

# VILLAGE OF PAWLING PLANNING BOARD MINUTES

Approved 11/9/2021

Date:	September 30, 2021
Present:	Steve Goldberg, Planning Board Chairman Adam Muroski, Member Peter Pennelle, Member Robert Pfister, Member Lou Musella, Member
Absent:	Adam Muroski, Member
Also Present:	Lauri Taylor, Mayor Jonathan Bardavid, Attorney for Planning Board Diane Tomassetti, Applicant Michael Barnett, Applicant

On, *Thursday, September 30, 2021 at 7:00 PM*, the Planning Board met at the Village Hall. The Meeting was called to order by Steve Goldberg, Chairman and began with roll call as indicated above and The Pledge of Allegiance.

Chairman Steve Goldberg declared a moment of silence in remembrance of life-long Pawling resident and Dutchess County Sheriff, Adrian "Butch" Anderson.

Followed by a brief tribute made by Planning Board Member Lou Musella: "We all know he was a native son, friend to all. He wouldn't hesitate to help anybody at the drop of a hat. I've known Butch for 50 years, a close friend. He helped me out on many of occasions, not that I was in trouble with the law. I remember refereeing hockey games when his son was on the ice and he would always refer to me as "Louig, hay Louig how you doin?" I'm certainly going to miss that. It certainly is a big shock for Pawling. I don't know if Pawling will ever be the same without Butch being around. I'm sure we'll rebound without a doubt but it is certainly going to leave a huge hole that's going to take a long time to heal. It won't heal completely but it will heal and I know Butch would want us to go on. We'll just go on and live by his words, "Be Kind to Everybody." I'm going to remember that. I'm going to miss him. He was a good friend."

## Discussion: 146 East Main Street

Chairman Goldberg announced that this is a Special Meeting that was properly noticed and publicly announced. The purpose of the Special Meeting is to gain a better understanding of why the approved materials cannot be used, to discuss the verification letters that the applicants were asked to provide the Board with at last month's Planning Board meeting and to come up with a resolution which satisfies, both, the needs of the community and the needs of the Developer.

*Chairman Goldberg made a motion to go into Executive Session to discuss the exterior of 146 East Main Street and how it might relate to any potential litigation between parties. Member Lou Musella seconded the motion. All were in Favor.*

*Chairman Goldberg made a motion to end Executive Session and return to Regular Session. Lou Musella seconded the motion. All were in favor.*

Chairman Goldberg made the public aware that there were no votes or motions conducted in the Executive Session.

*Chairman Goldberg made a motion to reopen the Special Meeting. Lou Musella seconded the motion. All were in favor.*

Chairman Goldberg explained that the most pressing situation is that we seem to not be in a place where the members of the Board can say, with confidence, the Board is acting completely in the community's interest. At the same time, we have a Developer who seems to believe they have the ability to proceed with the installation of material not yet approved. This is a difficult and taxing situation; and, unfortunately, we are going to have to take a little time to discuss this. The Chair referred to the Board for comments on the three verification letters that the Applicants provided to the Board.

Member Pete Pennelle is concerned that the one of the letters is not from a stone supplier, it is from a rebar company. It's not clear if they supply stone or have stone suppliers.

Ms. Tomassetti explained that they are procurement companies that they deal with on a regular basis and they can get them anything that they need but due to the supply chain issues across the country, they were not able to obtain the full bed stone needed to comply with the approved Site Plan. She explained that the quote from O & G are not full-bed stone.

Member Rob Pfister asserted that he reached out to, both, Reinforcement Supply and Phoenix Supply and they said they are not a supplier of full-bed stone.

Ms. Tomassetti replied that that's where they got the brick from.

Member Pfister said he was informed that they do have some masonry stuff but they don't do natural stone.

Ms. Tomassetti asked if he was able to find the stone anywhere else.

Rob Pfister said that he called O & G and they said they have five to ten tons in stock. They would not give an estimate over the phone, the applicants would have to go down in person to look at it.

Ms. Tomassetti said that they need a lot more than that.

Member Lou Musella said Curt Johnson did a great job selling the project based on the approved full-bed stone. Mr. Musella asked the applicant's why they continued laying the brown brick before coming back to the Board for consensus?

Chairman Goldberg clarified that, while there might be some question of stock piling the brown brick, the applicant did come to the Planning Board proactively to ask our permission to use the brick and we did vote for it. The question here is whether or not the compliance, both, with the letter and the spirit of the motion were adhered to. The Chair acknowledged that it is important to stipulate that it is very difficult to get the full-bed stone and said the questions from the Board is why the alternative was to immediately go for brick versus veneer?

Ms. Tomassetti replied, because of the preparations that have been made for the construction and explained, there is a brick shelf that is attached to the foundation and there is plywood on the building so the only reason why we went with the plywood on the building is so that we could put the waterproofing and the insulation and then a full stone. She explained that veneer would never be used on the whole building and if they were to use veneer, it would not be applied to plywood. Ms. Tomassetti further explained that in order to put veneer on this building right now, we would have to apply some sort of wire mesh and then cement and then apply the veneer. Because it wasn't originally constructed for the veneer, we would be compromising the integrity of the waterproofing and the building being water tight for years to come.

Chairman Goldberg asked Ms. Tomassetti if, in addition to popping off, this would compromise the structural integrity of the building.

Ms. Tomassetti, replied that the building won't fall down but as the temperature changes, the veneer expands and contracts which would cause the veneer stones to become loose and pop off, which would, in turn, sacrifice the integrity of the waterproofing.

Chairman Goldberg, stated, so it's more of a maintenance issue.

Ms. Tomassetti replied, yes of course. She exclaimed, we're in this building for millions of dollars. There's no way that we're going to risk the chance that in five years we have water damage and we have to rip the place apart when it's fully rented and operational. That's not the way we build. That's a good thing guys, that's a good thing! We don't have any leaks on any of the buildings that we've built. They're structurally sound and they're waterproof. It's still a gateway to the Village and it is going to be a beautiful building. If it's not what you had envisioned, I apologize for that. We've had this building empty for over one year, this is a financial hardship.

Chairman Goldberg asserted that the Board has to explain this exterior change to the community and one of the things that's difficult in this is that we serve both you and the community and I

know that this caused you difficulty. The renderings showing the building constructed with the originally approved full-stone have been on display for quite some time. It's a very prominent property, when the community asks the Board why the changes. What are we as the Board members supposed to say?

Ms. Tomassetti replied, "The truth." The stone that was originally intended is not available at this time and time was of the essence so we substituted one masonry item for another. That happens all the time wherever you go, wherever you build.

Chairman Goldberg asked, would the same integrity issues with the veneer impact the chimney in the same way? Would it be possible to use stone veneer on the chimney without compromising the integrity of the chimney?

Ms. Tomassetti said it's really the same situation. It's not quality material that we want to put on a building that we've invested so much money in. Perhaps you guys want to come in and take a walk through the building and see the actual construction of it, because it is very impressive.

Board Member Lou Musella said I pass by the building a few times a day. Nobody is questioning the integrity of the Tomassetti's construction. You guys do top of the line work, nobody is questioning that. Unfortunately, we're just having difficulty with the exterior. That's the only problem. There is natural a stone veneer that comes in a variety of thicknesses and is used for exterior siding so it can be done. I'm sure the Tomassetti's can do it if they really wanted to help us out. Is there any way that we can do the chimney in thick veneer that's available? Can that be a consideration?

Ms. Tomassetti replied how about we put some stone on the front entrance?

Member Musella said that he would still like to see stone on the Chimney.

Chairman Goldberg asked if there is any way to bring this closer to the esthetic that was on the renderings.

Ms. Tomassetti replied that she can't answer that at this time.

Chairman Goldberg said I don't know if that would make a difference and again we're in a very complex position here but if there is anything, it would be appreciated.

Ms. Tomassetti said she can't make that decision right now.

Chairman Goldberg referred to the Board for more comments.

Member Rob Pfister said he is curious about the veneer that's on the outdoor patio area.

Ms. Tomassetti replied that that's an enclosed area, that's not exposed.

Member Pfister asked if that is natural stone.

Mr. Barnett said that it's a cultured stone made out of cement and the board is made out of cement as well.

Ms. Tomassetti said that's cultured stone. So if I can make some sort of changes to the chimney and I'm not saying that I can, would that satisfy this Board?

Member Lou Musella said he would like to see stone on the chimney. That would satisfy me.

Chairman Goldberg mentioned that when Curt Johnson presented the project, he stated at least four times during the approval process, that you we're committed to installing the stone chimney. I can't say whether or not at the time that was key to the approval or not, but I know that people here felt very strongly about it so I think the potential resolution here is one that is worth considering. He further stated that no one is going to be fully satisfied with anything. You're not going to be fully satisfied with us, we're not going to be fully satisfied with you. I'm looking for a way to deescalate this and have everybody be happy. I think what you're seeing and hearing from people here is that we don't want conflict.

Village Council Jonathan Bardavid added, for what it's worth, a good resolution is that everybody walks away a little bit unhappy thinking the other person got a better deal than the other one.

Chairman Goldberg stated, we have the following situation. You have people working and material on hand and so it's not like you're in the mood to stop laying brick and or take brick down. At the same time, and this is where our pain point is, there is no stop work order because this is not a code violation. You received a letter from the building inspector we all read. We'll attach it to the minutes and that really is the extent of it. This is where the misery part that Jonathan was talking about comes in which is we would absolutely appreciate any effort that you can make. We would appreciate it, we would encourage it we would say whatever small pain we can all share would be an awesome thing. What that means is that you are an important employer, tax payer, landlord and member of the community so we are asking you if there is a way for you to undertake some pain, to please do so. I don't know if we have any other action to take this evening unless anyone wants to take an action. The question I'm going to ask in open session council if we should document any aspect of what was discussed tonight including the issues of alleged or possible no compliance with the spirit of the motion that was made last week?

Village Council Jonathan Bardavid said I don't think so unless the Board wants to take affirmative action.

Chairman Goldberg asserted that he isn't going to make that motion.

Member Musella said based on what Diana said that they were going to take a step back and possibly see what they can do with the chimney, I'm not in favor of pursuing anything action of that nature. I think we should just both sit back and keep the negotiation going and hopefully Diana will be able to make that change.

Chairman Goldberg said let us all commit to making a good faith effort to doing our best.

Member Pfister said he would rather see the design decision be made by the architect as far as what he thinks would be the most aesthetically pleasing. The poster board rendering that was hanging up there for a long time generated excitement as far as what community thought the building was going to look like. The feedback we received from the community was disappointment when they found out stone wasn't going to be used.

Member Pennelle asserted that Diane did comeback with an option with stone of the front door area so that's something to think about.

Jonathan Bardavid explained to the applicant that it might be helpful to get their position before the next meeting so that this Board understands what they're dealing with before the next meeting.

Ms. Tomassetti asked for the weekend to see what she can do. She will be in touch on Monday, October 4.

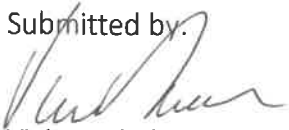
## Adjournment:

*Chairman Goldberg made a Motion to adjourn the meeting until the next Planning Board Meeting on Tuesday, October 12.*

*Member Lou Musella seconded the Motion.*

*All were in favor.*

Submitted by:



Vivian Nikolatos, Secretary