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**PINE PLAINS PLANNING BOARD MINUTES
WEDNESDAY AUGUST 12, 2020
7:30 PM
Via Zoom and Broadcasted to YouTube**

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

ABSENT:

ALSO PRESENT: Sarah Jones, Town Liaison
Drew Weaver, ZEO
Raymond Jurkowski, Town Engineer
Warren Replansky, Town Attorney
Matthew Brimer, Industry Standard Applicant
Armand DiBiase, Pocumtuck Farm Architect
Benjamin Falk, Industry Standard Applicant
Cynthia Filkoff, Pocumtuck Farm Architect
Nick and Cricket Hammerschlag, Pocumtuck Valley
Farm Applicants
Jan Johannessen, Pocumtuck Farm Architect
Doug Larson, Industry Standard Architect
Melody Swanson, Industry Standard Architect

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 202.55, which extended his executive order, pertaining to public meetings, until September 5th.

Industry Standard Site Plan Review and Lot Line Adjustment: Doug Larson, project architect, introduced himself, the applicants, and a coworker. He explained that they were here for a site plan review. He originally applied for a special permit, but after discussing things with Drew Weaver, ZEO, they decided that

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was not necessary. He is also applying for a lot line adjustment. After discussing the plan with Ray Jurkowski, town engineer, it was determined that the lots would need to be merged to further the site plan review.

Larson said that they need to design a septic system, run-off mitigation, and a lighting and landscape plan, as well as rudimentary schematic drawings of the building. Larson also mentioned that they have met with Weaver and Jurkowski so they know the next step in terms of the zoning, but the point of this was really to start a dialogue and to have Benjamin Falk and Matthew Brimer explain their vision. Larson then turned it over to Brimer who gave a brief presentation about himself and his ideas.

Larson then went over the documents submitted. He showed a map with the old library and then the two new parcels acquired. He then showed a layout of the entire site once it is merged. They plan on leaving the old library largely how it is but would like to build an addition on the back. They would like a public garden behind that, that would be open to the public. He explained that the existing building would have two main functions, one being a café. He also mentioned a green wall on the back of Jack Banning's building, as it faces south. Larson also mentioned having an event space for outdoor concerts, etc. Larson also mentioned a current shed that they would like to find a use for, as sheds that close to the lot line do not have a lot of functions.

Larson anticipates a fence around the whole property for privacy and to not infringe on neighboring properties.

Larson said the service area of the site would be best handled on the driveway on the adjacent side of the site. The driveway is partly owned by Doug Weaver who has spoken to Falk and Brimer about sharing the space.

Larson then went over a concept for the building. The basement would be used for mechanical, kitchen support, storage, an elevator, and a restroom.

The first floor would be the café, general store, atrium, kitchen, storage, and restrooms.

The second floor would be a converted roof deck, offices, elevator, restrooms, and an education center.

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The roof would include mechanical and an arrival area, and a covered roof deck with solar panels.

Stabile then asked where the project stands as far as acquisition of property. Brimer replied that all the property has been acquired and are fully owned. He mentioned that now it is just a matter of connecting the lot lines.

Stabile then asked about a use issue that was discussed with Weaver. Larson replied that they were coming to the planning board because the zoning code required a site plan approval from the planning board prior to the uses that the applicant is proposing.

Meccariello asked the applicants to explain a bit more about the access with Doug Weaver's property. Falk replied that both the applicants and Doug Weaver are in agreeance regarding using his parking lot access as a back entrance for parking and delivery of propane, etc. Falk said the details will have to be worked out as the project progresses.

Stabile asked Replansky if he had any comments at this time. Replansky replied that there was not much to comment on from a legal standpoint at this point.

Larson asked if there was anything that the planning board felt they should investigate further other than the septic and site plan. Stabile said the septic was a good question and asked if there was enough to satisfy the DOH. Larson replied that they have just started speaking with the engineer now. Osofsky mentioned that she thought that Doug Weaver had previously tried to install a septic to construct a laundromat. Waters agreed. Falk replied that Doug Weaver is optimistic about installing a septic system there. Falk mentioned that since they just closed on the other parcels, they have not had time to do any formal testing.

Stabile asked Jurkowski if he was able to go out to the site. Jurkowski replied yes and said he did share some items with the applicants that they will need to address with the site plan. Jurkowski said they are increasing the footprint of the building with the new addition. Jurkowski said because of this, one thing they will need to deal with is storm water run-off, because of the increased impervious area. Other points are the type of materials being used for the outdoor space, and a couple of easements on the property. Jurkowski said since the use is changing for the entire building, DOH approval will need to be

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obtained for the septic system. He feels this will be the largest obstacle for the applicant. Jurkowski said he also spoke to the applicants about lighting and landscaping and they are aware that this is something that they need to develop.

