

July 29, 2023

PINE PLAINS PLANNING BOARD MINUTES
Wednesday, July 26th, 2023
6:00 PM
In Person and Zoom

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

ZOOM ATTENDANCE:

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

ABSENT: Ethan DiMaria

ALSO PRESENT: Warren Replansky, Town Attorney, in person
George Schmitt, Town Engineer, in person
Sarah Jones, Town Liaison, via Zoom
Drew Weaver, ZEO, 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
Robert Ambrose, Town Board Member
Rose Trosclair, NYSSF, Inc. - via Zoom
Rhona Zeytoonian, NYSSF, Inc. - via Zoom
Reverend Sarah, Touched by Heaven's Light Day Care - in person
Issa Nesheiwat, Apex Modular Solutions, via Zoom
Members of the Public, in person

Chairman Stabile opened the meeting at 6:00 pm with a quorum present.

Wu Residence Public Hearing: Stabile asked for a motion to open the public hearing, motion by Hermans, second by Soracco, all in favor, motion carried. The representatives for the applicant, Rose Trosclair and Rhona Zeytoonian, then gave a summary of the

July 29, 2023

project. The applicant showed the board the photo simulations required of what the ground mount solar would look like from certain street vantages from the north and east. Zeytoonian said their engineer said that the ground mount cannot be seen from Brooks Road nor the south side of Schultz Hill Road. Zeytoonian said the only place where you may see the tip of the ground mount is from Tripp Road.

Stabile asked if the photo simulations were only achieved using Bing Street View. Zeytoonian said they did have their THA, Technical Home Assessment, go out and take actual pictures of the locations, including a drone view. Zeytoonian said the home is well off the road with a lot of tree cover.

Stabile asked if any of the members of the public were looking to speak on this application - there were none.

Stabile asked if any board members had any questions - there were none.

Weaver said he didn't understand why only north and east views were given and nothing else - he feels there is a lot to see in other directions. Stabile asked the applicant if they had a southerly view. The board then reviewed the photos with the applicants again. Zeytoonian said the drone view looking north would indicate a southern view. Stabile asked if they had a shot looking south, Zeytoonian she did not think so.

The board then reviewed which views they asked for at the last meeting.

Replansky said the idea was if any neighbors came in and were concerned about the views, but there doesn't seem to be any.

Blackburn said the house is probably blocking any views from the south.

The board then watched a video the applicants had showing where the actual ground mount will be located on the property.

Stabile asked for a motion to close the public hearing, motion by Blackburn, second by Hermans, all in favor, motion carried.

The board then went over part II of the SFEAF and a negative declaration was declared (see attached).

Stabile then read the resolution (see attached).

July 29, 2023

A motion to adopt the resolution was made by Hermans, second by Soracco, all in favor, motion carried.

Stabile then did a roll call vote: Blackburn aye, Soracco aye, Cavey aye, Hermans aye, Stabile aye.

Stewarts Shop Corp. Public Hearing: Stabile asked for a motion to open the public hearing, motion by Hermans, second by Blackburn, all in favor, motion carried. Marcus Andrews then gave a brief summary of their proposal. Andrews also said they addressed all the comments brought up by Schmitt. Andrews said they shrunk the sign and are now down to a 24 sq ft sign with LED recessed lighting that is underneath and casts down from the top. Stabile asked if the sign would be in the same spot as the current sign and Andrews replied approximately. Stabile asked if the proposed wall in front matches the current stone wall that is on the adjacent property. Andrews said they would match it.

Stabile asked if there was any public comment. Reverend Sarah, who owns Heaven's Light Bakery nearby, asked about Pilch Drive near her bakery. It was determined that that road will not be affected.

Frank Killmer of 30 Ryan Road said he is for the project and thinks it will be a good investment for the town.

Stabile then a read a letter sent in by Scott Chase, ZBA Chairman (see attached).

