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PINE PLAINS PLANNING BOARD WORKSHOP MEETING MINUTES

Tuesday, June 9, 2020

3:00 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  
Raymond Jurkowsi, Town Engineer  
Warren Replansky, Town Attorney  
Frank Fish, BFJ Planners  
Sarah Yackel, BFJ Planners

Chairman Stabile opened the workshop meeting at 3:00pm with a quorum present.

Stabile said the workshop meeting was being held to go over the consultant's comments regarding the Durst application.

Stabile reminded everyone that the meeting was being held under the executive order 202.38 pertaining to the open meetings exception until July 6th.

Ray Jurkowski explained that the task for his office was to go over the information supplied by the Chazen Companies for the applicant as far as their pre-sketch materials and to review them for accuracy. Jurkowsi was primarily looking at the areas concerning wetlands and steep slopes. Chazen had supplied Jurkowski with CAD drawings that showed polygons, and things of that nature, that identified all the wetlands and steep slopes. Chazen also provided Jurkowski some excel spreadsheets, which he included to the planning board because he felt it was good information and showed the background of the process of how Chazen prepared their documentation.

Jurkowsi explained that the pre-sketch plan and mapping are based on available information and data to the applicant. In this case it would be the DEC and federal wetland

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maps. The applicant then did both surveys, and aerial surveys, as they pertain to the steep slopes. Jurkowski wants everyone to understand that as the process moves forward the information and acreage will change. The applicant will need to go out and flag the wetlands and have a surveyor with the DEC and Army Corp of Engineers review it. This process will take place during the draft EIS. Because of this, the lot number may change as new data becomes available.

Jurkowski said one aspect that has not been dealt with yet is pertaining to endangered species. As of now, no portion has been identified in the portion that Chazen has provided. Jane Waters then mentioned the extensive studies done for the previous DEIS and that Chazen may want to use those for the land already covered. Jurkowski said that since so much time has passed since these original studies, they would need to be redone anyway. Prior to the DEIS there will be a scoping document that will outline all the studies that need to be done.

Sarah Yackel then said that this is a good spot to talk about the process and where they are in it. Yackel reminded the board that Pine Plains' process is unique in how it deals with conservation subdivision and the pre-sketch process. Yackel said the next step for the board is to find a comfort level with the base residential yield and open space map presented. This will allow the applicant the opportunity to go back and prepare a sketch plan. Yackel said other factors may arise in the SEQR that will necessitate a lower unit count, but until we move past the pre-sketch process and enter SEQR, we will not know these things. Because of this both Yackel and Jurkowski feel it is time to move on from the pre-sketch process with the one caveat that everything is subject to change during the environmental review process.

Frank Fish then mentioned two things the board should keep in mind during the regular planning board meeting. He said that according to the town's code, the planning board should give a preliminary feeling regarding the base residential yield and the conservation resource map. If the board is OK with these two items, it would then allow Durst to do a sketch plan map. As soon as this done, they will enter SEQR. Yackel said it is important to note that this step does not in any way mean the board is granting them approval.

Sarah Jones, town liaison, then asked how the Town Board's approval of the number of lots from the original Carvel subdivision goes into the planning. Yackel responded that it would be in the next step of the process when they apply for the density credit, after the pre-sketch process. Yackel said they are not entitled to any of the previous approved units. It is at the discretion of the Town Board, with a recommendation from the Planning Board. Waters then mentioned that they could have the potential of doubling the density and Yackel agreed that there is the potential, but they are not entitled to it.

Yackel then asked Fish to walk the board through how a reasonable estimate could be made. Fish said the planning board would play a big role in this as the final lot count is at the complete discretion of the Town Board but based on a referral from the Planning Board. Fish feels that if the Town Board does give some sort of credit, there should be a rational basis for doing so. One justification that Fish can think of is the fact that since the

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previous application, Pine Plains has adopted a new zoning code which now requires five acres for each unit.

If you divide the acreage by the number of units, it yields 35 units. Adding this to the other 233 units is significantly different than doubling it.

Dick Hermans then asked if the Town Board could ask Durst to do an evaluation of the property considering steep slopes and wetlands, just as they have done on the rest of the property. Yackel replied yes and that it could bring that unit number down. Hermans then asked if the density credit units would have to be on those specific 176 acres and Yackel replied no. Yackel is unsure if the applicant will even be seeking a density credit. This information will be needed, however, in order to go into SEQR.

Fish said the town has a powerful tool in the fact that they could issue no credits or could give some credit with the units already built. Fish reiterated that they cannot come in with anything until they are over the first process.

Stabile feels they would be able to judge the density credit better if they had a better idea of the process. Yackel said the board would not be making that recommendation until it has a plan. The density credit will not be approved until the application goes through the SEQR process. Stabile brought up the fact that the board only has thirty days to give their final decision. Fish then said that nothing can be decided until the SEQR is completed and this probably would not be until 2021. Yackel also feels it will take them a few months to prepare the sketch plan. Yackel then went over some other aspects of the process such as the EAS, scoping, and the DEIS.

Waters then asked if the zoning still includes density credits for good things that they do, such as affordable housing. Yackel replied no, that there is an affordable housing code that allows a couple of different mechanisms for how they provide the housing, such as paying into a fund or building it off site. They can do it on site, at 10%, but that is unlikely.

Fish then said this was a good thing to bring up as that is one of the big differences between a conservation subdivision and the NND. Fish was surprised the applicant withdrew their original NND application, as they then give up all their previous rights under that application.

Hermans then asked about opening a line of communication with Milan, since they are part of this project too. Since Milan does not have the same process as Pine Plains, there is concern if they would keep it on the same scale, etc. Replansky replied that Milan will be included in the process after Durst submits their application. Milan would be included in the selection of the lead agency, which Replansky hopes would be the Pine Plains planning board. Replansky also said there would be a coordinated SEQR and subdivision process in both towns. Replansky said we cannot include Milan now because it is a pre-sketch process for land that does exist in Milan.

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Stabile then asked what happens if Milan says they would like to be lead agency. Replansky replied that ultimately you try to figure it out with Milan, but if there is a real dispute, the DEC would then make the decision based upon the volume of interest in each party.

Stabile then asked Jones if the town board has had any discussions with Milan. Jones replied not that she was aware of but does remember that Milan is going to be very rigorous with Durst and their zoning laws pertaining to the land in Milan that do not have very much density. She also does not think they are interested in having the resort in Milan, but this all stemmed from a while ago and she is not sure of their feelings today.

Fish also feels that Pine Plains should be the lead agency and thinks Milan would have a hard time stating otherwise to the DEC.

Jurkowski remembers from the previous application that Milan had two planning board members sitting in at each of Pine Plains planning board meetings and reviewing the information given during the SEQR review.

Waters said that one of the issues that came up with the previous application was that Milan's comments sometimes came much later than the Pine Plains comments and that would become a source of frustration.

Jones also mentioned that when we were dealing with Milan it was during the first plan, which was a great source of controversy, as opposed to this second plan.

Replansky said he does not think we will hear from the applicant again for many months. He would also like to make sure a resolution is passed during the planning board meeting approving the pre-sketch density calculations. Stabile asked if the conservation resource map would be part of the resolution or is it part of SEQR. Yackel replied that it is part of the resolution.

Stabile then asked Jurkowski about the scale issues he had mentioned in his notes and Jurkowski replied he asked the applicant for more details as the information becomes available. Jurkowski also said that the way the code is written is interesting because it calls for mapping out the primary and secondary conservation areas but not prime agricultural soils, but as the applicant proceeds in this process it will become very important and is part of the conservation subdivision guidelines. Because of this he recommends, in future submissions by the applicant, that they map the prime soils. He feels this would be a good item to include in the resolution.

Fish also thinks it would be good mention, either verbally, or in the resolution, that they have had two memos from their advisors (Jurkowski's and BJB Planners).

The meeting concluded at 3:45 pm.