

PRESENT: George Brehm Chairman, Corinne Pitt, Eric Paulson, William Vollmer, Dr. Thomas Bloom and Amie Rennolds.

EXCUSED: Aaron Cioppa

ALSO PRESENT: Ronald J. Gainer P.E. and Michael Liquori Esq., Town Attorney

CONTENTS: Crossfit of Pawling (Signage), Hearth and Hound LLC. (Site Plan & Special Use Permit), Dr. and Mrs. Andrew Dannenberg and Diane Van Sciver (Lot Line Realignment) and Worksession.

There were seven (7) people in the audience.

Chairman Brehm led the salute to the flag and then opened the meeting at 7:00p.m.

CROSSFIT OF PAWLING

New Application/Signage

Pawling Place LLC
31 Route 22
Pawling, NY 12564

Mrs. Dana Yungel, business owner was present.

Chairman Brehm said CrossFit of Pawling is located at 31 NYS Route 22 in the Highway Business "HB" Zoning district. The applicant has proposed signage for the front of the building in the dimension of 2.5' x 12'. The background color is red with white lettering reading CrossFit Pawling.

Mrs. Yungel explained the business name has changed, therefore, they are updating the signage.

Dr. Bloom suggested adding a phone number.

Mrs. Yungel said the phone number is painted on the window.

Motion by Dr, Bloom to grant CrossFit of Pawling signage as presented.

Second by Mrs. Pitt. Chairman Brehm asked for discussion.

All were in favor and the Motion carried.

HEARTH & HOUND LLC.

Further Discussion/Site Plan & Special Use Permit

Ing-Chea & Yen Shing
1107 Old Quaker Hill Road
Pawling, NY 12564

Grid Number: 134089-7158-00-611209
134089-7158-00-612236

Mr. and Mrs. Ing Chea and Mrs. Sarka Leff P.E. were present.

Chairman Brehm said the property is located at 1107 Old Quaker Hill Road. The real estate the applicants are seeking to purchase two (2) lots (611209 & 612236).

Mrs. Leff presented illustrated site plans. The property currently contains an existing residential dwelling, which is served by both onsite subsurface treatment system and well, with an existing 2 story barn adjacent to the resident and a small outbuilding/shed on the tract. The applicant is working with the Dutchess County Department of Public Works to address the planned conversion of the existing residential driveway access to a commercial access onto Old Quaker Hill Road. The interior of the barn will be modified to create a 20 individual dens for the dogs to be boarded, which will be sound-proof, climate controlled, ventilated and provided with water and electricity. Following, further investigation of the subsurface treatment system it was discovered that the SSTS is compromised, which serves the structures on the property. Currently, they are working with Dutchess County Department of Health to remediate the SSTS, as no records were found at the DCBOH. Mrs. Leff identified for the Board the location of the onsite subsurface treatment system.

Ms. Rennolds clarified that no records of either system were on file with the DCBOH.

Mrs. Leff responded the information was FOILED and there are no records at the DCBOH office. Subsequently, they have located the SSTS onsite.

Mr. Chea said the SSTS will either be repaired or new construction is proposed. Mrs. Leff is working with the DCBOH to make that determination.

Ms. Rennolds reviewed with the applicant, the areas of the outdoor dog pens. She asked if the applicants plan to keep these areas wooded.

Mrs. Leff responded there are two access points to the play areas. The play areas will be kept wooded, no clearing of the trees is proposed.

Dr. Bloom asked if the applicant is purchasing both lots.

Mr. Chea replied, they are purchasing both lot(s).

The Board discussed necessary outside agencies approvals as procedural required for Site Plan approval.

Mrs. Leff explained a field site inspection was held with Mr. Stephen Gill. The DCPW when comparing the above traffic generation estimates of the existing residential land use and the proposed residential/commercial land use, are established upon a minor increase in daily trip generation. Based on the above, it is expected, that the outbound AM Peak travel traffic level will remain the same. It is our opinion, that the proposed changes of the accessory garage/barn structure to a 20-dog boarding kennel does not require driveway relocation for the following reasons:

- a. The driveway is existing since early 1960.
- b. Sight Distances are same for all driveways' classifications
- c. The traffic generation under the application for change of land use from residential to residential w/20-dog kennel will not substantially increase daily traffic generation. The outbound traffic generation is expected to remain essentially the same during DCR66 peak hour traffic volumes.
- d. The ADTC of DCR 66 is 350.

It is our recommendation, that the exact existing sight distances should be field-surveyed and the magnitude of their deficiency, if any, evaluated. If necessary, advisory traffic signs can be posted in the driveway vicinity.

