

PINE PLAINS PLANNING BOARD MINUTES
AUGUST 9, 2006

IN ATTENDANCE: Don Bartles, Chair
Kate Osofsky
Ken Mecciarollo
Vikki Soracco
Jon DePreter
Brian Coons

ALSO PRESENT: Ray Jurkowski
Millerton News
Register Herald
4 members of the public

DUTCHESS FOUNDATION VADUZ: Chairman Bartles read the public hearing notice to open the public hearing. Joan Redmond represented the applicant. She presented the map to the Board. She explained that it is currently one parcel and the applicant would like three parcels. She stated that there is road frontage on Prospect Hill Road and County Rt. 59. After the subdivision, there would be a vacant land parcel with access on County Rt. 59 of 22.59 acres, and two parcels fronting Prospect Hill Road, one with a house and a paddock of 8.79 acres and a barn with an apartment of 5.36 acres. Bartles asked Redmond if the apartment was occupied. She stated yes. She presented the Board with Pine Plains Highway driveway approval. Bartles asked the public if they had any comments or questions. Question from the public about whether or not the parcels were for sale. Redmond stated yes. Bartles asked the Board if they had any questions or comments. Coons asked about future subdivision of these lots. Redmond stated there is nothing preventing it as far as the Foundation is concerned. Pecorella asked if something was done with this property several years ago. Did they put a trailer up there? Redmond stated there is a trailer next to it. Pecorella stated he thought there was a lot line adjustment up there. Redmond stated there was land sold previously but she wasn't a part of it. The previous owner gave a lot to an adjoining property owner. Osofsky made a motion to close the public hearing; second by Pecorella. All in favor. Bartles asked Redmond if it was okay to move along to the next public hearing and then return to her. She stated yes.

PAIGE GEORGE LITERACY FOUNDATION/TAMMY AND MICHAEL GEORGE: Chairman Bartles read the public hearing notice to open the public hearing. Bartles stated that this is a project that will require a variance from the Town Board and it has been forwarded to the Town Board. Chairman Bartles read a letter received from Supervisor Pulver stating that, on the advice of Attorney Replansky, the Planning Board may go ahead and begin the review while the Town Board reviews the variance to the moratorium law. Supervisor Pulver also stated in his letter that he does not see any reason why a variance would not be granted. Chairman Bartles wanted it to be clear why the site plan review was continuing while the variance is pending. Michael and Tammy George were present. He presented a sketch with existing buildings and showing the

proposed addition but stated that the map was incorrect as some changes were made. Bartles stated that the Board understands that the whole first floor would be the Literacy Center and the second floor would be four apartments. Tammy George stated that there would be two single and two double apartments. Bartles asked for any comments or questions from the public or the Board. Pecorella asked whose name the building would be in and if it made any difference. Michael George stated that the building is in his and Tammy's names and the Foundation is non-profit. The revenue generated from the apartments would keep the building maintained. Discussion on designated parking followed. Tammy George stated that the people drop their children off and leave so there are no more than four cars there at one time for the Foundation. Soracco questioned the placement of the parking right along the driveway next to the property line. Tammy George stated that there would be fencing where the parking area is. Soracco asked if they could use trees instead of fencing. DePreter asked if there would be an area for the people who live in the apartments to be outside for barbecues, etc. Tammy George stated she didn't want anyone hanging out. Bartles stated that when this project was originally proposed it was the Foundation plus two apartments and they proceeded. Bartles stated he was surprised to see how much the project had grown since the Board first saw it. Bartles stated he called Supervisor Pulver and the Supervisor is away. Bartles stated he called Rick Butler to ask what the Town Board thought the project entailed and Butler wasn't sure about how big a project it was going to be. Bartles stated when the letter was received from Supervisor Pulver; he was concerned that the Town Board wasn't really aware of the scope of the project. Michael George stated he was very up front with Supervisor Pulver about his intentions. Bartles stated that he wants the Town Board to address the moratorium issue thoroughly. Bartles stated that there obviously is no public comment and everything they have heard is positive. Bartles stated he doesn't feel the Planning Board should proceed further with the site plan review until they have a better feeling on how the Town Board is going with the variance. Bartles feels that the Planning Board should send a letter to the Town Board explaining that the site visit and public hearing have been completed but we need the input from the Town Board to proceed. Bartles stated that an application would need to be completed also. The application packet was given to the Georges. Coons stated that the next sketch should show the septic, lighting with type of lighting, designated parking area, and screening. DePreter made a motion to close the public hearing; second by Soracco. All in favor.

DUTCHESS FOUNDATION VADUZ: Chairman Bartles began by conducting the SEQR. The Short Form EAF was read aloud and completed. Motion by DePreter to declare Pine Plains Planning Board lead agency; second by Pecorella. All in favor. Motion by Osofsky to declare the project an unlisted action; second by Pecorella. All in favor. Motion by Osofsky to declare the SEQR process complete; second by Pecorella. All in favor. Motion by Pecorella for preliminary approval; second by Coons. All in favor. Motion by Soracco to waive public hearing for final approval; second by Osofsky. All in favor. Motion by Osofsky to grant final approval; second by Pecorella. All in favor.

EQUINOX FARMS: Ralph Simmons represented the applicant. Simmons presented a letter from the Pine Plains Fire Dept. regarding the turn around and the Highway Dept.

driveway permit application. Bartles asked if it was approved. Simmons stated he didn't have anything in writing but it was approved. Bartles checked to see if a letter had been received from the Town Board approving the open development plan. Osofsky made a motion for final approval subject to the Board's receipt of a letter of approval of the Open Development Plan from the Town Board and a letter approving the driveway permit application and authorizing Chairman Bartles to sign the maps when this information is received; second by Pecorella. All in favor.

JUSTIN AND NANCY DUPONT: Justin DuPont was in attendance. Bartles stated that the public hearing and SEQR were completed but the Board did not give preliminary approval. The Board wanted Board of Health approval and driveway approval before proceeding. Mr. DuPont presented Board of Health approval and driveway approval to the Board. Bartles asked if there was any change in the lot configuration. DuPont stated no. Osofsky made a motion to waive public hearing for final approval; second by DePreter. All in favor. DePreter made a motion for final approval; second by Osofsky. All in favor.

NEXTEL: Keith Betensky represented the applicant. Bartles stated that the Full EAF was received. He advised that Jurkowski reviewed same and made comments which were given to the Board in letter form. Jurkowski stated he also provided a copy to the applicant. Jurkowski stated that there were recollections that the tower was supposed to be painted and it never was. Jurkowski stated that the Board needs to decide if they still want that to take place or not. Jurkowski went over his comments for the Board. Jurkowski stated that Louis Ginocchio had a question after reviewing the plans. Jurkowski stated that there is existing equipment shed for the existing antennae and the proposal shows that to rear of that is a future equipment shelter. Ginocchio's concern or question is why not put the proposed to the rear and when the future one comes in, put that in the front just in case that never takes place and for ease of construction. Jurkowski stated that the applicant stated that the future equipment shed area has already been designated and there is an agreement. Jurkowski stated that the Board should have a copy of that agreement. Betensky stated that he is not privy to the agreement between Verizon and Global Power Partners. He stated that the agreement that Nextel entered into with Global Power Partners allocates certain space on the pole for the antennas as well as this particular spot in the plan for the Nextel shelter. He stated that this particular location has been leased to Nextel and no other. Betensky stated they would try to provide confirmation of the location of the Verizon shelter but he doesn't believe Verizon has filed an application to the Board. Jurkowski stated that Ginocchio has requested to make sure the water line is shown on the plan to make sure there is adequate distance for excavation of the water line if it is required for repair. Betensky stated they have no objection to that. Bartles asked if the Water Company has any plans for expansion there. Jurkowski stated no. Short discussion followed. In response to a question from a member of the public, Bartles stated that this was not a public hearing but clarified that the tower was built with the stipulation that any new installations be put on the tower rather than a new tower being built. Bartles stated that the location of the tower is set as that is where it was originally approved to be. The approvals for the height extensions were built into the original site plan review in constructing it to meet the engineering

standards required so the location of the tower is not an issue at this point. Betensky presented a structural analysis stating that the addition would not be a problem. Short discussion followed. Bartles stated that he found on the original proposal heights that ranged from 150' to 180', he found a pencil noted final resolution but no original resolution and hopefully, with this process, the Board will know what they have with an appropriate negative declaration. Betensky stated that they are happy to provide a survey after it is built. Bartles asked what the law is with regard to the height of the tower. He was advised that the law states that anything 200 feet above grade level the tower must be lit. Bartles stated that the offer was made in mitigation during SEQR to paint the tower but that stipulation never made it to the final resolution. Short discussion on painting the tower followed. Motion by DePreter to declare the Town of Pine Plains Planning Board lead agency; second by Soracco. All in favor. Bartles stated that the Board is not intending to do a coordinated review on the project. The Board began the SEQR process by completing the full EAF, Part II, after reviewing Part I. Osofsky made a motion to adopt a negative declaration; second by DePreter. All in favor. DePreter made a motion to declare the SEQR process complete; second by Coons. All in favor. Bartles stated that the Board was in receipt of a letter from Global Power Partners which was read aloud to the Board. Short discussion on painting the tower followed. DePreter made a motion to allow the tower to remain unpainted; second by Osofsky. All in favor. Coons wanted the Town Engineer to be added in to #13 on the plan. Bartles asked Betensky to find out from Global Power Partners why the shelter could not be moved to the location behind the existing shelter. Coons questioned the interference issue with regard to local fire company. Betensky stated that they are required to deal with such issues by the FCC under their FCC license. Coons stated that the Town of Poughkeepsie attorney asks for a letter with regard to this. Betensky stated that the complaints of interference would be filed with the FCC and if Nextel is found to be violating their license then they would have to remedy that. Bartles asked if Nextel would be willing to provide a letter if Replansky deemed it necessary. Betensky stated that since the interference issue is federally regulated, they would provide a letter under protest, however they have no objections to doing that. Coons stated that if Nextel did interfere with the fire company's bandwidth and it is over the weekend and they have to wait until Monday to complain to the FCC, that is when the letter would be needed. Betensky stated that if the Board feels the letter is necessary, they would be happy to provide it. Coons stated he feels it necessary. Bartles will also discuss this issue with Replansky. Bartles stated that a resolution can be done for site plan approval contingent on five conditions. DePreter made a motion to give site plan approval contingent on the five conditions noted and giving Chairman Bartles permission to sign when all conditions are met; second by Coons. All in favor.

TOREY SORACCO: Torey appeared before the Board with a preliminary plan to convert her garage into an apartment. She stated that the property has a two family house right now with the garage. Bartles stated that asking for the addition of a third residential unit falls under the moratorium. Bartles advised that she would have to go before the Town Board for a variance. Bartles advised her to start with a letter to the Town Board explaining what she wants to do and let them set up the variance procedure. He advised that once the Planning Board gets an indication from them whether or not they are going

to give a variance, the site plan review can begin. Bartles stated that a survey with some preliminary drawings on it might be sufficient. He advised that a site inspection and a public hearing would be needed. Bartles also explained the application fees and recreation fees that would be due and also her responsibility for the public hearing notice fees. He also stated that she would be responsible for any outside charges for engineering studies or whatever might come up. Bartles stated that if she could wait until after the moratorium it might be easier. Soracco asked when the moratorium ends. Bartles advised it ends in February and he does not know if it will be extended.

STISSING FARMS: John Reilly represented the applicant. Reilly stated that they are close to completion of the initial first building. He advised that they are probably two weeks away from having Drew Weaver do some of his final inspections. Reilly stated he has some open issues to discuss in order to ask for his certificates of occupancy for the first building. The first issue was brought up by Jurkowski in February suggesting there were some grading issues at the site. Reilly asked if the Board could address the grading issue first for the convenience of the expert that was in attendance. Reilly stated that there were several grading issues brought to their attention by Jurkowski. They were raised orally with the site engineer and it was Jurkowski's suggestion that they hire a geo-tech engineer. A geo-tech engineer was hired based on Jurkowski's and Mike Budinski's referrals. Reilly stated it is his hope that the recommendations from their geo-tech engineer to the Town's engineer will be accepted and then they will revise their grading plan and resubmit it to Jurkowski for approval. Reilly handed out the report to the Board. Jurkowski went over his original concerns with the Board which were submitted previously in writing. Mike Taylor, geo-tech engineer for Stissing Farms, put together the study and recommendations and presented same to the Board. Taylor reviewed Jurkowski's letter and developed a report to address those issues. Taylor went over the report with the Board. Discussion followed. Bartles asked whose job it is to maintain the property. Reilly stated that the homeowners' association has money set aside to pay for snow removal, etc. Jurkowski stated that he had received a copy of the report and will review it and get his comments to the Board and the applicant. Reilly advised that if Jurkowski agrees with Taylor's report, Taylor and Mike Budinski will work together on a new grading plan for submission. Discussion followed. Reilly stated that they didn't feel the landscaping plan as originally approved was sufficient for the aesthetic quality of the project. Reilly advised they have emphasized the original plan and built upon it to make it a much better landscaping plan. After the last meeting's fencing discussion, Reilly stated they took into account Soracco's comments and decided it would be better for the project to eliminate all fencing. Reilly stated they accomplished that through the use of trees. They bought in much higher and denser trees than on the approved plan. The trees are in the 14' to 26' range. Reilly presented a picture of the auto body shop where they had planned to put a fence in to block the cars and tools in the back of the shop. They placed 21 large pine trees between the site and the auto body shop which made a wall of pine. Reilly stated they met with the owner of the auto body shop and agreed on a set back from his property line in siting the trees. Nineteen trees in a staggered formation were used to screen the VA parking lot from the site. Reilly advised that they now plan on having some pockets of plantings on the rock face. Reilly stated that the project was approved with asphalt driveways and concrete sidewalks and patios. They have switched

that to antique brick pavers. They have eliminated the concrete sidewalks that join the unit faces and put brick sidewalks in. They have eliminated all concrete and asphalt to get a better look. Reilly advised that some shrubbery that was not suitable to this area was removed from the plan and they have tripled the number of shrubbery and vegetation plants in front of each unit. They will place a flowering crabapple between each unit to give color and shade. Reilly stated that they have placed holly bushes in a small garden area between each garage to break up the area. Reilly stated that originally they had fences between each unit's backyard and they have eliminated those fences placing green fences of tall arborvitae instead. The revised landscaping plan was handed in to the Board. Bartles asked who is responsible for the maintenance of the shrubs. Reilly stated that local landscapers had been asked to bid on the maintenance of the entire site and it was figured into the budget. Reilly stated that they are using Elite Management out of Hyde Park to manage the property and they figured out the entire budget for landscaping maintenance. This will be covered under the common charges that are paid on a monthly basis. Bartles asked if the unit owners will have any discretion at all about changing the landscaping. Reilly stated they cannot change the common landscaping that was put in. Bartles asked if they could add or take away in the landscaping in front of their own units. Reilly stated that the offering plan stated they cannot eliminate or alter landscaping without approval of the homeowner's association. Reilly stated that most associations would not deny someone planting flowers but they cannot eliminate it and put in concrete blocks without approval. Reilly stated they will not be allowed to remove the green fences and put in fences, they are not allowed to disfigure the rock faces on the site, or touch or remove the boulders as decorative landscaping. Short discussion followed on the pavers. Reilly stated they hired an expert to advise them on the installation of the pavers. Bartles stated that he liked the look but had concerns about how they would be for the elderly population. Reilly stated they are an entirely handicapped accessible site so they were very careful about having the pavers work with their population. Reilly went over the revised landscaping plan briefly with the Board showing them where the additional trees, shrubbery and plantings will be placed. Reilly stated that, in total, they have 336 pines versus the approved total which was 67. Reilly stated that there were 17 deciduous trees on the original plan and they are proposing 58. Reilly advised the Board that there was one sidewalk that started and ended nowhere and they are proposing to eliminate the sidewalk and use the area to put up a row of mature pines to screen the retention pond and retention pond fence and the empty vacant lot. They propose to add some additional sidewalk to connect to the walkways throughout the entire project. Reilly stated they have purchased the chain link fence that goes around the retention pond. Reilly researched and there is no state law or county law that requires chain link fencing around a retention pond. Reilly stated that he believed Jurkowski told him it is a Town requirement. Reilly stated he would leave it up to the Town's discretion as to whether they install the chain link fence or not. Reilly stated that the majority is a dry wildflower bed that never gets water. A smaller area gets water rarely. Reilly stated they originally planted some wetland plants in the area and, since they never received water, they are not working well. They planted wildflower seed and some grasses that have grown fairly well. Discussion followed on the chain link fence. Jurkowski stated he would take a look back to see why the chain link fence was placed on the plan. Bartles stated he thinks it was offered by the applicant. Reilly stated they are now offering to

