

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

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| Date: | October 25, 2006 |
| Present: | Michael Grogan, Chairman Michael Cerny Taren Tanner Dr. Coulter Stan Mersand |
| Also Present: | Phil DeRosa, Village Building Inspector Steve Martin Steve Yeno |

APPROVED BY
VILLAGE OF PAWLING
PLANNING BOARD
12/13/06

On Wednesday, October 25, 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.

CONCEPT DISCUSSION**Steve Martin Special Use Application**

Steve Martin explained the situation and the reason he was applying for a Special Use Permit to the Board. For several years, Mr. Martin has been working from his home. He has an office in the basement which includes drafting tables. All materials needed for his company are shipped and stored off-site (at Mr. Yeno's property). In an emergency or if he has a job in the Village, materials may be dropped off at Mr. Martin's home. The truck may block the neighbor's driveway for about 15 to 20 minutes. Mr. Mersand asked about the frequency of the deliveries. Mr. Martin said the deliveries could happen about 9 times a year. A complaint from Mrs. Slocum, a neighbor, came into the Building Department. Mr. DeRosa said the first he heard about it was when Mr. Martin came in to discuss the issue. The only other thing Mr. Martin does at the house is to build control panels in the garage. According to Mr. DeRosa, Mr. Martin fulfills all the conditions for a Home Occupation permit as per Section 98-79 of the Code.

Mr. Cerny brought up the point of "What constitutes a Home occupation?" Does everyone who works from home one or two days a week need to come in for a Special use Permit? Mr. Cerny said the Board needs to make a distinction between a person working a couple of days a week from home and running a business from home. Clearly, Mr. Martin is running his business from the house and therefore, would need a Special

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Use Permit. Dr. Coulter stated that the Board would need to treat each case on its own merit.

After some discussion as to whether Mr. Martin really needs a permit, the Board decided that Mr. Martin should get the permit thus helping his situation. Mr. Grogan, then, said a public hearing would be needed to be consistent with other applications that have come before the Board for Home Occupation permits.

Mr. Cerny asked the Secretary to copy pages 53, 54 and 55 of the Code for Mr. Martin so he has an idea what the Board will be looking for and also he will be ready to answer any questions the public and the Board may have.

Mr. Martin explained the background of the problem to the Board thereby giving the Board information needed for the public hearing. The neighbor has had issues with Mr. Martin regarding the property line and all the improvements made to Mr. Martin's property.

Dr. Coulter made a motion to call a public hearing for Mr. Martin's Special Use Application for a Home Occupation on Wednesday, December 13th at 7 PM. Mr. Grogan seconded the motion and all Members were in favor.

OTHER BUSINESS

Allison Close

Dr. Coulter said there was a meeting between Mr. Morgan, his lawyer and engineer and the Allison Close Developers, their lawyer and engineer and also the Village Attorney, Mr. Hayes. Dr. Coulter said the meeting was a stalemate and the parties are going to court. Mr. Grogan said he had a conversation with Mr. Morgan before the meeting. He told Mr. Morgan the Board is accepting the Site Plan presented by the Allison Close Developers and not the proposed plan presented by Mr. Morgan. Mr. Grogan explained the current cul-de-sac on Allison Drive will be eliminated and the Site Plan cul-de-sac will be erected.

Mr. Cerny thought the Developers had a nice project. He visited the Cornwall Hill project and was impressed. Mr. Cerny also said the Court process could take two years. The Board agreed the project was at a standstill and the Board can do nothing until the easement issue is worked out. Mr. Cerny believes the Court would rule in favor of the Developers.

Heinchon

Dr. Coulter said there are trucks of hay coming and going and there is no Certificate of Occupancy for the barn. Mr. Cerny asked about a temporary Certificate of Occupancy. Mr. DeRosa inspected the barn and said they could use it as long as all the fire extinguishers were in place and operating. Mr. Johnson needs to finish trim work before a final Certificate of Occupancy can be issued. Mr. Cerny thought it would be a good idea to issue the temporary Certificate of Occupancy.

There was some discussion as to the Duties of the Planning Board. Then, the Heinchon project was discussed. Mr. DeRosa stated the original project was abandoned and therefore the Board cannot refer to that project. The project was then changed to the construction of an agricultural barn. For this, a building permit was issued by the Building Department. Mr. DeRosa explained that when he reviews building plans, he is only interested in things like set-backs, the structure itself and regulatory compliance. He is not interested in rock walls, landscaping etc. Mr. DeRosa said he reviewed everything he did with Mr. Hayes and was told he did everything according to agricultural law. If the applicant comes forward with a plan to put in an ice cream shop, that will trigger a limited Site Plan review.

Mr. Mersand stated for Mr. Hayes to advise the Board and Building Inspector on this property is a clear conflict of interest because Daniels & Porco have represented the Johnsons on a number of property issues. He suggested the Planning Board contact the Village Board and request another law firm with regard to this property.

There was much discussion as to whether there should have been a Site Plan application and approval for the barn. Mr. Cerny and Mr. Mersand thought there should have been one. Mr. Cerny said there are regulations as to what the Boards and Building Inspectors can do in agricultural districts. Mr. Mersand said the original plan was to have two driveways – one on East Main Street and one on Route 22. Right now, there are four driveways – three on East Main Street and one on Route 22.

Workshop

Mr. DeRosa told the Board, the Town is having people come down from the County to talk to the Town Board. He spoke with Ken Johnson about having the Village Boards attend the Meeting in December. Mr. Tanner asked if this would count towards the continuing education requirements. Mr. DeRosa said the County Planning would set criteria for credits. Mr. Tanner said the Code said the Board Members needed only the Village Board's OK. Mr. Tanner said according to what he read a Member of a Board needs to go through a certain amount of education a year in order to remain on the Board.

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Minutes

Mr. Cerny made a motion to approve the Minutes of 9/13/06. Mr. Tanner seconded the motion and all Members were in favor.

Mr. Grogan asked the Members if they wanted to postpone the approval of the 9/27/06 and 10/11/06 Minutes until everyone had a chance to review them. All members agreed.

Adjournment

Mr. Tanner made a motion to adjourn. Mr. Cerny seconded the motion and all Members were in agreement.

Submitted by:
Mary Heubel
Planning Board Secretary