The board then went over absent board member DiMaria's comments that he sent in. His first concern was regarding the town's 6 ft high fence ordinance and 6 ft may not be high enough to cover the dumpster. Andrews said they changed it from 7 ft to 6 ft but that the dumpster itself is taller than 6 ft. DiMaria asked about the easement for a potential access road to Pilch Drive. Andrews said there was nothing on the survey or subdivision map. Stabile felt it could be accommodated in the future, if need be, if the parties agreed. DiMaria asked about fuel signs having to be lit by government regulation. Andrews said that fuel pricing needs to be advertised and he believes it is a law. Replansky said he does know there is an exception for fuel price signs from the LED, he believes it is a federal regulation. DiMaria asked about the entry to the store having to face the fuel pumps and is that for safety or a requirement of the law. Andrews said it is a safety issue and it is required that an employee

July 29, 2023

have a visibility to the pumps at all times. Hermans said DiMaria would like the citation on this, as well as the lighting for the fuel signs. DiMaria asked the applicant to consider matching the light fixtures on South Main Street - it was determined that they are already matched. DiMaria asked about plantings. Andrews then showed their landscape site plan. DiMaria asked that they be native plants.

Stabile asked Schmitt if their lighting plan was adequate. Schmitt said all the information is there, but he would prefer to see 12 ft lights instead of 15 ft. Schmitt said the higher the light is the more it will be projected but they are not escaping the property. Andrews said the lower the light the more it is focused on a certain point. If lights were lower he would need to add more lights. Soracco asked how high the gas canopy was. Andrew said 14'6" to the bottom. Soracco asked about the color of the lights. Andrews replied 3000 Kelvin in a warmer tone.

Schmitt said there should be an easement for the ingress and egress on the access road. Schmitt feels there are too many entrances but understands why Stewart's wants the three entrances. Schmitt feels it may become an issue if there is ever a project behind the proposed project.

Hermans asked if trucks making deliveries would be able to turn around or would they be backing out. Andrews said they would come in and back in or pull out and back in.

Soracco asked about the gas pumps and where they would be and would there be a better flow of traffic. Andrews pointed out where they would be - Soracco said she doesn't see how this is better. Andrews then showed how it is better. Soracco still didn't agree. Andrews then showed how it was better with the new parking. Stabile asked how big the canopy is. Andrews said it is 20ft wide by 100. Stabile asked Soracco what she is concerned about. Soracco said she does not see the flow of traffic being better than what it is now. Hermans asked how much room there was for people parked by the front door and backing out. Andrews said 40 ft.

Killmer asked if someone could go between with the new gas pumps. Andrews replied no.

Stabile asked if Andrews could go to the ZBA and get a fence variance. Andrews said he is fine with six feet. It was

July 29, 2023

determined that an enclosure could be made instead to avoid the six-foot fence ordinance.

Stabile said the county is denying the 239M referral so a super majority will be needed to pass.

Hermans said in Chase's letter he mentioned a new building having to adhere to the comprehensive plan. Hermans said although this is a new building, it is the same business, on the same property, and it predates zoning. Hermans feels it would not offend people to have the building as Stewarts wants it.

Andrews said it cannot be compared to other Stewarts Shops because every property is different.

Stabile asked for a motion to close the public hearing, motion by Hermans, second by Blackburn, all in favor, motion carried.

Stabile said no action can be taken until after the board receives the 239M referral from Dutchess County.

The Stissing Center Public Hearing: Stabile asked for a motion to open the public hearing, motion by Blackburn, second by Hermans, all in favor, motion carried.

Brett Bernardini gave a brief summary of their application. Larson said they have changed the plans to now reflect what they would like to have done and what remains to be done; previous approvals were taken off.

Doug Larson went over the revisions to the site plans.

Stabile asked if any of the lights are changing, or are they the same as previously discussed, and are they 3000 Kelvin and downlit? Larson replied yes.

Stabile asked if any members of the public had any comments - there were none.

Stabile said he spoke with Bernardini, and the town board, after the last meeting regarding the mural. Stabile asked if brick was possible. Bernardini replied that he and Larson spoke and it was determined that brick is too much of a challenge. Bernardini said the mural is a space that captures Pine Plains. Bernardini said they would like to work with artists on this. Bernardini said the mural gets them away from all the pieces of aluminum back there and concrete and makes it a focal point of

July 29, 2023

the back of the building. Stabile asked why brick is not a possibility. Larson said it is almost impossible to match old bricks and would look strange in that area. Larson also said that the secretary of interior's standard says you shouldn't try to match a historical building. Soracco said right, but this is also a small, rural, town with a comprehensive plan. Bernardini explained why the glass and mural are necessary. Soracco said she feels the previously approved design is better than this current one. Soracco said she would like to see what the murals are going to be. Bernardini said when they get to that point he would be happy to share them with her. Bernardini said the images will change over time - it is not stagnant. Blackburn asked what type of material the mural would be one. Larson said it is a substrate material. Blackburn asked would it be a canvas or would someone go up and paint it. Larson said it could be both depending on the medium.

Soracco asked if the porch style on the east side of the building has changed. Larson said it is the same porch design.

Soracco asked about the banners. Bernardini said they would not be up when the trees leaf out because then they wouldn't be able to be seen. Soracco said Jack Banning and Doug Larson, in a 2016 meeting, said the banners were temporary and/or would be rolled up. Larson replied they are a way of advertising shows. Larson said there is no marquee and the advertisements on the front steps were taken away. Soracco said would four be put up all at once, front and sides? Bernardini said the side banners would only be up in the off season due to the trees. The front banners would be more permanent. Larson said the original idea was to announce shows. Stabile asked if the mural would bring in more of a historical element. Bernardini said the murals would be artistic and in celebration of Pine Plains and will not be billboards.

Soracco said the back of the building is now becoming the main entrance - the applicants disagreed and said guests would still use the front entrance. The back is for actors and employees, etc.

Hermans asked about the laundromat. Bernardini said they are still looking for a new location and it will not be moved until they find one and will remain open.

Hermans then went over board member DiMaria's questions. DiMaria asked about the split rail fence between The Stissing Center and The Stissing House and does it require an easement

July 29, 2023

from The Stissing House? Larson said they had put up a small section of fence to prevent people from falling into a retaining wall. The Stissing House then brought their fence to The Stissing Center, not knowing it was on The Stissing Center's property, roughly two feet. The Stissing Center wasn't concerned and didn't want to pick a fight over it with the Stissing House. Soracco asked if the stairs would be going to the fence to the property line. Larson said the new recessed steps would go right to the lot line. Soracco asked if something would be put along there - Larson replied there is a fence. DiMaria asked about the front steps originally planning to be concrete and now they are not. It was determined that this is due to the DOT and not allowed. DiMaria said the back doors into the downstairs should match the east side door design already established. The applicants said all the doors will be going away and that they cannot be glass. Larson then reviewed all the doors with the board. DiMaria asked if the applicant would consider matching the light fixtures on South Main Street, instead of light fixture "A". The board decided that the lights on the current plan are better due to them be down casted. DiMaria said per section 275-52 the lights should be off from 12am to 6am and it should be included in the site plan. The applicants replied that the lights are off then. Soracco agreed it should be included in the site plan. Stabile said he would like to look at the language. DiMaria asked about signs. The applicants said there is only one sign. DiMaria said he feels the side sign should spell out "center" not the shortened "ctr". Larson said it didn't fit and they will try to play around with it.

Stabile said they have not yet heard from the county but they unofficially said the 239M referral will most likely be "a matter of local concern".

Soracco asked where the dumpster was going to be. The applicants replied with the mechanicals which will all be screened. Soracco asked if the truck would be able to back into that area. Stewart said they do not back in and yes they will be able to go in there.

Soracco asked about when it snows and if the fence is solid where will the snow go, since it is not a wide area. They said it is a slat fence and will be pushed to the back.

Stabile asked if there was a curve between the grass and the gravel - Larson replied no, it would just stop.

July 29, 2023

Soracco asked if the vacant house is sold next door and it snows, they will not be able to get to the back of their property. Bernardini said they have no easement and there is no way to enter their property, there is no driveway, no sidewalk, etc. Soracco said if someone buys it they have no way to get to their backyard. Stewart said they should consider this prior to buying the property. Stabile asked does Soracco mean if they did construction or something. Soracco said if they need to get to their backyard The Stissing Center is saying they cannot get to their property. The Stissing Center replied that they did not say that and that they have a gate in the fence for that very reason.

