

Village of Pawling Planning Board Minutes

Date: February 8, 2022

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

Also Present: Caren LoBrutto, Village Planner
Jonathan Bardavid, Attorney for Village of Pawling
Curt Johnson, Jantile Group Architect – Pawling Commons
Sean Hilderbrand (5 Oak Street Renovations)
Kyle Barnett, Attorney VanDeWater & VanDeWater
Emma Carlson (Pawling Brewing Company)
Lauri Taylor, Mayor

APPROVED BY
VILLAGE OF PAWLING
PLANNING BOARD

318/22

On, *Tuesday, February 08th, 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 June 16th, 2021 Planning Board meeting. The Motion was seconded by Member Peter Pennelle. Member's Adam Muroski, Chairman Pfister were in favor, Member Mike Mersand abstained.

Member Lou Musella made a Motion to approve minutes of the January 11th, 2022 Planning Board meeting. The Motion was seconded by Member Mike Mersand. All were in favor.

Pawling Brewing Company (O'Connor's Public House)

Emma Carlson

Sketch Conference

Village Attorney Jonathan Bardavid recused himself. Attorney Kyle Barnett stepped in as acting attorney for the Village of Pawling as it pertains to Pawling Brewing Company Application.

Emma Carlson presented the Board with inspiration photos. Ms. Carlson explained that Joe Downey has been interested in selling two pieces of his property to the Applicant. One piece is currently rented by the Applicant and is being used as a beer garden (patio) at O'Connor's Public House. The proposal is to expand O'Connor's Public House into potentially a larger beer garden or brew pub. Ms. Carlson explained that they have spoken to a company about potentially brewing their own beer on site. She said they are in the preliminary stages and they realize they will need to run this through the state liquor authority. They have an expert who is looking into this to ensure that this is something that is legally permitted from state perspective. She further explained potentially partnering with Sun Flower Bakery to provide charcuterie boards or some kind of fun meal options for diners to enjoy with whatever Pawling brewed beer they come up with. With easy access to the train, the Applicant envisions creating a regional attraction that would attract people from the city to Pawling with the train making it easy access.

Village of Pawling Planning Board Minutes

Chairman Pfister asked the Applicant how the two properties will be connected.

Ms. Carlson explained that the plan would be to knock down the fence, expand that section and put some picnic tables out there for a kind of interim use and over time potentially add another structure to put brewing units in. She explained that the company that we're looking at sells tanks that take up a very little square footage. We would have a small room where we could brew up to three different beers a week, brew them off into kegs and then starting of new cycle. That would be kind of like a middle term plan and then as a long term plan potentially partner with Sun Flower Bakery. They are doing very well and the space they are currently in is very small and they are very interested in branching out their operations. First expanding their coffee business then over time moving to a Charles Colman storefront large operation. The patio of O'Connor's would be kind of the back portion and then the storefront would be on Charles Colman Blvd. That would be a few years down the road for Sun Flower Bakery to utilize.

Member Musella asked how much larger the space they are purchasing from Joe Downey is.

Ms. Carlson replied right now it's approximately 800 square feet. In total it will be a little over 5,000 square feet which is significantly larger. The plan is for 2,000 square feet to be dedicated to O'Connor's Brew Pub and the brewery and the 3,000 square foot portion would be dedicated to Sun Flower Bakery.

Member Musella asked if the expansion will go further north and east.

Ms. Carlson replied that it will go in both directions.

Member Musella asked if the structure will come out to Charles Colman.

Ms. Carlson replied that because we're in such preliminary stages of this, we would probably only utilize about half of the space in the interim but over time we would want to expand that back area, maybe have some beer games back there so maybe not so much seating but more standing/activity space and the brewing tanks would take up some space.

Chairman Pfister asked how much frontage is Joe Downey willing to give up.

Ms. Carlson said 50 feet.

Chairman Pfister asked if they would stay in the lease with the current owners.

Ms. Carlson said, yes, we would stay in the lease with the current owner. We have a long-term lease for the O'Connor's space. Right now the patio space is being leased from Joe Downey so we would move that lease to ownership.

Attorney Kyle Barnett asked if Mr. Downey is looking to subdivide.

Ms. Carlson said, "Yes, that was something we would also want to come back to the Planning Board to discuss the further along we got in the process, at what point that would be something we would need to discuss. There would need to be a change of use on that land and then the subdivision on the property as well because he would keep his business ongoing for that remaining section.

Village of Pawling Planning Board Minutes

Member Musella asked where access to the beer garden would be.

Ms. Carlson explained that there would be a new entrance on Charles Colman Blvd.

Chairman Pfister said what makes this complicated is the lease with the current owner of O'Connor's.

Ms. Carlson said, yes, we're in a long term lease right now on that property but would definitely need to consider negotiating with the landlord further.

Chairman Pfister asked if Sun Flower will eventually move its entire operation to the new space.

Ms. Carlson explained that Sun Flower has a long term lease as well that renews every few years. In the beginning stages they would move the whole sale and coffee operation and making their storefront on Charles Colman Blvd. They will be splitting their operations, for the time being, while they have these two locations and potentially build a larger building on Charles Colman Blvd to run the complete operations out of there.

Chairman Pfister said, I think generally you would probably receive positive public feedback about the project. I think it's just a matter of making it work with those two separate pieces of property.

Attorney Kyle Barnett asserted setting aside the property issues that you're going to end up running into which may make things a little bit complicated, what I would also emphasize today is, to whatever plan you intend to do ultimately, it should probably all be included in a single site plan application because you don't want to get into segmentation issues. It can be phased out but submit it all in one site plan application.

Rob Carlson added, we've been tossing around these plans for quite a while and it occurred to us that we're possibly proposing lots of things that could be quite significant for the Board to consider. We didn't want to mash everything together and then come to you guys with this big idea without any input from you in terms of what would be possible.

Mr. Barnett explained that the property issue is probably a little bit of a challenge. That is threshold issue before you even get to the larger, more ambitious plans that you have proposed with this project. Let's see what issues presents itself with that problem before getting too far along down the road because obviously this is much different than what was originally envisioned. The idea of being a tenant on the main portion of the operation while there's another aspect of the business on another piece of property that you will end up owning, presents a problem.

Ms. Carlson asked, "From your perspective, if Sun Flower Bakery were to buy the property and O'Connors was to continue leasing that property from Sun Flower instead of Downey, and Sun Flower Bakery kind of had their plan to building in the future but O'Connor's kept renting as this brew pub, would that make the issues more complicated, less complicated?"

Mr. Barnett replied that the relationship there might be quite the same. It's perfectly feasible that if Sun Flower Bakery ends up giving or selling that property to a third party or it ends up in the hands of somebody else, the same issues will still be present and suggested the Applicant speak to an attorney who does real-estate to see if they have can come up with creative ways to address this issue.

Member Musella commented that the concept is great and Pawling is a great town for it.

Village of Pawling Planning Board Minutes

Mr. Barnett asked if there is any possibility or potential that O'Connor's itself would acquire the Downey property.

Ms. Carlson said it's not off the table but it's probably quite down the line. Only because it's my understanding that the landlord wants to sell the whole thing. If he does sell it at all, he wouldn't want to sell it in pieces. I can't speak for him but that was the impression that I got.

Chairman Pfister asked Village Planner Caren LoBrutto to weigh in on 'passing through the bakery to get to the beer garden aspect of the business.'

Ms. LoBrutto said she doesn't see any reason, yet, why it would be problematic.

Ms. Carlson replied if there were to be a new structure, in front of where the beer garden would be we would have a separate entrance to the beer garden itself to avoid wading through the bakery in order to get to beer garden in the back. There would be an entrance on Charles Colman Blvd. and then another entrance on Broad Street, the current entrance to O'Connor's.

Mr. Barnett asked what the timeline is.

Ms. Carlson stated that this was the first step. We wanted to see if we would get positive response from the Planning Board. I'm not sure how long it would take to iron out the property issues, maybe a few weeks. We would also want to do an environmental report to make sure that piece of property is a good investment for us. I highly doubt that would be by this summer but maybe.

Mr. Barnett commented that there is still some due diligence to do on the piece next door.

The session concluded, Attorney Kyle Barnett excused himself.

Applicant: Sean Hilderbrand 5 Oak Street Renovation Sketch Conference

Mr. Hilderbrand explained that 5 Oak Street is in the B1 Zone, its mixed use zoning and he is looking to expand out towards Oak Street and Arch Street. The intent is not to knock the building down, it's to expand out and go up one floor. In total it would be a two story building. Commercial will be on the first floor that faces both roads with a residential apartment on the first floor towards the back corner and then four residential apartments above on the second floor. The look of the exterior of the building, is modeled after the 7 Oak Street building next to it with similar height, roof lines and brick facade that goes approximately 3 or 4 feet up under the commercial windows and the same type of exterior lighting under the overhangs to provide lighting for the pedestrian walkway and for tenants when they're coming in and out at night time. The intent is to create a cohesive look on that corner to bring a little more commercial life back to that side.

Member Musella asked to confirm that this is a renovation and the building will not be knocked down and just that the current structure will be expanded upon.

Mr. Hilderbrand said, yes, this is a renovation. We do not plan on knocking the building down. It will not be a new structure. The foundation as it sits right now will essentially stay and a new foundation will be created for the expansion but we'll be moving out (approximately 8 to 10 feet) to the property line on Oak Street facing Chamberlain Physical Therapy, then to Arch Street toward the Dutcher House. That would be expanding out

Village of Pawling Planning Board Minutes

because right now it's a very deep parking lot there so the building will be expanding out to allow space for five parking spots in a row.

Member Musella asked how many apartment will there be.

Mr. Hilderbrand said five. Four on the second floor and one in the back corner.

Member Musella asked how many parking spaces.

Mr. Hilderbrand said, five, one parking spot per apartment.

Member Musella asked if the buildings are going to be attached.

Mr. Hilderbrand said, no they are detached.

Village Planner Caren LoBrutto asked if he had any ideas for potential tenants for the commercial space.

Mr. Hilderbrand said, not yet. Its mixed use so obviously it can be varied but it's still in the planning phase as far as the rental part.

Ms. LoBrutto asked if he had determined if he needs any variances.

Mr. Hilderbrand said to the best of my knowledge, I don't believe we do.

Ms. LoBrutto asked if the parking spaces meet the requirements.

Mr. Hilderbrand said I know the Planning Board requires one space per apartment, which we obviously have. With regards to the commercial space, we plan on being able share five spaces between the commercial and the residential. Any tenant that's in a commercial space, there's merchant parking literally right in front of the store right by the Dutcher House. So we plan on the tenant using the merchant parking as they should to keep the space freed up.

Ms. LoBrutto asserted that as part of his submittal he would need to do a shared parking analysis to demonstrate how the peak periods differ between the two uses and the parking demand per use using the Institute of Transportation Engineering Codes for parking demand per use and then compare that to the five spaces supplied so that the Board can determine if there is going to be adequate parking for the proposed commercial and residential uses.

Mr. Hilderbrand asked how that can be done without knowing who the tenant is going to be.

Ms. LoBrutto explained that you would have to make some assumptions (i.e., retail, general commercial). Break it down to the most likely of suspects and then run your analysis using the most conservative so that should things change in the future, you're covered. The code does not technically provide for shared parking as a permitted use on the site. They do allow for waivers of parking and I would have to look at the code more carefully to know if that applies here or not. You would essentially demonstrate through a shared parking analysis that you're providing the adequate amount of parking for all uses involved and then you would seek the waiver.

Ms. LoBrutto further explained what we like to see as far as completing the submission materials is a stamped survey both digital and printed out at scale and suggested that Mr. Hilderbrand look through the Site Plan Review

Village of Pawling Planning Board Minutes

section in the Code. It lists, explicitly, information as to what's expected over the course of a Site Plan Review. You may not have it all at the beginning and if that's the case than you would need to demonstrate what those are in the form of a waiver request.

Mr. Hilderbrand asked other than the survey and the parking analysis, if there anything else that is specifically missing. Just to be clear when I come before the Board next time.

Chairman Pfister suggested Mr. Hilderbrand look at 98-65 (F) in the Code. There's a checklist with 21 items.

Ms. LoBrutto listed the items in detail and advised, since it is a mixed-use development with residences and commercial uses, Mr. Hilderbrand should submit the full EAF form.

The Board determined that initial escrow amount for the Site Plan Application should be set at \$2,500.00.

After a brief discussion regarding merchant parking and the possibility of needing a variance for building placement, the session concluded.

