

Town of Pine Plains Zoning Commission Minutes  
May 25, 2005

Members Present: Jon DePreter, Nan Stolzenburg, Margo Jackson, Peter Caldwell, Vikki Soracco, Gary Keeler, Scott Chase and Rick Butler (Liaison for Town Board)

Members Absent: Helene McQuade

Guests: (2) members of the public.

Meeting called to order at 5:35 pm.

DePreter asked if there are any public comments. One guest stated commission is doing a good job. DePreter stated maybe public comments can be done at the end.

Keeler stated he will not be at the next meeting and possibly won't be at the meeting at the end of June either.

DePreter motioned to approve minutes. Caldwell asked if minutes can be approved via email so they can be posted on the website sooner. Chase stated the commission can agree to have them posted but they must be approved at the meeting. Zoning Commission Secretary stated she can post them as a draft, then after approval, post as final. DePreter asked the commission if they are OK with doing that. All in favor – minutes approved.

DePreter stated that the Commission previously discussed how they would have the Generic Environmental Impact Statement (GEIS) relate to the minutes and if the Commission is happy with the way the minutes are being written with regard to using them for the GEIS or should changes be made? Stolzenburg stated “we haven't gotten to that point yet”. DePreter stated he is happy with the minutes but has never written a Generic Environmental Impact Statement. DePreter further stated that right now the Commission hasn't made any statements that are even going to be in the GEIS.

Stolzenburg stated she thinks what we were trying to do is have the minutes done in a way so it's easy see what the decisions are and what the discussion was relating to the GEIS so the commission doesn't have to read through pages of minutes. Stolzenburg stated she needs to give it some thought.

DePreter distributed a map, reproduced by Caldwell, of the Critical Environmental Area as the black and white copies were not easy to read.

Stolzenburg stated the commission should probably obtain the boundary files so they can be added to the GIS. Caldwell stated that the individual, Jay Wilmarth, who had this file, has just died and his wife also died. Caldwell further stated that he has asked Joan Redmond to ask the daughter if she would give the Commission what her father has on file. Caldwell stated that Mr. Wilmarth also wrote up some zoning regulations for a wellhead protection area and that all of this has to be retrieved from Mr. Wilmarth's desk because it doesn't exist anywhere else as far as Joan Redmond knows. Caldwell asked if Chase knows more.

Chase stated he knows that Mr. Wilmarth's daughter has offered Pat Mara access to whatever she could find. Chase further stated that Jim Mara has been getting items for the Stissing Landmarks from Mr. Wilmarth so someone can talk to Jim.

DePreter distributed a map of the Conservation Easements in the town, stating that the Commission may want to add in any place that is not going to be built. Caldwell stated that a

map was already made that includes all of the conservation easements by State, DLC and American Farmland Trust. Stolzenburg stated she will obtain that information.

Stolzenburg distributed the revised press release handout. The Zoning Commission Secretary will make copies for distribution.

Keeler asked if there are any stipulations or regulations put in the Critical Environmental Area. Stolzenburg explained that it is not a regulatory boundary, that it is solely used to identify a critical area for purpose of SEQRA so there are no density regulatory stipulations other than relating to SEQRA reviews.

Stolzenburg distributed the 8 ½ x 11 sets of maps as promised at the last meeting. Stolzenburg stated that she feels the task at hand is to look at the environmental features and the proposed zoning districts that were in the Comprehensive Plan.

Stolzenburg presented a clarification on the density, stating that the big issue the Commission is going to have to wrestle with is the need to recognize the 5 districts that the Comprehensive Plan proposed, talk about what the Commission wants to accomplish in each of those districts and decide where the boundaries are. Stolzenburg further stated that the Commission has some administrative decisions to make regarding the boundaries that cut parcels and how they will be handled. Stolzenburg stated that one of the problems she had trying to give the Commission a density figure is that the parcels are cut all over the place. Stolzenburg further stated she would like to frame the Commissions discussions on whether the districts make sense, where the boundaries should be and what the purposes of each of those districts are.

Chase stated in reviewing the Comprehensive Plan, Stolzenburg and the committee had suggested some potential methodologies whereby there was density populations based on some of the various concerns or constraints. Chase further stated that an overwhelming majority of the community has said through surveys that what is important to them in Pine Plains is maintaining the small town and rural character of the area. Chase stated he feels the way to do that is to focus development in the hamlet areas and then outside of that area come up with means that there will not be a lot of development and that any development that does take place is done in a manner that preserves the rural character. Discussion followed regarding the suggested methodologies in the master plan and how that might be done.

Stolzenburg stated that the Commission needs to decide whether it wants or needs to treat agricultural areas in some manner differently than areas that have environmental constraints because there are different techniques that can be applied to different things. There can be a well head protection area, hamlets and everything else, and the latter can be treated by Environmental Overlay Zones.

Caldwell stated one of the mandates was to try to preserve agricultural land for agriculture and that even if agricultural land was going to be built on, building would be on the less arable lands and preserve the better soils for agriculture. DePreter added that in the conservation area, there is a whole different set of criteria for conservation and that there is erodable soils, the bedrock and steep slopes, so he would advocate for separating it. Stolzenburg stated that they can be separated in different ways and explained that the environmentally constrained areas can be treated with an overlay that would sit over the base zone and a different set of criteria applied.

Keeler stated that the Commission has to keep in mind that the agricultural land at some point in time will be developed. Caldwell stated that is something we don't want happen as we don't want agricultural land to be lost. Keeler asked how anyone would stop a farmer from selling out to someone who will subdivide the land. Caldwell stated that it probably can't be stopped legally but alternative modalities can be provided for the farmer to survive financially, such as selling development rights on the property.

DePreter stated that the Comprehensive Plan does not state that nothing can be built on agricultural land. DePreter further stated that perhaps it can be said that the land is going to be less dense but not as if there will never be any building on it. Stolzenburg stated that issue will come down to density and siting. DePreter added that part of the Commission's responsibility is to see what its window is and that if growth were just to continue like it is projected to be right now, the whole town will be built out in 150 years. DePreter further stated that somebody obviously is going to go back through this in a period of 15 or 20 years and readjust things. DePreter added that he feels the Commission needs to look at the long view but also needs to keep the short frame in mind. Stolzenburg stated that every layer of the commission's decision making will have different options, like once the Commission decides on what districts it wants and what may be the broad levels of density it wants to start with, that there's different ways of calculating those things.

Keeler stated that the one thing that bothers him is that a non-constrained district is right around the lakes and he feels that is an area to protect from any building. Stolzenburg stated that the Commission has to look at what they are trying to accomplish and where it has to be. Keeler stated that the things that need to be protected are the lakes, the mountain and the water. Discussion followed regarding the boundaries and possible adjustments to maps.

Stolzenburg stated that the Commission knows what the comprehensive plan was trying to accomplish and needs to decide what type of scheme, what type of districts and what characteristics of the town needs to be treated differently. She further stated that the Commission needs to decide if the scheme meets what the Commission is trying to accomplish or if something needs to be changed.

DePreter asked if there would be an agricultural area as a base and then add overlays. Stolzenburg stated that it is politically easier to add an overlay than it is to change the whole zoning scheme. Stolzenburg further stated that if there is a hamlet and then everything else, then maybe the overlay system would work. Chase stated it can just be a hamlet and a non-hamlet area and then have overlays for the Conservation Areas, the Agricultural issues and the Aquifer Protection issues. Discussion followed regarding how to proceed with the boundaries and overall scheme.

Stolzenburg stated that a hamlet, rural area and then overlays are what she has written down as the scheme. Stolzenburg asked the Commission if that is what they want to do and if the Commission wants to make a decision on that now.

DePreter motioned to make a decision as to having three hamlet areas, a rural area and then have a conservation overlay, agricultural overlay and a water wellhead. Commission members agreed unanimously.

Stolzenburg asked whether something needs to be said to bring this decision into the Generic Environmental Impact Statement. The commission's decision is noted to state that **“to facilitate implementation of the comprehensive plan, it was decided to designate hamlet areas as one zone and all the rest of the township as rural with overlays to implement constraints on the wellhead protection area, conservation and agricultural areas”**.

Stolzenburg stated that the town's engineer said the current boundaries came from the county study and is unsure whether they are the definitive boundaries but that it is the best information we have right now. The Commission agreed to use the county's study and further discussed the possible various boundaries.

Caldwell brought up the subject of watersheds, stating that there are watersheds for Roeliff Jansen, Ten Mile River and Wappingers. Caldwell asked if the Commission needs to do anything

about those. Stolzenburg stated she thinks Wappingers Creek has a Watershed Management Plan and ask if the Commission wants to treat the watersheds in any different manner. Chase stated that just because Wappingers has a management plan doesn't mean that RoJan deserves less attention. Chase further stated that he feels what is good for one drainage area is good for another drainage area and because people have individual wells throughout all of the watersheds, they should ALL be treated with care. Stolzenburg stated that the Commission needs to make sure that the general standards address the watershed development issues. Stolzenburg further stated that there are things like erosion and sediment control, not building on steep slopes and buffers from streams. Stolzenburg stated that maybe the town's engineer can come to a meeting and talk about watersheds and storm water and standards that the commission might want to consider.

Keeler asked to what extent the Commission wants to regulate or control lakeshore type issues on the water bodies. Jackson stated that protecting the lake and the mountain is a very important point. Stolzenburg asked what the ownership is of the lake. Keeler explained that the homeowners own the land under the lake. Chase stated that there probably is some regulation around the lake and he thinks that people are supposed to get DEC permits if they're doing any work within a certain distance from the lakeshore, but questions whether people are actually getting those permits. Stolzenburg asked the Commission if they feel they need some sort of overlay for the lakes to address issues and restrictions. Discussion followed regarding possible restrictions. Stolzenburg will put together recommendations that the Wappingers Creek Management Plan has in it that the Commission might want to consider implementing. The Commission agreed to leave the lake overlay protection until more is known about it.

Caldwell stated that there is still the issue of State and Federal Wetlands separate from the lake area. Stolzenburg stated that would be part of the Conservation Overlay.

Stolzenburg stated that if the Commission is happy with the general philosophy discussed, she thinks the Commission should get down on paper some statements of purpose for each district. DePreter asked if the Commission should start with defining why it was decided to have the hamlet and the rural area first and then do the overlays. Chase stated that the goals in the Comprehensive Plan can be used to get some ideas of purpose.

DePreter stated that the reason we want the growth to be in the hamlet is because we want to keep the growth concentrated in the hamlet as it was discussed in the Comprehensive Plan and that it is the defining feature of rural character, whereby one drives from a town to the next town and there is a large amount of open space in between and then drives into another concentrated area. DePreter feels that would be a good place to start as far as the hamlet. Stolzenburg will go through the Comprehensive Plan and take the language from the sections on goals to develop the next section which defines the districts and the purpose statements.

Stolzenburg presented an explanation on calculating the existing density in the proposed areas and how it was based on 2003 tax data. Stolzenburg further stated that the handout she gave out last time was based on these data.

Stolzenburg handed out maps pertaining to the GIS database that is parcel based, which she explained means all of the data are within the parcel boundary. She further stated that the hamlet boundary is not parcel based, so figuring what the density of houses within this boundary is, can't be done because the data is packaged in parcels. Discussion followed. Stolzenburg stated that as soon as she has the new tax parcel data, she will give the Commission a new handout with the most recent data.

Chase stated that the Commission is essentially selecting two proposed districts, so he was trying to get the two figures of what exists now in both of those. Chase stated that what the community has said strongly over and over again is that they like what they have and they want to try to

maintain it. Stolzenburg stated that she will get the new figures with the new tax data and do it by hamlet and rural.

Stolzenburg stated that the next step on the Commission's part is to start thinking about density. She further stated that the Commission will do density and then get into the nitty gritty of all of the different standards and techniques, as well as working on getting the definitions together.

DePreter stated he received a call from a Pine Plains United member and they are putting a flyer out called "Plain Speaking" and asked him if the Zoning Commission would like to have a small column in the flyer. Keeler stated the minutes are on the website so if they want to pull something out of the minutes that's fine. DePreter asked if Pine Plains United puts their own thing together, stating that it is about the Zoning Commission, if everyone would feel comfortable with them editing it? All commission members were against the idea. Stolzenburg suggested referring the group to the website and let people know that there's a handout.

DePreter asked what the commission felt about having a Frequently Asked Questions section on the website. The Commission agreed that if a particular question starts to come up often, a Frequently Asked Questions section can be done to address those questions.

The Commission discussed and announced the next meeting date being June 8<sup>th</sup> at 5:30 PM.

DePreter asked if anyone in the audience had anything to say. One member of the audience mentioned that along Route 199, there are a whole lot more DEC regulated wetlands that aren't on the map.

A member of the community stated that it would be nice to have copies of the maps publicly available because most people don't have access to them. DePreter stated that the maps are all in the Comprehensive Plan. Commission's secretary stated she will put them on the town's website for the public to access. Community member further asked if any new maps are going to be generated. Stolzenburg stated that there will be a Land Use Map/Zoning Map.

Caldwell stated that any map that the Commission provides is only a general guide and no substitute for a site visit by the Planning Board. Stolzenburg stated that the boundary lines on the zoning map will be definitive. Caldwell asked what takes precedence if a site visit demonstrates that there's an error on the zoning map that the Commission produces in the characterization of the property. Caldwell further stated that the Commission has to establish where the authority lays to make the final decision about the boundary lines and that it seems logical to say that it would have to rest with the Planning Board. Discussion followed regarding boundaries and possible methodologies.

Stolzenburg asked the Commission if they want to discuss and pin down the boundaries at the next meeting. Keeler stated he thinks the Commission should start to pin down the boundaries. DePreter stated we need the definitions, the boundaries and the actual density.

Keeler motioned to adjourn the meeting. Seconded by Caldwell. All in favor – Meeting adjourned.

Respectfully submitted by:

Karen Pineda  
Zoning Commission Secretary

**\* Bold font denotes a decision made by, and agreed to, by the Zoning Commission for purposes of composing the Generic Environmental Impact Statement.**