

PRESENT: PRESENT: George Brehm Chairman, William Vollmer, Corinne Pitt, Aaron Cioppa, Eric Paulson, Dr. Thomas Bloom and Amie Rennolds.

CONTENTS: Ingersol's Automotive of Pawling (Public Hearing Re-Approval of Site Plan), Estate of Marten Muller and Peter Muller (Public Hearing & Subdivision) The Meadows of Pawling (Time Extension, (41 Lot(s) Subdivision), Francis and Mary Schmitt (Concept Discussion) Dr. and Mrs. Andrew Dannenberg/Herbert VanSciver (Escrow Release) and New Business.

There were approximately 40 (forty) people in the audience.

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

INGERSOL'S AUTOMOTIVE OF PAWLING

Public Hearing/Site Plan Re-Approval

55 NYS Route 22

Pawling, NY 12564

Grid Number: 134089-7055-00-428765

Mr. Steve Zehrig from Ingersol's Automotive was present.

Chairman Brehm read the Public Notice and opened the "Public Hearing".

Chairman Brehm said this proposed development involves an existing, developed 7.4 ± acre property lying along the westerly side of NYS Route 22. The tract is situated in the "HB" Zoning District. The property currently contains a car dealership and service facility. In February 2018 the Planning Board granted Amended Site Plan and Special Permit approval to this project. However, since the work was not completed and the applicant did not request a time extension during the period the approval was valid the "Site Plan" approval has expired. Therefore, at this time the property owner is merely seeking renewal of the previously granted approval.

Mr. Zehring said Ingersol's Automotive of Pawling project includes the following site improvements.

- Construction of a 1,600± sf building addition on the north side of the present structure;
- Paving of existing gravel vehicle parking areas;
- Expansion of parking and vehicle storage areas;
- Placement of fill to raise the grade of the southerly vehicle storage area; and
- Provision of hard surface vehicle display areas on either side of the main entrance.

He looks forward to moving forward with the automobile car dealership expansion.

Mr. Gainer said the applicant has filed a letter formally requesting this renewal. The project scope remains the same as before, the Board can acknowledge the former Site Plan drawings as a relevant part of this latest application. The Planning Board made all necessary referrals for the 2017 application filed, and required outside agency permits were received. A 239 GML duly made referral was made to Dutchess County Department of Planning. On November 27, 2019 a letter of response was received advising the Board the matter is an "exempt action", as it only involves re-approval of a previously approved Site Plan.

Dr. Thomas Bloom read into the record Resolution # 1 of 2020 adopting Amended Site Plan Approval for Ingersol's Automotive of Pawling located at 55 NYS Route 22, Pawling NY. Tax map #134089-7055-00-428765 (copy in file).

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

Roll call:

Chairman Brehm aye
Dr. Bloom, aye.
Corrine Pitt, aye.

William Vollmer, aye
Aaron Cioppa, aye

Amie Rennolds, aye.
Eric Paulson, aye

ESTATE OF MARTEN MULLER &
PETER MULLER

Public Hearing/2 Lot(s) Subdivision

Old Quaker Hill Road
Pawling, NY 12564
Grid Number: 134089-7157-00-311429

Ms. Dawn McKenzie from the firm of Insite Engineering PC was present representing the applicant(s).

Chairman Brehm read the Public Notice and opened the "Public Hearing".

Chairman Brehm said the parcel is located at Old Quaker Hill Road consisting of 136.41± acre parcel in the CD-5 (5-acre Residential) Zoning District. The property is jointly owned by Peter Muller and the Estate of Marten Muller. The layout of the proposed land subdivision is based upon a "Stipulation of Settlement" that was entered into between the parties, pursuant to an order by the Dutchess County Supreme Court.

Ms. McKenzie presented an illustrated map of the proposed subdivision. She said per the subdivision plat filed with the Board, Lot A-1, consists of 68.39± acres, is to be retained by Mr. Peter Muller. Lot A-2 comprising of 68.02± acres, is to be retained, and is contiguous with a parcel now owned, by Mrs. Sharon Muller. The subdivision involves only 2 parcels to be created and transferred to the individual parties. There are no proposed lot improvements. Both parcels will be accessed from the frontage of Lot-A-1 (Peter Muller) along Old Quaker Hill Road. As a result, an access easement is shown on the plat in favor of Lot A-2 (Sharon Muller parcel) to permit such access.

Mr. Gainer said as a result of the settlement through Dutchess County Supreme Court a referee was appointed and rendered a binding determination on the division of the property, subject to the Planning Board's review and approval.

Chairman Brehm asked that individuals requesting to speak on behalf of the Muller Subdivision state their name and address.

Ms. Diane Tomassetti, 734 Old Quaker Hill Road spoke. She asked several questions relating to this subdivision proposal. Is the applicant proposing any further subdivision of the 2 lot(s) and, could the parcels be eligible for a change in use for any different development other than residential. If so, would that change in use be brought before the Planning Board?

Chairman Brehm responded there is no change in use proposed for this subdivision and if any future proposed changes in use was proposed, that usage would be brought before the Planning Board.

There were no further comments made by the audience.

Chairman Brehm said the "Public Hearing will be adjourned until Tuesday, January 21, 2020 Planning Board meeting. In the interim the Board will work with the Attorney and consultant to review the requested waivers, so they may be acted upon at the next scheduled meeting.

The Board reviewed the Environmental Assessment Form, Part 2 and moved forward with reading a Resolution for the Negative Declaration, Notice of Determination of No Significance.

Ms. Corrine Pitt read into the records Resolution # 2 of 2020 adopting a Negative Declaration of Notice of Determination of No Significance for Estate of Marten Muller and Peter Muller located at Old Quaker Hill Road and Tracy Road, Pawling NY. Tax map #134089- 7157-00-311429 (copy in file).

Second by Mr. Vollmer. Chairman Brehm asked for discussion

Roll call:

Chairman Brehm aye

William Vollmer, aye

Amie Rennolds, aye.

Dr. Bloom, aye.

Aaron Cioppa, aye

Eric Paulson, aye

Corrine Pitt, aye.

FRANCIS AND MARY SCHMITT

Discussion on Proposed Subdivision

NYS Route 22 and North Quaker Hill Road (intersection)

Pawling, NY 12564

Grid Number: 134089-7058-00-447025

Mr. and Mrs. Francis Schmitt and Joseph Schmitt landowners, and Mr. David Steinmetz Esq., and Mr. Joshua Verleum Esq., from the firm of Zarin & Steinmetz were present.

Chairman Brehm said the parcel is located at NYS Route 22 and North Quaker Hill Road consisting of 19.54± acres in an R-3 (Residential 3) Zoning District.

Mr. Steinmetz Esq., began by introducing the Schmitt family and Joshua Verleum Esq., to the Board. The property is located at the intersection of NYS Route 22 and North Quaker Hill Road comprising of 19.54± acres in an R-3 (Residential 3) Zoning District, and is currently vacant and undeveloped. The Schmitt's intend to file a subdivision application pursuant to regulation (Town Code Chapter A230) and Zoning Code (Town of Pawling Chapter 215) to subdivide the property into two lots consisting of approximately 3.0± acres and 16.54± acres. The Schmitt's would like to rezone the proposed 3.0± acres parcel to permit the development of an auto body repair shop carefully situated upon the property and adequately buffered from adjacent uses. The concept is to file a petition with the Town Board to rezone the 3.0± acres parcel to "Highway Business" Zoning District and the Planning Board would oversee the Site Plan. The remaining 16.54 ± acres of the property would not be subject to the requested zone/map amendment. As the Board is aware property across Route 22 along the West side of NYS Route 22, currently consists of highway Business, and operates a business as such. In 2018, the Schmitt family along with three other landowners submitted letters to the Town Board requesting rezone along NYS Route 22. All these letters were technically before the Town Board. In April 2018, the Town Board referred the matter to the Planning Board for a recommendation on rezone to commercial uses. He is unclear if any Boards took formal action. A "Request for Proposal" was circulated to seek hiring of a Planner/Firm to perform research for both NYS Route 22 North and South "Highway Business" for advisement to the Town. A letter of recommendation was submitted to the Town Board from the Planning Board on May 24, 2018. He does not believe a formal engagement of a Planner ever transpired. They are before the Board to breathe life into this project. The applicant wishes to construct an auto body repair shop, this property is an excellent location to situate a building far enough back from Route 22 to allow buffers from nearby parcels. These types of businesses require stormwater infrastructure, and must be built out to NYSDEC regulation for auto repair shops.

