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

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

ABSENT: Jayelle Hoffman, Alternate

ALSO PRESENT: Sarah Jones, Town Liaison
Ray Jurkowski, Town Engineer
Warren Replansky, Town Attorney
Drew Weaver, Town ZEO
Lisa Zayas, Nelson Zayas, Willow Roots, Inc.
Edward Bona, 5 Dogs Farm
Christopher Jeffrey, Bona's Architect
Steven Hobson, HTWO Properties, LLC
The Reynolds Asset, Stissing Farms
David Penny, East Mountain CM, Stissing Farms
Mike McCormack, LMV Architects, Stissing Farms
Lynden Chase, surveyor for Cedar Ridge Farms

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

Willow Roots, Inc: Stabile asked Zayas for an update regarding his application. Zayas replied that they have found a commercial space for Willow Roots and will be moving into it within the next couple of weeks. The Zayases will still be using their residence for Willow Root's office and donation drop offs. Zayas said he is not withdrawing the application because he thought they had a location in January, and it fell through. Stabile asked what would be occurring at the new location and Zayas replied distribution. Stabile asked about the freezers and Zayas replied that most would be moved to the new location.

Stabile then asked Replansky if it was fine to go ahead with the resolution as it stands. Replansky said he has received a call

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from an attorney and there has been a threat of a lawsuit. Replansky recommended holding the resolution for another thirty days and then seeing what the status of the application is, but he does prefer to see the resolution withdrawn if Willow Roots moves to a different location. Stabile asked the board their thoughts.

Herman said he can see putting this off until the next meeting, but that he feels the board should still vote on the special permit since a lot of time was put into the creating the resolution. Meccariello felt it should be given more than thirty days. Salerno asked if the resolution was being deferred because of the lawsuit and Replansky replied that it was because of the move to another location. Osofsky then said that Nelson Zayas expressed in his letter that he would still like to pursue the application in case this location falls through in a few months. Replansky said an alternative solution would be to shorten the time frame of the permit from a year to a few months. Salerno asked Replansky about the reasoning behind this and Replansky replied that he'd rather not discuss his legal thoughts in public.

Hermans then asked if Replansky is saying the board should approve the permit but reduce the time to 6-8 months. Replansky said he feels the permit should be held for a period of thirty days until the board finds out if the facility is going to be moved. If so, his preference would be that the application be withdrawn. Stabile said it wouldn't be withdrawn because Willow Roots will still be doing business at the home. Replansky said the occurrences at the home in that case would be so minor that probably would even require a permit. Replansky said the resolution could be amended to pass appropriately.

Stabile then asked the Zayases their projected timeline for moving to the new facility. Nelson Zayas replied he is confused about what is going on, as he is moving the location, as asked, has been through a lot dealing with all this, and now is being told that a permit is not even necessary. Lisa Zayas said they have all intentions of making this work, but they both have jobs and cannot be at the pantry all the time, therefore donations will still be dropped at their residence. Lisa Zayas then expressed her frustration with the last six months of this process. Stabile replied that the board is trying to decide in the proper legal framework how to proceed with the application. Stabile said the board would be unable to vote tonight and needs to discuss it further with Replansky. Stabile said he understands the Zayases frustration, but these procedures do

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take a long time. Hermans said the permit worked on has some restrictions for access to Carla Terrace and not enacting the permit is now not putting any limitations on using that access, which may result in blowback from the neighbors on Carla Terrace. Stabile suggested having a special meeting to discuss it. Replansky then asked if the applicant had a copy of the amended resolution. The applicant did not. Replansky said he had no objection to making the resolution public.

5 Dogs Farm: Stabile asked the applicant what he is looking to do. Bona replied that he has just shy of a 30-acre parcel on Skunks Misery Road with an existing home and an existing detached garage. Bona said they will be renovating the garage and would like to change the existing second floor into a guest room/guest dwelling. Jeffrey, project architect, then mentioned that the existing footprint would not be changing. Jeffery said they are below the 1250 sq feet of heated area at 1230 sq feet. He said they are looking to add a bedroom, living area, and small kitchenette.

Stabile asked if there would be any changes to the septic. Bona replied that they are in the process of creating a new septic that would serve both dwellings. They are currently waiting for the BOH to review the final draft.

