

October 15, 2020

**PINE PLAINS PLANNING BOARD MINUTES  
WEDNESDAY OCTOBER 14, 2020  
7:30 PM  
Via Zoom and Uploaded to YouTube**

**IN ATTENDANCE:** Michael Stabile, Chairman  
Kate Osofsky  
Steve Patterson  
Peter Salerno, Alternate  
Vikki Soracco  
Jane Waters

**ABSENT:** Dick Hermans  
John Hoffman III, Alternate  
Ken Meccariello

**ALSO PRESENT:** Sarah Jones, Town Liaison  
Drew Weaver, ZEO  
Raymond Jurkowski, Town Engineer  
James Boyle, Applicant  
Peter Sander, Francis Finlay's Planner

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 202.67, which extended his executive order pertaining to public meetings.

**Boyles-Keeler Lot Line Adjustment:** Boyles explained that he has 76 feet in the back of his property and 100 feet out front. Boyles would like to add 32 more feet to the back portion of his property.

Boyles explained that he would like to do this in case he does not have a great neighbor one day in the future. Stabile then asked what one of the structures was on the map provided and Boyles replied that it is a tree house. Stabile then asked if there was anything along the lot line on the other property, any structures or sheds, etc. Boyles replied no.

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Stabile then asked the board and Replansky if they had any questions or comments. No questions were asked, and Stabile said that it seemed straight forward.

Stabile then asked for a motion to waive the public hearing. Motion by Patterson, second by Soracco, all in favor, motion carried.

Replansky said a resolution and a merger deed, with proof of filing, would be needed.

Salerno then asked if it was clear that Ms. Keeler had consented to the lot line adjustment. Weaver, ZEO, replied that Boyles did include a signed affidavit with his application where Keeler assigned Boyles as her acting agent. Salerno then asked Replansky if this was sufficient. Replansky said he had not seen the affidavit so he could not comment. Stabile asked if it was the form affidavit and Weaver replied yes. Patterson pointed out that Keeler would need to sign the deed. Salerno asked if the board would need to see the deed prior to granting the lot line adjustment and Replansky replied yes, that is the requirement.

Stabile then explained the process and said the resolution would be prepared and Boyles should send the proposed merger deed. Replansky would then sign off on the merger deed. The condition of the approval would then be after Boyles has filed the deed.

Stabile told Boyles to get those documents and most likely the lot line adjustment would be approved at the next meeting.

**Finlay Special Use Permit:** Sander introduced himself and explained what his client, Finlay, would like to do. He would like to create an accessory apartment. Sander said it is more of a caretaker's structure, but since he was not sure how the Pine Plains Planning Board worked, he submitted it as an accessory apartment. The structure is currently a garage and Finlay would like to turn the second floor into the apartment for an on-sight "handy man".

Sander then explained some other details and said a new septic system would be added on the north end of the property. He said the project is straight forward and that the draining would go to the already existing catch basins which flows away from the structure. Sander then returned it to the board for comments and how to proceed next.

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Stabile asked Jurkowski if he was able to review the application. Jurkowski replied yes and said he had a couple of questions. Jurkowski asked if anything had yet to be submitted to the Department of Health regarding the septic and water supply. Sander replied that he did not believe anything had been submitted to the DOH yet, but he feels they have everything planned out and sized correctly. Jurkowski asked if Sander knew yet, based on soil tests, if the septic system would be in-ground or a fill system? Sander replied that they would be in-ground. Jurkowski then asked if the catch basins on the map are currently in place or being proposed. Sander said he believed the catch basins were installed to control drainage for the current structure but that the new feature would be the "outfall" area with rock surrounding it, that and they all are existing features.

Jurkowski then said he is concerned that the discharge point is pointing the storm water onto the adjacent property and how Sander plans to alleviate that and reduce the runoff. Sander replied that his client owns the adjacent property, even though it is not listed on the survey map. Finlay recently purchased it from Douglas Koch. Sander also said he is open to suggestions. Jurkowski said since they are installing an in-ground septic system, the perc must be suitable on the soil, and therefore they could think about installing an infiltration system with an overflow.

