

October 9, 2013

**PINE PLAINS PLANNING BOARD MINUTES**  
**OCTOBER 9, 2013**  
**7:30 PM**

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

**TANAWANDA ROD & GUN CLUB PUBLIC HEARING:** Chairman Bartles read the legal notice for the public hearing. The public hearing was open for comments. Eric Hanson of Meltz Lumber represented the applicant. Bartles asked Hanson to give a brief overview of the project. Hanson stated that they are proposing to do a select timber harvest to create some wildlife habitat for the gun club. Hanson stated they are trying to get some wildlife back on the property by opening up the canopy cover. Bartles stated that the Board received a letter from one of the adjoining property owners. He stated that he would provide a copy to the applicant. Bartles stated there are some issues raised in the letter that the Board will be discussing as part of their findings. Bartles asked for public comment.

Jim Mara stated that he lives on Hicks Hill Road and is a neighbor. Mara stated he didn't come to speak against the project but has a safety concern about the truck traffic that will be generated. Mara stated it is a country road and is not straight. He stated that more than once he has been forced off the road by a passenger car coming down the hill. Mara stated he is concerned that these logging trucks if they are not careful might do the same thing. Mara stated he is more concerned about the kind of vehicle that might be a tandem with a trailer attached. He stated given the length of that type of vehicle he suspects it would be impossible to stay to the right and not use up more of the road. Mara stated if that size vehicle is going to be used, he asks that some safety precautions be involved such as an escort vehicle. Mara stated it is not a heavily travelled road but there would be enough occasional traffic that it could be an issue. Mara stated his only concern is truck traffic and safety with regard to that otherwise possibly the noise but he could live with that for a certain period of time. The applicant was asked how many board feet would be cut. He replied approximately 200. Bartles asked how long this project would go on. The applicant replied they have a contract for a year but obviously the harvest would not draw out for a year. He stated if they have no setbacks it would probably go for 2 – 3 months. He stated that there would not be a truck going in and out every day. He stated it might be every other day or two or three times a week. Bartles stated that there was discussion at the initial meeting about the planned direction of travel. Hanson stated they would go right out Hicks Hill to Route 199 staying within Pine Plains. Bartles asked if they typically use a tandem or a trailer behind one of the logging trucks. Hanson replied they do a short trailer behind the logging truck and will probably be doing that. Bartles asked if everything would be on the club's property. Hanson replied yes. Bartles stated one of the concerns from the letter was the idea of tractor-chained vehicles up and down the road. Hanson stated the only thing that will go down that road by the way of their property is going to be the long truck. Ms. DeLor spoke. She stated she is the caretaker of a neighboring property. The owner of the property asked them to attend the meeting. Bartles stated that the applicant had assured the Board that everything that required a chained vehicle would be done on the property and not on the old road. Bartles stated the other comment in the letter was a 100-foot buffer. Bartles stated that we have a 50-foot buffer in the law at this

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time. He stated there have been occasions where that was waived for selective cutting but since the applicant is doing mostly habitat then that wouldn't be an issue and the 50-foot buffer would stand. Bartles asked if the property line is basically a line of posted signs. The applicant stated yes. Hanson stated they would also double check. Bartles asked for any other public comment. Bartles stated that the Board typically puts in a clause in which the property owner is held responsible for any damages to the Town roads and culverts. Bartles stated that this would be a part of the agreement. Bartles stated the letter received is asking them to be responsible for any damages to the access road where it crosses the neighbor's property. Forelle stated he doesn't feel the Board has authority to do that. Bartles agreed. Hanson stated he would see the Highway Superintendent and give whatever bond is necessary. Bartles stated that the Board in the past has made it a condition on the property owner. Bartles stated if the property owner does not choose to do that then a bond would be necessary. Hanson stated he has no issues with that and will put up a bond with the Highway Superintendent as he feels the client is not responsible and Meltz Lumber will take responsibility. Bartles asked for any further public comment. None. Motion by Mecciarello to close the public hearing; second by Forelle. All in favor. Motion carried. Bartles stated there is an existing right of way over an old town road and wanted to know if this has ever been formalized. Bartles stated they have a right of use because it has been there for many years. Bartles stated it is the applicant's responsibility to repair any damage that is done to someone else's property but not something the Board can require. Discussion followed. The applicant stated they have maintained the road for many years and will continue to do so. Discussion on traffic followed. Soracco asked if they could put signs out warning about the logging trucks. Hanson stated the signs don't work that well but will use them. Soracco stated if she saw the sign she would be more aware. Hanson asked what the speed limit was. Was told the limit is 35 mph. Hanson stated he has signs that say log trucks entering and exiting. Soracco stated if they put it at the bottom of the hill it might help. Hanson stated he would hate to have it taken in and out and doesn't want it left because someone might steal it. Mara asked if they would use four way flashers. Hanson stated he had no problem with that. Hanson asked if the Highway Department might have a sign to place also. Mecciarello stated that people become very complacent with signs but could see a sign being there for a short period of time during the logging process. Soracco stated if it said logging trucks, use caution that would work. Bartles stated he should discuss this with Barry Hay and the Board will give him some suggestions. The applicant asked if they could be advised about the 50-foot buffer. Bartles advised it would be part of tonight's vote. The Board completed the Short Form EAF. Motion by Osofsky to declare this an unlisted action; second by Forelle. All in favor. Motion passed. Motion by Osofsky to declare the Pine Plains Planning Board Lead Agency; second by Forelle. All in favor. Motion passed. Motion by Forelle to direct the Chairman to prepare a Negative Declaration and to declare the SEQR complete; second by Osofsky. All in favor. Motion carried. Bartles asked for additional discussion on the waiver to allow selective cutting within 50 feet. Discussion followed. Motion by Mecciarello to approve the special use permit as submitted including a waiver for selective cutting within the 50 foot buffer and the applicant must mark the line and mark the trees before cutting and coordinate with the Highway Superintendent; second by Patterson. All in favor. Motion carried. Patterson asked if the Board was going to require the bond also. Bartles stated this would be contingent on further discussions with Hay. The applicant stated that they will