Mr. Chea said The DCPW expected traffic generation under the existing property land use solely as a residential and the proposed use- a combination of residential and commercial uses is summarized in the calculation below.

- DCPW existing conditions, property residential (1 week), for a 5 bedroom residence (assume 3 drivers 4 one-way trips per day), # of one way trips generated =12, period of generation =day total No. of one-way trips per week = 6, outbound peak hour activity assume 7AM to 9AM yes, outbound AM peak hour

trip 3. The DCPW expected traffic generation under the existing property land use solely as a residential and the proposed use- a combination of residential and commercial uses.

Dr. Bloom asked if guests or boarders would be staying during the week or weekends.

Mr. Chea responded no, this is a private residence. No overnight accommodation for guest or boarders.

Mr. Leff explained how the property along the roadway is overgrown and the DCPW site distance requirements.

Mr. Gainer reviewed his memorandum dated August 18, 2019. The proposed "Commercial Kennel" use complies with the Town's "Table of Permitted Uses" contained with the Zoning Ordinance, subject to the granting of both "Special permit" and "Site Plan" approval from the Planning Board. However, based upon the requirements of the Code section §215-18 (Animal Hospitals & Commercial Kennels) the project will also require the following variances from the Zoning Board of Appeals:

- Minimum lot size – 10 acres required (per §215-18A); 8.029 acres provided.
- Minimum front yard – 250 feet required (per§215-18C); 101.5 feet provided
- Minimum side yard -250 feet required (per§215-18C); 194 feet provided
- All runs, pens or other facilities required to be located within a completely enclosed, soundproof buildings (per§215-18B); open dog runs & pens are proposed.

Procedurally, a public hearing is required on the application. The notice issued for the hearing should reference both Site Plan and Special Use Permit approvals being sought. A short form EAF (Environmental Assessment form) has been filed by the applicant. Pursuant to the New State Environmental Quality Act (SEQRA) Title 6 NYCRR Part 617 Regulations now in effect (as of January 01st, 2019). Such actions are not subject to any environmental review, as they have been determined not to have significant impact on the environment. As such, separately a draft SEQRA declaration has been transmitted to the board members. The Planning board should merely classify the matter as such upon your initial review of the application.

Referrals as part of the Planning Board's review of the application requires referral to the following agencies, Dutchess County Department of Planning (GML 239m for both Site Plan and Special Use Permit), Dutchess County Department of Public Works, Dutchess County Board of Health and the Town Fire Marshall.

The Board should determine whether they wish to conduct a site inspection, should any site specific issues be identified which may warrant further study and review during the board's process of the application.

Mrs. Pitt asked when the Board would know if the area variance are granted by the Zoning Board of appeals.

Chairman Brehm responded that the applicants are on the Zoning Board of Appeals agenda for August 26, 2019.

Mr. Chea and the Board discussed an average of dogs per day. The Board felt that number would be determined after a site inspection and further review of the Special Use Permit.

Chairman Brehm read into the record Resolution # 8 of 2019 for determining that the action to develop a Commercial Kennel is a Type II action under SEQRA for Hearth & Hound LLC, Mr. and Mrs. Ing Chea located at 1107 Old Quaker Hill Road, Pawling, NY. Tax map #134089-7158-00-611209 & 134089-7158-00-612236. (copy in file)

Second by Mr. William Vollmer. Chairman Brehm asked for discussion

Roll call:

Chairman Brehm aye

William Vollmer, aye

Amie Rennolds, aye.

Dr. Bloom, aye.

Aaron Cioppa, excused

Eric Paulson, aye

Corrine Pitt, aye.

Motion by Chairman Brehm to refer Hearth & Hound LLC- Mr. and Mrs. Ing Chea to the Zoning Board of Appeals for area variances.

Second by Mr. Paulson. Chairman Brehm asked for discussion.

All were in favor and the Motion carried.

The Board members scheduled a tentative site inspection for August 29, 2019 at 5:15pm. Depending upon the Zoning Board of Appeals determination as to whether or not the area variances are granted, the Board shall cancel the site inspection, if the variances are not granted.

Dr. and MRS. ANDREW DANNENBERG

New Application/Lot Line Realignment

55-61 Kirby Hill Road

Grid Number: 134089-7056-00-995887

Diane Van Sciver

57 Game Farm Road

Grid Number: 134089-7156-00-919894

Pawling, NY 12564

Mr. Curt Johnson R.A. from the firm of J Group Designs LLC Architecture, Planning Management was present representing the applicant.

Chairman Brehm said the property is located at 57 Game Farm Road and 55-61 Kirby Hill Road in a CD-5 Zoning District.

