

PRESENT: George Brehm 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: Steve Donovan (Public hearing Lot Line Adjustment) Anne Schober (escrow release), American Society for Prevention of Animal Cruelty (Time Extension) Todd Mitchell (Environmental Permit) and Minute.

Chairman Brehm opened the meeting and then led the salute to the flag.

STEVE DONOVAN

Public Hearing/Lot Line Adjustment

Birch and Donovan Lane
Holmes, NY 12531

Grid Number: 134089-6755-12-916620
134089-6755-12-911585

Mr. Steve Donovan landowner and Mr. Peter Sanders P.E. from Renna Engineering were present.

Chairman Brehm said the property is located Birch and Donovan Lane, Holmes NY.

Mr. Sanders said the property is located at Birch and Donovan Lane in the R-2 Zoning district. Mr. Sanders said the Lot Line Adjustment is for two separate parcels located between Birch and Donovan Lane. The proposed lot line adjustment would transfer 1.514± acres of an existing 3.77± acre parcel to an existing non-conforming 0.486± acre parcel, creating a 2.16± acre lot and a 2.00± acre lot. Both of the proposed lots will comply with the R-2 residential zoning district regulations.

Mr. Gainer reviewed his February 25, 2021, memorandum, discussed a variety of legal issues to be resolved, and the status of the environmental review. Pursuant to NYSDEC SEQRA regulations, at the December 07, 2021 Planning Board meeting the Board classified the matter a Type II action, which concludes the board's SEQRA responsibility. The revised plat has resolved the provision of a formal right of way (with metes and bounds) around the proposed turn-around proposed within lot 1, granting a legal use to the other property owners and emergency vehicles.

Mr. Sanders reviewed the lot #1 setbacks that were acceptable by the Board.

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

Mr. Jeremy Koos 5 Park Lane neighbor spoke. He asked where is the driveway access proposed for the two lots?

Mr. Sanders responded the driveway accesses are off of Donovan Lane. These driveway accesses do not affect any landowner on Birch Lane.

Mr. Jamie Clark 47 Birch Lane neighbor spoke. He asked if both lots are vacant or does one lot contain a dwelling unit.

Mr. Sanders responded that residential dwellings, SSDS's and wells are proposed on both lots.

Mr. Clark said both of these lot's terrain contain natural slopes, if the slopes are to be disturbed what are the proposed modifications to direct stormwater runoff.

Mr. Sanders responded that Stormwater Pollution Prevention Plan (SWPP) designs are proposed to establish stormwater infiltration and address any soil erosion during the overall site grading. Limits of disturbance are shown.

Mrs. Chrissy DeMarta 55 Birch Lane neighbor spoke. She said their property currently is located across Birch Lane to the 3.68 acre parcel in question for lot line adjustment. I'd like to bring to the Board's attention Planning Board Minutes from 11/26/01 (attached) where Steve Donovan states he spent approximately \$7k to build up the base of his road where a "trail formerly existed".

In 2005, Mr. Donovan threatened a lawsuit against homeowners on Birch Lane proposing that we & our road conditions caused the flooding issues on his properties and road. In reality, Birch Lane existed with drainage culverts prior to Donovan Lane. We infer that Mr. Donovan admittedly states here he created his own drainage issues when building his own road, presumably without appropriate permits. I previously submitted a video where Mr. Donovan purposefully damaged an existing culvert put in place in the 1950's, extending from our Birch Lane property onto his (pipe was well within the 50' wide roadway easement) when code was nonexistent or ignored.

We respectfully ask the Board to hold Mr. Donovan accountable for maintaining proper code and permitting for his projects. This would include updating Donovan Lane to code as well as ensuring the proper drainage has been put in place for the homes he wishes to build. We also respectfully ask the Board to hold Steve to the stipulations put forth in his previous application for lot lone adjustment.

Mr. Donovan also has a history of leaving quite the mess behind, creating eyesores with unfinished projects with leftover materials being discarded in inconvenient places. So we lastly respectfully request all construction vehicles, and traffic for construction be relegated to Donovan lane in order to prevent any further erosion on Birch Lane. Should all of the above be met to satisfaction, we personally do not have objections to construction.

Chairman Brehm responded by explaining that this particular project requires road upgrades to Donovan lane. Mr. Donovan will be required to follow New York State procedural process relating to Performance Bond. Donovan lane is a private road, and it is not the Town's responsibility to make road improvements. All stormwater run-off and infrastructure shall be addressed pursuant to the Stormwater Pollution Prevention Plan.

Mr. Gainer said on the current site plan, there are no culverts illustrated that would address stormwater runoff.

Mr. Jason Arturo 15 Park Lane neighbor spoke. he moved into this neighborhood several years ago. At that time and ongoing there has been issues relating to the private roadways. He has tried to establish a road and driveway maintenance agreement with the landowners. Many landowners have no interest in developing a Homeowner Owners Association. He asked what Mr. Donovan's responsibility is, and can the town take over the roads?

Mr. Liguori Esq., explained that private roads are the responsibility of the landowners. For the Town to take over a private the landowners must construct these roads to meet the Code of the Town of Pawling road standard regulations, before the Town would consider acceptance of a private road. There are equitable remedies by a court order to bring all landowners together

to intervene with establishment of a Homeowners Association. This could result in a costly alternative to the landowners. The Donovan Lane landowners have an approved driveway and maintenance agreement in place.

Mr. Mark Barrett 53 Birch Lane neighbor spoke. He has no objection to Mr. Donovan's Lot Line adjustment, and only joined to listen to the meeting.

Mr. Eugene DeMarta 55 Birch Lane neighbor spoke. He has a concern with the drainage and roadway conditions along Birch lane. The inlet of the 12" CMP cross pipe on Birch lane has not been used in a long time. He felt this pipe should be retrofitted to absorb runoff of Birch Lane. He stated in his opinion Mr. Donovan destroyed this pipe many years ago. Over the years letters were submitted to the town. There is natural runoff from the higher elevations that enter Mr. Donovan's parcel.

Mr. Sanders replied, he would review the site plan to identify any culverts that might be on Mr. Donovan's parcel.

Mr. Clarke said the culvert damage impacts neighbor's property to the left of Mr. Donovan's parcel.

Mrs. Phyllis Leveque 67 Birch Lane neighbor spoke. She wanted the Board to know that Mr. Arturo never approached her about forming a HOA. Could a meeting be held with the neighbor to discuss the Birch Lane drainage system?

Chairman Brehm said Mr. Sanders is Mr. Donovan's representative, and Mr. Gainer is the Town's consultant. These two engineers will schedule a meeting to inspect the concerns raised over potential drainage impacts from development of Donovan's lots. All technical and statutory reports are filed with the Town planning office.

Mr. Donovan, 38 Donovan Lane, spoke. Mr. Donovan is seeking a Lot Line adjustment approval from the Planning Board. He wanted to state his facts for the record. He said the DeMarta family pumps out their basement onto his 3.68 parcel Birch Lane parcel. They have accused him of digging up the Birch lane culvert pipe since 1991. The Birch Lane roadway has been widened since the DeMarta's moved into the neighborhood. He has sued the DeMarta's for pumping their basement water onto his parcel. He felt it was necessary to respond the Mrs. DeMarta's accusation.

Mrs. DeMarta responded that their basement does not flood onto Mr. Donovan's parcel.

Mr. Clark said there is topography that slopes down towards Birch Lane, resulting in an elevation change that causes the runoff to continue towards the Donovan lot.

Mr. Liguori said that the Planning Board considers water rights between individual neighbors and natural drainage versus artificially created drainage. Artificially created drainage requires an easement. Naturally flowing drainage is allowed to flow naturally. The Board's question - is there anything going on at Donovan's property that excludes the drainage from naturally flowing from one direction to another? In this case the higher steep slopes topography drainage could be flowing to the lower parcels of Donovan's property. In order to resolve these questions, as to whether or not the DeMarta are draining water onto Donovan's property, or is there a natural surface water run-off/flow onto Donovan's parcels? The Engineers should perform a site inspection to objectively address the concerns raised this evening on potential impacts of run-off around any developed areas and Birch Lane.

