

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

Date:	March 12, 2008
Present:	Michael Grogan, Chairman Michael Cerny, Member Taren Tanner, Member Dr. George Coulter, Member Stan Mersand, Member
Also Present:	Larry Tomasso, Building Inspector Gene Richards, Stantec Engineer Curt Johnson, Agent for Jacobs Properties Theresa Ryan, Agent for Allison Close Estates & Pawling Commons Robert Marvin, Village Attorney Michael Hayes, Village Attorney

APPROVED BY
VILLAGE OF PAWLING
PLANNING BOARD

4/23/08

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On Wednesday, March 12, 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.

CONCEPT DISCUSSION:**Pawling Commons Site Plan Restoration Bond**

Ms. Ryan told the Board she had conversations with Mr. Richards and Mr. McGinn of Stantec about posting the Restoration Bond.

Mr. Marvin stated as far as he could see the Inspector's fees of \$5600.00 was sufficient to cover the project and therefore, a non-issue. He, then, asked Mr. Richards, Ms. Ryan and the Board if they thought the Restoration Bond amount was sufficient to restore the property should the work not be completed for whatever reason. The safety, health and quality of life of the people would require restoring the property. The restoration bond would only be used to restore the property not to complete the project. Mr. Marvin said the Code doesn't specifically mention "restoration bond" but clearly the intent is there. It would not make sense to recommend a full Performance Bond for a project on a private lot.

Mr. Cerny spoke of the drainage condition from the back of the property onto the Kelley property. Mr. Marvin said the Board approved the Conditional Site Plan which, except, for a few ministerial issues was ready for Final Approval. The Board cannot go back and

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change the approved Conditional Site Plan. If the applicant and the Kelleys come to some agreement privately, that is where it should be handled.

Mr. Mersand made a Motion that the Planning Board recommend to the Village Board that on the Pawling Commons Site Plan they require an Inspection Fee of \$5600.00 and a Restoration Bond of \$8000.00. Mr. Cerny seconded the Motion and all Members were in favor.

Mr. Cerny made a Motion that the Planning Board make a recommendation to the Village Board that a Village ordinance be enacted specifically allowing for a restoration bond in the case of site plan approval. Dr. Coulter seconded the Motion and all Members were in favor.

Mr. Marvin left the Meeting.

Allison Close Estates Subdivision Site Plan Performance Bond.

Mr. Hayes entered the Meeting.

Mr. Richards explained the reason the engineer's figures would be greater than the applicant's figures. He said if the applicant, for whatever reason, does not complete the subdivision project, the Village must complete it. To do this, the Village needs to put the project out for a bid. To cover this process, which is usually at a greater cost, the figures would be higher to cover the Village.

Mr. Grogan asked Ms. Ryan if the figures from Stantec were agreeable to the applicant. Ms. Ryan said they were.

Dr. Coulter made a Motion that the Planning Board recommend to the Village Board that on the Allison Close Estates Subdivision Site Plan that they require an Inspection Fee of \$11,200.00 and a Performance Bond of \$224,000.00. Mr. Mersand seconded the Motion and all Members were in favor. Mr. Tanner excused himself from voting due to a conflict.

Mr. Richards left the Meeting.

Jacobs Property Revised Site Plan

Mr. Johnson stated the applicant would like to keep the drive-thru on the side of the building but block it off with planters or a chain and one-way signs. There was some

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discussion as to what could be done with the drive-thru. The discussion ranged from closing it off, taking up the blacktop, to putting in planters, benches, picnic tables, etc.

Mr. Hayes said that since the Board was in agreement that planters should be put at the entrance to the drive-thru, the Board could give Conditional Site Plan approval with the condition that these additions be added to the plan before Final Approval.

Next, the Board discussed the large Verizon sign. Mr. Cerny said the sign, as it is, is not in keeping with the look of the Village. It is more modern than what the Village Green project would look like. All Members agreed the sign is too large. They were not aware that it is internally illuminated. Clearly, this is not in keeping with the Village Green proposed concept. The fact that it has not been used in over a year removes the "grandfather" right it had. The Board discussed changing the sign now to make it less modern and in 8 to 12 months from now, changing it all together. It was agreed that the Conditional Site Plan approval could be given if the planters were added and the big sign changed before 11/15/08.

Mr. Hayes, then, reviewed the short EAF form for this project. Mr. Tanner excused himself due to a conflict.

The answers to the Part II of the EAF Form 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

Based on the information and analysis above, the proposed action WILL NOT result in any significant adverse environmental impact.

Mr. Hayes asked the applicant to send him the proposed plat so he can check the language before the Board gives its Final Approval.

Mr. Cerny made a Motion to approve the Negative Declaration. Mr. Mersand seconded the Motion and all Members, except Mr. Tanner, were in favor.

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Mr. Cerny made a Motion to waive a public hearing. Mr. Mersand seconded the Motion and the voting Members were in favor.

Mr. Cerny made a Motion to approve the Jacobs Properties Revised Site Plan conditioned on the following:

inclusion of the planters at the front of the existing drive-thru and at the back of the building on the existing drive-thru
the current sign on the northeast side of the building is a temporary sign until 11/15/08 at which time the applicant will obtain approval from the Planning Board for a new, smaller, non-illuminated sign.
The sign on the west side of the building will, also, be improved.

Mr. Mersand seconded the Motion and all voting Members were in favor.

OTHER BUSINESS:

Minutes from the 2/27/08 Meeting

Dr. Coulter made a Motion to approve the Minutes of the 2/27/08 Meeting. Mr. Cerny seconded the Motion and all Members were in favor. Mr. Tanner went on record to say he excused himself from the Jacobs and Allison Close discussions. The 2/27/08 Minutes will be amended to show he excused himself.

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