

**PINE PLAINS PLANNING BOARD MINUTES
OCTOBER 8, 2008**

IN ATTENDANCE: Don Bartles, Chair
Vikki Soracco
Bruce Pecorella
Sarah Jones
Kate Osofsky
Ken Mecciarello

ABSENT: Jon DePreter

ALSO PRESENT: Warren Replansky
Ray Jurkowski
Millerton News
Register Herald
Twelve members of the public

Chairman Bartles opened the meeting at 7:30 pm with a quorum present.

MECHANIC SUBDIVISION: Ralph Simmons represented the applicant. Bartles advised Replansky that this was the subdivision he had contacted him about that is partially in Columbia County. Bartles advised the request is to create a parcel in Pine Plains that doesn't have access to a road within Pine Plains. The Board reviewed the map. Bartles advised that he spoke with Replansky as this would create a land-locked parcel and the Board would have to make it part and parcel of the lot in Gallatin. Simmons stated that this is what the applicant wants to do. Bartles stated he would like to see a note on the plat. Bartles stated his opinion is that it should not become a separate parcel. Bartles stated it would have a separate tax map number because it is in a different town. Bartles stated that he is concerned as it will show it being a separate parcel in Dutchess County and he wants something on the plat and the deed that it is not intended to be a separate building lot and shall not be unless it comes back before the Planning Board. Bartles stated it is just a matter of properly wording that. Short discussion followed. Bartles stated that if everyone is satisfied he believes this can be done with a note on the map and wording included in the deed at transfer. Bartles stated the public hearing will be held in November and the Board will complete the SEQOR form then. Bartles asked Simmons if he was authorized to represent the Mechanics. Simmons stated yes. Bartles asked Replansky to

work with him to get some appropriate wording for a note on the map. Replansky asked about a survey. Bartles stated they have had it surveyed. Replansky stated he wants, as a condition of approval, the merging of the two into one parcel so there is merger language in the approval. Bartles asked how the merger deed works. Replansky stated the Board would approve it and they would have to file it simultaneously. Bartles stated that the closing would have to be ready to go and the deed would be the deed of closing. Bartles stated if it wasn't sold to Simmons' client it would be null and void. Replansky stated the merger deed has language that specifies that you are merging those parcels into one parcel and would be required to be filed in both counties. They would have separate tax i.d. numbers but if you look at the deed it is one parcel.

AT&T: Richard Buckley represented AT&T. He stated they wish to change the antennas on the cell tower to help improve their coverage. Bartles asked what this involves. Buckley stated they will be removing the antennas that are there and installing panel antennas which would look almost identical to what is up there now. He stated they are the middle antenna. Short discussion followed. Buckley stated the new antennas will be directional antennas which add the number of calls that can be picked up and increases the data utilized. Bartles asked if it was an upgrade to the existing equipment. Buckley stated yes. Bartles asked if it was an expansion. Buckley stated no. Buckley stated they will have a couple radios going inside the shelter and more lines going up through the center of the tower. Bartles asked the Board what their feeling was as to how this falls under the site plan review law. Bartles stated he felt it was exempt because it doesn't represent an increase. Bartles asked for a motion if the Board agreed. Pecorella asked if the Board could see what the specs would be on the frequency. Buckley stated he could provide that. Jurkowski asked for clarification that there are no changes to the structures themselves and that any changes would be inside the shelter. Buckley stated that, other than the mounting brackets for the antennas on the tower itself, everything else is inside. Buckley stated he spoke to the Building Inspector. Motion by Pecorella to declare this exempt from site plan review subject to receipt of specs; second by Jones. All in favor. Bartles asked that Buckley get the specs out as soon as possible for Jurkowski and Pecorella to review. Bartles stated that if all is okay with the specs, he will sign off on the map.

