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**PINE PLAINS PLANNING BOARD MINUTES**  
**Wednesday, September 13<sup>th</sup>, 2023**  
**7:30 PM**  
**In Person and Zoom**

**IN PERSON ATTENDANCE:** Michael Stabile, Chairman  
Al Blackburn  
Scott Cavey, Alternate  
Ethan DiMaria  
Dick Hermans  
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  
Drew Weaver, ZEO, via Zoom  
Brian Walsh, Town Supervisor, in person  
Andrew Gordon, Carson Power, in person  
Dale Mitchell, Apex Modular Solutions, in person  
Brett Bernardini, The Stissing Center, in person  
Marcus Andrews, Stewarts Shops, in person  
Reverend Sarah, Touched by Heaven's Light Day Care - in person  
Frank Fish, BFJ Planning, via Zoom  
Members of the Public, in person

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

**Carson Power SUP and Site Plan Public Hearing:** Stabile asked for a motion to open the public hearing, motion by Blackburn, second by Soracco, all in favor, hearing opened.

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The applicant chose not to say anything since nothing new had been submitted to their application in the past few months.

Replansky said the board has already gone through the SEQR process and issued a negative declaration. The board is now in the second phase of the application for a special use permit and site plan.

Stabile then opened it up to the public for comment.

The first speaker was John Lyons, a land use attorney representing several neighbors. Lyons said the special use permits are not appropriate everywhere in the district and that the permit recognizes that the use could have adverse conditions on the surrounding neighborhood. Lyons also feels if all standards are not met for a SUP then the permit should be denied. Lyons said there are 11 standards to be met according to the code and he feels 5 are not being met. Lyons said all issues deal with the impact to the surrounding neighborhood.

The next speakers were Allison and Eric Galliher of 387 Skunks Misery Road who said they will be able to see the solar unit from their house. They also feel the standards for a SUP are not being met. They feel the solar array is much larger than the current substation there and would have a negative effect on the town. The Galliher's feel that the town attorney pushes things through out of fear that Carson Power will sue or take additional legal action if their request is denied.

The next speaker was Michael Goldman who was speaking for John Forelle of 468 Tripp Road. Forelle feels the project would be inconsistent with community character. Forelle also feels Replansky misled the board to reach a negative declaration. Forelle also feels that the 11 conditions for a SUP are not being met.

The next speaker was Daniel Aronstein of 100 Prospect Hill Road. Aronstein says he loves the rural character of the area and is concerned with this project. He referenced an article from the Poughkeepsie Journal bringing up issues with solar upstate. Aronstein said if it harms the neighborhood it cannot go forward.

The next speaker was Ned Sullivan, president of Scenic Hudson. Sullivan said the mission of Scenic Hudson is to sustain the natural beauty of the Hudson Valley. Scenic Hudson is involved with the project as a potential conservation easement on the

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entire property if the project is approved. The land would be protected in perpetuity. Sullivan urges the planning board to consider all the views received from the public.

The next speaker was Kathleen Augustine of 104 Prospect Hill Road Ext. Augustine said the SUP requirements were not being met and to grant this special use permit would be breaking the law. Augustine was confounded that a negative declaration was reached at the SEQR review.

The next speaker was Joan Franzone of 7770 South Main Street. Franzone said her backyard is woods that she has preserved. Franzone said she can see the argument for solar however she feels the Hudson Valley is a beautiful area and not a place for a large solar field. She said we have coal, oil, and wood, which spells COW - Can of Worms!

The next speaker was Helene Marsh of 128 Schultz Hill Road. Marsh said she has a masters in environmental science management and has had rooftop solar for 15 years. Marsh said there is an enormous environmental impact for this project. She finds it incomprehensible that the board issued a negative declaration for the SEQR. She feels the board did not take a hard look during the SEQR process and does not understand the environmental impact the project has. She doesn't feel the project can meet the 11 objectives of a SUP.

