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PINE PLAINS PLANNING BOARD MINUTES
Monday June 19th, 2023
6:00 PM
In Person and Zoom

IN PERSON ATTENDANCE: Michael Stabile, Chairman
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: Al Blackburn

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
Sarah Yackel, BFJ Planning, via Zoom
Drew Weaver, ZEO, via Zoom
Andrew Gordon, Carson-Power, in person
Wesley Chase, Alchemy Pure, in person
Jerry Peele and Chris Regan, Alchemy Pure, in person
Marcus Andrews, Stewarts Shops, in Person
Brett Bernardini, The Stissing Center, in person
Doug Larson, The Stissing Center, in person
Marie Stewart, The Stissing Center, in person
Brian Walsh, Town Supervisor
Jim Smith, Deputy Town Supervisor
Robert Ambrose, Town Board Member
Members of the Public, in person
Brett O'Conner, NYSSF, Inc. - via Zoom
Rose Trosclair, NYSSF, Inc. - via Zoom
Rhona Zeytoonian, NYSSF, Inc. - via Zoom

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Chairman Stabile opened the meeting at 6:30 pm with a quorum present.

The Stissing Center: Brett Bernardini of The Stissing Center introduced their architect, Doug Larson, who went over the application. Larson said they created a spreadsheet showing past work brought before the planning board, what was approved, what was accomplished, etc. Their new application includes some renderings, a clear covering over the back stairs, and a mural, instead of a graphic, on the back wall - all the plans remain the same.

Hermans asked about the sign in front that was shown to the planning board at the last meeting. Larson said they have decided not to do that and now will just use a gridded railing to replace the plywood currently there.

Hermans asked if they are still looking to begin work in October. Larson said they have received some substantial donations but still need more to complete everything but they would still like to start this fall and go through the winter.

Soracco asked about the previous pergola shown over the stairs. Larson said they have gone back to what was approved in 2016. Soracco asked if it would go over to the fence. Larson said the new fence will be right on the lot line and that their current fence is not on the lot line. Larson said the steps would be built out to the lot line. Stabile asked Larson if that was their fence. Larson said part of it is, and then Stissing House matched to it, even though it is not on the lot line.

Stabile asked if there was a variance with the original approval, since the porch is all the way up to the lot line. Larson said the porch isn't up to the lot line, there are just steps into a lower level.

DiMaria asked about the previously approved porch, that was changed to a pergola at the last revision but is now reverted back to the plan from 2016. Stabile said they were going to have the porch, but it was too expensive, so they went with the pergola, but now they have the funding to do the porch.

Soracco asked about them changing the windows and Larson said, yes, that was in the original approval.

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Stabile asked Replansky if the past approvals need to be reapproved since they weren't acted upon and Replansky said yes.

Stabile asked Weaver were steps that go down to a basement fall in regarding side yard setback. Weaver replied he believes the definition is measured to a wall. Stabile asked Weaver if he thought they would need a variance. Weaver replied he did not think so.

Stabile said Patterson and Osofsky would be recusing themselves from this application because of their relationship with The Stissing Center.

Marsh asked Larson about the use of materials in massing in terms of the existing structure. Larson said the building was a big red wall and the structure could not support the mechanical system needed for the programming. Larson said they needed to put on additions that they wanted simple and clean and not mimicking the historic building. Larson said they thought the additions would be mostly glass with contemporary function. Larson said they need to do the same thing on the back, which is mostly back of house space. Larson said the existing building was a water table of concrete and they matched that. From above they went to the storefront and steel. Larson said they now realize they need a structure that is largely windowless. Larson said he feels the most appropriate materials to add onto a historic building are to add materials that are of this time to an old building. Marsh asked what the material on the sides of the mural are. Larson said they are metal panels. Marsh asked what material would be behind the mural. Larson said striated metal.

Larson said they would be using a translucent material called kalwall for the stairs. Marsh asked if that was concrete below that and Larson replied yes. Marsh asked how high it is and Larson said almost the same as in the front.

