

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: Maeurer Special Use Permit, Jennifer Coleman Special Use Permit, ASPCA time extension, The Woods at Pawling Site Plan, Simmons re-zone petition, Silverman environmental permit, Gaglio escrow release, 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.

SHANNON MAEURER

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

Public Hearing
Accessory Apartment/ Special Use Permit

Ms. Shannon Maeurer was present.

Vice Chairman Dr. Bloom said the property is located at 15 Stanley Drive in an R-3 Residential Zoning district.

Vice Chairman Dr. Bloom read the public notice and opened the Public Hearing at 7:05p.m. There were no comments from the Public.

Motion by Mr. Erickson to close the Public Hearing at 7:07p.m.

Second by Mr. Cioppa. Vice Chairman Bloom asked for discussion.

All were in favor and the Motion carried.

Mr. Cioppa read into the records Resolution #2 of 2022 for Ms. Shannon Maeurer Special Use Permit for an Accessory Apartment approval located at 15 Stanley Drive. (Copy in file). Grid Number: 134089-6759-00-663117

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.

JENNIFER COLEMAN

101 Hurds Corner Road
Pawling, NY 12564
Grid Number: 134089-7058-00-570544

Public Hearing
Accessory Apartment/Special Use Permit

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.

Vice Chairman Dr. Bloom read the public notice and opened the Public Hearing at 7:10p.m

Mr. Joseph Lombardozi 112 Hurds Corner Road, neighbor spoke. Mr. Lombardozi lives across the street. He explained the past history for this parcel, that people living in the apartment caused loud noises, and caused increased traffic going in and out of the property. He asked several questions about Ms. Coleman site. Is the cabin or an apartment attached to the dwelling for rent? Why is the Town allowing the landowner an accessory apartment? They purchased their property on 5 acres, knowing people would not be living across the street. He asked what would happen if the main residence and apartment was rented along with the cabin? That would result in a rental complex.

Mr. Gainer explained the Code of the Town of Pawling Section §215-17.1 Accessory Apartment on a one-family Residential Lot, as follows:

- The owner of the one-family lot on which an accessory apartment is located shall occupy the principal or accessory dwelling unit. A landowner is only allowed one apartment on a single-family lot.

Mrs. Patty McCarthy, 112 Hurds Corner Road, neighbor spoke. She asked if the property is sold in the future, would the Special Use Permit for an Accessory Apartment be transferred to the new landowner? Mrs. McCarthy is concerned that if the Board allows a rental apartment on Hurds Corner Road, then other properties will seek approvals for rental apartments.

Vice Chairman Dr. Bloom responded yes, the Special use Permit can be transferred to the new landowners. Furthermore, he explained that the Code of the Town of Pawling allows for one accessory apartment on one-family single lots.

Mr. Lombardozi said in the past, he had problems with individuals living in these apartments. His concern for the future is a tenant might not be a respectful and/or quiet person. What happens if Mrs. Coleman is not considerate by controlling the tenants being loud or disrespectful?

Vice Chairman Dr. Bloom said the neighbors can contact the Code Enforcement Officer in the building department to file a complaint if violations or problems occur.

Mr. Erickson asked if conditions could be placed on the Special Use Permit, such as the Accessory Apartment Special Use Permit not allowed transferred to a new owner?

Mr. Liguori said the Board can place reasonable conditions on a Special Use Permit. If the Code does not reference that the Special Use Permit is specific to a landowner, then the board cannot place this condition on the SUP stating the current landowner cannot transfer a SUP to a new landowner. The Board can place conditions on a Special Use Permit that relate to impacts (i.e. landscaping, lighting and noise).

Mr. Bernard asked if the Board could grant the Special Use Permit for a limit of a 3-year time period, and then ask the landowner to return to the Board for a permanent SUP, based on no violation or complaints filed with the Town.

Mr. Gainer said the Board can place a statutory time period on the Special Use Permit. The landowner can return to the Board for a permanent Special Use Permit at the end of the specific time period and/or three (3) years, as the Board may choose.

Mrs. McCarthy asked if accessory apartment is only allowed in CD-5 five-acre Residential Zoning districts?

Vice Chairman Dr. Bloom explained accessory apartments are allowed in all residential districts.

Mr. Freidman asked Ms. Coleman to refresh the Board's memory on the renovations of her residence.

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. In the future the cabin will not be rented out. The cabin will be turned into a workshop for the property. This residence is her future, where she plans to live in Pawling. This will be her home. She has no intention of allowing loud noises or disrespectful tenants being part of her home.