Stabile then asked Jurkowski if he was able to review the plans. Jurkowski replied yes and that the only comment he has appeared to be in the process of being addressed and that would be the water supply and septic for the improvements being done to the garage. He suggested there be a condition to any approval occurring tonight regarding a letter to the chairman approving the septic and water supply design with the Dutchess County DOH.

Stabile then asked Replansky if he had any thoughts. Replansky said he had spoken to Jurkowski, but he would need to recuse himself as he represented the property owners during the purchase of the property, but he would be fine with drafting a resolution and would agree with anything Jurkowski suggested. Jurkowski recommended an approval with the condition of the septic and water supply.

Replansky said a public hearing and SEQOR was not required.

Stabile said they would draft a resolution for the next meeting.

Jeffrey asked if they could submit their plans prior to approval for review and Stabile and Weaver replied yes.

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Weaver said he wanted to make note that he has been back and forth with Bona and the DOH and it has been a tough process. Weaver said the DOH required a site plan to the planning board and wanted a SEQR, which they would not do until the planning board was declared to be lead agency or at least declared the project a Type II Action. Weaver asked the board to declare it a Type II Action tonight so that he may draft a letter to the DOH stating this.

Motion by Hermans to declare it a Type II Action, second by Patterson, all in favor, motion carried.

Jurkowski said he would email the DOH that it was declared a Type II Action and that the board is in the process of drafting a resolution, indicating the water and sewer, for approval.

Stissing Storage, HTWO Properties, LLC: Stabile asked Hobson to give a description of the project. Hobson replied that he owns the storage facility across from the high school. Hobson explained how he recently acquired an area variance from the zoning board to add on roughly a 1000 sq ft to the front of the main building, as well as an additional building to the east side of the property. Hobson was looking for input from the board as to any additional requirements.

Hobson then brought up the pedestrian easement condition that the zoning board required from Nine Partners Drive to Route 199. Stabile asked if the current driveway, in the rear, would serve as the easement. Hobson replied yes, he thinks that would make the most sense, but he is open to whatever the town would like to do. Hermans asked Hobson if he would have any issue with people walking between the two buildings. Hobson said he is fine with it and there is usually little traffic.

Stabile asked if a pedestrian was walking through the two buildings are they are walking on private property from the dead end (Nine Partners. Jurkowski explained, using the map, that the egress would go from Nine Partners to Hobson's property. Stabile then asked why this came up with the Zoning Board. Hobson replied that it was to allow the variance on the sq footage on the lot for the front building. Osofsky asked if this bothered Hobson, security wise. Hobson replied that he does have security cameras and in twenty years he hasn't had any issues. Salerno said after looking at Google Maps it looks fine to him to have the pedestrian walkway in the middle.

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Stabile asked Replansky if there were any legal issues. Replansky replied he is not seeing any and would defer to Jurkowski's review of the site plan. Replansky asked if the zoning board did an environmental review, as it is subject to SEQR. Jurkowski said he also thought the west side would be a good location, instead of going through the buildings, for the walkway, so that if the property were ever fenced in, it would still allow for pedestrian access. Salerno asked if Jurkowski if it was equal or preferable than going between the buildings and Jurkowski replied preferable. Hobson said he thought of painting arrows with footprints and adding a sign to indicate the walkway.

Stabile asked Replansky if the walkway would add any liability to Hobson, even though it's a town easement. Replansky replied he believes yes; the liability would be on Hobson.

Stabile then said the ZBA listed it as a Type II Action. Replansky disagreed and said he would look into this and the liability issue.

Stabile asked if there were any questions or comments besides the easement. Jurkowski asked about the proposed surface of the new driveway being added. Hobson replied that the surface will be the same and there will be no changes to the entrance or exit from Route 199. Jurkowski said another minor issue is that the engineer did not show the modified material on the front of the narrow-proposed building on the east side of the property. Hobson replied it would be the same material. Jurkowski then brought up the abandoned well shown on the map and are there currently any bathroom facilities. Hobson replied no and the current well head sticks up about 10 inches from grade and he just figured he'd have it capped. Jurkowski said there are certain procedures, per the DOH, that need to be followed to abandon a well. He recommended Hobson speak with his engineer and add those notes to the site plan. Jurkowski then said to defer to the planning board about anything regarding landscaping.

Stabile asked if the neighboring property was the vet office. Hobson replied that it is the vet, but there is another lot in between the two that the vet office purchased a few years back.

Stabile then asked Jurkowski if there were any regulations regarding sidewalks when something is done along Main Street. Jurkowski replied that we do not, but that it was at the discretion of the planning board to require it for any specific

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site plan. Stabile replied he isn't looking at adding any burden for an applicant, but how does the board feel about adding sidewalks to new applications that come in, or extensions that are made. Hermans replied that there are no sidewalks on either side of that property and that asking Hobson to install them would set a bad precedent. Stabile then suggested a crosswalk over a sidewalk then. Salerno didn't feel that creating the easement would increase the pedestrian traffic.

Soracco then asked Jurkowski if the area was included in the sidewalk plan created a few years ago. Jurkowski replied that it was only on the high school side. The board and Jurkowski discussed how there is a sidewalk and crosswalk plan drawn up, but there was an issue of funding. Replansky wasn't sure if they could require a construction of a sidewalk.

Stabile asked the board if they felt that Hobson needed to do any extra landscaping. Hermans suggested the board drive by the property and discuss it at next month's meeting.

Replansky then said he thinks it may be a Type II Action because the addition is less than 4000 sq feet, but he suggested Hobson's engineer do a Short Form EAF just in case.

Jurkowski said he didn't have an issue with storm water since the property has very permeable sandy gravel.

Soracco then asked about lighting. Hobson replied that he has one light on the front of the building and one on the sign. Stabile asked if Hobson had any sensor lighting and he replied no, they are on timers. Stabile asked if there would be lighting on the new building. Hobson replied probably one at each end, facing west. Jurkowski suggested a cut sheet with the type of lighting he is planning on using.

Stabile thanked Hobson and asked him to gather the items discussed and the board would work on the resolution for the next meeting.

Stissing Farms/Town Centre: Stabile went over the prior history of Town Centre. Stabile said the current owners have approached Weaver about finishing the project, but the last resolution that was passed expired in 2015, so it will need to be revisited. Louis Reynolds of Reynolds Assets then introduced himself and explained that their intention is to finish the project as a market rate town home development. Reynolds explained that the former owner is now a JV partner with the project. He also

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explained that there would be no deviation from the original design.

Stabile asked how many there are currently built and occupied. Reynolds replied that are ten units, which are all occupied. He also mentioned that many of the tenants have expressed interest in purchasing their units. In total there will be 48 town homes. Stabile then asked if all the current tenants are renting. Reynolds replied that one unit is owned by a third party, while the other nine are owned by the former sponsor but have recently transferred to Reynolds and his JV partnership.

Stabile then asked about one of the former resolutions which allowed turning the condos into rentals and was it ever embarked upon. Reynolds replied not that he is aware of and that the condominium association is still in place, but that there do need to be some updated filings.

Stabile then asked if the roads would remain private. Reynolds replied that they would remain private. Stabile then mentioned the issue with the accessor's office, and missing units on the tax roll, such as roads and common areas that were not assigned a tax number. Reynolds replied that he would have to get back to the board about it, as he was not aware of this.

Stabile then asked Weaver for his input and any changes in their new application in terms of zoning. Weaver replied that there are probably some energy plans that will need to be updated, but that the basic construction plan remains the same. Reynolds said that their architect did change plans to reflect the current codes.

Stabile then asked Jurkowski if he had reviewed the material. Jurkowski said he did, but that he would need to do a bit more research. One question he had was regarding the utilities, and if all were completed prior, as well as if they were certified by the DOH. Reynolds said the septic system was recently thoroughly inspected and that it was determined to be adequate as designed. He also said its maintenance was determined to not be adequate, as it wasn't maintained well over the years, but it has already been fixed. He also believes another manhole cover was added so that it may be maintained correctly from here on out. Jurkowski said his question is not what was designed, but what was installed and was it certified to the Dutchess County DOH. Since the project was phased, Jurkowski wasn't sure if the entire septic system was installed. Jurkowski suggested checking with the DOH for their records. Reynolds said they

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would, but that the engineer they worked with said the entire septic system was installed as designed and approved. Jurkowski said he was also concerned about the access road and was it ever installed. Reynolds replied that the road is there, but it is overgrown. Jurkowski said part of the process should be to review everything and see what is there or needs to be added or upgraded. Jurkowski said they would look at the overall site plan and current conditions.

Jurkowski then asked Replansky if there was a performance bond. Replansky said he wasn't sure, as he hadn't had any contact with this project since 2014. Replansky then asked Reynolds if he had seen the 2014 resolution from this project. Reynolds replied that he has and that there is a cash bond escrow with the town for \$168,000. Replansky asked if the town was holding it and Reynolds replied yes.

Jurkowski then asked about the storm water permit and had it been renewed on an annual basis and is it still intact. Reynolds replied that he did not know. Jurkowski said the concern is that the stormwater regulations have dramatically changed. Jurkowski said if that permit has lapsed and because they will disturb more than one acre with construction, the stormwater will need to be redesigned.

Replansky said he and Jurkowski will need to speak about many things, and that Jurkowski will need to do a site visit. Replansky said they will also need to set up an escrow. Replansky said that they will also need to clarify many of the legal issues brought up in the previous resolution. Replansky and McCormack then discussed the previous funds and how they can resolve the previous issues.

Replansky then asked if it was going to be senior citizen homes, rentals, or ownership. Reynolds replied ownership. Replansky asked if they were going to have to amend their agreement with the attorney general's office then. Reynolds replied that their attorney is currently working on this, but that they would not need to refile, just amend.

McCormack then said he had met with Weaver and brought the plans up to date with 2020 standards and code and they are ready to submit an application and complete the project.

Replansky then asked if all the board members had copies of the relevant resolutions. Stabile said he has sent around what could be found. Replansky said he would try and gather them for

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the board since some members weren't on the board when the original application was submitted.

Stabile reiterated what Replansky said, in that the town would like to see the project completed.

Cedar Ridge Farm Subdivision: Stabile asked Chase to describe the project. Chase replied that it is a 223-acre farm, and they would be creating lot #2 on the farm and that lot #1 was created roughly ten years ago. The Lundys would like to sell 42.88 acres of one of their paddocks, which will be referred to as lot #2.

Salerno then asked Chase is lot #1 to the south of lot #2 and Chase replied yes. Stabile then asked about the parcels east and to the north and Chase said that is the remainder of the farm. Stabile then asked if it also wraps around to the south and chase replied yes, with an approved state entrance.

Stabile then asked if the lot was being sold with the intention of someone building a home on it. Chase replied no that there is a horse stable already on the property, the Lundys are just looking to downsize. Osofsky said there is already a building on it and Chase said they are stables with an apartment overtop.

Stabile then asked Jurkowski if he had looked at this application. Jurkowski said this one was not forwarded to him, but it looked straight forward as a two-lot subdivision.

Stabile then asked Replansky if he had any comments on it. Replansky replied that he was fine with it.

Stabile then asked the board members if they had any questions. Hermans replied no since there is no change in use.

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

Replansky said it is Type II Action under SEQR.

Salerno asked if there was any limit to the number of times one could create a minor subdivision. Replansky replied it was a bit of loophole doing it this way. If the applicants were coming in fast and furious, that would be cause for concern, but since the last lot was created ten years ago, it is not concerning.

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Chase explained how the county will always be aware of what has been subdivided off the farm with indications on the map. Chase asked if it becomes a major subdivision after the fourth subdivision and Replansky replied yes.

Other Business: Stabile asked Replansky if he saw the letter, he had forwarded to him regarding Dutchess Spirits. Replansky replied yes. Stabile explained how they have applied to have more of a restaurant, as right now they are a tasting, under ag and markets. Dutchess County sent the applicant a long letter of issues, one being that it was considered a change of use and what did the planning board have to say.

Stabile then asked Weaver if they had come to him. Weaver replied that they have not and would Stabile like him to contact the owner. Stabile replied yes. Replansky remembered that this had previously come up as exemption under ag and markets and farm use. Weaver agreed that the tastings and distillery came under the ag and markets, but that introducing a restaurant will change it. Replansky asked if the restaurant is an accessory to the agriculture and Weaver replied he did not remember.

