

**THE VILLAGE OF PAWLING PLANNING BOARD MINUTES**

<b>Date:</b>	March 14, 2007
<b>Present:</b>	Michael Grogan, Chairman Dr. George Coulter Stan Mersand Taren Tanner
<b>Also Present:</b>	Phil DeRosa, Building Inspector Gene Richards, Stantec, Village Engineer Ms. Lanman, Applicant of B&B Curt Johnson, Zarecki Engineering for B&B, Lopez Mr. Major, owner of Allison Close Estates Mr. Boyle, owner of Allison Close Estates

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

4/11/07

On Wednesday, March 14, 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. Mr. Cerny was absent.

**PUBLIC HEARING****Lanman & DeWinter Bed & Breakfast**

Mr. Grogan stated the Public Hearing was still open. The 10 days have passed and the Planning Board has not heard from the Town of Pawling. He, then, asked if anyone had any comments. Dr. Coulter said we should not hold up the project any longer.

Dr. Coulter made a Motion to close the Public Hearing. Mr. Tanner seconded the Motion and all Members were in favor.

Mr. Grogan asked Mr. Richards to review Stantec's memo of 3/14/07. Mr. Richards said that since the Public Hearing was closed this evening, the Board has 62 days to take action on both the Site Plan and the Special Use Permit. Mr. Richards further explained that since the Public Hearing has been closed the Board can do the SEQRA review.

Next, Mr. Richards reviewed the comments made under Section D of the 3/14/07 memo. Mr. Johnson explained the extra lighting that was added in the rear of the proposed building so the tenants and guests will have enough lighting in the parking lot and walkway to the building. The Board was in favor with the proposed lighting.

There was some discussion regarding the signage. The plan calls for one 2 square foot sign on the west side pillar. Mr. Mersand stated that one sign may not be enough. It would not be seen by guests coming in the opposite direction until they were past the entrance. The best plan, agreed upon by the Members, was to proceed with the one sign in order to move the project along and then go before the ZBA for a variance for another sign. It was suggested the Secretary write a letter to the ZBA stating the Board's desire for additional signage applied for by the applicant to alleviate a safety concern.

Dr. Coulter made a Motion to have the Secretary write a letter to the ZBA for the second sign. Mr. Tanner seconded the Motion and all Members were in favor.

The Members were in agreement with all the comments made by Stantec with regard to landscaping, sidewalk access, technical concerns and statutory requirements. The Board, also, agreed that no performance bond was needed for this project.

Mr. Richards suggested that the multiple easements with Allison Close Estates be shown on the Pawling House B&B project also. Mr. Boyle, owner of Allison Close, said all the easements between the two properties/projects are being handled by the engineers and lawyers for the property owners. These agreements are in place

There was some discussion about the proposed swale and the pull-off suggested by the Fire Marshall. Mr. De Rosa suggested that the driveway be widened at the flat area between the pillars and the bridge. This could be done when the driveway is being refinished. .

Mr. Mersand said the Board, on the advice of the Village attorney, should not grant any approval until the sewer and water connections have been taken care of. The meeting concerning the water and sewer for this project will be held on 3/15/07.

Mr. Grogan asked Mr. Richards to review the short EAF. The answers are as follows:

- #1 through 4 – self explanatory
- #5 – Project is a modification
- #6 – Conversion from residence to a B&B
- #7 – 1.7 acres
- #8 – Yes
- #9 – Residential
- #10 – Yes; Planning Board, Village Board, Water & Sewer Commission, NYSDEC, Building Permit
- #11 – No
- #12 – No

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SEQRA continued

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A – No

B – No

C 1 – No

2 – Existing 1875 building as a B&B

3 – No

4 – Complies with zoning regulations

5 – No

7 – No

D – No

E – No

As noted in the Minutes of 2/28/07, there is no disturbance of the Bog turtle habitat connected to this project. This project will not result in adverse environmental impacts.

Mr. Mersand made a Motion to approve SEQRA for the Site Plan. Dr. Coulter seconded the Motion and all Members were in favor.

Mr. Mersand made a Motion to approve SEQRA for the Special Use Permit. Dr. Coulter seconded the Motion and all Members were in favor.

Mr. Grogan reviewed all that the Board had accomplished concerning this project. The only item to be decided was the water and sewer connection. Mr. Hayes, in his email of 3/14/07, stated he did not recommend the Board voting on the Site Plan or Special Use Permit until the necessary tenancy agreement with the Sewer Commission had been obtained by the applicant.

