

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

Date: October 13, 2020

Present: Steve Goldberg, Chairman
Lou Musella, Member
Rob Pfister, Member
Adam Muroski, Member
Scott Nickerson, Absent

Also Present:

Lauri Taylor, Trustee
Earl Slocum, Trustee
Bob Lusardi, Attorney for Pawling Village
Johnathan Bardavid, Attorney for Pawling Village
Caren LoBrutto, Planner
Joe Berger, Engineer
Kelly Libolt, Applicant
John Furst, Attorney for Applicant
Curt Johnson, Architect for Applicant
Diana Tomassetti, Applicant
Mr. & Mrs. Yurt, Applicant
Ben Christgau, Applicant

APPROVED BY
VILLAGE OF PAWLING
PLANNING BOARD

On, *Tuesday October 13, 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 October 13, 2020 board meeting will be held via Zoom Conference, and a transcript will be provided at a later date.

Minutes

Mr. Musella made a Motion to accept the Minutes from the September 8, 2020 Meeting for the Planning Board. Mr. Goldberg seconded the Motion and all present Members were in favor.

16 Henry Street

Mr. & Mrs. Yurt received a Use Variance from the ZBA Article VII: Sections 98-5 in order for their garage to be used as an accessory dwelling & Article VII 08-24 for non-conforming use of the Village Code: Granted is a Use Variance for the garage to be used as an accessory dwelling with the following conditions:

1. The owner must reside in the main house.
2. This Use Variance granted does not transfer on sale of the property.
3. A proper front door and two means of egress must be installed.

Mr. Goldberg made a Motion to grant Special Use permit for 16 Henry Street with the conditions listed below. Mr. Musella seconded and all present Members were in favor.

1. The owner must reside in the main house.
2. Special Use Permits does not transfer on sale of the property.
3. A proper front door and two means of egress must be installed.
4. Special Use Permit must be re-approved every two years.

A&L – 44 Charles Colman Blvd.

Ben Christgau owner of the Tap House Tavern requested site plan approval to make permanent an outdoor dining area created for Covid compliance. The applicant presented his plans which included the hours of operation, noise control and fire safety.

Mr. Musella asked if any complaints have been filed with the Building Department regarding to the outdoor dining. The secretary said that they did not receive any complaints. The applicant stated that there were no complaints filed with the Sheriff. There is not a bar setup in the outdoor area and there are 3 means of egress.

Mr. Goldberg made a Motion to grant the applicant expanded Use 98-19B and 98-12 Schedule A. Mr. Muroski seconded the Motion and all present Members were in favor.

Mr. Goldberg added his recommendation to the Building Inspector that O'Connor's Pub be asked to go through the same process to determine if their expanded use is conforming.

Pawling Central School District – Lead Agency Notice

The Planning Board received a Lead Agency Notice for work that is going to be done at the three Pawling Central School campuses.

Mr. Goldberg made a Motion to allow Pawling Central School District to be lead agency. Mr. Musella seconded the Motion and all present Members were in favor.

Hudson Valley Plastics – 85 Charles Colman Blvd.

Mr. Johnson presented the project: 8,400 square foot one story metal prefab warehouse. The site is used as a manufacturing facility and is in the Industrial Zone. The proposed warehouse will mitigate traffic and accessibility issues by relocating the primary warehouse function of the off-site building to the proposed on-site warehouse space. All records are on file at the Planning Board Department.

The applicant is going to request a 15% waiver for parking which is allowed in the code. There are 40 employees at HVP with 3 shifts running 24 hours per day, 5 days per week.

Mr. Goldberg asked both the Village Engineer and Village Planner to discuss their report. (Please see attached).

Mr. Goldberg indicated no action would be taken at this meeting and a Public Hearing will be scheduled at the next meeting: scheduled for November 9, 2020 and a Full Form EAF will be needed.

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

Mr. Goldberg said that over the last month the Board received numerous correspondence from the applicant which were reviewed by the Planning Board, entered into the record, available for review and will not be discussed tonight. There were no objections by the Board.

Mr. Goldberg said for the record a FOIL was submitted to the State and the comprehensive Plan that is on file with the state is the version that the Planning Board has been discussing.

There was a discussion about the Special Use Permit which is required in the B2 District for a multifamily dwelling. The Board discussed three parameters for Special Use that are not met the Site Application. These parameters are: 98-74(A) (1), 98-74(A) (3), 98-74(A) (4)

As part of the discussion, Mr. Furst the attorney for the applicant said that the Negative Declaration from January 2020 states that the project is consistent with the Comprehensive Plan. Mr. Lusardi, Village Attorney said that the Planning Board is entitled to revisit and revoke the Negative Declaration.

Ms. Libolt asked if there was any comment from Joe Berger who was the consultant for this project. Mr. Berger said no.

Prior to the vote on rejection of the Special Use Permit Mr. Goldberg reviewed the definition of the words “arbitrary” and “capricious” and reminded Board members to vote “no” if they felt the resolution to deny the Special Use Permit was capricious or arbitrary.

The Board then voted unanimously to deny the Site Plan Application without prejudice of re-application.

(Please see attached resolution)

Main Corner Properties, LLC – 146 East Main Street

Mr. Goldberg asked Ms. LoBrutto, Village Planner to review her comments.
(please see attached report)

Mr. Goldberg made a Motion to approve the Negative Declaration, with conditions (see attached resolution). Mr. Musella seconded and all present Members were in favor.

Mr. Goldberg also made a Motion to refer the applicant to the ZBA for the following Variances; Front yard; Side yard; Lot coverage; Parking stall size; Parking located in setback. Mr. Musella seconded and all present Members were in favor.

Mr. Goldberg made a further Motion to refer the applicant to the ZBA for an interpretation of the Variance granted in 1994. Specifically, whether the action taken in 1994 by the ZBA was to approve the continuation of if this is grandfathered the property's prior non-conforming use, which had expired or did the ZBA approve a Use Variance and if it was a Use Variance was it permanent or expired? Mr. Muroski seconded and all present Members were in favor.

Adjournment:

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

Submitted by:
Jennifer Strehle, Secretary



10/10/12

Village of Pawling
9 Memorial Avenue
Pawling, NY 12564
(845) 855-1122

FILED WITH
OCT 13 2020
VILLAGE CLERK

RE: HUDSON VALLEY PLASTICS 85 CHARLES COLMAN BLVD

Chairman and Members of the Village of Pawling Planning Board

ENGINEERING REVIEW OF PROJECT

1 WATER

The project site is using an existing well thus no impact on Village Water. The proposed building will have a dry sprinkler system for fire protection

2 SEWER

Site utilizes municipal sewer however since there will be no increase in employees there will be no anticipated increase in sanitary sewer thus no impact on Village sewer

3 WASTE MANAGEMENT

Site will utilize an existing dumpster area which will not be affected by this proposals.

4. SITE LIGHTING

The proposed expansion is on the north side with proposed loading dock facing Charles Colman Blvd. No light is shown. Any proposed lighting showed with illumination levels

5. PARKING AND LOADING AND TURNING RADIUS FOR TRUCKS

The number of parking spaces is listed in the proposal and will be reviewed by the Village Planner for compliance with code.

The area where the building expansion is proposed is currently the location of several containers set on an existing asphalt pavement area.

The Turning radius for trucks turning into and out of site has been provided and is acceptable. Proposed slope and elevations for parking lot should be provided.

6. BULK TABLE AND ZONING

This information was provided and is being reviewed by the Village Planner

7. RETAINING WALL

The proposal includes the construction of a retaining wall on the north side, Details of the wall should be provided.

8. LANDSCAPING

Proposed landscaping is shown and will be reviewed by the Village Planner.

9. STORMWATER

The proposed building expansion is located on the north side of the existing building in an area where an existing asphalt pavement area exist. The area currently drains to catch basin at the north side of the existing building. The proposed expansion will cover this catch basin and will slightly increase the impervious area on the site.

The engineer should show the area of disturbance and show how the stormwater runoff will be collected and directed from the new building as well as how the runoff currently flowing to the existing catch basin will be handled.

Joseph P Berger PE LS

Joseph P. Berger

Village Engineer for the Planning Board

MEMORANDUM

To: Village of Pawling Planning Board
From: The Chazen Companies, Caren LoBrutto
Date: October 10, 2020
Re: Hudson Valley Plastics
Project #: 81931.03, Task 0105

FILED WITH
OCT 13 2020
VILLAGE CLERK

SUMMARY

Applicant/Owner: Colman Union Properties

Tax Lot(s)/Location:

- 7057-17-039114 Charles Colman Boulevard
- 7057-17-045093 85 Charles Colman Boulevard

Total Acreage: 2.23 acre

Current Zoning District: Split-zoned between B1 Business Zoning District and I Industrial Zoning District

Current Use: The site has been used as a factory for many years and is currently occupied by Hudson Valley Plastics, a custom plastic manufacturing facility. The area proposed for the expansion appears to currently be used for storing trailers and pallets located within the fenced area.

Proposed Project: The site is currently used as a manufacturing facility with related office and warehouse uses, which is a permitted use in the Industrial District. In addition, there is an additional site (located at northwest corner of Charles Colman and Union Street intersection and not part of this application) which currently serves as warehouse space for the daily operations of the manufacturing business. The proposed 8,400 SF, one-story (approximately 35 feet tall) warehouse expansion (adjacent and contiguous to the existing manufacturing buildings) will relocate the primary warehouse function of the off-site building to the proposed on-site warehouse space. This is proposed to eliminate the daily flow of traffic, forklifts, etc. across Charles Colman Boulevard and between the existing structures as well as to minimize double parking of delivery trucks on the southbound side of the Boulevard. The current warehouse space will subsequently be utilized for overflow storage for items that do not need constant movement to and from the factory. Note that the building located on tax lot 021092 (not proposed as part of the project site) is zoned B1, which according to the Zoning Code does not allow storage or warehouses.

With the expansion, the entire building will total 45,400 SF, including 10,000 SF of office space, 27,000 SF of manufacturing and storage space, and 8,400 SF of dedicated warehouse space.

The current factory operations run 24 hours a day, five days a week, in three, 8-hour shifts. There are approximately 40 employees at the factory, with the majority employed during the main shift and only 5 during

second and third shifts. 30 people maximum at largest shift. No new employees are proposed as part of the proposed action.

The existing site is accessible from Charles Colman Boulevard thru several existing curb cuts. As part of the proposed project, it is proposed to extend/widen the existing curb cut on the northerly side of the Charles Colman Boulevard frontage for access to the proposed warehouse. This will require the relocation of an existing utility pole. An enclosed loading area will be within the new warehouse space. The new loading area is proposed to reduce larger delivery vehicles currently being temporarily parked on Charles Colman Boulevard.

Permits and Approvals:

- PB Site Plan Approval
- ZBA – Area Variance for parking (?)
- Dutchess County Highway Work Permit (?)

SEQR: The project is classified as an Unlisted Action.

GML 239 Referral: Yes, project is located within 500 feet of State-owned land and requires site plan approval.

NEXT STEPS

The application is not yet complete. The Planning Board may wish to advise the Applicant to complete the full environmental assessment form due to the site's adjacency to a residential zone, the remediation record for the site, and the overall use of the property.

ZONING ANALYSIS

1. Parking on site is existing non-conforming (36,600 SF = 92 required spaces). The amended site plan for 45,000 SF (including 8,400 SF of expanded warehouse area) indicates 56 spaces could be provided when 113 spaces are required. Though only 42 spaces are proposed at project completion. A variance from the Zoning Board of Appeals will be required. The parking waiver in ZS 98-22(I) allows a waiver of 15% of the number required. The appeal is for greater than 15%. Note that as part of the 146 East Main Street project employee parking is proposed on site. This parking demand should be considered as the parking details are refined.
2. Include required parking and proposed parking in bulk table on Sheet SP-1.
3. Identify the 25 foot side yard as required where site adjoins the residential zone.
4. Correct the total column in the building square footage table on Sheet SP-1 to indicate a total of 8,400 SF for warehouse.
5. Include the floor area ratio per the bulk schedule in the bulk table on Sheet SP-1.
6. Provide a greater detail on lighting and landscaping.
7. Sheet A-2, detail 1 appears to be the west elevation.

8. Clearly label proposed and existing edges of pavement and gravel on SP-1.

ENVIRONMENTAL REVIEW

1. The Planning Board should consider having the Applicant complete a FEAF form due to the site's adjacency to a residential zone, the remediation record for the site, and the overall use of the property.
2. The ZBA should be added as permitting agency if variances are being sought.
3. Will a highway work permit be required from the County for expansion of the curb cut on Charles Colman Boulevard/County Road 20?
4. Add 0.28 acre parcel to total in question 3 of SEAF form.
5. Will there be ground excavation?
6. The NYSDEC Remediation Database entry V00218 states that a deed restriction and site management plan is in place for this site. Please provide this information. The Database also states that evaluation of soil vapor is underway – what is the status of this evaluation?
7. The site is not located in the DEC Watershed. Therefore, with less than one acre of ground disturbance no Stormwater Pollution Prevention Plan is required. The site is located within the MS-4.
8. Provide information for the monitoring well(s) on site.
9. How often and what type of trucks access the site?
10. Are there any special materials handling guidelines for the use of the existing site?
11. Per the United States Fish and Wildlife Service, the site may provide potential habitat for the following regulated species: Indiana Bat and Bog Turtle. Please add this information to the SEAF Form.
12. The project site is disturbed; however, the site is included on the Dutchess County Historical Survey and will involve ground disturbance. Therefore, the Applicant should submit the revised project to NYSOPRHP via their Cultural Resource Information System <https://cris.parks.ny.gov/Login.aspx?ReturnUrl=%2f> for an effect finding.

SITE PLAN REVIEW

1. According to <https://new.mta.info/agency/construction-and-development/> Any public- or private-sector entity engaging in construction activities within 200 feet of MTA property must file their plans with the MTA to ensure that MTA infrastructure is protected. The Adjacency Projects Team reviews and approves, or provides a determination of no impact, for residential, commercial and other developments initiated by the private sector. Please contact EPP@mtacd.org and copy the Village on correspondence.
2. Is the Applicant proposing to consolidate the tax lots?

3. Where will the trailers and pallets that are shown occupying the northwest corner in google street view be relocated to?
4. Are there currently handicap spaces marked on site?
5. Please provide material samples for the retaining wall.
6. Please provide material samples for the fence and specify fence height.
7. Please provide material samples for the building façade.
8. Is the enclosed loading area required to be vented? If so, where and what type of vent will be used?
9. The Planning Board may wish to consider if there are opportunities to improve the site's aesthetics with additional landscaping especially as the parking situation becomes further clarified.

DOCUMENTS REVIEWED

- Project Statement of Use
- Village of Pawling Site Plan Application
- Current Deed
- Short Environmental Assessment Form (SEAF)
- Waiver Request Letter
- Aerial Map
- Site Plan Set, including Amended Site Plan (SP-1), Enlarged Site Plan (SP-1A), Proposed Plan and Elevation (A-1), Proposed Elevation with Site Conditions and Landscaping (A-2), dated 9/29/2020 and prepared by J Group Designs.
- Property Survey, Robert V. Oswald, dated 1/15/2019. Not stamped.
- Filed Map 9727
- V00218 Voluntary Cleanup Program record

FILED WITH
OCT 14 2020
VILLAGE CLERK

At a Meeting of the Village of Pawling Planning Board held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 13th day of October 2020, at 7:00 PM

RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF PAWLING

Identifier: Denial of Site Plan for 2K Development/Heinchon Place

The meeting was called to order by Chairman Steve Goldberg and the following were:

P R E S E N T:

Chairman Steve Goldberg
 Lou Musella
 Robert Pfister
 Adam Muroski
 Scott Nickerson

The following Resolution was proposed by Steve Goldberg, who moved its adoption, and seconded Lou Musella.

WHEREAS, the Village of Pawling Planning Board (“ Planning Board”) has received an application from the owner of the property located at 112 East Main Street in the Village a/k/a Heinchon Place (the “Applicant”) for site plan approval; and

WHEREAS, the Applicant also applied for special use permits to construct a) two multi-family residences, b) 7500 square feet of retail and c) a hotel; and

WHEREAS, upon due deliberation the Planning Board has denied the application for the aforementioned special use permits; and


NOW, THEREFORE, BE IT RESOLVED that the site plan for 112 East Main Street in the Village a/k/a Heinchon Place is denied based upon the findings set forth in the resolution denying the special use permits which findings are incorporated herein by reference.

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 Steve Goldberg	<u>X</u>	—	—
Lou Musella	<u>X</u>	—	—
Robert Pfister	<u>X</u>	—	—
Adam Muroski	<u>X</u>	—	—
Scott Nickerson	—	—	—
TOTAL	<u>4</u>	<u>0</u>	<u>0</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 October 13, 2020.

Date: October 13, 2020



Jennifer Strehle, Secretary

FILED WITH
OCT 14 2020
VILLAGE CLERK

At a Meeting of the Village of Pawling Planning Board held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 13th day of October 2020, at 7:00 PM

RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF PAWLING

Identifier: Denial of Special Permit for 2K Development/Heinchon Place

The meeting was called to order by Chairmen Steven Goldberg and the following were:

P R E S E N T:

Chairman Steve Goldberg
 Lou Musella
 Robert Pfister
 Adam Muroski
 Scott Nickerson

The following Resolution was proposed by Steve Goldberg, who moved its adoption, and seconded Lou Musella.

WHEREAS, the Village of Pawling Planning Board (“Planning Board”) has received an application from the owner of the property located at 112 East Main Street in the Village a/k/a Heinchon Place (the “Applicant”) for special use permits to construct a) two multi-family residences, b) 7500 square feet of retail (which includes a 5000 square foot restaurant) and c) a hotel; and

WHEREAS, the Planning Board has reviewed the requirements set forth in Sections 98-74 and 98-76 of the Code of the Village of Pawling in connection with such special permit applications and all documents submitted by the Applicant herewith and due deliberation having been had thereon.

NOW, THEREFORE, BE IT RESOLVED the Planning Board determines as follows:

-
- (1) the application fails to comply with the requirements of the Village of Pawling Code §98-74(A)(1) in that the proposed use is not compatible with the goals and objectives of the Comprehensive Plan;
 - (2) the application fails to comply with the requirements of the Village of Pawling Code §98-74(A)(3) in that the use will not be in harmony with the appropriate and orderly development of the district in which the use is proposed to be situated;
 - (3) the application fails to comply with the requirements of the Village of Pawling Code §98-74(A)(4) in that the location, nature and height of buildings would hinder or discourage appropriate development of adjacent land and buildings.

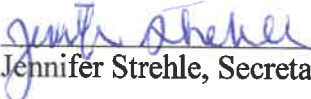
Based upon the foregoing determination the Planning Board does not reach the other issues regarding the projects non-compliance with the:

- (a) Village of Pawling Code § 98-11;
 - (b) Village of Pawling Code § 98-74(A)(6);
 - (c) Village of Pawling Code § 98-76(A)(7);
 - (d) The area and bulk schedules;
 - (e) The number of dwellings in the Schedule of Permitted Uses;
 - (f) Village of Pawling Code §98-76(C)(1);
 - (g) the Village of Pawling Code §98-76(D)(4);
 - (h) the Village of Pawling Code §98-76(D)(7);
 - (i) the Village of Pawling Code §98-76(D)(8);
 - (j) and various other issues which have been discussed with the applicant as requiring referral to the Village of Pawling Zoning Board of Appeals for variance or interpretations.
-

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Chairman Steve Goldberg	<u>X</u>	—	—
Lou Musella	<u>X</u>	—	—
Robert Pfister	<u>X</u>	—	—
Adam Muroski	<u>X</u>	—	—
Scott Nickerson	—	—	—
TOTAL	<u>4</u>	<u>0</u>	<u>0</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 October 13, 2020.

Date: October 13, 2020



Jennifer Strehle, Secretary

MEMORANDUM

To: Village of Pawling Planning Board
From: The Chazen Companies, Caren LoBrutto
Date: October 9, 2020
Re: 146 East Main Street, FKA McGraths
Project #: 81931.03, Task 0103

FILED WITH
OCT 13 2020
VILLAGE CLERK

SUMMARY

The Applicant/Owner, Main Corner Properties, LLC, is seeking site plan approval from the Planning Board to construct a new, 8,321 SF¹, 2 ½-story, 135-seat² restaurant with related site improvements (41 parking spaces, landscaping, refuse enclosure, propane tank, utilities) at 146 East Main Street, which was previously occupied by a restaurant known as McGraths.³ There is also an accessory dwelling unit located on the site which will be demolished as part of the project. The project site is located within the Residential 2 (R2) Zoning District and at the start of the application to the Planning Board, the prior 140-seat restaurant had been vacant for at least six months. The project site occupies an approximately 0.59 SF tax parcel 134001-7056-09-244711 and abuts the Watts-Slocum Burying Ground, which is identified on the Dutchess County Historical Survey. The property received a variance in 1994 allowing the continued use of a restaurant within the previously existing restaurant building on site.

The following approvals are anticipated to be required for this project:

- PB Site Plan Approval
- ZBA Area Variances
 - Front yard
 - Side yard
 - Lot coverage
 - Parking stall size
 - Parking located in setback
- Sign Permit
- Coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit (Permit No. GP-0-20-001)

The property received a variance in 1994 allowing the continued use of a restaurant within the previously existing restaurant building on site.

¹ Increased from 8,290 SF in earlier submissions.

² Reduced from 200 seats in prior submissions. The Applicant has indicated the number of seats has been reduced based on current social distancing requirements and in response to parking concerns.

³ The Applicant/Owner demolished the existing vacant restaurant (built 1935 – 1940) in Spring/Summer 2020. The accessory residential building has not yet been demolished.

NEXT STEPS

The Planning Board (PB) should consider rendering a State Environmental Quality Review (SEQR) determination of significance. To that end, enclosed are draft FEAF Parts 2 and 3, Part 3 Evaluation of the Magnitude and Importance of Project Impacts, and the Conditional Negative Declaration.

COUNTY REVIEW

A referral to the Dutchess County Department of Planning is required under General Municipal Law 239 because the site is located on a State road. The County responded in a March 9, 2020 with recommendations about lighting, landscaping, and pedestrian infrastructure.

The Applicant should respond to the following comments.

ZONING ANALYSIS

1. **Per §98-18, the refuse enclosure is not a permitted obstruction within the front yard. The current plan assumes the lot is a corner lot and shows the refuse enclosure within the front yard that fronts NYS Route 22. Applicant is seeking a variance encroachment in the front yard. PENDING**

Per §98-22, the location of required parking shall conform to all the regulations of the district. The parking provided on the current plan indicates that parking will be located within the setbacks. The Applicant should seek a variance for parking within the setback/yard. PENDING

Per §98-22, parking stall size is required to 9x19 FT. The Applicant should seek a variance for smaller parking stall size. PENDING
2. **Per §98-17(B), please designate the rear yard on the site plan. The Planning Board has sought the opinion of the Building Inspector/Code Enforcement Officer. The designation of a rear yard may impact the variances needed. PENDING**
3. **The maximum permitted height is 2 ½ stories, but the bulk table indicates 2 stories; please correct. RESOLVED**
4. **Provide the square footage per floor. RESOLVED**
5. **Provide a breakdown between usable customer area and other space. RESOLVED**
6. **Provide a signage plan. PENDING**
7. **The photometric foot candle (f.c.) spots should be shown beyond the property line to where the values are 0.0 f.c. determine how far, and the intensity of the light spill beyond the property line and onto both adjoining roadways, adjoining site to north, and the cemetery to south. Consideration should be made to minimize glare beyond the property line, especially at this site situated at a road intersection. PENDING**

8. It appears there may be up to 1.5 f.c. (approximated) light spill beyond the north property line, and possibly 3.0 f.c. at the southern property line. Suggest using a fixture with a HSS- house-side shield (or BLOC-back light optical control) on poles located at property line to reduce light spill. PENDING
9. Please correct IES files used for the LED Omega series 1521 LED. PENDING
10. Identify/Label on plan the locations for the different types. PENDING
11. State mounting height of fixtures for both pole-mounted fixtures and wall mounted fixtures. PENDING
12. Detail pole base (typical of 2) in relationship to curb and property line where parking spaces are 19 ft. deep on north side of property. The concern is that a car may pull in far enough to hit pole. What is the concrete base height at this location? It should be high enough so that the light pole will not be damaged and the base will be visible as a car pulls in. PENDING
13. Consider higher light levels at building entrances. PENDING
14. There appears to be some street lighting along East Main St. where the proposed entrance is located. The Planning Board may wish to consider if lighting is needed along the proposed sidewalk in the ROW. PENDING
15. Sidewalks should have adequate lighting on pathway to building entrances. Recommend 0.5f.c. - 3.0 f.c. PENDING
16. The Planning Board may wish to consider requiring automatic lighting controls, for example: dimmers and/or photoelectric shut-off switch for lighting fixtures after hours of operation. PENDING
17. Generally, the plantings along East Main St. at building seem sparse, suggest more plantings at front of building along the roadway, unless your intention is for mostly a grass lawn. PENDING
18. Note treatment for remaining areas not paved nor landscaped. Grass lawn? Delineate mulched areas and lawn areas. PENDING
19. The Green Giant Arborvitae will overhang parking spaces when mature and may cause sight distance obstruction along the roadway when grown. This is a narrow space due to the parking lot on one side, and Route 22/55 on the other side. This planting will be subject to several hardships, which includes road and parking lot salting and deer destruction. This is a difficult area for any species to do well. Suggest a selection for a plant that will provide parking lot screening with an evergreen that will remain a more appropriate size. Otherwise, commitment to hedge trimming. PENDING
20. There are spelling errors in plant list and key that could lead to confusion: Fix common name/botanical name of *N-Jun2*. The letter symbols on plan don't match the list on schedule. PENDING
21. Burning Bush, *Euonymus alatus* and Winter Creeper *euonymus fortune* are regulated by the NYSDEC. Different plants should be considered. PENDING

22. **Along East side of building: Specify variety of boxwood. Choose a species less susceptible to blight, and with a more appropriate height. A “Winter gem” or “Franklin gem” would work better. PENDING**
23. The survey provided is not stamped and does not include topographic information; however, the site plan indicates that its topographic information is derived from the survey. The Applicant should reconcile the information. **RESOLVED**

ENVIRONMENTAL REVIEW

1. The Applicant should use the NYSDEC EAF Mapper to complete the EAF form, which provides automated responses to certain questions (e.g. endangered and threatened species). I have enclosed the partially completed form that I obtained off the NYSDEC EAF Mapper website - <http://www.dec.ny.gov/eafmapper/>. Please use this form in future submissions. **RESOLVED**
2. Please indicate no within the coastal resource section in Section B.i.i. of the FEAF. **RESOLVED**
3. As indicated in the enclosed FEAF form, there are known occurrences of endangered or threatened species on or in the vicinity of the project site, including the Bog Turtle.

Please include the following information in the FEAF in the applicable section: There are no wetlands located on the project site. Furthermore, areas immediately adjacent to the site are not anticipated to be suitable habitat for the Bog Turtle. Therefore, no impacts to this species is anticipated. Please include this information in the FEAF. **The Applicant is seeking coverage under the NYSDEC General Permit for Stormwater Discharges from Construction Activity Permit (Permit No. GP-0-20-001); therefore, the Applicant shall consult with the NYSDEC that the site does not constitute as habitat for the Bog Turtle. PENDING**

4. The site is also located within the vicinity of a Significant Natural Community: Red Maple Hardwood Swamp.

Please describe in the FEAF any erosion and sediment control management practices that will be in place during construction and how stormwater on the site will be handled to ensure that there are no potential impacts the project may have on this habitat. **RESOLVED**

