

October 12, 2023

PINE PLAINS PLANNING BOARD MINUTES
Wednesday, October 11th, 2023
7:30 PM
In Person and Zoom

IN PERSON ATTENDANCE: Michael Stabile, Chairman
Scott Cavey, Alternate
Ethan DiMaria
Dick Hermans
Steve Patterson
Vikki Soracco

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

ABSENT: Al Blackburn
Kate Osofsky

ALSO PRESENT: Warren Replansky, Town Attorney, in person
George Schmitt, Town Engineer, in person
Sarah Jones, Town Liaison, in person
Drew Weaver, ZEO, in person
Brian Walsh, Town Supervisor
Ray Jurkowski
Reverend Sarah, Touched by Heaven's Light Daycare - in person
Andrew Gordon, Carson Power, in person
Alicia Legland, Carson Power Attorney, via Zoom
Frank Fish, BFJ Planning, via Zoom
Lou Reynolds, The Reynolds Group, Stissing Farms
Michelle Rider, The Reynolds Group Attorney
Members of the Public, in person
One Member of the Public, via Zoom

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

Touched by Heaven's Light Daycare Public Hearing 7:30PM to 8:05PM: Stabile asked the applicant to give a brief summary of her plan. Reverend Sarah explained she would like to open a

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daycare at 15-19 Pilch Drive. She has twenty years of teaching experience. She would like to a playground area for the children and maybe incorporate an art teacher.

Stabile then asked Reverend Sarah to go over the waivers she is looking for. Reverend Sarah said she would like a side yard setback waiver to have enough room for the playground.

Stabile asked for a motion to open the public hearing. Motion by DiMaria, second by Hermans, all in favor, motion carried.

Stabile then asked Tom McElroy of 20-22 Myrtle Avenue to speak. McElroy sent in a letter voicing his support of the daycare but would like to see the side yard setback waiver denied. McElroy said he was concerned with his south property line and the waiver causing a tighter feel towards the back of his rental property and the visibility of playground equipment. He would like the setback to remain at 50 feet. Stabile asked McElroy if his main concern was visibility or noise. McElroy said a fence or other equipment may lead to objects in the foreground and/or be bright. He doesn't feel 10 feet would make a big difference for noise; it is just about the proximity. McElroy is also concerned about trees coming down or lighting of the playground. McElroy would like to know what type playground equipment would be there. Reverend Sarah said she was only planning on putting picnic tables in that area and that the equipment would be on the southeast side. Stabile asked about the fence. Reverend Sarah said it would be a 4 ft picket white fence. Stabile asked if that area was shaded and Reverend Sarah said yes. Schmitt asked if she was planning on cutting the trees there and Reverend Sarah replied no.

Soracco asked McElroy if he has any issues with the dryers associated with the carwash. McElroy said he can hear them, but he has no issue with noise, since he understands he lives in the village. McElroy said he cannot see the carwash from their property. McElroy said he can see the building during winter when the trees are bare.

Stabile asked McElroy if he shares roughly 15-20 feet with the lot line at 15-19 Pilch. McElroy replied it is about half the width of their roughly 30-40 feet. McElroy then showed photos from his property showing the area in question.

Soracco said putting in some rows of sharon could solve it. Soracco asked McElroy if he lived on the property when 15-19 Pilch Drive had an active doctor's office with a lot of traffic.

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McElroy said no, only since the beginning of 2020. Soracco said there used to be a lot of activity in that building and now there isn't. McElroy said he understands that but those businesses didn't have anyone outside in that area. Soracco said no, but it was used for parking.

Cavey said he knows McElroy is concerned about lighting so he asked Reverend Sarah what her hours would be. Reverend Sarah wasn't sure. Stabile asked if she was proposing any new lighting and Reverend Sarah replied no. Cavey said so children wouldn't be in that area after dusk. Reverend Sarah said no, not pass 4:30/5pm. Reverend Sarah wasn't opposed to plantings there.

DiMaria feels that if the playground is going to be close to the building that is enough because otherwise it would be over 100 feet of hedge she would need to plant. Stabile thought a couple of evergreens would be enough. Schmitt agreed.

The board asked Reverend Sarah to mark out where the playground equipment would be so that the board could do a site visit.

Patrick Hawco of 18 Myrtle Avenue asked about the size of the evergreens suggested because they could become very large and kill the other trees surrounding it.

McElroy asked if there would be a final site plan of the playground. Stabile said it wouldn't show specific pieces but they could put in the resolution no swing set within 15ft of that property line, etc.

