

February 9, 2011

**PINE PLAINS PLANNING BOARD MINUTES
FEBRUARY 9, 2011**

IN ATTENDANCE: Sarah Jones, Acting Chair
Vikki Soracco
Kate Osofsky
Don Bartles, Jr.
Ken Mecciarello (arrived 7:35 pm)
Brian Coons (arrived 7:40pm)

ABSENT: John Forelle, Alternate

ALSO PRESENT: Sandra David
Warren Replansky
Drew Weaver
Six members of the public

Sarah Jones called the meeting to order at 7:30 pm.

LITTLE RIVER FARMS LLC: Wesley Chase represented the applicant. Jones advised that she was presented with a resolution detailing the conditions of approval for the Special Use Permit. A copy was given to Weaver to review. Weaver stated it looked fine. Jones stated a SEQR was completed and a Negative Declaration was prepared. Bartles asked if the public hearing was closed. Jones stated yes. Jones read the resolution into the record. Wesley Chase gave a copy of the Department of Health approval to the Board for the file. Bartles asked if it was restrictive (on conditions three and four) to make it brand specific. Jones stated she didn't care about the brand. She stated if it should change in time you might not want to be that specific. Chase stated they agreed to those conditions during previous discussions. Jones suggested changing the language to say "or of similar or improved quality". She stated this would give them the flexibility to change in the future without having to come back before the Board for something like that. Bartles stated he would be happy with that. Bartles made a motion to approve the resolution with the changes to conditions three and four making them less restrictive; second by Soracco. All in favor. Motion passed 6:0. Chase asked for an approval letter. Bartles stated that the copy of the resolution would go to Chase and Weaver.

STEVE & GLEN HOBSON DBA STISSING SELF STORAGE: Steve Hobson represented the applicant. Hobson stated he owns the existing building at 2818 Church Street across from the High School and in front of the self-storage units. He stated that the building was rented. Their tenant moved out during the summer and they have not been able to rent the building so they are proposing to gut the inside of the building and install climate-controlled self-storage units. They stated they would not alter the exterior of the building in any way. They would side the building with steel to match the existing storage units. They would leave the roof and gutters that are there. They would like to move two doors and put a heat and air conditioning system up. Hobson showed some drawing and photos to the Board. Bartles asked how many more units they were proposing. Hobson stated six (8X12) units, six (5X12) units and ten (10X12) units. He stated this may change

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by one or two units as they move forward. He stated they would all be smaller units. Hobson reviewed the photographs with the Board explaining what they would like to do. Hobson stated that no roll up doors would be visible from Church Street. The units would be accessible from the interior. He stated the color of the exterior would match the current storage units. Hobson stated the lighting will not change but will be moved a couple of feet. He is proposing two new lights one facing Church Street and one to the rear. Hobson stated they don't anticipate changing any of the existing landscaping. He stated the parking lot will stay the same. He stated there are rarely any cars there because customers come in to get their stuff and leave. He stated the traffic flow is very minimal. Mecciarollo asked if the lighting would be on motion sensors. Hobson stated they leave them on but the ones to the rear that face between the existing building could put on a motion sensor. Hobson stated the chimney would be removed. He stated that the existing furnace and plumbing would be removed and a heat and a/c unit would be installed. Jones asked if there was an office there. Hobson stated they don't anticipate one. He stated customers call the number on the sign and make an appointment to meet him there. He meets them with the contract at the site, gets the deposit, goes over the lock/combo and that is it. Jones asked what the procedure is if someone stops paying and they seize the property in the unit. She asked if they do that on site. Hobson stated they do it on site and have done it only twice. He stated they use the auction house in Pleasant Valley and they do it online. He stated they open the door, take a photograph and email the auction house the photo which is placed online. He stated bids are taken online based on the photo. Hobson stated they have cones up with a chain to the rear of the property and don't allow through traffic. Discussion followed. Jones stated that she feels this is an existing use and would like some guidance from Replansky on how it should be treated. Replansky stated he hadn't been listening closely so Jones reiterated the proposal for him. Discussion followed. Replansky stated he would have to sit down with Weaver to review the application and decide what permits would be required. Replansky stated the plan is doable it is just a matter of how to proceed. Replansky stated by the next meeting everything should be ready to proceed. Replansky stated the public hearing would have to be postponed until it can be advertised properly so he wouldn't schedule it until the next meeting.

82 NY HORSE FARM: Jones stated that material from Replansky was just received so many of the Board members only had a brief chance to review it. Replansky stated that what triggered this is that the DEC is reviewing a wetlands permit for the applicant for a horse farm/polo pony training facility and sent a Lead Agency Coordination request to the Board. Replansky stated they want to know from the Board whether they have any jurisdiction over this proposed use and if they do have jurisdiction in terms of issuing a Special Use Permit or subdivision approval or site plan approval if the Board would be interested in acting as Lead Agency for the SEQR. He stated they also want to know if the Board has any issues of concern which should be evaluated by DEC in their review of the wetlands permit application. Replansky stated he would help the Board determine if they have any jurisdiction and, if so, if they would like to be Lead Agency. Replansky stated the matter was referred to the CAC and the Town Engineer. Proper advised she had received no comment from the Town Engineer. Replansky invited the applicant also to answer and questions the Board may have. Replansky stated the material that was submitted to the Board today was material received from Ag & Markets with some advisory opinions. Replansky stated that under the Zoning Law, agricultural uses are uses which are permitted as a matter of right in all of the districts and don't require any special permit or site plan approval for activity that constitute valid agricultural uses. Replansky stated that horse boarding and breeding operations are protected agricultural uses under the Ag &

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Market law. Replansky stated the issue to decide is to whether the use is an agricultural use and exempt from any type of approvals from the Board. Bartles asked if they are exempt from building permits. Replansky stated no. Bartles asked if they are exempt from Board of Health approval. Replansky stated no. Replansky stated that even if the Board is not an involved agency under SEQR, they have the right to notify DEC as to what concerns they have about the project and what they would like to see addressed in the environmental review process. Replansky asked if the polo field has matches that are open to the public. The applicant stated people come to view the matches to view the horses. He stated that in order to train the horses they have to play polo. He stated it is an incidental activity as part of the overall agricultural operation. He stated it is not their intention to have a public facility which is rented out for polo matches. The applicant stated it is not going to be a public facility where teams come to play polo. Osofsky stated that the public is able to go to all the matches on the other field and watch. The applicant stated that is a totally different facility. Replansky stated that what they are doing on the south field is something that existed prior to zoning and is grandfathered in. Replansky stated if they are conducting internal matches on a polo field as part of the training process that is not a problem. Replansky stated if they are inviting the public to come and charging admission or allowing the public to view the matches that would not be protected activity under Ag & Markets. Coons stated they don't charge on the south field. Replansky stated that it doesn't mean it can't happen, it just means that the particular use would not be an exempt use and would require a Special Use Permit or Site Plan. He said that use would trigger a permitting requirement through the Board. Replansky stated if the applicant states they are absolutely not going to do that and it happens in the future that would be a violation and Weaver could make them come in for a permit. Bartles asked if there is a residential component to the barn that will be installed. The applicant stated no. Coons asked if anyone would be living there seasonally. The applicant stated no. Jones stated she would be interested in hearing from the CAC. Susan Crossley stated that question 19 on the application needs correcting as the parcel is in an existing Critical Environmental Area. Discussion followed. The applicant stated they would change that. Jones stated that since this is an environmentally sensitive area she is concerned about the types of products used to maintain a polo field and how that would impact the environment. Replansky stated the polo field only becomes a non-agricultural use if it is used for public matches. Replansky stated that there are some issues that should be forwarded on to DEC. Replansky stated he could compose a letter compiling all the issues. Bartles stated he feels the Board has no interest at all in being Lead Agency. Replansky agreed. Bartles stated he would like a letter to go to DEC with the issues. Replansky recommended the Board advise DEC they are not interested in being Lead Agency. Replansky stated that they could advise DEC is that it is unclear as to what permitting authority the Board has over the project because they don't know for sure in the future if the polo matches will be open to the public. Replansky stated DEC can be notified of the fact that they may need permits in the future if that happened. Replansky stated he would advise the DEC via letter of the Board's concerns with regard to the CEA, the impact on wetlands, the amount and type of fertilizer that will go on the polo field, the watering of the polo field and conservation of water with regard to the field, sensitivity to the homeowners adjacent to the project and archeological issues. Replansky stated the applicant needs to know that if they run the new polo field like they run the existing one, they will violate the Zoning law unless they come for a special permit. Replansky stated the Board can request to be an interested agency and be notified of public hearings.

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DISCUSSION OF PLANNING BOARD CHAIR POSITION: Sandra David advised that there are two applicants for the Board. Jones stated that there are people on the Board who haven't left because they are being nice. No one volunteered to be the Chair. Discussion followed. Jones advised that the Board needs a Chair but she would not be it. Jones stated it is an appointed position so in a way it is not the Board's problem but in a way it is because the Board cannot function without having a Chair. Osofsky stated that the Board obviously needs a Chair but she doesn't feel it can be anyone who is newly appointed.

OTHER BUSINESS: Replansky stated he was contacted by an attorney who has or will have a minor subdivision application before the Board and wanted to know what the policy of the Board was with regard to recreation fees for a minor subdivision. Replansky asked if it was the Board's understanding that they charge the recreation fee in all minor subdivisions or is it something that is done on a discretionary basis. Bartles stated that their understanding is that in lieu of a set aside they collect cash. Replansky stated that the Board is not supposed to be charging recreation fees on every case and has to make a determination on a case by case basis. Replansky stated the Board might want to think about not automatically requiring a recreation fee in every case especially in a minor subdivision. Replansky asked the Board to look at the subdivision regulations with regard to recreation fees. Replansky stated he would like to discuss this further at the next meeting. Jones stated the problem then becomes how to make that decision and make it fair for every applicant. Discussion followed.

Osofsky made a motion to approve the October 13, 2010 minutes; second by Soracco. All in favor. Motion passed 6:0.

Motion by Bartles to adjourn; second by Soracco. All in favor. Motion passed 6:0.

Respectfully submitted by:

Nancy E. Proper
Secretary

Sarah Jones
Acting Chair