

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

ALSO PRESENT: Greg Bolner PE from CPL Engineering, Tom Harvey P.E. from Rennia Engineering.

CONTENTS: American Society of Cruelty to Animals Site Plan, Four Space LLC Site Plan, Mark Bottini Special Use Permit for an Accessory Apartment, Larry and Pamela Kalkstein Special Use Permit for an Accessory Apartment, Escrow Reimbursements.

Chairman Brehm opened the meeting at 7:00p.m. and then led the salute to the flag. Chairman Brehm said he is retiring at the end of December 2023. He said Jay Erickson will take over the lead position for Four Space LLC. Site Plan application. Dr. Bloom will be lead for Tremson Wood Products LLC. There is the SCH Chinna LLC. and four accessory apartment applications left for a members of the Board, He asked the remaining Board members to consider taking lead on these specific applications.

AMERICAN SOCIETY FOR THE PREVENTION
OF CRUELTY TO ANIMALS

Administrative- Bond Reduction

4160 Route 55
Pawling, NY 12564
Grid Number: 3489-7056-00-257503

No one was present from ASPCA.

Chairman Brehm said the property is located at 4160 Route 55 in a Mixed Business Industry (MBI) zoning district. On September 27, 2023 the Planning Board received a request from the ASPCA to reduce the amount of the Restoration Bond for their property located at the intersection of Route 55 and Route 22. The Planning Board does not have the authority to reduce any bonds, only the Town Board can consider this request.

Mr. Bolner began by providing the Board some background information. On May 25, 2022 the Planning Board passed a resolution to allow the applicant to disturb more than 5 acres and approved tree removal prior to the granting Site Plan Approval. The applicant then posted a Restoration Bond in the amount of \$544,000 to cover the restoration of the property should they fail to accomplish the buildout of the complete project. Subsequently, the applicant proceeded to cut down the trees in accordance with the New York State Department of Environmental Conservation rules and the Code of Pawling Environmental Permit Code regulations. The applicant is now seeking a reduction of that bond. It should be noted that the applicant has not performed any restoration/landscaping of the property at this time. It is his recommendation that the Planning Board recommend to the Town Board this request be denied until such time as the applicant has completed, or at the very least, accomplished a significant portion of the site restoration. A letter has been prepared by the Chairman Brehm for the Board's review and approval this evening.

Motion by Mr. Cioppa to authorize Chairman Brehm to sign the letter as presented for the Planning Board's recommendation to the Town Board to deny release of the Restoration Bond until such time as the applicant has completed or at the very least, accomplished a significant portion of the site restoration.

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

All were favor and Motion carried.

MARK BOTTINI
White Oak Farm
South Quaker Hill Road
Pawling, NY 12564

Special Use Permit for an Accessory Apartment

Grid Number: 134089-7156-00-380082

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

Chairman Brehm said the property is located at 104 South Quaker Hill Road in the CD-5 Residential Zoning district. Mr. Thyberg is before the Board for an update on the Accessory Apartment Special Use Permit application following the recommendation made at the September 05, 2023 Planning Board meeting.

Mr. Thyberg said, as discussed at the September 6, 2023 meeting, the applicant is seeking a special permit for an accessory dwelling over a barn that is currently under construction. The current plans indicate that the property line separating parcels -380082 and 385288, are to be merged. The merged lots will contain both the principal dwelling, which is under construction, and the proposed subordinate accessory apartment. As shown in the Overall Plan, the principal dwelling and accessory apartment are central to the 188-acre merged property, and will have no impact on any surrounding property. He explained pursuant to §215-17.1 for the Town of Pawling Code:

- The accessory apartment will be subordinate to the principal dwelling
- The principal dwelling will be occupied by the owner.
- A variance is required for the maximum floor area of the accessory apartment. Though the 1,728 square foot apartment will be less than 30% of the principal dwelling's floor area, it will exceed 1,200 square feet.
- The accessory apartment will comply with all underlying bulk zoning requirements.
- Though the lower floor of the building will function as a barn for agricultural use, the building will maintain a rustic residential appearance. See enclosed architectural plans and elevations for the building currently under construction enclosed herewith.
- The building will be serviced by a proposed septic system and will be connected to the principal dwelling for water service.

The septic and water service connection will be permitted by the Dutchess County Department of Health.

There was discussion amongst the Board as to why the applicant chose to merge the lots as opposed to making the barn/accessory apartment a primary residence on its own lot.

Mr. Thyberg said the landowners seek to merge the lots, and draw water from an existing well as opposed to drilling a new well for the apartment.

