

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

APPROVED BY

Date:	February 27, 2008
Present:	Michael Grogan, Chairman Michael Cerny, Member Taren Tanner, Member Dr. George Coulter, Member
Also Present:	Larry Tomasso, Building Inspector Gene Richards, Stantec Engineer Jon Walsh, Agent for Jacobs Properties Theresa Ryan, Agent for Allison Close Estates & Pawling Commons Bruce Major, Owner of Allison Close Estates John Boyle, Owner of Allison Close Estates Phillip Ceradine, Architect for the Kelleys Mr. & Mrs. Kelley, Neighbor to Pawling Commons Mr. & Mrs. Donelan, Owner of Donelan Properties John Shanley, Agent for St. John's Church Michael Hayes, Village Attorney

VILLAGE OF PAWLING
PLANNING BOARD

3/12/08

On Wednesday, February 27, 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. Stan Mersand was absent.

CONCEPT DISCUSSION:

Allison Close Subdivision Site Plan Performance Bond

Ms. Ryan opened the discussion by stating she had one comment to make before the review of the bond estimates and that was the client wanted to include the pumping stations in the bond estimates. If the Sewer Commission determined that the Village would not take ownership, the client would return to the Board for a reduction of the bond amount. They would like the Stantec total of \$220,000 (rounded up) reduced by \$18,000. Mr. Richards did not know what Mr. McGinn (engineer) used to arrive at the figures.

Mr. Hayes recommended the Board approve the Bond contingent on Ms. Ryan and Mr. McGinn working out the pump station figures. Once the figures are agreed to, the recommendation could be sent to the Village Board requesting that the required Performance Bond and Inspections Fees be set not to exceed the amounts agreed upon. The amounts could be lower.

Mr. Cerny made a Motion to accept the Performance Bond estimates once Stantec and the applicant have come to an agreement on the pump station figures. Dr. Coulter seconded the Motion and the Board Members were in favor. Mr. Tanner recused himself due to a conflict.

Pawling Commons Site Plan Performance Bond

Mr. Hayes stepped down due to a conflict.

Ms. Ryan explained that since this is a private site, the bond monies would only be used to restore the site not to complete the building. She asked the Board to approve the Inspections fees and only the erosion control and restoration portion of the estimates. Mr. Cerny asked about the purpose of the bond. Ms. Ryan said the purpose is to set the inspection fees. Mr. Grogan suggested Ms. Ryan, Mr. Richards and Mr. Marvin (Village Attorney) get together and work out the details on the bond amount. Mr. Cerny said he would want to wait to hear from Mr. Marvin as to what the bond should be based on. The Board decided to wait until the next meeting to approve the bond estimates.

Mr. Cerny asked about Sewer Commission plans. Ms. Ryan said Mr. Fitzsimmons of Stantec is reviewing these plans and will get back to the applicant before the next Planning Board Meeting.

The Board, then, took up the problem of the drainage from the back building which runs into the yards of the neighbors at the back of Pawling Commons. Ms. Ryan said Mr. Morini inherited the problem when he bought the property and he is committed to finding a solution. There is a low spot where the loading dock is and when this spot fills with water it runs onto the adjoining properties. Mr. Morini has said he intends to take all the roof drains from this 1600 SF building and divert the water to the storm drains on East Main Street. He intends to do this when the building is renovated.

Mr. Ceradine, father of Mrs. Kelley, showed the Board pictures of the drainage problem. He was pleased with what Mr. Morini plans on doing to correct the problem but he said more needs to be done, ie; a high curb barrier, a retaining wall etc. Mr. Tanner suggested the Board speak with Mr. Marvin to see what is allowable at this point since the project has received conditional final approval. Mr. Ceradine said he would like to have a meeting with Mr. Morini and Ms. Ryan and try to come to a compromise on how to alleviate the problem. Mr. Cerny said they should have the meeting and Mr. Richards should also be included in the meeting. The Board, in the meantime, will look to Mr. Marvin for guidance.

Mr. Richards left the Meeting

Jacobs Properties Site Plan

Mr. Hayes returned to the Meeting and Mr. Tanner recused himself due to a conflict.

Mr. Walsh of Zarecki & Assoc. stated that the Board had some issues that needed to be addressed. A handicap bathroom was added on the first floor. Tenant A is Verizon, B1 is the Angler's Den, B2 is the Weekend Decorators and Tenant C is Dynamic Intervention. An existing window in the back of the building will become an egress door. Mr. Tomasso said, from a state code standpoint, the project has been brought into compliance.