Stabile asked for a motion to close the public hearing, motion by Hermans, second by Blackburn, all in favor, motion carried.

Touched by Heaven's Light Daycare: Reverend Sarah, from Heaven's Light Bakery on Pilch Drive, is now looking to open a daycare in a different suite in the same building that her bakery operates. Rev Sarah said she has a lot of years of educational experience and that many people are excited for a daycare to be opening.

Rev Sarah said she is hoping to receive a waiver regarding the 50 ft boundary line so that she may install a playground.

Stabile asked how many children would be attending the daycare. Rev Sarah replied 15 children, but that could change. Stabile asked if the inside of the building still reflects the former doctor's office or have the walls changed. Rev Sarah replied that they will not be changing anything since many rooms are required for the daycare, such as a rest room, etc.

Stabile asked for the sq footage for the daycare. Rev Sarah there is a 35 sq ft rule per child. Stabile asked what part of the state regulates this. Rev Sarah said it is very complicated. It wasn't Dutchess County, she had to go to Westchester. Replansky replied it is NYS social services. Stabile asked if Rev Sarah had contacted them yet. Rev Sarah said yes. Stabile asked where she was in the process with this agency. Rev Sarah said she was told to go before the planning board first and seek approval. Stabile asked Replansky if that was his understanding that the planning board's approval comes first. Replansky replied that the planning board would need to give site plan and special use permit approval but that the planning board can not do this until it is approved by the dept of social services.

July 29, 2023

Rev Sarah said she needs approval that a daycare can go there. Replansky said it is zoned for it. Rev Sarah asked for something in writing that she can submit with the preapplication.

Schmitt explained the process to Rev Sarah and said she do almost like a coordinated review.

Stabile asked if the waiver requested for the setback is a waiver or a variance. Weaver replied it is at the planning board's discretion.

Schmitt said the number of kids and the hours that they will be there is important. Replansky said the number of employees is a factor.

Stabile asked what the regulations are in the town's code regarding a daycare. Weaver replied that is allowable where it is and said one parking space is required per employee and one parking lot per 15 children. Weaver then went over some of the other regulations required per the town's code.

Schmitt told Rev Sarah she should put the information discussed on a site plan by her engineer and then reach out to the social services agency. Weaver will write a letter stating a daycare is zoned for that area.

Stabile said the planning board will not be giving approval until is determined if social services will be signing off on it or heading in that direction.

Rev Sarah said the waiver would hold her up. Schmitt said assume you are going to get the waiver and submit paperwork in that way. Stabile said he doesn't anticipate a problem with Rev Sarah getting the waiver. Stabile said she will need a professional site plan.

Apex Modular Solutions: Issa Nesheiwat gave a brief description of his project. Nesheiwat said he is trying to reinstate the approved (2018) prior use of the property for displaying sheds and salvaged lumber from the Tappan Zee Bridge. The property is showcasing what Apex is doing. Stabile asked if construction of the sheds would be taking place there - the applicant replied no.

July 29, 2023

Stabile said the previous approval on the property was for Circle of Life to sell off an inventory of sheds. The approval was only for 6 mos. Therefore it is considered a new application.

Nesheiwat explained that Dale Mitchell owns the property and he is leasing it to him. Stabile said Nesheiwat should fill out the application and have Mitchell fill out a form saying he is allowed to act on his behalf as the landowner.

Stabile asked if sales were taking place on the property. Nesheiwat said occasionally a customer may buy a showcase shed.

Stabile asked if there were any bathrooms or septic on site - Nesheiwat replied no.

Hermans asked about the portable sawmill that is on site. Nesheiwat said they brought that in for their open house. Occasionally they do need to saw a piece of timber for a customer. If there are restrictions with milling lumber there then he won't, otherwise he may mill a log or two.

Stabile asked if there was customer parking there - Nesheiwat said there is plenty of parking on the lot.

Schmitt said to approve a retail space the board needs to decide the level of application materials necessary, i.e. a professional site plan, etc. Stabile said smaller applicants do not always supply a professional site plan. Schmitt said he could use parcel access instead of a survey if the board is okay with this level of detail.

Osofsky said they should find out about the critical environmental areas. Schmitt said this information could be found out without an engineer's drawing.

Stabile said the draped banners are not okay - a sign is necessary instead. Nesheiwat said the banners are temporary and will be replaced.

Stabile told Nesheiwat to interface with Weaver to go over all the items that will be needed.

Alchemy Pure Resolution: Stabile read the Alchemy Pure resolution (see attached). Stabile asked for a motion to adopt the resolution as read, motion by Hermans, second by Patterson, Stabile then did a roll call vote: Blackburn aye, Soracco aye,

July 29, 2023

Patterson aye, Cavey aye, Osofsky aye, Hermans aye, Stabile aye, motion carried.

Solar Law Moratorium: Replansky explained that the town board is issuing an eight-month moratorium for any new tier 3 solar applications. The local law will exempt any application currently being reviewed by the planning board. There is also a hardship provision. Stabile said the reason for the moratorium is for the unanticipated factor of acres of tree removal. The town board would like to tweak the law in that area. Replansky said the town board needs a comment from the planning board to be able to vote on it. Stabile asked for a motion to draft a letter to the town board stating their agreement, motion by Soracco, second by Blackburn, all in favor, motion carried.

Other Business: Stabile said that Stissing Farms said they want to rent their condos since they are having trouble getting state approval. They are looking for obtaining their COs from Weaver. Weaver said he did give CO approval on ten of them, but as far as he knows they are still vacant. Replansky will be reviewing the information for the next meeting.

Approval of the March Workshop Meeting 3 Minutes, April Meeting Minutes, May Meeting Minutes, June Workshop Meeting Minutes, and June Meeting Minutes: Stabile asked for a motion to approve the March Workshop Meeting 3 minutes, motion by Patterson, second by Hermans, all in favor, motion carried. Stabile asked for a motion to approve the April meeting minutes, motion by Blackburn, second by Patterson, all in favor, motion carried. Stabile asked for a motion to approve the May meeting minutes, motion by Hermans, second by Patterson, all in favor, motion carried. Stabile asked for a motion to approve the June workshop meeting minutes, including the one change made by Stabile, motion by Patterson, second by Hermans, all in favor, motion carried. Stabile asked for a motion to approve the June meeting minutes, motion by Patterson, second by Hermans, all in favor, motion carried.

Stabile said alternate Marsh has resigned from the board. Stabile asked the board if they had any ideas for a replacement.

Stabile reminded the board to get their education credits in.

Motion to adjourn at 9:36 pm by Patterson, second by Osofsky, all in favor, motion carried.

July 29, 2023

Respectfully submitted by:

Tricia Devine

Michael Stabile

Project: Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: _____
 Date: _____

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Pine Plains Planning Board
 Name of Lead Agency

7/26/2003
 Date

Michael Stabile
 Print or Type Name of Responsible Officer in Lead Agency

Chairperson
 Title of Responsible Officer

[Signature]
 Signature of Responsible Officer in Lead Agency

[Signature]
 Signature of Preparer (if different from Responsible Officer)

TOWN OF PINE PLAINS PLANNING BOARD

**RESOLUTION APPROVING SPECIAL USE PERMIT AND SITE PLAN APPLICATION
FOR THE INSTALLATION OF A GROUND MOUNTED SOLAR FACILITY AT 31
SCHULTZ HILL ROAD PURSUANT TO §275-24(C) OF THE TOWN OF PINE PLAINS
ZONING CODE**

WHEREAS, June Wu has submitted an application to the Pine Plains Planning Board dated May 16, 2023 seeking special use permit and site plan approval for the installation of a ground mounted solar installation at the premises known as 31 Schultz Hill Road, Pine Plains, New York, Parcel No. 134200-6971-00-735027-0000; and

WHEREAS, said premises are located within the R zoning district and the proposed installation conforms with the requirements for Tier 2 ground mounted solar facilities, as set for in §275-24(C)(3) of the Zoning Code; and

WHEREAS, the public hearing was scheduled for said application on July 26, 2023 at 6:00 p.m.; and

WHEREAS, no opposition to the said application was expressed by the public during the course of the public hearing and the public hearing was closed on that date; and

WHEREAS, the application has been determined to be an Unlisted Action under SEQRA and the applicant has submitted a short form Environmental Assessment Form which has been reviewed by the Planning Board and the Planning Board has reviewed the Part 2 of the short form EAF and determined that this action does not have potential for any significant environmental impacts and a Draft Environmental Impact Statement need not be prepared in conjunction with said application.