Vice Chairman Dr. Bloom asked Mrs. Coleman how she felt about a three-year term for a Special Use Permit?

Ms. Coleman explained her concern is that she would have to pay the fees for permanent Special Use Permit in three years. She is making a large investment to improve the property. The place was in quite disrepair when purchased. The interior and exterior renovations are being updated to New York State Building codes. The aesthetics of the property will blend in with the character of the neighborhood.

Vice Chairman Dr. Bloom said there will no fee for the Planning Board review of the Special Use permit in three years. Furthermore, for the record, the Board is in receipt of a letter of support from Mr. and Mrs. Edward Hauser.

Mr. Erickson recommends the Board can add the condition for a three-year renewal term to Ms. Coleman Special use Permit to the draft resolution before the Board.

There were no more comments from the audience.

Motion by Mr. Erickson to close the Public Hearing at 7:28 p.m.

Second by Mr. Cioppa. Vice Chairman Bloom asked for discussion.

All were in favor with the addition of the condition offered, and the Motion carried.

Mr. Erickson read into the records Resolution #3 of 2022 for Ms. Jennifer Coleman Special Use Permit for an Accessory Apartment approval located at 101 Hurds Corner Road. (Copy in file) subject to:

- This Special Use Permit is hereby granted for a three (3) years from the date of this approval, after the applicant shall be required to re-apply to the Planning Board for renewal of said permit (without the need for paying any additional application fees). Should the Board find that no adverse community impacts have been received which would require mitigation, the Board shall grant a permanent Special Use Permit for the accessory apartment within the present residence.

Second by Mr. Cioppa. 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.

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 ASPCA.

Vice Chairman Dr. Bloom 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. dated January 25, 2022, representing ASPCA was received, requesting a time extension time extension beginning February 28, 2022 and ending April 05, 2022. for the pending application for Site Plan approval.

Motion by Mr. Cioppa to grant ASPCA a time extension beginning February 28, 2022 and ending April 05, 2022.

Second by Mr. Freidman. 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: 134089-7056-00-651311

Mr. Mark Shogren P.E. from the firm of Divney, Tung and Schwalbe, Mr. Judson K. Siebert Esq. from Keane and Beane Law firm and Ken Kearney and Justin Leigh from Kearney Development Group were present.

Mr. Siebert introduced himself to the Board. He explained that Mr. O'Rourke cannot be in attendance this evening.

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

Mr. Andrew Maggio Esq. said he is representing residents of the Town of Pawling. A Zoning Board of Appeals interpretation application was submitted to the Zoning Board of Appeals, requesting a statutory stay. He commented on the Supreme Court, Appellate Division case, in the matter of *Mamaroneck Beach & Yacht Club, Inc.* He read the position of the Mamaroneck Planning Board. The stay was not granted because of the 45-day limitation, and not based on injury. In this case, there are adjacent property owners and the injury is the impact on the neighbor's property values. We understand the Board is close in time but, in this case the Board should give the Zoning Board of Appeals time to make the interpretation and a court of law to make another decision to avoid dueling interpretations splitting the process. He is asking the Planning Board to grant a short adjournment and give the ZBA time to make an interpretation on the Code Enforcement Officer determination.

Vice Chairman Dr. Bloom said the matter is before the Planning Board this evening to decide on SEQRA and the Site Plan/Subdivision applications. The Planning Board acknowledges that residents of Pawling have appealed to the ZBA and that there is no stay in affect. On advice of counsel, only the applicant can stay an application. If the Board members would like to discuss the latest developments, that is fine. The case law allows the applicant to have the matter voted upon and the Board shall proceed.

Mr. Maggio said this Board asked the CEO for an interpretation on intensity and this Board is moving forward to a final a vote without the CEO interpretation.

Mr. Siebert said his firm represented the Mamaroneck Beach & Yacht Club, Inc. Mr. Siebert concurs with Vice Chairman Dr. Bloom's position to continue the Planning Board procedural process. That decision clearly stated that the Supreme Court correctly determined that the automatic 671 appeal "stay" provision of the Law governing appeals to Zoning Board of Appeals does not apply to the filing of an appeal by a third party. In any event, the Supreme

Court determined, irrespective of any stay proceedings, the Planning Board's failure to act pursuant to the applicable local law code provision requirement for review of the site development plan. The stay is not available to third parties. The reason the Appellate Court made the decision is that they recognized you cannot have people come in and throw sand in the gears. He asked the Board to move forward with the Resolutions this evening.

Vice Chairman Dr. Bloom said the position is not only his, it is also under the advisement of the Planning Board's attorney.

Mr. Cioppa read into the records Resolution #4 of 2022 for The Woods at Pawling Negative SEQRA Declaration Notice of Determination of No Significance approval located at Castagna Drive, Castagna Commerce Park. (Copy in file). Grid Number: 134089-7056-00-611351.

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.	

Mr. Cioppa read into the records Resolution #5 of 2022 for The Woods at Pawling Subdivision and Site Plan approval located at Castagna Drive, Castagna Commerce Park. (Copy in file). Grid Number: 134089-7056-00-611351.

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

Mr. Erickson asked if there has been any conversation for the purchase/lease of a van that would be used by the Pawling Resource Center or has there been any discussion for use of the van at The Hamlet of Pawling and The Woods at Pawling for the residents?

Mr. Kearney responded that several conversations have taken place. They are seeking to better organize getting volunteers from "The Hamlet of Pawling" and "The Woods at Pawling" to become van drivers. The van will be dedicated for this area with the expectation to get more volunteers.

Mr. Erickson said what is the reason for the Pawling Resource Center to house the van if a majority of time it will be dedicated to the "The Hamlet of Pawling" and "The Woods at Pawling"?

Mr. Kearney said during COVID the Pawling Resource Center was instrumental in assisting the seniors. Therefore it is appropriate to provide additional transportation to the Pawling Resource Center.

Mr. Erickson asked Mr. Michael Liguori and Mr. Ron Gainer if there are any outstanding issues the Board should consider this evening.

Mr. Gainer said that open technical and statutory comments are presented in his February 2022 memorandum. He will continue to work with the developers to finalize all outstanding technical and statutory items, prior to the Chairman's endorsement of the formal plans.

Mr. Liguori said all the legal aspects of this development (i.e. stormwater agreement and easements) will be reviewed and provided to the Vice Chairman of the Board prior to signing of the plat or site plans.

Vice Chairman Dr. Bloom asked if applications would be available for potential tenants?

Mr. Kearney said the rental applications are not currently available. An individual can call his office to get on the list. The application will be available 15 months after initial site development. His office is only open three (3) days a week for applications. He encourages anyone interested to call his office 845-306-7705 to get on the list.

Role call:

Chairman George Brehm excused.

Jay Erickson, nay.

Gregory Bernard aye.

Aaron Cioppa, aye.

Stephen Jobe, aye.

Mark Friedman, nay.

Vice Chairman Dr. Bloom, aye.

Mr. Erickson said that, for the record, this was a hard decision to vote upon. The struggle was with the code, which is ambiguous. Because of these ambiguous code sections, he voted with his conscious/emotions. He wanted to express gratitude to the applicant for all the amenities offered to the community. This was a long, hard process on both sides.

Vice Chairman Dr. Bloom said a vote is based upon a decision of local law and not emotion. The Planning Board did their due diligence on this and every application before the board, by crossing the T's and dotting the i's.

DAVID AND MARYANN SIMMONS

Presentation/Petition to Rezone

57 Buhleler Road

Pawling, NY 12564

Grid Number: 134089-7055-00-502714

Mr. Timothy Curtis Esq. from Curtis Law firm and David and Maryann Simmons were present. Vice chairman Brehm said the property is located at 57 Buhleler Road in the Highway Business zoning district.

Mr. Curtis said the applicant's property consists of 2.78± acres on Buhleler Road, which is a private road on a dead-end street. The property is located in the Highway Business Zoning district, which does not front NYS Route 22. The landowners would like to subdivide the property and build a residential house for themselves, since they suffer from arthritis and can no longer do stairs in their existing dwelling. They seek to build a one-story ranch on the proposed subdivided lot. Mr. Liguori had suggested they speak with the Planning Board prior to proceeding with filing a re-zoning Petition with the Town Board.

Mr. Friedman asked what type of zoning district change does the landowner seek?

Mr. Curtis said they seek to change the zone from Highway Business to Residential. A site map was presented to the Board.

Vice Chairman Dr. Bloom said the Planning Board cannot provide recommendation on a Zone change at this time.

Mr. Liguori said Mr. Curtis had called his office. There was discussion held as how to proceed, either by filing a use variance or to Petition the Town of Pawling Town Board for a zone change in accordance with the Code of the Town of Pawling Section §215-53 for a change in classification from Highway Business to Residential.

Mr. Bernard said it is very hard for a Town to lose commercial property. It is hard to rezone from Highway Business to Residential. No Town chooses to lose Highway Business property.