CARVEL: The Carvel team set up a power point presentation of the new proposed plan submitted to the Board. Alexander Durst thanked the Board for allowing them to come back and continue to talk about the Carvel project. He stated there was quite a bit of comment from the public from the five public hearings that were held. He stated they took the comments to heart and designed an alternative plan. He stated the Board should have received the plan in the mail on Monday. He stated they were last before the Board on July 23rd to give a status update on the project. He stated that tonight they would continue to update the Board and talk about where they are right now and where they see going forward. He stated that Dan Stone would start by addressing some of the issues that were raised at the July 23rd meeting. Stone will start by talking about open space. Durst stated that some other members of the Carvel team were present. He stated that someone the Board had not met before but who has been working on the project for about a year is Ed Clerico from Alliance Environmental. Durst stated he will give a quick, general discussion of what he is doing and then talk about two issues that were raised on July 23rd. One was the issue of mowing old fields and also the issue of who is going to be administering the land conservation easements or deed restrictions. Durst stated that after Clerico, Stone will continue to discuss some of the technical issues and questions the Board may have. Durst stated that Alex Felson was not present. He stated that Felson is a member of the team at EDAW that worked on designing the plan. He stated that Felson will continue to work on the project and they are very fortunate to have him because he was recently appointed an assistant professorship at Yale University. Durst stated that despite that he will continue to work on the project with them. Durst stated that Stone will be passing out an impact analysis that compares this plan with the plan that they had the public hearings on to try to help determine what studies or updates will be necessary as they move into the next step of SEQR. Stone started with a discussion of open space. He described how they approached this as it has been a topic of discussion throughout the process. Stone referred to a map showing the Carvel site. He stated they thought of this property in the whole. He stated they divided it into several categories: roads and utilities, commercial land of which there are only two on the site one being the lumber works on Rt. 199 and the other being the sand and gravel operation near Mt. Ross Rd., and golf. He

stated it will be maintained and mowed as a golf course and they do not propose to count that as open space for the project. He stated they highlighted areas of the property that will be open space and restricted. He stated most of the land is open space that will be owned by the homeowners' association. He stated that Clerico will speak about the kinds of mechanisms that could be used to control that land in the future in addition to the concept of some sort of non-for-profit (Dutchess Land Conservancy or Winnekee Land Trust) providing the oversight to assure the land is forever protected as open space. He stated there is other land to be used for residential purposes either for lots or road systems. He stated that every piece of land in the development will have a restriction managed by the HOA. In the case of some of the pocket parks embedded in the development, the homeowners in the land in these clusters will be restricted with respect to what they can do on the property. He stated this is not fully defined yet but there will be some restrictions. Stone stated the only part of private property that will be considered open space, in their definition, is the green space shown on the country estate lots which are typically eight to fifteen acres in size. He stated the green portion of those lots they are considering to have a covenant on it overseen by one of the non-for-profit entities. He stated the homeowner would be allowed to do within the small area on these lots is what homeowners do on their property such as landscaping would be whatever the HOA allows them to do in that area. He stated that would total approximately two acres for each of the country estate lots. He stated that they think every square foot of the property is accounted for in the five categories. He stated as they are able to have technical discussions with the Board's consultants, they will show how they broke the property down and accounted for it. Stone stated that in Pine Plains 67% of the land in Pine Plains meets their definition of open space as it is either restricted or overseen by a third party. He stated that does not include the golf course. He stated in Milan approximately 52% of the land would meet the definition just talked about for open space. He stated that would be roughly 64% of the entire property which would meet that open space definition. Stone turned the presentation over to Ed Clerico to discuss how the open space might be managed. Clerico stated he is a professional engineer who worked for thirty years in the environmental field. In the past eight years he has focused mostly on sustainable development as it has been evolving

as a new form of approaching development. Clerico stated there are several phases the first being the planning phase which they are into now, next is an implementation phase and then an ongoing management phase. He stated the way they look at their objectives is they consider the status quo to be what you would do now in terms of development and conforming to current regulations. He stated the word green is used generally in a project that exceeds regulations and there are programs in this country that are becoming somewhat popular and widely embraced. He stated there is LEED (Leadership in Energy Environmental Design) which establishes a protocol for how one would achieve a higher level of performance in terms of sustainability. He stated there is a higher level they would call sustainable which doesn't just look at regulations and compare the regulations but actually aims to meet some future need and uncertainty in terms of how the site would function in the long term. He stated there is an even higher objective called regenerative which then would mean you take the site and its functions and actually strive to bring them to a higher level of ecological performance in terms of the vegetation and wildlife and actually try to regenerate things that have already been damaged and destroyed by human activity over the years. He stated their goal in striving to make Carvel a really special project would be to aim as much as they can for a sustainable achievement in everything that they do. He stated the term sustainability has been around for awhile. It was developed in 1987 meeting the needs of the present without compromising the ability of future generations to meet their own needs. He stated it came from a U.N. initiative. Understanding that he stated behaviors have to be changed in many ways so that environmental assets are not being destroyed for future generations. He stated this encompasses what they refer to as a triple bottom line principle. He stated it is not just ecology but ecology, economy and social equity. He stated they have to all work together in order to have something that will be sustainable. He stated in terms of the key topics that they look at and how they break down their work, they start with the site which is essentially the conservation planning. This is the aspect that Alex Felson has been addressing in his presentations. He stated the plan that Stone presented is an illustration of how they have applied these principles of conservation planning and design to come up with something where they can begin integrating all the various functions so the human interaction would be ecological principles as best as they

