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PINE PLAINS PLANNING BOARD MINUTES
WEDNESDAY December 9, 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
Steve Patterson
Peter Salerno, Alternate
Vikki Soracco
Jane Waters

ABSENT:

ALSO PRESENT: Sarah Jones, Town Liaison
Drew Weaver, Town ZEO
Emily Svenson, Town Attorney
Wesley Chase, Representing Douglas Koch
Patrick MacMurray, Willow Roots, Inc. Attorney
Nelson Zayas, Willow Roots, Inc.

Chairman Stabile opened the meeting at 7:30 pm with a quorum present.

Willow Roots, Inc.: Stabile mentioned how the board has been discussing the situation with Willow Roots and the Carla Terrace residents for a couple of months, but now there is an application before the board. He then handed it over to the Willow Roots representatives to explain what they do.

MacMurray spoke and said he was Willow Roots legal representation. He was not sure Willow Roots needed legal representation, but Zayas asked him to speak on Willow Roots' behalf. He understands there has been some community pushback from residents of Carla Terrace due to traffic on the road.

MacMurray feels the argument for allowing the special use permit to go forward is very straight forward. He feels there are conveniences and inconveniences that come along with life within the hamlet. He said he has not heard about any trucks or accidents coming out on Carla Terrace, nor parking problems, as

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well as loitering and speeding. He feels the applicant's permit should be granted, as written.

Stabile then asked Zayas to give a description of what goes on at Willow Roots. Zayas explained that Willow Roots is a 501 C3 organization created in 2019 in response to food being thrown out and residents of the town with food insecurity. He explained that Willow Roots now also offers, clothing, gifts, and pet food. Their hours are on Saturday from 11am-12pm. After Zayas received the letter from Weaver, ZEO, he asked his volunteers to enter from North Main Street, instead of Carla Terrace. Zayas said that cars enter from North Main Street and stop at the various stations to pick up what they need and then exit from Carla Terrace. Zayas said they fed 195 households in 2020.

MacMurray then asked Zayas what day of the week people are coming through the property. Zayas responded that it is on Saturdays from 11am to 12pm. He mentioned twice they had to move distribution to a Sunday, due to weather. MacMurray then confirmed that cars enter from North Main Street to Carla Terrace and asked roughly how many cars come through on a Saturday. Zayas said on the day he tracked it, after receiving Weaver's letter, there was twenty vehicles, the following week thirteen vehicles, the week after that, fourteen vehicles, and finally ten vehicles. Zayas did say there are more vehicles now, approximately twenty to twenty-five.

Stabile then asked Zayas what part of his home, or accessory, structures, he is using to store the food. Zayas said the garage stores the dry goods and that they also have five refrigerators and freezer units in the garage. He said the back room, of the first floor, which was supposed to be the tax office from his original special use permit, is an overflow for donations and pantry items. He said there are also more freezers and a walk-in cooler in his basement. There are also two small refrigerators on the front porch.

Stabile asked him to explain further. Zayas said there are two doors on the carriage house if looking at it from Carla Terrace. One door leads to the first-floor office and the other to the apartment above. Stabile asked if the apartment was occupied and Zayas replied yes.

Stabile then asked if there was any signage. Zayas said there was a banner with their logo on a gate about thirty feet from North Main Street. Stabile asked the size of the banner and

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Zayas replied that it is approximately 3.5 feet by 3.5 feet. Stabile asked if that gate is normally across the driveway and Zayas replied yes. Stabile asked if he put the gate there when he had the tax business and Zayas replied no, it's about two years old.

Stabile then asked how delivery of items works. Zayas said that they receive deliveries of items on various days. He said there was one farm that delivered on Tuesdays and they would enter from North Main Street and exit through Carla Terrace, but he has since stopped that and has asked them to exit from North Main Street.

MacMurray then asked Zayas to explain how frequent those deliveries are and are they during normal business hours. Zayas replied that all deliveries are during the day.

Hermans then asked if the only people coming out on Carla Terrace are the people coming on Saturday. Zayas replied correct.

Stabile then asked when the carriage house was built. Zayas said the carriage house came with the property. The house was constructed in 1927, but he is not sure if the carriage house was constructed at the same time. Stabile asked Zayas when he bought the property and he replied 2003.

Zayas then gave a brief timeline of the property and Willow Roots.

Stabile then asked for a copy of the driveway permit from Zayas.

Stabile then asked Weaver if he saw the correspondence from Replansky saying Zayas should apply for a major home occupation and should Weaver view it in that manner. Weaver replied yes, and that it does meet the criteria, but it would still require planning board approval.