Mr. Johnson said the applicant is proposing a Lot Line Adjustment between two adjacent parcels, residentially developed on Quaker Hill lots. Currently, Dannenberg parcel comprises 36.517± acre, and Van Sciver parcel comprises 11.216± acres. The proposal is to transfer 4.000± acres of land from Van Sciver to Dannenberg.

Ms. Rennolds asked if residents are located on both parcels.

Mr. Johnson replied yes. The Dannenberg dwelling is high on the ridge looking over the view. The lot line adjustment shall preserve the view.

Mrs. Pitt asked if the applicants plan to clear the land.

Mr. Johnson replied, they do not plan on clearing the land. The lands consists of steep slopes.

Motion by Ms. Rennolds to hire Ronald Gainer P.E. as the Planning Board's Engineer for Mr. and Mrs. Andrew Dannenberg and Diane VanSciver Lot Line Adjustment located at 55-61 Kirby Hill Road and 57 Game Farm Road. Tax map #134089-7156-00-919894134089-7056-00-995887.

Second by Dr. Bloom. Chairman Brehm asked for discussion.

All were in favor and the Motion carried.

Motion by Chairman Brehm for Mr. Gainer and Mr. Johnson to work directly for Mr. and Mrs. Andrew Dannenberg and Diane VanSciver lot Line Adjustment subject to;

- The Planning Board being kept informed and provided with copies of correspondence/ documents.

Second by Dr. Bloom. Chairman Brehm asked for discussion.
All were in favor and the Motion carried.

Mr. Gainer explained pursuant to the New State Environmental Quality Act (SEQRA) Title 6 NYCRR Part 617 Regulations now in effect (as of January 01st, 2019), as specified in 617.5c(16) lot line adjustments are now clearly classified as Type II actions. Such actions are not subject to any environmental review, as they have been determined not to have significant impact on the environment. As such, the Board can choose to formally classify the matter during their review of the application, as a result concluding SEQRA responsibilities.

Motion by Chairman Brehm to declare this application a Type II action according to SEQRA; therefore, no action is necessary by the Board.

Second by Mr. Vollmer. Chairman Brehm asked for discussion.
All were in favor and the Motion carried.

Worksession

i. Review and approval of the proposed local law(s) recommendation letter to the Town Board. The follow is the summation of the Board's review. The recommended language revisions are written in italic.

Short Term Rentals

Section 2: §215-44.1 C Written notification to all contiguous property owners, should be scaled by the Zoning District, recommended changes are as follows;

- *If a subject property is located partially or wholly within a commercial zoning district or partially within the Highway Business or CD-5 Zoning District: 500 feet.*
- *If the subject property is located partially or wholly within an R-3 or R-4 Zoning District: 300 feet.*
- *If the subject property is located partially or wholly within an R-1 or R-2 Zoning District: 150 feet.*

Rewrite last statement to correspond with the above;

- *With the application, the applicant must provide a notarized affidavit affirming that the certified mailings have been sent, to a list of the property owners within the specified distance and copies of any and all receipts and return receipts.*

§215-44.1 H (1) The complaining party may file a complaint with the Building Inspector on a form provided by the Building Department including the date, time and nature of allege violation. The complaining party may also contact the local police/sheriff department.

The complaining party must file a written complaint with the Building Inspector on a form specified by the Building Department, including the date, time and nature of the alleged violation. The complaining party may also contact the local police/sheriff department, a copy of the complaint must be provided to the building department.

The form should be made available on the Town of Pawling Building Department webpage.

215-44.1 H (2) (a) For each violation of the provision of this chapter, the person violating the same shall be subject to a fine of not more than five hundred dollars (\$500) nor less than one hundred dollars (\$100) or imprisonment not to exceed one (1) year, or both such fine and imprisonment.

- The fines should reflect the cost of enforcement and commencing of prosecution in a court of law. The proposed amounts would not cover the costs.

215-44.1 D (3) A site plan drawn to scale, showing the location of the buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field. An accurate suitable plan need not be prepared by a professional.

Update sentence to read, A detailed plan drawn to scale, showing the location of the buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field shall be submitted. .

215-44.1 F (4) (d) The site plan submitted with the application does not comply with the requirements of this section.

Update beginning of sentence to read, The detailed plan submitted with the application does not comply with the requirements of this section.

215-44.1 E. (2) The property must have sufficient off street parking spaces in compliance with the requirements of Section §215-34 (Off Street Parking and Loading) of this Chapter, to accommodate the maximum occupancy.

- A new Short Term Rental category be added to §215-34. J. (1) to read 1 parking space for each sleeping room, plus 1 for each residential unit.

215-44.1 E. (3) Tenants and guests shall park in the off street parking spaces required by Section §215-34 of the Town Code and shall not park on the lawn of the property nor on the street.

Tenants and guests shall park in the off street parking spaces required by Section §215-34 of the Town Code and shall not park on the street.

215-44.1 E. (5) (e) A statement that all fires must be attended.

A statement that all outdoor fires must be attended.

*Add language to adopt short term rental conformity time limit provisions.

For the existing operating Short Term Rentals, to come into conformity with the local law a landowner must file for a permit within 90 days of the adoption of this local law.

Special Events

215-44.2 Definitions.

Parking Capacity

For the purposes of this chapter, parking capacity shall be the number of cars, limousines or buses permitted on the site according to the detailed site plan approved by the Town of Pawling Planning Board.

Should read, for the purposes of this chapter, parking capacity shall be the number of cars, limousines or buses permitted on the site according to the Code of Town of Pawling Code Section §215-34.

Special Event

215-44.2-2 C. Reads as, The use of amplified sound exceeding the standards set for in Chapter 180 of the Town code.

Should read, The use of amplified sound exceeding the standards set forth in Chapter 215-35 Performance Standards of the Code of the Town of Pawling.

215-44.2-3 Permit required read as, All special events shall require the issuance of a special event permit by resolution of the Town Board.

Should read, All special events shall require the issuance of a special event permit.

215-44.2-3.B. (3) Application requirements. The applicant must confirm at 45 days prior to such event etc...

Recommendation is to change the days prior 45 to 60 days.

215-44.2-4 D (8) The layout of any parking area for automobiles and other vehicles and the means of ingress and egress for such parking areas. The parking spaces must allow for 175 feet square feet per car.

Should read, The layout of any parking area for automobiles and other vehicles and the means of ingress and egress for such parking areas. The parking spaces must allow for 10' x 20', as per Code of the Town of Pawling.

- *Recommendation for the Town Board to consider offsite parking.*

215-44.2-4 D (13) The location and a description of any lighting to be utilized in conjunction with the event.

- *Should read, The location and a description of any lighting to be utilized in conjunction with the event. No off-site lighting is allowed onto any adjoining property.*

215-44.2.4 (10) The general liability limit is \$1,000,000.00 per occurrence.

Recommend the liability insurance should be changed to, The general liability limit should increase to \$2,000,000 per occurrence.

215-44.2.4 F A minimum cleanup deposit of \$250.00.

- Recommendation to increase minimum deposit to an amount that covers cost of workers and equipment.

215-44.2-4G reads, The Town Board may require the applicant to send and provide certification that written notice was sent to every property owner etc.

Should read, The Building Inspector may require the applicant to send and provide certification that written notice was sent to every property owner etc.

215-44.2.5 Application Review Procedure and Standards

215-44.2.5 A. All applications for a special event must be submitted 45 days prior to a proposed event to the Town Building Department. Upon receipt of an application for a special event permit, the Town Building Department.

- Suggest removal of the second sentence.
Should read, *All applications for a special event must be submitted 60 days prior to a proposed event to the Town Building Department. Upon receipt of an application for a special event permit, the Town Building Department.*
- The Planning Board suggests the 45 days be changed to 60 days.

215-44.2.5 C. Upon receipt of comments, the Building Inspector shall review the complete application and determine whether to grant the application, deny the application, or grant the application with conditions. In considering whether to recommend approval or denial of the application, the Building Inspector shall consider shall consider the following:

- Repeat in language, remove one of the "shall considers".

215-44.2.5 C. (5) The need for the Town to police such event, and whether the number of the police officers assigned to properly police such event will prevent the Town from providing adequate police protection to the remainder of the Town.

Should be changed to read, *The building inspector shall consider the need for security/law enforcement at the event.*

215-44.2.5 C. (10) Verification that the grant of the permit will not violate any existing covenants or easements on the property

- Should read, *Verification that the granting of the permit will not violate any existing covenants or easements on the property*

* 215-44.2.5 D and 215-44.2.5 C E "Planning Board's Attorney is reviewing proper procedures for determination of handling Sheriff's department deposit.

Depending upon the revision of the language for D & E, the language for 215.44.2.7 (5) should be re-written to correspond.

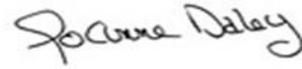
215-44.2.5 G The special event permit issued hereunder shall be displayed on the premises during the special event and shall be available for inspection by a police officer or other enforcement office of the Town upon request.

Should read, *The special event permit issued hereunder shall be displayed on the premises during the special event and shall be available for inspection.*

ADJOURNMENT

On a Motion by Mrs. Rennolds and seconded by Dr. Bloom to adjourn the meeting at 9:30p.m. All were in favor and the Motion carried

Respectfully submitted



JoAnne Daley
Recording Secretary

non - approved minutes