

February 13, 2008

Town of Pine Plains Planning Board Minutes
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IN ATTENDANCE: Don Bartles, Chair
Ken Mecciarello
Vikki Soracco
Jon DePreter
Sarah Jones

ABSENT: Bruce Pecorella
Kate Osofsky

ALSO PRESENT: Warren Replansky
Millerton News
Eleven members of the public

Chairman Bartles opened the meeting at 7:30 pm with a quorum present. Bartles explained that Paraco Gas had requested a postponement as they were doing a survey on the property to answer some questions that were raised.

Bartles advised that the Board had received a lot of requests including Grant and Lyon, the attorneys for Pine Plains United, asking to hold a Saturday public hearing for the Carvel DEIS and to extend the comment period for a total of six months. Bartles stated that he was under the impression that there was a clock running but he stated that the clock is a minimum. Replansky stated that there is no clock in terms of the time period for public comment to close. Replansky stated that this is a very complex project and a very substantial DEIS and it is not uncommon for lead agencies to take a considerable amount of time in terms of the comment and review period. Replansky recommended that no decision be made at this time as to whether or not the Board wants to extend the public comment period or whether to have one or more Saturday public hearings. Replansky suggested the Board keep the issue open and see what happens at the next public hearing and perhaps even wait until the third public hearing to see if the Board is finding there is a need to extend the public comment period and to have one or more additional public hearings. Replansky stated it sounds as if the addition of a Saturday public hearing might be a good idea but he would advise to wait and see how many people actually contact the Board. Replansky stated that there are other ways of extending the time period other than having more public hearings. He stated the Board could always just extend the public comment period so that additional written comments can be received. Replansky stated the quality of comments received in writing are usually much better than at a public presentation. He advised the Board may want to add one more public hearing and then extend the public comment period for another thirty or sixty days but he felt it was premature to decide on those issues now. He advised to wait until after the next public hearing and possibly even the one after that. Proper advised

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that the Board had received thirty-four emails requesting the additional hearing and the extension of the public comment period. Replansky stated that he received a call from Nelson Johnson and Alex Durst asking him what he knew about the issue about extending the public comment period. Replansky advised that they could come to the Board and discuss it but his sense was a decision would not be made tonight. Replansky stated he is not terribly interested in what the applicant has to say on this issue because it is a lead agency decision. Replansky stated that the applicant took up a major portion of the last hearing and there were many people who wanted to speak but just left. Replansky stated that he knows that there will be some more serious comments that the Board will receive from organizations like Scenic Hudson. Replansky stated he does know that Pine Plains United also has substantial comments. Replansky stated that for the most part the comments from the public will not be substantive but there will be comments and critical analysis from professionals or organizations. Replansky stated he feels the Board should reconsider the idea of allotting five minutes to speak to these professionals or organizations. Replansky stated these people should be allotted additional amounts of time to make their comments. Replansky advised the Board should keep it flexible to make their decisions on a case by case basis. Replansky stated that if an organization comes in and wants twenty minutes to address the Board, they should get the twenty minutes. Discussion followed. Replansky stated he was not totally satisfied with the presentation made by Carvel as an introductory discussion to the DEIS process. Replansky stated he found it to be more of a "sell" of the project. Replansky advised the Board they may want to ask the applicant to go into more detail about the DEIS and the sections of the DEIS and what they cover in the DEIS at future hearings rather than discussing how beneficial the project will be to the community. DePreter agreed. Bartles asked if Replansky received the letter from the DOT. Replansky stated he hasn't received anything and asked what the protocol will be for sending comments. Replansky stated he also heard about the Dutchess County Planning letter. Bartles advised that the Board was the last to receive the letter and the letter was available at the public hearing before the Board received their copy. Bartles stated that it was a sad letter and he will talk to Roger Akeley about it. Bartles stated he is very upset about the letter. Proper advised that she would be sending comments once a week. Replansky stated that was fine. Short discussion followed on the DOT letter. Jones asked if it was possible for her to get a full DEIS in order for her to be effective. Replansky advised the Board should request two additional sets. Bartles stated he would request this. Replansky stated he would not be at the February 29th meeting. Replansky asked how quickly the transcripts would be coming. Proper stated she hadn't received anything yet. Replansky stated he would like a transcript of the February 29th meeting as soon as possible.

