

January 14, 2015

**PINE PLAINS PLANNING BOARD MINUTES
WEDNESDAY, JANUARY 14, 2015
7:30 PM**

IN ATTENDANCE: Sarah Jones, Acting Chair
Ken Mecciarello
Steve Patterson
Michael Stabile
Kate Osofsky, Alternate

ALSO PRESENT: Ray Jurkowski
Drew Weaver
Warren Replansky (arrived 7:35 pm)
George Keeler
Brian Coons
2 members of the public

ABSENT: John Forelle, Chair
Louisa Grassi
Vikki Soracco
Peter Salerno, Alternate

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

Jones stated, as Replansky was not yet present that the Board would move to the next agenda item. Motion by Mecciarello to accept the November 2014 minutes; second by Patterson. All in favor. Motion carried.

PRIMAX PROPERTIES (DOLLAR GENERAL): Zachary Peters (engineer) and Jeremy Speich (attorney) were present representing the applicant. Peters gave the Board a brief recap of the proposed project. Speich stated that they just want to understand how the Board is going to treat the project under SEQR. Jones stated that Jurkowski had submitted some materials to the Board. Jurkowski stated he sent a comment letter to the Board. He stated he would like to discuss what procedurally needs to take place as far as Planning Board and ZBA approval. Jurkowski stated there are various aspects such as site plan and lot line adjustment which are under the jurisdiction of the Planning Board. He stated in addition to that the applicant needs to go before the ZBA for variances. Jurkowski stated the project is located in the HMS zone and based on the Zoning Code there is a minimum and maximum building setback. He stated that the building is beyond that maximum and they need a variance for that. Jurkowski stated they also need a variance on the building size as the proposed size is 9100 square feet and that

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exceeds the zoning maximum. Jurkowski stated from a SEQR standpoint the project does not exceed any of the thresholds as far as a Type I action so it can be considered an Unlisted Action. Jurkowski stated between the Planning Board and the ZBA it could be handled two different ways. It could be handled as an uncoordinated review which means the Planning Board cannot come to a determination as far as the site plan as a whole until the ZBA makes its decision because without that there may not be a project. He stated if the ZBA does not grant the variances the applicant would have to go back to the drawing board and come up with a new site plan. He stated the Planning Board would refer it to the ZBA and they could start their process, handle their SEQR on that end, and come to a determination as far as SEQR and the variances. He stated if the ZBA approves those variances it would then come back to the Planning Board and they would do their SEQR also and that would be considered an uncoordinated review. Jurkowski stated the other option is to do a coordinated review where both Boards work together and collectively hash out the SEQR items and work towards a SEQR determination and ultimately decisions for both Boards. Jones asked Replansky if the Board is required to make a determination of Lead Agency or can they go forward with an uncoordinated review. Replansky stated if a coordinated review is done then a Lead Agency would have to be determined. Replansky stated if an uncoordinated review is done the applicant may have to do two SEQR reviews and the uncoordinated review would have to convert to a coordinated review if at some point there was a Positive Declaration. Replansky stated if each Board does their own SEQR each Board would designate themselves as Lead Agency but nobody can make any determinations until the SEQR is completed. Replansky stated it is a little complicated and difficult but the Zoning Law contemplates working together on an application like this. Replansky stated the Planning Board could have a joint meeting with the ZBA and hash out the process as to how to proceed. He stated the problem is the logistics of getting both Boards together at one meeting. Replansky stated the applicant's concern is that in order to do an adequate SEQR there is a lot of information and documentation that is required on the Planning Board's side. He stated the applicant would like to have some idea if there is going to be difficulty in obtaining the variances from the ZBA before they put all that time and effort into preparing all the plans. Replansky stated at minimum to start the process an adequate site plan is needed. Jurkowski has indicated the site plan itself is not adequate. Replansky stated that for the purpose of the Planning Board's review they would want to see a stormwater plan and more before they made their decision. He stated the ZBA may not need all of

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those items before they made their decision but that would be up to them. Jones stated if it came back to the Planning Board they could still get the information that was needed. Replansky and Jurkowski stated absolutely. Replansky stated the ZBA's issues are somewhat less complicated from a SEQR standpoint so they may not require a stormwater plan. Replansky stated the applicant will have to cooperate in this process also because there will be issues with regard to SEQR procedures that would have to be waived by the applicant. Jones stated she doesn't understand what a joint meeting would accomplish as the issues the ZBA has to deal with are not issues the Planning Board has to deal with. Replansky stated a joint meeting could start the process and review moving forward. Replansky stated if the Planning Board refers it to the ZBA for their review first they can wait until the ZBA is finished before starting any work on the project. Jurkowski stated there is no right or wrong. Jones asked the applicant what their preference might be. Speich stated the applicant's preference would be an uncoordinated review and go to the ZBA first, hash out the area variances and if they are granted, come right back to the Planning Board. Jones stated she likes that idea. Replansky asked what happens if the ZBA decides they want to conduct a coordinated review. Jones stated then we can do that. Replansky stated the only thing the Planning Board needs to do is declare the project an unlisted action and refer it to the ZBA. Jones stated there is no prohibition for any of the members to attend the ZBA meeting and she would encourage people to do so. Replansky stated he did make contact with ZBA Chair Scott Chase and invited him and any ZBA members to be at this meeting. Board agreed they are comfortable proceeding with uncoordinated review. Motion by Patterson to declare this an Unlisted Action under SEQR, hereby determines that the Planning Board will conduct an uncoordinated review and refers this project to the Zoning Board of Appeals; second by Osofsky. All in favor. Motion carried. Proper advised the applicant that they needed to apply for the variances through Weaver and would be on the February ZBA agenda. Jones to prepare a letter to the ZBA indicating the action that was taken this evening.

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Motion by Patterson to adjourn at 8:00 pm; second by Osofsky.
All in favor. Motion carried.

Respectfully submitted by:

Nancy E. Proper
Secretary

Sarah Jones
Acting Chair