Pawling Commons

63-71 East Main Street

Applicant: KJ – Rant Realty, LLC

Special Use Permit/Amended Site Plan

7056-05-101917

Curt Johnson, representing the Applicant, explained that a minor modification was made to the Site Plan to illustrate proper fire access to the site which will accommodate an aerial fire apparatus. Mr. Johnson explained that this change resulted in a small reduction in parking spaces; however, this does not affect the parking waiver that was previously granted due to the reduction of the new third building from three stories to four stories.

Mr. Bardavid referred to a Labella Associates memorandum indicating that the fire code concerns have been addressed and approved (see attached.)

Member Musella expressed his concern that after the third building is built, the possibility of the old AG Market staying vacant in its current unsightly condition and would need some assurances that the project is going to move forward and be completed in a reasonable amount of time.

Mr. Johnson replied, "That building (AG Market Bldg.), as we discussed last time, we're going to take that down and build within the same footprint so I think it behooves the owner who is going to be building high-end apartment buildings to take that building down and just leave the pad there until we're ready to build it. It doesn't make sense to try to rent these units and have a vacant building standing there that's vacant."

Mr. Bardavid explained that are provision is the Code that note a Certificate of Occupancy for the project can't be obtained until the project is completed in full.

Member Musella asked if Mr. Johnson has a time frame on when that would happen.

Mr. Johnson replied stated that he believes that building will be taken down pretty soon.

Mr. Musella asked Mr. Johnson if he had any idea when the AG Market building would be reconstructed.

Village of Pawling Planning Board Minutes

Mr. Johnson replied, "I can't guarantee when this (AG Market) will be built. This (New Third Building), we're looking to start as soon as possible, get this one (New Third Building) done and then focus on that one (AG Market Building). Again, the water issue and all that has to all fall into place." Stating that it doesn't make sense for the owner to keep that building up while trying to rent high-end apartments right next to it and believes the demolition of the AG Market will begin early in the timeline.

Chairman Pfister reviewed the resolution (see attached).

Mr. Bardavid commented that Certificate of Occupancy will be conditioned upon the plans, specs, water and everything indicated in the resolution, etc. He further stated that he has to do more research of the Performance Guarantee Provision and the possibility of requiring a bond in place to ensure the AG building is completed. The amount of the bond would have to be decided by this Board but it's something that would take place at the Certificate of Occupancy phase, not at the Planning Approval phase. The Code states that no Certificate Occupancy will be issued unless the entire project is completed.

Member Pennelle made a Motion to pass the Resolution for the Special Use Permit for Pawling Commons. Mike Mersand Seconded the Motion. All were in Favor.

Chairman Pfister commented that there are some mixed feelings of whether or not there should be the third building on the lot; however, for the Special Use Permit where the building is, it does seem to make sense to have residences on the first floor as it stands now.

Member Pennelle made a Motion to pass the Resolution for the Amended Site Plan for Pawling Commons. Member Muroski Seconded the Motion. All were in Favor.

Adjournment

Member Musella made a Motion to adjourn until the next Planning Board Meeting scheduled for Tuesday, March 8th, 2022. Member Mersand seconded the Motion. All were in favor.

Submitted by:

Vivian Nikolatos
Planning Board Secretary

FILED WITH
FEB 16 2022
VILLAGE CLERK

At a Meeting of the Village of Pawling Planning Board held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 8th day of February, 2022, at 7:00 PM

RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF PAWLING

Identifier: Amended Site Plan Pawling Commons

The meeting was called to order by Chairman Robert Pfister and the following were:

P R E S E N T:

___ Chairman Robert Pfister
___ Lou Musella
___ Adam Muroski
___ Peter Pennelle
___ Michael Mersand

The following Resolution was proposed by **Peter Pennelle**, who moved its adoption, and seconded **Adam Muroski**.

WHEREAS, on or about September 11, 2018 the Planning Board granted an application from the Owner of 63 East Main Street, Village of Pawling (the “Applicant”) for an amended site plan to a) reconstruct the existing 8,400 square feet former AG building with ground floor commercial space on the building denominated as 67 East Main and to construct three additional stories on the existing building to include 33 apartment units and b) to construct a third building on the site denominated as Building 71 consisting of four stories exclusively for residential use, including 20 apartment units; and

WHEREAS, on September 11, 2018 the Planning Board granted the Applicant a special use permit for Building 71 pursuant to Local Law 1 of 2018 which allows “residential uses to be substituted for all or a portion of the retail/commercial space on the ground level/first floor of such shopfront commercial/retail-residential buildings in certain areas of the B-1 district;” and

