

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

ALSO PRESENT: Ronald J. Gainer, PE, Greg Bolner P.E. from the firm of CPL Engineering and Michael Liguori Esq., from Hogan & Rossi Law firm.

CONTENT: American Society for Prevention of Cruelty to Animals (Environmental Permit), The Woods at Pawling Public Hearing (Site Plan) and Minutes.

Chairman Brehm said Mr. Vollmer is not in attendance this evening, due to a loss in his family, the Board keeps Mr. Vollmer in their thoughts and prayers this evening. Chairman Brehm led the salute to the flag and opened the meeting.

VERIZON WIRELESS

Administrative/Escrow Release

Route 292

Holmes, NY 12531

Grid Number:134089-6955-00-118540

Chairman Brehm said the Telecommunication Tower application was for a Verizon Wireless modification located at NYS Route 292. A letter dated from Young Sommer LLC dated October 15, 2021, requesting escrow release in the amount of, \$3,906.20 was received. It has been confirmed by the Board's secretary that no outstanding invoices remain to be paid.

Motion by Mrs. Pitt that the Planning Board recommends to the Town Board that they release the escrow in the amount of \$3,906.20 as the Lot Line Adjustment application has been completed.

Second by Mr. Cioppa asked for discussion.

Role call.

Chairman George Brehm aye.

Mark Friedman, aye.

Dr. Bloom, aye.

Aaron Cioppa, aye.

Corinne Pitt, aye.

Jay Erickson, aye.

William Vollmer, excused.

CLAIRE SILBERMAN

Administration/Environmental Permit

1670 NYS Route 292

Holmes, NY 12531

Grid Number: 134089-6857-18-302050

Motion by Mr. Erickson that the Board waives Chapter 111, Freshwater, Wetlands and Watercourse Protection - Sections as per 111-6 E (4) (c2), 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 Stormwater Management Officer subject to:

- Proof of insurance (for liability, disability and worker's 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.

AMERICAN SOCIETY FOR PREVENTION
OF CRUELTY TO ANIMALS

Administration/Environmental Permit

Intersection of Route 22 and 55

Pawling, NY 12564

Grid Number: 134089-7056-00-257503

134089-7056-00-110487

Mr. James Caris AICP from the firm of JMC Site development was present.

Chairman Brehm said the property is located at the intersection of NYS Route 22 and 55 in the Mixed Business Industry (MBI) Zoning district. The applicant is applying for an Environmental Permit to request tree felling. The New York State Department of Environmental Conservation limits tree felling to the months of November through March. In an effort to avoid impacts to Indiana bat habitat, the applicant and Board discussed their options for this project site.

Mrs. Pitt read into the records Resolution #10 of 2021 for Hannaford Brothers Site Plan approval located at Akindale Road (copy in file). Grid Number: 134089-7056-00-257503, 134089-7056-00-110487.

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

Role call:

Chairman George Brehm aye.

Jay Erickson, aye

Dr. Bloom, aye.

William Vollmer, excused

Aaron Cioppa, aye.

Corinne Pitt, aye

Mark Friedman, aye

THE WOODS AT PAWLING

Further Discussion/Site Plan/Subdivision

Castagna Drive

Pawling, NY 12564

Grid Number: 134089-7056-00-

Mr. Jerry Schwalbe P.E. from the firm of Divney, Tung and Schwalbe, Ken 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 Woods of Pawling is part of the Castagna Commerce Park. Dating back to the 1990's, the Town Zoning Code envisioned the desirability of a walkable, multi-use development along areas of the Route 22 corridor. A cohesive plan of residential, commercial and industrial uses could be created. A Planned Development District (PDD) overlay zone was established to provide flexible land use and design regulations to encourage such development. Castagna Realty owns a 200.1-acre parcel along the east side of Route 22. In 1998 an extensive environmental review process, which involved a draft and final Environmental Impact Statement (EIS) and issuance of the findings statement, the Planning Board approved a master concept/land use plan for the overall tract. The layout of this development pods that were envisioned within the tract were guided by the environmental site constraints. In 2008 the developer proposed an amendment of their land use plan to permit construction of a 66,000 sf Medical Office Building along the Route 22 frontage. They additionally sought an increase in the senior housing component to 400 units, based on expected market demand. On behalf of the Jucca Company LLC/Castagna Realty Co and Kearney Realty & Development an application for

the proposed multi family residential development known as The Woods at Pawling has now been presented to the Town Planning Board.

