

May 12, 2010

**PINE PLAINS PLANNING BOARD MINUTES  
MAY 12, 2010**

**IN ATTENDANCE:**

Sarah Jones, Acting Chair  
Brian Coons  
Ken Mecciarello  
Vikki Soracco (arrived 7:35 pm)  
John Forelle, Alternate

**ABSENT:**

Rick Butler  
Don Bartles, Jr.  
Kate Osofsky

**ALSO PRESENT:**

Drew Weaver  
Sandra David  
Warren Replansky  
Three members of the public

Sarah Jones, Acting Chair, called the meeting to order at 7:30 pm. She stated she was asked by Rick Butler to chair the meeting in his absence. She asked John Forelle to sit at the meeting in place of Butler.

**NINA OSOFSKY:** Jones advised that the Board was in receipt of the site plan application and site plan map for the proposed ice cream shop located at 2981 Church Street. Jones stated she wasn't at the previous Board meeting and asked if there were other matters that needed to be discussed. Osofsky stated that the consent form was submitted also. Jones stated there were issues over the signage and issues over the possibility of the fence. Osofsky stated that the fence is off the table for the moment due to monetary concerns but she would like to do it in the future. Jones asked if she would have a gate on the fence. Osofsky stated yes. Osofsky stated she wanted a wooden fence that was painted white but since she has to do the ramp, she will hold off on the fence for now. Osofsky stated she wanted to do additional small signs on the porch. Jones asked the applicant if she was aware that four signs would not comply with the zoning law. Osofsky stated she was aware. Jones asked if she was asking the Board for an exemption or if she was intending to go to the ZBA for that. Osofsky stated she thinks it would not obstruct the site and not be flashy. Osofsky stated the stand-alone sign would be installed on the existing signpost. Osofsky stated the picnic tables would be in a natural wood color. Short discussion on the signs followed. Replansky stated that the

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Board has the power to waive the sign regulations but can't waive the prohibited ones. Soracco made a motion that the Board waive the sign provision of the Zoning law and permit the signs as submitted as the Board's finding is that the waiver is not detrimental to the neighboring property owners, doesn't result in an undue concentration of signs, is not detrimental to public health and safety and does not have the intent of nullifying the intent and purpose of Article X, Section 100-52, Subsection C (1)(e and k) of the Zoning Law, second by Coons. All in favor. Motion passed. The Board and the applicant reviewed the site plan application, checklist and photos of the property. Jones asked Replansky if the applicant would have to come back about the fence. Replansky stated yes it would be an amendment to the site plan. Jones asked the Board if they were satisfied with the photographs showing the elevation. All agreed. The Board completed the short form EAF. The Board determined that this action will not result in any negative environmental impacts. Coons made a motion to complete a Negative Declaration, second by Soracco. All in favor. Motion passed. Motion by Forelle to approve the site plan, second by Soracco. All in favor. Motion carried. Replansky stated that there should be one stamped, signed copy of the plan submitted for the file and one for Weaver.

**ANDREA BARTOLOMEO:** Bartolomeo and her co-worker Tom Bidwell were present. The name of the business is the Bidwell Agency. The Board reviewed the sign proposal that was submitted. It was determined that they had not followed procedure and spoken with Drew Weaver before coming before the Board. A notarized owner consent form will also be necessary. They were directed to speak with Weaver before they can proceed before the Planning Board.

**DOUGLAS WEAVER:** Weaver came before the Board to discuss the site approval for placement of two manufactured homes. It was determined that the applicant had not followed procedure and spoken with Drew Weaver before coming to the Board. He was directed to speak with Weaver before he can proceed with the ZBA and the Planning Board. Replansky stated he would work with Weaver to determine what sort of variance that would be applied for to put a 14-foot wide manufactured home in place rather than what the Zoning Law requires which is a 16-foot width.

**OTHER BUSINESS:** Jones asked Replansky if the Board needed to do anything on Village Green. He explained that it is an old application that was pending under the old site plan review law. The application was never withdrawn and they do have an escrow account established. Replansky stated he would like them to come back before the Board to state what their intentions are with regard to the application. In the

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meantime, the applicant has requested a release of half the escrow funds. Replansky stated that given the fact there has been no activity on the application, he and the Town Board have no problem with this. Replansky would like a cover letter from Butler to accompany the check asking them to come before the Board for an update. Replansky stated at some point the Board has the jurisdiction to deem the application abandoned. Jones asked if there was an issue about who was actually submitted the money and who is asking for it back. Replansky stated it should be traced back to see who wrote the check to make sure it is refunded to the same person who posted it. The Board has no problem with the check being sent with a letter from Butler. Sandra David asked if the Town Board was supposed to sign off on this too. Replansky stated it is really the Planning Board. David wondered what the process should be with the Town Board. Replansky advised her to speak with Pulver.

Soracco made a motion to accept the minutes of April 14, second by Forelle. All in favor with Jones abstaining. Motion carried.

Motion by Coons to adjourn, second by Soracco. All in favor. Motion carried

Respectfully submitted by:

Nancy E. Proper  
Secretary

Sarah Jones  
Acting Chair