

PINE PLAINS PLANNING BOARD MINUTES
OCTOBER 11, 2006

IN ATTENDANCE: Don Bartles, Chair
Vikki Soracco
Brian Coons
Bruce Pecorella
Jon DePreter

ABSENT: Kate Osofsky
Ken Mecciarello

ALSO PRESENT: Ray Jurkowski
Nan Stolzenburg
Millerton News
13 members of the public

PINE PLAINS LIBRARY: Chairman Bartles opened the meeting by reading the public hearing notice for the Pine Plains Library. Dominick Calabro represented the applicant. Calabro produced a set of plans for the Board and the public to look at. Calabro gave an overview of the project and where it is located. The Oddfellows have donated the land and the existing building will be demolished and removed. The Library will be three floors. The main floor at walk-in level will be totally dedicated to the Library. The upstairs will be a community center/reading room to be used for non for profit purposes. The bottom floor or basement will be for future expansion. There will be thirteen parking spaces behind the building. The architecture is Federal style. A member of the public asked how many employees the Library has. Calabro asked Marguerite Hill. (Answer unintelligible). A member of the public asked if there were any plans to let groups use the facility for meetings. Calabro stated that there is space in the upstairs that could be used in that manner if needed but right now it is just open. Bartles asked for comments and questions from the public. None. Bartles asked for comments and questions from the Board. Bartles asked Calabro about a drainage plan. This was shown on the plan. Short discussion of the lighting plan followed. Coons asked if the light fixture could match the ones on South Main. Bartles asked if the DOT had been approached. He was advised that they are aware but no approval has been given yet. Bartles asked if the same was true for the BOH. He was advised that they had been contacted. Coons asked for a landscaping note for quality assurance. Coons stated he was glad they put the parking in the back. Motion by DePreter; second by Pecorella to close public hearing. All in favor. Motion passed. Bartles asked Jurkowski what he would like to do next. Jurkowski stated he would like to review the plans and get his comments to the Board and applicant. Jurkowski asked for information as soon as possible regarding the dry wells so that he could incorporate that into his review. Jurkowski stated he would send the lighting information to the applicant. Bartles asked Jurkowski for any other issues that should be discussed. Jurkowski advised the applicant to get ahold of DOT as soon as possible with regard to the curb cut. Jurkowski also advised they should be in touch with BOH immediately also with regard to some new regulations that may affect the project. Bartles read the applicant's portion

of the short form EAF. Motion by DePreter to declare an unlisted action; second by Soracco. All in favor. Motion passed. Motion by DePreter to designate Pine Plains Planning Board lead agency; second by Soracco. All in favor. Motion passed. The Board completed Part II of the short form EAF. Motion by DePreter to declare a negative declaration; second by Pecorella. All in favor. Motion passed. Motion by DePreter to declare SEQR process complete; second by Pecorella. All in favor. Motion passed. Short discussion on approval followed. Motion by DePreter for approval contingent upon submission of curb cut by DOT, Health Department approval and Ray Jurkowski's comments; second by Coons. All in favor. Motion passed.