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not start logging until hunting season is over and more than likely it will be spring or summer because it will be difficult to use the road at the time of year when hunting ends. Discussion followed. Bartles stated that Weaver will issue the permit once he receives the letter from the Board. Hanson asked if the Board had an extra copy of the survey map. Bartles stated no but Lynden Chase did the survey and should be able to help.

**LIBERTY CHURCH SITE PLAN:** Rev. Renee Meryman was present. Bartles stated this is for a possible pastor's office and church. Meryman gave the Board a picture of the property. Patterson sent an email stating that he had represented Meryman in the past and also the homeowner, Mr. McCloskey, was a client. Patterson wanted to know if the Board felt this represented a conflict of interest. The Board felt it wasn't. Bartles stated if Patterson felt uncomfortable to recuse himself. Bartles stated this property is the last house on the left before Sunny Meadows. Bartles stated there is an owner consent letter on file giving Meryman permission to speak on his behalf. Meryman stated she would like to continue having church services but move them to this property where she could also have an office space. Meryman stated she is the pastor for the people who go to the food pantry. Meryman stated she is more of a social worker than anything. She stated her sermons are on YouTube and she tries to help people as much as she can. Meryman stated that since many of the pastors live outside of town, she would like to be more visible with office hours posted so people can find her. Meryman stated that McCloskey eventually wants to put the house on the market so it will not be forever. She stated the house is not ready to move in to yet. She stated it needs 2-3 months worth of work. Osofsky asked if McCloskey was living there. Meryman stated no. Osofsky asked how much traffic she expected. Meryman stated not a lot. Osofsky asked if she would be having a Sunday service. Meryman stated she does two services a month because she makes herself available to be a guest speaker for other churches. She stated the services are the first and third Sundays of the month and Tuesday afternoon and Friday morning for office hours. Meryman stated they are a small group. Bartles stated it is hard to fit this into the zoning. He stated this is a part time professional office that has certain requirements. Bartles stated as far as the church services it is difficult. Discussion followed. Soracco stated this is like a home occupation. Bartles stated that for that to be the case it has to be your home not someone else's. Weaver stated that it is up to the Board since it is a religious use. Bartles stated that if it is treated as a professional office the County would need to review. Discussion followed. Bartles stated there is no construction so it doesn't require a building permit. Bartles stated a professional office provides for minimal review and the Board would have to go through the checklist. Bartles stated most things are waiveable. Meryman stated they can probably park four to six cars on the property. Bartles stated in order for it to be a home occupation there would have to be a legitimate rental between McCloskey and Meryman. Bartles stated that a limited scope site plan review should be done to be on the safe side. Bartles stated this must be reviewed by Dutchess County Planning since it is located on a State highway. Bartles stated a SEQR must be completed. Bartles stated there is a new SEQR form that must be completed by the applicant. Bartles stated we will ask for the County's review by next month's meeting. Bartles stated this will allow the Board to make a decision at next month's meeting. Motion by Forelle to waive the application fees; second by Mecciarollo. All in favor. Motion carried.

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**OTHER BUSINESS:** Bartles stated the Antler's Club has sent a letter to the Town Board with regard to the three unbuilt shares that they cannot build under the zoning law. They are asking the Town to address it.

Bartles stated the Fire Commissioner has approached the Town about addressing a heliport on the Sunny Meadows property. Bartles stated a heliport is not allowed in the Town. Bartles says he just wants it to commute with. He stated the Zoning Law does not distinguish between a commercial or private heliport. Bartles stated the Fire Commissioner is behind this because they could use it as an medical evacuation point. They now use Smith's or the High School. Bartles stated it is a question of reasonable restrictions and frequency of use in his opinion. Discussion followed.

Motion by Mecciarello to adjourn; second by Forelle. All in favor. Motion carried.

Transcribed by:

Nancy E. Proper  
Secretary (not present at this meeting)