

November 12, 2021

**PINE PLAINS PLANNING BOARD MINUTES**  
**Wednesday November 10, 2021**  
**7:30 PM**  
**In Person and Zoom**

**IN ATTENDANCE:** Michael Stabile, Chairman, in person  
Ethan DiMaria, Alternate, in person  
Dick Hermans, via Zoom  
Ken Meccariello, in person  
Steve Patterson, in person  
Peter Salerno, via Zoom  
Vikki Soracco, in Person

**ABSENT:** Al Blackburn, Kate Osofsky

**ALSO PRESENT:** Sarah Jones, Town Liaison, in person  
Drew Weaver, via Zoom  
Warren Replansky, Town Attorney, via Zoom  
Armand Di Biase, Di Biase Filkoff Architects, via Zoom  
Cynthia Filkoff, Di Biase Filkoff Architects, via Zoom  
Jan Johannessen, Kellard Sessions  
Two Members of the Public, via Zoom  
Three Members of the Public, in person

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

**Pocumtuck Valley Farm Trust Public Hearing:** Stabile asked for motion to start the public hearing. Motion by Patterson, second by Soracco, all in favor, motion carried.

Johannessen of Kellard Sessions then went over the project and what the applicants would like to do. The applicants are no longer building a larger primary residence and will now have the previously approved accessory dwelling as their main residence.

The applicants would now like to construct a one-bedroom accessory dwelling above the three-car garage that is currently being built.

Stabile asked Johannessen what the dotted line on the main parcel map was. Johannessen explained the blue dashed lines are water courses.

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Stabile asked if any of the board members had any questions. There were none. Stabile then opened the public hearing for any public comment.

A member of the public, Jane Waters, spoke and said she was very pleased with the property and thinks it looks beautiful. She doesn't think anyone would have an issue with what the applicant is doing now and wanted to compliment the applicant on it.

A couple of neighbors of the property attended the public hearing on Zoom - one was not interested in speaking, and one said they have no issues and agree the property looks great.

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

Stabile then went over the short form EAF part two with the board and a negative declaration was declared.

Stabile then read the resolution (see attached).

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

**Approval of October Meeting Minutes:** Motion by Patterson to accept the October meeting minutes, second by Soracco, all in favor, motion carried.

**Other Business:** Stabile reminded the board to continue to do their courses for hours before the end of the year.

Stabile let vice chairman Soracco and board member Salerno know that their terms are up this year and if they would like to continue on the board to let the planning board and the town know via a letter. Stabile let the alternates know that they will need to renew for the following year as well.

Stabile asked Jones if there was anything from the town board. Jones mentioned the sewer study presentation next Monday in the community room above the library. Jones feels it would be a good thing for the planning board to attend.

Motion to adjourn at 7:55 pm by Patterson, second by Soracco, meeting adjourned.

Respectfully submitted by:

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Tricia Devine

Michael Stabile

**TOWN OF PINE PLAINS PLANNING BOARD**

**RESOLUTION GRANTING FINAL APPROVAL WITH CONDITIONS TO THE  
APPLICATION OF POCUMTUCK VALLEY FARM TRUST FOR SPECIAL USE PERMIT  
AND SITE PLAN APPROVAL**

**WHEREAS**, Pocumtuck Valley Farm Trust (“Pocumtuck”) had proposed to construct a single-family detached residence and separate accessory dwelling and associated ancillary structures on their property located at Prospect Hill Road (Tax Parcel No. 711435) in the Town of Pine Plains; and

**WHEREAS**, both the primary residence and accessory dwelling were to be served by individual private potable water wells and septic systems; and

**WHEREAS**, both residences were to be accessed by a single shared driveway off Prospect Hill Road; and

**WHEREAS**, Pocumtuck made application to the Planning Board for a special use permit and site plan approval to allow construction of the accessory dwelling on the said property; and

**WHEREAS**, Pocumtuck was desirous of erecting the accessory dwelling first and proposes to occupy the accessory dwelling while the principal residence is thereafter constructed on the said property; and

**WHEREAS**, §275-19(A) of the Town Code provided, in relevant part, that accessory uses shall not be established prior to the establishment of a principal use; and

**WHEREAS**, the definition of “accessory dwelling” in the Town Code provided, in relevant part, that the accessory dwelling must be clearly incidental and secondary to an existing single family detached dwelling on the same lot; and

**WHEREAS**, Pocumtuck requested the Planning Board to approve the construction of the accessory dwelling first, which would then be deemed to be the principal dwelling on the property until such time as the principal dwelling on the property is constructed; and

**WHEREAS**, Pocumtuck had advised the Planning Board that it was its intention to move expeditiously with construction of the principal single family dwelling on the property; and

**WHEREAS**, the Planning Board had determined that this was an unlisted action under SEQRA and, after review of the Short Environmental Assessment Form, that the project did not have the potential for significant environmental adverse impacts; and

**WHEREAS**, the Planning Board scheduled a public hearing for September 16, 2020 and opened and closed the public hearing on that date; and

**WHEREAS**, by Resolution dated September 16, 2020, special use permit approval was granted to Pocumtuck to construct the accessory dwelling on the property before construction of the principal dwelling unit; and

**WHEREAS**, the said approval was conditioned on the principal dwelling to the property being constructed with a Certificate of Occupancy issued by the Town of Pine Plains Building Inspector within two years of the date of the Resolution; and

**WHEREAS**, the Resolution further provided that in the event the single family dwelling is not constructed within the said two year time period, the approval shall be deemed rescinded and the accessory dwelling shall thereafter be deemed the principal dwelling on the said property; and

**WHEREAS**, Pocumtuck, thereafter, by application dated September 29, 2021, filed a new application for site plan and special permit approval for the subject property, which, in relevant

part, proposed to construct an accessory dwelling on the second floor of a detached garage along with associated ancillary structures with the primary residence having been constructed and occupied by the owners of the property; and

**WHEREAS**, the application further provided that the primary residence and the accessory dwelling would be served by a private potable water well and septic system and that the septic system would be expanded to accommodate the additional bedroom; and

**WHEREAS**, the public hearing on the said application was scheduled for November 10, 2021, at 7:30pm, and was opened and closed on that same date; and

**WHEREAS**, the Planning Board has reviewed the new Environmental Assessment Form and the new plans and has determined that this action will not have the potential for significant environmental impacts and that a Draft Environmental Impact Statement need not be prepared.

**NOW, THEREFORE**, be it

**RESOLVED**, that the application for site plan and special use permit filed by Pocumtuck Valley Farm Trust on September 29, 2021 is hereby approved subject to the following conditions:

1. That Board of Health approval for the accessory dwelling be obtained and provided to the Planning Board and the Planning Board's Engineer prior to any signing of the site plan for the project;
2. That either the principal dwelling or accessory dwelling continue to be owner occupied in accordance with §375-56(D)(1) of the Town of Pine Plains Code, as amended by Local Law No. 1 of 2021;
3. That all fees and escrow incurred in conjunction with this application be paid in full by the applicant; and
4. That the Resolution granting approval with conditions for the special use permit

and site plan approval by this Board dated September 16, 2020 is hereby deemed rescinded and of no further force and effect.

This motion was offered by Planning Board member Steve Patterson and was seconded by Planning Board member Vikki Soracco.

The Planning Board members voted as follows:

|                                     |                     |
|-------------------------------------|---------------------|
| <b>Michael Stabile, Chairman</b>    | <b>Aye</b>          |
| <b>Vikki Soracco, Vice Chairman</b> | <b>Aye</b>          |
| <b>Al Blackburn, Alternate</b>      | <b>Absent</b>       |
| <b>Ethan DiMaria, Alternate</b>     | <b>Did Not Vote</b> |
| <b>Dick Hermans</b>                 | <b>Aye</b>          |
| <b>Ken Meccariello</b>              | <b>Aye</b>          |
| <b>Kate Osofsky</b>                 | <b>Absent</b>       |
| <b>Steve Patterson</b>              | <b>Aye</b>          |
| <b>Peter Salerno</b>                | <b>Aye</b>          |

The Resolution was carried by a six person vote of the Planning Board members on November 10, 2021.

  
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**TRICIA DEVINE, PLANNING BOARD  
CLERK, TOWN OF PINE PLAINS**