

PRESENT: George Brehm Chairman, Corinne Pitt, Aaron Cioppa, Eric Paulson, and Amie Rennolds.

EXCUSED: William Vollmer and Dr. Thomas Bloom.

CONTENTS: Estate of Marten Muller and Peter Muller (2 Lot(s) Subdivision) Gasland Petroleum Inc (Time Extension), Rafal Watola (Time Extension) and New Business.

There were (5) five people in the audience.

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

ESTATE OF MARTEN MULLER &
PETER MULLER

Close Public Hearing/Final 2 Lot(s) Subdivision Approval

Old Quaker Hill Road
Pawling, NY 12564

Grid Number: 134089-7157-00-311429

Mr. Michael Liquori Esq., Planning Board Attorney recused himself from this application, for the reason Mr. Liquori Esq. has been Mr. Peter Muller long term Attorney.

Ms. Dawn McKenzie from the firm of Insite Engineering PC was present representing the applicant(s).

Chairman Brehm said the parcel is located at Old Quaker Hill Road consisting of 136.41± acre parcel in the CD-5 (5-acre Residential) Zoning District. The property is jointly owned by Peter Muller and the Estate of Marten Muller. The layout of the proposed land subdivision is based upon a "Stipulation of Settlement" that was entered into between the parties, pursuant to an order by the Dutchess County Supreme Court.

Chairman Brehm reconvened the "Public Hearing".

There were no additional comments from the audience and no letters were received from the Public.

Chairman Brehm closed the Public Hearing.

Mr. Paulson read into the record Resolution #3 of 2020 adopting Preliminary and Final Subdivision Approval for the Estate of Marten Muller and Peter Muller located at Old Quaker Hill Road in Pawling, NY. Tax map #134089-7157-00-311429 (copy in file).

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

Roll call:

Chairman Brehm aye

William Vollmer, excused

Amie Rennolds, aye.

Dr. Bloom, excused.

Aaron Cioppa, aye

Eric Paulson, aye

Corrine Pitt, aye.

Mr. Liquori said on behalf of Mr. Peter Muller the access easement has been prepared and sent to Mrs. Sharon Muller's Attorney and Donald Cappillino for review. The main issue to be worked out is the timing and financial cost of the newly created lot(s) development between the two parties. Additionally a note shall be placed on the Plat, stating no easements are being reserved for the existing trails.

GASLAND PETROLEUM INC.

Administrative/Time Extension

NYS Route 22

Pawling, NY 12564

Grid Number: 134089-7055-00-486785

Chairman Brehm said the property is located on NYS Route 22 in the Highway Business Zoning District. The applicant has requested a time extension from the Planning Board after the "Public Hearing" for Gasland Petroleum, Inc., proposed Gas Station/Convenience Store Site Plan and Special Use Permit, as they continue to work with DCBOH and NYCDEP on approvals. The request is for a 180 day time extension beginning February 05, 2020 and extending to August 05, 2020.

Motion by Mrs. Pitt to grant a 180 day time extension to Gasland Petroleum Inc., for Site Plan and Special Use Permit, beginning February 05, 2020 and ending August 05, 2020.

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

All were in favor and the Motion carried.

RAFAL WATOLA

Administrative/Time Extension

Birch/Donovan Lane

Holmes, NY 12531

Grid Number: 134089-11-6755-12-927524

Chairman Brehm said the property is located at Birch and Donovan Lane. The applicants are requesting a time extension for the Watola subdivision.

Mrs. Pitt said a letter was received from D.C. Engineering P.C., dated January 17, 2020 requesting a 180 day time extension beginning February 03, 2020 and ending August 03, 2020. The landowner is working on completing the driveway agreement with his neighbors and his office continues with acquiring New York City Department of Environmental Protection and Dutchess County Board of Health approvals.

Motion by Mrs. Pitt to grant a 180 day time extension to Rafal Watola for request for time extension for Planning Board after Public Hearing beginning February 03, 2020 and ending August 03, 2020.

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

All were in favor and the Motion carried.

NEW BUSINESS

- i. Review proposed Town Code updates (Site Plan, Special Use Permit).

Chairman Brehm said in 2018 the Planning Board proposed updates and clarifications to various sections of the Code of the Town of Pawling. It is the intent to review these code revisions and then rewrite a letter to the Town Board to amend the Town Code, with the following additions.

Accessory Apartments.

Chairman Brehm said on July 11, 2012, 215-17.2 Accessory Apartments above commercial establishments was added to the Code of the Town of Pawling. At that time accessory apartment were never added to the "Schedule of Permitted Uses" under Highway Business.

The Planning Board recommends the Town Board update the Code to include Accessory Apartment under "Schedule of Permitted Uses" Special uses. Under Highway Business.

Minor Subdivisions

Chairman Brehm said it has come to our attention that the Code of the Town of Pawling for Minor Subdivision regulations do not differentiate from a major subdivision. Nowhere in the code does it state that the applicant does not have to meet the major subdivision criteria. The Code of Pawling should be clearer, avoiding unnecessary waivers.

Mrs. Pitt asked if other Towns for Minor and Major subdivision consist of different regulation for each category.

Mr. Liquori responded the Town of Southeast, code parallel the Town of Pawling. The waivers are almost identical for a minor subdivision. Research can be performed to compare how other Towns regulations are differentiated.

Chairman Brehm said if the Town of Pawling chooses to make the differentiation between the two, the code should have specific criteria.

Mr. Liquori said if the Town makes the differentiation between minor and major subdivisions, the Code should state that "following criteria is exempt, unless required by the Planning Board during the Board's review".

A cover letter would be written to the Town Board on the Code revisions discussed this evening.

Section §215-34 Off Street Parking Town of Pawling Proposed Code Change

Section §215-34: Off-Street Parking:

Reads as follows: The Planning Board may permit all or part of the required off street parking spaces to be located on any lot within 300 feet of the building without crossing a major roadway, if the Board determines it is impractical to provide parking on the same lot with the building.

To read as follows: Also, the Planning Board may permit all or part of the required off street parking spaces to be located on any lot within 300 feet of the building without crossing a major roadway if the Board determines it is impractical to provide parking on the same lot with the building. The 300 foot limit shall not apply if persons attending or utilizing the building are being bused, or otherwise transported, between an offsite parking area and the building and the applicant has supplied to the Planning Board the following,

- A lease agreement or other document that creates legal entitlement to park offsite, acceptable to the Town Attorney, for any offsite parking location, not owned by the applicant.
- A vehicle Circulation and Parking Plan, acceptable to the Planning Board, which shall identify the busing or other transportation service that is ADA Handicap complaint and that shall be used to transport persons from the offsite parking area to the building and back, and
- The Route as well as pick up/drop off points to be used, and

- Where buses or other transportation vehicles will be parked, and
- ADA Handicap compliance must be shown on the Vehicle circulation and Parking Plan.

§215-34. J (1) Add an item in the use column for “outdoor concert entertainment or concerts”.

§215-34. J (1) Add an item on the minimum off street parking (spaces) for the restaurant, outdoor entertainment or concerts. This section used to read standing patrons, 3 spaces for each 100 square feet. Seated patrons, 1 space for each 100 square feet.

Ms. Rennolds said the wording for §215-34. J (1) should revised to read, for every 2 individuals/patron, 1 parking spaces will be based on allowable occupancy.

Mr. Liquori Esq., said the Board should suggest the Town Board follow up with Mr. Gainer to review Westlaw Planning Institute guidelines to research zoning codes for specific parking requirements.

The Board is adding a use called restaurants, outdoor entertainment and concerts. Following discussion the Board suggested the using the guidelines stating, see restaurant. The Board recommended the restaurant outdoor entertainment and concerts required off street parking requirements also be clarified.

§215-34 Definitions

Required Parking

The number of parking spaces required for a given application, as determined by the Planning Board, using the requirements of Chapter §215-34 of the Town Code.

§215-46 C Special Use Permit

C. Application and referral. Application for a special permit shall be made, in writing, to the Planning Board. The Planning Board shall fix a time within 62 days only after the Planning Board determines the application to be complete (see elsewhere in the section for application requirements) and the applicant has complied with NYS SEQRA requirements, to schedule a public hearing. Public notice shall be given by publication in the official Town newspaper of such hearing at least five days prior to the date of public hearing. The Secretary of the Planning Board will record in the minutes of the hearing the names of any of the abutting property owners who qualify under terms of Subsection D below, who object to the granting of the special use permit and the reasons for such objection, such information to be given consideration in arriving at a special use permit decision. Within 62 days of said hearing, the Planning Board shall approve, approve with modifications or disapprove the special use permit. These time limits may be extended with mutual consent by the applicant and the planning board. The decision of the Planning Board shall be filed in the office of the Town Clerk. No building permit shall be issued for special uses until the provisions of this § 215-46 have been met.

Chairman Brehm discussed the code changes for the Code of the Town of Pawling that requires updating to section § 215-47. The Towns Code book does coincide with the New York State Planning and Zoning Laws along with specific criteria required on Site Plans.

§ 215-47 Site plan and amended site plan approval.

A. Planning Board approval required. The following are subject to site plan approval: all special uses in Districts R-1 through CD, VRD and HA with the exception of accessory apartments; all uses in a Highway Business or Mixed Business-Industry District, all planned developments and all commercial, industrial, highway business, PDD and special uses where the original special use has been changed or altered. Before the issuance of any building permit for a use requiring site plan approval, as specified by the Schedule of Bulk Regulations,^[1] the detailed site plan for such use shall be approved by the Planning Board. An amended site plan is required to be filed and reviewed by the Planning Board if changes are requested for an existing approved site plan. These changes include, but are not limited to, exterior building redesign, exterior lighting, changes to drainage/stormwater infrastructure, landscaping, parking and traffic flow redesigns etc.

[Amended 2-13-1979; 9-10-1991 by L.L. No. 5-1991; 7-11-2012 by L.L. No. 2-2012]

[1]

Editor's Note: The Schedule of Bulk Regulations is included at the end of this chapter.

B. Application, referral and hearing. Applications for site plan approval shall be made, in writing, to the Planning Board. The Planning Board shall make referrals as required herein and shall fix a time within 62 days, from the day an application for site plan approval is determined to be complete by the Planning Board and the Town Engineer, for a public hearing. Public notice of such hearing shall be provided as set forth below. Within 62 days of said hearing, the Planning Board shall approve, approve with modifications or disapprove the site plan. The decision of the Planning Board shall be filed in the office of the Town Clerk.

[Amended 7-11-2012 by L.L. No. 2-2012]

(1) Publication. At least five days before a scheduled hearing, a notice shall be published in a newspaper of general circulation designated by the Town as its official newspaper for publication of such notices.

(2) Notice to property owners. At least ten days before the hearing, the applicant shall mail notice to property owners as follows:

(a) Form and content. Such notice shall include the name of the applicant, the location of the parcel of land and a brief description or identification of the proposal and shall also specify the date, time and place of the public hearing.

(b) Transmittal. Such notice shall be sent by United States Postal Service certified or registered mail to the owners of all lots in the Town which are within 300 feet of the parcel to which the application pertains, which owners and their addresses shall be as indicated in the current Town Tax Assessor's records.

(c) Certification. Prior to or at the time of the public hearing, the applicant shall provide to the Planning Board a copy of the required notice, a list of all the owners to whom such notice was mailed

and either an affidavit that the mailing was completed as required herein or copies of all mailing receipts.

C. Each application shall be accompanied by the following information:

(1) A map of the applicant's entire holding at a convenient scale.

(2) An area map drawn at the scale of 2,000 feet to the inch or larger, showing the relationship of the proposal to existing community facilities that may affect or serve it, such as roads, schools, shopping areas, etc. It shall also show all properties, subdivisions, streets and easements within 500 feet of the applicant's property.

(3) A topographic map of the property, drawn at a scale of 100 feet to the inch or larger and showing existing topography of two-foot contour intervals referenced to the nearest United States Government or local approved benchmark. This map shall also show the location of pertinent natural features that may influence the design of the proposed use, such as watercourses, swamps, rock outcrops and trees eight or more inches in diameter.

