

April 13, 2011

**PINE PLAINS PLANNING BOARD MINUTES
APRIL 13, 2011**

PRESENT: Sarah Jones, Acting Chairperson
Kate Osofsky
Bonnie Quaid
Vikki Soracco

ABSENT: Don Bartles, Jr.
Brian Coons
Ken Mecciarello
John Forelle, Alternate

ALSO PRESENT: Drew Weaver
Rosemary Lyons-Chase
Warren Replansky
Two members of the public

Sarah Jones offered to be Acting Chairperson for this meeting.

STISSING SELF-STORAGE PUBLIC HEARING: Glen and Steve Hobson represented the applicant. Jones opened the meeting at 7:30 PM by reading the public hearing notice and opening the public hearing. Proper advised Jones that two written comments were received via email and also gave her the comments from Dutchess County Planning. Jones stated that the emails from Tim Jones and Deborah Strickland were both in favor of the project. Jones opened the floor for public comment. None. Jones advised that Dutchess County Planning stated the application was a matter of local concern with comment. Their comment stated that the applicant indicated that the required parking is available in the rear of the building however the site plan submitted to their office does not indicate the number of spaces available or if the number is sufficient to meet the required one space per four storage areas outlined in Section 100-45(c) of the Town's Zoning ordinance. Jones further stated that the Dutchess County Planning Department recommends that the Board rely upon its own study of the facts in the case with due consideration of their comments. Short discussion followed on the definition of non-conforming use. Replansky stated that there are no parking spaces shown and wanted to know how the parking issue was resolved at the last meeting. Jones stated there is quite a bit of parking available in the front. Hobson stated that the original site plan has parking spaces designated and shown. Replansky stated the parking has to be shown. Replansky stated that if the Board approves this tonight, it would have to be conditional on the grounds that the map shows the parking spaces and a note indicating that the applicant has the required number of parking spaces under the Zoning Law before it is signed. Short discussion on parking followed. Replansky stated that once Dutchess County Planning comments on something, it is advisable to respond to their comments. Osofsky stated that the applicant would need 17-1/2 parking spaces. Replansky read the Zoning Law to see exactly what it stated. Osofsky asked if the Board

April 13, 2011

would make the applicant put lines in. Replansky stated they would have to comply with the Zoning Law. Replansky stated each parking space must be nine by nine. Replansky stated that the Planning Board has the power, under the Zoning Law, for non-residential uses to determine the requirements based upon Table C and they can reduce the number or requisite parking spaces where they determine that the existing off-street parking or on-street parking is available to serve the use. Replansky stated if this were not in the Law, they would be required to get a variance from the ZBA for the parking but based on this section of the law they don't have to. Replansky stated the Board can waive the 17-1/2 space parking requirement via resolution. Short discussion followed. The applicant stated that he could have six spaces in front. Replansky stated that the six spaces need to be shown on the map with a note that there is sufficient parking in front of each unit for loading and unloading from the individual unit. Replansky asked if that was okay with the Board. Board agreed. Jones asked the applicant what would happen with the exterior of the building and what would it look like from the street. Hobson stated the picture window will be removed and center the door on the building. Hobson stated the building will be sided exactly the same as the rear units. Replansky asked how many units they will have. Hobson stated they have 55 existing and 22 proposed in the new building. Replansky asked how they are divided among the existing buildings. Hobson stated that the west building has 28 and the east building has 27. Replansky stated that he recommends that the site plan have a note stating there are 28 units in the west building, 27 units in the east building and 22 in the new building so that there is a record of it. Jones asked if there was any further public comment. None. Motion by Osofsky; second by Soracco to close the public hearing. All in favor. Motion passed. Replansky advised the Board that they have to go through the EAF. Replansky advised that he would walk the Board through it. Replansky stated that the EAF should be forwarded to Dutchess County Planning. Proper stated she thinks that she did this. Replansky asked her to check and, if not, send it along to them. Osofsky made a motion to declare the Town of Pine Plains Planning Board Lead Agency; second by Soracco. All in favor. Motion passed. Osofsky made a motion to declare this an unlisted action under SEQR; second by Soracco. All in favor. Motion passed. Replansky stated that the project sponsor has completed Part I of the EAF and it looked fine. Soracco made a motion to accept Part I of the EAF as submitted by the applicant; second by Osofsky. All in favor. Motion passed. The Board completed Part II of the EAF. Motion by Osofsky that this proposal does not have the potential to result in one or more significant environmental impacts and that the Board issues a Negative Declaration; second by Soracco. All in favor. Motion passed. Replansky stated he had prepared a resolution, which will have to be amended to add the other provisions. Replansky asked what the date of the original site plan approval was. Proper advised it was June 9, 2004. Replansky read the resolution as follows:

Whereas, Glen E. Hobson dba Stissing Self Storage applied for and was granted site plan approval for a self storage facility on his property located 2818 West Church Street, Pine Plains, NY on June 9, 2004: and

Whereas the Town of Pine Plains adopted a zoning law October 15, 2009 and, Whereas the applicant made application to the Planning Board for amendment of the site plan approval to permit the applicant to renovate the former office retail space in front of the self storage facility into self storage units; and

April 13, 2011

Whereas the Zoning Enforcement Officer has determined that the proposal of the applicant was to be considered an expansion of a non-conforming use greater than twenty-five percent as set forth in section 100-70J of the Zoning Law which requires an application for Special Use Permit and Site Plan review and approval; and

Whereas the applicant has submitted an application to the Planning Board for Special Use Permit and Site Plan approval; and

Whereas the Planning Board has declared this to be an unlisted action under SEQR, has declared themselves Lead Agency and has received and reviewed the Full Environmental Assessment Form and has determined that this action will not result in any large or important impacts and therefore it is one that will not have a significant impact on the environment and has issued a Negative Declaration; and

Whereas the Planning Board has referred this application to the Dutchess County Department of Planning in accordance with the requirements of Section 239L of the Zoning Law and the Dutchess County Planning Board has reviewed the plan and the EAF and has determined that the application is a matter of local concern but has commented that the site plan does not indicate the number of parking spaces available or if the number is sufficient to meet the required one space per four units of storage areas as set forth in Section 145 Table C of the Town Zoning Law; and

Whereas the Planning Board has dually noticed this application for public hearing in accordance with the requirements of the Zoning Law and has opened the public hearing on April 13, 2011 and closed the public hearing on the same date; and

Whereas the Planning Board has determined pursuant to Section 100-45C of the Zoning Law that there is no need for nineteen parking spaces as required by the Zoning Law and has, pursuant to that section, waived the requirement of parking to allow for six parking spaces with the requirement that there be an amendment to the site plan map denoting those six spaces and also noting that there exists sufficient parking on site for the individual units in front of these units for loading and unloading; and

Whereas the Planning Board has required the applicant to amend the site plan to include a note that there are 28 self-storage units in the west building, 27 self-storage units in the east building and 22 self-storage units to be installed in the new building; and

Whereas the Planning Board has determined that the site plan meets the requirements of the Zoning Law including the requirements of parking spaces; and

Whereas the Planning Board has taken into consideration the public health, safety and welfare and has determined that the proposed use meets the objectives as set forth in Section 155 of the Zoning Law; and

Whereas the Planning Board has determined the site plan complies with the criteria set forth in Section 100-63 of the Zoning Law;

Now therefore be it resolved that a conditional Special Permit for the facility as depicted on the application and the Site Plan submitted by the applicant is hereby approved and a final Special Permit is hereby approved subject to the amendment of the Site Plan as noted in this resolution to be submitted to the Planning Board Acting Chairman for signature and that the Site Plan dated February 9, 2011 for the self storage facility is hereby conditionally approved and the Acting Chairman of the Planning Board is hereby authorized to sign the Site Plan upon submission of the final Site Plan with the amendments as required herein.

April 13, 2011

The adoption of the resolution was dually put to a vote on role call on April 13, 2011 which resulted as follows: Sarah Jones, aye; Kate Osofsky, aye; Vikki Soracco, aye; Bonnie Quaid, aye.

The resolution was thereupon dually adopted.

Replansky stated he would revise the resolution and asked Proper to get him a draft of the minutes so that he has the language to revise it and then Proper can sign it. Osofsky stated that instead of 17-1/2 the number should actually be 19 parking spaces that would have been required under the Zoning Law.

Replansky advised Hobson to bring the final map to Proper and she will notify Jones to sign it. Replansky asked if the maps have been filed in the Dutchess County Clerk's office or here. Proper responded here.

STISSING FARMS: John Reilly represented the applicant. Reilly apologized for not showing at last month's meeting. He stated he was a little confused about the new pre-meeting procedures that were adopted. Reilly stated this evening would be a pre-application discussion on a request to modify an existing site plan approval for an extension of time. He stated he would like to discuss the reasons for the requests for an extension. Reilly stated this project was originally approved in 2005 in July as a 48-unit condominium complex on approximately 12 acres. He stated it was an age-restricted condominium. He stated the initial construction and infrastructure took place over the first 2-1/2 years. He stated it was a lengthier process than was envisioned. In May of 2008 the Planning Board granted a 3-year extension. He stated at that time they were in the midst of selling the original phase which was a six unit building on the lower level. He stated he had interest only at that point in the higher end individual units so he came to the Board to redesign the site and put some more green space between units and make them higher level in terms of amenities. He stated he had 3 contracts for the buildings he was constructing at that point. He stated the market died in 2007/2008 for condominiums in general. He stated that they have spent the last three years trying to position the project in a way that they would think the condominiums would sell. He stated the first effort was the redesign, the second was to augment the marketing by bringing in a larger national real estate group and as a secondary effort they lowered the prices continually. He stated they have lowered the prices to the point where they are below the construction cost so each unit that would be currently constructed would have to be sold at a loss. He stated if they could sell them at a loss they would. He stated there have been two major issues with the condominium market since 2008. One is a macro issue and one is a micro issue in terms of the economic effect. The macro issue would be in regards to the new regulations in terms of condominium financing that the government passed for Fannie Mae and Freddie Mac which basically states that a project that is new has to be 70% sold out before the government will take a loan from a local bank and buy it as a Fannie Mae or Freddie Mac. He stated most of the local banks would not hold that paper for more than a few minutes and sell it right to the government and now that is not possible. He stated this basically killed the financing for condominium projects that were not sold out. He stated they went to local banks over the last year and asked how many loans they could possibly provide to their end users and between Stissing, Millbrook, Salisbury and Rhinebeck he had a total of about eight. He stated this was nowhere near the 34 that he

April 13, 2011

would need to be able to meet the government regulations. The micro issue is that two things are going on. One they would not be able to finance the construction of the condominiums because the banks will not lend any money for this. They have gone to pretty much every bank in the nation looking for financing. Two, the demand in this area has been nullified due to the fact that the people who would like this product are older and have to sell houses in order to move and their inability to sell their houses has resulted in many inquiries but no sales. He stated that over the last 12 months he has not logged one serious inquiry that has led to a request for an offering or contract. Reilly stated he came to the Board 8 months ago and asked if he could rent the units on an age-restricted level. He stated that worked out okay but the demand for age-restricted levels is too narrow a niche right now. He stated all the calls he is getting for rentals at the moment are mainly single adults and new couples looking for 2-3 year rentals. Reilly stated he needs to extend the site plan to allow the project to try to continue. Reilly stated he wants to request to change this from a condominium project to a rental project. He stated the only thing they can do right now to finance the project is to go to the government and get HUD rental construction financing. He stated HUD financing would allow them to build the project fully out. He stated it takes about 9 months to get approval for the loan. He stated the construction period would be approximately 12 months. He stated he sees this as the only alternative to completing this project at this time. Reilly stated he would have to speak with Replansky, as it is a site plan modification but not a physical one. Replansky asked if he met with Weaver. Weaver stated they spoke today. Replansky asked when their extension expires. Reilly stated May 14, 2011. He stated he would need an extension or a temporary extension at the May 8 meeting. Replansky stated the extension needs to be given prior to the May 14 date. Osofsky asked why the Board has to wait. Replansky stated they don't. Osofsky stated the Board isn't accepting any changes but just allowing extra time. Replansky advised to extend it for one year. Jones stated she has no problem giving a one-year extension. Osofsky made a motion to extend the three-year extension period that was granted on 5/14/08 for an additional year to 5/14/12; second by Soracco. All in favor. Motion passed. Replansky stated that the Board needs to see exactly what the applicant is proposing. Replansky stated this was approved prior to Zoning and under the new Zoning Law it would require a Special Use Permit and Site Plan approval. Replansky stated that any non-conforming use that is altered enlarged, expanded or any site improvements are added to the site on which the non-conforming use building or structure is operated or maintained, then a Special Use Permit and/or Site Plan approval shall be obtained. Replansky stated they would have to see the amended site plan because if it is going to propose anything that would trigger this. Replansky stated if they are just talking about amending the original approval, which placed the restrictions as to age, that would not trigger the requirements of a Special Use Permit, and then the Board could go with an amendment to the original site plan. Replansky stated this is going to be a fairly significant issue because there was a real matter of concern about limiting this to sale and they didn't want rentals. Replansky stated they would have to see what type of rentals he is talking about. Reilly stated it would be market rate rentals. Reilly stated he would not be looking for any physical changes to the site plan. Reilly stated there were concerns back in 2004/2005 with the impact on the school and concerns about subsidized housing. Reilly stated he did reach out to the Affordable Housing Committee and they

