

PINE PLAINS PLANNING BOARD MINUTES
JANUARY 11, 2006

PRESENT: Don Bartles, Chair
Brian Coons
Vikki Soracco
Bruce Pecorella
Ken Mecciarello
Kate Osofsky

ABSENT: Jon DePreter

ALSO PRESENT: Ross Williams, Town of Milan
Warren Replansky
Jon Adams, Carvel attorney
Nan Stolzenburg
Ray Jurkowski
Dan Stone, Carvel
Sonja Teichmann, Carvel
Rick Butler
Millerton News
Register Herald
18 members of the public

The meeting was called to order at 7PM by Chairman Bartles. He introduced Brian Coons as the newest member of the Planning Board. Bartles stated that most of the meeting time will be used for Carvel DEIS discussion. Bartles stated that Replansky had some issues with regard to escrow accounts that had to be discussed. Replansky wanted to make sure that the Board and the applicant is on the same page with regard to billing. Replansky stated he would like to discuss it while Jon Adams was present to make sure that everyone is on the same page. Bartles stated that he hoped that Replansky, Jurkowski and Stolzenburg would take the first part of the meeting. Bartles stated that the agenda was pretty short with regard to other business so he wanted to spend as much time as possible on Carvel. Bartles has asked Jurkowski and Stolzenburg to do a quick presentation on the site plan so that everyone can be thinking in terms of the actual layout and how the DEIS fits in with the information that is given on the maps. Replansky stated that he didn't have the correct sub file and would have to run back to his office. He stated that he had a statement from Karen Pineda and wanted to make sure he had the right numbers. Proper gave Replansky a copy of what Pineda had given her with regard to the escrow accounts. Replansky

stated he still didn't have the statement that Pineda had sent him. Bartles stated that everything was there except for the Carvel account. Replansky stated he thought there was approximately \$23,000. owed. His recollection was that the account was short \$13,000 and there was approximately \$10,000. in outstanding bills. He stated that if that is paid, it would cover the arrearage and the outstanding bills. He stated he would make sure the bills were sent. Adams stated he had not received those bills. Replansky stated that they would like an additional amount of \$60,000. to fund the account. He stated that they should pay the \$60,000. plus the \$23,000. Replansky stated that after discussions with Stolzenburg and Jurkowski, they felt that \$60,000. would be a sufficient amount to fund the account through the initial determination of completeness for the DEIS. Replansky stated that he and Adams would discuss it the next day and he would have the exact figures. He also stated that he would make sure the bills were sent to Carvel. Replansky stated that he sent Adams the information on the sub-consultants but he wasn't sure that include the LA Group. Replansky stated he would refax the documentation on the LA Group the next day. Replansky stated he wanted to go over the sub-consultants so that Adams knew who they were. Stolzenburg listed them as The Hudson Group, The LA Group, Hudsonia and Audubon International. The other ones, like Lindner, were subcontracted through Stolzenburg and Replansky stated he would like to continue that way with the Town Board auditing her bills. Bartles asked Jurkowski if they bring anyone in from the outside. Jurkowski stated there is no one at this time. Motion by Osofsky; second by Soracco for the Board to go into executive session for legal purposes; all in favor. Motion by Pecorella; second by Soracco to reconvene the meeting; all in favor. Bartles asked Replansky to make a comment with regard to the moratorium. Replansky stated that the law had been changed in a minor respect in that the applicant can continue with their environmental (SEQR) review at their own risk but the review will not go to a findings statement. The public hearing will be reopened at the next Town Board meeting and hopefully the Board will vote on it. This will take place at the January 19th Town Board meeting. Bartles asked Replansky to go over the timing with regard to the completeness date while Adams was present. Replansky stated that was already discussed with the applicant. Replansky stated that the Board hasn't adhered strictly to the time requirements for determining completeness and the

