

June 9, 2022

**PINE PLAINS PLANNING BOARD MINUTES**  
**Wednesday June 8, 2022**  
**7:30 PM**  
**In Person and Zoom**

**IN ATTENDANCE:** Michael Stabile, Chairman, in person  
Ethan DiMaria  
Dick Hermans, via Zoom  
Kate Osofsky  
Ken Meccariello  
Vikki Soracco, in person

**ABSENT:** Al Blackburn, alternate  
Dr. Martin Handler, alternate  
Steve Patterson

**ALSO PRESENT:** Sarah Jones, Town Liaison, in person  
Warren Replansky, Town Attorney, via Zoom  
George Schmitt, Town Engineer, In person  
Drew Weaver, ZEO, via Zoom  
Dale Mitchell  
David Birch

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

**Mitchell Lot Line Adjustment:** Chairman Stabile reminded everyone that the public hearing was held and closed last month for Mitchell's application and that the board went over the SEQR and made a negative declaration and that the board was waiting for the different documents, deeds, and easements, to be approved by Replansky. Replansky said the only issue he has is he would like Schmitt to check the cross easements agreement against the map to make sure it was okay. Replansky also said the proposed merger deeds are fine. Replansky said they will need to be filed with proof sent to him and the planning board. Schmitt said he did review the cross easement and it is fine.

Stabile asked the board if there were any questions or comments - there were none.

Stabile then read the resolution (see attached).

Replansky said on the warranty deed Stewart's is listed as Stewart's Shops Corp. but on the subdivision map they are

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referred to as Stewart's Ice Cream Company, Inc. Replansky said this would need to be clarified. Replansky also said if Stewart's intends to develop or utilize the property in the future the planning board reserves its right to conduct a further SEQR review of those plans.

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

**Birch Major Subdivision Preliminary Discussion:** Stabile gave a brief history of the project. The board had originally asked the applicant to come up with a conservation subdivision. The board reviewed it and voted that the applicant could go with a conventional subdivision plan.

Birch said the process has been slow, but he would like to present a formal proposal to the board next month so he wanted to check back and see what else he would need to add. Birch said there are now six lots, instead of seven. The applicant's engineer suggested to unsplit lot two because the roadway would be quite steep leading to it. Birch said the perc and deep hole tests have been done on all the lots and they are uniform and will require 2-3 ft of fill on the septic systems. Parcel one's well test is good but the well on lot five was considered inadequate for the purpose of a realty subdivision so a new well will be drilled on parcel six since the BOH requires two good wells.

Parcels one, two, and three will have individual driveways but parcels four, five, and six will be coming off one driveway because the highway dept felt this would make more sense since the line of sight is not great. Stabile asked if lot one and two would have one driveway. Birch replied that it is drawn that way, but they will have two separate driveways. Hermans asked if they are right next to each other and Birch replied yes. Stabile asked about the home sites for lots two and three and Birch replied that they are missing from this map but will be included on the next one.

Osofsky asked what happens when there is a shared driveway and Schmitt replied that an easement is required.

Stabile asked Replansky if this would be considered a major subdivision and Replansky replied yes. Stabile told Birch that he needs to look at the regulations for applying for a major subdivision.

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Stabile asked Weaver what the zoning is of the location. Weaver replied it is Pulver Corners Hamlet which is a ½ acre.

Stabile said once Birch consults the regulations and obtains all the things required it seems like he could apply.

Replansky said Birch will need permission from the county for the driveway cuts and a driveway maintenance agreement for the shared driveway. Schmitt added he would also need driveway permit approval for each entrance from the DOT, as well as a reapproval for the existing driveway.

Stabile asked if eventually a well be installed on each parcel. Birch said on a realty subdivision only two good wells are required.

**The Stissing Center:** Stabile said that The Stissing Center had a family emergency and would not be attending the meeting. Replansky asked if The Stissing Center has completed everything on their original site plan approval. Stabile said no, and the two reasons they were coming to talk with the board was to discuss the lighting they put up that was not on the original plan and the status of the approved plan.

**Other Business:** Schmitt asked about the solar law. Stabile asked Jones if the town board was starting the process. Jones replied she wasn't certain, but thinks they are close, but thinks BFJ Planning has finalized it. The board, Jones, and Schmitt discussed different aspects of the solar law, such as height requirements, glare, different tiers, etc.

**Approval of May Meeting Minutes:** Motion by Meccariello to accept the May meeting minute, second by Soracco, all in favor, motion carried.

Hermans asked Weaver about ¼ mile east of town hall on the south side there is a little road that is now a big road/driveway and if he knew what is going on up there. Osofsky replied that Jay Osofsky is building a house on the property that he owns.

DiMaria asked Weaver about Circle G Ranch on Rt. 83 and the moveable farm stand that they have and not remembering ever seeing a farm stand application from them. Weaver said he will check it out but a permit may not be required if the produce is grown on their property.

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Stabile said that the planning board will need a new alternate and if anyone is interested to submit a letter to Supervisor Walsh.

Motion to adjourn at 8:17 pm by Meccariello, second by DiMaria, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile

**TOWN OF PINE PLAINS PLANNING BOARD**

**RESOLUTION APPROVING THE MINOR SUBDIVISION/LOT LINE  
ADJUSTMENT APPLICATION BETWEEN DALE O. MITCHELL LIVING  
TRUST DATED 8/29/08 AND STEWART'S ICE CREAM CO., INC.**

**WHEREAS**, the “Dale O. Mitchell Living Trust dated August 29, 2008” is the owner of a 33.878 acre parcel of land located on the east side of New York State Route 82 in the Town of Pine Plains, Dutchess County, New York, having been assigned tax parcel number: 134200-6871-00-437906-0000 (hereinafter “Mitchell Property”); and

**WHEREAS**, Stewart’s Ice Cream Co., Inc. is the owner of a 1.506 acre contiguous parcel of land located on the east side of New York State Route 82 in the Town of Pine Plains, Dutchess County, New York (hereinafter “Stewart’s Property”); and

**WHEREAS**, on or about March 30, 2022, Mitchell submitted a subdivision and lot line adjustment application to the Planning Board, seeking, in relevant part, the subdivision from the Mitchell Property of a .496 acre parcel of land adjacent to, and east of, the Stewart’s Property to be transferred to Stewart’s and merged with Stewart’s 1.506 acre parcel to create a single parcel of land, all as shown on a Survey Map showing the boundary line adjustment between the lands of Dale O. Mitchell Living Trust dated 8/29/08 and the lands of Stewart’s Ice Cream Co., Inc. dated March 28, 2022 prepared by Richard P. Hanback, Licensed Land Surveyor; and

**WHEREAS**, the said Subdivision Map and application were reviewed by the Pine Plains Planning Board in accordance with the provisions of §230-8 of the Town Code at its April 13, 2022 meeting; and

**WHEREAS**, the proposed Subdivision Map and application submissions have been forwarded to the Attorney to the Town for his review and the Engineer for the Town (CPL) for their review and comments; and

**WHEREAS**, this action has been declared to be an Unlisted Action under SEQRA and a Part 1 of the Short Form Environmental Assessment Form has been submitted for review by the Planning Board and by the Attorney and Engineer to the Town; and

**WHEREAS**, the applicant and Stewart’s have represented to the Planning Board that there are no plans for the utilization or development of the .496 acre of land to be merged with the Stewart’s Property; and

**WHEREAS**, the Planning Board determined that this action does not have any potential for significant environmental impacts and that a DEIS need not be prepared; and

**WHEREAS**, the public hearing on said application was scheduled for May 11, 2022 and opened and closed on that same date; and

**WHEREAS**, this application was duly referred to the Dutchess County Department of Planning and Development for its review in accordance with the requirements of §239-m of the General Municipal Law; and

**WHEREAS**, Dutchess County Department of Planning and Development has notified the Town Planning Board, by response transmitted on April 21, 2022, that this is a matter of local concern; and

**WHEREAS**, proposed Warranty Deeds have been prepared by the attorneys for Mitchell and Stewart's providing, in relevant part, for the transfer of the .496 acre parcel to Stewart's and merger of the same with the remaining property of Stewart's and the said Warranty Deeds have been reviewed by the Attorney to the Town, who has determined that the same are acceptable in form and content; and

**WHEREAS**, the attorney for Mitchell has provided a Cross-Access Easement Agreement providing for the grant of a 50 foot right-of-way for the parties and their successors and assigns for ingress and egress to and from over the parcels for public access, all as shown on said Subdivision Map and for the purpose of an internal access means to Stewart's parcel from the Mitchell parcel and from the Stewart's parcel to the Mitchell Property and also provides for maintenance and repair of a cross-easement and snow plowing of the same with the pro rata sharing of costs, together with a 20 foot temporary drainage easement to be conveyed by Stewart's to Mitchell, all of which have been reviewed by the Town Engineer and Attorney to the Town and have been found to be acceptable in form and content.

**NOW, THEREFORE**, be it

**RESOLVED**, that conditional final subdivision approval is hereby granted for the Mitchell subdivision/lot line adjustment, subject to the following terms and conditions:

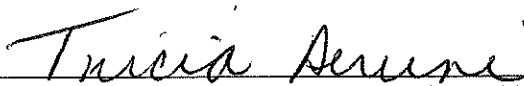
1. All fees for engineering and legal consulting services to the Planning Board in conjunction with the review of this application and all filings and recreation fees be paid in full prior to the signing of the subdivision plat by the Planning Board Chairman.
2. That the said Warranty ("Merger") Deeds and Cross-Access Easement Agreement be duly filed by Mitchell in the Dutchess County Clerk's office with proof of said filing provided to the Attorney to the Town and to the Planning Board.
3. That the Planning Board reserves the right to conduct a further SEQRA review of this matter as may be required in the event of any proposed development by Stewart's of the .496 acre parcel acquired herein from Mitchell.

The Planning Board members voted as follows:

**Michael Stabile, Chairman**                      **Aye**

Vikki Soracco, Co-Chair	Aye
Al Blackburn, Alternate	Absent
Ethan DiMaria	Aye
Martin Handler, Alternate	Absent
Richard Hermans	Aye
Ken Meccariello	Aye
Kate Osofsky	Aye
Steve Patterson	Absent

The Resolution was carried by a six person vote of the Planning Board members on June 8, 2022.

  
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TRICIA DEVINE, PLANNING BOARD  
CLERK, TOWN OF PINE PLAINS