

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

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

CONTENTS: Hearth and Hound LLC (Withdrawal Letter), Tahini Land Company LLC (Lot Line Realignment), Anna Lindstrom-Casson (Lot Line Realignment) Gasland Petroleum (Site Plan) and Minutes.

There were six (6) people in the audience.

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

HEARTH AND HOUND LLC.

Site Plan/Special Use Permit

1107 Old Quaker Hill Road

Pawling, NY 12564

Grid Number: 134089-11-7158-611209

*Acknowledgment of the official withdrawal of the Hearth & Hound LLC application.

No one was present representing the applicant.

Chairman Brehm said the Planning Board received a letter, dated September 04, 2019 from Ing-Chea and Yen Shing Ang withdrawing Hearth & Hound LLC., Site Plan and Special Use Permit applications located at 1107 Old Quaker Hill Road in the CD-5 Zoning District.

Motion by Ms. Rennolds to accept the withdrawal of the Hearth and Hound LLC., Site Plan and Special Use Permit application.

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

All were in favor, and the Motion carried.

TAHINI LAND COMPANY LLC.

New Application/Lot Line Realignment

Beaver Ponds Farm

North Quaker Hill Road

Pawling, NY 12564

Grid Number: 134089-7158-00-535771

Hammersley Hill farms LLC

Quaker Lake Road

Pawling, NY 12564

Grid Number: 134089-7158-00-338714

Mr. Joseph Zarecki P.E. was present representing the applicant.

Chairman Brehm said the property is located at North Quaker Hill Road and Quaker Lake Road in the CD-5 Zoning District.

Mr. Zarecki said this application proposes a lot line adjustment between two adjacent parcels on Quaker Hill. The Tahini Land Company parcel comprises 91.67 ± acres and the Hammersley Hills Farm parcel

is 95.5± acres. The proposal is to transfer 61.5± acres of land from Tahini Land Company lot to Hammersley Hills Farm. After the transfer, the Hammersley Hill Farm parcel will become 157.0± acres, while the Tahini Land Company lot will be reduced to 30.17± acres.

Ms. Rennolds reviewed the illustrated map with Mr. Zarecki. She asked several questions, is the Hammersley Hills Farm land parcel the former Lowell Thomas estate, can you explain for what reason the landowner is seeking to purchase this vacant land, and where is the access points into the proposed parcel?

Mr. Zarecki responded the proposed 61.5± acre lot is not part of the former Lowell Thomas estate. The Hammersley Hills Farm landowners purchased the former Lowell Thomas estate. The vacant land is being purchased for recreational use. The access into the property is off of Quaker Lake Road.

Mr. Vollmer asked if the only access is off of Quaker Lake Road.

Mr. Zarecki replied, yes. The Hammersley Hill Farms landowners own the former Lowell Thomas estate, the 61.5± acres will become part of the entire farm holdings, with access off of Quaker Hill Road.

Motion by Chairman Brehm to grant concept Lot Line adjustment approval to the Tahini Land Company and Hammersley Hill Farm; North Quaker Hill Road/Quaker Lake Road.

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

All were in favor and the Motion carried.

Motion by Chairman Brehm to hire Mr. Ron Gainer as the Planning Board's Engineer for Tahini Land Company and Hammersley Hill Farm; North Quaker Hill Road/Quaker Lake Road.

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. Zarecki to work directly on the Tahini Land Company and Hammersley Hill Farm; North Quaker Hill Road/Quaker Lake Road, with the Planning Board being kept informed and provided with copies of correspondence/ documents between the consultants.

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

All were in favor and the Motion carried.

Mr. Zarecki submitted a letter requesting waivers from the following requirements:

1. Waiver of metes and bounds description of Lot #2 – Hammersley Hill Farms property, which is the 95.5± acre parcel that will be merged with the 61.5 ± acre removed from the Tahini Land Company property.
2. Waiver of the public hearing.
3. Waiver of requirement to locate all wells and septic systems.
4. Waiver of requirements to provide site topography at 2-foot contour intervals.

Chairman Brehm discussed with the Board the individual waivers. Following discussion the requests were voted on as follows:

Motion by Chairman Brehm to grant the waiver for the metes and bounds description of Lot #2 Hammersley Hill Farms property, which is the 95.5 ±acre parcel that will be merged with the 61.5± acres removed from the Tahini Land Company property.

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

Chairman Brehm explained pursuant to New York State Environmental Quality Review Act (SEQRA) Title 6 NYCRR Part 617 Regulations now in effect (as of January 1st, 2019), as specified in 617.5c(16) lot line adjustments are now classified as “Type II” actions. Such actions are not subject to any environmental review, as they have been determined not to have a significant impact on the environment. As such, the Planning Board should formally classify the matter during our initial review of the application, and this will conclude the Board’s SEQRA responsibilities. Furthermore, there is no need to waive the “public hearing”, as one is not required pursuant to our Zoning or Subdivision regulations.

Motion by Chairman Brehm to grant the waiver of the requirement to locate all wells and septic systems on the Lot #2 Hammersley Hills Farm parcel.

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

Motion by Chairman Brehm to grant the waiver of the requirement to provide site topography at 2-foot contour intervals.

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

Mr. Gainer explained this Lot Line Adjustment application is a vacant land transfer. The parcel to be transferred involves a mix of heavily wooded and meadow areas, some steeply sloped areas, with no improvements being proposed, so his office had no objection to the granting of this waiver.

All were in favor and the Motion carried.

The Board formally declared the matter a “Type II” action pursuant to SEQRA for the Tahini Land Company LLC and Hammersley Hills Farm lot line adjustment located at North Quaker Hill Road and Quaker Lake Road, concluding the Board’s SEQRA responsibilities.

Chairman Brehm scheduled Mr. Zarecki for the October 21, 2019 Planning Board agenda to conclude the lot line adjustment.

ANNA LINDSTROM (CASSON)

New Application/Lot Line Realignment

4 Dodge Road

Pawling, NY 12564

Grid Number: 134089-6857-00-506307

Ruth Williams

18 Old Route 55

Pawling, NY 12564

Grid Number: 134089-6957-00-561294

Mr. Curt Johnson was present representing the applicants.

Chairman Brehm said the application is a Lot Line Adjustment for Anna Lindstrom-Casson, 4 Dodge Road and Ruth Williams, 18 Old Route 55 in the R-3 Zoning district.

Mr. Johnson said this application proposes a lot line adjustment between two adjacent parcels. Currently, the Anna Lindstrom Casson parcel comprises 1.4± acres and Ruth Williams parcel is 24.4± acres. The proposal is to transfer 2.5± acres of land from Ruth Williams's lot to Anna Lindstrom-Casson. After the transfer, the Anna Lindstrom Casson parcel will become 3.9± acres, while the Ruth Williams lot will be reduced to 21.9± acres.

Mr. Johnson brought forth a discussion with the Board on whether or not the Williams parcel boundary could be certified with a deed plot and the Lindstrom-Casson parcel field surveyed. The wells and sanitary sewer disposal systems (SSDS) for both parcels would be located on the survey map.

Dr. Bloom asked if either land owner plans to construct or expand buildings on their parcels.

Mr. Johnson replied yes, Ms. Lindstrom-Casson in the future plans to construct a two-car garage. The addition of the 2.5± acres results in a larger parcel for this new construction, thus being able to meet all setbacks that would not require area variances. The 2.5± acres will be merged into the 1.4± acres, creating a new lot consisting of 3.9± acres, which would then meet all bulk regulations/setbacks.

The Board reviewed the maps as presented to verify the location of the two lots.

Motion by Mr. Paulson to grant concept Lot Line Adjustment approval to Anna Lindstrom-Casson, and Ruth Williams, 4 Dodge Road and 18 Old Route 55 in the R-3 Zoning district.

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

All were in favor and the Motion carried.

Motion by Mr. Cioppa to hire Mr. Ron Gainer as the Planning Board's Engineer for Anna Lindstrom-Casson, 4 Dodge Road and Ruth Williams, 18 Old Route 55 Lot Line adjustment application.

Second by Mr. Paulson. 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 on the Anna Lindstrom-Casson, 4 Dodge Road and Ruth Williams, 18 Old Route 55 Lot Line adjustment application, with the Planning Board being kept informed and provided with copies of correspondence/documents between the consultants.

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

All were in favor and the Motion carried.

Mr. Johnson sought the Board's decision on whether or not a certified boundary survey or simply a deed plot be submitted for Ruth Williams parcel, with the Anna Lindstrom proposed 3.9± acre lot to be surveyed.

Motion by Mr. Vollmer to authorize a certified deed plot on Ruth Williams parcel.

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

All were in favor and the Motion carried.

Mr. Johnson asked if a waiver of requirements to provide site topography at 2-foot contour intervals could be considered by the Board.

Chairman Brehm asked Mr. Johnson to write a formal letter to the Board, requesting associated waivers desired. The applicant was tentatively placed on the November 04, 2019 Planning Board agenda, provided that the survey maps are completed and submitted to the Board.

GASLAND PETROLEUM INC.

Further Discussion/Site Plan

NYS Route 22

Pawling, NY 12564

Grid Number: 134089-7055-00-486785

Mr. Chris Lapine P.E. from the firm of Chazen Company was present.

Chairman Brehm said the property is located along NYS Route 22 in the Highway Business "HB" Zoning District. The applicant is here this evening for further discussion on the Gas Station/Convenience Store.

Mr. Lapine said in June 2019 the "Public Hearing" was concluded, at which time the Board requested further study of the proposed rock wall by a geotechnical engineer. The rear part of the site is a bedrock-controlled hillside, with rock close to the surface, exposed in many locations. The surface of the rock slope is generally even, with no abrupt changes in elevation. The rock cut will extend across the length of the east side of the site and will wrap around the north and south ends. To accommodate the proposed site plan, the bedrock can be cut to a 3:1 slope with its top edge within three feet of the property line along the north half of the east side of the cut. A catchment area will be provided between the base of the rock cut and the building and parking lot. The catchment area provides a safe landing area for any rocks falling from the face of the cut. Additionally, a landscaping plan has been submitted, to illustrate large diameter trees in the vicinity of the top of the rock cut adjacent to the property line. The sanitary disposal facilities continue to be reviewed by the New York City Department of Environmental Protection (NYCDEP). A resubmittal from their office is forthcoming, to seek permission to drill a well on the property. In early August a response submittal on the initials comments was made to the New York State Department of Transportation. As part of the NYSDOT submittal it was noted that the Planning Board does not require construction of a sidewalk along the frontage.

Chairman Brehm responded that normally the Board requests a dedicated sidewalk area be reserved on the site plan, for future construction, if and when a sidewalk would be constructed along NYS Route 22.

Mr. Lapine said a dedicated sidewalk area could be shown within the NYS right of way on the site plans. Mr. Lapine felt the project's next step is to request a SEQRA determination from the Board.

Mr. Gainer explained that this may be premature, as the applicant's response to NYSDOT on their prior SEQRA concerns has not been submitted to the Board for review, therefore leaving many unanswered questions. Mr. Lapine advised that the NYSDOT's initial comments referenced the need for further information, a sight distance matrix including design speed, posted speed each type of turning movements, required sight distance for each turning movement, available sight distance. Additionally including GPS coordinates for the driveway centerline at its junction with the State highway.

Mr. Gainer advised that, regarding the driveway exit, NYSDOT had also raised concerns with two existing vehicles obstructing their views while trying to exit at the same time, and sought to have only a one-vehicle width exit.

Mr. Lapine based on follow up discussions with NYSDOT there are currently two points of access still being proposed.

Mr. Gainer said that, additionally, the NYCDEP has sent two separate comments letters, one addressing SEQRA and another on the Sanitary Sewer Disposal System (SSDS) design. One of their basic concerns is the location of the onsite well in proximity to and up-gradient of the proposed Sanitary Sewer Disposal System. Given that the on-site water supply is considered a community water supply, they have specified that the required separation distance is 200 feet.

Mr. Lapine said they are working on a resubmittal to the NYCDEP. The well is being located near the dry swale. One of the mitigating factors is they have proposed that the well be lined using an extension of the steel casing, to achieve this. 200 feet horizontally is acceptable to DCBOH. If they do not accept the steel casing option, then alternative mitigation factors would UV treatments, filters for potential virus and chlorination for water treatment.

Mr. Gainer said when the board discusses a SEQRA determination, some of the important technical issues to be resolved are design and layout of the on-site well and sanitary sewer disposal systems. The correspondence between Mr. Lapine and the outside agencies to address their ongoing technical concerns should be submitted for review by the Board. At this point, the time line on the status of their approvals is not clear. The Board would like to move ahead with the SEQRA approval, but only once the correspondence is received and based on the receipts of agency's (NYCDEP, NYSDEC, DCBOH and NYSDOT) letters.

Mr. Cioppa asked about the construction sequencing proposal for rock excavation at this site. Would the site operator be grinding and reusing the rock material removed from the bedrock wall or hauling the rock off-site?

Mr. Lapine responded the rock will be excavated with heavy hydraulic hoe-rams, working west to east into the hillside. The rock is suitable for reuse as fill after crushing and/or screening. The landowner plans to reuse the crushed rock onsite for the tanks and foundation for the canopy. The remainder would be hauled off site.

Mr. Cioppa asked if a detailed construction sequencing plan would be forthcoming to the Board. Mr. Lapine said a construction sequence plan showing the one entrance to be used, times of truck entering and existing the site, stockpiles, overburden area on the rock face, etc., will be submitted for approval by the Board.