There were no more comments from the audience.

Following discussion, the Board choose to close the verbal portion of the public hearing tonight but keep the written comment period open until April 19, 2021.

Motion by Mr. Erickson to close the verbal portion of the public hearing and keep the written comment period open until April 19, 2021.

Second by Ms. Rennolds. Chairman Brehm asked for discussion. Role call.

George Brehm aye. Mark Friedman, aye. Dr. Bloom, excused.
Aaron Cioppa, aye. Corinne Pitt, aye. Jay Erickson, aye.
William Vollmer, aye Amie Rennolds, aye.

Chairman Brehm asked what are the roles and responsibility of the alternate member?

There was discussion if the alternate Board member could participate in Planning Board motions.

Mr. Liguori explained that alternate members step in when there is a conflict of interest and a Board member must recuse themselves

Ms. Rennolds was unsure if a Board member was not in attendance, the alternate would participate in the meeting.

Mr. Liguori said the Town Board has the authority to appoint an alternate Planning Board member. In tonight's case a member of the Board is absent, and the alternate does not step in for the person absent. The Chairman of the Board is required to designate the alternate member for the purposes of the application, when a regular Board member has a conflict of interest.

Motion by Mr. Erickson to close the verbal portion of the Public Hearing and keep the written comment period open until April 19, 2021.

Second by Ms. Rennolds. Chairman Brehm asked for discussion.

Role call.

George Brehm aye. Mark Friedman, aye. Dr. Bloom, excused.
Aaron Cioppa, aye. Corinne Pitt, aye. Jay Erickson, aye.
William Vollmer, aye Amie Rennolds, aye.

Mr. Liguori Esq., recommended the Board amend the original Motion and then redo the Motion.

Motion by Mr. Erickson to close the verbal portion of the Public Hearing and keep the written comment period opened until April 19, 2021.

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

George Brehm aye. Mark Friedman, aye. Dr. Bloom, excused.
Aaron Cioppa, aye. Corinne Pitt, aye. Jay Erickson, aye.
William Vollmer, aye

ANN SCHOBBER
Brad Fels
89 Lake Dutchess
Holmes, NY 12531
Grid Number: 134089-

Administrator/Escrow Release
Environmental Permit

Ann Schober and Brad Fels were present.

Chairman Brehm said the property is located at 89 Dutchess drive. A letter dated March 24, 2021 from Brad Fels and Anne Schober requesting escrow release in the amount of \$700.00 was received. The Environmental Permit site work has been completed. It has been confirmed by the Board's secretary that no outstanding invoices remain to be paid.

Motion by Mr. Vollmer to recommend to the Town Board to release escrow in the amount of \$700.00 to Brad Fels and Anne Schober.

Second by Mr. Cioppa. Chairman Brehm asked for discussion. Role call:

George Brehm aye. Mark Friedman, aye. Dr. Bloom, aye. Aaron Cioppa, aye.
Corinne Pitt, aye. Jay Erickson, aye. William Vollmer, aye

AMERICAN SOCIETY FOR PREVENTION OF
CRUELTY TO ANIMALS

Administrative Time Extension

Intersection of Route 22 and 55

Pawling, NY 12564

Grid Number: 134089-7056-00-257503
134089-7056-00-110487

No one was present representing the American Society for Prevention of Cruelty To Animals.

Chairman Brehm said the parcel is located at the intersection of NYS Route 22 and 55 in the Mixed Business Industry "MBI" Zoning District. A letter from Rick O'Rourke Esq., representing ASPCA was received, requesting with respect a time extension to the pending application for Site Plan approval beginning April 14, 2021 and ending on June 07 2021.

Motion by Mr. Vollmer to grant ASPCA a time extension beginning April 14, 2021 to June 07, 2021.

