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**PINE PLAINS PLANNING BOARD MINUTES
WEDNESDAY SEPTEMBER 16, 2020
7:30 PM**

Via Zoom and Uploaded to YouTube

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

ABSENT: Steve Patterson

ALSO PRESENT: Sarah Jones, Town Liaison
Drew Weaver, ZEO
Warren Replansky, Town Attorney
Armand DiBiase, Pocumtuck Farm Architect
Cynthia Filkoff, Pocumtuck Farm Architect
Nick and Cricket Hammerschlag, Pocumtuck Valley
Farm Applicants
Jan Johannessen, Pocumtuck Farm Architect
Three Members of the Public

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

Pocumtuck Valley Farm Public Hearing: Stabile explained how the public hearing will work via Zoom and how neighbors may voice their questions and/or concerns. One neighbor, Connie Kieckhefer, voiced that she was curious about the timing of the project. Johannessen said he would give a brief presentation at this point about the project. Johannessen also mentioned that they were seeking a waiver from the planning board for the accessory dwelling to be 59% of the primary dwelling (up to 75% is allowed with the waiver). He would like to start

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construction of the accessory dwelling this fall. Approval has been obtained from the DOH and from the highway department for the driveway. Johannessen also mentioned that the location of the barn and accessory dwelling has been pushed back about 115 feet from its original location shown at the previous planning board meeting.

Stabile then asked Kieckhefer to clarify her question and she replied she was curious when it would be constructed, within a year, etc., with all the Covid stuff going on. Johannessen said they were hoping to obtain building permits and start this fall. Kieckhefer then asked if there was going to be any impact on the stream with runoff? Johannessen said they plan on capturing and treating all the runoff from the buildings' roofs and they have also evaluated the soil for stormwater infiltration and have been supplying stormwater infiltration systems to capture the stormwater from the development and there would be no discharge to the stream at all.

Hermans then asked if the primary dwelling would be on a ridge-line since it is higher than the accessory dwelling. Johannessen replied that it is on top of a hill but does not know if it is on a ridgeline, but it is approximately 100 feet higher in elevation than the road. Hermans then mentioned that the zoning law was designed to protect ridgelines and asked Osofsky if she knew if the house would break a ridgeline. Osofsky said it would be able to be seen from the farm, but not the highway. Waters brought up that there are a lot of trees on the property and the house probably would not even be able to be seen from Chase Road. Hermans agreed. Stabile asked Osofsky if it was seen at the farm looking up or down from it. Osofsky said she thought it could be seen across from it. The applicant, Hammerschlag, then interjected and said he does not think anyone would be able to see the house, except for houses that were also up higher in elevation. Osofsky then asked if he could see Ronnybrook (the farm) from it and Hammerschlag replied that they could see Ronnybrook from the lower fields, but based on how it's situated, no.

Stabile then asked if anyone else from the public had a statement or question. Kyle Free then said he is at the bottom of the hill and asked how much of the agricultural land will the accessory dwelling and septic be using and how much will remain agricultural land. Hammerschlag replied that any land that is currently actively farmed will remain that way and that they are disturbing as small of a footprint as possible. Johannessen then said that their exact level of disturbance is approximately

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65,000 square feet, or just over an acre. Stabile then asked Johannessen if he had an idea of how much of the 130 acres is farmland. Johannessen said he did not have an exact number but suspects it's probably half. Free said the reason he asked is because it was brought to his attention that there was something in the town's zoning that active agricultural land could not be taken away. Johannessen said he did not see any provision in the code that would prevent a home from being built on agricultural land. He does agree that siting the home is important, as well as, preserving the farmland surrounding it.

Stabile asked if there were any other questions and Matt Cichetti replied that they have the property across the street. Cichetti said he is generally in favor of the project, as it's better than a subdivision, but the only question he had was regarding the septic system for the secondary dwelling and would it be possible to be moved to the right side of the driveway? Johannessen replied that one of the first things they did was conduct a lot of tests on the property and that they too would like the septic to go there, as it would be closer to the house and less costly, but the current location is the only place they were able to put it, since it was the only place they could get percolation.

