

May 13, 2015

PINE PLAINS PLANNING BOARD MINUTES

MAY 13, 2015

7:30 PM

IN ATTENDANCE: John Forelle, Chairman
Sarah Jones
Louisa Grassi
Vikki Soracco
Michael Stabile
Ken Mecciarello
Peter Salerno, Alternate (Not sitting)
Kate Osofsky, Alternate (Not sitting)

ABSENT: Steve Patterson

ALSO PRESENT: Four members of the public

Chairman Forelle called the meeting to order at 7:30 pm.

The purpose of the meeting was to discuss the draft of the proposed Local Law No. 2 enacting amendments to the Zoning Law. All members received copies of the proposed law prior to the meeting.

Chairman Forelle passed out copies of a second proposed Local Law No. 3 enacting amendments to the Zoning Law. He explained that he received this proposed law at 4:30 that afternoon. He briefly went over that law to explain why the changes dealing with arts/cultural and agricultural uses were being made. It was decided by the Board that they needed more time to review same along with the Agricultural and Markets Law before making any comments to the Town Board. They decided to table discussion until the June 10th meeting and will report to the Town Board after that.

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The Board proceeded to review proposed Local Law No. 2 and after much discussion of the proposed amendments came up with the following recommendations and comments:

- 1) The Board was pleased that the Floating Commercial & Manufacturing Zone was deleted. They feel a more focused and closely crafted form of the FCMD with more defined objective standards relating to type and use, size, location and benefit of such development as well as a more substantive role for the Planning Board would be a useful tool for the Town Board in its efforts to encourage positive growth in the Town. It is the Board's suggestion that the Town Board consider again studying a form of the FCMD with careful professional guidance and more public involvement.
- 2) The purpose of adding the language "More than one building is allowed on an individual lot." To the Maximum Building Footprint column for the H-BUS district in Section 100-17C (3) and deleting similar (but not identical) language in the Multiple Uses Permitted column is not clear.
- 3) Some members of the Board felt that the provisions regulating dumpsters were harsh and unduly burdensome for the businesses and residents in the hamlet where the lots tend to be smaller. The main concern was whether the 25-foot setback from the property line was workable. The purpose of these provisions is not obvious to the Planning Board and we hope the Town Board can explain.
- 4) The Planning Board noticed that under Affordable Housing - Applicant eligibility in the companion sections income levels are set at a percentage of median family incomes in Dutchess County while in this section income levels are pegged to Pine Plains. It is unclear if this is intended or a draft oversight.
- 5) Under Special Use Permits -Accessory dwelling the Board noticed that in proposal no. 4 a building for an accessory use may not exceed 1200 square feet in a hamlet district but in proposal no. 27 an accessory structure may be as large as 75% of the principal dwelling. There is no restriction in the law limiting the size of a residence and some members of the Board thought an upper limit on the size of such accessory structures would be appropriate. All Board members thought the language in proposal no. 27 should be clarified in instances where the Planning Board increases maximum floor area that it is acting in its discretion so that if such increase is not granted the Board would not be required to justify its determination to an applicant based on the standards set out in this section authorizing a waiver.

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- 6) Under Nonconformities - Extension of a non-conforming use a majority of the Board favored giving more discretion to the ZBA as a method of encouraging commercial activity in the Town. One member felt the increase was an unwise loss of control over non-conforming uses and would leave the law as it is now. The exact reason for this proposal is not clear to the Board but the Board thinks is a reaction to the frustration felt by them and the ZBA to not being able to accommodate the expansion of Berlinghoff Electric. The Planning Board believes that when the Zoning Law was enacted in 2009, the Berlinghoff property, given its prior use and location, was erroneously placed in the H-CR zone rather than the H-MS zone. A majority of the Board suggested that the Town Board should consider that error now by relocating the Berlinghoff property within the H-MS zone.

The Board authorized Chairman Forelle to draft a letter to the Town Board stating all of the above recommendations and comments.

OTHER BUSINESS: A motion was made by Jones to accept the March 2015 minutes with the following change: page 2, line 9 should read Dutchess County Planning Department's instead of Dutchess County's; second by Soracco. All in favor. Motion carried.

Motion to adjourn at 8:50 pm by Stabile; second by Soracco. All in favor. Motion carried.

Respectfully submitted by:

Nancy E. Proper
Secretary

John Forelle
Chairman