

April 14, 2022

PINE PLAINS PLANNING BOARD MINUTES
Wednesday April 13, 2022
7:30 PM
In Person and Zoom

IN ATTENDANCE: Michael Stabile, Chairman, in person
Ethan DiMaria, in person
Dr. Martin Handler, alternate, in person
Dick Hermans, via Zoom
Ken Meccariello, in person
Kate Osofsky, via Zoom
Steve Patterson, in person
Vikki Soracco, in person

ABSENT: Al Blackburn, alternate

ALSO PRESENT: Sarah Jones, Town Liaison, via Zoom
Warren Replansky, Town Attorney, via Zoom
Drew Weaver, ZEO, via Zoom
George Schmitt, Town Engineer, in person
Dale Mitchell & spouse, in person
James Murphy, in person
Lyden Chase, in person
2 Members of the public

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

Mitchell Lot Line Adjustment: Mitchell explained that he would like to add approximately a half-acre to the Stewart's Shop one-acre they currently have. Mitchell said there would be a drainage easement from Stewart's to Mitchell. Mitchell said there would also be an easement over the roadway. Mitchell said Stewart's currently has an easement over the roadway going to the back of their lot and therefore would be extended to the new back corner (southeast corner). Mitchell said the current maintenance agreement he has with Stewart's would also have to be amended to include the new lot. Mitchell also said the road would be extended from where it ends now to the new corner of the lot.

Meccariello asked if water flows through the ditch. Mitchell replied yes, it's an old drainage. Meccariello then asked where it originates from. Mitchell replied it flows pass the county

April 14, 2022

garage on Rt. 83. Stabile asked what Stewart's is planning to do with the half-acre. Mitchell replied that the main purpose is to increase their parking. Handler asked if Stewart's will be blacktopping it and Mitchell replied he was not sure but that it has drainage and catch basins going through it.

Meccariello asked if the other drainage goes over the roadway as well. Mitchell replied yes it goes to Lia's Restaurant.

Stabile asked Schmitt his comments. Schmitt said he had the same comments as the board but was curious about the two proposed right-a-way pictured. Mitchell explained one right-a-way. Schmitt then asked about the other right-a-way proposed. Mitchell explained that this was an older map and that is now an existing right-a-way. Stabile asked that it be cleared up on the final map.

Stabile asked Schmitt if putting a parking lot there with the drainage and permeable surface going to be an issue. Schmitt replied that Stewart's should show the board their plan, because they could run into issues, size wise. Mitchell said Stewart's did not want to design something prior to owning the property.

Stabile asked if the drainage would go under the right-a-way and Mitchell replied that it already does.

Hermans feels it should be an easy process as Stewart's already knows how much property they will be obtaining. Stabile agreed but said the board may have some requirements that Stewart's is not aware of with vegetation, etc.

Stabile asked Replansky if he had any comments. Replansky replied that he assumed this would require a public hearing. He also wanted all the easements that Mitchell referred to shown on the map. Replansky said he wasn't sure if the board should approve it knowing that Stewart's has plans to develop it, without those plans in place, since the environmental impact will need to be studied. Hermans asked if this information could be presented at the public hearing. Replansky said it would be better to receive it prior so that he and Schmitt could weigh in on it. Replansky also felt the town board may like to see this since there have been issues with the easements in the past. Handler asked if a SEQR review was needed for a lot line adjustment and Replansky replied yes.

Stabile said speaking for the board, in general he does not feel the board would be against Stewart's plan, it was just the

April 14, 2022

specifies that will need to be followed making sure it is done correctly.

Stabile asked for a motion to schedule the public hearing for May 11th, motion by Hermans, second by Patterson, all in favor, motion carried.

Replansky said the applicant will also need to submit a short form EAF and that a referral should be sent to the county.

Murphy Minor Subdivision Public Hearing: Chase, representing the applicant, went over the revised map. Chase said the 4/1000s of an acre to lot 7 has been eliminated and now 2.19 acres will be added to lot 3. Chase said the land is coming off the peninsula and is partly under water. Stabile asked if the road hook is existing and Chase replied yes.

Stabile asked Schmitt if he had any comments on the revised map. Schmitt replied no, it was more straightforward now.

Stabile then asked if any members of the public were wishing to speak. Ken Noskin, a neighbor, said that many areas of the lake are hard to swim in. There is an area on the applicant's property, where he is planning to subdivide, where many members of the public swim. Noskin said it is the only access point, although not public, Murphy has been nice enough to not put up "no trespassing" signs. Noskin said his question to the board is how open do we want the lake to the public, as this proposal will limit access to it. Noskin mentioned that the public can not bring inflatables, nor animals, to the public beach and that the hours are restricted. Noskin is concerned about the people who enjoy the lake on the property to be subdivided.

Stabile said the way he sees it is it is private property and it is just changing hands, although the public has been using it, due to the graces of the owner, we are not taking something out of the public domain.

Stabile asked what would stop someone from creating a beach on the property. Replansky replied that it would be a violation of DEC regulations.

Replansky said the new map is straightforward and not an issue.

