

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

Date:	March 8, 2006
Present:	Michael Grogan, Chairman Dr. George Coulter Michael Cerny Stan Mersand
Also Present:	Michael Hayes of Daniels & Porco, Village Atty. Gene Richards of Dufresne-Henry Engineers Matt Moran, Agent for Applicant (Stone Hill Dev.) Peter Monteleone, Applicant (Stone Hill Dev.) Herbert Lackner, Architect (Stone Hill Dev.)

APPROVED BY
VILLAGE OF PAWLING
PLANNING BOARD

4/12/06

On Wednesday, March 8, 2006 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. Mr. Grogan was detained and arrived after the public hearing.

STONE HILL DEVELOPERS

Michael Cerny, Acting Chairman, motioned to open the Public Hearing and Mr. Mersand seconded the motion. All members were in favor.

Mr. Moran introduced himself as agent for Stone Hill Developers and explained the project. Mr. Lackner, architect, described the material to be used on the building. The structure will have a residential look. Mr. Mersand wanted to clarify that the applicant went before the Village Board, not the Planning Board, to have the zoning changed from "R-1" to a "B-2" zone.

Dave Cooper, representing Dill's Best, stated he liked the look of the building. Mr. Murphy asked if the building faced Route 22 or Pine Drive. Mr. Cerny stated the building, as pictured in the Site Plan, faces Pine Drive. Mr. Lackner said the structure is also acting as a retaining wall for the hill that is closest to the residential properties. It will be heavily landscaped. There was some discussion about the landscaping acting as a buffer for the commercial building. Mr. Liffland, Mayor, commented that he liked the look of the building and was glad to see businesses coming into the Village. They help offset taxes for the residents. Ms. Reynolds, Village Trustee, stated she was against the

project because she thought it infringed on the rights of the residents. She voted against it when the project was before the Village Board. Ms. Reynolds asked for a full financial disclosure of the investors involved in the project. Mr. Monteleone informed Ms. Reynolds that there was only one owner of the project – Stone Hill Developers and that Stone Hill Developers was owned by Mr. Monteleone and his wife. Earl Slocum was in favor of the project also.

Mr. Moran further explained that there would be a turn lane off Route 22. The DOT was involved in the initial zoning process.

With no further comments from the public, Mr. Cerny motioned to close the public hearing. Dr. Coulter seconded the motion and all members were in favor.

Mr. Mersand questioned whether fire equipment could get around the building. Mr. Moran said the trucks could get around three sides of the structure. He also said that the building would have a sprinkler system. Mr. Liffland said the Village has a new Fire Marshall, John DiRusso. Mr. DiRusso is also a building inspector for the Village. Mr. DiRusso will review the Site Plan and report back to the Board by the next meeting.

Mr. Hayes, Village Attorney, reported on the SEQR process. Since the SEQR review was conducted by the Village Board for the zoning change, the Village Board acted as the lead agency for the review. A SEQR negative declaration was issued and therefore it is not necessary to conduct any further review under SEQR as long as the project remains essentially the same. Mr. Hayes, then, took up the question of referrals. A Section 239-GML referral for the project was made to the Dutchess County Planning and Development (“DCPD”) and upon review, the DCPD had two recommendations:

1. Sidewalks are constructed along the Route 22 frontage pf this property, and,
2. The Location of the new building is moved to front on Route 22..

Mr. Hayes explained that the Board could accept or reject the DCPD’s recommendations. If the Board rejected, it would need to do so by a majority plus one vote of the Board or 4 votes. A letter would need to be sent to the DCPD explaining the Board’s reason for rejecting the recommendations.

The next matter Mr. Hayes considered was the Code. The Village Code, Section 98-11a, states one principal building for one lot. The proposed building would be the principal structure. The existing small building would need to be an accessory building. Accessory is defined by actual use not size. After some discussion regarding the use of

the accessory structure, the Board, under Mr. Hayes's guidance, asked the applicant to draft a letter describing the proposed use for the accessory building. Mr. Hayes would review the letter. To keep the building as an accessory structure, it would need to be used by the owner for the management of the primary building and could not be used as a rental. The Board was in agreement about letting the small building stand and its use would be written into the Site Plan.

Mr. Cerny took up the recommendations of the DCPD. There was much discussion concerning the recommendation to turn the building 90° to face Route 22. To accomplish this, a 14 ft. retaining wall would need to be constructed on the residential side of the property. The only entrance to the property would be from Pine Drive, thus creating a traffic situation on a residential street.

Concerning the recommendation for the sidewalk on Route 22 in front of the property, no member of the Board was in favor of requiring the applicant to construct a sidewalk to no where. Ms. Reynolds briefly described the fully funded sidewalk project for the Village. The Board agreed that it would not be right to ask the applicant to construct the sidewalk when the construction would be fully funded by a grant.

To recap the issues that still needed to be addressed before voting on the Site Plan, the Board requested the following:

1. A letter from the applicant concerning the use of the accessory structure
2. A rejection vote of the DCPD's recommendations and a letter to the DCPD explaining the reasons for rejecting the recommendations.
3. A determination by the Fire Marshall concerning fire truck access around the proposed building.

Mr. Cerny asked Gene Richards of the Village Engineer's office to comment on the issues the Board had discussed at its earlier meeting. Mr. Richards stated he had a meeting with Mr. Moran and most of the issues were corrected and the findings were discussed in the memo distributed to Board that evening. The only problem Mr. Richards was concerned about was whether the Board would accept the DCPD's recommendation to move the building which would require significant revisions to the Site Plan. Since the Board has decided not to go with the DCPD's recommendation for moving the building, Mr. Richards will have another meeting with Mr. Moran for a final review of the project.

The Board, then, discussed when the Applicant, the Engineer, the Village Attorney and the Fire Marshall could have all the outstanding issues completed. All agreed on April 12th as the earliest date for the final vote on the Site Plan.

The Board then discussed the water and sewer hook-up. They asked for a determination from the Water and Sewer Commissions as to the need for a further hook-up fee.

OTHER BUSINESS

Mr. Cerny made a motion to approve the Minutes of the February 8th Meeting. Dr. Coulter seconded the motion and all members except Mr. Mersand were in favor. Mr. Mersand abstained as he was absent for the Meeting.

Dr. Coulter made a motion to adjourn the Meeting. Mr. Mersand seconded the motion and all members were in favor.

Submitted by

Mary Heubel
Planning Board Secretary