

Meeting Date: July 13, 2021

Present: Steve Goldberg, Planning Board Chairman  
Adam Muroski, Member  
Peter Pennelle, Member  
Robert Pfister, Member  
Lou Musella, Member

Also Present: Lauri Taylor, Mayor  
Johnathan Bardavid, Attorney for Planning Board  
Caren LoBrutto, Village Planner  
Curt Johnson, Architect for Applicant  
Joe Zarecki, Architect for Applicant  
John Kline, Applicant  
Johanna Kline, Applicant  
Joe Berger, Village Engineer

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On, *Tuesday, July 13, 2021 at 7:00 PM*, the Planning Board met at the Village Hall. The Meeting was called to order by Chairman, Steve Goldberg and began with roll call as indicated above and The Pledge of Allegiance.

## **Pawling House Bed & Breakfast**

Chairman Goldberg introduced Joe Zarecki representing John and Johanna Kline. Mr. Zarecki explained that the applicants are seeking the approval to construct a new two story, three car garage as well as the expansion of an existing gravel driveway/parking lot on the property. Mr. Zarecki said that since the Kline's originally purchased the property they have also purchased a 12 acre lot which surrounds the back area of the property and a strip of land in between the two properties. As a result, they own the entire 15 acres shown on the submitted diagram.

To clarify, Chairman Goldman stated the strip of land the Kline's purchased is the strip of land where the driveway crosses the bridge and the bridge itself, and as such, an easement will no longer be required.

Mr. Zarecki confirmed this is correct.

There was discussion regarding the resolution which granted a Special Use Permit for operating a Bed and Breakfast in 2007. Chairman Goldberg explained that the Village is not in possession of the resolution; however, the Motion and resolution are clearly documented in the minutes of

The meeting which took place during that process. Mr. Goldberg has a copy of the July 2007 minutes as well as the Site Plan which will be forwarded to Mr. Zarecki for his review.

Chairman Goldberg said that after a discussion with Village Council, it was determined that the Special Use Permit has not lapsed provided the conditions set forth in 2007 have been met and continue to be met. Mr. Goldberg handed the 2007 memo with the listed conditions to Mr. Zarecki for his review.

Chairman Goldberg said that further clarification is needed on any intended uses for the new structure (e.g. Home Occupations) in order to determine the need for a Special Use Permit as per Schedule A of the Code. The Chair explained that the Planning Board will not designate this Action Type during this meeting because the Application is incomplete but that the meeting was a good opportunity to review what the application needs for completeness. Chairman Goldberg also stated that the property is adjacent to the Town and would need to make sure that the Town of Pawling will be included in the process to determine who will be the lead agency depending on designation, etc. He then opened the floor to Board Members for comment.

Board Member Peter Pennelle reviewed the Sewer Tenancy Agreement and stated that he would like to see the comments in that document addressed.

Chairman Goldberg asked Member Lou Musella if he had any commentary to add. He replied that other than addressing the concerns listed in the Sewer Tenancy Agreement, he does not.

Board Member's Robert Pfister and Adam Muroski had no further comments.

Chairman Goldberg made note that there was emergency bridgework done in 2015 and stressed the importance of making sure that the bridge can handle the construction period as well as post construction use, which is why Engineer, Joe Berger is present at this meeting.

Village Planner, Caren LoBrutto mentioned that the application is not considered complete yet and several items need further elaboration before making any decisions on lead agency and making any referrals to the ZBA. Mr. Berger was given a copy of the analysis with the concerns that need to be addressed at a later date.

There was a discussion on whether or not the applicant is seeking an Amended Special Use Permit for the operation of the Bed and Breakfast.

Village Council, Jonathan Bardavid added that as he read the resolution that was passed in the minutes, it was granted on the basis of satisfying the conditions set forth in the consultant's report.

Chairman Goldberg confirmed that all are in agreement that there is no evidence to indicate that the Special Use Permit has lapsed. Mr. Bardavid, Chairman Goldberg and Ms. LoBrutto said they have not located any standalone resolutions that would indicated otherwise. Chairman

Goldberg stated that Village Clerk, Jennifer Osborn also searched the file and has not located it either.

A further discussion took place regarding the impact of the new Site Plan on the existing Special Use Permit and concluded with confirmation that the only Special Use Permit needed here would be for the second floor of the Garage. Chairman Goldberg further elaborated that the applicant is “good to go” on the Bed and Breakfast but asked that they review very carefully Local Law #1 of 2006 and Local Law #2 of 2016, which both pertain to the operation of a Bed & Breakfast.

