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PINE PLAINS PLANNING BOARD MINUTES
Wednesday May 12, 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
The Chazen Companies, Durst Planners
BJF Planning, Pine Plains Planners
The Durst Corporation
Jennifer Van Tuyl, Durst Attorney
Town of Milan
Joyce Capuano
Chris Belardi
David Burke, Capuano's Architect
Dean Kent, Capuano's Engineer
The Reynolds Asset, Stissing Farms
John Furth, Stissing Farm's Attorney
Mike McCormack, LMV Architects, Stissing Farms
Brendan McAlpine, Dutch's Spirits

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

The Hudson Valley Project Sketch Plan Review: Sarah Yackel of BFJ Planning stated that the applicant would not be presenting tonight, instead she said it was for the Planning Board to declare themselves lead agency for the environmental review process so that the application can move along.

Yackel said after the thirty-day review process, where most likely the planning board would be declared lead agency, then a

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positive declaration statement would signal the intent to provide an environmental impact statement and conduct the required scoping process.

Stabile then went over the resolution with the intent to declare lead agency (see attached).

Stabile then asked for a motion to accept the resolution. Motion by Patterson, second by Salerno, all in favor, motion carried.

Hermans then asked for a list of the agencies that the notice of intent would be sent to.

Stabile then asked if Hermans attended any of the Milan meetings regarding this project. Hermans said he did, and he got the impression that the applicant would not be returning to Milan for another meeting for quite some time, most likely a year. Because of this Hermans said it was important for the planning board to keep them aware of what was going on.

Stabile then asked Thomas Darby, chairman of Milan Planning Board, if he would like to say anything. Darby said that yes, that information was correct, it would probably be a year before the applicant returned to Milan. Darby said they did schedule an on-site visit where the board would be visiting the site and given a tour of the roads, etc.

Salerno asked if the Pine Plains planning board would also be notified and could attend the tour. Salerno said he knows it would be a tour of the Milan part of the project but feels the two are interdependent. Darby said he had no objection to that. Darby said he would have their clerk notify the planning board when they receive the date of the tour.

Yackel said the environmental review that Pine Plains would mostly likely oversee does encompass both areas of Milan and Pine Plains.

Mesinger said that everyone is welcome to go on each other's tours.

Stabile asked the next step if there are no objections to the lead agency intent. Yackel said the next planning board meeting is prior to the thirty days so if the planning board hears back from all the involved agencies, then it can declare itself lead agency, otherwise the June meeting should be a preliminary

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discussion about the scoping process. Yackel said they have suggested scheduling a special meeting later in June to declare lead agency.

Stissing Farms/Town Centre: Louis Reynolds gave an update since the last meeting. He said they had a site visit with Ray Jurkowski, town engineer and their own engineer.

Reynolds said the meeting went well. There are some curbing and sidewalks that need to be replaced due to some grading issues as well as some areas that needed the asphalt to be replaced. Some milling and paving needed to be done and replacement of manhole lids. Lastly some fencing that needed to be installed around a retention basin.

Reynolds said they are looking forward to getting started with the project.

Jurkowski said they are waiting for the as built for the infrastructure and existing conditions survey. Jurkowski said the applicant has completed all their field work and they are working on the mapping.

Jurkowski spoke about the site visit with the applicant and said there are many minor items, but nothing of significant substance. Jurkowski said one bigger issue are the sidewalks and how the transition would take place.

Jurkowski said they created a preliminary punch list and are waiting for the as built to complete the punch list. Once the punch list is complete, they will update the bond calculation.

Jurkowski said the health department, based on documentation that the applicant has provided, has signed off on the water and septic.

Jurkowski reiterated again that the issues are mainly minor and surface related and there are no big items to be concerned about.

Reynolds said anything that needs to be replaced will absolutely be replaced.

Stabile asked Jurkowski what the specific sewage system is on the property. Jurkowski replied that it is a septic system and that most of the wastewater heads to a central pump station, that is located on the site, and then pumped to a conventional

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leech field, located on the back of the property. Stabile asked if it was by the school and Jurkowski replied correct.

Stabile then asked about the manhole covers and that some of them only needed to be repaired. Jurkowski replied that there is a conveying system on site for the wastewater. Jurkowski said there are four units to a building. An F1 pipe comes out of that building that eventually works its way over to the septic tank and into the pump station. Jurkowski said as it is going through the site, there are manhole covers that are installed at transition points in case there is ever a blockage. Many of the manholes are listed in areas of existing asphalt. Since only the binder was installed, the base layer of asphalt, the rims of the manholes are above the asphalt by 1.5". Over time they have been damaged, so those lids will need to be replaced. Jurkowski said the situation with the water valves is similar.

Stabile asked if any board members had questions regarding the infrastructure. Hermans asked about the reference in a previous resolution about a phased in construction plan and would this be a part of the new procedure. Jurkowski replied yes, they did recommend that for two reasons, the first being stormwater and the second being building permits.

Jurkowski said the applicant has indicated that they will finish the buildings towards the rear of the property and work their way out of the site. Once the construction is completed, then they would put down the top layer of asphalt, as it doesn't make sense to do this during construction.

Jurkowski said they have talked about the next submission that should be made is the phasing plan.

Stabile then asked Replansky to report on what is happening on his end of the project. Replansky replied he made a list of items that need to be considered. The first item was the status of the punch list and as built from Jurkowski. Replansky said he understands we do not have it yet but will soon. Replansky said that they are the most crucial documents needed.

Replansky said he wanted to confirm with the planning board that there is no need for any age restrictions on this development. Replansky said going back to 2005 there were age restrictions placed upon the project as an environmental mitigation. Replansky said this status has changed over the years with the multiple submissions. Replansky said this was a more serious

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situation when the project was a rental project, but now that it will be condominiums it is not as big of an issue. Replansky said he would like a final confirmation from the board when action is taken on the amended site plan resolution.

Stabile asked about the age restrictions being lifted in previous resolutions. Replansky said that most of the restrictions have been removed over the course of the project. Replansky envisions doing an amended site plan approval on the project where some sort of declaration will be made saying there is no need for any age restrictions or further environmental review of the impacts of this condominium plan. Salerno asked Replansky if a public hearing would be necessary. Replansky said he sees no reason to hold a public hearing, but the board can decide that.

Replansky said a couple of items he will need from the applicant's attorney is a copy of the filed submittal to the attorney general's office for the offering plan and the amended file that they are in the process of doing.

Replansky then mentioned the phasing plan and the performance bond that the applicant currently has. If it determined to be sufficient it may remain in place, otherwise it will need to be supplemented.

Replansky said the security agreement will need to be revised.

Replansky asked Jurkowski if he will be addressing the landscaping plan in the punch list. Jurkowski replied yes.

Replansky said there will be new dates needed for the infrastructure.

Replansky feels the project can move forward with at least an amended draft resolution at the next meeting or a discussion regarding all the provisions in the resolution to pass at the subsequent meeting.

Stabile asked Replansky and Jurkowski if they had sent the list that they are working off to the board. Replansky said if Jurkowski wants to send him something now, that is fine, but ultimately, he needs the as built plans and the punch list. Jurkowski said he had prepared a preliminary one based on the site visit with the applicant, but he was awaiting the as built to finalize it.

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Jurkowski said if the applicant gets him the as built in a week or so, he can most likely turn around the information he needs to get to the planning board, including the new bond estimate, which would enable Replansky to prepare the resolution. Replansky replied that he can prepare a draft resolution for the next meeting if he receives the information in time.

John Furth, the applicant's attorney, said he wanted to note to Replansky that with respect to the age restrictions, he believes on the last resolution passed in September of 2014, already eliminated the age restriction requirement, but he will go through the resolution again to confirm. Replansky said he was confused about this resolution when it passed because it was amended by the planning board after he prepared it and there are a few repeating pages that made it confusing. Replansky said they can go over it and he doesn't see it as a big issue.

Stabile said that whatever the last resolution was, there was a public hearing regarding it, and he believes it was about the age restrictions. Stabile asked Patterson if he remembered. Patterson replied he thought the age restrictions were removed as well.