Mr. Cerny asked Mr. Walsh what they were going to do with the drive-thru. There was a lengthy discussion as to what to safely do with the drive-thru lane. All sorts of barriers were suggested for the end of the lane to prevent cars from turning into the drive-thru. Mr. Cerny said the site plan should show what the applicant is trying to do and it should also indicate distances.

Mr. Tomasso said, if the drive-thru window is going to be used for drop-off, this will increase the occupancy load to over 50 as the storage space will become retail space. The project would not be in compliance at that point.

Most of the Board said to plant grass and put in plants and thus remove the drive-thru lane.

There was much discussion about the signs. Mr. Cerny was concerned about the big Verizon sign. Mr. Hayes asked if the sign was erected before the code was adopted. It appears to be non-conforming. Mr. Tomasso said he was not sure and would need to do research. Mr. Hayes said if they make it larger, it becomes more non-conforming and would need a variance.

Mr. Cerny said the applicant should come back to the next meeting. Mr. Hayes said the issues to be settled are: a) clarification on the use of the drive-thru area and b) the history of the sign.

Donelan Revised Site Plan
Change of Use

Mr. & Mrs. Donelan explained the change in the site plan. The Donelans have an approved site plan for offices at the 551 Route 22 property. They wish to apply for a revised site plan to change the use of the building from offices to medical offices. Mr. Grogan stated that, basically, there would be a change of use and a change of the sign.

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Minutes from the 2/27/08 Planning Board Meeting

Mr. Cerny made a Motion to waive a public hearing. Dr. Coulter seconded the Motion and all Members were in favor.

Mr. Grogan asked Mr. Hayes to proceed with the review of the Short Environmental Assessment Form (EAF). Mr. Hayes started the review of Part II.

The answers are as follows:

- A No
- B No
- C1 No
- 2 No
- 3 No
- 4 No
- 5 No
- 6 No
- 7 No

- D No
- E No

Part III: The proposed action WILL NOT result in any adverse environmental impact.

Mr. Cerny said the applicant is taking the same building with no physical changes and just changing the use from office to medical office.

Mr. Cerny made a Motion to deem the project had no negative effect and therefore would be approved as a negative declaration. Mr. Tanner seconded the Motion and all Members were in favor.

Dr. Coulter made a Motion to approve the revised Site Plan. Mr. Cerny seconded the Motion and all Members were in favor.

11 Memorial Avenue Discussion

Mr. Gary Chichester explained his proposed project to the Board. The property at 11 Memorial Avenue is up for sale. Mr. Chichester and his partners would like to purchase it and open a restaurant where the cleaners currently operate. For the time being, they would leave the 2 apartments as is. The square footage for the restaurant is approximately 1850 SF and 1450 SF for the apartments. Mr. Cerny thought it was a great use for the building. He suggested Mr. Chichester speak with Mr. Tomasso. Mr. Hayes

said Mr. Tomasso would be able to direct the applicant through the process because a mixed-use building in a B-1 zone could possibly be subject to urban regulations. Mr. Hayes went on to explain the conditions that could trigger a project being subject to urban regulations. The conditions are found in 98-13B of the Village Code.

The applicant asked about the parking issue. Mr. Hayes explained the options such as renting spaces from neighbors or asking for a waiver and paying a fee.

OTHER BUSINESS:

Minutes from the 1/23/08 Meeting

Mr. Cerny made a Motion to approve the Minutes of the 1/23/08 Meeting. Dr. Coulter seconded the Motion and all Members were in favor.

St. John's Revised Site Plan

Mr. Shanley explained that St. John wishes to put a new light post on the other side of the walkway in front of the church. The new post will be exactly like the other post installed in October, 2007 and would be erected the same distance from the walkway and the sidewalk as the other post. Mr. Tomasso said the applicant can submit a revised site plan along with a building permit. The applicant will come before the Planning Board on 3/12/08 and Mr. Tomasso will process the building permit. Work could be started in a little over 2 weeks.

Titles of Building Inspector and Code Enforcement Officer

There was a discussion about the titles for the Building Inspectors and Code Enforcement Officers. Mr. Hayes said he would draft a resolution for Chapter 10 of the Village Code stating the 2 titles are interchangeable.

29 Memorial Avenue

The occupants will be served with citations stating they have 5 days to vacate the entire building – deli and boarding house upstairs.

ADJOURNMENT

Mr. Cerny 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