

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

Date:	September 27, 2006	APPROVED BY VILLAGE OF PAWLING PLANNING BOARD 12/13/06
Present:	Michael Grogan, Chairman Michael Cerny Dr. George Coulter Taren Tanner	
Also Present:	Phil DeRosa, Village Building Inspector Michael Hayes, Village Attorney Mr. Galindo & Mr. Jimenez, owners of 29 Memorial Ave,	

On Wednesday, September 27, 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. Mersand was absent

CONCEPT DISCUSSION**Allison Close Estates**

Mr. Grogan stated he spoke with Mr. Morgan and was told there is no agreement between the two parties (Himself and Owners of Allison Close Estates). The Board was told at the 9/13/06 Meeting there was a verbal agreement between the parties. Mr. Morgan was talking about "meets and bounds" as opposed to easement. Mr. Grogan asked Mr. Hayes to explain the terms. Mr. Hayes said the term "meets and bounds" means the land that is subject to an easement. Mr. Hayes believes Mr. Morgan does not want the cul-de-sac to end where it is drawn on the amended Site Plan. He wants the road extended to his property line and a cul-de-sac established there. Mr. Hayes further stated that his understanding of a cul-de-sac would be to provide access to multiple properties. On Mr. Morgan's plan, he would need to obtain an agreement with the property owners and the cul-de-sac would only benefit one owner – Mr. Morgan. As long as Mr. Morgan has the easement, he will always have access to his property. Mr. Morgan wants the access to go to his property. Mr. Morgan can refuse to give his consent to the new easement. If he wants his easement where it was originally, he sabotages the project by putting houses #2, 3 and 4 in limbo. If Mr. Morgan refuses, the parties might end up litigating each other. Mr. Hayes said this is between the two parties and he suggests the Board remove itself from the issue. The Board can say they accept the Allison Close plan for the cul-

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de-sac and refuse to accept the Morgan plan. What the Board accepts should be guided by what makes sense from a planning perspective not what makes it easier for the parties concerned.

There was some discussion of the two cul-de-sacs and which one the Board would agreed upon. They discussed changing lot lines, size of lots etc. The Developer is staking out the project for the Board so they can have a site walk and get an idea of how the project will look. Mr. Grogan said that property owners for Lots 1 & 2 must be made fully aware of the easement. Mr. DeRosa said the easement can be shown on the "as-builts". The applicant does not need to build Mr. Morgan's road. Mr. Hayes stated the Village would not want it either. Mr. DeRosa suggested that maybe the applicant can rough the road to Mr. Morgan's property (a dirt or gravel road). Mr. Cerny suggested a letter be sent to the applicant saying we have been contacted by Mr. Morgan and he has advised us that the parties do not have an agreement and that for the applicant's next step, he must have an agreement. Mr. Hayes suggested that the letter should indicate that the cul-de-sac at the Morgan property line is not on the table and will not be further considered. Mr. Tanner suggested the letter come from Mr. Hayes.

CONCEPT DISCUSSION

Galindo and Jimenez 29 Memorial Avenue

Mr. DeRosa said Mr. Galindo and Mr. Jimenez could not make the last Meeting. They came in the office and Mr. DeRosa said he explained to them the definition of a bed and breakfast and a boarding house. The applicants spoke about changing the use to two apartments. At the Planning Board Meeting, Mr. Jimenez said they plan to make two apartments. The applicant wants to make one room an office on the second floor. Mr. DeRosa explained to the Board what the applicant planned for each floor.

There was a discussion as to the store on the first floor. Mr. Hayes said that the store should also be part of the Site Plan approval. The issue of parking spaces came up. Mr. Hayes stated that if the applicant could not get the required parking spaces, they would need to apply for a waiver and pay the Village the required fee for the spaces.

Mr. Tanner asked if all the violations were corrected. Mr. DeRosa said they were mostly corrected. The only items left to do was to put batteries in the smoke detectors.

Mr. Hayes explained that once a party is required to come before a Board, the authority moves from the Building Dept. to the Board.

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Mr. Grogan suggested the plan move forward. Mr. DeRosa explained to the applicant they must put together a Site Plan with drawings showing what will be on each floor and set up an escrow. The applicant must, then, return to the Planning Board in two weeks. Dr. Coulter told the applicant that the house is being run as a boarding house which is not allowed. He asked the applicant if the people were still in the house. The applicant said they were and Dr. Coulter said the applicant must get the people out of the house. Dr. Coulter asked the applicant if he understood. The applicant said he did. Mr. Hayes stated the applicant needs to give the Board a written statement as to when the boarding house violation will be corrected and all the boarders have been removed from the house.

Mr. Cerny made a motion to defer the application for a special use permit to an application for a Site Plan approval in accordance with a plan for a mixed-use building. Mr. Tanner seconded the motion and all Members were in favor.

The escrow was established at \$2000 with the stipulation that when the monies get down to \$1000, the escrow should be replenished back to \$2000. The \$400 paid for the special use permit will be applied to the escrow leaving \$1600 to be paid to the Planning Board. Dr. Coulter made a motion to establish an escrow of \$2000 with \$400 credit. Mr. Cerny seconded and all Members were in favor.

Other Business

Mr. DeRosa spoke about a conference he attended given by Dutchess County Economic Development. What influenced him most was the enrollment of students in the Pawling School District in the last 10 years increased 20% but the cost per student rose 160% or \$18,000+.

There was a discussion concerning when just a building permit should be issued or when a Site Plan application should be submitted for structures in the B-1, B-2 zones. Mr. DeRosa interpreted the Code to mean any replacement with no change from the original would just need a building permit. Any other improvement would require a Site Plan approval. Mr. Cerny believes any repairs or changes in these zones would require a Site Plan approval. It was agreed that this issue should go to the ZBA for an interpretation.

Adjournment

Dr. Coulter made a motion too adjourn the Meeting. Mr. Grogan seconded the motion and all Members were in favor.

Submitted by:

Mary Heubel, Planning Board Secretary