After a discussion regarding Maximum Heights in the Zoning Code and Urban Regulations, it was determined that a variance will be needed for height (98-74), Building Placement and Accessory Structure (98-16). Chairman Goldberg, advised the applicants to address the concerns discussed in Ms. LoBrutto’s review analysis then return to the Planning Board for further discussion.

Recording Stopped

## New Business

Chairman Goldberg advised all members of the Planning Board reread the recent Local Law passed by the Village of Pawling Trustees regarding Escrows. He explained that one key change will be setting preliminary escrows at the time applications are received in order to fund initial consultant work.

## Chairman Remarks

Chairman Goldberg took the opportunity to clear up possible confusion regarding the agenda with regards to inclusions and specificity.

## Pawling Commons Discussion on Possible Variances

Board Member Robert Pfister made a Motion as follows:

*Referral to the ZBA to determine if a variance is required for building placement in Schedule B, for “Oft required,” meaning no setback permitted, on the lot frontage for building 71 and 67 and if a variance is required should one be granted.*

*Board Member Lou Musella seconded the Motion*

Chairman Goldberg opened the floor for discussion and urged the Motion be withdrawn and replaced with two separate Motions because the issues with the two buildings in questions are separate.

Member Pfister disagreed and restated his Motion.

Board Member Lou Musella seconded the Motion.

Board Members Pennelle and Muroski both agreed that further clarification is needed and this should be referred to the ZBA.

Chairman Goldberg again stated that he believes that there is every right to have these agenda items but believes they should be handled separately in order for the Board to act responsively.

After a discussion regarding Urban Regulations and building placement in the B1 District, the Board voted for the above Motion as follows:

	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
<i>Steve Goldberg, Chairman</i>		x	
<i>Adam Muroski</i>	x		
<i>Peter Pennelle</i>	x		
<i>Robert Pfister</i>	x		
<i>Lou Musella</i>	x		

*Board Member Robert Pfister made a Motion:*

*Referral to the ZBA to determine if a variance is required for a maximum of 84' building depth in Schedule B from the side of the building that faces the street, to the rear of the building as it faces the street for building 71 and 67 and if a variance is required should one be granted?*

*Chairman Goldberg seconded the Motion and referred opened the floor for comment.*

Curt Johnson, Architect for the Applicant stated that the building was originally less than 84 feet and because of the way it was oriented on the property, the Planning Board required a rotation of the building 90 degrees.

*With no further comment, the Board voted as follows:*

	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
<i>Steve Goldberg, Chairman</i>		x	
<i>Adam Muroski</i>	x		
<i>Peter Pennelle</i>	x		
<i>Robert Pfister</i>	x		
<i>Lou Musella</i>	x		

Board Member Robert Pfister made a Motion as follows:

Referral to the ZBA to determine if a variance is required for 90% minimum building coverage on the lot frontage in Schedule B for building 71 and 67; and, if a variance is required, should one be granted?

Chairman Goldberg seconded the Motion and opened the floor for discussion.

Chairman Goldberg asked “Is the Motion asking the ZBA to determine if the building height should be measured at the peak of the roofline or is it nonspecific to that?”

Mr. Pfister replied by restating the Motion.

Chairman Goldberg indicated he had conferred with several former Building Inspectors and summarized his finds as follows: “In this level of ambiguity rather than refer to the ZBA they recommended adhering to the State Code as reference which says, without ambiguity, that Building Height is the vertical distance from the grade plane to the average height of the highest roof surface.”

Mr. Johnson read an excerpt from the Town of Pawling Code on definition of Building Height, which states, “The vertical distance measured from the average elevation from finished grade at The front of the building at the highest point of the roof for flat roofs and to the mean height between eaves and ridge for gabled and peaked roofs.” Mr. Johnson also mentioned that in his experience, this is how the Village of Pawling Building, Planning and Zoning has interpreted this for the past 20 years.

Member Pfister asked, “Has this issue ever been sent to the ZBA for clarification?” Mr. Johnson said, “No, they granted the Variance for 33 East main for 42 ½ feet, which was the midpoint between the eave and the ridge over on that building.”

Chairman Goldberg reminded members that despite Mr. Johnson’s points, the Planning Board doesn’t do the work of the ZBA interpreting the code and if there is a lack of clarity on the part of the majority, then the referral is needed.

*The Board approved the Motion as follows:*

	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
<i>Steve Goldberg, Chairman</i>		x	
<i>Adam Muroski</i>		x	
<i>Peter Pennelle</i>	x		
<i>Robert Pfister</i>	x		
<i>Lou Musella</i>	x		

Adjournment:

*Board Member Peter Pennelle made a Motion to adjourn the meeting.  
Chairman Goldberg seconded the Motion and all were in favor.*

Submitted by:



Vivian Nikolatos, Secretary