

PRESENT: George Brehm, Chairman, Vice Chairman Dr. Thomas Bloom, Corinne Pitt, William Vollmer, Aaron Cioppa, Mark Friedman, and Jay Erickson.

ALSO PRESENT: Ronald J. Gainer, P.E. and Michael Liguori Esq., from Hogan & Rossi Law firm

CONTENTS: Christopher Gavin (Environmental Permit), Hannaford Brothers (Site Plan), Six Diamond Tree Service (Site Plan), The Woods at Pawling (Site Plan, Subdivision) New Business and Minutes.

CRISTOPHER GAVIN

Administrative/Environmental Permit

32 Harmony Road
Pawling, NY 12564
Grid Number: 134089-7055-00-503941

No one was present representing Mr. and Mrs. Christopher Gavin.

Chairman Brehm said the project is located at 32 Harmony Road. The applicant is proposing to redo the waterproofing of the dwelling's foundation, to include additional improvements due to the history of water in the basement of the residence from ongoing runoff. The applicant is proposing a curtain drain along the westerly side of subject parcel due to runoff from steep slopes located on the westerly side of subject parcel facing the residence. As a result of the snowmelt and significant rainfall events, runoff was traversing in an easterly direction and then down existing driveway onto Harmony Road causing icing conditions in winter months as well as water in the basement of the residence. In addition, the applicant is proposing to tie in the roof leaders to capture runoff away from the residence and then discharge the roof leader's runoff into the small pre-existing pond located in the rear of the property. This parcel is located in the East of Hudson New York City Watershed.

Motion by Mrs. Pitt that the Board waives Chapter 111, Freshwater, Wetlands and Watercourse Protection; Sections as per 111-6 E(4)(c)(2), - 111-6.1, 111-6.A, and 111-6.C, public hearings, referrals to outside agencies and performance bond, and then refers this permit to the Storm Manager Officer subject to;

- Proof of insurance (for liability, disability and worker compensation), with the Town of Pawling shown as an additional certificate holder.

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

All were in favor and the Motion carried.

HANNAFORD BROTHER'S

Public Hearing/Site Plan

Akindale Road
Pawling, NY 12564
Grid Number: 134089-7056-00-561152

Mr. Jay Lord P.E. from the firm of Maple Rock, Elizabeth Hobbs and Tyler Sterling, Manager's from the Hannaford Brothers Corporate office and Ms. Brandee Nelson P.E. from the firm of Tighe & Bond were present.

Chairman Brehm said the property is located at Akindale Road.

Mrs. Nelson presented a presentation on the Hannaford Brothers project. The Martin Food Company is seeking to purchase the 12.13± acre wooded parcel from M&T Bank. Hannaford Brothers is planning to construct a new store to allow for a larger facility with expanded services that are now typically found in today's current supermarkets. The site will contain a grocery store, a separate bottle return structure ("Clink" services), a pharmacy & drive-through pharmacy and e-commerce for Hannaford's "to go" grocery pick up. The site is accessed from two locations, Akindale Road (through a new access) and NYS Route 22 (through an existing access drive between M&T Bank and the Atrium). Truck access will be off of Akindale Road with a traffic flow pattern around the front of the store, allowing products to be delivered to the loading docks located in the back of the store. The landscape theme includes native plants, perennials, with friendlier wildflower local pollinators, meadow flowers as opposed to grass. The updated planting plan for the islands within the parking lot includes color blocks of individual perennials (aster, blue indigo, purple coneflower, bee balm etc). The shrubs and trees remain within the islands. Randomized tree plantings along the store driveway from Akindale Road and along the road includes red maple, serviceberry and river birch species. Parking spaces were approved by the Board in the dimension of 9.75 feet x 19 feet, with 227 parking stalls. The light poles have been redesigned to a 21.5' height, with 13 poles within the parking lot and eight (8) building mounted lights. They continue to work with Dutchess County Board of Health, New York State Environmental of Conservation and New York State Department of Environmental Protection on approvals.

Mr. Gainer said these new plans were only recently submitted. Therefore, a formal review will be conducted over the upcoming week.

Mr. Erickson asked for an update for installation of several Tesla charging stations placed within the Hannaford Brother parking lot. The Board is in favor of Hannaford Brothers offering this service to shoppers.

Mr. Lord responded that they are currently working with companies to bring charging stations to the parking lots.

Chairman Brehm read the Public Notice and then opened the meeting at 7:33 p.m. to the Public.

There were no comments by the audience.

The verbal portion of the Public Hearing was closed at 7:35p.m.

Motion by Dr. Bloom to close the verbal portion of the Public Hearing, and to leave the written comment period open until the August 02, 2021 Planning Board meeting.

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

Motion by Mr. Friedman that the Board formally declares themselves "Lead Agency" pursuant to Part 617 State Environmental Quality Review SEQRA for Hannaford Brothers located at the Akindale Road, following the responses received by involved/outside agencies.

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

Following discussion, the Board placed Hannaford Brothers on the August 02, 2021 Planning Board agenda for a SEQRA determination.

SIX DIAMOND TREE SERVICE

Further Discussion/ Site Plan

118 NYS Route 22

Pawling, NY 12564

Grid Number: 134089-7055-00-503941

Mr. and Mrs. Manuel and Maria Quezada landowner, Ms Stephanie Fox, AIA, were present.

Chairman Brehm said the property is located at 118 NYS Route 22 in the Highway Business Zoning district. A site inspection was held on Wednesday June 16, 2021 by the Board. Chairman Brehm set up a landscape subcommittee, consisting of Mrs. Pitt, Mr. Erickson and Mr. Vollmer to evaluate the plans.

Mrs. Fox gave a brief presentation of the proposed Site Plan. Illustrated drawing were presented. The applicant seeks Site Plan approval to convert the existing vacant building from a restaurant use to a business use to operate Six Diamond Tree Service and Landscaping. The building will be used to run the business, and for storage of some equipment. The site shall be used to store vehicles and heavy equipment used in the day-to-day business operations. An Environmental Permit approval is required due to its's location on NYS Route 22. The proposed land disturbance of 9,430 square feet is planned, to level off a portion of the rear northeast corner. The site will include interior and exterior renovations, require DCBOH, NYCDEP approvals, restriping the parking lot, a Stormwater Pollution Prevention Plan and new signage. The current lighting will be replaced, along with security lighting in the back of the building. They will be removing the walk-in cooler, to replace it with a 10' x 14' shed. The proposed landscape plan includes removing the current fountain, to be replaced with natural native trees and shrubs. The landowner plans on removing the interior existing kitchen, and utilize the existing rooms as offices, conference space and maintain a small shop in the back of the building. She explained the capacity of the sanitary disposal system is adequate for the less intense use from the proposed business (6 staff/employees onsite). The existing parking lot pavement will be repaired, as necessary, in both the front and rear where the asphalt is deteriorated/sunken. Additionally, the landowners have suggested to use the former volleyball court as an overflow parking lot for large equipment not in use during the winter or summer months. The overflow parking lot would provide easier day-to-day business operations.

Mr. Cioppa asked if the trucks would be cleaned onsite.

Mrs. Fox responded the trucks are cleaned out offsite. The trucks and workers blow off debris before heading back to the site. She then explained the landscaping proposed along the property frontage (in the area of the existing sign), in the area immediately in front of the building where the pre-existing fountain will be removed, and along the northern portion property line in the rear adjacent to the proposed retaining wall. The landowners plan to plant arborvitae tree species to block the unsightly view of the neighbor's property. New lighting fixtures (sconces) will be installed in the front of the building and wall packs in the back of the building. The spotlights facing the road signage will be replaced and put on timers to be turned off at 11:00p.m. The parking lot will be restriped after the pavement improvements are completed. The open items are as follows:

- Landscaping.