WHEREAS, the Special Use Permit subsequently lapsed; and

WHEREAS, the Village of Pawling Planning Board (“the “Planning Board”) received an application from the owner of the Premises for a special permit for the third building from the Planning Board per Local Law (LL) 1 of 2018, which allows “residential uses to be substituted for all or a portion of the retail/commercial space on the ground level/first floor of such shopfront commercial/retail-residential buildings in certain areas of the B-1 district;” and

WHEREAS, on June 16, 2021 the Planning Board issued a conditional negative declaration pursuant to SEQR, the conditions of which are now incorporated into this resolution; and

WHEREAS, on or about December 15, 2021 the Zoning Board of Appeals granted the Applicant a variance from Section 98-11 (A) of the Village Zoning Code for the construction of a third building on the project (Building 71) on the condition that said third building did not exceed three stories; and

WHEREAS, on or about December 15, 2021 the Zoning Board of Appeals granted the Applicant area variances for building placement of Building 71 (required front setback, maximum building depth, and minimum frontage buildout), as reflected in the minutes of the December 15, 2021 Zoning Board of Appeals meeting; and

WHEREAS, on or about December 15, 2021 the Zoning Board of Appeals granted the Applicant an area variances for the building height of Building 67 as reflected in the minutes of the December 15, 2021 Zoning Board of Appeals meeting; and

WHEREAS, as a result of changes requested by the Planning Board as well as conditions imposed by the Zoning Board of Appeals with regards to the variance issued pursuant to Section 98-11 of the Village Code the Applicant has submitted an Amended Site Plan

demonstrating that Building 71 would be three stories with an associated reduction of dwelling units from 20 to 18, Revised January 24, 2022 and has sought approval thereof;

WHEREAS, the Planning Board has reviewed the application for site plan approval and the documents submitted therewith; and

WHEREAS, the Planning Board has reviewed the criteria for site plan approval set forth in Section 98-65 of the Code of the Village of Pawling and determined that site plan approval with conditions is appropriate; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby approves the application for Amended Site Plan, revised January 24, 2022, for Pawling Commons, subject to following conditions:

1. Vehicular circulation around Building 67 may only proceed one-way as reflected on the Amended Site Plan;
 2. All landscape plantings shall be maintained in healthy condition at all times. Any dead or diseased plants shall be replaced “in kind” by the owner of the premises;
 3. Architectural finishes to be completed in accordance with the plan and related materials submitted to the Planning Board at the January 11, 2022 Planning Board meeting;
 4. Outdoor lighting at the site shall not exceed the foot candle values shown at the property line as shown on the Sternberg Photometric Plan, dated 5/26/2021. Fixtures shall be as shown in submitted materials, which have a color temperature of 4,000 kelvin. No flashing lights are permitted. No illuminated message boards, motion pictures, animated displays, video displays, etc. are permitted. Any additional lighting
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required per Village Building/Fire staff shall be installed utilizing fixtures which have a color temperature of 3,000 kelvin or less.

5. The within approval does not permit the placing of any temporary signage on the building and/or on the site that is not permitted by law. All signs must comply with applicable laws, including the local laws of the Village of Pawling, and there shall be no illuminated, flashing, animated, and/or otherwise lighted signage. No signs that are not shown on the Site Plan shall be permitted on the Site.
 6. On-site refuse storage shall be for commercial and residential tenants only. Refuse shall be removed from site by a certified carter at intervals (weekly at minimum) that shall mitigate any overflow of waste material;
 7. Snow from parking areas and driving isles shall be stored at perimeter of property at edge of on-site paved areas. Snow shall be stored that such runoff does not create icy conditions on paved areas. In the event that there is inadequate area for snow storage excess snow shall be removed to an offsite location;
 8. Parking waiver that was granted is subject to all conditions, if any, imposed by the Planning Board in September 2018 and any deviations from those conditions will void said parking waiver;
 9. No Certificate of Occupancy will be issued until the Board of Water Commissioners determines, in their sole discretion, that there is sufficient water in the Village to meet the needs of the Village residents and businesses and to support the needs of this project;
 10. This approval is limited to and conditioned upon the plans, specification and uses set forth in the application for site plan approval, as amended, and the reports of the
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Village Engineer and Village Planner submitted to and accepted by the Planning Board in review of the application.

