

August 21, 2013

**PINE PLAINS PLANNING BOARD MINUTES
WEDNESDAY, AUGUST 21, 2013
7:30 PM**

IN ATTENDANCE: Don Bartles, Chairman
Sarah Jones
Kate Osofsky
Steve Patterson
Vikki Soracco
Peter Salerno, Alternate
Louisa Grassi, Alternate

ABSENT: John Forelle
Ken Mecciareello

ALSO PRESENT: Drew Weaver, CEO
Two members of the public

Chairman Bartles called the meeting to order at 7:30 pm.

JOHN & JUDITH PINDT AND JENNIFER PINDT-MOSHER: Bartles read the public hearing notice for the proposed subdivision located at 5 Poplar Avenue and opened the public hearing. The applicants were present at the meeting and represented by Wesley Chase. Bartles stated at the preliminary meeting there was discussion about the map that was presented at that time. Chase advised that the map has been revised to show a different location for the siting of the house. Chase stated the applicant would have liked to have their frontage on Lake Road but when some soil tests were done, the tests were better and the elevation higher for the current location. This was done so that it would make it easier to install a septic system and make it a little cheaper for the applicant. Chase stated that the original proposal faced Lake Road and now has been turned to be on Poplar Avenue. Chase stated it is in generally the same area. Chase stated they were able to get everything in and comply with the Zoning setback. Chase stated that the permit is in for the Dutchess County Health Department and doesn't foresee any major problems. Chase stated the maps are marked preliminary, as there may be some minor changes. Bartles asked for any public comment. Jane Waters stated that she likes the fact that it will be on Poplar and thinks it is nice to have the side yard facing Lake Road. She stated she knows there is a consideration by the Board as to whether or not they are going to require a recreation fee from the applicant. Waters stated since the parties already live in Pine Plains and taking into

August 21, 2013

consideration that creating the lot won't add to the needs of recreation and because Jennifer provides so much recreation for the community, that it would be reasonable for the Board not to require a recreation fee. Pindt-Mosher thanked Waters for her comment. Bartles asked if anyone else had comments. Bartles asked if Board members had comments. Soracco asked if waiving the recreation fee would set a precedent for everyone that came in. Soracco asked if it couldn't be reduced instead. Bartles stated that he was told it has been done in the past. Bartles stated that some old records were checked and nothing was found with regard to this. Bartles stated he is inclined to waive, as the cost of the recreation fee is not appropriate at this time for the value of the lot with the market value down. Bartles stated that Proper is in the process of polling all the adjacent towns to find out what their fees are. Bartles stated he finds that if you get along the river in Hyde Park or Rhinebeck they are \$3000. -\$5000. He stated along the Connecticut border and they may be in the hundreds of dollars but they also have a threshold. Bartles asked Weaver what Gallatin does. Weaver replied \$250. is the recreation fee. Bartles stated he approached the Town Board once with the suggestion that they review this and it didn't go very far. Bartles stated that Proper communicated with Replansky about waiving the fee and his comment was that you have to be very careful. Bartles stated that he feels Waters articulated the Board's due diligence in something like this so it will be a consideration of the Board. Bartles stated he feels the Board can defend whatever they choose to do. Bartles asked for any further comment. No further comment. Motion by Jones to close the public hearing at 7:36 pm; second by Patterson. All in favor. Motion carried. Chase advised that the driveway permit from the Highway Dept. had just been provided. Chase advised that the Dutchess County Health Department will need the SEQR forms. Chase stated he would like to get a final approval subject to Health Department approval. The Board completed the Short Form EAF. Motion by Patterson to declare the Town of Pine Plains Planning Board Lead Agency; second by Jones. All in favor. Motion carried. Motion by Jones to declare this an unlisted action; second by Patterson. All in favor. Motion carried. Motion by Patterson that this action received a Negative Declaration and authorizing the Chairman to prepare the necessary document; second by Jones. All in favor. Motion carried. Motion by Jones to declare the SEQR process complete; second by Patterson. All in favor. Motion carried. Bartles stated the next step would be to grant preliminary approval subject to the Health Department. Osofsky made a motion to grant preliminary approval and to waive the public hearing for final approval; second by Jones. All in

August 21, 2013

favor. Motion carried. Motion by Osofsky to waive recreation fee; second by Patterson. All in favor. Motion carried. Motion by Patterson to grant final approval allowing the Chairman to sign the plat upon receipt of the appropriate Health Department approvals and the application fees; second by Osofsky. All in favor. Motion carried. The applicant paid the application fees.

JAMES MURPHY/JANET & STEPHEN FITZGERALD LOT LINE ALTERATION:

Wesley Chase represented the applicant. This is for a lot line adjustment for property located at 209 Lake Road. Bartles stated that this proposal had been passed to the CAC for review since it is within a Critical Environmental Area. Chase reviewed the proposal with the Board. Chase advised that the Fitzgeralds have a dock that is actually on Murphy's property and he was worried about the liability. Chase stated it is posted and there is a gate. Chase stated the Fitzgeralds want to own this little piece of property to encompass where the dock is. Osofsky stated the CAC report kept mentioning the dock like it wasn't there. Chase stated it wasn't put out this season but it has been there since 2006. Chase stated it is taken out in the winter. Bartles asked Weaver if they would have to come to him for a building permit to install a dock. Weaver stated he didn't think so. Chase stated he looked pretty hard at the Zoning document and couldn't classify it as a structure under the Law. Soracco stated it is portable. Bartles agreed it is a temporary structure. Bartles asked if there is anyone else that looks at dock installations. Chase stated not that he is aware of. Chase stated that this application is not about the dock but this is a transfer of ownership of property resulting in a lot line alteration. Bartles he needs the Board's opinion on this. Soracco stated this has nothing to do with the dock. All agreed. Bartles stated that the Board previously agreed that this did not need a public hearing. The Board completed the Long Form EAF for the project. The Long Form was submitted as this project lies within a Critical Environmental Area. Motion by Jones to declare the Town of Pine Plains Planning Board Lead Agency; second by Patterson. All in favor. Motion carried. Motion by Soracco to declare this an unlisted action; second by Patterson. All in favor. Motion carried. Motion by Patterson that there is no significant environmental impacts and allowing the Chairman to prepare a Negative Declaration; second by Jones. All in favor. Motion carried. Motion by Patterson to declare the SEQOR complete; second by Jones. All in favor. Motion carried. Motion by Patterson to allow the Chairman to prepare a resolution of approval to grant the lot line alteration; second by Jones. All in favor. Motion carried.

August 21, 2013

STISSING DESIGN: Tim Jones was present at the meeting. This is for approval of a proposed sign. The Board reviewed the application. Bartles asked the Board for comments or questions. Bartles asked what the square footage of the sign is. Jones stated it conforms with the bonuses that are given. Weaver agreed. Bartles stated it is on an existing pedestal and set back the appropriate distance from the highway. Soracco asked if there is lighting. Jones stated no. Motion by Patterson to approve the sign as submitted; second by Jones. All in favor. Motion carried. Proper asked Weaver if the fee was paid. Weaver stated no. Proper advised the applicant that a \$25. fee was due.

LARSON & PAUL ARCHITECTS: Doug Larson represented the applicant. This is for approval of a proposed sign. The Board reviewed the application. Larson stated he is an architect and opened a little office in town. Larson stated it is a big building set back from the street with a porch. He stated there is an existing sign post where he placed a normal sign with square footage a little less than what was there so Weaver stated it was okay. Larson stated he would like to get some pictures of projects and since there are no windows for the projects to be displayed he wanted to make some boards and place them on the brick wall on the porch. Larson stated he showed it to Weaver and they were not sure whether this was a sign or not. Larson stated he would like to have two boards up that people could walk up and see. Short discussion by the Board as to whether or not this is a sign. Bartles asked if Larson would change these. Larson stated he doesn't want to screw into the brick so he would use a cable system. Larson stated he may change the project displays every few months. Bartles stated he feels it is nothing different than Peck's having a sale and posting it in the window. Discussion followed. Soracco asked if there would be lighting. Larson stated no. Motion by Patterson that this does not constitute a sign under our ordinance; second by Jones. All in favor. Motion carried.

OTHER BUSINESS: Weaver stated that AT&T has approached him about installing a generator at the cell tower. He wanted to know if the Board wanted to review it. Discussion followed. It was decided that no review is necessary.

Motion by Patterson to approve minutes from June 2013 and July 2013; second by Jones. All in favor. Motion carried.

August 21, 2013

Motion by Patterson to adjourn at 8:30 pm; second by Osofsky.
All in favor. Motion carried.

Respectfully submitted by:

Nancy E. Proper
Secretary

Don Bartles, Jr.
Chairman