

Town of Pine Plains Zoning Commission Minutes  
May 23, 2007

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

Guests: (2) members of the public. Register Herald

Meeting called to order at 5:20 PM.

Caldwell motioned to approve the minutes from the May 9, 2007 and the May 12, 2007 meetings. Seconded by McQuade. All in favor

Stolzenburg stated that the Commission had not included industrial uses in the use table so it either needs to be added as a use or it should be deleted from the standards. Discussion followed. The Commission members agreed unanimously that since they had already decided not to include industrial uses in the use table that it should be deleted from the supplementary regulations.

The Commission discussed whether to round up or round down when the use of the environmental control formula results in a density fraction amount. DePreter stated that on Page 18 of the draft zoning law it states, "*the number of units created shall be rounded up to the nearest whole number if the density calculation results in a fraction.*" Discussion followed. The Commission members agreed to round up to the nearest whole number if the density calculation results in a fraction of 0.5 or greater. McQuade asked if there should also be a parenthetical statement that refers to the fact that if the number is a fraction of one for the first unit, it would be rounded up to one. Stolzenburg stated that she can add that.

Stolzenburg stated that she needs to know if the New York State Code Enforcement Law has been adopted by the town yet and if it has been, she will need to know the Local Law number. Pineda checked the minutes of the February Town Board meeting and stated that the law was adopted by the Town Board in February and that it is Local Law #3 of 2007.

The Commission discussed whether or not there should be stronger language to protect the night sky by minimizing lighting by using timers, motion detectors, etc. Chase stated that he believes he read somewhere in the site plan review that it was actually required that there be lighting for all uses and feels that the Commission should give the Planning Board further guidance. Discussion followed regarding various pages in the draft zoning law where lighting is addressed. Caldwell asked if a sentence can just be added to the existing language that says that consideration should be given to minimize night-time lighting. Discussion continued. Chase proposed that a general statement be added allowing the Planning Board to take into consideration the need to minimize night-time lighting to protect the night sky. Stolzenburg stated that she can add a sentence on Page 65, under item #3 that states that the Planning Board shall take into consideration the

need to minimize night-time lighting to protect dark skies. The Commission members agreed to add the language as suggested.

The Commission discussed inpatient health care facilities and nursing homes and whether there should be supplementary regulations to address the allowable number of units. Chase stated that he feels all communities should have its own nursing home so people don't have to travel to see relatives. Chase further stated that he would like to encourage nursing homes but he would just like to see a set of guidelines.

The Commission discussed the differences between senior citizen housing, nursing homes and assisted living facilities. Stolzenburg stated that we don't actually have a definition in the draft zoning law for nursing homes. DePreter proposed to remove nursing homes from the use table and just leave it as senior citizen housing. DePreter explained that there already is an incentive so he thinks all of the bases are covered just by taking nursing homes off of the use table. Chase asked if it should be called inpatient care facility/nursing home. DePreter stated that the idea is to remove nursing homes from the use table under senior citizen housing and move it to the category of inpatient healthcare facilities on Page 15. The Commission members discussed and agreed to include a definition for nursing homes if it is going to be added to the inpatient healthcare facilities category. Caldwell asked if hospice should also be included with nursing homes and inpatient care facilities. Brief discussion followed. The Commission agreed to include the word "hospice" in the nursing home definition.

The Commission discussed rural offices. Chase stated that he feels rural offices should be allowed in existing buildings only. Discussion followed. The Commission members agreed to allow rural offices in the Ag/Rural District in existing buildings only.

The Commission discussed supplementary design standards for side yards for hamlet businesses. Chase suggested the maximum of 20 feet be increased to 22 feet to accommodate two-way traffic and the possibility of vegetation for screening. Chase explained that if there is parking in the rear of a business and you want to have two-way traffic to get to that parking then it seems you wouldn't have enough room between the building and a side yard or a fence to put shrubbery. The Commission members agreed to change the side yard standard for hamlet businesses to a maximum of 22 feet.

The Commission discussed whether or not to include an example in the draft zoning law about how to calculate the price of a moderately priced house. Caldwell stated that the Commission adopted the Warwick plan just as a general guideline and the actual administrative specifics are going to require a lot more detail. Caldwell stated that he thought that would be left up to the body, group or person who is put in charge of implementing this part of law. Caldwell further stated that he doesn't think that the Commission can really get too specific about the issues of interest rates and utility costs. Stolzenburg stated that when Anne Saylor sent the file from the county that there was a very detailed set of administrative procedures that outline this. Discussion followed. Stolzenburg stated that we can add something that refers to the administrative procedures and state, "as may be adopted by the Town Board." Chase stated to just say as adopted by the Town. Stolzenburg stated that she can add that language

The Commission discussed affordable housing design standards. Stolzenburg stated that language can be added to the affordable housing design standards that states, “a two-family dwelling designed to resemble the size of scale of surrounding homes is acceptable.” The Commission members agreed to accept the language suggested by Stolzenburg.

