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**PINE PLAINS PLANNING BOARD MINUTES
WEDNESDAY, MARCH 20, 2013
7:30 PM**

IN ATTENDANCE: Don Bartles, Jr., Chairman
Kate Osofsky
Steve Patterson
Ken Mecciarello
John Forelle
Sarah Jones
Louisa Grassi, Alternate

ABSENT: Vikki Soracco
Peter Salerno, Alternate
Nancy Proper, Secretary

Chairman Bartles called the meeting to order at 7:30 PM.

Bartles stated that Warren Replansky had asked for a couple of minutes at the beginning of the meeting and he has been delayed.

VTM HOLDINGS: Timothy and Vivian Berlinghoff were present. Bartles stated the applicant is back before the Planning Board with a revised proposal. Bartles asked the applicant to show the Board the new plan. Berlinghoff advised that this new plan is a proposed addition that falls under the 25% they are allowed without a variance. Bartles stated they are basically reducing the extension in the back. Applicant stated yes. Bartles stated typically this would have to go through a site plan review and the Board will have to discuss the proposed signs as part of it. Bartles stated the Board would have to do a site inspection which would entail meeting the applicant on the property and then the Board would hold a public hearing for the next meeting. Bartles asked the Board what their preference is for doing a site inspection. Discussion followed. Bartles asked the applicant to put some rough stakes in the ground to mark the proposed addition. Berlinghoff stated they are requesting one sign on the ground and one on the building. Bartles stated that Proper will take care of the notification of the public hearing which will be at the next meeting. Bartles stated that Proper will take care of notifying the adjacent property owners. Bartles stated the Board will want to know how they are planning on parking, access and where the dumpsters are and outside storage and things like that. Bartles stated if there is a need for

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any kind of screening, the Board may talk to them about that. Bartles stated that Proper would be in touch with the applicant. Berlinghoff asked Replansky if it was correct that they could increase by 25% and any more than that would require a use variance instead of an area variance. Replansky stated that was correct. Berlinghoff stated that they were on the property before the zoning was in place. Replansky stated the Town Board would have to pass a local law to changing that and it would have to be consistent with the Comprehensive Plan. Replansky stated there would have to be an Environmental Review because it is a process. Berlinghoff stated that if everyone saw the property they would agree that a 50% increase makes perfect sense and they purchased the property knowing they would need to expand some day. Bartles stated there are several things in the law that at some point should be changed. Bartles stated he asked that a committee be appointed to review it. Bartles stated it will be based on experiences that the Boards have had in using the law. Bartles advised the applicant to address the Town Board with this either by letter or by going to a meeting and explaining the issue at least to get it on record. Replansky stated there was a rationale for the way the law was written as in most zoning laws you are not allowed any expansion of a non-conforming use and this was a compromise to allow 25%.

OTHER BUSINESS: Bartles stated that all Board members received a memo from Replansky asking about terms and if members had any recollection of a commitment when they were appointed to the Board. Bartles stated Replansky wanted to know if it was specified to the members if it was a five, seven or indeterminate amount of time. Bartles stated Osofsky stated she thought it was seven. Jones stated she thought it was five. Mecciarello stated he thought it was seven. Jones stated she replaced Jon DePreter first and then was reappointed and she thought it was five. Jones stated the minutes do not reflect this. Bartles stated that is true unfortunately. Bartles stated that Osofsky came on in January of 2004. Bartles stated that Soracco came on in the middle of the year in 2004. Bartles stated that they really don't know. Replansky stated that he is pretty close to figuring it out. He stated he feels the dates he put in are pretty correct. Jones stated hers was an error as it was a six year term. Replansky stated he suspects hers was supposed to be a five. Replansky stated that the resolutions they have creating the terms say five and he has no record of them ever being seven. Bartles

