

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

<b>Date:</b>	September 13, 2006
<b>Present:</b>	Michael Grogan, Chairman Michael Cerny Stan Mersand Taren Tanner
<b>Also Present:</b>	Phil DeRosa, Village Building Inspector Theresa Ryan of Insite Engineering for Allison Close Estates Mr. Boyle & Mr. Major, Property Owners

**VILLAGE OF PAWLING  
PLANNING BOARD**

10/25/06

On Wednesday, September 13, 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. Dr. Coulter was absent

**CONCEPT DISCUSSION****Allison Close Estates**

Ms. Ryan presented the amended Site Plan showing the new cul-de-sac and the shortened right-of-way to the new cul-de-sac. The new cul-de-sac ends the Village's obligation should the Village elect to take over the maintenance of the Allison Drive extension. The Plan also shows the easement to the Morgan property ending exactly at the same spot on the property line as the original easement. Ms. Ryan stated she conferred with John DiRusso, Village Fire Marshall, concerning the size of the cul-de-sac. She said Mr. DiRusso sent her a copy of the specs for Beekman which had a 50 foot radius and a 60 foot right-of-way. Ms. Ryan thought it was rather large. Mr. DeRosa asked Ms. Ryan if Mr. DiRusso checked with the Pawling Fire Dept. She said she wasn't sure. Mr. DeRosa went on to say every fire dept. has different size equipment so Mr. DiRusso needs to check on Pawling's equipment. Mr. Cerny explained the issue of radius changes the size of the lots and the set-backs and therefore the measurements need to be exact.

The Board, then, took up the right-of-way and easement issues. Ms. Ryan stated that right-of way becomes a property line. She said it is not a right-of-way because it would become a road to no where. She went on to say an easement is not considered but a right-of-way is considered when establishing set-backs.

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There was some discussion about right-of-way, easement and ownership of the property. Mr. Cerny asked about Mr. Morgan issue with the easement. Ms. Ryan said Mr. Boyle (Owner of the property) presented the current amended Site Plan to Mr. Morgan and Mr. Boyle received a verbal agreement from Mr. Morgan as to the new location of the easement.

The discussion turned to water and sewer connections and the overhead electric lines. The water and sewer connections would be hooked up to the Village and the electric lines would be overhead as they are on West Main Street and Allison Drive.

The Board, then, discussed the size of the lots with Ms. Ryan. She spoke of the elevation on the various lots and the Developer's plans to remove any problems with the elevations.

Mr. DeRosa suggested that at this point in the project it would be a good time for the Board to walk the site to get a good idea of the land before the applicant does any more work. Ms. Ryan said they would stake it out and let us know when it was ready for the walk. The stakes would also show the easement lines.

Mr. Mersand asked about the street lights. Ms. Ryan said there were no lights on Allison Drive. Mr. Mersand stated being this is a subdivision, street lighting might need to be a part of the Site Plan approval.

Mr. Cerny said he likes the concept and he believes the whole Board is in agreement. He said the Developers did a great job and also fulfilled all the Board's recommendations. He was also pleased about the agreement with Mr. Morgan.

Mr. Major said they have another subdivision in Patterson called Cornwall Hill Estates. He invited the Board Members to visit the Patterson subdivision to get a feel for the work they do.

### **Baxter Green**

Mr. DeRosa stated he took a ride up to Baxter Green. The houses are mostly all built. The area is being cleaned up and it was nice to see the kids and parents out playing ball in the green area.

### **Mr. Galindo and Mr. Jimenez 29 Memorial Avenue**

The applicants did not come to the meeting. The Secretary sent them a letter informing them they needed to attend. She did not hear from them.

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Mr. DeRosa explained that he had a conversation with the owners and they said they thought they wanted to make 2 apartments out of the second and third floors. Mr. DeRosa told them they needed to come before the Planning Board for a special use permit. The property is currently operating as a boarding house and is in violation of the Code. Mr. Cerny believes they are in violation with the retail store as well because it was a café before it became a retail store and the owners did not come before the Board for a special use permit for the store.

There was a lengthy discussion about the violations and the overcrowding at 29 Memorial Avenue.

Mr. Tanner asked about the definitions of a bed & breakfast and a boarding house. Mr. DeRosa reading from the Code 98-5 said:

“Bed and Breakfast – a single structure affording overnight accommodations in not more than six (6) guest rooms and limited food services to guests only”

“Boarding House – A dwelling occupied by one family with one or more boarders, roomers or lodgers, who are lodged with or without meals, and for which compensation is paid, either directly or indirectly. No boarding house shall house more than six (6) boarders. The term boarding house shall include a rooming house, lodging house and tourist home, but not foster home.”

There was some discussion about “spot zoning”. There is a need to change the Master Plan to address this type of zoning.

The consensus of the Board for 29 Memorial Avenue was to have retail on the first floor and apartments on the second and third floors. A boarding house is not permitted in this zone.

The Board, then, discussed the steps for shutting down a house which was in violation.

- 1) A violation notice would be issued with a date for completion and correction of the violation.
- 2) The Inspector would return on that date to re-inspect.
- 3) If the matter was not corrected a court appearance ticket would be issued.
- 4) If the matter is still not corrected or if the defendant did not appear in court, the Inspector could close the building.

Mr. DeRosa discussed the problem the Building Dept. is having with part time inspectors, no department head and no inspector working every day during the week. The department files are a mess and the Secretary has had no time to correct the numerous problems within the files.

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The Board returned to the project before them. They agreed the building could not be run as a boarding house and the applicants need to be present at the next meeting. If they are not present, the Building Inspector will start the violation/cease & desist order.

Mr. Mersand motioned to table the special use application. The Secretary will notify the applicant that he did not present himself at the Meeting and he must present himself at the next Meeting. Mr. Cerny seconded the motion and all Members were in favor.

**Other Business**

Mr. Grogan states the Board needed to accept the Minutes from the 6/14, 7/12 and 8/9 Meetings. Mr. Cerny made a motion to accept the Minutes from the 6/14, 7/12, and 8/9 Meetings. Mr. Mersand seconded the Minutes from the 6/14, 7/12 and 8/9 Meetings and all Board Members were in favor.

**Adjournment**

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

Submitted by:

Mary Heubel  
Planning Board Secretary