Capuano Site Plan Review: Stabile asked the applicants to update the board regarding their decisions about the variance, etc. David Burke, the architect, addressed the board and said they have decided not to go for the variance for the garage.

Burke then went over the new site plan, including a new location for the proposed new home in the rear lot and a pool. Burke said all the trees will remain on site and that they have located the septic and absorption fields for both properties (proposed cottage and main residence on Church Street).

Burke said they would like to get conditional approval for the septic tank tonight and would let Dean Kent, the applicant's contractor, speak about the meeting held with the BOH and the soil tests.

Kent said they met with the senior health engineer at the end of the month (April) and said they conducted all their deep tests and percs. Kent said the design should be done by mid-June and will then being given to the BOH. Kent said he was hoping to get BOH approval by the end of the June.

Stabile asked if any board members or Jurkowski had any questions. Jurkowski said he had a comment regarding a submittal

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that was made that identifies it as a sketch plan and that the applicant's architect should be preparing a site plan that conforms with section 275-62 of the zoning code. Burke replied that the engineer is currently finalizing that site plan.

Hermans asked if the garage was gone, and Burke replied that the garage will be removed.

Stabile asked what was going on with the main house. Burke said there are no plans for the main house for the time being. Stabile asked him to explain further. Burke said they had nothing to show tonight on that home and there are no particular plans for it.

Joyce Capuano said the plan was to have a cottage so that they would be able to be on site when they began to restore the main house. Because of the current environment, with everyone very busy, they didn't think they would be able to do both at the same time. They would like to restore the house in its likeness. Chris Belardi, the other applicant, said the urgency for the cottage is because they own a farm in Red Hook owned by three families and the farmhouse has become overcrowded.

Stabile asked if there have been any other determinations regarding the structural integrity of the main house or has it not been worked on since the previous meeting. The applicants replied that was correct. Stabile asked if the house cannot be saved, would they build something where it is now. The applicants replied yes, in its likeness.

Patterson asked if we need the sketch plan prior to scheduling a public hearing. Soracco asked what happens if the applicants decide not to rebuild. The applicants said when they purchased the property their intention was to restore the house. Their goal is the main house, they just felt it was a lot to take on initially, and they do want a separate small accessory dwelling. Capuano said they do not think they could currently stay in the main house as it's basement walls are going. They have budgeted to redo the entire property and have elected to remove the garage, as they feel that is in tune with what the planning board would like. Capuano said they are very pleased with all the testing that has happened thus far and are excited to get underway. Burke added that any change to the existing house would certainly come before the board under a separate application.

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Soracco said she is concerned if the main house is not salvageable, will we end up with no house in the front. Soracco asked if something else would be rebuilt. Soracco doesn't consider the proposed cottage a dwelling. Soracco said it will change the whole dynamic if the applicants do not rebuild. The applicants agreed and said they never would have taken this on otherwise, and they have a commitment to historic preservation. Capuano said they want to satisfy the board and not make anyone uncomfortable. Capuano said the main house will be the next thing they address.

Soracco again expressed her concern, as the last meeting made it seem like the building was not salvageable. Capuano said it most likely was not. Soracco said the dwelling in the back does not meet the town's standards. Capuano said they would like whatever building is visible from the street to speak to the front of the house. They have high confidence that their architect will execute this in his design.

Salerno said if someone else besides the applicants bought the property, who were less interested in historic preservation, that the building would most likely just sit there until it fell. Salerno said even if they had to build something new and different, if they are entitled to do so, the board would have to deal with what their intentions were. Salerno said we have heard what their intentions are, and it might not have made a difference legally if they had said they were going to put a different type of building there. Soracco said there is a comprehensive plan with setback requirements, etc. Salerno said they would be subject to that regardless. Soracco said her concern was that the main house was not even discussed at the previous meeting. Soracco said now that they have explained it, she is satisfied.

Hermans said he thinks their plan to build a cottage in the back is a good way to deal with the front house, since it is such a mess. It would be good to have someone on site who cares about it.

