

April 14, 2023

PINE PLAINS PLANNING BOARD MINUTES
Wednesday April 12th, 2023
7:30 PM
In Person and Zoom

IN PERSON ATTENDANCE: Michael Stabile, Chairman
Al Blackburn
Scott Cavey, Alternate
Ethan DiMaria
Dick Hermans
Helene Marsh, Alternate
Kate Osofsky
Steve Patterson
Vikki Soracco

ZOOM ATTENDANCE:
(Members attending via Zoom do not count towards the quorum or voting.)

ABSENT:

ALSO PRESENT: Warren Replansky, Town Attorney, in person
George Schmitt, Town Engineer, in person
Sarah Jones, Town Liaison, in person
Frank Fish, BFJ Planning, via Zoom
Drew Weaver, ZEO, via Zoom
Andrew Gordon, Carson-Power, in person
Eric Redding, Bergmann Associates, via Zoom
Matt Allen, Saratoga Associates, in person
Wesley Chase, Applicant
Members of the Public, in person

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

CEEN Properties, LLC: Chase, who is representing the applicants, gave a brief overview of the application. The applicants turned an old dairy barn into a storage unit for equipment. The owners of the building were approached by a company looking to do manufacturing in the building. Manufacturing is allowed in that area of town (light industrial zone), however zoning stipulates that it must be on a five-acre parcel. The light industrial

April 14, 2023

zone has no 5-acre parcels, however the board does have the power to grant a waiver for this.

The company will be manufacturing cannabis products. Since the last meeting Chase learned that the applicants do not have the authority to extract any natural chemicals from the plant - NYS will only allow them to trim and manufacture the raw ingredients of the plant. This puts an end to some of the water issues brought up last month. Chase said he did go ahead anyway and did a deep test and a perc test. The applicants do hope to apply for that license with NYS when they are able. Chase said the tests are included in the application, but do not pertain to it at this time.

Chase said there would not be any signage. The applicants will be using carbon scrubbers to mitigate any odor.

Hermans asked if any machinery would be installed. The applicant said one piece of machinery would be installed which is designed to manufacture cigarettes.

Marsh asked if there was a bathroom. Chase said there is an existing bathroom - he then showed the board on his site plan. Marsh asked where the septic field is for the bathroom. Chase said the septic tank goes out to in front of the riser. Marsh brought up the daily use of 150 gallons of water. Chase said they are no longer doing the extraction so it is not an issue anymore. Marsh said it is still in the EAF. Marsh asked why Chase was doing perc tests in the corner of the property if the septic tanks are elsewhere. Chase said because no manufacturing waste (gray water) can be put into a residential septic system. Chase said this makes the most sense, instead of tearing up the building to locate it elsewhere.

Stabile said the EAF is much easier now that there will be no extraction because the only concern is vapors at this point.

Replansky said he did not find the EAF to be adequate.

Replansky asked Chase if he provided the materials to the Office of Cannabis Management and has this been submitted to the board. Chase said he received the email a week ago and has them in his hand tonight. Replansky said he would like to see this.

Replansky said he read through the guidance of the adult use conditional cultivators and it requires a submission of an operating and site plan to the Office of Cannabis Management.

April 14, 2023

Replansky asked how Chase submitted this without prior approval from the planning board. Replansky asked Chase if what he submitted included this site. Chase showed Replansky what was submitted. Replansky then said that what Chase showed him is not an operating plan. Chase said he is not privy to everything that was submitted to NYS by the applicant and asked the applicant to forward to Replansky what he has. Chase said he believes a license was originally granted for a spot in Boston Corners and said right now it is an address change to a manufacturing location which might require the same things.

Replansky said he does not think the board could approve the application until they are confident that the proper application for this license was submitted to OCM and approved for this site. Chase said if the state requires a site plan approval to obtain the license, then how is an applicant supposed to get a site plan approval without coming to the planning board first. Replansky said he wants to see what was submitted to the state. Replansky said this site needs the proper approval by the state before the planning board can act.

DiMaria said the use of cannabis and the Office of Cannabis Management are both extremely new and the state does not have all their ducks in a row. DiMaria said even though NYS may be screwing up on the application the planning board has to make sure of everything.

Hutchinson, the owner of the building, asked if manufacturing can be done on their site whether it's peanut butter or cannabis. Stabile said that brings it back to another issue. Stabile asked Replansky if since it is cannabis it is being handled differently than other manufacturing. Replansky said yes. Hutchinson asked why. Replansky said there are detailed regulations.

Stabile asked Fish if he had any comment. Fish said when an application comes into the building inspector he is going to look at what its use is and if it is a manufacturing use, and does it comply with the use categories of the zoning. Fish said this issue wasn't specified in the zoning at the time since they weren't aware of this potential use. Because of this it is up to interpretation of what is included in manufacturing.

