

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

Date:	August 11, 2020
Present:	Steve Goldberg, Chairman Lou Musella, Member Rob Pfister, Member - Absent Adam Muroski, Member Scott Nickerson, Member
Also Present:	Lauri Taylor, Trustee Bob Lusardi, Attorney Johnathan Bardavid, Attorney Caren LoBrutto, Planner Joe Berger, Engineer Kelly Libolt, Applicant John Furst, Attorney for Applicant

On, *Tuesday August 11, 2020* at 7:00 PM, the Planning Board met via Zoom Conference. The Meeting was called to order by Jennifer Strehle, Secretary, and began with role call as indicated above and The Pledge of Allegiance.

The Secretary read the following:

Due to public health and safety concerns related to COVID-19, the Village of Pawling Planning Board will not be meeting in-person. In accordance with the Governor's Executive Order 202.1, the August 11, 2020 board meeting will be held via Zoom Conference, and a transcript will be provided at a later date.

Minutes from

Mr. Musella made a Motion to accept the Minutes from the July 14, 2020 Meeting for the Planning Board. Mr. Goldberg seconded the Motion and all present Members were in favor.

Other Business

Mr. Goldberg said a few words thanking Bill Vollmer for his service as former Planning Board Chairman.

2K Development, Inc. Heinchon Place – 112 East Main Street

Mr. Goldberg said there were larger issues that he would like Ms. Libot to address. Areas that were addressed previously but he couldn't find them being addressed in the minutes. These are critical areas that Mr. Goldberg would like to understand the applicant's perspective on.

1. The combination of the three lots.
If the three lots are consolidated then you need to seek under 98-11 of the code of multiple structures on a single lot. It is clear that it says one principal structure per lot.
2. Urban Regulations prevail 98.76 Section (D)7 Large lots are under 3.0
3. 98.22 Section (A) parking conforms to the district the lot it is in. How many office spaces will be in the office? Instead of square footage what is the determination of the seats in the restaurant to make sure the parking conforms. Schedule C residential parking in the B-2 district. What is the reasoning in using the B-1 guidelines?
4. What is a Mixed Use Project? That is not defined.

Ms. Libot said that there are 4 questions.

There are multiple sections in the code that there is a conflict with respect to parking. It takes a lot of time to go through the code and pick a part the inconsistencies and the lack of information. With respect to the other uses historically this Planning Board has used B-1 as the guidelines for the parking spaces. The list that was provided was based on the inconsistencies with the code and how the board has handled parking historically in the past.

With respect to the special permit large lots/small lots 98-76 the Village Planning Board Attorney had made a decision on record that this project qualifies as a small lot which is 98-76 E and for the reason being it specifically states that any special use permit shall be granted for retail uses which do not meet the conditions in section D the decision has been made prior to this at a Planning Board meeting that this project qualifies for 98-76 E for small lot. Mr. Goldberg asked if that was in the minutes. Ms. Libot has all of the recordings which she can go through and identify. Mr. Goldberg asked who gave this opinion, Dave Daniels? Ms. Libot said Brian Morgan. Waiver the project complies with 98-76 E.

Mr. Goldberg said per his notes parking was based on precedence, the answer to Mixed use project is that Brian Morgan's opinion that this is a small lot.

Ms. Libot said with respect to the Bulk Requirements and Urban Regulations in the description of the setbacks from the onset of this project and review of this project in calibration with the Planning Board and the ZBA this project has been through 2 Code Enforcement officers the setbacks have always been identified as the 20 foot the 40 foot and the 25 foot to a residential district. Mr. Goldberg asked if they are in code or do they need a variance. Ms. Libot said they are within code. Ms. Libot said that they set the buildings back to be in line with the other homes

in the area instead of placing on the property line. This project has been ongoing for a year and to hear of these concerns now is alarming. Ms. Libot said it was a collaborative decision with the Village of where to put the buildings.

Mr. Goldberg asked if there was any discussion of designating a type 6 building which gives it a 45 foot height vs a 30 foot height. Ms. Libot said no it was always permitted to be three and a half stories with a type 6 regulation.

Mr. Goldberg said that leaves the 98-11 issue of how do we consider this three single lots in order to avoid 98.11 and at the same time compensates consolidation which makes it a single lot. How do we do that? Ms. Libot said in the table of uses schedule A there is an item that is listed as mixed use building and it has been this Planning Boards precedence that to interpret that as multiple buildings on a single lot identical to the Pawling Commons as everyone knows is right down the road. Which is multiple buildings on a single lot with multiple uses on a single lot. Ms. Libot said that the point that she was making is the Village used the Pawling Commons application as a precedence which was utilized and applied.

Mr. Goldberg thanked her for going through all of that. The part that he needs to absorb is picking up Brian Morgan's opinion of the role of precedence in this application. Mr. Goldberg will ask the Village Attorney his opinion on precedence. He would now like the applicant to give her presentation of the project.

Ms. Libot shared her screen showing plans of the project. All documents are on file for review at the Planning Board Department.

Proposed Project: The Applicant proposes to demolish three existing buildings and improve the remaining existing building for retail, office and restaurant use. Two multi-family apartment buildings totaling 52 dwelling units would be constructed along with a 40-unit hotel with parking. Based on the square footage totals provided, the project would include 125,418 square feet on an approximately five acre site.

Mr. Musella asked about this being 3 lots and how you go about combining the lots for the Special Use Permit. Ms. Libot said that she never referenced the project as one lot and that the 3 lots would be consolidated into one lot.

Mr. Goldberg asked Mr. Nickerson if he had any questions, he said no. Mr. Goldberg said that the applicant has done tremendous amount of work and we have to be thoughtful with the time and expense of the project.

Mr. Goldberg asked Joe Berger, Village Engineer if he had anything to add. Mr. Berger said that one more hydrant needed to be added. Also the open space along East Main could extend the landscape use. Mr. Goldberg asked Caren LoBrutto, Village Planner if she had anything to add. She said her questions were echoed and answered.

Jonathan Bardavid asked if Kelly had examples of what was used as a precedence which would be useful to his office. Ms. Libolt said The Pawling Commons. He also had questions about restaurants being retail or restaurants use table A. Mr. Bardavid asked if Mr. Morgan wrote a letter which identified as a small lot. Ms. Libot said no letter just in discussion. Ms. Libot suggested that he ask Mr. Morgan since they work in the same office to save time vs. listening to the recordings.

John Furst, Attorney for Applicant said a few words about the questions that were answered in tonight's discussion. A village has to follow precedence and can't ignore how they have done things in the past. It's concerning that these issues will derail the project at this late stage of the game. Considering it's been over a year with 8 or 9 meetings with the Planning Board. Everything Ms. Libolt has proposed and put on the plans has not really changed except for scaling down the project and addressing the comments from the public to make this project work and it would be ashamed if these issues that weren't really issues until the last few weeks delay this project. They hope the board would follow its past precedence and not ignore how it has treated other applicants in the village.

Mr. Goldberg feels that the precedence use has been over exercised in the village. Mr. Lusardi said that he did address a question to Mr. Morgan about prior precedence and he could point to none in the B-2 District. Mr. Lusardi said the applicant needs to address the questions that the Chairman had raised and to support it with specific prior precedence project. He would ask that to be present at the next meeting.

Mr. Furst asked why it is the applicant's job to defend a position that hasn't changed for months. There was a lengthy discussion about why these issues were not brought up in the beginning of the project. Mr. Goldberg said he would like the applicant to choose to determine whether or not the sighting of precedence is appropriate by giving examples of precedence that was set and to wait until the August 20th meeting happens so that they can get perspectives on the role of precedence.

Ms. Libolt asked specifically what items the board would like them to respond to. Mr. Lusardi said to sight the prior precedence so that they can research and investigate it. Mr. Furst said it was the first four questions raised by the Chairman. Mr. Goldberg said yes that is correct. The parking calculation, combination of lots, treating this as small lot, 19-14 in favor of 19-13 and FAR requirements. That is what they are refereeing to.

Adjournment:

Mr. Musella made a Motion to adjourn the meeting. Mr. Muroski seconded and all present Members were in favor.

Submitted by:

Jennifer Strehle, Secretary