5. **Per the United States Fish and Wildlife Service, the site may provide potential habitat for the following regulated species: Bog Turtle and the Indiana Bat. Please include in FEAF section E.2.o the Indiana Bat species and note that the site is fully developed. PENDING (an earlier revision seems to have been lost in later versions)**
6. For group dining events, indicate the number of seats and proposed hours of operation for special events. **RESOLVED**
7. **NYSOPRHP issued a not eligible determination for the buildings on the site on 2/26/2020. In a 2/27/2020 letter, NYSOPHP indicated that the site is in an archaeologically sensitive area and is immediately adjacent to the Watts-Slocum Burying Ground cemetery. The agency requested maps,**

photographs, and any other materials that document the historic limits of the cemetery. The Applicant submitted the following information:

- Watts and Quaker Hill Burial Ground information
- Picture of the cemetery
- FEAF with attachments
- July 8, 2019 Survey by Robert V. Oswald

On March 6, 2020, NYSOPRHP recommended, “a Phase IA/IB archaeological survey for components of the project that will involve ground disturbance, unless substantial prior ground disturbance can be documented. A Phase IA/IB survey is designed to determine the presence or absence of archaeological sites or other cultural resources in the project’s Area of Potential Effects (APE).”

A Phase 1A Archaeological Sensitivity Assessment, dated June 2020 was prepared for the project site by Strata Cultural Resource Management. The report recommended that a Phase IB Investigation be conducted due to the site’s location within, “a former portion of the National Register Listed John Kane House farmstead and its association with General Washington during the Revolutionary War.”

The results of the Phase IB fieldwork are currently being compiled into a final report for submission to NYSOPRHP which is anticipated to be submitted by November 2020. An End of Fieldwork Letter (dated 9/25/2020) for the Phase IB Archaeological Field Investigation was provided to NYSOPRHP stating that, no significant cultural resources were identified, and no further investigations are recommended.”

In a September 30, 2020 letter, NYSOPRHP stated, “OPRHP has reviewed End of Fieldwork Letter, Phase IB Archeological Field Investigation, 20PR01343, 146 E Main St, Village of Pawling, Dutchess County, NY (STRATA, 25 September 2020). Based on the information provided and cognizant of the tight regulatory schedule, this office tentatively concludes that it has no further cultural resource concerns regarding the proposed project, conditioned on the timely submission of a full archaeological report that meets our guidelines.”

Please make modifications to the FEAF part 1, E.3.f and g by adding note to say that NYSOPRHP said site is archaeologically sensitive and provide summary of recent Phase 1a, 1b, EOF letter and SHPO letter. PENDING

8. The project will not require greater than one acre of disturbance; however, a Stormwater Pollution Prevention Plan (SWPPP) and erosion and sediment control practices are required due to the site’s location within the New York City Department of Environmental Protection (NYCDEP) Watershed. The site is also identified in the FEAF as being located over a principal aquifer. The Applicant should identify that coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit (Permit No. GP-0-20-001) will be required in the Table in Section B of the FEAF. PENDING
9. Provide a trip generation rate for the proposed new restaurant. RESOLVED

10. **The Village of Pawling is located within the Hudson River Valley National Heritage Area and participates in the Greenway Compact. Please note this in section C.2.b of the FEAf. PENDING (an earlier revision seems to have been lost in later versions)**
11. Section D.1.g of the FEAf indicates that 12,000 SF will be heated/cooled. Please confirm. Based on other descriptions, the building is approximated at 8,290 SF. Confirm also the dimensions shown in this section. **RESOLVED**
12. Based on recent discussions with Village consultants, the Village does not currently have adequate capacity to service water to new developments. Upon activation of a new well being pursued by the Village, the water system is anticipated to have adequate capacity. Please include a note within the FEAf to this effect in FEAf Section D.2.c. and check no for the corresponding question. Please provide a breakdown for how water/wastewater generation was calculated. **RESOLVED**
13. Describe any potential noise and lighting effects on nearby properties during hours of operations. **RESOLVED.**
14. **Specify the source used in solid waste calculations. PENDING**
15. **Excavation is needed and the site has shallow bedrock. Describe how rock will be removed if encountered. Will blasting be needed, hammering, ripping? Provide this discussion as an endnote to the FEAf or within the FEAf form. PENDING**
16. Describe in FEAf section E.2.h the local parks located within five miles of the project site. **Please identify Wonder Lake, NYSDEC Lands, Lakeside Park. PENDING**
17. Please indicate on the FEAf any approvals/permits needed for water and sanitary connections. **RESOLVED**
18. Please sign the FEAf form. **RESOLVED**
19. In the revised form D.1.e, the period of construction was left off. Previous form stated 12 months. Please include this in the revised form. **RESOLVED**
20. In the revised form D.2.j, the number of trucks was left off. Please include. **RESOLVED**
21. In E.2.c, fix typo in soil description. **RESOLVED**
22. Endnote: D.2.j. The 10th Edition utilizes land use code 931. Please identify the edition used and variable used (e.g. SF, seats, employees). The Applicant referenced the 1991 edition. A comparison of the data available from the 10th Edition against information provided by the Applicant revealed that the trip generation data was generally consistent. **RESOLVED**
23. **The Applicant has included landscaping on an adjacent parcel, which is not part of the project site. To avoid confusion this improvement should be removed from the site plan under review by the Planning Board as it is not part of the proposed action. PENDING**

24. Identify that adjoining property to the north is owned by the Applicant in D.1.b.c. PENDING

DOCUMENTS REVIEWED

- Village of Pawling Planning Board Combined Application Form
- Statement of Use
- Waiver request for size of parking spaces
- Full Environmental Assessment Form - Part 1 last revised 6/29/20
- Site Survey of existing conditions (reduced copy) as prepared by Robert V. Oswald, LS, dated 7 /8/19
- Aerial plan of existing site and surroundings
- Letter from Village of Pawling Building Inspector/Code Enforcement Officer, dated 12/17 /19 regarding use variance
- Village of Pawling Zoning Board of Appeals decision and minutes, date 11/29/94
- Site Plan (C100), Erosion and Sediment Control Plan (C101), Landscaping Plan and Details (C102), Lighting Plan and Details (C103) and Details (C500), prepared by Zarecki & Associates, LLC, dated 1-24-2020, last revised 6/30/2020
- Schematic building plans (A-1) and elevations (A-2), prepared by J Group Designs, LLC, dated 1/24/2020
- Letter from J Group Designs LLC dated 06-09-20 responding to Chazen Companies
- review of 02-10-20
- Letter from J Group Designs LLC dated 06-09-20 responding to Joseph P Berger P.E. of Berger Engineering and Surveying PLLC review letter of 01/10/20
- Letter from J Group Designs LLC dated 06-29-20 to Planning Board stating reduction in seats from 200 to 135.
- Watts and Quaker Hill Burial Ground information
- NYSOPRHP not eligible determination for the restaurant building on 2/26/2020
- NYSOPRHP 2/27/2020 letter requesting more information
- NYSOPRHP 3/6/2020 letter recommending Phase 1A
- Phase 1A Archaeological Sensitivity Assessment, dated June 2020, prepared by Strata Cultural Resource Management
- An End of Fieldwork (EOF) Letter (dated 9/25/2020) for the Phase IB Archaeological Field Investigation prepared by Strata Cultural Resource Management
- NYSOPRHP 9/30/2020 letter, conditional no concern letter
- Berger Engineering and Surveying Comment Letters, dated 1/10/2020 and 6/9/2020
- Dutchess County Department of Planning and Development 3/9/2020 Letter (Referral # 20-071)

FILED WITH
OCT 14 2020
VILLAGE CLERK

At a Meeting of the Village of Pawling Planning Board held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 13th day of October 2020, at 7:00 PM

RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF PAWLING

Identifier: Negative Declaration 146 East Main Street

The meeting was called to order by Chairman Steve Goldberg and the following were:

P R E S E N T:

Chairman Steve Goldberg
 Lou Musella
 Robert Pfister
 Adam Muroski
 Scott Nickerson

The following Resolution was proposed by Steve Goldberg, who moved its adoption, and seconded Lou Musella.

WHEREAS, the Village of Pawling Planning Board (“ Planning Board”) has received an application from the owner of the property located at 146 East Main Street in the Village (the “Applicant”) for site plan approval; and

WHEREAS, the Applicant filed an Environmental Assessment Long Form (“EAF”) and

WHEREAS, the Planning Board circulated an intent to declare itself lead agency to all involved agencies; and

WHEREAS, the Planning Board declared itself lead agency; and

WHEREAS, the Planning Board deems the application an Unlisted Action pursuant to 6 NYCRR Part 617 and ordered that the SEQRA environmental review would be coordinated with other involved agencies;

WHEREAS, the Planning Board has reviewed Part 1 and Part 2 of the EAF and due deliberation has been had thereon


NOW, THEREFORE, BE IT RESOLVED that the Planning Board determines that there are no significant environmental impacts and authorizes the adoption of the Negative Declaration, with conditions, annexed hereto as Exhibit A; and

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 Steve Goldberg	<u>X</u>	—	—
Lou Musella	<u>X</u>	—	—
Robert Pfister	<u>X</u>	—	—
Adam Muroski	<u>X</u>	—	—
Scott Nickerson	—	—	—
TOTAL	<u>4</u>	<u>0</u>	<u>0</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 October 13, 2020.

Date: October 13, 2020



Jennifer Strehle, Secretary