- Turning radius of the trucks onto Route 22.

Mrs. Pitt suggested Mr. and Mrs. Quezada discuss with the neighbors improving the fence aesthetics facing the front parking lot. She understands the Quezada have no jurisdiction over the fence. However, a friendly conversation is not unreasonable to ask of the neighbors to make repairs/improvements.

Mrs. Fox said the Quezada can ask the neighbors. Nonetheless, it's unreasonable to expect the landowners to make improvements to the fence that is not on their property.

Mr. Friedman asked if the landowners plan on installing a roadway from the back parking lot to the volley board court for equipment storage.

Mrs. Fox said the area will be regraded. The type of equipment to be stored at this location is a front loader, which is made to traverse over uneven terrain.

Mr. Cioppa asked if the chippers are licensed in New York.

Mr. Quezada said all the vehicles are licensed. The State of Connecticut requires chippers to be licensed. Since they work in both States his chippers are licensed.

Mr. Gainer said the next step is for the applicant to respond to the technical comments raised during the site walk. Also include the additional vehicle storage area discussed tonight to the plans, and calculate the increased land disturbance.

Chairman Brehm said the Board is at a point to declare intent for lead agency to begin a coordinated SEQRA review.

Motion by Mrs. Pitt to declare the Planning Board's notice of intent to be lead agency for SEQRA and then circulate to involved and interested agencies.

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

All were in favor and the Motion carried.

THE WOODS AT PAWLING

Further Discussion/Site Plan Subdivision

Castagna Drive

Pawling, NY 12564

Grid Number: 134089- 7056-00-561152

Mr. Jerry Schwalbe P.E. from the firm of Divney, Tung and Schwalbe, Mr. Rick O' Rourke Esq., from the firm of Keane and Beane, Ken Kearney and Shawn Kearney from Kearney Development Group were present.

Chairman Brehm said the property is located off of NYS Route 22, Castagna Commerce Park, Castagna Drive in the Planned Development District (PDD) Zoning District.

Mr. O'Rourke said the Planned Development District proposal began in 1992. The Towns envisioned a walkable multi-use development along areas of the Route 22 corridor south of Route 55, where a cohesive plan of residential, commercial and industrial uses could be created. A Planned Development District overlay zone was established along the Route 22 corridor, with regulations established to provide flexible land use and designed to encourage such development. There was a revision to the Land Use Plan, which increased the residential dwelling unit count by 300 senior residential dwelling units, bringing the total from 100 units to 400 units. Office/industrial square footage would be reduced to approximately 166,000 sf; 100,000 sf of general office and 65,600 sf of medical office (approved). This latest development proposal involves a request for Site Plan and Subdivision approvals for a proposed multifamily residential development within the existing the Castagna Commerce Park.

Mr. Schwalbe said the project proposes 80 non-age restricted housing units, in 5 buildings organized around a central green. Extension of water and sewer utilities from the existing senior housing development into the site. Stormwater treatment facilities, site amenities, preservation of open space are included.

Chairman Brehm asked if the Fire department would require a roadway behind the housing units, as was requested for the Phase1 senior housing project.

Mr. Schwalbe said if the Fire Department requires access around the back of the buildings, these revisions can be redesigned. The building will utilize propane heat, fire suppression system, pumps and sprinklers. The same infrastructure as for Phase 1 senior housing.

Mr. Cioppa asked where is the location for school children to be picked up and dropped off?

Mr. Kearney said a bus shelter would be constructed at the end of Castagna Drive, or at near NYS Route 22. If the School district initially does not choose to enter the site to pick up and drop off the children, the outcome often is that after family's move in, the parents call the school district to complain about the pickup and drop off locations. These types of calls allow the school district to change the pick up and drop off location to an internal site location. They have been speaking with Dutchess County loop bus service to add a bus shelter near the sewer station at the site entrance.

Chairman Brehm asked if any conversation has been held to install a traffic light on NYS Route 22.

Mr. Schwalbe commented that traffic lights must be approved by New York State Department of Transportation. The site has to meet specific build-out criteria prior to the installation of a traffic light. No traffic light will be installed during Phase II housing.

Mrs. Pitt asked how long ago did Mr. Kearney hold a conversation with Dutchess County loop bus service?

Mr. Kearney responded conversations were held several months ago.

Mr. Friedman asked what are the elevations where the current driveway ends and the proposed housing units?

Mr. Schwalbe responded there is a 7% grade, and then the site plateaus. The elevations range from 518 to 540 feet.

Mr. Cioppa asked what the rental fees price range are for the different bedroom units.

Mr. Kearney explained the rental fees for the non-age restricted one (1) bedroom units are \$1,100.00 per month, two-bedroom units range from \$1,300.00 to \$1,900.00 per month, and three-bedroom units range from \$1,500.00 to \$1,900.00 per month. Utilities start at \$165.00/month.

Mr. Friedman asked if geotechnical research has been completed to identify if blasting will occur for development on the site? If so, is this project, viable depending upon the amount of blasting required to clear the site?

Mr. Schwalbe responded blasting will occur as there is significant rock onsite.

Mr. Kearney said his sub-contractors are familiar with blasting.

Chairman Brehm asked the Board members if they felt a site inspection should be scheduled at this time.

Mrs. Pitt said a site inspection is premature. The Board needs to understand the PDD and where this project is leading. In her opinion these items need to be addressed prior to a site inspection being scheduled.

Mr. Erickson concurred. He felt this proposal is not consistent with the original PDD.

Chairman Brehm said a PDD worksession has been scheduled for July 19, 2021. The goal is to review the past history of the Planned Development District and how it relates to the updated 2016 PDD adopted local law.

Mr. O'Rourke said the Fair Housing Act prohibits discrimination because of race, color, national origin, religion, sex disability or familial status (families with children under the age of 18, pregnant women and people in the process of obtaining custody of children under 18, or persons with written permission of the parent or legal guardian). The applicant is complying with the law. The questions as to individuals who qualify for these rental units are young professionals (school teachers, business, nurses etc). Castagna is considered a leader in this development. They have been trying to develop this property for years. The Town of Pawling gave Elm Street Partners property flexibility to develop those parcels. No one developed the Elm Street Partners parcels as the market is driven by density. He is not available on July 19, 2021 to attend a worksession.

Chairman Brehm asked if a school teacher rents a one-bedroom apartment and then their income grows, what happens to this individual? Do they have to move out?

Mr. Kearney said the individual renters are certified annually. If their income increases, the Kearney Land development has the right to raise the rent. He respectfully asked if the Board would declare their intent to declare lead agency and begin a coordinated review to outside agencies for comments this evening.

Mr. Freidman asked how the Fair Housing Act pertains to 400 senior housing units. Do the 400 units need to be constructed prior to a landowner proposing a non-age restricted development?

Mr. Liquori said the point he is raising on behalf of the Board, is that the 80 units proposed are 20% of a number. Those 400 units are currently not in existence. The applicants have to be prepared from a legal perspective to address the 20% issue.

Mr. O'Rourke said several years ago there was a proposal for an additional 80 senior units of housing. They did not get funding for the senior unit's program, nonetheless currently the non age-restricted housing was approved.

Dr. Bloom asked why Mr. Kearney did not procure funding for those senior housing units, if it was so successful in the first round?

Mr. Kearney responded that a market study illustrated there is ample supply of senior housing in this geographic area. The market rate is available for non-age restricted housing. The 80/20 rule when it comes to senior housing is cut and dry. The project falls within the Federal law for the Fair Housing Act.

Mr. Erickson questioned if the 80/20 is for "approved" units or for "built out" units.

