

Village of Pawling Planning Board Minutes

Date: June 13th, 2023

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

**APPROVED BY
VILLAGE OF PAWLING
PLANNING BOARD**

Also Present: Dave Daniels (Village Council)
Caren LoBrutto (Village Planner)
Curt Johnson, J Group Designs LLC/Architect
Diana Tomassetti, 146 East Main Street
Anthony Danza, Project Engineer/146 East Main Street
Pete Monteleone, Project Contractor

On, **Tuesday, June 13th, 2023 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 Peter Pennelle made a motion to approve minutes of April 4th, 2023 Planning Board meeting. The motion was seconded by Member Jean Milord. The motion passed with all members in favor.

Application: Main Corner Properties, LLC (146 East Main Street Restaurant)

Owner: Main Corner Properties, LLC - Diana Tomassetti

Parcel ID/Zoning District: 7056-09-244711/R2 Zoning District

Based on the May 30th submission to the Planning Board, Curt Johnson presented the Board with before and after renderings identifying the modifications made to the site plan as listed below.

1. Existing brick on the building and chimney that is currently exposed will have stone or trim finish where it's called for on the approved plans.
2. Add trim detail to the southeast side and main entry, as per approved plans.
3. Apply stucco finish over existing brick at stair enclosure under the HVAC roof on the north side of building. Roof in this area is modified from sloped to flat in order to accommodate HVAC equipment. Flat roof area shall receive railing with dark screen behind to mitigate visibility of equipment.
4. Existing restaurant sign will be removed and replaced with new signage to match the previously approved signage with stone veneered base similar to the Pawling sign at opposite corner.
5. Windows will have muntins and shutters, as per the approved plans.
6. Brick half wall at ground floor outdoor area to be removed and replaced with railing (railing to be solid panels – 36" high and less than 6" from patio surface.) Additional decorative column shall be placed adjacent to each existing column and columns shall be full-height.

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7. The brick-faced half wall on the second floor dining area will be removed and replaced with railing, as per approved plans.
8. The existing terracotta roof tile will be removed and replaced with asphaltic-fiberglass architectural shingles (charcoal color) per approved plans.
9. The cedar pergola will be removed and put inside the white entablature that wraps the south end of the outdoor dining area so that it will not be visible from the exterior of the building.
10. The fieldstone veneer and travertine tile that's on the second floor outdoor patio will be removed and replaced with siding and trim per approved plans.
11. The window that was added below the bay at the northeast corner (East Main Street side) of the building adds light into the kitchen which is a nice change so there is no revision.
12. All Hardieboard siding on the building will be painted white/off-white, as per the approved plans.
13. Trim detail at gable on the west side (East Main Street Side) of the building will be modified per the approved plans.
14. Columns with stone bases will be installed at the Main Entrance (Route 22 side) per the approved plans. Entry roof was extended approximately 4', no change is proposed. Columns will be placed to follow this roof extension.
15. All exterior doors at stairwells and kitchen entry to be painted a beige/grey to blend in with the stone finish.
16. Sidewalk on south side (chimney side) of building to be removed. We do think that a generator is necessary on this site because there is going to be a lot of refrigerated items. We're proposing to drop that in elevation a little bit at the existing chimney to be aligned with the chimney face with fence enclosure.
17. A portion of roof within gables on East Main Street side shall be removed to accommodate kitchen exhaust equipment. The area shall be visually screened with railing.
18. One parking space is proposed to be eliminated on the northwest corner of the site to accommodate the installed NYSEG pole and panel location.

Mr. Johnson completed his presentation. Chairman Pfister commented that the applicant's team did a fine job of making this building look like what was originally approved. Planner LoBrutto thanked Mr. Johnson for the thorough presentation. Member Musella asked Mr. Johnson to show him on the renderings where the trim will replace the brick as well as where on the roof the ventilation will be placed and installed. Mr. Johnson showed the Board on the renderings adding that the color of the railing encasing the ventilation will be white like the rest of the building. Member Musella asked Mr. Johnson if the generator is going to be tested once a week for ten or fifteen. Mr. Johnson replied, yes. Member Musella said that he agrees that placement of the generator by the chimney will be the best location for the residences to the north of the restaurant. Member Musella asked if it is going to be placed below the railing so that it won't be visible. Mr. Johnson said, yes, we can remove that sidewalk, which isn't necessary and we can depress that grade a little bit and push that whole thing down approximately 18 inches. Member Musella asked for clarification on the size of the generator. Mr. Johnson replied that it will be smaller in size stating the applicant's main goal is to keep refrigerated items frozen and provide emergency lighting. Member Musella commented that this is quite a change that has been a long time coming and said I've been pretty vocal about the changes that were made to the plan so I want to take this opportunity to thank the Tomassetti's and everybody to come to this conclusion so it can be a nice presentable building to the Village. Member Pennelle said thank you for changing the roof it now blends with the character of the area.

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Member Mersand asked if the generator is getting fed by propane. Mr. Johnson replied, yes. Chairman Pfister asked for confirmation that everything else will be built to the approved site plan. Mr. Johnson replied, "Yes". All of the curbing and stuff that was part of the approved site plan, we'll be following that so we're going to have to take a lot of that out. Chairman Pfister said he just wants to make sure that this is understood. Mr. Johnson replied, "Correct."

Chairman Pfister asked Village Council, Dave Daniels, to update the Board on where it is regarding SEQRA. Mr. Daniels explained that it's not necessary to reissue the negative declaration because the additional information that was required in rescinding the negative declaration is in the form of bringing the application back into conformance with the original site plan. Now the application is now in conformance with the original site plan, there's no reason to disturb the negative declaration issued in October of 2020. Before voting on the resolution, Member Pfister asked for confirmation that the applicants will address the lack of screening on the adjacent property (140 East Main Street). Mr. Johnson showed the Board on the rendering where they will plant a row of evergreens on 140 East Main Street property providing screening from the noise and lights from cars on the north side of the property. There was discussion regarding what type screening was on the approved plan, the type of evergreen and spacing. Mr. Johnson said the forsythia will be replaced with salt tolerant evergreen and the spacing will be 8 feet apart. On the east side of 140 where the concrete pad is located, the concrete pad will be removed and additional screening will be considered for that location. Chairman Pfister asked if there needs to be an agreement of some sort with the owner of 140 East Main Street since it's not exactly the same owner. Mr. Daniels said that the permanent screening on 140 East Main Street can be made a condition for approval of this resolution. Village Engineer, Ed Larkin, said he doesn't have any concerns. All changes that have been discussed have been reviewed at the building permit level with the caveat that the applicant required approval from the Planning Board. We have no concerns with any of the technical or code aspects of the proposed changes. Member Milord asked if the foundation planting going around the perimeter of the building is part of the original landscaping plan. Mr. Johnson replied, yes, and said the applicant's agreed to add more on the East Main Street side between the road and the dining area.

Chairman Pfister asked Mr. Daniels for clarification on the procedure for the stop work order. Mr. Daniels explained the stop work order is not the responsibility of the Planning Board; however, there is still the issue of the Planning Board escrow appeal. Mr. Daniels asked Planning Board Secretary, Vivian Nikolatos, to confirm the current balance in escrow. Ms. Nikolatos replied that there is a current escrow balance of \$3,907.47 which covers the \$2,563.74 in disputed consulting fees. Once that is paid, it would leave a balance of \$1,343.73 in escrow. Mr. Daniels explained that it would make the process less complicated if the applicant were to withdraw this fee appeal on escrow. Applicant, Diana Tomassetti, informed the Board that they will withdraw the escrow appeal. Chairman Pfister said he would like to bring the remaining escrow balance up to \$2,000.00 to hold in escrow to cover any additional fees that might be incurred during this meeting. Ms. Tomassetti agreed to bring the account balance to \$2,000. The Secretary will pay the past due consulting fees and forward those documents to Ms. Tomassetti. Mr. Daniels said for the purpose of tonight's meeting, the next step for the Planning Board is to approve the proposed resolution stated as follows: "Finding that the project, as modified by the latest revisions, will not result in any significant and adverse environmental impacts. Therefore, the negative declaration issued on October 13th 2020 remains in full force of affect with respect to the project as modified. A positive declaration will not be issued with respect to the project."

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Member Musella made a motion to approve the resolution as stated. Member Pennelle seconded the motion. All members were in favor. The motion passed.

Chairman Pfister asked if the Board needs to approve the minor changes to the modification to the site plan. Ms. LoBrutto said, yes, you need an approved plan on file.

Member Pennelle made a motion to approve the modified site plan dated and submitted to the Planning Board on May 30, 2023 with the condition that Planning Board will receive a letter from the property owner of 140 East Main Street stating that screening that will be placed on the property will remain in place permanently. Member Milord seconded the motion. The motion passed with all Members in favor.

Ms. Tomassetti asked how soon they will be able to get back to work. Mr. Daniels replied the next step will be for the applicant is to contact the Building Department and workout the issues there.

Old Business

Application: 28 Walnut Street Major Subdivision

Brian & Jean Senno

28 Walnut Street

Parcel ID/Zoning District: 6957-20-971145/R3 Zoning District

Chairman Pfister explained that major subdivisions fall under the Urban Regulations. The Type III Infill House is the part of the Urban Regulations the applicant's need to follow. Ms. LoBrutto added that the project is considered a major subdivision because it requires new water and sewer hook-up. In the Village Code that, among other things, is what qualifies it as a major subdivision. According to the land designation map in the Comprehensive Plan, this site requires new development under the Urban Regulations to be of a Type III Infill House design. As part of my planning review previously it was told to the Applicant's that they should demonstrate compliance. They found the diagram to be illegible so we are providing them with a more legible copy so that they may use that and demonstrate compliance. At this time we're not foreseeing any major issues with it but we just need to know additional, if any, variances they would need to have a site plan that we can circulate as part of SEQRA that is up to date on all requirements. At this point, they still need to provide their "No Affect" letter from SHPO. They're also going in for a DEC Wetlands Permit and so I think we just wanted to see that they had the wetlands flagged on site by the DEC Rep. Members of the Board confirmed that the wetlands have been flagged. The applicants still need to provide DEC and SHPO correspondence as well as we still need to schedule a public hearing as well as the applicants need to obtain any required variances. We're essentially waiting for them to resubmit with their demonstration of how they comply.

Discussion ensued regarding ambiguity of the application fee for subdivision. Mr. Daniels advised the Board to make a recommendation to the Village Board of Trustees to clarify the two columns of fees and update the fee schedule.

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Chairman Pfister made a motion to make a recommendation to the Board of Trustees to clarify and update the two columns listed on the Fee Schedule for subdivisions. Member Pennelle seconded the motion. The motion passed with all members in favor.

Adjournment

Member Musella made a motion to adjourn until the next Planning Board meeting scheduled for Tuesday, July 13th, 2023. Member Mersand seconded the Motion. The motion passed with all members in favor.

Submitted by:

Vivian Nikolatos
Planning Board Secretary