

PRESENT Dr. Thomas Bloom Vice Chairman, Aaron Cioppa, Jay Erickson, Mark Friedman, Stephen Jobe and Gregory Bernard.

EXCUSED: Chairman George Brehm.

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

CONTENT: Paljevic Special Use Permit, Girl Scouts of Greater New York Site Plan, The Woods at Pawling Site Plan, Minutes and New Business.

Chairman Brehm is excused this evening and Vice Chairman Dr. Bloom opened the meeting and then led the salute to the flag.

VIOLETA PALJEVIC

Accessory Apartment/Special Use Permit

122 North White Rock Road

Holmes, NY 125464

Grid Number: 134089-6756-00-974286

There was no one present representing Violeta Paljevic this evening.

Vice Chairman Dr. Bloom said the property is located at 122 North White Rock Road in an R-3 residential Zoning district. This application involves the construction of an accessory apartment to the south side of an existing residential dwelling.

Mr. Cioppa read into the records Resolution #1 of 2022 for Violeta Paljevic Special Use Permit for an Accessory Apartment approval located at 122 North White Rock Road. (Copy in file). Grid Number: 134089-6759-00-974286

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

Role call:

Chairman George Brehm excused.

Jay Erickson, aye

Gregory Bernard abstain

Aaron Cioppa, aye.

Stephen Jobe, aye.

Mark Friedman, aye

Vice Chairman Dr. Bloom, aye.

RAFAL WATOLA

Administrative/Time Extension

Birch and Donovan Lane

Holmes, NY 12531

Grid Number: 134089-6755-12-927524

Vice Chairman Dr. Bloom said the Board is in receipt of a letter dated January 10, 2022 from John Kalin P.E. requesting a 180-day time extension for Final Subdivision approval beginning January 20, 2022 and ending July 20,2022.

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

Second by Mr. Erickson. Vice Chairman Dr. Bloom asked for discussion.

Role call:

Chairman George Brehm excused.

Jay Erickson, aye

Gregory Bernard abstain

Aaron Cioppa, aye.

Stephen Jobe, aye.

Mark Friedman, aye

Vice Chairman Dr. Bloom, aye.

JENNIFER COLEMAN

Accessory Apartment/Special Use Permit

101 Hurds Corner Road

Pawling, NY 12564

Grid Number: 134089-7058-00-570544

Ms. Jennifer Coleman landowner was present.

Vice Chairman Bloom said the property is located at 101 Hurds Corner Road in a R-3 Residential Zoning District. This application involves the renovation of a single-family dwelling with a pre-existing accessory apartment. Ms. Coleman is the new landowner.

Ms. Coleman said she purchased the residence on November 19, 2021. The property consisted of several illegal apartments. As a result of the illegal apartments, she has been working with Mr. Beck, Town CEO to bring the main section of the residence and apartment up to New York State Building Code standards. In addition to legalizing the apartment to NYS Building Code, an approval for Special Use Permit for an Accessory Apartment is required by the Planning Board. The other apartments have been removed.

Vice Chairman Dr. Bloom said the Board is in receipt of Mr. Gainer’s memorandum dated January 10, 2022. He explained that the creation of an accessory apartment on a one family residential lot requires a Special Use Permit. Therefore, referrals are required as part of the Planning Board’s review of the application. The referrals to be conducted this evening are to the following agencies:

- Dutchess County Department of Planning (GML239m) property lies within 500 feet of Route 22.
- Town Fire Marshal.
- Dutchess County Department of Behavioral & Community Health.

Motion by Mr. Cioppa to request the Board’s secretary to make the necessary referrals as part of the Planning Board’s review of the application to the following agencies.

- Dutchess County Department of Planning (GML239m) property lies within 500 feet of Route 22.
- Town Fire Marshal.
- Dutchess County Department of Behavioral & Community Health.

Second by Mr. Erickson. Vice Chairman Dr. Bloom asked for discussion.

Role call:

Chairman George Brehm excused.	Jay Erickson, aye
Gregory Bernard aye.	Aaron Cioppa, aye.
Stephen Jobe, aye.	Mark Friedman, aye
Vice Chairman Dr. Bloom, aye.	

Motion by Mr. Erickson to declare this application a Type II action, according to SEQRA; therefore, no further action is necessary by the Board.

Second by Mr. Bernard. Vice Chairman Dr. Bloom asked for discussion.

