to 11:00 AM and Wednesday, June 27, 2007 from 7:00 to 9:00 PM. McQuade stated that she will find out the availability of the high school for holding the public hearings there.

Stolzenburg asked if the Commission is going to run the public hearings where people can offer their comments but without a question and answer period. DePreter stated that he is thinking about giving a 10 or 15 minute presentation and then just let the people comment. Stolzenburg stated that the public hearing can be left open for ten days after the hearing for written comments. The Commission agreed to allow written comments to be submitted Monday, July 2, 2007.

Caldwell stated that the Commission received a letter from the law office of Teehan & Constantino. DePreter stated that he had assumed that letter was representing Mashomack but he doesn't know who that firm represents. DePreter stated that he thinks it might just be a concerned citizen who happens to be a lawyer and who put the letter on his letterhead.

DePreter stated that regarding the shooting preserve issue, the Commission did make several changes. McQuade stated that the Commission also said to follow whatever the Federal and State guidelines are for the type of shot used. Chase stated that the concern he read in the letter was that they were talking about the fact that you shouldn't stop shooting before certain hours because of duck hunting. Chase stated that he doesn't think anyone was concerned about actual hunting, he thinks what people are concerned about is competitions where there are one hundred rounds in ten minutes.

DePreter asked the Commission if everyone is ready to move on to the public comment period. The Commission members agreed to move on to public comments.

Public Comment – Erica Powers stated that although she is the attorney for Tomlew, she would like to speak for a minute as a citizen. Powers stated that it is her understanding that the Commission's goal is to provide a zoning law that can be passed in a community that doesn't have zoning and she urged the Commission to make their presentation as clear cut and as straight forward a case for zoning and just explain the reasons for it and what the Commission is trying to do. Powers stated that there will be plenty of time later to deal with issues of buildouts. Powers stated that what she thinks is of paramount importance is that the Commission is making a conscientious effort to implement the Comprehensive Plan and that the old buildout shows what could happen if there were no zoning and she feels that is the Commission's strongest point. Powers further stated that her assumption is that even after the Zoning Commission holds its hearings, the Commission will need a meeting in July to come in and go over the public comments and make more decisions. Powers stated that even after a draft zoning law is transmitted to the Town Board, she would be very surprised if the Commission's role with the Town Board ceased. Powers stated that it is entirely possible that the Town Board will continue to regard the Commission as their staff and if they want more information such as buildouts that they would come back to the Commission since the Commission has two years worth of work and is the source that rational people would come back to in order to get more information. Powers stated that her hat goes off to the Commission for the fact that they sat for two years trying to figure out a long term plan because it's a very complicated thing to have to do. Powers asked if there will be a meeting of the Zoning Commission on the second Wednesday in July, after the public hearings. DePreter stated that is July 11th. Powers asked when the Commission thinks the proposed zoning law will go to the Town Board. DePreter stated that he thinks that is going to be determined by the public at the hearings. DePreter further stated that the Commission has not decided what form to send it to the Town Board in and that there may be some issues that the Commission will feel are better addressed by the Town Board or we might decide that some issues are the Commission's responsibility but we don't know yet. Powers asked the Commission if they know what the impact will be on the moratorium. DePreter stated that the moratorium is really independent. DePreter explained that the Town Board instituted the moratorium so that the Commission can have time to do their work. DePreter stated that he thinks that one of the positive things about putting it in the hands

of the Town Board is that they are responsible for the moratorium so they can make their own judgment, based on their own progress. Brief discussion followed.

Sarah Palermo from the Register Herald asked if there is any way to get a digital copy of the draft zoning law. DePreter stated that it will be online. Palermo stated that the Register Herald wanted to offer to put it on their website also so a digital copy would be helpful. Pineda explained that when it is posted on the town's website, it will be a digital copy that she can upload.

Community member, Betty Peck, stated that she is concerned and is hoping that people who have been in the community for a long will not be edged out of the community. DePreter stated that he thinks that is one of the topics that the Commission has really talked about a lot and one was agricultural and one was affordable housing. DePreter stated that there are a number of options that we think are going to address that as much as the zoning plan can because a lot of this is market based. DePreter stated that this is one of the topics we want to highlight during the presentation and he thinks that people will see that addressed more in our plan than in any other community.

Matthew Rudikoff asked if Mashomack was being represented in the letter mentioned earlier from Teehan & Constantino and if the letter was about shooting preserves. DePreter stated that it turned out not to be someone from Mashomack. Rudikoff asked if it was about shooting preserves. DePreter stated that the letter was about shooting preserves.

Jackson stated that she wanted to thank Stolzenburg for all of the amazing and valuable work that she has done. Stolzenburg stated that she wanted to thank the Commission for the many volunteer hours that they put in and she feels it has been a terrific group. Stolzenburg stated that she hopes for a positive conclusion to all of this in the next couple of weeks.

DePreter motioned to adjourn. Seconded by Chase. All in favor.

Respectfully submitted by:

Karen Pineda
Zoning Commission Secretary