

Village of Pawling Planning Board Minutes

Date: May 10th, 2022

Present: Robert Pfister Jr., Chairman
Mike Mersand, Member
Lou Musella, Member
Peter Pennelle, Member

Absent: Adam Muroski, Member

Also Present: Caren LoBrutto (Village of Pawling Planner)
Dave Daniels (Village of Pawling Council)
Ed Hauser (Pawling Free Library)
Brian Avery (Pawling Free Library)
Sean Hilderbrand (Five Oak Street & 21 West Main Street)
Curt Johnson (Architect for 5 Oak Street Renovations, 21 West Main Street and Pawling Commons)
Emma Carlson (O'Connor's)
Bill McGinnis (Representing O'Connor's)
Lauri Taylor, Village of Pawling Mayor

APPROVED BY
VILLAGE OF PAWLING
PLANNING BOARD

On, *Tuesday, May 10th, 2022 at 7:00 PM*, the Planning Board met at the Village Hall. The Meeting was called to order by Robert Pfister, Chairman and began with roll call as indicated above and The Pledge of Allegiance.

Approval of Minutes

Member Lou Musella made a Motion to approve minutes of the April 12th, 2022 Planning Board meeting. The Motion was seconded by Member Peter Pennelle. All present members were in favor and the motion carried.

O'Connor's Public House – Outdoor Patio

Mr. McGinnis, representing the Ms. Carlson, addressed the Board stating that he's lived in Pawling and operated a business here for just under 20 years. The Carlson's are a nice family, they're local and they're running a local business and that is what the great thing about Pawling has always been. Mr. McGinnis explained that there's a timing issue where the liquor license is set to expire this month. They've been issuing temporary licenses as this was a COVID measure patio and it's become a popular patio for people to enjoy. So whatever it comes to tonight, what I'm going to ask is, if you support this, if it can be supported with something tonight so that the Carlson's can take it to a final liquor license.

After review and discussion of Planner LoBrutto's comment letter, the Board concluded the following: Urban Regulations do not apply as the patio structure would not constitute a 20% increase; the fence is not a permanent structure as it's not permanently affixed.

Mr. Barnett commented that he doesn't consider the patio an Accessory Use because it's not incidental and subordinate to the principle use. It's not a separate Use in and of itself the way Accessory Uses are contemplated. It's just simply an extension of the principle use. The lease is good for several years and according to the lease,

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they have the right to occupy. They have a possessor interest in that piece of property so I don't see any issues there.

Member Musella stated that, in terms of parking, there isn't any merchant parking on Broad Street itself but there is merchant parking along Charles Colman Blvd. I'll agree with Mr. McGinnis that during the day the lunch crowds don't pose much of a parking problem. The majority of the parking will take place in the evening. By that time, Charles Colman Blvd., Union Street will have plenty of parking to accommodate O'Connor's patrons.

Chairman Pfister asked Ms. Carlson if they have outdoor music, what their hours of operation are and if they have received any noise complaints.

Ms. Carlson replied that there is a speaker outback. The hours of operation are Sunday through Wednesday, we're closed by 11 and all the music shuts off. Thursdays, we close at midnight and then Friday and Saturday we close at 1:00 am. The residents of the building haven't complained about anything and the music is okay.

Chairman Pfister said there is a sound ordinance laid out in the Code. I think the hours of operation for the Tap House was 11 pm during the week and 12am on Friday's and Saturday's.

Ms. Carlson agreed to turn the music off outside at midnight.

Chairman Pfister requested the hours of operation to be submitted to the Planning Board in writing (see attached). After discussion with the Board, it was determined that an updated survey is not necessary as the Applicant is not making any structural and permanent changes to what is currently in place but stated that any future additions would require site plan approval. Mr. Pfister also commented that employees should make use of merchant parking and asked Ms. Carlson if there is a door on the fence to exit the property in case of emergency.

Ms. Carlson replied that there are two emergency exits.

Chairman Pfister commented that he is ok with granting a conditional approval based on the submission of the lighting detail and hours of operation.

Planner LoBrutto commented that this is a Type II action under SEQR meaning that it's an action that's not likely to result in significant adverse impacts. It's a non-residential structure that is less than 4,000 sq. ft.

Member Pennelle made a motion to classify the action as a Type II Action. Member Mersand seconded the motion. All present members were in favor and the motion carried.

There was discussion amongst the Board regarding the site plan approval being based on the following conditions: a written confirmation of hours of operations stating that the patio will close at 12:00 am on Friday

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and Saturday and 11:00 pm Sunday – Thursday submitted to the Planning Board; the submission of the manufacturer’s spec sheet for the lighting detail that is currently in place.

Mr. Barnett commented that if the fence needs to be repaired or replaced it must be repaired or replaced with a fence of like kind, appearance and quality.

The Applicant confirmed that there is no bar on the patio, it will only be table service.

Chairman Pfister made a motion to conditionally approve the site plan based on the above named conditions submission to the Planning Board. The Board voted by roll call as follows:

	<i>Yay</i>	<i>Nay</i>	<i>Absent</i>
<i>Robert Pfister, Chair</i>	X		
<i>Lou Musella, Member</i>	X		
<i>Peter Pennelle, Member</i>	X		
<i>Mike Mersand, Member</i>	X		
<i>Adam Muroski, Member</i>			X
<i>Motion Carries</i>	4	0	1

Member Musella made a motion to waive the Public Hearing. Member Pennelle seconded the motion. All present Members were in favor and the motion carried.

Applicant: Ed Hauser
6957-20-994041
Pawling Free Library
11 Broad Street

Application of Site Plan approval of two additions to the Library totaling 800 sq. ft.

Ms. LoBrutto commented that this project requires a referral under General Municipal Law 239. SEQR does not need to be complete to do that referral. It’s been decided that the Urban Regulations apply and I asked for the Bulk Table which was provided. There are no variances that are anticipated to be required. As per Local Law 6 of 2014, the law repealed the required parking spaces for uses in the B1 District. It’s up to the Planning Board to determine what parking is reasonable. We’re outside of DEP Watershed so there’s no Storm Water Pollution Prevention Plan required. The Site Plan indicates that screening and landscaping and elevations at the corners of the building are not applicable. As survey was certified on May 3, 2002. We have a non-residential structure or facility involving less than 4,000 sq. ft. of first floor area, not involving a change in zoning or a use variance and consist with local and use control. As far as SEQR goes, it could be a Type II Action, in my opinion.

Chairman Pfister asked how far the building is off the property line on the addition.

Mr. Hauser replied that on both sides it’s a little over 6 feet from the closest corner of the addition to the property line on the west side and almost the same on the east side where the bathrooms would be.

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Discussion ensued amongst the Board and it was decided that an updated survey would not be necessary as the addition is six feet from the property line which is suitable for the B1 Zoning District.

Member Pennelle made a motion to waive the survey and accept the existing survey. Member Musella seconded the motion. All present Member were in favor and the motion carried.

Chairman Pfister made a motion to classify this as a Type II Action under SEQR. Member Musella seconded the motion. All present members were in favor and the motion carried.

Member Pennelle made a motion to waive the Public Hearing. Member Musella seconded the motion. All present Members were in favor and the motion carried.

Applicant: Sean Hilderbrand
6957-20-986028
5 Oak Street Renovation
Site Plan Application

Mr. Johnson confirmed with the Secretary that all of the referrals for Lead Agency were received.

Planner LoBrutto confirmed the response from the County on the 239m referral is that they have no comment, it's a matter of local concern. Next step is the Planning Board should declare itself Lead Agency for SEQR and schedule a Public Hearing. Ms. LoBrutto asked Mr. Johnson to explain how the frontage buildout was calculated.

Mr. Johnson explained that he thinks it's a matter of interpretation. It's kind of a little bit ambiguous because you don't know where Oak Street ends and Arch Street begins on the corner and there's no defined corner so what we did is we actually just took the building frontage which is 38 feet and applied that towards the entire frontage of the whole thing and we got the 28.7%.

