

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

EXCUSED: George Brehm, Chairman

ALSO PRESENT: Greg Bolner P.E. from CPL Engineers, Ron gainer P.E. and Michael Liquori Esq., from Hogan and Rossi Law Firm

CONTENTS: 89 Mt. Tom Road, (Escrow Release), Utter's Estate Subdivision (Four Lot(s) Subdivision), Rebecca Pinchback (Environmental Permit, Steve Donovan (Lot Line Adjustment).

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

89 MT. TOM ROAD

Administrative/Escrow Release

Pawling, NY 12564

Grid Number: 134089-6956-08-837824

No one was present representing 89. Mt. Tom Road.

Chairman Brehm said the Board is in receipt of a letter from Diana Tomassetti-Hudson Valley Plastic requesting the remaining balance of \$2,297.53. be released.

Motion by Mr. Vollmer that the Planning Board recommends to the Town board release of the escrow to Harlem Valley Plastics- Diana Tomassetti for the 89 Mt. Tom Road rezoning petition application in the amount of \$2.297.53.

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

Role call:

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

UTTERS ESTATE SUBDIVISION

Public Hearing/4 Lot(s) Subdivision

Harmony Road

Pawling, NY 12564

Grid Number: 134089-6955-00-660987

Mr. Adam Thyberg from Insite Engineering was present representing the applicants.

Chairman Brehm said the property is located at Harmony Road consisting of 121.0± acres in an R-4 Zoning district. The applicants proposes to subdivide the lot into four parcels.

Mr. Thyberg said the primary use of the property has been and continues to be an agricultural use. Accessory to the agricultural use are several barns and shed. The property is currently owned by several heirs of the Utter's family, who desire to split the property amongst parties. He continued by responding to previous questions raised by the Board.

- The Board asked if Lot 3# could be accessed along its frontage given some of the steep slopes. The proposed lot is currently accessed by an existing farm path that could connect to Cushman road in the flat area east of John and Mary Uppers lot (597 Cushman Road). The access runs south of their property along the edge of the hill.
- The Board asked to explain the articulation of the property line between lots 2 and 3. The configuration of the property line between lots 2 and 3 is based on existing features, topography, and the farm operations. The location where the property line departs from

the tree line, at the corner of the existing wall and fence , is to retain a path for John and Mary Utter to access the field to the south, without having the to cut through the tree line and wall that runs east to west.

- The Board asked to explain the additional proposed portion of frontage for lot #2 south of 93 Harmony Road. This is also related to the farm operations. This area sits near a main existing farm road. Including this portion of frontage in this location allows for a potential future option to connect to the farm road without disturbing the hill to the north, or passing through lot 4. This connection is not currently contemplated, but the applicant wishes to maintain the option for the future should it ever be required.

Though some of the proposed configurations at first appear somewhat idiosyncratic, the underlying theme is that the Uppers have a keen understanding of this property and seek to continue to farm it as they have for decades. While the proposed subdivision serves to settle the family estate, the configuration of the lots must necessarily serve the ongoing active farm function. In response to Mr. Bolner memorandum dated December 18, 2020. The wetlands and watercourse and areas of slopes steeper than 25% have been identified in the contextual map.

A bulk table has been added to the subdivision plans. The owner's information has been added to plans.

Mr. Bolner said a memorandum dated March 01, 2021 was release, outlining the minor technical and statutory items issues to be addressed by the Board. The applicant has requested a waiver of the requirements to identify trees 8" or greater due to the size of the property and lack of disturbance. The Planning Board may choose to grant this request.

Chairman Brehm opened the meeting to the Public.

Mr. Michael Inger, 106 Harmony Road spoke. He was late signing on to the Board's zoom meeting.

Mr. Thyberg gave a recap of the presentation made to the Board members.

Mr. Inger asked if there are proposed restrictions to the residential acreage for this zoning district. Will the district be zone three (3) or four (4) acres. Is the landowners planning on large development such as subdivision for large housing, town houses etc?

Mr. Thyberg responded that the Uppers estate property is located in an R-four (4) residential zoning district. The Utter family seek to continue farming the property and no development is proposed.

Chairman Brehm said there were no more comment from the audience.

Motion by Mr. Vollmer to close the Public hearing for the Uppers Estate subdivision.

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

Dr. Bloom and Mr. Cioppa asked if the "public hearing be left opened for written comments.

Chairman Brehm said no development is proposed. Furthermore, there was only one comment from the public this evening.

Role call.

George Brehm aye.

Mark Friedman, aye.

Vice Chairman Dr. Bloom, aye.

Aaron Cioppa, aye.

Corinne Pitt, aye.

Jay Erickson, aye.

William Vollmer, aye.

Chairman Brehm asked Mr. Bolner to prepare the SEQRA determination, Preliminary and final subdivision approval for the meeting to be held on March 15, 2021.

Motion by Mrs. Pitt to grant a waiver to Uppers Estate subdivision for identification of trees 8" or greater, due to the size of the property, and the fact that no improvements or site disturbances are contemplated with this subdivision.

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

Role call:

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

REBECCA PINCHBACK

Environmental Permit

19 Dutchess Drive

Holmes, NY 12531

Grid Number: 134089 6855-13-153460, 134089-6855-13-157465, 134089-6855-13-162470

Rebecca Pinchback, landowner and Sarka Leff P.E. was present.

Chairman Brehm said this property is located at 19 Dutchess drive in an R-2 Residential Zoning district. The parcel is located on Dutchess Drive consisting of 0.42± acres, encumbered by a waterbody, Lake Dutchess. The parcel is located in the New York City east of Hudson watershed and is subject to Town environmental Permits, Chapter 171 Stormwater, Soil Erosion and Sediment control and Chapter 111 Freshwater Wetlands, and Watercourse Protection.

Mrs. Leff presented a site map illustrating the area of disturbance 0.25± acres for purposes of site improvements. The existing conditions illustrates a rectangular shape property bounded along its northwesterly property line by Dutchess Lake, a private road. Single family residences are adjacent to its northeasterly and southwesterly property line. The southwesterly property line runs along Dutchess Lake shoreline. A single family residence, driveway and waterfront access are occupying the southwesterly 1/3<sup>rd</sup> of the property. The remaining property is undeveloped. Evergreen trees define the northeasterly property line. The property is sloping steeply, from the edge of Dutchess drive towards Dutchess Lake shoreline. Stormwater runoff from Dutchess Drive segment near the house is directed over the pavement edge onto the property. A circular berm was created to capture concentrated runoff from the road segment further from the house. The purpose of the improvements are to provide a level area for recreation use. To achieve a kevel area most of the soil material from a portion of the property is proposed to be removed and part of the property would be filled. No grading changes are proposed over the area occupied by the subsurface absorption system. The majority of disturbance is located within the 100 foot wetland buffer controlled buffer. During site construction the activities consist of replacement of existing vegetation, planting and vegetation cover restoration. A comprehensive erosion and sediment control plan to reduce potential impacts to Lake Dutchess and its associated one-hundred foot wetland controlled buffer was presented for the proposed site improvements.

Mr. Vollmer asked how many cubic yards of material would be brought onto the site.

Mrs. Leff responded material will be redistributed onsite. Any extra soil would be removed off site. The plans illustrate a construction access road to be used for moving soil on the property and removal of extra off site. All erosion control measures would be installed to reduce impact to Dutchess Lake.

Mr. Vollmer asked what is the retaining wall length?

Mrs. Leff said 6 feet in length.

Motion by Mr. Erickson that the Board waives Chapter 111, Freshwater, wetlands and Watercourse Protection; Sections - 111-6.1, 111-6.A, 111-6(1)(B) and 111-6.C, 111-6 E(4)(c)(2) public hearings and referrals to outside agencies

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

Role call:

George Brehm aye. Mark Friedman, aye. Vice Chairman Dr. Bloom, aye.

Aaron Cioppa, aye. Corinne Pitt, aye. Jay Erickson, aye. William Vollmer, aye.

Motion by Chairman Brehm to refer Rebecca and Warner Pinchback, located at 19 Dutchess Drive that Environmental Permit application to the Storm Manager Officer for issuance of permit, subject to;

- NYSDEC acknowledge of coverage letter
- The applicant to submit \$500.00 for inspections fees.
- 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 asked for discussion.

Role call:

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

STEVEN DONOVAN

Further Discussion/ Lot Line Adjustment

Birch and Donovan Lane  
Holmes, NY 12531

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

Mr. Steve Donovan landowner, Mr. Pete Sanders P.E. was present.

Chairman Brehm said the property is located a Birch and Donovan Lane.

Mr. Sanders said the property is located at Birch and Donovan Lane in the R-3 Zoning district. Mr. Sanders said the Lot Line Adjustment is for two separate parcels located between Birch and Donovan Lane in an R-3 Zoning District. 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 memorandum dated February 25, 2021 with the Board members. The applicant proposed a lot line adjustment between 2 adjacent lots which lie between Donovan Lane and Birch Lane (private roads off of Holmes road). Both parcels are currently vacant, and in total comprise 4.136 acres. 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 applicant has an established deeded right of way on Donovan Lane. Further, the applicant does have the legal right to make improvements to the private road (Donovan Lane). The Board should establish a formal tight of way (with metes and bounds) around the proposed turn around proposed within Lot 1, granting a legal right of use to the other property owners and emergency vehicles.

Mr. Liquori explained the front yard setback for Donovan starts at the edge of the right of way-meaning that the 60 feet does not start from the centerline of the road. One option to create sufficient setback to the north is to push the house over to comply with the setback.

Mr. Gainer continued to review page 2 and 3 technical and statutorily comments. The remaining procedural items as previously discussed with the Board are as follows;

- Public Hearing
- Referral to outside agencies. The SSTS's and well proposed required approval by the Dutchess County health Department.
- Chapter 171 Stormwater, Soil Erosion and Sediment Control.
- In researching historical files, it was noted that Donovan Lane appeared to have once been named Maple Lane when a lot line adjustment was accomplished in 1992. The design engineer should confirm that the road name showing on the latest plat conform to the 911 addresses/names currently in use.

- The plat should clearly indicate as to where Park Lane ends and where Donovan lane begins.
- The design engineer should resolve any comments that may be forthcoming from the Fire Marshal's review of the latest plans.

Mr. Sanders said a waiver is requested for showing existing rock outcroppings and trees  $\geq 8$ " DBH due to the fact that both lots are already in existence and as such would not be affected by such information.

Motion by Mr. Vollmer that the Planning Board waives the requirements showing existing rock outcroppings and trees  $\geq 8$ " DBH due to the fact that both lots are already in existence.

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

Role call:

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

Motion by Dr. Bloom to deny Steve Donovan Lot Line Adjustment request for a Public Hearing.  
 Second by Aaron Cioppa. Chairman Brehm asked for discussion.

Role call:

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

The Board discussed the revision of the easement and maintenance agreement for Donovan Lane. The Board provided guidance to the applicant on easement and maintenance agreement revisions. A "Public Hearing" has been scheduled for April 05, 2021.

NEW BUSINESS

89 Mt. Tom Road

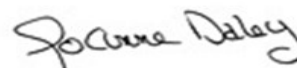
Mr. David Kelly, 41 Overlook Road spoke. He said since the Planning Board released 89 Mt. Tom Road escrow, does that mean the Board would not be working on a Petitions to Rezone 89 Mt. Tom Road.

Chairman Brehm responded that the Planning Board closed the escrow account this evening before the Board. In the future if a Petition to Rezone 89 Mt. Tom Road was referred to the Planning Board by the Town Board, the applicant would be responsible to submit escrow prior to reviews implemented by the Planning Board.

ADJOURNMENT

On a Motion by Mr. Vollmer and second by Dr. Bloom to adjourn the meeting at 8:45 p.m. All were in favor and the Motion carried.

Respectfully submitted



JoAnne Daley  
 Recording Secretary