

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

Date:	February 11, 2009
Present:	Michael Grogan, Chairman Michael Cerny, Member Dr. Coulter, Member Taren Tanner, Member
Also Present:	Larry Tomasso, Building Inspector Mr. & Mrs. Pisano, Neighbors

On Wednesday, February 11, 2009 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.

BOARD BUSINESS:

MINUTES FROM THE 1/14/09 MEETING

Dr. Coulter mentioned that Mr. Cerny's name was listed twice and Mr. Tanner's name was missing. The Secretary said she would correct the mistake. Mr. Cerny made a Motion to approve the Minutes from the 1/14/09 Meeting with the before-mentioned change. Mr. Tanner seconded the Motion and all present Members were in favor.

ESCROW ACCOUNTS AS OF 2/4/09

Mr. Grogan thanked the Secretary for the list of open escrow accounts. Mr. Grogan reviewed the list. Jiminez's account is on hold as well as Arch Street and Pawling Commons. Dr. Coulter asked about Mizzentop's account. The Secretary explained that Mizzentop came before the Board to get approval to incorporate a section of the building into the existing Site Plan. The section became available and the school was given an opportunity to lease it. The idea was to have the space to expand should it become necessary. The school has not come in with any revised Site Plan to date. For this reason, the escrow account remains open.

Mr. Tomasso said the Jacob's account should remain open because they have a conditional approval and are not in compliance yet. Mr. Grogan said to watch the account as it is very close to the half-way amount.

There was a discussion as to what happens to the application fees. Mr. Grogan suggested using some of the money as a donation towards a bench on the Village Green. Mr. Cerny said he was not sure the Board could legally spend the money. They asked the Secretary to look into this issue.

CONCEPT DISCUSSION:

RPI OF PAWLING SITE PLAN

Mr. Grogan asked Mr. Tomasso to review his memo of 1/21/09 with the Board. Mr. Tomasso said the sign is a ground sign. Section 77-8 of the Code states the sign cannot exceed 12 feet in height and 12 feet in width. There must be not less than 2 feet between the bottom of the sign and the ground. The only requirement not met was the set-back from the street must be the same distance as the height of the sign.

The existing sign has been on the property since the mid 1960's. The current sign code was adopted in 1978 and amended in 1992. The sign is therefore a legal non-conforming sign.

Next, Mr. Tomasso discussed Section 77-16 of the Code which states that a sign shall not face any side or rear lot line of any adjoining lot which is residential in nature. The sign does not face the side lot line. It faces the Right-of-Way. The adjoining property, though residential in nature, is a multi-family in a B-1 zone. The use of this building could be changed to a commercial use with the proper approvals. Multi-family buildings are regulated by the NYS Building Code, not the NYS Residential Code.

Mr. Grogan asked Ms. Pisano if she had anything to add. Ms. Pisano had a few questions. There was a discussion about the fence between the properties. Ms. Pisano wanted to know who is responsible for maintaining the fence. The fence appears to be on the property owned by RPI of Pawling. The property owner is responsible for maintaining the fence. The Building Department will address Code violations.

Ms. Pisano wanted to know if there were rules for distances from the road for parked cars. Mr. Tomasso said there are no rules governing set-backs for parked cars.

Next, Ms. Pisano asked about the no parking sign that was once at the entrance to Dutcher Avenue which was removed when excavation of the property started. Mr. Grogan said she needed to take that up with the Village Board. Mr. Tanner stated the previous property owner probably put up the sign. For the sign to go back up, it would need to be so stated in the Code. The Secretary, also, reminded the Board that Dutcher Avenue is a county road.

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Ms. Pisano, then, asked if there was any permits or paperwork submitted in connection with the removal of the gas tanks. Mr. Tomasso and the Secretary said all the paperwork, from the DEC for all the tanks, was in the file.

Finally, Ms. Pisano asked about a timetable for completing the improvements. Mr. Tomasso said the owner will probably be starting in the spring.

Ms. Pisano was not convinced the DEC checked the soil. Mr. Tanner explained how the inspector checks the soil. Mr. Tomasso said the DEC signed off on the inspection and they are responsible for the inspection. This discussion is a mute issue. Mr. Tomasso told Ms. Pisano he had checked the file and explained how the DEC checks the soil to Ms. Pisano twice before.

ADJOURNMENT

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

Submitted by
Mary Heubel
Planning Board Secretary