

January 15, 2021

PINE PLAINS PLANNING BOARD MINUTES
Wednesday January 13, 2021
7:30 PM
Via Zoom and Uploaded to YouTube

IN ATTENDANCE: Michael Stabile, Chairman
Ethan DiMaria, Alternate to be
Dick Hermans
Jayelle Hoffman, Alternate
Ken Meccariello
Kate Osofsky
Steve Patterson
Peter Salerno
Vikki Soracco

ABSENT:

ALSO PRESENT: Sarah Jones, Town Liaison
Warren Replansky, Town Attorney
Drew Weaver, Town ZEO
Patrick MacMurray, Willow Roots, Inc. Attorney
Nelson Zayas, Lisa Zayas, Willow Roots, Inc.
David Birch
Ten Members of the Public

Chairman Stabile opened the meeting at 7:30 pm with a quorum present. Stabile introduced the new alternate on the board, Ethan DiMaria. Stabile said that Salerno is now on the planning board and not an alternate. Stabile thanked Jayelle Hoffman for returning as an alternate.

Willow Roots, Inc. Public Hearing: Stabile said things will be kept civil during the public hearing and that any members of the public who wish to speak should address the board. All comments from the public will be limited to five minutes. Stabile reminded the public that it is not a dialogue, but an opportunity to say what they would like regarding the application. Stabile also mentioned the many letters sent regarding this application, both for and against. Letters will be entered into the record and available for viewing through the Planning Board's Dropbox link.

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

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The first member of the public to speak was Cynthia O'Brien and John Molinaro of 2 Carla Terrace. Molinaro said their main concern is the traffic. He also doesn't understand why they must go through Carla Terrace. Molinaro said most of their concerns are stated in the letter they sent to the planning board. O'Brien said she appreciates the service that Willow Roots provides but doesn't feel impacting the neighborhood should be their burden.

Soracco asked O'Brien and Molinaro how long they have lived at Carla Terrace. They responded that they moved there in May of 2018.

Shelia Jamieson then spoke and said the letters from residents to the right and left of the Zayases, and on Carla Terrace, should be at the top of the pile. Jamieson said that Willow Roots is commercial, but that Carla Terrace is residential. She feels the traffic generated from Willow Roots is inappropriate for the middle of town. Jamieson said the traffic is more than two hours on one day. She supports Willow Roots but says the issue is that we (residents of Carla Terrace) are part of somebody's business plan.

Stabile asked Jamieson to clarify her relationship to Carla Terrace. Jamieson replied that she co-owns the house on Carla Terrace that belonged to her Aunt. She spent five years living there taking care of her and now spends 2-3 nights there. She also resides in the Town of Ancram.

Jamieson said she thinks that the planning board should really look at the business plan and how it affects the surroundings and to focus on the rules of the road and to not get caught up in the emotion of what this is.

Genesis and Chris Campbell of 1 Carla Terrace then spoke. Campbell said live on the corner property with their two young children. They bought their house five years ago because it is a dead-end road. They both grew up in Pine Plains and Genesis is currently a teacher in the schools. Their main concern is the safety. They do not feel Carla Terrace was built for a multitude of cars at any one time. Campbell agrees with Jamieson that the traffic is for more than two hours a day. Campbell said it is not about what Willow Roots is doing, as she feels what they do is amazing, but about convenience and what it is doing to residents on a dead-end road. Campbell said there are no speed limit signs, children at play signs, or speed bumps, nothing that indicates that it is a 300 foot long and 18

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feet wide road. The distribution also happens in the middle of a Saturday when they are trying to enjoy their yard with their children. She doesn't feel that it is a burden that they should have to bear as residents of Carla Terrace.

Stabile asked Campbell about the other hours besides Saturday. Campbell replied that they are never told when distribution will be and that the only way she knows is because it is posted on Facebook. Campbell said none of the residents have ever been made aware of distribution times or reached out to. She said the flow of traffic can be more than two hours. Campbell said the Zayases also have deliveries that go through Carla Terrace. Campbell said that Nelson and Lisa Zayas also use Carla Terrace.