Dr. Bloom asked potentially, who will be living in the accessory apartment.

Mr. Thyberg said the landowners plan to use the accessory apartment for quests.

Chairman Brehm said, based on the fact that the applicant choosing to merge these lots, the Board can refer the applicant to the Zoning Board of Appeals pursuant to Section §215-17.1 for the accessory apartment square footage exceeding the allowable 1200 square feet.

Motion by Dr. Bloom to refer White Oak Farm-Mark Bottini to the Zoning Board of Appeals for an area variance from the Code of the Town of Pawling Section §215-17.1 Accessory Apartment on One Family Residential Lots.

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

All were favor and Motion carried.

FOUR SPACE LLC

158 NYS Route 22

Pawling, NY 12564

Grid Number: 134089-7056-00-552035

Further Discussion/Site Plan

Ms. Kelly Libolt from Karc Consulting and Mr. Ken Stenger Esq. from the firm SDG Law were present.

Mr. Erickson said the Four Space LLC property is located at 158 Route 22 in the Highway Business Zoning district. He asked the applicant to provide an update to the Board.

Mr. Libolt said they are before the Board to request two separate areas for truck parking spaces. Since they attended the last Planning Board meeting, they are here to provide updates to the Board. Ms. Libolt said the balance of the property will not include tree plantings, in place of the trees removed earlier this year. It has been noted on the plans this area will be maintained by brush hogging to keep the area as a meadow or lawn. There is no significant visual impact from Chapin Lane or Route 22. Furthermore, they flew a drone over AMAXX Company to the south, illustrating to the Board construction vehicles have been on this parcel since 1980. The drone photos show it is not a pristine setting, only construction material. Also, illegal trailers from 158 Route 22 property were given to the Chapin Lane landowner, which as shown in the drone photos. They remain on the Chapin Lane, Robert Chipley parcel. There is one area opened between these two property lines where they are proposing five (5) evergreen trees, and twenty four (24) arborvitaes trees, along with a six (6) foot high chain link fence around the trailer parking to provide landscape screening from NYS Route 22. She said they are in receipt of the Renna Engineering memorandum, Ms. Libolt began reviewing the comments with the Board:

Comment #3, the application package should clarify if the increase in truck traffic will result in an increase in water usage or wastewater generation for the existing on-site facilities. The response indicates that there is no increase in water or sewer usage. This should be noted on the plan set. The applicant must address truck traffic.

Ms. Libolt's response is the trucks parked onsite will not increase the demand for sanitary sewer disposal system or well.

Comment #4, the application package should clarify if additional parking will be necessary for the truck drivers' personally owned vehicles, (i.e. employee parking). The response indicated that the employees will utilize the existing parking lot. The site plan should include a typical parking calculation section to illustrate the existing site's parking capacities.

Ms. Libolt said she has requested a waiver from the parking code. She has performed a parking spaces analysis for the existing uses. There are 104 parking spaces for 158 Route 22 and 100 spaces are required. They share parking spaces with the Hannaford's Brothers business.

Chairman Brehm recommended that Ms. Libolt request waivers in writing to the Board.

Mr. Erickson said a practicality and reasonability review of the total parking lot area for 158 Route 22 and Hannaford Brothers, parking space calculations for "total required" and "existing" should be presented to the Board. He concurred with Chairman Brehm that the applicant should request the waiver in writing.

Comment #24, Based on a site visit, the existing sight distances available for entering and exiting onto Akindale Road are a concern. The sight distances should be shown and analyzed to determine if vegetation removal is required

Ms. Libolt said they calculated the sight distance from the site onto Akindale Road for right and left hand turns. Their calculations are that a 250 feet sight distance exists.

Chairman Brehm said the Board shall refer this to the Highway Superintendent to verify the adequacy of the sight distance.

Ms. Libolt said the next two comments go hand and hand. The Board is asking who will maintain the sight distance clearing of vegetation. She explained that Hannaford Brothers owns the right of way, therefore Four Space LLC. Should not be maintaining the right of way access/egress. They cannot be bound to maintenance.

Comment 23, ***A note should be placed on the sheet OP-1 indicating that the owner/applicant is responsible to maintain the sight distances.**

Comment 24, the survey mapping should be extended to show the driveway connection on to Akindale Road. A review of aerial images and site visit suggests that the Hannaford loading dock, bollards and grease trap area restrict traffic to a single lane. This needs to be addressed, particularly to consider when there is a trailer parked at the existing Hannaford loading dock. Comment Partially Addressed. Please show on the plans where the Hannaford Trailer will be parked by the loading dock.