can make them. He stated ecology is the second part they are focusing on now. He stated it is all about biodiversity. He stated they break it down into the various components of the development. He stated there is the open space component which is considerable. He stated there is a wonderful opportunity to work with a large amount of open space that is contiguous. He stated there is the golf component. He stated there are the individual lots and there is the sponsor built environment. He stated each of them have an ecological aspect to them and their objective is to create them in a way that will be ultimately a sustainability plan for the project that will guide what will be done in each of those aspects. He stated on the golf course it might be organic management of the soils and the reduction in the use of chemicals. In the management of the land it would be about controlling run off and water quality from the golf course. On the individual lots it might be to do with planting indigenous species or maybe drought tolerant species with the landscaping so people don't have to water their yards as much. He stated it begins integrating many different aspects of design together. He stated energy, water and materials are other aspects of this work which would be incorporated into the overall sustainability plan. He stated he would focus tonight on the ecology component. He stated in terms of preparing a sustainability plan, looking at the ecological component only, they would break it down into the planning and implementation phase and then the monitoring and revising phase. He stated right now what they have done is outlined the design and construction guidelines for each of the various components. He stated they would look at all the contiguous open land, sponsor built environment which would be the infrastructure such as the clubhouse and the common buildings, individual lots and homes and then the golf course. He stated they would write this plan so it guides how things are constructed and how they will be managed after they are fully functional. He stated they would then go into an O & M guideline phase when things become operational to insure that what was intended will continue into the future. He stated this is a really important distinction between what happens in many cases when people strive to do things in an environmental nature and they might have good ideas but down the road somebody changes their behavior in how they go about operating on their property and things are forgotten and left to happen as they might. He stated this would cause you to lose the integrity of your initial objectives. He

stated once they reach the point that they know what the project is in terms of its boundaries and where everything is positioned, then they need to define better the open space component and how it will be managed. He stated they have had conversations with some local conservancies because the objective would be to have a local conservancy work with them at that point to formally write a much more detailed open space management plan. He stated right now they are just outlining some of their objectives for it but their objectives might be different than a naturalist who is a leader in a conservancy so they want to make sure what they do meets their objectives as well. He stated part of this is the fields and how they would be managed. He stated the Dursts have agreed and asked them to look at existing site now and do an abbreviated existing site sustainability plan to see how they would begin managing the site as it is now in a way that would help them achieve their long term objectives. He pointed out areas on a map areas that are being mowed and will continue to be mowed and areas that Alex Felson spoke of at the last meeting which are view sheds that you get from various corridors. The view sheds have been overlaid on the map to show how they have to manage their mowing program from a view shed perspective. He stated this is all very preliminary and not a finished product. He stated this is a work-in-progress but wants to describe what they are doing. He stated some areas will be allowed to go into natural succession as much of the area has already as it is just growing up in secondary vegetation. He stated some of that they will allow to happen and some they will encourage and do some reforestation in certain areas. He stated this will be done keeping in mind the view shed perspective and keeping in mind the objectives of the habitat, vegetation, and endangered species. He stated they are breaking their mowing program into the hayfields which will be mowed on a twice a year basis. They will be mowed sometime mid-July or after to encourage the breeding of nesting birds. He stated early successional grasslands would only be mowed once a year; successional fields would be mowed every five years and late successional field on a ten year basis. He stated each of those has a different ecological function and once an open space management entity is in place, they would take over the role of seeing that this open space management plan would be implemented. He stated in some areas they are proposing reforestation so they are encouraging tree growth. He stated to manage all this they have created a grid across the property. He stated the

