

September 18, 2023

PINE PLAINS PLANNING BOARD MINUTES
Wednesday, September 13th, 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 Special Use Permit (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 Galliheres 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 Ext. 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 advised 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 7th 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 27th 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 11th, 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 modulares 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 Modulares.

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 as a separate lot. 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.

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 voting board member.

Stabile asked about the temporary roof on the east side of the building and when would it be 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 told Rev Sarah that the board will also need to know the security system that will be used. The board also let Rev Sarah know that they would need an internal floor plan as well.

A public hearing was set for October 11th 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 275-52, subsection (S)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

TOWN OF PINE PLAINS PLANNING BOARD

**RESOLUTION APPROVING THE APPLICATION OF PINE PLAINS MEMORIAL HALL
FOR THE SITE PLAN AMENDMENT FOR THE STISSING CENTER PROPERTY AT 2946-
2950 CHURCH STREET, PINE PLAINS, NEW YORK**

WHEREAS, Pine Plains Memorial Hall d/b/a Stissing Center has made application to the Pine Plains Planning Board for amendment of its site plan approval for the property known as the Stissing Center located at 2946-2950 Church Street, Pine Plains, New York, having Tax Parcel No. 6872-18-378191; and

WHEREAS, the said property is located within the Town's H-BUS and H-CR districts; and

WHEREAS, the initial site plan for this facility was issued by the Planning Board on or about January 11, 2017 and a amended site plan was approved by the Planning Board on or about December 14, 2022; and

WHEREAS, this action was designated an Unlisted Action under SEQRA and the initial approval, and the amended approval for the site plan did not result in any significant environmental impacts which required preparation of a Draft Environmental Impact Statement ("DEIS"); and

WHEREAS, the Applicant's current application for an amended site plan seeks a rear building addition; two additional accessible parking spaces behind the proposed rear addition; certain interior renovations to the basement including a larger catering kitchen and a multi-use assembly space; conversion of a ground floor room under the main stage into a green room for performers; reconfigured layout on the mezzanine level for staff use spaces; second floor renovation to contain staff offices and gallery space open to the public; redesigned main stairway with a minimal guardrail structure to replace the temporary plywood wall currently in front of the main stairs with internal lights to provide access lighting, as well as illumination for the steps behind it; site lighting, including the addition of several bollard-type half lights at the rear of the building; and the removal of a temporary rain diverting structure on the east side of building to construct a permanent side porch; all as shown on the proposed site plan vicinity map and area map; site plan landscape and hardscape site details; utilities lighting plan; proposed floor plans; proposed exterior elevations; proposed exterior signage renderings; drainage plan; sediment control plan; all of which have been submitted to, and reviewed by the Town's Engineer and the Planning Board and which are collectively referred as the "Site Plan" for the project last revised on July 12, 2023; and

WHEREAS, this application has been reviewed and discussed by the Planning Board, its engineering consultant and the Attorney to the Town at several Planning Board meetings; and

WHEREAS, the Planning Board opened the public hearing on July 26, 2023 and closed the public hearing on that same date; and

WHEREAS, the application was referred to the Dutchess County Department of Planning and Development for its comments in accordance with §239-m of the General Municipal Law and the Dutchess County Department of Planning and Development had comments with regard to the lighting of the facility, but determined that this was a matter of “local concern” and advised the Planning Board to rely on its own study of the facts of the case with due consideration of its comments; and

WHEREAS, the Planning Board has, in fact, given due consideration to the lighting comments of the Dutchess County Department of Planning and Development; and

WHEREAS, the Planning Board has determined that the site plan as amended does not raise any additional environmental concerns so as to warrant a revision to its SEQRA determination.

NOW, THEREFORE, be it

RESOLVED, that the Planning Board hereby grants amended site plan approval to the Pine Plains Memorial Hall in accordance with the site plan submissions of the Applicant, subject to the following conditions:

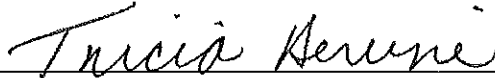
1. That the site development work be carried out in strict compliance with the site plan, as amended.
2. That all lighting for the facility may be turned on an hour before any event and shall be turned off within one hour after the conclusion of any event.
3. That all exterior illuminated signage shall be turned off within two hours after the close of business activity at the Center and during the hours of 12:00 a.m. and 6:00 a.m. unless the building is open for events or business during those hours.
4. That this site plan approval shall be deemed to supersede all previous site plan approvals and amendments to the site plan, which have not, to date, been constructed by the Applicant.
5. That the Applicant shall pay all permit application fees and escrow charges prior to the effectiveness of this Resolution.

The Planning Board members voted as follows:

Michael Stabile, Chairman	Aye
Al Blackburn	Aye
Scott Cavey, Alternate	Aye
Ethan DiMaria	Aye

Richard Hermans	Aye
Kate Osofsky	Recused
Steve Patterson	Recused
Vikki Soracco	Aye

The Resolution was carried by a 6-0 vote of the Planning Board members on September 13, 2023.



**TRICIA DEVINE, PLANNING BOARD
CLERK, TOWN OF PINE PLAINS**

TOWN OF PINE PLAINS PLANNING BOARD

RESOLUTION APPROVING THE APPLICATION OF STEWART SHOPS FOR SITE PLAN AND SPECIAL USE PERMIT APPROVAL FOR THE REDEVELOPMENT OF THE EXISTING STEWART SHOP LOCATED AT 7710 SOUTH MAIN STREET, PINE PLAINS, NEW YORK

WHEREAS, Stewart Shops Corp. is the owner of a 1.51 acre parcel of land located at 7710 South Main Street (NYS Route 82), currently improved by an existing Stewart Shops convenience store with gasoline service pumps, gasoline canopy, parking area, signage and other appurtenances and infrastructure; and

WHEREAS, Stewart Shops has made site plan and special use permit application dated April 25, 2023 for the demolition of the existing building, removal of the gasoline pumps and canopy and construction of a new 3,975 foot convenience store, a reconfigured parking area, new gasoline pumps, a new canopy, new signage and other related infrastructure and appurtenances, all as depicted on site plans submitted to, and reviewed by, the Planning Board, which plans include, but are not limited to: the existing site plan; proposed site plan; utility plans; grading plans; erosion control plan; landscape plan; lighting plan; vehicle tracking plan; sidewalk and parking plan; roof drain and parking details; utility and stormwater details; miscellaneous details; septic details; elevations; landscape and planting plans; and new signage plans (hereinafter, collectively, referred to as the "Site Plan"); and

WHEREAS, the site plan provides for the construction of a new gas canopy with eight fueling stations and four islands; a low stone fence in the front of the facility, together with a monument sign to match existing field stonewall of adjoining property; and

WHEREAS, the subject parcel is accessed by driveway curbing and entrance from New York State Route 82 and three separate additional access points off Route 82 over a right-of-way currently owned by Dale Mitchell, the adjoining property owner to the south of the property; and

WHEREAS, the site plan and all submittals from Stewart Shops have been reviewed by the Planning Board's Consultant Engineer, George Schmitt, the Senior Engineering Project Manager with CPL Architecture and Planning; and

WHEREAS, comments and requested changes to the site plan made by the Town's Engineer have been responded to by the Applicant in a manner satisfactory to the Planning Board and the Town's Engineer; and

WHEREAS, the Applicant has submitted a Stormwater Pollution Prevention Plan (SWPPP), which has been reviewed and approved by the Town's Engineer; and

WHEREAS, the Planning Board has reviewed all these plans at several Town Board meetings; and

WHEREAS, the public hearing on this application was opened on July 29, 2023 and closed on that same date; and

WHEREAS, the Applicant has applied to the Pine Plains Zoning Board of Appeals for an area variance from the provisions contained in the Schedule of Bulk Regulations requiring a front yard setback of no less than 10 feet and no more than 25 feet and allowing a front yard setback not to exceed 163.5 feet and the said area variance was granted by Resolution of the ZBA dated May 23, 2023; and

WHEREAS, the Planning Board has received, and reviewed, a letter dated June 19, 2023 from Scott Chase, the Chairman of the ZBA, strongly objecting to the plans for the new facility with the gas pumps and gas canopy located in the front of the building and advocating for the placement of the building close to Route 82 with parking and the pumps located to the side of the building in accordance with the provisions in §275-56(j)(3) of the Town Code; and

WHEREAS, the Planning Board has received a comment letter from the Dutchess County Department of Planning and Development dated July 27, 2023 recommending that the Planning Board not grant site plan approval to the project as currently proposed, due to the failure of Stewart's to locate the pumps and parking to the side of the building, as provided in §275-56(j)(3) of the Town Code; and

WHEREAS, the Planning Board has determined that the location of the pumps to the side of the building is not practicable under the circumstance, due to; (i) the limited size, and physical constraints, of the parcel; (ii) that the current facility was constructed in 2009 and predates the Town's Zoning Code; (iii) that the current facility has existed for many years with the pumps and parking located in the front of the building with no apparent adverse aesthetic impacts on the community; and (iv) that the relocation of the pumps and parking area to the side of the building would necessitate the closure of the facility for several months during construction, and since Stewarts is the only gasoline facility in the Town of Pine Plains, the closure would impose a hardship on the residents of the Pine Plains community; and

WHEREAS, the Planning Board has determined that this is a Type II action under SEQRA which does not require environmental review pursuant to the provisions of 6 NYCRR Part 617.5(c)(9).

NOW, THEREFORE, be it

RESOLVED, that the Planning Board hereby grants site plan and special permit approval to the Applicant in accordance with the site plan, as last revised and submitted to the Planning Board, dated August 28, 2023 subject to the following conditions.

1. That the construction of this facility be in strict compliance with all of the provisions of the approved site plan.
2. That the proposed monument sign be in accordance with the design submitted to, and approved by, the Planning Board with scroll pricing rather than LED pricing and

externally lit.

3. That the Applicant comply in all respects with the approved Stormwater Pollution Prevention Plan (SWPPP).

4. That all necessary approvals for the driveway entrances required from the New York State Department of Transportation be obtained by the Applicant with proof of such approvals submitted to the Planning Board Chairman.

5. That the driveways be installed in accordance with the driveway and curb cut plans submitted to the Planning Board and in accordance with the New York State DOT Curb Placement and Asphalt Roadway and Reconstruction Detail with the installation of Stop Signs and stop bars at Stewart's expense as recommended by the Town Engineer.

6. That all necessary approvals for the project, including water and sewage supply and the installation of underground storage tanks and pumps, be obtained in accordance with all statutes, rules and regulations of the Department of Environmental Conservation and the Dutchess County Department of Health with proof of all such approvals provided to the Town Engineer and Planning Board Chairman.

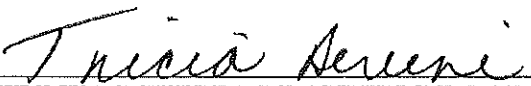
7. That the Applicant provide documentation of an easement from Dale Mitchell for the ingress and egress from the facility, together with a Driveway Maintenance Agreement between Stewart's and Mitchell and that the same be submitted for approval to the Attorney for the Town and filed in the Dutchess County Clerk's office; and be it further

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

The Planning Board members voted as follows:

Michael Stabile, Chairman	Aye
Al Blackburn	Aye
Ethan DiMaria	Nay
Richard Hermans	Aye
Kate Osofsky	Aye
Steve Patterson	Aye
Vikki Soracco	Aye

The Resolution was carried by a 6 to 1 vote of the Planning Board members on
September 13, 2023.



TRICIA DEVINE, PLANNING BOARD
CLERK, TOWN OF PINE PLAINS