STISSING FARMS: John Reilly and Len Liberta represented the applicant. The applicant came before the Board to request permission to receive a Certificate of Occupancy on the first six units. Bartles advised that the Board had a walk through with most of the members. Bartles advised that the Board asked Jurkowski to come up with a bond amount for what has to be done to finish the project to allow the six units to be developed and an additional figure that would provide for the restoration back to field of the remainder of the property. Jurkowski provided a copy of his correspondence on the bond amount. Jurkowski reviewed the plans for the project and did a site visit. Jurkowski stated that the purpose of the bond amount is not to finish the project out completely but to deal with the completion of the lower portion. Jurkowski reviewed his recommendations for the Board and reviewed how he came up with the figure for the bond. Jurkowski also indicated the addition of the guide rail that had not been installed. Jurkowski stated that the discussion that happened on site was to remove the fence from around the retention pond and to keep the guide rail with the landscaping. Jurkowski reminded the Board that the purpose of the bond is to protect the Town as far as the Town needing to go back in there and deal with this type of restoration. He advised that in these cases the costs are escalated because, unlike a private developer or contractor, the Town needs to go ahead paying their prevailing wages which would be more than what a contractor would charge. Jurkowski stated that an escalation factor was provided as the bond would be obtained down the road several years. Reilly stated that he didn't have an official copy of Jurkowski's memo. Proper provided him with it. Reilly stated that in the amended resolution there is a clause that tells the developer that he must complete the infrastructure of the project prior to getting Certificate of Occupancy for the first building phase. Reilly stated the applicant was okay with fulfilling that requirement until jointly, the developer and the Board decided it was superfluous to build roads and curbs to nowhere. He stated that the alternative would be to reclaim the land at some point in the future and the cost would need to be figured out and they would get that money in a letter of credit. Reilly stated that \$280,000. is well more than double what it would cost the developer to finish the infrastructure under the original clause of the amended resolution. Therefore, they would rather take the money and finish the infrastructure. What they need to do to satisfy the amended resolution is finish the infrastructure. Reilly stated that the water, sewer, electric and gas systems are in place. He stated that the road is not finished. He stated it would be cheaper for the applicant to finish the road than it would be to put \$280,000. aside for a letter of credit. He stated that the attempt was made to do something for the mutual benefit of the developer and Board by not building roads to nowhere. He stated that this is a private property where the Town would have no reason to step in and finish things even if the developer stopped work tomorrow. He stated that he feels that the situation has veered too far off course. He stated they can't commit to putting up this level of money when they can finish the infrastructure and fulfill the resolution requirement at much less cost. Bartles stated that the Board is looking beyond the

infrastructure. He stated that the end project is not just the infrastructure. Reilly stated that there is no requirement for the CO's, that they make the rest of the project perfect. Bartles stated he felt they could discuss this in trying to get the figure down. Jurkowski stated that the largest figure is the topsoil, seed and mulch. Jurkowski stated that there is topsoil stockpiled on site, but there is no guarantee the topsoil will stay there. Bartles stated he is not interested in turning it back into a golf course. He stated he wants vegetation so that it is not an eyesore. Discussion followed. Bartles asked Jurkowski if it would be a benefit to have the Board walk around the site with him to go over the particulars with regard to the bond figure. Reilly read to the Board the amended resolution with regard to what was necessary to get a Certificate of Occupancy. Reilly stated that sidewalks are not considered infrastructure under legal terms but they would put them in. Jurkowski stated that the previous discussions about the bond were very clear that it was to include the infrastructure and to restore the land to a point where it is not scarred. Bartles stated he would like to walk the site. Reilly stated that their cost to satisfy the amended resolution would be approximately \$140,000. Discussion of the amended resolution followed. Jurkowski stated there is no definition of infrastructure. Jurkowski stated that the Board should contact Replansky for his comments. Jurkowski stated that it was discussed at the last meeting and agreed that the bond be for infrastructure and restoration of disturbed areas. He stated that if they had not disturbed the areas as far as the entire site, then there wouldn't be as much to reclaim. Reilly stated he was withdrawing the request to change it and is willing to meet the requirements of the amended resolution because the alternative is much too onerous. Reilly stated that everybody disturbs their site to construct it. Jurkowski stated he has seen phased projects where they don't disturb the entire site. Reilly asked if it was a small site like this. Jurkowski stated yes. Bartles stated that the Board does not want the applicant to put in all the roads and all they are doing is trying to find a mechanism so that they don't do it and in lieu of that have some protection about what is left. Discussion followed. Pecorella asked if there was something to do to get the number down. He stated he wants to satisfy Jurkowski's recommendation also. Pecorella asked what the next step would be after the site visit. Pecorella asked if the Board would be back in a month with the same discussion. Reilly stated that they are losing their selling season on Phase 1. Bartles stated that the Board could just say it is \$280,000, but they are trying to work with them in getting the number down. Reilly stated that it was a good attempt at coming up with something but he will withdraw his request for change to the amended resolution, finish his infrastructure for \$140,000 and he won't need to come back to the Board again. He stated he would have Jurkowski inspect the infrastructure and ask for the CO. Pecorella stated he would still need a bond. Reilly asked why they would. Bartles stated that is what is under discussion. Bartles stated that he feels the \$280,000 provides a top shelf job and is not sure that is what the Board wants for bonding purposes. Discussion followed. Reilly stated that if the developer walked away tomorrow, it would still be a private site and the Town would have no obligation or ability to go in there and do anything. Reilly stated he would like to find out the definition of infrastructure and meet it. Discussion followed. Jurkowski stated it is not uncommon for bonds to be posted on private projects. Bartles stated he would speak with Replansky. Bartles stated he would prefer to work the bond number down than to have the roads going nowhere. It was decided to have a special meeting in two weeks to discuss the matter once again. The date of the special meeting is October 25th at 7:30 pm. Bartles stated they would check their calendars and set up a date for the site visit. The Board will be advised by email when the site visit will be. Jurkowski advised that he is still waiting for the regrading plan. Jurkowski stated he has a copy of the original report only. Reilly stated they have a revised plan

