

Town of Pine Plains Zoning Commission Minutes
May 9, 2007

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

Absent: Margo Jackson

Guests: (8) members of the public. Register Herald

Meeting called to order at 5:25 PM.

Caldwell motioned to approve the minutes from the April 25, 2007 meeting. Seconded by McQuade. All in favor

Charles Conger, Shooting Manager for Mashomack Preserve Club in Pine Plains addressed the Commission. Conger explained that almost every aspect of the proposed zoning law would be damaging to the operation of Mashomack. Conger explained that the clause to require steel shot only would be a handicap since many of the members and guests own vintage firearms that are not compatible with the modern steel shot load. Conger further explained how the setback requirement of 1,000 feet from any border would take a tremendous amount of ground from Mashomack as they have miles of borders. Conger explained that the State Law requires a setback of only 500 feet from a building or dwelling and not just from a border. Conger stated that by limiting the number of people who can attend the preserve would extremely limit their ability to hold charitable and fundraising events. Conger also stated that regulating the hours of operation in the zoning law does not work because shooting preserves are not a 9 to 5 business. Conger stated that he has been in this business for a long time and offered the Commission his assistance with regard to any explanations of definitions or about any particular aspect of shooting preserves. Conger stated that Mashomack works very closely with the neighbors and he does not know of any problems. Discussion followed.

Another member of the public, Tim King, stated that he feels that limiting licensed shooting preserves seems discriminatory since these limitations do not apply to private property where someone has 100 or 200 acres of property and allow people to hunt and shoot. King stated that this law is only restricting licensed shooting preserves. King further stated that Pine Plains has a culture of hunting and shooting that is not exclusively limited to shooting preserves. Stolzenburg stated that we are not regulating people's land for hunting and shooting or for inviting people onto the land to hunt or shoot. Stolzenburg explained that shooting preserves are a specific use that is a parcel of land open for members as a shooting preserves. Discussion followed. DePreter stated that he believes that the regulations in the proposed zoning law are for new shooting preserves and that Mashomack would probably be grandfathered in. Caldwell stated that Mashomack might be grandfathered in but when they come up for renewal under the new zoning law regulations, then the new zoning law regulations should be applicable. Discussion followed regarding shooting preserves.

Since licensed shooting preserves must comply with DEC and Federal Fish and Wildlife Regulations, DePreter proposed that the sentence that states, "*there should be use of steel shot only*" be stricken from the draft zoning law. All members agreed.

The Commission discussed the setback requirements for shooting preserves and the concerns expressed by Conger on behalf of Mashomack. DePreter suggested keeping the 1,000 foot setback but state that it is from a neighboring offsite structure and add language that states if it's agreed upon by a neighbor, the preserve may get an exemption.

The Commission discussed the issue of hours of operation for shooting preserves. Conger stated that the State regulates hours of operation to one half hour before sunrise until sunset. Lengthy discussion ensued. DePreter proposed keeping the hours of operation for shooting preserves at the Planning Board's discretion. DePreter, McQuade, Caldwell, Chase and Keeler agreed to leave the hours of operation for licensed shooting preserves at the Planning Board's discretion. Soracco was not in agreement.

The Commission discussed whether to have existing shooting preserves as a non-conforming use and grandfathered in or to require them to come for a special use permit. Caldwell motioned to grandfather in all existing licensed shooting preserves. All Commission members agreed.

Stolzenburg suggested working on a definition to clarify the difference between a shooting preserve and someone who invites people to their property to hunt. Stolzenburg stated that she will work out a definition.

The Commission discussed whether or not to limit the number of people allowed on shooting preserves. Keeler stated that he thinks all we want to do there is prevent too many people from being in one place. DePreter stated to Conger that Mashomack would be grandfathered in.

The Commission moved on to continue their review of version two of the draft zoning law. DePreter stated that Chase emailed the Commission with comments and that he has no problem with any of Chase's comments. Stolzenburg stated that Chase forwarded four pages that he had comments on and he stated that the proposed new language is in italics but the copy she received did not come with italics so she is unclear as to what the language is. Chase stated that when he realized that the italics did not show, he sent it as a word document attachment. DePreter suggested that unless somebody has a specific problem with any of the comments he would like to vote on it or go through the particular parcels that people have a problem with. DePreter stated that we have the one archaeological word use and we can discuss that quickly but asked if anyone had anything else to comment on regarding Chase's comments. Soracco stated that she does not agree with Chase's suggestion that kennels be reviewed every three years. Soracco stated that there are a ton of dog laws that people have to follow so why would we make them go through a permit. Stolzenburg suggested that the Commission save this topic until later when the Commission discusses all of the special uses.

