

September 12, 2024

PINE PLAINS PLANNING BOARD MEETING MINUTES

Wednesday, September 11, 2024

7:30 PM

In Person and Zoom

IN PERSON ATTENDANCE: Michael Stabile, Chairman
Kate Osofsky, Co-Chair
Al Blackburn
Scott Cavey
Ethan DiMaria
Dick Hermans

ABSENT: Steve Patterson

ALSO PRESENT: Ed Casazza, Town ZEO, in person
Scott Chase, ZBA Chairman, via Zoom
Warren Replansky, Town Attorney, in person
George Schmitt, Town Engineer
Jeanine Sisco, Town Board
Anthony Frisenda, Applicant's Architect, via Zoom
Matthew Cichetti, Applicant, via Zoom
Jack Meccariello, Applicant, in person
Jamie Hammel, The Hudson Company
Danie Leary, BNR Attorneys at Law
Members of the Public, in person

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

Hudson Performance Center Resolution: The board reviewed the 239M response from the county(see attached). Stabile asked the status of the DOT. Frisenda replied that they have engaged with a traffic consultant to do the DOT analysis. Frisenda said they should be receiving information back from them within 2 weeks. Frisenda said it is being done by a private engineer for the DOT approval. Stabile asked if that would then be submitted to the DOT. Frisenda replied correct. The board then reviewed the lighting plan submitted by Frisenda. Frisenda said he believes that any lighting abutting a commercial property needs to be within .3 and they are .1-.0. They are at .3 facing the road, therefore all light levels are compliant. All lighting will be dark sky compliant.

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The board then went over the shortform EAF PT II (see attached).

The board then went over the resolution (see attached) and did a roll call vote: Hermans aye, Osofsky aye, Cavey aye, Blackburn aye, DiMaria aye, Stabile aye, all in favor, the resolution passed unanimously.

Cichetti Slaughterhouse Resolution: Stabile asked Cichetti if they had heard anything from the DOH. Cichetti said he cannot submit anything to the county until he has a negative declaration.

Stabile asked if there will be a dumpster outside. Cichetti said there is one on the northeast corner of the building with a fence around it. Stabile asked what would be in that dumpster. Cichetti said just trash. Stabile asked if the animal products will be stored inside until they are picked up and Cichetti replied correct.

Osofsky wondered about the area of the resolution where it said the zoning enforcement officer will be checking the facility's license yearly, since the USDA will have jurisdiction over the facility. After a discussion it was decided that it should say "upon request" instead of an annual requirement of the ZEO.

The board then went over the shortform EAF PT II (see attached).

The board then went over the resolution (see attached) and did a roll call vote: Hermans aye, Osofsky aye, Cavey aye, Blackburn aye, DiMaria aye, Stabile aye, all in favor, the resolution passed unanimously.

The Hudson Company Preliminary Concept Discussion: Jamie Hammel, of the Hudson Company, came before the board to explain what he is envisioning for moving his company to the New England Wholesale Hardwood Company building from his facility on Rt. 199. Dan Leary, Hammel's attorney said the land is currently two parcels, but they would like to do a lot line adjustment to combine the two. Leary said they would also need site plan and special use permit approval.

Hammel would like to build a showroom and manufacturing facility and use the New England Wholesale Hardwood building as a warehouse facility.

Leary said after meeting with the ZBA last month they identified various area variances that will be needed for the project, such

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as the gross square footage for buildings in the Hamlet MS Zone, as well as principal uses to be in one building in the same zone. Leary said the building is a preexisting nonconforming use in terms of manufacturing.

Stabile asked where the manufacturing would be occurring. Hammel said that would take place in the new building.

Chase said the project was met favorably with the ZBA. Chase said the ZBA was concerned about the language in the law and that it seems to be a preexisting nonconforming use. Chase said the building currently standing is not conducive to manufacturing so that is why a new building would need to be created. Chase said there is a certain allowance for expansion and that they will remain in that threshold. Chase said the zoning would possibly allow it to be area variances, not use variances.

Stabile said he was concerned about a preexisting nonconforming use transferring from an old building to a new building. Replansky said he would have to see a full description of the project and the rationale of the preexisting nonconforming use. Hammel is not ready to submit an application at this time.

Chase said does it make sense to have one or two parcels if trying to work around the zoning of one principal use - they may want to keep the two separate parcels.

Leary asked where he would obtain a wetlands permit and Replansky replied the Planning Board. Hermans said he would need a wetlands map and delineate what would be going on around the wetlands.

Replansky said another possibility is the town board may be willing to make an amendment to its zoning code if its uses are clearly beneficial to the town.

Chase felt the ZBA and Planning Board should arrange a couple of joint meetings to review any issues.

Hermans asked if noise would be an issue. Hammel replied he did not think so. Hammel said it is noisy inside, but not outside, but he welcomed the Planning Board to come and observe their current operation.

The board agrees it is a great project.

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Approval of the August Meeting Minutes: Motion by Blackburn to accept the August meeting minutes, second by Hermans, all in favor, motion carried.

Motion to adjourn at 9:08PM by Hermans, second by DiMaria, all in favor, motion carried.

Respectfully submitted by:

Tricia Devine

Michael Stabile

Dutchess County Department of Planning and Development

Fax/Info Only

To	Date	#pgs
Co./Dept.	From	
Fax #	Phone #	

239 Planning/Zoning Referral - Exemption Communities

Municipality: **Town of Pine Plains**

Referring Agency: **Planning Board**

Tax Parcel Number(s): **9374220000**

Project Name: **Hudson Performance Center**

Applicant: **George Sherman**

Address of Property: **2700 Route 199, Pine Plains, NY 12567**

Please Fill in this section

Exempt Actions: 239 Review is NOT Required

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

Exempt Action submitted for informal review

Actions Requiring 239 Review

- Comprehensive/Master Plans
- Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- Rezoning involving all map changes
- Architectural Review
- Site Plans (all)
- Special Permits for all non-residential uses
- Use Variances for all non-residential uses
- Area Variances for all non-residential uses
- Other (Describe):

Parcels within 500 feet of:

- State Road: **Route 199**
- County Road:
- State Property (with recreation area or public building)
- County Property (with recreation area or public building)
- Municipal Boundary
- Farm operation in an Agricultural District

Date Response Requested:

Entered By: **Devine, Tricia**

These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

For County Office Use Only

Response From Dutchess County Department of Planning and Development

No Comments:

- Matter of Local Concern
- No Jurisdiction
- No Authority
- Withdrawn
- Incomplete - municipality must resubmit to County
- Exempt from 239 Review
- None

Comments Attached:

- Local Concern with Comments
- Conditional
- Denial
- Incomplete with Comments- municipality must resubmit to County
- Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: **8/1/2024**

Date Received: **8/1/2024**

Date Requested:

Date Required: **8/30/2024**

Date Transmitted: **8/26/2024**

Notes:

Major Project

Referral #: **ZR24-188**

Also mailed hard copy

Reviewer: 



DUTCHESS COUNTY GOVERNMENT
DEPARTMENT OF PLANNING & DEVELOPMENT

August 26, 2024

To: Planning Board, Town of Pine Plains
Re: **ZR24-188, Hudson Performance Center – Site Plan & Special Permit**
Lot: 937422, Rt. 199

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-1/m).

ACTION

The applicant is seeking a special permit and site plan approval to construct a 2,000+ SF addition onto an existing auto-repair shop in the Light Industrial district, including façade updates and various related site improvements.

COMMENTS

A landscaping plan was not included in the materials submitted to our office for review. Section 275-56(H)(3) requires that where automotive repair uses adjoin a residential use, a minimum ten-foot landscape screen shall be provided along the shared property line. To aid in its review, the Board should require that the applicant provide a landscaping plan to help determine if screening is adequate and to ensure continued maintenance.

A lighting plan was also not included in the site plan set submitted with this application. The Board should require that the applicant provide a photometric lighting plan, showing the location of all existing and proposed exterior lighting fixtures, providing their lighting levels as measured in footcandles to confirm that illumination from light fixtures does not exceed 0.1 footcandle on adjacent residential property, or 0.5 footcandle on adjacent business property, as measured along the shared property boundary as required by Section 275-38(C)(7).

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP, Commissioner

By

Clayton Gurnett, Planner

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?"

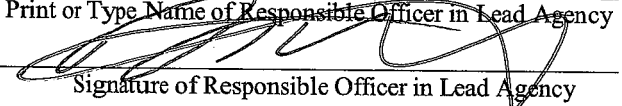
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity 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.

<input type="checkbox"/> 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.	
<input checked="" type="checkbox"/> 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.	
<i>Pine Plains Planning Board</i> Name of Lead Agency	<i>9/11/24</i> Date
<i>Michael Stabile</i> Print or Type Name of Responsible Officer in Lead Agency	<i>Chairman</i> Title of Responsible Officer
 Signature of Responsible Officer in Lead Agency	 Signature of Preparer (if different from Responsible Officer)

PRINT FORM

TOWN OF PINE PLAINS PLANNING BOARD

RESOLUTION APPROVING THE APPLICATION OF HUDSON PERFORMANCE CENTER LLC FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR THE ADAPTIVE REUSE OF AN AUTO REPAIR SHOP AT 2700 ROUTE 199, PINE PLAINS, NEW YORK

WHEREAS, Hudson Performance Center LLC (hereinafter “HPC”) has made application to the Planning Board for site plan and special permit approval for the adaptive reuse of property located at 2700 Route 199, Pine Plains, New York; and

WHEREAS, the subject property is located in the Town’s Light Industrial (LI) zoning district, which permits the location and operation of such a facility subject to special permit and site plan review; and

WHEREAS, the existing use of the premises constitutes a valid nonconforming use of the premises; and

WHEREAS, application and site plan for the proposed use of the premises has been reviewed by the Town’s Consulting Engineer and the Town’s Attorney, as well as the Planning Board members; and

WHEREAS, the public hearing on said application was opened and closed on July 10, 2024,; and

WHEREAS, the applicant has submitted a Phase I Environmental Site Assessment performed by Velocity Consulting, Inc. which demonstrates that there are no environmental conditions on said site which require a Phase II study; and

WHEREAS, the applicant has requested that the Planning Board, pursuant to the authority vested in the Planning Board by §275-56, waive the requirements of §275-56(H)(1), (3), (4) and (6) of the Pine Plains Zoning Code related to automotive repair businesses; and

WHEREAS, the Planning Board has determined that the requirements of those sections are not requisite to the interests of public health, safety and general welfare or inappropriate to the particular special use permit applied for and that those waivers are granted; and

WHEREAS, the Planning Board reviewed the Short Form Environmental Assessment Form for the project at its September 11, 2024 meeting and determined that this action does not have the potential for significant environmental impacts and that a Draft Environmental Impact Statement need not be prepared.

NOW, THEREFORE, be it


RESOLVED, that the said application is hereby approved subject to the following conditions:

1. That the applicant obtain DOT approval for the driveway cuts onto Route 199 and provide proof of such approval to the Planning Board Chairman prior to signing of the site plan map.
2. That the operation of the facility be conducted in accordance with the approved site plan by the Planning Board, including the lighting plan which must be dark sky compliant.
3. 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	Aye
Ethan DiMaria	Aye
Richard Hermans	Aye
Steve Patterson	Absent

The Resolution was carried by a 6-0 vote of the Planning Board members on September 11, 2024.


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

Cicchetti

Agency Use Only [If applicable]

Project:

[Empty box for Project]

Date:

[Empty box for 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
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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"/>
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b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

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<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	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.
<u>Pine Plains Planning Board</u>	<u>9/11/2024</u>
Name of Lead Agency	Date
<u>Michael Stabile</u>	<u>Chairman</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>[Signature]</u>	<u>[Signature]</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

TOWN OF PINE PLAINS PLANNING BOARD

RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION AND SITE PLAN APPROVAL FOR CONSTRUCTION AND OPERATION OF A SLAUGHTERHOUSE ON TAX PARCEL NO. 134200-6972-00-790173-0000

WHEREAS, Matthew Cichetti in or about May of 2024 made application for site plan and special use permit approval for a 10,000 sf slaughterhouse and associated 19,900 sf parking area/loading area, a new gravel access drive, site lighting and landscaping improvements on a parcel of land owned by Peter Cichetti, as Trustee of the Prospect Hill Farm Trust; and

WHEREAS, the property is located at 424 Prospect Hill Road, Pine Plains, New York and consists of approximately 217.58 acres which are presently used for agricultural proposes; and

WHEREAS, the property is located in the Town's R zoning district; and

WHEREAS, the Town's Zoning Enforcement Officer has reviewed the application and determined that the proposed use is permitted as a manufacturing facility in the Town's Rural (R) zoning district; and

WHEREAS, the property is also located in Agricultural District No. 21; and

WHEREAS, the Planning Board designated this application as an Unlisted Action for purposes of the State Environmental Quality Review Act (SEQRA) but required the applicant to submit a Full Environmental Assessment Form, which has been reviewed by the Planning Board, the Town Engineer and the Town Attorney; and

WHEREAS, the site plan and other submission documents for the project have been reviewed by the Planning Board, the Town's Engineer and the Attorney to the Town and have been forwarded to the Dutchess County Department of Planning and Development for its review and comment pursuant to §239-m of the General Municipal Law; and

WHEREAS, the Dutchess County Department of Planning and Development, by letter dated June 24, 2024, commented that the proposed project would provide a much needed service, not only to farmers in the Town of Pine Plains, but to farmers throughout Dutchess County by providing a more local option for processing livestock and would be a vital asset in supporting local agricultural economy, and further provided comments regarding the lighting plan for the facility, but recommended the Planning Board rely on its own study of the fact in the case with due consideration of its comments; and

WHEREAS, the Planning Board opened the public hearing on June 14, 2024 and continued the public hearing to July 14, 2024 and August 14, 2024, at which time the public hearing was closed; and

WHEREAS, the Planning Board, at the September 11, 2024 meeting, reviewed the Full Environmental Assessment Form and the project site plan and other documentation submitted in support of the application and determined that this action would not result in any significant environmental impacts and that, as a result, a Draft Environmental Impact Statement would be required to be prepared ; and

WHEREAS, the applicant, in addition to the site plan and the lighting plan, has prepared a grading plan and Stormwater Pollution Prevention Plan (SWPPP) which have been reviewed by the Town's Engineer and found to be acceptable; and

WHEREAS, the applicant has submitted an Agricultural Data Statement and notification was sent to all farm operations within 500 feet of the subject parcel; and

WHEREAS, the proposed slaughterhouse facility is subject to the inspection and licensing requirements of the U.S. Department of Agriculture Facility Guidelines for Meat Processing Plants (hereinafter "USDA Guidelines"); and

WHEREAS, the Planning Board has been notified by USDA that the applicant must obtain site plan and special permit approval for the facility before it will be inspected and issued a license by USDA; and

WHEREAS, the Planning Board has determined that the proposed facility complies with the eleven objectives set forth in §275-55 (d) (special permit approval) of the Town Zoning Code, and is in compliance with the requirements of §275-63 (site plan approval) of the Town Code and;

WHEREAS, the applicant has indicated in its submission existence of Indiana Bats on the subject premises but no other endangered species or species of special concern.

NOW, THEREFORE, be it

RESOLVED, that the Planning Board hereby grants site plan and special permit approval to the applicant for the construction and operation of a slaughterhouse, parking/loading area, a new gravel access drive, site lighting and landscaping improvements, subject to the following conditions:


1. That the applicant construct and conduct its slaughterhouse operation in accordance with the site plan and lighting plan submitted to, and approved by, the Planning Board;
2. That the applicant construct and operate the facility in accordance with the USDA Guidelines for Meat Processing Plants, and in accordance with all conditions imposed by USDA in conjunction with the licensing of the facility and that proof of said licensing be provided to the Planning Board Chairman and the Zoning Enforcement Officer prior to the commencement of the operation of the facility;
3. That the applicant immediately notify the Planning Board and Zoning Enforcement Officer of any violations or suspension of the USDA license and provide proof, upon request, to the Zoning Enforcement Officer that the license is in full force and effect and has not been revoked or suspended;

4. That the applicant install such lighting and screening in accordance with the approved site plan screening and lighting plans submitted to the Planning Board;
5. That the applicant obtain a driveway permit from the New York State DOT and provide proof of the issuance of the permit to the Planning Board Chairman and the Town's Zoning Enforcement Officer;
6. That the applicant shall: (i) obtain final approval of the SWPPP from the Town Engineer; (ii) shall provide proof of receipt by the New York State Department of Environmental Conservation of the Notice of Intent (NOI); (iii) provide final approved of the SWPPP to the Town Engineer and the Zoning Enforcement Officer; and (iv) operate the facility in conjunction with the requirements of the SWPPP;
7. That any tree clearing conducted in conjunction with the project shall be in accordance with the protocol for tree clearing prescribed by DEC for the Indiana Bats;
8. That the facility shall be maintained and operated in a clean and sanitary manner and all offal be refrigerated and stored inside the facility and all animals shall be housed inside the facility;
9. 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	Aye
Ethan DiMaria	Aye
Dick Hermans	Aye
Steve Patterson	Absent

The Resolution was carried by a 6-0 vote of the Planning Board members on September 11, 2024.


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