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PINE PLAINS PLANNING BOARD MINUTES
WEDNESDAY, May 13, 2020
7:30 PM
Via Zoom and Broadcasted to YouTube

IN ATTENDANCE: Michael Stabile, Chairman
Dick Hermans
Ken Meccariello
Kate Osofsky
Steve Patterson
Vikki Soracco
Jane Waters
John Hoffman, Alternate
Peter Salerno, Alternate

ABSENT:

ALSO PRESENT: Sarah Jones, Town Liaison
Drew Weaver, ZEO
Raymond Jurkowsi, Town Engineer
Warren Replansky, Town Attorney
Emily Svenson, Warren's Assistant
Frank Fish, BFJ Planners
Sarah Yackel, BFJ Planners
Taylor Young, BFJ Planners
Stuart Mesinger, The Chazen Companies
Catherine Monian, The Chazen Companies
Jennifer Van Tuyl, Cuddy & Feder
Lisa Baker, The Durst Organization

Dale Mitchell, Applicant

Chairman Stabile opened the meeting at 7:30 pm with a quorum present.

Chairman Stabile started the meeting by reading a statement regarding the remote aspect of the meeting because of Covid-19 and the Governor's rules regarding open meetings during this time. Stable also went over the roles of the planning board. Stabile also noted that it is a public meeting, not a public hearing.

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The Durst Organization: Stuart Mesinger of the Chazen Companies then went over the pre-sketch application for the Durst Organization. Mesinger then did a brief overview of the documents submitted on April 15th, including a letter withdrawing the original NND application and the pre-sketch application. Mesinger then showed a document showing all lands owned by the applicant, in both Pine Plains and Milan. Mesinger then said that a yield calculation table and yield figure were submitted, as well as a primary conservation features figure and a secondary conservation features figure, and a proposed fifty percent open space map.

Mesinger then went over the pre-sketch process. He mentioned that the pre-sketch process applies to the conservation subdivision and specifically to the creation of lots. One of the lots will be planned for a resort, which will require a special permit. Mesinger said that the analysis that will be started during the meeting, will influence the design and location of the resort. Mesinger then mentioned that the Pine Plains' zoning law is unusual because it requires the planning board to work with an applicant's conservation features before an application is submitted.

Mesinger said the fifty percent open space map is one of the two results of the process, the other being the yield calculation table. The fifty percent open space map will be a guide for laying out the subdivision and the resort sketch plan. After which the sketch plan application will be submitted, as well as the resort application, and the sketch plan application for the property in Milan. Mesinger said the resort plan's special use application will constitute the "action" in SEQOR, which will be the beginning of the SEQOR process. A full SEQOR process will take place, including scoping, an environmental impact statement (EIS), and a public participation process. Mesinger suspects the open space plan will be refined during this process.

Mesinger said they would not be focusing on the yield calculations during this meeting for two reasons, the first being they were asked to provide the data and calculations to the town engineer, Raymond Jurkowski, and the other being that it is a straightforward mathematical calculation.

Mesinger said tonight they would like to focus on the fifty percent open space map and the conservation resources. Mesinger then showed another map, which was the primary conservation features. Mesinger then explained that the primary conservation features are not optional and are defined by the zoning law.

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title of the location). Fish said that Durst interprets it the same way, that being it is up to the town board. Fish also mentioned that the existing zoning code provides guidance for the resort building itself. Osofsky then asked if it would be 223 lots, in addition to "Sports City" and Fish replied yes, that Durst could apply for a credit to the town board for lots located there. He reiterated again that it is up to the town board's discretion.

Osofsky then mentioned that some of those lots already have homes located on them and Hermans brought up that some of the lots are in Milan, so including the town of Milan early on would be beneficial prior to deciding a number of houses. Fish said the applicant didn't feel it was necessary to include Milan at this point, but that he and Replansky feel they should be included as a courtesy and also that Milan will need to be involved once the SEQR is started.

Stabile then mentioned that the lots in Milan would not be the ones that Durst would be asking credit for and Fish and Yackel said correct. Hermans then pointed out that the town board would most likely like to know the number of lots in Milan before they approved the number of lots in Pine Plains.

Stabile then said it is in the statutes that the planning board has thirty days to comment regarding the density credit and if they do not reply in thirty days, it is assumed that they are in favor of it. Hermans then asked if the comments are to our town board or to Milan's and Stabile replied to our town board. Replansky then said it is section 100-34 in the zoning law.

Van Tuyl then mentioned that Pine Plains has one hundred percent jurisdiction in the property located in Pine Plains and that Milan is only dealing with the property in Milan. She said it certainly makes sense to have some sort of coordination but that will not be until way into the SEQR process. Van Tuyl then mentioned that Pine Plains is unique in its pre-sketch process and having a credit for re-platting lands that are in pre-existing substandard subdivisions. Since Milan doesn't have a process like that, whatever is developed in Milan will be based upon the filed subdivision plat.

Van Tuyl said that the reason why they had to deduct the land where the "Sports City" lots are calculated is so that they aren't trying to "double dip" on their density credit, but if the town board grants the credit, they would be granting the credit one for one for the lots that already exist on the land.

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The town board would allow Durst to spread the units onto some of the land on a larger plat, so that those lots are meeting the standards of the 2020 conservation subdivision regulations.

Fish then said that nothing is frozen in time and that everything will have to be run through SEQR and the EIS. He suspects that Milan would become an involved agency, while Pine Plains would be the lead agency.

Replansky said it makes sense for Pine Plains to be the lead agency, but that Milan could very well be it. He also said it makes sense for Milan to be heavily involved with the SEQR process. He said the SEQR process will be next after the pre-sketch review and will be quite rigorous and take some time.

Stabile then asked where the density credit application falls timing wise and Van Tuyl answered from the applicant's point of view that would be one of the approvals subjects to completion of the SEQR process. She said the alternates could be addressed prior to the SEQR but that the town board would not ultimately make their decision until after the SEQR process.

Fish then said that would not preclude the applicant from putting in an application to the town board and the town board speaking to the planning board and the planning board making its recommendations to the town board as to what that density should be.

Replansky then said he doesn't think the zoning law mentions when exactly the density credit needs to be applied for, but if he were the applicant, he would want to apply for that credit as soon as possible to get an idea of where the town board stands on the density credit.

Hoffman said he believes the density credit was applied for when the actual application was submitted for the subdivision. Van Tuyl then replied that she agrees but that the matter of the number of units/density credits, would be something that would be discussed with the proposed action very early on in the process, but that no final decision could be made on them until the SEQR was concluded.

Waters then asked about the previously approved Carvel subdivision application and how she thought the County said that no more houses could be built on the lots that didn't already have houses in place, due to an inadequate water supply, and would that in any way void the approval of those lots?

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Replansky answered that it is an issue that cannot be answered tonight, but that it certainly is an issue and can be taken up by the town board when the prior density credit is applied for.

Stabile then asked what the next step will be in the process and asked to hear from Jurkowski. Jurkowski then asked Mesinger when he thought his office would have the data sets and CAD drawings for him? Mesinger replied he expected to get this info to Jurkowski during the first half of next week. Jurkowski said that would be the next step for his office. Jurkowski said he hopes to have a memo to the planning board prior to the next meeting.

Replansky thinks there may need to be a few more internal meetings with the consultants, and after receiving Jurkowski's memo, prior to another planning board meeting. He said the next big step would be scheduling another planning board meeting with the applicant and when they would like to do that should be discussed.

Fish felt that should occur after Jurkowski has reviewed the data. Stabile said the board would be flexible and able to have an extra meeting if needed.

Waters asked why the consultants would be meeting without members of the planning board. Replansky replied that he wanted answers to some questions prior to a public meeting. Replansky said the dialogue of that meeting is available on the town's website and Yackel added that Stabile did attend the meeting as well. Stabile also mentioned that the previous conference call was only about the process of the how the meeting would go and that no decisions were made.

Hermans then asked if the board would be able to get copies of the escrow agreement that was processed and Replansky replied that it would be approved at the next town board meeting.

It was determined that the data could be reviewed by the next planning board meeting in June, and to tentatively add it to the agenda, to move the process along.

Dale Mitchell Lot Line Adjustment: The applicant explained what they would like to do. He said he has two lots, one being 4.08 acres and the other being 70.025 acres. He would like to adjust the lines between those two lots so that lot one would be

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increased from 4.08 acres to 34.374 acres. Lot two would be decreased from 70.025 acres to 39.731 acres.

Lot one is in Dale Mitchell's name as a trustee and lot two is in his wife's name. Osofsky then asked what he is adding, and Mitchell replied that he is taking some from lot one, which is 4.08 acres and adding approximately 30 acres to increase the size to 34.374 acres. He would then end up with two lots that are almost equal in size.

Waters then asked if both the lots would be on the market at the same time and Mitchell replied he had some work he would like to do to the two lots, in terms of conservations easements details, etc. prior, and that lot two, with wetlands, would be marketed to somebody locally.

Meccariello then asked Mitchell about possible trails and he replied that he spoke with the town board back in September and detailed his thoughts about that. He is planning approximately two miles of trails that would be given to FOSL. He said one trail would go north to south and one would go east to west and this would allow the town to look at the possibility of connecting with other trails from that point. Waters asked if the north/south trail would be along the old railroad bed and Mitchell replied only partially. He also said it would make sense to keep a route access from Rt. 83 to lot one. Mitchell then explained a bit further about the proposed trails but then said it's not part of his application, he is just looking to adjust the lots.

Mitchell said he would end up with two lots, one that would be a benefit for the town to develop how they see fit and the other that should not be developed and should be protected.

Stabile then asked Replanksy if there are any issues with one property being from a trust and one being owned out right? Replanksy replied that the two lots will need to be merged under one ownership. Replanksy also suggested Jurkowski taking a look at the map. Stabile then asked what the concern is and Replanksy replied that he believes there is an issue with the water tower and the town having an easement and it not being on the map. It was then pointed out that it is on the map.

Mitchell said the merger deeds would not be in one person's name because they are two separate lots and will remain that way.

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Osofsky then asked if it started as three lots and is he now making it into two lots and Mitchell replied no, it's two lots, one is four acres and lot two is 70 acres. The board and Replansky then discussed the lot line adjustment further. There was some confusion and Stabile was able to then explain further what Mitchell is looking to do.

Mitchell said he will be getting a merger deed for both of the lots. Replansky then told Mitchell to speak with his surveyor. There was some further discussion regarding the merger deeds.

Stabile asked if the only other thing is to have Jurkowski look at it to see if there are any other issues? Replansky said yes. Waters then asked if it's a Type II action under SEQOR and Replansky replied yes. Stabile then asked if anything needs to be done right now and Replansky replied no.

Replansky explained to Mitchell that he couldn't get approval tonight, that other steps needed to be completed, one being the map in final form before the public hearing could be waived.

Mitchell replied that he does feel the map is in final form and that by law he feels he should be granted the lot line adjustment certificate. Replansky replied that there is no such thing as this certificate and that a lot line adjustment is a minor subdivision.

Stabile then said Jurkowski would look at it and at next month's meeting it will hopefully be take care of.

Replansky said Mitchell will have to go through the process. He then explained the steps that Mitchell will need to complete.

Stabile then told Mitchell exactly what he needs to do, including a copy of the map to Replansky, and a proposed merger deed. Stabile then asked the board if they anticipate waiving the public hearing for it and they replied yes.

Approval of March 2020 Minutes: Motion by Waters to accept the March minutes, second by Patterson, all in favor, minutes accepted.

Approval of BFJ Planners Minutes: Motion by Hermans to accept the BFJ Planners minutes second by Patterson, all in favor, minutes accepted.

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Other Business: Stabile thanked the board for dealing with the new way of doing meetings for now and hoped someday they would go back to their prior format. Stabile then mentioned that board members are able to take continuing ed classes online during the pandemic. Stabile then mentioned that the planning board has started their own Facebook and YouTube page.

Motion by Patterson at 8:23 pm to adjourn, second by Meccariello, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile