

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: Hannaford's to Go (Site Plan), EZ Bottle & Can Return (Signage), Glen Schwartz (Special Use Permit for Accessory Apartment), Patrick O'Mara (Environmental Permit), Jered Waldorf (Environmental Permit).

HANNAFORD to GO

Administration/Site Plan

Hannaford to Go

162 Route 22

Pawling, NY 134089-7056-00-519080

No one was present representing Hannaford's to Go.

Vice Chairman Bloom said Hannaford Brothers is located at 162 NYS Route 22 in the Highway Business "HB" Zoning district.

The Board had a Site Plan resolution prepared for this evening.

Mr. Cioppa read into the records Resolution # 6 of 2022 for Hannaford's to Go Site Plan located at 162 NYS Route 22 (Copy in file). Grid Number: 134089-7056-00-519080.

Second by Mr. Friedman. 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.

EZ BOTTLE & CAN RETURNS

New Application/Signage

31 NYS Route 22

Pawling, NY 12564

Grid Number: 1340897056-00-371702

Mr. Ridepreet Singh, business owner was present.

Vice Chairman Dr. Bloom said EZ Bottle & Can Return is located at 31 NYS Route 22, Pawling Place shopping center.

Mr. Singh presented illustrated drawings of the proposed signage. He is removing the current sign panel and then replacing the panel with his business logo, EZ Bottle & Can Return, with an orange background and white lettering.

Motion by Mr. Cioppa to grant EZ Bottle & Can Return signage as presented.

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

All were in favor and the Motion carried.

GLEN SCHWARTZ

Concept Discussion/Special Use Permit

54 Burgess Road

Pawling, NY 12564

Grid Number: 1340897156-00-514482

Mr. Noel Holt was present representing Mr. Glen Schwartz.

Vice Chairman Dr. Bloom said the property is located at 54 Burgess Road in the CD-5 Residential Zoning district.

Vice Chairman Dr. Bloom said the applicants are proposing to construct a third bay on the existing garage, which contains an accessory bedroom and office on the second floor for the existing apartment. Currently, the apartment does not have a separate bedroom. This was an existing, illegal apartment when the Schwartz purchased the property. Mr. Gary Beck, Code Enforcement Officer, has directed the applicant to apply for Special Use Permit for an Accessory Apartment by the Planning Board to legalize the one (1) bedroom apartment.

Vice Chairman Dr. Bloom clarified the number of apartments on site.

Mr. Holt explained that only one apartment currently exists, and it will remain as one apartment after the garage is expanded.

Mr. Friedman said the applicant has an existing illegal apartment. The landowner is seeking to expand the studio apartment to a one-bedroom apartment and separate office.

Mr. Holt responded that was correct.

Mr. Bernard asked if Mr. Gainer was up to date on the site's drainage issues.

Mr. Gainer said currently, he has not reviewed the application. A site inspection would be warranted to inspect the site.

Motion by Mr. Friedman to assign the Glen Schwartz Special Use Permit application to Mr. Gainer. Mr. Friedman said Mr. Holt and Mr. Gainer can work together subject to;

- The Board being kept informed on the project's status.

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

All were in favor and the Motion carried.

The Board scheduled a site inspection for Sunday April 24, 2022 at 9:00a.m.

PATRICK O'MARA Administrative/Approved Subdivision – Environmental Permit Discussion

27 Fawn Ridge Drive

Pawling, NY 12564

Grid Number: 134089-6956-00-502409

Mr. and Mrs. Patrick O'Mara, and Mr. Jack Karrell, P.E. was present.

Vice Chairman Dr. Bloom said the property is located at 27 Fawn Lawn Drive in the R-4 Residential Zoning district.

Mr. Gainer explained that the project has had a long history. The Bentley subdivision was approved in the 1990's, creating four (4) lots, one fronting on South Harmony Road with its own driveway. It also contains three lots in the back which are accessed through a common driveway. This development current proposal involves a 2-bedroom residential dwelling being constructed on lot #2 of the former Bentley subdivision. The applicant had actually obtained a

building permit from the Town, and then started construction. It was then determined that Mr. O'Mara never finished the paperwork to obtain the required Environmental Permit. At that point, a Stop Work Order was issued. As the lot already exists, the applicant is now before the Planning Board to obtain environmental permits pursuant to both Chapter 111 ("Freshwater Wetlands and Watercourse Protection") and Chapter 171 ("Stormwater, Soil Erosion and Sediment Control"). Further, as approx. an acre of disturbance will occur, pursuant to §171-5C this is deemed a "major" land development activity and so formal review is required by the Planning Board

The applicant is proposing a gravel driveway, while the Town regulations require it to be paved. The common driveway is in place, but its construction was never completed. The Planning Board has to resolve the issue of whether the driveway must be paved. If the Board is so disposed, the requirement for a paved driveway can be waived.

Mr. Karrell said the house was started and the applicant received a Stop Work Order. A common driveway maintenance agreement is required to be filed with the Dutchess County Clerk's office. Mr. O'Mara suggest that he maintain the driveway until as such time the landowners of the other two lots file for a building permit. At that time the adjoining landowners must become part of the responsibilities and maintenance of the common driveway.

Mr. Erickson clarified – is the three lot(s) adjoining this individual lot owned by Mr. O'Mara?

Mr. Karrell said when the subdivision was approved, no legal maintenance agreement was Filed at the Dutchess County's Clerk's office.

Mr. Liguori explained that the other landowners have a legal easement to traverse the common driveway.

Mrs. Daley, MS4 Coordinator, explained that Mr. O'Mara had applied for an Environmental Permit in 2019. Nonetheless, he never followed through with completion of the paperwork. The Municipal Separate Sewer Stormwater Permit (MS4) states that land disturbances of 5,000 square feet or greater within the New York East of Hudson Watershed requires an Environmental Permit issued by the Town of Pawling.

Mr. Karrell said Mr. O'Mara is willing to assume the responsibility of the common driveway responsibilities and maintenance agreement.

Mr. Liguori discussed with the Board that when any future adjoining landowner applies for a Building Permit, the permit cannot be issued until those landowners become a party of the said common driveway responsibilities and maintenance easement agreement.

Mr. Bernard had concerns because this is labile to fall through the cracks in the Town's internal process of permits issued. A person in the Building Department could not be aware of these conditions, and then their liability to become part of the common driveway agreement falls through the cracks. Furthermore, he said the board has not yet decided on whether or not the road should be paved.

Mr. Gainer said the design plans illustrate a graveled common driveway.

Mr. Bernard suggested that the first 50 feet entering into the common driveway be paved. This would avoid tracking gravel onto South Harmony Road.

Mr. Erickson read into the records Resolution # 7 of 2022 for O'Mara Town Environmental Permit located at 27 Fawn Lawn Drive (Copy in file). Grid Number: 134089-7056-00-519080, subject to language revisions to the conditions as follows:

1. (a) Waiver of the requirement that the common driveway from which the lot derives access be paved, other than the initial fifty (50) feet of the common driveway access, as otherwise required by the Towns Road construction standards (Chapter A 229), and then continuing with the resolution as written, etc.

2.(d) A driveway maintenance agreement covering the common driveway shall be prepared and subject to review and acceptance by the Town Attorney prior to its filing in the Dutchess County Clerk's office. As part of said agreement the current applicant will take the responsibility for the paving of the initial fifty (50) foot of the common driveway, and for maintenance of the common driveway until such time as the other respective parcel owners apply for a building permit, on their respective lots. The maintenance agreement will be updated to allow for equitable share(s) of the common driveway responsibilities and maintenance fees.

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

The Board acknowledged that Mr. O'Mara is assuming these obligations until such time adjoining landowners come into the building department to apply for building permits.

Role call:

Chairman George Brehm excused.

Gregory Bernard abstain

Stephen Jobe, aye.

Vice Chairman Dr. Bloom, aye.

Jay Erickson, aye

Aaron Cioppa, aye.

Mark Friedman, aye

The next step for Mr. O'Mara is to prepare a common driveway maintenance agreement, which is to be reviewed by the Town Attorney, Mr. Michael Liguori for approval prior to its filing with the Dutchess County Clerk's office. A copy of the common driveway easement agreement must be submitted to the Town Planning/Building department.

JERED WALDORF

1078 Route 292

Holmes, NY 12531

Grid Number: 134089-6856-14-324470

Administrative/Environmental Permit

Motion by Mr. Friedman 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 Storm Manager Officer subject to:

- Mr. Walter Artus memorandum dated April 01, 2022
- Submission of the minor plan revisions, page #2, General Review #5, #6, #7, #8, #9 and then said plans be reviewed and approved by Walter Artus environmental director.
- Page 3, 12. as per Code section 111.8 Inspections: A, B and C.
- Submission of \$400.00 to cover the cost of inspection fees and further review.

- Proof of insurance (for liability, disability and worker compensation), with the Town of Pawling shown as an additional certificate holder.

Second by Mr. Bernard. Vice Chairman Dr. Bloom ask for discussion.
All were in favor and the Motion carried.

NEW BUSINESS

a) Congratulation to the Friedman family.

Mr. Friedman announced that Mark and Shelby Friedman have welcomed a new baby girl Sybil Lake Friedman to their family. The Board congratulated Mark Friedman, wishing the family all the best.

b) Cancellation of the Planning Board meeting form April 18, 2022.

Since the ASPCA revised plans won't be available for the next meeting, the Board canceled the April 18, 2022 Planning Board meeting. The next regularly scheduled meeting will be held on May 02, 2022.

c) ASPCA Update

The Board discussed placing the ASPCA on the May 02, 2022 agenda, a subcommittee meetings schedule for April 15, 2022 and then a site inspection will be scheduled with the full Board.

ADJOURNMENT

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

Respectfully submitted,



JoAnne Daley
Recording Secretary