The question of the foregoing Resolution was duly put to a vote, the Planning Board voting as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Chairman Robert Pfister	<u>✓</u>	—	—
Lou Musella	<u>✓</u>	—	—
Adam Muroski	<u>✓</u>	—	—
Peter Pennelle	<u>✓</u>	—	—
Michael Mersand	<u>✓</u>	—	—
TOTAL	<u>5</u>	<u>✓</u>	<u>✓</u>

I hereby certify that the above is a true and correct copy of the Resolution passed by the Village of Pawling Planning Board at a meeting held on February 8, 2022

Date: February 16th, 2022



Vivian Nikolatos
Planning Board Secretary

FILED WITH
FEB 16 2022
VILLAGE CLERK

At a Meeting of the Village of Pawling Planning Board held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 8th day of February 2022, at 7:00 PM

RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF PAWLING

Identifier: Special Use Permit Pawling Commons

The meeting was called to order by Chairman Robert Pfister and the following were:

P R E S E N T:

___ Chairman Robert Pfister
___ Lou Musella
___ Adam Muroski
___ Peter Pennelle
___ Michael Mersand

The following Resolution was proposed by **Peter Pennelle**, who moved its adoption, and seconded **Mike Mersand**.

WHEREAS, the Village of Pawling Planning Board (“the “Planning Board”) received an application from the owner of the Premises for a special permit for the third building from the Planning Board per Local Law (LL) 1 of 2018, which allows “residential uses to be substituted for all or a portion of the retail/commercial space on the ground level/first floor of such shopfront commercial/retail-residential buildings in certain areas of the B-1 district;” and

WHEREAS, pursuant to Local Law 1 of 2018, the first floor/ground floor of a Type 1 building as defined in this Urban Regulation may be used all or partially for residential occupancy subject to a special permit to be issued by the Planning Board, provided that where the building front faces on Charles Colman Blvd., East Main Street (excluding East Main Street

south of intersection with Coulter Avenue¹), West Main Street or Memorial Avenue, the individual residential unit spaces shall not occupy the front of the building and shall not be visible from the street. Where a property is located fronting on the forementioned streets, the Planning Board may consider residential uses within a portion of the first floor but in no case shall residential units be located along the building frontage along these streets;

WHEREAS, in determining whether to allow residential use of all or a portion of the ground/first floor the Planning Board must consider (a) the nature of the business, (b) the location of the building; (c) unsuitable public parking; (d) unsuitable sidewalk amenities, or other conditions unfavorable for retail and commercial uses exist, and (e) the first floor/ground floor being suitable for use by disabled persons;

WHEREAS, the application for a special use permit is also subject to the requirements for special use permits set forth in Article XV of the zoning code;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board grants the application for a special use permit to allow residential uses on the first floor of Building 71.

In granting this application the Planning Board notes the following: the site is located within the B-1 Zoning District where it adjoins a residential zoning district. This section of East Main Street, between Coulter Avenue and the site, does not have on-street parking availability and there is no public parking available in the immediate area. The site is not large enough to support parking for commercial uses on the first floor of the new third building in addition to those currently existing and approved as part of the approved site plan approval. Moreover, the combination of existing retail space and proposed retail space in the renovated building

¹ The site is located on East Main Street, south of the intersection with Coulter Avenue.

(Building 67) will be made more viable by additional residential units. Furthermore, the topography of the site precludes placing buildings at the front property line, with direct pedestrian access from the street. The ground floor apartments are also anticipated to be more desirable to those with mobility issues

Additionally, the Planning Board finds that the general conditions for a special use permit set forth in Article XV of the zoning code have been met. In reaching this conclusion the Planning Board finds: the site's proposed mixed use is compatible with the goals and objectives of the Comprehensive Plan. The site will be readily accessible for fire and police protection. The location and size, nature and intensity of operations, site size in relation to the use, assembly areas and site access are harmonious with the development of the district in which the use is proposed to be situated. Furthermore, the proposed building design for the new third building has been decreased in height and by two dwelling units, which with the proposed lighting and landscaping, and one-way traffic flow will not hinder or discourage the appropriate development and use of adjacent land and buildings. The operations of the five residential units will not be offensive, dangerous, destructive of property values and basic environmental characteristics or detrimental to the public interest of the Village and not objectionable to nearby properties (e.g. noise, fumes, vibration, flashing/glaring lights, other nuisances) than would be the operation of any permitted use not requiring a special permit. The parking was determined to be adequate as part of the previously approved site plan. The five residential units allowed by the special permit approval conforms with applicable zoning regulations.