Bartles advised Replansky that the escrow account for Stissing Farms needed to be recharged. Replansky asked what is going on with the project. Bartles stated it was just Jurkowski's ongoing engineering reviews. Replansky stated it would be a matter of what Jurkowski thinks he needs. He advised Bartles to contact Jurkowski. Replansky advised to see what Jurkowski needs and then just add \$1000.00. Replansky stated as soon as the account gets down to a third of the original amount, it should be replenished.

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Replansky asked if anything had been received from Paraco on their escrow account. He stated he sent an agreement but had not gotten anything back so the public hearing should not be held until the escrow account is signed.

Bartles stated it was his understanding that the Library had established an escrow account and Replansky stated he didn't know as it doesn't come to him. Replansky stated the Board should double check with Karen Pineda as the money doesn't come to his office. Bartles asked Proper to check with Pineda.

MICHAEL AMELIO: Bartles stated he asked Amelio to come in to have a discussion with the Board. Bartles stated the question is whether or not this should be treated as a site plan review. Bartles stated he feels it is not but would like to hear what the other Board members think. Short discussion followed. Bartles asked for a motion stating that this project does not fall under site plan review. Soracco made a motion that this does not require site plan review; second by Mecciarollo. Motion passed 4:0 with DePreter voting no.

DePreter stated that he feels it might be helpful to have some sort of category to cover this type of business/home occupation in zoning. One where the work that is being done is not on premises but there is some sort of business component with an office. DePreter stated it might be helpful to the Town Board as they review the proposed zoning ordinance. Discussion followed. DePreter stated he doesn't have a problem with Amelio doing this but constructively it might be a good idea to offer a suggestion to the Town Board to cover future projects. Bartles stated he has brought this up prior. Bartles stated he feels some of these small businesses are not a home occupation and not commercial either. DePreter stated that all he would like is for the Town Board to have some language in the zoning ordinance so that no one has to go through what Amelio went through. Bartles stated that Stolzenburg was directed to break the home occupation into three levels and the lower level does not need any type of review.

CHURCH OF THE REGENERATION: Marigo Brandt represented the applicant. Brandt advised that they are looking for approval so they may get a building permit for a proposed thrift shop. They will be buying a pre-fab building and hooking it onto the existing garage behind the church. Bartles stated that basically it would be an addition on the garage. Brandt stated yes. Proper advised the Town Board already decided this does not need a variance to the moratorium. Bartles read the proposal from the church to the Board. Bartles stated that the Board needs to decide whether or not this needs site plan review. Discussion followed. Mecciarollo made a motion that site plan review does not apply; second by Soracco. Jones abstained as she has not yet read the site plan review law. DePreter stated he would like to go look at it with regard to setbacks. Bartles asked if someone would be able to show the Board where the corners are. Bartles asked them to contact Proper to let them know when someone can show the Board the layout. Mecciarollo withdrew the motion.

Bartles stated there has been a request from Drew Weaver to give him the okay on the Paige George Literacy Foundation property before he issues the CO. Bartles stated that

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everything he sees is okay except there is an outstanding letter from the DOT with regard to the curb cuts that they do not like. Bartles stated he will speak with Weaver to make sure the State's bond is sufficient to allow Bartles to sign off. If Weaver says yes, Bartles will sign off.

Bartles stated that they have been waiting for the escrow account and some back fees to be paid on the Library. Bartles stated as soon as he gets the nod on those items, he can sign off so they can get their building permit.

DePreter made a motion to accept the August 8, 2007, September 12, 2007, January 9, 2008 and February 6 2008 minutes; second by Soracco. All in favor with Jones abstaining on all but the February 6, 2008 minutes.

Motion by Soracco to adjourn; second by DePreter.

Respectfully submitted by:

Nancy E. Proper
Secretary

Donald Bartles, Jr.
Chairman