

**THE VILLAGE OF PAWLING PLANNING BOARD MINUTES**

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| <b>Date:</b>         | August 8, 2007  | <b>APPROVED BY</b><br><b>VILLAGE OF PAWLING</b><br><b>PLANNING BOARD</b> |
| <b>Present:</b>      | Michael Grogan, Chairman<br>Taren Tanner, Member<br>Michael Cerny, Member<br>Stan Mersand, Member<br>Dr. George Coulter, Member   |  |
| <b>Also Present:</b> | Bart Clark, Engineer<br>Michael Hayes, Village Attorney<br>Gene Richards, Stantec Engineer for Planning Bd.<br>Theresa Ryan, Engineer for the Applicants<br>Earl Slocum, Neighbor<br>Fred Feindel, Member of ZBA<br>Mr. & Mrs. Duffy, Neighbors |  |

9/12/07

On Wednesday, August 8, 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

**CONCEPT DISCUSSION****Pawling Commons Site Plan**

Ms. Ryan reviewed the newly submitted plans showing more building detail as well as landscaping details for the parking area and around the proposed building. Ms. Ryan said the applicant was working with the Duffys on the landscaping along their property line. The plans, also, include locations for the proposed drainage, sewer pipe and water connection. The plans show drainage from the old IGA building roof drains. These drains will connect to the main system and into the East Main Street drains. Ms. Ryan said she plans to meet with Mr. Richards to discuss stormwater and erosion control issues. Ms. Ryan said that if the Board thought it was complete, they could deem the application complete or they could schedule a Public Hearing. Mr. Richards asked Ms. Ryan to respond to the Fire Marshall's memo concerning the fire trucks turning on the property.

Mr. Mersand asked Ms. Ryan for sketches of what the building would look like.

There was a discussion about the fire lane. Mr. Cerny said a reduction in parking spaces would allow for the fire lane.

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Mr. Grogan canvassed the Members of the Board regarding comments/suggestions. Mr. Mersand was happy the applicant was working with the neighbors. Mr. Cerny would like to see a drawing of the proposed building. Dr. Coulter was also happy the applicant was working with the neighbors. Mr. Tanner suggested a walkway to get from the proposed building to the building on the north side of the property.

Mr. Richards suggested a site walk by the Board. He said the four corners of the proposed building should be marked off. Mr. Grogan suggested, also, marking off the long island as well. Mr. Richards said the Board could schedule a Public Hearing if they so desired. Mr. Grogan thought the Board should. Mr. Richards said SEQRA needed to be done. The only agency outside the local agencies was the DEP and they responded that they were not involved.

Mr. Richards, then, began to review his Memo.

Mr. Hayes explained the 62 day rule. The Board has 62 days from the Public Hearing to make a decision. The Board can ask for an extension of the 62 days. There is no default plan as for a subdivision.

Mr. Cerny made a Motion to schedule a Public Hearing on 9/12. Mr. Mersand seconded the Motion and all Members were in favor.

Mr. Grogan asked Ms. Ryan to mark off the proposed building and the Board will then schedule a site walk.

Mr. Grogan asked if anyone present had any comments. Mr. Slocum was concerned about the drawings. He wants to see the drawings because he will be looking at the building from his property. He, also, asked about the dumpster. Ms. Ryan said the dumpster will be behind the old IGA building. He, also, had concerns about the lighting. Mrs. Duffy is satisfied working with the applicant but is still concerned about the rock ledge and blasting. When the property was blasted many years ago, there was several thousand dollars damage to their home. The Duffy home is on the rock ledge. They are also concerned about the lighting and the increased traffic.

#### MS4 Resolution

Mr. Hayes reviewed the project. The enactment of the Local Law is the duty of the Village Board (VB). The VB had asked the Planning Board for their recommendations for the Modal Law which the Planning Board has done during a number of workshops. Mr. Hayes did say the VB needs to consider how they will staff the Stormwater Management Officer position. The position needs to be created and it should not be just

another duty of the highway or building departments. It should be a unique officer. Mr. Mersand asked if the officer would need certain certification or qualification. Mr. Clark said there is no special qualification at this time.