Role call:

Chairman George Brehm excused.	Jay Erickson, aye
Gregory Bernard aye.	Aaron Cioppa, aye.
Stephen Jobe, aye.	Mark Friedman, aye

Vice Chairman Dr. Bloom, aye.

Motion by Mr. Cioppa to schedule a Public Hearing on February 07, 2022 for Jennifer Coleman, Special Use Permit for an accessory apartment.

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

Role call:

Chairman George Brehm excused.	Jay Erickson, aye
Gregory Bernard aye.	Aaron Cioppa, aye.
Stephen Jobe, aye.	Mark Friedman, aye
Vice Chairman Dr. Bloom, aye.	

SHANNON MAEURER

Accessory Apartment/ Special Use Permit  
Schedule Public Hearing

15 Stanley Drive  
Pawling, NY 12564  
Grid Number: 134089-6957-00-663117

Vice Chairman Dr. Bloom said the property is located at 15 Stanley Drive in an R-3 Zoning district. This application is for an existing residence with an accessory apartment. The applicant is on the Zoning Board of Appeals agenda for January 19, 2022. Therefore, to keep this application moving forward a Public Hearing can be scheduled for February 07, 2022.

Motion by Mr. Cioppa to schedule a Public Hearing on February 07, 202 for a Special Use Permit for an accessory apartment.

Second by Mr. Freidman. Vice Chairman Dr. Bloom asked for discussion.

Role call:

Chairman George Brehm excused.	Jay Erickson, aye
Gregory Bernard aye.	Aaron Cioppa, aye.
Stephen Jobe, aye.	Mark Friedman, aye
Vice Chairman Dr. Bloom, aye.	

THE WOODS AT PAWLING

Further Discussion/Site Plan/Subdivision

Castagna Drive  
Pawling, NY 12564  
Grid Number: 134089-7056-00-651311

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

Vice Chairman Bloom said the property is located off of NYS Route 22, Castagna Drive in the Planned Development District (PDD).

Mr. Schwalbe gave a brief presentation. The Planned Development District (PDD) Castagna Commerce Park, consist of 200.1 ± acre parcel along the east side of Route 22. This development is located just northeast of the existing 81-senior unit "The Hamlet of Pawling" housing project. The main access road is off of NYS Route 22. The Woods at Pawling will be located on an 8.4 acre± parcel to be subdivided from the overall PDD tract. It will utilize the same access road now in place serving the senior housing. Mr. Schwalbe presented a site map of the overall site, which illustrates the wetlands, senior housing and the previously approved 66,000 square feet Medical Office Building. The MOB approval came after 9/11, with the

intention that people would be leaving the New York City, moving north. In 2016 the PDD permitted uses were expanded. Eventually a north - south road will be developed that will provide an access to Akindale Road. A total of five buildings are proposed, with 16 units in each building. A center courtyard, with gazebo, connecting pedestrian walkway and an area for a children's playground is proposed. Currently, the Site Plan revisions include advancement and refinement of the site, photometric and landscape plans. There are proposed additions to the plan set that include utility, roadway profile, updated architectural elevations based on responses from the Board's subcommittee comments. Addition of site detailed features include site lighting and fencing. Based on suggestions from the landscape subcommittee, evergreen and understory trees have been added to the rear of the proposed building, as well as on the sides and in between the buildings to enhance the existing woodland buffer. The light fixtures in front of the buildings are more decorative, and the lighting within the building perimeter was revised to prevent any off-site glare to the neighbors.

Mr. Cioppa asked if the proposed propane tanks will be installed underground?

Mr. Schwalbe replied the tanks are to be installed underground, in between the buildings.

Vice Chairman Dr. Bloom asked Mr. O'Rourke to explain the offer of amenities in response to Planning Board and public comments as a gesture of good faith to the community.

Mr. O'Rourke said the most important aspect to this is the proposed action changed over time based upon comments by the Planning Board and Town Consultants. An updated Environmental Assessment Form was submitted reflecting these changes/actions. One of the most important aspect of the PDD was the Medical Office Building approved after 9/11. During this time period there was a lot of momentum to have operational centers outside of New York City. However, the funding offered for these centers were allotted to other geographic locations. The Board is in receipt of the revised EAF, which includes a brief description of proposed updated action. Mr. O'Rourke read - *"the proposed action also proposes the following voluntary contributions and benefits, purchase/lease of a van to be available for those that need transportation locally for medial or grocery trips proposed to be donated to the Pawling Resource Center to provide assistance to the Pawling residents; installation of a bus shelter at the intersection of Castagna Drive and Route 22 subject to the establishment of a bus stop by the Dutchess County Public Transit; purchase of a school bus at a cost of up to \$120,000.00 for the Pawling Central School District; donation to the Pawling Fire Department in the amount of \$25,000.00; and, as part of a future commercial development on the property, the design for the construction of a walkway on the eastern side of Route 22 in the southerly direction on its property"*. The Castagna Realty Co and Kearney Realty Development Group goals are to market the development for commercial development.

Mr. Erickson asked a question to clarify the proposal for a walkway. Does the applicant plan on designing and construction of the walkway?

Mr. O'Rourke said the offer is subject to Site Plan approval, working in concert with New York State Department of Transportation. The east side of Route 22 heading south is not all owned by Castagna Realty Co. The walkway could be approved for construction during Site Plan approval. There is a commitment to design.

Mr. Erickson said the language states it is a commitment to design, and not a commitment to build. What would prevent the walkway from being build today?

Mr. O'Rourke said if the walkway design is approved, then Castagna Realty Co could build the walkway.

Mr. Erickson suggested the language be revised to read "*pending approval Castagna Realty Co will construct the walkway*".

Mr. O'Rourke responded he cannot speak for the New York State Department of Transportation and other property owners. He can only speak for the property they control. When a forthcoming commercial site plan is proposed, Castagna Realty Co is committing to designing and construction of the walkway.

Mr. Erickson, he understands the language for the design aspect. What the commitment reads is to design the walkway and not to construct the walkway.

Vice Chairman Dr. Bloom said the Planning Board is not looking a gift horse in the mouth. As the PDD is built out additional fire equipment would be needed for emergency calls to that area. He asked if the fire department donation could be increased to \$125,000?

Mr. O'Rourke responded that it is not his call.

Mr. Kearney said he appreciates that question. If for any reason the \$120,000 was not used for a school bus, then that money could be allocated to the fire department. In the past, one of his experiences with a Fire Department was that the department used that funding/ money to donate to a burn center.

Mr. Bernard said he spoke with Chief Everett White to identify what was needed by the Fire Department. Chief Everett White said classes for structure training would be beneficial for the department, especially with future development of multi-family housing buildings.

Vice Chairman Dr. Bloom said the fire department has to be prepared for the future.

Mr. Erickson reviewed the latest Site Plan. He asked if any the buildings been moved or setbacks increased from the rear property lines?

Mr. Schwalbe said the Site Plan was designed for the people living in the development to have a courtyard. If the setbacks were increased it would reduce the distance between the buildings. In the rear of the buildings additional evergreen and understory trees are proposed for landscape screening, as recommended by the Board's subcommittee. Several of the adjoining landowners are 1,000 feet from this development.

Mr. Kearney said the Site Plan design was reviewed in depth.

Mr. Erickson asked if the entire development could be moved west? He suggested other areas to rotate the stormwater basins farther southwest.

Mr. Schwalbe said they cannot go farther than the wetland buffers,

Mr. Kearny said another aspect of the site plan that was revisited was the addition of berms. Ms. Maiello ALSA PLA. felt the berms would not add to the landscape screening of the neighbor properties.

Mr. Cioppa said to construct the berms, there would be additional land disturbance, therefore, not adding much value to the line of sight. The setback areas are wooded, adding evergreen trees and understory trees creates a natural area for landscape screening.

Mr. Schwalbe presented the cross-section a, b., c, d, elevations illustrating the vegetation. The vegetation between the buildings would not create a dramatic change by 50 feet. The Cedar Lane buildings are the closest dwellings to this development. Those residents are approximately 440 feet plus away.

Vice Chairman Bloom said for the record, the Board acknowledges the adjournment request by Castagna Realty Co and Kearny Realty & Development. The applicant can be placed on the February 07, 2022 for a SEQRA determination and Site Plan approval resolutions.

Mr. Erickson said at the onset of the project the Board's understanding was to allow individuals to move safely along NYS Route 22. He suggested a provision to revise the current language to clearly address the issue for design and construction of a walkway.

Mr. O'Rourke said he cannot guarantee a walkway that is not presently before the Board. The applicant has addressed the issue by offering a van. Future commercial development will include a walkway as part of site plan approval.

Mr. Kearney said Castagna Realty Co has retained a commercial realtor to market the PDD. Personally, he has met on site with individuals, and as part of the discussion, it has been made clear how important the walkway is for future development. The other alternatives were to address the issue by purchase/lease of a van for the Pawling Resource Center and construction of a bus stop for the Dutchess County Public Transit loop bus to aid individuals shopping or by local transportation. This is not the end solution. We all understand the Board's goal.

Mr. Erickson asked for an explanation of the efforts for the commercial development portion of marketing the site.

Mr. O'Rourke said the Castagna Realty Co engaged the services of Houlihan Lawrence Tom LaPerch to market the site. Mr. Kearney met with Mr. LaPerch on site. The area's demographics hold this geographic location back, as there are no major highways for transportation. The commercial development is market driven.

Mr. Erickson said he appreciates the efforts made by the applicants. The Planning Board has to apply the Code of the Town of Pawling as written. The spirit of the PDD is for a multi-use development. It is good to hear there are efforts being made to bring in commercial development for the PDD.

Mr. Schwalbe said when the Planned Development District Code was expanded it allows for eco-environmental uses, restaurants lodging etc. The expanded code allows for more opportunity. Mr. LaPerch felt these expanded uses would allow options for different consideration for outside-the-box development.

Mr. Andrew Maggio asked Vice Chairman Dr. Bloom if he could speak to the Board this evening.

Mr. Maggio Esq. from Mamaroneck NY explained that he has been retained by a group of concerned neighbors and citizens of Pawling. He noticed that the Public Hearing has been closed. He went through the minutes on the Town's website and noticed that this application was presented on July 06, 2021. He asked what dates were the Public Hearing opened and then closed?

Mr. Liguori Esq. responded that he did not have the dates in front of him this evening.

Mr. Maggio Esq. asked if the Public Hearing was opened for Subdivision and Site Plan approval. If so, was there a comment period established for each?

Mr. Liguori Esq. responded that the Town of Pawling Planning Board followed New York State Public Hearing rules and regulations.

Mr. Maggio Esq. asked if a SEQRA determination has been made? This application has been on the agenda for several months. He asked if there were SEQRA discussions held prior to tonight. At this particular time there are many concerns that this was a residential development and now proposed as commercial development.

Vice Chairman Bloom said the Planning Board authority is to process Site Plan and Subdivision approvals according to New York State and the Code of the Town of Pawling laws. Vice Chairman Dr. Bloom explained that he would appreciate if Mr. Maggio Esq. had any further questions or comments that he speaks with the Town Board.

Mr. Maggio Esq. said he cannot make any assurance he won't be back before the Planning Board. The Planning Board is the authority for Site Plan and Subdivision approvals. The issue he is raising are not facts, the issue is law and if any mistakes were made by the Code Enforcement Officer, Town Board or someone along those lines. In the nicest of terms, if a mistake was made they are going to be looking at this. He hopes the Planning Board takes these items into consideration.

Mr. Erickson said the Planning Board has held SEQR discussions prior to declaring the Board's intent to be lead agency, and then a SEQRA circulation to outside agencies for comments was performed as per NYS SEQRA regulations. Again, this evening the Board held further SEQRA discussion with the applicant on the Environmental Assessment Form (EAF). At this time a SEQRA determination has not been made by the Board. He felt it's important to make everyone aware that this application by the Board has been studied deeply with Counsel. What is before the Board currently does not concur with the spirit of the 2016 discussions, relating to phasing of residential and commercial development. A tremendous amount of homework relating to public concerns has been completed by this Board. The Planning Board can only apply the Code as written and the Board is bound by the Code of the Town of Pawling.

#### MINUTES:

Motion by Mr. Freidman to approve the Minutes of January 03, 2022 as read.  
Second by Mr. Cioppa. Vice Chairman Dr. Bloom asked for discussion.  
All were in favor and the Motion carried.

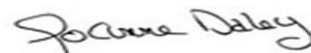
#### NEW BUSINESS

No new business was discussed this evening.

#### ADJOURNMENT

On a Motion by Mr. Erickson and seconded by Mr. Freidman to adjourn the meeting at 8:30 p.m. All were in favor and the Motion carried.

Respectfully submitted,



JoAnne Daley  
Recording Secretary

Non-approved minutes