

July 9, 2020

**PINE PLAINS PLANNING BOARD MINUTES
WEDNESDAY, JULY 8, 2020
7:30 PM**

Via Zoom and Broadcasted to YouTube

IN ATTENDANCE: Michael Stabile, Chairman
Dick Hermans
Kate Osofsky
Vikki Soracco
Jane Waters
Peter Salerno, Alternate

ABSENT: John Hoffman, Alternate
Ken Meccariello
Steve Patterson

ALSO PRESENT: Sarah Jones, Town Liaison
Drew Weaver, ZEO
Warren Replansky, Town Attorney
Matthew D'Amato, Applicant
Dale Mitchell, Applicant
Marie Welch, McLiverty's Land Surveyor

Chairman Stabile opened the meeting at 7:35 pm with a quorum present.

Stabile reminded everyone that this meeting was being held via Zoom in accordance with the governor's executive order 202.48, which extended his executive order, pertaining to the open meetings law for the state of New York.

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

McLiverty Lot Line Adjustment: Stabile asked Marie Welch if there is an updated map and she replied yes that it was submitted on the 23rd of June. Stabile then asked Welch to confirm that the only changes were additional information, such as the house and the distance to the side lot line. Welch replied yes, and a few minor corrections. Stabile asked if there were any outstanding issues regarding the deeds and Waters replied that there was a merger deed sent by email today. Welch apologized for the late delivery of the deeds, as she was not sure what was needed prior.

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Stabile asked Replansky to confirm that everything was OK with the merger deed and the updated map and Replansky replied correct. Replansky said he prepared a resolution but that the reference to SEQR could be taken out, since he and Stabile decided it is a Type II action. Stabile then read the resolution (see attached). Stabile then asked for a motion to enact the resolution. Motion by Hermans, second by Waters, all in favor, resolution approved.

D'Amato Site Plan Approval: Stabile asked D'Amato to go over his application. D'Amato explained that he would like to turn the garage of his mother's house into a studio. He mentioned that the footprint of the house would not be changing. The front would be closed off and plumbing put in. He knows the planning board needs to look at the amount of parking and he feels there is adequate room for the parking of their three vehicles.)

Stabile asked about any board of health issues and D'Amato replied that they went through a lot with the BOH, but Weaver should have in writing that nothing is required. Weaver replied that he does have it.

Stabile then asked Weaver if there were any issues or comments that he would like to make and Weaver replied no, but explained that D'Amato is converting a single-family dwelling to a two-family dwelling, which requires a site plan approval. Weaver also mentioned that he wrote to the BOH and explained what the applicant wanted to do and asked if that required a "change of use" permit. Weaver said the BOH responded that if no bedrooms were being increased, or the moving of a raw sewer line, then BOH approval was not needed, but that the current septic system should not be encroached at all.

Salerno asked if it constituted the adding of a bedroom and Weaver replied no because the applicant was taking away one bedroom in the main area of the house. Salerno then asked if notification to neighbors was required. Stabile asked Replansky and he replied that he needed to recuse himself since one of the owners is a secretary of his. Replansky then asked Weaver if the zoning code requires a public hearing for a site plan approval and Weaver replied that it can be waived.

Stabile asked for a motion to waive the public hearing, motion by Waters, second by Osofsky, all in favor, public hearing waived.

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Stabile then asked if the application was satisfactory for what is needed for a site plan. Replansky said he would like Ray Jurkowski to weigh in on that unless Weaver could answer. Weaver replied that he felt the board or Jurkowski should decide.

Salerno feels a map is not needed to know what is going on, especially since there is not going to be a change and Hermans agreed.

Stabile then asked Weaver what the parking regulation is, and Weaver replied that that the board is tasked with determining if there is adequate parking.

Stabile then expressed concern over the resolution and Replansky recusing himself. Replansky replied that if the board understands the conflict he has, and if the board agrees upon the resolution, then he can write the resolution, but he does not have it ready tonight.

Stabile then asked D'Amato his time frame. D'Amato expressed that he would like to start the work as soon as possible, as he has already been delayed for quite some time.

Replansky said he can only have the resolution by the next meeting unless the board would like to hold a special meeting.

Salerno asked if there needed to be a certain amount of notice about the special meeting under the open meetings law. Replansky replied that it needs to be posted and that if it is more than seven days from the current meeting, then a notification needs to be placed in the newspaper. A special meeting was scheduled for Monday, July 20th.

A motion was then made by Salerno to waive Replansky's conflict, second by Osofsky, all in favor, motion carried.

Waters then asked if meetings could be held at town hall since the county had entered phase 4 of reopening. Replansky said it was up to the board. Stabile reiterated that the open meetings executive order had been extended.

Mitchell Lot Line Adjustment: Stabile asked Replansky the status of everything, map changes, deeds, etc. Replansky replied that he is fine with everything. Replansky said the only thing he is missing now is a maintenance agreement from Mitchell. Replansky said he prepared a conditional resolution so that it

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may be approved tonight without that one document. Stabile then read the resolution (see attached). Motion by Hermans to accept the resolution, second by Osofsky, all in favor, motion approved.

Other Business: Stabile asked if anyone has been able to take any continuing ed courses. Waters replied that she was having issues logging onto the Dutchess County website to complete them. Stabile offered some suggestions for logging on or to wait until they are held in person.

Stabile then asked Weaver if he had replied to Jane Hottensen's complaint regarding her property on Carpenter Hill Road and the horse farm near her with fountains, etc. at the front entrance. Weaver replied that he had not yet but would. Some of the board members expressed liking the statues and waterfall, hence leading to the conclusion that the matter was one of personal taste. Stabile said the only board issue would be if there was lighting, which there is not.

Motion by Osofsky at 8:26 pm to adjourn, second by Hermans, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile

TOWN OF PINE PLAINS PLANNING BOARD

**RESOLUTION GRANTING FINAL CONDITIONAL APPROVAL TO McLIVERTY LOT
LINE ADJUSTMENT/MINOR SUBDIVISION**

WHEREAS, Elizabeth McLiverty (“McLiverty”) and Frank Lambraia and Damaris Ingenito-Lambraia (collectively “Lambraia”) have made application for a lot line adjustment/minor subdivision (“subdivision”) for properties located at 4 Cedar Drive and 10 Cedar Drive, having tax map numbers 6872-17-059130-0000 and 6872-17-071113-0000; and

WHEREAS, the application proposes to convey a .208 acre strip of land from the McLiverty property adjacent to the Lambraia property to Lambraia, all as shown on a plat entitled: “Lot Line Adjustment Prepared for Frank Lambraia and Damaris Ingenito-Lambraia and Elizabeth McLiverty, Town of Pine Plains, Dutchess County, New York”, dated May 26, 2020 and prepared by Welch Surveying, Marie T. Welch, L.S.; and

WHEREAS, the subdivision application proposes that the property conveyed by McLiverty to Lambraia will be merged with the property owned by Lambraia; and

WHEREAS, this matter came on to be heard by the Planning Board at the June 10, 2020 Planning Board meeting; and

WHEREAS, the Planning Board reviewed the subdivision application in accordance with the requirements of §230-8 of the Town Code and determined that a public hearing need not be conducted; and

WHEREAS, the Planning Board has determined that this is a Type II action under SEQRA, not requiring environmental review; and

WHEREAS, the applicant has submitted a proposed Subdivision Map in final form to the Planning Board on July 8, 2020 which has been reviewed by the Planning Board and the Planning Board's Engineer and Attorney and have determined that the proposed Subdivision/Lot Line Adjustment Map is acceptable and ready to be approved by the Planning Board in final form; and

WHEREAS, the applicant has submitted to the Attorney to the Town a proposed Deed from McLiverty to Lambraia and a proposed Merger Deed for Lambraia, which will consolidate the portion of the property being received by Lambraia with the remaining parcel owned by Lambraia and the Attorney to the Town has determined that the Deeds are acceptable.

NOW, THEREFORE, be it

RESOLVED, that the Planning Board hereby grants final approval to the said subdivision/lot line adjustment and authorizes the Planning Board Chairman to sign the Subdivision Plat subject to the following terms and conditions:

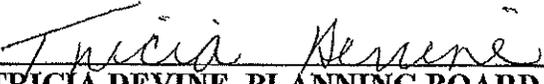
1. That all escrow fees accrued for review of the application by the Town Engineer and Attorney to the Town and all filing and recreation fees be paid in full prior to the signing of the subdivision map by the Planning Board Chairman.
2. That the Deed from McLiverty to Lambraia and Merger Deed from Lambraia to Lambraia be filed in the Office of the Dutchess County Clerk within seven (7) working days of the filing of the subdivision map, with proof of filing being provided to the Planning Board and the Attorney to the Town.

This motion was offered by Planning Board member Dick Hermans and was seconded by Planning Board member Jane Waters.

The Planning Board members voted as follows:

Michael Stabile, Chairman	Aye
Dick Hermans	Aye
John Hoffman III, Alternate	Absent
Ken Meccariello	Absent
Kate Osofsky	Aye
Steve Patterson	Absent
Peter Salerno	Alternate
Vikki Soracco	Aye
Jane Waters	Aye

The Resolution was carried by a vote of five of the Planning Board members on July 8, 2020.



**TRICIA DEVINE, PLANNING BOARD
CLERK, TOWN OF PINE PLAINS**

TOWN OF PINE PLAINS PLANNING BOARD

**RESOLUTION APPROVING THE MITCHELL MINOR SUBDIVISION/LOT
LINE ADJUSTMENT APPLICATION**

WHEREAS, Dale O. Mitchell, Marilyn Miklau and Dale Mitchell, as Trustee of the Dale Mitchell Living Trust (hereinafter, collectively, "Mitchell") have made application to the Pine Plains Planning Board for a lot line adjustment/minor subdivision ("subdivision") of 70.03 acre parcel (parcel no. 525907) owned by Dale Mitchell and Marilyn Miklau to carve out a 30.29 acre portion of the said property and combine them with the adjoining 4.08 acre parcel (parcel no. 437096) owned by Dale O. Mitchell, as Trustee of the Dale O. Mitchell Living Trust; and

WHEREAS, Mitchell has submitted a Subdivision Map of the said minor subdivision/boundary line adjustment dated May 28, 2020 and revised on July 1, 2020 prepared by Richard Hanback, Licensed Surveyor; and

WHEREAS, the said Subdivision Map and application were reviewed by the Planning Board in accordance with the provisions of §230-8 of the Town Code at its June 10, 2020 meeting; and

WHEREAS, the proposed Subdivision Map and application submission have been forwarded to the Attorney to the Town for his review and to the Engineer for the Town for his review and comments; and

WHEREAS, the Engineer for the Town has submitted a comment letter dated May 19, 2020 addressing certain issues which needed to be resolved by the applicant including, but not limited to: (i) verification of a recorded deeded easement for ingress and egress running from New York State Route 82 to the northerly portion of the property past the properties currently owned by Samowitz & Klein NY LLC (Post Office) and M&D Land Corporation (strip mall) and running

to the Town of Pine Plains water tower property; (ii) verification of formal recorded easement of a southern roadway encumbering the said property running past the Stewart's Ice Cream Company, Inc. property; (iii) resolution of an encroachment of the driveway serving 2336 Route 83 upon the lands of Dale Mitchell; and (iv) verification and depiction on the map of a Pine Plains Water Improvement Area waterline running along the eastern side of Route 82 in the area of the northern roadway of the property; and

WHEREAS, the Attorney to the Town has required the submission of proper merger deed documents providing, in relevant part, for the merging of the property to be conveyed from Dale O. Mitchell and Marilyn Miklau to the Dale O. Mitchell Living Trust to be recorded in the Office of the Dutchess County Clerk, and a Driveway Maintenance Agreement for that portion of the private road running from Route 82 past the properties of Samowitz & Klein and M&D Land Corporation over the northern portion of the said properties to the Town of Pine Plains water tower property to insure that that portion of the roadway running from Route 82 to the western terminus of the lands of M&D Land Corporation will be maintained, repaired improved and replaced in perpetuity in a suitable form for the passage of motor vehicles and emergency vehicles in all weather conditions; and

WHEREAS, the Planning Board has determined that this is a Type II action under SEQRA, not requiring environmental review; and

WHEREAS, Mitchell, on or about July 1, 2020, submitted a revised subdivision plat addressing the issues raised by the Town Engineer and the Attorney to the Town; and

WHEREAS, the Planning Board has determined that a public hearing need not be held in conjunction with this application; and

WHEREAS, an attorney for Mitchell has provided a proposed Deed from Mitchell and Miklau to the Mitchell Trust and a proposed Merger Deed from the Mitchell Trust merging the two parcels, which the Attorney to the Town has found to be acceptable in form and content; and

WHEREAS, Mitchell has not, thus far, provided a Road Maintenance Agreement but has indicated his willingness to assume sole responsibility for the future maintenance, repair, improvement and replacement of that portion of the private Road running from Route 82 through the Mitchell property and culminating at the eastern terminus of the M&D Land Corporation to be recorded in the Office of the Dutchess County Clerk; and

WHEREAS, Mitchell has also provided, at the request of the Town Engineer, a Right-of-Way Easement Agreement granting Mitchell a right-of-way easement across a portion of the Mitchell and Miklau property to provide rights of ingress and egress in favor of Mitchell and any future owners of the Mitchell property, which easement document has been reviewed by the Town Engineer and found to be acceptable in form and content.

NOW, THEREFORE, be it

RESOLVED, that conditional subdivision approval is hereby granted for the Mitchell subdivision/lot line adjustment subject to the following terms and conditions:

1. That all fees for engineering and legal consultant services rendered to the Planning Board in conjunction with the review of this application and all filing and recreation fees be paid in full prior to the signing of the Subdivision Plat by the Planning Board Chairman.

2. That Mitchell file in the Office of the Dutchess County Clerk a Deed running from Mitchell and Miklau to the Dale O. Mitchell Living Trust and a Merger Deed running from the Dale O. Mitchell Living Trust to the Dale O. Mitchell Living Trust as approved by the Attorney to the Town within seven (7) working days of the filing of the Subdivision Map with proof of said filing provided to the Planning Board and to the Attorney for the Town.
3. That Mitchell file in the Office of the Dutchess County Clerk, the Right-of-Way Easement Agreement within seven (7) working days of the filing of the Subdivision Map and provide proof of said filing to the Planning Board Chairman and to the Attorney for the Town.
4. That Mitchell shall submit to the Attorney for the Town a proposed Driveway Maintenance Agreement in form and substance acceptable to the Attorney for the Town which provides, in relevant part, for the assumption of responsibility, in perpetuity, by the Dale O. Mitchell Living Trust and its heirs and assigns that portion of the private roadway running from New York State Route 82 through the Mitchell property to the eastern terminus of the lands of M&D Land Corporation as shown on said Subdivision Map and that the Agreement also provide that the said road shall be kept in good repair and that all required maintenance, repairs, improvements and/or replacement of said private road be performed by Mitchell at Mitchell's sole cost and expense so as to keep the road in good and passable condition for motor vehicles and emergency vehicles in all weather conditions and further, that the said Agreement be enforceable by Samowitz & Klein NY LLC; M&D Land Corporation and the Town of Pine Plains and that if any action is filed by any of said parties to enforce the terms of said Agreement, that the

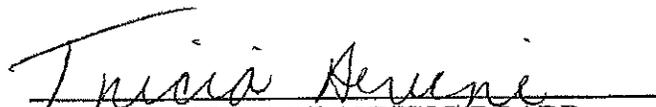
prevailing party shall be responsible for all legal fees, costs and expenses as awarded by the court and that said Agreement, after approval by the Attorney to the Town, be filed in the Office of the Dutchess County Clerk with proof of filing provided to the Attorney to the Town and the Planning Board and that such filing take place no later than 20 days after the filing of the said Subdivision Map in the Office of the Dutchess County Clerk.

This motion was offered by Planning Board member Dick Hermans and was seconded by Planning Board member Kate Osofsky.

The Planning Board members voted as follows:

Michael Stabile, Chairman	Aye
Dick Hermans	Aye
John Hoffman III, Alternate	Absent
Ken Meccariello	Absent
Kate Osofsky	Aye
Steve Patterson	Absent
Peter Salerno	Alternate
Vikki Soracco	Aye
Jane Waters	Aye

The Resolution was carried by a vote of five of the Planning Board members on July 8, 2020.


**TRICIA DEVINE, PLANNING BOARD
CLERK, TOWN OF PINE PLAINS**