Second by Mrs. Pitt. Chairman Brehm asked for discussion. Role call:

George Brehm aye. Mark Friedman, aye. Dr. Bloom, aye. Aaron Cioppa, aye.
Corinne Pitt, aye. Jay Erickson, aye. William Vollmer, aye.

TODD MITCHELL

New Application/Environmental Permit

71 Dutchess Drive

Holmes, NY 12531

Grid Number: 134089-6855-13-113398

Mr. Todd Mitchell was present.

Chairman Brehm said the property is located at 71 Dutchess Drive consisting of 1.02 acres.

The Board is in receipt of Mr. Artus's memorandum dated March 30, 2021. The subject parcel is encumbered by one-hundred (100) foot wetlands control buffer of Lake Dutchess. The parcel is located in the East of Hudson New York City Watershed. The existing floating dock on Lake Dutchess was installed in 2019 without the benefit of an environmental permit from the Town of

Pawling. The dock was installed to replace a previously existing dock. This action should have required the submission of the Town of Pawling application for Environmental Ordinance - Chapter 111 to obtain approval from the Town of Pawling Planning Board. However the applicant is additionally proposing the installation of a wood fence at the side yard, the removal of an existing stone/wood deck/entry porch to be installed at the same grade and elevation, the installation of two concrete pads both at grade to accommodate the future installation of a generator and HVAC unit, and the removal of concrete driveway (350 sq. ft.) to be replaced with four by four precast paving stones. The applicant is also proposing landscape improvements.

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, 111-6(1)(B) and 111-6.C, public hearings, referrals to outside agencies and performance bond, and then refers this permit to the Storm Manager Officer

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

Role call:

Chairman George Brehm aye.	Mark Friedman, aye.	Dr. Bloom, excused.
Aaron Cioppa, aye.	Corinne Pitt, aye.	Jay Erickson, aye.
William Vollmer, aye.		

APPROVAL OF MINUTES:

Motion by Mr. Cioppa and to approved the February 6, 2021 and March 01, 2021 as read.

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

Role call:

Chairman George Brehm aye.	Mark Friedman, aye.	Dr. Bloom, excused.
Aaron Cioppa, aye.	Corinne Pitt, aye.	Jay Erickson, aye.
William Vollmer, aye.		

NEW BUSINESS

i. PTM AUTO SALES LLC.

Chairman Brehm set up a subcommittee to review the final technical and statutory items for PTM Auto sales LLC Site Plan. The committee members are Mr. Friedman and Mr. Erickson.

Mr. Erickson presented the illustrated landscape plan. A subcommittee consisting of Mrs. Pitt, Mr. Freidman and Mr. Erickson presented recommendation on PTM Auto sales LLC. Landscape plan. Mr. Erickson explained replacing a specific species of juniper plant and add a specific caliber for r the proposed Elm tree.to better screen parking. These variety of plants are low maintenance. The goal is to extend and provide better landscape screening along the road frontage. Mr. Erickson explained the Board had received comments on monitoring of the sites water. Can the Board request annual water quality control monitoring for this Site Plan. The question that requires a answer is what are the type of agency that could perform a water quality test. Where does the result of the water quality be filed at the Town?

Mr. Liquori Esq. said the Planning Board needs to review these specific items. To uphold legal challenges the Board requires professional advice on valid concerns from the Engineer, and then the Board can place specific conditions on the site plan.

ii. ALTERNATE PLANNING BOARD MEMBER

Mr. Liquori explained the Chairman of the Board is required to activate the alternate Board member on new projects when a conflict of interest arises. The process is when an application comes in and is placed on the agenda. A conflict should be identified, and then the alternate member steps in for that specific application. If a member learns of a conflict of interest during the process, then an alternate member can be designated by the Chairman.

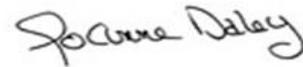
Chairman Brehm said the Board has had success with subcommittees. Can the alternate member be placed on a Board's subcommittee?

Mr. Liquori explained New York State Law 271.

ADJOURNMENT

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

Respectfully submitted



JoAnne Daley
Recording Secretary

non-approved minutes