

Town of Pine Plains Zoning Commission Minutes
November 8, 2006

Members Present: Jon DePreter, Peter Caldwell, Margo Jackson, Gary Keeler, Helene McQuade and Scott Chase

Absent: Vikki Soracco, Nan Stolzenburg (Consultant)

Guests: (4) members of the public, Register Herald

Meeting called to order at 5:25 PM.

Caldwell motioned to approve the October 25, 2006 minutes. Seconded by McQuade. All in favor.

DePreter stated that he has been in contact with Gregg Pulver and Warren Replansky and they are aware that the moratorium will need to be extended. DePreter explained that the length of the extension is unknown at the moment. DePreter further stated that the Commission still has November, December and the whole month of January. DePreter stated that Replansky will probably be coming to the meetings at some point so he will be here and he will know what is going on so that's all pretty much taken care of.

DePreter stated that in response to Caldwell's email regarding mandatory siting he thinks that is one of those definitions where there might be site plan review, major subdivisions, minor subdivisions, there's to the greatest extent possible and there are single family homes. DePreter stated that what he started to do was start a little sheet that shows kind of where the Commission is at with that kind of stuff and he sent it to Stolzenburg. DePreter stated that Stolzenburg is going to review the sheet and she will have it at the meeting and the Commission will discuss it in the context of the Draft Zoning Law. DePreter stated that otherwise the whole term of "mandatory siting" and "each and every residence" gets kind of tricky because it could be a site plan review or it can be under a subdivision so before the Commission goes into it, he feels that we might as well nail it down once. DePreter explained that the idea being that the worksheet about siting explains kind of like a walkthrough of all of the different scenarios. McQuade stated that she got even more confused after reading Caldwell's email because she thought the Commission was talking about site plan review but then the email seemed to be talking about mandatory siting. McQuade stated that site plan review has to do with just making sure that what is being proposed for a particular lot is appropriate. McQuade stated that she thinks mandatory siting and site plan review might overlap a little but she thinks it's more than just the siting of the building. DePreter explained that site plan review is not a small process and stated that it is a 16 page process and that's why Stolzenburg brought it up regarding the manufactured housing. Brief discussion followed.

The Commission continued their discussion of uses. **The Commission discussed gas stations and convenience stores. McQuade stated that she feels the Main Street District would be appropriate for gas stations and convenience stores with a site plan review. Caldwell agreed and suggested it be with a special use permit and site plan review. DePreter stated he agreed and he would feel comfortable just putting them on the Main Street Overlay. Jackson agreed. Chase agreed.** Chase stated that he was looking at some other ordinances and thinks that the Commission might also want to consider what is known as supplementary regulations and with each of the uses there may be some special concerns about scale or noise so it might be good to include in the ordinance some supplementary regulations. Chase stated that the Commission might want to discuss this with Stolzenburg. Brief discussion ensued.

DePreter confirmed the Commission's decision by stating that gas stations and convenience stores will be allowed on the Main Street Overlay with site plan review and a special use permit and not allowed anywhere else. All agreed.

The Commission discussed medical offices. DePreter stated that he thinks medical offices are like any business and suggested that they have site plan review in the Business District and the Main Street Overlay and possibly even the rural area with a special use permit. Chase stated that medical offices are a use that he would prefer to keep in the center and doesn't see any need to put them out in the rural area. Chase stated that he would rather keep them in the Business District and the Main Street Overlay. Jackson stated that she has a doctor out in a rural area but she doesn't think that is a good use for the rural area because it is not connected at all to the village and she thinks it would probably be easier for a lot of people if medical offices were closer to the hamlet. Brief discussion ensued. **DePreter stated that he can agree to keep medical offices in the middle of town and suggested that medical offices will be allowed in the Business District and the Main Street Overlay with site plan review. All members agreed.**

The Commission discussed veterinary hospitals. Chase stated that because of the issue of boarding dogs he thinks that it should require a special use permit and maybe some supplementary regulations to deal with the noise. Chase further stated that as long as they put the dogs in at a certain time and it's closed in and it's pretty soundproof then he would suggest the Main Street, the Rural Area and even in either of the rural hamlets. Chase stated that with performance standards and a special use permit veterinary hospitals can even go out in the Agricultural Area and the Ag Overlay. Caldwell asked if veterinary hospital will be allowed in the Wellhead Protection Area. DePreter stated that he doesn't see why they couldn't. Discussion followed regarding whether or not to have a special use permit along with a site plan review for veterinary hospitals. **The Commission agreed to allow veterinary hospitals on the Main Street, the Rural District, the Ag District, the Wellhead Protection Area, Ag Overlay and the hamlets of Bethel and Pulvers Corners with site plan review.**

The Commission discussed wholesale businesses. Caldwell stated that wholesale businesses would possibly have more truck traffic because it becomes a distribution center so there's the possibility of trailer trucks. Caldwell stated that he would question

whether it should be allowed in the Main Street area. The Commission discussed various types of wholesale businesses and the intensity levels associated with them. DePreter stated that he thinks the Commission had the same conversation when discussing warehouses. DePreter stated that wholesale businesses should probably not be permitted on the Main Street Overlay because wholesale businesses are generally going to be larger than retail businesses and by their nature wholesale businesses are not going to be pedestrian oriented businesses so we wouldn't want them in the Business District and the Main Street Overlay. DePreter stated that it sounds like the Commission likes the Rural Area and Ag area for wholesale businesses and the wellhead protection area. DePreter asked the Commission if they thought it should have a special use permit or site plan review. **After further discussion, the Commission decided that the wholesale business category should be eliminated from the use schedule entirely due to the fact there already is a category for retail businesses and warehouses. DePreter stated that if it's a wholesale business it's probably going to be a warehouse so he feels it might be better to just eliminate the wholesale business category because it is covered by retail and warehouses. The Commission members agreed.**

The Commission discussed riding academies. DePreter stated that it seems like riding academies might fit into the Rural District, the Ag District, the Wellhead Protection Area and the Ag Overlay. Chase stated that he would permit riding academies in the rural hamlets of Bethel and Pulvers Corners but he would be concerned about allowing them in the Wellhead Protection Area because of a potential manure problem but he also thinks they should require a special permit to make sure that if they are concentrating a number of animals that the numbers of animals should be brought up as part of their permit. DePreter stated that he would be in favor of allowing riding academies in the Wellhead Protection Area because there are already farms out there with animals as well as fertilizers being put down in the fields. DePreter stated that he believes the Commission had already discussed very briefly a while back and that somewhere in the language for the Wellhead Protection Area there may already be something about spreading manure near Aquifer Recharge Areas being something that the State protects. DePreter stated that each category is going to have special guidelines built into them so he feels more flexible about it. Chase stated that if we are in agreement that it's some sort of a special permit regardless of where it is, then he is OK with riding academies being in the Wellhead Protection Area because it will get handled as part of the review. **After a brief discussion, the Commission members agreed to allow riding academies with a special use permit and site plan review in the Rural Area, the Ag District, the Wellhead Protection Area, the Ag Overlay and the rural hamlets of Bethel and Pulvers Corners.**

The Commission discussed cemeteries. DePreter stated that there already is a cemetery on the Main Street Overlay. Keeler stated then cemeteries will be permitted. Jackson asked if we want to build more cemeteries on Main Street. Chase stated that he would say no because that land is too valuable. DePreter stated that he thought cemeteries could go in the Rural Area and Ag District. Chase suggested allowing cemeteries in the Ag Overlay as well. DePreter asked the Commission if they would want cemeteries to

have site plan review and a special use permit. **All Commission members agreed to allow cemeteries in the Rural District, Ag District and the Ag Overlay with a special use permit and site plan review.**

The Commission discussed educational, charitable and religious uses. Chase stated that this is a hard category because it is so undefined. Chase explained that it could be anything from somebody starting a college the size of a several thousand person college down to somebody wanting to put the equivalent to a one room schoolhouse in a church. DePreter asked if the Commission wants to try to define the use by size. Keeler stated that no matter where these facilities go they will need site plan review. DePreter stated that he thought it could be allowed everywhere with the exception of the residential areas. Caldwell stated that this category could include mosques, synagogues, temples, churches, etc. Jackson agreed and asked if aren't these the types of uses that should be integrated in the mixed use, residential areas since they are all pro social uses. Chase stated that he feels the community should have a certain amount of control because you can also have people who do shady things or open up some sort of cult. Chase further stated that we just need to be careful because he thinks the law and how those things are defined might allow people to wiggle around it. Chase stated that he thinks that having the special use permit is going to be important along with a few supplementary concerns. **DePreter asked the Commission members if they agree with having a special use permit and site plan review for educational, charitable and religious uses. Caldwell stated yes and suggested allowing them in all districts with a special use permit and site plan review. After a brief discussion, McQuade, Jackson, Keeler, Chase and DePreter agreed.**

The Commission discussed membership clubs. DePreter stated that sounds like the category the Commission just discussed. Jackson agreed that membership clubs are charitable and community service types of things. Chase stated that they can also be a private group that has no community concerns and could just be somebody that wants to get together and have an entertainment factor or something. Caldwell asked if the Commission is going to specify areas such as adult entertainment. DePreter stated that is not a membership club as far as he knows. Caldwell stated that it is presently a big issue in Hudson and it does have to be considered. DePreter asked if that is a membership club. Caldwell stated that it could be. Chase stated that he would do the same thing with membership clubs as was done with the previous category of educational, charitable and religious uses and make it a special permit with site plan review and maybe some other supplementary regulations that might address some of the concerns. Chase stated that he thinks that after the list of uses is put together each Commission member should go through the list and try to write down some of their concerns and we can then write the supplementary regulations that might get added to those uses. DePreter stated that is a good idea and also that he thinks the Commission will probably hear from Replansky. DePreter stated that the Commission is doing it once and suggested we see what Replansky says and then the Commission can work through all of this with Stolzenburg. Chase stated that he looked at Amenia and that they are in the process of writing their zoning law and he saw that they had a whole separate category for adult uses or adult entertainment. Chase stated that it appears that this is a use that they really didn't want to

encourage so they set a whole bunch of standards that looks like they made it very difficult to do. DePreter stated that he remembers Stolzenburg saying that the adult entertainment category could be an all night discussion so DePreter suggested just saying that membership clubs would be handled the same as the educational, charitable and religious category and then just discuss the adult entertainment issue with Stolzenburg and Replansky when they are here. **The Commission members agreed to treat membership clubs the same as educational, charitable and religious uses by allowing them in all districts with a special use permit and site plan review.**

The Commission discussed municipal uses. Chase stated that the municipal use category is broad and it can be anything from a highway garage which, he stated, may not be the most desirable use if you happen to be in the house that is next door. DePreter stated that he thought municipal uses should not be in the Business District but then that is where they want to move the Town Hall. Chase stated that the Town Hall would be perfect in the Business District. DePreter asked the Commission if there is any area where municipal uses should not be. DePreter stated that the only areas that came to him were the residential areas. McQuade stated that she likes the idea of the Town Hall being centrally located if we are just talking exclusively about the Town Hall but it can also be a garage. **After a brief discussion the Commission agreed to separate the municipal use category into two separate categories with one category being municipal office and public assembly and the other being municipal support.**

The Commission discussed municipal offices and public assembly. **The Commission agreed to allow municipal offices and public assembly in the Business District and the Main Street Overlay with site plan review.**

The Commission discussed municipal support. DePreter stated that he would say that sounds like a rural situation. Chase stated that he can see allowing it in the Main Street Overlay. **All members agreed that municipal support uses could be in the Main Street Overlay with site plan review. The Commission further agreed to allow municipal support uses in the Rural District and Ag District with site plan review.**

The Commission discussed self-storage structures. DePreter stated that we have two in the Main Street Overlay. Jackson stated that she doesn't think that is the best use of that space. DePreter stated that it's hard for him to believe that somebody would want to take the more valuable property in the middle of town and put self-storage structures there. DePreter stated that they are more likely to go outside of town on the overlay so he is comfortable putting them there. DePreter stated that the question would be whether to require a special use permit or just site plan review. Keeler suggested just site plan review. Chase agreed stating that there might be a couple of supplementary notes and that one of the big concerns is really the visual screening and setback. **DePreter stated that we have self-storage structures in the Main Street Overlay and asked about the Rural Area with site plan review. Keeler agreed. DePreter asked about the Ag District with site plan review. All agreed to allow self-storage structures in the Rural District and Ag District, in addition to the Main Street Overlay, with site plan review.** McQuade asked if there are controls over what people can store so we wouldn't

have to worry about some toxic spill going on in a self-storage unit. Keeler stated that when you rent the storage areas their insurance company covers that. McQuade asked if there are prohibitions or do we have to require that as prohibited. Keeler stated that legally he thinks that is a question for Replansky. DePreter stated that you have to keep it in perspective because in everybody's house there are probably things that could get into the soil. Keeler explained that the way the self-storage units are built is that they have a drain all the way around them in case something is leaking. McQuade asked who controls those requirements. Keeler stated that we would have to ask Replansky.

The Commission discussed car washes. DePreter stated that he does not think car washes should go in the Business District but asked about putting them in the Main Street Overlay. DePreter read a section from the draft zoning law that stated "vehicular oriented commercial land use such as car washes and drive thru businesses that would have a disruptive effect on the pedestrian orientation of the district shall be prohibited." Jackson stated that we want pedestrian traffic in town. DePreter asked where else would we put a car wash unless we put it in the rural area. DePreter stated that he was thinking of requiring a special use permit. Chase stated that he would agree with a special use permit but would also suggest site plan review. Brief discussion ensued. **DePreter stated that he would suggest allowing car washes in the Main Street Overlay with a special use permit and site plan review. All members agreed.**

The Commission discussed day care centers and nursery schools. McQuade stated that this is something that she would ask Replansky about as to how they would be regulated. Keeler explained that the State regulates day care centers and nursery schools with six or more children. McQuade stated that there are also some casual day care centers and home care providers. Keeler stated that those are with less than six children but the State regulates anything with more than 6 children. McQuade stated that is if the provider applies with the State. McQuade stated again that she thinks it might be a question to ask Replansky as to whether the town has to ensure that the person is applying for the proper permit. Chase explained that the State regulates the care that the children get and the facilities inside and maybe even some safety as to play areas but he thinks the town has to take a broader look at whether there are some site plan issues in terms of cars pulling in and out and parking and he thinks there is a role for the town to play in regulating the use. DePreter stated that he can't think of any place other than the Business District with site plan review to allow day care centers and nursery schools. McQuade asked if a special use permit should be required as well. Keeler stated that he would not have a problem with having them in the Business District with a special use permit and site plan review. DePreter asked about the other districts. McQuade stated that she would allow them in all of the districts with a special permit and site plan review. Further discussion ensued. **Caldwell, McQuade, Jackson, Keeler and DePreter agreed to allow day care centers and nursery schools in all of the districts with a special use permit and site plan review. Chase stated that he would be more inclined to keep them in the hamlet center areas.**

The Commission discussed agricultural uses. **DePreter stated that it seems obvious but agricultural uses should be permitted in the Ag District, the Rural District, the Wellhead Protection Area and the Ag Overlay. Caldwell, McQuade, Jackson, Keeler and DePreter agreed. Chase stated that he thinks the biggest concern will be people keeping animals on properties that are too small and the animals might cause nuisances. Chase further stated that if there is language that allows them to do it and not disturb their neighbors he thinks we should try to allow it with some supplementary regulations.**

The Commission discussed mortuaries and funeral parlors. Keeler asked if mortuaries would be associated with hospitals. DePreter suggested just putting the use on the list and discussing where the Commission would want to have it. Chase stated that there may be a concern of hours of operation depending upon who they are adjacent to. Chase further stated that hours of operation are usually addressed when you are making that as part of the permit so it may end up being a special permit and site plan review. **DePreter suggested that the Commission think about the different districts and asked if mortuaries and funeral parlors were permitted in the Business District with site plan review would people want to have a special use permit. Keeler stated that he doesn't think so. DePreter stated that he thinks a special use permit would probably be unnecessary. Caldwell, Jackson and McQuade also agreed to allow mortuaries and funeral parlors in the Business District with only site plan review. DePreter asked Chase if he wanted to argue further for a special use permit. Chase stated no and that he will just think about the hours and stated that services are usually over by 9:00 PM anyway.**

Further discussion ensued regarding mortuaries and funeral parlors in the remaining districts. In addition to the Business District, the Commission members agreed to permit mortuaries and funeral parlors in the Main Street Overlay, Rural District and Ag District with site plan review.

The Commission discussed crematoria uses. Keeler stated that he doesn't know how they are regulated as to what filtration systems they use. Caldwell stated that he wouldn't think that anyone would want them in the Main Street or residential areas and if they are going to be permitted, it would be better to permit them in a rural area. DePreter agreed. Keeler suggested that there should be a special use permit and site plan review. **The Commission members agreed to permit crematoria in the Rural District with a special use permit and site plan review.**

The Commission discussed heliports and landing pads. DePreter stated that if the Commission is going to discuss this use then there really are only two areas and one is the Rural District and the other is the Ag District. Keeler agreed. DePreter asked Caldwell if he was talking about private residences having a heliport or landing pad or if he was talking about an airfield. Caldwell stated that both have to be considered and that airports also have to be considered. Discussion followed regarding the differences between someone having a landing pad in their backyard and someone making a business out of it. Chase stated that there would need to be some control over the hours of

operations and the volume of the traffic. Keeler stated that maybe the answer is to put in setbacks that would be one thousand feet from somebody's residence. Keeler suggested that heliports and landing strips should require a special use permit and site plan review. **The Commission members agreed that heliports and landing pads would be permitted in the Rural District and Ag District with a special use permit and site plan review. Chase added that there should also be some supplementary regulations and the volume and hours would have to be worked on.**

The Commission discussed airfields. DePreter stated that he thinks airports could be permitted with a special use permit or it could be a commercial PUD. Discussion followed. DePreter stated that it could be a very interesting business for somebody. Keeler suggested permitting airfields in the Rural District and Ag District with a special use permit and site plan review. Jackson asked if there should be some specification that states that it would be for small planes only. Caldwell suggested propeller planes only. **The Commission members all agreed to permit airfields for propeller planes in the Rural District and Ag District with a special use permit and site plan review.**

The Commission discussed zoos and game farms. DePreter stated that it seems like zoos and game farms would be a Rural and Ag use. Keeler agreed. **DePreter suggested permitting zoos and game farms in the Rural District and Ag District with a special use permit and site plan review. All members agreed.**

The Commission had a brief discussion regarding the possibility of adding bus stations to the Schedule of Uses. **The Commission members agreed that bus stations should not be added to the list.**

The Commission discussed In-patient health care facilities. Brief discussion followed regarding In-Patient health care facilities in the various district. DePreter questioned whether they would be allowed in the Ag area. McQuade stated that it seems that a lot of things are being put in the Ag area and we are really trying to preserve the Ag area. Chase agreed and stated that the Commission may have to go back and re-visit the Ag District because a lot of uses being permitted in the Rural District are also being permitted in the Ag District but that really isn't the purpose of the Ag District. DePreter stated that some uses may be compatible with the Ag District. Discussion followed. **The Commission members agreed to permitting in-patient health care facilities in the Main Street Overlay and the Rural District with a special use permit and site plan review.**

Caldwell asked how the Commission feels about tattoo parlors as a use. Caldwell stated that a member of the community had raised the issue of tattoo parlors and that person did not think that tattoo parlors would be appropriate in Pine Plains. DePreter stated that it would be a service business. **Caldwell stated that the Commission has not specified tattoo parlors as prohibited. Keeler stated that's fine with him. DePreter stated that it could still just be a service business or retail. Caldwell stated that the onus would then be on the owner to make that argument. All members agreed.**

Caldwell suggested that the Commission members go through the Schedule of Uses and make notes on anything that needs further discussion.

