

May 11, 2016

DRAFT
PINE PLAINS PLANNING BOARD MINUTES
WEDNESDAY, MAY 11, 2016
7:30 PM

IN ATTENDANCE: John Forelle, Chairman
Vikki Soracco
Ken Mecciarello
Michael Stabile
Jane Waters, Alternate (sitting for Osofsky)
Peter Salerno, Alternate (sitting for Grassi)

ABSENT: Kate Osofsky
Louisa Grassi
Steve Patterson

ALSO PRESENT: Drew Weaver, Zoning Enforcement Officer
Warren Replansky, Town Attorney
Millerton News
Nine members of the public

Chairman Forelle called the meeting to order at 7:30 pm.

LEONARD LIBERTA: Wesley Chase and Dave Owens were present representing the applicant. Chairman Forelle read the legal notice of public hearing that was published in the Millerton News. The public hearing was opened at 7:30 pm. Forelle asked Chase to present an overview of the project. Chase presented a site plan and advised that Liberta is seeking site plan approval for a 70 by 40 foot building on his property at 607-611 Lake Road in order to lease it to Dave Owens. Owens is proposing an indoor recreational use for indoor soccer (futsal). Chase explained that the applicant went before the Zoning Board of Appeals to get their approval for this project and that was granted. Chase advised this is the Hamlet Rural Zone under the Zoning Law. Forelle asked Owens to describe the usage and hours of operation. Owens stated that the court he is proposing is approximately 33 percent smaller than a basketball court and would accommodate approximately six players at a time. He plans on running two 75-minute sessions a day for all age groups. He would be running the program in the evenings between 6pm and 9pm and on weekend afternoons. The programs are self-managed with no referees and he would be onsite at all times. He also stated there will be no showers but a washroom with a toilet and sink and he will have bottled water available. Chase advised that an engineer had been hired to inspect the septic. A formal letter was sent to the Board of Health asking for their approval. Chase advised that, if all goes well, they would be

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asking for conditional approval based on BOH approval. Chairman Forelle read the letter from Willingham Engineering into the record. (Copy attached.) Chairman Forelle asked for public comment. Carter Gregory stated that the application says the business will be open 7 days a week all day and he wanted clarification from Owens with regard to that, as it was a concern. Chase advised that he completed the application and without knowing the exact hours he wanted to leave it open and flexible and something to discuss with the Board. Owens stated with the limitations of the building the capacity for expansion is not there and traffic should not be what it was when Liberta was in its heyday. Owens further stated that he is coaching outdoor soccer this summer and will continue to coach three seasons at the school so his availability will be limited. Owens stated that two to two and a half hours a day would be all he could do. Gregory stated he still has a concern over the program's expansion in the future. Gregory stated that he had addressed the Board in writing his concern about traffic. Forelle read Gregory's letter into the record. (Copy attached.) Gregory stated that this project would impact nine residents in the immediate vicinity. Forelle asked if anyone had addressed the traffic issues with the Town Board. Mrs. Childress (?) stated that she had asked for speed bumps. She stated traffic has increased and speeding is an issue. Forelle stated a letter had been received from Vivian Walsh and asked if she would like to speak. She stated that some of her questions and concerns had been addressed. She stated that traffic is an overall concern. Maryann Goldstein stated she spoke with Mr. Liberta prior to the public hearing. She questioned the possibility of a summer camp. Owens stated it would be more of a summer youth series depending on his schedule and there would be no day long camp. He stated it would be for only two hours for up to eight kids. He also stated that 90% of his traffic would be coming in from Route 199. Chase stated that he wanted to point out to Mr. Gregory that this approval is very specific to this building and any modification to this usage would have to come to back to the Board. Chase also pointed out that there is 400 feet of site distance from the entrance to the property and where the hillcrest is which is and coupled with the 30 mph speed limit it is more than the State requires. Chase stated that he feels the speeding issue should be addressed with possibly more of a police presence but a potential recreational program that would benefit the children and comply with the Master Plan should not be penalized for that. Goldstein stated they are a residential area and questioned whether or not a recreational business is compatible. Forelle explained that this had already gone before the Zoning Board of Appeals and gotten their approval. Forelle stated that the Planning Board has to make sure that within the permitted use the project is safe,