All of the auto body repair shops and natural land constraints technology and statutory items have to be dealt with during the SEQRA review. Auto body repair shops are a needed business within society. As a motorist drives along the NYS Route 22 commercial corridor, one drives past many auto body repair shops. In terms of proximity to neighboring commercial businesses, it is appropriate to look at a new use. There are no wetlands or floodplains on this parcel. The Schmitt family retained the firm of Zarin & Steinmetz and then Mr. Verleum and he reached out to the Town of Pawling, Town Attorney Law firm to seek advice on how to re-introduce the rezone. The Town Attorney's advice was to appear formally in front of the Planning Board. The applicants illustrated several site maps for the Board. The map illustrated a schematic proposed two lot subdivision, and areas for location of the building, parking and entrance into the lot. They feel this site plan can be completed with minimum signage, lighting and impact to the overall neighborhood.

Mr. Joseph Schmitt explained his neighbor to the North wrote a letter to the Town Board supporting his proposal and an expansion of the Highway Business North.

Mr. Steinmetz said they are fully aware of all the necessary submittals required for a comprehensive Site Plan and Subdivision application. The Schmitt family was advised not to begin the process with the Planning Board until they appeared before the Town Board. They are before the Planning Board for concept discussion and to acquire Board Members feedback.

Chairman Brehm said the customary process is a landowner petitions for a rezone to the Town Board. The Planning Board can process a Subdivision application, nonetheless, he is unsure if the applicant should go through the financial expense and time until they formally begin the process with the Town Board. Presently, this Board cannot approve a Site Plan for an auto repair body shop. The question is if an applicant began a subdivision and then the Town board denied the rezone, would the applicant continue with the Subdivision.

Mr. Steinmetz said the Schmitt family started an informal petition in 2018. Following recent conversation with the Town Attorney, they were encouraged to appear before the Planning Board. It is understood several petitions or letters, namely his clients, the Schmitt family filed a letter to rezone. A process was started, nonetheless, no one from the Town Board kept the proposal moving forward. They are coming to the Town with open dialogue, full transparency. The applicant's request the Planning Board's recommendation, feedback and referral on a proposed use for rezoning. Even if the Planning Board sends his clients to the Town Board, the Town Board will send us back to the Planning Board.

Chairman Brehm said the key item is there are no applications before this Board. This evening is a concept discussion, to understand the applicants proposed Site Plans and Subdivision of the 19.54± acre parcel.

Dr. Bloom suggested how it could be beneficial to write a letter to the Town Board explaining the applicant appeared before the Planning Board and that the Planning Board requests the Town Board act upon the current petition understanding the matter has been before them since 2018. Based on these set of facts the Planning Board seeks guidance from the Town Board.

Mr. Liquori explained applications in New York State, require a SEQRA review, most projects or activities proposed by a state agency or unit of local government, and all discretionary approvals (permits) from a NYS agency or unit of local government, require an environmental impact assessment as prescribed by [6 NYCRR Part 617 State Environmental Quality Review \(SEQR\)](#). SEQR requires the sponsoring or approving governmental body to identify and mitigate the significant environmental impacts of the activity it is proposing or permitting. There are multiple ways in which an applicant can go through the process. In most Towns, the Planning Board performs the SEQRA judiciary duties on projects.

