

PRESENT: George Brehm Chairman, Gregory Bernard, Jay Erickson, Aaron Cioppa. Dr. Thomas Bloom, Steven Jobe and Mark Friedman.

EXCUSED: Aaron Cioppa

ALSO PRESENT: Ronald J. Gainer P.E., Brendan Liberati Esq. and Michael Liguori Esq. from the Law firm of Hogan, Rossi and Liguori.

CONTENTS: Core Down Drilling (Site Plan), 850 Old Quaker Hill Road (Special Use Permit), Mark Bottini (Special Use Permit for an accessory Apartment), Hannaford's Supermarket & Pharmacy (Time Extension) Michelle Tyson (Environmental Permit), Greg McConnell (Environmental Permit), Escrow Reimbursements.

Chairman Brehm opened the meeting at 7:00p.m. and then led the salute to the flag.

CORE DOWN DRILLING

Further Discussion/Site Plan

7 Old Route 22

Pawling, NY 12564

Grid Number: 134089-7055-00-387667

Mr. Adam Thyberg from the firm of Insite engineering was present, representing the applicant.

Chairman Brehm said the property is located at 7 Old Route 22 consisting of 1.4 ± acres in the Highway Business Zoning district. The applicant is proposing to build a 5,100 sq. ft. pre-engineered warehouse building, gravel driveway and parking area. The property contains a 3-bedroom 1-1/2 story residential structure along the northerly property line, with a wood frame garage with an attached shed near its road frontage along Old Route 22, approximately 15 feet from the southerly property boundary in the southeastern corner of the site. In the rear of the site there is a wooden barn along the western boundary, which is planned to be demolished. Chairman Brehm said the written portion of the Public Hearing was left open. No written comments were received.

Motion by Mr. Freidman to close the written portion of the Public Hearing.

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

All were in favor and the Motion carried.

Mr. Thyberg updated the Board on a few items. The stormwater infrastructure is being revised. A letter from Dutchess County Planning was received in reference to modification of the proposed exterior lighting for the warehouse building. To incorporate the recommendation of the Dutchess County Department of Planning that the light fixtures have a color temperature of no higher than 4,000k, and be full cut-off and dark sky complaint, these updates will be included in a revised photometric plan. The easement document permitting the widening and construction of the intended driveway access is close to completion. The easement document is subject to review and acceptance of the Town Attorney and subsequently executed with the adjoining property owners to be provided to the Planning Board, which shall then be filed in the Dutchess County Clerk's office.

Mr. Erickson read into the records Resolution #13 of 2023 Negative Declaration Notice of Determination of No Significance for Bellucci/Core Down Drilling located at 7 Old Route 22. Tax Map # 134089-7055-00-387667. (Copy in file).

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

Role call

Chairman Brehm aye.

Dr. Thomas Bloom, aye.

Mark Friedman, aye.

Stephen Jobe, aye.

Jay Erickson, aye.

Aaron Cioppa, excused.

Gregory Bernard, aye.

Mr. Freidman read into the records Resolution #14 Final of 2023 Site Plan & Special Use Permit Approval for Bellucci/Core Down Drilling located at 7 Old Route 22. Tax Map # 134089-7055-00-387667. (Copy in file).

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

Role call

Chairman Brehm aye.

Dr. Thomas Bloom, aye.

Mark Friedman, aye.

Stephen Jobe, aye.

Jay Erickson, recused.

Aaron Cioppa, excused.

Gregory Bernard, aye.

### 850 OLD QUAKER HILL ROAD

Further Discussion/Special Use Permit

850 Old Quaker Hill Road

Pawling, NY 12564

Grid Number: 134089-7157-00-697476

134089-7157-00-701520

Mr. Jean Marc Flack and Rana Boland from the firm of Hortulus Animae LLC., were present representing 850 Old Quaker Hill LLC.

Chairman Brehm said the proposal involves two contiguous parcels along Old Quaker Hill Road and meeting House Road totaling 11.72 ± acres. One parcel (TM No. 7157-00-697476; 6.2 acres) is residentially developed, and the adjacent property (TM No. 7157-00-701520; 5.5 acre tract) is currently wooded/vacant. The properties are located at 850 Old Quaker Hill Road in the CD-5 Residential Zoning district. The applicants are before the Board for a Special Use Permit for the installation of Deer Fencing.

Mr. Jean Marc presented revised deer fencing plans to the Board. He began by saying his client met with the neighbors. The deer fencing has been removed from the Levine's family easement. Following the meeting, they have pushed the fence back 23 feet from the property line and added landscape screening from the neighbors view. They filed for an Article 15 stream bank disturbance permit from the wetlands New York State Department of Environmental Conservation (NYSDEC) covering the work within and adjacent to Brady Brook which traverses the site. Currently, they are waiting for the permit to be issued. There are no permits required from New York City Department of Environmental Protection.

Mr. Erickson clarified if the fence annotated in the colored pink fence line will remain on the Nemerov parcel.

Mr. March Flack said the pink fence line is Mrs. Nemerov fence and will remain on their parcel.

Ms. Boland said the applicant will construct deer fencing five (5) feet in from the property line.

Mr. Freidman asked if the New York State Department of Environmental Conservation (NYSDEC) submitted any comments on this project.

Ms. Boland said they met with New York State Department of Environmental Conservation (NYSDEC) on site. During the onsite meeting, NYSDEC's recommendations were to file for the Article 15 stream bank disturbance permit.

Chairman Brehm said the Public Hearing was left open. He reconvened the hearing for additional comments.

**Mr. Randy Levine, 826 Old Quaker Hill Road neighbor spoke.** Mr. Levine said he wanted to thank the Board for the letter sent to him a few weeks ago. Since then, he met with the 850 Old Quaker Hill Road property owners. Currently, he has not reviewed the revised plans submitted to the Board that were filed this afternoon. To move this process along he would ask that they make a presentation to the Board to describe to me, verbally, this evening, and in an email to me, that there is no fence line at all that will be installed near the easement area/property. If they represent that and if the Board makes their decision based on the fact that, Mr. Flacks representation, was told to Mr. Levine, then he is okay with that process moving forward. If that is not the case, he is asking the Board to hold this open for a few days to allow time for his consultants to review the plans. This way his consultants can say if the plans represent what was told to Mr. Levine and the Planning commission.

Mr. Marc Flack said the plan submitted in terms of the southerly property line have not changed including the easement areas on Mr. Levine property and easement lines. The plans submitted, illustrate the only changes that occurred were on Ms. Nemerov property line.

Mr. Levine said on that representation, he will look at the plans. If that is so, he has no objection.

Chairman Brehm handed Mr. Levine a copy of the revised plans that were submitted on September 05, 2023 to the Board.

Mr. Erickson said can the applicant clarify the term "nowhere near".

Mr. Marc-Flack said "nowhere near" is five feet from the property line and easement area.

Mr. Levine said as long as he studies the plans and they are what they are, he has no problems.

Chairman Brehm asked Mr. Levine if he requires any additional information from the applicant?

Mr. Levine said as long as the plans sent to him and are on file with the Planning Board, he is good.

Mr. Liquori said the project is at a point, that the Board has an acknowledgment that the plans, as submitted, illustrate the deer fencing five feet back from the Levine property and easement area. Based on this information the Planning Board can move forward.

Mr. Levine said the only objection he has, and what the Board's lawyer has said is a blanket statement. Mr. Levine guesses Mr. Liquori is now an expert in plans and if those plans are what they are, then he is fine.

Mr. Liquori said if the plans are not correct the Board cannot approve the Special Use Permit.

Mr. Levine then asked Chairman Brehm if, at the end of the Planning Board meeting, he could ask questions on another matter.

Chairman Brehm said the Planning Board is not the Town Board. Therefore they cannot take comments on other matters. The Board takes public comments during public hearings.

Motion by Mr. Bernard to close 850 old Quaker Hill Road Public Hearing.

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

All were in favor and the Motion carried.

Dr. Bloom read into the records Resolution #15 of 2023 for a Special Use Permit Approval located at 850 Old Quaker Hill Road. Tax Map # 134089-6957-00-595634. (Copy in file).

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

Role call

Chairman Brehm aye.

Dr. Thomas Bloom, aye.

Mark Friedman, aye.

Stephen Jobe, aye.

Jay Erickson, recused.

Aaron Cioppa, excused.

Gregory Bernard, aye.

MARK BOTTINI

New Application - Accessory Apartment Special Use Permit

Old Quaker Hill Road

Pawling, NY 12564

Grid Number: 134089-7156-00-385288

Mr. Adam Thyberg from the firm of Insite Engineering was present, representing the applicant.

Chairman Brehm said the property is located at Old Quaker Hill Road in the CD-5 Zoning district.

Mr. Thyberg began by saying the applicant received a building permit to construct a barn on the proposed parcel. This application is for a one-bedroom accessory apartment within the barn. The proposed accessory apartment would be used for farm employees and occasional guests. The accessory apartment would be serviced by a proposed sanitary sewer septic system (SSDS) and well, which are currently being permitted through the Dutchess County Department of Health. The site currently consists of an existing barn and a separate two-story building which contains two (2) accessory farm worker apartments. He asked the Board how the application for the proposed accessory apartment located in the new barn would be defined pursuant to the Code of the Town of Pawling. The main residence is located on an adjoining parcel of land.

Dr. Bloom asked where the sanitary sewer disposal systems located for the new barn structure is?

Mr. Thyberg said the two-unit apartment house in place contains a separate sanitary sewer disposal systems SSDS. The proposed one-bedroom apartment will have a separate sanitary sewer disposal system, which is currently being permitted by Dutchess County Board of Health

Mr. Bernard said the Code of the Town of Pawling section §215-17.1 accessory apartment on one family residential lots clearly states:

- A. *Only one accessory apartment is allowed, and it shall be clearly subordinate to the one-family dwelling.*
- B. *The owner of the one-family lot on which an accessory apartment is located shall occupy the principal or accessory dwelling unit.*

Mr. Bernard said the primary residence is currently under construction on an adjoining lot and the one-story building on the lot that contains a two family housing unit.

Mr. Thyberg said the two-family unit housing is exempt from the Zoning code as it is farm worker housing.

Mr. Freidman asked how the two-unit family housing can be exempt from Zoning.

Mr. Liquori said the Zoning Code will require a review by the Code Enforcement Officer and himself to understand if this application falls under the Agricultural & Markets law.

Mr. Thyberg said the proposed accessory apartment is for farm workers and occasional quests.

Mr. Liquori said the Agricultural & Markets law needs to be reviewed to identify any exemptions. Since the accessory apartment is not totally for farm workers housing, then the applicant might require an area variance by the Zoning Board of Appeals. On the Board's behalf, what he is looking at is - does this fall under a dimensionally zoning requirement and how do you get from point a to point b in this instance. The dimensional requirement is that the accessory apartment has to be located on the same lot as the primary residence. These types of regulations can be varied by the Zoning Board of Appeals.

Chairman Brehm asked if farm worker housing has a limit on the number of accessory apartments allowed on one parcel.

Mr. Liquori said there is no limit to the number of farm worker housing. It has been made clear that the accessory apartment is not entirely for farm workers housing alone. If the Board grants a special use permit for farm workers housing and the site was investigated by the Building Department (CEO), and then it was found out that the apartment is not solely for farm workers, there would be future site violations.

Mr. Thyberg said the accessory apartment could be approved as farm workers housing with an occasional quest.

Mr. Liquori said that that determination is the applicant's decision as part of this application. If they choose to strictly call the accessory apartment farm workers housing and a violation occurs for using it as a quest house, then that is the landowner's call. There could be multiple variances necessary to process this application.

Chairman Brehm said the proposed accessory apartment does not meet the Code of the Town of Pawling Section §215-17.1 requirements. This evening, it has been made clear that the accessory apartment is not strictly for farm workers. The landowners will be using the proposed accessory apartment as a guest apartment. If this proposal does not meet the Agricultural & Market laws then, based on dimensional requirements, the applicant would require a referral to the ZBA for several area variances.

Mr. Thyberg said unfortunately they submitted a complicated application. Originally, the barn was located on the main residence parcel. The proposal as presented, is not completely clear. Of course, the applicant will abide by the Town regulations.

Mr. Freidman asked if the two lots could be merged, so the barn/accessory apartment is on the same parcel as the main residence. It raises a concern for the Board, that three accessory apartments would be on one lot. If the Board considers the overall development by this landowner for future growth within these adjoining parcels, the applicant would have the option to put an accessory apartment on the parcel with the main residence. If the lots were merged that resolves issue that could arise by future development.

Mr. Thyberg said currently there is no proposed development on the parcel with the main residence. This barn is under construction and the request is for an accessory apartment within the barn. At this point they need to figure out the best method to achieve approval for an accessory apartment located in the barn. The Planning Department had stated that a Special Use Permit application was required for an accessory apartment approval when the barn was proposed on the same lot as the main residence. The barn is being constructed on the adjacent parcel, which changed from the original proposal. They want to review all possible options to the extent best practicable that make this application work for the Town and applicant.

Mr. Liquori said the applicant needs to perform an analysis and cost benefit for legally merging the two lots, versus area variances and required permits needed by the Town. A feasibility study would assist the applicant in understanding how to proceed.

Mr. Erickson said the applicant should initially perform an analysis and cost benefit study before any decisions are offered for this application. The accessory apartment Code of the Town of Pawling reads as:

- *The accessory apartment shall occupy not more than 30% of the floor area of the principal dwelling if located in a portion of a single-family structure. If located in a detached accessory structure, the accessory apartment shall be limited to a maximum floor area equivalent to 30% of the floor area of the principal dwelling. In no case shall the accessory dwelling have more than two bedrooms or exceed 1, 200 square feet of floor area.*

He wanted to emphasize that the spirit of the Code is that the accessory apartment is smaller (secondary) in dimension than the main residence. This Board has been strict on meeting Code requirements for accessory apartments. This proposal is at least 80% larger than the two units located in the separate building.

Mr. Thyberg said that initially the proposal was for the barn and accessory apartment to be located on the parcel with the main residence. At that time the Planning Department stated an Accessory Apartment Special Use Permit would be required by the Planning Board. Since then, a building permit was issued for the barn construction on the adjacent parcel. The landowner seeks to work with the Town to identify possible alternatives that approvals could be granted for an accessory apartment within the barn.

Chairman Brehm thanked Mr. Thyberg for his presentation.

HANNAFORDS SUPERMARKET & PHARMACY

7 Akindale Road

Pawling, NY 12564

Grid Number: 134089-7056-00-561152

Administrative/Time Extension

Mrs. Nelson from the firm of Tighe and Bond and Mr. Tyler Sterling Manager for Hannaford Brothers, were present.

Chairman Brehm said the property is located off of Akindale Road in the Highway Business Zoning District. Chairman Brehm said the Board is in receipt of a letter from Hannaford’s Brothers requesting a one (1) year time extension.

Mrs. Nelson said in October 4, 2021 Hannaford Brothers received Site Plan approval with conditions. They are seeking a Time Extension for one (1) year. Currently, the Company has evaluated the construction cost and these costs weigh into the request for a Time Extension.

Motion by Dr. Bloom to grant a one (1) year time extension to Hannaford’s Brothers beginning October 4, 2023 and ending on October 4, 2024.

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

All were in favor and the Motion passed.

MICHELLE TYSON

New Application/Environmental Permit

107 Dutchess Drive

Holmes, NY 12531

Grid Number: 134089-6855-13-088362

Motion by Dr. Bloom 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.

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

All were in favor and the Motion carried.

GREG MCCONELL

New Application/Environmental Permit

33 Ravine Road

Pawling, NY 12564

Grid Number: 134089-7056-00-726064

Motion by Mr. Erickson 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.

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

All were in favor and the Motion carried.

ESCROW REIMBURSEMENT

Motion by Dr. Bloom to move Resolution #10 of 2023.

Second by Mr. Freidman. Chairman Brehm asked for discussion

WHEREAS, the Planning Board recommends to the Town Board that there are no outstanding bills and that there will be no future bills for review and recommended that these funds be released, pending approval from the Building Department, Code Enforcement Officer , and

NOW THEREFORE BE IT RESOLVED, that the Town of Pawling Planning Board refers to the Town Board releases of the following balances in escrow and authorizes the Bookkeeper to release such funds:

Sally Waldorf	Environmental Permit	\$362.50
Whaley Lake Properties	Special Use Permit for an Accessory Apartment	\$792.24


### NEW BUSINESS

No new business was discussed this evening.

### ADJOURNMENT

On a Motion by Mr. Erickson and seconded by Dr. Bloom 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