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properly designed and that the applicant is doing all that is reasonable to protect the community. Mrs. Childress (?) asked if parents will be staying to watch the children. Owens stated that the building does not accommodate a viewing area. Kevin Walsh stated that an expansion of the business does concern him. There is already a gym on the property that never went through the approval process and plays loud music and has brought extra people to the property that sometimes trespass on neighboring property. His concern is more extra people hanging out and more noise. Forelle stated that it is his understanding that Liberta is reducing his business. Walsh stated he could bring in another business. Forelle stated it would have to come before the Board for site plan review. Vivian Walsh asked if this pertains to just Owens' business or the whole site. Forelle stated just for the building in question. Chase gave a brief overview of the structures and the utilities that went with each. Gregory asked if the Owens' clients would be bringing any business or spending any money in Pine Plains. Owens stated that most of the clients would be from Pine Plains. He stated he is not going to actively go out and get a lot of people to come because there is no room for that. He advised he is not going to be searching for clients from south of Pine Plains. He believes most of the clients will be from Red Hook/Rhinebeck who are known to him and he will be promoting Pine Plains. He stated he does hope it does bring a slight bit of business to the Town. David Childress (?) emphasized that there is a dangerous situation because of the topography of the road and speeding traffic. He further stated that the basic problem is not the proposed business but a pre-existing condition. Forelle stated that it sounds as if a group of citizens should be at a Town Board meeting making them aware of this situation. Sarah Jones stated that Lake Road is used extensively for walking and recreation and these are serious issues for the whole community with regard to safety on Lake Road. Soracco stated this is not just a Lake Road problem with regard to speeding. Soracco stated she doesn't feel this is Owens' problem. Owens stated he does not play loud music. Gregory stated that he wants to keep the peacefulness and quiet and any aspect of a commercial project would not be conducive to that. Owens stated he understands and thinks his facility will only make the Town better. Soracco asked the neighbors if they see a difference in truck traffic coming from Libertas. Kevin Walsh stated it is definitely a little less. He further stated if he has had any issues with Liberta over the years he has always been able to communicate with him. Discussion of noise and safety followed. Chase asked Owens if any of his clients were speeding the neighbors could come speak with him and he would address it. Gregory stated there was some old rusted equipment on the premises that could be a safety concern. Kevin Walsh stated that the premises had been

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cleaned up. Owens stated that there would be no unsupervised children running in the parking lot or playing outside the building. Forelle stated that all of the concerns had been noted and asked for a motion to close the public hearing. Soracco made a motion to close the public hearing at 8:10 pm; second by Stabile. All in favor. Motion carried. Forelle thanked the public for coming out and encouraged them to go to the Town Board with their concerns about speeding on Lake Road. Forelle also stated that their concerns would be taken into consideration as the Board proceeds. Replansky briefly discussed the ZBA's decision and his objection to it. Replansky stated that the statute does allow the Board to put restrictions on the business and he would urge the Board to do that with regard to hours of operation. Replansky stated that any restrictions or limitations would have to be in the resolution. Forelle stated that it seemed as if the Board would be willing to approve the site plan with certain conditions. Forelle stated that he would like to have draft minutes circulated to the Board and Replansky and have Replansky draft a resolution for the June meeting based on the minutes. Forelle stated that the project had been referred to Dutchess County Planning and they advised that it was a matter of local concern. It was decided to do the SEQRA at the June meeting. Chase stated that the site is located within a Critical Environmental Area. He stated before zoning it was required to complete a Long Form EAF if a property was in a CEA. He stated that he found nothing in the DEC regulations requiring this and asked that the Board accept a Short Form EAF as submitted. Discussion followed. Replansky stated he would investigate this and report back to the Board. Forelle stated if the law requires the Board to complete the Long Form EAF then obviously they will but otherwise a Short Form will be acceptable.

OTHER BUSINESS: Sarah Jones advised the Board she is concerned with the number of "feather" signs that have popped up in Town. She has reviewed the sign law and feels they are not permitted but feels the Planning Board should take a look at it to see if these signs need to be specifically identified and/or how to handle the installation of "feather" signs. Discussion followed. Forelle asked Replansky to look into the situation.

Forelle reminded everyone that there is a Citizen's Preparedness Training being given on May 12th at the Community Center at the Library.

The Board reviewed the draft of the LaValley approval resolution and made several changes. Motion by Soracco to amend and finalize the resolution; second by Waters. All in favor. Motion carried.

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Salerno made a motion to accept the April 2016 minutes with the following correction: futsul should be futsal throughout the minutes; second by Soracco. All in favor. Motion carried.

Motion by Soracco to adjourn at 8:50 pm; second by Salerno. All in favor. Motion carried.

Respectfully submitted by:

Nancy E. Proper
Secretary

John Forelle
Chairman