

THE VILLAGE OF PAWLING PLANNING BOARD MINUTES

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| Date: | November 5, 2019 |
| Present: | Michael Cerny, Acting Chairman Lou Musella, Member Rob Pfister, Member Adam Muroski, Member Scott Nickerson, Member |
| Also Present: | Earl Slocum, Trustee Mike Keupp, ZBA Chairman Anne Hardeman, ZBA Member Kelly Libolt, Planner Joe Berger, Engineer Curt Johnson |

APPROVED BY
VILLAGE OF PAWLING
PLANNING BOARD

On Wednesday, *November 5, 2019* at 7:00 PM, the Planning Board met in the first floor meeting room in the Village Hall at 9 Memorial Avenue. The Meeting was called to order by Jennifer Strehle, Secretary, and began with role call as indicated above and The Pledge of Allegiance.

Minutes from

Mr. Musella made a Motion to accept the Minutes from the 10/8/19 Meeting for the Planning Board. Mr. Muroski seconded the Motion and all present Members were in favor.

Other Business

Mr. Pfister made a Motion to approve the 2020 Meeting Date Schedule for the Village of Pawling Planning Board. Mr. Musella seconded the Motion and all present Members were in favor.

Mr. Cerny discussed the letter received from Nancy Tanner. Please see attached letter.

There was a discussion about the letter received from The Chazen Companies. Please see attached letter. Mr. Cerny asked the secretary to contact The Chazen Co. and ask if they can give a presentation at our next meeting scheduled for December 10th.

Arch Street Partners

Mr. Cerny said that this is an approved project which was extended. Mr. Cerny confirmed with Mr. Morgan that in the Village code a Site Plan approval has no termination.

Pawling Commons

Mr. Cerny said that this project has a Special Use permit. He explained that these permits are void if construction does not start within one year and completed within two years. Mr. Cerny said that he would like to look at the current situation and get a report back from the Engineer and from The Chazen Companies before an extension is granted.

Heinchon Place – 112 East Main Street

Ms. Kelly Libolt excused herself from the panel.

Mr. Cerny asked Ms. Libolt to discuss any changes that have been made. Please see the attached document from KARC Planning Consultants, Inc. dated October 29, 2019.

Mr. Cerny asked Mr. Berger to discuss his report dated November 3, 2019. Please see the attached document dated November 3, 2019.

Mr. Musella made a Motion to schedule a Public Hearing for Heinchon Place at the December 10, 2019 meeting. Mr. Muroski seconded and all present Members were in favor.

Mr. Cerny requested that the ZBA submit any comments regarding SEQR one week before December.

Adjournment:

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

Submitted by:

Jennifer Strehle, Secretary

October 25, 2019

TO: The Village of Pawling Board of Trustees, Planning Board and Zoning Board

I recently contacted Andres Duany, our Village of Pawling chosen planner and creator of our Master Plan and Zoning Codes dated 1994-95. In that correspondence I stated that I “was not reaching out from the Government or any organization, but simply as a citizen who highly respects ALL” he has done for “Pawling...New York State’s Best Kept Secret”.

My reasons for that contact:

- (1) My long-time involvement in thousands of meetings that Accomplished our planning and zoning. (And, funding).
- (2) A few current Planning and Zoning Board requests for guidance re current proposed planning projects.
- (3) The pro and con civic concern currently being expressed by Pawling residents.

Planner Andreas Duany’s response (dated October 21, 2019):

“I think that the Planning Board needs an ongoing architectural consultant to advise them...Actually, the developers should be persuaded to retain him. Robert Orr is an excellent such advisor, in New Haven 1.5 hours drive away...It would be more straightforward if the developers would just retain him.” (Contact: 203-777-3387)

It is my opinion and that of Andres Duany that Pawling needs an independent, impartial consultant to pull together existing planning with what is being proposed. The scope and scale of current planning on East Main Street as well as Chas. Colman Blvd. requires coordination between what exists in Pawling and what is planned for the future. A few of the MANY issues to be considered are noise, traffic needs, reasonable housing prices, existing architecture etc. It is strongly suggested that the Village retain the recommended architectural consultant in order to pull existing planning into a cohesive future plan.

Our Village Master Plan states “The combination of dense and loose buildings creates a ragged but very picturesque edge resulting in the charm of Pawling”.

With the advice and professional guidance of the architectural consultant Robert Orr, positive Pawling change will be accepted and welcome.


NANCY TANNER

cc: Town of Pawling Board

November 5, 2019

Chairman Michael Cerny and Village of Pawling Planning Board Members
Village of Pawling
9 Memorial Ave.
Pawling, NY 12564

FILED WITH
NOV 05 2019
VILLAGE CLERK

Re: Pawling Water Supply

Dear Chairman Cerny and Planning Board Members

Chazen Engineering has been engaged by the Village of Pawling to assist it explore and develop additional sources of water supply.

The water supply system as it stands today does not have sufficient capacity to meet all of the needs of existing consumers in strict conformance with NYSDOH requirements. In its present condition, source capacity meets demands on average daily flow but is incapable of conforming with NYSDOH requirements that it be capable of meeting maximum daily demand with the largest well out of service.

At this time, the Village cannot supply drinking water to any existing served property in amounts that exceed the current demand for that property.

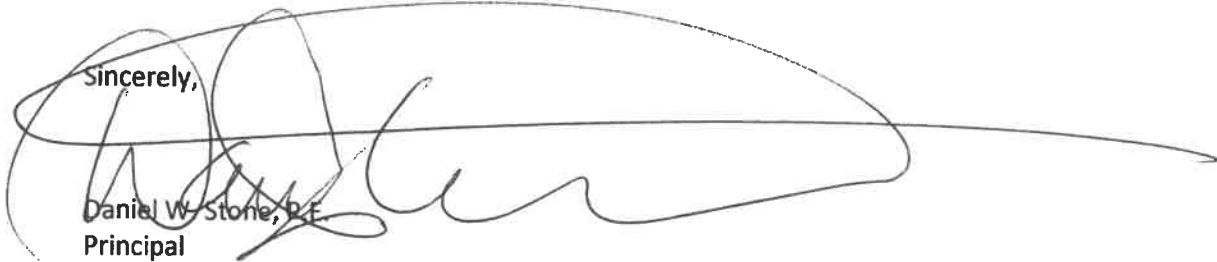
The Village has recently explored adding additional sources of groundwater supply and has submitted information to the NYSEFC to secure funding to develop this proven supply. Additionally, the Village is in discussions with the NYSDEC and the NYSDOH and has commenced the application processes to secure permission to withdraw and use these groundwater supplies to augment its drinking water system.

Chazen has developed a schedule for permitting, financing and constructing these sources of supply which will bring them on line by 4Q2020 or possibly as late as 1Q2021. When these sources are on-line, the Pawling Water Supply system will have the capacity to supply all properties within the Village in full compliance with all regulatory requirements.

The Village Board asked me to provide the Village Planning Board with this information so it can be considered in your review of any projects

Please let me know if additional discussion is needed.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Daniel W. Stone', with a long horizontal flourish extending to the right.

Daniel W. Stone, P.E.
Principal

cc: Mayor Robert Liffland and Village of Pawling Board
Jennifer Osborn, Pawling Village Clerk
David E. Daniels, Daniels, Porco & Lusardi
Joseph Berger, Planning Board Consultant



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October 29, 2019

Chairman Cerny and Members of the Planning Board
Village of Pawling
160 Charles Colman Blvd
Pawling, NY 12564

HAND DELIVERED

**Re: Heinchon Place
2K Development Inc
Amended Site Plan & Special Permit**

Dear Chairman Cerny and Members of the Board:

We have previously provided you with the following:

1. Combined Application form for Amended Site Plan and Special Permit dated 08.27.19.
2. Full Part I and Part II EAF dated 08.27.19.
3. Correspondence from NYS OPRHP dated 06.24.19.
4. Traffic Impact Study prepared by JMC dated 08.28.19.
5. Amended Site Plan prepared by LRC Group dated 08.27.19.
6. Elevation of the Residential Structures prepared by Liscum McCormack VanVorhis.

Enclosed find the following additional documentation:

1. Amended Project Summary dated 10.29.19.
2. Part II EAF dated 10.29.19.
3. Draft Part III EAF 10.29.19.
4. Amended Traffic Study prepared by JMC dated 10.17.19
5. Correspondence from NYSDEC dated 09.27.19.



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6. Amended Site Plan prepared by LRC Group dated 10.29.19.
7. Amended Elevations dated 10.29.19.
8. Amended SWPPP prepared by LRC Group dated 10.29.19.

We are in receipt of the comments from the Village of Pawling Planning Board Engineer in a letter dated September 9, 2019 and the comments received from the Joint Planning Board and Zoning Board of Appeals Workshop held on September 24, 2019 and offer the following responses.

Note that most of the comments which have been received directly relate to the Site Plan portion of the review of the project. I have summarized the outstanding SEQRA comments at the end of this letter for purposes of identification of the outstanding items that are requested by this Board for their SEQRA review:

Village of Pawling Planning Board Engineer Correspondence dated September 9, 2019.

- A. *Please add the zoning boundary line to a plan with the proposed buildings.*

Response: See the Amended Site Plan. The project is wholly within the B-2 Zoning District.

- B. *Rather than have the sidewalk loop around the southern light pole with a sharp curve can the radius be increase for a smoother transition to the remainder of the proposed sidewalk.*

Response: The sidewalk has been redesigned around the existing utility pole. See the attached Amended Site Plan.

- C. *Add detectable warning strips to the ends of the proposed sidewalk along E Main Street.*

Response: See the Amended Site Plan, detectable warning strips have been added to the plan.

- D. *What is the proposed pedestrian path from the parking lots to the proposed sidewalk along E Main Street?*

Response: See the attached Amended Site Plan which shows the additional and reconfigured sidewalks that now connect all buildings to the proposed sidewalk along Main Street.

- E. *Show proposed lighting on the buildings and their associated iso-lines.*

Response: See amended Site Plan. The building lighting will be utilized to illuminate the entrance doors only and therefore will not result in any greater light exceeding over the property lines than the proposed parking lot lighting shown.

- F. *Check the values on the iso-lines for the pole light shown on sheet LP-1*

Response: Comment noted. All iso-lines have been reconfirmed.

- G. *Show proposed sign locations*

Response: All proposed sign locations have been added to the attached Amended Site Plan.

- H. *Show existing and/or proposed easements for lots to north that have access off of narrow drive on this project site.*

Response: This comment has been addressed per the Town Engineer comments dated 10.08.19.

- I. *Site Drainage - The amount of site disturbance does require a Storm water Permit and a Storm Water Pollution Prevention Plan (SWPPP) has been submitted - KEN*

- 1 *Check the post elevation for DP-2 2-year event*

Response: *The Pre to Post chart has been revised.*

- 2 *Check the location of the depression listed in the paragraph under the tables on page 10*

Response: *The description has been revised.*

- 3 *Infiltration tests and deep test pits required for full infiltration practice design.*

Response: *Deep and Infiltration tests have been completed and are included in Appendix D of the SWPPP.*

- 4 *Exfiltration rates in the stormwater model may need to be revised and infiltrator systems reevaluated based on field test data.*

Response: *The exfiltration rates have been revised and are better than what was previously estimated.*

- 5 *Cpv is required even if 1 year post rate is less than 1 year pre rate. Cpv is not required if the provided RRv is equal to or greater than the required WQv*

Response: *The summary chart has been revised accordingly.*

- 6 *Provide Water Quality treatment for roofs of Buildings 1 and 2.*

Response: *The proposed project is a redevelopment project with an increase in impervious surface. The New York State Stormwater Design manual only requires the treatment of 25% of the WQv for the redevelopment portion of the project. The site has been designed to treat the required WQv and the majority of the treated area comes from the parking lots as they typically have higher pollutant loading than roofs.*

- 7 *How does the storm manhole separate the initial pretreatment portion of the runoff to the isolator row or how does the storm manhole keep runoff from bypassing the isolator row?*

Response: *The inlet manholes have been revised to show the pipe entering the isolator row is at the bottom of the chambers and the bypass line is at the top of the chambers and will only be used during large storm events.*

8 *Evaluate proposed point discharges versus pre overland discharges.*

Response: *A level spreader has been added at the point discharge to create a sheet flow condition.*

J. *Fire Protection - The engineer should show turning radius for the fire trucks as necessary to demonstrate adequate site access for fire protection.*

Response: See the Amended Site Plan and Truck Turning Plan.

K. *Snow Storage - Engineer should show on plans location for snow storage*

Response: See the Amended Site Plan, snow storage areas have been added to the plan.

L. *Site Landscaping/ screening*

1 *Does the Planning Board want landscaping along Rt 22 side as well as Northwest and any internal landscaping around the buildings?*

Response: See attached amended Landscape Plan.

2 *Add some landscaping to screen the refuse enclosure fence for Building 2.*

Response: See attached amended Landscape Plan.

M. *Sanitary Sewer*

1. *Connection on East Main with inverts street needs to be shown and a possible doghouse manhole may be needed.*

Response: Comment noted and will be added after coordination with the Village Engineer.

- 2. Proposed Sanitary sewer is shallow, detail shall be revised to show insulation provided on lines less than 5 feet deep.*

Response: An insulated trench detail has been provided for line less than 5' deep. It is on detail sheet DN-2.

- N. Consolidation of lots is required.*

Response: Comment noted.

Comments received from the Planning Board/ZBA Workshop dated September 24, 2019

1. The sidewalks should more clearly show the entrances to each building/front doors of the building?

Response: The internal sidewalks have been reconfigured. See the attached Amended Site Plan.

- 2. How do you determine if the subsoils can support the buildings proposed?*

Response: As also summarized by the Village of Pawing Engineer, the Applicant's Architect will design the foundations for each structure as part of the Building Permit Plans. Therefore, once the plans and final building locations are approved by the Planning Board, a Geotechnical Report will be prepared which summarizes the soil stability and is used for the basis of the foundation design. Preliminary Dep test results completed by LRC Group can be found in Appendix D of the SWPPP Report.



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I also note that you are in receipt of the following (also attached):

1. Correspondence from NYSDEC dated September 27, 2019 indicating that the project will not have a negative impact on the following:
 - A. PROTECTION OF WATERS - There are no waterbodies that appear on our regulatory maps at the project site you identified.
 - B. FRESHWATER WETLANDS - The project site is not within a New York State protected Freshwater Wetland.
 - C. WATER QUALITY CERTIFICATION - The project site does not appear to contain a federally regulated wetland area.
 - D. STATE-LISTED SPECIES - The DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near records of the following state-listed species: Bog Turtle. The proposed project is not likely to have any significant impacts on bog turtles or their habitat and no further review regarding bog turtles at this site is necessary at this time.
 - E. STATE POLLUTION DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER (CONSTRUCTION) – Since the project activities will disturb over 5000 Square feet or more of land within the NYC Department of Environmental Protection East of Hudson Watershed, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-15-002) and develop a Stormwater Pollution Prevention Plan (SWPPP) that conforms to requirements of the General Permit.

Response: A SWPPP has been prepared and submitted to the Village Planning Board Engineer.

- F. STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) WASTEWATER
According to the Full Environmental Assessment Form (EAF), the project site will connect to the existing Village of Pawling Sewer District. Please be aware that an engineering report must be prepared to confirm the capacity of that wastewater facility to serve the proposed project, and that our Department's Division of Water is required to review and approve plans for any proposed sewer extensions or facility expansions.

Response: The project wastewater is under the purview of the Village of Pawling. Further, the Village Engineer has determined that there is sufficient sewer capacity for the project.

G. WATER WITHDRAWAL

According to the Full EAF, the proposed project site will generate a demand for water of approximately 20,260 gallons per day, which will be served by the existing Village of Pawling Water District. Please note that additional Department approval may be required to ensure that the site is covered under an existing Water Withdrawal permit and does not exceed the authorized maximum taking of water into the existing water district or service area.

Response: The Village Planning Board Engineer has confirmed that there are no additional approvals that are required.

H. CULTURAL RESOURCES

We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. The Village of Pawling should submit project materials to the New York State Historic Preservation Office's online Cultural Resource Information System (CRIS) to initiate the review process. Information on submitting to the system and access to it are available at <http://www.nysparks.com/shpo/>.

Response: The NYSOPRHP have provided correspondence dated September 24, 2019 indicating that the project will not result in an impact to the adjacent resources.

2. Correspondence from NYSOPRHP dated June 24, 2019 which states the following:
 - A. Based on the information provided, OPHRP has no concerns regarding the proposed project under SEQRA.

KARC

PLANNING CONSULTANTS, INC.

Enclosed find a copy of the Project Summary for use in reviewing the Part 2 EAF and Draft Part 3 EAF.

At this time, we have address all of the comments received and request that the Planning Board place this matter on the November 5, 2019 Planning Board agenda and address any remaining items required for completion of the SEQRA review.

Thank you for your assistance with this matter.

Sincerely,



Kelly Libolt



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GIS Services: (845) 392-7180
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11/03/19

To: Chairman Cerny and Members Village of Pawling Planning Board
160 Charles Colman Blvd
Pawling NY 12564

RE: Heinchon Place
2K Development Inc
112 East Main Street
Mixed Use Project
Amended Site Plan & Special Permit

I have completed my review of the material submitted on October 29, 2019, and offer the following comments for consideration:

Information received and reviewed:

1. Cover/Response Letter by KARC Planning Consultants, Inc, dated 10.29.19.
2. Amended Project Summary dated 09.29.19
3. Part II EAF and draft Part III EAF received 10.29.19
4. Correspondence from NYSDEDC dated 09.27.19 (previously submitted)
5. Traffic Review response from JMC dated 10.17.19
6. Letter regarding review of Traffic Impact Study from Maser Consulting, P.A., dated 11.01.19
7. Amended Site plan from LRC dated last revised 10.29.19
8. Amended Elevations dated 10.29.19
9. Stormwater Pollution Prevention Plan from LRC dated last revised 10.29.19

Previously submitted and reviewed:

1. Cover/Response Letter by KARC Planning Consultants, Inc, dated October 6, 2019
2. Amended Project Summary dated 09.21.19 Part II EAF dated 08.27.19
3. Draft Part III dated 09.24.19
4. Correspondence from NYSDEDC dated 09.27.19
5. Letter regarding review of Traffic Impact Study from Maser Consulting, P.A., dated October 3, 2019
6. Dutchess County Planning Department Comment letter, dated October 8, 2019
7. Amended Site Plan Application dated 05.13.19.
8. Amended Special Permit Application dated 06.13.19.
9. Full EAF dated 08.27.19.
10. Correspondence from NYS OPRHP.
11. Traffic Impact Study prepared by JMC. And reviewed by Village Traffic Consultant
12. Supplemental Traffic Impact Study from JMC (Accident Information)
13. Amended Site Plan prepared by LRC Group dated 08.27.19.
14. Elevation of the Residential Structures prepared by Liscum McCormack VanVorhis.
15. Storm Water Pollution Prevent Plan prepared by LRC Group dated 08/23/19

Village of Pawling Planning Board Engineer Correspondence dated September 9, 2019

Comments A to N. have been addressed on the site plan

The Planning Board should review the sidewalk locations from the proposed building to East Main Street. I feel the locations are acceptable.

F. iso-lines have been labeled. A minor spillage is shown on East Main and on Rt 22 but the levels are very low and should not have impact neighbors.

H. The 1996 deed for Lot 2 has been provided and is acceptable.

I. Site Drainage & NYSDEC – Property is in East of Hudson watershed. A revised SWPPP has been submitted which demonstrates SEQRA review level compliance with NYSDEC GP-0-15-002 SWPPP requirements.

All review comments on the SWPPP have been addressed.

J. Fire Protection- Fire truck turns have been provided and found to be acceptable. The Traffic consultant has identified that the curb radius of the SE corner of the internal intersection be increased. This may also be accomplished by using a mountable curb. The proposal shows one hydrant, the applicant should consider adding additional hydrant. These two site plan amendments can be added to the plan during the site plan review of the project and are not a concern for SEQRA review.

K. Snow Storage has been added to the site plan and is acceptable.

L. Site Landscaping/ Screening

Landscaping has been added to the sheet LP-1 and shows screening at the north side, south side and along East Main Street as well as around the refuge enclosure. We reviewed the plan and the location of landscaping relative to vehicles parked and the possible overflow of vehicle lights on adjoining properties. The location of buildings and landscaping adequately screens adjoining properties from vehicle lights. There is one area that the Proposed screening consisting of the buildings and landscaping shown will screen the car head lights with only a slight impact being noticed along the Parking lot near Building 1.

Applicant could add additional evergreen plantings or possible alternative screening in the northeast corner of the site behind building one.

M. Sanitary Sewer information has been provided. The Village Sanitary Engineer has indicated that the Village will provide sanitary sewer services. More detailed information will be addressed as part of the site plan review. The Details for sewer have been added and are acceptable.

N. Consolidation of lots is required and can be addressed as a condition of approval. The actual consolidation of the lots is not needed for completion of the SEQRA review.

O. Parking Review

| | | |
|---------------------|---|------------|
| Multifamily | 1 space per unit or | 72 spaces |
| Restaurant | 1/300 sf for restaurant with 5000 sf or $1/300 * 5000 =$ | 17 spaces |
| Retail | 1/250 sf with 2500 sf or $1/150 * 2500 =$ | 17 spaces |
| Office | 4753 sf and 5 employees 1/250 sf plus 1 per employee $1/250 * 4753 + 5 =$ | 24 spaces |
| Hotel | 1/room with 40 rooms = | 40 spaces |
| Total required | | 170 spaces |
| Provided 181 spaces | | |

The Applicant has provided more than adequate parking for the proposed project.

Comments received from Planning Board/ZBA Workshop dated September 24, 2019

1. Sidewalks at entrance has been added to the site plan
2. Subsoils for building support – Deep test have been performed and provided by site engineer. The test were also witnessed by myself. The soils are found to be acceptable. At the building permit stage of the work bearing capacity of the subsoil will be provided as part of the footing design.
3. The Applicant has provided amended Elevations which illustrate the building is 3.5 stories and 45 feet which is within the requirements of the Code (Type VI Urban Regulations) and therefore a variance for height will not be required. The design of the building has been modified to address the request by the Village to develop a building design that more appropriately blends in with the adjoining Kane House and nearby residential structures.

NYSDEC letter dated September 27, 2019

The NYSDEC confirms there are no waterbodies, NYS protected Freshwater Wetlands, and no Federally regulated Wetlands on the site, Items A – C.

Item D: With there being no waterbodies or wetlands on the site and with the extent of the existing developed and disturbed areas, the NYSDEC states it is unlikely the project will change the habitat or impact on bog turtles and no further review regarding bog turtles at this site is necessary.

Item E: A SWPPP has been submitted and found to be acceptable.

Items F and G: In discussions with Joseph Zarecki, P.E., he has no concerns with this project regarding the Sewage Treatment and Water Supply. Chazen Engineering and Surveying PC has been recently hired and has indicated that the Village will provide water and sanitary sewer services. Chazen Engineering has requested that the Applicant provide a storage tank to meet one day's demand for water supply to address peak demand of water in the Village. The requested storage tank has been added to the Site Plan. Further, details for the water storage tank can be provided during the Site Plan review of the project.

Item H: Cultural Resources – This has been addressed by the NYSOPRHP and their issuance of a No Impact letter.

The Applicant has provided a draft Part II and Part III for review. The following are our comments and are provided for further explanation of each of the potential items checked. This information correspond with the Part II submitted.

EAF Part 2

1. Impact on Land

b. The proposed action may involve construction on slopes of 15% or greater - No or small impact may occur

f. The proposed action may result in increased erosion whether from Physical disturbance or vegetation removal – No or small impact may occur

Support Information - Construction of 15% or greater will occur in the area of the Hotel. The Applicant has provided a Grading Plan, Erosion and Sediment Control details and a SWPPP all of which address both of these items.

8. Impact on Agricultural Resources

d. The proposed action may irreversibly convert agricultural land uses – No or Small Impact may occur.

Support Information – Although the project area is within an Agricultural District and sells Agricultural Products, the project area does not support the actual production of Agricultural materials and therefore there is no material impact.

9. Impact on Aesthetic Resources

f. There are similar projects visible within the following distance of the proposed project:

Support Information: Pawling Commons is located approximately 1000 feet to the northwest towards the Village center. The project includes existing retail and office uses and has received approval for the construction of a four story (permitted) structure and will completed will provide 53 multi-family residential units. This project is similarly bounded by residential properties on three sides. Further, properties to the north of the project area, also in the B-2 District contain retail and office uses in buildings that are also of similar height.

10. Impact on Historic and Archaeological Resources

- a. *The proposed action may occur wholly or partially within, or substantially contiguous to any buildings, archaeological site or district which is listed on the National or State Register of Historic Places. – No or small impact may occur*

Support Information: The project area is adjacent to the Kane House which is listed on the National Register. The Applicant has provided correspondence from the State agency responsible for reviewing the application which indicated that the project will have no impact to the Kane House

17. Consistency with Community Plans

- a. *The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s) – Small to no impact may occur*

Support Information – We note the following

1. Several of the residential structures along East Main Street are multi-family uses (rental apartments).
2. The house immediately north of the project area at 98 E Main Street is a 2.5 story structure.
3. The house immediately adjacent to the property (north) at 104 E Main Street is a 2.5 story multi-family structure (apartments)
4. The house immediately adjacent to the property (north) at 106 E Main Street is a 2.5 story multi-family structure (apartments).
5. The structure immediately adjacent to the property (north) at 19 Heinchon Lane is a multi-story structure containing multi-family units (apartments).
6. The structure immediately adjacent to the property (south) 120-124 Main Street (Kane House) is a 2.5 story structure
7. Properties to the immediate north on Route 22, also support a mix of retail and office uses.
8. The Pawling Commons project is located approximately 1000 feet to the northwest towards the Village center and currently contains similar office and retail uses. Further, this project is similarly bounded on 3 sides by properties in the residential zoning district and residential houses. Finally, the project has received approval from the Planning Board for the construction of a four story (permitted height) structure and conversion of a one-story structure to a four-story structure to contain 53 residential multi-family apartments.

Therefore, the proposed project uses and massing are not unlike the surrounding uses and buildings in the immediate vicinity of the project area.

- b. *The proposed action is inconsistent with local land use plans or zoning regulations – small to no impact may occur*

Support Information

The project is consistent with the Local Land Use Plans and Zoning Regulations.

- Uses – all uses are either permitted or specially permitted uses. Note the Applicant has outlined responses to and conformance with all Special Permit Criteria.

Multi-Family Residential - Special Permitted Use (Section 98-74)

Retail - Special Permitted Use. (See Section 98-74 and 98-76E)

- Determined by PB attorney this site is to follow “Small Lots” conditions
 - E.1. Retail Use on the site shall not occupy in excess of (i) 2,500 square feet or (ii) the footprint of the building, if any, which exists on the site as of effective date of this Chapter, whichever is greater.
 - Existing barn is 12,253 sf and has retail use within it.
 - E.3. Flat roofs shall be prohibited. Roofs shall have a minimum slope of 1/2.5
 - Applicant response is exceeds 1 on 2.5 Roof slope will have impact on total height of exterior of building.

Restaurant – Special Permitted Use (See Section 98-74)

Office – Permitted Use

Hotel – Special Permitted Use (See Section 98-74)

- Schedule C: Area and Bulk Schedule/Type VI Urban Regulations; Zone B2
 - Maximum building height 2 stories and 30 feet –superseded by Urban Regulations 3.5 stories and 45.5 feet.
 - Variances to be requested for other inconsistencies.
 -

18. Consistency with Community Character

- e. “The proposed action is inconsistent with the predominant architectural scale and character”
 - The scale of the proposed residential buildings is slightly greater than the buildings and houses in the vicinity (several 2.5 story structures). However, Pawling Commons is located approximately 1000 feet to the northwest and will contain two four-story structures

Traffic – Comment letter by Maser Consulting, PA, Philip J Grealy, PhD, PE, Village of Pawling, Traffic Engineering Consultant dated 11.01.19

- Traffic consultant agrees with methodology used by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

- Traffic consultant states all traffic concerns has been addressed relative to SEQRA review.
- Recommendations from the review letter for site plan consideration:
 1. Increase curb radius on internal intersection
 2. Sight distance line clearing may be needed at driveway access points. This should be noted on site plan.

Dutchess County Planning Department Comments

The Dutchess County Department of Planning and Development has determined this project is of Local Concern with Comments. The Planning Board may wish to consider the comments and respond as desired.

The project will require the following approvals:

Site Plan and Special Use Permit Approval from Village Planning Board for :

- Multi Family
- Retail
- Restaurant
- Hotel

Area Variance from Village ZBA for:

- a. Side yard
 - i. Required 25 feet along residential zone – provided 23.69 required 1.31 ft variance
- b. Maximum Lot Coverage
 - i. B-2 is 30% proposed is 75% variance for 45% additional coverage required
- c. Maximum Density
 - i. 10 units per acre or 5.16 x 10 or 52 units . 72 units proposed variance for 20 units required

Special Use Permits:

Section 98-74

Mixed use buildings are permitted in the B2 zone subject to special use permits.
Special use criteria is listed in General Section 98-74

Conditions noted in code:

1. *The proposed use is compatible with the goals and objectives or the comprehensive plan, including without limitation reinforcing the B-1 district as the retail center of the Village and preserving the character and context of the district in which such use is proposed; provided , however , that this provision shall not be applied to deny a retail use in the B-2 district which meets the standards herein.*
2. *That all proposed structures, equipment or material shall be readily accessible for fire and police protection*
3. *The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with such use, the size of the site in relation to the use, the assembly or persons in connection with the use and the location of the site with respect to street giving access to the site are such that the use will be harmony with the appropriate and orderly development of the district in which the use is proposed to be situated.*
4. *The location, nature and height of buildings, the location, nature and height of walls and fences and the nature and extent or landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.*
5. *Operations in connection with the use will not be offensive, dangerous, destructive of property values and basic environmental characteristics or determined to the public interests of the Village and not be more objectionable to nearby properties by reason of noise , fumes, vibration, dashing of or glare from lights and similar nuisance conditions that would be the operation of nay permitted use not requiring a special use permit.*
6. *Parking areas will be or adequate for the particular use, properly located and suitable screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.*
7. *The use conforms in all respects to all the regulations or this chapter and particularly to the specific supplementary regulations that may apply to such use.*

The applicant has provided responses to each of these items in their 10,29.19 response document

Special use for retail Use Section 98-76

1. *The buildings and other improvements on the site, the landscaping and the setbacks from Rt 22 shall be designed and located in accord with the Urban Regulations*

The Applicant has designed the site consistent with the Urban Type VI regulations.

98-76E Conditions for small lots

A special use permit shall be granted for retail uses for properties within the B-2 district which do not meet the conditions in section D subject to the following:

1. *Retail use on the site shall not occupy in excess of 2500 sf or the footprint of the building, if any, which exists on the site as of effective date of this chapter, whichever is greater.*
2. *The site plan shall adhere to the design and concept recommendations pertaining thereto in the comprehensive plan and to the Urban Regulations.*
3. *Flat roofs shall be prohibited. Roofs shall have a minimum slope of 1 on 2.5*

The Applicant has met all of the above noted conditions (retail no greater than 2,500 sq. ft., the project is consist with the comp plan and there are no flat roofs and all roofs are in excess of 1 on 2.5)