April 13, 2011

stated it was premature to speak with him. He stated their goal is to do purely market rate, non-subsidized rentals. He stated that they could make some units at workforce housing levels for certain incomes and has no problems putting age restrictions on a certain number of units. He stated the school impact issue seems to be almost opposite of what it was six years ago as now they are looking for new students. Osofsky asked how the people that are already there feel about this. Reilly stated he spoke to the one owner on site and he is willing to stay on, be bought back out and rent for a five to seven year period. Replansky stated one issue would be whether this would trigger a supplemental environmental review relating to the potential impact from this change. Replansky stated the Board would have to evaluate all of this once they see the proposal. Replansky stated the Board would need a description of how they are going to deal with the offering plan and the Attorney General's office. Replansky stated that he feels this is something the Affordable Housing Committee would want to discuss with the applicant. Replansky stated the Board would have to know how the roads would be maintained and any other infrastructure like sidewalks would be owned and maintained under the changed plan. Replansky stated the Board would need to know if they would adhere to the original phasing plan. Replansky stated he would want the Town engineer and the planner to review the project. Replansky stated the Board couldn't do anything until they receive a proposal for the amendment to the site plan approval and a narrative. Replansky told the applicant to adapt the application to his own use. Replansky stated that the escrow account would have to be re-established or funded. Reilly stated they have a \$103,000. Letter of Credit in place with Salisbury Bank. Replansky stated he would want to keep that there and do a security agreement for that account. Reilly stated the HUD application makes them do completion bonds and things of that sort. Replansky stated he would like to have Stolzenburg at the next meeting and will notify Jurkowski of what is going on. Reilly stated that the government financing has a lot of the same requirements that Replansky is talking about. Replansky asked for an additional \$2000. to be added to the escrow account. Reilly stated he would fund it for an additional \$5000. Jones stated she thinks there is interest in having the project complete. Replansky stated he needs a copy of the original site plan and one for Stolzenburg and Jurkowski along with the original resolution. Replansky stated he would notify Stolzenburg also. Replansky stated he would email the Chair of the Affordable Housing Task Force and encourage them to meet with Reilly. Replansky stated that affordable housing is workforce housing not Section 8 housing. Reilly stated he would make his submittals at least two weeks prior to the next meeting. Replansky advised Reilly to give the Board as much information as possible.

OTHER BUSINESS:

Motion by Soracco; second by Osofsky to accept the March 9, 2011 minutes as submitted.

Jones brought up the issue of Chairperson. Replansky stated that with regard to the rotating Chair, he could come to the meetings and make life easier for the Chair. He stated it is a matter of calling the meeting to order and asking for motions. He stated that it is important to have someone to sign the maps as they come in. Replansky stated it is

April 13, 2011

important to have a Chairperson. Jones stated she has no problem chairing for the next two meetings. Jones asked whether the Board would like a 3 month or 4 month rotation. Replansky stated he thought 4 months. Jones stated she might be away in June and August. Osofsky stated she would be away in August. Replansky stated the Board could do it for the next two months and then the Board needs to think about who wants to step up to the plate next. Replansky stated the alternate member should be involved and come to all meetings and be familiar with what is going on so he can step in when needed. Replansky stated he would ask the Town Board to appoint Jones for May and possibly June.

Soracco made a motion to adjourn; second by Osofsky. All in favor. Motion passed.

Respectfully submitted by:

Nancy E. Proper
Secretary

Sarah Jones
Acting Chairperson