Chairman Brehm said Four Space LLC must submit documentation on the entity of whom will be performing maintenance of the access/egress onto Akindale Road.

Mr. Bernard said it is the same contractor that maintains Hannaford Brothers and Four Space LLC. Properties. It was the same contractor that removed through a violation of clearing cutting all the trees on Four Space LLC. 158 Route 22 parcel.

Ms. Libolt agreed with Mr. Bernard's statement.

Comment #26, the truck maneuvering for the 150' x 58' parking area to the east of the building is questionable, because the easterly-most 3-trailers shown do not appear to have room to actually be pulled in or out.

Comment #27, The Site Plan sheet shows 8-trailers parked around the easterly lot, with 2-trailers blocking the maneuvering area. This should be corrected

Ms. Libolt said relating to comment #26, 27 they do not control where Hannaford Brothers parks their vehicles.

Mr. Bernard said at this time it is an item to be addressed as to where Hannaford Brothers and related food supply trucks park their vehicles and use the Four Space LLC. Parcel to maneuver turning these trucks.

Ms. Libolt said it is confusing that the Board feel this item should be addressed. She said Hannaford Brothers does use the Four Space LLC parcel to turn vehicles around.

Mr. Bernard said the Board previously requested Four Space LLC. to speak with Hannaford brothers to formally develop a legal easement agreement to ensure Hannaford Brothers and other trucks related for the operation of Hannaford Brothers shopping center have adequate turning radius to ensure these trucks in the future are not turning around on Akindale Road. This addresses the health, safety and welfare of commuters using Akindale Road. The legal easement agreement will require review and approval by the Board's attorney.

Ms. Libolt said a turning easement agreement was not previously made clear by the Board. Since, she understands the Boards intention, she will speak with Hannaford Brothers to develop a legal easement agreement. Furthermore, the Board has asked how Four Space LLC trailers parked in the back of the building would be able to maneuver around. The plans presented were only to illustrate the full number of trailers in the back. The trailers were re-orientated to show how they can be maneuvered. Ms. Libolt continued with the following comments.

Comment 28, please indicate if the trailers will be used as storage.

Comment 29, where does the yard dog park? Is there a designated area for the tractors that haul the trailers to park?

Comment #30, is the trailer parking use associated with the inside use of the building on the parcel?

Ms. Libolt said Eastern Hay's proposal to utilize this site, retail will be located in the store front, and the warehouse in the back of the building is for storage. No trailers are or will be used for storage. Ms. Libolt said she requesting a waiver not hold a Public Hearing and for the Dutchess County Department of Planning and Development 239 GML referral.

Mr. Erickson asked what is Ms. Libolt's logic requesting a waiver for the Public Hearing?

Ms. Libolt said the site contains a pre-existing parking lot and the use would be a re-creation of a parking lot. Furthermore, there has not been people in the audience during their presentations to make comments up to this point.

Mr. Erickson said this is a public project and the Board should maintain holding Public Hearings for site plan before the Town. It allows the Public to make comment if they so choose. The Board provides the opportunity to Public he is not comfortable with waiving the Public Hearing.

The Board members concurred.

Ms. Libolt said she has no problem with holding a Public Hearing. In that case she asked if the Public Hearing could be scheduled this evening?

Chairman Brehm asked Mr. Harvey P.E. to respond to the comments discussed this evening.

Mr. Harvey said the comment on the Hannaford Brothers turning radius was generated because Hannaford Brother's loading dock is located close to the back entrance of the property. It is important to be clear on the sit plans that the loading dock be shown with the turning radius. Additional details requested are information on the erosion control plan, number of people on site daily, which could affect the number of employees and parking spaces changing overtime. It is important to note different types of businesses could locate within this shopping center facility in the future. The Board should have a maximum usage for this site to address any future impacts.

Mr. Bernard said on the perspective of the landscaping, the committee had suggested trees eight inches or larger be counted and the green giants plants be shown on the plans.

Mr. Erickson said the Route 22 north view hits on both these angles. The request was for the same screening be incorporated into the plans as on the south side.

Chairman Brehm asked what the proposed tree size is?

Ms. Libolt responded the proposed green giants are 6 feet tall. They grow 3 feet per year.

Chairman Brehm asked how tall the trailers are.

Mrs. Libolt responded 14 feet.

Chairman Brehm clarified that Ms. Libolt is suggesting a 6-foot green giant tree would block the view of a 14 foot tall white trailer.

Mr. Erickson asked what the spacing of the trees is.