applicant understands and has been cooperative in waiving those requirements. Replansky stated that this will all be subsumed by the Moratorium Law if it is passed and goes into effect. Replansky stated that, if that happens, he assumes there will be an agreement signed with the applicant on how they choose to move forward. Adams stated that they understand the completeness determination was to be done by January 15th. He also stated that there was no expectation that it would be made on that date but for the record, they should agree to defer the date to some day in February. Replansky stated that the SEQR regulations offer another 30 day extension. Replansky stated that the Moratorium would supersede the SEQR regulations if it is enacted. Stolzenburg stated that since the last meeting, the Board should have received comments on Chapter 7 and 17, 18 and 19. Stolzenburg handed out a short review on Chapter 1. She stated that the comments are hers only on Chapter 1. She also received Janet Gomez-Anderson's comments. She is the attorney working with Milan. Stolzenburg stated that she hadn't looked them over yet. She gave the Board one paper copy and will email them also. She stated that Lindner is just waiting for his contract to be signed by the Town Board and he should be done by the end of January if all goes well. Replansky asked Coons for contact information so that she could send all along to him. Short discussion followed on the comments. Jurkowski provided the Board with copies of comments on Appendix 9. Jurkowski briefly discussed storm water and detention ponds. Pecorella asked if the storm water runoff for the golf course is dealt with differently with respect to the pesticides and fertilizers used there. Jurkowski said the DEIS stated how they purpose to utilize herbicides and pesticides with respect to the golf course and that they are trying to reduce that pollutant level. Jurkowski stated they are trying to make sure they substantiate that by providing actual calculations. Jurkowski briefly addressed the golf course storm water runoff and his comments relating to that. Stolzenburg stated that she feels they need to have more detail on the golf course design itself. Williams asked about the relationship between storm water and ownership of the roads. Short discussion followed. Bartles asked what is outstanding for Jurkowski to review. Jurkowski stated Chapter 1 and one area with respect to groundwater in Chapter 13. Bartles asked where they stand on the transportation chapter. Jurkowski stated that the comments were provided to the Board last month. Bartles asked if there were any more

discussions with the DOT. Jurkowski stated they have requested and are still waiting for a joint meeting with DOT and the applicant. Bartles asked about how the questions that the Board has for DOT fits in with the completeness. Jurkowski stated that all along they have stated that the transportation issue is a large one to be dealt with. He feels that they should sit in on the DOT meeting to get an understanding of DOT's intent and comments prior to completeness. Discussion of completeness followed. Stolzenburg stated that the Board should start thinking about how to synthesize the information to get to the completeness determination. Jurkowski stated that there needs to be Board comments. Bartles asked for suggestions on how they would like the Board to progress to that point. Stolzenburg and Jurkowski stated that there is no easy way. Jurkowski suggested they start with the site plan and looking at certain aspects of it with regard to the DEIS. He also suggested they start looking at the high density areas and work their way out to the road. Stolzenburg stated that the DEIS and the comments and concerns that have been raised should be integrated and put into context with regard to the site plan. Replansky stated that the determination of completeness has to give clear direction to the applicant and it is required by SEQR. Bartles suggested that the Board have a second meeting in January and have it be exclusively an open workshop session starting with the site plan. Bartles asked if the Board would be open to do that. The meeting was scheduled for Wednesday, January 25 at 7 PM. Stolzenburg asked the Board to read through the comments so they are familiar with the issues and concerns that have been raised when the Board looks at the map and layout. Stolzenburg stated that it cannot just be a layout discussion. It must be tied in to the chapters and comments that have been raised. Jurkowski stated that the layout issue must be looked at also with regard to such things as roadways and clustering alternatives. Stolzenburg urged the Board to pay particular attention to the tables in chapter 17. Bartles asked Ross Williams if he would be staying on as the liaison. Williams stated yes. Stolzenburg asked Coons if emailing him all the comments at his work address okay. Coons stated yes. Proper stated that she would email Coons all the comments that were previously submitted. Stolzenburg advised Mecciarello that he should make sure he has all the comments since he does not have email. Jurkowski stated that the applicant has asked for a meeting to start the

discussion of how they plan on addressing the comments. Bartles asked how the consultants felt about a representative of the Planning Board being there. Stolzenburg stated they have always encouraged that. Jurkowski stated the meeting is scheduled in Poughkeepsie on the 19th.

JANET ZIMMERMAN: Helen Fuss represented the owner. The property is located at 19 Pine Street. Bartles asked her to explain what she wanted to do at the property. She presented a map and explained that they have an existing barn/garage that has an existing one-bedroom apartment on the second floor. They are proposing to make a second one-bedroom apartment on the first floor. There is a separate septic system for the building. They plan on putting in better heating as it has electric baseboard heat. Bartles asked if this will result in three residential units on the property. Fuss stated yes. She stated the property is 1-1/2 acres total. This property was previously owned by Barbara Gardner. Bartles asked if the single family house would be touched. Fuss stated it would not. Bartles advised Fuss that Zimmerman would have to be the owner of record making the application and giving Fuss the authority to speak on her behalf. Bartles stated that it falls under site plan review. Bartles advised that the Board would have to have an application and do a site visit. Bartles explained that there would have to be a public hearing and an environmental review (short form SEQR). Bartles stated that the Board would like to see a deed for the back parcel to indicate how the right of way works as part of the review. Coons asked to see on the map exactly where the septic is for the main house and also neighboring property owners and how far away from the property line they are. Coons asked to have all utilities shown on the map. Short discussion of the right of way followed. Jim Mara stated that as a member of the Historical Society, he could show the Board exactly where the right of way is. Mara stated that they all share the same right of way through Peck's. He explained where it was located. Bartles stated that a public hearing would be scheduled for February 8th, if they could be ready for it. Pecorella asked how this project fits with the Moratorium. Bartles stated that he thinks it is exempt. Bartles stated that, after reading a portion of the Moratorium law, this project may fall under that law. He explained to Fuss that the Town is getting ready to adopt a moratorium and when it would go into effect. He explained that if it does fall under the moratorium law,

the Board would not be able to give approval until a future date when the moratorium is either rescinded or expired. A site visit was set for Saturday, February 4th at 9:00 AM. Pecorella asked that everyone get a verbal reminder about the visit. Bartles stated that the post card reminder is fine. Bartles advised Fuss that he would be in touch when he found out more about the moratorium. The Planning Board application was given to the applicant.

REISNER/TAINTOR: Mr. and Mrs. Reisner and Zebulon Taintor were in attendance. A map of the property was presented to the Board. Dr. Taintor explained where the property is and what they are proposing to do with it. There is an existing house there now. They are proposing a subdivision with a total of four lots. Bartles asked if their intent was to do something with the Land Conservancy since it was mentioned by Taintor. Taintor stated probably. Bartles asked about access. Mecciarello lives next to this property and went over who owns the adjoining properties. Bartles questioned whether this would be considered the creation of four lots or the creation of three lots and how it all fits together under the subdivision regulations. Bartles advised that the lots are all over five acres so BOH approval would not be an issue. Bartles stated that the Board would like to see access and right of way agreements that are created would have to be reviewed by Replansky. Bartles stated that the Highway Department would have to be involved because of an intensified use of the property. Osofsky questioned whether or not the private road would need to be paved. Bartles stated that under the new road specs., it would have to be looked at. Soracco asked about the existing house. Reisner stated that it is being repaired now. Bartles stated that a private road has to be built to the Town highway specs. And part of that is paving it. Bartles asked how preliminary this project is. Taintor replied very. Reisner stated that the property needs to be surveyed. Bartles stated that he feels this project may come under the moratorium. Bartles stated that the other issue is the "private road scenario". The road may need to be brought up to the specifications in the Town law. Bartles stated that the Board would need to discuss this with Jurkowski. Short discussion followed. Pecorella asked what will be surveyed. Reisner replied everything including proposed lot lines. Planning Board application was given to the applicant for future use. Reisner asked what the next step

is. Bartles stated the Board would investigate their questions and get back to the applicant.

CHRISTINE SNYDER: Snyder stated that she misquoted in her letter about putting in a new driveway. She wouldn't have to put in a new driveway. When she purchased the property the driveway was circular and they fenced it in. She would take the fence down and use the original driveway. Bartles explained the location of the property and what the background on the project is for the new member, Coons. Bartles apologized for the confusion on this project. Bartles stated that when the Board originally looked at the proposed subdivision there was the self-storage with apartment and the main house with a studio apartment. The Board looked at the property as one parcel with four uses. Snyder had come to the Board to subdivide the storage unit off and put an additional single-family house on the parcel. This would make the property two lots with five uses. The lots would be .33 and .05. Total acreage would be .83 subdivided. The subdivision recommends a minimum of a half and acre. Bartles stated they do have public water. Bartles stated they have done less than a half acre in the hamlet area where one of the utilities is provided. After doing a site inspection, it was the consensus of the Board that with the five uses on two parcels, it was just too intense. Bartles stated that the Board was going to send a letter explaining this to Snyder, and he apologized for that not getting to her. Bartles stated that Snyder has come back to the Board with an alternate proposal with no single-family house. The self-storage would be subdivided out and remodeled into a main residence for Christine without an apartment. Snyder stated she would subdivide out the self storage, sell the existing main residence with a studio apartment, and remodel the self-storage barn to be her primary residence with no self-storage. Osofsky stated then the only issue would be the size of the lots. Bartles stated yes. Soracco stated she is concerned about the driveway coming out onto Academy Street. Snyder stated that the driveway has been there for a long time. Soracco stated her concerns to Snyder. Pecorella stated the driveway has been there as long as he could remember. Osofsky stated there is a driveway on that side now. Soracco asked if another driveway would be put in. Snyder stated that they had put in another driveway when they bought the house. Snyder stated there wouldn't be two driveways. She would use the one that she previously elected not to use. She will be taking the fence down and