Stabile then asked for a motion to close the public hearing. Motion from Hermans, second by Waters, motion carried.

Stabile asked Replansky where he stands on the application and Replansky replied that the only issues he has with it are the few provisions in the zoning law that indicates that an accessory dwelling should not be constructed prior to the primary dwelling. Replansky said the only way around it is a stringent resolution. He has spoken with Weaver, ZEO, and he agrees. Replansky said he prepared a resolution with a special permit approval, in the relative part, that would allow the accessory dwelling to be constructed first, as long as the primary dwelling is constructed within two years of the date of the resolution.

Stabile asked about any significance to the agricultural lands and Replansky replied that it is not relevant to this application, as that only comes into play for a subdivision application.

Stabile asked the board if they had any input and Waters replied that it makes a lot of sense and the board does not need to spend a lot of time on it.

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Replansky asked if it was a Type II Action in the SEQOR or an unlisted action and Waters and Stabile replied unlisted action.

Stabile asked what would happen if the primary residence construction is not completed, etc. Replansky replied that then the accessory dwelling would be the only residence allowed on the property. Waters said they always could subdivide the property and build a house where they would want to. Waters doesn't think we should encourage this, as there does not need to be many lots on the property.

The board then went over the Short form EAF.

The board then went over the resolution.

Stabile then asked for a motion to pass the resolution. Motion by Waters, second by Hermans, all in favor, motion carried.

Altman Johnny Cake Hollow Road: Tracey Altman introduced herself and explained that she and her husband are currently in negotiations to buy two contiguous properties at 82 and 86 Johnny Cake Hollow Road. Altman said before they proceeded forward with the sale, their architect suggested they meet with the planning board to go over their site sketch plan for the larger parcel at 86 Johnny Cake Hollow Road. The parcel is 8.54 acres, and in a rural district, and has a 1,524 sq foot historical farmhouse on the property. They would like to build a new residence, that would be about 2,500 sq feet, and restore the existing home and have it deemed an accessory dwelling. The farmhouse would be approximately 60% of their envisioned primary residence. They would need a waiver, since it is slightly larger than the code allows. Altman was going before the board to see if their plan is feasible and what would be the next steps to take.

Stabile asked if the farmhouse was a currently occupied dwelling or could it be one. Altman replied that the current owners are living in the older home located on 82 Johnny Hollow Cake Road and used the historic farmhouse for working, etc., but it is a habitable residence.

Stabile then asked if they were planning on purchasing both lots and Altman replied yes. Stabile asked what would happen then with the house on 82 Johnny Cake Hollow Road. Altman said their main priority is the new dwelling and if they can renovate the

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two older homes, one would be guest house, and one would be a studio.

Osofsky asked Altman if they were keeping the parcels separate and Altman replied yes because she spoke with Weaver and he said that they would then need permission for two accessory dwellings and that could be hard to accomplish. Altman said they may need to adjust the lot lines, but they would certainly go by the zoning code.

Waters wondered with a pre-existing historical house if Altman would even need to go to the ZBA for a variance. Waters then asked Replansky to clarify. Replansky said he had a conflict, since he is representing the sellers of the property, and asked Weaver to respond. Weaver said he did not think a waiver would be necessary because the planning board has the waiver ability for that square footage.

Waters asked the applicant if they were intending to build the house within a two-year time period. Altman replied yes. Waters said then the same type of wording could be used as the previous applicant. Stabile said that would not be necessary until the applicant was building the house, since a house on the property already exists.

Hermans asked the applicant if they would be living in the older house while the other house was being built. Altman said it depended on how "livable" the house is and would be having an inspection the following day.

Hermans likes the idea of having the older house as an accessory dwelling because of its age, it would be less wear and tear to it and give it a longer life.

Altman asked at what stage would the older house be deemed the accessory dwelling since there is not primary dwelling yet and would they be able to obtain a building permit. Stabile said that is what the agreement would be for. Salerno asked why that would even be needed since the buildings already exist. Stabile explained because the building being constructed would be larger than the building already there. Weaver added that if another building is going to be built, one would be the accessory and one would be the principal and the planning board will need to approve the accessory.

Altman asked when they should come back to the planning board with approval, would it be when they have plans for the new

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house? The planning board replied yes, that would be make sense.

Stabile said this brings up an interesting point that the applicant wanted to combine the two parcels, but that the zoning law discourages this and that in the future it would be better to have more large parcels. Hermans then said that the applicant said the one building would be a studio, and not an accessory dwelling, and does that make a difference? Stabile replied that it might. Replansky said it might be something to consider if any amendments are done to the zoning law. Replansky said one benefit is if the property owner wants to sell one of the parcels of land, they would not need subdivision approval, so there are plusses and minuses to both.

Willow Roots: The board then discussed the complaint that come in regarding Willow Roots, a food pantry, and their distribution on Saturday mornings.

The location is on North Main Street but has an outlet to Carla Terrace. Since it's a small road, twenty to thirty cars going through is a lot. Nelson Zayas, the homeowner, and the head of Willow Roots, also has a tax business he operates on the property. In an agreement with the planning board Zayas said he would not be using his exit onto to Carla Terrace. Weaver said he had to send a letter to Zayas because as a manner of enforcement, he has no way to know if a person is there for the food distribution or the tax business.

Osofsky said that Zayas does have an address on Carla Terrace with an apartment.

Waters mentioned what a wonderful service Willow Roots is doing for the community and she would hate to do anything that would impede that service being provided.

Jones, town liaison, said the town board is very interested in having this service continue. From what she understands, the period of the distribution is only for one hour and using the two entrances/exits allows the process to go very quickly.

Salerno agreed it's an absolutely invaluable service.

Salerno said they could park on the street if need be, but Meccariello said a lot of the people using the food bank are elderly and this may be a hardship for them to do.

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Stabile asked how many volunteers are usually there and Osofsky replied around ten. Osofsky also said tables are set up and the people drive through, similar to a drive thru. Stabile said then it would probably be hard to bring the operation out to Main Street at the curb.

Stabile asked Weaver if Willow Roots has a driveway permit for Carla Terrace and Weaver replied yes. Replansky then asked Weaver if he gave Willow Roots a notice of violation or a "stop work" notice and Weaver replied that he asked them to honor the original agreement for the tax business and not use Carla Terrace.

Weaver then asked Replansky if there was any way the planning board could amend this condition. Replansky replied that there are many different municipalities that are dealing with these ad hoc temporary variations in zoning laws to allow for these types of uses. Replansky said if we amended the zoning law to allow for this it would be time consuming. Replansky said if the town is encouraging the food bank to continue, Willow Roots could just appear before the planning board and the board could amend the initial approval to allow it to happen, avoiding a long and expensive process.

Stabile asked if Willow Roots needed a special permit to be operating and Replansky asked if there were any provisions on the zoning law for temporary uses, Weaver did not think so. Replansky feels it should be allowed to continue if it doesn't get out of hand.

Stabile said he understood how neighbors on Carla Terrace with young kids or pets may be concerned about the moderate increase in traffic. He went and spoke with town supervisor Cloud and said that Cloud mentioned perhaps putting a police officer there on Saturday mornings.

Everyone agreed that Willow Root should come to the next planning board meeting, so that some sort of agreement could be reached.

Replansky said it may be possible for the town board to allow it by resolution under the governor's orders during Covid-19.

Hermans suggested the town board approach the neighbors on Carla Terrace and let them know that Willow Roots needs to continue under neighborly humanitarian reasons during this time. Waters

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said they should also point out that Carla Terrace is a public road.

Approval of August 2020 Minute: Stabile asked for a motion to accept the August meeting minutes, motion by Meccariello, second by Waters, all in favor, motion approved.

Other Business: Weaver mentioned that he has been in touch with the new owners of Deuel's and they are preparing site plans and uses for a lot of the buildings on the property. They want to renovate, and use, the weigh station. Weaver told them he did not see there being any issue with it.

Stabile mentioned training and the county was supposed to be sending out notices about courses. Jones said she would be sending something out that should be an hour of training credits. Stabile said the county said to just keep track of whatever type of training credits you do online.

Motion by Hermans at 8:50 pm to adjourn, second by Meccariello, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Agency Use Only [If applicable]

Project: _____
Date: _____

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Pine Plains Planning Board	September 16, 2020
_____ Name of Lead Agency	_____ Date
Michael Stabile	Planning Board Chairman
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT FORM

TOWN OF PINE PLAINS PLANNING BOARD

**RESOLUTION GRANTING FINAL APPROVAL WITH CONDITIONS TO THE
APPLICATION OF POCUMTUCK VALLEY FARM TRUST FOR SPECIAL USE PERMIT
AND SITE PLAN APPROVAL.**

WHEREAS, Pocumtuck Valley Farm Trust ("Pocumtuck") has proposed to construct a single-family detached residence and separate accessory dwelling and associated ancillary structures on their property located at Prospect Hill Road (Tax Parcel No. 711435) in the Town of Pine Plains; and

WHEREAS, both the primary residence and accessory dwelling will be served by individual private potable water wells and septic systems; and

WHEREAS, both residences will be accessed by a single shared driveway off Prospect Hill Road; and

WHEREAS, Pocumtuck has made application to the Planning Board for a special use permit to allow construction of the accessory dwelling on the said property; and

WHEREAS, Pocumtuck is desirous of erecting the accessory dwelling first and proposes to occupy the accessory dwelling while the principal residence is thereafter constructed on the said property; and

WHEREAS, §275-19(A) of the Town Code provides, in relevant part, that accessory uses shall not be established prior to the establishment of a principal use; and

WHEREAS, the definition of "accessory dwelling" in the Town Code provides, in relevant part, that the accessory dwelling must be clearly incidental and secondary to an existing single family detached dwelling on the same lot; and

WHEREAS, Pocumtuck has requested that the Planning Board approve the construction of the accessory dwelling first, which shall be deemed to be the principal dwelling on the property until such time as the principal dwelling on the property is constructed; and

WHEREAS, Pocumtuck has advised the Planning Board that it is its intention to move expeditiously with construction of the principal single family dwelling on the property; and

WHEREAS, the Planning Board has determined that this is an unlisted action under SEQRA and, after review of the Short Environmental Assessment Form, the project does not have the potential for significant environmental adverse impacts; and

WHEREAS, the Planning Board scheduled a public hearing for September 16, 2020 and opened and closed the public hearing on that date.

NOW, THEREFORE, be it

RESOLVED, that special use permit approval is hereby granted to Pocumtuck to construct the accessory dwelling on the property before construction of the principal dwelling unit; and be it further

RESOLVED, that this approval is conditioned on the principal dwelling to the property being constructed with a Certificate of Occupancy issued by the Town of Pine Plains Building Inspector within two years of the date of this Resolution; and be it further

RESOLVED, that in the event the single family dwelling is not constructed within the said two year time period, this approval shall be deemed rescinded and the accessory dwelling shall thereafter be deemed the principal dwelling on the said property; and be it further

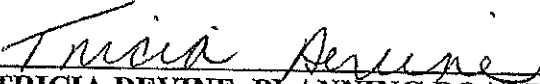
RESOLVED, that this action does not have the potential for significant environmental impacts and that a Draft Environmental Impact Statement need not be prepared.

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

The Planning Board members voted as follows:

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

The Resolution was carried by a six person vote of the Planning Board members on September 16, 2020.



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