

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES  **DRAFT**

Date:	April 11, 2007
Present:	Michael Grogan, Chairman Dr. George Coulter Stan Mersand Taren Tanner
Also Present:	Robert Murphy, Trustee Tracy Durkin, Trustee Fred Feindel, ZBA Member Earl Slocum Mary Rahe

APPROVED BY
VILLAGE OF PAWLING
PLANNING BOARD

5/10/07

On Wednesday, April 11, 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.

CONCEPT DISCUSSION

Mary Rahe Site Plan

Mr. Grogan, with the assistance of Ms. Rahe, reviewed the Site Plan application. The applicant wishes to open a retail store for the sale of tobacco products in the vestibule of the Zarecki Building on West Main Street. There would be no construction involved and the sale of the products would be under a different name and address than the Family Quick Stop.

Mr. Grogan stated that he and the Board could not go further with this review without the input from Michael Hayes, Village Attorney. He asked Ms. Rahe to return in two weeks, 4/25/07. At that time, Mr. Hayes will have time to review the project and the legality of it. On his advice, the Board can, then, give a determination on this project.

After Ms. Rahe departed, there was some discussion among the Board Members. Dr. Coulter stated that he believed what they were asking the Board to do was to circumvent the law. Mr. Mersand asked if they could have a store with 56 square feet, only one door etc. He also wanted to know if this was temporary. The Members thought it was temporary. The Board all agreed that Mr. Hayes needs to address all these issues so they (the Board) can give a fair conclusion to this project.

OTHER BUSINESS

Minutes of 3/14/07 and 3/21/07 Meetings

Dr. Coulter made a Motion to accept the Minutes of the 3/14/07 and 3/21/07 Meetings. Mr. Mersand seconded the Motion and all Members were in favor.

MS4 Workshop

Since two Members cannot attend the tentatively scheduled Workshop on 4/18/07, the Workshop has been scheduled for 4/25/07.

Escrow Accounts

Mr. Grogan reviewed the Escrow accounts as of 4/4/07. All accounts were in order except the Creitoff account. Mr. Mersand and the Secretary gave a brief review of the project and the problems encountered. To date, the mylar has not been signed. The Town was still waiting for the mortgage bank's OK on the land swap. Mr. Mersand suggested a letter be sent to the Creitoffs stating they need to replace their escrow by \$2000.00. The Secretary will send the letter.

Mr. Mersand made a Motion requiring the Creitoffs to pay \$2000.00 additional escrow. Dr. Coulter seconded the Motion and all Members were in favor. Mr. Grogan left the Meeting.

Terminations

The Secretary informed the Board that Phil DeRosa was not reappointed as Building Inspector and Stantec was not reappointed as Village Engineer. Zarecki is the new Village Engineer.

16 Henry Street

The Secretary explained the project. The owner wants to make a studio apartment in her detached garage for her father. The property is in the R-3 zone. The Secretary asked the Board what the owner needs to do to start the project. After some discussion, the Board decided the owner should submit a site plan.

Jimenez Site Plan

The Secretary has obtained the Village Green Engineer's sketch for the sidewalk in front of the Jimenez property. She asked the Board to include the sketch in the submitted Site Plan.

Henchion Property

Mr. Slocum asked the Board about the four driveways to the Henshion Property. There was some discussion about the driveway and whether a Site Plan should have been presented before the Board. Mr. Johnson believes he did not need to submit a Plan because the project was in an agricultural zone. Mr. Mersand stated he spoke with the gentleman who runs the Ag Dept. in the State and he told Mr. Mersand they absolutely have to come before the Planning Board with a Site Plan and a building permit should have been applied for. The only exception would be if the Code governing the applications were unreasonably restrictive. If the Village has reasonable zoning and reasonable planning laws, they absolutely must come before the Board. Mr. Murphy wanted to know when the Board found out about this. Mr. Mersand said a couple of weeks ago. Mr. Murphy asked why the Village Board had not been told. Dr. Coulter and Mr. Tanner said because it was still being discussed and researched by the Planning Board.

Memo to Sewer Commission

Mr. Murphy expressed his anger at not being approached by the Board before writing the Memo to the Sewer Commission. He stated the Board was not aware of the increased expense incurred for hook-up. The \$3000 fee is 10 years old and needed to be increased to cover rising costs. He explained to the Board that there are larger projects to come before the Sewer Commission, such as Allison Close and Toll Brothers, and charging them \$3000 for each hook-up would cost the Commission hundreds of thousands of dollars.

Mr. Tanner said he was the real estate agent for the B&B and the applicants were very careful about all their expenses. From the start of their project, they were quoted the \$3000 hook-up fee.

Mr. Murphy explained to the Board that the Sewer Commission had an engineering study done and in their report to the Commission, they proposed the new fees adjusted for inflation.

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The Members of the Board stated that the Memo was not an attack on the Commission or its Members. All the Board wished to accomplish was to ask the Commission, if they saw fit, to hold to the quoted fees for the B&B project since it was started before the study was done. They suggested to Mr. Murphy that the Commission inform the public that as of a stated date, the fees would be increased. The Board was in total agreement that the fees should be raised.

Mr. Murphy went on to say the letter from the Board put the Commission in a terrible bargaining position with the other developers.

Dr. Coulter summed up the exchange by stating the Planning Board should have made the Village Board aware of the issues with the Henchion barn and the Sewer Commission should have made the Planning Board aware of its fee issues. Dr. Coulter went on to say that if communication had been the case, the letter probably never would have been written.

Mr. Murphy asked if the Board discussed Mr. DeRosa with any Members of the Village Board. Mr. Mersand stated any such discussion, if it took place, was not to be discussed in public. Mr. Mersand said he has not discussed anything. Dr. Coulter & Mr. Tanner also would not discuss. After this exchange Mr. Murphy left the Meeting.

Mr. Mersand asked if there was any other business. There was none.

ADJOURNMENT

Mr. Mersand made a Motion to adjourn the Meeting. Mr. Tanner seconded the Motion and all Members were in Favor.

Submitted by

Mary Heubel
Planning Board Secretary