

# Village of Pawling Planning Board Minutes

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Date: April 12, 2022

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

Absent: Adam Muroski, Member

Also Present: Caren LoBrutto, Village Planner  
Dave Daniels, Attorney for Village of Pawling  
Ed Hauser (Pawling Free Library)  
Brian Avery (Pawling Free Library)  
Sean Hilderbrand (5 Oak Street Renovations)  
Diana Tomassetti (Main Corner Properties)  
Ben Gailey, Jacobowitz and Gubits, LLC  
Lauri Taylor, Village of Pawling Mayor

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On, ***Tuesday, April 12<sup>th</sup>, 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 March 8<sup>th</sup>, 2022 Planning Board meeting. The Motion was seconded by Member Mike Mersand. All present members were in favor.*

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

Mr. Hauser explained that this proposal consists of two projects. The first, project is an addition on the east side of the building for an ADA compliant bathroom. The current bathroom in the library does not meet the ADA requirements. The library received a **Community Development Block Grant (CDBG)** from Dutchess County for the lavatory.

Mr. Avery explained that the second project is for the addition of a children's activity room on the west side of the building. The addition of the children's activity room would provide a more conducive space for the children's program. As it is, the children's space is located in the front of the building right by the front entrance. The addition would provide a separate space away from the front entrance shielding the children from outside elements when the front door is opened as people come and go as well as create a separate door that can be closed when the children are in program shielding sound from children's activities from the main part of the library. Another benefit of the addition is having storage in that space which will be a huge help for efficiency of operation to be able to keep the supplies for the kids program right there and have them at hand.

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Mr. Hauser explained it's an allowed use in the B1 Zoning District, there will be no change in topography and he explained that, currently, there is no rain water drainage because the drains are plugged up so this project includes repairing the drainage to get the system working properly. The funding for the second project comes from the Learn, Play, Create Grant from Dutchess County.

Mr. Hauser explained that the only thing that's missing from the application is the survey and due to a backlog with the surveyor, they were not able to obtain a recently certified survey. He said they have a survey that was done by Joe Zarecki about ten years ago and they're trying to get that re-certified. Mr. Hauser pointed out that that due to the time limitations of the grants, he was hoping to be able to fast forward the Site Plan approval process as there is \$50,000 at stake.

Chairman Pfister referred to Section 98-63 of the Code. Stating that the powers of the Planning Board only authorize the Board to approve modifications/disapprove a site plan applications. The Planning Board does not have the authority forego the Site Plan approval.

Mr. Daniels asked if the applicant had a copy of the requirements for the grant.

Mr. Avery replied that he would be happy to supply that document but doesn't have it with him presently then explained that the Learn, Play, Create Grant is triggered when Dutchess County deposits the money in the bank account and at that point there is six months to spend that money.

Mr. Daniels asked if it's a matter of spending the money in the account or putting the shovel in the ground.

Mr. Avery replied it's not specifically having a shovel in the ground. It can go towards anything that has to do with the project. There has to be an outlay of expenses and documentation of the progress that has been made.

There was discussion regarding the terms of both Grants and how the timing of the approval process might affect grant expiration restrictions and the possibility of applying for extensions.

Ms. LoBrutto explained that if the Pawling Free Library is an institution chartered by the University State of New York State Education Department, school districts are exempt from Zoning. If this is the case it could help this project move along quicker. Mr. Daniels said he will look into that.

Ms. LoBrutto pointed out that a full zoning review needs to be completed which could possibly result in some area variances. If this is the case, then there will be an involved agency (the Zoning Board of Appeals) which would lengthen the process to some degree because then there would have to be a 30 day circulation for SEQR to other involved agencies. Another possible involved agency would be the Pawling Joint Sewer Commission. Ms. LoBrutto asked if more toilets will be added. Mr. Hauser replied that one more will be added.

Mr. Daniels asked if they were doing anything on the inside that will change the existing footprint. Mr. Hauser replied, "No, it's all outside in the out cove, nothing in the existing footprint."

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

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Chairman Pfister referred to Curt Johnson, architect for the project, for his presentation. Mr. Johnson said there's an existing property on the corner of Oak Street and Arch Street and an existing one story commercial building. The applicant is proposing to add to the foundation on the south side and east side of the property, add a full second story on this building and bring the second story out to Oak Street and further to the south towards Arch Street. It would have 1,200 square feet of commercial space, about a 1,000 square feet of net commercial space on the first floor with one of the apartments in the rear corner of the expanded building. The second floor will consist of four apartments so in total it will include a commercial building with five residential apartments on the property. There is space for five parking spaces along Arch Street which is essentially in the existing curb cut and parking area that's there now.

Chairman Pfister referred to Ms. LoBrutto for review of her Zoning Analysis. She stated that per Local Law 1 of 2014 the Planning Board can determine the number of parking spaces required for this development at the same time, this local law also states that you cannot park in the front yard so an area variance from the ZBA related to the location of the parking is still required. Both the Chair and Ms. LoBrutto confirmed that Urban Regulations apply to this project. Other permits and approvals include: Pawling Joint Sewer District Connection, Pawling Water Connection, Planning Board Site Plan Approval, and Planning Board Special Permit Approval – Ground floor apartment per Local Law 1 of 2018.

Mr. Johnson asserted that Local Law 1 of 2018 eliminated the density requirements.

Ms. LoBrutto replied that it eliminated the density requirements in the Bulk Schedule. Moving on with her review, Ms. LoBrutto's comments suggest the Applicant should provide rationale for how the project meets the supplemental criteria from Local Law 1 of 2018: "The Planning Board shall determine for such special permit that due to the nature of the business, the location of the building, unsuitable public parking, unsuitable sidewalk amenities or other conditions unfavorable for retail and commercial uses exist, that residential use of all or a portion of the ground floor/first floor may be permitted. In addition the Planning Board may base such determination in part on the first floor/ground floor being suitable for use by disabled persons" and any other vulnerable population that might prefer such."

Mr. Johnson replied the commercial space is proposed to be in an L shape that faces both of the streets. The one apartment on the ground floor is in the back corner and since this building was not required to have an elevator that provided a unit that could be accessible for someone with a handicap.

Ms. LoBrutto asked Mr. Johnson to clarify how parking is allocated.

Mr. Johnson replied there are five parking spaces on the site. With the idea of commercial parking during the day and residential parking at night, one parking spot will be shared with merchant parking and other parking in the immediate vicinity.

Ms. LoBrutto replied since the Planning Board will now determine what is suitable, she suggested the Applicant put the parking rationale in writing to the Planning Board for the file.

Mr. Johnson agreed to put the parking rationale in writing and agreed to re-calculate the floor area ratio and correct the Bulk Table.

Ms. LoBrutto states going forward, the Board would like to see additional detail on exterior lighting, photometric plan.

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Mr. Johnson commented that there are two street lamps and explained that the applicant is proposing to provide recessed can lighting in the covered areas. There isn't going to be building mounted lighting per say it's just underneath the overhangs on the first story to provide that walkway with light.

Ms. LoBrutto asked if that light source would be sufficient.

Mr. Johnson replied yes, they basically light the whole corner.

Member Musella agreed.

Further discussion ensued regarding signage, lighting for the signage, sidewalk access and parking and Ms. LoBrutto concluded her review.

***For full details of Village Planner's review Zoning, Environmental and Site Plan analysis, see attached Labella Memorandum dated: April 7, 2022.***

Chairman Pfister asked if the Board is ready to declare Intent for Lead Agency and asked if all of the variances that are needed have been identified and defined for the ZBA

Ms. LoBrutto said, yes, it's not as carefully defined as I think we'll need it to be but we know enough to know it needs to go to the ZBA and so we'll circulate to them so it doesn't hold that up.

Mr. Johnson asked if the Board will be drafting a referral letter to the ZBA with variances spelled out.

Ms. LoBrutto stated, "Yes, generally in my letter I spell out what they are. There are a few here that seem a little uncertain to me or I'm not sure exactly how we should proceed with those. Yes, in practice the Planning Board has been making referrals to the ZBA to keep everyone in line with knowing what's happening but I don't think we're quite ready to make that referral yet." She explained that you have to wait 30 days to declare Lead Agency it doesn't mean you have to determine the significance for SEQR in 30 days. You're not obligated at the 31 day mark to declare Negative Declaration or Positive Declaration. So we have time to figure out exactly which variances are required.

*Member Pennelle made a motion to declare Intent to be Lead Agency pending the submission of the changes required by the Village Planner, Caren LoBrutto. Member Mersand seconded the motion. All present members were in favor.*

**Applicant: Main Corner Properties (Diana Tomassetti)  
146 East Main Street Appeal  
7056-05-040992**

Architect, Curt Johnson presented the modified Site Plan to the Board, discussion ensued. ***All documents presented to the Planning Board are on file at the Village Hall.***

Chairman Pfister commented that the project has deviated so far from the design originally approved. The Board feels that it would be prudent for all involved parties to hire a design professional to review the project in order to make the appropriate changes as none of the Board members are experienced in design. He explained that the

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Board didn't call for architectural review originally because the initial renderings were in keeping with the character of the community.

Mr. Johnson asked what the biggest issues are right now.

Chairman Pfister said the Board would like some kind of guarantee regarding the roof. The Board is not confident that a painted roof is necessarily the right solution in terms of longevity of the painted material.

Mr. Johnson said it's a product created by Sherwin Williams for this application. Sherwin Williams, the company that manufactures this product, recommends it for this application.

Chairman Pfister asserted that the Board would like to put forth a resolution for the Board of Trustees to hire an architect to review these changes and make sure that it does fit into the community character.

Member Musella commented that he has been on record on more than one occasion voicing his frustration with the way this project has progressed. "It's certainly not what we approved. Brown brick, knee walls, first and second floor, a brick sign, a design in the chimney we didn't approve, a terracotta roof we didn't approve, there is just so much here that completely disregards the importance of this particular piece of property coming into the Village. If you look at the Comprehensive Plan, as we all have, it's the gateway to Pawling, the "Pride of the Hudson Valley." The way this building is right now, it doesn't belong in Pawling. I'm not criticizing the integrity of the construction of the building, just the mish mosh of building materials. I find that rather insulting as a member of the Planning Board to have put so much time and effort into a particular project, approve a particular project and yet have an applicant go rogue on what the Board approved and absolutely do whatever they wanted to do. The roof is a perfect example, you continued to lay the roof after the stop work order was issued and now I'm put in a position where I actually have to compromise between painting the roof tiles and telling you to take it off. It's an unfair position to be in."

Mr. Daniels pointed that the Board might want to cover the SEQR issues first. He explained that whenever there's a change to a project application, the Board should be taking a hard look at SEQR, whether those changes have any environmental impacts on the project. The Board is not required to re-open SEQR. The Board is looking at the environmental issues in the context of SEQR but leaving the status quo while doing that.

*Member Pennelle made a Motion per Local Law #1 of 2009, the Planning Board adopt the resolution that the Board of Trustees appoint an architect (see attached Resolution). Member Musella seconded the Motion. The board voted as follows:*

<b>Member</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
<b>Chairman Robert Pfister</b>	X		
<b>Lou Musella</b>	X		
<b>Mike Mersand</b>	X		
<b>Peter Pennelle</b>	X		
<b>Adam Muroski</b>			X
<b>Motion Carried</b>	<b>4</b>	<b>0</b>	<b>1</b>

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## Adjournment

*Member Musella made a Motion to adjourn until the next Planning Board Meeting scheduled for Tuesday, May 10<sup>th</sup>, 2022. Member Pennelle seconded the Motion. All present members were in favor.*

Submitted by:

Vivian Nikolatos  
Planning Board Secretary