Caldwell stated that the Commission had suggested that ridgeline protection be assigned to the Conservation Advisory Council (CAC) and asked where that stands. DePreter stated that he probably should have told the Commission a long time ago but he and Chase had met with Replansky, Stolzenburg and Gregg Pulver back in August and there was a concern that the Commission was moving too slowly and that conversation came up and what was discerned was that the approach for that would be that Stolzenburg was going to write some of the stuff. DePreter further stated that he thinks that it was discerned that it would take a long process of identifying the specific hilltops and areas and usually takes a scenic views kind of report so what he thought was going to happen was that Stolzenburg was going to write the draft and then when it is presented to the community, the CAC is as open as anyone is to looking at that and making comments on it. DePreter stated that we are going to start with Stolzenburg writing some general guidelines. DePreter stated that the meeting was called and he couldn't have everyone there because if there were four members, then it would have been a quorum which would have been a special meeting. DePreter explained that most of the meeting was taken up with how the Commission is progressing.

Chase stated that he just wanted to mention that he saw Anne Saylor in the hall at work and he asked how the draft affordable housing law is coming along. Chase explained that Saylor stated that she is trying to finish it up. DePreter stated that will be another important thing for Replansky to review. DePreter stated that Replansky has stated during a casual conversation that he is interested in seeing some affordable housing language in the zoning law.

DePreter stated that he spoke to Gregg Pulver and Warren Replansky regarding the fact that there is going to be an extension on the moratorium. DePreter stated that Replansky is going to start being at the meetings so he will know where the Commission is at and he will take care of all of that stuff. DePreter stated that now that the Use Schedule is done, he will get it to Replansky and he will hopefully have his comments on it at the next meeting on November 15th.

DePreter stated that the idea is to have everyone's comments on the draft zoning law and they can be written down as opposed to going through page by page. DePreter stated that a good thing to do is go through the document because Stolzenburg already has discussion points in it. DePreter stated that maybe the Commission can just look at the multi-family dwellings. DePreter read the requirements for multi-family dwellings listed in the Draft Zoning Law, which reads, "*multi-family dwellings shall require a special use permit and site plan review. The Planning Board shall determine the maximum density for multi-family dwellings in each case based upon relevant special use permit and site plan review criteria and the standards in this section. In no case shall the density exceed four (4) dwelling units per acre of buildable land.*" DePreter explained that Stolzenburg's comments were that she thought that this would get us to the point where if someone did want to have a nursing home or something like that or like we are seeing

with a couple of projects on Main Street, is it fair for us to say to people that a dwelling unit is an apartment that is 500 or 600 square feet and that it would have the same density of a house that's 2,500 square feet. DePreter stated that this is an affordable housing option for the Commission to think about. DePreter further stated that he would be very much in favor of having the Commission agree to this but we do have to speak about it. DePreter read Stolzenburg's comments from the Draft Zoning Law pertaining to the requirements for multi-family dwellings where she stated that she added in the (4) dwelling units per acre as a way to allow multi-family uses in the hamlet area. Stolzenburg further stated that the density set in the hamlet would make it unlikely that someone has enough land to build apartment buildings or senior housing. Stolzenburg suggested that the Commission discuss this and determine if four (4) units per acre would be acceptable.

The Commission members agreed to permit multi-family dwellings with a special use permit and site plan review in the Hamlet Residential Area, the Hamlet Center Residential Area and the Main Street Overlay. The Commission further agreed that in no case shall the density exceed four (4) dwelling units per acre of buildable land and that the Planning Board shall determine the maximum density for multi-family dwellings in each case based upon relevant special use permit and site plan review criteria and the standards in this Draft Zoning Law.

DePreter suggested that the Commission members review the draft Zoning Law document and write down anything that they would like to discuss, change or have questions about. Chase asked if anyone remembers where the Commission left off with nursing homes. Chase stated that the Commission was considering that a bed is not the same as a unit and that a unit has a kitchen and so there was some big concern. McQuade stated that we do have nursing homes and senior citizen housing being allowed pretty much everywhere but the Business District. Chase stated that his concern was that it even be considered differently such as it would be so many beds per acre or whatever it is but it would be different. DePreter stated that we can have nursing homes as a PUD and that would solve that problem. McQuade stated just bear in mind that it's combined on the use schedule as nursing homes/senior citizen housing so they may have to be separated. Chase agreed. DePreter asked McQuade to write that as one of her comments to discuss during the review of the draft zoning law.