Vice Chairman Dr. Bloom said the Planning Board does not want to create a precedence. The Town Board previously rezoned residential property, (his property included) to Highway Business. Rezoning can take place, even if the landowners are not in favor of a rezone.

Mr. Liguori said this parcel has its own set of difficulties to develop as a Highway Business. He suggested that Mr. Curtis present information to the Planning Board prior to filing a Petition to Rezone by the Town Board. Eventually the Petition to Rezone will come back to the Planning Board for recommendation.

Mr. Curtis said the existing residence is built in Highway Business Zone, with no frontage along NYS Route 22. The proposed residential would be built between two residential houses. This lot placement in a residential neighborhood could not be built as a Highway Business parcel.

Mr. Bernard said following a clearer understanding of Buhleler Lane as a private road with only residential lots, it makes sense to change this parcel from Highway Business to residential. The factors presented change how the Board should look at a possible rezone for this specific parcel.

Mr. Liguori said a conversation with the Planning Board streamlines the process to give the applicants direction on how to proceed with the Town Board.

STUART LEAF/CLAIRE SILBERMAN

Administrative/Environmental Permit

1670 Route 292

Holmes, NY 12531

Grid Number: 134089-6857-18-302050

Vice Chairman Dr. Bloom said the application is for an environmental permit located at 1670 Route 292 Whaley Lake. The Board is in receipt of a memorandum dated July 21, 2021 from Mr. Artus.

Motion by Mr. Cioppa 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 Stormwater Management 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 Vice Chairman Dr. Bloom. Vice Chairman Dr. Bloom asked for discussion. All were in favor and the Motion carried.

QUAKER VALLEY FARM

Administrative/Environmental Permit

9 Meeting House Road

Pawling, NY 12564

Grid Number: 134089-7158-00-994494

Vice Chairman Brehm said Quaker Valley Farm-Getaway LLC is located at 9 Meeting House Road in the CD-5 Residential Zoning district. The Board is in receipt of Mr. Artus' February 02, 2022 memorandum.

Motion by Mr. Erickson to grant a Timber Harvesting Environmental Permit to Quaker Valley Farm located at 9 Meeting House Road. The applicant proposes selective harvest of mature timber on approximately 25.0 ± acres of woodland to stimulate regrowth of woody regeneration to greater benefit a wide variety of local wildlife species and their habitat. The applicant

proposes to conduct timber harvesting commencing on March 01, 2022 and be completed by March 31, 2022 subject to;

- Trees to be harvested within the proposed area of disturbance shall be dropped and hauled only. There shall be no land disturbance activities to include the stumping or grubbing of trees.
- Inspections will be conducted by the Environmental Director on an as-needed basis based upon consultation with the applicant's representative. At such time the applicant has completed the proposed activities, a final site inspection shall be conducted by the Environmental Director and a representative of the applicant.
- Satisfaction of the Restoration Bond
- The applicant shall notify the Dutchess County Department of Public Works (DCDPW) and the Town of Pawling Superintendent of Highways of the vehicular traffic associated with the hauling of timber from the site.

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

All were in favor and the Motion carried.

Motion by Mr. Erickson that the Planning Board recommends to the Town Board to accept a Restoration Bond in the amount of \$7,500.00 for the Timber Harvesting Environmental Permit

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

All were in favor and the Motion carried.

MATHEW GAGLIO

138 Harmony Road
Pawling, NY 12564

Grid Number 134089-6955-00-452678

Administrative/Escrow Release

No one was present representing Mathew Gaglio.

Vice Chairman Dr. Bloom said the property is located at 125 Harmony Road. A letter was received from Mr. Gaglio requesting the release of escrow in the amount of \$354.95. The Secretary has confirmed that no outstanding fees are owed.

Motion by Mr. Friedman to recommend to the Town Board release, Mr. Gaglio escrow in the amount of \$354.95.

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

All were in favor and the Motion carried.

MINUTES:

Motion by Mr. Cioppa to approve the minutes of January 18, 2022 as read.

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

All were in favor and the Motion carried.

NEW BUSINESS

The Board discussed Facebook livestreaming and negative comments written.

ADJOURNMENT

On a Motion by Mr. Erickson and seconded by Mr. Cioppa to adjourn the meeting at 8:45 p.m. All were in favor and the Motion carried.

Respectfully submitted,

A handwritten signature in black ink that reads "JoAnne Daley". The signature is written in a cursive style with a large initial 'J' and 'D'.

JoAnne Daley
Recording Secretary

Non-approved minutes