Jason Waluer of 3806 Rt 199 spoke and said he is in opposition of the solar farm and feels he will be able to see it from his property. Waluer said trees have already been removed and left on the property line. Stabile replied that is either Central Hudson or whoever owns the power lines and not related to this application.

Stabile said he understands the emotions involved with this project but he wanted to make clear that the consultants who have instructed the board on the science and the law are independent and are paid by the town, not the applicants, and have no attachments to the project. Stable doesn't feel their integrity should be impugned.

Fish added that BFJ submitted a memo to the board on September 7<sup>th</sup> dealing with the special use permit. At the end of the memo are 19 conditions for the special use permit should they go forward with the project. Fish reminded everyone that the state law does not require a special use permit provision but that

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they suggested it for the local law to be more protective for the town.

Replansky said he would like to review the materials submitted and feels the applicant should as well. Replansky said the hearing should remain open and would like to schedule a workshop meeting to work through the special use permit section of the zoning law. Stabile asked for a motion to set a special workshop meeting for September 27<sup>th</sup> at 7pm at town hall, motion by Hermans, second by DiMaria, all in favor, motion carried. Stabile asked for a motion to adjourn the public hearing until October 11<sup>th</sup>, motion by Hermans, second by DiMaria, all in favor, motion carried.

**Apex Modular Solutions/TPNZ:** Stabile asked Mitchell how this application has changed from the first time it was in front of the planning board two months ago. Mitchell replied that there is now a second business attached to it which is a nursery business that will operate on the same 6-acre parcel. Stabile asked if it is going to be a nursery and selling modular log units. Mitchell replied yes. DiMaria mentioned antiques. Mitchell said the antiques will be on a temporary basis. Mitchell said two local people will be running the nursery and would like to start this fall with pumpkins and mums. Mitchell said eventually they will take over the full 6-acres. Stabile asked if the modulars would be gone and Mitchell replied yes. Stabile asked if Mitchell knew the time frame of that and he replied no, it was started to dispose of material acquired from the Tappan Zee Bridge. Mitchell said there is a large quantity of it and he isn't sure how long it will take.

Stabile asked how many entities we are dealing with and Mitchell replied two. Stabile asked Mitchell if he was just the landowner and Mitchell replied he owns a branch of Apex Modulars.

Hermans asked if they would be using the building Tim Howard used. Mitchell replied yes. Stabile said it doesn't have a septic from what he remembers and Mitchell replied it does not but it does have town water and a septic approval that is current.

The board then reviewed Mitchell's site plan with him. The board asked how the area would be accessed. Mitchell said there is access on rt 83 and through Pilch Drive, but they would not utilize that section. Stabile asked Mitchell if the area was dry. Mitchell replied yes. Osofsky asked if it was the same

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driveway as the warehouse on Rt. 83. Mitchell replied no that it has its own driveway. Stabile asked Mitchell if he had a Dutchess County driveway permit and Mitchell replied yes. Stabile asked Schmitt if it would need to be relooked at and Schmitt replied yes because it is a change in intensity of use. Mitchell said it was relooked at when he sold off the warehouse property. Stabile said it will probably need to be signed off on again. Stabile asked about parking. Mitchell replied there are 15 spaces with access already in place.

Stabile asked about the sign. Mitchell showed the board a sketch he made of a timber sign which would be "L" shaped so it would face north and west. Weaver said zoning does allow for multiple signs on multiple frontages. Weaver said the size of the sign is tied to the gross square footage of the building and this business is mainly outdoors. If it was larger than 5000 sq feet it is allowed a 24 sq foot sign. Mitchell said each business would have a 12 sq ft sign. Weaver said since so much of the business is outdoors it is up to the planning board to decide about the sign. Mitchell said there is a 15% bonus if made from wood in the zoning law.

DiMaria said Mitchell keeps referencing 6.3 acres but that is now shown on the Dutchess County Parcel Access. Mitchell said it is part of the 34 acres he owns and is not being subdivided. Stabile asked if there were any easements involved with that area of the property. Mitchell said not that he is aware of.

Stabile told Mitchell they will need an actual site plan map done to the specifications of the town's code. The board would also like to do a site visit after the site plan is received.

Stabile asked if there were any wetlands. Mitchell replied just the drainage ditch. DiMaria said it is listed as federal wetlands. Mitchell replied there are no federal wetlands.

Stabile said both the state and county will have to look at the driveways for state and county roads. Stabile asked if the driveway would be gravel and Mitchell replied yes. Stabile said the engineer should include this on the site plan.

**Stewarts Shops Corp:** Andrews said they have changed the sign as requested which is smaller and has no internal lighting and the stone will match the wall already there. Stabile asked that that wording be added to the site plan. Andrews said the proposed lights are similar in intensity to what is on the gas

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canopy now. Andrews said they would be a more yellow color and directed down.

Andrews said they are back and forth with the DOT regarding the curb cut along Rt. 82. They are also still dealing with the BOH with the septic.

Stabile then read the resolution (see attached).

Stabile asked for a motion to accept the resolution as amended, motion by Osofsky, second by Patterson, roll call vote: Osofsky aye, Blackburn aye, Soracco aye, Patterson aye, Hermans aye, DiMaria nay, Stabile aye, motion passed.

**The Stissing Center:** Stabile made mention that Patterson and Osofsky are recused from the application and therefore alternate Cavey will be acting as a board member.

Stabile asked about the temporary roof and when would be it demolished and work on the porch begin. Bernardini replied that he wasn't sure when the porch work would start but that the temporary roof will be coming down soon due to the scaffolding going up. Stabile asked if an extension would not be needed then and Bernardini replied no.

Stabile then read the resolution (see attached).

Stabile asked for a motion to accept the resolution, motion by DiMaria, second by Hermans, roll call vote: Blackburn aye, Soracco aye, Cavey aye, Hermans aye, DiMaria aye, Stabile aye, motion carried.

**Touched by Heaven's Light Daycare:** Stabile asked if Schmitt had a chance to look at the site plan. Schmitt said yes and it meets the minimum requirements of a site plan.

Stabile asked about the waivers that the applicant is asking for. Rev Sarah replied yes, regarding the size of the playground. DiMaria asked if it was one waiver or three as it is out of compliance on three sides.

Stabile asked Weaver what waivers will be needed. Weaver said she is too close to the property line with the play area. Stabile asked if that counts as one waiver and Weaver replied he believes so.

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Stabile asked what the distance is from the property line on the north side. Rev Sarah replied she is asking for 40 feet instead of 50 feet on that side. Stabile said he would like that distance shown on the plan.

Stabile asked Replansky about the process. Replansky said it seems that the agencies Rev Sarah has been dealing with need the planning board's approval first but that she can not be issued a CO until she receives a permit.

Stabile asked if there were any restrictions in the town code regarding child amount, etc. and Schmitt replied it would be through the state code. Replansky said there are conditions under zoning but DiMaria replied not any that limit the number of children. Replansky said the planning board can issue waivers under the special permit conditions.

Stabile asked if they would need to see the easements for Pilch Drive and Replansky replied yes. The board let Rev Sarah that the board will also need to know the security system that will be used. The board also let Rev Sarah that they would need an internal floor plan as well.

A public hearing was set for October 11<sup>th</sup> at 7:30pm at town hall.

The board further reviewed the site plan with Rev Sarah and let her know to write out the waivers she is looking to have approved for the property lines, two entrances, and traffic plan (section 5, 8, and 9 in the zoning law).

**Other Business:**

**Approval of the August Meeting Minutes and August Special**

**Meeting Minutes:** Motion by DiMaria to accept the August meeting minutes, second by Patterson, all in favor, motion carried.

Motion by DiMaria to accept the August special meeting minutes, second by Patterson, all in favor, motion carried.

Motion to adjourn at 9:52 pm by Cavey, second by Patterson, all in favor, motion carried.

Respectfully submitted by:

Tricia Devine

Michael Stabile