

Town Board Workshop Meeting
May 8, 2008

Present:

Town Board Members – Gregg Pulver; Rick Butler; Dorean Gardner; George Keeler; Robert Couse.

Consultants - Bonnie Franson, AICP; Warren Replansky, Esq.

Also present – Several members of the public.

The revised conservation subdivision sections and appendices were discussed. Internal drafts of the conservation subdivision section and design guidelines were submitted to the Town Board. The proposed process for reviewing and approving conservation subdivisions was described.

The proposed method for calculating residential density was also described. The revisions to the draft law propose to eliminate the Environmental Control Formula, as the multipliers do not appear to be based on a review of soil capabilities, or other substantive basis. The revised draft zoning law would require that natural resources, e.g., wetlands, be field delineated, rather than relying on secondary resource information since secondary data can be inaccurate on a parcel level. Environmental constraints will be subtracted from the net lot area to establish the maximum lot yield.

The design guidelines set forth throughout the July 2007 draft law have been consolidated and placed in appendices. The planning consultant indicated that the standards could still be, and will be, pared down to avoid redundancy.

The Town Board opined that the new approach seems reasonable.

The Agricultural-Overlay District was discussed. Presently, the Ag-O district overlay covers “active farmland” in the Town based on aerial photography. Since there have been multiple versions of the Ag-O district based on different combinations of resources to be protected (e.g., cropland, soils, etc.), it was determined that the Town Board should review the concept and determine whether an overlay district is appropriate, what specific resources should be protected (e.g., soils versus cropland), and how the district lines should be drawn. Nan Stolzenburg was asked to prepare a parcel-based map that illustrated the boundaries of the Ag-O district in relation to the following:

- agricultural districts as per NYS Ag and Markets Law (map illustrates DRAFT boundaries);
- Prime farmland;
- farmland of statewide importance.

TMA recommends reducing the 10 acre minimum lot area requirement for the overlay district to 5 acres. The minimum open space requirements could still be retained. For example, the “R” district requires 50 percent open space, and the Ag-O overlay could require 75 percent open space.

Since the Town Board is familiar with the parcels in agricultural use, the Board members will review the map and opine whether the Ag-O district accomplishes the objectives intended.

Establish Open Development Area. Ms. Franson indicated that in some communities, a municipality will acknowledge specific zones or areas of the Town to be open development areas. This allows parcels to be subdivided that are not provided direct access to a public street. Presently, in the Town of Pine Plains, variances from 280-a of the Town Law are addressed on a case-by-case basis. The question was raised whether the Town desired to designate specific zones, e.g., the proposed “R” zone (formerly the AG/R district), as open development areas.

The Town Board was unsure of the implications of instituting such a designation, and decided to give this more thought.

Wellhead Protection – Overlay or base zone. The Wellhead Protection zone is an overlay zone, i.e., it overlays existing zoning districts. Typically, an overlay zoning district will allow the same

uses as allowed in the underlying district, subject to additional specific standards. However, it appears that the draft zoning law established separate uses for the overlay district. Based on a review of the draft zoning map, it appears that the overlay mostly covers the “R” (formerly AG/R) district. The overlay also covers a few parcels at the end of Myrtle Avenue, which are zoned H-CR or H-R. These properties are primarily in residential use, with a parcel in “community service” and another parcel in “public services use”. Given the Zoning Commission’s intent to strictly limit uses within the Wellhead Protection Overlay district, it is recommended that the Town Board consider creating a base Wellhead Protection zone.

The Town Board agreed that converting the overlay zone to a base zone would be reasonable. B Franson would review the study that established the overlay district boundaries to ensure that the zoning map reasonably represents the wellhead protection area, especially since the zone may be converted to a base zone.

Mobile homes versus mobile home parks. Mobile homes and mobile home parks (manufactured homes) are presently regulated in accordance with Local Law 1 of 1993. Section 5 of Local Law 1 specifically establishes an approval and licensing process for mobile home parks. The draft zoning law proposes to allow single wide and double wide manufactured homes within the Town on individual lots. However, it does not appear that mobile home parks are allowed.

The Town Board recommended that manufactured homes be allowed on individual lots subject to standards similar to the current process set forth in Local Law 1 of 1993. It does not recommend construction of mobile home parks, especially if manufactured homes are allowed on individual lots.

Incentive zoning – Town Board versus Planning Board approval. The Town discussed the current regulations that establish the Planning Board as the agency that approves incentive zoning with the input of the Planning Board. Ms. Franson has expressed concern that the legislative authority of Section – of the Town Law does not appear to allow the Town Board to delegate its authority to approve incentive zoning to the Planning Board. Mr. Replansky has expressed that, based on his review of information published by Mr. Nolon of the Pace Land Use Law Center, he is of the opinion that the Town Board may delegate its authority, even if not explicitly set forth in § of Town Law.

The Town Board expressed that the Town Board should retain incentive zoning authority over applications, with input of the Planning Board. The Planning Board would review and comment on any requests for incentive zoning.

Manufacturing and research and development uses. Based on a review of the draft use tables, it does not appear that manufacturing or research/development uses are allowed in the Town. The planning consultant asked whether these uses would be appropriate to the Town, if the proper measures were introduced to ensure that the uses do not have a negative impact on residential neighbors or the environment.

The Town Board expressed that the uses should be added to the use table, subject to special use permit approval and appropriate conditions. The Town Board will review the revised draft law to determine whether the conditions adequately protect the Town.

Pre-existing lot discussion. A provision is included in the draft zoning law which allows any pre-existing lot in the “R” district (formerly AG/R) which is made noncomplying in lot area to be subdivided, provided no lot is smaller than one (1) acre and the lot can accommodate adequate on-site well and septic facilities.

The Town Board expressed that this is an important provision also intended to encourage affordability in the community. Based on a review of the language in the law, the provisions seem reasonable.

Following this discussion, the meeting was adjourned.

Respectfully submitted,
Richard C. Butler