

**PINE PLAINS PLANNING BOARD MINUTES**  
**APRIL 12, 2006**

**IN ATTENDANCE:** Donald Bartles, Jr.  
Jon DePreter  
Kate Osofsky  
Vikki Soracco  
Brian Coons

**ABSENT:** Bruce Pecorella  
Ken Mecciarello

**ALSO PRESENT:** Nan Stolzenburg  
Warren Replansky  
Ross Williams  
Matt Rudikoff  
Mike Kearney  
Pete Sataro, Morris Assoc.

**JUSTIN AND NANCY DUPONT:** Chairman Bartles opened the meeting by reading the public hearing notice for Justin and Nancy Dupont with regard to their proposed subdivision on Ryan Road. The public hearing was opened at 7 PM. Bartles asked Mr. Dupont to explain to the Board, with the map in front of them, what his proposal was. Bartles advised the public that they were welcome to come up to view the map. Dupont showed the Board on the map where he would like to subdivide the property. Dan Adams, adjoining property owner, asked if Dupont had any site for the house in mind. Dupont stated it would be to the back side or the top. He stated they hadn't finalized anything yet. Adams asked if he had done any deep tests. Dupont stated no. Adams advised him that he would be dealing with a lot of rock. Dupont showed where he tentatively planned on placing the septic. Adams asked if this plan was contingent on the deep test and BOH approval. Bartles stated yes. Discussion followed. Bartles asked for any other comments or concerns or questions from the public. Bartles asked for any questions or comments from the Board. Bartles stated that the Board did perform a site inspection last Saturday in which four Board members were present. Bartles asked Dupont if he was applying for Health Dept. approval. He stated yes. Bartles asked if Dupont spoke with Bob Harpp about driveway approval. He stated yes. Dupont is submitting a couple of ideas to Harpp and Harpp will decide where the best spot is for the driveway. Short discussion followed. Bartles asked for any public comment. DePreter made a motion to close the public hearing, second by Coons; all in favor. Bartles and the Board read through Part I of the SEQR form. Bartles and the Board completed Part II of the SEQR form. DePreter made a motion to declare the Town of Pine Plains Planning Board lead agency, second by Osofsky; all in favor. Osofsky made a motion to declare an unlisted action, second by Soracco; all in favor. DePreter made a motion to declare the SEQR process complete, second by Soracco; all in favor. Bartles asked if the Board wanted to give preliminary approval subject to the information asked for or wait until the information is

submitted. Bartles stated he would prefer to wait until Dupont had BOH approval. The Board agreed.

**CARVEL:** Stolzenburg advised she and Jurkowski looked over the comments submitted by Milan's consultants. She handed out a memo which outlined the areas where there is some level of disagreement between Milan's comments and their comments. Stolzenburg advised that Jurkowski could not attend this evening and someone from his office would be arriving later. She advised that, in Chapter 8, there were a lot of very specific comments from Milan and many of them will be addressed with the revised Chapter 8. Stolzenburg stated that these were her opinions with a different outlook or emphasis on things for the Board to consider. Stolzenburg stated that the bigger one was which standards would be used. DEC standards or wetland buffers or storm water regulations or some other level? Stolzenburg stated that many of Milan's comments were oriented towards not being comfortable with those standards and in many cases wanted to go beyond the State established standards. Stolzenburg stated that her comments advised that she felt that the DEC standards would be the Board's starting point and they could always go beyond as the situation called for that. Her example was the 100 foot wetland buffer may not be adequate depending on the species and the location. She stated that the determination could be made when all information is submitted as part of mitigation. Stolzenburg stated that this has come up in several meetings and she doesn't feel they are saying they would never go beyond or be more stringent than those standards but that they would need a reason to go beyond the standards. The reason would come from the analysis and the information that is received. She stated that there was a lot of continuity between Milan's and their comments. Bartles stated it was his understanding that they were recommending the Board start with the State standards as the completeness standards and then expand beyond that when necessary. Williams stated that by the time the applicant comes back with a revised DEIS, Milan will more than likely have different water standards and they would be more stringent than the State's. He asked how that is addressed. Stolzenburg stated that a local law that is adopted that has different standards or higher standards, the applicant would have to meet those standards. Stolzenburg stated that if something is adopted between now and the final, the final DEIS would have to reflect it. Replansky stated that if something is adopted after the final, it would be reflected in the subdivision approval. Stolzenburg stated that there are a couple of issues that have come up since the last meeting. She stated that there is some clarification needed for appendix 10.4 and 10.5 that was reviewed by Dr. Smart. She stated that Dr. Smart's only concern is that it doesn't address long-term follow through and enforcement of things that are decided now. Stolzenburg gave the example of advising the applicant they can't use "XYZ" chemical, how would that be enforce twenty years down the road? Dr. Smart was looking for some kind of assurance that the things that are agreed to now and will be included in the approval, are long-term taken care of. Stolzenburg stated that it is her feeling that this would be handled under conditions of approval. Bartles stated that he feels this is a DEC function and doesn't see how the Planning Board can do checking up on that. He stated that DEC has the police power with regard to pesticides and chemicals. Replansky stated it could be made a condition of approval so that if there is a violation it could be reported to DEC for enforcement. Replansky stated it then becomes a violation of the subdivision approval. Bartles stated he would go along with that. Discussion followed. Bartles asked if Stolzenburg had any examples to see how this would be included. Stolzenburg stated she would have to do some research into

it. Stolzenburg stated the other issue was with Chapter 6. She had a telephone conference with Christopher Lindner, Sonja and Will from Rudikoff's office, and three of the people that Carvel had hired to do the archaeological and historical work. Stolzenburg stated there was disagreement that needs discussing. Lindner prepared a follow-up for the Board. Stolzenburg stated it's the same sort of situation that the Board had with Erik Kiviat. Stolzenburg stated that the consultant advocates one direction and the applicant feels it is not necessary or appropriate. Stolzenburg stated that, after the discussion, there is consensus that they are moving closer and in the right direction but there are still some outstanding issues relating to the standards that will be used for review for development of the archaeological and historical studies and whether additional on-site testing is needed. Stolzenburg stated there are two types of standards used for these types of studies. One from the Office of Parks, Recreation and Historic Preservation was put out last year. The other is put out by the New York Archaeological Council. Stolzenburg checked the scoping document asks them to use the New York Archaeological standards. OPRHP came out with an additional set of standards was released in May or April of last year. Part of the controversy is that the applicant has interpreted that the OPRHP standards supersede and take the place of the New York Archaeological Council standards. Stolzenburg stated that Christopher Lindner is pretty adamant that they do not supersede and that they were asked to use the NYAC standards in the scoping document and that the standards from OPRHP were never intended to supersede but to complement. Stolzenburg stated that the scoping document clearly states which set of standards to use. Stolzenburg's recommendation is that those were the standards they were asked to follow and those are the ones the Board should have them follow. She stated that this is Lindner's recommendation as well. She stated that Carvel would like to talk about it further. She stated that Lindner felt that the testing that was done on the site missed certain areas that he felt were critical to be looked at and certain areas that were identified as being potentially sensitive were not examined in more detail because of conditions such as shallow soils, wetlands or steep slopes and he disagrees with this. Carvel feels that they have done an adequate job already and this is not needed. Carvel has requested a meeting with regard to this. Rudikoff stated that much of what the consultant said they are agreeing to do and he feels they need another technical meeting. Bartles asked Rudikoff why they would not want to use the standards set forth in the scoping document. Rudikoff stated he couldn't comment on that. He feels another technical meeting is needed to discuss this. Discussion followed. Stolzenburg will set up the technical meeting. Williams asked for the opportunity to be included in that meeting. Bartles asked if the contract with Chris Lindner is in place. Replansky stated yes. Stolzenburg passed out a cover letter that she, Jurkowski and Replansky prepared with regard to determination of completeness. She reviewed the letter with the Board. Pete Sataro from Morris Associates gave the Board copies of the matrix that will be attached to the letter. Stolzenburg asked the Board if they wanted to defer the letter until the Chapter 6 issues are resolved. Bartles stated that Carvel is proceeding anyway and are not waiting for this letter to begin what they need to do. Bartles stated he would like to wait until next month. Replansky stated that it wouldn't hurt to wait and do everything in one package. Replansky stated it must be on Town letterhead with Bartles' signature. Rudikoff asked if they were done with consultants' comments. Stolzenburg stated yes. Short discussion followed. Stolzenburg stated that after the technical meeting on Chapter 6, there still may be an impasse. Bartles stated that the Board would break the impasse. Williams stated that Pine Plains United had provided the Board with a visual impact study that they had completed. He stated he realized they are not a recognized party to the action but it was an interesting analysis. Stolzenburg stated that this was

talked about at the last meeting. She stated that a lot of their comments were already posed and the Planning Board decided since they are not taking any other comment from the public at this time that they felt it not be addressed at this point. Williams asked if there was consultant reaction that would cause the comments to be modified. Stolzenburg stated that she looked the study over and it didn't cause her to want to rewrite her comments on that chapter. She stated the comments would be brought forward as part of the public comment. They would not be ignored but brought forward at the appropriate time. Stolzenburg asked if any Board members would be willing to come to the technical meeting on Chapter 6. Stolzenburg stated she would find a couple of dates and advise the Board. Stolzenburg asked if the Town changed their policy on using the Town Hall for meetings. Proper stated no, it was only during renovations that the Town Hall was unavailable. Stolzenburg asked if the meeting could be held at the Town Hall. Proper stated yes, but Stolzenburg would have to check to make sure it was available. Williams offered Milan's Town Hall as a meeting space if needed. Stolzenburg asked the Board if they wanted to discuss how the next round of reviews will be handled. Short discussion followed. It was decided to discuss this at next month's meeting. Short discussion on storm water districts followed.

Replansky asked the Board if the Town is ready to move forward on the subdivision regulations. Bartles stated that the Planning Board has them and have been asked to look them over. Stolzenburg stated that the Planning Board had a lot of involvement in the site plan revisions. Replansky asked if the Board wanted the Town Board to start the adoption process with a formal referral to the Planning Board as far as the adoption or would the Planning Board want to review before the adoption process. Replansky would like to get the Town Board ready to start moving on it. Bartles stated he was hoping in May and June the Planning Board would have some time to deal with this. Replansky stated he would like to start the adoption process with referral to the Planning Board if it was okay with the Planning Board. Replansky stated it would be discussed at the next Town Board meeting and he would advise the Planning Board what is going on.

Bartles stated that they should have a referral to the Town Board to advise if the Pine Plains Library is under the public exemption to the moratorium. Replansky stated the way he set it up the Library would have to go to the Town Board to get a variance.

Bartles asked Stolzenburg what the arrangement is between her and Erik Kiviat. She stated that Kiviat is a contractor for her. Bartles asked if the activity that he is doing for Carvel is being done through her. Stolzenburg stated yes. She stated that he checks with her before he does anything. Bartles asked if her voucher included his work. Stolzenburg stated yes. Stolzenburg stated that Kiviat lets her know whenever he is contact with Carvel. Bartles stated that if the voucher comes through Stolzenburg he will assume it is approved by her and she is happy with it. Stolzenburg stated that if the Board wants him to review the revision, she would like to tell him to take a specific, reasonable amount of time for that review.

**GAIL AND HENRY HEINSOHN**-The Heinsohns were represented by Bob Ilenburg. He presented a map for the Board to look at. He is a surveyor. He stated that the property is approximately 88 acres and is partly in the Town of Northeast and partly in the Town of Pine Plains. They wish to subdivide 15 acres off the north end of the farm (Parcel A). Four and three quarter acres of that are in Pine Plains and approximately 10.8 in Northeast. The proposal is one

lot of 15 acres. He was in Northeast last night and this was approved a year ago by the Town of Northeast and they never required him to come to Pine Plains. They never filed the maps so he is starting over in Northeast. The Town of Northeast wants to make sure it comes before the Town of Pine Plains to get ideas on who has control and what the Board would like to do with it. Northeast would like Pine Plains to stamp the map that it has been reviewed and agree or disagree depending on Pine Plains' regulations. He stated there is a small wetland on the property and that is shown on the map. The property has access to Rt. 199 in the Town of Northeast. Bartles asked if there was any access at all in Pine Plains. Ilenburg stated no. Bartles stated that by definition it is a subdivision in Pine Plains. Bartles asked if there was any objection to a note on the final map that the lot would not be a residential lot without further approval as it doesn't have access. Bartles stated he is trying to get around creating a landlocked parcel. Bartles stated that he doesn't want to detach this parcel from the other in Northeast without further approval so as to not create a lot automatically created by the town boundary. Bartles asked for the Board's comments. Bartles stated that although it is one parcel, it will show as two on the tax rolls, one in Pine Plains and one in Northeast. Bartles asked if the Board should go through a full blown subdivision review of that parcel. Short discussion followed. It was decided to have the applicant go through an abbreviated subdivision review. Bartles asked if they did a SEQR through Northeast. Ilenburg stated that a public hearing has been scheduled for Northeast. Bartles asked for a copy of their SEQR findings for our records. Bartles stated that there should be a note on the map that this is not a separate building lot. Bartles stated that if they would make an application, it could be presented at a public hearing at the May meeting. Bartles stated that if there is no issue, the Board should be able to give final approval that night. Application materials were given to Ilenburg. Bartles stated that the Board would be in touch with regard to a site inspection.

**PINE PLAINS LIBRARY**-Dom Calabro represented the applicant. Calabro brought a map of the project with measurements and offsets as requested by the Board. Calabro also gave the Board exact dimensions. Bartles stated that the project could be an exemption to the moratorium and the Town Board is the administrator of exemptions so they need to be involved and the Planning Board would need something formal from them as to how to proceed. Bartles stated it could be in letter form or a resolution depending on how they would like to do it. Bartles asked if this is an application to begin the review. Calabro stated they should start the process. Application materials were given to Calabro. Bartles stated that they would like to have another site inspection to see the corners staked and have someone there to walk the Board through what is shown on the plan. Bartles stated that they should have something from the Town Board by May's meeting. Bartles asked how soon they could get a set of drawings with elevations. The drawings were in the file. Bartles stated that once they have the go ahead from the Town Board, they could do a public hearing and a SEQR review and get right into the site plan. Bartles stated that it could be started next month based on receipt of the letter from the Town Board. A site inspection was set for Saturday, May 6, at 9 AM. Short discussion followed. The Board asked for the septic to be shown on the map. Board also requested lighting to be downward directed. DePreter asked, in anticipation of the public hearing, for the applicant to render a drawing of the façade along with the two neighboring parcels shown, in scale with the setbacks. Bartles also asked about a landscape plan. Bartles advised that this would be something to anticipate for the public hearing also. Short discussion on parking followed.

**WAYNE MCBETH**-McBeth would like to place a sign advertising his business in front of his house on Route 199. He brought the actual size sign to show the Board. Bartles stated that the only thing the Board is looking for is the proper setback. McBeth stated he has a post he could put it on or he could put it on his porch. McBeth stated he doesn't want it right out on the road. Bartles read the sign setback requirements. Short discussion followed. The Board approved a 1 by 3 sign as presented to be installed no closer than 15 feet from the road edge. The Board asked that a picture of the installed sign be submitted.

**HAMMERTOWN BARN**-Gregg and Joan Osofsky were present. A drawing of the property was presented. G. Osofsky stated that they would like to place a real estate office in the Gatehouse. This would occupy two rooms, one upstairs and one downstairs. This would involve one staff person and one agent. Bartles asked what the building is currently used for. G. Osofsky stated that it is used as a showroom extension of the Barn. Bartles asked if it is a commercial space. G. Osofsky stated yes. G. Osofsky stated he thought the only issue might be parking and he stated his plan for parking is to take out the garden for extra parking space. Short discussion followed. The Board feels that it does not require a site plan review as it is currently retail use. Bartles stated that they may need to see the Building Inspector if there are any changes to the building.

**JAMES MURPHY**-Murphy is back in front of the Board with regard to a subdivision on Beach Road. Murphy stated he waited approximately six months for the driveway easement from Doug McNeil to be put in writing. McNeill decided he did not want to give Murphy a right of way. Bartles stated that Murphy was given preliminary approval subject to that right of way and now he can't go further because he cannot obtain the legal right of way. Murphy asked the Board to allow him to put a driveway in for one lot and would like to do a minor lot line adjustment. Murphy showed the Board on the map where the lot line adjustment would be. Discussion followed with regard to driveway placement. DePreter asked about siting of driveway and if it would be a problem where it is proposed. Coons stated that Bob Harpp would have final say in driveway siting. Bartles stated that Murphy needs to draw up what he is proposing. Bartles stated he would be in favor of an additional driveway. DePreter agreed. Short discussion of an additional driveway option followed. Bartles stated he would like to see one driveway for both the lots. DePreter agreed. Murphy stated he would have to run it by the proposed owners of the lots. Bartles stated that conceptually the Board agrees that they will give him a driveway. Bartles stated that Lot 1 will get a driveway but he feels Lot 2 doesn't need frontage on both roads. Discussion followed. Bartles stated that if they both use the one driveway, the owners would need to have an agreement. Bartles stated that he feels the three can come up with an agreement. Murphy to do so and come back for the May meeting.

Motion by DePreter to adjourn; second by Coons; all in favor.

Respectfully submitted by:

Nancy E. Proper

Donald Bartles, Jr.

Secretary

Chairman