Mr. Mersand made a Motion to adopt the MS4 Resolution as written. Dr. Coulter seconded the Motion and all Members were in favor. Every Member of the Board signed the Resolution. The Board thanked Mr. Clark for all his work on the project.

#### Allison Close Estates Subdivision

Ms. Ryan stated that the amended plans contain more detail including landscaping, drainage, erosion and stormwater management. The cul-de-sac is the same width as suggested by the Fire Marshall. Ms. Ryan will meet with Mr. Richards on stormwater and technical issues. In January, the Public Hearing was opened and closed and the project received a SEQR "negative declaration".

Ms. Ryan will submit a Final Application for approval. Mr. Mersand asked if the agreement with Mr. Morgan was in the file. The Secretary said the agreement was in the file. He believes the agreement should be part of the Final Plan.

There was some discussion of Larry's memo concerning 20' or 24' road width. Ms. Ryan said Allison Drive is consistent with the 24' width. The Board was comfortable with the 20' width shown on the plans. There was a suggestion that the applicant talk to Mr. Warren, Village Highway Supervisor, about what to do with the old cul-de-sac.

The applicant must identify what easements apply to this project. Mr. Hayes would review each of the easements. The applicant will talk with Mr. Richards about the stormwater requirements. Ms. Ryan said that according to the DEC, the applicant does not have responsibilities dealing with stormwater runoff. The only thing the applicant has to do is file a Notice of Intent with the DEC before he starts construction and file an erosion control plan. Mr. Hayes said while that might be true for the DEC, the Local Law for Stormwater Mgmt. would probably be enacted at the start of construction and the various requirements of the Local Law will apply. Mr. Hayes asked the applicant and Board to review Sections 82-28, 82-32J and 82-33D of the Village Code.

Ms. Ryan asked about a Public Hearing. Mr. Hayes said a Public Hearing is not required for a Final Subdivision approval if there was one for the preliminary approval.

There was much discussion about the Right-of-Way or easement. The adjacent property owner, Mr. Morgan, wants a Right-of-Way. The applicant indicated on the plan where Mr. Morgan wanted the Right-of-Way. If the Right-of-Way is shown as a road on the

Subdivision plan, Lot 2 would become a non-conforming lot because the frontage would only be 102'. If it is shown as an easement, the lot frontage would be conforming at 152'. The Right-of-Way and road extending to Mr. Morgan's property would not be accepted for dedication by the Village. There are two options – Have all parties accept it as an easement on Lot 2 giving Lot 2 the required frontage or have a nonconforming Lot 2 and a non-conforming parcel of property for the road. The second option would result in the need for 2 variances.

Mr. Hayes asked about the wetlands status. Ms. Ryan said the Army Corps of Engineers stated this project was not in the wetlands.

The next issue concerning this project was the question of the Bog Turtles. Mr. Hayes said that the applicant needs to ascertain whether the area is a Bog Turtle habitat or could it be a potential habitat. If it is determined that it is not a suitable Bog Turtle habitat, then, the issue is closed. If it is a suitable habitat, then, the plans must show management of the habitat.

Mr. Richards continued reviewing his memo. He suggests moving the trees out of the Village's ROW. The Board determined the trees should remain within the ROW as per plan. Next, Mr. Richards discussed the street lights. No lights are currently shown on the plans. The Board would like to examine and discuss whether lights would be necessary. Mr. Hayes, next, discussed the 62 days requirement. The requirement starts tonight. The project needs to be completed by the beginning of October.

Mr. Richards reviewed the final plat notes which his office recommended be placed on the Final Plat. Mr. Grogan agreed that all the standard Plat Notes should be on the Final Plat. All the Members were in favor of moving forward with the final application.

### **OTHER BUSINESS**

Minutes of 7/11/07

Dr. Coulter made a Motion to accept the Minutes of 7/11/07. Mr. Mersand seconded the Motion and all Members were in favor.

Minutes of 7/18/07

Dr. Coulter made a Motion to accept the Minutes of 7/18/07. Mr. Mersand seconded the Motion and all Members were in favor.

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**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