take it away if the Board permits. Jurkowski will take a look at the file to see how the fence issue started. The Board decided to do a site inspection on Saturday, September 9 at 9:30 am. Bartles questioned the placement of the sign. Reilly showed Bartles the original approved site plan showing where the sign was placed. Short discussion followed on the sign. Reilly stated that the sign is in the proper place as shown on the original approved site plan. Reilly stated that Replansky has been given numerous copies of the revised offering plan through the process. Reilly stated that the offering plan is before the Attorney General. They have received their legal review and made some minor corrections and resubmitted. They are waiting for the architectural review board of the Attorney General's office to approve the stamped plans. Reilly stated that he will provide Replansky a copy of the accepted plan as soon as possible. Reilly stated he has not had any comments from Replansky and is assuming that all requirements of the amended resolution have been met. Jurkowski stated that Replansky is currently on vacation. Proper stated that she hand delivered one copy of the offering plan to Replansky. Jurkowski asked that Reilly provide the Board with a copy of the latest version. Reilly reported that all utilities have been installed and approved with exception of the pumps for the septic field which is now complete. Poles and bases for the lighting which were approved by the Town have been purchased and will be installed starting this week. Reilly has been in touch with Ginocchio with regard to the type of water meters to be installed and they are waiting on installation of the meters depending on what type and version Ginocchio recommends. Reilly stated that all gravel base for the roads has been completed throughout the entire site. Reilly stated they intend to complete all the asphalt, sidewalks, entry way lights, poles and bases. Reilly asked that the Board look at whether or not they can avoid putting asphalt curbing and concrete in areas of later phases of the project in order to avoid the look of "roads to nowhere". They will install the light bases but would like to not install the poles in the areas not currently used. Discussion of the infrastructure followed. Reilly stated that is up to the Town Engineer to recommend to the Board that the infrastructure is complete in order that a certificate of occupancy be issued for the initial phase. Bartles asked for Jurkowski's opinion. Jurkowski stated he feels it would be acceptable based on doing the area by the building plus the loop and leaving the other portion to be done in the future and having the applicant provide a bond for the unfinished portions. Reilly stated that all the utilities are in place for the entire project and all they are suggesting is to keep the surface utilities unfinished until the next building is up. Reilly stated they cannot get a building permit for the next building unless they complete the infrastructure necessary. Discussion of a reclamation bond followed. Bartles stated that the consensus of the Board is they would like to work with the applicant on developing a plan. Bartles stated that Jurkowski will address the grading and landscaping issues. The Board will discuss the retention pond fence, do the site inspection, and work on some sort of methodology to allow phased issuances of building permits.

Pecorella made a motion to adjourn; second by Soracco. All in favor.

Respectfully submitted by:
Nancy E. Proper
Secretary

Donald Bartles, Jr.
Chairman