Mr. Schwalbe began his presentation. The “Woods of Pawling” is proposed on the northeast portion of the Campus, with access obtained from the extension of Castagna Drive. Consistent with the Master Site Plan, the location for the proposed housing site is in the area previously designated for residential use, as shown on the Drawing SP-1.0. Residential uses were to be generally located to the north, east and southern areas of the Campus. The western, central and southwestern areas of the Campus were designated for use as office, retail and general commercial development. The previously approved Medical Office Building, consisting of 66,000 square feet, is shown on the Master Plan. The Woods of Pawling layout design offers neighborhood walking paths, sufficient open space, and natural woodland buffers as well as high quality amenities for the residents, including a large common room for social events, onsite laundry facilities, a fitness room and interior bike storage. A connecting walking path, gazebo and small playground will lie front of each building, in the “open space” area. Landscape plantings will include building foundation plants, shade trees, evergreen trees and flowering trees placed throughout the site. Existing natural buffers will be maintained along the north and east property lines. Water and sanitary services exist on the property. The existing water system is owned and operated by Castagna Realty, and was constructed with adequate capacity for the proposed project. New water mains will be extended from the adjacent water supply and treatment building to provide potable water and fire suppression. Sanitary sewer services will be connected to the onsite sewer mains, which were previously constructed to serve the senior housing project in place and allowed for future development. Approval to connect to the sewer system will be obtained from the Pawling Joint Sewer Commission. Stormwater measures to provide runoff and peak flow mitigation have been included on the plans.

A total of five buildings are proposed. Building 1, which is 23,174 square feet will have four (4) one-bedroom apartments, eight (8) two-bedroom apartments, four (4) three-bedroom apartments, with common facilities. Buildings 2-5, which are identical in design, total 67,420 square feet will have sixteen (16) one-bedroom apartments, thirty-two (32) two-bedroom apartments and sixteen (16) three-bedroom apartments. In addition, “The Woods” will consist of eight (8) mobility-impaired apartments and four (4) audio and visually impaired apartments.

Mr. Gainer then reviewed his memorandum dated October 08, 2021 on the actions taken to date, required referrals, procedures and technical issues.

Chairman Brehm read the Public Hearing notice and then opened the Public Hearing.

Mr. Joseph Busolt, 37 Sans Souci Drive spoke. Mr. Busolt said during the initial Planned Development District PDD meetings held in the past, they were advised that no lights would be seen from this site. The topography at this site is not level. His concern is that stormwater will flow onto his property. They feel this could get worse with construction. Furthermore, he does not understand the reasons to develop the north side of this property. Why not develop the site to the south?

Ms. Linda Silleck 9 South Dingle Road spoke. Ms. Silleck asked several questions. First, she asked where is the entrance into the Castagna Commerce Park? Is the road wide enough for truck traffic?

Chairman Brehm responded the Castagna drive entrance is a two-way lanes off of NYS Route 22. Castagna Drive was constructed as main entrance into the complex. That can accommodate large trucks.

Ms. Silvic asked if The Woods at Pawling would be hooked up to Pawling Joint Sewer plant and wells?

Chairman Brehm said the central Sanitary Sewer Disposal System is hooked up to the Pawling Joint Sewer Commission treatment plant. The wells are private, located within the Castagna Complex site.

Mr. Schwalbe added there are two existing private wells. The complex contains a water treatment plant, which functions to treat and filter the water before distribution. A water treatment consultant designed the site for future growth.