Stabile said the area where the playground is proposed was used as a driveway and had dumpsters. Stabile thought something should be added there for safety such as a curb stop. Schmitt said a curb stop wouldn't stop a car, but a guard rail fence could or a concrete wheel stop would work.

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

Replansky said the board will need to provide a rationale for each waiver requested for the resolution.

Carson Power Special Use Permit (SUP) and Site Plan Public Hearing 8:08PM to 8:57PM: Stabile asked for a motion to reopen the public hearing, motion by Cavey, second by Patterson, all in

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favor, motion carried. Stabile then opened it up to the public to speak.

The first speaker was Daniel Aronstein of 100 Prospect Hill ext. Aronstein said he was disappointed by the board making a negative declaration during the SEQR process. Aronstein is upset that a balloon test was never done and that the board instead relied upon a simulation.

The next speaker was Kathleen Augustine of 104 Prospect Hill Road who said there is a large group of residents who live in vicinity of the project who have written letters, gone to meetings, and hired highly regarded experts who have written to the planning board regarding the failures of this project to meet the criteria of a SUP. Augustine finds it disappointing that the process, in a small town like this, has been degraded. Augustine feels the residents against the project have been ignored by the planning board.

The next speaker was John Lyons, a land use lawyer who represents several neighbors. Lyons said the planning board sits in for the community and is supposed to be fulfilling those responsibilities on behalf of the community. Lyons does not feel this was done in this review process. Lyons hopes the board changes their minds, and if they don't, he feels the board will be letting down the community.

The next speaker was Carrie Watkins-Bates, Director of Land Conservation for Scenic Hudson. Watkins-Bates said a conservation easement is a legal agreement that protects a property's natural resources by permanently restricting its future land use and development. Watkins-Bates said Scenic Hudson has agreed to have a conservation easement over the entire 170 acres of the Carson Power project. It is their intention to execute the binding agreement with Carson Power when they take ownership prior to site development.

The next speaker was Jacqueline Elliott of 501 Bean River Road. Elliott said as the planning board decides to grant the SUP for Carson Power she questions the ability of the town to hold Carson Power accountable once construction is complete. She is concerned about the property values of nearby properties. She feels questions regarding this project have remained unanswered.

The next speaker was Donald Hastings of 549 Tripp Road. Hastings said he was concerned about the erosion to his property and if it would make his fields unfarmable when cutting down the

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trees. He feels the site line concerns were ignored. He finds it hard to believe that this project has no impact on him and his neighbors. He also wonders why this project was excluded from the moratorium on solar.

The next speaker was Daniel Aronstein again who finished his initial thoughts when he spoke earlier and ran out of time.

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

Stabile asked Fish and Replansky what was next in the process. Fish said after the last meeting a revised set of conditions for the SUP was given. Fish said the board should consider those and that Replansky said will need to know if the board is ready to vote on the SUP because he will need time to draw up a draft resolution. The board said they would like to see an edited list of the new conditions drafted by Fish.

DiMaria said he is still stuck on land values. DiMaria said the SUP said there should be no negative value to land value. Stabile said Fish said it was inconclusive. DiMaria agreed and said it is specific to each individual site. DiMaria said the town's accessors didn't want to comment and he wasn't sure where that left the board. Fish said he could give the board the results of their research. Fish said the studies are inconclusive and some studies show a slight increase while some show a slight decrease. It is very dependent on the exact project. The board brought up some other questions they had regarding property values. Fish said a conservation easement does increase property values. DiMaria would like to know the net difference between the increase of a conservation easement and the decrease of solar panels in property values.

Gordon said to clarify, after construction a solar field is a very low disturbance use, no noise or odor. Gordon said an impact on property values would be directly tied to the visibility of the system. Gordon said they have made multiple changes to accommodate and reduce the visibility by all means. Gordon said they are donating the conservation easement and everything as it looks on Bean River Road today will look the same. Gordon said they are protecting the rural aesthetic of Pine Plains through the conservation easement.

The board decided to have a special workshop meeting on October 25 at 7:30pm at town hall to discuss the memo regarding the SUP.

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DiMaria made a motion, second by Patterson, all in favor, meeting scheduled.

Stissing Farms 8:58PM to 9:18PM (A/C executive session from 9:18PM to 9:31PM) and 9:31PM to 9:38PM: Lou Reynolds from The Reynolds Group, who owns Stissing Farm Townhouses, said they completed the project in June and are now trying to obtain their Certificates of Occupancy (COs). Reynolds said twenty homes have been completed and the COs have been provided. Reynolds said another 28 have been completed and have passed inspection but they are still waiting for COs. Reynolds said they were requested to appear in front of the planning board to discuss this.