Supplemental Regulations for Non-Residential Districts Section 98-19

- A. *All uses in the B-1, B-2 and IL districts and all storage accessory thereto other than off street parking shall be carried on in building fully enclosed on all sides except as otherwise provide herein and provide however that this provision shall not apply to municipal parks, and recreation areas equipment storage and sales and sales yard, outdoor café and table service, lumber yard, building material or sales yard, agricultural uses, outdoor recreational facility and commercial parking lots which are otherwise permitted as provided herein.*
- B. *No use shall be maintained, established, altered moved or expanded in the B-1, B-2 or IL district unless it complies with the performance standards set forth in Article 98-20.*
- C. *All waste materials, including garbage and trash, will be stored in an enclosed area until one hour before pickup.*
- D. *Without limiting the enforcement powers of the Building Inspector with respect to an existing use, in the case of a special permit or site plan application for establishment of a use for which the planning board determines may violate this section , the planning board may require the applicant, at the applicants expense to provide such evidence as the planning board deems necessary to determine whether the proposed use violates this provision.*

Performance Standards

- B. **Noise:**
Any noise to be generated in connection with a proposed use must comply with Local Law number of 1985 , a law restricting the making of unreasonable noise.
- C. **Vibration**
- D. **Smoke , Dust, and other atmospheric pollutants**
- E. **Discernable Odors**
- F. **Toxic or Noxious matter**
- G. **Radioactive materials**
- H. **Electromagnetic interference**
- I. **Fire and explosive hazards**
- J. **Heat**
- K. **Liquid or Solid Waste**
- L. **Vehicular Traffic**
- M. *Without limiting the enforcement powers of the Building Inspector with respect to an existing use, in the case of a special permit or site plan application for establishment of a use for which the planning board determines may violate this section , the planning board may require the applicant, at the applicants expense to provide such evidence as the planning board deems necessary to determine whether the proposed use violates this provision.*

Consistently with the Village Comprehensive Plan

"Potential commercial development in the Village is constrained by many factors. Two factors are that very little of Rout 22 is zoned for commercial use, and the commercial zoning only exist on the west side of the highway. Within this zoned area, there are two large use. The Heinchon Dairy (Parcel A on Figure B) has substantial highway frontage. This site may have development potential , but is currently (minimally) active as a dairy. Immediately to its north is a state highway maintenance yard (Parcel B) , also with substantial frontage. The present unavailability of these parcels could be a factor constraining Pawling's economic development and tax base. New commercial ventures on Route 22 in the Village should add to the economic and employment base without competing with the smaller stores and services in the downtown. The evils of strip development must also be avoided."

The applicant has provided acceptable responses to each of these items in their 10.29.19 response document

Proposed Sequence of steps:

| | |
|---|---------------|
| 1. Classify action | completed |
| 2. Circulation to involved and interested agencies for lead agency status | completed |
| Agencies circulated to: | |
| a. Village of Pawling ZBA | |
| b. NYSDOT | |
| c. NYSOPRHP | |
| d. NYSDEC | |
| 4. Lead Agency Declaration | completed |
| 5. SEQRA | underway |
| 6. ZBA | Not completed |
| 7. Public Hearing | Not completed |
| 8. Special use permit and site plan determination | Not completed |

At this time, we determine that the project as designed is complete and will not result in any negative environmental impacts according to 617.7. Upon review by the Planning Board, we would suggest authorizing either the Village Engineer or Village Attorney to prepare a draft Part III EAF and SEQRA Negative Declaration for your review at the December Planning Board meeting.

We suggest that the board take the following action:

- A. The Village of Pawling Planning Board has received an Amended Site Plan and Special Permit application for the Heinchon Project and,
- B. The project documents have been reviewed the by Village Planning Board, Village Engineer, Village Water and Sewer Engineer, Village Traffic consultant, NYSOPRHP and NYSDEC and
- C. The Village of Pawling Planning Board has requested that the Village Engineer and Village Attorney prepare a Part III EAF and SEQRA Negative Declaration for review by the Planning board at the December Planning Board meeting.

We note that public hearings are not required for SEQRA review and further, NYS guidelines recommend that municipalities conduct Public Hearings for projects after the project has completed the SEQRA (and therefore is determined to be complete for public review), the Village Planning Board will be required to hold a public hearing on the project during the Site plan review of the project. The Board is advised to address the scheduling of the public hearing accordingly.

If you have any questions or need additional information please feel free to call me at 845-242-2418 or email me at bergereng@gmail.com or contact Michele Zervas P.E. at 845-471-7383 x 101 or email at MZervas@bergerengr.com

Joseph P Berger PE LS

Joseph P. Berger

Village Engineer for the Planning Board