Mr. Andy Durkin, 208 Quaker Hill Road spoke. He stated that Castagna/Kearney has done a great job with the Brady Brook Falls subdivision and The Hamlet of Pawling senior housing developments. He asked why are the developers getting away from constructing additional senior housing?

Mr. O'Rourke said the Castagna organization is one of the premiere organizations in Long Island. The current housing needs are driven for non-age restricted housing. Unfortunately, the current demographic does not support a Medical Office Building in Pawling. Over the years Jucca Company has tried to develop the other components of the PDD. A bank will not finance a development without tenants. The landowners of the nearby parcels located at the intersection of NYS Route 22 and 55 marketed those parcels for 7 years, resulting in no developers. The PDD individual phases are subject to site plan approval. In the future the plan for the southeastern section of the parcel is to develop individual townhouses. They have been advised that additional housing within this complex creates options to attract a medical facility in the future.

Mr. Durkin said if 400 units of senior housing is approved, how does Townhouse concept fit into the complex?

Mr. O'Rourke said an amendment was approved by the Town Board which allows for up to 400 units of senior housing. The PDD zoning district allows for different types of housing. The exact count is subject to site plan approvals.

Mr. Durkin asked, how will the School taxes be assessed?

Chairman Brehm explained that the Planning Board does not have authority over how School taxes are assessed. The School taxes fall under the authority of the Town Board.

Mr. Erickson explained that housing within The Hamlet of Pawling and The Woods at Pawling units are subtracted from the 400 approved units.

Mrs. Lauren Krzyewski, 41 Akindale Road spoke. First, she asked where the future connector road layout would be located to Akindale Road.

Mr. Schwalbe presented an illustrated site map on the proposed Townhouse locations and the approximate location of a connector road to Akindale.

Mrs. Krzyewski said since the site was cleared for The Hamlet of Pawling, the noise level at their property has increased dramatically. Before the trees were removed, they could barely hear the sound of Route 22 traffic. She asked how many trees would be removed for The Woods at Pawling and how many new trees will be planted. The applicant should replant as many trees as possible.

Mr. Schwalbe illustrated the area for development and the current landscape plan.

Mr. Erickson asked if the noise was coming from the senior housing complex or Route 22?

Mrs. Krzyewski said they live in a rural area; their preference is no lights be installed on the top of the cupolas. The tree loss caused hearing background noise from the NYS Route 22 traffic, it is not noise from the senior complex.

Mr. Jay Maxwell 72 Cedar Lane spoke. Mr. Maxwell said the residential housing units will be 100 feet from his driveway. This apartment complex should be relocated to the North on the property. How many children are going to enter the Pawling Central School system?

Mr. Schwalbe said there are (20) one-bedroom (42) two bedroom, and (20) three bedrooms. The estimated number of school children was based on analysis of residential demographics multipliers for New York State. The estimated number of public-school age children could potentially be between 21 to 42 children. Mr. Schwalbe said the layout configuration between the complex and Cedar Lane provides a buffer as part of the PDD zoning district bulk regulations.

Mrs. Dee Frasier 49 Castagna Drive spoke. Mrs. Frasier asked where would the connection road be located behind The Hamlet of Pawling. Her apartment would face the roadway, she has concerns with the traffic flow.

Mr. Schwalbe presented an illustrated plan showing the two-lane road layout that connects from Castagna Drive to The Woods at Pawling.

Mrs. Frasier asked where the area for land clearing would be that would occur for The Woods at Pawling. She asked if any landscape screening could be installed to block view of the roadway from existing residents which will now be looking out towards the new road.

Mr. Schwalbe presented the site map illustrating the five multi-family dwelling complexes. Mr. Schwalbe said they can review the site maps to come up with additional landscape plantings along the roadway.

Mrs. Frasier asked what are the potential start dates for construction?

Mr. Schwalbe responded potentially March 2022.

Mr. Erickson said the concern for additional landscaping along the roadway is a valid point raised this evening. The Planning Board's landscape committee can work with the applicant on additional plantings.

Mr. Rob Derby 16 Castagna Drive spoke. He asked how The Hamlet of Pawling residents would be informed on the start of construction? Furthermore, there is a fair amount of ledge, would the tenants be affected by blasting?

Mr. Kearney responded that, prior to a start date, they will notify the tenants at the Hamlet of Pawling on a meeting date in the resident's room, to inform them of the time line for construction of The Woods at Pawling.

Mr. Derby said many tenants who moved to The Hamlet of Pawling, because they thought the original proposal would be for senior housing only. He remarked that "It sounds like a bait and switch to him".

Mr. Marty Mygan 1 Aspen Court spoke. First, he agrees with Mr. Derby. Several winters past, Mr. Mygan went up to The Hamlet of Pawling where he witnessed seniors falling from the lack of snow removal. The Castagna team promised they would aid the seniors to get around,

and not put more stress on the Pawling Resource Center. Are the rents subsidized by the government?

Chairman Brehm responded if there is maintenance issue with the buildings, the tenants must discuss those maintenance issues with the building superintendent. The Planning Board does not have any authority over building maintenance.

Mr. Mygan said the Planning Board has not addressed the number of school children. He asked how the school taxes are assessed? Additionally, more trees that are cut down will affect the noise level. He does not have any skin in the game here, I am far away from this project. He would like the Planning Board to take the community into their decision, not just buildings. Does the Planning Board take into consideration the number of school children? How will busing children be handled? The Town Board must ensure they receive adequate school taxes for the number of school children.

Mr. Kearney said the rents are not subsidized by the government. The financial structure is the same as The Hamlet of Pawling. The rents are restricted. There are two main funding sources for this development and for most mixed income developments. We utilize these two tax credit programs. Both funding sources are referred to as "Low Income" Housing tax credits. There is a move to rename these credits "Affordable Housing" tax credits to clarify any misconception. The Federal Low-income Housing Tax Credit program, which allows units to be rented up to 60% of Dutchess County median income, and The State Low Income Housing Tax credit program allows units to be rented up to 90% of Dutchess county median income. The 60% income limits for the units at TWAP. Three-bedroom units income limits- \$60,000-\$65,000, Two Bedroom unit's income limits, \$55,000-\$60,300, One-bedroom units income limits - \$42,000- \$48,240. These incomes are adjusted annually and are expected to rise in the next two years when the development will; be occupied). Our other mixed income developments have attracted those from the area workforce that are priced out of the housing market.

Chairman Brehm reiterated that the Pawling Board has no authority over school tax assessment. Chairman Brehm said the applicants submitted reports on the PCSD tabulation. A letter was sent to the Superintendent of Schools for a response.

Mr. Erickson said the Planning Board responsibility is to ensure the project confirms to the Code of the Town of Pawling, "Zoning". Many of the questions being asked to the Planning Board, this Board has no influence over.

Mr. Robert Colon 53 Akindale Road spoke. He expressed that this project is literally in his backyard. He said some concerns raised by the discussion with Mr. Kearney on "low-income" rents or "affordable" rents. He asked what are the guidelines? What falls into the low-income housing category?

Chairman Brehm responded The Woods at Pawling is not a Section 8 HUD housing project. The Planning Board does not oversee how individuals rent apartments.

Mr. Kearney said outreach to individuals living in the local areas know where potential housing developments rental units are available.

Mrs. Debbie Patchy 40 Cedar Lane spoke. She has lived on Cedar Lane for 45 years and her husband 58 years. Twenty-nine years ago, her father in law Raymond Patchy came before the Planning Board to voice his opinion on this Planned Development District project. In the future when leaving her driveway, she will be looking at The Woods of Pawling housing units. She feels it is unfair that she built a house and this complex will affects her peace and

tranquility. On Columbus Day weekend a baby bear was in her front yard and then left to walk up to Mrs. Pitts place. The housing development will affect local wildlife. Furthermore, they will see lights and hear more noise. Her house is in close proximity to the multifamily units, she does not want to look at this complex or hear noise. Currently, she works for the school. She asked what are we going to do with all these school kids? Additionally, she asked if the development could be moved back? Neighbors would not have purchased houses in the area if they had known future development was proposed. Furthermore, what about the water tables? There has never been a water problem while living in her home.