property is large and there are a lot of varying habitats across it. He stated they want the ability to go into various areas and identify where they are and be able to document as work is done and where it is done. He stated that part of long-term management has a lot to do with control. He stated they will start off now with the mowing program and the indigenous species program. He stated they will document according to the mapping on a planned coordinate basis where things are and what was done to them so they have the right record and then they can go back the next year and assess the success of what they have done or maybe there are changes that need to be made to further advance their initiatives. He stated in judging how they look at overall the ecological systems they want to have ecosystem functions the first priority. They want to make sure the ecosystems they have there are functioning and thriving. They always aim to increase species diversity where they can. He stated the native inhabitants are always given priority over invasives. He stated the endangered are always given preference over the least at risk. He stated they will protect those areas and train the workers as to what is protected and how to behave around it. He stated they want to create human interaction in a way that embraces nature as opposed to fighting it. He pointed out that they have taken each of the habitat areas from the EIS and numbered them so that if someone was to go out in the field they would be able to coordinate where they are, what habitat area they are in and what they observed and what they did. He stated another part of this in terms of mowing is the invasive species aspect. He showed pictures of three of the invasive species that exist on the property. He stated it is important to monitor this. He stated it looks as if they don't have any major problems. He stated they are rather typical invasive species and nothing seems to be out of hand. He stated they will take the initiative now to control these by interacting and removing some of the Tree of Heaven at the right time using a program that will have some of it pulled and some of it cut. They will repeat going back and checking and trying to avoid using herbicides. He stated they will assess how it is going and if they need to change their behaviors to control the spread of some of the invasive species so they don't damage the more sensitive endangered species that are on the site. He stated this is just an overview of the approach and it is very comprehensive and will go on for some time. He stated they are at the beginning stages and they are very involved in

the site aspect of guiding the planning work so it embraces this philosophy and this approach to land use. He stated the open space would have to have some sort of conservancy to properly manage it. He stated there would be some public access to some of the open space which has to be planned and managed well. He stated as they go about looking at what is to be done with the open space in terms of where it is reforested and what species of trees to plant, how to mow, all those various functions, they will need someone to control that. He stated at the moment they don't know who that will be but the objective is to outline those functions and once that is defined, they will enter a more detailed phase of spelling it out and that should be done with whoever that entity is going to be so their conservationists will be in line with them and they do things that meet their objectives as well. He stated the golf course will be managed by the golf course entity. He stated they will incorporate as much habitat as they can into the golf course design so that it is not just the open space that the wildlife participates in. He stated the commonly owned HOA areas will have guidelines. He stated they need to figure out what level of control is appropriate for the individual lots so someone can review a landscape plan so it is sensitive to these objectives. Dan Stone talked about the numbers. He stated the best but not the easiest way is to start with what is there today so there is a truly complete accounting of the number of lots that exist on the property today, the number of lots that are proposed at the end of the day and a calculation of that increase or decrease. He stated, as they have talked about before, there is an existing subdivision that Tom Carvel sought and obtained approval for. He stated there are 232 lots that Mr. Carvel received approval for. He stated on two of those lots, he talked about multi-family with no real description. He stated they are counting them just as two lots. Of those 232 lots, the Durst Organization owns 22, 18 that are both in Milan and Pine Plains. He stated that a number of lots in the original subdivision were bifurcated by the town line. He stated today we wouldn't do that but that was the way it was done back in the 1960's. He stated 205 lots are within the subdivision. He stated, in addition to that, there are other tax parcels that exist. He stated there is one just in Milan, two in Milan and Pine Plains and eight only in Pine Plains. He stated when you integrate the whole thing and total it up there are 22 lots today in Milan, 20 lots that are bifurcated by the Town line, 173 lots that are

just in Pine Plains for a total of 215 lots or tax entities that exist today. He stated at the end of the day, the plan they are proposing to move forward with will have a total of 648 units on it. The original plan was talked about as the "951 lot plan" represented 951 lots not including the existing subdivision lots that were owned by the Durst organization. He stated one of the public comments received was that they needed to include the owned lots in that existing subdivision as part of the project. He stated they are rolled into the 648 number but they would be added to the original 951 making the comparable 1022 versus 648. He stated that of the 648, 576 would be just in Pine Plains and eleven of these existing on the county line would remain. These are segregated by other non-owned lots in the subdivision so it does not provide the opportunity to reconstitute the property boundaries. Stone stated there would still be eleven as an artifact of Tom Carvel's original approval. He stated they are proposing to have 61 lots in Milan. He stated that what is now on the ground versus what they are proposing is that they are proposing 39 additional lots in Milan, reducing the number of split lots by 9, and proposing 403 new lots in Pine Plains for a total of 433 lots. Stone stated it represents a 37% reduction over the plan on which the DEIS was written. Stone stated that one of the things they have talked about in the past is the different watersheds. He stated they talked about some changes in the watersheds at the last meeting. He stated the 648 plan represents 150 fewer units in the Fish Wood basin which is from Lake Carvel and the basin running to the northwest, 214 fewer units in the Ham Brook basin which is the basin along Rt. 199 and is a principle view shed basin and 10 fewer in the Wappinger. He stated there is portions of the property that flow to the Wappinger, portions that go to Ham Brook and Roeliff. He stated there is a portion that goes straight to the Roeliff and a portion that goes to Fish Wood Creek. He then showed the new plan that was submitted to the Board. He stated another thing he wanted to show the Board was the connectivity of open space. He stated that they have taken great pains to preserve the corridor along Ham Brook and to preserve corridors along Federal wetlands. He stated Alex Felson talked about the strategy for protecting wetlands particularly in the Ham Brook area. He stated their strategy is to protect 200 feet around the State wetlands and a minimum of 100 feet around the Federal wetlands and another strategy with respect to the vernal breeding pools. He stated this plan is reflective of all

