

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

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

CONTENTS: Michael Burrow Special Use Permit for an accessory Apartment, Craig Dalzell Special Use Permit for an accessory Apartment, Nancy O'Rourke, Environmental Permit, Referral of Solar Energy Law

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

MICHAEL BURROWS

275 South Road
Holmes, NY 12531

Grid Number: 134089-6856-00-218211

New Application
Special Use Permit Accessory Apartment

Mr. Michael Burrow's landowner was present.

Chairman Brehm said the property is located at 275 South Road, Holmes, NY in a R3 Residential Zoning district. The application is for a Special Use Permit for an Accessory Apartment pursuant to the Code of the Town of Pawling Section §215-17.1 Accessory Apartments on one-family residential lot. The past history of this parcel known as Whaley Lake Properties/Stuart Leaf. Mr. Burrows purchased the property from Whaley Lake Properties/Stuart Leaf. The former owners began the application process for an Accessory Apartment in 2022. Mr. Burrows as the new landowner would like to move forward with those approval by filing an application with the Board.

Mr. Burrows said he purchased the property July 2023. After review of the project before the Board with Whaley Lake Properties, he would like to follow through with acquiring a Special Use Permit for an Accessory Apartment. He has been the renter for several years and was onsite when the Planning Board held their site inspection approximately one year ago.

Chairman Brehm asked if the Whaley Lake Properties/Stuart Leaf met with the Zoning Board of Appeals for the area variance required for the SUP.

Mrs. Daley said Whaley Lake Properties/Stuart Leaf withdrew their Planning Board application in July 2023.

Mr. Burrows said the property contains a one story, single family residence, and a separate (unoccupied) structure in the rear which is proposed as an accessory apartment. Though this application and a referral to the Zoning Board of Appeals, he would like to legalize the accessory apartment.

Chairman Brehm said the Board can take the appropriate steps to move this application forward. The steps to be completed are as follows:

- A Public Hearing is required as part of a Special Use Permit for Accessory Apartment,
- Referral to the Dutchess County Planning, and Town Fire Marshal,
- This matter can be classified as a Type II SEQRA action.

- Referral to the Zoning Board of Appeals for front yard setbacks and accessory apartment dimension pursuant to the Code of the Town of Pawling §215-17.1 Paragraph C. and further paragraph D.
- Assign the application to the Planning Board's Engineer.

Motion by Mr. Cioppa to assign Mr. Gainer as Engineer to Mathew Burrows, 275 South Road, Special Use Permit for an Accessory Apartment. Mr. Gainer and Mr. Burrows can work together subject to:

- The Planning Board is kept informed of all correspondence.
- Second by Mr. Bernard. Chairman Brehm asked for discussion.
All were in favor and the Motion carried.

Motion by Mr. Freidman to refer Mr. Burrows to the Zoning Board of Appeals subject to:

- The area variance requirements outlined in Mr. Gainer's memorandum.
- Second by Mr. Cioppa. Chairman Brehm asked for discussion.

All were in favor and the Motion carried.

CHESTER DALZELL

41 Fenwood Drive
Pawling, NY 12564

Grid Number: 134089-7056-00-341435

New Application

Special Use Permit Accessory Apartment

Mr. Craig Dalzell, landowner was present.

Chairman Brehm said the property is located at 41 Fenwood Drive consisting of 2.04 ± acres in an R-1 Residential Zoning district. The applicants is before the Board for a Special Use Permit for an Accessory Apartment pursuant to the Code of the Town of Pawling Section §215-17.1 Accessory Apartments on one-family residential lot.

Mr. Dalzell said the property contains a one story, single family residence, with an accessory apartment (unoccupied). Recently, he has inherited the property and seeks to legalize the accessory apartment, therefore, he has applied to the Planning Board for a Special Use Permit. The accessory apartment is located in a 1-story, 4 bedroom residence.

Chairman Brehm said the next step for the Board is to assign an Engineer to review the application on the Boards behalf. He explained to Mr. Dalzell that additional information needs to be annotated on the site drawings which was outlined as follows:

- Front, side and rear yard setback.
- Dimension of the main house and accessory apartment pursuant to the Code of the Town of Pawling Section §215-17.1 Accessory Apartment on One Family Residential Lots.

Chairman Brehm said the Code of the Town of Pawling Section §215-17.1. C Accessory Apartment on one family residential lots reads:

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.

Motion by Mr. Freidman to assign Mr. Gainer as Engineer to Craig Dalzell, 41 Fenwood Drive Special Use Permit for an Accessory Apartment. Mr. Gainer and Mr. Dalzell can work together subject to:

- The Planning Board is kept informed of all correspondence.
- Second by Mr. Cioppa. Chairman Brehm asked for discussion.
All were in favor and the Motion carried.

NANCY O'ROURKE

Administrative/Environmental Permit

54 Bundy Hill Road

Pawling, NY 12564

Grid Number: 1340896855-00-886960

Chairman Brehm said the parcel is located at 54 Bundy Hill Road on approximately 6.6 ± acres of land. The parcel is encumbered by Town and Federal wetlands in the form of a watercourse traversing said parcel. The applicant is proposing to relocate an existing stream located in the rear of the existing residence. During recent significant rainfall event, the stream has overflowed its banks, resulting in flooding of the basement of the existing residence and the undermining the footings of the deck. As per New York State Department of Environmental Conservation (NYSDEC) the stream is classified as a "C" stream, therefore a Protection of Water Permit is not required from NYSDEC for the proposed activity, or as a condition of a Town of Pawling Freshwater Wetlands and Watercourse Environmental Permit.

Motion by 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. Jobe. . Chairman Brehm asked for discussion.
All were in favor and the Motion carried.

ESCROW REIMBURSEMENT

Administrative Tasks/Resolution

Town of Pawling Planning Board Recommendation for Escrow Balances Reimbursement Town Code Chapter 95 Resolution #12 of 2023. "Mr. Bernard MOVE Refund Resolution #12 of 2023, REPAYMENT OF UNUSED ESCROW." and Mr. Cioppa second the Motion all were in favor and the Motion carried.

Michele Tyson	Environmental Permit	\$256.25
Lawrence Lawlor	Subdivision	\$102.60
Sharon Muller	Subdiviosn	\$243.70
Peter Muller	Subdivision	\$243.70

SOLAR ENERGY SYSTEMS LOCAL LAW

Work session

Chairman Brehm said the Town Board referred the proposed Solar Energy Systems Local Law to the Planning Board pursuant to Code of the Town of Pawling section § 215-54 Advisory Report by the Planning Board. The draft law is currently under consideration by the Town Board to regulate solar farms/panel installation in the Town. The Board will begin review of the local law before writing a recommendation letter to the Town Board. The items discussed by the members of the Board goes as follows:

- Capacity Limitation
- Prohibition of Large Solar Energy Systems
- Solar Systems greater than 25kw DC
- Roof Mounted Solar Energy Systems Design Requirements
- Permitting requirements.
 - i. Fees
 - II. Referrals

A draft letter will be prepared for circulation to the Board members to continue discussion and approval at the meeting to be held on October 16, 2023.

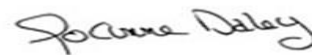
NEW BUSINESS

No new business was discussed this evening.

ADJOURNMENT

On a Motion by Mr. Erickson and seconded by Mr. Freidman to adjourn the meeting at 8:20 p.m. All were in favor and the Motion carried.

Respectfully submitted,



JoAnne Daley
Recording Secretary

non-approved minutes