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PINE PLAINS PLANNING BOARD MINUTES
Wednesday May 10th, 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
Matt Allen, Saratoga Associates, via Zoom
Wesley Chase, CEEN Properties, in person
Jerry Peele, Alchemy Pure, in person
Marcus Andrews, Stewarts Shops, in Person
Brett Bernardini, The Stissing Center, in person
Doug Larson, The Stissing Center, via Zoom
Brian Walsh, Town Supervisor
Robert Ambrose, Town Board Member
Members of the Public, in person

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

Carson-Power, LLC: Gordon went over an inventory of materials submitted since the last meeting - a map of mineral soil groups

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1-4, a bedrock survey, a glare study, a visual analysis submitted by Saratoga Associates, and correspondence from the DEC that there would be no impacts on the bog turtle and no impact to bats, as long as the tree clearing window is adhered to.

Gordon said they contracted a vendor called Hudson Valley Forestry to help them plan a responsible way to clear the trees that need to be cleared. After their assessment they found it to be 57,000 board feet of trees and worth a total of \$11,000. Gordon said the property was selectively logged within the last ten years. Gordon said the options with the trees would be to use whatever is usable for lumber to be used for it, what is suitable for mulch or firewood to be used for that, which would minimize the chipping. Other options are to use the chips for erosion control in lieu of silt fences. Brush piles could also be included around the perimeter of the site, which could be used as a habitat for smaller species. Gordon said he would not like to obtain the timber harvesting permit from the town that is triggered at 50,000 board feet since it is not for commercial gain and the value would be given back to the town.

Replansky said he thinks the applicant should propose this more formally through their legal counsel, but he did see it as possible through the waiver requirements in the law.

Weaver doesn't have an issue with the proposal.

Marsh asked for more clarification on the chart by Hudson Valley Forestry. Gordon said essentially, it's an inventory of the trees found on site.

Marsh asked about the line item for Hickory. Marsh asked if it was two Hickory trees and where they are located. Gordon said it is two and he could ask the forester on their location. Marsh said she is concerned because Hickory trees could be a roost for bats. Gordon said that is why they do adhere to the tree clearing window. Marsh suggested they could be left up possibly.

Stabile asked if all the trees that would be taken down would be marked. Schmitt replied yes. Stabile asked who would be monitoring this. Schmitt replied it would be standard code enforcement. Gordon said they would hire a forester and then it would be up to the code enforcement office to monitor the project. Stabile asked Weaver if he would be able to do this.

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Weaver said a project this size would require Schmitt to monitor it.

DiMaria said he doesn't feel that the chipped wood would do a more effective job than the silt fence for erosion control. DiMaria asked if there was any documentation on this. Schmitt said the wood chips are used on site as mulch to help combat erosion. Schmitt said the silt fence is more for sediment control than erosion control. Schmitt said they are talking about making an organic erosion control with the wood chips. Schmitt said one benefit to doing organic things is you do not have to take them down later. Schmitt said the DEC does allow organic things to be used but would have to be incorporated into the SWPP.

DiMaria asked about the glare study and is the material that was sent the intention of Carson Power not to put any anti-glare material on the panels because they are not visible for a majority of people. Gordon said the panels will still have the anti-glare coating, as required in the local law. Gordon also said since there is no direct view of the glare from any property there are no glare impacts.

Matthew Allen of Saratoga Associates then went over the visual impact study done from different locations of concern. Allen showed visual simulations of areas from Tripp Road, some surrounding private properties, and the fire tower on Stissing Mountain. Allen also went over the process on how these images were obtained.

Stabile said he needed Fish to help the board with the appendices of all the things that have been discussed and what is missing. Fish said all the information given so far has been very helpful. Fish said he is not worried about the possible small impacts checked off in the draft EAF Pt. II that the board did. Fish said the visual impact was checked off as a possible large impact so he thinks that the work from Saratoga Associates should be an appendix. Fish said a response from US Fish and Wildlife would also be helpful. Fish said without hearing from them the board cannot make a determination of significance for SEQR and therefore cannot take any action on the project. Fish said it might help for Replansky or Stabile to write USFAWF explaining what they need. Fish agrees that Schmitt should be monitoring the chipping of the wood. Fish said after seeing Allen's presentation the visual impact may not rise to the level of a significant or adverse impact, it may now be moderate or a small impact. Fish said this could lead to a negative impact determination.

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Fish said it was okay if the board heard from USFAWF later since the town's code has tier III solar written as a special use permit and any information received of relevance could be added as a condition of the permit. Fish feels the board could close the public hearing next month and make their determination.

Stabile asked for a motion for a special meeting for the public hearing continuation, and possibly closing of, and work session of the board, on June 10th at 10:30am at the community room at the library, motion by Hermans, second by Patterson, all in favor, motion carried.

CEEN Properties, LLC: Stabile reminded everyone this application is for the processing of cannabis in the light industrial zone where a previous approved equipment storage facility is.

Chase and Replansky went over the documents missing and what was recently sent by Chase when the applicant changed the location from Hudson to Pine Plains through the Office of Cannabis Management.

Replansky asked why the authorization for the applicant to process cannabis was expiring on June 1, 2023. Jerry Peele, of Alchemy Pure, said that all the licenses distributed in New York State are due to be renewed after this date and the state is still working through all the rules and regulations.

Stabile asked Peele if he has a contact at the Office of Cannabis Management. Peele said there is just a general email.

Chase told the board if they have an approved site from the Office of Cannabis Management and the project corresponds with the town's comprehensive plan and zoning - this should be an easy process. Stabile reminded Chase that this type of application is new not only for the board, but for New York State as well.

Replansky feels he does not have all the documentation he needs. Stabile asked Replansky if he feels he is missing the details of what was submitted to obtain the approval. Replansky said the date of expiration is the biggest red flag. Peele said he wanted to point out that the expiration isn't specific to his company, it is for every cultivation license issued in New York State. Replansky asked him what license he has now. Peele replied a conditional cultivator. Replansky said he needs a

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processor and distributor license after June 1st. Chase replied it was emailed in the NYS Cannabis Law email.

Marsh asked who JRS Naturals is since that name is on the license. Peele said JRS Naturals is his company, which has the cultivation license, his partner has a company called SKX. These two companies are cultivating in Boston Corners. They are combining and the company is Alchemy Pure. Marsh asked why none of these names are on the EAS - the applicant is still listed as Chase. Peele said the applicant is CEEN Properties.

The board then reviewed the email Chase sent from the Office of Cannabis Management.

Replansky said he needs an O&M plan.

Stabile told Replansky that the OCM just sent back an email saying that the address is approved, there is no stamped site plan.

Peele said they have approval for both license numbers (JRS Naturals and SKX LLC). Osofsky said they need to forward the email showing the other approval, since the board has only seen the one.

Replansky said the application needs to be put together more properly.

Soracco asked if only one sketch was sent to NYS. Chase replied yes, the SKX LLC. Stabile asked about the other entity. Peele said he has it and Stabile asked him to forward it. Soracco asked if after he sends it does that make it better. Replansky said he is still concerned with what happens after June 1st.

Replansky said the application needs to be submitted professionally and all the documents in order. Chase said he submitted a letter and all the documents to the Planning Board. Stabile said the board needs to verify that the state has given the proper approvals and what needs to be taken into account.

DiMaria said there is another license number listed as well and asked if the two applicants have three licenses. Peele replied no they have two. Peele said after they moved out of their Hudson location, they were looking for a temporary location which they rented from another operator who has that license number.

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Chase said they are asking for a change of use for manufacturing that happens to be a cannabis thing - does this change the reflection of the board requiring every single document that has ever been submitted? DiMaria said it changes the notion since NYS does have an Office of Cannabis Management.

Stabile went over what was needed for a completed application with Replansky. It was discussed that an O&M plan was needed, better documentation stating the approval/site plan from OCM, a project narrative stating the history of the application and license and involved applicants. Chase said he already completed a narrative so Stabile asked him to make sure it was there on the EAF.

Stabile asked for a motion to set a public hearing for June 21st at 7:30pm, not the 14th, as there was a scheduling conflict. Motion by Hermans, second by Soracco, all in favor, motion carried.

Post addendum: **Please note this hearing has been changed to June 19th at 7:30pm.**

Marsh said at the end of the narrative it was confusing since three companies are listed and their relationship is unclear. Chase said he would clean up the narrative to reflect this.

Replansky asked Chase to address what happens after June 1st.

Marsh said it was unclear who the applicant is. Chase asked the board if the applicant should be who will be occupying the space or the owner of the building. Stabile said it should be the entity doing it and to include the form stating the right to represent the owners. Replansky agreed it should be the licensee.

The Stissing Center: Brett Bernardini of the TSC explained they were there for an amendment to their site plan for the work that remains to be completed on the building. Bernardini said they are also looking for an extension on the temporary roof, that was granted in December 2022, until they begin construction in either September or October.

Doug Larson then showed the original site plan (from 2015) submitted with a 40-foot setback. Larson said they now have the funds to keep going with construction. Larson then showed the new site plan with the updated 20-foot setback off the rear lot line.

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Larson said they would like to move the current two ADA parking spaces to the rear to now have four (two were previously approved when the TSC was before the board in October of 2022).

Larson said the rear addition will now be a slightly different shape. Larson said they would also like to finish the front steps with a graphic wall. Larson said they would also like to relocate a propane tank from the rear of the building.

Larson then showed the plans for inside the building. Larson said the basement of the building will now be a public assembly space, i.e. larger, than a community space. They would also like to add a larger kitchen than originally proposed. Larson said they would also like to add an elevator in the rear that would have seven stops which would serve every level in the building.

Larson said they would like to replace the laundromat under the stage with a green room. TSC would like to keep the laundromat functional until it can be relocated to another site.

Larson said they would like to add backstage functions with the rear addition.

Larson then reviewed the attic level where there would be TSC offices and incubator offices, as well as a gallery space that was endowed by a donor.

Larson then went over exterior additions including a branding of the building in the front and back and the graphic wall in the front.

Stabile asked if the banners currently used on the building would be staying or going. Larson said the banners are not effective in saying what is happening on a weekly basis, but they may stay.

Larson then went over the side porch, one issue being keeping the temporary roof, the other being that they would now like to add the side porch, previously approved in January 2016, instead of the approved pergola brought up at the October 2022 meeting.

Bernardini also brought up the change of use for the first floor from a community space to a venue space.

Stabile asked for a spreadsheet showing what has been approved previously and completed, what was not done, but approved, and

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what is new, as well as what is being kept, or not being followed through on, etc.

Marsh asked about the style of the addition of the back and has it been developed or is the current site plan just a schematic. Larson said it is just a placeholder for the footprint and the envelope. Marsh asked if they were looking at doing a different architectural vernacular than what they have currently. Larson said no, they are planning to keep the brick on the old building and the porches and rear as contemporary, with the back being utilitarian. Marsh asked what the exterior material would be. Larson replied concrete with a steel panel system and a translucent material for the fire stair.

Stabile asked what the graphic wall would be made out of. Larson replied a material that could be paintable - probably an exterior grade plating.

Soracco brought up the sign ordinance in zoning. Soracco said between the sign and banners and graphic wall she doesn't feel it fits into Pine Plains.

Stabile asked Replansky how it works with previously approved items in 2016 that haven't been built - does the approval still hold? Replansky replied it is complicated and agrees with Stabile's suggestion of a spreadsheet showing the different items approved, done, not done, etc.

Stabile asked which board members would be recusing themselves from the application. Patterson and Osofsky will be.

Stabile asked for a motion to extend the temporary side roof approval for six months. Motion by Blackburn, second by DiMaria, all in favor, motion carried.

DiMaria asked what would happen with the laundromat. Bernardini said they are committed to keeping it and are actively looking for a new location, but it has been a struggle due to septic rules. It will stay open during construction and after they may look into putting it into Shaw House at 2946 Church Street.

Schmitt said the screening wall is in the DOT right-of-way. Stabile said yes, that is why they did removable stairs instead of the original cement stairs. Schmitt said the DOT will need to approve it.

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Stabile asked what the incubator space is. Bernardini said it is the other side of the art gallery where other nonprofits may come and set up to support Pine Plains and the TSC will provide them with desk space.

Soracco asked if the roof would remain the same style and Bernardini replied yes.

DiMaria asked what the timeline would be if approved. Larson said they would hope to start in October and finish by the following fall.

Stewart's Shop Corp: Marcus Andrews from Stewart's Shops Corp explained that they are looking to erect a new 4,000 sq ft Stewart's Shop directly behind the current shop. After the new shop is completed the old shop and gas tanks and canopy would be demoed. After this the new canopy and gas tanks would be built.

There would be three access curb cuts, two in the front, and one in the back - which would mainly be utilized for deliveries.

They are proposing a new septic for the building and plans have already been submitted to the DOH.

The DOT has early-stage plans and said they are fine with the entrance remaining the same. Their biggest issue are the sidewalks out front.

Andrews said they have a variance from the Zoning Board for their front yard setback, pending the resolution passing at the May meeting.

Stabile asked why when Stewart's bought the property from Dale Mitchell that the planning board was told, in writing, that Stewart's had no plans for the property when they submitted these plans roughly a month later. Andrews said he was not aware of this until he went before the Zoning Board. Stabile said because of this it wasn't incorporated into the SEQR review. Stabile asked Replansky if this was an issue. Replansky said that is why they go through that process, but at this point it is a moot point.

Replansky said he would like to see the variance from the zoning board and that it needs to go to county planning, since the county voted against it.

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Replansky asked if the county commented on the parking in the front instead of the back. Andrews said they did not, their only comment was regarding the town's comprehensive plan for having buildings upfront.

Marsh asked Andrews if he is planning for diesel fuel. Andrews replied yes, they plan on having low-flow diesel, which is for regular trucks, RVs, etc., and not a semi-truck. Marsh followed up with so does he not anticipate any large vehicles being there and Andrews said outside of deliveries, no.

Andrews said no charging stations are proposed since neither Tesla nor New York State Power Authority were interested in this property.

Stabile asked Schmitt if there were any issues because of the stream to the south of the property and a drainage ditch up on top. Schmitt said Dutchess County DOH would want to know about it due to the wetlands. Schmitt said they also would like to see a lighting and landscaping plan. Andrews said he owes the planning board landscaping and grading. Since it is over an acre of disturbance a SWPP will also be included.

Stabile asked if there would be any outside seating. Andrews replied there would picnic tables along the side and front.

Andrews said there would be an expanded area in the front for a landscape feature, i.e. the low-grade wall suggested to the zoning board.

Stabile asked why Stewart's was changing the monument sign currently used. Andrews said if the planning board prefers it, they can keep the monument sign. Stabile thinks that would be better to minimize the truck stop look. Soracco said there can be no internally lit lights, as per zoning. Stabile said the LED lighting can be no greater than 3,000 kelvins.

Marsh asked how many pumps are being proposed. Andrews said four islands with eight fueling areas.

Marsh asked if they are anticipating increased usage with more pumps. Andrews said they are making the investment to make more money, but the biggest issue with the current store is the tightness in the lot. Andrews said they would hope for additional traffic coming to the store.

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DiMaria asked to see the alternate designs submitted to the ZBA. Hermans said the issue with the alternatives was the building would be located where the pumps are now and this would shut down fuel for up to 3 months during construction. Andrews said they would like to stay open during construction.

DiMaria asked the retail life of the store they are planning to build. Andrews said roughly 20 years. DiMaria said it was only 3 months without fuel, compared to the twenty-year life of the store.

Marsh asked why they couldn't install the gas pumps in the back first. Andrews said the gas pumps wouldn't be visible to the employees for safety, per New York State policy.

Stabile asked Andrews if he would need to go to the DOT with any of this - Andrews said strictly for sidewalks.

Marsh asked what the siding material is. Andrews replied a Hardie board. Marsh asked the roof material, Andrews replied asphalt shingles.

Stabile asked why they did not need a variance for the square footage. Secretary Devine told him it was due to the structure not being a service station. A convenience store with gas could be up to 4,000 sq ft.

Other Business:

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

Motion to adjourn at 10:23 pm by DiMaria, second by Blackburn, all in favor, motion carried.

Respectfully submitted by:

Tricia Devine

Michael Stabile