Stabile asked Campbell if she meant personal vehicles when she said deliveries and she replied yes.

Father Steve Schunk of Regeneration Church then spoke of his support of Willow Roots. He has been a longtime supporter as he feels the needs to the community are being met organically. He hopes a decision is made in a way where Willow Roots can continue to serve the community.

Lynda Wisdo of 8 Carla Terrace then spoke and said she has lived in her home for 26 years. She said initially it was a dead-end and there was no driveway at the end of the road. She felt it was important that the board know that everyone on Carla Terrace does support Willow Roots, but she does feel for a dead-end there is too much traffic. Wisdo said she spoke to Lisa Zayas about combing efforts with the other food pantry in town or looking for another location. She is concerned about an increase in traffic and Carla Terrace trying to support that increase.

Stabile asked Wisdo where the distribution sight is for the other food pantry mentioned. Wisdo replied that it was out of the Methodist Church. Father Steve Schunk mentioned that an issue with that food pantry is that you must go downstairs, where Willow Roots is single level drive in and drive out.

Pastor Ryan Larkin of First United Church then spoke. He said he volunteers at Willow Roots and has seen the traffic flow, etc. He doesn't think there is a better way for the traffic flow than the current method being used. He has personally never observed any poor driving. He knows that the Zayases would never allow any bad driving from their clients when entering and exiting the premises. He feels even where there is

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an inconvenience, where there is a need, the inconvenience should be tolerated to serve those who are in need. Larkin doesn't feel combining effort with the food locker would work as they deal with different needs. Larkin said he was mainly there to express his thanks to Willow Roots for what they do, to give his testimony as one who has volunteered and witnessed, and to make it as convenient as possible to those serving the ones in need and those as ones in need. He also mentioned a mobility issue by some of those served by Willow Roots so moving it to a parking lot, or stairs, would be a burden on some. Larkin also said that his statement is not against any issues brought up by anyone on Carla Terrace.

Torey Soracco of Church Street, then asked if Carla Terrace is a public road. Stabile replied that it is. Soracco brought up that when the road was created it could have been a private road, but it was made public. She feels you must look at the entire community and that this period is unlike no other. The poverty level is staggering. She feels the residents of Carla Terrace should endure it for a time being in order to help one another.

Nelson and Lisa Zayas, cofounders of Willow Roots, then spoke. Nelson went over a brief timeline of Willow Roots. Zayas said the main goal of Willow Roots is to tackle the issue of hunger and food insecurity. In 2020 5000 meals were sent out to 193 households and 550 individuals. They also network and have helped people obtain work and/or transportation to work. They have also supplied appliances, etc. Zayas said he has never witnessed any reckless driving during the distribution hour.

Lisa Zayas said there has been an officer stationed at the driveway due to an incident with a person taking pictures. The officer did not see any issues with the traffic. Both officers involved were there for 5 to 6 weeks and wrote letters saying they did not witness any traffic issues.

Lisa said they started Willow Roots because there was a need. They decided to start helping after receiving calls that people have nothing. Lisa appreciates the other food locker in town, and they do work with them, but it is hard to get down the steps. They also distribute once a month. Lisa said Willow Roots found it necessary to give out four times a month. Lisa said it is extremely hard work, and they are tired, but it is necessary. She hopes that one day they won't have to do this work. Lisa said after the distribution on Saturdays she and Nelson also go out and personally deliver meals to 12-15

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households that cannot leave. Lisa is sorry for the inconvenience to everyone, but at this time, she has to do what she has to do.

Stabile then said that Replansky had a question regarding any food permits and/or department of health type of permits. Zayas replied that no permits were needed for the work that they do.

Replansky then asked if they do food preparation on sight. Zayas said they do not. They receive donations from farms and restaurants, and purchase food themselves. Replansky then asked them to explain further how they provide meals. Lisa replied that they receive meals from the Pine Plains Platter and the Stissing House. They also have places with official kitchens that provide meals. Replansky asked do they do food preparation on sight and they replied no.