those strategies. He stated what it does is provide large connectivity of open space around Ham Brook and its tributary, to adjoining property to the west, another tributary of Ham Brook that emanates from a beautiful vernal pool and wetland at its headwaters and a tributary to the west that comes up along Woodward Hill Road and crosses Woodward Hill into a broad, open space. He stated the Rosenthal farmhouse is no longer there as it is very much encroaching on the wetland and the house will be taken down as one of the restorative aspects of the plan. Stone stated that all of their efforts have been to follow the strategies that Alex Felson so carefully described to the Board. They will protect the view sheds along Rt. 199, to protect, particularly the Ham Brook watershed, but also to be sensitive to the Fish Wood Creek watershed. They have maximized open space around the lake. He stated one notable change that Felson spoke about is they consolidated the golf course. It will be 18 holes instead of 27. He stated one of Felson's concerns with the original course was it played around a wetland so the golf course was actually encroaching in the buffer he just spoke about. He stated Landmark came up with another design that consolidated the golf course, brought it largely out of the Ham brook basin and particularly away from the wetland. Mecciareello questioned about a specific vernal pool. Stone stated that Klemens and Kiviat thought this was an important bog. The previous plan had a looped road around the bog and the new plan represents only four units on roughly 250 acres. He stated the idea would be to have lots of between 8 and 15 acres but as he pointed out on the open space map the preponderance of the lots would be controlled by the third party entity that Clerico spoke of. He stated the area of potential future disturbance is expected to be minimal; a house tucked in the woods for example. He stated a house that sits on the scrublands may have more latitude to mow and keep that land from reverting to forest. He stated there will be some flexibility as this moves forward but the idea is on average there is 2 acres per country estate that the homeowner would have the control over and the rest would be controlled by a third party. Clerico is the person talking with the conservancies. Short discussion on how the easements might work followed. Mecciareello asked if the bog would be disturbed. Stone stated it would not be. Stone stated they envision a common driveway for the lots behind there which would cause less impact with respect to its work with slope, cut and fill and they would not have to meet the

Town's standards. Jones asked if there is any effort being made to try to include the lots not owned. Stone stated they are privately owned at this point. Stone stated there is also one out parcel on Hicks Hill. Stone was asked if all the out parcel lots are serviced by their own septic system. Stone stated they are connected to a community wastewater system and some, to the best of his knowledge, are individual. Stone stated that Durst is committed to upgrading the road system, utility system, water and wastewater and providing access to that service through the transportation corporation. He stated of course they will have to pay for that service but it would be provided. He stated the water and traffic studies in the DEIS did count those lots. Short discussion followed. Jurkowski asked if any crossings on Rt. 199 had been done away with. Stone stated yes. Stone advised that the pond system that goes through the existing front line was significantly damaged in the flood of April 2007. He stated they are contemplating revising it so it won't cause that kind of flooding in the future but it will also be a water feature associated with that community. Short discussion on crossings followed. Stone advised that if you have more than 49 lots the State requires you to provide community water and wastewater but the State also looks at natural subdivisions such as Rt. 199. Stone stated they envision all of the property south of Rt. 199 and east both on the north and south of Rt. 199 plus the parcel that is across the Taconic to be served by individual water and wastewater. Stone stated they would seek to have a discussion with the Board and the Health Dept. and DEC to see if that would be allowed. Stone handed out an analysis that Rudikoff did. The table is organized by DEIS chapter. In each of the chapters of the DEIS they compared the impacts in the "951 plan" and along with that is their assessment of the nature of that impact and its change. He stated in some cases impacts are eliminated. He stated in some cases impacts are reduced and in some they were equal with no change. He stated in very few cases there was an increased impact but, in their opinion, not a significant one. This was presented for the Board's and consultant's review, comment and discussion. He stated to accompany that is a narrative. He stated on the last page of the narrative there is a list of potential updated studies or assessment they feel would be needed as part of an FEIS to address the changes between the "951 plan" and the new plan. Stone stated what they are suggesting as a path going forward is that the Board reviews the assessment and

