

December 10, 2008

**PINE PLAINS PLANNING BOARD MINUTES  
DECEMBER 10, 2008**

**PRESENT:** Donald Bartles, Chairman  
Sarah Jones  
Bruce Pecorella  
Vikki Soracco  
Ken Mecciarello  
Kate Osofsky

**ABSENT:** Jon DePreter  
Brian Coons

**ALSO PRESENT:** Five members of the public  
Millerton News  
Pine Plains Register Herald

**ALVIN MECHANIC:** Ralph Simmons represented the applicant. Bartles read the legal public hearing notice as published in the Millerton News. Bartles stated that this is an odd-shaped parcel in which they are proposing to cut off approximately 11 acres to become part and parcel of properties in Columbia County. Bartles stated that the problem is that there is no access to a public road which is in violation of not only the subdivision regulations but State law. Bartles stated the Town Attorney was consulted and the Board is looking to put notes on the map and having it become part and parcel with the Columbia County property although it will have a separate tax parcel number in Dutchess County. Bartles stated a merger deed which will be filed simultaneously with the map. The remaining lands of Mechanic do have access to Mt. Ross Road. Bartles asked for public comment. No public comment. Jones made a motion to close the public hearing; second by Osofsky. All in favor. Bartles read the Part I Short Form EAF for the record. The Board completed Part II of the Short Form EAF. Motion by Jones to declare the Pine Plains Planning Board lead agency; second by Osofsky. All in favor. Motion by Osofsky to declare this an unlisted action; second by Soracco. All in favor. Motion by Jones to declare the SEQR process complete and to close the public hearing; second by Pecorella. All in favor. Bartles stated he put together a resolution for preliminary approval which he read to the Board. Motion for preliminary approval conditioned upon a note being placed on the plat stating that parcel one is not approved as a separate building lot and will become part and parcel of other lands of Shekomeko Creek Farm and the applicant will prepare a merger deed which will be filed simultaneously with the subdivision plat by Jones; second by Pecorella. Vote: Osofsky:yes; Jones:yes; Pecorella:yes; Soracco:yes; Meciarello:yes; Bartles:yes. All in favor. Bartles stated he would need to see the final plat with the notes on it. Discussion on recreation fees followed. Jones made a motion that this is a separate parcel and subject to recreation fees; second by Soracco. All in favor. Bartles stated that the Board would need Replansky's approval of the merger deed.

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**CLAYTON SUBDIVISION:** Lyndon Chase represented the applicant. Bartles stated that the public hearing had been held, the SEQR was completed and conditional approval was given pending Board of Health approval. Bartles stated he has a letter from the Dutchess County Dept. of Public Works approving the lot. BOH approval was also received. Bartles signed the plat. Fees were collected.

**STEWARTS SHOP:** Brandon Myers represented the applicant. He stated the green space coverage was reduced. Bartles stated that the site plan law requires 50% green space but that can be waived or modified by the Board with reason. Myers stated they have gone from 15 parking spaces to 23. Discussion followed on the changes that were made in the plan. Bartles asked if their agreement with Dale Mitchell allows for the proposed changes. Myers stated he has been in contact with Mitchell a lot and he is in agreement with this plan at this time. Bartles stated he felt that something in writing is needed. Pecorella stated he asked for specific tank sizes and would like that information for the next meeting. Pecorella stated the fuel delivery trucks are a danger when they are delivering and blocking traffic. Jones asked how many other Stewarts' Shops have two gas islands. Myers stated he is not sure but would find out. Pecorella asked if they would have more workers inside to alleviate the lines. Jones asked about the landscaping plan. Myers went over the landscaping to show what will be changed. Bartles asked if they had done anything about the drainage. Short discussion on drainage followed. Myers stated they will be replacing the underground tanks while they are doing all the other changes to the property. Discussion of lighting followed. Bartles asked if employees would be parking in the back. Myers stated they should be. Bartles stated there are several things that will have to have further discussion. Myers stated he would be at the next meeting for further discussion. Bartles asked Myers to send the plan along to Jurkowski to get his initial recommendations.

**STISSING FARMS:** John Reilly represented the applicant. He stated there are a couple of minor issues to bring before the Board. He stated the Town wanted him to have a Letter of Credit on the completion of the infrastructure, improvements and roads as the previous one had expired. They renewed the Letter of Credit with a new lending institution. Replansky had asked Jurkowski to look at the raw material costs to complete the infrastructure now versus two and a half years ago. Jurkowski came up with a new completion cost which went from \$103,000. to \$132,000. Replansky has the information on the Letter of Credit issue. Reilly stated the second issue is the use of the project units as rentals. He has spoken to the Building Inspector to get CO's for the new units and he wanted to make sure they came to the Board as his records show they had a restriction on usage on certain units. Reilly stated they have three rented units; one with an option to buy. Reilly stated they currently have six units unsold and vacant including the model unit. Reilly stated they have requests to rent with option to buy and didn't want to go forward with those options until coming before the Board due to one of the site plan restrictions in the original approval. He stated that the approval did not contemplate unsold inventory as they did not foresee that there would be any. He stated that the reality of the local market is the 55 and older market is relatively active compared to the rest of the market. He stated the issue they are having is they cannot sell their existing homes in order to move into the condos. He stated the reality of the market is the people

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who desire to buy the units need to rent them for a period of time while they are trying to sell their existing homes. Reilly stated he wanted to clarify with the Board what they can do about this situation. Reilly stated he asked Replansky whether or not this was something he could come before the Board for. Replansky advised him that he did not feel the original restriction was meant for unsold inventory but was meant for how many units the owners were retaining. Reilly stated the Attorney General has passed some regulations concerning age-restricted condominiums which would not allow for what the Town was fearful of which is an investment. They limit the usage of the units to one owner who can rent it to another age appropriate person at a market rate. Reilly stated they only intend to do market rate rentals and not Section 8 as that would ruin the market for their sales. Discussion followed. Osofsky asked if something needed to be changed or does the Board just need to say it is okay. Reilly stated that the only people they can rent to are people who meet the age-related restrictions. Replansky advised him it doesn't appear they are restricted from doing so but it would be best to go before the Board. Jones stated she appreciates that Reilly came before the Board. Bartles stated he would like Replansky to draft the appropriate resolution. Pecorella made a motion to allow for rental options pending a resolution by the Town attorney to authorize; second by Osofsky. All in favor. Bartles stated his only concern is that if the project never matures they have allowed it to go completely to rentals.

**TAMARA PLASSMAN:** Plassman stated she would like to open a deli/bakery in the Nuccio property across from Stewarts. Bartles asked if there would be any renovation. She stated they would have to put walls in and purchase equipment. Plassman stated she contacted the Health Dept. to see what approvals she needs. Bartles stated she would need to go to the Building Inspector to make sure she had an exemption from the moratorium. Bartles stated the Board would be looking at Health Dept. approval, parking, and DOT approval. Discussion followed. Bartles stated that since the Town is so close to a zoning law and the applicant would be in the middle of something when the zoning is enacted. Bartles stated that Replansky stated if they don't have final approval, they have to adhere to the zoning law when it is enacted. Bartles stated he would talk to Replansky on the zoning law. Bartles stated that the Board will need to sit down and review the whole property and also do a site visit. Bartles advised that they will want to know about lighting and signage also. Bartles advised she needs to first talk to Drew Weaver in order to proceed.

**DOUGLAS WEAVER:** Weaver stated that he purchased property on South Main Street (formerly Mona Peck's flower shop) and would like to install a laundromat at that location. He presented a letter from the Building Inspector to the Board giving him exemption from the moratorium and permission to proceed. He presented a sketch to the Board of what he would like to do. Weaver stated he would not be changing the footprint of the building. He stated he would like to make a studio apartment out of the shed on the property. Bartles stated that Weaver needs a drawing showing all that he wants to do with the property. Bartles will also check with Replansky on this project. Discussion followed. Bartles advised Weaver to think about lighting and signage also. Bartles stated they would need Health Dept. and DOT approval also.

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Jones asked what the plans were for reviewing the public comment on the Carvel DEIS. Bartles stated that at the October meeting the Board charge Stolzenburg with writing a letter to Carvel for what the Board's needs and requirements were. He stated it was written October 31<sup>st</sup>, partially reviewed but didn't get to Carvel until Thanksgiving week. He stated Carvel asked to be on tonight's agenda and since Replansky felt we didn't have the information we needed, they decided to hold off until January. Bartles stated they expect to have a presentation in January. Replansky and Jurkowski were not available for tonight and Stolzenburg would have come down if needed. Bartles stated they may end up scheduling a workshop meeting in January.

Short discussion followed on Planning Board training.

Motion by Jones to accept the November 12, 2008 minutes as submitted; second by Pecorella. All in favor.

Motion by Jones to adjourn; second by Pecorella. All in favor.

Respectfully submitted by:

Nancy E. Proper  
Secretary

Donald Bartles, Jr.  
Chairman