Public Comment – Susan Crossley stated that the Commission should think long and hard about whether to permit private helipads at all, even in the Rural Area. Crossley explained that when she first moved to Pine Plains, there was a neighbor across from her who was landing a helicopter and it was really noisy. Crossley stated that she can see ten years from now some New York City people deciding that they can commute twice a day with their helicopters. DePreter asked Crossley if she thinks that's different than one airplane. Crossley stated that she thinks it is very different and thinks the Commission needs to separate the two. Crossley further stated that helipads are very controversial everywhere because of the noise and having lived with a helicopter coming right over her house, she can vouch for that.

Jane Waters – Waters stated that she was going to say the same thing as Crossley. Waters stated that Arnold Fisher used to fly into her valley on a regular basis. Waters explained that there is a private air strip for planes but that's almost like a car driving by and that really doesn't bother any of the residents but the helicopters are much louder and they also take much more time to get up in the air so they cause much more of a disturbance.

Matthew Rudikoff – Rudikoff stated in the last revision of SEQRA, commercial facilities under 2,500 square feet or some number like that, are exempt from SEQRA so they are not just considered Type II but are exempt. Rudikoff explained that you can't, under SEQRA, require a car wash or a McDonald's or a convenience store to attract a study unless something in the zoning ordinance talks about traffic limitations or a conflict with pedestrian uses like kids on sidewalks. Rudikoff stated that there needs to be more in the zoning ordinance about some of those kinds of uses because if it's less than 2,500 square feet, you don't get a shot under SEQRA. DePreter stated that there was some language in the document that he read earlier that does deal with traffic that would be separate from SEQRA.

Brad Mitchell – Mitchell asked if the Wellhead Protection Area is an overlay. DePreter stated yes. Mitchell asked what the underlying zone is and stated wouldn't it be either agricultural under it or rural. DePreter stated yes. Mitchell asked shouldn't that be shown on the maps. DePreter stated that he thinks it would be hard to have a transparency and that the overlay lays over the base district. Mitchell asked what the base district is. Caldwell stated that the base district is rural. Mitchell asked if it is rural everywhere. Caldwell stated no. DePreter stated that he would have to look at the map. Mitchell asked how he would tell what the underlying zone is. Caldwell stated that the Wellhead Protection Area is not in the hamlet and that the hamlet line was drawn around the Wellhead Protection Area so the Wellhead Protection Area by definition is rural. DePreter stated that it was the temperament of the Commission to try to make the hamlet as big as possible so we went out to natural characteristics. DePreter stated that in the area down by the corner of Route 83 the hamlet was defined by where it came in contact with the Aquifer Recharge Area. Chase stated that he feels Mitchell is correct and that the Commission should try to talk to Stolzenburg and that there's no reason why the underlying zone can't be indicated. DePreter asked Mitchell if whether the underlying zone is rural or agriculture was his question. Mitchell stated that is his question but the real question then is for example the Main Street Business District on the north side and the west goes way beyond the half mile circle. Mitchell asked what the justification is for cutting it short and cutting off existing businesses like Lia's Mountain View or his warehouse and other businesses from the south side and businesses on the east side from that district or potential businesses in the future. Mitchell further stated that the Commission determined that the Wellhead Protection Area doesn't really affect density so is there any real justification to treat these two sides of the town differently. DePreter stated that he thinks the idea is that the Wellhead Protection Area has special concerns that go beyond the Main Street Overlay. Brief discussion continued between Mitchell and DePreter. DePreter asked if anyone else has anything they wanted to say. Chase stated that we will have to take a look and see. DePreter stated that he thinks what

Mitchell is concerned about is that the hamlet doesn't go all the way down to Route 83 because the Aquifer Recharge Area comes out there. Keeler stated that he thought that it did because the Commission talked about it going to Lia's at Route 83. DePreter explained that the Aquifer Recharge Area is there though so if it was in the Main Street Overlay and we were allowing some of these businesses here with the flexibility, we don't have to worry about them causing some kind of damage to the aquifer area. DePreter stated to Mitchell that when the use schedule is done, it will be posted and that might help clear up some of his questions.

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

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.**