

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

Date:	February 28, 2007
Present:	Michael Grogan, Chairman Dr. George Coulter Michael Cerny Stan Mersand Taren Tanner
Also Present:	Phil DeRosa, Building Inspector Gene Richards, Stantec , Village Engineer Ms. DeWinter, Applicant of B&B Ms. Lanman, Applicant of B&B Curt Johnson, Zarecki Engineering for B&B, Lopez and Jimenez Michael Hayes, Daniels & Porco, Village Attorney Steve Zoltan, owner of Family Quick Stop Rob Liffland, Mayor Tracy Durkin, Trustee Bob Murphy, Trustee

APPROVED BY
VILLAGE OF PAWLING
PLANNING BOARD

3/14/07

On Wednesday, February 28, 2007 at 7:00 PM, the Planning Board met 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.

PUBLIC HEARING**Lopez Site Plan**

Mr. Cerny made a Motion to open the public hearing. Mr. Tanner seconded the Motion and all Members were in favor.

Mr. Hayes stated that a client of the law firm of Daniels and Porco has indicated that he wishes to purchase the Lopez property. Nothing has been finalized yet. He didn't foresee any conflict of interest but he wanted to disclose it to the Board. The Members of the Board had no problem with this issue.

Mr. Johnson explained the project. The building will have a 1200 square foot footprint and the applicant would need to negotiate for the 4 off-site parking spaces. There was much discussion concerning the extra parking spaces and the Code Section 98-23 concerning waived spaces. A few Members felt the \$500 fee for waived spaces might need to be increased. Mr. DeRosa suggested a memo be sent to the Village Board stating the Planning Board's concerns.

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Mr. Johnson in meeting with Mr. Richards discussed the engineering issues with the footings for the building. The problem is the footings will be very close to the footings of the medical building.

Mr. Hayes stated the applicant and the Village would need to agree to an easement for the sidewalk part of the Village Green project. This should be noted in the Site Plan. Mr. Richards suggested that colors and materials also be noted on the Site Plan. Mr. Hayes said the Letter from New Milford Hospital stated the design did not conform to the rest of the Village. He said the Site Plan, as a permanent record, should state the design does conform to the Dutcher House.

Mr. Liffland was in favor of the project. He suggested the Board get copies of parking agreements for lots throughout the Village. Ms. Durkin and Mr. Murphy were also in favor of the project.

Dr. Coulter made a Motion to close the public hearing. Mr. Cerny seconded the Motion and all Members were in favor.

Mr. Cerny asked Mr. Richards if there were any other issues. Mr. Richards said that when he met with Mr. Johnson, one of the items discussed, was moving the sewer and water hookups to Arch Street rather than Charles Colman Blvd. Mr. Hayes said that when the Final Site Plan is submitted, the Board can vote on it with the housekeeping items specified in the Plan. If the applicant comes in two weeks with the final plan and the added details on the Plan, the Board can vote for approval. Mr. DeRosa said the performance bond can also be discussed in two weeks. Because the proposed project is so close to the next building, Mr. DeRosa feels that the engineers should do the inspections. Therefore, a bond should be discussed.

There was some discussion of MS4 and whether it applies to this project. Since the Village has not adopted the law to date, it does not apply. Mr. Richards said his engineers monitor soil erosion on every project.

Lanman & DeWinter Site Plan & Special Use Permit

Mr. Grogan asked Mr. Johnson to review the project. Mr. Johnson said the house was built circa 1860 and the applicants wish to convert it into a Bed & Breakfast (B&B) with the owners living in the house and 4 guest rooms. The rear of the building is in very poor condition and is being repaired. There will be 2 parking spaces for the residents and 4 parking spaces for the guests. The Site Plan will provide for an emergency pull-off. There was some discussion about the need for a pull-off and who should pay for it – the owners of the B&B or the owners of Allison Close Estates. Mr. Tanner suggested a site walk to view the road issue. Mr. Hayes stated the owners of the B&B are responsible for

maintaining the bridge and the maintenance of the driveway is split 50-50 with the owners of the Allison Close house. When the B&B is up and running, the split could be changed to say 60-40. Mr. DeRosa suggested the Fire Marshall check the driveway for access of emergency vehicles.

Mr. Cerny made a Motion to open the public hearing for the B&B. Mr. Tanner seconded the Motion and all Members were in favor.

Mr. Liffland asked about the lights on the property. Mr. Johnson said there would be low lights along the driveway. Mr. Liffland is in favor of the project.

Mr. Hayes said the Board could only adjourn the public hearing because the project is within 500 feet of the town boundary and therefore a referral must be sent to the town. The required time for the town to respond had not expired. At the next meeting, the time will have expired and at that time the Planning Board could close the public hearing.

Mr. Cerny made a Motion to adjourn the public hearing for the B&B. Mr. Tanner seconded the Motion and all Members were in favor.

Mr. Mersand asked about the well. After a brief discussion, Mr. Hayes said the well would be on the adjacent property to the left as you come up the driveway.

There was some discussion as to whether the habitat of the Bog turtle on the Allison Close property should be noted on the B&B environmental statement. Mr. Hayes said an affirmative answer should not be indicated on the B&B environmental statement. He also said that it would be a good idea to include in the plan that an analysis of the project in relation to the habitat was conducted and that there was no disturbance indicated.

Mr. Richards asked about a performance bond for this project. Mr. Hayes asked about municipal sewer & water. There will be tenancy agreements for the sewer & water. Mr. Grogan stated he saw no reason for the bond on this project. The Members of the Board were in agreement.

Mr. Hayes recommended the Board defer the approval of Lead Agency for SEQRA review to the March 14th Meeting.

OTHER BUSINESS

Family Quick Stop

Mr. Grogan asked Mr. Steve Zoltan to explain his problem. Mr. Zoltan said one of his employees sold cigarettes to an underage person. As a result, he had his license suspended for six months. He would like to have a temporary shed installed on his property on Charles Colman Blvd. He can get a license to sell under a different name and at a different address. After the six months, the shed would be returned to Martin's. Mr. DeRosa said he asked Mr. Zoltan to come before the Planning Board. Mr. Grogan thought Mr. Zoltan should submit a Site Plan application with an escrow. Mr. Cerny said he might need a variance for the shed on that small piece of property. Mr. Grogan stated procedures must be followed. He did not want the Village, the Planning Board or Mr. Zoltan to be held liable if procedure was not followed. Mr. Hayes said he preferred Mr. Zoltan follow Section 98-65(f) of the Code for submitting a Site Plan.

Mr. Liffland asked about a Peddler's Permit. Mr. Hayes consulted the Code and thought the only definition that might fit was that of "Transient Merchant" but he needed to review it further.

CONCEPT DISCUSSION

Jimenez Site Plan

Mr. Johnson reviewed the project. There will be two 3 bedroom apartments. The sizes of the rooms were added to the amended plans. The wall was taken out on the second floor making a larger living room and the arch was widened.

Mr. Cerny suggested the Board have a site visit. Mr. Johnson said he would ask the owners if 8:30 AM on Saturday, March 3rd would be a good time for the visit.

There was discussion again about the parking. Mr. Hayes said there is only one parking space required per apartment. Mr. Johnson said he would talk with Mr. Durkin about using his lot when he returns from vacation. Concerning the front of the building, Mr. Johnson said they could shorten the deck but he thought there should be something between the cars and the front of the building. Mr. Liffland spoke about the sidewalk and the Village Green project. Mr. Johnson said he would look at the Village Green project in relation to the Jimenez project. There was a discussion concerning coordinating the Village Green project and the Jimenez project. The Secretary was asked to get the concept plans and distribute them to Members of the Board and Mr. Johnson.

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MINUTES

Mr. Cerny made a Motion to accept the Minutes from the 1/10/07, 1/24/07 and 2/21/07 meetings. Dr. Coulter seconded the Motion and all Members were in favor.

ADJOURNMENT

Dr. Coulter made a Motion to adjourn the Meeting. Mr. Cerny seconded the Motion and all Members were in favor.

Submitted by

Mary Heubel
Planning Board Secretary