NOW, THEREFORE, be it

RESOLVED, that the Planning Board hereby approves the special permit and site plan application for installation of ground mounted solar facility in accordance with the site plan and special permit application submitted by the property owner; and be it further

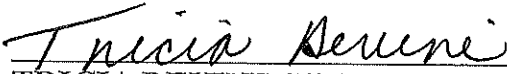
RESOLVED, all application fees and escrow charges shall be paid by the applicant before the signing of the site plan by the Planning Board Chairman and issuance of any building permit for the said solar facility.

The Planning Board members voted as follows:

Michael Stabile, Chairperson	Aye
Vikki Soracco , Vice Chairperson	Aye
Al Blackburn	Aye

Scott Cavey, Alternate	Aye
Ethan DiMaria	Absent
Richard Hermans	Aye
Kate Osofsky	Absent
Steve Patterson	Absent

The Resolution was carried by a five person vote of the Planning Board members on July 26, 2023.



TRICIA DEVINE, PLANNING BOARD
CLERK, TOWN OF PINE PLAINS

TOWN OF PINE PLAINS PLANNING BOARD

**RESOLUTION APPROVING THE SPECIAL USE PERMIT AND SITE PLAN
APPLICATION OF ALCHEMY PURE LLC FOR A PORTION OF THE PREMISES
LOCATED AT 2775 CHURCH STREET (NYS ROUTE 199), PINE PLAINS, NEW YORK
FOR A CANNABIS PACKAGING (MANUFACTURING) FACILITY WITH CONDITIONS**

WHEREAS, Ceen Properties LLC (hereinafter “Ceen”) is the owner of a 3.4 acre parcel of land located at 2775 Church Street (NYS Route 199) in the Town of Pine Plains, having tax parcel number 124200-6872-13-152371 (hereinafter “Ceen Properties”); and

WHEREAS, the subject property is improved by a framed barn structure consisting of 15,575 square feet; and

WHEREAS, Ceen received site plan and special use permit approval in January of 2023 changing the use of the premises from a farming operation to an equipment storage facility; and

WHEREAS, the said premises are located in the Town’s Light Industrial (LI) district in which manufacturing is a use permitted subject to special permit and site plan approval; and

WHEREAS, Alchemy Pure LLC has entered into a lease agreement with Ceen to utilize a portion of the said facility (9,000 square feet) for storage and processing of natural cannabis products, which will be distributed and sold off-site to New York State cannabis dispensaries; and

WHEREAS, Alchemy Pure is currently licensed by the Office of Cannabis Management of the State of New York as an Adult Use Conditional Cultivator pursuant to licenses issued to Chris Regan on May 5, 2022 expiring on May 5, 2024 and Jerry Teale issued on May 5, 2022, expiring on May 5, 2024 by the NYS Office of Cannabis Management; and

WHEREAS, Alchemy Pure proposes to handle the packaging, branding and distribution of that product on-site pursuant to those licenses in that portion of the building leased from Ceen; and

WHEREAS, the said proposed use of the premises has been determined by the Town’s Code Enforcement Officer to qualify as a “manufacturing use” pursuant to the provision of the Town’s Zoning Code; and

WHEREAS, §275-56(aa) of the Town Code provides in subsection (1) that the minimum lot area for a manufacturing use be five (5) acres and the manufacturing building shall be set back no less than 100 feet from any lot line and that the lot line shall contain no less that 100 feet of frontage on a county or state road; and

WHEREAS, the proposed site plan for the facility does not meet all the above-referenced requirements of §275-56(aa)(1) of the Code; and

WHEREAS, §275-55(G)(3) provides, in relevant part, that the Planning Board may waive any specific requirements set forth in §255-56 for approval in conjunction with the application for a special use permit; and

WHEREAS, the applicant has requested the Planning Board to waive the aforesaid requirements of §275-56(aa)(1) of the Code; and

WHEREAS, the applicant has represented to the Planning Board that it has complied, and will continue to comply with all rules and regulations concerning the licensing and operation of the facility including, but not limited to, the adherence to an operating plan and site plan required by the rules and regulations of the Office of Cannabis Management for such facilities; and

WHEREAS, the Planning Board has declared this action be an Unlisted Action under SEQRA and has reviewed a Full Environmental Assessment Form and the Part 2 thereof and has determined that this action does not have the potential for any significant environmental impacts and that a Draft Environmental Impact Statement need not be prepared; and

WHEREAS, the site plan and all documentation submitted in conjunction with this application has been reviewed by the Town's consulting engineer and has been found to be acceptable in form and content; and

WHEREAS, a public hearing was opened on this application on June 19, 2023 and closed on that same date and no comments in opposition to the application were received; and

WHEREAS, the application has been referred to the Dutchess County Department of Planning and Development in accordance with the requirements of §239-m of the General Municipal Law and Dutchess County Department of Planning and Development has determined that this is a matter of "local concern".

NOW, THEREFORE, be it

RESOLVED, that the Planning Board has determined that strict compliance with the requirements of §275-56(aa)(1) is not required in that the building is pre-existing and the operation of the facility on a site less than five (5) acres which does not meet the 100 foot setback requirements of the Zoning Code for this use is not required in the interest of public health, safety and/or general welfare and is not appropriate to the particular special use permit being sought in this case; and be it further

RESOLVED, that the Planning Board hereby grants site plan and special permit approval to the applicant in accordance with the site plan map prepared for Ceen Properties LLC dated October 15, 2022, last revised on May 1, 2023; and be it further

RESOLVED, that the operation of this facility shall be in strict compliance with the rules and regulations of the permit conditions issued for this facility by the Office of Cannabis Management, including, but not limited to, the operating plan and site plan for this type of facility; and be it further

RESOLVED, that there shall be no on-site retail sale or distribution of cannabis product from this facility and that all by-products from the on-site processing shall be removed from the site and composted off-site in accordance with the permits and regulations of the NYS Office of Cannabis Management; and be it further

RESOLVED, that the applicant will install, and continue to maintain, an air scrubber system as represented to the Planning Board during the course of the public hearing; and be it further

RESOLVED, that on or before May 5, 2024, the applicant shall submit a further application to the Planning Board for a renewal of this site plan and special permit by demonstrating, among other things, that the operation has been conducted in full compliance with the rules and regulations of the Office of Cannabis Management and all permitting of this facility by the Office of Cannabis Management as being continued or renewed so as to permit the operation of this facility either as an Adult Use Conditional Processor or other duly issued permit by the Office of Cannabis Management for this facility; and be it further

RESOLVED, that in the event the Planning Board receives notice from the Code Enforcement Officer for the Town of Pine Plains that the applicant has violated any terms or conditions of this special permit and/or site plan approval or in the event the applicant fails to submit a further application to the Planning Board for renewal of the site plan and special permit on or before May 5, 2024, the Planning Board reserves the right to revoke the special permit and site plan approval or modify the same as it deems appropriate; and be it further

RESOLVED, that the applicant shall pay all permit application fees and escrow charged prior to the effectiveness of this Resolution.

The Planning Board members voted as follows:

Michael Stabile, Chairperson	Aye
Vikki Soracco , Vice Chairperson	Aye
Al Blackburn	Aye
Scott Cavey, Alternate	Aye
Ethan DiMaria	Absent
Richard Hermans	Aye

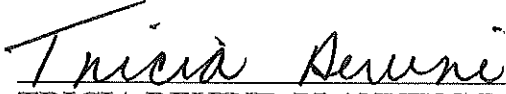
Kate Osofsky

Aye

Steve Patterson

Aye

The Resolution was carried by a seven person vote of the Planning Board members on
July 26, 2023.



TRICIA DEVINE, PLANNING BOARD
CLERK, TOWN OF PINE PLAINS