Dean Kent, the applicants' contractor, said he has previously worked with these clients on a historic barn preservation in Red Hook and he can say from his experience if they say they want the house in the front to look correct, and replicate the town's look, he is comfortable with what they want to do and the reality that they have the means to do it. Burke also added the applicants have a dedication to quality, natural materials, and to doing something in kind with the local neighborhood.

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Stabile said the BOH has changed their approval process, where previously the board would approve an application, pending BOH approval, but now the BOH is requiring the board approve the application first. Jurkowski replied that what the BOH is usually requesting is that the board has gone through the SEQR process. Jurkowski said this has always been their requirement, but it does seem that recently they are pressing this matter more on local planning boards. Jurkowski said the BOH would like the board to review the application and declare a negative declaration before BOH approval.

Patterson asked again if a sketch plan is needed before the public hearing. Jurkowski said this is what has been done with other applicants, so he agrees. He said it sounds like the applicants' engineer is working on it. He said since the engineer was submitting the septic plan in the June time frame, approval from the county would probably be coming in the September time frame. The planning board's approval would be way ahead of that and therefore would not be tying up the applicant.

Burke asked Kent to comment on the message he received from the BOH at their meeting and the time frame he received. Kent replied that the letter he received from the BOH stated what Jurkowski had said, but he is looking for preliminary approval a head of time. Kent said he doesn't understand why the plan needs to be done to receive preliminary unless that has to do with the public hearing. Jurkowski said it is common for that preliminary approval and SEQR to be one of their comments and they will not provide a final letter of approval until that is dealt with. Jurkowski said based on the history of dealing with the BOH and their timing, you are looking at 2-3 months. Kent replied working with the BOH, being on site with them, and their workload, he is looking at septic approval by the end of June. Jurkowski disagreed but hoped that was accurate.

Replansky said his issue is that an accessory dwelling required a special use permit and site plan approval and that the principal dwelling be owner occupied for the duration of the special use permit.

Patterson said this has come up recently and the board agreed they could build the accessory dwelling so that they could live there while the main dwelling was built. Replansky said the applicants need to come up with some sort of solution and it may require an application to the zoning board. Replansky said they

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dealt with this in North East where they allowed the accessory dwelling to be occupied but they required to applicant to build and occupy the building within a set period.

The board discussed the previous applications that were similar to this issue. Replansky said the fact that it has been done in another case doesn't nullify the statutes. Replansky expressed concern about the front building being torn down and having nothing there. Stabile said they applicants said they would rebuild. Replansky said then that needs to be specified.

Salerno said he remembers on the Prospect Hill application that the board did specify a time frame that the main dwelling would need to be constructed by.

Kent asked if the front building is determined to be unsalvageable and is taken down what happens then. Replansky replied that it would have to be torn down within a certain period of time. Kent asked what happens then with proceeding with the cottage in the back. Replansky replied that it becomes the principal residence. Kent replied so then it is no longer an issue. Replansky replied correct. Salerno said we do not want to encourage buildings being torn down. Burke said to not forget that we are here to improve the property and the house on the road, therefore we should be thinking more about how we can facilitate approvals to do so. Replansky said that Burke must come up with an approval to the planning board.

Salerno said he appreciates that they are improving the property, but the planning board's counsel is saying there is a legal problem.

Replansky said there would be a public hearing and if a neighbor comes in and says that is not the law, it cannot be approved.

Burke said he is not questioning anyone's authority or skill, but the intent is for improvement, and to give the town what they want, and that may mean being creative about the way to satisfy the law.

Belardi, the applicant, said people have said there has been precedence for the same sort of situation and maybe the board could share what the solutions were so that they may model their proposal the same way.

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Replansky said there is no precedence with planning and zoning, and it is not our job to come up with a solution, that is the applicant's job.

Capuano said one of the questions she had when they started the process was do, they need to take down the house. They decided it was preferable to keep the house instead of a fence around the original foundation of the home. Because of this Capuano asked if they do take the house down and come back and say they need to put the fence up is that preferable to the board.

Osofsky suggested looking up what was done on the previous similar application. The board agreed with this and we should look at the minutes and resolution that was passed for it. Hermans said the resolution was in July and the applicants were given two years to build the house.

Stabile said the creative solution will have to be worked on and that in the past the board has not sent it to the zoning board. Stabile said in this situation he is sure the board feels the same as him that someone who is interested in preserving and/or rebuilding the main house, and adding to the town, he is sure the board would be amenable to that.

Stabile said the applicants should research what was done in the past, while the board and consultants will speak internally. Stabile also said the sketch plan needs to be completed. Stabile asked if the public hearing can be scheduled once we have the plan. Replansky replied that they must submit a sketch plan, the sketch plan needs to be approved, and then a public hearing needs to be scheduled on the special use permit. The public hearing would also be on the site plan.

Stabile asked if they need a sketch and site plan. Replansky said yes, in the statute it goes from the sketch plan to the site plan.

Stabile said there may be another meeting prior to next month's meeting. Stabile said if the applicants can come up with the plan two weeks from today a public hearing could be scheduled soon.

Stabile asked Jurkowski and Replansky if there was anything else the applicant needed to do. Replansky said the next step is to get the site plan to Jurkowski as soon as possible.

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Stabile asked about what the DOH is asking for. Jurkowski said that would happen after the planning board moves forward with the SEQR determination and then holding a public hearing. Replansky asked if we have a part one of the EAF. Burke thought they may have submitted one for the last meeting. Stabile asked him to make sure.

Capuano said she was a bit confused about what they should be doing next. She asked if they should have more than one plan. Burke asked if anything else was needed from them other than removing the word "sketch" from their current plan. Jurkowski replied yes, their engineer needs to go through the zoning code and look at section 275-62 that outlines all the items that need to be included with a site plan.

The board then explained the process a bit further to Burke.

Stabile asked if the board had to wait until after the public hearing to determine the SEQR declaration. Replansky replied that could be done at any time during the process, but it is usually done at the public hearing.

Replansky asked Stabile for the time sequence. Stabile said they come up with the site plan, as per the regulations, Replansky said right, but it needs to be approved by the planning board. Stabile asked if the sketch plan is approved before the public hearing. Replansky said you approve the site plan and after conduct the public hearing, which is when you would also approve, or disapprove, the special use permit. Burke said the public hearing had to go first. Replansky said the board could not approve the special use permit without a public hearing. If it were just a site plan, the public hearing could be waived.

Hermans asked if once the hearing is closed, could the rest of the steps be done in the same meeting. Replansky replied correct.

Burke asked if it would be possible to schedule a public hearing based on the plan they have already submitted. Stabile said that there was not a completed site plan in front of the board and Jurkowski replied that was correct and the planning board cannot act on it until they have a completed application.

Replansky said when you schedule a public hearing the public needs to have time to review all the materials involved with the application.

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Capuano asked if it was up to them to address the non-occupancy in whatever way they see fit. Stabile asked them to research what was previously done and the board would also communicate internally.

Burke said they will get the new plan in as soon as possible.

KTB Properties, LLC Site Plan for Nonconforming Use: Stabile asked the applicant Jack Banning, to explain a bit about the project. Banning said it was the old Crumpets building that they purchased recently for the former chef of the Stissing House to use as a new restaurant. They would like to put a small area for outside eating in the rear of the building. Banning said Weaver told him the restaurant was once "grandfathered" in but no longer is, because it has been vacant for over a year, therefore it's an alternate use application. Weaver interjected and said the restaurant was in operation prior to zoning, so he considered it a nonconforming use. Weaver considers the dining outside to be an expansion of the nonconforming use. Weaver said they are aware of the 25% area use and their application has been modeled to that.

Stabile asked if the application was just regarding the patio and not the restaurant. Banning said correct, but it was not even a patio, just some gravel and some tables.

Stabile asked Weaver if setbacks come into play. Weaver replied that that shouldn't be an issue in the MS district, the hamlet. Weaver just feels it is an expansion of use and that they should come before the planning board.

Stabile asked Replansky if he had any comments. Replansky replied that Jurkowski said the applicant needs a sketch plan. Irene Banning asked what is needed for a sketch plan. Jurkowski replied the limits of the area and the material to be used in the back seating area. The Bannings replied that it is on their original sketch in pencil. Jurkowski said to have their surveyor formally fill that information in, instead of "ghost" pencil. Replansky said the surveyor also needs to convert it to a sketch plan. Irene Banning if they would have to resubmit this information in another four weeks and the business can not open until then. Weaver replied that it will not stop the business from opening, just from using the outdoor seating area.

Replansky then asked the Bannings if they have seen the letter from the neighboring property owner. The applicants replied

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that they have not. Replansky said they raise an issue in the letter of a discontinuance of a nonconforming use.

Replansky said it's a nonconforming use because the restaurant was there prior to zoning being adopted in 2009. The area it is in doesn't allow restaurants now. The statute allows for an explanation of up to 25% of the original square footage.

Replansky said he is concerned if the board approves it, there may be a neighbor who will be bringing a lawsuit.

Irene Banning said she is confused about the contention of the letter and are they saying there hasn't been a restaurant there since 2009? The board replied, no, for a year.

Stabile asked if restaurants are not allowed in the main street area of the hamlet. Replansky said he wasn't sure, but that is what the zoning code says.

Stabile then asked Weaver what zone the property was in. Weaver replied it is Main Street. Weaver said the hamlet does allow restaurants, but his interpretation of the zoning law is that since the restaurant was in place, prior to the adoption of zoning, it has never been reviewed, so therefore it is a nonconforming use.

Irene Banning then asked if the review was for the outdoor seating area or the entire restaurant. Replansky replied that is for an expansion of a nonconforming use.

Replansky then asked Weaver if a restaurant requires a special use permit or site plan approval. Weaver replied he believes it's special use permit.

Replansky suggested just making an application for outdoor seating at the restaurant, rather than nonconforming use. Weaver asked if then the entire operation would be reviewed. Replansky replied no. Replansky asked if the internal aspects of the restaurant require approval. Weaver replied if it has never been reviewed, wouldn't it? Salerno said then it's a nonconforming use that has been grandfathered in.

Irene Banning asked if the letter was directed to the planning board from the neighbor, and therefore is the threat of the lawsuit aimed at the planning board. Hermans replied that there was no lawsuit mentioned in the letter, but it was implied by the tone.

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Irene Banning asked if the space being used as a restaurant is under review.

Osofsky asked Weaver if the applicants come back with an application for the restaurant, would it no longer be a non-conforming use. Replansky said yes, if they were approved as a restaurant with outdoor seating, but there will be a challenge to the outdoor seating. Weaver said he would like to read the letter, then talk to the applicant, and figure it out. Replansky agreed that the Bannings should look at the letter and then decide how they would like to proceed with the application.

Replansky mentioned how some other municipalities have allowed outdoor seating during the Covid crisis utilizing the executive orders of the state and county.

Salerno said the restaurant vacancy may still be a problem. Replansky asked when this occurred. Banning replied it was just about a year.

Banning said on the tax parcel map it specifically says restaurant, H-Bus. Because of this he assumed it was approved as a restaurant and not a special use restaurant. Replansky said whatever is assigned on the tax parcel is only for assessment purposes.

Stabile asked Weaver to confirm that a restaurant requires a site plan, not a special use permit. Weaver replied yes.

Stabile said restaurants are allowed in that zone and he doesn't understand why they are saying there are not. Replansky agreed that they are permitted. Stabile asked to confirm if this was a site plan for the outside seating or for the entire restaurant since it has been out of business for a year.

Replansky said it is in the statute that it is a nonconforming use because it never got a site plan approval, not because it is not allowed. If it is not used for other a year, the nonconforming use status is lost. At which point an applicant would need to apply for site plan approval for the entire restaurant.

Stabile asked the applicants to get the sketch plan up to a site plan as according to the regulations.

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Dutch's Spirits Sign Permit: The applicant, Brendan McAlpine explained the sign he would like. He would like to replace the current corrugated sign on Ryan Road.

McAlpine said it's a free standing, double sided sign that they tried to make as aesthetically pleasing as they could using their branding and color scheme. The sign is 16 square feet and under 6 feet tall. They are not proposing any lights on it at this point.

Stabile asked if the wood posts are going to be wrapped in some sort of vinyl. McAlpine said his vendor, Timely Signs, recommended the materials and said the posts will be wrapped in PVC. The sign itself is a vinyl graphic because it is durable and won't fade, crack, or chip.

Stabile asked Weaver to remind the board about sign regulations. Weaver replied that sign regulations were revised in 2015 which gave Weaver the authority to issue sign permits, but only in the MS and Bus districts because they are size specific. Weaver said the specifications are not as clear cut in the district that Dutch's Spirits is in. It is more judgmental in those districts and should have a planning board review.

Stabile asked if the size of the sign conforms and Weaver said that is the issue, there is no size regulation in that district.

Stabile asked Replansky if there were any issues. Replansky replied that he had no issues with the sign but was curious if the other issues with the Dutchess County DOH were resolved. McAlpine said they are working through it with them and that his engineer has let him know that the DOH has approved their proposal for a phased development of the improved septic system on the site. McAlpine said before they open the DOH is requiring them to install a grease trap in front of the building, under the driveway. They have resolved the other issues in the other two buildings.

Replansky asked Jurkowski if he saw the letter. Jurkowski replied that he has not seen the correspondence. Replansky replied that he is concerned that the letter from the DOH because it asked if the planning board had given preliminary approval for the change in use to a fast-food restaurant. McAlpine said he wasn't sure about that, and that they are trying to get the kitchen signed off on. Right now they are only operating with outside food and are not preparing food. The DOH was comparing the tastings they want to do eventually to

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a fast-food restaurant but that is not the concept, but he thinks the DOH used to this calculate the flow rates and septic, grease trap, etc.

Stabile asked what the kitchen is for. McAlpine said eventually it will serve the tasting room with snacks and small plates.

Stabile asked if that is considered a restaurant. Weaver feels it is as soon as it starts serving food. Weaver said it's an odd thing because in 2009 the zoning said all agricultural operations are exempt. The owners of Dutch's Sprits went to Ag & Markets and laid out their operational plan and they were told what they planned on doing as an agricultural operation. The zoning law has been changed since then and they can do tastings and on property sales of the product. Anything beyond that will require planning board approval.

Stabile asked if the property was in the Hamlet Residential and does it have two different zones. Weaver said it does. Stabile asked if the building was in residential or rural. Weaver believes it is in the rural. Stabile asked if then it's a special use permit for the restaurant and Weaver replied yes.

McAlpine said the farm distilling license they received permits them to operate a restaurant, a tasting room, catering, and a hotel. McAlpine said their ultimate plan is to get the interior of the building operating as a distillery and then eventually operating a 30-40 seat tasting room and a private event room. Presently they are operating outside with food trucks, conducting tastings, and selling their product.

McAlpine said they are trying to figure out the best way to proceed regarding building the business as they get into the future phases. McAlpine said the DOH insisted they get the kitchen aspect sorted when they went to them to finish the septic, etc.

Replansky thinks this all stems from the exemptions under the ag and market law for certain uses in order to assist farms in being viable. Replansky would like Weaver to keep an eye on the project.

McAlpine then explained a bit about himself and his intentions.

Soracco asked Weaver if she would keep an eye on the sign if the applicant decided to add lighting since it is a residential area. Hermans said we should stipulate that when he decides to

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put lighting on the sign. Replansky told Weaver to specify in the permit that no lighting is permitted without further approval of the planning board.

McAlpine said he is trying to explore creating an entrance from 199 instead of Ryan Road.

Stabile asked for a motion to accept the sign application, as presented, and without lighting, motion by Hermans, second by, Patterson, all in favor, motion carried.

Other Business: Stabile asked for a motion to have a special meeting on May 26th, motion by Patterson, second by Osofsky, all in favor, motion carried.

Approval of April Minutes: Motion by Hermans to accept the April minutes, second by Patterson, all in favor, motion carried.

Motion by Salerno at 10:00 pm to adjourn, second by Patterson, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile