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PINE PLAINS PLANNING BOARD MINUTES
Wednesday February 10, 2021
7:30 PM
Via Zoom and Uploaded to YouTube

IN ATTENDANCE: Michael Stabile, Chairman
Ethan DiMaria, Alternate
Dick Hermans
Kate Osofsky
Steve Patterson
Peter Salerno
Vikki Soracco

ABSENT: Jayelle Hoffman, Alternate
Ken Meccariello

ALSO PRESENT: Sarah Jones, Town Liaison
Drew Weaver, Town ZEO
Lisa Zayas, Nelson Zayas, Willow Roots, Inc.

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

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

Willow Roots, Inc: Stabile said the main issue that needs to be discussed in the preliminary resolution is the fact that this particular application does not fit into the "major home occupation" definition as it stands by the town's zoning. It is Stabile's opinion that the collection of the goods is satisfactory and fits within the definition. The issue is the distribution of the goods, that does not fit in with the definition. Stabile realizes that this is difficult because of the good work that Willow Roots is doing for the community, however the Planning Board must make decisions based on how the law is interpreted. Stabile also feels some latitude should be given under the special circumstances of COVID-19.

Stabile then went over the draft resolution with the board.

Stabile then asked Zayas if Willow Roots use to give away prepared meals, but now they do not. Zayas replied that they do

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receive prepared meals from restaurants that they distribute. Stabile asked if they portion them or are they received portioned out. Zayas replied that the majority are received portioned out.

Stabile said he would like to hear the board's opinion on what Willow Roots is doing and the major home occupation definition as it is defined - as a business where the clients enter the premises and little to no evidence is on the property that a business is existing there, minus signage, etc.

Hermans said that given the current circumstances with the pandemic the board should not go by the exact definition of the major home occupation. Hermans said it is only for a few hours one day of the week, so that makes him feel it is not a major home occupation. Hermans said the point is not whether it is, or is not, a major home occupation, but that the board wants this service to continue, safely, and they are doing their best to accommodate that.

Osofsky asked if a resident had a car repair business on their property, would it be considered a major home occupation, as you can see the cars. Stabile said he thinks that under that definition, it would not be considered one. Soracco brought up a landscaper as an example. Stabile said that was the case they looked at and the landscaper was ruled against. Soracco said there are several in town. Hermans asked if they would be considered a minor home occupation. Stabile said that a minor home occupation is defined in the code. Stabile also said that if you have any clients coming to your home to do business you are then considered a major home occupation. Osofsky said that other than the two hours once a week that Willow Roots does distribution, you would not know that anything was occurring at the property. Salerno feels this is an important distinction. He feels it is such a minor intrusion for anybody nearby. He also mentioned the cars lined up on North Main from the pharmacy to receive a COVID test. Salerno said nobody complains about these cars since it is a necessary thing to have, same as feeding people. Stabile said then it is incumbent on the town board to change the code. Stabile said he agrees with Salerno, that the collection of goods would fall within the definition of a major home occupation, but that the distribution exceeds what is being discussed. Salerno said he gets that the planning board is not authorized to alter the zoning code, nor does he want to, but he is trying to interpret it in a reasonable way. Salerno doesn't see the difference in dropping off goods, and being outdoors, and picking up goods, also outdoors.

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Salerno said when he drops off goods at Willow Roots he goes back out on North Main Street, since no one is behind him, but if he had to, he would exit through Carla Terrace, since there is a legal driveway there. Salerno also brought up exterior evidence of secondary use and how these things can be construed in court. Usually there is some sort of visible, permanent, storage of something significant, i.e., landscaping equipment, on the property. Salerno queries why cars driving through the property would be different, and if the cars parked, and the clients went into the house, would this change anything or why would it be better. Salerno feels when you aren't storing things, and do not have anything visible, it isn't the intention of the statute.

Stabile asked what would happen if it were a weekly garage sale. Salerno said he questions whether it should even be considered a business, as it's a charity. Patterson said that is the issue, as a major home occupation is usually for a business. Patterson said the statute also doesn't say that it cannot be done. Patterson also agrees with the restrictions in the resolution and that it should be looked at again in a year, since the statute is not clear one way or the other.

Salerno said there will still be a need after the pandemic and that these are our fellow towns folk and he feels the law could be construed to not ban this sort of activity. Salerno said he doesn't understand why the distinction should be whether or not you enter the premises. Salerno said each provide exterior evidence of use. Stabile argues that the cars lined up on a Saturday is different than a few clients waiting to see a doctor or a lawyer at a residence.

