

June 15, 2020

**PINE PLAINS PLANNING BOARD MINUTES
WEDNESDAY, JUNE 15, 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
Peter Salerno, Alternate

ABSENT: John Hoffman, Alternate

ALSO PRESENT: Sarah Jones, Town Liaison
Drew Weaver, ZEO
Raymond Jurkowski, Town Engineer
Warren Replansky, Town Attorney
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

Beth McLiverty, Applicant
Dale Mitchell, Applicant
Marie Welch, McLiverty's Land Surveyor

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

Stabile reminded everyone that this meeting was being held via Zoom in accordance with the governor's executive order 202.38, which extended his executive order, pertaining to public meetings, until July 6th.

The Durst Organization: Ray Jurkowski went over the correspondence he had sent the applicant dated June 5th. Jurkowski explained that his job was to go over the mapping of the primary and secondary conservation features, and to look at the yield calculations, provided by the applicant's consultant,

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The Chazen Companies. Jurkowski said Chazen provided his office with CAD drawings which allowed him to review the wetlands and steep slopes and to confirm those areas. Jurkowski said Chazen also provided spreadsheets that had a breakdown of each one of the parcels and the environmental constraint areas. Jurkowski said this is a starting point for the developer, and the developer's consultant, to start laying out a proposed conservation subdivision. Jurkowski said his office is fine with the lot count of 223, but that the applicant understands this may change with the EIS.

Sarah Yackel then went over BFJ Planners memo of June 4th. Yackel said they agree with Jurkowski that the base residential yield of 223 units at this stage is OK, along with the open space map, with the caveat that it is all preliminary and that the numbers may change.

Jurkowski then reminded everyone that regarding the existing lot count of Sports City's subdivision is not included in the 223 lots of this application. Those lots will need to be handled separately, at the town board level, with recommendations from the planning board.

Stabile then asked if anyone on the board had any questions and Hermans replied no but did want to note the workshop meeting the board had the previous day.

Stabile asked if anyone from Durst had any questions and Stuart Mesinger of The Chazen Companies replied that he is pleased that the maps are good, and he looks forward to the next step.

Stabile then read the resolution that the board would be voting on.

Motion by Ken Meccariello to accept the resolution, second by Hermans, a roll call vote was then conducted, all in favor, resolution approved.

Replansky then reminded the board, and the public, that a letter from BFJ Planning, dated May 6th, gives a good outline of the entire process. Stabile reminded everyone that those documents are available on the planning board's dropbox. Replansky also said the workshop meeting, also available to the public, was good for the learning the process as well.

Dale Mitchell Lot Line Adjustment: Stabile told Dale Mitchell that the planning board had sent his application over to

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Jurkowski for review. Stabile then asked Jurkowski to summarize the items he had sent in his letter, dated May 19th, to the planning board. Jurkowski said most of his comments relate to easements on the property. Jurkowski said the private road that services the post office, and commercial businesses behind the post office, have an easement. Jurkowski feels it is important for those easements to be shown on the map, as well as the language associated with it. Jurkowski then mentioned the other private road, primary utilized by Stewart's Shop. He said there should be an easement associated with this private road as well.

Jurkowski said there have been issues in the past with these two private roads in terms of maintenance. Because of this he feels a maintenance agreement should be created if one does not already exist.

Jurkowski believes there was an easement for the pump house on the property for the installation of the water line, which was installed as part of the Stewart's Shop project.

The last easement deals with Pipe and Barrel, the warehouse located off Route 83. Currently there are two curb cuts onto the county road. One is on Mitchell's land and one is on Pipe and Barrel's land. He believes Pipe and Barrel has been using their curb cut and crossing over Mitchell's land. If Mitchell would like to continue to allow this, then an easement should be created for it. He if would no longer like this to happen then the portion of that access road should be removed entirely to block them from using it. Jurkowski said it does not affect their business since they already have access onto Route 83 from their own property.

Jurkowski would like to see each of these easements added to the property map and sent to Replansky's office for review.

Replansky then asked Jurkowski what the issues with the town are, in terms of the access past the post office, and the M&D property. He wanted to also know who has been maintaining and repairing the road.

Jurkowski replied that he remembers some severe potholes that were on that road a few years ago. The town had reached out the property owner, who was planning on developing the area, and never received a response. The town had made repairs and put the cost onto back taxes.

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Replansky thinks the town has a clear and valid right of way and easement over that road. He is not concerned about this, but he is concerned about a lack of any sort of road maintenance agreement. He would like to avoid any subsequent issues with the town and this road. He would like Mitchell to get the three property owners and create a road maintenance agreement. He does not see any issue with the town board participating in the agreement, especially for the first part of the road.

Replansky said the owner of the road adjacent to Stewart's has an obligation to maintain that road. He then asked if that road had any issues dealing with maintenance. Weaver replied that he does not believe so. Replansky said it would be up to Mitchell if he would like to enter into some sort of road maintenance agreement with Stewart's.

Mitchell said he agrees that the road maintenance has been a problem and he agrees it should be taken care of. He said the best way for him to deal with this would be to sign an agreement with the town to maintain it himself. He said there are maintenance agreements that he has not enforced from the previous owner of the properties. He does not feel enforcing them at this point would work.

Mitchell said he has no problem dividing the easements.

Mitchell said he does not believe any easements recorded and asked if he supplied the contracts, would that be sufficient? Replansky replied he would be fine with a document which states that Mitchell would be responsible for maintenance of the road going past the post office to the cul-de-sac.

Mitchell agrees that the driveway on the Pipe and Barrell property should have been taken off the map and he will make sure that happens.

Replansky said the water line also needs to be shown on the map and that Mitchell needs a deeded easement for it. Jurkowsi said he has an old as built for it and will scan it and send it out. He also has a few pages of an agreement between the town and Mitchell regarding the water line as well. Mitchell mentioned that he had sent that document to Replansky.

Replansky said he was not happy with the merger deed and explained how he would like it corrected.

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Mitchell asked if all the easements need to be shown on the map, as he feels the map is already confusing. Replansky said he wants the easement to the town shown. Mitchell said this will clutter the map and it will become costly to have all the easements mapped out. He feels it would be better to just supply copies of the agreements for the easements. Jurkowski asked if the easements have been filed with the county and Mitchell replied that some have been.

Mitchell asked if he could give the board copies of the easements and make a reference to them on the map, instead of mapping them out. Jurkowski said he would like the water line easement shown on the map. Replansky said he would like the deed reference to the town easement. Replansky reiterated the importance of the road maintenance agreement.

McLiverty Lot Line Adjustment: McLiverty explained that she has a property that her uncle bought in 1953. He had purchased part of the lot next door when the owner requested his help financially. McLiverty would now like to sell back some of the property that her uncle purchased, so that the current owners may expand their property line to a more logical angle.

Marie Welch, of Welch Surveying, then went through the map and explained the lot line adjustment.

Stabile asked if the line on the map is basically moving to the left and Welch replied yes.

Stabile asked if there is anything within forty feet of where that line moves and Welch replied she will confirm, but she thinks there is probably nothing within fifty feet.

Stabile asked Jurkowski if he had any issues and he replied the only question he had was regarding lake rights and that Welch clarified the issue.

Welch mentioned that she had sent out a draft consolidation deed. Replansky explained what he needs to see from a merger deed.

Welch said the property would not become substandard.

Stabile asked if any members of the board had any questions and Waters asked if they should address that it is Type II under

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SEQR? Replansky said this information may be included in the resolution approving it.

Stabile asked if the board needs to waive the public hearing and Replansky replied it is not required.

Replansky asked Welch if there was any time sensitivity with approving the lot line adjustment and McLiverty replied that it was fine to wait until the next planning board meeting to approve it.

Replansky then explained to Welch exactly what he needs from her for the next meeting.

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

Other Business: Waters mentioned the letter that the board received from Jane Hottensen regarding her property on Carpenter Hill Road and Stabile replied that Weaver is taking care of it.

Stabile mentioned online courses that the board can be taking for education credits.

Motion by Waters at 8:33 pm to adjourn, second by Patterson, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile

RESOLUTION

PRE-SKETCH APPLICATION DURST PROJECT

WHEREAS, on April 15, 2020, the Durst Organization withdrew its pending application for NND (“New Neighborhood Development”) rezoning, and indicated that it would propose a subdivision of its property consistent with existing zoning; and

WHEREAS, the Zoning Law requires that any subdivision of more than 30 lots must be developed as a Conservation Subdivision; and

WHEREAS, the mandated process for a Conservation Subdivision includes an initial review by the Planning Board (“Pre-Sketch review”) which must take place prior to the Applicant’s submission of a proposed Sketch Plan lot layout, as more fully described in Section 275-31 J and related sections of the Zoning Law; and

WHEREAS, the Pre-Sketch review includes a determination of the Base Residential Yield for the subdivision, which is defined in the Zoning Law as:

The number of residential lots or dwelling units that may be achieved in accordance with the regulations set forth in this Zoning Law prior to any increase in lots or dwelling units that may be allowed through application of a residential density bonus (e.g. affordable housing bonus), incentive zoning or other regulation that permits an increase in the residential density that exceeds the yield that can be achieved through application of the minimum bulk requirement, the provisions of 275-16, the special use requirements, or section 275-31 C regulating conservation subdivisions;

and

WHEREAS, the Applicant has submitted mapping showing the acreage of the property and the acreage of the areas to be excluded from the calculation of Base Residential Yield as provided in Section 275-16; and

WHEREAS, at the direction of the Planning Board, the supporting data underlying such calculations has been supplied to the Town Engineer, who has confirmed that the calculation method leading to the Base Residential Yield of 223 lots as shown in the Hudson Valley Lot Count Table dated 4/15/20 is consistent with Town Code; and

WHEREAS, these provisions of the Zoning Law further require the Planning Board, in consultation with the applicant, to identify and prioritize features to be conserved, and to consider the context of the subdivision to resources on adjoining properties and the applicant's development objectives, so as to set aside at least 50% of the gross lot area of the property subject to the application as protected open space in the conservation subdivision; and

WHEREAS, the Applicant has provided mapping and area calculations addressing the various conservation features and land cover characteristics on the property, which have been reviewed by the Planning Board consultants and by the Board; and

WHEREAS, such mapping also shows the context of the subdivision to resources on adjoining and nearby properties, including lands of the Thompson Pond Nature Preserve, Dutchess Land Conservancy, and Friends of Stissing Landmarks in the Town of Pine Plains, and lands within the Lafayetteville State Multiple Use Area and Roeliff Jansen Kill State Multiple Use Area in the Town of Milan; and

WHEREAS, the Applicant has requested the Planning Board's concurrence with its proposed Pre-Sketch designation of open space, as shown on a map ("Proposed 50% Open Space Figure"), which designates a total of 1397 acres of the property, constituting 53% of the total acreage, as open space, including:

- 596 acres of wetlands, watercourses, water bodies and the 100 year flood plain, inclusive of a 100 foot buffer around all state and federally regulated wetlands and water bodies, which are considered particularly valuable as providing synergistic open space and other types of benefits, including open space and habitat benefits for a number of species, and biological connectivity across the site in all directions,

including connectivity to the Stissing Mountain CEA and adjoining connected land, the Roeliff Jansen Kill State Multiple Use Area and the Lafayetteville State Multiple Use Area. Some of the designated 596 acres in this category is within the Stissing Mountain CEA, and some along the Route 199 corridor.

- 635 acres constituting steep slopes over 25%, which includes the designated ridgeline along Little Stissing Mountain. Some of this steep slope acreage is within the Stissing Mountain CEA, and some along the Route 199 corridor.
- 68 acres within the Stissing Mountain CEA, constituting the remaining lands on the Applicant's property within that CEA, that have not already been designated as wetlands/waterbodies/buffers or steep slopes, thus offering protection of the entire CEA on Applicant's property.
- 98 acres along Route 199, constituting the remaining lands along the corridor not already designated as wetlands/waterbodies/buffers or steep slopes, thus creating continuous open space along the Route 199 corridor throughout the Applicant's property.

and

WHEREAS, the Zoning Law provides that the Pre-Sketch Designation of Open Space shall be used by the Applicant as the basis of design of the conservation subdivision, to be presented to the Planning Board in a proposed Sketch Plan, and

WHEREAS, the proposed Sketch Plan layout will become the proposed action to be considered during the SEQR process, and such layout will be subject to evaluation and refinement during the more detailed review during the SEQR process and in preliminary and final subdivision review; and

WHEREAS, the Town Zoning Law confirms that the endorsement of the Sketch Plan shall not be deemed to be approval of the preliminary or final plat (275-31 J (4)), and the applicable SEQR regulations and Town Law provisions confirm that no proposed conservation subdivision or related permit may be approved until full compliance with the SEQR process, which shall include public scoping, a full Environmental Impact Statement process, and consideration of alternatives in accordance with law;

NOW THEREFORE BE IT RESOLVED:

- (1) The Planning Board hereby establishes the Base Residential Yield of 223 dwelling units on the property as presently constituted, it being understood that a reconfiguration of the property to exclude lands allocated to a resort use will require a recalculation of the Base Residential Yield on the acreage then remaining to be allocated to residential uses.
- (2) The Planning Board, pursuant to the provisions of section 275-31 J (2) (b), hereby affirms the delineation of the 1397 acres (53% of the property) as shown on the Map entitled, "Proposed 50% Open Space Figure," sheet 306, dated 4/15/20, as protected open space within the Conservation Subdivision, for the purposes of authorizing the Applicant to prepare a proposed Sketch Plan for a Conservation Subdivision for Planning Board review.
- (3) The acreage of open space as delineated in the Pre-Sketch process will continue to be reviewed and boundaries refined, as design progresses and site specific analysis is performed during the Sketch Plan and preliminary plat phases of the conservation subdivision review and the SEQR process.
- (4) The total lot count to be permitted on the property is subject to all other applicable provisions of law, including zoning provisions on density and lot count, subdivision plan review, and the SEQR process. The total lot count will continue to be refined through the SEQR review process based on site-specific environmental studies and a review of project alternatives.

* * *

The question of adoption of the foregoing resolution was put to a vote on roll call:

Michael Stabile, Chairman	Aye
Vikki Soracco, Deputy Chairman	Aye
Kate Osofsky	Aye
Ken Meccariello	Aye
Jane Waters	Aye
Steve Patterson	Aye
Dick Hermans	Aye
John Hoffman, Alternate	Absent
Peter Salerno, Alternate	Did Not Vote

Dated: June 10, 2020
Town of Pine Plains