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stated that at some point possibly in the late 80's they just started doing seven year terms to bring it into conformance with the law but it was not formally done. Bartles stated his first term was seven years. Bartles stated that Soracco and Osofsky came on at the same time. Bartles stated that Soracco came on mid-year and that might have been where it went off. Bartles stated Jones might have been a six year term because she was replacing someone who had done one year of their term. Jones stated she first replaced DePreter for two years and then was reappointed for a full term. Jones stated she was an alternate for many years and they go for one year at a time. Bartles stated Jones came on as an alternate to replace Coons when he was in Afghanistan. Discussion followed. Replansky stated he can fix this depending on what the Town Board wants to do as far as terms whether or not to have a five or seven year term. Replansky stated it would be a matter of changing the terms as they expire to conform to a local law so eventually you will end up with a seven member board with either five year term or seven year term. He stated if it is a seven year term they would eventually achieve one board member being replaced each year but if it is a five year term its going to have to be two board members in one year and so on. Replansky stated he is pretty close to figuring out the termination dates and then will find out from the Town Board whether they want a five or seven year term. Jones stated what troubles her is the people who were given seven year terms weren't really authorized terms. Replansky stated the only one who appears to have a seven year term is Soracco. Jones stated it is problematic. Replansky stated once he knows what the Town Board wants to do it will be easier to address that problem. Jones stated she feels the terms should be exactly specified in the minutes and the Town Board can do that when they make the appointments. Replansky stated this can be resolved by either local law or resolution. Replansky stated this in no way impairs the legality of what the Board members do or make their decisions invalid.

BANK OF MILLBROOK: The Bank would like to change the signage from Stissing National to Bank of Millbrook. Bartles stated it is a corner lot so the law allows it to be treated as two front lots. Bartles asked the Board if they had any questions or comments. Patterson asked if it was compliant with the Zoning Law. Bartles stated he feels it is. Bartles stated it is replacing what was originally there. Patterson made a motion to approve the signage as

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submitted; second by Jones. All in favor. Bartles stated that Proper will repair a letter of decision and advise the fees due.

GINOCCHIO/DEMARINIS LOT LINE ADJUSTMENT: Wesley Chase represented the applicant. Chase advised that a portion of Ginocchio's driveway is over the line. Chase stated that Ginocchio has contacted DeMarinis and they are going to give him Parcel A which is .03 acres and add it to his. Chase stated they do have non-conforming issues. He stated it is the side yard setbacks. Chase stated she is selling it to Ginocchio. Forelle asked if the reason they are doing it is for the driveway. Chase stated yes. Jones stated it is still non-conforming so does it still present a problem even though it is better than it was. Chase stated he printed up the Zoning Law and it says lot line alterations are definitely allowed. Bartles stated as long as it doesn't make it worse. Chase said this meets the requirements for a lot line adjustment. Chase stated that he would like to get the public hearing waived as no neighbors are being affected. Bartles stated he agrees they should be able to waive the public hearing. Bartles stated they have to do a SEQRA and have copies of the deed back and forth for Replansky to review. Bartles stated that once Replansky says everything is fine, it can be signed off on. Chase stated the final approval would be subject to Replansky reviewing the deeds and a SEQRA. The Board proceeded with the SEQRA process by completing the Short EAF that was included with the application. Motion by Forelle to declare the Town of Pine Plains Planning Board Lead Agency; second by Mecciareello. All in favor. Motion passed. Motion by Jones to declare this an unlisted action; second by Forelle. All in favor. Motion passed. Motion by Osofsky to declare the Environmental Review complete; second by Jones. All in favor. Motion passed. Motion by Forelle directing the Chairman to prepare a Negative Declaration; second by Patterson. All in favor. Motion passed. Motion by Patterson authorizing the Chairman to prepare a resolution approving this application subject to the Town attorney's review and approval of the deeds and receipt of fees; second by Forelle. All in favor. Motion passed.

DOAR FOREST MANAGEMENT SPECIAL USE PERMIT: The applicant was represented by Josh Kowan of Mid Hudson Forest Products. Kowan stated he is proposing a selective forest management project for property located at 198 Tripp Road.

