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**PINE PLAINS PLANNING BOARD MINUTES**  
**Wednesday August 18, 2021**  
**7:30 PM**  
**In Person and Zoom**

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

*(board was in person)*

**ABSENT:** Peter Salerno

**ALSO PRESENT:** Sarah Jones, Town Liaison, in person  
Ray Jurkowski, Town Engineer, via Zoom  
Drew Weaver, Town ZEO, in person  
Liz Axelson, Town of Milan, via Zoom  
Frank Fish, BFJ, via Zoom  
Thomas Darby, Town of Milan, via Zoom  
Justin Liu, Durst, via Zoom  
Catherine Monian, Chazen, via Zoom  
Stuart Mesinger, Chazen, via Zoom  
Sarah Yackel, BFJ, via Zoom  
Jennifer Van Tuyl, Durst Attorney, via Zoom  
Taylor Young, BFJ, via Zoom  
Phil Zemke, Town of Milan, via Zoom

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

**Hudson Valley Project DEIS Public Comments:** Yackel of BFJ Planners went over the memo she had sent to the planning board regarding the public comments and where everyone is in the project and what steps will be next.

Yackel said they are still in the process of going over the letters received from the public comments. Yackel said they would also like to hear from the board their comments, or anything that jumped out at the board from the letters received.

Yackel said after this process the board, along with Ray Jurkowski, town engineer, should prepare their own red lined

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scope. The document that will be accepted as the final scope, will be the document of the planning board.

Yackel said another part of the process is for the applicant to respond to the comments and give the planning board a sense of any that they feel is beyond the scope or unnecessary. BFJ would also use this information to provide their revisions, which will be provided back to the planning board at the September meeting.

Yackel then went over the revisions of the SEQR process from 2019, including providing documentation of why a certain item is not considered environmental and not included in the scope.

Part of the SEQR also includes the applicant providing alternatives that are within their purvey, i.e. if someone brought up assisted living, this is not within the goals of the project, therefore that comment would not be included.

Yackel suggested taking the information presented on September 8<sup>th</sup> and taking a week or two and then discussing it at a special meeting on September 22<sup>nd</sup>. If the board is not ready to make a decision at this point, they can extend the time into October, but SEQR regulations do have a time frame for scoping of 60 days. The 60 days will be up this month, but the applicant's attorney has granted an extension of that time frame.

Yackel then asked the board if they had any additional comments or issues that they would like included in the review.

Frank Fish suggested the board hear from the applicant with their comments and the board agreed.

Stabile asked Jennifer Van Tuyl if the extension of time had been granted. Van Tuyl said it had and she hopes that time will be sufficient.

Stabile asked if any board members had any comments.

The board briefly discussed the main issues that came up in the public's letters, but will go over more at the next meeting.

Stabile then mentioned the chairman from the Winnakee Land Trust that had called him. Stabile asked Fish if they were looking to speak to him. Stabile said his organization is interested in managing the open spaces. Fish said he is not familiar with that particular land trust, but finds land trusts in general very valuable. Fish said it depends on how the applicant is

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going to manage the open space. Fish said this could be raised in the open space section of the DEIS to give better guidance.

Yackel said they will look to get the chart with the comments out by the end of next week and then the red lined scope by the end of the following week.

Fish said they would also like an idea from the board on what they find important, or not important, for them to include in the scope.

Stabile said he would like the traffic studies mapped out on a map. He feels it would be helpful to see it visually.

Stabile then asked Thomas Darby from the town of Milan if he would like to add anything. Darby said he was just interested in the schedule and that they would like to see the final EIS before there is a final vote.

Liz Axelson, Milan's planner, then asked about the dates for the points mentioned. Axelson also wanted to make sure that the information their town historian provided was included in the written comments.

Stabile then asked about the timeline of receiving the applicant's comments. Stuart Mesinger of Chazen responded that they are hoping to get them over to BFJ by next week.

Axelson asked if the Milan planning board needs a couple of extra days to create their response can they ask for that. Stabile said whenever they come up with what they want to say to send it right away as it would need to be circulated amongst Pine Plains' planning board, consultants, etc.

Stabile asked the board members to get in any comments and/or anything they find important.

**Zoning Review Committee Comments:** Stabile said the board needs to comment on the local law changes to the zoning as the town board will be holding a public hearing on it the following evening.

Stabile said that Replansky sent red line changes earlier that evening, however the changes were in the narrative sent out by BFJ to the zoning review committee, which was then given to the town board, the town board decided which changes they wanted to include and Replansky drafted the local law. The planning board

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is familiar with the changes being made, but the document Replansky sent are the actual statutes changing.

Fish suggested going through the proposed changes that have been published and then go over Replansky's changes. Fish feels Replansky's changes were minor changes.

Fish explained the background of the zoning review committee and how BFJ worked with them.

Fish said they should talk about zoning code 275.113 at the end to meet that section of the code.

Taylor Young of BFJ then went over the summary of the changes proposed.

The first proposed change is to remove the NND (new neighborhood development) district from the zoning code. This does not preclude an applicant from coming to the town with a development, just this method of doing so.

The next change is for accessory dwelling units and letting a property owner live in the main house or accessory dwelling on a property. The property owner will still need to be on property.

The next proposed change is changing building setbacks by adjusting the minimum setbacks to give property owners in the hamlet greater flexibility.

Stabile asked about the sections where senior housing, resorts, and schools were added with a height of 40 feet, but was building height unchanged beyond those three uses. Fish replied that is correct. Fish said the normal height in Pine Plains is 35 feet, but any school building is allowed 45 feet.

The next proposed change is for preexisting nonconforming uses and the planning board to approve expansions up to 35% and beyond that it would go to the zoning board for an area variance.

The next change is for ridgeline protection and adding specific mentions of ridgeline protections to the town's design standards and conservation subdivision design guidelines.

The next proposed change is for applying conservation subdivision design to minor subdivisions (four or less lots).

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The board would have discretion to decide if a conservation or conventional subdivision is preferred.

The last proposed change is the maximum building size for senior housing, education facilities, and resorts to allow for these buildings to be larger than 12,000 sq. feet.

Fish said the section of the code, 275.113, says what the planning board recommends back to the town board and it should be consistent. Fish recommended reviewing this section of the code to the board.

The board then went over that section 275.113 of the code, criteria for referral to the planning board. Fish wanted the planning board to be aware of these before recommending anything to the town board.

Young and Fish said there are no proposed use changes or map changes.

Hermans brought up the potential for a large resort and not maintaining rural character. Fish replied that a resort is currently allowed, so it is not a use change, but that is a good comment. Fish said there were some concerns about that. Fish said they wanted a resort, if it exceeds 12,000 sq. feet, to be on a large lot size, 100 acres. They would want it compared in a full EIS with the size currently allowed, 12,000 sq. feet. This way the town board could decide if the larger resort would fit in with the rural character of the area.

Meccariello said he was curious what could be done with the 100 acres required of a resort, would it be trails, what sort of roads would be on it, etc. or would it be 100 acres of wilderness, left untouched. Fish asked Young to bring up the current zoning for a resort so that the board could see what is currently allowed and then what is proposed. Fish believes they thought the 100 acres would ensure a fairly rural or wooded character to a resort. Fish said an applicant would also have to do a full EIS which would show the comparison of whatever size is proposed and the 12,000 sq. feet and why is the new resort size better. Meccariello said he understands this but is concerned with what would be done with the extra 90 acres. Fish said with the EIS the planning board would receive a site plan, etc. which would show what would be done.

Stabile asked would the board be able to veto a planned resort if they are against its plan, i.e. a motorbike resort. Fish

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said the planning board's discretion is fairly broad on the granting of a special permit and it can be denied if the board's questions are not answered on the EIS.

The board then went over the local law and the memo sent from Replansky. Fish asked to go over the parking section again as he felt it did not match what the town board wanted. Fish said the town board decided not to delete the parking requirements, but added a section called "shared parking". Young agreed and said the board did not want to delete the parking items, but that the ZRC decided that the planning board could change it if the applicant could demonstrate shared parking.

Stabile said he would go to that list of criteria and draft a letter to the town board and say the proposed text changes of the local law satisfies the criteria of section 275.113 and is in line with the comprehensive plan and zoning.

Stabile asked for a motion to draft the letter, motion by Osofsky, second by Patterson, all in favor, motion carried.

Stabile asked Sarah Jones the timeline on these changes. Jones replied the town board was having a public hearing the following evening. After they receive the comments the law will be drafted and voted on at another meeting after doing the EAF.

**Other Business:** Stabile said he spoke with Weaver about changing the process when finishing an application and making sure the applicant returns to have their final map, or site plan, etc. signed.

Stabile said Weaver had a good idea to issue a certificate at the end of a site plan approval to indicate that the applicant has satisfied everything. The applicant would have to show Drew a signed map.

Stabile said he has been in contact with Sue Serino's office regarding the open meeting law and modernizing it.

Stabile said he learned that a board needs to be very specific when going into an executive session.

Stabile asked the board to try and get their education credits in.

Jones said the town board is in the process of considering the state's new marijuana law. Jones then explained the procedure

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regarding opting in or opting out to have a commissary where marijuana could be sold and a lounge where marijuana could be consumed. Jones said a decision needs to be made by the end of the year and the town board is encouraging people to weigh in on it. Stabile asked if the commissary would be regulated like a liquor store and Jones replied yes.

The board and Jones discussed different options of the law.

Stabile then asked about the 5G cell tower. Jones said she wasn't entirely sure, but she thinks the town's counsel is not concerned with a 5G cell tower coming to Pine Plains. Jones said if anyone hears anything different to let them know.

**Approval of July Minutes:** Motion by Patterson to approve the July meeting minutes, pending changes, all in favor, motion carried.

Motion to adjourn at 9:05 pm by Patterson, second by Soracco, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile