

Town of Pine Plains Zoning Commission Minutes
September 13, 2006

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

Absent: Margo Jackson

Guests: (5) members of the public. Millerton News.

Meeting called to order at 5:15 PM.

Caldwell motioned to approve the August 9, 2006 minutes. Seconded by McQuade. All in favor.

The Commission began the night's meeting with a discussion regarding the possibility of changing the day of the week that the Commission meets in order to accommodate Margo Jackson since she is unable to make it to meetings on Wednesdays right now due to her work schedule. McQuade stated that before the Commission goes into regular business she wanted to discuss Margo Jackson's schedule. Chase stated that Jackson mentioned to him that she has a couple of Mondays a month that she can be available. DePreter stated that perhaps the Commission could have a meeting once a month for about an hour with Jackson to keep her informed and get her opinion on things. DePreter stated that before the discussion goes too far it might be best to just see how it will work with Stolzenburg's schedule. Stolzenburg stated that the Commission can go ahead and change the day because they don't necessarily need her to be at the meetings. Stolzenburg asked if the Commission had another day in mind. DePreter stated that two Mondays a month would be good for Jackson. DePreter asked Pineda if she would be able to do minutes three times a month if the Commission decides to have an extra meeting with Jackson. Pineda stated that an extra meeting of only one hour would not require extensive minutes so she will work it in. Stolzenburg asked which Mondays Jackson will be able to meet. DePreter stated he does not know yet. Stolzenburg stated that in general she has things on Mondays but might be available and that it would depend on which Monday. After a brief discussion, DePreter asked Pineda if she can contact Jackson and ask her what Mondays she would be available and then the Commission can discuss it further.

The Commission went on to discuss two memos received from Town Supervisor, Gregg Pulver asking for the Commission's opinion regarding a request for a variance from the moratorium by Torey Soracco and a request for a variance by Mike George on behalf of the Paige George Literacy Foundation.

DePreter stated that the first one is for Vikki Soracco's daughter, Torey Soracco. DePreter explained that Torey Soracco has a two family, year round residence on 0.52 acres in the Main Street District on Church Street. DePreter explained that Torey Soracco is applying to the Town Board for a variance to the moratorium to put an apartment in the garage at the rear of her property. DePreter stated that it would be the

Commission's determination to figure out how or if that would conform to the Main Street District. DePreter stated that the Main Street District is three dwelling units per acre. Stolzenburg asked if this will be an accessory apartment. DePreter stated that it is going to be a third dwelling unit in a garage and the property already has two dwelling units in the house. Stolzenburg asked if it is going to be a garage and an apartment or just an apartment. DePreter stated that the apartment would be over the garage. DePreter further stated that accessory apartment or not, it's still a third dwelling on the property which will bring it into the multi-family category which would then make it a change of use. DePreter stated that his opinion is if we are doing things by sheer density and dwelling units then what Torey is requesting would not conform because she only has a half acre and she already has two dwelling units on it. DePreter brought up the question of whether someone could get a density of three units per acre if that person can get a septic permit. DePreter stated that he thinks they should be able to because they are not causing a problem. DePreter further stated that some properties are going to be able to meet the County Board's requirements for sewage. Chase stated that every property has to have a County Health Department approval of some kind. DePreter stated that some properties if they have enough space to create another septic field may be able to get three units. Stolzenburg stated that she doesn't think the Commission defined that and stated that is something Commission needs to clarify. Discussion continued regarding Torey Soracco's request.

McQuade stated that the draft zoning law allows three dwellings for every acre of land with sewer, one dwelling for every half acre with no sewer or two dwelling units per acre. McQuade stated that Torey Soracco's property is already non-conforming and asked if it would become a special use application. Stolzenburg stated that if it's non-conforming then she would have to go for a variance if the zoning were already in effect but it wouldn't require a special use permit because it is an allowed use. Stolzenburg stated that since it doesn't meet the density it would need an area variance. DePreter stated that it seems that besides the question of the septic, Torey is over the allotment now. Discussion continued, after which DePreter stated that he doesn't know how anybody else feels but it seems like the math isn't on Torey Soracco's side. McQuade agreed and stated that just looking at it logically, it doesn't conform. DePreter stated that he thinks that is the opinion that he would like to give to the Town Board.

Stolzenburg stated that this conversation brings up an interesting point because since it's over the garage and it's clearly not a principal use on the lot, you might be able to argue that it is an accessory use. Stolzenburg asked how an accessory use gets figured into the density. DePreter stated that is a question that needs to be worked out because it's going to come up over and over again, particularly if we are going to try to advocate the accessory apartments. DePreter stated that even if the Commission says it would be OK with the zoning plan and even if the Town Board gives Torey a variance to the moratorium, she would still have to go in and get septic approval and if she doesn't get septic approval, she's not getting the apartment. Chase stated that he does not think she will have any trouble because there's public water there and the Health Department is not going to have to worry about anything traveling to a neighbor's well. DePreter asked if an accessory apartment above a garage counts as a full dwelling unit. Stolzenburg stated that has to be addressed.

Vikki Soracco arrived and DePreter explained that the Commission is currently discussing her daughter, Torey's request. Stolzenburg read a portion from the draft zoning law that said "one accessory apartment may be located in an accessory structure or a principal building subject to a special use permit approval and provided that the following conditions are met: *"any lot may contain one accessory apartment by right if it has at least the minimum acreage required. An accessory apartment may be located in the principal dwelling provided that the principal dwelling contains a minimum of 1,500 square feet, the owner of the one family dwelling in which the additional dwelling is to be located shall ensure that the building and grounds are maintained in good condition, there shall be no more than one accessory unit per dwelling or lot, then it has parking requirements for a single family dwelling, two off street parking spots shall be provided for each additional dwelling unit and all dwelling units and structures in which they are situated shall meet all standards and requirements of the building code"*.

DePreter stated that Torey Soracco has a two family residence on the property and now wants to add a third dwelling unit. Vikki Soracco stated that the unit (a barn) is already there. DePreter stated that he knows that but a third dwelling unit would be added to the property so the question would be is it an accessory apartment or is it a third unit and if it becomes a third unit whether it's an apartment or not under the current law it becomes a multi-family parcel and that's a change from a two person residential parcel so it would go under site plan. DePreter stated that is the only reason Torey Soracco has to go before the Town Board for a variance. Vikki Soracco stated that Torey went to the Town Board and they flipped it here. DePreter explained that the way the Commission is going to look at it is that under the draft proposal that the Commission has would it be allowed and that's where we are at right now in the conversation. DePreter stated that it would appear that it isn't allowed because it would be over the density requirement because Torey has 0.52 acres with two dwelling units now and that is essentially what she would get without sewage for a whole acre. DePreter stated that if for some reason she got public sewage then she would get three units per acre but under the current conditions another unit would give her three units on a half acre. Discussion continued.

Stolzenburg stated that she thinks the answer would be if it's an accessory apartment, the way it's written now with the decisions that the Commission made so far, if you call it an accessory apartment Torey doesn't have enough acreage for three units on that parcel. Stolzenburg further stated that if the Commission classifies it as a multi-family use and decides to allow multi-family uses to have a higher density then it might be allowed but the Commission hasn't gotten to that point. DePreter stated that the Commission would need to make the multi-family designation six units per acre for Torey to qualify. DePreter further stated that we would have to take the designation that we have now of two units per acre and make it six units per acre with the septic or sewage requirements. Vikki Soracco asked what if the engineer and the County comes in and says it is alright. DePreter stated that is something the Commission has not answered yet. DePreter stated that right now it's two units per acre and someone would get the bonus of three units per acre if they have public sewage but the question that we are asking now is if someone gets County Health approval and the septic is being taken care of one way or another, does it have to be public in order to get the extra density. DePreter explained that compounding Torey's problem is that we would also have to say that multi-family units