This projects requires multiple Board approvals (Town and Planning) and it cannot be accomplished without a SEQRA review and understanding that this project is multi-faceted, it should not be segmented on those approvals from each other. The full application for the Site Plan and Subdivision goes through the Planning Board and discharges SEQRA, the matter of the rezone goes to the Town Board. Whether or not the Town Board's takes action on the zoning petition, is up to the Town Board. As Town Attorney we gather as much information from both Board's to understand their goals and direction, as the applicant has to make a judgement call. It requires a significant amount of work, time and financial expense on achieving SEQRA, Site Plan and Subdivision approvals. The financial decision to make is completely on the applicant. As part of the concept discussion, it is important to acquire this Boards opinion. Following the Planning Board discussion, the applicant can request an opportunity to meet with the Town Board to discuss the Schmitt's project and a potential rezone to Highway Business.

Mr. Steinmetz Esq., said following the advice of the Town Attorney Nancy Tagliafierro Esq., it was suggested his client begin discussion with the Town's Planning Board. At this time, they are not looking for a pre-judgement of the proposal. The Planning Board is in a position to provide primary feedback and guidance on the proposed subdivision and needed zoning amendments, before his clients spend quite a bit of time and financial expense.

Chairman Brehm said one of the Planning Board's concern is section on the west side of NYS Route 22 that is unbuildable. The proposal as presented is not un-objectable, what he has trouble with is the fact that the Planning Board is not getting guidance from the Town Board. The Planning Board does not like the idea of spot zoning, it is paramount to consider a broader portion of NYS Route 22 North for Highway Business, commercial expansion. There are two objectives for expansion to consider, the entire North NYS Route 22 corridor or to begin at the Schmitt property running South along the East Side of NYS Route 22 to include the parcel where "The Shed Haus" (816 Route 22), and additionally the current "VRD" Variable Residential district on the West side of NYS Route 22, in the vicinity of Libby Lane and River Road. It would be more advantageous for the Town to expand their commercial Zoning district. In May 2018 the Planning Board sent a letter of recommendation of a rezone to the Town Board.

Mr. Steinmetz Esq., responded that his clients are before the Planning Board to seek feedback from the Board Members on the subject that there is a need for additional Highway Business "HB" zoned parcels to support the economy of the Town.

Chairman Brehm said there is an opportunity to do the proper rezoning for the Town of Pawling, by regulating land uses to broaden the economy.

Dr. Bloom suggested the applicant's attorney write a letter to the Town Board outlining the conversation held with the Planning Board. The consensus of the Planning Board is to offer support for a broader mapping of the Highway Business district. Dr. Bloom is unsure if the commercial corridor should begin at Village/Town line running up to the Town of Pawling /Dover line or begin at the Schmitt property running South along the East Side of NYS Route 22 to include the parcel where "The Shed Haus" (816 Route 22), and additionally the current "VRD" Variable Residential district on the West side of NYS Route 22, in the vicinity of Libby Lane and River Road. .

Mr. Steinmetz Esq., said if they get a sense that the Planning Board is in support of exploring the Highway Business expansion, their letter would explain the discussion held this evening to the Town Board.

Mrs. Pitt asked what would be the normal time frame for the Town Board to take action on a Zoning petition.

The applicant initial letter was sent to the Town Board in January 2018, it has been two (2) years, yet no action has been taken by the Town Board.

Mt. Steinmetz said following the Planning Board meeting, they would send a letter to the Town Board to request a presentation in front of the Town Board. The Schmitt's are open to discussion to identify how their project may fit within a broader expansion of the Highway Business "HB" district that would support economic development and additional planning goals within the Town.

Chairman Brehm asked the Board members for their informal opinion on a potential rezone. His position for a consideration of a rezone would be for a study to begin at the Schmitt's property and run South along the East side of NYS Route 22 to include the parcel where "The Shed Haus" is located (816 Route 22). In addition the area currently zoned a "VRD" Variable Residential Development district in the vicinity of Libby Lane and River Road would benefit from a rezone to commercial Highway Business. As such, the VRD parcels currently have been used as commercial sites/development. Chairman Brehm is not in favor of spot zoning, as spot zoning does not promote economic commercial expansion for the Town of Pawling.

Dr. Bloom concurs with Chairman Brehm that a rezone should include the parcels and zoning areas outlined by Chairman Brehm. If a petition is presented to the Town Board it should include more than the Schmitt property.

Mrs. Pitt said the Schmitt family have not been the only landowners seeking a rezone. She is in agreement with Chairman Brehm, zoning changes require research, and one parcel should not be considered for a rezone. She concurs with Chairman Brehm and Dr. Bloom that the Town Board take a broader look at NYS Route 22-North.

Mr. Vollmer concurred with rezoning broader sections of NYS Route 22-North.

Mr. Paulson concurred with rezoning broader section of NYS Route 22-North.

Ms. Rennolds said she cannot formulate an opinion this evening. A few items of concerns are what is the acreage and terrain of the NYS Route 22 South lot(s)? Mr. Steinmetz Esq., stated the Schmitt's are going to screen the sites commercial operation. Presumably, what is their intention a wooded rural look along NYS Route 22? It does not make sense, either you are going to view a commercial site or a wooded site. What really concerns the neighbors and herself is how is the Town going to stop commercial development from moving farther North up NYS Route 22. Even though it might seem logical to rezone from Schmitt property South. Once the Town starts looking at Route 22 as a commercial corridor what is going to stop development. It is a slippery slope for her. Just because we have people who state they want to make their property commercial does that make sense to rezone.

Dr. Bloom said to Ms. Rennolds we are discussing a broader subject that involves NYS Route 22 North. He explained how commercial development enhances a community's tax base.

Ms. Rennolds said what about South of NYS Route 22 commercial buildings that do not have tenants? She is concerned that these buildings are not full of tenants. Additionally, The Merchan family, neighbors to the north of the Schmitt's wrote a letter in favor of the Schmitt rezone, she does not have a copy of that letter. The neighbors that are present tonight do not have a voice, because the meeting is not a "Public Hearing". It would be helpful if she receives copies of the neighbor's letters in support of the Schmitt rezone. She asked where would the proposed residential section of the site be accessed and where does the Schmitt family live.

Chairman Brehm responded that the neighbors, Merchan family, wrote a letter to the Town Board and did not CC the Planning Board.

Mr. Steinmetz Esq., responded to Ms. Rennolds questions, it is proposed at this point that the residential section of the property would be entered off of North Quaker Hill Road and Schmitt family live on Old Quaker Hill Road.

Mr. Cioppa said he concurred with a majority of the Board Members, he is in favor of rezoning South of Schmitt property to the Shed Haus and include the VRD variable Residential Development District.

Dr. Bloom said it is apparent a majority of the Planning Board Members are in favor of NYS Route 22 Highway Business South expansion. Many Town's solution to their government financial difficulties is through development, by increasing property tax base; however, a growing body of empirical evidence shows that while commercial and industrial development can indeed improve the financial well-being of a local government, residential development worsens it. With residential development brings with new tax (and fee) revenue, it also brings demand for local government services. Commercial development enhances tax rates for the Town and offset the reduction in agricultural land tax, thus preserving farmland. The Town needs to research the fiscal impact of residential housing development versus commercial development. The applicant's attorney should include additional parcels in their letter to the Town Board

Mr. Steinmetz Esq., explained their overview of the letter to be sent to the Town Board. The letter will merely state that during the January 06, 2020 Planning Board meeting held, the Schmitt's received feedback from the Board Members that there is a need for additional Highway Business zoned parcels to support the Town of Pawling economic growth. Chairman Brehm and Members of the Board support a broader mapping of the HB district that would begin at the Schmitt property and run South along East side of State Route 22 to include the Shed Haus. Additionally the Board suggested including the Variable Residential Development District "VRD" in the vicinity of River Road and Libby Lane. Mr. Steinmetz explained the environmental assessment of these additional properties need to be reviewed by the Town. The applicant's plan on cooperating with the Town, nonetheless, they are presenting before the Board for Schmitt family rezone. He is only speaking for his client, and asking his client to carry the ball for the entire rezoning of this corridor is grossly unfair. Since, 2018 the Town has not researched rezoning all or in part of Highway Business North. People frequently think spot zoning is only looking at one parcel in one location and another in a separate location. Case law states spot zoning is only rezoning one property to the benefit of one parcel and to the detriment of the surrounding area. His client has 19.54 acres, only 3.0± acres are being requested for a rezone. The neighbor to the North are in favor of the rezone. They are excited to move this project forward with the Town board and then return to the Planning Board. A letter to the Town Board would be sent within a week. They are enthusiastic that tonight's conversation with the Board members have provided their opinions on being in favor of the Highway Business North expansion.

There was discussion amongst the Board on procedural components of the SEQRA lead agency Planning Board involvement moving forward on the expansion of the Highway Business.

Chairman Brehm concluded this application by thanking Mr. Steinmetz Esq., for tonight's presentation.

THE MEADOWS OF PAWLING

Time Extension/41 Lots Subdivision/Site Plan

West Dover Road
Pawling, NY 12564

Grid Number: 134089-6957-00-351942, 134089-6957-00-964937, 134089-6957-00-975930, 134089-7057-00018928, 134089-6957-00-932944, 134089-7057-00-021882, 134089-6957-00-963899, 134089-7058-00122061, 134089-7057-00-094957

Ms. Dawn McKenzie from the firm of Insite Engineering was present.

Chairman Brehm said the property is located on West Dover Road. The proposed project consists of 41 residential lots, club house, and 2 utility lots for a total of 44 lot(s) in a clustered subdivision layout with access to the lots via a private road off of West Dover Road. Insite Engineering has requested a 180 day time extension beginning February 05, 2020 and extending to August 05, 2020.

Motion by Mr. Cioppa to grant a 180 day time extension to The Meadows of Pawling for Final Subdivision approval beginning February 05, 2020 and ending August 05, 2020.

Second by Mrs. Pitt. Chairman Brehm asked for discussion.

All were in favor and the Motion carried.

DR. AND MRS. ANDREW DANNENBERG

Escrow Release/Lot Line Realignment

55-61 Kirby Hill Road
Pawling, NY 12564
Grid Number: 134089-7056-00-995887
Diane Van Sciver
57 Game Farm Road
Pawling, NY 12564
Grid Number 134089-7156-00-919894

Chairman Brehm said the Lot Line Realignment project has been completed for Dr. and Mrs. Andrew Dannenberg 55-61 Kirby Hill Road and Herbert VanSciver 57 Games Farm Road. A letter was received on December 16, 2019 from the applicants Engineer, Mr. Curt Johnson requesting the balance of \$1,327.94 be returned to Dr. and Mrs. Andrew Dannenberg.

Motion by Mr. Cioppa that the Planning Board recommends to the Town Board release of the escrow balance in the amount of \$1,327.94 to Dr. And Mrs. Andrew Dannenberg.

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

All were in favor and the Motion carried.

NEW BUSINESS

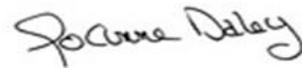
- i. Review of proposed Town Code updates (Site Plan, Special Use Permit).

Chairman Brehm said the Board Members are in receipt of the proposed local law revisions. His plan is to review the material at the January 21, 2020 Planning Board meeting before writing a letter to the Town Board requesting updates on these proposed local laws.

ADJOURNMENT

On a Motion by Mrs. Rennolds and seconded by Dr. Bloom to adjourn the meeting at 9:15p.m. All were in favor and the Motion carried

Respectfully submitted



JoAnne Daley
Recording Secretary

non - approved minutes