

**THE VILLAGE OF PAWLING PLANNING BOARD MINUTES**

<b>Date:</b>	January 23, 2008
<b>Present:</b>	Michael Grogan, Chairman Michael Cerny, Member Stan Mersand, Member Dr. George Coulter, Member
<b>Also Present:</b>	Larry Tomasso, Building Inspector Gene Richards, Stantec Engineer Robert Morini, Owner of Arch St. Partners Robert Marvin, Attorney for the Village Curt Johnson, Agent for Arch Street Partners

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VILLAGE CLERK

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

2/27/08

On Wednesday, January 23, 2008 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. Taren Tanner was absent.

**CONCEPT DISCUSSION:****Arch Street Partners Site Plan**

Mr. Johnson reviewed the project with the Board. He said Mr. Morini went before the ZBA and obtained the variance necessary to continue with the project. Mr. Johnson said he had a meeting with Mr. Richards and he believes all issues have been satisfied.

Mr. Richards said that his office submitted a memo dated 1/10/08. Mr. Johnson revised the plans based on the Stantec Memo. Both men met to go over the revised plans. As a result of this meeting, Mr. Richards's office issued a subsequent Memo dated 1/21/08.

Mr. Marvin reviewed his Memo dated 1/11/08. He said there were two issues outstanding – the performance bond and parking. Mr. Richards stated the amount recommended for the bond and agreed to back on 3/14/07 was \$30,000 with \$1500 to be paid for site inspections. He said the amounts could still stand.

Due to the latest building arrangement, the required number of parking spaces would now be 11 spaces. The former owner has paid \$500 per space to waive 4 spaces. The applicant would need to pay \$3500 to waive the remaining 7 spaces. There was some discussion about the parking spaces. Mr. Mersand asked about the owner renting spaces. Mr. Marvin said the Code makes no accommodation to do that.

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Minutes from the 1/23/08 Planning Board meeting

Dr. Coulter made a Motion to waive a total of 11 parking spaces, the fee for 4 spaces having been paid and the fee of \$3500 for the remaining 7 parking spaces to be paid. Mr. Mersand seconded the Motion and all Members were in favor.

Mr. Morini stated he hoped the structure would be retail on the first two floors and an apartment on the third floor. He hopes to be in the ground by late spring.

Mr. Grogan asked Mr. Tomasso, Mr. Richards and Members of the Board if anyone had any issues. Mr. Tomasso had concerns with the egress in the rear of the building. Mr. Johnson said they would be addressed in the construction drawings. The Members were in agreement that all outstanding matters were being acted upon. Mr. Richards said all matters were being handled and all remained was the statutory requirements. Verification of approvals from the Water Commission and Joint Sewer Commission have been received.

Mr. Cerny made a Motion to suspend the Public Hearing since a public hearing was held in March, 2007. Mr. Mersand seconded the Motion and all Members were in favor.

Mr. Marvin and Mr. Johnson discussed the sidewalk easement. Mr. Marvin spoke with Mr. Hayes to ascertain if the easement had been drafted. Mr. Hayes said the applicant usually prepares the draft. Mr. Johnson said there was a notation on the site plan and Mr. Marvin said it would be better if it was a separate document. The sidewalk easement would be for Arch Street. With the easement, the Village will be able to continue the sidewalks up Arch Street when placing the sidewalks along Charles Colman Blvd. as part of the Village Green project.

Mr. Cerny made a Motion to approve Conditionally the Arch Street Site Plan conditioned on #5 (Statutory Requirements) of the 1/21/08 Stantec Memo and the easement for the sidewalk and maintenance of said sidewalk on Arch Street as stated in #2 of the 1/11/08 Memo from Mr. Marvin and the elevation drawings not materially different from drawings as of 1/23/08. Mr. Mersand seconded the Motion and all Members were in favor.

At this point, Mr. Marvin and Mr. Richards departed the Meeting.

#### Jacob Properties Site Plan

Mr. Johnson reviewed the project. He stated that they, now, have tenants for the first floor. Verizon will have the front portion of the floor (A). The Angler's Den will have the B1 and possibly B2 sections. A professional group will have section C. There was a discussion about the common area, the front of the building and the layout for the first

floor. Mr. Johnson said the applicant would come back before the Board for changing the front of the building. They would like to have it look like the Dutcher House. Mr. Mersand had a concern about the Angler's Den being in two sections and no outside exposure. Mr. Johnson said Verizon would like to be in by February 15<sup>th</sup>. There was, also, a discussion about making the layout of the first floor Code compliant with the new building code. Mr. Cerny stated that for a complete Site Plan that the Board can discuss and approve, the Board needs to see things like egresses etc. on the site plan. Mr. Mersand said the applicant needs to get together with Mr. Tomasso and/or the alternate Village engineer and get all the issues addressed before the Board can act on the Site Plan. The Members of the Board want to see the site occupied but they need a complete Site Plan to approve. At this point, Mr. Tomasso said the construction was already nearly completed on the first floor. The Members of the Board were not happy with doing the construction and then coming before the Board.

There was a brief discussion as to whether there would be a conflict for Mr. Hayes, Village Attorney, representing the Village for this Site Plan matter. Mr. Cerny didn't think it would be a problem and he asked the Secretary to discuss the matter with Mr. Hayes.

Mr. Grogan suggested the escrow to be \$1500 for the project. Mr. Cerny made a Motion to set the escrow at \$1500. Mr. Mersand seconded the Motion and all Members were in favor.

There was some discussion about when the applicant can come before the Board again. Some Members suggested calling a Meeting on 2/6/08. Finally, it was agreed to have the applicant come before the Board at the regularly scheduled Meeting on 2/13/08. Mr. Mersand, then, said no more work will be done until the Site Plan has been approved and the building permit obtained.

**OTHER BUSINESS:**

Minutes from the 12/12/07 Meeting

Mr. Cerny made a Motion to approve the Minutes of the 12/12/07 Meeting. Dr. Coulter seconded the Motion and all Members were in favor.

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Minutes from the 1/23/08 Planning Board Meeting

**ADJOURNMENT**

Mr. Cerny 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

## Stantec

January 21, 2008  
Village of Pawling Planning Board  
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Reference: Arch Street Mixed Use Building Site Plan

### SITE PLAN REQUIREMENTS - The following comments are offered:

1. Architectural Details: The latest Architectural Plans have now been revised to address our prior comments. Specifically, in response to the Fire Marshal's March 14, 2007 memo, the plans now merely include a note stating that a sprinkler system will be provided in the proposed building, with the actual design information to be included with the Building Permit Application. The latest plans have also addressed our concerns related to the rear entrance doors.
2. Parking Requirements: The latest building arrangement will not provide for any onsite parking for the building's tenants, and therefore, will now require the Board to waive a total of eleven (11) parking spaces under the provisions of § 98-22 of the Village Code. Further, as determined previously by the Board with the prior Applicant for this project, under § 98-23(C) of the Village Code, the current Applicant would be required to post with the Village a payment in lieu of parking fee of \$500.00 per waived space, or \$5,500.00 total.
3. Technical Concerns: At this time, all prior technical comments have been resolved by the latest Site Plans. We merely wish to note that when they are submitted for the Chairman's endorsement, all plans should include the Architect's professional seal and signature.
4. Performance Guarantee: Last March the Planning Board made recommendations to the Village Board as to the Performance Bond and Inspection Fee amounts for this project, based upon recommendations from our office. Therefore, prior to the Chairman endorsing the Site Plans, it should be confirmed that the Applicant has posted the required Bond and Inspection Fees with the Village, in the amounts established by the Village Board. Further, the Village Attorney must review and accept the submitted bonding.
5. Statutory Requirements: Prior to endorsement of the Site Plans by the Chairman, it should be confirmed that the Applicant has satisfied the following statutory requirements:
  - Verification of approvals from the Village of Pawling Water Commission and the Pawling Joint Sewer Commission.
  - Confirmation that all Site Plans and Architectural Plans submitted for approval include all required endorsements, i.e., Owner/Applicant and Registered Architect (with R.A. Seal).
  - Posting of the required Performance Bond/Inspection Fees, acceptable to the Attorney.
  - Payment of the ~~\$5,500.00~~ <sup>\$ 3500</sup> in fees for the "waived" parking spaces.
  - Payment of all outstanding fees (application, consultant, recreation, etc.).

We trust that the Board and Applicant will find the above information of use. Please contact our office should you have any questions.

#### Enclosure

c: Larry Tomasso, Building Inspector  
John DeRusso, Fire Marshal  
Doug Warren, Street Foreman  
Robert J. Marvin, Jr., Esq.  
Applicant (% Zarecki & Associates)

MEMORANDUM

TO: VILLAGE OF PAWLING PLANNING BOARD MEMBERS  
MARY HUEBEL, SECRETARY; STANLEY RICHARDS,  
ENGINEER; LARRY TOMASSO, BUILDING INSPECTOR

FROM: ROBERT J. MARVIN, JR.                      DATE: JANUARY 11, 2008

RE: ARCH STREET PARTNERS, LLC MIXED USE BUILDING  
SITE PLAN

I have reviewed the Stantec Memo dated January 10, 2008, and offer the following comments and recommendations.

1. Public Hearing:

The Planning Board has the option to conduct a public hearing on the application for site plan approval. I understand a public hearing was held on the prior site plan submitted by Lopez. The determination as to whether to conduct a public hearing on the revised site plan is completely optional and within the discretion of the Planning Board. In the event the Planning Board decides not to hold a public hearing, the record should clearly reflect a majority of the Planning Board elected not to do so. If the Planning Board decides to conduct such hearing, the notice requirements, etc. will have to be adhered to.

2. Village Green Project/Construction Easement:

During the March 14, 2007 meeting when the property was owned by Lopez, it was decided an easement would be prepared to allow for the construction of the sidewalks in connection with the Village Green. The minutes of such meeting indicate the Village Attorney (then Michael Hayes) was preparing such easement. I discussed this with Mike and he informed me that the intent was that the applicant would prepare a draft easement to be reviewed by the Village Attorney. To my knowledge, no such draft has been prepared by the applicant.

3. Parking:

The parking space waiver fee is \$500.00 for each waived spot. The Planning Board has discretion to grant a waiver. Such decision must be made before any vote on the site plan application.