(4) A detailed site plan showing:

(a) The location, proposed use, design and height of all buildings and structures.

(b) The location and size of all parking and truck loading areas with access and egress drives thereto.

(c) The location of outdoor storage, if any.

(d) The location, type and size of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.

[Amended 2-8-2005 by L.L. No. 1-2005]

(e) A description of the method of sewage disposal and the location of such facilities.

(f) The location and size of all signs.

(g) The location and proposed development of buffer areas.

(h) The location and design of lighting, power and communications facilities.

(i) The amount of building area proposed for retail sale uses, if any.

(j) Any proposed division of buildings into units of separate occupancy.

D. The site plan required in Subsection C(3) above shall be accompanied by elevations and/or sections at the same or larger scale as required for the site plan, drawn in sufficient detail to delineate clearly the bulk and height of all buildings and other structures included in the proposal.

E. Each application must meet the regulations as prescribed in the sections of this chapter. All site plan applications must meet the requirements of § 215-25, Feeder roads, and § 215-30, Landscaping.

F. Utilities. In order to achieve greater safety and improved appearance, all water, sewer and gas lines and all electric, telephone and other wires and equipment for providing power and/or communication shall be installed underground in the manner prescribed by the regulations of state and local governments and/or utility company having jurisdiction.

G. Factors to be considered.

(1) In acting on any proposed site plan of development, the Planning Board shall take into consideration the requirements of the Town Comprehensive Plan adopted by said Board and the Official Map as it may be adopted by the Town Board.

(2) The Planning Board shall also consider the proposed location of main and accessory buildings on the site and their relation to one another, traffic circulation within the site, height and bulk of buildings, provision of off-street parking space, provision of buffer areas and other open spaces on the site and display of signs, so that any development will adequately handle pedestrian and vehicular traffic within the site in relation to the street system adjoining and will harmoniously and satisfactorily fit in with contiguous land and buildings and adjacent neighborhoods.

(3) In addition, the Planning Board shall consider the factors of drainage, road alignment and other engineering aspects of such site plan and may require the review of such factors by engineering authorities appointed by the Town.

H. Notations.

A. Each site plan shall contain an endorsement block for the Planning Board stating: "Approved by resolution of the Planning Board of the Town of Pawling, Dutchess County New York on theday of.....20..... Any change, erasure, modification or revision of the plan, as approved, shall void this approval.

Signed this _____ day of _____ 20 _____ by;

Chairman

Secretary.....

B. Each site plan shall contain the endorsement of the property owner and the applicant stating: "The undersigned owner of the property hereon states that he owner is familiar with these drawings, their contents and their legends and hereby consents to all their said terms and conditions as stated hereon."

C. Each site plan shall contain the signature and seal of the design professional who prepared the plan.

I. Performance Bond required.

A. Supersession of statutory provisions. This section shall, pursuant to the supersession authority granted by the Municipal Home Rule Law, supersede, in its application to the Town of Pawling, the provisions of §§ 274-a, 276 and 277 of the Town Law of the State of New York relating to the limitation upon the authority of a town to require the posting of a performance bond or other form of security in connection with the approval of a land subdivision plat, to extend such authority to Planning Board approvals of commercial and residential site plans

B. Legislative intent. In order to ensure that once a project has been started it shall not be abandoned, partially completed or left in a state which will cause erosion of the soil, improper drainage or any other condition which will result in the deterioration or devaluation of the surrounding land or neighborhood, and in order to ensure that while under construction, the workmanship and materials used shall promote the long life of the project and the health, safety and welfare of the future users of the subject premises and surrounding areas, the Town Board of the Town of Pawling has determined it to be a proper exercise of authority conferred upon it by the laws of the State of New York to require the posting of adequate security for the performance of necessary site improvements contemplated in connection with a residential or commercial site development. C. Procedure.