and would make sure Jurkowski received a copy. Reilly stated that the regrading plan wasn't a requirement of the Certificate of Occupancy. Jurkowski stated that the grading had changed from the original plan and the new plan was needed. Reilly stated he didn't remember this from the last meeting. Proper stated it wasn't the last meeting but the meeting before. Jurkowski stated that a finished grading plan was never received by him or the Board. Reilly stated it wasn't a requirement for the CO because it didn't impact the area of the first building. Jurkowski stated the area where the shale is absolutely impacts that area. Reilly stated once again that the regrading plan wasn't a requirement of the CO. Jurkowski stated it was requested in June. Reilly stated he would make sure the plan was sent to Jurkowski. Jurkowski stated that a portion of the regrading plan is a CO issue as it impacts the area directly by the first building.

PARKVIEW ESTATES: Eric Bernardin represented the applicant. Bernardin stated that he would like to discuss the steps to move forward and what the implications of the moratorium are with regard to their project moving forward. Bartles stated that there are provisions under the moratorium for the Board to proceed with SEQR up until the findings statement. He stated that the applicant must enter into an agreement with the Town through the Town attorney through the Town Board. Bartles stated the moratorium is due to expire around the first of the year and whether or not it will be extended is not known. Bartles stated that as they proceed through under the moratorium, it is no guarantee that the project will be accepted under the new zoning law if it is accepted. Bartles suggested the applicant look into the proposed zoning law to find out about densities, etc. to see what the risk is. Bartles stated it is up to the applicant to come back with a preliminary scope and the Board will go through the scoping procedure. Bartles stated that he feels they have addressed most of the issues prior such as traffic and schools. Bartles stated that the preliminary scope would have a public review and then they would come up with a final scoping document. Stolzenburg stated the purpose of the scope is to narrow the discussion down to the issues at hand. Bernardin asked if they could do a limited scope DEIS with appendices that include all the past submitted reports and studies that have been done. Bernardin stated that character was the issue that they could not make headway with. Stolzenburg stated that if the scope doesn't include traffic as an issue then it is not discussed in the DEIS. Stolzenburg stated that the purpose of the scope is to limit the discussion to the salient points. Stolzenburg stated that the scope should address the issues mentioned in the positive dec. Bernardin stated he wants to make the previous reports and studies available but not necessarily rehash them. Stolzenburg stated if they want to have them all included as documentation there wouldn't be an issue with that. Bernardin stated they would be looking for some assistance with the cumulative impacts since the two other projects that have to be included in or added to their analysis are so substantive in nature that it turns their small study into a very huge study. Bernardin stated that he knows the burden is on the applicant but he is hopeful that their DEIS' are further along than theirs. Stolzenburg stated that Carvel has looked at cumulative impacts and looked at, to some level, both the other projects on the table. Stolzenburg stated the positive dec. issues are what they need to fashion the scope around. She stated that they could have a cumulative impact section that relates to the issues of concern. She stated they need to focus on the issues that the Board came up with. Bartles stated the applicant needs to understand that in order to proceed they must have the agreement with the Town. Bartles stated that the applicant's attorney should contact Replansky to find out the procedure for getting the agreement in place. Bartles asked if they had an escrow account. Bernardin replied yes. Bernardin asked what the submission deadline was before a meeting. Proper stated it is ten days before the meeting.

Bernardin asked the time periods for reviewing the scope and public hearing/comment period. Jurkowski stated that the applicant submits the draft scoping document, the Board and consultants review it, the applicant revises it accordingly and brings it back before the Board. The Board would then accept it as a draft and set a date for a public hearing. Stolzenburg stated there is a timeframe for issuing the final scope. Bernardin stated that it was his understanding that a findings statement could not be issued under the moratorium. Bartles stated that was correct. Bernardin stated then there is no guarantee that it is consistent with the proposed zoning. Bernardin stated that if the zoning is more restrictive than no zoning, the impact will be less than what the DEIS is written about. Bartles stated that the issue is the finding statement is probably going to reflect the idea that it is inconsistent with the zoning proposed for that area. Stolzenburg stated she is not sure. Bernardin asked if they could ask Replansky about that. Stolzenburg explained what the findings statement is. Stolzenburg stated that the findings statement isn't designed to say it is inconsistent with zoning. DePreter advised Bernardin to look at the zoning document on the website. DePreter stated that the agreement they enter into will advise them they are proceeding at their own risk and they should evaluate the risk for themselves. The applicant's attorney asked if there was anything to look at with regard to the character issue. Stolzenburg stated that there is still work to do on those standards. Bartles advised them to speak with Replansky about the agreement. Bernardin asked if there were other applicants who have signed this agreement. Bartles stated yes, two other applicants, Carvel and Village Green.

ELISE GOODMAN: Steve Patterson represented the applicant. The Goodmans have received a resolution from the Town Board for an open development area. The property is located on Skunks Misery Road. Patterson presented a survey map of the property. Pecorella asked how much road frontage there was. The road frontage is 49.5'. Patterson stated the map showed the proposed subdivision. Pecorella questioned the property being landlocked. Patterson stated there is an easement. Pecorella stated he has a problem with landlocked parcels so he would like something on the map to satisfy him that the easement is there. Bartles stated the next step would be a site visit and then a public hearing. Bartles stated they would want to see the agreements between lot 1A and lot 1B as far as access and Replansky would have to review them. Patterson stated that the Town Board resolution stated there could be no further subdivision of the 50+- acre parcel and the 102.23 acre parcel may only be subdivided if the owners obtain sufficient frontage to meet the provisions of the Town of Pine Plains subdivision regulations. Patterson advised that the property lines may change. The applicants are waiting for the leaves to fall. The applicant would prefer the public hearing in December or January. Bartles asked Patterson to notify Proper when they are ready. Bartles stated that Bob Harpp should look at the entranceway to see if any improvements are needed.

DePreter wanted to note that someone mentioned to him that they were clearing the land on the Carvel property. He asked that we check with Rudikoff the next time he is at a meeting. Coons stated if they are in the SEQR process, there is only a certain amount of clearing that can be done mostly for maintenance. He stated it is a gray area. Short discussion on the raptor study followed.

Motion by Pecorella to adjourn; second by DePreter. All in favor. Motion passed.

Respectfully submitted by:

Nancy E. Proper
Secretary

Donald Bartles, Jr.
Chair