Stabile then asked the board if everyone had seen the major home occupation statue.

Hermans said that Replansky seemed to suggest that the planning board send it back to the town board to adjust the zoning law.

Stabile said that was an option, but Replansky's second correspondence suggested using the major home occupation special use permit.

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Stabile then asked Svenson to explain what a major home occupation is. Svenson explained that a major home occupation is a nonresidential use conducting wholly or partly in a dwelling, or accessory structure, and does not change the character of the dwelling unit or exterior evidence of the secondary use, other than a sign. It also must be owner occupied and no more than 30% of the dwelling may be used. The planning board may instill certain conditions to protect abutting properties. Weaver said he certainly considered it that type of view.

Stabile asked Zayas if he had any employees and Zayas replied no.

Stabile asked how the previous application for the tax business restriction for using Carla Terrace would affect this new application. Svenson said it should be considered a new application and the planning board could put what restrictions they wanted on it.

Hermans suggested granting the special permit, with the stipulation that it be restricted to Saturdays, and occasionally on Sundays, weather permitting.

Salerno said he wasn't sure if restrictions would be needed, since distribution would be during daylight hours, etc. He said a weekday distribution would be ideal for families with young children on Carla Terrace. He said we need to balance the equities and, in this case, we should lean towards feeding the families who need the food.

Zayas said at the time he put the application for the special use permit for the tax business in 2014, he was blindsided at the public hearing by a neighbor who was opposed to the tax business. Due to the fear of his application not being approved, he said he would not use the Carla Terrace driveway. Zayas says he understands wanting a balance, but does not want to be too restricted, due to the fact if one week they need to change the distribution day to a Thursday, etc.

Waters said she supports Zayas' concern about that and that Carla Terrace is a public road. She supports approving the application.

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Stabile asked if Zayas anticipates distribution becoming more than one day a week, or simply different days. Zayas replied that they have no plan to go to more than one day a week.

Osofsky suggested saying distribution can be one day a week, but not restrict it to a certain day. Hermans said it wouldn't be an issue if someone came on a different day because they would mostly likely exit back onto North Main Street.

Meccariello said he doesn't understand where some people are coming from, as the process is very orderly and people aren't speeding. He suggests if anyone has any questions, that they should ask them and to show up and witness what is going on.

Salerno said, for the record, there does appear to be two legal driveways, the one on North Main Street, and the one on Carla Terrace. Therefore there is nothing illegal in theory. There is nothing that says only the resident of the accessory dwelling can use it.

Osofsky brought up that no one would use the two driveways as a thru way, and Stabile mentioned that there is also a fence there.

Stabile said that as far as driveways go, all that the town has purvey over is the curb cut.

Stabile asked for a motion for a public hearing, motion by Meccariello, second by Hermans, all in favor, motion carried.

Svenson then asked if a 239M would be required since it is a county road. Stabile thought the county may just say it's a local concern, but he will check with Replansky.

Waters said the original application was sent to the county and they replied that it was a matter of local concern.

Stabile asked Weaver if the application now needed to reflect the major home occupation and Weaver replied yes.

Stabile then told the applicant that they will need to amend the application to reflect a major home occupation and include a site plan.

Stabile then asked Jones if she had anything to add from the town board perspective. Jones replied that she remembers well what happened at the planning board meeting for the previous

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application and that it is important for Willow Roots to be able to distribute on various days. She is in favor of having it go forward.

Hermans asked if Willow Roots would be able to continue operating as they have been doing in the interim. Stabile replied yes, because of Covid-19.

Koch Lot Line Adjustment: Chase brought up the parcel access map and explained what the application was about. Koch and his ex-wife own 65 acres of vacant land at parcel #572191. The land was sub-divided into two lots a few years ago. The lot next door is owned by Bethel Cross Estates, LLC. For the divorce proceedings to go through, a sale of the lots needs to happen. Koch would like to add a five-acre parcel to the lot where his house is currently on.

Chase then showed the map showing the land that will be added to Koch's property. Chase said one lot is getting a bit bigger and one is getting a bit smaller.

Waters then asked if Koch would still be occupying the one lot and is the other lot going to become part of the Bethel Cross Estates. Chase replied Koch's house is currently on Bethel Cross Estates and that Koch and his ex-wife own the vacant lot. Part of the vacant lot will be land hooked to Koch's current property.

Stabile asked if there was any sort of septic, etc. and Chase replied no. Chase explained it's really to ensure that no one will build a house close to Koch's current house when that vacant lot is sold.