Jurkowski said prior to final approval the planning board will need the approval from the DOH for the septic system.

Stabile then asked Replansky if he had anything to add. Replansky said he is fine with it and assumes that Weaver has reviewed it and it meets all the requirements for a caretaker or guest dwelling. Weaver said he has reviewed it and that it is small. Sander then gave the exact square footage of 1550 sq feet with 772 sq feet of it the occupied footprint. Replansky then asked if the primary dwelling is owner occupied and Sander replied yes. Replansky then asked how big the principal dwelling is. Sander did not have that information but would provide it at another time.

Stabile then asked what the property is that Finlay recently acquired. Sander replied that it is abandoned agricultural land.

Waters asked if the applicant also purchased the property across the road. Sander said no, he only owns the two parcels mentioned.

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Stabile then asked for a motion to hold the public hearing, motion by Waters, second by Patterson, all in favor, motion carried.

**Willow Roots:** Stabile said he went and observed the operations at Willow Roots after the last meeting and said it takes five to ten minutes for each car to exit onto Carla Terrace. Stabile does understand that the residents on Carla Terrace aren't used to a lot of cars on it, but that Willow Roots is a vital function. Stabile brought up the tons of letters received supporting Willow Roots and the letters from Sheila Jamieson with her opinion on the situation.

Stabile then asked Weaver if he had heard back from the Zayases, who run Willow Roots, regarding Replansky's suggestion of lifting that restriction on the tax business for that hour or two on Saturday. Weaver said he has spoken to them but wasn't sure what procedure the board would like to follow to make it happen.

Waters mentioned that she looked up the Zayases property on parcel access and noticed that no part of Carla Terrace is owned by the Zayases. Waters wasn't sure if they had a legal right to use the driveway on Carla Terrace. Waters feels this should be researched before reaching any sort of agreement. Waters said she wasn't sure if there was any sort of official permission for the Zayases to use the driveway from Carla Terrace when the apartment was constructed. Osofsky thought Zayas had got a driveway permit from the town. Waters asked if you could have a driveway going across property you do not own? Stabile then asked who does own the property? Waters said on the parcel map Carla Terrace has land that goes beyond the property line. Stabile said that after looking at the parcel map it seems like more of an approximation of the boundary lines and not legal boundary lines. Salerno mentioned that boundary lines can be fifty feet off at times on the parcel access map.

Jones, town liaison, said she recalls when they came for the tax business permit there was access onto Carla Terrace and the issue was would they be using that access. Stabile asked Weaver who would issue the driveway permit and do they have a copy of it. Weaver replied that it would be the highway department.

Replansky asked how long ago the tax business was authorized. Stabile replied 2014. Replansky feels it is time for Zayas to

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come back before the board and "clean all this up". Replansky said then Zayas could receive a waiver for his original proposal.

Salerno asked Replansky what the procedure would be for moving forward. Replansky wasn't sure if the board had any jurisdiction but suggested pulling out the minutes from the meeting approving the tax business. Stabile said he had the minutes, and that Jamieson was there and mentioned her concern about the traffic on Carla Terrace and Zayas said he would not use that exit.

Stabile asked Replansky if any driveway permit is only for the curb cut. Replansky replied that was correct. Stabile then asked if after the curb cut, is it up to the owner and not regulated. Replansky replied there are usually not any regulations that apply to the driveway itself.

Weaver said he would be in touch with the Zayases and have them ask for a waiver and contact the highway department about the driveway permit.

**Approval of September 2020 Minutes:** Motion by Patterson to approve the minutes, second by Osofsky, all in favor, motion carried.

**Other Business:** Stabile mentioned the town board approved a course from Pace University for continuing education.

Motion by Waters at 8:10 pm to adjourn, second by Patterson, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile