

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

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

CONTENTS: Hannaford Brothers (Site Plan), The Meadows of Pawling (Subdivision), (Rafael Watola (Administrative) Philip Bilbao (Environmental Permit) The Woods at Pawling (Worksession) and Minutes.

HANNAFORD BROTHER'S

SEQRA Declaration/Site Plan

Akindale Road

Pawling, NY 12564

Grid Number: 134089-7056-00-561152

No one was present representing Hannaford Brothers.

Chairman Brehm said the property is located at Akindale road in the Highway Business Zoning district. The Board is at a point to make a SEQRA declaration, if they so choose. Following the close of the verbal portion of the Public Hearing, the Board has not received any written comments.

Motion by Dr. Bloom to close the written portion of the Hannaford Brothers Public Hearing.

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

All were in favor and the Motion carried.

Motion by Mr. Freidman to declare the Planning Board as Lead Agency for Hannaford Brother's Site Plan located at Akindale Road.

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

All were in favor and the Motion carried.

Mr. Vollmer read into the record Resolution #9 of 2021 declaring a Negative SEQRA Determination of no significance for Hannaford Brothers located at Akindale Road. Copy in file (Tax map # 134089-7056-00-56115)

Second by Mrs. Pitt. Chairman Brehm asks for discussion

Role Call

Chairman Brehm aye.

Dr. Thomas Bloom aye.

Mr. Jay Erickson aye.

Mr. Mark Freidman, aye.

Mr. Aaron Cioppa aye

Mrs. Corinne Pitt

Mr. William Vollmer, aye.

THE MEADOWS OF PAWLING

Administrative/Time Extension

West Dover Road

Pawling, NY 12564

Grid Numbers: 134089-7058-00-122061, 7057-00-094957, 6957-00-963899, 6957-00-932944, 6957- 00- 951942, 6957- 00-964437, 6957-00-975930, 7057-00-018928, 71057-00-021882

Chairman Brehm said the Board is in receipt of a letter dated July 12, 2021 from Insite Engineering requesting a 180-day time extension beginning August 05, 2021 and ending February 05, 2022.

Motion by Mr. Cioppa to grant a 180-day time extension to The Meadows of Pawling for Final Subdivision approval beginning August 05, 2021 and ending February 05, 2021.

Second by Mr. Vollmer. Chairman Brehm asks for discussion

All were in favor and the Motion carried.

RAFALA WATOLA

Administrative/Time Extension

Birch and Donovan Lane

Holmes, NY 12531

Grid Number: 134089-6755-12-927524

Chairman Brehm said the Board is in receipt of a letter dated July 15, 2021 from John Kalin P.E. requesting a 180-day time extension beginning July 20, 2021 and ending January 20, 2022.

Motion by Dr. Bloom to grant a 180 day time extension to Rafael Watola for Final Subdivision approval beginning July 20, 21021and ending January 20, 2022.

Second by Mr. Vollmer. Chairman Brehm asks for discussion

All were in favor and the Motion carried.

PHILLIP BILBAO

Administrative/Environmental Permit

104 Lakeview Drive

Holmes, NY 12531

Grid Number: 134089-6856-09-201694

134089-6856-09-200688

Chairman Brehm said Mr. Bilbao is proposing repairs to the existing subsurface sewage disposal system (SSDS). Installation of a new septic system includes a one thousand (1,000) gallon septic tank, a one thousand (1,000) gallon pump station, and a peat and absorption trench SSDS. The Board is in receipt of a memorandum dated July 21, 2021 from Mr. Artus.

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:

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

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

All were in favor and the Motion carried.

THE WOODS AT PAWLING

Worksession/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 from Kearney Development Group were present.

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

Mr. O'Rourke said following the July 06, 2021 Planning Board meeting, the Code of the Town of Pawling sections of the Code was researched which included Chapter 55 Affordable Housing and £215-36 Planned Development District and the Town of Pawling Comprehensive Plan. Their conclusion is the non-age restricted housing is a permitted as a right. Interestingly, the Code demonstrates that the Planned Development District preference outlines increased availability of housing needs for all economic levels. The Kearney Group received funding for 80 units of non-age restricted housing units. In 2018, Kearney Group applied for senior housing funding, this funding was not approved. The Castagna team has emphasized that they prefer to construct senior housing. Nonetheless, the funding is not available at this time.

Chairman Brehm said if the 80 non-age restricted housing units are built out. Does it affect the built out of the remaining 240 senior housing units?

Mr. O'Rourke explained there is no approved Site Plan for 400 units of senior housing. Their goal is to construct senior housing units after Phase II non-age restricted housing. The PDD Zoning does not have a cap on the housing component, commercial or industrial. All components of the Planned Development District are subject to Site Plan approvals.

Chairman Brehm said the current proposal is to built out the 20% of non-age restricted housing.

Mr. O'Rourke said the PDD allows for up to 400 units of housing. There are provisions for non-age restricted housing, which was outlined back in 2013 by Ms. Axelson AICP Planner.

Dr. Bloom asked is the 20% allowed to be built based on the up to 400 units of housing or 20% of the current units built out? The difficulty for the Board is there is no specific number to work with.

Mr. O'Rourke responded that no Site Plan approval exists for 400 units. The non-age restricted unit number is generated by the maximum number of the PDD allowable, or 400 units, as a right. Under the current Fair Housing Act, a permitted use as of right includes non-age restricted housing. If the entire housing units were built out, the 20% is 80 units. The Zoning is permitted and encouraged by the Town's Comprehensive Plan, Affordable Housing and the Code of the Town of Pawling.

Mr. Schwalbe explained the Planning Board and Castagna team came up with the number for housing units based on permitted number of bedrooms per acreage.

Mrs. Pitt said the 400 units is a concept. The idea of 400 senior units should be removed from all discussions, as this is a concept. The basis for this application is the applicants are seeking to construct affordable housing on the property.

Mr. O'Rourke said unfortunately the funding for senior housing is not available. The Kearney Group received funding for non-age restricted affordable housing. The proposal to the Town Planning Board is for non-age restricted housing units.

Mrs. Pitt asked if any case studies are available that outlines where the 20% was built out prior to constructing the remaining 80%.

Mr. O'Rourke said the Federal Law for on-age restricted housing units is an as of right and permitted use. The Castagna team's intention remains to construct senior housing. No one can predict the future.

Mr. Erickson explained that the Planning Board cannot violate Federal Law.

Mr. Freidman asked if the concept of authorization could be elaborated, explaining the 400 units. Also, clarifying for the record, the PDD Zone was adopted without a Site map? Furthermore, it's apparent that the applicant is allowed to build out pursuant to Code Section §215-36 subject to environmental and Site Plan review by this Board. On the other hand, is it appropriate to refer this application back to the Town Board to request revisions to PDD, if the proposal is different from the concept plans? If the Board looks at the project as a whole, which allows for a 20/80 percentages of build out, does this proposal affect the initial concept plan for the entire parcel?

Dr. Bloom said in his opinion a majority of the units should be senior housing and not affordable housing.

Mr. Liguori explained the Planned Development District is an overlay district. The law recognizes flexibility in senior housing. A developer cannot discriminate under non-age restricted housing by allowing affordable housing. There is no difference between the process required for this approval or for an approval of non-age restricted housing. The SEQRA review will be the same and so will the site plan approval process either way. The concept plan does not get referred back to the Town Board. It's important to note that the PDD permits the proposed housing on its own, and not as part of any type of senior or age restricted housing program. Chapter §215-36D(1) permits every type of housing under the Zoning code in the Planned Development District.

Mr. Erickson read for the Board Code section §215-36B (3) - increased availability of housing needs for all economic levels. The language allows the applicant non-age restricted housing. Affordable housing is consistent with the objective of the Town code. Since, it is understood how the project fits into the PDD Zoning district, the Board has made it clear that as part of this application process, they have significant concerns for installation a walkway from the Castagna site to the shopping center. The timing works to make an investment into infrastructure to ensure safety of the people living within this community. If an individual was hurt walking along NYS Route 22, the liability to the landowners is a greater risk than a safer alternative of a walkway.

Mr. Schwalbe said at the last Planning Board meeting, there was discussion held to install a sidewalk along NYS Route 22. There are several construction options. Following review of the map some areas are tight and go through wetlands along Route 22. An Army Corp of Engineering permit would be necessary to construct a sidewalk within the wetland area. The sidewalk would also traverse through private landowners and business parcels. Castagna does not own all the parcels from the site to the shopping center. Mr. Schwalbe illustrated on the map, the tight areas, wetlands and neighboring parcels for the Board.

Chairman Brehm made the applicants aware that as the Board moves forward with Planning Board approvals, a walkway is required to ensure safety for the people living within this community to and from the shopping center/Castagna /Kearney development. Additionally, he felt that this project should not be titled Affordable Housing. The project falls under non-age restricted housing.

Mr. O'Rourke suggested the formation of a sidewalk district by the Town Board. The special district taxes the property owners, contributing into the district. A walkway going through the back section of the Castagna property creates problems with liability and ADA handicap compliance.

Mr. Erickson said the Board cannot speak for the M&T Bank, Atrium and private property owners. Nonetheless, the Board has made it clear for years their intentions are to have a walking path constructed.

There was discussion amongst the Board and applicant on the walking path/sidewalk. A presentation of a 2013 site map illustrating a walking path was reviewed. The members of the Board and Castagno team discussed options for a walking path.

Mr. Schwalbe said the walking path was part of the Greenway Connection plan as the development was further built out, with a second entrance off of Akindale Road. Currently a walkway to Akindale has no lighting, and goes through wooded areas.

Chairman Brehm said a total of 160 units will be built on onsite. There will be over 200 people living within this development. The Board and applicant need to come up with a plan for access to the shopping centers. Once a sidewalk is constructed, property owners are responsible for the Operation and Maintenance within their parcels.

Mr. Erickson said it is the time to implement to some degree of a walking path infrastructure. People walking along NYS Route 22 creates a dangerous situation. The applicant has the options to speak with the other property owners as it benefits the community in a whole.

Mrs. Pitt asked if it's possible to move the proposed development closer to Akindale Road? The proposed development closer to Akindale road provides easier access to the new Hannaford Brothers store, Atrium/ gym, Dr's offices and Bank.

Mr. O'Rourke said the plan proposed is consistence with the PDD. The proposed residential area (Phase II) is placed as presented. The area closer to Akindale Road was for lower density residential units.

Mrs. Pitt said with all due respect, the proposed plan is no longer the original concept. How does it benefit the Board?

Chairman Brehm said the proposed plan is not drifting from the planned proposed in 2015-2016. The Board worked diligently to revise the PDD Zoning district.

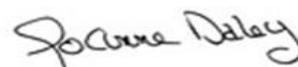
Chairman Brehm asked the Board members if they agree with 80 non-age restricted housing units' concept as per the Zoning requirements of the Planned Development District.

The Board members concurred with 80 non-age restricted housing unit concept.

ADJOURNMENT

On a Motion by Mr. Erickson and second by Mr. Vollmer to adjourn the meeting at 8:15 p.m. All were in favor and the motion carried.

Respectfully submitted



JoAnne Daley
Recording Secretary