

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. from Hogan, Rossi and Liquori Law Firm.

CONTENTS: Larry and Pamela Kalkstein Special Use Permit for an Accessory Apartment, Anthony Cambarel Time Extension, New Business Escrow Reimbursements.

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

MIKE BURROWS

Special Use Permit Accessory Apartment

275 South Road

Holmes, NY 12531

Grid Number: 13089-6856-00-218211

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. The Planning Board had referred the applicant to the Zoning Board of Appeals on October 16, 2023.

Mr. Freidman asked for clarification on the area variance granted by the Zoning Board of Appeals?

Chairman Brehm said the area variances granted by the Zoning Board of Appeals are as follows:

- §215-16 Bulk Regulation in a Residential R-3 Zoning District for a front yard setback, where 75 feet is required, 57.9 feet is available, a variance of 17.1 feet was granted.
- §215-16 for a side yard setback (garage/accessory apartment) where 30 feet on one side and 75 feet on both is required, 19.2 feet is available, and a variance of 10.8 feet is granted.
- §215-16 for road/street frontage, 275 feet is required, 139.88 feet is available, and a variance 135.12 feet was granted.
- §215-16 Schedule of Bulk Regulations: In a Residential R-3 Zoning district, minimum acreage requirement is 3.0± acre, 0.96± acres is available, and a variance of 2.04± acres was granted.
- §215-17.1 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 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.
- *If located in a detached 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. This application is for a proposed accessory apartment, which involves a pre-existing residential accessory apartment in a detached structure. The total square footage for the accessory apartment requested is 800 square feet, where the code maximum is 393.72 square feet (main house 1,312.4 square feet). A variance of 406.28 feet square feet was granted.

Chairman Brehm said the next step is to schedule a Public Hearing for the Special Use Permit for an Accessory Apartment.

Motion by Mr. Cioppa to schedule a Public Hearing for Mike Burrows located at 275 South Road Special Use Permit for an Accessory Apartment for December 18, 2023.

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

All in favor the Motion carried.

CHESTER DALZALL

Special Use Permit Accessory Apartment

41 Fenwood Drive
Pawling, NY 12564
134089-7056-341435

Mr. Craig and Yvonne Dalzell, landowner were 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 on October 16, 2023 the applicant was referred to the Zoning Board of Appeals on October 16, 2023.

Mr. Freidman asked for clarification on the area variance granted by the Zoning Board of Appeals?

Chairman Brehm said the area variances granted by the Zoning Board of Appeals are as follows:

- §215-17.1 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 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.
- If located in a detached 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. This application is to legalize a pre-existing residential accessory apartment within a residential dwelling. The total square footage for the accessory apartment is 1,398 square feet where the code maximum is 1200 square feet (main dwelling 3,364 square feet) a variance of 198 square feet or 12 % was granted.

Chairman Brehm m said the next steps are to schedule a site inspection and Public Hearing.

The Board members scheduled a site inspection for Saturday December 16, 2023 at 8:00a.m.

Motion by Mr. Cioppa to schedule a Public Hearing for Chester Dalzell (Craig and Yvonne Dalzell) located at 41 Fenwood Drive Special Use Permit for an Accessory Apartment for January 02, 2023.

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

All in favor the Motion carried.

ESCROW REIMBURSEMENT

Administrative Tasks/Resolution

Town of Pawling Planning Board Recommendation for Escrow Balances

Reimbursement Town Code Chapter 95

Resolution #16 of 2023.

"I MOVE Refund Resolution #16 of 2023,	REPAYMENT OF UNUSED ESCROW."
Rebecca Pinchbeck Environmental	\$650.00
Cuddy & Feder (A&T)	\$68.67
Centerline Communication (T-Mobile)	\$937.88
Young Summer LLC (Verizon Wireless)	\$2,638.78

Pawling Mountain Club - Environmental Permit \$375.00

Motion by Mr. Cioppa to recommend release of the escrow fund to the Town Board.
Second by Mr. Bernard. Chairman Brehm asked for discussion.
All were in favor and the Motion carried.

ANTHONY CAMBAREI

Further Discussion/Time Extension
Site Plan

Former Precast Concrete Sales LLC
NYS Route 22
Pawling, NY 12564
Grid Number: 134089-7055-00-494892

No one was present representing Anthony Cambareri site plan.

Chairman Brehm said the parcel history is Precaste Concrete Sales LLC. Parcel was sold to Mr. Cambareri. The new landowner requested a time extension for site plan approval. Following the Board discussion held on November 20, 2023 he met with the Town Attorney. A time extension can be back dated with no limits to the number of extension granted by the Board. He recommends the Board is consistence with time extension.

Mr. Erickson recommended the Board develop a policy for time extension. The applicant must appear before the Board. A time extension can only be back dated possible three (3) month. Exemption can be made based on extenuating circumstances.

Mr. Freidman said deadlines are in place for a reason. The Board should not rubber stamp extensions.

Mr. Bernard said many applicants have invested a large cost based on the different types of applications

Following discussion the Board developed a policy for time extension. The Board is seeking to identify from an applicant what is the intent of the extension

Motion by Mr. Erickson that the Planning Board adopts a policy for time extension:

- The applicant must appear in person.
- There is a two (2) month grace period.
- Based on extenuating circumstances the Board can deviate from the policy
- These regulations will be added to the all applicable applications.

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

All were in favor and the Motion carried.

NEW BUSINESS

i. Chairman Brehm said Dr. Bloom possibly will not be available to Chair the January 02, 2023 Planning Board meeting. He asked if another Board member would offer to Chair the meeting of January 02, 2023. Mr. Cioppa offered to Chair the meeting.

CORE DOWN DRILLING

Further Discussion/Driveway Easement

7 Old Route 22
Pawling, NY 12564
Grid Number: 134089 -7055-00-387667

Chairman Brehm said Insite Engineering submitted revised plans on the driveway easement entering off of old Route 22.

Mr. Gainer explained that the applicant's request for a modification to the proposed easement is based on the applicant's further discussion with the neighboring property owner. The neighbor now prefers to limit the easement on their property to 10' in width near the frontage. The easement would then narrow to a point on the property line past the limits of the proposed driveway. The only change in the easement on the subject property is that it is widened to 20' at the frontage, to meet the originally designed 30' in total width. Accordingly, the driveway alignment has been modified at the entrance to keep the driveway within the limits of the shifted easement. The ten-foot dimension on the ad joiner's property is adequate to access a vehicle into the driveway. This ten foot width was initially shown as 20 feet, per the original site plan.

Mr. Erickson questioned if adequate room is available for trucks entering the site from the south. An important concern is to ensure trucks do not back up on the road to enter the property.

Mr. Freidman said this modification is unfortunate, because the driveway is necessary for the commercial operation access to the proposed building.

Mr. Gainer said the provision of this driveway easement was a condition of the Boards site plan resolution.

Mr. Erickson said that this latest design of the driveway appears five feet in from the original driveway radius. The driveway should be constructed right up to the edge of the easement.

Mr. Gainer explained that the pre-existing garage location forces the driveway to the southern side of the parcel.

Motion by Mr. Erickson that the Board accepts the modified Core Down Drilling (7 Old Route 22) driveway/easement plan, with the following conditions:

- The design be modified so that the southern line maximizes the driving area to the easement line along the South side of the property.
- The driveway easement agreement must be updated and then reviewed and approved by the Town Attorney prior to its filing with the County Clerk's office.

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

All were in favor and the Motion carried.

ii. Acknowledgement of Chairman George Brehm's service to Town

Mr. Erickson thanked Chairman Brehm for his years of service and leadership. He benefited by learning from Chairman Brehm and then commented on his skill at moving projects along while ensuring the Board performed their due diligence.

The Board members thanked Chairman Brehm from across the Board.

ADJOURNMENT

On a Motion by Mr. Friedman 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