Mrs. Pitt responded that the senior housing units are not currently built.

Mr. O'Rourke said they will submit a copy of the Pattern for Progress report for the aging population in Dutchess County. The younger generation is not moving in to the local areas. Since 1918 the birth rate is lower than 2021. Castagna seeks to construct commercial ratables, the market is not there. However, there is a market for non-age restricted housing.

Mrs. Pitt asked why the applicants are concentrating on constructing housing on the rear corner of the parcel, as opposed to the area closer to the Brady Brook Club house or Akindale Road.

Mr. Vollmer said previous schematic plans illustrated senior town houses near the Brady Brook club house.

Chairman Brehm said one of the Board concerns are if the applicant's build out the 20% non-age restricted currently, and then in the future there is no market for senior housing. The end result could mean the additional senior housing portion of the development might not be built out for possibly 10 years.

Mr. Kearney explained that he will continue to seek funding for additional senior housing.

There was discussion amongst the Board and applicants on the Fair Housing Act and how it relates to the Planned Development District (PDD).

Mr. Friedman reviewed the Planned Development District local law. He listed objectives that should be addressed, as it does not seem that this project fits the PDD zoning district intent.

Mr. Kearney explained the 55 and older regulations for people renting units. The previously developed Hamlet of Pawling is not an 80/20 housing project. Only 55 or older can live in these units. If a person dies and the 55-age person passes, the family member under 55 can remain in the unit. The non-age restricted housing is an employee development, with this type of housing additional commercial development follows.

Mr. Friedman felt the applicants should clarify the Fair Housing Act for the Board to understand how it fits into the Planned Development District. The Zoning is for senior housing.

Mr. O'Rourke said they are following the market, and following the PDD Local law. They're respectfully asking if a SEQRA circulation could be initiated to allow circulation to outside agencies. It would be beneficial to gather comments from outside agencies.

Mr. Erickson said he understood that previously a walking path was agreed to from the Castagna property to the shopping center on Route 22. There is a major safety concerns with the people walking along Route 22. In the past this issue was discussed on numerous occasions with the applicants.

Mr. Kearney said Castagna Commerce Park organization has liability insurance concerns with seniors walking on a wooded path.

Chairman Brehm said the Board members agree that a walking trail from Castagna to the shopping center is being sought during Phase II proposal for the non-age restricted housing development. The main concern is safety. Over the years the Board has discussed a walking trail with the applicants on several occasions. The key item is the safety for people walking to and from the Castagna Commerce Park. The Greenway Connection recommends a walking trail system to tie into shopping and eventually traversing into the Village of Pawling.

Mr. O'Rourke said there were no requirements in the previous resolution for construction of a walking trail. There are no issues for reserving land to eventually construct a sidewalk along Route 22.

Mr. Schwalbe said one option is to discuss a sidewalk along Route 22 to establish a safe walking route to the shopping centers. There are options for additional businesses to assist with sidewalks for pedestrian traffic.

Motion by Dr. Bloom that the Planning Board declares their notice of intent to be lead agency for SEQRA and then circulate to involved and interested agencies.

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

The Board scheduled a worksession to review the Planned Development District and Fair Housing Act on August 02, 2021.

APPROVAL OF MINUTES:

Motion by Mr. Cioppa to approve the Minutes of May 17, 2021 and June 07, 2021 as read.

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

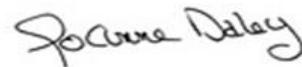
NEW BUSINESS

- i. Work session to be scheduled for July 19, 2021 to review the Planned Development District (PDD)
Following discussion, the work session was scheduled for August 02, 2021.

ADJOURNMENT

On a Motion by Mr. Erickson and second by Mrs. Pitt to adjourn the meeting at 10:15 p.m. All were in favor and the motion carried.

Respectfully submitted



JoAnne Daley
Recording Secretary

non - approved minutes