Planner LoBrutto replied in either case variances are needed but it's less of a variance if you consider it by individual streets. Keep in mind, it's more typical per zoning because if you have a corner lot you usually have frontage off of each street and so I think it should be broken into the two street lines.

After discussion with the Board and Mr. Johnson, it was decided that Arch Street gets the frontage.

Planner LoBrutto commented that with regards to parking, we're back to Local Law 6 of 2014 which repealed the zoning law's requirements for parking ratios in the B1 District.

Member Musella asserted that he paid particular attention to Arch Street today. The merchant parking area on Arch Street didn't have anybody parking there all day. On the weekends it can get congested but for the most part there's some spots in the merchant areas.

Planner LoBrutto asked if there is additional merchant parking areas somewhere else.

Member Musella replied that there is merchant parking in the MTA lot that very rarely gets used and there's merchant parking right along Charles Colman Blvd. on both sides going North and South.

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Planner LoBrutto explained the weekends present a bigger issue because people are home during commercial operations on the weekends. She then suggested that detail on the lighting should be specified as a note on the site plan and asked Mr. Johnson to address the gooseneck lighting for a future sign.

Mr. Johnson replied that there is lighting under the canopy. Extra lighting won't be necessary because chances are this business will be open most likely in the light hours. If it becomes necessary, the applicant will come back to the Planning Board.

Planner LoBrutto asked if there is lighting proposed by the refuse.

Mr. Johnson replied we will submit a detail of a wall pack with a down shield just to put a little lighting in the refuse area.

Planner LoBrutto suggested that the lighting should be dimmed from 9:00 to 6:00 and to make note of that on the site plan, clarifying that the notes becomes a condition to the site plan approval as well as the detailed architectural information.

Mr. Johnson replied just to go over that with the Board. It's the applicant's intent to mimic the materials that are on the adjacent building which is warm gray vinyl siding, brick at the base and asphalt shingle roof color that's the same as that.

Chairman Pfister commented that the Village Engineer would like to see a calculation for fire apparatus for the turning radius from Oak Street to Arch Street. Another concern brought up by the Engineer is handicap parking, whether or not it's applicable here. Discussion ensued then the Board suggested that Mr. Johnson speak with the Building Inspector regarding handicap parking.

Mr. Daniels suggested the Mr. Hilderbrand define the use of the commercial space. Discussion ensued, the Mr. Hilderbrand decided to define the commercial space as a retail space.

Mr. Hilderbrand stated that he has no problem making it a condition that any tenant of the commercial space must park in merchant parking. That can very easily be included in the lease.

Chairman Pfister reiterated that a variance isn't necessary for the number of parking spaces but is still necessary for the location.

Planner LoBrutto suggested that it be made a condition for approval that merchant's park in merchant parking.

Mr. Daniels asserted that you also have the ability to revisit the law in the future if parking becomes a problem.

Chairman Pfister brought up his concern with the shared entry between the commercial and residential space.

Mr. Johnson replied that that hallway can be blocked off so they don't interject with each other.

Mr. Hilderbrand stated that the original reason for that entry is that the basement is a mechanical/storage/laundry room which will be open to anyone in the building. It's not a problem on my end at all change that. I just wanted to explain why it was there.

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Mr. Johnson explained that there are two other exterior doors, we can close that door off.

Member Musella asked Mr. Hilderbrand if he ever reached out to the owner across the way, 4 Oak Street, about the parking lot.

Mr. Hilderbrand stated that two of his tenants rent space from the owner. He signs year leases with them and requires the renters to provide a copy of registration and insurance and sign a year parking lease. He has spaces for lease all the time.

Discussion ensued regarding providing signage indicating the restricted parking to tenants of the five residential units during a predetermined hours of the day.

Member Musella added that this is probably one of a few sights in the Village where the landlord is providing parking for tenants at least he's helping them out.

Member Musella made a motion to declare Lead Agency for SEQR. Member Pennelle seconded the motion. All present members were in favor and the motion carried.

Member Pennelle made a motion to schedule a Public Hearing for the June 14th 2022 Planning Board meeting. Member Mersand seconded the motion. All present members were in favor and the motion carried.

Member Mersand made a motion to refer the Applicant to the ZBA for the following variances: parking location (Urban Regulations), Lot Coverage (Schedule C), Required Minimum Setbacks on Front Arch Street (Urban Regulations), Required Minimum Frontage Buildout (Urban Regulations), and Garden Wall (Urban Regulations). Member Pennelle seconded the motion. All present members were in favor and the motion carried.

Chairman Pfister reminded Mr. Johnson to overlay what a fire apparatus would do around that corner just so we know what the curb cut would have to be.

Applicant: Sean Hilderbrand
6957-20-986028
21 West Main Street Renovation
Site Plan Application

Curt Johnson, representing the Applicant, described the project as the renovation of a 2.5 story commercial building currently known as Fountain Plumbing and Heating in the B1 Zoning District on the southwest corner of the intersection of West Main Street and Dutcher Avenue. The Applicant is proposing to keep the first story of that building as Commercial Use and entry to the apartments above. There will be three apartments on the 1.5 stories above the commercial space on the first floor. It's currently all commercial so a Change of Use will be need for the upper floors of this building. The lower level of the building would be one or two commercial spaces and the entry. Just for clarification, the existing entry into the Fountain Plumbing building would remain. A new entry into a common space to provide access to the upstairs apartments will be constructed and then there's an existing window which will be turned into a door to get into the other commercial space on the first floor. There is no major change to the site that's existing. We have parking along West Main Street. We're providing a total of eight parking spaces within the existing parking area.

Mr. Daniels asked if there would be any change to the existing footprint of the shell of the building.

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Mr. Johnson replied the only thing would be the two proposed entries that would mimic the existing entries.

The Board asked Mr. Johnson to address the parking lot, fencing and the current storage area on the west side of the building.

Mr. Johnson replied that there are a total of 8 parking spots, one handicapped spot; there will be no change to the parking lot as it exists and stated that a sidewalk might be added in the area between parking and the building which is currently concrete pavement. The west side of the building where there currently is a small storage area will be kept fenced to store refuse and use as outdoor storage and noted that the fencing will be repaired.

Chairman Pfister suggested that Mr. Hilderbrand close the loop on any open C/O's.

Member Musella asked Mr. Hilderbrand if he will do anything to the stone on the building.

Mr. Hilderbrand replied the only real change to the exterior of the building are the windows that will be removed to install doors for the entryway. The rest of the building is going to stay how it is. We're going to try to reuse what's there. We're proposing to repaint the stucco; the trim will be white the stucco will probably be medium gray and that's it. The wall that currently faces Dutcher Avenue will stay exactly the same. The stone wall that wraps around the building in by the church will stay the same. Where there currently is a Fountain Plumbing Sign, that will be replaced that with a new sign, same size, same lighting. All that is existing will stay existing.

Chairman Pfister asked why is there only two dormers up there, what is in the attic.

Mr. Hilderbrand explained that the whole top floor is currently one giant finished space. It's listed as finished storage space. There's currently sprinklers there, a small kitchenette, a full bathroom, heated and cooled.

Member Musella asked Mr. Hilderbrand if they are going to put another dormer up there to balance it out.

Mr. Hilderbrand said that the plan is not really to make major changes to the exterior. Currently we don't own the building, the Lifflands still do. The whole deal in purchasing the building is contingent upon Planning Board approval of getting this Change of Use for that space and a clean title which would take care of open C/O's that may be in the Building Department.

In reviewing Planner LoBrutto comment letter, the Board determined that Urban Regulations don't apply. The Applicant clarified that the larger of the two commercial spaces will be used for his construction business as a design center and office space. The second commercial space will also be an office space. I Just want the Board to be aware that the majority of this building is already finished so the second floor is already sheet rocked, sprinklers, lights, air conditioner heat, everything. We're just changing the use of it. We're making tweaks to it obviously; we have to add a bathroom but it is already a finished space.

Mr. Johnson clarified the type of lighting will be recessed light to match the existing set up.

Ms. LoBrutto asked Mr. Johnson to provide the answer to question E3b of the SEAF and suggested the Board decide whether the survey should be updated or if the requirement should be waived as Mr. Johnson explained the only thing they are potentially adding is a sidewalk on top of the already paved area. She then asked Mr. Johnson if they are proposing any additional fencing.

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Mr. Johnson replied no, there is fencing that goes along the two sides and there is a stone wall.

Ms. LoBrutto pointed out that the estimated value of new construction has not been calculated, that must be submitted to the Board. If there's a light proposed for the new wall sign a spec sheet should be provided for that and detailed architectural information should be provided for the gable entry structure.

Chairman Pfister asked Mr. Johnson to list the details of the gable structure on the Site Plans. Mr. Johnson agreed and offered to provide a paint chip for whatever color is proposed for the building.

Ms. LoBrutto commented that the project does need referral to the County because it's within 500 feet of a County Road (Dutcher Avenue) and suggested the Board should consider declaring intent to be Lead Agency for SEQR.

Member Musella made a motion to declare Lead Agency for SEQR. Member Pennelle seconded the motion. All present members were in favor and the motion carried.

Member Musella made a motion to waive the survey and schedule a public hearing for the June 14th 2022 Planning Board meeting. Member Pennelle seconded the motion. All present members were in favor and the motion carried.

Pawling Commons
71 East Main Street
7056-05-101917

Applicant seeks Site Plan approval for architectural changes to the 3-story, 15 dwelling unit residential building's façade.

Mr. Johnson explained that this is the building that was approved by the Planning Board for 71 East Main Street. Essentially this was brick base to match the existing commercial building. It was a stucco EIFS finish on the upper two stories on that building that's similar to the commercial; dark roof like the commercial asphalt singles and then we have this porcelain tile element which is similar to the commercial building. What we're proposing is actually to modify the materials; keep the brick on the base, keep the roof asphalt shingle tile and modify the material on the upper stories to be hardy board siding in a white clapboard orientation on these elements just in the central portion in the north and south would be a Vertical Board and batten in the same material hardy board.

Chairman Pfister explained that there was prior architectural review of this project and made a recommendation to refer these changes back to the architect for review as far as the full scope of this project is concerned. Mr. Pfister asked Mr. Johnson if the rear building is still going to be stucco.

Mr. Johnson said it may be, I think we'd have to come back before the Planning Board at that point once that is developed but I would say at this point now, as it was approved with the stucco finish, yes.

Discussion ensued regarding which architect should do the review. Mr. Daniels suggested Robert Orr for the review because he was designated by Andreas Duane, who did the Master Plan. There are quite collaborative and he seems to have a pretty good handle on the Village of Pawling and community character. He's already been approved by the BOT. Any other referral would have to be approved by the Board of Trustees.

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Mr. Johnson said are we limiting the review just to the material changes. I don't want to open up a whole can of worms and have to start all over again.

Member Mersand suggested, whoever reviews it, we could just ask for a comparison with what was approved and the material changes and if he has comments beyond that then we're kind of covered already. The Board decides what's relevant.

Mr. Daniels asserted that whatever the architect recommends, it's still the Board's decision. It's not binding.

Ms. LoBrutto suggested providing Robert Orr the documentation from the Village file on the earlier review so he has something to compare apples to apples.

Member Musella made a motion to appoint the Village Architect, Robert Orr, to be the architect who will overlook this projects' changes. Member Pennelle seconded the motion. All present members were in favor and the motion carried.

Adjournment

Member Pennelle made a Motion to adjourn until the next Planning Board Meeting scheduled for Tuesday, June 14th, 2022. Member Musella seconded the Motion. All present members were in favor and the motion carried.

Submitted by:



Vivian Nikolatos
Planning Board Secretary