

## THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

<b>Date:</b>	April 13, 2005
<b>Present:</b>	Dr. George Coulter Michael Cerny Stan Mersand
<b>Also Present:</b>	Phil DeRosa Curt Johnson – Zarecki & Associates Bill McGuinness – Vox Properties

**APPROVED BY  
VILLAGE OF PAWLING  
PLANNING BOARD**

On Wednesday, April 13, 2005 at 7:00 PM, the Planning Board met for a regularly scheduled meeting in the first floor meeting room in the Village Hall at 9 Memorial Avenue. The meeting was called to order by Dr. Coulter and began with the roll call as above indicated and conducted by the Planning Board Secretary, Jennifer Zamora.

### Donelan Realty

What was being proposed is the former Agway Building on Rte. 22, .92 acre site. Mr. Johnson said that there is a green space on the north end of the property everything else is surfaced. There is a 6,000 sq. ft. building on the site which is one story with access from the front and a full basement underneath with access from the rear. Donelan wants to occupy the building for business use occupied by Telecom Infrastructure Corp. which is a communications and wiring company which is business use which is permitted within the zone? Mr. Johnson said they are also proposing to reclaim some of the paved areas and turn them back into green. They are providing for 24 parking spaces which are what the requirement is plus and additional 3 parking spaces for small trucks which will be used by the company. They are looking to enhance the appearance of the front of the building. They want to remove the front canopy and add windows to the side of the building. Mr. Mersand asked if the upstairs would be used for offices. Mr.

Johnson answered yes. Mr. Cerny asked what would be in the downstairs. Mr. Johnson answered storage for materials. The secretary asked Mr. Donelan to introduce himself to the board. Dr. Coulter asked if the property was a business site when owned by Agway, now it will be for business use and will need to be re approved. Mr. Johnson answered that it meets current zoning and is a permitted use, but it is a change of use from previously being retail to business. Dr. Coulter asked if Donelan needs to go to the ZBA. Mr. DeRosa answered no because it is an allowable use. Mr. Cerny said that the application is labeled as a Change of Use or is it a Site Plan Approval. Mr. DeRosa said it is a site plan approval do to the change of use and outside structural change 98-65 B of the Zoning Rules. Mr. DeRosa said one concern is to have adequate fire access around the building. Mr. DeRosa asked about lighting around the parking lot. Mr. Johnson said they will probably do lighting on the building itself with a cut off and will not go beyond the limits of the site. Mr. DeRosa asked if they will be using the building at night. The answer was no. Mr. DeRosa asked if the sign would be illuminated. Mr. Donelan answered yes probably spot lights. Mr. DeRosa asked if the chain link fence still exists. Mr. Johnson said yes it is and will either remove it or repair it. Mr. Cerny asked if Mr. Johnson could point out where the residential line is and asked what is between the parking area and the resident. Mr. Johnson believes it's a fence. Mr. Johnson is proposing to put evergreens in to give a shield but there is limited space. Mr. Cerny said traffic would be less than when Agway owned the building. Mr. Cerny asked Ms. Zamora if this is a conceptual meeting, she answered yes. Mr. Johnson asked if they could work with the board to possibly waive the public hearing. Mr. Cerny asked Mr. DeRosa if it is permissive or mandatory. Mr. DeRosa said we should review the forms first to see what the applicant is proposing and he feels it is a minor site plan change but legally the Planning Board can not waive a public hearing. Mr. Cerny asked the board if everyone agrees that the plans should be reviewed by the village engineers. All agreed it should be reviewed. Mr. Mersand asked Mr. Donelan what the hours of operation would be. Mr. Donelan answered 8:00 a.m. to 5:00 p.m., Monday thru Friday. Mr. Cerny opened the discussion to the audience. Mr. Mersand asked if this building is hooked up to the sewer. The answer was no and that they are hoping to connect to the Village water system. There is an existing working well on site and

septic tank which is in the north west end of the site which was last repaired in 2002 with no records. Mr. DeRosa asked if the Health Department has a record of it. Mr. Johnson said no. Mr. Cerny asked if the use of the septic would increase from the office employees. Mr. Johnson said that the Health Department looks at retail and business use at the same way based on square footage. Mr. Cerny told Mr. Johnson that the board would like to set up an Escrow Account and have the Village Engineer review the plans and give us their opinion and address the issue of a public hearing. Mr. Johnson asked if the public hearing is required could the board make a motion tonight to set the public hearing for the next meeting so they will not miss a month. Dr. Coulter asked Ms. Zamora is there is a meeting scheduled for April 27<sup>th</sup>. Ms. Zamora said no that the next meeting is set for May 11<sup>th</sup>. Mr. DeRosa said that he will meet with the Village Engineer and Mr. Johnson to discuss the issues of the board. Mr. Cerny said we should schedule the public hearing for the next meeting. **MOTION** made by Mr. Mersand to set the public hearing for May 11, 2005. The motion was **SECONDED** by Mr. Cerny. Mr. Johnson asked if the board would set the escrow fee tonight. Mr. DeRosa answered yes. Mr. Cerny asked the board what amount to charge for escrow. The board agreed that the amount should be \$2,000.00. **MOTION** by Mr. Mersand to establish a \$2,000.00 escrow fee. The motion was **SECONDED** by Dr. Coulter. All were in favor and the Motion was carried. Mr. Cerny said that the secretary should notify Dutchess County Planning Board in writing 10 days prior to the public hearing. The discussion ended.

**George A. Apap, Jr.**

What was being proposed was a conceptual meeting to discuss a half acre property which has frontage on both Charles Street and Smith Street which has an existing two story building which has three apartments existing and are proposing to construct a 40 x 45 two story two apartment structure with access from Charles St. with parking in the center of the property for both apartments. Mr. Johnson said that there would be 3 garages under the building servicing the new building and a parking lot in between which would provide a the parking required for the five units

which need ten parking spaces total. Mr. Mersand asked if they are now providing with the new area parking for the existing structure. Mr. Johnson answered yes that there is an existing parking area which will be expanded to provide all the parking required for all five apartments totaling ten parking spaces. Mr. Cerny stated that the zoning is R-4. Mr. Cerny asked how the density works out. Mr. Johnson answered ten dwelling units per acre or portioned there of and since this is half an acre they could have five dwelling units. Mr. DeRosa asked under the R-4 for permitted uses multi family residential dwelling states dwelling not dwellings and this is one lot with a multi family residential existing dwelling with three apartments this would not be an accessory building or dose this lot have to be subdivided and have one multifamily dwelling on each individual lot. Mr. Johnson said if you look at the definition in the code under multiple family dwelling it says a group of buildings. Mr. Cerny asked how the set backs regulations fit. Mr. Johnson answered that the building fits right with in it, which requires 20 feet from Charles St. and a total of 40 feet but not less than 15 from the sides. Dr. Coulter asked if it would be an upstairs apartment and a downstairs apartment. Mr. Johnson answered no that it would be split down the middle from north to south with a two story unit on each side, with three bedrooms, 1800 sq. ft. each apartment. Mr. Cerny asked if there is sewer on that street. Mr. Johnson answered that he believes there is sewer on the street. Mr. Cerny said he believes there is no sewer. Mr. Johnson said that they should be able to work something out to Smith Street. Several conversations were going on at the same time about the parking area. Mr. Cerny stated that this proposal needs to be reviewed by the Village Engineer. Mr. DeRosa said that the Building Department dose not have the engineering expertise to review this project. Mr. Cerny said that the maximum building height for R-4 is two and a half stories with 35 feet. Mr. Johnson said that the garage is not a story, it is complete in the ground in the back which would be only two stories in the front of the building and they will work with the roof elevations so that they will meet the code. Dr. Coulter said to establish an escrow amount, he suggested \$2,000.00. **MOTION** was made by Mr. Mersand to establish the escrow fee for the amount of \$2,000.00. Dr. Coulter **SECONDED** the motion. All agreed, and the motion was carried. Mr. DeRosa said he would meet with Mr. Johnson and the Village Engineer to discuss the plans. Mr. Johnson said that this project may or

may not need a public hearing. Mr. DeRosa agreed and said we can make that decision at the next meeting. Mr. Cerny opened the discussion to the audience. Ms. Tracy Durkin (trustee) advised the Planning Board that this proposal be thoroughly reviewed because it may have to go through sub division. Mr. Cerny said that we need a legal opinion as to where we need to go with this. Mr. Cerny asked if all of these units pre date zoning. Mr. DeRosa said he did not know and would have to look into the history. Mr. Cerny said the two questions regarding this proposal are: can you build a second dwelling on a lot without sub dividing and does the current code apply. Mr. Johnson asked who will submit the paperwork to the Village Engineer for this review to start. Mr. DeRosa said that Ms. Zamora will submit all the papers to the Engineer. The discussion ended.

### **Vox Properties**

The proposal was originally intended for 3 Memorial Avenue, yet there is a second proposal for another parcel, therefore plans are on hold. Mr. McGuiness wants to introduce himself and share his ideas to the Planning Board. The issue he was discussing was the lack of onsite parking for office employees. Mr. Cerny advised Mr. McGuiness that the parking issue should be addressed to the Village Board of Trustees. Dr. Coulter asked Mr. McGuiness if he was going to make a formal application to the Planning Board. Mr. McGuiness said no. Dr. Coulter advised Mr. McGuiness to come back to the Planning Board once he has a proposal. The discussion ended.

**MOTION** by Mr. Cerny to approve the minutes of. February 23, 2005 **SECONDED** by Dr. Coulter. There was no discussion; all were in favor and the motion carried.

### **Adjournment and Next Meeting Date**

**MOTION** by Mr. Cerny to adjourn the meeting. **SECONDED** by Dr. Coulter. There was no discussion; all were in favor and the motion carried. The next meeting is scheduled for May 11, 2005 at 7:00 PM.

Submitted by:

Jennifer Zamora  
Planning Board Secretary