Replansky asked if they have any employees and they replied that they do not. Stabile then asked how many volunteers they have and when do they come. Zayas replied that they usually arrive around 10 am and that there are usually 8-12 volunteers. Lisa said that some of the volunteers are students who need community service hours, as there are no other places to obtain these hours. Stabile asked if they come any other days besides Saturdays. The Zayases replied no.

Replansky then asked why food delivery trucks use Carla Terrace and why could they not use North Main Street. Zayas replied that he was not aware of what trucks were doing this. He did have an RV parked there, which was the original reason why he obtained the driveway permit. Zayas said he can guarantee that no vehicle larger than that RV have been on his property due to Willow Roots. Stabile mentioned that the neighbor did say it was not delivery trucks, but regular vehicles. Zayas said deliveries now go in via North Main Street. Stabile said you say "now" meaning since this has been going on and Zayas replied yes, since they received the first letter from Drew (Weaver, ZEO).

Replansky then asked the Zayases to clarify 5000 meals. Zayas said pantries use a formula converting pounds into meals. Zayas said they do not have time to do this, so they keep track of how many children, adults, and senior citizens are in the household who receive meals.

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Replansky then asked if they had contacted the department of health to see if any permits were required. Zayas said the only permit required was if meals were prepared on site.

Stabile asked if Willow Roots started ramping up operations after applying for the 501C3 status. Zayas replied the ramping up was due to the pandemic. Stabile asked if that was the same time that they contacted the Dept of Health and Zayas replied he imagines it would be in 2019. Stabile then asked why Zayas did not apply for the permit at that time. Zayas replied that he was unclear about the process and zoning. Lisa Zayas added that they didn't expect the pantry to go this far and that it has been a very organic process.

Stabile then asked what Sacred Ways is. Lisa Zayas replied that it is her church, a church that believes that everyone is equal. Stabile asked if it was another entity and Zayas replied no, it is just her beliefs.

Stabile asked if anyone is out on Main Street, or Carla Terrace, directing traffic during distribution. Zayas said that during their turkey distribution, it was a busy day, so he was at one area and an officer was at the other. Stabile asked if anyone was directing traffic on a normal distribution day and the Zayases replied no, there aren't many cars.

Stabile asked if there was any storage going on outside the garage or on the porch. Zayas replied that they have a walk-in cooler in their basement and one small refrigerator on their front porch.

Stabile then asked Lisa Zayas to clarify an accusation from Shelia Jamieson regarding a confrontation where Zayas said that "they have three board members, and they will do what they want." Zayas replied that she never said that and didn't even realize that some people she knows are on the board until after all this.

Stabile then asked if there was a board of directors for the organization and Zayas replied yes. Stabile then asked who was on it. Zayas replied himself, Lisa, Brett McCormick, Aniva Garcia, Cris Hedges, and Diana Moore.

Hermans then said that the zoning law only allows a certain percentage to be taken up by a major home occupation. Since the tax business is now in the house, how much space is being taken up by the two occupations. Zayas said he believes it is 610 sq

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feet. Hermans asked out of a total of how much. Zayas replied that he believes it is just under 2200 sq feet. Stabile asked if it was including the accessory structure and Hermans replied that the law does not include the two. Stabile asked Replansky to clarify since the statute says 30% of the residence, but an accessory structure could be included if it was there at the time of the application. Replansky replied that it is the supplementary regulation; it is 30% of the dwelling unit. Stabile asked if what he uses of the accessory structure goes into that calculation. Replansky believes the intent is solely for the residence. An accessory structure can be used, but it should be no more than 30% of the two structures. Replansky said this case was unusual and that home occupations are usually a tax business, doctor, a seamstress, etc.

Patterson then asked if it qualifies as a home occupation as other zoning laws limit it to a professional occupation. Replansky replied that our zoning law does not have that restriction.

Stabile then asked for a motion to close the public hearing. Stabile said the written record would remain open for the next ten days for anyone who would like to send in comments. Motion by Salerno, second by Patterson, all in favor, motion carried.