There was some discussion about the fees for the sewer hook-up and the need for a pump. Mr. Tanner explained the situation to the Board. The applicants were quoted a \$3000 fee for the hook-up at the beginning of their project. The Commission is now quoting \$9000 fee plus a second back-up pump. Mr. Tanner suggested a letter be sent to the Sewer Commission stating the B&B project has been before the various Boards for quite some time and at the start of the project a fee of \$3000 for hook-up was quoted. The letter should ask the Commission if it would hold to the quoted fees. Mr. Mersand said the letter should use the phrase “original quoted fees” rather than the actual quoted amount of \$3000. All Members were in agreement to writing the letter.

Mr. Mersand made a Motion to have the Secretary write the letter to the Sewer Commission. Dr. Coulter seconded the Motion and all Members were in favor.

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### **Lopez Site Plan**

Mr. Richards proceeded to review the Stantec email and memo of 3/14/07. He stated the Public Hearing was held on 2/28/07. Regarding SEQRA, this project is an unlisted action and also an uncoordinated review.

Mr. Richards, then, reviewed the comments made under Section C of the Stantec memo concerning parking, architectural details, lighting, landscaping and coordination with the Village Green project. Mr. Johnson indicated that Mr. Hayes is working on a construction easement for the sidewalk work which will be attached to the title. Mr. Richards stated that minor technical concerns were noted on the attached memo. There was some discussion about the performance bond. Mr. Richards explained that the Village engineers estimated the value of site improvements to be \$30,000. The applicant will be required to post inspection fees of 5% of the bond or \$1500. Due to the fact that the construction of this building is so close to the adjacent building, the Building Dept. has requested the Village engineers to do the site inspections.

Dr. Coulter made a Motion to have the Secretary write a letter to the Village Board asking them to execute a Performance Bond for the Lopez property in the amount of \$30,000 and \$1500 for site inspections. Mr. Tanner seconded the Motion and all Members were in favor.

Mr. Richards said that the Statutory Requirements must be satisfied by the applicant before the Chairman can sign off on the Site Plan.

Next, Mr. Grogan reviewed Mr. Hayes comments in his 3/14/07 email. He asked the Secretary to send a letter to the Village Board stating the concerns the Planning Board had regarding the waived parking spaces. The Planning Board feels there should be a clause in the Code which unties the Board's hands as there are times when \$500 per extra parking space would be inadequate. The number of spaces per dwelling unit as stated in the Code is unrealistic. A three bedroom apartment could have as many as 5+ cars. The Planning Board is recommending the fees per waived space not be held to \$500 and the number of spaces per dwelling unit be determined by the number of bedrooms per dwelling unit.

The Board, then, took up the SEQRA review. Mr. Richards stated numbers 1 through 4 are self-explanatory. The following answers were noted:

- 5 – New action
- 6 – Construction of a 3 story building – mixed use
- 7 - .048 acres
- 8 – Yes
- 9 – Residential & Commercial

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SEQRA cont.

10 – Yes – Planning Board, Driveway, Building permit, Sewer & water  
Commission

11 – No

12 – N/A

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A – No

B – No

C – 1 – No

2 – No

3 – No

4 – No

5 – No

7 – No

D – No

E – No

Mr. Tanner made a Motion for a Declaration to accept SEQRA. Dr. Coulter seconded the Motion and all Members were in favor.

Mr. DeRosa asked about the memo from the Fire Marshall concerning this project. Mr. Grogan said the Board received a memo from the Fire Marshall recommending sprinklers throughout the building. This will help should a fire emergency arise.

Dr. Coulter made a Motion to accept a Conditional Site Plan of the Lopez property contingent on satisfaction of Stantec's comments on the 3/14/07 memo. Mr. Tanner seconded the Motion and all Members were in favor.

### **Other Business**

#### **MINUTES of 2/28/07**

Dr. Coulter made a Motion to accept the Minutes from the 2/28/07 meeting. Mr. Mersand seconded the Motion and all Members were in favor.

Mr. Mersand asked to discuss Mr. Hayes's statement in the last Meeting regarding a proposed client coming to the law firm for representation in purchasing the Lopez property. Mr. Mersand did foresee a conflict. Mr. DeRosa said he didn't see any conflict because the Board has given Conditional Site Plan approval based on Mr. Hayes's comments before the proposed client/buyer ever approached the law firm. Mr. Richards said the proposed client may not buy the Lopez property. At that point there would not be any conflict.

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**ADJOURNMENT**

The Board did not adjourn and went into Executive Session. All other persons, except the Board, left the Meeting.

Submitted by

Mary Heubel  
Planning Board Secretary