Replansky said they will need to go to Drew and then go before the planning board.

Salerno said the board would need to look at what was approved prior, and Stabile said they had not come before the planning board previously since it was under ag and markets.

Stabile then asked if there was an issue with the zoning previously. Replansky asked if there were any meeting minutes and Stabile replied it was the town board, not the planning board. Salerno said he thought the issue was that it was a singular property, but that different parts fell into different zoning categories. Jones said she thinks the issue was that the town board suggested they come before the planning board for a site plan review, but they never did.

Rockwell Issue: Stabile said the issue with Rockwell is that a subdivision map was filed, but that the deed was not. Stabile said it was a parcel between Schultz Hill Road and then a small piece was locked in on the west side of the parcel where the planning board approved a lot line adjustment where that small piece expanded and became the whole west side. Stabile said the county did not cleave off the west side and just made it one large parcel on both sides of the road.

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Salerno said it always was one giant piece, just with that small parcel in the middle of the west side. Salerno believes they did that because they had a buyer who wanted the east side, but not the west, but then the sale fell through and that may be why they did not file the deed. Salerno said two issues is one that this property abuts his, and he wasn't sure if this was a conflict, but that he has no issues with it, and the other is that the owner of the property, Fulton Rockwell, passed away two days ago and because of this Salerno said he wasn't sure if anyone was authorized yet to talk to us about their intentions.

Stabile asked Patterson if was also still conflicted with this matter and Patterson replied that he was not. Patterson also said that Stabile was correct, that Wesley Chase did the maps prior and that when Rockwell came before the board to do the logging, there was confusion about the tax map and that the maps were never filed because the sale fell through. Just prior to Rockwell's passing there were a couple of parties interested in purchasing the east side, but that it wasn't clear if it had already been subdivided. Patterson said there was a prior conflict because he was representing one of the proposed purchasers, but that the other party has since purchased the land.

Stabile asked Replansky what happens to the application if the applicant passes away. Replansky said it would then go to the estate.

Stabile asked if their application was from 2019 is the subdivision still supposed to go through and/or is it an error on the county's part or is there an issue if the application has been left vacant, or pending, since it was never filed. Replansky said when you get subdivision approval, you need to file the map. Patterson said he believes the map was prepared, but they did not complete the deed.

Chase said what happened is Rockwell owned a 300-acre farm and a 5-acre wood lot. They sold it and it is divided by Schultz Hill Road. The 300-acre farm had its own tax parcel, as well as the wood lot on the west side. Wesley Chase surveyed the east side of 150 acres (figures are estimated). In order to make it a lot line adjustment to do the subdivision, he took the 150 acres on the east side and make that the original tax map number and then took the 5 acres and added it to the 200 acres on the west side and then the west side received the 5-acre tax parcel. Chase said Wesley filed the map, but for some reason the county has

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given it one tax parcel. There was never a deed since the sale fell through. Now there is interest in the property again and Chase said he feels the county tax mappers made an error in having it all as one parcel.

Replansky said when the property is sold, they should then assign a new tax number to the parcel, so he doesn't feel there is a problem. Salerno asked if a merger deed was needed prior and Replansky said that no, once a subdivision is approved and the map filed, a deed was not needed until the title is transferred out.

Approval of February Minutes: Motion by Patterson to approve the January minutes, second by Salerno, all in favor, motion carried.

More Other Business: Stabile said he sent around some courses from the Planning Federation that can be completed by watching on YouTube.

Stabile also said the zoning review committee met for the first time and it was a productive meeting. Stabile said he is still looking for the board's input regarding any zoning issues. Stabile asked the board to review the committee's meeting on the town board's YouTube channel. He would then like the board to meet and speak about the issues.

Osofsky asked if the board needed to complete another sexual harassment course. Stabile asked Jones and she replied, yes, it is once a year, and there will be many opportunities to complete it.

Jones said the zoning board committee is very eager to have people's inputs so please feel free as the planning board to speak to people in the community.

Motion by Salerno at 9:30 pm to adjourn, second by Patterson, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile