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APPROVED BY

 **DRAFT**

VILLAGE OF PAWLING
THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

PLANNING BOARD

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| Date: | September 14, 2005 |
| Present: | Michael Grogan, Chairman Dr. George Coulter Michael Cerny Stan Mersand |
| Also Present: | Phil DeRosa, Building Inspector Gene Richards of Dufresne-Henry Engineers Mr. & Mrs. Creitoff Ed Hauser, Supervisor, Town of Pawling |

On Wednesday, September 14, 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 Mary Heubel and began with the roll call as above indicated and conducted by the Planning Board Secretary, Mary Heubel.

Creitoff Lot Line Realignment

Mr. Grogan opened the discussion for the proposed Creitoff lot line realignment. Mr. Gene Richards described the lot line realignment between the Creitoff property and the Town Hall. Mr. Zarecki presented the proposed addition to the back of the Creitoff house expressing the need for the extra property. Mr. Zarecki and Mr. Richards explained the permanent easement on the Creitoff property. Mr. Zarecki also discussed minor changes to the submitted plans that would address the issues stated by Mr. Richards.

Mr. DeRosa explained that he sent the plans to Mr. Richards for review to help the Creitoffs move along the process.

The realignment will give the town more room in the back of the Town Hall and it will give the Creitoffs the room needed for the addition to their house. It will also put both properties in compliance with the Village Code. Mr. Zarecki said that the realignment would definitely have both properties in compliance. Mr. Cerny questioned about the side yard and the new addition. Mr. Zarecki explained that the new addition would give the Creitoffs 30 feet for the side yard. They have 25 feet now.

Mr. Grogan opened the discussion to the public. Linda Shell and her father were in agreement with the lot line realignment. Mr. Ed Hauser, Supervisor, Town of Pawling Chairman, was in agreement with the realignment stating that it would resolve the easement issue for the pump station and that the Town would be better able to maintain the back of the Town Hall. He sees it as a Win-Win for everyone. All Town structures and drainage structures would now be within the Town property and off the Creitoff property.

Ms. Tracy Durkin, Village Trustee, also agreed stating it would be good for everyone.

Mr. Richards said a list of standards for lot line realignments used by the Town of Pawling was applied because there is nothing in the Village Code governing Lot Line Realignment. Mr. Cerny believes that it is up to the Board to set the standards because there is nothing in the Code and therefore there is nothing to measure against and that the Board should keep this proposal for future reference. Mr. Richards then read from his memo of 9/12/05 (attached for reference) and further stated that not everything that was on the list was in the memo because some issues were already covered. Mr. DeRosa agreed and stated further that the Lot Line Realignment requirements should be adopted into the Village Code.

Section 98:63 of the Zoning Code states that the Planning Board is authorized and empowered to approve, approve with modifications or disapprove:

- A. Site plans in accordance with Article XIII of this Chapter.
- B. Plats showing lots, block or sites, with or without streets or highways
- C. Preliminary and final subdivisions in accordance with the Subdivision Regulations
- D. Changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the Dutchess County Clerk's office.

Mr. Richards stated that the proposal appears to represent a Type II Action under SEQRA and that the Board should deem it as such for the public record, which would fulfill the Board's requirement under SEQRA. Mr. Mersand moved to approve the proposal as Type II action under SEQRA. Mr. Cerny seconded the motion and all were in favor.

Dr. Coulter moved to accept the recommendations in the letter from Dufresne-Henry. Mr. Cerny seconded the motion and all were in favor of accepting the 9/12/05 letter.

Mr. Cerny motioned to approve the Lot Line Realignment on the Creitoff property conditioned upon the applicant satisfying the comments contained in the Dufresne-Henry letter dated 9/12/05. Mr. Grogan seconded the proposal and all were in favor.

A motion was put forward by Mr. Mersand to approve the Board Minutes of 8/10/05. This motion was seconded by Mr. Cerny and all were in favor.

Pawling Commons

The Planning Board Secretary received new site plan drawings from the owner of Pawling Commons. They consisted of 2 drawings – one with the new building up on the road and the other with the new building set back and parking spaces up on the road. The site entrance will be left were it now exists.

Mr. DeRosa explained that the parking spaces up on the road were needed to fulfill the Code requirements. The Board can waive the number of spaces for parking. A suggestion was made to send the new application to Dufresne-Henry for review but Mr. Richards suggested that the Board wait until it decides on either project A or project B.

There was a lengthy discussion on the 2 parts of the site plan. The Board didn't want to slow down the project, especially the renovation of the rear building and its architectural review.

Heinchon Project

Mr. DeRosa stated that the building permit was for an agricultural barn. Dr. Coulter had questions regarding the use of the barn and now an ice cream parlor. Mr. DeRosa said that the barn was in an agricultural district and ice cream is considered agricultural. He also said that all the questions of the Board should go to the Village attorney.

Much discussion followed as to whether the barn and the ice cream parlor would require a site plan application and approval. This would also need to be addressed by the Village attorney. Since no proposal had been put forth by the owner of Heinchon, the Board is only assuming that the ice cream parlor will be a part of the project. It was suggested that the Board wait until an application was submitted.

Mr. Mersand moved to adjourn the meeting. Seconded by Dr. Coulter and all were in favor.

Submitted by

Mary Heubel
Planning Board Secretary