Soracco asked Larson if he looked at the comprehensive plan for the town for buildings or did, he just go with the Secretary of Interior. Larson said they did look at the comprehensive plan from Dutchess County Planning. Soracco asked again if he looked at the town's comprehensive plan and Larson said he did look at it.

Soracco said the building looks much better without the banners, especially at night. Soracco said originally you said the banners would be rolled up and they never were. Soracco

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expressed dismay at The Stissing Center adding more banners. Stewart, director of operations at The Stissing Center, said there are only two banners. Soracco said there were four. Stewart said there were four for five months and they came down four years ago. Larson said he doesn't remember saying the banners would be taken down. Soracco said they were going to be rolled up. Larson said in his mind banners are a way of adding excitement to the streetscape. Larson said let's pull the minutes and see what they say.

DiMaria said he appreciates the new director and coming and saying that they will be doing all these renovations at once instead of piecemealing it. DiMaria said even after reviewing all the former meetings regarding it, he is still confused. Stabile asked where the confusion was. DiMaria said the plan currently presented has a lot of previously approved items - some are completed, some are not. DiMaria asked do we continue to say it is approved even if has not been completed. Stabile reminded him of the matrix Larson created because of this. Larson then went over the matrix with the planning board.

DiMaria asked if something wasn't done on the site plan from six years ago is it still considered approved or does it need to be resubmitted. Replansky replied it is a violation of the site plan since they have not complied. Stabile asked at what point was it not approved anymore. Replansky said it is an enforcement issue, but he is also confused. DiMaria asked if that is a zoning enforcement officer issue. Schmitt said phasing would help with this and get around the scheduling complexities.

Stabile asked the board if there was any issue if TSC completed everything they were looking to do and then did their landscaping but put it on their plan now. The board replied no, not if it is on the plan.

Soracco asked about the new sign at the entrance for parking and why it is not on the plans. Larson said that was previously approved. Soracco said it should be on these new plans. Osofsky said at the last meeting it was confusing because everything was on there and the board asked for plans just showing what they were adding, so they took all of those things off.

Larson said they have an easement with New York State for the right of way on Church Street, that they pay them yearly for and easements with The Stissing House for parking and use of their

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lawn for construction purposes. Stabile asked Larson to attach the easements for Replansky to see.

Stabile asked Larson if he was planning on installing lights higher than 3000 kelvins. Larson said the lights will not be over 3000 kelvins.

Soracco asked about the previously approved lighting and will it still be used plus the additional lighting. Larson said yes.

Stabile asked Schmitt if he had any comments. Schmitt felt there weren't any hard engineering issues.

Marsh asked about the staircase that she felt looked "hokey". Maybe they could expose the staircase instead of the wall. Larson said it is a main egress and they did think of just a covering. They do want to protect the staircase.

Replansky said the board should let the county know that nothing has changed with the SEQR determination that was done previously.

A public hearing was scheduled for July 26th at 6:45pm.

Wu Solar: Rhona Zeytoonian of New York State Solar Farm explained the project. Zeytoonian said her clients have plenty of property for a ground mount solar installation. Zeytoonian said the ground mount will cover almost 100% of the client's electric.

Stabile asked Weaver where they are with this application in regard to determining the capacity of the solar array in relation to the usage of the property. Weaver said 12 months of usage was submitted to him and their projected production doesn't quite meet their past usage.

Marsh asked if it was a 32-kilowatt system. Brett O'Conner, the applicant's engineer, replied that is a DC rating. The AC rating is 25 kilowatts. Marsh asked the elevation of the top panel on the hillside relative to the road. O'Conner replied that the road is at an 873 ft elevation mark and the ground mount is at 819 ft elevation. Marsh asked if the top of the array is visible from the road. O'Conner replied to it would be if the trees were not there.

DiMaria said it was a very thorough application but there are no visual renderings.

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O'Conner said there is only one area when someone was driving that would be able to possibly see it. DiMaria said that is only Schultz Hill Road, what about Rt 83, McGhee Hill Road, and Bean River Road.

The board then looked at the parcel access with the project's engineer to get a better idea of the placement of the array. O'Conner said there would be no visibility from neighbors.

Stabile asked Schmitt if he had any comments. Schmitt said he didn't dig into this one too far since it is residential for a single-family house.

Stabile asked the board if any members felt they needed more information in terms of assessing the visual. DiMaria said he assumes the panels will sit behind the house at a lower elevation, but he doesn't want to assume. O'Conner said the house is 827 ft and the panels are less than that. O'Conner said the height of the ground mount is less than most ground mounts at less than 12 ft high. Osofsky asked if it was nonreflective and O'Conner replied yes, it has antiglare.

DiMaria said he would like visual renderings. Replansky advised the board to have a public hearing. Replansky agreed about visual renderings. The board asked for renderings from Schultz Hill Road, McGhee Hill Road, Rt 83, Brooks Road, and Tripp Road.

A public hearing was set for July 26th at 6pm at town hall.

Stewarts Shops Corp: Marcus Andrews from The Stewarts Shops Corp went over the application where he is seeking approval for a site plan and special use permit for a new Stewarts Shop to be built behind the current Stewarts Shop. They are proposing a just under 4,000 sq ft building and a new gas canopy with 8 fueling stations and 4 islands, one island having low flow diesel. Curb cuts would remain with additional curb cuts along the access road south of the project. Parking will be in the back. They are proposing a low stone fence in the front and a monument sign. They have already submitted to the Dutchess County DOH and the DOT. Andrews said they were granted a variance from the Zoning Board of Appeals to place the store at a further setback. Andrews said they did submit alternative plans to the planning board.

DiMaria said there were some discrepancies in the applicant's short form EAF. DiMaria said "urban" was checked which is not

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accurate for Pine Plains and said they would need feedback from the DOH for the increased septic size. DiMaria said even though the project is not necessarily in a wetland, the wellhead protection district is directly behind the property and there is another waterway on the adjacent property so how does that work with water sources with the DOH. Andrews assumed the DOH would comment on this. DiMaria said the applicant said stormwater wouldn't flow on neighboring properties and he does not understand why the applicant said no. Andrews said it would connect to where it goes to today and he will be providing a SWPPP.

Stabile asked Schmitt about his letter that mentioned eliminating the opening at the middle entrance. Andrews said he won't say no but the reason it is there is to separate customers going to the shop and customers getting gas. Schmitt said a sign plan would help with this.

Marsh asked Stabile about the alternative plans requested at the previous meeting. Marsh felt it should be discussed since the building would ultimately be around for 30 years.

Soracco asked if the wall could be made to look like the stone wall already on the property. Andrews said yes, they could match something already in the area.

Soracco asked if the canopy is a pitched roof. Andrews said yes and it would match the pitch of the building and shingles.

The board then went over the alternative designs.

DiMaria suggested having a one way in and one way out on the easement on Mitchell's property. Schmitt said the board could limit one way in and out from the site but not change the nature of the right of way easement.

DiMaria asked if the intent in all the renderings shown is to keep the store open. Andrews replied yes, all the renderings are intended to keep the store and gas open as long as possible.

Marsh asked about having a temporary store in a temporary building. Andrews replied that is not possible logistically.

Marsh said the current design goes against the comprehensive plan and Andrews replied that is why they went through the ZBA to get the variance.

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Stabile asked Replansky if the board had to site the store based upon the ZBA's decision. Replansky said he didn't think the board could force the applicant to consider alternatives, unless it was for an environmental reason. Schmitt feels it may be exempt from SEQR. Replansky said it would be a Type II Action.

Hermans suggested they go through Schmitt's letter (see attached).

Stabile asked about runoff from gas and oil getting into the culverts. Schmitt said it is all part of the SWPP.

DiMaria asked about the proposed height of the fence around the garbage dumpsters. Andrews replied 7 ft white vinyl. DiMaria said zoning limits it to 6 ft. Andrews replied that they do 7 to hide the dumpster but that is fine, they can do 6 ft.