Jurkowski then asked the applicants to speak about the pergola that they intend to put on the town park area. Brimer said he spoke with Soracco, who is on the town beautification committee, regarding the pergola. Brimer said they will be donating the creation and installation of a beautiful pergola to the town. They will also pay for its upkeep and maintenance. Jurkowski said since this is town land there will need to be some sort of agreement, once it is erected, regarding its donation. The agreement would need to be prepared by Replansky and then go before the town board for approval.

Jurkowski said the last item deals with the outdoor space. Because the applicant may show movies, and/or have concerts, there is a potential for noise, and to what generation would that noise be, and any potential impact to the neighboring properties.

Soracco then asked Jurkowski if the applicants would also need to go to the town board regarding the gate to the garden that would be on the backside of the pergola. Jurkowski said yes, that this is correct. Soracco then asked if that would have to be as an easement. Jurkowski said that he thought it would just be part of the agreement between the applicants and the town regarding the pergola. Soracco said she was concerned about the spot of the gate. Jurkowski asked if she had another spot in mind and Soracco replied no, that was the only possible spot. Brimer then said that it would be a sturdy gate that would be locked during closing hours. Stabile then asked what the difference was if there was no gate and only a path. Soracco said that right now there is a fence up and that you cannot get through. She said that it is town property, and people would be going through there, and how does the town feel about that? Jurkowski said that would be an item that would need to go before the town board.

Brimer said they have been giving a lot of thought to the noise issue and said he had recently spoken to Darrah Cloud, town supervisor, about it. Cloud said there is no official noise ordinance for the town but Brimer said he does recognize that they are in the middle of town and they do want to be good neighbors to the surrounding homes and businesses. Brimer said he would like to enter into some sort of agreement with the town

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board regarding any amplified noise after a certain hour in the evening. He mentioned the beer garden in town, that sometimes has music at night, and does not feel they would be as loud as it. Jurkowski said that Brimer would be able to go over those type of items with the planning board, and receive a conditional approval, as it is part of the SEQR process. Soracco mentioned that there have been a lot of complaints in the last few years regarding the noise at the beer garden and because of this some people do want a noise ordinance.

Stabile then asked what they are envisioning as far as the concerts go. Brimer explained that it would not be late night concerts and more so outdoor movie screenings, story readings, and poetry, etc., while keeping the option open for music. The music would not be loud rock bands, but more along the lines of acoustic performances.

Larson asked for some clarification of an issue he was having regarding one building being close to the lot line of another property and if this was something, he needed to go to the ZBA with. Stabile replied that it was something that would have to be further explored and could not be answered right now. Replansky then added that the applicant would need to develop a more formal sketch plan with a project narrative. Replansky then asked if Weaver had made any determinations regarding the multiple uses associated with the property and how they conform to the zoning code. Weaver replied that the café was straight forward, but they were having some issues with the educational space, as it is not what is described in the zoning code.

Replansky then asked about an escrow and Stabile replied that he did have the applicants establish one when the planning board received the application.

Replansky then asked the applicants when they thought they would have a more detailed sketch plan. Larson replied that it will depend on what their engineer finds. They should have something more within the next few months.

Jurkowski suggested contacting the Dutchess County DOH, as that will dictate the size and uses of the building. Jurkowski thinks it is more appropriate for the applicants to come back to the planning board after this step. Replansky agreed.

Stabile said that barring the outdoor music, he believes everyone on the planning board has positive thoughts regarding this project.

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Waters asked about security after hours and if there would be a locked gate or would it be open in the back. Brimer replied that they are planning on a natural wood fence around the perimeter of the property, which will be locked and secured after hours. Soracco then asked for clarification of the fence and would it be around the entire property, including the parking lot. Larson replied that he did not feel it needed to go around the "Support Our Troops" parcel. Soracco feels they should not fence the entire perimeter, only the back of the property. Larson agreed and said it is open to discussion.

The board and the applicants then discussed the lot lines a bit further.

Pocumtuck Valley Farm: Jan Johannessen, project architect introduced himself, and fellow architects Armond DiBiase, and Cynthia Filkoff, as well as the applicants, Nick and Cricket Hammerschlag. Johannessen then gave a brief presentation about the project.

The applicants have purchased 130 acres and plan on constructing a 6000 square foot principal residence and a 2,550 square foot accessory dwelling. The property abuts Columbia County and is in the rural district.

Johannessen said that per the zoning code, the accessory dwelling needs a special permit from the planning board. An accessory dwelling is also not permitted to be over 1,250 square feet, but the applicant may obtain a waiver that would allow the accessory dwelling to be up to 75% of the principal dwelling. The planned accessory dwelling would be 59% of the principal dwelling.

Johannessen said they have already tested for septic with favorable results. Johannessen also meet with the highway superintendent and she was happy with the proposed driveway location. He thinks the driveway will be mainly surface with gravel. Johannessen said their alternative plan would push it back another 100 feet.