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He stated this would be on 100-155 acres on the lands of Doar. He stated there is a class C tributary to Bean River on the property that does not require a stream crossing permit, however, it has an existing crossing. Kowan had this inspected and a memo stating that it does not need a permit is included in the file. Kowan stated he met the Highway Superintendent on the proposed landing site which is the north side of the property and was not sure what he relayed to the Board. The Board has not heard anything from the Highway Superintendent. Kowan stated his feeling was that it was appropriate site distance and they are going to be installing a tracking pad along the field to mitigate any tearing up of the Town Road. Kowan stated there are two stream crossings. He stated the second stream crossing is not even a recognized stream as far as the DEC is concerned which they will be bridging. He stated he doesn't need a permit, as it is not a recognized stream. Kowan stated regardless of whether it is a recognized stream, a classified stream or a permitted stream, if he silts up any stream and gets caught he is subject to penalties. Discussion followed. Jones asked if they would be coming out onto Tripp Road. Kowan stated yes. Bartles asked for an estimate of the board footage they are taking out. Kowan stated approximately 100,000 board feet. Forelle asked when this would be done. Kowan stated if they get the permit in April, they would start in April. Kowan stated if it is too muddy they would hold off. Forelle asked how long this would take. Kowan stated it is a 4-6 week project. Bartles asked if he had to discuss this with DEC other than the stream crossings. Kowan stated no. Kowan stated there is one small Federal wetlands on the property that is exempt. Bartles stated that a SEQRA is necessary since it is a Special Use Permit. Bartles stated that there must be a public hearing with notification to all surrounding property owners. The public hearing will be held on April 10. Bartles stated that Proper will advise the applicant of the fees that are due. Bartles stated that if they are doing selective cutting and could retain any kind of buffer it would be appreciated. Bartles asked if they were planning to harvest to the property lines or not. Kowan stated there are three property lines. Kowan stated he wouldn't want to do any more than 20-25 feet. Bartles stated that 50 feet is what is in the law. Bartles stated he is concerned about clear cutting to a property line. Kowan stated he is not clear-cutting. Bartles stated if they are selectively cutting that is buffering as far as he is concerned.

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Bartles stated you could selectively cut within the buffer as long as a tree is left to buffer. Bartles stated Kowan is responsible for that. Bartles stated it is critical to speak to the Highway Superintendent. Bartles stated that our CEO would be monitoring everything.

HUDSON COMPANY: Greg Korn represented the applicant. The applicant presented a letter of consent from the Durst Organization. He stated they want to shrink one of the two open-air sheds that were approved in July of 2012. He stated the original proposed additions were mirror images of each other. He stated there was a 50-foot offset on each side. He stated the idea was that they would run 100 feet down the length of each side of the building behind the existing tree buffers. He presented the approved set of drawings from last July. He stated the north side remains the same as the original approval which is 52' by 104'. He stated it is actually a little under that which has to do with the framing system they are using. He stated the south side is significantly smaller and they are seeking an amendment for this. He stated the south side is going to be 52' by 64'. He stated he updated the drawings to show the difference between the original approved size and the proposed change. He stated they would pretty much look the same as what was originally approved. He stated the primary difference has to do with the framing system. He stated nothing else in the approved design has changed. Bartles asked Weaver if he had any issues. Weaver stated no. Bartles stated this is a modification of an existing site plan and one that is smaller. Bartles stated he feels another SEQRA should be done but the Board can waive a public hearing. The Board proceeded with the SEQRA process by completing a Short Form EAF. Motion by Forelle to declare the Town of Pine Plains Planning Board Lead Agency; second by Jones. All in favor. Motion passed. Motion by Jones to declare this an unlisted action; second by Osofsky. All in favor. Motion passed. Motion by Forelle to declare the SEQRA complete; second by Jones. All in favor. Motion passed. Motion by Jones authorizing the Chairman to prepare a Negative Declaration; second by Patterson. All in favor. Motion passed. Motion Forelle by to approve a modification to the existing site plan to reflect the changes discussed; second by Osofsky. All in favor. Motion passed. Motion by Forelle authorizing the Chairman to prepare a resolution accordingly; second by Osofsky. All in favor. Motion passed. Bartles stated

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that Proper would be in touch as soon as possible with the necessary paperwork.

Motion by Jones to adjourn; second by Mecciarello. All in favor. Motion passed.

Transcribed and submitted by:

Nancy E. Proper
Secretary

Don Bartles, Jr.
Chairman