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

April 14, 2022

The board then went over the short form EAF pt. II.

Stabile then read the resolution.

Stabile then did a roll call vote for the resolution, all in favor, resolution passed.

Other Business: Stabile asked Jones if the town board had anything. Jones replied that the amended solar law draft was circulated and does anyone have any comments. Stabile said he circulated it to the SZRC but not the board but will do so.

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

Motion to adjourn at 8:41 pm by Soracco, second by Patterson, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

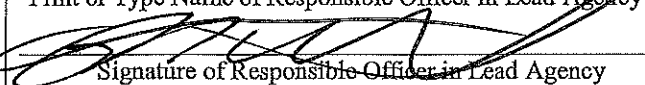
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | No, or small impact may occur | Moderate to large impact may occur |
|--|-------------------------------------|------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the proposed action impair the character or quality of the existing community? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Will the proposed action impact existing: | | |
| a. public / private water supplies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. public / private wastewater treatment utilities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action create a hazard to environmental resources or human health? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Project: _____
 Date: _____

**Short Environmental Assessment Form
 Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

| | |
|---|--|
| <input type="checkbox"/> | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |
| <input checked="" type="checkbox"/> | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. |
| <u>Town of Pine Plains Planning Board</u> | <u>4/13/22</u> |
| Name of Lead Agency | Date |
| <u>Michael Stabile</u> | <u>Chairperson</u> |
| Print or Type Name of Responsible Officer in Lead Agency | Title of Responsible Officer |
|  | _____ |
| Signature of Responsible Officer in Lead Agency | Signature of Preparer (if different from Responsible Officer) |

TOWN OF PINE PLAINS PLANNING BOARD

**RESOLUTION APPROVING LOT LINE ALTERATION APPLICATION
OF JAMES A. MURPHY**

WHEREAS, James A. Murphy submitted a proposed lot line alteration survey map for approval to the Planning Board on or about January 21, 2022; and

WHEREAS, the proposed alteration was as follows: (i) Parcel 3A (2.19 acres) is to become part and parcel of Lot No. 3 (6.68 acres), Filed Map No. 4556B to be consolidated by a legal instrument into one total lot of 8.78 acres; and (ii) Parcel 7A (.09 acres) was to become part and parcel of Lot No. 7 (1.28 acres) Filed Map No. 4556A to be consolidated by legal instrument into one total lot of 1.37 acres; and

WHEREAS, the Town scheduled this matter for a public hearing on March 9, 2022 and forwarded a copy of the proposed lot line alternation to the Dutchess County Real Property Tax Service to review said proposed subdivision in that the parcels to be combined were not contiguous and were not across the public highway from each other; and

WHEREAS, the application was rescheduled for continuation of the public hearing on April 13, 2022; and

WHEREAS, the Planning Board has been notified by the Dutchess County Real Property Tax Service that if the subdivision is approved by the Planning Board, the County will not combine these parcels, as proposed, since they are not contiguous or across the public highway from each other; and

WHEREAS, the applicant has submitted a revised proposed subdivision, which provides: (i) to adjust the boundaries of Parcels 134200-6771-00-971827-0000 and 134200-6871-00-055758-0000 and not to create any further lot line alteration of said lands; and (ii) that parcel 3A (2.19 acres) is to become part and parcel of Lot No. 3 (6.68 acres) as shown on Filed Map. 4556A to be consolidated by legal instrument into one total lot and tax identification number consisting of 8.87 acres; and

WHEREAS, the Planning Board has reviewed the said revised application and forwarded the same to the Attorney to the Town and to the Town Consulting Engineer for advice and input; and

WHEREAS, the Planning Board has determined that the proposed lot line adjustment is acceptable to the Planning Board and should be accepted for filing by the Dutchess County Real Property Tax Service.

NOW, THEREFORE, be it

RESOLVED, that the Planning Board hereby approves the said proposed lot line adjustment as stated above without the need for a public hearing, which the Planning Board has determined can be waived; and be it further

RESOLVED, that the Planning Board has determined that this action will not result in any significant environmental impact and that an Environmental Impact Statement need not be prepared; and be it further

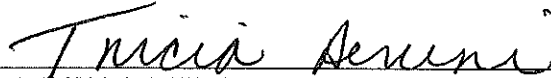
RESOLVED, that the lot line adjustment is approved subject to the condition that an appropriate merger deed is submitted to the Attorney to the Town for his review and approval and filed in the Dutchess County Clerk's office; and be it further

RESOLVED, that all escrow and filing fees are paid in full.

The Planning Board members voted as follows:

| | |
|----------------------------------|---------------------|
| Michael Stabile, Chairman | Aye |
| Vikki Soracco, Vice Chair | Aye |
| Al Blackburn, Alternate | Absent |
| Ethan DiMaria | Aye |
| Martin Handler, Alternate | Did Not Vote |
| Richard Hermans | Aye |
| Ken Meccariello | Aye |
| Kate Osofsky | Aye |
| Steve Patterson | Aye |

The Resolution was carried by a 7-0 vote of the Planning Board members on April 13, 2022.



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