get six units per acre for her to qualify so there would have to be two changes to the draft law for her thing to conform. Vikki Soracco stated that it might have to be changed but we have to think about if this is what we were trying to encourage in some way. Soracco stated that all of this really bothers her because this is going up all over town and those people are not coming before us and they are not meeting the draft law. Stolzenburg stated that the draft zoning law is just words on a piece of paper right now and isn't anything yet so they don't have to meet the draft document. Stolzenburg stated that they do have to meet the current law which is a half acre per dwelling and Torey doesn't meet that so she is currently non-conforming. DePreter stated that it seems to him that unless the Commission changes the decisions that were made so far then Torey probably is not going to conform. DePreter stated that back when the Commission discussed the village density issue, Chase was arguing for four units on an acre and Soracco was arguing for two units on an acre. Discussion continued.

DePreter stated he would say that the letter to the Town Board should say "As of our draft document now, this doesn't conform but this is an ongoing discussion and our intention is to focus the density in the center of town". Stolzenburg stated that she built a list of questions that the Commission is going to need to go back and answer.

The Commission discussed Mike and Tammy George's request for a variance from the moratorium for the Paige George Literacy Foundation. DePreter stated that this is the same conversation all over again. DePreter explained that Mike George bought the one acre parcel and there is currently a two family year round residence on it. DePreter stated that George wants to have four apartments above a tutoring foundation and a retail store. DePreter stated that the question is would we allow this under the current document and if not then what would be allowed. Stolzenburg stated that the original table had a square footage for commercial space but it is not in the document because the Commission never discussed it. Stolzenburg stated that nothing has been written by the Commission that governs mixed uses in the Main Street District. Stolzenburg asked if there will be a retail space in the same building as the apartments. DePreter stated that George is applying for four apartments on the second floor of the building and the foundation on the first floor along with a retail space to sell books and other educational items that goes with that foundation. DePreter stated that we still need to make this determination that if the person can meet the capacity of waste disposal on their own property then do they get the same benefit in terms of density as someone who has public sewage. Stolzenburg stated again that this is something that the Commission has not talked about. Discussion followed.

DePreter stated that he feels the best thing to say regarding the George property is that the current law would allow two units and some commercial activity but the Commission has not yet determined the percentage of lot coverage or use of commercial square footage. Stolzenburg stated that there is something in the draft law that states, "...in the Main Street District the minimum lot size for a non-residential use is one acre." Stolzenburg stated that from that point of view, George would have room to have two apartments.

DePreter stated that he feels the Commission's letter to the Town Board should say that unless they have public sewage, George would be allowed two dwelling units and one commercial space of an undetermined size because the Commission has not gotten to a determination of size yet and the only other way that it would work is if people thought

that the sewage density is the same as the septic density but currently the Commission hasn't decided that yet. Chase agreed that the current draft would allow two apartments and an undetermined amount of commercial space.

DePreter stated that if someone has an acre of land and we are going to allow two houses on one acre and a third house if the person gets a public sewer, then if that same person gets County Board of Health approval for the third dwelling unit and has the septic capacity to handle that, should he get the density bonus or shouldn't he. Chase stated that he thinks the purpose of the density bonus was not to allow someone to maximize their density. Chase further stated that in theory they may get a permit to get ten dwelling units and have it all going into the ground. Chase explained that the purpose of the density bonus was to try to encourage the community to have a public sewer. DePreter stated that is what he wanted to know and he just wanted to be sure that was what the discussion was because he thinks that has been kind of left up in the air. DePreter went around the table and asked the Commission members if that is how they feel. Keeler stated yes. Caldwell stated that he wanted to ask Chase if it's practical to allow people to saturate the ground with septic systems or would that be considered an environmental hazard and should we therefore not permit that and insist on central sewer systems for increased density. Caldwell stated that he wants Chase's opinion because he is expert in this area.

Chase stated that the issue comes down to who is potentially using that water. Chase explained that in Pine Plains there are different layers of the aquifer and there are some impervious layers that keep the contaminants from getting down into the public water supply. Chase stated that maybe the aquifer has contaminants in it that are above what would be the recommended level but by the time it travels hundreds of feet and comes out into surface water, it's been diluted enough. Chase stated that he does not know if it hurts anyone if the ground water is contaminated in the meantime.

DePreter asked the Commission members what they think. McQuade stated that theoretically, she thinks she was in favor of the higher density in the town center so she would not mind revisiting that issue. DePreter asked if the Commission may want to go back and look at four dwelling units per acre if people have a public sewer system. Soracco asked when we foresee public sewage. Stolzenburg stated that the discussion she recalls is that if some project came in that would have its own system that could be used and may be expanded into other areas. Soracco stated that if a project comes in and has its own sewage and the town decides to hook in, by the time we get grants, it would be like the Water Company, it would have to be done a section at a time and may take 10 to 15 years. Chase stated that realistically unless there were developers who were making sufficient dollars to essentially run pipes past where the existing development is, it's probably not going to happen for a long time. Chase further stated that he thinks what we are trying to do is to create the incentive for it to happen by people like Torey who may decide that they want to make money off of their property by having more units. Chase stated that you will find that in a lot of communities people have the option of the public sewer but then they will be in a sewer district and it's not cheap so a lot of them say they don't even want to be in the sewer district. Chase stated that if you have more property owners like Torey that can get an extra unit or two that's going to help pay

the cost of being in that sewer district then they might say they would like to do it. Soracco stated that Torey isn't doing it for the extra money, she's doing it for someplace to live because she wants to stay in Pine Plains and the only way she can do that is to redo the barn and then rent the house where she lives. Soracco stated that she thinks people need to think about that too and that everybody isn't looking to make the extra money but some people are just trying to stay here and it's the only way they can do it. Discussion ensued.

Caldwell presented the Commission with information on the salt concentration in the east branch of Wappingers Creek over the past 20 years which shows how Pine Plains and Stanfordville are contributing to the increase in that salt concentration. Caldwell stated that is contamination. Caldwell further stated that he is submitting that the aquifer under the Town of Pine Plains is also likely to have contamination notwithstanding the impervious layer that has so far protected it. Caldwell stated that he thinks in the long term we should be very careful about overloading the septic capacity in the Town of Pine Plains because of the threat to our aquifer system. DePreter stated that the salt is probably from the roads and probably not from septic systems. DePreter asked if the County Board of Health approves a septic can that be trusted. Chase stated no because they are mostly concerned about viruses and bacterial die-off and whether the bacteria and viruses died off by the time it goes through someone's septic system and gets to somebody else's well. Chase stated that is primarily what the regulations do. Brief discussion followed.

The Commission moved on to discuss the topic of affordable housing. Chase stated that he thinks everyone in the community recognizes that affordable housing is a concern. Chase further stated that he would have no problem with a mandatory requirement for the larger developments that have ten or more units. Soracco stated that she feels even five or more should have some type of mandate. McQuade stated that ten seems to be a good number because if you say 10% then you have one house. McQuade stated that she isn't sure how it would be done with a smaller number of units. McQuade further stated that she agrees that it should be a mandated requirement and she thinks ten is a good number for starters. Caldwell stated that he wanted to comment on the need for affordable housing. Caldwell stated that if you look at the figures from the 1999 – 2000 salaries for family incomes of Pine Plains, we have 109 families who earn less than \$35,000 per year as shown in Paul Seversky's Pine Plains Central School District Report. Caldwell further stated that if you look at the Comprehensive Town Plan, we have 253 families earning less than \$35,000 per year. Caldwell stated that this shows that we have hundreds of families earning less than \$35,000 per year and they almost certainly would not qualify for a bank mortgage for the purchase of a home. Caldwell further stated that we could give that group of people tremendous relief if we could provide low cost housing for which they might stand an opportunity of acquiring.

Caldwell went on to explain that if you go to the next bracket of between \$35,000 and \$50,000 you are approaching somewhere around the median income for Pine Plains. Caldwell stated that we have 153 families on Paul Seversky's report earning between \$35,000 and \$50,000. Caldwell stated that according to our Comprehensive Plan database we have 189 families earning between \$35,000 and \$50,000 per year so basically there is a tremendous need for low cost housing in this community. Caldwell stated that we are not just talking about a few units or meeting that need with accessory

apartments, we are talking about a need approaching hundreds of units and the only way we are going to get that is by having a 10% mandatory requirement that developers provide low cost units to begin to approach the need that this community has. Caldwell explained that it should be inclusionary which means that the houses are distributed throughout the development and not isolated in one area. Soracco asked if Caldwell is talking about low income housing or affordable housing. Soracco further stated that what Caldwell is referring to seems to be low income housing that will be supplemented. Stolzenburg stated that we are not talking about federally subsidized programs. Stolzenburg explained that we are talking about houses that the developers would have to agree to sell below market value price that would make them more affordable. Keeler stated that he agrees with the 10% mandatory requirement but when you start putting parameters on this stuff, that's where it starts getting difficult. Keeler further stated that the Commission could probably spend another 6-8 months just on that to get down to the nitty-gritty. Keeler stated that he thinks there should be a mandatory requirement and he is in agreement with 10% and cut it off at ten units but he doesn't know how we would set the parameters on that.

DePreter stated that his opinion is that all of Caldwell's data is absolutely correct and he agrees that there is a definite need for affordable housing in the community but he thinks that the affordable housing issue is an absolute stand alone issue that is going to take almost another whole Commission, as well as a considerable amount of time and energy to do. DePreter further stated that he thinks it's in the nature of these things that we want to protect so much and we want to try to do everything all at once and what we are going to end up with is an extremely large and complex document. DePreter stated that he is concerned that portions of the document are already very complex for the community to follow. DePreter stated that while he is in agreement that we need affordable housing, he thinks that probably the way to do it is as an incentive. DePreter stated that although Anne Saylor did say that most of the people in the county have not received the response that they would have liked by having it as an incentive, she also said that in a town like Pine Plains an incentive would probably work. DePreter further stated that Anne Saylor also said that only two towns were doing inclusionary affordable housing (Fishkill and East Fishkill) and one was because the Town Superintendent was very passionate about it and pushed it through. DePreter stated that Anne Saylor also said that a lot of communities were talking about it in their Comprehensive Plan and he thinks that is the place where it would become necessary to do. DePreter explained that it is not that he doesn't think it's a cause but he thinks it is such a large topic that it really needs to be done separately. DePreter stated that the administration of it is going to be a big issue as well. DePreter stated that the zoning law alone is already going to be enough for the community to understand and for that reason he would like to start with an incentive for affordable housing. DePreter further stated that perhaps we can put in an addendum with the zoning ordinance and say that affordable housing is something that the Town Board should consider in the future. DePreter stated that hopefully somebody is going to be reviewing what we are doing now in 2 or 3 years anyway.

Caldwell explained that Anne Saylor stated that she is going to have a draft of an affordable housing law drawn up hopefully this month that she will send to the Commission which would be a large first step towards incorporating it into the zoning code. Caldwell stated that 65% of the people on the Commission's surveys answered the question in the affirmative regarding whether it is important for the zoning to address

affordable housing needs in Pine Plains. Caldwell stated that he thinks we should incorporate it into the zoning code and he doesn't think it is anything like the problem that DePreter described and he thinks the Commission can use Anne Saylor's model law and that would expedite the whole process. Caldwell suggested that perhaps Stolzenburg can get in touch with Anne Saylor, get that draft affordable housing law and explore the affordable limits that are most conventionally used. McQuade stated that she sympathizes with what DePreter is saying but she agrees with Caldwell and she is afraid that if we don't do it now we are really missing the golden opportunity because what's coming at us is huge and if we don't have something in place to address it, that moment is going to be lost. McQuade stated that the time to do it is now and if we wait and just put it off for another Commission or another study she thinks that the community will have lost the opportunity.

DePreter stated that it is hard enough for the Planning Board with what we have already. DePreter further stated he agrees with what McQuade is saying but that he wants everyone to realize that if you put a big enough incentive in, it's not like we are not doing anything about affordable housing and not as if we are begging the issue off. DePreter stated that he feels if we put a good enough incentive into the proposal then we probably will be creating some affordable housing and it will be addressing the issue.

Chase stated that he thinks the point here is whether the Commission thinks affordable housing is important enough to be mandatory or an incentive. Chase stated that he thinks that most of us are saying that we think that it should be mandatory and the only reason he heard DePreter say that he thinks it should not be mandatory is because it is such a big task to figure out the administration. Chase explained that whether we have it as an incentive or a mandate, we don't get out from under that task because all of those things that you may think you're avoiding by making it an incentive as opposed to mandatory are still going to have to be done. Chase stated that you still have to make up the list, you still have to figure out the criteria and you still have to administer it. DePreter stated that the thing is that we wouldn't have to do it now, but we could write it in a way that it could become part of the negotiation process on a project. DePreter explained that at all of the workshops he went to the message was the same and that you should not do too much too soon. DePreter stated that another perspective he has is that he is going to be sitting on the Planning Board figuring this out and people are going to be looking at him and Soracco and asking what we were thinking. Caldwell stated that he thinks we ought to be concerned with what is proper and good for the community and not issues of concerns for the Planning Board's capacity. Caldwell stated that those are not the important issues but that the important issues are what the community should have in the way of a zoning code and should affordable housing be incorporated into it. Caldwell stated that he thinks that is what the Commission should work on. Caldwell further stated that he thinks that DePreter is exaggerating the complexity and the difficulty and taking too pessimistic of a view about its acceptability by the community. DePreter stated that he is suggesting that we have incentives so he doesn't like the characterization that we are not doing anything. Caldwell stated that the general consensus is that incentives do not work and that developers do not respond to incentives and everybody is saying that you have to do it mandatory if you want to get affordable housing. Discussion continued regarding affordable housing.

Caldwell made a motion to have Stolzenburg get a copy of Anne Saylor's draft law which she said she would have done by the end of September. Caldwell suggested that Stolzenburg could review it and bring to the Commission some recommendations for the parameters that would be appropriate for a mandatory inclusionary provision and then the Commission can review that and make a decision. DePreter suggested that the everyone just get Anne Saylor's document and look at it when it comes out instead of having Stolzenburg look at it first. Caldwell stated that we can do that also but he thinks that when you talk about setting up parameters it's much easier to discuss parameters when somebody gives us a model of parameters and he was suggesting that Stolzenburg can do that instead of trying to work our way through it without any model to look at. DePreter stated that he is just trying to keep Stolzenburg's time for all of the other stuff we have going on. Stolzenburg stated that there are a lot of other models out there besides Anne Saylor's. DePreter asked why don't we just float the topic for now. Caldwell stated that his motion stands. DePreter stated that he would prefer to see the document himself first and not burden Stolzenburg. Stolzenburg stated that when she gets it, she will forward it to everybody. DePreter stated that sounds good. All members voted in favor of Caldwell's proposal.

The Commission went on to discuss Planned Unit Development (PUD) techniques. Caldwell stated that the way he came away from the PUD presentation was that it sounded to him like a mechanism to facilitate a developer's challenge to a basic zoning proposal. Caldwell stated that he isn't sure that the Commission ought to provide them with a mechanism to facilitate a challenge. Caldwell further stated that he would rather see the developer take the long route and apply formally for an amendment to an existing zoning code. McQuade stated that there was some confusion in her mind at the end of the PUD presentation and that she also had the same impression that Caldwell had. McQuade further stated that in the absence of a PUD code in the zoning regulation the Town Board could bypass the zoning law anyway. McQuade asked Stolzenburg if there seemed to be an advantage or some way that a PUD law could help the town have better control or be more structured with less opportunity for abuse. Stolzenburg stated that she thinks that is why PUDs are largely done. Stolzenburg further stated that the Town Board could change the zoning law to anything they want at any time they want. Stolzenburg explained that all the Town Board has to do is have a public hearing and even if the whole community says no, the Town Board can adopt it anyway. Stolzenburg stated that the advantage of the PUD is that it could potentially leave a lot of things open but it also can define the things you want defined. Stolzenburg explained that if it is written well, it could clearly state what the expectations are, such as how much open space, what kind of development it's going to be, what kind of mix of uses, etc. McQuade stated that for a specific purpose and from the prospective of wanting to design something that would fulfill a specific purpose because we would like to encourage a particular type of development then she thinks she can see usefulness for a PUD. Chase stated that what he was getting out of the PUD presentation is that many of the communities were putting in a PUD concept to give greater flexibility to what were probably older zoning ordinances that had pretty rigid standards and ways of doing things. Chase stated that he thinks that there is less need in the way that the Commission is writing the ordinance because we are already writing in a lot of flexibility in the subdivision of property. Keeler stated that the only thing he is sensitive to is the possibility that down the road as this community grows, the need for healthcare is going to grow and possibly a nursing home, a hospital or a clinic would be needed. Keeler

stated that probably isn't going to happen in the next 5 years but probably after that it could and he feels that a PUD would allow that to happen. Chase stated that he thought it could be written right into the ordinance as opposed to making somebody go through a PUD and a rezoning process. Keeler stated as long as those types of services are covered, that would be fine.

DePreter stated that his feelings about the PUD are kind of like his feelings about the incentives and that to him it either has to go one way or the other. DePreter explained that he really likes the idea of incentives for people and thinks that we have a policy now in terms of residential density that is pretty protective of the town. DePreter stated that he thinks there is a lot of room for the Commission to be able to lead people in a direction as opposed to mandating someone to do something. DePreter stated that the only reason he would see a PUD would be for some commercial use that the Commission hasn't thought of. DePreter stated that he likes the idea of some kind of a commercial PUD floating district that is written with some kind of language that protects the footprint and the rural character of the community.

After a brief discussion, DePreter went on to say that he has been thinking of the Carvel project a lot and he doesn't really like the idea of PUDs floating to something to try to accommodate that situation. DePreter stated that it is not a matter of accommodating it but it's a fact to a certain extent of recognizing the fact that if you look at the parcel map of Pine Plains, the Carvel lot is almost a small village as it is now. DePreter explained that there are 238 units pre-approved around lake which may or may not have to be recognized but certainly they have been paying taxes on it for a while. DePreter stated that he would like Stolzenburg to do a build-out of the Carvel property to look at and to float the idea. DePreter stated that at the PUD presentation there were two different PUDs that he heard mentioned. DePreter explained that one type is the floating PUD and that's the one that he would have as a commercial floating district. DePreter stated that there was also the type where you just take a parcel and draw a line around it and say that this is a PUD district. DePreter stated that he thinks there is only one parcel in Pine Plains that would apply to and that would be the Carvel property. DePreter stated that he would like to see that be made a parcel district with language that would recognize those 238 lots and whatever else the environmental formula comes up with, and make it a PUD. DePreter explained that would allow them to take those 238 lots and rearrange them if they need to in order to fit them into a hamlet style PUD. DePreter stated that then we could say to Carvel that they are going to get the existing number of homes that they have and then they will get whatever else they are entitled to get from the environmental control formula and then say if they make the parcel a village or another hamlet, the Commission is willing to offer some incentives.

Discussion continued regarding the Carvel property and PUD options. After which DePreter stated that once we have the build-out of the Carvel property, maybe the Commission can continue the conversation.

Public Comment Period – Jane Waters had a comment about elderly housing. Waters stated that when the Commission was discussing density they were basing it on housing units and the Commission's definition of housing units were if there is a kitchen in each unit. Waters explained that most elderly housing and assisted living facilities in particular, do not have kitchens in every room because the idea is that these people

should not be cooking for themselves. Waters stated that there wouldn't have to be the density that Dale and Brad Mitchell were talking about at a previous meeting in order to approve an assisted living facility even given the concepts that the Commission has worked out so far. Chase stated it can be based on the number of beds rather than the number of kitchens.

DePreter thanked Waters for her comments and stated that it was a good point.

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

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

Respectfully submitted by:

Karen Pineda
Zoning Commission Secretary