Ms. Libolt said it is a fleeting moment when traveling on Route 22 that the trailers would be seen. The spacing is 6 foot on center.

Mr. Bernard said a berm should be installed, as these soils are not conducive for tree growth.

Mr. Erickson concurred that there is inadequate nutrients for these trees. The berm serves several purposes, soil nutrients, and increased height. The subcommittee can work with the landscape architect on the soils and tree spacing. The Board is following the Town's Comprehensive Plan on the viewshed, by limiting the view of 14 foot white trailers parked within the viewshed. Mr. Erickson felt no additional trees should be removed from this parcel.

Mr. Bernard said additional trees will be removed from the detention pond basin. He continued by saying the applicant clear cut the site. What is the Board's goal to screen the site, addressing the removal of all the trees. The Board made it clear that they wanted the trees eight inches or greater to be marked on a site plan.

Dr. Bloom asked how many trailers will be parked in this area. The trailers are 14 feet in height. If smaller trees are planted it will take years before their growth blocks the view of trailers. He is in favor of constructing a berm with staggered tree plantings to address landscape screening.

Mr. Erickson asked what the width of the arborvitae are? He agrees that the Board is in favor a berm be constructed to include staggered tree plantings to create more coverage. Two lines of trees, six foot on center on the eastern and western sides, which would address the view from the parking lot.

Mr. Bernard said to be clear for the record, staggered means additional plantings. Mr. Erickson said the most impacted area is the western face. People will see a big white wall if the Board does not landscape the area. Mr. Erickson said the Board requires additional plan revisions before a SEQRA circulation can begin.

Ms. Libolt disagreed with the Board.

Chairman Brehm and Mr. Erickson agreed plan revisions should be submitted prior to a coordinated SEQRA review.

Mr. Harvey said the SWPPP requirement does include a referral to the New York State of Environmental Conservation. There is over 5,000 square feet of land disturbance.

Ms. Libolt asked if Dutchess County Department of Planning and Development 239gml referral could be completed this evening.

Chairman Brehm asked that the updated revised plans be submitted prior to the referral being sent. This parcel is located in the East of Hudson New York City Watershed. Following the revised site plan submitted to the Planning Board the SEQRA referral can be commenced.

Mr. Harvey said to Ms. Libolt that a table that illustrates impacts should be included on the site plan. He table should demonstrate the number of people coming to the site, identify daily traffic counts, water and sewer.

Mr. Bernard said the landscape plan should include the trees on the south side of the parking areas, as discussed with the Board publicly.

Ms. Libolt said the trees on the south side of the property have not been forgotten.

Dr. Bloom suggested the landscape committee meet with the applicant's landscape architect.

Mr. Erickson said the committee does choose to meet with the landscape architect to discuss ideas for property restoration in the locations where the trees were removed, per Town code violations, and then to make suggestions to plantings in the meadow areas on the site. Currently these areas contains stumps.

Dr. Bloom said the Board has not agreed to Ms. Libolt's non clarification of the landscape plantings. He does not understand why Ms. Libolt is so disagreeable to meet with the landscape committee.

Ms. Libolt said she is disagreeing because it takes too long to schedule a meeting with the subcommittee and one member did not attend the meetings. Nonetheless, this member of the Board seems objectionable. In her opinion it is very challenging. What she heard from the Board this evening is a berm should be installed and staggered green giant trees planted.

Mr. Erickson said the Board is requesting an updated landscape plan, and then the landscape committee will review the plans with the landscape architect and if they are not satisfied, they will meet with the landscape architect. The plans should show the berm, the addition of the trees on the south side of the property and the area of meadow to be stumped and then plantings of meadow grass or pollinator's plantings. These ideas for the meadow grasses reduces yearly maintenance He does not understand the meadow concept proposed by Ms. Libolt by not cleaning up stumps. When referencing that it is going to remain meadow, it just going to be filled in with invasive species. The stumps will remain for a long time if they not grubbed out. It is a transitional space, if the stumps are not grubbed out.

Ms. Libolt said they will make the changes to the plans for SEQRA circulation. She asked what are the Board concerns on the stumps not being grubbed is out?

Mr. Erickson said by converting the stump area into a meadow, this addresses the trees that were illegally removed, in order to enhance what has occurred by the applicant. The goal is to prevent invasive species from returning to the site. The Board seeks to improve the landscaped sites along the Route 22 corridor.