Stabile said he would like to discuss the recusal/conflict of interests brought up. Stabile then asked Replansky to let everyone know what constitutes a conflict of interest and when a member should recuse themselves. Replansky asked Stabile to say who the member is and what the conflict is. Stabile then asked Osofsky why her name was brought up. Osofsky responded that Lisa Zayas takes care of her aunt and uncle. Hermans said that he has donated to Willow Roots. Osofsky said living in a small town that everyone has some connection. Osofsky said her daughter volunteers at Willow Roots on the weekends and that everyone knows Lisa and Nelson Zayas from town or school. Stabile asked Soracco if she needed to recuse herself since her daughter is friends with the Zayas.

Replansky said since it is a small town, one should only recuse themselves if there was a real issue. Soracco said she has also donated there, Lisa takes care of people, and Nelson is a teacher. Soracco doesn't understand why people feel they should recuse themselves. Replansky said those reasons do not fall under the statutory requirement for a recusal.

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Osofsky said she has been involved with prior decisions regarding Nelson Zayas and that she would like the public to know that they have been discussing this at the past planning board meetings. She also said that there are certain zoning laws that they need to follow, it's not just a decision that the planning board would be making.

Stabile said he did not bring it up because he felt any board member needed to recuse themselves, he just wanted to educate the public. Soracco said it was mentioned in a couple of letters.

Stabile said they would digest everything in this meeting, and read any other letters, and decide at next month's meeting.

Replansky asked the board to review the definition of a home occupation and other statutes regarding this application before the next meeting.

Stabile then read the letter received from the police commissioner, Darrah Cloud, regarding what the officers observed on the days they were posted at Willow Roots. Stabile also observed it one day and agreed that it was a smooth operation and not a rush of cars.

Birch Subdivision: Stabile asked Birch to explain his application. Birch replied that it was a previously approved subdivision from 2012. Birch explained that he never followed through with the original application. It is presently a small house on a large piece of land, and they had previously done a three-lot subdivision. Birch said he has someone interested in buying the lots, but he would like to just have a two-lot subdivision now. His original application required the addition of a new driveway, but now he was hoping to just keep the driveway that is there now.

Stabile asked Replansky if Birch needed to resubmit an application. Replansky replied that yes, his original application is expired at this point. He suggested a new application with a new map showing two lots, instead of the three. Replansky said if a single driveway is used, a driveway maintenance agreement would also need to be included. Replansky feels it should also be submitted to the town engineer for his review.

Salerno asked Birch if the highway department did not like the idea of the shared driveway. Birch replied that they liked the

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shared driveway, but they said since there were three lots involved, that the driveway should be moved. Salerno asked Replansky if Birch would need to receive the highway department's approval again with the new application. Replansky replied that he would. Replansky said the first thing he should do is have his surveyor create the two-lot subdivision map and then consult with the highway supervisor and the county, since it is a county road.

Stabile asked about septic approval. Replansky said that would be up to the town engineer.

Replansky asked Birch which parcel he was eliminating. Birch replied the three-acre parcel. It would then be a six-acre parcel and a fourteen-acre parcel.

Replansky said once the map is received, it would be considered a minor subdivision and a public hearing would not be necessary.

Stabile asked Birch to set up an escrow.

Replansky then mentioned, regarding Willow Roots, that the board can grant conditions to an approval, so the board should be thinking about that in order to mitigate some of the issues mentioned by the neighbors.

Approval of December Minutes: Motion by Hermans to approve the December minutes, second by Salerno, all in favor, motion carried.

Other Business: Stabile mentioned he'd be sending a link from the State Planning Federation for courses to take.

Stabile thanked everyone for coming back to serve this year.

Hermans asked about the logging on the Durst property and was there any provision in the law where their logging was inspected. Stabile asked Weaver what happens with the forestry plans. Weaver replied that they have a contract that states the broad footage that will be taken out. It was determined that is between the customer and the logging company.

Motion by Salerno at 9:00 pm to adjourn, second by Hermans, all in favor, meeting adjourned.

Respectfully submitted by:

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Tricia Devine

Michael Stabile