

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

Date:	December 12, 2007
Present:	Michael Grogan, Chairman Michael Cerny, Member Taren Tanner, Member Stan Mersand, Member Dr. George Coulter, Member
Also Present:	Larry Tomasso, Building Inspector Gene Richards, Stantec Engineer Robert Morini, Pawling Commons & Arch St. Michael Hayes, Attorney for Village of Pawling Theresa Ryan, Insite Engineer John Boyle, Owner of Allison Close Estates Bruce Major, Owner of Allison Close Estates Mr. Morgan, Neighbor to Allison Close Estates Robert Marvin, Attorney for the Village

APPROVED BY
VILLAGE OF PAWLING
PLANNING BOARD
1/23/08

RECEIVED
NOV 06 2008
VILLAGE CLERK

On Wednesday, December 12, 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:**Allison Close Estates Subdivision Site Plan**

Ms. Ryan reviewed the conditions which were left on this project. She said stormwater management for the project was OK but there was the bog turtle issue which needed to be resolved. The applicants hired Michael Nowicki, who is licensed by the DEC as a bog turtle habitat expert. Mr. Nowicki did his assessment and found there were NO bog turtle habitats on this site. Mr. Nowicki submitted his report to the Board and the Army Corps of Engineers (ACE). The ACE will share the report with the DEC and with Fish & Wildlife. Sending the report to the ACE sets a 45 day time clock in which time the ACE must review the report. If he submitted the report to the DEC & Fish & Wildlife, they can sit on it indefinitely. If ACE does not respond within the 45 days, the applicants, automatically, have coverage under Nationwide 29.

Regarding the MS4 compliance, the Board decided the project was exempt from the MS4 compliance. Mr. Hayes said there was one issue left for the Village Board – the one stormwater basin. Ms. Ryan said the Village Board voted to accept the dedication of the ROWs and easements and any facilities within the ROWs and easements. The Village

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Board attorney will put together agreements between the Village and the applicants once the project has been finalized.

There was some discussion about granting Conditional Final Subdivision Approval and what the conditions would be for final approval. Mr. Hayes said the conditions put forth in the Stantec 11/14/07 memo were complete and covered anything outstanding. The Board, Mr. Hayes and Mr. Richards discussed how the Conditional Final would become final. Once all the conditions in the 11/14/07 memo, the holding capacity of the sewer tank and the Village Board performance bond have been met and the engineer is satisfied everything has been completed, the Chairman of the Planning Board may sign the mylar. Ms. Ryan said the applicant has 180 days to complete the conditions.

Mr. Cerny made a Motion for the Conditional Final Approval of the Allison Close Estates Subdivision subject to the completion of the conditions in the Stantec 11/14/07 memo, written evidence from the Village Board of their intention to accept the ROWs and easements maintenance and the resolution of the sewer capacity. Dr. Coulter seconded the Motion and all Members except Mr. Tanner were in favor. Mr. Tanner had a conflict.

Jimenez Site Plan

Before Mr. Hayes left the Meeting, there was a brief discussion regarding the illegal boarding house being operated at 29 Memorial Avenue. Mr. Hayes said he and the Courts are moving forward on compelling the owners to comply with the Code. At this point, Mr. Hayes left the Meeting.

Pawling Commons Site Plan

Mr. Marvin joined the Meeting as attorney for the Planning Board.

Ms. Ryan and Mr. Tomasso discussed the ability of fire apparatus to turn at the north end of the property. Mr. Tomasso said it is in the State Code that the fire lane must be 20 feet wide. Ms. Ryan, also, indicated on the plan where the apparatus and fireman will have the ability to get around each of the buildings. The mall building has sprinklers. Ms. Ryan indicated where the "No Parking" sign will be. The crosswalk between the mall building and the old AG market will be indicated on the revised plan.

Mr. Grogan asked Mr. Tomasso and Mr. Richards if they had any further concerns since the fire lanes, crosswalks, landscaping and the exit on the north side have been addressed. Mr. Grogan asked the Secretary to get in touch again with the Fire Chief. He would like a response from him so the project can move forward.

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Mr. Grogan polled the Board about the project. All Members thought the project was great and the applicant did everything the Board requested.

Mr. Richards, then, went through SEQRA using the Short Environmental Assessment Form. He started with Part I. There was a change to Part I #6 -- Proposed 2-story 10,200 SF office/retail building, modified parking and landscaping in an existing developed site. There was an addition to Part I #9 -- Present land use is residential and commercial.

Mr. Richards proceeded to Part II which the Board is obliged to complete. The answers are as follows:

- A. No
- B. Yes
- C1. No
- C2. No
- C3. No
- C4. No
- C5. No
- C6. No
- C7. No
- D. No
- E. No

Part III

The analysis WILL NOT result in any significant adverse environmental impacts. Most issues concerning the property and the project have been addressed. To this end, Mr. Richards reviewed his memo of 12/12/07. Mr. Cerny asked that the Memo become part of the record for a negative declaration.

Mr. Mersand asked Mr. Slocum if he had anything to add. Mr. Slocum asked about the north exit, blasting, drainage and plantings. Ms. Ryan and Mr. Richards reviewed all his concerns and explained what will be done.

Mr. Tanner made a Motion to declare this project a negative declaration for SEQRA for Pawling Commons. Dr. Coulter seconded the Motion and all Members were in favor.

There was a brief discussion of the conditions, yet, to be met for this project.

There was, also, a discussion concerning including the architectural drawings as part of the site plan approval process. Mr. Marvin could see no reason why the Board could not require the drawings.

There was a discussion about the restoration bond and the performance bond.

Mr. Mersand made a Motion for a Conditional Final Site Plan approval subject to addressing the conditions in the 12/12/07 Stantec memo, the approval of the fire lanes by the Fire Chief, Stantec Engineering conducting the inspections and the Village setting the Bond. Dr. Coulter seconded the Motion and all Members were in favor.

Arch Street Site Plan

Mr. Marvin said a SEQRA was conducted on this project in March, 2007 for the previous site plan. Mr. Morini said the plan is about the same except the building is 20 feet deeper. Mr. Morini, further, explained that if the retail tenant required more space, they could take the second floor with an indoor staircase. If not, there would be two apartments and the apartments would be increased by 480 SF.

Mr. Mersand spoke of the parking. Mr. Tanner said people come into his office everyday looking for more retail space. He, also, said if the merchants parked away from the stores and left the space for the customers, that would relieve the parking issues.

Mr. Cerny asked Mr. Morini about parking spaces for the tenants in the apartments. Mr. Morini said the tenants could park on the street and he will be asking the Dutcher House if they would rent spaces. The discussion turned to waived parking spaces. Mr. Morini said there was a section in the Code that waived the fee if the owner of the property owned another property with substantial parking. The other property had to be in close proximity to the property without the required spaces. The fee for spaces not on the property was \$500 per space. Four spaces were provided for in the original site plan approval. The applicant will need to provide two more spaces. Mr. Mersand said the parking issue will not hold the project up.

Mr. Marvin said with regard to SEQRA, the modification to the original site plan, when a negative declaration SEQRA was declared, was not significant enough to require doing SEQRA again.

Mr. Grogan canvassed the Board as to their preference – retail on 2 floors and 1 apartment or retail on the first floor and 2 apartments. Most of the Members were in favor of retail on 2 floors and 1 apartment if the numbers worked when the analysis was completed.

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OTHER BUSINESS

Minutes of 11/28/07

Mr. Cerny made a Motion to approve the Minutes of the 11/28/07 Meeting. Mr. Mersand seconded the Motion and all Members were in favor.

ADJOURNMENT

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

Submitted by

Mary Heubel
Planning Board Secretary