(1) Prior to the grant of final site plan approval by resolution for a particular project, the Planning Board, in considering the recommendation of the engineering authorities available to it, shall establish the amount of performance security to cover the full cost of the required site improvements as shown on such final site plan. The Planning Board shall make a referral of the matter regarding the establishment of the amount of performance security of a particular project to the Town Board, which referral shall include its recommendation as to the amount of such performance security. The performance security shall become effective only if and when the Town Board shall have approved it as to form, sufficiency of surety and manner of execution.

(2) The performance security shall be in the amount approved by the Town Board in the form of a performance bond issued by a surety company licensed in the State of New York; a letter of credit issued by a federally or state-chartered financial institution; or a savings passbook, money market account or certificate of deposit naming the Town of Pawling as joint tenant.

(3) Such performance security, if in the form of a performance bond or letter of credit, shall run for a term to be fixed by the Planning Board, but in no event for a term longer than three (3) years; provided, however, that the term of such security may be extended by provided, however, that the term of such

security may be extended by the Planning Board with the consent of the parties thereto. In the event that such security is in the form of a letter of credit, such a letter of credit shall contain a provision requiring automatic renewal thereof unless, not less than thirty (30) days prior to its expiration, the Town of Pawling is given written notice of the issuing institution's intention not to renew such letter of credit.

(4) The performance security in the full amount established by the Town Board shall be posted with the Town Clerk upon grant of final site plan approval. No building permits shall be issued for and no site preparation work shall be commenced on the subject premises unless and until the necessary performance security has been posted

(5) A duly designated official of the town shall inspect the improvements during construction to assure their satisfactory completion.

(6) During the course of construction, the performance security may be reduced, in the sole discretion of the Town Board upon the recommendation of the Planning Board, to an amount certified by the Town Engineer or the Town's consulting engineer to be the probable cost of completion of the remainder of the required site improvements, but in no event shall such amount be reduced to less than fifty percent (50%) of the original amount of the performance security.

(7) The performance security shall be released or reduced only by the Town Board and only upon recommendation of the Planning Board after certification by the Town Engineer or the Town's consulting engineer that all or part of the required site improvements have been completed in conformance with the approved site plan and all applicable regulation.

(8) Default. In the event that any required site improvements have not been installed as provided in this section within the term of the performance security, the Town Board may thereupon declare said performance security to be in default and collect the sum remaining payable thereunder, and, upon receipt of the proceeds thereof, the town shall install such improvements as are covered by such security and are commensurate with the extent of building development that has taken place on the site. In the event that no building has taken place but site preparation has taken place, the proceeds of the security shall be used, to the extent practicable, to restore the site to its original state and avoid erosion and adverse drainage.

J. The Planning Board may, in its discretion, vary the requirements of any site plan so as to assure substantial compliance with the intent of this provision while relieving the applicant of undue or oppressive burden or hardship in obtaining approval.

[Amended 2-13-1979]

K. No building permit shall be issued until site plan approval, as required pursuant to this Chapter, has been granted by the Planning Board.

L. Expiration of site plan approval. The Planning Board may declare the site plan approval to be void and may recommend that the building permit, if any, be revoked if, in the opinion of the Planning Board, substantial construction has not taken place within 12 months from the date of site plan approval.

[Amended 2-13-1979]

M. Referral. The Planning Board shall comply with the provisions of Article 12-B, §§ 239-l and 239-m, of the General Municipal Law and refer to the Dutchess County Department of Planning such site plans as are within its jurisdiction.^[2]

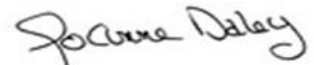
[Amended 2-13-1979]

Chairman Brehm explained additional information that will be necessary, is review of the section on details of a site plan. This section requires a consultant/planer or engineers expertise, as the Board must ensure specific engineering or stormwater regulations are met. The Board can make a recommendation to the Town Board for a referral to a consultant/planer or engineer.

ADJOURNMENT

On a Motion by Mrs. Pitt and second by Mr. Paulson to adjourn the meeting at 8:15 p.m. All were in favor and the Motion carried.

Respectfully submitted



JoAnne Daley
Recoding Secretary

non - approved minutes