Hermans said the town's zoning code does not address this situation. Hermans feels the board should proceed in figuring out the permit and then advise the town board to review the code. Stabile agreed and said that perhaps after COVID the pick-up procedure would change.

Salerno said he doesn't feel the COVID contact rules would change the character of this. He doesn't think clients would need to enter the Zayas' home to pick up food post pandemic, in order to comply with the definition of a major home occupation. Stabile said it would be easier for them to use a different location. Salerno said locations cost money and Stabile said maybe, but maybe not.

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DiMaria said that every letter he read from the residents of Carla Terrace are concerned about the use of Carla Terrace. He said he can understand the safety concerns, and that maybe the aim should be at this and is it even the purview of the planning board. Stabile said they cannot dictate things on the road, but they could ask the Zayases to put a sign at the end of their driveway and to have someone directing traffic. Salerno said the evidence is conflicting if that is even a problem. Salerno said he observed the road the Saturday before Christmas and did not witness many cars going by. He feels the lack of a stop sign is more an issue for residents on Pioneer Drive than for residents on Carla Terrace. He does sympathize with the residents who are dealing with more traffic than they are use to.

Stabile said the driveway is not the issue, as the Zayases have a valid driveway permit for the driveway going out to Carla Terrace. Stabile said the residents of Carla Terrace do not have the right to dictate how another residence of the road uses it.

Stabile then continued to go over the draft resolution with the board. He brought up concern regarding the hours of operation because they seem too tight. He also feels the number of cars is more of a factor than the hours of operation. Salerno suggested saying it should be limited to two hours a week during the hours of 9am to 5pm so that the applicant may choose any two-hour window they would like. Zayas then added that they distribute from 11am-12pm. Zayas said they sometimes change the day of distribution due to weather, so he would appreciate the day not being restrictive, but he does feel once a week is reasonable. Zayas said they would probably require a 2.5-to-3-hour window due to volunteers arriving, distribution, and meal delivery.

The board then discussed if any health permits are required for food distribution obtained from a restaurant, etc. Zayas is concerned that the language presented in the resolution would prevent them from receiving donations from restaurants. Soracco said that as long as the donations are from a BOH approved kitchen there is no problem and no license would be required.

Hermans said he felt that having to go to the zoning board officer, and then the planning board, to apply to change the date, is unworkable. Stabile said it would be OK once they

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changed the language in a previous item and that it was more for expanding the hours.

Soracco asked if the two hours included the volunteers coming and leaving and Patterson replied no, that is just for the distribution. Soracco then asked if the two-hour window would then need to be changed to three hours. Patterson pointed out that it does include extra time for clean-up, etc.

Hermans asked if they are going to change the day should there be a way for Willow Roots to notify the residents of Carla Terrace. Zayas replied that they do announce those types of changes on Facebook already. The board agreed that works. Soracco asked if it could be included on the town webpage. Zayas replied that they were previously giving the information on the town calendar, but its distribution stopped when the pandemic began. He would be happy to give the information to town hall for the website.

Stabile asked Zayas if any deliveries are coming through Carla Terrace. Zayas replied that the overwhelming majority come through North Main Street, but he does not tell any deliveries to come through on Carla Terrace - they ask them to use North Main Street.

Stabile said he would like to strike the item that said the Zayases can only use their driveway onto Carla Terrace during distribution, besides their tenant. The board agreed to strike the item.

Stabile said that someone should be directing traffic on both roads, as he's more concerned about the traffic created on North Main Street.

Stabile agrees that it would be a good idea to revisit the situation at the end of the year. Soracco agreed and said the town board is working on the zoning and this would be a good item to look into.

The board decided to strike the item that limited the Zayases to any further major home occupations while the food pantry is in operation.

The Zayases thanked the board for their time. The board also thanked the Zayases for what they do for the community.

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Other Business: Stabile said the Town Centre condos are active again. Stabile said the 2014 resolution did not change the date of completion, which was May of 2015. Because of this the owners will need to come before the board again and straighten out what is going on with it.

Stabile asked Weaver if there was anything else. Weaver replied no, but there were things coming down the line, including the expansion of the storage facility that the ZBA ruled on.

Jones said that the town board is in favor of the Town Centre housing going forward and adding housing in the center of town. She does agree that it does need to be straightened out.

Stabile mentioned that the zoning committee is being finalized. Jones said the committee is interested in hearing opinions and concerns on what is needed in town. Stabile asked the board to think back about issues that have come up that would need to be tweaked in the zoning. Stabile said BFJ was hired to be the planner.

Motion by Patterson at 8:47 pm to adjourn, second by Salerno, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile