

PRESENT: George Brehm Chairman, Jay Erickson, Aaron Cioppa. Mark Friedman, Greg Bernard.

EXCUSED: Dr. Thomas Bloom and Steve Jobe

ALSO PRESENT: Michael Liguori Esq., from Hogan & Rossi Law firm.

CONTENT: Pawling Self-Storage, Signage, PTM Auto Sales Time Extension, Timothy and Sarka Leff Time Extension, Tremson Corporation Site Plan, Glen Schwartz Special Use Permit for an Accessory Apartment, John and Rebecca Watson Environmental Permit, American Society for Prevention to Cruelty to Animals Site Plan, Four Square LLC - Chris Johnson 158 Rt 22 Site Plan, and Petition to Rezone, David and Maryann Simmons.

PAWLING SELF STORAGE

Further Discussion/Signage 133 NYS

Route 22

Pawling, NY 12564

Grid Number: 134089-7056-00-441006

No one was present representing Pawling Self-Storage.

Chairman Brehm said the Board is in receipt of revised illustrated rendering of the Pawling Self-Storage sign. As requested by the Board, the applicant has updated the drawing with a neutral light color background, same 3D letters and graphics.

Motion by Mr. Cioppa to approve Pawling Self-Storage signage as presented.

Second by Mr. Erickson Chairman Brehm asked for discussion.

All were in favor and the Motion carried.

PTM AUTO SALES

Administrative/Special Use Permit

1249 NYS Route 22

Pawling, NY 12564

Grid Number: 13408911-7058-631821

Mr. Jorge Merchan, landowner was present.

Chairman Brehm said the Board is in receipt of a letter dated April 08, 2022 from PTM Auto Sales LLC., requesting a time extension for Special Use Permit approval. Chairman Brehm said there has not been any complaints received over the last past year for the PTM Auto Sales business.

Mr. Erickson said as he was driving by, he had tried to view the landscape plantings. He asked Mr. Merchan if the juniper trees were planted according to the size as per the Site Plan?

Mr. Merchan responded that a total of 18 plants were planted. The Code Enforcement Officer performed a site inspection. He further explained that the plants are small.

Mr. Friedman suggested a two-year time extension, for the reason no complaints were made and the applicant continues to operate the business as per the Site Plan approvals.

Motion by Mr. Friedman to grant a two-year time extension to PTM Auto Sales for Special Use Permit approval beginning June 07, 2022 and ending June 07, 2024

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

All were in favor and the Motion carried.

TIMOTHY AND SARKA LEFF

Administrative/Special Use Permit

116 Cox Road

Pawling, NY 12564

Grid Number: 134089-7156-00-023196

Mrs. Sarka Leff landowner was present.

Chairman Brehm said the Board is in receipt of a letter dated May 06, 2022 from Timothy and Sarka Leff requesting a time extension for a Special Use Permit approval, beginning June 07, 2022 and ending June 07, 2023. Chairman Brehm said there has been no complaints received on the Timothy and Sarka Leff Special Use Permit.

Mrs. Leff said due to COVID restrictions and the cost of building materials, they have not begun construction.

Motion by Mr. Friedman to grant a one -year time extension to Timothy and Sarka Leff for Special Use Permit approval beginning June 07, 2022 and ending June 07, 2023.

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

All were inf favor and the Motion carried.

TREMSON CORPORATION

New Application/Site Plan

84 Libby Lane

Pawling, NY 12564

Grid Number: 134089-7057-00-190695

Mr. Tyler Tremson and Mr. John Tremson landowners were present.

Chairman Brehm said the property is located at 84 Libby Lane consisting of 26.87 acres.

Mr. Tyler Tremson presented an illustrated site plan to the Board members. Mr. Tremson explained the areas of use on the property:

- Trucking terminal lies within 2.13 acres.
- Truck and equipment parking area lie within an area of 0.23 acres.
- Organic wood storage area lies within an area of 2.86 acres.
- Equipment parking area lies within an area of 1.53 acres.
- Landscaping equipment/ storage area lies within an area of 0.34 acres.

Furthermore, the Village of Pawling well (owned by the Village) is located in the center of their property. Over the last few years they have worked to clean up the large quantity of debris left by former tenants on the property. A review of the Planning Board's files did not find any site plan on file. Previously this site was an old gravel pit. The NYSDEC has performed site inspections verifying the Swamp River watershed and wetland buffers. There is a 20-foot berm that separates the processed wood chip area from any watercourse buffer.

Mr. Erickson asked if any new proposed uses and or changes are being offered for this parcel.

Mr. Tremson said no changes to the property have occurred and they are not seeking to expand the use of the property. The property has been cleaned up over the years.

Mr. Friedman asked if Libby Lane is a public road.

Mr. Tremson said the Libby Lane is a private road, owned by three landowners.

Following discussion, the Board felt concept approval could be granted this evening.

Motion by Mr. Erickson to grant concept Site Plan approval to Tremson Corporation LLC located at 84 Libby Lane.

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

All were in favor and the Motion carried.

Motion by Mr. Erickson to refer Tremson Corporation LLC application to Mr. Gainer. Mr. Friedman said Tremson Corporation and Mr. Gainer can work together subject to;

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

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

All were in favor and the Motion carried.

The Board scheduled a site inspection for Saturday June 04, 2022 at 8:00a.m.

GLEN SCHWARTZ

54 Burgess Road
Pawling, NY 12564

Grid Number: 134089-7156-00-514482

Further Discussion/Special Use Permit
Accessory Apartment

Mr. Gregory Bernard recused himself from this application.

Mr. Glen Schwartz landowner and Mr. Daniel Leary Esq. from Berlandi, Nussman & Reittaz Law firm were present.

Chairman Brehm said the property is located at 54 Burgess Road in a CD-5 Zoning District. The application is a request for an accessory apartment within a garage on this parcel. The Planning Board members held a site inspection on April 24, 2022. The Board is in receipt of Ron Gainer's memoranda dated April 25, 2022, May 13, 2022 and May 14, 2022.

Mr. Schwartz began by saying he consulted with his attorney for the reason of the front yard setbacks. As stated in Mr. Gainer's memorandum, the front yard setback of the existing garage structure, to be occupied as an apartment, is less than the 100-foot front yard setback required in a CD-5 Zoning district. It is stated that the front yard setback is 86.67 (per the plans provided). Following, review of Mr. Gainer's memorandum, he spoke with his architect. The architect states as per analysis of the site located at 54 Burgess Road, the distance found from the proposed garage addition to the edge of Burgess Road will be 106 feet as per the Town of Pawling Zoning code Article IV District Regulations Section 215 Attachment 3 measuring a yard guideline.

Mr. Erickson said per the Town Code the front yard setback for a CD-5 Zoning District is 100 feet. The architect states the setback for the proposed garage addition is 106 feet. He asked where did the 86.67 feet measurement derive from?

Mr. Schwartz said the 86.67 feet came from the measurements of the survey from the garage to the edge of the property. Based on his understanding that is not how a measurement is taken. He is under the impression the measurement is from the road.

Mr. Liguori said the discrepancy is between the survey map and the architect's reading of the illustration of the Town of Pawling Zoning Code Article IV District Regulations Section 215 Attachment 3, measuring a yard guideline.

Mr. Leary said they received Mr. Gainer's memorandum. One item that was discussed is the need for a referral to the Zoning Board of Appeals for a front yard's setback. The diagram as per Town of Pawling Zoning code Article IV District Regulations Section 215

Attachment 3 measuring a yard guideline, raises questions as to how to measure a yard/property line.

Mr. Schwartz handed a letter to the Board dated May 25, 2022 from Rayex Design Group. The letter contained no signature.

Chairman Brehm responded obviously there is a misunderstanding on the front yard setback measurements. His preference is to refer this matter to Mr. Gainer and Mr. Liguori to review the Code of the Town of Pawling, and then provide an answer on how a yard is measured to Mr. Leary and Mr. Schwartz.

Mr. Liguori said the Town of Pawling Zoning code Article IV District Regulations Section 215 Attachment 3 measuring a yard guideline is for demonstration purposes. The next step is for Mr. Liguori to review the Code and then speak with Mr. Gainer prior to providing answers to the applicant. Mr. Liguori said the Board can make a referral to the ZBA, and if an area variance is not needed the applicant can withdraw the ZBA area variance application.

Mr. Erickson said the garage visual impact will not affect the neighborhood. Nonetheless, the applicant has to follow the Code of the Town of Pawling.

Motion by Mr. Erickson to refer Glenn Schwartz, 54 Burgess Road Special Use Permit for an Accessory Apartment inadequate "front yard setback" to the Zoning Board of Appeals.

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

All were in favor and the Motion carried.

Mr. Leary explained that they continue to work with the Dutchess County Board of Health on approvals.

AMERICAN SOCIETY FOR PREVENTION
OF CRUELTY TO ANIMALS

Further Discussion/Site Plan

Intersection of Route 22 and 55

Pawling, NY 12564

Grid Number: 134089-7056-00-257503

134089-7056-00-110487

Mr. James Caris from the firm of JMC Consulting and Jennifer Gray Esq. from Keane and Beane Law firm were present.

Chairman Brehm said the property is located at the intersection of NYS Route 22 and 55 in the Mixed Business Industry (MBI) Zoning district.

Mrs. Gray said the Board is in receipt of a report on the changes proposed for the project report dated May 06, 2022. The report includes cost considerations that prompted the change in the roof design and roofing. Budgetary considerations, have caused alternation to the building size as well a proposed change from a green roof to a colored roof. Additional concerns raised by the subcommittee is the building colors and visual impacts. The report contains identical viewpoints areas noted early on during the project's analysis.

Mr. Caris said the Site Plan remains the same. The building is 25% smaller in size. The ASPCA program has not changed. The building materials were presented to the Board. The colors are sandstone in an aluminum material-atex, along with a coordinated almond color horizontal texture material, to be incorporated into the building façade design. The third color is a gray color. There was concerned raised by the subcommittee that the building would have a metallic reflective appearance.

Mr. Erickson asked if the colors presented this evening are the same colors presented to the subcommittee? During the subcommittee meetings, one Board member suggested a hardy board material in more earth tone colors.

Mr. Caris responded yes, the colors and material are the same as presented to the subcommittee. The ASPCA preference is the tan colors. He would like to discuss the colors and textures with the Board members this evening.

Mr. Erickson asked if the soffit trim is a monolithic sandstone color. In his opinion the soffit should be a different color. Presently, the Board has not viewed any other colors than what has been presented.

Mr. Cioppa clarified the roof color is proposed to be white.

Mr. Caris responded yes.

Mr. Friedman said he agrees that the green roof is no longer an architectural issue. He has personally moved on from the green roof. His opinion is the building is not attractive or in keeping with the Town's context of more attractive buildings. The gray metal color or material is not a direction of preference for building colors. With that being said, more practical issues are part of the Planning decision making. This building will be very visibly, prominent in our community. He does suggest additional landscaping around the building and property.

Chairman Brehm reviewed with the Board members simulated photos of the building from Rt 22, Rt 55 and surrounding areas. The Board is trying to understand the visual impact from Rt 22 and the surrounding areas.

Mr. Friedman said by the placement of the building on top of the ridge, the ASPCA has to consider additional landscaping.

Mr. Bolner reviewed the earthwork excavation that is required to construct the building into grade.

Mr. Erickson asked what will happen with the material removed from the building site?

Mr. Caris explained the grade changes and where the material will be deposited on site.

Mr. Erickson suggested mitigating construction of larger berms, along with additional landscape screening and changes of more earth tone building colors. He explained how the ASPCA will be a prominent building in the Town of Pawling. The site contains many Juniper trees that can be moved from their current locations to create a more in-depth landscape planting plans by enhancing the character of this site.

Mr. Friedman said the Board has only been presented with one architectural rendering for the building. The subcommittee was very consistent to request the ASPCA offer other earth tone colors along with different building products to break up the building's façade, and the use of natural material. There is an opportunity for ASPCA to redesign the building meeting the character of the Town of Pawling. Truthfully, this is not the best architectural rendering presented to the Board and before proceeding further, he would like to speak with the Town Attorney on the Board's position.

Chairman Brehm suggested the Board members provide the ASPCA guidance on the building architectural façade and colors, additional landscaping and address the photometric plans.

Mr. Friedman said shiny panels are not an architectural direction for our community.

Chairman Brehm suggested the Board provide colors and ideas for the building façade.

Mr. Erickson said the Board should consider the different seasons where the building back drop will be against a green background in the summer and grey and white during the winter months.

Mr. Cioppa said the landscaping is key. He would like to see two tone color palettes for the building facade.

Following conversation the Board preferences are natural texture, and no proposed shiny smooth material.

Mr. Bernard suggested a hardy board material in a darker two-tone color.

Mr. Caris said he can take these suggestions back to ASPCA. He wanted the Board to understand the design is being driven by the use.

Chairman Brehm said the Board is suggesting two tone colors, separate from the roof and soffit, along with additional landscaping. The color schemes and building architectures is based on how the building fits into the Town. The building will be visible from many directions and must fit into the character and improvements made by the Planning Board for NYS Route 22.

Mr. Erickson suggested boulders be placed along the front area of the building and yards along Route 22 to add character.

Mr. Friedman said the building architectural design should fit into Pawling's rural community.

Chairman Brehm said the lighting plan still remains an open item for discussion by the Board.

Mr. Caris said no outside lights will be lit during the night. At night there will be security lighting only and all other lights will be placed on timers.

The Board color suggestions are a two-tone grey, dark blue or green, all material must be mat finishes, additional/increased landscape screening (taken from within the site) and boulders for artistic placement within the yards.

Mr. Erickson read into the records Resolution #11 of 2022 for American Society for Cruelty of Animals - Waiver for 5 acres of Land Disturbance located at the Intersection Route 22 and Route 55 Pawling, NY (Copy in file). Grid Number:134089-7056-00-110487and 134089-116855-152505.

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

Role call:

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

The Board acknowledged Ms. Gray's, time extension presented for the ASPCA application until June 20, 2022.

The Board disused if they would move forward with the reading of the Resolution for Site Plan and Special Use Permit approvals this evening or postpone until the June 20, 2022 meeting. The conclusion was the ASPCA did not make significant changes to the architectural renderings as requested by the Board. Therefore, the reading of the resolutions has been postponed. For the record, the ASPCA time extension was acknowledged by the Board.

Grid Number: 134089-6856-00-913175

No one was present representing Mr. Watson.

Chairman Brehm said the project is located at 133 Bundy Hill road in the R-4 residential zoning district. The house was built in 1807, and their barn and original garage are approximately 60 to 80 years old. The developed portion of the property has numerous old trees, rock outcrops, shallow depth to bedrock, and several water features (ponds and watercourses). The available area for development is very limited. The generator and propane tanks are being located in the most appropriate area based on the existing natural features that they would like to preserve. Furthermore, they are relocating and improving the electric service to our property at the request of NYSEG. Bundy Hill Road is an old road with diverse development. The applicants recently constructed a new garage on the property. A wetland permit is being requested, being that the generator and propane tanks are located within the one hundred (100) foot buffer of a Town regulated wetland (pond) and an intermittent watercourse. From the new garage a new service will feed the house. The proposed generator and propane tanks are located against the new garage, adjacent to the new electric service.

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:

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

Second by Mr. Bernard. Chairman Brehm ask for discussion.

All were in favor and the Motion carried.

CHRIS JOHNSON - Four Space LLC

New Application/Site Plan

158 Route 22

Pawling, NY 12564

Grid Number: 134089-7056-00-552035

Ms. Kelly Libolt from Karc Planning Consultants and Mr. Kenneth Stenger Esq. from the Law firm of Stenger, Diamond & Glass LLP., were present.

Chairman Brehm said the property is located at 158 Route 22, in the Highway Business "HB" Zoning district. The applicant is before the Board for modification of 10.15 acres site. Chairman Brehm said Four Square LLC is seeking to move the Eastern Hay business from the Village of Pawling to the 158 Route 22 building. The applicant proposes no more than 20 trailers onsite.

Mrs. Libolt said the property is located along the east side of Route 22, to the south of Hannaford's Supermarket. A presentation package was presented to the Board for this evening's discussion.

Mrs. Libolt began by reviewing the overall itemized aspects of the project, covering the Site's History, 1980 Ames Site Plan, 1985 Ames Site Plan, 2005 Agway Site Plan, 2010 Ecco, Environmental Permit Application, the Amended Site Plan Entrance looking onto the site and

Amended Site Plan from the site looking out. She explained the parking plan for trailers/ vehicles parking on the south side of the building.

Mr. Erickson asked if landscape trees plantings will be proposed along the back of building?

Mrs. Libolt explained that the existing stormwater detention area has not been maintained. Additionally, the sanitary sewer disposal system (SSDS) area requires clearing out of overgrown shrubs and tree growth.

Mr. Bernard asked if there is a plan to have a retail storefront for Eastern Hay? He asked what is the purpose of storing the trailers onsite?

Ms. Libolt said there will be an Eastern Hay storefront for retail purposes, and the trailers are for transport of Eastern Hay material deliveries.

Chairman Brehm asked if any changes to the exterior of the building are proposed?

Mrs. Libolt responded there are no proposed exterior building changes.

Mr. Bernard said he is unaware if the other Board members understood what transpired in the last week with this site. The owner of Eastern Hay stored over a dozen trailers behind the building on this site, without any approval granted by this Board. He has grave concerns that Eastern Hay will not abide by a future proposal with 20 trailers neatly dedicated parking spaces as per the Site Plan. It is disrespectful for a landowner to go against the Code of the Town of Pawling prior to presenting their application before this Board. In his opinion, the retail portion of the site plan is an in-appropriate use of this site.

Mrs. Libolt said they were under the understanding that this was a permitted use, warehouse, and they were moving material into the warehouse.

Mr. Bernard said "please don't disrespect my intelligence. They stacked trailers on the site". Mr. Bernard is concerned that the site will not look like the site plan as presented.

Mrs. Daley explained to the Board members that several complaints were received by the Town Planning and Building Departments that trailers were being moved and stored on site. The Code Enforcement Officer performed a site inspection. The conclusion was the applicants stated the trailers would be removed from the site by 4:00p.m. the day the complaints were received and the inspection was performed. The CEO agreed that if the trailers were moved by 4:00p.m., no order to remedy or stop work order would be issued.

Mr. Friedman confirmed whether that the applicants complied with the Code Enforcement Officer.

Chairman Brehm responded yes.

Mr. Erickson asked if this is the same business operation as in the Village. The concerns of stacked trailers in the corner of the parking lot becomes a viewshed issue for the Highway Business Zoning district. One concern is how will the Board mitigate a parking lot for large white trailers stacked.

Mrs. Libolt responded Eastern Hay is the same business that has been operating in the Village of Pawling.

Chairman Brehm said there is several issues here for the Board to evaluate. The trailers have to be transient, which means they have to be moved offsite every seven days. Furthermore, the Board has had discussion with Castagna Group on development of a walking trail behind local business buildings to allow individuals to access/walk to shopping and banking. Therefore the viewshed in the back and side of the building must be landscaped and maintained, adding to the Highway Business aesthetics. Additionally, landscaping screening between this lot and Village Medical offices will be forthcoming for review by the Board.

Mr. Stenger said neighbors help neighbors. They were in front of the Village Zoning Board of Appeals and they are not favorable to the use of the Eastern Hay business site in the Village of Pawling. The trailers were moved from the Village site and that is neighbors helping neighbors.

Chairman Brehm said over years the Board has been cleaning up NYS Route 22. The Board seeks for this site to be neat, screened and maintained. The Planning Board will follow the sections of Code of the Town of Pawling that are part of Site Plan approval.

Mr. Friedman said Mr. Bernard has a valid point that the "use" and "viewshed" are two separate issues.

Mrs. Libolt said a "Letter of Determination" has been made by the Zoning Administrator. Two preapplication meetings were held prior to them meeting with the Planning Board.

Mr. Stenger said they need to understand the Board's goals. The only person permitted in the Town of Pawling to make a use decision for this parcel was the Zoning Administrator. They seek to hear more information on the Board's goals for NYS Route 22.

Chairman Brehm clarified that landscaping and screening are important components of this site plan. The back section, south side, AutoZone and Village Medical property borders must be considered for landscaped screening.

Mr. Erickson said the visual impact is a concern. Reduction in trailers and future interconnection for walking paths for individuals to access shopping and banking will also be taken into consideration by the Board.

Chairman Brehm said the traffic flow pattern needs to be added to the site plan. He asked how many trucks/front cabs will be stored onsite? Furthermore, additional environment components of the site discussion will be required by the Board.

Mrs. Libolt asked if there were any questions by the Board on tree removal.

Mr. Erickson said the Board needs to further review the plans and hold a site inspection before any comments can be forthcoming.

Motion by Mr. Erickson to grant concept approval to Four Square LLC., located at 158 Route 22 in the Highway Business Zoning district.

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

All were in favor and the Motion carried.

Chairman Brehm said the applicant has requested the Board choose an alternate Engineer for this project. There is a suggestion for the Board to hire Laberge Group.

Motion by Mr. Erickson to refer Four Square LLC application to Laberge Group as the Board's engineer for this project, which allows Four Square LLC and Laberge Group to work together subject to;

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

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

All were in favor and the Motion carried.

The Board scheduled a site inspection for Wednesday June 04 2022 at 5:30p.m.

NEW BUSINESS

i. Discussion on Petitions to Rezone Letter to Town Board - David and MaryAnn Simmons.

Mr. Liguori explained that he has performed research on the Buhlerer Lane subdivision file. The plat is restricted by a covenant for further restriction of a subdivision of the Buhlerer Lane lots. There is a right-of-way across three lots and approval would need to be sought, to acquire approval by the Planning Board for a plat amendment. Furthermore, the applicants would require approvals by the Patterson Planning Board and adjacent landowners as well. The Board members are in receipt of a letter prepared for the Board this evening, to authorize Chairman Brehm to sign the letter as presented.

Motion by Mr. Erickson to authorize Chairman Brehm to sign the letter on the matter of David and Maryann Simmons Petition to Rezone, subject to sending the letter to the following cc's: Town Board, Tim Curtiss, and Ron Gainer, PE

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

All were in favor and the Motion carried.

ADJOURNMENT

On a Motion by Mr. Erickson and seconded by Mr. Freidman to adjourn the meeting at 9:15 p.m. All were in favor and the Motion carried.

. Respectfully submitted,



JoAnne Daley
Recording Secretary

non-approved minutes