Johannessen then discussed the steep slopes and storm water management areas of the main residence, as well as a possible location for a tennis court and pool.

Johannessen then showed the alternate plan for the cottage.

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Stabile asked if the applicants planned on continuing to own the cottage once they move into the main residence and Johannessen replied yes.

Filkoff then went on to go over the accessory dwelling planned. She said they designed a farmhouse with a colonial design. It will be a modular construction to allow for rapid construction. Filkoff then went over the plans for it.

Filkoff feels once it is built and finished that people will think has it has been there for many years, as it will be designed to fit in with the farmhouses of the area.

Replansky then asked what the purpose of the accessory dwelling is. Nick Hammerschlag, applicant, replied that he and his wife, and two young daughters, will be living in it while the main residence is constructed. Replansky then asked what it will be used for after. Hammerschlag replied other family members. Replansky asked if it would only be used as a guest house and Hammerschlag replied primarily, yes. Replansky asked if it will be rented out and Cricket Hammerschlag replied that they do not have intentions of renting it out. Replansky said an accessory dwelling must be compatible to the principal dwelling and should not be constructed prior to the principal. Replansky suggested having the applicants' council investigate it.

Filkoff mentioned the unusual circumstances we are in and that her clients are trying to move onto the property quickly. Armand DiBiase then said they did speak to Weaver, ZEO, with that issue and that is why they were coming to the board with a master site plan showing the principal structure that would be built.

Replansky said if they can work around the issue, certain requirements will be placed on the accessory dwelling and that the principal dwelling will need to be built in a certain time frame.

Johannessen said it is a residence and it will not be considered an accessory dwelling until another home is constructed on the property. Waters asked if it could be considered the principal residence until the larger one is built and Johannessen replied that he does not see why not. He also said that they were under the impression that showing the master site plan was the key to allow them to do the accessory dwelling in advance.

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Jurkowski asked the time frame of the main residence and Filkoff replied that they were hoping to begin construction in the spring. Johannessen said they were hoping to begin construction of the accessory dwelling this fall. Replansky thinks they will be able to work with that time frame.

Replansky said he will discuss everything with Jurkowski and Weaver and that an escrow account will need to be established.

Johannessen asked the board to consider scheduling a public hearing for the September meeting. Stabile was concerned about the issue and asked Replansky what he thought. Replansky said he did not mind scheduling the hearing. Replansky also said that it was not a Type II Action and that the planning board could establish themselves as the lead agency for the SEQR and determine to do an uncoordinated review. Stabile asked for the motion to declare this an unlisted action and the declare the planning board as lead agency and determine to undergo an uncoordinated review, motion by Hermans, second by Waters, all in favor, motion approved.

Stabile then asked for a motion to have the public hearing at the September meeting, motion by Hermans, second by Patterson, all in favor, motion approved. Since Replansky would be away the usual week of the planning board meeting, it was rescheduled for the following week, on September 16th.

Farley Chase (not on agenda): Stabile asked Replansky about an inquiry from a resident, Farley Chase, regarding purchasing a piece of property and doing a lot line adjustment. Replansky said it is a tricky ethical issue for him because he was being asked to provide legal advice to a property owner and that applicants usually retained their own experts to go over issues. Replansky said he feels uncomfortable providing anything that could be interpreted as legal advice.

He did look at the email sent and said that the property appears to join a town road. Waters replied that it does not. Patterson said that Chase said he needed an easement from his parents to get out to the road. Replansky said he was confused because the parcel access map shows it coming out to Route 82. Osofsky asked if the property has no access to any road and the board replied it does not. Replansky said it did, on Route 82, so he does not understand what the issue is. Stabile said he did not see any access to Route 82. Stabile said it was the county line and not access to Route 82.

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Replansky said he would then need an easement and to apply to the town board for an open development approval.

Approval of July 2020 Minutes and Special Meeting Minutes:

Stabile asked for a motion to accept the July meeting minutes, motion by Waters, second by Patterson, all in favor, motion approved. Stabile then asked for a motion to accept the July special meeting minutes, motion by Hermans, second by Waters, all in favor, motion approved.

Other Business: Soracco spoke about wanting to do a workshop meeting and social distance at the library to discuss some of the applications, as it can be hard to hear a lot of the applicants, etc. on Zoom. Stabile said a workshop meeting would be required to be filmed and broadcasted. Soracco said other towns are holding meetings in person and she would look into how. Stabile mentioned people are still not comfortable to hold a meeting in person. Stabile feels the board should continue to meet remotely as long as the state allows it.

Meccariello would like applications to be at town hall in a more timely manner to be picked up.

Motion by Meccariello at 9:21 pm to adjourn, second by Hermans, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile