

August 11, 2022

**PINE PLAINS PLANNING BOARD MINUTES**  
**Wednesday August 10th, 2022**  
**7:30 PM**  
**In Person and Zoom**

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

**ABSENT:** Steve Patterson

**ALSO PRESENT:** Warren Replansky, Town Attorney, via Zoom  
George Schmitt, Town Engineer, In person  
Drew Weaver, ZEO, via Zoom  
Sarah Jones, Town Liaison, in person  
David Birch, in person  
Reverend Sarah Hakobian, in person  
One Member of the Public

Chairman Stabile opened the meeting at 7:35 pm with a quorum present.

**David Birch Lot Line Adjustment Public Hearing:** Stabile reminded everyone that although Birch is looking to do a six-parcel major subdivision in the future, the public hearing is for a lot line adjustment to one of the parcels, but that the larger plan does need to be considered.

Stabile asked Birch to give a summarization of his application. Birch said the current lot is very wide. The lot line adjustment would make parcel one more rectangular. Birch said he has someone interested in buying the parcel with the house on it.

The board then referred to the proposed major subdivision map. Birch said after the lot line adjustment is done, the remaining twenty acres or so would be subdivided into five parcels.

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Stabile asked if he had heard from the county regarding the curb cuts for the other parcels. Birch said they aren't an issue, but the septic fields are, since Dutchess County requires two septic fields and there is some slanting that will need to be worked out. Stabile asked about the parcel being discussed and Birch replied that it already has a septic.

Stabile asked if there were any members of the public who would like to comment. An adjacent landowner, on Prospect Hill Road Ext, Matthew Cichetti, said the property falls into the ag district, even though the application states otherwise. Because of this Cichetti said an ag statement would be necessary. Cichetti also said if the lot line is approved it will facilitate the subdivision going through. Cichetti feels this is a bad idea since the intersection of Bean River Road (County Rt 59) and State Rt 199 is already a bad intersection and a subdivision will increase traffic there. He said this should be evaluated further and does not feel the application should be approved.

Soracco said the road is a county road and therefore it would need to go to the county. Soracco asked if the driveways have been approved. Birch said it has an existing driveway. Stabile asked Birch if the other driveways that would be added have been approved. Birch said two up top have not been approved, but three on the bottom have.

Birch said he would like to point out that the subdivision will have 3 acre lots while the zoning only requires a 1/2 acre.

DiMaria mentioned the letter sent in by a landowner of a vacant parcel on Bean River Rd, Anne Marie Zeyher, who was concerned about it affecting any of her land. It was decided it would not. Another landowner of a vacant parcel on Beave River Rd, Russell Saunders, also sent a letter expressing disfavor of the major subdivision.

Stabile asked Schmitt if he had any comments. Schmitt said he understands tonight is about the lot line adjustment, but that we are looking at the whole project in terms of SEQR. Schmitt said we are not creating any new lots tonight. Schmitt also said a technical review would be needed for the other lots. Schmitt said if it is the ag district that an ag data statement would be needed, which he believes would hold up SEQR.

Replansky asked if the person who made the comment regarding the ag statement being required provided any documentation showing

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this. Cichetti replied that they are in ag district 21. Replansky replied then yes, an ag data statement would be needed.

Replansky asked if the new parcel would have a new driveway or access through the neighboring driveway. Birch replied it is an existing driveway. Replansky said if two lots are sharing a shared driveway agreement would be needed. Schmitt said if it will be used as is then an easement would be needed.

DiMaria said, per parcel access, the house on the original parcel is not in an ag district, but that the other lot is in ag district 21. Since the lots are being merged, an ag statement will need to be filled out.

Stabile asked if all the other lots would be in the ag district and DiMaria replied yes.

Cichetti brought up the difficult intersection again. Soracco said that is a county issue. Schmitt said the site distance is a county issue but the ag data statement is the planning board's responsibility as the lead agency. Cichetti feels the lot line adjustment is not needed if the subdivision would not be approved. Stabile said that is inaccurate, as Birch could still sell this lot without having the subdivision approved. Cichetti still felt this would open more road frontage for the subdivision. He feels it is unnecessary.

Hermans said the lot line adjustment and potential subdivision are two separate issues. Replansky disagreed since the environmental impact needs to consider both projects.

Osofsky said if we approve the lot line, and not the subdivision down the road, maybe Birch would then not want this lot line adjustment. Stabile made sure Birch understood that this could be a possibility.

Replansky asked if the driveway would be serving houses on two lots. Birch said he isn't sure and it is possible that that driveway could be next to the other driveway, but they would be separate. Replansky asked where the driveway would be for the second parcel when built on - will it be the same driveway? Stabile said it could be, but Birch isn't sure. Birch replied that it would be a separate driveway. Birch said there is no intention of a shared driveway. Stabile said there will have to be an easement. Replansky asked if the driveway has already been approved by the county. Schmitt replied that the driveway

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exists for the house already and the county could just grandfather it in, but not for two houses. Schmitt said lot 2 also has an existing house and driveway on it. For the lot line it is still two houses and two lots.

Schmitt said because of the missing ag data statement, procedurally, this project cannot move forward. Stabile agreed and said the public hearing would need to remain open. Replansky said an easement for the driveway would also be needed. Birch said that driveway wouldn't be shared until the subdivision but Stabile said the way it is drawn on the map the driveway is on the two lots.

The hearing will stay open until the September meeting where the environmental review will also take place.

**Heaven's Light Bakery and Café:** Stabile explained that the applicant would like to open a bakery in the prior Chinese restaurant on Pilch Drive. The board then looked at the site plan provided, including the septic and lighting.

Stabile then asked if any board members had any questions. DiMaria said he was interested in the signage. The board then reviewed the sign that will be out by the road that was included on the site plan, as well as one that will be placed at the entrance to the driveway. Stabile asked if there will be a sign still out by main street, as there was some confusion regarding this. The applicant, Reverend Sarah, replied that she thinks there will be a sign where the other tenants are listed.

Stabile asked about the lighting. It was discussed that there are existing pole lights and lights on the building. Stabile asked the applicant if she knows how many parking spaces there are. According to the engineer's letter it is currently a thirty-seat restaurant and will be a twenty-seat restaurant upon completion. There are roughly twenty-five parking spaces in front of the building.

Stabile asked where the refuse will be. The applicant believes it will be in the back.

Soracco said the planning board should make sure that the lighting is what is required.

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

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Stabile asked Replansky if a public hearing is necessary. Replansky replied that is not required. It was decided by the board that a public hearing was not necessary. Replansky said it is also exempt from SEQR. Replansky said essentially all the board is approving is the sign.

Replansky asked if there was authorization from the property owner to proceed. The board replied yes, it was on the original application.

Replansky said the board can do a verbal approval and he will put it into a formal resolution at another time for the planning board's records.

Replansky said to make a motion to approve the site plan and signage, as submitted, and to declare it as a Type II Action under SEQR and that a public hearing is not required. Motion by Hermans, second by Meccariello, all in favor, motion carried.

**Approval of July Meeting Minutes:** Motion to approve the July meeting minutes by Meccariello, second by Soracco, all in favor, motion carried.

**Other Business:** Stabile asked Jones if the solar law process had started yet. Jones replied that the town board is making progress.

DiMaria asked about the annual sexual harassment training and if a date had been mentioned by the town supervisor. Jones replied that she has not heard anything, but that she will raise that at the next town board meeting.

DiMaria then asked who is responsible for posting the minutes on the town's website. Devine replied that the supervisor's secretary is. DiMaria said that according to the open meeting law, minutes, or draft minutes, should be posted within 14 days and that most municipalities are out of compliance. Jones expressed how she doesn't see how we could be complying since she doesn't feel that draft minutes should be posted. DiMaria said the language of the law says that drafts should be posted. Stabile asked if it is urgent to have the draft minutes up, as opposed to approved minutes, when a video of the meeting is available. DiMaria replied that it is the letter of the law and that is why he is bringing it up.

The board then discussed the Association of Towns continuing ed regarding short term rentals such as Air B&Bs. The fee is \$90

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per member. Jones and the board feel it is very expensive, but perhaps one member should attend if the board is truly interested. Jones also said that the town currently does not have a short-term rental law.

Motion to adjourn at 8:44 pm by DiMaria , second by Meccariello, all in favor, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile

**TOWN OF PINE PLAINS PLANNING BOARD**

**RESOLUTION GRANTING FINAL APPROVAL WITH CONDITIONS TO THE APPLICATION OF HEAVEN'S LIGHT BAKERY AND CAFE FOR SITE PLAN APPROVAL**

**WHEREAS**, Heaven's Light Bakery and Café (Rev. Sarah Hakobian) has made application for site plan approval for a 20 seat bakery and café to be located at Unit 1 at 19 Pilch Drive, Pine Plains, New York; and

**WHEREAS**, the subject premises was last used for a 30 seat restaurant and had received site plan approval for the same from the Planning Board; and

**WHEREAS**, the Applicant is not proposing any site plan changes to the said unit other than the installation of a new code compliant sign; and

**WHEREAS**, this matter was placed on the agenda for consideration by the Planning Board at its August 10, 2022 meeting; and

**WHEREAS**, the Applicant has submitted a proposed site plan, together with documentation evidencing that the unit has sufficient parking and access to and from New York State Route 82 over Pilch Drive and that there exists a valid Road Maintenance Agreement for Pilch Drive; and

**WHEREAS**, the Applicant has provided sufficient proof that the septic system has been approved as sufficient for the proposed used by the Dutchess County Department of Health; and

**WHEREAS**, the Town Code permits the Planning Board to waive the requirement of a public hearing with regard to this application and the Planning Board determined at its August 10, 2022 meeting to waive the public hearing requirement; and

**WHEREAS**, neither the Planning Board members nor any members of the public had any negative comments with regard to this application; and

**WHEREAS**, the Planning Board has determined, upon advice of counsel, that this is a Type II action under SEQRA, which does not require environmental review.

**NOW, THEREFORE**, be it

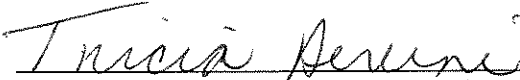
**RESOLVED**, that the application for site plan approval, including approval of the new sign as proposed by the Applicant, is hereby approved subject to the condition that all fees and escrow incurred in conjunction with this application be paid in full by the Applicant.

This motion was offered by Planning Board member Hermans and was seconded by Planning Board member Meccariello.

The Planning Board members voted as follows:

<b>Michael Stabile, Chairman</b>	<b>Aye</b>
<b>Vikki Soracco, Co-Chair</b>	<b>Aye</b>
<b>Al Blackburn, Alternate</b>	<b>Did Not Vote</b>
<b>Ethan DiMaria</b>	<b>Aye</b>
<b>Richard Hermans</b>	<b>Aye</b>
<b>Ken Meccariello</b>	<b>Aye</b>
<b>Kate Osofsky</b>	<b>Aye</b>
<b>Steve Patterson</b>	<b>Absent</b>

The Resolution was carried by a six person vote of the Planning Board members on August 10, 2022.

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