makes their own judgment. Stone asked the Board to authorize technical meetings between the Carvel technical team and the Town's technical consultants to fully vet whether or not the assessment is accurate and valid. They would like to then come back to the Board with whatever the recommendation is for the suggested additional studies and a technical commonality to find a path forward. Stone stated if they can find a technical commonality and path, they would request that the Board consider asking the applicant to prepare and FEIS to address all of the comments previously provided during the comment period and whatever the difference is between the "951 plan" and this proposed plan can bring that together in an FEIS. Stone stated if the Board agrees and asks the applicant to do that, the team will go ahead and prepare the FEIS and bring it back to the Board after completion. At this time, the Board would be in a position to review it. They agree that it needs to be submitted for public review and input or a hearing type of process. He stated when that is fully vetted, the Board would be in a position to issue a findings statement. Stone stated they wouldn't be done at that point. They would still have to come back with applications for subdivision approval and for all of the activity they propose to do such as water supply approval, permits from DEC and Corps of Engineers. Stone stated that is the path they are proposing to go forward. Stone asked the Board to authorize the Town's consultants to meet with them with regard to the technical assessment. Stone stated his goal is to come back with a joint recommendation for the November meeting. Bartles thanked Stone for his presentation. Mecciareello asked if the church building by Hicks Hill which was removed would be placed somewhere else. Stone stated they stored all salvageable materials and will rebuild it in a suitable place on site if possible. Jones stated she couldn't make any decisions until studying what was presented. She stated she also has a concern about the difference between preparing and FEIS and a DEIS. She stated her concern for the public being involved. Bartles stated the Board can't make a decision until Stolzenburg, Jurkowski and Replansky have had time to look over everything and give their recommendation. He stated he envisioned a workshop meeting with the consultants and the Board to discuss what has been submitted and how to proceed. Replansky agreed. Replansky asked if the applicant had a map showing boundaries of proposed lots and also wanted to see what roads would be private and what would be public. Stone stated he would

love to share the data and the best way would be to sit down and pour over the data with the consultants. Stone stated the plan submitted is a concept plan and not fully designed as an engineering plan. Stone stated that if they can find commonality of thought on the concept then those details can easily be provided in a meaningful way. Stone stated he thins the preliminary discussions need to be held so they can understand what the consultants think of their analysis and get direction from the Board with respect to where they are going. Replansky brought up a matter he had already discussed with the attorneys for the applicant. He stated since Bonnie Franson is working with the Town very closely on the zoning law, it is probably a good idea to bring her in as an additional consultant on the Carvel project. He stated it is also another consultant to give a fresh look at some of what is going on. He stated he discussed it with counsel and has a written proposal for them which he can provide via email the next day. He stated if they can get consent to bring her on as part of the escrow agreement he would like her to be part of the process. He stated the Planning Board members don't have an objection to it. He recommends that everyone gets copies of what was distributed and asked that it be sent to Franson. Replansky stated he would provide her with copies. He stated the first step is for the consultants to take a look at what they have and discuss what they feel the next steps should be. He stated the next step might be meeting with the applicants to get more information and more documentation and to decide what they need in terms of more specific plans and studies. He stated his preference would be to meet with the Board in a workshop to get them engaged in the process. Replansky asked for a few days to talk among themselves and decide how to approach this. He stated they could then come back to the Board to set up a special meeting solely to talk about the project. Bartles asked that Replansky get everyone together and find out what their schedules are. Replansky stated he would coordinate it with the consultants and then he will have ideas on how to approach it. He stated that an initial meeting with the Board within the next week or two would be appropriate. Short discussion on scheduling followed. Replansky asked if everyone would be available either on the 20th or the 21st. Board agreed on those two days. Replansky will set the date. Bartles stated he would like to get the audio of the presentation to DePreter and Franson. Jurkowski asked if a copy of the power point presentation could be provided. Stone stated he could

probably provide the map but was not sure about providing the whole presentation. Replansky stated the map would be helpful. Bartles asked Replansky to advise the Board as soon as possible about the workshop meeting. Stone asked the same. Jurkowski asked how their definition of open space differed from the Town's current zoning as it is written. Stone stated he believes it is consistent. He stated the big difference is whether the golf course is open space or not. He stated they have not counted golf as open space. Stone stated the comprehensive plan talks about lots greater than five acres can be counted so he feels they haven't done anything inconsistent with the direction they think the Town is going. Short discussion on public trails followed. Short discussion on open space in Milan followed. Jones asked if there was still a zoning issue in Milan. Stone stated they addressed zoning in the DEIS and they believe this plan is compliant with zoning. He stated they had a meeting with Milan where all three boards were present. They presented their case and offered at the appropriate time to sit down and have that discussion. Bartles asked if Milan has had this presentation. Stone stated not this presentation but they have seen Alex Felson's presentation. Stone stated it is their policy to show the Pine Plains' Board first. Bartles asked if the applicant had any conversations at all with the NYS DOT since they paid the money for the permit. Stone stated no and now it is a different plan. Stone stated he would request that the Board ask them to suspend their review until they know where they are going.

STEWART'S: Brandon Myers represented the applicant. Bartles stated that the Site Plan review law and the Design Standards have been considered two separate pieces when they are being sold through the Town Clerk's office. Bartles stated that the Site Plan review law and the Design Standards are actually one and should not be separated. He will check into this. The Site Plan law was given to Myers and Proper stated she would copy the Design Standards before he left so he could take them with him. Replansky stated that he has the escrow agreement for Stewart's. Bartles stated that the Board first has to make a determination that this is subject to a site plan review. Replansky asked if there was any question about that. Bartles stated if you read the exemptions there is an issue because it is an existing, approved commercial venture. He stated the whole thing revolves around whether or not adding additional gas pumps is going to increase the

intensity of use. Bartles stated he wants the Board to say that. Bartles stated if you read the exempted uses under the Site Plan Law it says exterior alterations or additions to any existing commercial or industrial structure which will not increase the gross floor area of the existing structure by more than 25%. He stated that doesn't really apply. He stated that interior alterations that do not substantially change the nature of use of an existing commercial or industrial structure are exempted. Bartles stated he is assuming that should read exterior. Replansky stated that is what it says. Bartles stated they are not increasing the gross floor area. Replansky stated his position is that in adding pumps and increasing the size of the parking area is a site plan alteration that normally would require amended site plan approval. Replansky stated he would want to err on the side of having them go through site plan approval if Stewart's doesn't have any strong objection. Replansky stated if they have to get in a debate on it he would have to look at the law more closely. He stated that certainly adding pumps is going to raise the intensity of use. Bartles wanted to vet that in front of the Board just so that they know it is an issue and he would like an affirmative action of the Board to acknowledge the fact that they agree with Replansky. Replansky stated they are changing the site plan in a fairly significant way. Jurkowski stated even before the concept of changing the parking spaces, the original concept was to modify the parking so it is modifying the site plan. Bartles stated if it is the consensus of the Board that this does have the potential to alter the intensity of use they will then conduct a site plan review. Replansky stated he prepared an escrow agreement. He stated this is standard and if it is acceptable to the applicant instead of going through the calculation they have in the Escrow Law as to what the value is of the project. He based the amount on the input he got from Jurkowski and the few things the Board may need from him legally. He suggested they just agree on \$3000.00 escrow that will be returned if it is not used. Myers stated he was thinking \$1000.00 but they will go with that. Replansky stated it is the applicant's money until it is spent and only will be spent to compensate the consultants. Replansky advised Myers to look it over and if he has any questions or problems, let him know. Replansky stated if it is acceptable sign it and get it back to him with a check which will be forwarded to the Town. Short discussion on escrow accounts followed. Replansky stated he will only be charging if he is needed

on the project. Myers advised that the proposal is still to add an additional gas island. He stated the Board asked them to look at the parking. He stated he talked to Dale Mitchell about the concept of moving the property line by buying additional land. Mitchell stated he does not own the property alone anymore. Myers stated they then went back to see if they could do something with parking on their own property and make it a better plan. Myers stated there are 15 spaces on the site now not including the gas island. Myers stated the newest plan shows 26 parking spaces. He showed on the map what they did to get the parking spaces. He stated the gas island is not included in that figure so there are 4 additional parking spaces that go with the new gas island. He stated the 26 would be available to the store customer. Myers showed on the map where the gas island will be placed. Replansky asked Myers to show on the map where the boundaries of their lot are. Myers did so. Bartles asked if there is an easement for use of the road. Myers stated there is some agreement but he is not aware what that is. Bartles stated there should be a filed easement. Myers stated that he spoke with Mitchell and he does not have any objections to the new plan. Mitchell advised he is not concerned about the parking now but it may become an issue in the future when they decide to do something with their land. Osofsky stated it would be good if the sidewalk continued to the left of where the new parking is shown. She has concerns about bicyclists or walkers having to go in the parking lot to get to Stewart's. Short discussion followed. Jurkowski asked Myers if they did topography of the area. Myers stated they have it but it is not on this plan. Jurkowski stated his concern is there may be a retaining wall or something along the parking area they are proposing within 2 feet of the property line because there is quite a depression there associated with the drainage. Jurkowski stated they might need a construction easement on the adjacent property to build a retaining wall. Mecciarello asked if they would lose some of the grass area on the right. Myers replied yes. Myers stated that the proposed lot is 37% green space versus 57% at present. Bartles stated it is a defined item but he doesn't believe it is spelled out what the percentages are. Jurkowski stated he thought he read it has to be 50%. Bartles stated they will find that out. Jurkowski asked Myers if he had a copy of the Design Standards. Proper stated she would copy them for Myers before he left. Bartles stated if they consider the business highway commercial the standards do say no