using the driveway that is already there. Soracco stated that she feels that there should not be two driveways on Academy for safety reasons. Osofsky stated that they could just have one on Academy and use the one on East Church. Snyder stated that the front lot has one off Academy and one off East Church. Snyder stated that if that is an issue, when she sells the house she will stipulate that they must use the East Church driveway and not the one on Academy. Short discussion on the driveway placement followed. Bartles asked how old the Health Dept. design is. Snyder stated that last couple of months. Bartles asked if the barn was already on its own septic system with BOH approval. Snyder stated yes. Discussion on the septic system followed. Soracco asked how many bedrooms in the barn apartment. Snyder stated two and there will be two after the remodel. Bartles asked the Board for their recommendation to proceed or not. Bartles stated they would need to get Highway Dept. review for closing down the existing access onto Academy and opening the old one. Bartles stated the Board would need a survey with the subdivision lines drawn on; septic shown on the map also. Bartles also stated the Board would need to see proposed highway location and Snyder should speak with the highway superintendent beforehand. Bartles stated there will be a site inspection for those not available the first time and then a public hearing will be held. Bartles asked the Board if they would like a letter from the Health Department with regard to septic. Coons stated yes. Bartles told Snyder to submit the application with SEQR form, submit a better survey map showing the proposed subdivision and get a copy of the BOH approval for the Board to look at. Coons asked that she have all the utilities on the map and adjacent property owners also. After everything is submitted to the Board, the next step would be a public hearing. Bartles stated that the Board would need to know she was ready to have the ten day lead time for the public hearing. Snyder will let Proper know when she is ready.

Osofsky stated that if something is put in the former Peppermill Deli location, does she have to come for a sign approval. There is not a change of use. She stated it would be the same as previously. Bartles asked what Weaver said. Osofsky stated that it is not a change of use. Coons asked if she had a building permit. Coons stated she would need a building permit for repairs. Bartles stated it is just reopening a closed business. Bartles stated his

opinion that she wouldn't need to come for the sign unless it is a site plan review. He stated he knows his opinion is the minority one on the Board. Osofsky stated that DePreter would be doing the sign. Bartles stated that would be two people who would have to recuse themselves.

Jim Mara, Town of Pine Plains Assessor, asked permission to address the Board. Bartles stated he could. Mara stated that the Board should be aware that Snyder is operating a three unit operation and is coded as a single family dwelling. Mara stated he can find no permission for the multiple uses. He stated she has no building permit for the storage business and has no CO for the current apartment in the barn. Mara asked if the Board would want the legalities cleaned up before they proceed. Bartles stated that is why she was rejected the first time. Bartles stated that she did come through for the storage units. Bartles stated that Weaver issued a building permit for the barn apartment without the Board knowing it. Mara stated that there is no CO. Bartles stated that under the new plan the storage unit would be removed from the picture and it will end up being two lots with single family residences. Bartles stated that this would bring it totally back to a residential use. Mara stated that Zimmerman also has an apartment with no building permit and no CO. Bartles asked if it was historic or new. Mara stated the one in the barn is new. Mara stated she also has a two car garage with no building permit and no CO. Mara stated it was all there before Zimmerman purchased it. Mara stated he spoke to her and suggested how to clean it up. Mara stated his advice to the Board would be to ask her for the approvals. Mara had suggested that she speak to Weaver. Bartles stated that his opinion is that the Board would approve the site plan but it would be Weaver's responsibility to insure that everything was satisfactory to him and that would include the CO issue. Osofsky asked what triggers a building permit. Pecorella stated any change. Mara stated building a new deck or going beyond the existing footprint, or electrical or plumbing renovations, putting up a garage; any of these would need a building permit. Mara stated this would trigger the Assessors to go and reassess the property. Short discussion followed. Bartles stated the Board would love to have more discussion with the Assessors. Mara stated the assessors assess based on what it is (commercial, etc.) and it is up the Board and Weaver to deal with the legalities. Discussion followed. Soracco stated that

Proper should make Mara aware of the agenda so that he can advise if he has any questions.

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

Respectfully submitted by:

Nancy E. Proper,
Secretary

Donald Bartles
Chair