

May 20, 2024

PINE PLAINS PLANNING BOARD MEETING MINUTES
Wednesday, May 15, 2024
7:30 PM
In Person and Zoom

IN PERSON ATTENDANCE: Michael Stabile, Chairman
Kate Osofsky, Vice-Chair
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
Ed Casazza, Town ZEO, in person
Kevin Walsh, Town Liaison, in person
George Keeler, Applicant, in person
Wesley Chase, Representing Applicant, in person
Jack Meccariello, Applicant, in person
Matthew Cichetti, Applicant, via Zoom
Anthony Frisenda, Applicant's Architect
Jeanine and Keith Sisco, Applicant, in person
Members of the Public, in person

American Legion/Tower Pizza Site Plan Resolution: Stabile said some changes were made to the site plan at the last meeting and were since added as of April 16th.

Stabile then went over the resolution with the board (see attached).

Stabile asked for a motion to accept the resolution as amended, motion by Hermans, second by DiMaria, roll call vote: DiMaria

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aye, Soracco aye, Patterson aye, Hermans aye, Osofsky aye, Blackburn aye, Stabile aye, all in favor, motion carried.

Cichetti Slaughterhouse Site Plan/Special Use Permit: The board reviewed the new site plans from the applicant.

Stabile asked Cichetti the distance between the back corner of the proposed building to the property line of the residence nearby. Cichetti replied it is probably between 300 and 350 feet.

The board then reviewed the lighting on the site plan. Stabile asked if there was going to be an electric line above the building or would it be a buried line. Cichetti replied that it would be a buried line.

Stabile asked if there was a proposed sign. Cichetti said yes, out by the road there would be a sign. Stabile asked if it would face the road or be perpendicular. Cichetti said it would be perpendicular. Stabile asked if it would be on posts. Cichetti said it would be a 3x5x5 foot sign on posts.

Hermans asked since it cuts through a bit of the hillside, how much of the hillside will be cut down and what is the slope of the east side of it. Cichetti replied there are three areas that will be cut due to rock. Cichetti said these are the only areas that remain to be graded. Cichetti said the area where the road enters the woods will be taken down roughly 3 feet and the area by the building site has a 20x10 foot area of rock that needs to be taken out, and the east side of the building has a rock hump that will need to be taking down roughly 4 feet.

Hermans asked if the lights will be on all night. Cichetti replied that the lights could be lowered, but then more would be needed. Cichetti said there is no intention of having them on at night. Osofsky asked if the roadside light will be on at night. Cichetti replied no, the hours could be limited on it.

Stabile asked what the operating hours will be. Cichetti replied 6am to 7pm, with trucks coming in early. Meccariello added there are USDA hours that typically stop at 3pm but there is then clean up.

DiMaria said he feels 25 feet on the lights is excessive. Stabile asked Schmitt about having more instead. Schmitt said if you lower the lights you do need more of them. Schmitt said he feels 3 lights at 12-15 feet would be sufficient. Cichetti

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said shining down floodlights from the peak of the building is an option too.

Stabile asked Cichetti if the board would receive building elevations eventually. Cichetti replied that currently they are looking to receive the approvals and then they will submit the building plan for a building permit. Cichetti said there is a 20-foot sidewall and a 32-foot peak. The building will be concrete and metal.

Replansky said the EAF will need to be redone since a few questions were left unanswered.

DiMaria asked if the tree plantings were specified on the site plan. Cichetti said yes, they added evergreen trees towards the front. DiMaria asked for a specific species and Cichetti replied it would probably be spruce trees. Soracco asked if any trees would be added to the area where you look down from on top. Cichetti replied he is open to that.

Soracco confirmed that parking will not be in front of the building. Cichetti replied correct, all parking and deliveries will be in the back of the building.

Stabile asked what else was needed for the application to set a public hearing. Replansky replied some things need to be amended. Stabile asked if the building elevations could be received by next month. Cichetti said they could give a preliminary plan. Replansky said it will need to be referred to the county and the full EAF will need to be revised. Stabile told Cichetti the revisions will be needed to send it to the county. DiMaria asked the applicant had he sent the ag data statement yet. Cichetti said he was waiting for the public hearing information first. Stabile asked for a motion to set a public hearing for June 12th at 7:30PM, motion by Blackburn, second by Patterson, all in favor, motion carried.

Stabile asked for a motion to declare the planning board lead agency and that the application is an Unlisted Action, and to accept the amended EAF, motion by Hermans, second by Blackburn, all in favor, motion carried.

Hudson Performance Center Site Plan/Special Use Permit: Anthony Frisenda, the applicant's architect, reviewed the site plans with the board. Frisenda said three new bays would be added and a gabled roof, a small showroom will also be attached towards

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the front of the building. Stabile asked that Frisenda send the plans digitally.

Stabile said the current building is not conforming, but the addition will be conforming, correct? Frisenda replied that the building will comply with the required setbacks. Frisenda said the street facing façade will have two bays and store front glass.

Stabile asked about the oil, etc. and different regulations for it. Frisenda said floor drains are required and an oil capture system. Frisenda said it would be cleaned manually and not entering sewers or going to the exterior at all.

Schmitt said it needs to be on the site plan that the current well is abandoned or filled in. Schmitt said he needs to see the septic plotted on the site plan based on the survey. Schmitt said the use is the same but there will be a change in use in intensity. Schmitt said DOT will need to give an opinion on entrances and the BOH will need to comment on the septic. Stabile asked if the septic was going to be under where the new addition is. Meccariello said no, behind it, it is already there.

Stabile asked if there were any curb cuts or was it a complete apron. Schmitt said the survey shows a couple of curbs.

Stabile asked about lighting. Frisenda said there is minimum lighting proposed at the street facing façade. Frisenda said there may be some on the building illuminating the garage doors. There is an existing pole light. Stabile reminded Frisenda of the town's requirements for lighting.

Replansky said he would like to see a full EAF for this application.

Stabile said the board will look forward to receiving a full application next month so that a public hearing could be scheduled.

Stabile said after all the documents are received it will also need to be referred to the county for a 239M.

Sisco Minor Subdivision: Chase explained that the Siscos currently own a piece of property that fronts North Main Street, also known as County Rt 83A, the county road ends and the town street, Hoffman Road, begins at Ryan Road. Therefore part of

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the property affronts a town road, and the other a county road. They have two residences, one on the west side, a small cottage, and one on the east side, the primary residence, on Hoffman Road. The Siscos would like to separate the small house from the main house and then have a smaller lot to the south.

Lot one, on the east side, is 1.73 acres, lot two is 1.75 acres and lot three, would be 5.03 acres.

Since it is considered a nonreality subdivision, BOH approval is not needed currently.

Chase said they have contacted Dutchess County highway department regarding an entrance onto the new parcel. The county will sign off on a proposed entrance, but it is also not currently required.

Stabile pointed out that even though the east side is considered Hamlet Main Street, the small parcel is considered the Rural Zone. Because of this 5 acres is required for the parcel. Later in the meeting it was determined by Replansky that the applicants will need to apply to the Zoning Board of Appeals for an area variance.

D&S Apartments: Doug Weaver, owner, of 7788 South Main Street, said he was thinking about demoing the building that is currently there, but his question is would he need to meet the current setbacks if he builds a new building. Weaver said he owns two parcels there, but the front parcel does not own the parking - it is owned by the back parcel.

Stabile asked if he is just going to demo the front building, Weaver replied yes. Stabile asked if he would be keeping it on the same small lot and Weaver replied yes. Stabile said he would not be able to meet any of the setbacks then. Stabile said it is also a preexisting zoning, nonconforming use, and therefore would also need to go the ZBA for an area variance. Replansky said it if it placed within the same parameters of the previous building then it would be fine.

Weaver said the building is an "L" shape now and he would prefer to make it squarer. Stabile said he could go to the ZBA and ask for the variance. Stabile asked if Weaver was planning on merging the two parcels and Weaver replied he does not want to but will if he has to. Stabile said if he did merge them then he would have more room to work with.

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The board then discussed the setback for that area of town (Hamlet-Business) and it was determined that it is five feet. Weaver replied he probably has 3 feet on the south side.

Stabile asked Weaver why he was reluctant to combine the two parcels. Weaver replied he was concerned about losing parking space. DiMaria said it would be combining the parcels but keeping the same building footprint. Stabile said if there is already a 3-foot setback, then the building would only need to be moved 2 feet. Stabile said the more the building goes to the north and fills in the street wall, the better. Stabile said to have a rectangular shape in lieu of the "L" shape with parking behind.

Wesley Chase pointed out an area of the code that says if an owner is improving and/or increasing a building it does not need to conform to the footprint of the original building.

The board and Weaver decided a rectangle shape would be best. The board also feels merging the two parcels would also be the best thing to do. Stabile asked that it also fit in with the character of the town.

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

Other Business: Stabile reminded the board to work on their education credits.

DiMaria asked Casazza about the feather flag at the carwash. Casazza said he spoke with them and it was taken down.

Soracco asked about the Patchin House at 3032 Church Street. Stabile said the applicants either need to build a house in the front or the house in the back will become the primary residence. Stabile said the board can not force the applicants to build a house if they choose not to. A member of the public, Stan Hirson, said he knows the applicants and said they are planning on building a new home in front. Stabile asked Hirson to ask them to send a letter to the planning board stating their intention.

DiMaria said this brings up an issue of having a timeline for applications and when does the approval become void. DiMaria said an end date should be placed in the resolution. Replansky said he believes there is a time limit of one year, otherwise

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the applicant is supposed to come back to the board for an extension.

The meeting adjourned at 9:48PM.

Stabile then asked for a motion for the board to go into an executive session/attorney client meeting with Replansky for reasons of ongoing litigation. Motion by DiMaria, second by Patterson, all in favor, motion carried. No decisions were made while in the executive session.

Respectfully submitted by:

Tricia Devine

Michael Stabile

TOWN OF PINE PLAINS PLANNING BOARD

**RESOLUTION APPROVING SITE PLAN APPLICATION OF AMERICAN
LEGION POST 426**

WHEREAS, the American Legion Post 426 is the owner of a parcel of land consisting of .47 acres located at 9 Main Street, Town of Pine Plains, Tax Id No. 134200-6872-18-383225-0000; and

WHEREAS, 199 Corporation is the owner of a parcel of land adjacent to the south of the American Legion property consisting of .48 acres, having Tax ID No. 134200-6872-18-375214 located 2943-2947 Main Street in the Town of Pine Plains; and

WHEREAS, the American Legion property is improved by an American Legion meeting building and blacktop and gravel parking areas; and

WHEREAS, the 199 Corporation property is improved by a two-story restaurant building and a two-story frame building used as a bar and a gravel parking area; and

WHEREAS, the 199 Corporation property is in need of additional parking for its property; and

WHEREAS, the American Legion and 199 Corporation have entered into a lease agreement providing, in relevant part, that 199 Corporation may install a gravel parking area on the American Legion property to be used in conjunction with the restaurant and bar operations on the 199 Corporation property, all as shown on a Site Plan Map prepared for American Legion Post No. 426 Inc. by Wesley P. Chase, Land Surveyor, dated March 13, 2024; and

WHEREAS, the parking area has already been constructed and is currently being used by the 199 Corporation in conjunction with the restaurant and bar operations; and

WHEREAS, the American Legion has made application to the Planning Board pursuant to the provisions of Article XII of the Town Zoning Code for site plan approval to allow for the continued location and use of the parking area by 199 Corporation on the American Legion property; and

WHEREAS, the application has been forwarded to the Town's Consulting Engineer, George Schmitt, for his review and comments which were included in a letter dated April 8, 2024 to the Planning Board; and

WHEREAS, the Town Engineer and the Planning Board have conducted a site visit of the properties; and

WHEREAS, the Planning Board has considered the criteria for decision making for the site plan approval as set forth in §275-63 of the Town Code and has determined that the proposed

site plan meets the criteria for approval as set forth in that section of the Town Code; and

WHEREAS, the Planning Board has determined that this is a Type II action under SEQRA and does not require environmental review; and

WHEREAS, the Planning Board has determined that there is sufficient lighting at the location of the gravel parking area on the American Legion property and that the parking area, as constructed, is suitable for the purposes intended; and

WHEREAS, the Planning Board conducted a public hearing on said application on April 10, 2024; and

WHEREAS, the Planning Board has received the final Site Plan Map dated April 16, 2024 with notes contained therein with regard to the stormwater runoff and/or proposed gate or obstruction and whereas the Planning Board voted on and granted the following waivers at the April 10th hearing as indicated by the attached email; and

WHEREAS, the Planning Board closed the public hearing on April 10, 2024.

NOW, THEREFORE, be it

RESOLVED, that the Planning Board hereby approves the final Site Plan Map prepared for American Legion Post No. 426 dated April 16, 2024 subject to the following conditions:

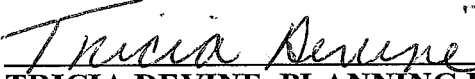
1. That the American Legion comply with the site plan requirements as depicted on the site plan and set forth in the notes on the Site Plan Map with regard to stormwater runoff, and/or gate or obstruction and;
2. That the parking area be permitted on the American Legion property as set forth in said Site Plan Map for the use by the lands and business of the 199 Corporation;
3. That the parking area be utilized in conjunction with the Site Plan Map and the notes contained therein; and
4. That all application, escrow fees and other charges imposed on this application by the Planning Board and Town Code be paid prior to signing of the site plan by the Planning Board Chairman.

The Planning Board members voted as follows:

Michael Stabile, Chairperson	Aye
Kate Osofsky, Vice Chairperson	Aye
Al Blackburn	Aye

Scott Cavey, Alternate	Did Not Vote
Ethan DiMaria	Aye
Richard Hermans	Aye
Vikki Soracco	Aye
Steve Patterson	Aye

The Resolution was carried by a 7-0 vote of the Planning Board members on May 15, 2024.



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

Application and Map Requirements

- (1) A vicinity map at a scale of 1 inch = 2,000 feet or larger showing the site in relation to existing community facilities, roads, and zoning district boundaries.
- (2) An area map showing the subject property and all properties, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the subject property. Property owner names and addresses shall be provided for said adjacent lands as shown on the latest tax records. The area map shall show the location of existing zoning boundaries.
- (3) Title of site plan, name and address of applicant, property owner, and site plan preparer. The licensed professional shall affix his/her seal to the site plan.
- (4) North arrow, scale and date.
- (5) Property boundaries.
- (6) Existing uses and structures, including approximate location of existing wells, septic systems and utilities. (NEED Legion Approximate SDS area)
- (7) Existing and proposed roads and driveways including names, right-of-way and pavement width, and easements, sight distance measurements.
- (8) Existing and proposed contours at 2-foot intervals, vegetative cover, surface water resources and delineated NYSDEC and ACOE wetlands, steep slopes (15% and greater), and rock outcrops. (Ask Engineer if Spot Elevations are needed)
- (9) Size, design, type of construction, and exterior dimensions of all proposed principal and accessory buildings and structures including but not limited to retaining walls and fences.
- (10) Gross floor area of structures, proposed division of building into units of separate occupancy, hours of operation.
- (11) Required parking space calculation, parking and loading areas and driveways including dimensions and grades, and material specifications.
- (12) Sidewalks and pedestrian access, including material specifications and dimensions.
- (13) Outdoor storage and solid waste disposal facilities and screening.
- (14) Description of any hazardous materials to be used or stored on site and storage locations.
- (15) Utilities, including sewage disposal, communication, and energy infrastructure, such as gas, oil or propane storage or lines, electric lines, solar panels, water lines, septic systems, cable, drains, culverts. (NEED Legion Approximate SDS area)
- (16) Water supply including demand calculation, design and construction materials, distribution system.
- (17) Fire lanes and other emergency zones, including the location of fire hydrants, where applicable.
- (18) Signs, including size, height, design, lighting, and material specifications.
- (19) Landscaping and planting schedule, including location and development of all proposed screening areas. Where directed by the Planning Board, mature trees in excess of 12-inch dbh shall be surveyed and the specimen of tree identified.
- (20) Lighting, including location and design specifications. (Planning Board to determine if needed)

Additional requirements

- (21) Identification of all required federal, state, county, regional and local agency permits and status of applications.
- (22) If the applicant varies from the property owner, a Consent Affidavit shall be submitted indicating the property owner's consent to filing of the site plan application.
- (23) Construction schedule.
- (24) Other site plan specifications as may be required by the Planning Board. (Ask Engineer if anything additional is needed)
- (25) State Environmental Quality Review Act (SEQRA) Environmental Assessment Form.
- (26) Building elevations and/or sections, illustrating front, rear, and side profiles. The elevations and/or sections shall be scaled and shall illustrate the height of all buildings and other permanent structures included in the application.
- (27) Stormwater management report as per §100-42 of this Zoning Law.