greater than 50% for impervious surfaces. He stated the question is whether it is considered highway commercial. Pecorella asked if the property they would be within 2 feet of was residential. Bartles stated it is commercial. Myers stated they would go through the law and do their comparison. He stated before they do their escrow agreement and so on they wanted to get the Board's agreement on what they think of the newest plan. Myers asked if they generally were in agreement with it before he moves on. He stated there is no point in spending a lot of money if the Board is not happy. Myers stated there is really nothing else they can do on the property at this point as they have maxed it out. Pecorella stated if he remembered correctly the idea when they originally sought approval was that people are in and out. Myers stated for the most part it is as that is the nature of the business. Pecorella asked what size the gas tanks are in the ground. Myers stated there are two 4's and an 8. Myers stated they are not proposing to change that but will be replacing the tanks. Soracco asked if they would be bigger tanks. Myers stated he wasn't sure. Pecorella asked how many times a week the tanks are filled. Myers stated he would find out. Pecorella stated if they are going to increase the usage they will be increasing the traffic flow of the tanker and once that is there it is a nightmare getting in and out. Myers stated he doesn't know if they thought that through but he will find out. Pecorella stated he felt they should come with all the answers before they start. Myers stated that this is the fourth revision of the plan and they didn't know if they would get over the first bridge or the second so he wants to know from the Board if they should go forward or not. Pecorella stated they have things to take care of with their neighbor which has to be in writing. Jurkowski stated he would like to see a copy of the easement. Replansky stated they would definitely have to have an easement that allows ingress and egress. Proper stated she couldn't find one in the file but would check again. Bartles stated he remembered it being a requirement. Soracco asked what they were going to do about lighting. Myers stated the canopy would have new recessed lights. Soracco asked if the type of canopy was the only choice. Myers stated no. Soracco stated that right now it looks like a landing field when you come into Town at night and she is concerned about having another island alongside of it. Myers stated that they have done bronze metal and that is another option to look at. Soracco asked about a gable. Myers stated they have never

done a gable as there is a fire suppression system on top of it but they have done different fascias. Jurkowski asked if they could do a mansard. Myers stated he doesn't know how much higher they can go but it is a possibility. Osofsky asked if the Board could see some pictures of possibilities. Pecorella asked if there was only one handicap spot. He stated that he feels there should be more than one. Pecorella stated his concern is the added volume, what size tanks and how often they would come to fill them. Pecorella stated it is always busy there. Short discussion followed. Jones asked how many spaces are taken by employees. Myers replied two per shift. Myers stated he feels it sounds generally positive but there are some things for him to address. Short discussion on parking spots followed. Osofsky asked if the Board would have to say it is okay for him to be so close to the property line. Bartles stated the Board would have to weigh the pros and cons. Jurkowski asked if the Board wants to consider utilizing the similar lighting that is in Town. Osofsky stated they told the applicant that before. Soracco stated that the Board has asked everyone else to conform.

PINE PLAINS TRACTOR: The sign company representing the applicant submitted plans for replacing of the signs at this business. The company chose to submit the plans without having a representative present. The plans were discussed by the Board and Jurkowski. Motion by Pecorella; second by Jones to authorize the Planning Board secretary to write a letter to the applicant with a copy to the sign company advising that someone must attend a meeting to discuss their proposal. All in favor.

OTHER BUSINESS: The July 23 minutes should reflect the following changes: DePreter had questions about the inclusion of affordable housing. Jones questioned how they were addressing successive growth and additional properties not part of the plan.

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

Respectfully submitted by:

Nancy E. Proper
Secretary

Donald Bartles, Jr.
Chairman