Stabile asked about the sign. Andrews said it will be in front of a 3 ft wall so it needs to be higher than this. Andrews said the sign used presently does not advertise diesel, which the new sign would. Andrews said the sq footage is the same, even though the proposed sign is not open on the bottom like the present sign. Soracco asked how high is the rock wall and Andrews replied 3 foot.

Stabile asked about the red and green lights. Andrews said that is the standard lighting for regular gas and diesel. Replansky said LED lights are permitted for a road sign. Stabile said but they can regulate the pump area. Stabile asked for a picture of the sign without the gooseneck lighting.

A public hearing was set for July 26th at 6:20pm.

Stabile asked for a motion to set a special meeting and for the three public hearings set to take place on July 26th, in lieu of the regular planning board meeting, motion by Hermans, second by DiMaria, all in favor, motion carried.

Alchemy Pure, LLC. Public Hearing: Stabile asked for a motion to open the public hearing, motion by DiMaria, second by Patterson, all in favor, motion carried.

Chase gave a summary of the application. The site was previously approved for equipment and RV storage. Since then an opportunity came in for manufacturing as well. Alchemy Pure,

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LLC is a distribution and branding company for cannabis owned by Jerry Peele and Chris Regan. The pair will distribute via AAC (adult use cannabis license). Both are licensed by the state of NY until June 1st, 2024. It will be completely contained within the building with no signage.

Stabile asked if any members of the public wanted to make a comment. There were none.

Chase went over the waiver request he is looking for to have a manufacturing facility in the light industrial area that is less than 5 acres.

Sarah Jones of 76 Bean River Road said she is of the understanding that it would not generate any odors. Chase replied yes, they have odor prevention using carbon scrubbers.

Replansky asked Chase if he was also asking for a waiver for the 100 ft setback. Chase replied yes. Replansky asked if he is seeking a waiver from 100ft to 30ft and Chase replied that it be the current distance off the current building. Chase said it is 100 ft from any lot line - so he would like it applied to the shortest point. Replansky said he would say from all the setbacks in the resolution.

Replansky asked about the adult use cultivator license and does it allow a certain amount of limited packaging. Regan replied that was correct. Replansky said in the application this license expires on May 5th, 2024 - what happens after it expires? Chase suggested any new licensing be submitted to Weaver. Chase said the license would run up each time. Replansky feels the special use permit should be renewed on May 5th, 2024. Regan said they would be seeking a new license prior to that and they would be the one in trouble if the license was not extended. The state is allowing conditional licenses at this time and will most likely issue the permanent license this coming fall. Replansky will add in the resolution that they should confer with the building inspector (Weaver) at the time of their license renewal.

Replansky asked if they had a product storage unit in Livingston. Regan replied that was a temporary place. Replansky asked if they had several storage places and Regan replied just the one in Pine Plains. Replansky asked about certain requirements, one being an electric fence around the property. Regan said there are certain guidelines for cultivation and manufacturing. All the state requires for

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manufacturing, in general terms, is security, but nothing specific. Replansky said it is for manufacturing. Regan said the guidelines he is referring to are still in a process. Regan said they gave descriptions to the state of their previous storage facility and that the state just has guidelines at this point. Stabile also did not think an electric fence was required. Regan said that the state regulations will be enforced by the state - they are not expecting the Pine Plains Planning Board to do so. Replansky asked if they would be complying with the security plan and Chase replied yes.

Motion to close the public hearing by Hermans, second by Soracco, all in favor, motion carried.

Stabile asked if they are not in compliance and if their license is revoked will the planning board be aware. Osofsky said they wouldn't be in operation then. Schmitt agreed and said they would be in trouble if they continued operating.

The board then went over the EAF long form Pt II (see attached).

Hermans asked if it could be approved tonight - Replansky said no, he needs to put it into a written resolution. Hermans did not feel it was fair to have the applicant wait another 6 weeks to get approval. Hermans feels the board should approve it tonight and have the written resolution follow after. Weaver was fine with this.

Stabile asked for a motion to approve the application, pending the formal resolution to follow next month, motion by Hermans, second by Patterson. Stabile did a roll call vote: DiMaria - abstained, Soracco - yes, Patterson - yes, Cavey - yes, Osofsky - yes, Hermans - yes, Stabile - yes.

Carson-Power, LLC: Stabile said the public hearing for the SEQR portion of the application was closed after the public hearing at the library on June 10th. Written comments were accepted up until June 16th at 4pm. Stabile then asked Fish to go over where the board is at in the procedure.

Fish said there were three large impacts checked off in the EAF Pt II - habitat and natural resources, visual, and community character. Fish said Saratoga Associates did a good job on their visual analyses. Fish said the remaining two decision points for the board are the loss of forest coverage/habitat and community character. Fish said he feels the board now has all

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the information they need from the applicant to make their decision.

Fish said if these two remaining items are not checked off as adverse then that would give Fish and Replansky time to complete the EAF Pt III and it would trigger a negative declaration. Fish said if the board does feel these two conditions are adverse then the EAF would contain an Environmental Impact Statement.

Fish said the board should begin deliberations to decide this.

Replansky agreed and said those were the three remaining questions on the EAF Pt II and the board needs to decide how they feel about the three.

Stabile asked the board if they agreed those are the three outstanding issues - the board agreed.

Fish said item 18, Consistency with Community Character, was checked as having a large impact on 18E and 18F, based on past discussions. 18E being inconsistent with architectural scale and character and 18F being inconsistent with the character of the existing natural landscape.

Fish said pertaining to item 17, Consistency with Community Plan, that his firm assisted a committee in writing the community plan for Pine Plains. Fish said in the plan climate change, promoting land conservation, and renewable energy are all listed on the plan as a goal. Fish said this was checked as having no impact on the draft EAF Pt II, however consistency with Community Character, item 18, was checked.

Marsh said it came up at the hearing that the public feels there is not a consistency with the community plan.

Fish said he feels that the project is consistent with the zoning regulations (item 17c) since the zoning of Pine Plains now allows tier 3 solar installations. Fish also feels it is consistent with the town's comprehensive plan. Fish said item 17 is checked "no" in the draft EAF Pt II.

Marsh said she feels that just because a solar law has been enacted, she doesn't think every tier 3 solar application should be approved.

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Fish said item 18 is checked on the draft EAF Pt II as yes with 18E (the proposed action may interfere with the use or enjoyment of officially recognized or designated public resources) and 18F (the proposed action is inconsistent with the character of the existing natural landscape) having a moderate to large impact. Yackel said a moderate to large can be checked and in part III of the EAF the board can provide a narrative that explains why the board feels it is moderate to large but does not rise to the level of significant or adverse impacts. Because of this these items do not need to be changed to reach a negative declaration.

The board then discussed item 17 (Consistency with Community Character) where two items were checked as moderate to large impact. Item 17E (the proposed action is inconsistent with the predominant architectural scale and character) and 17F (the proposed action is inconsistent with the character of the existing natural landscape). Stabile said the argument is that it is inconsistent with the architectural scale and character but mitigated by its placement, trees, etc. and therefore not adverse. Fish said yes, the applicant is trying to make that comment but it needs to be a board decision. Fish said the applicant put a conservation easement on the property and are promising replacement plantings, but the proposed action is still inconsistent with what currently exists on the property now. It comes down to how the board judges this. Fish feels the board should deliberate on this one.

Stabile asked the board if they felt either of these two items would rise to a significant or adverse level. Hermans said when he thinks of this project, he thinks about how this project is right next to an industrial site, the Central Hudson substation. Because of this he does not think it is "off the wall" that another electric project would be adjacent to this facility. Hermans also feels it is up out of the way. Hermans doesn't feel it would impact architectural character. Stabile did a roll call vote to see if the rest of the board agreed with the item not being a significant or adverse impact: DiMaria - yes, Soracco - yes, Patterson - yes, Cavey - yes, Osofsky - yes, Stabile - yes.

The board then went over item 7, Impact on Plants and Animals. Two items were checked as moderate to large, item 7B (the proposed action may result in a reduction or degradation, of any habitat used by any rare, threatened, or endangered species, as listed by New York State or the Federal government) and 7D (the proposed action may result in a reduction or degradation of any

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habitat use by any species and conservation need, as listed by New York State or the Federal government).

Fish said the board received a letter regarding this matter from USFAWF which did not raise objections to these issues, because of this Fish said this may change the board's answer. Fish said this would probably only leave 7D as a moderate to large impact.

Marsh said the letter received from the DEC does not mention the Indiana Bat - it only mentions the Bog Turtle and the Long-Eared Bat. Marsh said that the letters from the DEC and the USFAWF also only pertain to the tree cutting, not the entire project. Marsh feels this should be an important consideration. Cavey asked where the board could obtain these answers and Marsh replied that site surveys would have to be done.

Stabile asked about the bats in previous reports. Marsh said the bats were determined to be within range of the project site in these reports. Schmitt said but they are not on the site. Marsh said she is speaking about bats roosting on the site in the summer months. Schmitt said bats usually come at a certain time of year. The state and federal government put out restrictions because certain bats are endangered. Schmitt said if a bat is not endangered it would not have a significant or adverse impact because there are so many of them. Marsh said a permit is needed to kill bats. Schmitt said to keep in mind that the DEC and USFAWF did not choose to be lead agents and that they did not provide correspondence where they provided certain instructions, i.e. certain permits.

Stabile asked if the bat window is only for the endangered species and could other bats have different windows? Schmitt replied potentially.

Fish said he agreed with Schmitt that the letters from the DEC and USFAWF are not encyclopedic letters, meaning they answer the question given to them - which they did. Fish said they did not raise an objection or ask for further studies. Fish said this leaves it up to the Planning Board as the lead agent.

Soracco asked what type of trees the bats like to roost in. Marsh replied Shag Bark Hickory Trees. Soracco asked how many of those trees are on site and DiMaria said he believes two. Marsh said we do not know this because a tree survey was not done. Soracco said how do we know there are only two Hickory Trees and Gordon replied a DEC certified forester was sent out on site. Gordon said the tree cover survey analysis of a 2.5-

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mile radius was 44.1% forest coverage and post project it is 43.9% coverage. Gordon said they need to stay above 35% and it is a negligible change and is way above the threshold. This information was provided to both the DEC and USFAWF. Marsh still feels that the DEC and USFAWF responses only deal with the tree cutting. Gordon said he has other projects where sometimes these agencies ask for additional information and analyses but since this project is so way above the threshold no additional studies were asked for. Marsh said DEC's letter does not refer to the Indiana Bat. Gordon said he could ask DEC why it was omitted. Stabile asked if USFAWF refers to the Indiana Bat and Marsh replied yes, but only in terms of the tree cutting and not the overall project. Fish said again that the DEC and USFAWF both gave no objection letters and are deferring to the Planning Board as lead agent.

Hermans said maybe the applicant could reduce the size of the project to reduce the number of trees being cut down or do other plantings on the property, particularly Shag Bark Hickory Trees or something to mitigate the concern about bats. Fish said this applies to section 7 item H (the proposed action requires the conversion of more than 10 acres of forest, grassland, or other regionally or locally important habitat) on the EAF pt II. Fish said the essential question is how great an impact that is. Gordon said the array could have been put in a less forested area but they chose this spot since it is the furthest spot from public view. Additionally they have proposed a few bat boxes and the conservation of 74 forested acres.

Osofsky asked if someone bought the land to build a house are they allowed to just clear the trees without checking for bats. The board replied yes. DiMaria said the current owners could clear cut the entire property if they wanted to.

Stabile said there were going to be tradeoffs with these types of projects.

Soracco asked Gordon about the trees they would be planting. Gordon said there are 172 trees on their current site plan to be planted.