The Commission discussed the open space standard on Page 88, item 2-e which reads, *“any house lot over five acres in size may be used for meeting the minimum required open space land provided that there is a permanent restriction enforceable by the Town that prevents destruction or development of that portion of the open space. Any house lot less than five acres does not qualify as open space.”* Chase stated that he feels that where it says, “permanent restriction enforceable by the town”, it should state, “for the intended future use such as habitat fields, forests, etc.” Caldwell suggested adding “and that prevents destruction or development of that portion of the open space.”

DePreter made a motion to remove the definition for Open Space Usable. The Commission members agreed unanimously to remove the definition for Open Space Usable from the definitions section.

Caldwell asked Stolzenburg if she put habitat in the definitions. Stolzenburg stated that she has not yet but she will include a definition for habitat. Caldwell read Stolzenburg’s suggested definition for habitat. The Commission members agreed to include the suggested definition.

The Commission discussed the minimum width of manufactured homes. The draft zoning law states that manufactured homes shall have a minimum width of 14 feet. Chase stated that the Commission decided not to allow single wide manufactured homes and suggested changing the 14 foot minimum to 20 feet. The Commission members agreed.

The Commission discussed item 4b on Page 74 which reads, *“dimensions of parking spaces shall be nine (9) by sixteen (16) feet.”* Chase suggested changing the dimensions of parking spaces to nine (9) by eighteen (18) feet unless otherwise allowed by the Planning Board. All agreed.

The Commission discussed off-street parking for Bed & Breakfasts. The draft zoning law currently states that off-street parking shall not be located in a front yard and shall be screened from roads and adjacent properties so as to provide no variation from the residential character of the site. Chase suggested adding “unless otherwise allowable by the Planning Board” in order to add a little more flexibility. Discussion followed. Chase proposed to state that unless otherwise allowed by the Planning Board, off-street parking shall not be located in a front yard. The Commission members agreed.

Stolzenburg asked the Commission if the language for off-street parking is just for bed and breakfasts or if it is for all uses. Discussion followed. Stolzenburg stated that on Page 58 in the supplementary regulations section and for off-street parking, it states, *“to the greatest extent possible, parking areas shall be located to the side or rear of the structure.”* The Commission members agreed that off-street parking is adequately

covered in the supplementary regulations and only the language under bed and breakfasts needs to be changed.

The Commission discussed kennels and veterinary hospitals and whether there should be two separate categories, one for kennels and one for veterinary hospitals with separate standards and requirements. Jackson stated that Chase had recommended that there be two separate categories with all veterinary hospitals on smaller lots with smaller setbacks and for kennels, a minimum setback of 600 feet from any dwelling on large lots and a minimum of 5 acres. Discussion ensued. DePreter stated that he is not comfortable with the minimum lot size of 5 acres for kennels because someone could have a kennel on a 2 acre lot and still meet a 600 foot setback. Discussion continued. DePreter made a motion to discuss the 600 foot setback and asked if the Commission is comfortable with the 600 foot setback for kennels. Keeler suggested leaving it as it now with a 100 foot setback. Chase proposed splitting it and having the kennels have everything the same as veterinary hospitals except that there would be a 600 foot setback for kennels. DePreter asked the Commission if they are happy with the regulations for kennels and veterinary hospitals as they are or should they be split into two categories. Soracco stated that she feels they should be left the way they are. DePreter made a motion to leave the regulations for kennels and veterinary hospitals as they are. The Commission voted and the final vote was 4 to 3 to leave the regulations for kennels and veterinary hospitals as they are.

McQuade suggested some minor grammatical corrections to the draft zoning law. Stolzenburg will make the corrections.

Keeler stated that on Page 148, item #11, where it states, "*Certificate of Compliance of Occupancy*", it should state Certificate of Compliance "or" Occupancy. Stolzenburg will make the correction.

Keeler stated that the application procedure manual drawn up by Caldwell states that calculating density on the environmental control formula should be the responsibility of the Planning Board Secretary and he feels that should not be the responsibility of the secretary but should be the Planning Board's responsibility. DePreter suggested leaving that as a separate item to go back to when the procedure manual is discussed.

Keeler stated that on Page 76 of the draft zoning law, under administration and enforcement, it states "*to obtain inspections, the applicant shall notify the Town of Pine Plains enforcement official...*" Keeler stated it should say Zoning Enforcement Official and not Town Enforcement Official.

Keeler stated that the definition for Zoning Enforcement Officer should read, "The administrative officer designated to administer the zoning law and issue zoning "*related*" permits." Stolzenburg will add the word "related" to the definition for Zoning Enforcement Officer.

DePreter thanked Stolzenburg for her patience in putting the draft zoning law together. Stolzenburg stated that she appreciates the Commission reading through the document so carefully.

The Commission reviewed the current buildout submitted by Stolzenburg. Caldwell stated that the Commission had requested a map to go with the buildout. Stolzenburg stated that there is no map at the moment and stated that the map isn't any different that you can tell on a small scale from the first map that was done. Stolzenburg stated that if the Commission wants the map then it will have to come later. Caldwell asked if we can get it later then. The Commission went on to discuss the buildout. DePreter asked the Commission if they had any comments on the current buildout. Jackson stated that the main idea was to look at the new buildout to see if there were any differences from the first buildout but there isn't much difference so she thinks it's OK. Caldwell stated that he thinks the Commission should look at the map of the buildout because he sees quite a difference from what was originally projected. Stolzenburg stated that she can get the map. DePreter stated that this conversation is getting into the discussion on the presentation so for now he would like to make a motion to accept the proposed draft zoning law as it is written with the changes that were made tonight and that we then allow Stolzenburg and Pineda to distribute the proposed draft zoning law to the public. Motion seconded by Jackson. All in favor.

DePreter stated that the draft zoning law is now a finished document. Caldwell proposed that the maps that accompany the draft zoning law also be accepted and posted on the Town's website. Keeler seconded. All in favor.

McQuade stated that the school is available for the two public hearings and that there is a custodial fee of \$40 for each day. The Commission discussed the equipment that will be needed.

The Commission discussed the format of the public presentation. Caldwell asked if we should have hard copies of the maps and the draft zoning law available at the presentation. Stolzenburg stated that she can supply large maps to put on the wall or out on a table. Caldwell asked what about some copies of the maps to put on several tables. Brief discussion followed.

Stolzenburg stated that when the draft zoning law gets posted on the website, there will also be hard copies at the Town Hall and wherever else it will be available. Further discussion followed regarding the content and format of the presentation and some changes were suggested. The Commission agreed to accept the presentation with the changes that were discussed.

The Commission further discussed the format for the public presentations/public hearings. Stolzenburg stated that she has no problem giving the presentation but she always recommends that the Commission take ownership of the document so she also has no problem with the Commission members doing the presentation themselves. DePreter suggested that he could make an opening statement to welcome the community and he can explain that Stolzenburg, the Commission's planner, is going to give the presentation. DePreter further stated that he can also explain that Stolzenburg did not write the draft zoning law but the seven Commission members worked with Stolzenburg and the Commission wrote the document, after which he can turn the presentation over to Stolzenburg. The Commission members agreed.

Stolzenburg stated that the only thing that needs to be decided is what role the Commission is going to play and if the Commission is going to accept comments from the public or whether they are going to engage in answering questions or justifying decisions that were made. Discussion followed. DePreter suggested that the public hearing will consist of people stating their opinions and questions and the Commission members can write down their thoughts and if there's questions that the Commission feels are simple enough then we can give those answers but without getting into a debating situation. DePreter stated that we really don't have to publicly respond at the hearing. Stolzenburg stated that she would urge the Commission not to respond but if they feel the need to respond then perhaps waiting until the end to answer some of the questions after everyone has had a chance to comment. The Commission agreed with Stolzenburg's suggestion. Brief discussion followed.

The Commission discussed whether to cancel the Zoning Commission's regularly scheduled meetings in June. The Commission agreed to cancel the Commission's regular meeting of June 9, 2007 and June 27, 2007. The Commission further agreed to leave the June 13<sup>th</sup> meeting open for now just in case one more meeting is needed prior to the public hearings and if the meeting needs to be cancelled as June 13<sup>th</sup> approaches, then it can be cancelled.

DePreter asked Caldwell if he wanted to discuss the procedure manual he is drafting. Caldwell stated that Keeler is helping him with the manual and hasn't received Keeler's comments yet. Keeler stated that he hasn't had time but he has some things to add. Caldwell suggested postponing the discussion on the procedure manual until Keeler revises it and then Caldwell will write it with the revisions and will send it out to the Commission to review. DePreter stated that sounds good.

Public Comment – Erica Powers asked if the Commission will meet for the first time after the public hearings on July 11<sup>th</sup> and asked what happens after that. Powers also asked if the Commission's goal is still to get something to the Town Board before the moratorium expires. DePreter explained that it would be helpful to do this before the moratorium expires but stated that he doesn't know that it's an official goal. DePreter stated that the Commission's goal is to do this as efficiently as possible. Powers asked if the Commission contemplates the Town Board members speaking to the community at the public hearings. DePreter stated that he thinks the Town Board would have the right to speak like anyone else but he hasn't seen that happen at any of the Planning Board public hearings or scoping sessions. DePreter stated that he would say probably not since he has never seen that happen. Caldwell stated that the Town Board members usually do attend the public hearings.

Matthew Rudikoff asked if the presentation is going to be on the website before the public hearing. Stolzenburg stated that the presentation could be posted on the website after the public hearings. The Commission members agreed that it would be best to post the presentation on the website after the public hearings.

Sarah Palermo of the Register Herald stated that she attended a DEC hearing and they have all elected officials who want to speak, speak first.

Erica Powers stated that it might make sense to have copies of the slides at the public hearing for people to follow along with the presentation. DePreter stated that he would give it some thought and asked if anyone else felt it would be necessary. There were no comments.

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

Respectfully submitted by:

Karen Pineda  
Zoning Commission Secretary