Ms. Laura Bellantoni 18 Harmony Road spoke. Ms. Bellantoni read up on Planning Board roles. Her mom is a resident of The Hamlet of Pawling. The proposal for a connector road is 25 feet from her bedroom window. This is a quality of life issue for a 71-year-old. The traffic pattern leaving the Castagna complex onto NYS Route 22 is dangerous.

Chairman Brehm explained that NYS Route 22 is a New York State Department of Transportation NYSDOT road. The Site Plan was referred to the State (outside agency), for their review and comments.

Ms. Bellantoni said the next concern is how does this complex help local small businesses? Ms. Bellantoni said the increase in children, increases school taxes. How will this affect the current residents? On one hand, the Castagna/Kearney group calls The Hamlet of Pawling senior housing, nonetheless, it is senior housing until a tenant needs to get their refrigerator fixed, then it is called affordable housing. You can't have it both ways.

Mr. Erickson said new residents will become local consumers. The individual's consumers shall have a need for increased shopping and local services (i.e. haircuts, restaurants, pharmacy etc.). The increase in shoppers and consumer services benefits local businesses.

Mrs. Pitt said the Planning Board recognizes any potential tax increases in the Town of Pawling. We are concerned for everyone's wellbeing. The school taxes fall under the authority of the Town Board as Chairman Brehm explained earlier.

There was discussion that the cell service in this area is very spotty. The Board suggested Kearney Development Group consider options to increase cell service.

Ms. Lisa Columbo of Castagna Drive spoke. There will be increased light pollution and traffic along NYS Route 22 from this development. She has a question about the well - will there be only one well. Her faucet gets clogged from sand that comes from the well. Her faucets need to be cleaned on a monthly basis. What will be done about the water problem?

Mr. Joseph Busolt San Souci Drive spoke. Mr. Busolt asked how many acres are in the Planned Development District?

Chairman Brehm responded, approximately 201 acres.

Mr. Joe Busolt asked why can't the housing development be moved north to where the Medical Office Building was approved. The proposed 8.4-acre subdivision affects approximately 30 residential homeowners.

Mr. J.R. Busolt 37 Sans Souci Drive spoke. He suggested that during construction of the building, that the contractor use the dirt to construct 30 to 40-foot high berms around the multi-family residential units. This could be done to protect the neighbors. The idea of a berm allows trees to be planted on top of berms, furthermore blocking any light or noise.

Mr. Laura Frasier spoke again. She asked if blasting would occur on the site? Would the blasting affect the neighbor's apartments? Currently cracking has occurred in The Hamlet of Pawling building.

Mr. Schwalbe said that, based on the topography, some blasting will occur. He presented a site map illustrating the areas for potential blasting. A large majority of the rock is limestone and diggable. Prior to any blasting occurring, a blasting permit must be issued by the Town of Pawling Code Enforcement Officer. During the site work phase of blasting, monitoring is ongoing, along with site inspection by the CEO.

Mr. Kearney asked where is the cracking in the building?

Mrs. Frasier responded the crack is in the community room. She asked why not develop additional senior housing?

Mr. Kearney explained that currently the banks are not funding senior housing. The housing market between Putnam and Dutchess have ample senior housing.

Mr. Derby read the 2016 minutes where it discussed senior housing projects in the mid-Hudson.

Mr. Kearney said grant money funding was tied into the sewer line connection and not senior housing.

Mrs. Kryewski asked how does The Woods of Pawling development benefit the Town of Pawling? This type of housing does not help the neighbors, traffic, noise and possible increased school taxes. The applicants have a large parcel of land. Why build next to the residential neighborhood?

Chairman Brehm said the housing development grows a community. The Planned Development District zone was created in 1998. This is an approved zone by the Town of Pawling Town Board.

Mr. Erickson said the PDD has approved Zoning regulations, as far as setbacks, heights, architectural, lighting etc. There is no restriction that the developer has to build north before south. What the Planning Board has control over is mitigation of impacts. We are listening to the comments raised this evening on noise impacts, traffic and landscape screening.

Dr. Bloom said the applicant has to comply with the Code of the Town of Pawling. The Board members are concerned. The Board seeks to protect the neighbors by mitigation.

Mrs. Pitt said in terms of this type of housing, the Town of Pawling Comprehensive Plan addresses additional housing developments for growth.

Mr. O'Rourke said the Planned Development district was created by the Town Board. The applicant is not seeking any variance. The project development falls within the zoning code regulations. The PDD was approved by legislation of the Town Board established in 1998. Mr. O'Rourke said Castagna has continued to market the Medical Office Building. It is challenging to get a medical group facility to relocate or expand. There could be more opportunity after this second housing phase is built out. The Castagna Company would love to construct a Medical Office Building. The problem is that business models developed by the medical professionals or retailers are not comparable to the local demographics. The number of people living within this area does not make it obtainable for growth. There currently are affordable housing needs for young professionals starting out.

Chairman Brehm said if landowners have concerns on the Planned Development District, the Planning Board cannot change Town zoning.

Mrs. Bellantoni said if the Planned Development District cannot be changed, why hold a public hearing?

Mr. Erickson said the Planning Board must adhere to the Code of the Town of Pawling. The Board can address the concerns raised by the public relating to noise, landscaping and ideas to berm by working with the applicants to mitigate a resolution. The Planning Board works for the public, we are listening to the people.

Mrs. Pitt said the Planning Board members had researched the Planned Development District Zoning code. The bottom line is that the development presented is an acceptable use for the PDD. The Board cannot change the zoning. The Board takes this matter seriously. It is not a dog and pony show.

Mr. Erickson said the Planning Board spent a fair amount of time on understanding non-age restricted housing. The Board did a lot of due diligence on these important key items before moving forward to begin processing this site development proposal.

Mr. Eric Paulson 3 Cushing Green spoke. Mr. Paulson said people are frustrated because they do not have the past history of the Planned Development District and/or the Code of the Town of Pawling. People of the community do not understand the Planning Board's roles and responsibilities. There has to be a mechanism to get information to the public. How do site plans change over time? People might not be frustrated if they understood the changes in zoning.

Ms. Frasier said there was a gas leak at The Hamlet of Pawling today. She asked who handles fixing the leak?

Mr. Kearney said Bottini is their service contractor. A contractor was at the site today, fixing the gas leak.

Chairman Brehm reiterated the Planning Board does not oversee maintenance.

Motion by Mrs. Pitt to close the verbal portion of the Public Hearing, and leave open the written comment period until November 15, 2021.

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

All were in favor. and the Motion carried

Mrs. Pitt asked to schedule a subcommittee meeting to review the lighting plans and landscape screening based on the comments raised this evening.

MINUTES:

Motion by Mr. Cioppa to approve the Minutes of October 18, 2021.

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

All were in favor and the Motion carried.

NEW BUSINESS

Mrs. Pitt suggested a traffic study be performed for Akindale Road to establish a speed limit. The traffic will increase following the development of Hannaford Brothers and the Castagna Complex.

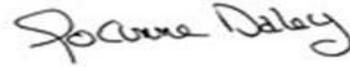
Mr. Liguori explained that a traffic study for Akindale Road is a legislative function of the Town Board.

Mrs. Pitt said as far as the Town roads, a study should be performed to enforce Town speed limits. She has communicated with Councilman McCarthy to perform a study and then develop a home rule local law for the safety and wellness of the residents.

ADJOURNMENT

On a Motion by Mr. Erickson and second by Mr. Vollmer to adjourn the meeting at 9:30 p.m. All were in favor and the motion carried.

Respectfully submitted



JoAnne Daley
Recording Secretary

non - approved minutes