Stabile asked Reynolds if out of the 20 COs are some of those from the existing townhomes prior to the build out. Reynolds said yes, 10 of those COs are from the prior townhomes.

Stabile said part of the conditions of the most recent approval is that it is a condo project, however, have they received the offering plan from the state? Rider said they have an amended condominium plan, that they filed timely, but that it is still pending with the Attorney General. Rider said getting it approved was not part of the board's requirements, just the submission of the plan.

Replansky said the issue is that this project has had several changes in ownership, etc. and that the last resolution required the applicant to resubmit to the Attorney General to convert it back to a condominium plan, not a rental project. Replansky said when Weaver issued the COs for 10 units he contacted him and Replansky inquired if they had received the Attorney General's approval and they had not. Replansky said since it has been 2 years he is concerned with why it wasn't approved. Replansky said when he spoke to a representative of owners they said they are under a time constraint because they have leases for tenants to move in on October 1st. Replansky asked how long the leases would be and he said a year. Replansky said the town was embarrassed a few years ago when it was blamed on them for evicting tenants. Replansky said they are planning on renting out these units for a year and it is supposed to be a condominium property. Replansky said in order to waive this the planning board has to make that decision.

Rider said they do not need an extension and they do not need further approval because there is nothing in the approval that

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requires the units to be owner occupied. Rider said a one-year rental will not hinder the applicant from selling the units.

Stabile said the board approved condos and now it is rentals for an amount of time so it is not what was approved. Reynolds said they do have condominiums that are individually deeded and taxed, if it was a rental property, it would be taxed as one. Reynolds said he wants to sell the apartments, he does not want a rental property, but he has been denied his COs from the AG. Reynolds said once his architect submits certain documentation to the AG they will receive their approval, in the meantime he is eating money and needs to do something to make money, i.e. rent out units.

Stabile asked how many leases he currently has. Reynolds said right now he has two people interested in the 28 apartments. He hasn't been able to market the condos since he does not have an exact date. Reynold said when he receives approval the tenant will be given the choice to buy the unit. Rider said the Attorney General allows the units to be rented. Replansky said he is sympathetic, but that it needs to be cleared up.

Stabile asked what the profile of the rent is. Reynolds said there is a range, \$2200 to \$2800 and that the tenant base are people of the community, such as a schoolteacher, a former town official, etc.

Stabile asked for a motion to adjourn the meeting to go into an attorney/client session with Replansky to discuss Stissing Farms, motion by DiMaria, second by Hermans, all in favor, motion carried. The board went into the attorney/client session from 9:18pm to 9:31pm. Stabile asked for a motion to reopen the meeting, motion by Soracco, second by Patterson, all in favor, motion carried.

Stabile said Replansky will draft a resolution for next month for extending the approval and in the meantime they will approve Weaver to grant 14 of the 28 COs. Replansky said he wants to see the notice from the Attorney General and then a formal resolution will be made to make sure everything is in order.

Rider asked why an extension was needed, as she feels everything was completed in a timely manner. DiMaria said approval from the AG is needed. Rider said she felt it was just a submission, but she is fine with an extension. Replansky said he would work with them. Rider said she just wanted to make sure that what

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the board is looking for is full AG approval and Replansky replied yes, and a 6 mos. extension would be given.

Stabile asked if they could vote on it at the workshop meeting if the resolution was drafted and Replansky replied yes. Stabile asked for a motion to direct Weaver to issue the 14 COs in anticipation of Replansky drafting a resolution, and receiving the materials from the applicant, motion by Hermans, second by Patterson, all in favor, motion carried.

Other Business: Jones brought up the letters from the public regarding the conservation easement with Carson Power to be very specific before anything goes forward. She feels the letters should be carefully read and that Replansky gets what is needed so that the easement happens with Scenic Hudson and not some other entity. Replansky agreed that it was important.

Hermans asked about Hudson Valley Housing and their proposal for 35 units behind Stewarts and would they be coming before the board. Stabile said they would have to.

Approval of the September Meeting Minutes and September Special Meeting Minutes: Motion by DiMaria to accept the September meeting minutes, and the September special meeting minutes, second by Patterson, all in favor, motion carried.

Motion to adjourn at 9:43 pm by Dimaria, second by Patterson, meeting adjourned.

Respectfully submitted by:

Tricia Devine

Michael Stabile