Mr. Cioppa asked if blasting is necessary to remove the rock face.

Mr. Lapine said they do envision low level blasting required to get the fuel storage tanks underground, and for construction of the canopy foundation. The rock wall shall require line drilling of closely-spaced boreholes to accurately establish the final slope locations and profile, and to minimize disturbance of the rock that is left in place in the face of the cut. Presplitting is recommended, by shooting, the line drilled holes with light blasting charges to develop a fracture plane, a procedure which involves negligible risk or damage to nearby facilities. After mass excavation, all loose rock will be scaled from the face, and projecting rocks will be trimmed back to an even profile.

Mr. Gainer reviewed with Mr. Lapine the 30 foot rocks wall drop to be removed. He asked for a construction sequencing plan of the rock wall face. The geotechnical engineer's report did not discuss any blasting, merely that the rock removal would be done by mechanical means. It is obvious the Board has concern relating to the uncertainty of the drilling and hammering of the rock wall, and noise and safety concerns to nearby properties and impacts to the Route 22 corridor.

Mr. Cioppa asked for an explanation of the rock wall operation and maintenance plan after the site work is completed and ongoing in future years.

Mr. Lapine said the property owner will be responsible for post-construction maintenance of the rock wall, which should be performed by a geotechnical professional engineer annually for two years after construction, and annually thereafter by the owner. In addition all brush and trees that grow from the slope must be removed, and the slope must be kept free from ivy or other vegetation that covers the surface, allowing for proper inspections.

Mr. Cioppa asked after construction of the rock wall, who is the responsible party for the landowner to keep appraised of the annual rock wall inspections?

Mr. Lapine responded the Building Department.

The Board discussed requiring a Plat Note be added to the Site Plans on the post-construction monitoring, stating the annual rock face maintenance report be filed with the Building Department.

Mr. Cioppa added that the NYCDEP and stormwater maintenance facility agreement should also be filed.

Chairman Brehm asked the Board to reviewed illustrated photos of the proposed rock face and canopy. He explained that there are no guarantees that the final product would look as presented. Based on this information, he asked if the Board might prefer a gable roof over the canopy to screen the rock face.

Ms. Rennolds said she is not in favor of a gable roof over the canopy. Landscaping is proposed along the rock face, resulting in an affect that would soften the rock wall.

Mr. Paulson said over time the rocks will weather and blend in with the surrounding environment.

The Board then decided that the canopy will stay as shown on the drawings.

Mr. Lapine explained that within the next two weeks the correspondence shall be submitted to remaining outside agencies. The correspondence requested by the Board to the agencies can be submitted to Mr. Gainer and the Planning office for review, so that the Board can address SEQRA and prepare a SEQRA resolution.

Chairman Brehm said if the appropriate documentation is submitted in a timely manner, then the Board can address a SEQRA determination and prepare a resolution. He tentatively placed the applicant on the November 04, 2019 agenda.

MINUTES

Motion by Mr. Paulson to approve the minutes of July 01, 2019 as read.

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

All were in favor and the Motion carried.

Motion by Mr. Cioppa to approve the Minutes of August 05, 2019 and August 19, 2019 as read.

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

All were in favor and the Motion carried.

NEW BUSINESS

Proposed Local Law – “Short Term Rental”

Ms. Jamie Spillane thanked the Board for their review on the “Short Term Rental” ordinance. Since that time there has been a recommendation to refer the ordinance back to the Planning Board to clarify that this provision will supplement and replace the provision on “Tourist Home and Boardinghouse”. Ms. Spillane read the definitions to the Board and discussed the differences between “Tourist Home/Boardinghouse” and “Short Term Rental”. Furthermore, she broke down the criteria for sanitary sewer disposal system approval for the number of bedrooms, parking, permitting and renewal process.

There was discussion between Mr. Mike Liquori Esq., Ms. Jamie Spillane Esq., and the Board on different scenarios on granting Special Use Permits, “Short Term Rentals”, “Tourist Home, Boardinghouse” and “Bed and Breakfast”.

Following discussion, the Board reviewed Section 3 of the Local Law amendments to clarify that the “Short Term Rental” provision will supplement and replace “Tourist Homes and Boardinghouses”. The Board’s summation of the review goes as follows:

- The Board has reviewed and agrees with the recommendation to remove all references to “Boardinghouse and Tourist Home” provisions from the Code of the Town of Pawling.

ADJOURNMENT

On a Motion by Mr. Cioppa and seconded by Mr. Vollmer to adjourn the meeting at 9:00p.m. All were in favor and the Motion carried.

Respectfully submitted,



JoAnne Daley
Recording Secretary

non - approved minutes