

# Village of Pawling Planning Board Minutes

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**Date:** January 24<sup>th</sup>, 2024

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

APPROVED BY  
VILLAGE OF PAWLING  
PLANNING BOARD

**Also Present:** Caren LoBrutto (Village Planner)  
Joe Eriole (Village Attorney)  
Curt Johnson (Representing Pawling Commons/146 East Main Street)  
Evan Pendleton (Representing Pawling Commons/One Memorial)  
Dave Daniels (One Memorial Ave)  
Brian & Jean Senno (28 Walnut Street)  
Joshua Mackey (28 Walnut Street Attorney)  
Jared Spence (568 Route 22)  
Erik Brown (568 Route 22)  
Brian Clingerman (568 Route 22)

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On *Wednesday, January 24<sup>th</sup>, 2024, 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.

## Sketch Conference

**Project Name:** One Memorial Avenue (Change of Use – Office to Hotel)

**Owners:** One Memorial Avenue LLC

**Project Location:** One Memorial Avenue

**Parcel ID/Zoning District:** 7056-05-034993/B-1

The applicant is proposing a change in the use of One Memorial Avenue from office space to a hotel. The building is located on the corner of Memorial Avenue and East Main Street. As it exists, the building consists of office space on the first two floors and a short-term rental space on the third floor. With the proposed change, the building will consist of an office space and one suite on the first floor, three suites on the second floor, and the third floor will consist of two suites. There are no proposed changes to the exterior of the building. Not showing on the submitted materials is an outdoor patio area that is leased to Dancing Bear Café. Parking consists of one space in the driveway. Mr. Daniels leases approximately ten (10) spaces behind CVS that would provide additional parking for this use. The Applicant is waiting on an interpretation/definition of “room/suite” from the Building Department. Based on the definition, the project will either move forward as a hotel or Bed & Breakfast. If the project moves forward as a Bed & Breakfast, the application will be amended to an application for a Special Use permit.

Member Musella commented that it seems like a cut-and-dry application. It’s a permitted use in the B-1 Zone and it’s a newly renovated building with no proposed changes to the exterior.

# Village of Pawling Planning Board Minutes

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However, Mr. Musella expressed his concern regarding the parking behind CVS in the upper lot and asked if those spaces were shared. Mr. Daniels replied, currently, six or seven of those spaces are rented to sub-tenants who lease on a month-to-month basis. He mentioned that he recently purchased the property located at 15 Memorial Avenue, which has about a ¼ acre behind it, so there will be quite a bit of room to accommodate additional parking spaces if needed.

Member Pennelle asked about access from the parking behind CVS to the back of One Memorial Avenue. Mr. Daniels replied that a walkway behind Vinny's Deli would be installed. The dumpsters will be moved, and stairs will be installed in their place.

Mr. Musella asked about the lighting. Mr. Daniels replied there currently is no lighting there.

Village Planner Caren LoBrutto asked for clarification on what is meant by "Suite." Mr. Daniels replied that the suites would hold more people and there would be one bathroom in each suite.

Chairman Pfister asked if it's based on rooms. Mr. Daniels replied that's what we need to find out. "Room" is not defined in the Code, so whatever the definition is, that's what we'll go with.

Ms. LoBrutto asked Mr. Daniels to clarify the reasoning behind the change of use from Air BnB to Hotel. Mr. Daniels replied, to be able to expand to meet demand. At the moment, per Code, the first and second floors can't be used for anything other than office space. He explained that at one point, there were sixteen office spaces. It will be reduced to six or seven office spaces. Ms. LoBrutto asked about 15 Memorial. Mr. Daniels explained that they had just closed on that property. They met with an architect who laid out plans for four suites, two on the first floor and two on the second floor, which would be more like family style. There's a kitchen there for the possibility to serve food or have an event space. The three properties, 15 Memorial, 7 Memorial, and 1 Memorial, would all be integrated into one operation.

Village Attorney Joseph Eriole suggested that the applicant stripe the parking spaces. Mr. Daniels agreed.

Mr. Pfister suggested that the Applicant show how the parking spaces behind CVS will connect to the proposed hotels and clarify the definitions with the Building Department before submitting an application.

**Project Name: 146 East Main Street**  
**Owners: Main Corner Properties LLC**  
**Location: 146 East Main Street**  
**Parcel ID/Zoning District: 7056-09-244711**

Curt Johnson, representing Main Corner Properties LLC, presented the landscape plan to the Board. Mr. Musella made a recommendation to the Board to change the species of the trees shown on the northern property line of the landscape plan from the American Arborvitae to the Green Giant. Stating that the Green Giant is more appropriate for that location because it's fast-growing, deer-resistant, and salt-tolerant tree. His reasoning behind the change in tree species is

# Village of Pawling Planning Board Minutes

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to ensure that the property north of the restaurant has an immediate edge and believes that the nature of the fast-growing trees in that location will accomplish this sooner. Based on his extensive research, Mr. Musella suggested the applicant plant approximately fifty trees every six feet trunk to trunk, staggered with a second row of trees three feet behind, which will cover the space between the trees in the first and second rows. Discussion ensued regarding the amount, size, height, and placement of trees. The Board agreed to the installation of at least forty (40) trees, at least 6 feet in height, staggered in two rows at a distance of approximately 8 feet apart. This will provide continuous screening while allowing the trees sufficient space to flourish and grow.

With no further comments from the Board, Mr. Eriole read through the conditions set forth in the Resolution (see attached). Mr. Johnson will submit a final landscape plan that illustrates the conditions in the attached resolution before the next Planning Board meeting.

***Member Musella made a Motion to approve the resolution as stated. Member Pennelle seconded the motion. The Motion passed with all present members in favor.***

## **Amended Site Plan**

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

Mr. Johnson read through his response to Ms. LoBrutto's planning review letter, which addressed the following items: The engineer effectively demonstrated that less than 40,000 square feet of new impervious surfaces are being proposed per planned redevelopment of the project site. As such, the project does not require DEP review and approval of SWPPP (see attached response letter); the response letter indicated that the suggested hours of operation for the outdoor dining area are 11 AM to 11 PM; the Applicant's office is in receipt of the "will serve" letter from PJSC (see attached letter from PJSC); the note regarding tree-clearing prohibition between April 1 and October 31 has been added to the plan; updated lighting plan has been included in this submission; the landscape plan has been revised to detail non-invasive alternatives; the Applicant offers to keep an open dialog for non-site user parking with the Village once the project is complete and when it can be determined that the available parking meets the needs of the site when in full use.

Mr. Musella asked Mr. Johnson to present the proposed parking plan to the Board. Mr. Johnson demonstrated the traffic flow, the expanded parking area, the widened strip behind the building, and the green space created as a result of the proposed parking plan. He mentioned that the code official likes the proposed site's traffic circulation much better regarding fire safety. The proposed expansion also creates a more usable driving aisle in the back of that building and additional parking behind the 63 building where employees will park, leaving spaces open in front for retail and residential users. Member Musella asked if the overhang outside of the former bank would stay. Mr. Johnson replied yes, that would be covered dining space for the potential restaurant.

# Village of Pawling Planning Board Minutes

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Mr. Pfister expressed his concern that the selected location of the refuse collection could possibly be too close to the residents on Sunset Avenue. Mr. Johnson replied that most refuse will be collected in an area proposed at the site's north end. The other refuse area is intended to be used by the tenants of 71 EMS and placed in proximity to that building. This location was selected to be as far away from existing residences as possible while still affording an area for convenient refuse collection for on-site uses. Mr. Pfister asked Mr. Johnson if they are able to choose how often refuse will be collected. Mr. Johnson replied there's probably some leeway on 'when' refuse will be collected, but in terms of 'how often,' he said at least once a week, and if it needs more than that, the applicant can probably accommodate that. Refuse won't be left there to sit and fester and will all be enclosed with an 8-foot-tall vinyl fence and screening. Discussion ensued regarding landscaping in the refuse area shown on the site plan.

Ms. LoBrutto asked for an update on stormwater conditions on-site. Evan Pendleton reviewed his response to Ms. LoBrutto's comment letter (see attached Insite Engineering Report for full account). Mr. Pendleton explained that not much has changed in terms of stormwater. The design is similar to what is currently in place. With the additional impervious surface, the infiltration system was expanded to include additional separators to treat roof runoff. He reiterated that SWPPP approval from the NYCDEP is not required because the majority of the impervious surface onsite is existing. He said submissions to the Health Department and DEP for the sewer are forthcoming, and a vehicle maneuvering plan was performed to show both fire engine access and delivery truck access. The plans have been sent to the Fire Department and Christopher Maeder of LaBella for their review and acceptance.

Mr. Musella asked about the size of the water main and if there is enough water for the main going up East Main Street. Mr. Johnson replied that the details of the water main are being worked out right now with the Village. The front building is fine, but the fire flow for the sprinklers for the rear building, which we aren't into yet, is questionable at the moment. Mr. Musella asked about the flow of potable water. Mr. Johnson replied the Village has ample water for that and asserted that the problem is not with water; the issue is with the water pressure in the rear building. Ms. LoBrutto clarified that the potable water capacity isn't an issue. The constraint is related to fire flow and pressure; it has to do with the old distribution channels. She then asked if the stormwater issues on the site had been resolved. Mr. Johnson replied that the issues have been resolved and hasn't been made aware of any new complaints.

Ms. LoBrutto suggested that the Board schedule a public hearing to hear if the residents have any issues with the refuse location on the site.

***Member Pennelle made a Motion to schedule the Public Hearing for Tuesday, February 13<sup>th</sup>, 2024. Chairman Pfister seconded the Motion. The Motion passed with all present members in favor.***

## **Special Use Permit Building 67**

Mr. Johnson asked the Board if there could be decision on renewing the Special Use Permit for building 67. He explained that the changes being proposed don't affect the parameters of the residential uses on the first floor and that the building is almost done (May/June). After



# Village of Pawling Planning Board Minutes

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discussion amongst the Board regarding the expiration date and estimated completion date of Building 67's construction, Village Attorney Joseph Eriole stated that he doesn't have a legal objection to the Board deciding on the extension of the Special Use Permit.

***Member Musella made a Motion to grant the extension of the Special Use Permit for a period of two years as long as the applicant stays within the same parameters as the original.***

***Member Pennelle seconded the Motion. The Motion passed with all present members in favor.***

***Member Pennelle made a Motion to declare Lead Agency. Member Musella seconded the Motion. The Motion passed with all present members in favor.***

**Project Name: Pawling NY Congregation of Jehovah's Witnesses (Amended Site Plan)**

**Owners: Pawling NY Congregation of Jehovah's Witnesses**

**Location: 568 Route 22**

**Parcel ID/Zoning District: 7057-17-243066/R-1**

The application is for an amended site plan approval and special permit approval for the addition of two 790 SF rectories to the lower-level story and an additional 24 seats to the main worship area of the existing two-story, approximately 10,000 SF building. The septic system is proposed to be expanded, and five additional parking spaces and sidewalk areas as well. The average attendance is around 120 to 140, depending on the congregation. Additionally, special events that take place throughout the year could impact usage and the septic field by association. Jared Spence of Kingdom Hall presented the Board with the proposed plans. He explained that the existing 568 NY Route 22 location was granted a Special Use Permit in 1995, and since then, the congregation has grown to three congregations, two English language congregations, and one Spanish language congregation. This location holds a mid-week meeting, and three meetings on weekends. With some overlap on the weekends in particular, it causes some degree of complexities on site. Over a year ago, there was a desire to extend the parking lot to include access to Gristmill Lane. Due to the discussions and feedback they received from the Planning Board during that time, they decided not to move forward with that plan. The current plans submitted to the Planning Board have been revised to reflect the elimination of the Gristmill Lane egress. The purpose of the current proposal is to make the best use of the existing building within the existing footprint so that there is better accessibility within the site and also to gain better use out of the space that is available within the current footprint of the building.

Mr. Musella commented that the Special Use Permit granted in 1995 was to allow the Kingdom Hall assembly in the R-1 Zoning District. He then asked Mr. Spence if anyone would live in the Rectories. Mr. Spence replied the rectory's purpose is for congregation members who are full-time in their service and performing their duties with respect to the congregations. Those duties would include teaching, shepherding, and aspects related to our worship. The rectories will not be a "public space." It's not something that would be rented to the public; it's for full-time members of the congregation. Mr. Musella commented that he tried to do a little research online about the Kingdom Hall, and it was very difficult to find information and asked if someone was going to be living in the Kingdom Hall in the proposed rectories. Mr. Spence replied, yes. Mr. Musella said that is a different Change of Use because now you're going to have a building that was given a Special Use Permit for assembly, and now you want to have residents living within

# Village of Pawling Planning Board Minutes

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there. He then asked Mr. Spence if other Kingdom Hall locations have residences. Mr. Spence replied, yes. Discussion ensued regarding other Kingdom Halls that have residences. Village Attorney Joseph Eriole commented that, as the application proceeds, he will provide counsel to the Board on the mixed-use residential, religious use in a residential zone. Member Pennelle asked if this was a pre-existing condition that was already allowed. Mr. Eriole clarified that the question before the Board is, "If you add the residential use, does that change the potential conditions on the Special Use Permit?" He then stated that the Board would need to discuss it further as they better understand what the project entails and how many people might be living there at any given time. He continued that nothing would affect the religious use, and there are some legal parameters in connection with mixed uses, even on religious sites, that you do have to be observant of. Mr. Spence said he would be willing to provide an exhaustive list of Kingdom Halls that include residences on site. Mr. Erik Brown, the Kingdom Hall engineer on this project, stated that he has dedicated himself to working full-time to support the local congregation and the organization, and since that's what he has decided to do, he no longer works secularly. He further stated that he lives in a Kingdom Hall, which is one of these places of worship. This allows him to devote 100% of his time to teaching, ministering, and using his secular skills, such as engineering, to support the organization. Living in that building affords him the opportunity to do that full-time and have a place to live, literally just room and board. It's not any means of material gain or anything personally from that. It supports the use of the building that he lives in, which is a church. It's a religious place of worship, so the two uses go hand in hand in the sense that the living arrangement within it is really one and the same with the religious use of the building. In this particular building, there will be two apartments, with typically two couples living there who are working full-time together for the Kingdom Hall. That hasn't changed at all from what was presented a year and a half ago. It's the exact same scenario, and that's why Mr. McNammara compiled some information to show that from a legal standpoint, it also doesn't represent a separate use being added to the existing building but simply allowing that building to be used more fully for the existing use. Mr. McNammara commented that previously, he provided a memo law about the residential use of these houses of worship being part of a Special Use, "an amendment to, not a Change of Use."

Ms. LoBrutto asked how the rectories affect the parking schedule. Mr. Brown replied that even with the rectories and proposed 200 seats, we'll have 62 parking stalls where only 40 are required. Two will be marked for the residents so that they'll have a reserved parking space.

Member Musella commented that the neighbor who lives right behind the building expressed some concern about the existing lighting that was coming off the property at the back portion of the building and asserted that the applicant should be mindful that the lighting that will be placed in the back won't affect the property behind the Kingdom Hall building. Mr. Brown replied that the only lighting that's being proposed is a small residential-style downlight that will allow the residents to get in their door, and that's it; no additional site lighting is being proposed on the back portion, which, as you can see, is a few 100 feet away and heavily wooded. Ms. LoBrutto suggested that along with the specifications of the proposed lighting, the Applicant should provide a description of the existing lighting on the back of the building.

Discussion ensued regarding the security of the building noting that as part of the concept of the residences, it puts somebody onsite to pay attention to what's going on the property.

## Village of Pawling Planning Board Minutes

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Mr. Pfister asked Mr. Brown what his days were like. Mr. Brown replied I basically wake up around 7:00 am; I do bible reading, some worship in the morning, and then I work on projects like this for much of the 8 to 5. In the evening, I may have my own personal congregation meeting that I attend at the Kingdom Hall, where I live, so I'll go upstairs and meet with other congregants from the area. On the weekend, we have a weekend meeting, which, the public is invited, bible study questions and answers. Usually, at least one day during the week or on the weekend, I engage in a personal ministry, talking to others about the bible and just try to share some good news. I volunteer to assist with the maintenance of the building, there are certain tasks that are done on an annual, bi-monthly, monthly, or weekly basis so I try to pitch in with those types of things, and when there's snow to be cleared, or if there's a project going on or clean up with the leaves or something that needs to be fixed, I'll volunteer to assist with those as well. Also, it is nice to have someone in the building because if a pipe bursts or there's a leak, which has happened a number of times, we're able to catch it a little bit earlier, and it does help prevent further loss. Mr. Pfister asked who is now responsible for building maintenance or snow removal. Mr. Clingerman replied we primarily handle it with our own congregants. Some are men who have trucks and plows, and they just volunteer their time and resources to get that done. We have a small Kingdom Hall operating committee that oversees that process.

Ms. LoBrutto recommended that the Board declare its intent to be the Lead Agency for SEQR and schedule the public hearing.

***Member Musella motioned to declare intent to act as Lead Agency. Member Pennelle seconded the Motion. The motion passed with all present in favor.***

***Member Pennelle made a Motion to schedule the Public Hearing for Tuesday, February 13<sup>th</sup>. Chairman Pfister seconded the Motion. The Motion passed with all present members in favor.***

Mr. Spence commented that they haven't made any applications to the other agencies they have to apply to as part of this process and asked if they should hold off on making formal applications until after the public hearing. Ms. LoBrutto replied that it was not necessary to wait. Mr. Eriole suggested that the applicant should make a formal application now because some agencies take time, and sometimes, there are conditions to the approval that require the applicant to get the necessary permits or approvals from other agencies before a decision is rendered.

Mr. Brown commented that most of the comments in the review letter were pretty straightforward. He said we would adjust the configuration to ensure that individuals can get onto that ramp even if a car is parked tight up against the curb. As of right now, since we did remove from the scope basically all of the regrading and additional new asphalt work for the parking lot, keeping the minimal, we're not looking at restriping this area yet; however, if in the future when they're doing a repaving of the entire lot, we would definitely give some consideration to being able to restripe those to current standards. As of right now, since the scope has been reduced and they are trying to stay within their budget, we're not planning on doing additional restriping. As far as the septic system, we're going to provide those details, including the calculations. We're preparing in tandem with this application what the NYCDEP needs in order to approve this because it is in the East of Croton Watershed. We may be able to submit updated plans before the hearing if that's helpful.

# Village of Pawling Planning Board Minutes

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**Project Name: 28 Walnut Street Major Subdivision**

**Owners: Brian & Jean Senno**

**Location: 28 Walnut Street**

**Parcel ID/Zoning District: 6957-20-971145/R-3**

Mr. Eriole said the ZBA meeting will be following this where they're also considering this application. The ZBA, at its last meeting, put off its decision, and as you know, there were certain variances required. There are certain conditions proposed here; if the Board is inclined to move the resolution and act on it, we can discuss those provisions. The Applicant has seen that draft and is comfortable with these conditions. We can hear from them if they're not. Mr. Mackey, you can confirm for us that there's no proposed change tonight to the plan that has been on the table. Mr. Eriole read through the conditions set forth in the resolution (see attached). Mr. Mackey confirmed that there were no objections to the conditions, and there were no further questions or comments.

***Member Musella made a Motion to approve the resolution as stated. Member Pennelle seconded the motion. The Motion passed with all present members in favor.***

## **Approval of Minutes**

***Member Musella motioned to approve the minutes of the November 14<sup>th</sup>, 2024 Planning Board meeting. Member Pennelle seconded the motion. The motion passed with all present members in favor.***

## **Other Business**

No old business to discuss

## **Adjournment**

***Member Pennelle motioned to adjourn until the February 13, 2024 Planning Board meeting. Member Musella seconded the Motion. The motion passed with all present in favor.***

Submitted by:



Vivian Nikolatos

Planning Board Secretary



FILED WITH  
JAN 29 2024  
VILLAGE CLERK

At a Meeting of the Village of Pawling Planning Board held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 24<sup>th</sup> day of January, 2024, at 6:00 PM

**RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF PAWLING**

***Identifier: Final Site Plan Approval Main Corner Properties, LLC, 146 East Main Street***

The meeting was called to order by Chairman Robert Pfister and the following were:

**P R E S E N T:**

\_\_\_ Robert Pfister, Chairman  
\_\_\_ Lou Musella, Member  
\_\_\_ Peter Pennelle, Member

The following Resolution was proposed by Lou Musella, who moved its adoption, and seconded by Peter Pennelle.

**WHEREAS**, the applicant, Main Corner Properties ("Applicant"), submitted an application for site plan review to construct a new, 8,321 SF, 2 1/2-story, 135-seat restaurant with related site improvements (41 parking spaces, landscaping, refuse enclosure, propane tank, utilities) ("Application") at 146 East Main Street in the Village of Pawling (the "Project"), which property is in the R2 Zoning District; and

**WHEREAS**, the property previously received variances: (i) two use variances allowing the continued use of a restaurant within the R2; (ii) area variances as to front yard, lot coverage, side yard, parking stall size, parking located in the required setback (collectively, "Variances"), and no aspect of the Variances are modified or enlarged by the present Application; and

**WHEREAS**, the Planning Board declared its intent to act as Lead Agency under State Environmental Quality Review Act ("SEQRA"), and, following circulation of that notice of

intent to the other Involved Agency(y)(ies), no Agency objected to the Planning Board acting as Lead Agency; and

**WHEREAS**, on the Project is classified as an Unlisted Action under SEQRA; and

**WHEREAS**, a Conditional Negative Declaration Notice of Determination of Non-Significance was adopted by the Planning Board on 10/13/2020; and

**WHEREAS**, on September 8, 2020, the Planning Board (i) opened the Public Hearing on the final site plan and (ii) closed the Public Hearing; and

**WHEREAS**, the Applicant was granted conditional site plan approval by the Planning Board on May 30, 2023 with the following conditions: (i) install evergreen landscaping (8FT apart) at the south property line of the 140 East Main Street property, which abuts the north side of the site to screen noise and headlights from 146 East Main Street; (ii) additional landscaping was proposed for the east side of 140 East Main Street, where previous existing vegetation was removed for installation of a generator that has since been removed; and

**WHEREAS**, the following materials have been duly considered by the Planning Board:

- Village of Pawling Planning Board Combined Application Form
- Statement of Use
- Waiver request for size of parking spaces
- Full Environmental Assessment Form - Part 1 last revised 6/29/20
- Site Survey of existing conditions (reduced copy) as prepared by Robert V. Oswald, LS, dated 7/8/19
- Aerial plan of existing site and surroundings
- Letter from Village of Pawling Building Inspector/Code Enforcement Officer, dated 12/17/19 regarding use variance
- Village of Pawling Zoning Board of Appeals decision and minutes, date 11/29/94
- Site Plan (CI00), Erosion and Sediment Control Plan (CI01), Landscaping Plan and Details (CI02), Lighting Plan and Details (CI03) and Details (C500), prepared by Zarecki & Associates, LLC, dated 1-24-2020, last revised 11/7/2023
- Schematic building plans (A-1) and elevations (A-2), prepared by J Group Designs, LLC, dated 1/24/2020

- Letter from J Group Designs LLC dated 06-09-20 responding to Chazen Companies review of 02-10-20
- Letter from J Group Designs LLC dated 06-09-20 responding to Joseph P Berger P.E. of Berger Engineering and Surveying PLLC review letter of 01/10/20
- Letter from J Group Designs LLC dated 06-29-20 to Planning Board stating reduction in seats from 200 to 135.
- Watts and Quaker Hill Burial Ground information
- NYSOPHRP not eligible determination for the restaurant building on 2/26/2020
- NYSOPRHP 2/27/2020 letter requesting more information
- NYSOPRHP 3/6/2020 letter recommending Phase 1A
- Phase 1A Archaeological Sensitivity Assessment, dated June 2020, prepared by Strata Cultural Resource Management
- An End of Fieldwork (EOF) Letter (dated 9/25/2020) for the Phase IB Archaeological Field Investigation prepared by Strata Cultural Resource Management
- NYSOPRHP 9/30/2020 letter, conditional no concern letter
- Berger Engineering and Surveying Comment Letters, dated 1/10/2020 and 6/9/2020
- Dutchess County Department of Planning and Development 3/9/2020 Letter (Referral # 20-071)
- Final Full Environmental Assessment Form with notes dated 10/13/20
- Letter from J Group Designs LLC dated 11/23/20 responding to Chazen Companies review of 10/9/20
- 12/4/20 J Group Designs LLC letter to Planning Board response to County comments
- Amended Site Plan Application, dated 2/10/21
- Renderings, undated, received February 2021
- 3/29/2022 J Group Designs LLC letter to Planning Board describing exterior revisions
- Renderings, dated 3/29/2022, Sheet R-1, revised 4/8/2022, revised 7/20/2022, revised 9/27/2022
- Signage Detail, dated 3/28/2022, revised 9/27/2022
- Parking Lot Modification Sketch Plan, dated 3/29/2022
- Robert Orr and Associates LLC Aesthetic Review Letter, dated 7/11/2022
- 7/20/2022 Letter to the Planning Board from Applicant
- Full Environmental Assessment Form (FEAF), dated 8/30/22
- 9/26/2022 J Group Designs LLC letter to the Planning Board re: site plan and architectural revisions
- Rendering, undated, Sheet R-1, Option 1 and 2, presented October 2022
- 11/1/2022 J Group Designs LLC letter to the Planning Board re: site plan and architectural revisions
- 3/30/2023 J Group Designs LLC letter to the Planning Board re: site plan and architectural revisions
- Existing site photos, dated March 2023

- Proposed site rendering, dated March 2023
- Rendering, undated, Sheet R-1, Option 2, presented March 2023
- Site Survey of existing conditions (reduced copy) as prepared by Robert V. Oswald, LS, dated 3/11/2022, revised 11/7/2023
- Landscape and Maintenance Easement Property Description, dated 11/7/2023;

Collectively referred to herein as the “Plans”); and

**WHEREAS**, the Planning Board has reviewed the criteria for Final; Site Plan Approval set forth in Section 98-65 of the Code of the Village of Pawling and determined that Final Site Plan Approval with conditions is appropriate;

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board hereby approves the application for Final Site Plan approval, upon the Plans, subject to and effective upon, the following conditions:

1. Applicant shall submit completed Plans as may required by Village of Pawling Code Section 98-65(P) and in accordance with the conditions set forth above as part of the Conditional Site Plan Approval; with respect to said conditions, the plan submitted for execution by the Chairman shall reflect the installation of at least forty (40) green giant evergreen trees at the south property line of the 140 East Main Street property, which abuts the north side of the site to screen noise and headlights from 146 East Main Street, in a staggered configuration, and close enough to each other that a continuous line of screening is created. In the event that 40 trees is deemed insufficient by the Village Planner, Applicant will plant the number of additional trees necessary to accomplish the continuous line of screening to the satisfaction of the Village Planner. Applicant shall further (ii) plant a line of trees designed to provide an aesthetic streetscape along the roadway on the east side of 140 East Main Street, where previous existing vegetation was removed for installation of a generator that has since been removed, to the satisfaction of the Village Planner. The Plans shall reflect the “as-planted” configuration of the plantings described in this 1(i) and 1(ii) ; and
2. A landscape and maintenance easement along the southern property line of the 140 East Main Street property in form satisfactory to the Village Attorney, suitable for recording, between 140 East Main Street as the grantor and Main Corner Properties, LLC as the grantee, as shown on a survey by Robert V. Oswald.

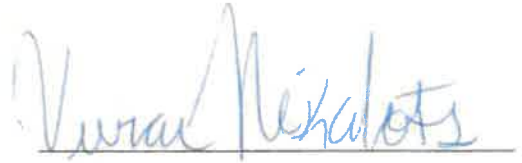
The question of the foregoing Resolution was duly put to a vote, the Planning Board voting as follows:



	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Chairman Robert Pfister	<u>X</u>	—	—
Lou Musella	<u>X</u>	—	—
Peter Pennelle	<u>X</u>	—	—
<b>TOTAL</b>	<b><u>3</u></b>	<b><u>0</u></b>	<b><u>0</u></b>

I hereby certify that the above is a true and correct copy of the Resolution passed by the Village of Pawling Planning Board at a meeting held on January 24, 2024

Date: January 29, 2024



Planning Board Secretary

**MEMORANDUM**

**To:** Village of Pawling Planning Board  
**From:** LaBella Associates, Caren LoBrutto  
**Date:** December 14, 2023  
**Re:** 146 East Main Street, FKA McGraths  
**Project #:** 81931.03, Task 0103

**SUMMARY**

The Applicant/Owner, Main Corner Properties, LLC, was granted conditional site plan approval by the Planning Board on May 30, 2023 to construct a new, 8,321 SF, 2 ½-story, 135-seat restaurant with related site improvements (41 parking spaces, landscaping, refuse enclosure, propane tank, utilities) at 146 East Main Street, which was previously occupied by a restaurant known as McGraths. An accessory dwelling unit located on the site was previously demolished as part of the project. The project site is located within the Residential 2 (R2) Zoning District and at the start of the application to the Planning Board, the prior 140-seat restaurant had been vacant for at least six months. The project site occupies an approximately 0.59 SF tax parcel 134001-7056-09-244711 and abuts the Watts-Slocum Burying Ground, which is identified on the Dutchess County Historical Survey. The property received a variance in 1994 allowing the continued use of a restaurant within the previously existing restaurant building on site. The property received approval for the following area variances at the ZBA's 11/18/2020 meeting:

- ZBA Area Variances
  - Front yard
  - Side yard
  - Lot coverage
  - Parking stall size
  - Parking located in setback

In addition, a new use variance was granted for the property. A Conditional Negative Declaration Notice of Determination of Non-Significance was adopted by the Planning Board on 10/13/2020.

**Planning Review**

The intent of the Applicant's submission is to demonstrate that the proposed project meets the landscape related condition set on May 30, 2023. During that meeting, it was discussed that the Applicant would install evergreen landscaping (8FT apart) at the south property line of the 140 East Main Street property, which abuts the north side of the site to screen noise and headlights from 146 East Main Street. Additional landscaping was proposed for the east side of 140 East Main Street, where previous existing vegetation was removed for installation of a generator that has since been removed.

As shown on a survey by Robert V. Oswald, a landscape and maintenance easement is proposed along the southern property line of the 140 East Main Street property. A metes and bounds, or property description, has

been provided. This easement will need to be filed at the County Clerk's office, with 140 East Main Street as the grantor and Main Corner Properties, LLC as the grantee. The easement does not extend to the east end of the property and no landscaping is proposed here. The Planning Board should consider the suitability of this arrangement.

#### **NEXT STEP**

Consider issuance of Final Site Plan Approval.

#### **DOCUMENTS REVIEWED**

- Village of Pawling Planning Board Combined Application Form
- Statement of Use
- Waiver request for size of parking spaces
- Full Environmental Assessment Form - Part 1 last revised 6/29/20
- Site Survey of existing conditions (reduced copy) as prepared by Robert V. Oswald, LS, dated 7 /8/19
- Aerial plan of existing site and surroundings
- Letter from Village of Pawling Building Inspector/Code Enforcement Officer, dated 12/17 /19 regarding use variance
- Village of Pawling Zoning Board of Appeals decision and minutes, date 11/29/94
- Site Plan (C100), Erosion and Sediment Control Plan (C101), Landscaping Plan and Details (C102), Lighting Plan and Details (C103) and Details (C500), prepared by Zarecki & Associates, LLC, dated 1-24-2020, last revised 11/7/2023
- Schematic building plans (A-1) and elevations (A-2), prepared by J Group Designs, LLC, dated 1/24/2020
- Letter from J Group Designs LLC dated 06-09-20 responding to Chazen Companies review of 02-10-20
- Letter from J Group Designs LLC dated 06-09-20 responding to Joseph P Berger P.E. of Berger Engineering and Surveying PLLC review letter of 01/10/20
- Letter from J Group Designs LLC dated 06-29-20 to Planning Board stating reduction in seats from 200 to 135.
- Watts and Quaker Hill Burial Ground information
- NYSOPHRP not eligible determination for the restaurant building on 2/26/2020
- NYSOPRHP 2/27/2020 letter requesting more information
- NYSOPRHP 3/6/2020 letter recommending Phase 1A
- Phase 1A Archaeological Sensitivity Assessment, dated June 2020, prepared by Strata Cultural Resource Management
- An End of Fieldwork (EOF) Letter (dated 9/25/2020) for the Phase IB Archaeological Field Investigation prepared by Strata Cultural Resource Management
- NYSOPRHP 9/30/2020 letter, conditional no concern letter
- Berger Engineering and Surveying Comment Letters, dated 1/10/2020 and 6/9/2020
- Dutchess County Department of Planning and Development 3/9/2020 Letter (Referral # 20-071)
- Final Full Environmental Assessment Form with notes dated 10/13/20
- Letter from J Group Designs LLC dated 11/23/20 responding to Chazen Companies review of 10/9/20
- 12/4/20 J Group Designs LLC letter to Planning Board response to County comments
- Amended Site Plan Application, dated 2/10/21
- Renderings, undated, received February 2021

- 3/29/2022 J Group Designs LLC letter to Planning Board describing exterior revisions
- Renderings, dated 3/29/2022, Sheet R-1, revised 4/8/2022, revised 7/20/2022, revised 9/27/2022
- Signage Detail, dated 3/28/2022, revised 9/27/2022
- Parking Lot Modification Sketch Plan, dated 3/29/2022
- Robert Orr and Associates LLC Aesthetic Review Letter, dated 7/11/2022
- 7/20/2022 Letter to the Planning Board from Applicant
- Full Environmental Assessment Form (FEAF), dated 8/30/22
- 9/26/2022 J Group Designs LLC letter to the Planning Board re: site plan and architectural revisions
- Rendering, undated, Sheet R-1, Option 1 and 2, presented October 2022
- 11/1/2022 J Group Designs LLC letter to the Planning Board re: site plan and architectural revisions
- 3/30/2023 J Group Designs LLC letter to the Planning Board re: site plan and architectural revisions
- Existing site photos, dated March 2023
- Proposed site rendering, dated March 2023
- Rendering, undated, Sheet R-1, Option 2, presented March 2023
- Site Survey of existing conditions (reduced copy) as prepared by Robert V. Oswald, LS, dated 3/11/2022, revised 11/7/2023
- Landscape and Maintenance Easement Property Description, dated 11/7/2023



1/24/24 PB Meeting

December 29, 2023

Mr. Robert Pfister, Jr, Chairman  
Planning Board  
Village of Pawling  
9 Memorial Avenue  
Pawling, NY 12564

RE: Pawling Commons  
Amended Site Plan  
63, 67 and 71 East Main Street

Dear Chairman Pfister and Members of the Board:

Enclosed please find responses to comments included in the 11/10/23 planning review memorandum prepared by Caren LoBrutto of LaBella. Our responses, in boldface, are keyed to the referenced review memorandum.

1. What is the status of construction the site. Please identify activities, as follows:
  - ⊗ 63 Building: **The bank tenant moved out as of September 2023. The owner is considering new tenants, possibly a restaurant use that would also convert the roofed drive-thru area and adjacent drive-thru access lanes into outdoor dining area.**
  - 67 Building: **it is the intent to demo the existing building in the near future. Construction of the new mixed-use building will commence when amended site plan approval is secured.**
  - 71 Building: **Building is under construction. A late -spring 2024 occupancy is anticipated.**
  - Site: **portions of the site around the 63 East Main Street building are functioning as 'normal'. Area around 71 East Main Street building is fenced off to separate construction area from remainder of the in-use parking area, etc.**
2. Explain change in footprint and total square feet for Building 71 from 5250/total 15750 to 5650 SF/total 16,950 SF. What effect does this change have on variances granted for Urban Regulations? Provide dimensions and calculations to support conclusions. **The change in footprint is due to fine-tuning of the floorplans and compliance with**

was used as a 'placeholder' for the site at full build-out. Not knowing all future commercial uses for the site, it is estimated that the water/wastewater would be between 12,000 and 28,000 gpd.

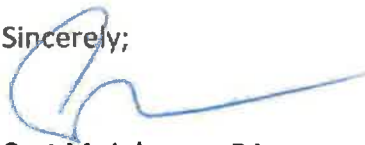
13. Confirm there are no changes to the building facades or architectural treatments. **There is potential for changing the existing bank drive-thru window (63 EMS) to a door system that would access the proposed outdoor dining area, but plans have not been finalized.**
14. New traffic trips from approved 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 a grocery store by approximately 30%. **Comment acknowledged.**
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? **The retaining walls are proposed in select areas at the perimeter of the new parking areas behind the buildings where there are greater cuts and fills. The retaining walls, which are 4' in height or less, are proposed to be boulder and/or redi-rock material. The grade at the southwest corner is proposed to be raised for the revised stormwater conveyance and treatment. Retaining wall locations can be adjusted for 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 proposed landscaping, proposed lighting, stormwater, refuse and any other effects. **The existing residences along Fairway Drive sit much lower topographically than the parking area proposed at the west and north portions of the site, therefore headlights from site should not affect the houses. The landscape plan shall include plantings that further mitigate potential off-site glare. Proposed refuse collection areas have been selected for both convenience for residents/tenants and carters as well as trying to keep away from adjacent residences. The stormwater issues that were historically experienced by the resident along Sunset Drive was temporarily mitigated by installation of a catch basin and redirecting water. The permanent stormwater design that is part of the proposed amended site plan will enhance the over stormwater collection, treatment and conveyance.**
17. Explain benefit of one-way circulation around new parking area and the proposed outdoor dining. **The one-way traffic flow is an extension of the one-way traffic that was previously approved at the south side of the 67 EMS building. The overall site circulation is made better by eliminating the access point between the 63 and 67 EMS buildings and provides a better driving aisle behind the 63 EMS building. The expanded parking layout provides for parking at the north for residents of the proposed 67 EMS building as well as employee parking for the commercial uses on the site (there are secondary building entrance points to the tenant spaces in the north side of the 63 EMS building)**
18. Describe any are of tree removal. **Trees will be removed in the area of the proposed parking expansion. This area is currently populated by a mix of deciduous trees and undergrowth. It is assumed that rock encountered during excavation of the 63 EMS**

site and existing market building was placed (circa 1985 and 1965 respectively) in the area now part of the proposed parking expansion.

19. Describe suitability of loading area on northside of existing multi-tenant building. **The small loading area on the north side of the 63 EMS building is intended for use by the potential restaurant for small vehicle/box truck deliveries.**
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? **The majority of refuse will be collected in an area proposed at the north end of the site. The other refuse area is intended to be used by the tenants of 71 EMS and placed in proximity to that building. The location of this proposed refuse collection was selected to be as far away from existing residences as possible while still affording an area for convenient refuse collection for on-site uses. At this time, no on-site property management staff is being considered.**
21. Provide a lighting photometric plan and lighting fixture details and specification sheets. **A lighting plan and details are included in this submission.**
22. Key plant types to Landscape Plan. **The Landscape Plan has been updated.**
23. Is signage proposed? **Future tenant signage is unknown at this time. The intent will be to keep it in similar nature to existing signage on the 63 EMS building.**

This concludes our response at this time. If you have any questions and/or require additional information, please contact our office.

Sincerely;

A handwritten signature in blue ink, appearing to read 'Curt M. Johnson', with a long horizontal flourish extending to the right.

Curt M. Johnson, RA



January 30, 2024

Mr. Robert Pfister, Chairman  
Village of Pawling Planning Board  
9 Memorial Avenue  
Pawling, New York 12564

RE: Pawling Commons  
Amended Site Plan  
63, 67, 71 East Main Street  
Tax Map No. 7056-05-101917

Dear Chairman Pfister and Members of the Board:

Enclosed please find six (6) copies of the following regarding the Amended Site Plan for the above referenced property:

- Site Plan Drawing Set (9 Sheets Total), last revised January 30, 2024 (6 full scale copies, 6 reduced scale copies).
- Stormwater Pollution Prevention Plan (SWPPP), dated January 30, 2024.
- Correspondence from NYCDEP, dated January 8, 2024.
- Letter from Pawling Joint Sewer Commission, dated January 23, 2024.

The enclosed plans and report have been revised based on comments received from the planning board consultants. With regards to comments received from the Town Consulting Engineer, we offer the following:

**Memorandum from Sara Drury, EIT, LaBella Associates, dated January 3, 2024:**

**Stormwater Pollution Prevention Plan**

1. After further review of the project with the NYCDEP and based on the enclosed correspondence from Cynthia Garcia, the project does not require SWPPP approval from the NYCDEP.
2. Jantile Group, the project landscape architect, has reached out to the NYSDEC regarding the permitting requirements for the bog turtles. A determination will be provided with future submissions.
3. Comment addressed.
4. Figure 5 of the of the SWPPP has been revised to include the results from each infiltration test along with the total depth of the infiltration test hole.
5. The deep test were dug to a depth greater than 3-feet from the bottom of the proposed infiltration practice and verify the separation requirements to ledge rock and groundwater are met with the proposed practice. Therefore, we feel the depth of the test holes are acceptable.
6. Comment addressed.
7. Comment addressed.
8. Comment addressed.
9. Comment addressed.
10. Comment addressed.
11. Comment addressed.



12. Comment addressed.
13. Comment addressed.
14. Comment addressed.
15. Comment addressed.
16. Comment addressed.
17. Comment addressed.
18. Comment addressed.

#### Site Layout

1. The large box truck maneuvering into the loading area is intended to pull forward past the loading area and back into the space. Therefore the reverse movement into the loading area overlaps with the forward movement pulling out of the loading area. A callout has been added to the Vehicle Maneuvering Plan to clarify.
2. The project plans have been sent to the Fire Department and Christopher Maeder of Labella for their review and acceptance. A determination from the Fire Department will be provided upon receipt.

#### Grading

1. Comment addressed.
2. Comment addressed.

#### Utilities

1. Comment addressed.
2. Drawing D-3 has been revised to provide separate standard details for the proposed 3-ft and 4-ft First Defense hydrodynamic separators. Furthermore, the Drainage Table on Drawing GU-1 has been revised to provide the minimum required dimension from the top of slab elevation to the invert elevation for the proposed hydrodynamic separators per the corresponding standard detail from Hydro International.
3. Comment addressed.
4. Comment addressed.
5. Comment addressed.
6. The project plans have been sent to the Fire Department and Christopher Maeder of Labella for their review and acceptance. A determination from the Fire Department will be provided upon receipt.
7. Comment addressed.
8. Comment addressed.

#### Details

1. Comment addressed.
2. Comment addressed.
3. Comment addressed.
4. Comment addressed.
5. Comment addressed.
6. Comment addressed.

7. Our office is preparing a submission to the Dutchess County Department of Health for the review and approval of the proposed sewer connection. Correspondence from the Health Department will be provided to the Village of Pawling Planning Board upon receipt.

Additional Comments


1. The draft Notice of Intent in Appendix H of the SWPPP has been revised as requested.
2. In regards to the comments received from the NYCDEP in their letter dated December 11, 2023, we offer the following responses:
  - a. After further review of the project with the NYCDEP and based on the enclosed correspondence from Cynthia Garcia, the project does not require SWPPP approval from the NYCDEP.
  - b. Additional details have been provided on the project plans for the proposed sewer connection. Also, a letter from the Pawling Joint Sewer Commission dated January 23, 2024 is enclosed herewith confirming there is available capacity to convey and treat the anticipated wastewater flow from the subject project.
  - c. Comment noted. Erosion and sediment control measures are proposed on the project plans in accordance with the *New York Standards and Specifications for Erosion and Sediment Control*.
  - d. Comment noted. The project proposes to keep the excess parking spaces as paved asphalt. Appropriate stormwater management has been provided for the proposed impervious area.
3. Discussions with the Village and project team are ongoing regarding the proposed fire flow demand for the project and available capacity in the municipal distribution system.

Should you have any questions or comments regarding this information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:

  
John M. Watson, PE  
Senior Principal Engineer

JMW/ejp

Enclosures: Curt Johnson, RA, Jantile Goup Designs, LLC (via email)

Insite File No. 18135.100

## Evan Pendleton

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**From:** Garcia, Cynthia <CGarcia@dep.nyc.gov>  
**Sent:** Monday, January 8, 2024 2:35 PM  
**To:** PB Secretary  
**Cc:** Evan Pendleton; John Watson  
**Subject:** Pawling Commons

Hello Vivian,

The applicant's representative, Insite Engineering, has had a discussion with DEP staff and submitted to DEP Overlay Plans for review. The proposed soil disturbance is less than 2 acres. While the footprint of impervious surface totals over 40,000 square feet, the majority of the project site is already developed with existing impervious surfaces and thus the engineer was able to effectively demonstrate that less 40,000 square feet of *new* impervious surfaces are being proposed per planned redevelopment of the project site. As such, the action does not require DEP review and approval of a SWPPP.

This clarification is being provided to correct the SEQRA record.

Should you have any further question, feel free to reach out to me.

Thank you,

---

**Cynthia Garcia** | Bureau of Water Supply | SEQRA Coordination Section  
465 Columbus Ave., Valhalla, NY 10595  
(O) 914 749 5302 | (F) 914 749 5472 | [cgarcia@dep.nyc.gov](mailto:cgarcia@dep.nyc.gov)

# **Pawling Joint Sewer Commission**

9 Memorial Ave.

Pawling, New York, 12564

Phone (845)855-9442

Fax (845)855-9317

Email: [PJSC@villageofpawling.org](mailto:PJSC@villageofpawling.org)

January 23, 2024

Mr. Curt Johnson  
J. Groups Designs, LLC  
63 East Main Street  
Pawling, NY 12564

Re: Sewer Hook-up  
63, 67 & 71 East Main Street, Pawling

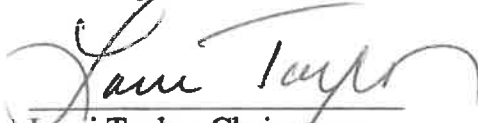
Dear Mr. Johnson:

Pawling Joint Sewer Commission has capacity to convey and treat the anticipated wastewater flow from Pawling Commons located at 63, 67 and 71 East Main St. Pawling NY (Tax ID # 134001-7056-05-101917). Further, PJSC accepts the owners estimated buildout flow of approximately 20,000 gallons per day and notes that while the project property is within NYC's Watershed, the PJSC's permitted outfall is to the Swamp River which isn't in the NYCDEP controlled watershed.

As a condition of the commitment to accept, treat and discharge wastewater from Pawling Commons, PJSC requires that both the existing lateral serving the building at 63 E. Main St and the lateral formerly serving the market be inspected and televised and the results of that inspection and copies of the video's be presented to PJSC's engineer for review. This inspection work will also document the location of all cleanouts, the slope of the laterals and the condition of the lateral. Any deficiencies noted will need to be corrected prior to issuance of the Certificate of Occupancy by the Village's code Enforcement Group.

Finally, please submit, for approval by PJSC's engineer, an engineering detail and the location for the connection of the multi-family building (71 E. Main St.) lateral to the existing on site lateral sewer.

Sincerely,

  
Lauri Taylor, Chairperson  
Pawling Joint Sewer Commission

Cc: Jonathan Soukup, Cedarwoods Engineering  
Brian Soukup, Cedarwoods Engineering  
Dan Stone, LaBella Associates  
Chris Maeder, Village of Pawling Building Inspector

**FILED WITH  
JAN 29 2024  
VILLAGE CLERK**

At a Meeting of the Village of Pawling Planning Board held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 24<sup>th</sup> day of January, 2024, at 6:00 PM

**RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF PAWLING**

***Identifier: Preliminary Subdivision Approval Brian & Jean Senno, 28 Walnut Street***

The meeting was called to order by Chairman Robert Pfister and the following were:

**P R E S E N T:**

\_\_ Robert Pfister, Chairman  
\_\_ Lou Musella, Member  
\_\_ Peter Pennelle, Member

The following Resolution was proposed by Lou Musella, who moved its adoption, and seconded by Peter Pennelle.

**WHEREAS**, an application for major subdivision approval was submitted by Brian and Jean Senno (the “Applicant”) for subdivision of property at 28 Walnut Street, in the Village of Pawling (the “Project”); and

**WHEREAS**, on January 10, 2023, the Planning Board declared its intent to act as Lead Agency under SEQRA, and, following circulation of that notice of intent to the other Involved Agenc(y)(ies), no Agency objected to the Planning Board acting as Lead Agency; and

**WHEREAS**, on the Project is classified as an Unlisted Action under the State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS**, on October 10, 2023, the Planning Board (i) opened the Public Hearing on the Major Subdivision Application, (ii) closed the Public Hearing, (iii) adopted a Negative Declaration under SEQRA with respect to the Project, and (iv) voted to deliver a recommendation to the Zoning Board of Appeals (“ZBA”) recommending approval of the necessary variances (“Variances”) in connection with the Project; and

**WHEREAS**, the ZBA has heard the application for such Variances and is expected to vote on those Variances; and

**WHEREAS**, the Planning Board has received a proposed subdivision plat from the Applicant prepared by Jordan Strack, P.E. and dated March 12, 2023; and

**WHEREAS**, the Planning Board has reviewed the criteria for Major Subdivision Approval set forth in Section 82 of the Code of the Village of Pawling and determined that Preliminary Subdivision Approval with conditions is appropriate;

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board hereby approves the application for Major Subdivision, upon the Plans, subject to following conditions:

1. Lighting on the proposed new residence is downlit and down shielded;
2. Applicant shall provide the basic Bog Turtle Education and Encounter plan to all contractors, subcontractors and workpersons for their use during construction;
3. Applicant shall use sediment and erosion control to limit impacts related to stormwater and to water quality on nearby aquatic resources;
4. There be no planting or fencing along the property line between the two dwellings; and
5. The ZBA shall have approved all Variances.

The question of the foregoing Resolution was duly put to a vote, the Planning Board voting as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Chairman Robert Pfister	<u>X</u>	—	—
Lou Musella	<u>X</u>	—	—
Peter Pennelle	<u>X</u>	—	—
<b>TOTAL</b>	<u>3</u>	<u>0</u>	<u>0</u>



I hereby certify that the above is a true and correct copy of the Resolution passed by the Village of Pawling Planning Board at a meeting held on January 24, 2024

Date: January 29, 2024

A handwritten signature in blue ink, appearing to read "Vivian K. Korte", is written over a horizontal line.

Planning Board Secretary

**MEMORANDUM**

To: Village of Pawling Planning Board  
From: LaBella Associates  
Date: January 4, 2024  
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 155 (+43 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, with no change to the approved architectural façade.

- 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

A total of 0.5 acres of new impervious surfaces are proposed. New impervious surfaces are being created for the proposed parking lot expansion. A total of 1.1 acres of existing impervious surface are being redeveloped. The redeveloped areas consist of reconstructing portions of the existing asphalt parking lot and converting an area of existing pavement to the proposed residential building. A 0.3 acre area of existing impervious surface is proposed to be removed and restored as lawn. A net increase of 0.2 acres of impervious is proposed. The project includes new stormwater quality treatment and reduction measures. Retaining walls, 4' in height or less, are proposed to be boulder and/or redirock material. The grade at the southwest corner is proposed to be raised for

<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.

the revised stormwater conveyance and treatment. The area of disturbance with the proposed site plan amendment is approximately 1.9 ac.

### **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.

### **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).

- 63 Building: The bank tenant moved out as of September 2023. The owner is considering new tenants, possibly a restaurant use that would also convert the roofed drive-thru area and adjacent drive-thru access lanes into outdoor dining area.
- 67 Building: it is the intent to demo the existing building in the near future. Construction of the new mixed-use building will commence when amended site plan approval is secured.
- 71 Building: Building is under construction. A late -spring 2024 occupancy is anticipated.
- Site: portions of the site around the 63 East Main Street building are functioning as 'normal'. Area around 71 East Main Street building is fenced off to separate construction area from remainder of the in-use parking area, etc.

### **Permits and Approvals:**

- Amended Site Plan Approval
- NYSDEC GP 0-20-001, sewer extension
- Village Board – MS4 and water connection
- NYCDEP – Sewer extension and SWPPP
- DCDOH – Sanitary improvements
- Pawling Joint Sewer Commission – Sanitary connection

**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 the Applicant's submission and response to comments.

## COMMENTS

1. Provide correspondence with NYCDEP relative to permitting (e.g., SWPPP and Sewer extension).
2. The Board should consider the suitability of proposed hours for operation of an outdoor dining area 11 AM to 11 PM.
3. Applicant should obtain/provide confirmation of capacity with PJSC per NYCDEP requirement.
4. The USFWS indicates the potential for regulated bat species at this location. Therefore, tree clearing restrictions should be implemented and a note should be added to the plan.
5. Provide additional lighting details related to building mounted lighting, bollards, etc. Information should include kelvin readings. The photometric plan should show how foot candle levels are spread across the site in addition to the calculation summary.
6. Burning bush and winter creeper are both considered invasive by NYSDEC. Please provide alternatives.
7. The Board should consider how to ensure parking for the Village will be retained, if desired.

## 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, Vehicle Maneuvering Plan VM-1, Details D-1, D-2, Insite Engineering, dated 10/31/2023, revised 12/29/23

Site Plan Sheets: Site Plan SY-1, Schematic Planting Plan SY-2, J Group Designs, dated 10/30/2023, revised 12/29/2023

Response to Comments, J Group Designs, dated 12/29/2023

Response to Comments, Insite Engineering, dated 12/29/2023

Stormwater Pollution Prevention Plan, Insite Engineering, dated 12/29/2023

# MEMORANDUM

TO: Caren LoBrutto

FROM: Sara Drury, EIT

DATE: January 3, 2024

RE: Pawling Commons Engineering Review Comments – Letter 2

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## Stormwater Pollution Prevention Plan

1. In the letter entitled “Notice of Intent to be Lead Agency” prepared by the NYCDEP dated December 11, 2023, the letter states “This project will result in 2.8 acres of impervious surface. In accordance with Section 18-39(b)(4)(iii) of Watershed Regulations, this project will require DEP approval of a SWPPP.” As such, 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. In conformance with Part I.F.4 of GP-0-20-001, a NYSDEC department issued letter of non-jurisdiction for the project should be provided and be submitted to the Village upon receipt. In addition, the Bog Turtle Conservation Zones (April 18, 2001) states under Zone 3 “Despite the distance from Zone 1, activities in these areas have the potential to adversely affect bog turtles and their habitat”, as well as, “Activities occurring in this zone should be carefully assessed in consultation with the Fish and Wildlife Service and/or appropriate State wildlife agency to determine their potential for adverse effects to bog turtles and their habitat.” This is further supported in the letter entitled “SEQR Lead Agency” prepared by the NYSDEC dated December 22, 2023.
3. Comment addressed.
4. The infiltration test depth should be provided in Figure 5. In addition, the results from each run per infiltration test hole should be provided in Figure 5.
5. In accordance with Appendix D test pits should be to a minimum depth of 4 feet below the proposed facility bottom elevation.
6. Comment addressed.
7. Comment addressed.
8. Comment addressed.
9. Comment addressed.
10. Comment addressed.
11. Comment addressed.
12. Comment addressed.
13. Comment addressed.
14. Comment addressed.
15. Comment addressed.

16. Comment addressed.
17. Comment addressed.
18. Comment addressed.

1. On the large box truck vehicle maneuvering plan, it appears the movement for the vehicle to get into the loading dock is a forward direction movement, ending with the front of the vehicle facing the building. The vehicle movement should demonstrate a reverse movement.
2. Documentation of Fire Department vehicle verification and acceptance should be provided upon receipt.

#### **Grading**

1. Comment addressed.
2. Comment addressed.

#### **Utilities**

1. Comment addressed.
2. The hydrodynamic unit detail provided on Sheet D-3 indicates a minimum 3.1' change in elevation from the top of slab elevation to the pipe invert. Based on the top of frame and invert elevations provided on Sheet GU-1 it appears multiple hydrodynamic units would not meet the 3.1' minimum elevation. Inverts and/or top of frames should be revised to provide the minimum top of slab to invert elevation.
3. Comment addressed.
4. Comment addressed.
5. Comment addressed.
6. Documentation should be provided from the Fire Department verifying that the existing hydrant on East Main Street is acceptable should be provided upon receipt.
7. Comment addressed.
8. Comment addressed.

#### **Details**

1. Comment addressed.
2. Comment addressed.
3. Comment addressed.
4. Comment addressed.
5. Comment addressed.
6. Comment addressed.
7. Documentation from DCDBCH of plan review and approval should be provided upon receipt. In addition, per NYCRR Part 750-1.2(82) any sewer connection designed or intended to carry 2,500 gpd or greater of sewage is considered a sewer extension and will require NYSDEC review and approval prior to construction. Documentation from the NYSDEC of plan review and approval should be provided upon receipt.

#### **Additional Comments**

1. The required WQv in eNOI question 9 should be revised to the 0.077 af reported on the RRV calculation sheet. The total RRV provided in question 30 should be revised to report the



4,185 cf (0.960 af) reported on the RRv calculation sheet. Question 31 should be revised to yes and Questions 31 through 34 left blank.

2. In the letter entitled "Notice of Intent to be Lead Agency" prepared by the NYCDEP dated December 11, 2023, the following comments were provided by NYCDEP:
  - a. This project will result in 2.8 acres of impervious surface. In accordance with Section 18-39(b)(4)(iii) of the Watershed Regulations, this project will require DEP approval of a SWPPP.
  - b. Additional details will also be required for the new sewer extension in accordance with Section 18-37 of the Watershed Regulations. The applicant should provide a written permit from the superintendent of the sewer system authorizing the proposed connection and noting that the plant can accommodate the projected 20,000 gallons per day flow.
  - c. According to the EAF, the project will be constructed over three years. As there are multiple phases and freeze thaw cycles, methods to avoid potential sedimentation impacts should be demonstrated.
  - d. According to the site plan, 124 parking spaces are required by 157 spaces have been provided. The project sponsor is encouraged to consider green infrastructure practices and alternative surfacing material to minimize impacts associated with the excess parking.
3. A description should be provided of how fire flow will be handled and capacity constraints, if any, will be addressed.

SED

**MEMORANDUM**

To: Village of Pawling Planning Board  
From: LaBella Associates, Caren LoBrutto  
Date: January 4, 2024  
Re: 568 Route 22  
Project #: 82045, task 0107

**SUMMARY**

**Owner:** Pawling Congregation of Jehovah's Witnesses, Inc.

**Applicant:** Pawling Congregation of Jehovah's Witnesses, Inc. (Jared Spence)

**Tax Lot(s)/Location:**

7057-17-243066-0000

**Total Acreage:** 3.03 ac.

**Current Zoning District:** R1 Zoning District

**Current Use:** Worship/Institutional

**Proposed Project:**

The Applicant is seeking site plan approval and to update to their existing special permit approval (1995) to add two, 790 SF rectories to the lower-level story of the existing two-story, approximately 10,000 SF building and an additional 24 seats to the main worship area. In addition, the septic system is proposed to be expanded and five additional parking spaces and sidewalk are proposed (approximately 1,988 SF). LED Lighting improvements and new vinyl siding are proposed. Note that the existing septic is located within 100 feet of a State regulated wetland. Therefore, the project involves 415 SF of disturbance in the regulated adjacent area of the NYSDEC wetland. No disturbance is proposed to the wetland itself. The site is also located within the NYC watershed. The project requires area variances for lot coverage, parking stall size, and drive aisle width.

**Permits and Approvals:**

- Planning Board Site Plan and Special Permit Approval
- Zoning Board of Appeals – Lot coverage, parking stall size, drive aisle width
- Dutchess County Department of Health – wastewater improvements
- NYSDEC – Regulated Adjacent Area Wetland permit; SPDES Wastewater General Permit, SPDES Stormwater

- NYCDEP – clarification needed (septic and stormwater)

**SEQR:** The project is classified as an Unlisted Action.

**GML 239 Referral:** Yes, project is located within 500 feet of a State Road and requires site plan and special permit approval.

### **NEXT STEPS**

A review of the Village file should be undertaken to determine if any special permit conditions, variances, etc. apply to the site. The Planning Board should consider declaring intent to be Lead Agency for SEQR and circulating the application to the agencies listed above.

### **REVIEW**

1. Has NYSDEC requested enclosing the project area with turtle barrier fencing (i.e., wire-backed silt fence buried 6-8 inches in the ground), should site work occur during the bog turtle's active season (April-October)? If so, this note should be added to the plan.
2. Locate the floodplain on the site plan sheet.
3. How is snow storage handled on site?
4. Provide spec sheets for lighting proposed on site.
5. Provide estimate of additional Water and Wastewater demand/generation from proposed action.
6. Does the facility have an existing Public Water Supply permit? If so, will it need modification due to the proposed project?

### **DOCUMENTS REVIEWED**

- Survey, 3/14/2020, Bambi Terrell Meunier
- Site Plan Application
- Deed
- Short Environmental Assessment Form, dated 12/28/2023
- Site Plan Set, dated 10/23/2023 (Sheets C001, CS101, CG101, CU101, CE101, C-501, LP101, ES101)
- Building Floor Plans, dated November 2021
- Engineering Comments Response, dated 12/28/2023
- Planning Comments Response, dated 12/28/2023
- DEC Correspondence regarding wetland delineation and bog turtle assessment
- Cover letter, dated 7/24/2023

# MEMORANDUM

TO: Caren LoBrutto

FROM: Sara Drury, EIT

DATE: January 4, 2024

RE: Kingdom Hall Engineering Review Comments

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## Stormwater Pollution Prevention Plan (SWPPP)

1. Sheet CE101 indicates that the project proposes disturbance of less than 5,000 sf. As such, the project would fall below the SWPPP threshold established in Section 98.88(A)(3) of the Village code. Should disturbance exceed 5,000 sf, the project would be subject to the Village code and require a SWPPP.

## **Site Layout**

1. Sheet CS101 indicates five (5) compact parking stalls are proposed at 9'x16'. An area variance is required as the required parking stall size is 9'x19' (Code Section 98-22.E). Documentation of the area variance should be provided upon receipt.
2. Given the location of the proposed southern ramp, it appears the ramp entrance would be obstructed if a vehicle was parked in the adjoining stall. Consideration should be given to restriping the existing 6 parking stalls to be in conformance with ADA Accessible Parking Space requirements, NYS Building Code Section 1106.1.1 and provide unobstructed access to the ramp. NYS Code Section 1106.1.1 requires all accessible spaces must be van accessible with an access aisle that is at least 8 feet wide.
3. Dimensions of the egress pad at the eastern door should be provided.

## **Grading**

1. Top and bottom of curb elevations should be provided at the southern ramp to demonstrate a drop curb at the parking and the transition back to existing reveal.

## **Utilities**

1. The Applicant proposes to expand the previously approved septic system. Expansion/alteration of the field may require Dutchess County Behavioral and Community Health Department review and approval. Documentation of County approval or letter demonstrating no review is required should be provided upon receipt.
2. The septic field is within the boundaries of the New York City Department of Environmental Protection (NYCDEP) East of Hudson Watershed. Expansion/alteration of the field may require NYCDEP review and approval in accordance with the NYC Watershed Regulations. Documentation of NYCDEP approval or letter demonstrating no review is required should be provided upon receipt.

## **Erosion Control and Demolition Plan**

1. Sheet Keynote 3 indicates compost filter sock protection within the limits of the asphalt parking lot. The NYSDEC Standards and Specifications for Erosion and Sediment Control (Blue Book) Standards and Specifications for Compost Filter Sock Design Criteria note 7 states compost filter socks shall be anchored in earth with 2"x2" wooden stakes driven 12" into the soil. Clarification should be provided as to how the filter socks will be anchored in pavement.
2. Sheet Keynote 7 should be removed as the blue book Standards and Specifications for Silt Fence do not refer to an overflow weir.
3. Sheet CE101 indicates compost filter socks around existing parking lot inlets. Inlet protection should be in conformance with storm drain inlet protection options in the blue book. In addition, proposed drains should be equipped with inlet protection until the tributary area(s) have reached permanent stabilization.
4. Clarification should be provided as to how construction vehicles will reach the rear of the site as the parking lot is bound by curbing.
5. Limits of the 100' wetland buffer should be delineated with orange construction fencing to protect the wetland and adjacent area.

## **Details**

1. Detail 4/C501 provides dimensions for parking striping. Dimensions should be consistent with dimensions provided on the site plan.
2. Details 5/C501 and 6/C501 provide dimensions for concrete curb reveal. Dimensions should be consistent with dimensions provided on the site plan. In addition, a detail for flush curbing should be provided.
3. Detail 6/C501 refers to a curb tie-in detail for tie-in information. A curb tie-in detail should be provided.
4. A detail for sign mounting for the compact car parking signs should be provided.
5. Detail 8/C501 provides dimensions for curb ramp width. Dimensions should be consistent with dimensions provided on the site plan. In addition, the layout of the ramp in detail should be consistent with the layout provided in the site plan.
6. A tactile warning strip should be added to detail 8/C501 and a detail provided for the tactile warning strip.
7. A detail should be provided for the compost filter sock, in conformance with the blue book.
8. A detail for inlet protection should be provided, in conformance with the blue book.
9. Detail 16/C501 calls for filter socks to be installed on the downhill side of the stockpile. However, it appears silt fence is shown. Detail 16/C501 should be revised to reflect the intended sediment barrier.
10. Details relevant to the proposed septic field expansion/improvements should be provided.

SED



***Village of Pawling Planning Board  
9 Memorial Avenue  
Pawling, NY 12564***

***Tel: (845) 855-1128***

***Fax: (845) 855-9317***

***Email: [pbsecy@villageofpawling.org](mailto:pbsecy@villageofpawling.org)***

**Robert Pfister Jr.  
Chair**

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## **AGENDA**

**DATE: Wednesday, January 24<sup>th</sup>, 2024  
6:00 P. M.**

- 1. Opening of Meeting, Roll Call and Pledge of Allegiance**
- 2. One Memorial Avenue (Sketch Conference/Change of Use)**
- 3. 146 East Main Street (Amended Site Plan – Landscape Plan)**
- 4. Pawling Commons (Amended Site Plan/Special Use Permit Renewal)**
- 5. Kingdom Hall of Jehovah's Witnesses (Site Plan Application)**
- 6. 28 Walnut Street (subdivision)**
- 7. Approval of Minutes (November 14, 2023)**
- 8. Old Business**
- 9. Adjournment**