

Town of Pine Plains Zoning Commission Minutes
October 25, 2006

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

Guests: (7) members of the public.

Meeting called to order at 5:25 PM.

Caldwell motioned to approve the October 11, 2006 minutes. Seconded by McQuade. All in favor.

DePreter read a memo that he received from the Town Board regarding a plan for hamlet revitalization and for future recreational opportunities.

The Commission discussed changes in the meeting schedule for the months of November and December. Due to the upcoming holidays, the Commission's meeting date for November will be November 8th and November 15th at 5:15 pm. The Commission meeting dates for December will be December 6th and December 13th at 5:15 pm.

Chase distributed a map of the sand and gravel deposits. Chase explained that the map indicates that Pine Plains has significant areas of sand and gravel.

Stolzenburg advised the Commission that she has been in touch with Anne Saylor and Saylor stated that she is not done with the affordable housing model yet. Stolzenburg explained that Saylor stated that she would get a copy to her as soon as she is done.

Stolzenburg gave the Commission maps for the community to view during the Commission's discussions. Maps were laid out on the back desk for the members of the public to reference.

The Commission briefly discussed the subject of mining in Pine Plains. DePreter stated that we have a copy of the Pine Plains Erosion and Sediment Control Law of 1988 which he explained does not address mining directly. Stolzenburg stated that there may be information in the law that may be useful and possibly housed into the zoning.

DePreter stated that the Commission already made a decision on small mines at the last meeting and the Commission was left with the question of large mines and rock quarries. DePreter suggested that the Commission have a brief discussion. Stolzenburg stated that she forwarded to the Commission information on the areas that the State allows the town to have influence over for the large mines. Stolzenburg stated that there is also a mining section in the Site Plan Review Law that the Planning Board reviewed and the Town Engineer, Ray Jurkowski, was going to look that over and make his recommendations but

he has not done that yet. Stolzenburg stated that she will contact Jurkowski and ask him to offer an opinion on mining. DePreter stated that is a good idea as that is Jurkowski's expertise. The Commission agreed to put the mining discussion off until they hear what Jurkowski has to offer on the subject.

The Commission continued their discussion on uses by referring to the Draft Schedule of Uses distributed to the Commission by Stolzenburg. The schedule indicated those uses already discussed and decided upon by the Commission and those that still needed to be addressed.

The Commission discussed some minor corrections to the Schedule of Uses. Corrections were typographical and no content needed correcting.

Jackson asked if the Commission had decided on having a commercial PUD or if the Commission is considering it for light industry. Stolzenburg explained that she would have to go back to her notes and the minutes because she isn't sure if it was decided or if the Commission was in favor of a commercial PUD for light industry. DePreter stated that some of the items on the list that may be hard to pin down could be in a floating district. Stolzenburg explained that the commercial PUD column is not really filled out because the Commission really hasn't discussed it yet. Brief discussion ensued.

DePreter stated that given the fact that the Wellhead Protection Area will have some kind of performance standards for major home occupations, he feels it would be good to just carry everything through and include home occupations in the Wellhead Protection Area and Ag Overlay. Stolzenburg stated that she would be concerned about gas stations and industrial chemical uses. DePreter stated that he would suggest that major home occupations be included in the Wellhead Protection Area and the Ag Overlay. The Commission had a brief discussion. **DePreter motioned to include major home occupations in the Wellhead Protection Area and Ag Overlay with Special Use Permit and Site Plan Review. All in favor.**

The Commission discussed Kennels in the Wellhead Protection Area. DePreter stated that he sees no reason why Kennels should not be included in the Wellhead Protection Area with a special use permit and Site Plan Review. All members agreed.

The Commission discussed retail business in the Wellhead Protection Area. DePreter asked the Commission how they feel about having retail businesses in the Wellhead Protection Area with a special use permit and site plan review. Stolzenburg stated that is where there needs to be a good definition on the Wellhead because someone could consider a gas station or retail establishment so we are going to have to make sure that in the section on Wellhead we list those things that are prohibited. DePreter agreed. Chase stated that he thought the Wellhead Protection Area was an overlay zone so that there is always an underlying zone with a set of performance regulations. Chase stated that he doesn't think the Commission needs to go through use by use and choose because it's going to be whatever is allowed in the underlying district. Stolzenburg stated not

necessarily and not in the Wellhead Protection Area. Stolzenburg explained that in the overlay either the performance standards or the uses can be changed. Stolzenburg stated that if you want to change the uses in the Wellhead area you have to specify that. Discussion followed. **The Commission agreed not to have retail businesses in the Wellhead Protection Area.**

The Commission discussed rural offices and service businesses in the Wellhead Protection Area. DePreter stated that the Commission has prohibited certain uses on service businesses so it would not be something like a chemical storage service business. **DePreter asked if anyone would be opposed to a rural office being in the Wellhead Protection Area. All Commission members were in favor of having rural offices in the Wellhead Protection Area.**

The Commission discussed service businesses in the Wellhead Protection Area. Jackson asked if gas stations are service businesses. DePreter stated that gas stations are listed as a separate use. DePreter further stated that someone may have a service business that has nothing in conflict with the Wellhead Protection Area. **DePreter asked the Commission members if service businesses should be allowed in the Wellhead Protection Area. All members were in favor of allowing them.**

Stolzenburg stated that the only use that didn't get carried through was tourist resorts and spas because she thought from a density point of view that tourist resorts and spas might be more impervious surfaces and density than the Commission would want. Stolzenburg stated that was only her impression. DePreter agreed that he didn't think that would be a good use to have in there.

Jackson asked again if the Commission decided on having a commercial PUD in the light industry category. DePreter stated he does not believe that the Commission has decided conclusively to have a commercial PUD yet. DePreter stated that he thinks the idea was to go through the use list, see where we are and see if there are certain areas like light industry where we might have a commercial PUD. DePreter stated that he thinks there was an inclination to explore it.

The Commission discussed conversions of existing single family dwellings to two family dwelling. DePreter stated that he thought it should be permitted everywhere. McQuade stated that she would agree as long as it is in conformance with the density. Stolzenburg stated that the draft text in the zoning has a different density for multi-family dwellings. Stolzenburg explained that a two-family structure is not typically considered a multi-family dwelling. Stolzenburg stated that the density issue for multi-family dwellings needs to be revisited. DePreter stated that he thinks the Commission can cover the density issue while reviewing the draft plan but what we just have to do now is agree on how we want to approach this generically. DePreter stated that he is inclined to say that a conversion of an existing single-family home to a two-family dwelling should be a permitted use. DePreter stated that is how it is now in the town and people do not have to go to the Planning Board now to convert a single-family dwelling to a two-family

dwelling. McQuade asked if there would be any question about septic. DePreter stated that there is always a question about septic and no matter what anyone does, if they can't get the septic capacity then they can't build it. DePreter stated that is a decision that will never be in our hands because it will always be a decision made by the county. Stolzenburg stated that the issue of the septic will be reviewed when the person applies for a building permit. DePreter stated that he thinks this is the kind of housing that the Commission is trying to promote so he would say that it should either be a permitted use as it is now or it would require a site plan review. Discussion followed.

Chase stated that he thinks the Commission needs to have a discussion that although we want to encourage accessory apartments and converting one-family homes into two-family homes it still needs to be done in character with the current building. Chase stated that you can't let people just decide that they are going to take some historic looking structure and just slap any old apartment onto it. Chase stated that he thinks there needs to be some community involvement and he doesn't think that people should just be able to get a building permit and do whatever they want. Keeler asked Chase if he feels there should be a site plan review. Stolzenburg stated that it could be a permitted use with a set of standards that the Building Inspector or the Code Enforcement Officer would have to say whether or not the person has met all of the criteria for a conversion before a building permit is issued. Discussion followed.

DePreter asked the Commission if they would be in favor of the conversion of existing single-family dwellings to two-family dwellings having a site plan review. Keeler stated that he thinks the best way to cover it would be with site plan review. DePreter stated that maybe a site plan review might be the way to go and see how it flies with the community. Stolzenburg stated that the Commission might want to revisit the issue because it was stated earlier that a new two-family use and not a conversion, would be permitted everywhere. Stolzenburg stated that a new building could potentially have similar issues like parking and lighting as a conversion would. McQuade stated that she just thinks that there are safety issues to consider when someone is taking a structure that was already approved for a particular site and was safe and appropriate for what it was originally designed for at that time and then converting it for a different use. McQuade stated that she thinks somebody just needs to look at it and that there are good reasons to differentiate between a conversion and a new two-family. **DePreter stated that it sounds to him as though everyone wants to go with a site plan review on the conversion of existing single-family dwellings to a two-family dwelling and then if we need to, we can go back and look at the new two-family dwellings but as of now we can say there will be a site plan review for existing single-family to two-family dwelling in all districts. All members agreed.**

The Commission discussed mobile home parks. Caldwell gave Stolzenburg a copy of the current local law for mobile home parks. The Commission discussed the content of the current mobile home law. DePreter asked the Commission members how they feel about mobile home parks regardless of what the content of the current law says. DePreter

asked if any of the members feel there is a need for a mobile home park and if so where could one be located. DePreter stated that he thinks we can rule out the Business District, the Hamlet Main Street Overlay and the Center Residential area. DePreter stated that the non-center residential is a different story. DePreter stated that he hasn't had anyone in Pine Plains tell him that they wanted to have a mobile home park in town. Soracco stated that she doesn't think mobile home parks should be ruled out. Soracco stated that mobile home parks have become more and more of an option for senior citizens. Soracco stated that there are some nice ones around that are well kept and off the road. Jackson asked if a special use permit and site plan review would assure that mobile home parks would be well kept and in character with the community. Stolzenburg stated that there are also a lot of standards that go into developing a mobile home park. Discussion followed regarding design standards for mobile home parks and whether they are suitable for Pine Plains. The Commission also discussed the fact that mobile homes are no longer referred to as mobile homes but they are now referred to as manufactured homes. The Commission agreed that the term "manufactured homes" will be the term used on the schedule of uses. Stolzenburg stated that the Pine Plains Mobile Home Park Law is divided into two sections with one section addressing individual homes and the other section addressing a park which is kind of like a PUD and needs Town Board approval. DePreter stated why not just put mobile home parks in the commercial PUD area. Discussion followed.

DePreter asked the Commission how they feel about having mobile home parks as a PUD using the existing mobile home park law and adding a site plan review by the Planning Board to the law. Caldwell asked if we have to specify where it would be permitted. Stolzenburg stated that if you leave it as a PUD, it can potentially go anywhere if the Town Board accepts it. Stolzenburg stated that the Commission may want to say that it is only allowed in certain districts as a PUD. DePreter stated that it might be best to choose the districts where it will be allowed as a PUD in the chosen districts.

The Commission voted in favor of manufactured home parks with a PUD and Site Plan Review in the Hamlet Residential, the Rural District, the Hamlet of Pulvers Corners and the Agricultural District.

The Commission voted against the use of manufactured home parks in the Business District, the Main Street Overlay, the Hamlet Center Residential, the Hamlet of Bethel, the Wellhead Protection area and the Ag Overlay.

The Commission discussed individual mobile homes. Chase stated that he thinks it comes down to some sort of performance standards that are already in the law. Chase stated a concern that he has is that people might be able to still drag the pre-1970 mobile homes from one site to another. Keeler stated that he believes that as of July 1st of this year, they still have to be installed correctly. Chase stated that they all can be installed correctly but he's worried about the appearance. Keeler stated that before July, anybody could install a mobile home but now it has to be installed by a licensed installer

Stolzenburg asked if the mobile homes being discussed are the pre HUD certification mobile homes or are we talking about the new manufactured homes that still have a chassis that can be picked up and moved. Chase stated that the concern he has is a character concern that if somebody is going to drag in a flat roof box and put it next to another house then that's a difficulty. Chase stated that if it's a mobile home that has a nice pitched roof and looks like a house then fine. Discussion followed regarding the differences between the pre HUD mobile homes and the new manufactured homes. **The Commission agreed not to have an individual mobile home category but will have a category for individual manufactured homes.**

DePreter asked the Commission if anyone wants to allow the pre HUD mobile homes anywhere. DePreter stated he does not think he would want them anywhere. Keeler stated that there is no fire protection in them.

The Commission discussed applying standards such as allowing either a double wide or a proportional standard and then we would require a pitched roof, minimum square footage, siding, skirting and it must be on a frost free foundation which Keeler stated is already part of the building code. DePreter stated given all of those qualifiers we kind of defined what it is that we want to talk about. The Commission went back to discuss the individual manufactured homes in the various districts. McQuade suggested going back and applying the same standards to the homes in the parks. DePreter agreed.

Stolzenburg stated that in the spirit of promoting affordable housing, having someone who wants to put one of these homes up go through site plan review may be seen as an obstacle. Soracco stated that we are making everyone go through site plan review, even for an apartment. Jackson asked if there is some huge amount of money that's involved with site plan review that would make it unaffordable. DePreter stated that it depends on how long it takes. Stolzenburg stated that someone can come in and buy a half acre lot and build their own house and it could be a shack and all they need is a building permit. Stolzenburg stated that as long as they have a well and septic it could be made out of bamboo and you wouldn't have any review over it. DePreter stated that if we set the standards that the Commission discussed then there might be some level of comfort.

The Commission discussed individual manufactured homes in the various districts and agreed to allow them with Site Plan Review in the Hamlet Center Residential, Hamlet Residential, the Rural District, the Hamlet of Bethel, the Hamlet of Pulvers Corners, the Ag District, the Wellhead Protection area and the Ag Overlay. The Commission agreed not to allow individual manufactured homes in the Business District and the Main Street Overlay.

Caldwell asked whether or not the Commission had decided at one time that each and every residence in town was going to go through a site plan review process. Stolzenburg stated no and explained that was specifically rejected by the town board. Caldwell stated that the Commission had discussed the fact that the Town Board rejected it but the Commission had reasserted that we think that is the way it should be regardless of

whether or not the Town Board rejected it when it was put in as part of the Comprehensive Plan. Chase stated that he thinks the Commission went back and forth on that issue a couple of times. Caldwell stated that he can pull it out of the minutes where the Zoning Commission voted and agreed that each and every new residence in the Town of Pine Plains should go through a site plan review process. Chase stated that he thinks that did happen but thinks that since then, the Commission went back and voted the other way. Caldwell stated that he doesn't remember voting that out. DePreter stated that if we want to we can re-establish that but he would like to get through the uses for now. Caldwell suggested leaving that as an open question. DePreter stated that it can be discussed later. Caldwell stated that he will send the Commission members a memo quoting the minutes where that decision was made. Stolzenburg made a note to revisit the issue of having each and every new residence go through a site plan review process.

The Commission discussed Customary Accessory Uses. Stolzenburg explained that customary accessory uses are like a little storage shed, a garage, a pool, a gazebo, etc. Stolzenburg stated that most communities permit them and say that they are allowed and some communities have some standards such as a detached garage cannot be taller than the main building. **DePreter stated that he likes the idea of having Customary Accessory uses permitted in all districts with some standards. All members agreed.**

Caldwell stated that Stolzenburg had asked the Commission to review the uses in Warwick and Bethel to see if some were there that the Commission hasn't picked up. Caldwell stated that he found two. Caldwell stated that one is ECHO Housing and asked if there should be a separate process for ECHO Housing. Stolzenburg stated that some communities do. Stolzenburg explained that an ECHO House has been designed mostly for senior citizens and they are small cottage-style houses that are placed on a lot and designed to be removed again when they are no longer being used. After a brief discussion, Keeler stated that he thinks ECHO Housing should be allowed. **The Commission Agreed that ECHO Houses should be treated the same as Accessory Apartments and should be allowed in all districts with a special use permit and site plan review.**

Caldwell stated that his other suggested use is dormitory housing for migrant workers. Stolzenburg stated that the Ag District Law prohibits us from prohibiting the use of mobile homes for Ag workers but she is not really sure if it addresses dormitory housing for migrant workers. Stolzenburg stated that might be something separate. Stolzenburg stated that she has not come across that use in Ag and Markets. Stolzenburg stated that she knows they have rules that you can't prohibit farmers from using mobile homes for farm workers but she isn't sure about dormitories. DePreter stated that he isn't sure if this is a category that the Commission even needs to deal with. Discussion ensued. **The Commission decided not to include the category of dormitory housing for migrant workers on the use schedule.**

The Commission discussed farm stands. Keeler stated that he feels farm stands should be allowed. **DePreter asked the Commission if they feel farm stands should be permitted in all districts. All Commission members agreed to allow farm stands in all districts with some performance standards.**

The Commission discussed car sales. DePreter stated that there can be car sales as a separate category and then there can be a category where we allow car repair to sell cars and then just treat the car sales category where there is a size limitation. DePreter asked if we allow car sales on the Main Street Overlay which seems like the spot where it will probably occur, we're going to have design guidelines in terms of size anyway. Stolzenburg stated that would have to be under the special use permit and the Commission would have to outline those standards for that specific use. DePreter stated that he thinks if we can say that there's a special permit needed for car sales and in that special permit we have some kind of standards in terms of size then maybe that's a good place to start this discussion. Keeler stated that cars were sold for a lot of years right on the lake right in the center. DePreter asked if that is what we would want now and if that is the most efficient use of that space. DePreter stated that the Commission hasn't designated the Main Street Overlay and one of the problems he has when we get to decisions like this is that there is no difference between the interior except for the Business District and then the outside. DePreter stated that the idea is to try to keep the pedestrian stuff closer to the middle of town. DePreter stated that given that there's the possibility that we can limit the size if we made it a special use permit, he asked the Commission where they would want to see car sales. Chase stated that he thinks what it comes down to is you're into a situation that's probably going to be some performance standards that are written in terms of how many and the size and then because of potentially dealing with all different scales, you're probably into a special permit and site plan review. DePreter asked if the Commission members would want to see that in the Business District. DePreter stated that he would see putting a car dealership in the Business District as a counterproductive use of space. McQuade suggested putting car sales in the Main Street Overlay. **DePreter asked the Commission if they would want to have car sales in the Main Street Overlay with a special permit and site plan review. The Commission agreed unanimously.**

DePreter asked the Commission members if they would want to have car sales in the other districts. The Commission members Agreed not to allow car sales in the Hamlet Center Residential, Hamlet Residential, Rural District, the Hamlet of Bethel, the Hamlet of Pulvers Corners, the Ag District, Wellhead Protection Area and the Ag Overlay.

The Commission discussed car repair as a primary use of property. Chase stated that depending upon how big an operation is there are concerns such as gasoline and other chemicals. Chase further stated that they are potentially going to store a lot of cars inside and outside and he thinks from the neighbors' perspective that the community needs to have more control. Chase stated that he thinks there should be site plan review and a special permit with some performance standards for car repair. DePreter agreed and stated that he wouldn't want to see car repair anywhere without a special use permit and

site plan review. DePreter suggested allowing car repair in the Main Street Overlay, Rural District and possibly in the Ag district. DePreter stated that he thinks those three areas would give most people the room to expand for car repair and that car repair would allow for some sales. Discussion followed regarding car repair uses in the various districts.

DePreter suggested, and the Commission agreed, that car repair would be allowed in the Main Street Overlay, Rural District and Ag Overlay with a special permit and site plan review. DePreter stated that the Hamlets of Bethel and Pulvers Corners will have question marks until we see what the performance standards will be.

The Commission discussed warehouses. DePreter stated that he checked the property cards of a couple of the warehouses in town. DePreter stated that New England Wholesale Hardwood on the corner of Routes 83 and 82 is 16,800 square feet and it's on 6.25 acres. DePreter stated that although it's not a warehouse, the building across the street from New England Wholesale Hardwood, the Wizard of Arts is 2,800 square feet per floor. DePreter stated that another one is Pecks, which is not a warehouse but to give the Commission an idea of a smaller version, it is on 0.83 acres and is 6,600 square feet. DePreter stated that he thinks we would want to have a different set of size standards for the Main Street Overlay so any warehouse in that area would have to conform to whatever the allowed business space is going to be. DePreter stated that he would feel comfortable putting a warehouse in the Main Street Overlay. DePreter stated that he would also feel comfortable putting it in the Rural Area, the Ag District and the Wellhead Protection Area. Jackson questioned the idea of a warehouse in the Wellhead Protection Area. DePreter asked if it isn't storing the wrong things what difference is it from a house. Stolzenburg stated that it depends on the scale. Stolzenburg stated that a 50,000 square foot warehouse is different than a 10,000 square foot warehouse. DePreter asked if we can have a scale down in the Wellhead Protection Area as part of the performance standards so we can allow it there but it would be scaled down. Chase stated that it seems to him that there needs to be some upper limits. Discussion followed.

The Commission discussed and agreed to allow warehouses in the Main Street Overlay, the Rural District, the Ag district and the Ag Overlay with site plan review and a special use permit. The Commission Agreed not to allow warehouses in the Hamlet Center Residential, the Hamlet Residential, the Hamlet of Bethel and the Hamlet of Pulvers Corners and a question mark for the Wellhead Protection Area.

Public Comment – Jane Waters stated that she reviewed the trailer law once this summer and she thinks that it is really written to prevent trailer parks from being built and the permitted use of trailers are for owner occupied and Agricultural workers but not for somebody putting up trailers and then renting them out. Waters stated that she didn't think new parks were going to be allowed. Stolzenburg stated that unless the law has been amended, the law that Caldwell gave her to look at had a whole section on mobile home parks.

Rick Osofsky stated that he wrote the mobile home law and it did permit parks. Osofsky stated that the law did say that the person has to own the mobile home. Stolzenburg stated that she believes the law stated that the person has to own the mobile home but they have to pay rent for the location in the park.

Osofsky went on to state that one of the things that he thinks has saved this town was mobile homes. Osofsky explained that there were a lot of people that passed through this community over the years and drove through and kept going because they found that there were too many mobile homes here. Osofsky stated that there's nothing inherently wrong with mobile homes and explained that the whole development behind the school at one time was nothing but flat roof mobile homes and over the years the mobile homes came down and cheap modulars went up and then the modulars came down and now they are nice homes. Osofsky stated that he doesn't think we should dissuade that.

Osofsky stated that one of the things that Chase said that he thinks puts us on a slippery slope is in terms of design standards is that if someone wants to build a house in Pine Plains that has a flat roof and is longer than it is wide, are you going to say that he can build it but if someone has a mobile home that looks like that then he can't have it. Osofsky stated that he thinks what standards are being created that will have to be applied to anyone who builds a home in town. Osofsky stated that mobile homes aren't cheap anymore, they're \$70,000 - \$80,000 and don't normally come with pitched roofs so they would automatically be excluded. Osofsky stated that he can understand not wanting them to be shabby and unhealthy to live in but he thinks that most of the people who live in those homes are elderly and they do have flat roofs but that's the nature of the beast. Osofsky stated that if those people could afford not to, they wouldn't be living in those types of mobile homes. DePreter stated that he will try to find out if there is a really big price difference between a flat roof trailer and a pitched roof trailer. Stolzenburg stated that she isn't even sure if flat roof trailers are made anymore.

Susan Crossley thanked the Commission for the large maps that were made for the public to reference during the meeting.

Stolzenburg asked the Commission if they want to post those maps as the updated maps on the website. Caldwell stated that they should replace the previous maps. Stolzenburg stated that she will email them to the Commission's secretary to post on the website.

Sarah Jones asked the Commission if the moratorium is going to need to be extended and whether or not there is anything the Commission needs to do to make that happen if it needs to. DePreter stated that he has informed the town supervisor via a telephone message that the moratorium will probably have to be extended. Jones stated that extending the moratorium takes time so she was wondering if a formal notification from the Commission is needed. DePreter stated that he has a phone call in to the town supervisor telling him that we would probably not be done in January. Jones asked if there needs to be a formal written letter. Stolzenburg stated that it will have to go through a process at the Town Board level. Jones stated that she thought that the

Commission should write a formal letter as opposed to a phone call. Stolzenburg stated that she doesn't think the Commission is legally obligated to write a formal letter and would suggest asking Warren Replansky whether it would be a good protocol. DePreter stated that was the point of his call to the town supervisor, to see what it is that the Commission needs to do.

DePreter asked if anyone else from the public had any comments. There were no further comments from the public.

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.**