Marsh asked about how they would know what the impact is to endangered species or of conservation need because the DEC and USFAWF wouldn't know what is on the property. Schmitt said in his experience that unless someone had local knowledge of that property, it is just a fishing expedition. Schmitt said the DEC and USFAWF do not work for applicants, etc. They said there is

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not anything special there that needs to be protected. Marsh said the issue is they are not allowed on private land. Schmitt said then this could be said about every single application received. Gordon said there are 100 different species listed on the endangered list and if there was a survey done for every single one nothing would happen anywhere. Marsh asked how we can answer the question without the information. Fish said the board does have two studies, one being the Hudsonia report and the other being the STV study. The DEC also has its own mapper. Fish said the board needs to take these two studies, and the letters from the DEC and USFAWF, and make a decision.

Stabile asked if the remainder of the board felt they had enough information to make a decision. Hermans said he wanted to add that 30 acres of this property is basically a corn field and the rest of the year has nothing on it, no habitat, so he feels it is balancing out. The rest of the board felt they had enough information.

Stabile asked the board if they felt #7 (Impact on Plants and Animals) was an adverse impact. Stabile did a roll call vote: DiMaria - no, Soracco - no, Patterson - no, Cavey - no, Osofsky - no, Hermans - no, Stabile - no.

The board then went over #9 (Impact on Aesthetic Resources) particularly 9C (the proposed action may be visible from publicly accessible vantage points i: seasonally (e.g. screened by summer foliage, but visible other seasons and ii: year-round. Fish said originally the board had chosen a moderate to large impact but after the presentation with Saratoga Associates, he felt it was now a no, or small impact, but it is a board decision. Stabile asked if the board was comfortable with this section all having a no or small impact checked off. Stabile did a roll call vote: DiMaria - yes, Soracco - yes, Patterson - yes, Osofsky - yes, Hermans - yes, Stabile - yes.

The board then went over the entire EAF Pt II with Fish to make sure their original answers still applied:

1. Impact on Land - yes but every answer is checked no or small impact.
2. Impact on Geological Features - no
3. Impacts on Surface Water - yes, but every answer is checked no or small impact
4. Impact on Groundwater - No
5. Impact on Flooding - No
6. Impacts on Air - No
7. Impact on Plants and Animals - Yes

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8. Impact on Agricultural Resources - Yes, but every answer is checked no or small impact
9. Impact on Aesthetic Resources - Yes, but every answer is checked no or small impact
10. Impact on Historic and Archeological Resources - No
11. Impact on Open Space and Recreation - No
12. Impact on Critical Environmental Areas - No
13. Impact on Transportation - No
14. Impact on Energy - Yes, but every answer is checked no or small impact
15. Impact on Noise, Odor, Light - Yes, but every answer is checked no or small impact
16. Impact on Human Health - No
17. Consistency with Community Plans - No
18. Consistency with Community Character -Yes

Fish said he would prepare a part III EAF for the large impacts and why they do not rise to a significant or adverse impact which would lead to a negative declaration and not require an environmental impact statement. Fish would send a draft to Replansky and the board at which point Replansky could prepare a resolution. Fish said the part III and resolution should be quite thorough to show the hard look that the planning board has taken and the time taken.

Stabile asked where all the mitigation that has been built into the plan would be. Fish said that would be a part III with appendices. Fish said after the negative declaration the board would move onto the special use permit and site plan for the application.

Replansky said he needed the board to vote to say the board wants him, the planner, and town engineer, to work on a pt III analysis for a negative declaration. Replansky said the board would not officially vote on it until the work is done and provided to the board. Replansky said he would like direction from the board tonight, but they are not bound to their answer.

Stabile asked for a motion to direct the consultants to work on a pt II and pt III analysis leaning to a negative SEQR declaration, motion by Hermans, second by Patterson, roll call vote: DiMaria - yes, Soracco - yes, Patterson - yes, Cavey - yes, Osofsky - yes, Hermans - yes, Stabile - yes.

This application will be back before the planning board for the August meeting on August 9th.

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Other Business:

Approval of the March Workshop Meeting 3 Minutes and April Meeting Minutes: Postponed till the July meeting.

Motion to adjourn at 10:52 pm by Hermans, second by Patterson, all in favor, motion carried.

Respectfully submitted by:

Tricia Devine

Michael Stabile