Meccariello asked if the board need to go and look at the lots at all and Stabile replied he did not feel this was necessary. Meccariello asked if there was any additional road going into the property and Chase replied no. Chase said no changes would be done to the property. He said Koch originally thought of putting a building easement on the property but then felt it was better to own that piece of property.

Chase said that the property is at least 1000 feet from any road and 2000 feet from any neighbor therefore he would ask the board to waive the public hearing. Waters said she would support that. Stabile agreed but said that Replansky would need to see a merger deed. Stabile asked for a motion to waive the public

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hearing, motion by Meccariello, second by Waters, all in favor, motion carried.

Chase said he had the merger deed prepared and was hoping to have the board approve it tonight and move forward. Waters said it was a Type II Action, so no further environmental review would be needed. Patterson said in the past Replansky would send an email saying he approved the merger deed, and it was OK to sign off on the maps. Stabile was concerned about doing a verbal resolution. Svenson said Replansky suggested approving it, but subject to a written resolution. Stabile asked Chase if there was a time constraint. Chase said they do have a deal on the 60 acres and the applicant would like to close by the end of the year for tax purposes. Stabile said a special meeting would be conducted and Chase replied that he found it surprising that a written resolution was needed for everything.

Hermans felt Replansky should have been at the meeting. Patterson then said that Replansky's memo did say to go ahead and approve the application. Patterson was also not sure about a formal resolution on a lot line adjustment. Stabile replied that Replansky has been doing formal resolutions. Stabile then agreed to a verbal resolution.

Stabile then asked for a motion to approve the application, pending all fee and escrow charges are paid, as well as the proposed merger deed being submitted and approved by the town attorney. Motion by Patterson, second by Waters, all in favor, motion carried.

Other Business: Stabile reminded the board about the previous Mitchell lot line adjustment and the agreement regarding maintenance to the road. Stabile said Mitchell and the town have been arguing over the state of the road, as it's in disrepair. Stabile then asked Weaver if he knew what was going on with the situation. Weaver replied that he did not. Stabile then asked Jones and she replied that Mitchell wanted to give the land to the town for trails, but the town board was not interested in it. Stabile asked Jones if she was referring to the road and she said no, the trail easement. Jones said the road issue is Mitchell wanted a gate moved to an area where the town did not want to move it due to a steep slope. Jones said the road was never turned over to the town because it was never in a condition to be turned over. Stabile brought up that there was a maintenance agreement created as part of the lot line adjustment and asked is Mitchell not living up to the agreement.

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Jones replied that she does not know about that. Stabile said he would discuss it with Replansky.

Stabile said additionally Mitchell has proposed giving land to the town for trails, but Jones reiterated that the town is not interested in this. Jones said the town board would like an easement, but not to outright own the land because it would change the lots. Stabile asked if FOSL was part of the town or a private organization and Jones replied that they are a private organization. Stabile asked if Mitchell could give the land to FOSL and Jones said yes, but it would require an additional subdivision.

Stabile then explained a bit further using the map. Stabile then asked Jones if Mitchell would not do an easement and Jones replied they didn't know. Stabile agreed that an easement sounded better.

Stabile asked the board if they had any questions or comments. Meccariello said it sounded like more information was needed. Stabile asked if the land were offered to the planning board would they do the subdivision and Meccariello replied that he wouldn't. Salerno doesn't foresee Mitchell subdividing it without knowing if someone would like the property and the town has already said they do not want it. Stabile said it would have to be an easement because you can not land hook over a parcel. Stabile thinks it would make more sense to do an easement over a subdivision, especially with the topography of the land and the wetlands involved.

Svenson asked if it was normal to create parcels if it's land that is not buildable. The board agreed that is not the normal procedure.

Stabile said he would report back that more work needs to be done.

Stabile asked Weaver about the farm stand being built on Rt. 199. Weaver replied that right now it will just be a storage building with the intent that it will become a seasonal farm stand in the spring. They realize they will need to come before the planning board if the farm stand becomes a success. The smaller building only requires a building permit, but they realize they will need a special use permit for a bigger operation.

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Approval of November and Special Meeting Minutes: Stabile asked for a motion to accept the November meeting minutes. Motion by Waters, second by Patterson, all in favor, motion carried. Stabile then asked for a motion to accept the special meeting minutes. Motion by Patterson, second by Waters, all in favor, motion carried.

Stabile then asked any board's member whose term was up to submit a letter to the town supervisor and Stabile saying if they'd like to continue or resign. Stabile also asked any alternates to send a letter stating if they would like to continue or not.

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

Respectfully submitted by:

Tricia Devine

Michael Stabile