The Commission discussed whether or not to add archeological language to the draft zoning law. DePreter stated that he thinks using the word "historic" is enough to cover archeological and suggested that the Commission vote on it. DePreter proposed to stick with the language as it is. Discussion followed.

Stolzenburg asked the Commission if they would be in favor of adding a definition for "historic" that includes the word archeological in it. Further discussion ensued. DePreter, Soracco and Keeler were not in favor of adding a definition for historic that includes the word archaeological. McQuade, Caldwell and Chase voted in favor of adding the definition. DePreter stated that we are stuck at a 3 to 3 vote and he thinks the way it works is that unless there's a majority vote, it should stay the way it is.

Caldwell stated that archaeological should be included in the list of incentives to persuade someone to preserve an archaeological site on their property and should be given an incentive bonus for doing so. Discussion followed. Caldwell proposed to include archaeological applicability on Page 19, under items 1a, b and c. The Commission members agreed.

DePreter motioned to accept Chase's submitted proposals and changes with the changes made. All agreed.

DePreter submitted a simplified density worksheet and asked for it to be accepted. The Commission accepted DePreter's simplified density worksheet.

DePreter stated that on Page 24, item #3, a five acre minimum for a flag lot is required. DePreter further stated that we do not have a five acre minimum on anything else. Discussion followed. The Commission members agreed to strike the whole thing from the document.

DePreter submitted new language for sign language. The Commission accepted the new language submitted by DePreter.

The Commission discussed size restrictions for accessory apartments. DePreter made a motion to require a limit of 50% of the size of the principle building, not including unfinished basements. McQuade, Caldwell and Keeler agreed. Soracco was not in agreement.

The Commission discussed Caldwell's suggested definition for craft work shop that read "any commercial shop dedicated to manual art operated by the craft person or where instruction or classes are conducted." DePreter suggested accepting that definition as proposed. All in favor.

Caldwell read a definition for equipment storage which reads, "*any building where large self powered equipment and related hardware, including but not limited to refrigeration equipment are kept.*" The Commission discussed the definition for equipment storage. The Commission agreed to include a definition for equipment storage that states "any location or structure used exclusively for the storage of equipment (machinery and related hardware etc.)." All agreed.

The Commission discussed the definition for rural offices. The Commission agreed to the definition that reads, “any office building located in the Ag/Rural District where office personnel commute to work there.”

The Commission discussed supplementary regulations for swimming pools. Keeler suggested stating that swimming pools must be fenced according to the New York State Building Code. Keeler further stated that swimming pools also have to meet setbacks. Discussion followed regarding swimming pools.

The Commission discussed supplementary regulations for kennels and veterinary hospitals. Soracco stated that she does not agree with Chase’s suggestion that a permit be required every three years. Keeler and DePreter stated that they do not agree with that either. Discussion followed regarding supplementary regulations for kennels and veterinary hospitals. Stolzenburg stated that we currently have that the Planning Board shall evaluate potential noise impacts and shall minimize negative impacts on adjacent uses. Stolzenburg further stated the Commission can add something that states that the Planning Board may require soundproofing. The Commission agreed.

The Commission further discussed Chase’s suggestions regarding kennels and veterinary hospitals. DePreter stated that he isn’t happy with Chase’s suggestion of putting runs 600 feet from any neighbor because he thinks that is something that will come up in the special use process. Keeler stated that maybe it can say “up to 600 feet.” All agreed. The Commission further agreed to state that the Planning Board may require the screening of outdoor runs.

The Commission discussed the 20 acre minimum site area for tourist and resort spas. Stolzenburg stated that she thinks it will be clearer to say “parcel” and not “site area” because we haven’t defined site area. DePreter suggested saying the minimum parcel is 20 acres.

DePreter stated that on Page 3 the bulk and density standard for the tourist spa says “one unit for every 4,000 square feet of site area.” DePreter asked if “site area” should also be changed to read as “parcel.” Stolzenburg stated that we need to go back under lot coverage and make sure it says in the Ag Overlay it can only be 25% and then in the Ag/Rural it’s 50%. DePreter agreed. Brief discussion followed. Stolzenburg stated that if we are going to keep tourist resorts and spas similar to other uses it would be one unit for every 4,000 square feet of buildable area because that’s how everything else is. Discussion continued.

The Commission had a discussion regarding screening self storage units and Chase’s suggestion that they have a 6 over 12 roof pitch and should not be visible from neighboring properties and highways. Stolzenburg stated that she has something similar that states, “storage facility use from public rights of way shall be fully buffered with vegetative material.” Stolzenburg stated that she didn’t add in a specific number for the roof pitch but she has that it has to be pitched and compatible with the design and material of neighboring material. DePreter stated that he thinks it should just be left at that and not add the 6 over 12 as Chase suggested. All agreed.

The Commission discussed windmills. Stolzenburg stated that she sent the Commission information about windmills and it turned out to be more involved than she thought. Stolzenburg further stated that it's not something to blast through and make a quick decision on. DePreter suggested that it can be passed along to the Town Board and if they want to do a wind energy law they can. The Commission members agreed to forward the Ellensburg model regarding windmills to the Town Board. The Commission further agreed to remove windmills from the use table.

The Commission discussed the mining overlay map submitted for review. DePreter proposed to accept the mining overlay map as drawn. All agreed.

Caldwell proposed that we require a no build conservation easement to be placed on properties that have been mined after they have been fully reclaimed. Discussion followed. Caldwell asked Stolzenburg if she knows of communities where this regulation is in effect. Stolzenburg stated that she is not familiar with it. Keeler stated that the new building code states that with anything, even a single family residence, the Building Inspector is supposed to go out and look at the site before it's built on so he thinks it's covered. DePreter asked Caldwell if he wants to make the proposal. Caldwell proposed that a no build conservation easement be required on any properties that are mined after they are fully reclaimed land. Keeler, DePreter, Soracco, McQuade opposed. Caldwell in favor.

Caldwell proposed to allow all of the maps to be posted on the town website for review. DePreter stated that the Commission hasn't even reviewed them yet.

The Commission discussed extending the Main Street Overlay to include the last parcel on the Southside of Route 199. Chase stated that he is still against adding that last parcel. The Commission agreed by a 5 to 1 vote to include the last parcel on the Southside of Route 199 in the Main Street Overlay in the hamlet. DePreter motioned to accept the hamlet map with the changes.

The Commission discussed the Ag Overlay map. DePreter stated that in the middle of the hamlet behind Stewart's, there's a small parcel that should not be in the Ag Overlay because that parcel is in the hamlet. The Commission members agreed to remove that parcel from the Ag Overlay map and accept the map after the change is made. Discussion continued regarding the Ag Overlay.

The Commission discussed the Wellhead Protection Area map. The Commission agreed to accept the Wellhead Protection Area map as drawn.

Caldwell proposed that these maps be posted on the town's website for public review after the changes are made. DePreter asked the Commission if the maps should be out before we have an explanation for the maps. Stolzenburg stated that it seems more logical to submit the maps to the public at the same time as the text because the text tells people what the maps means. Stolzenburg suggested posting the maps when the law is posted. Discussion followed. Caldwell withdrew his motion to post the maps on the website prior to posting the text of the proposed zoning law.

The Commission discussed whether or not there will be a need to have a meeting on Saturday, May 12th. The Commission agreed to have their meeting as planned on Saturday, May 12, 2007 at 9:00 AM.

Stolzenburg suggested that when the Commission gets the next version of the draft zoning law that they read it cover to cover again before giving a final OK because there were a lot of changes made. After this Saturday's meeting, Stolzenburg stated that she will finish Version 3 of the draft zoning law and will email it to the Commission. Pineda will make a hard copy of the document for the Commission members. Discussion followed.

DePreter suggested that as soon as we get the document, the commission can read it and send in their comments to all members and then at the May 23rd meeting the Commission can come in and just formally accept the draft zoning law.

Public Comment – Erica Powers asked if the Commission completes their review at the May 23rd meeting, how long it will take to get the proposed law onto the website for the public. DePreter explained that will depend on how many changes are going to be made and how long it will take Stolzenburg to format the changes. Pineda stated that after the Commission says the document is ready to go, it will take a couple of days to get it out to the public because hard copies of the document need to be made available to members of the community who do not have internet access. Powers asked when the comment period will begin and stated that it would be very helpful to know by Saturday the nature of the Commission's thinking. DePreter explained that the nature of the Commission's thinking is to try to wrap it up and then have the final OK on the 23rd after which hard copies will be made and it will be posted on the internet. DePreter stated that maybe by the 23rd we can give you an exact date.

DePreter asked if there were any further comments from the public. There were no further comments from the public.

Stolzenburg asked if the phone can be hooked up for her to call in to the meeting on Saturday. Pineda stated that she will hook up the phone.

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

Respectfully submitted by:

Karen Pineda
Zoning Commission Secretary