

**THE VILLAGE OF PAWLING PLANNING BOARD MINUTES**

<b>Date:</b>	August 9, 2006
<b>Present:</b>	Michael Cerny, Acting Chairman Stan Mersand Taren Tanner Dr. George Coulter
<b>Also Present:</b>	Phil DeRosa, Village Building Inspector Gene Richards of Stantec Consulting, Village Engineer Michael Hayes of Daniels & Porco, Village Attorney Theresa Ryan of Insite Engineering for Allison Close Estates John Walsh of Zarecki Associates for Lopez Property Mr. Morgan, Property Owner

**APPROVED BY**  
**VILLAGE OF PAWLING**  
**PLANNING BOARD**

9/13/06

On Wednesday, August 9, 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. Michael Grogan, Chairman, was absent

**CONCEPT DISCUSSION****LOPEZ PROPERTY**

Mr. John Walsh of Zarecki Associates explained the Site Plan to the Board. The applicant has proposed a revised plan which included two parking spaces.

There was some discussion concerning the parking spaces, the need for a dumpster and the grassy area. Dr. Coulter stated he was in favor of less grass if it meant the plan would provide for the two parking spaces and the dumpster to accommodate the garbage from the two apartments and the retail store on the ground floor. Mr. DeRosa stated the number of cars for the plan had not been established. Mr. Walsh said the number of spaces required would be five (5). Mr. Richards discussed the possibility of having a smaller dumpster area and thereby increasing the size of the parking spaces. The proposed spaces are three feet short for the required length as stated in the Code. He went on to say the one thing the Board doesn't want is to have cars protruding onto the sidewalk.

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Mr. Tanner spoke about balancing the architecture of the proposed structure to fit with the architecture of the Morrison Building and the Dutcher House. The addition of more brick around the area of the front double doors to the retail part of the building will enhance the view of the whole area. Mr. Walsh said that would not be a problem.

The discussion proceeded to the possibility of granting a waiver for the additional parking spaces so the applicant can proceed to the ZBA for an area variance for exceeding the maximum lot coverage by impervious surfaces permitted by Code, since the Site Plan option with parking will cause this non-conforming.

Mr. Cerny with Mr. Hayes proposed the steps to be taken by the applicant to make the application a complete application:

- 1) The Board would review the application and Mr. Richards's memo on the application.
- 2) The Board would make recommendations for a complete application.
- 3) The applicant would go before the ZBA for an area variance concerning coverage by impervious surfaces and
- 4) Once the area variance was granted by the ZBA, return to the Planning Board with the area variance and the completed recommendations for the Board to review.

Having fulfilled these steps to the satisfaction of the Planning Board, the application would be deemed complete.

Mr. Richards, then, reviewed his memo. Mr. Hayes believes the uncoordinated SEQRA review was the best way to proceed and all Members agreed. There will be no Lead Agency.

The Board discussed the need for referrals. The project is within 500 feet of a County road, Dutcher Avenue, therefore, Dutchess County Planning would need to be included in the referral list. The Board's Secretary will send out the referrals.

Reviewing the application, Mr. Richards stated that without on-site parking, the maximum lot coverage was 74%, which is within the Code. If the two parking spaces are included, the lot coverage jumps to 86%, which is well above the percentage of lot coverage allowed by the Code. Mr. Hayes suggested the applicant apply for an area variance based on the largest amount of possible space needed.

Mr. Cerny asked Mr. Hayes to explain the waiver process for parking spaces. Mr. Hayes said that the applicant must first establish the use. If the structure will house retail on the first floor and residential on the second and third floors, then the five parking spaces would be required. If the structure will be used for offices etc., more spaces would be

required. Mr. Hayes went on to say, if the ZBA grants the extra space for parking, the applicant would need a waiver for three (3) parking spaces. If the ZBA does not grant the extra spaces, then the waiver will be for five (5) spaces. The fee for the waiver is set in the Code, Section 98-23c. The fee collected for the waiver would be put in the Village Fund used for maintaining the Village parking areas.

The Board, briefly discussed lighting and sidewalk issues. The Board wished to give the applicant a list of the items that the applicant must address to present a complete application, once the area variance was accepted by the ZBA. Mr. Cerny asked Mr. DeRosa to obtain the specs for the sidewalks along Charles Colman Blvd. from the "Village Green Project". The applicant could then install the sidewalk as per the "Village Green" specs.

With no other comments from the Board Members, Mr. Cerny made a motion to refer the project to the ZBA and identify the items which need to be provided to the Board in addition to the ZBA's approval to make the Site Plan complete. The items are as follows:

- 1) Approval from the ZBA for the additional lot coverage for the two (2) parking spaces.
- 2) Put on the plans, the use and square footage for each floor in the structure
- 3) Put on the plans, the entrances, stairs and lighting.

Mr. Mersand seconded the motion and all Members were in favor.

#### **ALLISON CLOSE ESTATES**

Ms. Theresa Ryan of Insite Engineering explained the project to the Board. Because of the easement to the adjacent property, two (2) plans were proposed and explained. Mr. Hayes suggested the Board accept the Alternate B plan which would extend Allison Drive and end in a new cul-de-sac with the easement to the adjoining property off the new cul-de-sac. The road to the adjoining property would be built by the adjacent property owner.

There was some discussion about the easement to the adjoining property. Mr. Hayes stated that by moving the easement, the applicant has provided a better access to the adjoining property. The original easement was over a stream and wetlands and the adjoining property owner would never be able to develop a road to his property using this easement. By moving the easement off the cul-de-sac on the proposed new extension to Allison Drive, the adjoining property will be able to obtain access to the property. The new road and cul-de-sac would be dedicated to the Village and it is up to the Village to accept the dedication.

Mr. DeRosa asked Ms. Ryan if the circle meets fire specifications. Mr. DeRosa said that John DiRusso, Village Fire Marshall, would need to get in touch with the Fire Chief to work out the specifications for the circle.

Mr. Cerny asked if Mr. Morgan, the adjourning property owner, had any comments. Mr. Morgan stated he had the Army Corps of Engineers approval to build a road across the wetlands dated 1989. He showed the Board pictures of the property where Alternate A site plan would take the right-of-way. It is not acceptable.

There was some discussion concerning the road and extending the road to a new cul-de-sac. Because the Board is accepting the Alternate B site plan, the question about the road and the side yard, front yard will become clear. Mr. Morgan asked if the road to his property would come off the new cul-de-sac. Ms. Ryan stated the right-of-way will come off the new cul-de-sac not the road. Mr. Mersand stated that in 1988 a former owner of the Morgan property applied to put a road through the wetlands from Old Route 55 and it was rejected by the DEC and DEP because it was going through the wetlands. The original easement is an easement that no one can use. If they turned it down in 1988, it will be turned down in 2006.

Mr. DeRosa, then, suggested that the project is still in the Concept Discussion stage and the applicant needs to come back with a Site Plan addressing all the issues. Mr. Cerny said the Board would review Site Plan Alternate B with the new cul-de-sac and the easement coming off the new cul-de-sac and the front and side yards clearly marked. Mr. Tanner suggested that an agreement between the applicant and neighbor (Mr. Morgan) needs to come first. Mr. Hayes explained that the Concept Discussion of this plan was very helpful because the applicant now knows what will be acceptable to the Board. Mr. Hayes outlined the steps that need to be taken by the applicant and Board:

- 1) There must be an agreement between the applicant and adjacent property owner over the easement.
- 2) Have the Site Plan accepted by the Board.
- 3) Come before the Board for the Subdivision process
- 4) Have a public hearing on the Subdivision
- 5) Have a SEQRA review
- 6) Have the Board accept the Subdivision.

Mr. Cerny made a motion that in this Concept Discussion stage, the applicant return to the Board with Alternate B (with easement) Site Plan creating a cul-de-sac in accordance with the Fire Marshall's requirements and the applicant work with the property owner on the specifics of the easement. That the Plan also include the front and side yards setbacks. Mr. Mersand said the easement must match up with the existing easement. Mr.

Cerny said that was what he meant. Mr. Tanner seconded the motion and all Members were in favor.

### **OTHER BUSINESS**

Mr. Cerny suggested the Board table the acceptance of the Minutes of 6/14/06 and 7/12/06. Also tabled for the next Meeting was the workshop discussion of second structures in a residential zone. Mr. DeRosa suggested there are a number of areas in the Code where the terminology is too broad and these areas need to be addressed. Mr. Cerny asked Mr. DeRosa to review the Code and identify these areas for future discussion.

Mr. Mersand suggested that Mike Grogan nominate the Donelan Property Site as a positive contribution to the community to the Dutchess County Planning Federation.

Mr. Mersand made a motion to nominate the Donelan Property to the Dutchess County Planning Federation. Mr. Cerny seconded the motion. All Members were in favor.

### **ADJOURNMENT**

Mr. Cerny made a motion to adjourn. Mr. Mersand seconded the motion and all Members were in favor.

Submitted by:

Mary Heubel  
Planning Board Secretary