Chairman Brehm said the current site plan language reads "PROPOSED (14) WB53 STORAGE trailers". The word "storage" must be removed from any trailer parking on this site plan. It has been made clear that every trailer must be moved off site, once every seven days. There can be no storage within any trailer onsite. Trailer storage is not allowable pursuant to the Code of the Town of Pawling.

Mr. Erickson said a Plat Note needs to be added to the site plans. The note must state that no trailers onsite can be used for any type of storage.

Chairman Brehm said the stormwater runs from Hannaford Brothers onto 158 Route 22 parcel. A legal document must be submitted stating which landowner will maintain the stormwater facilities.

Ms. Libolt said the stormwater infrastructure is not being maintained.

Mr. Erickson said, in conclusion, Ms. Libolt must submit an addendum to the legal easement document allowing the Hannaford Brothers trucks to turn around on the 158 Route 22 parcel, and a document that states Hannaford Brothers will maintain the stormwater infrastructure located on Four Space LLC. 158 Route 22 parcel. Furthermore, revised site plans and landscape plans are to be submitted.

Mr. Jobe said the trees eight inches or greater were never inventory as requested by the Board.

Mr. Erickson said the lack of inventory presents a clear understanding as to what was the tree removal impact for the overall landscape screening on the property.

Chairman Brehm said following the updated plans submitted, the SEQRA circulation can be completed.

LAWRENCE AND PAMELA KALKSTEIN
738 North Quaker Hill Road
Pawling, NY 12564
Grid Number: 134089-7156-00-715697

Special Use Permit
Accessory Apartment

Mr. and Mrs. Lawrence Kalstein landowners and Mr. Keith Staudohar P.E. was present.

Chairman Brehm aid the property is located at 736-744 North Quaker Hill Road in a CD-5 Zoning district.

Mr. Staudohar said they were in front of the Planning Board in August 2023. At that time the project involved the replacement of an existing residential 1-bedroom cottage with a new 1-bedroom cottage. The new cottage proposed has 1,195 square feet of livable space. When compared to the main house, which is approximately 3,304 square feet of livable space, the new cottage/apartment represents 36% of the main house. Pursuant to the code of the Town of Pawling Section §215-17 "Accessory apartment on one family residential lots", a maximum of 30% of livable space is permitted for the accessory apartment. The new cottage is modestly sized, one floor with only a partial basement. Mr. and Mrs. Lawrence Kalkstein plan to live in the cottage, and their children will reside in the main house. A new sanitary sewer disposal system has been designed for the cottage, which shall be installed as part of the permitting process. The Planning Board had referred the applicant to the Zoning Board of Appeals. The Zoning Board of Appeals were not in favor of the proposed area variance. They are here this evening to move the accessory apartment to within the 100-foot front yard setback, with a gravel driveway and a 991 square foot accessory apartment house. At this time they would like to move forward with the Special Use Permit for an Accessory Apartment with the Planning Board.

Chairman Brehm said the next steps is to refer this application to the Fire Marshal and Dutchess County Department of Planning and Development for a 239gml. This is a Type II action according to SEQRA.

Motion by Mr. Freidman to declare Lawrence and Pamela Kalkstein application a Type II action according to SEQRA.

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

All were in favor and the Motion carried.

Motion by DR. Bloom to refer Lawrence and Pamela Kalkstein application to the Fire Marshal and Dutchess County Department of Planning and Development for a 239gml and Dutchess County Board of Health.

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

All were in favor and the Motion carried.

The Board scheduled a site inspection for Saturday November 11, 2023 at 8:30a.m. The Board scheduled a Public Hearing for December 04, 2023.

ESCROW REIMBURSEMENT

Administrative Tasks/Resolution

Town of Pawling Planning Board Recommendation for Escrow Balances Reimbursement pursuant to the Code of the Town of Pawling Chapter 95

Resolution #14 of 2023

"I move Refund Resolution #14 of 2023, REPAYMENT OF UNUSED ESCROW."

Dorian Delgado	Environmental Permit	\$125.00
Christopher Gavin	Environmental Permit	\$275.00

Antoinette Depaoli	Site Plan	\$353.20
Dana Burgarella	Environmental Permit	\$350.00

Motion by Mr. Cioppa.

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

All were in favor and the Motion carried.

NEW BUSINESS

The Board discussed outstanding projects before the Board. Chairman Brehm asked that Board members oversee specific projects before the Board. He felt that if members of the Board take lead roles on specific projects, this will allow the new Chairman time to get up to speed. Mr. Freidman and Mr. Cioppa said they could take lead for SGH Chinna LLC.

ADJORNMENT

On a Motion by Mr. Erickson and seconded by Mr. Freidman 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