Stabile asked Weaver his thoughts. Weaver said he reviewed this is in very generic terms and just went to the definition of manufacturing in the zoning law. Weaver felt that should be read into the record and so Chase did:

April 14, 2023

...any process whereby the nature size shape articles or raw materials are changed or where articles are assembled or packaged in quantity.

Replansky said the board cannot overlook the requirement for this site that approval from the state is needed.

Stabile asked Replansky about the waiver they are requesting. Replansky said that is okay, since it is not a bulk regulation, the planning board has the power to waive it.

Stabile asked how many employees they anticipate having. Chase replied at maximum ten, but generally three to five.

Stabile asked where the loading dock is. Chase said after you pull into the building area it is off to the side. Stabile asked if the vehicle would be driving into the building to make deliveries. The applicant said the vehicle will be outside and loaded from the building. Replansky asked if it was being delivered to retail sites and the applicant replied yes.

Fish suggested to the board that Chase incorporate some of this discussion into their EAF. i.e. a description of the project and the waiver being in the planning board's jurisdiction. Chase said he will need to revise the liquid section of the EAF as well. Fish also suggested including the site plan with the EAF. Replansky said the EAF should also include the names of the applicants, as now it only states Chase's name. Chase asked who exactly the applicant should be. Replansky replied the owners of the facility. Hermans said the owners of the building are not the licensees. Stabile said the application has a section for the property owner to sign off on. Replansky said he would also like to see the Office of Cannabis Management listed as an involved agency. Fish said a 239M from Dutchess County will also be needed.

Stabile asked if a fence is necessary and where the waste disposal would be kept. The applicant said the product would not be outside at all. Fish suggested checking yes for waste on the EAF and just explaining it.

Marsh asked about the EAF saying it is next to a wetland. Chase said there is a wetland on the other side of the town garage but it does not border it. Chase said using the DEC mapping app it will list a wetland if it is within 500 feet and considers it adjacent.

April 14, 2023

Replansky said Chase did not answer the area regarding parking on the EAF. Stabile said they will have to see where the parking is for the employees.

Replansky said the BOH will have to approve the septic. Schmitt said that depends on if the board feels it needs to go to the BOH since there is a septic there. Replanksy said he thought a new gray water system was being installed and Stabile said they have now gotten rid of that.

Marsh asked if there was a DOH requirement regarding bathrooms for the number of employees. Chase said there is a requirement, and he believes it is a certain number of gallons per employee. Schmitt said that is governed by the business code. Schmitt said it is the planning board's determination if needed. Marsh asked when the septic was put in. Chase said he would need to look at the old tax records to determine that, but he believes sometime in the 90s. Stabile asked how big the septic tank is. Chase said he thinks it is anywhere from a 1200 to 2000-gallon tank.

DiMaria asked if an ag data statement would be needed. Replansky replied yes.

Stabile asked if anyone on the board anticipates any issues with the waiver. The board replied no.

It was determined that the 500 ft from a school wasn't relevant since it is not retail and is roughly 505 ft from the school.

It was determined that the application was not completed and a public hearing could not yet be scheduled.

Carson-Power, LLC: Gordon reviewed the documents submitted since the last workshop meeting.

Marsh asked Gordon when the panels were taken off the ridge line and moved did that result in having to clear more forest. Gordon replied no and that it should be a bit of a reduced forest area removal.

Marsh asked about the line that is being buried from the panels to the substation and does forest not have to be cleared to do this. Gordon replied it is an existing farm road and already clear, but there may need to be some modest trimming and/or removal.

April 14, 2023

Marsh said she knows there is plan for the soil being moved and kept on site but is there a plan for where that would be and will the different soil types be separated. Gordon said Eric Redding, of Bergmann Associates, would be the one to answer that but it does need to go over in order to apply to Ag & Markets and is included in the ag data statement. Gordon believes there are stockpile areas shown on the site plan.

Marsh asked would it be possible to see a map showing the soils listed as types one through four. Gordon said sure and that it may be included in the ag data statement. Stabile said other soils are listed on the ag data statement that are outside of one through four. Gordon said yes, it is a different categorization. Gordon said he has a map he can send to the board.

Marsh asked about a statement Kelly Saladis of CPNY made at a previous meeting stating that the project has a medium to large impact on habitat and tree clearing but then she said she didn't feel it was significant enough to trigger an EIS - Marsh doesn't understand how this can be possible. Replansky said a moderate to large impact does not trigger an DEIS. Replansky said you would go to part III of the EAF and determine the significance of the impact before you issue a declaration. Marsh asked what the parameters are of it being a medium to large impact. Fish said a moderate to large impact is in the EAF part II. Fish feels there should be appendices in the applicant's EAF so that all the data is in one place. Fish said the board should then go over the 18 categories in part II. Fish said if a moderate to large impact is checked off, the board then needs to determine if something can mitigate it. Fish said the board then needs to determine if it's a significant and adverse impact. Fish said there is no specific criteria laid out in SEQR that definitively lays that out. The DEC says it is the lead agency's judgment.

Stabile asked Gordon what the status of the wood is. Gordon said they are speaking with some folks regarding a more environmentally friendly way to utilize the wood.

Gordon then introduced Matt Allen of Saratoga Associates. Allen explained that he was contacted by Carson-Power to help with the visibility impact of the project. Allen showed the land cover viewshed map he created, which is color graded. Allen said it is not absolutely definitive but it is a good data set. Properties not located in the blue will generally not have visibility of the project. Properties in the blue require

April 14, 2023

further investigation. The map is like a road map that shows where to begin the investigation - it's not an end product of visual assessment, but a step in the process.

Allen went into the field and photographed some areas that were of interest to gather field topography, including a number of properties owned by interested residents. They did not include agricultural fields. Allen said if there are any other residences that need to be photographed it should be done within the next week or two before the leaves on the trees come out. Allen said next month they can come to the board with photo analyses that will show what the project will look like from certain residences.

Patterson asked if the two-mile radius is industry standard. Allen replied there is not an industry standard, it is based on two things, one being where they would expect visibility to start petering out and two is visibility from that location going to draw your attention.

Jones said she is concerned about the trees that are being removed and what sort of impact that will have on the visuals. Allen said the viewshed map includes tree removal on site. It will also be included in the photo simulations.

Stabile asked why the Galliher residence wasn't on the map. Allen replied because his photographer took a photo from their deck and it only accounts for a ground level view. Marsh asked if it could be seen then from their deck. Allen said the best thing to do would be a line of site profile from the data that they have.

Gordon asked the board if there were any other areas they felt should be included on the map. Stabile said the fire tower. Gordon said they did take an image from the fire tower but it is too far off to see on that particular map but they will include it, as well as Carson Road. It was decided that they would also include the intersection at Bean River Road, and a spot on Winchell Mountain Road.

Gordon said the next step will be for them to provide additional analyses to the board as a combination of visual renderings and line of site analyses to help the board understand where visual impacts may be.

Fish said all of these things should be included in the part II of the EAF.

April 14, 2023

Gordon then went over some items that he will be including for the May meeting, a bedrock survey, a glare study, additional correspondence with the DEC and USFAWF, additional information on tree disposal, and the visual studies just discussed. Gordon said he hopes after these supplements are submitted the board would feel comfortable in May to move along in the SEQOR process. Fish said he would like to have the completed EAF pt II attached to the applicant's appendices to have a complete SEQOR document. Fish feels the board would then be in the position to determine significance.

The board then discussed the next steps with Replansky.

Gordon asked if the additional public hearing could be scheduled now. Stabile said he needs all the materials prior to scheduling.

Marsh brought up submitting the letter from Hudsonia to the DEC and USFAWF, per Replansky at the March meeting. The applicant will work on getting the correct contacts for these agencies so that the board may do so.

Other Business: Stabile said the board received an email from The Stissing Center saying that they will be doing further construction on the building, which will delay their pergola construction, therefore they are asking for an extension to keep the temporary roof that the planning board approved but said needed to be removed by May 15th. Replansky said to ask the TSC to file an extension. If it is received prior to the meeting then a resolution could be ready. TSC will be at the May meeting with their new plans.

Stabile asked Replansky about the emergency remote attendance and if the town board has decided if they will also incorporate this. Jones said the town board has not decided. Replansky said he thinks it would be a good idea for the planning board to have a resolution drafted for it.

Weaver said that Stewarts Shops will be going to the ZBA at the end of this month and an application could possibly be before the Planning Board for the May meeting.

The ZBA is waiting to decide on the fence height variance for Carson-Power until the planning board makes their decision.

April 14, 2023

Approval of March Workshop Meeting 1 Minutes, March Meeting Minutes, March Workshop Meeting 2 Minutes and the March Workshop Meeting 3 Minutes: Stabile asked for a motion to approve the March Workshop Meeting 1 minutes, motion by Hermans, second by Patterson, all in favor, motion carried. Stabile asked for a motion to approve the regular March Meeting Minutes, motion by DiMaria, second by Hermans, all in favor, motion carried. Stabile asked for motion to approve the March Workshop Meeting 2 minutes, motion by DiMaria, second by Patterson, all in favor, motion carried. The March Workshop Meeting 3 minutes approval will be postponed until the May meeting.

Stabile reminded the board to get their education credits done.

Motion to adjourn at 9:27 pm by DiMaria, second by Blackburn, all in favor, motion carried.

Respectfully submitted by:

Tricia Devine

Michael Stabile