The question of the foregoing Resolution was duly put to a vote, the Planning Board voting as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Chairman Robert Pfister	<u>✓</u>	—	—
Lou Musella	<u>✓</u>	—	—
Adam Muroski	<u>✓</u>	—	—
Peter Pennelle	<u>✓</u>	—	—
Michael Mersand	<u>✓</u>	—	—
TOTAL	<u>5</u>	—	—

I hereby certify that the above is a true and correct copy of the Resolution passed by the Village of Pawling Planning Board at a meeting held on February 8th, 2022

Date: February 16th, 2022


Vivian Nikolatos
Planning Board Secretary

MEMORANDUM

To: Village of Pawling Planning Board
From: Labella Associates
Date: February 8, 2022
Re: Pawling Commons
Project #: 81931.03, Task 0104

SUMMARY

Applicant/Owner: KJ – Rant Realty, LLC
Tax Lot(s)/Location: 7056-05-101917-0000; 63-71 E. Main Street

LaBella Associates (LaBella) has completed a review of the applicant's response to our Building/Fire Code review of the special permit application for the Pawling Commons project. Our review is focused on major code implications that the applicant should be aware of at this time. Based on work with the applicant, and subsequent review of the following documents, all comments associated with fire code and fire department access have been closed.

DOCUMENTS REVIEWED

- Amended Site Plan, SP-1, 2/08/2022 by J Group Designs
- Fire Truck Access Plan, FA-1, 2/08/2022 by J Group Designs

This review and approval was for site features only. A full review of the project for compliance with the NYS Uniform Building and Fire Code will be performed at the time of Building Permit application.

MEMORANDUM

To: Village of Pawling Planning Board
From: Labella Associates
Date: February 1, 2022
Re: Pawling Commons
Project #: 81931.03, Task 0104

SUMMARY

Applicant/Owner: KJ – Rant Realty, LLC

Tax Lot(s)/Location: 7056-05-101917-0000; 63-71 E. Main Street

LaBella Associates (LaBella) has completed a review of the applicants response to our Building/Fire Code review of the special permit application for the Pawling Commons project. Our review is focused on major code implications that the applicant should be aware of at this time.

Our review of the documents provided resulted in two (2) comments as shown below. The designer of record should provide written responses and updated plans to address each comment.

SITE PLAN BUILDING CODE COMMENTS

1. Based on the height of the building an aerial fire apparatus access road is required and shall meet the minimum requirements of section D105.1 of the 2020 Building Code of New York State (BCNYS).

RESPONSE: The building height/number of stories of proposed building at 67 East Main Street requires an aerial fire apparatus access road, which is now shown on drawing FA-1, Fire Truck Access Plan.

- i. **Please clarify that the fire truck movements reflect the Pawling Fire Departments 100' ladder truck.**
 - ii. **The fire apparatus access road shall be located not less than 15-feet and no greater than 30-feet from the building and be positioned parallel to one entire side of the building. Please provide a compliant aerial fire apparatus access road.**
2. The project shall meet accessibility requirements of the 2020 BCNYS and ANSI 117.1, including the following site components:
 - a. Accessible access aisles are required to be a minimum 8ft per section 1106.1.1 of the 2020 BCNYS. (typical)
RESPONSE: all accessible access aisles have been updated.
 - b. Please update accessible parking sign symbol to reflect the dynamic symbol of access per BCNYS Section 102.2.1 (1). (typical)
RESPONSE: all accessible parking sign symbol been updated.
 - c. No parking anytime sign required in front of accessible access aisle space per section 1106.1.1 of the 2020 BCNYS. (typical)
RESPONSE: the "no parking anytime" sign has been added to the site plan.
Comment closed based on response.

DOCUMENTS REVIEWED

- 1/24/2022 Comment response letter prepared by J Group Designs
- Amended Site Plan, SP-1, 1/24/2022 by J Group Designs
- Fire Truck Access Plan, FA-1, 1/24/2022 by J Group Designs