

# Village of Pawling Planning Board Minutes

---

**Date:** November 14<sup>th</sup>, 2023

**Present:** Robert Pfister Jr., Chairman  
Lou Musella, Member  
Peter Pennelle, Member

**Also Present:** Caren LoBrutto (Village Planner)  
Dave Daniels (Village Attorney)  
Joe Eriole (Village Attorney)  
Curt Johnson, Jantile Group Design  
Evan Pendleton, Insight Engineering

APPROVED BY  
VILLAGE OF PAWLING  
PLANNING BOARD

---

On *Tuesday, November 14<sup>th</sup>, 2023, at 7:00 PM*, the Planning Board met at the Village Hall. The Meeting was called to order by Robert Pfister, Chairman, and began with roll call as indicated above and The Pledge of Allegiance.

## Approval of Minutes

*Member Lou Musella motioned to approve the minutes of the October 10<sup>th</sup> 2023 Planning Board meeting. Member Peter Pennelle seconded the motion. The motion passed with all present members in favor.*

## Amended Site Plan

**Project Name:** Pawling Commons Amended Site (Expand Parking)  
**Owners:** K.J. Rant Realty, LLC  
**Location:** 63-71 East Main Street  
**Parcel ID/Zoning District:** 7056-05-101917/B-1

Curt Johnson presented the site plan that was approved in February of 2022 along with the Amended Site Plan which shows the proposed expanded parking on the northerly part of the site and an outdoor dining area as accessory to a proposed restaurant at the former bank. With the current approved Site Plan, there was a requirement of 124 parking spaces; however, 110 parking spaces was approved with a shared parking analysis that was done with the approved site plan. With the Amended Site Plan proposing the addition of 47 parking spaces bringing the total number of parking spaces to 157, this negates the need for the shared parking plan. If the former bank (Building 63) is used by a restaurant, required parking would be increased by 8 spaces from 124 spaces to 132 parking spaces which is still below the 157 parking that is being proposed. Mr. Johnson addressed items cited in Village Planner, Caren LoBrutto's review letter including the increase in size of Building 71 by 400 square feet per floor (3 floors) which did not affect any of the variances or setbacks granted by the ZBA. Mr. Johnson further noted that an asbestos

# Village of Pawling Planning Board Minutes

---

survey was done on Building 67, the existing one-story (old AG Market). This building will later be demolished and rebuilt upon in the same general location; no change is proposed to Building 63 other than the potential use of the former bank space as a restaurant with the outdoor seating; no changes to the façade of Building 71. Mr. Johnson said he will provide the Planning Board with a formal written response to Ms. LoBrutto's review for discussion at the next Planning Board meeting (see attached for the Ms. LoBrutto's review letter.) Further review followed with regards to parking circulation; light pollution generated from vehicle movement on the site; parking for employees/patrons of the commercial spaces; landscaping as well as access and flow for fire apparatus.

With regards to waste-water and water generation/usage, Mr. Johnson explained when factoring in the current uses in Building 63, the potential restaurant use in Building 63 as well as the unknowns about some of the potential commercial uses, the Applicant is approximating 20,000 gallons per day from the original estimate of 12,000 gallons per day of water usage and noted that this will be updated on the EAF form.

Ms. LoBrutto said there are some water capacity issues currently as it relates to fire flow. The building needs domestic water and fire flow water protection. The Village is in an information gathering stage right now determining exactly what the constraints are and how serious they are. Until that's reconciled, that's something that the project has to overcome. As it pertains to circulating for Lead Agency, we would need to add the County's Department of Health because any improvements would be under their purview and we might as well circulate to them now. I would suggest that you add that to the EAF form. I'm not opposed to the Applicant amending the EAF form just to add the special use permit renewal and extension. Generally speaking, the EAF handles the gallons of water per day as it pertains to domestic usage, we don't really get into serious detail about fire flow which is more of the issue at hand. The Village and the Applicant are in the process of determining where the constraint/constraints are relative to the capacity issues. Mr. Johnson said what we need to do in terms of what you're speaking about now is the Village and the owner of this site need to sit down and understand what the hurdles are and what needs to be done to upgrade this. I think at this point we don't know what that is. The sprinklers have been fully designed by an engineer for the building for fire flow so I think it's just a matter the required water into the system on the site.

Ms. LoBrutto asked Mr. Eriele, if an updated EAF form submitted by the Applicant is adequate material for the Planning Board to declare intent to be Lead Agency tonight.

Village Attorney Joseph Eriele replied, that is adequate. Motions, seconds, declare intent to be lead agency; require the applicant to update the EAF and just recognize that your circulation won't start until it's updated and circulated then we'll mark that day for the 30 day clock.

Engineer, Evan Pendleton from Insite Engineering demonstrated his comments to the Board using the Site Plan furnished by Curt Johnson which addressed the mitigation of water flow/drainage that runs to the neighboring properties in the back of the site and to the front towards East Main Street. Mr. Pendleton commented that because of the increase in impervious surface in the back, a subsurface infiltration system will be used to infiltrate and exfiltration the water through the ground instead of having it discharge onto the neighboring properties.

# Village of Pawling Planning Board Minutes

---

Discussion ensued. Ms. Nikolatos furnished Mr. Pendleton with a LaBella Engineering review comments (see attached LaBella Engineering Review) for his response in writing at the next Planning Board meeting.

***Member Peter Pennelle motioned to declare the Planning Board's intent to be Lead Agency. The 30 day time frame for Lead Agency will start once the updated EAF form is received and all conditions in the Planner's review comments have been met and circulated to the involved/interested parties. Member Lou Musella seconded the motion. The motion passed with all present members in favor.***

## **Pawling Commons Special Use Permit - Extension**

Mr. Johnson said approval for the Special Permit allowing for the five residential units on the first floor of Building 71 was granted in February 2022 with a two-year expiration date. The project will not be completed within the two-year time period required by Village of Pawling Code. The Applicant is asking for a two-year extension or an extension just to get the applicant to the point where they can get the Certificate of Occupancy and satisfy the requirements of the Special Permit.

Village Attorney Dave Daniels suggested that because the Special Use permit is granted, taking into consideration the entire site, it would be prudent to consider the Special Use permit with the Amended Site plan; it shouldn't be separated.

Chairman Pfister agreed with Mr. Daniels and assured Mr. Johnson the applicant would not be in jeopardy of losing the Special Use permit based on the time crunch with the upcoming expiration date.

Mr. Johnson said yes because if the amended site plan doesn't get approved, the Applicant can still fall back on the existing site plan with that special permit.

Ms. Nikolatos confirmed that the applicant is up to date and current with escrow.

## **Other Business - Approval of the 2024 Planning Board meeting schedule.**

Ms. LoBrutto suggested pushing the submission deadline for the January 9<sup>th</sup>, 2024 Planning Board meeting to Friday, December 29<sup>th</sup>.

***Member Musella motion to change the submission deadline for the January 9<sup>th</sup>, 2024 Planning Board meeting from Tuesday, December 26<sup>th</sup> to Friday, December 29<sup>th</sup>. Member Pennelle seconded the motion. The motion passed with all present members in favor.***

# Village of Pawling Planning Board Minutes

---

## Adjournment

***Member Musella motioned to adjourn until the next scheduled Planning Board meeting. Member Pennelle seconded the Motion. The motion passed with all present in favor.***

Submitted by:



Vivian Nikolatos

Planning Board Secretary

**MEMORANDUM**

To: Village of Pawling Planning Board  
From: LaBella Associates  
Date: November 10, 2023  
Re: Pawling Commons  
Project #: 81931.03, Task 0104

**SUMMARY**

**Applicant/Owner:** KJ – Rant Realty, LLC

**Tax Lot(s)/Location:** 7056-05-101917-0000; 63, 67, 71 E. Main Street

**Current Zoning District:** B1 Business Zoning District, Urban Regulations

**NYC Watershed:** Yes

**Proposed Project:**

The Applicant seeks expansion of parking area within the northern area of the property and an outdoor dining area<sup>1</sup> as accessory to a proposed restaurant at the former bank. Parking is proposed to more adequately accommodate residential and commercial uses based on actual and anticipated tenancy. The approved plan included 112 parking spaces<sup>2</sup>. With the proposed amendment, the total parking will be 157 (+45 parking spaces).<sup>3</sup> The development parcel is 4.2 acres. The Applicant is also seeking a renewal of the special permit for residential units on the ground floor of 71 East Main Street. No changes are proposed to the approved total residential dwelling units, or the total commercial square footage with the exception of the outdoor dining area. The Building 67 footprint is proposed to be decreased in size from 16,000 SF to 14,340 SF to allow for outdoor recreation space for tenants. Building 71 footprint is proposed to increase by 400 SF.

- 63 Building: Total 13,400 SF commercial, 1-story
- 67 Building: Total 56,133 SF, including 8,000 SF commercial, 36 dwelling units, 4 stories
- 71 Building: Total 16,950 SF, including 15 dwelling units, 3 stories

**Project Background:**

A site plan and special permit were approved for this site on 2/8/2022 for construction of a mixed use development, including 68,000 SF of new construction. Area variances were granted for the site on 12/15/2021 for urban regulations, including building height, placement (build to line, frontage buildout and building depth), and for more than one building on the lot as required by Section 98-11.

---

<sup>1</sup> Outdoor cafe and table services is a permitted use in the B1 District.

<sup>2</sup> Waiver granted 09/2018 for 14 spaces per section 93-22(l) waiving up to 15% of required parking.

<sup>3</sup> Pursuant to Local Law 6 2014, the Planning Board determines parking requirements for developments within the B-1 District.

### Existing Conditions:

The developed site currently consists of a single-story commercial building (approximately 13,400 sf with 9 commercial tenant spaces: drive-up bank (recently vacated), optician, dry cleaner, liquor store, and offices/retail space) and another one-story commercial building (approximately 16,000 sf former grocery market, now vacant).

### Permits and Approvals:

- Amended Site Plan Approval

**GML 239 Referral:** No. Information according to Dutchess County Referral Identifier Map - [Referral Identifier | Dutchess County \(dutchessny.gov\)](#)

### NEXT STEPS

The Planning Board should consider declaring intent to be Lead Agency upon receipt of an updated EAF and site plan application, which identifies the need for the renewal/extension of the special permit. Response to the comments is not necessary for beginning SEQR, but the Applicant is directed to respond to comments as part of their next submission.

### COMMENTS

1. What is the status of construction on the site? Please identify activities, as follows:
  - o 63 Building:
  - o 67 Building:
  - o 71 Building:
  - o Site:
2. Explain change in footprint and total square feet for Building 71 from 5,250/total 15,750 SF to 5,650 SF/total 16,950 SF. What effect does this change have on variances granted for urban regulations? Provide dimensions and calculations to support conclusions.
3. Will change in Building 71 footprint affect architectural façade?
4. Will a modification to the NYSDEC general permit NOI be required? Modified DEP approval due to stormwater design changes?
5. How does proposed stormwater management differ from approved plan?
6. What is the incremental increase in impervious from approved plan?
7. What is the incremental physical disturbance from approved plan?
8. Describe the outdoor dining area.
  - a. Hours of operation
  - b. Approximate number of tables
  - c. Any outdoor music?
  - d. Lighting
  - e. Landscaping
  - f. Refuse
9. Add Site Plan approval to Table B in FEAF form and clarify special permit extension/renewal is requested.



10. C.3.a. Indicate that Urban Regulations apply.
11. Are any parking spaces proposed to be shared?
12. Confirm water/wastewater generation amounts per updated uses.
13. Confirm there are no changes to the building facades or architectural treatments.
14. New traffic trips from approved plan are anticipated to be 18 additional trips due to the conversion of the former bank to restaurant use. The total number of PM peak hour trips remain lower than those experienced when the site was occupied by the grocery store by approximately 30%.
15. Describe the retaining walls proposed, including new retaining wall on south side and related grading changes. Will the south side retaining wall impact proposed landscaping?
16. Explain relationship with surrounding parcels in context to the amended plan. For instance, explain visibility of site (including parked car headlights), any change in topography, addition of landscaping, proposed lighting, stormwater, refuse, and any other effects.
17. Explain benefit of one-way circulation around new parking area and the proposed outdoor dining.
18. Describe any area of tree removal.
19. Describe suitability of loading area on northside of existing multi-tenant building.
20. Applicant to consider alternatives to refuse location on south side of site. Is there potential to consolidate refuse locations? What role will property management/owner play in refuse collection for each building/site?
21. Provide a lighting photometric plan and lighting fixture details and specification sheets.
22. Key plant types to Landscape Plan.
23. Is signage proposed?

## **DOCUMENTS REVIEWED**

Cover letter by J Group Designs, dated 10/31/2022

Planning Board application

Full Environmental Assessment Form (FEAF), J Group Designs, dated 10/31/2023

Stormwater Pollution Prevention Plan, Insite Engineering, dated 10/31/2023

Site Plan Sheets Existing Conditions/Removals Plan Ex-1, Site Plan SP-1, Erosion and Sediment Control SP-2, Details D-1, D-2, Insite Engineering, dated 10/31/2023

Site Plan Sheets Site Plan SY-1, Schematic Planting Plan SY-2, J Group Designs, dated 10/30/2023

# MEMORANDUM

TO: Village of Pawling Planning Board

FROM: Sara Drury, EIT, LaBella Associates

DATE: November 14, 2023

RE: Pawling Commons Engineering Review Comments

---

## Stormwater Pollution Prevention Plan

1. The project falls within the NYCDEP East of Hudson Watershed. Per the SWPPP provided, the project proposes 1.1+/- acres of existing impervious cover to be disturbed. Within the 1.1 acres of disturbed impervious cover, 0.3+/- acres will be restored to lawn and the remaining 0.8+/- acres will be redeveloped impervious cover. In addition to the redeveloped 0.8+/- acres of impervious cover, the project proposes an additional 0.5+/- acres for a total post-construction impervious cover of 1.3+/- acres or a 0.2+/- acre net increase. In conformance with Section 18-39.b.3 and 18-39.b.4 of the NYC DEP Watershed Regulations "construction of a new industrial, institutional, municipal, commercial or multi-family residential project that will result in creation of an impervious surface totaling over 40,000 square feet in size" require a SWPPP to be prepared, reviewed and approved by the Department. The plans and SWPPP should be submitted to NYCDEP for review and approval. The approval letter should be submitted to the Village upon receipt. Refer to the *New York City Department of Environmental Protection Bureau of Water Supply Applicant's Guide to Stormwater Pollution Prevention Plans* for further information.
2. The NYSDEC Environmental Resource Mapper indicates the project location is in the vicinity of Animals Listed as Threatened or Endangered. In accordance with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001), the Owner or Operator should obtain a permit issued pursuant to 6 NYCRR Part 182 for the project or provide a department issued letter of non-jurisdiction for the project. Documentation should be submitted to the Village upon receipt.
3. The SWPPP indicates sizing calculations for the stormwater conveyance piping system will be provided in future reports. Sizing calculations should be provided and demonstrate the ability to safely convey the 10-year 24-hour storm event.
4. The SWPPP indicates a Cultec infiltration system is proposed. Per Section 6.3.1 to be suitable for infiltration, underlying soils shall have an infiltration rate (fc) of at least 0.5 inches per hour confirmed by field geotechnical tests. Tests performed should follow the *Infiltration Testing Requirements* procedure in Appendix D. Note NYCDEP may require tests to be witnessed.
5. Per Section 6.3.1 the bottom of the infiltration facility shall be separated by at least three feet vertically from the seasonally high water table or bedrock layer, as documented by on-site soil testing. Tests performed should follow the *Test Pit/Boring Requirements* procedure in Appendix D. Note NYCDEP may require tests to be witnessed.



6. The infiltration practice should be equipped with a means of an emergency outlet in the event the underlying soils infiltration rate cannot keep up with inflow. Per Section 6.3.2 adequate stormwater outfalls should be provided for the overflow associated with the 10-year design storm event (non-erosive velocities on the downslope).
7. Per Section 6.3.3 infiltration facilities must be equipped with a pretreatment device with the volume of pretreatment dependent on the infiltration rate of the underlying soils.
8. The bypass capacity of the hydrodynamic units should be provided.
9. Table 2.3.1 of the SWPPP provides calculations for the redevelopment water quality volume and indicates 25% WQv for the redeveloped area. In accordance with Section 9.2.1 of the NYSDEC Design Manual the 25% water quality volume treatment for redevelopment applied when the project implements standard stormwater management practices or green infrastructure techniques. The WQv calculations should be revised to use 75% for the redevelopment area as the project proposes an alternative practice.
10. The project proposes 1.1+/- acres of disturbed impervious cover and 0.2+/- acres of new impervious cover. The water quality volume HydroCAD model accounts for 0.45 acres of redeveloped impervious cover. It appears the full redevelopment area is not accounted for in the model. The model should be revised.
11. The post-development HydroCAD model should assign a flood elevation, set at the top of stone, to the infiltration system.
12. A time of concentration should be assigned to subcatchment 1.2S.
13. The entrance coefficient for the flow splitter in the post-development model should be revised from square edge headwall to projecting, no headwall.
14. The federal tax ID should be provided on the draft Notice of Intent (NOI).
15. The DEC region should be provided on the draft NOI.
16. The post-development future land use on the draft NOI should be revised to reflect commercial and multi-family residential.
17. The existing impervious area to be disturbed and future impervious area within disturbed area in Question 4 of the draft NOI should be revised to correspond to the values provided in the SWPPP narrative.
18. The SWPPP narrative should provide justifications to support the planning practices selected in Question 27 of the draft NOI.

#### Site Layout

1. A turning movement should be provided for vehicles utilizing the loading area.
2. A fire truck turning movement should be provided. The fire department should be contacted to verify which vehicle would service the site based on the project scope and provide dimensions for the vehicle. In addition, the Fire Department should confirm circulation of the site is acceptable.

#### Grading

1. Additional spot elevations should be provided to demonstrate drainage patterns, ADA compliance. In addition, top of frame elevations for all utility structures should be provided.
2. The proposed retaining wall height exceeds 4 ft in some areas. Engineered retaining wall details should be provided. Foundation drains and discharge locations should be shown on the plans.

#### Utilities

1. Pipe labels with pipe material, slope, and slope should be added to the plans for sanitary sewer and storm piping.
2. Inverts for the hydrodynamic units should be provided.
3. Elevations for the top of stone, top of chamber, bottom of chamber and bottom of stone for the Cultec system should be provided. In addition, confirmation should be provided as to whether the proposed curbing depth will conflict with the Cultec system.
4. A label should be provided for the proposed water service material and size. Fittings and valves should be identified on the plan.
5. Proposed structure sizes should be confirmed against the inlet and outlet pipe sizes and angles.
6. Existing and proposed fire hydrants should be shown on the plans. The Fire Department should confirm proposed hydrant locations.
7. Confirmation should be provided that selected plant species will not conflict with proposed underground utilities.
8. Locations of relocated utility poles and guy wires should be added to the plans.

#### **Details**

1. Details for site related elements such as sidewalks, striping, pavement section, etc. should be added to the plans.
2. A detail demonstrating sewer/water separation should be provided. In addition a detail providing a water offset should be provided should minimum separation not be able to be maintained.
3. Water line disinfection and testing notes should be added to the plans. In addition sanitary sewer testing notes should be added to the plans.
4. The catch basin, yard drain and drainage manhole details should call out the minimum cover over the inlet/outlet pipe(s).
5. A detail for the stormwater flow splitter should be provided.
6. Details should be provided for water pipe restraint, service connections, valves, taps, etc..
7. Sanitary sewer and water details and notes should conform to the Dutchess County Department of Behavioral & Community Health code. Confirmation should be provided as to whether the County requires review and approval. In addition, confirmation should be provided as to whether the proposed sanitary loading will require NYSDEC review and approval.

SED