

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

Date:	May 9, 2007
Present:	Michael Grogan, Chairman Dr. George Coulter, Member Stan Mersand, Member Michael Cerny, Member
Also Present:	Michael Hayes, Village Attorney Mike Murphy, Agent for Ms. Schell

APPROVED BY
VILLAGE OF PAWLING
PLANNING BOARD

7/11/07

On Wednesday, May 9, 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. Tanner was absent.

CONCEPT DISCUSSION

Schell Site Plan

Mr. Murphy explained the project to the Board. The applicant, Ms. Schell, would like to convert the garage into a small studio apartment for her father. This would entail bringing electrical and plumbing to the structure and construction inside the building. There would be a living room, bathroom and galley kitchen on the ground floor and a bedroom in the loft. The garage is an accessory building which would be converted into an accessory dwelling.

Mr. Cerny read aloud Code regulation 98-16, accessory structures, which sets forth the requirements for an accessory structure. Mr. Hayes said this structure is pre-existing and the set-backs would be grandfathered in. The structure pre-dates the Zoning Code.

Mr. Murphy asked the Board if Ms. Schell's father died or needed special care, could she rent the studio to other members of the family or another non-family person. Mr. Hayes said that interpretation of the Code limits the dwelling to family members only. The property is in a R-3 zone where only single family dwellings are permitted. Ms. Schell could not rent the studio to another family. Mr. Hayes stated it didn't matter if there was one building or two buildings on the property. Mr. Hayes went on to say a Special Use Permit terminates with the sale of the property. The new owners would need to come before the Planning Board for a new permit if they wished to continue use of the accessory dwelling.

There was some discussion of legal use of accessory structures. Mr. Hayes said the applicant would need a special use permit. There was also a problem with the square

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footage. The Code states no less than 450 SF and no more than 500 SF for the accessory structure. Mr. Grogan suggested cutting down the square footage on the second floor.

Summing up the discussion, Mr. Hayes said the applicant could not rent the studio to non-family members. She could make a workshop or family room with no kitchen or sleeping area. Mr. Murphy said that the applicant would not convert the garage to the studio if she could not rent it. She would have a problem paying the equity loan she would take out to do the project. The applicant would just need a building permit to put up sheetrock for the family room or den and a possible bathroom. Mr. Hayes said that if the Building Inspector was comfortable with the structure's use, he could issue a building permit. If the Building Inspector is not comfortable, he would reject the application and the applicant could go before the ZBA requesting an area variance.

Mr. Murphy said he would present the options to Ms. Schell and wait for her to come up with a plan.

OTHER BUSINESS

Minutes of 4/11/07

Dr. Coulter made a Motion to adopt the Minutes of the 4/11/07 Meeting. Mr. Cerny seconded the Motion and all Members were in favor.

Jimenez Property

The Secretary explained to the Board the situation at 29 Memorial Avenue. The owners had not paid Zarecki for his work on their Site Plan so the project was put on the back burner. Mr. Burden, Code Enforcement Officer, issued a violation giving the owners a month to correct the violation – operating a boarding house. If the violation is not corrected, the owners will be issued an appearance ticket.

ADJOURNMENT

Mr. Mersand 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