

PRESENT: George Brehm Chairman, Dr. Thomas Bloom, Jay Erickson, Aaron Cioppa. Corinne Pitt, William Vollmer and Dr. Thomas Bloom and Mark Friedman.

ALSO PRESENT: Greg Bolner P.E. from the firm of CPL Engineering and Michael Liguori Esq., from Hogan & Rossi Law firm.

CONTENT: Six Diamond Tree Service (Site Plan), American Society for Prevention of Cruelty to Animals (Environmental Permit), The Woods at Pawling (Site Plan) and Minutes.

SIX DIAMOND TREE SERVICE

Public Hearing/Site Plan

118 NYS Route 22  
Pawling, NY 12564  
Grid Number: 134089-7055-00-503941

Mr. and Mrs. Manuel Quezada, landowners, Mrs. Stephanie Fox, AIA, were present.

Chairman Brehm said the property is located at 118 NYS Route 22 in the Highway Business Zoning district. Chairman Brehm explained that at the October 04, 2021 Planning Board meeting, a Motion was made to close the verbal portion of the Public Hearing was closed, and leave a written comment period opened until October 18, 2021. There were no written comments received for Six Diamond Tree Service Site Plan application.

Motion by Mr. Vollmer to close the written portion of the Public Hearing for Six Diamond Tree Service Site Plan application.

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

All were in favor and the Motion carried.

Dr. Bloom read into the records Resolution #11 of 2021 for Six Diamond Tree Service Negative SEQRA Declaration located at 118 NYS Route 22 (copy in file). Grid Number: 134089-7055-00-503941.

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

Role call:

Chairman George Brehm aye.	Jay Erickson, aye	Dr. Bloom, aye.
William Vollmer, aye.	Aaron Cioppa, aye.	Corinne Pitt, aye.
Mark Friedman, aye		

Jay Erickson read into the records Resolution #12 of 2021 for Six Diamond Tree Service Site Plan approval located at 118 NYS Route 22 (copy in file). Grid Number: 134089-7055-00-503941.

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

Role call:

Chairman George Brehm aye.	Jay Erickson, aye	Dr. Bloom, aye.
William Vollmer, aye.	Aaron Cioppa, aye.	Corinne Pitt, aye.
Mark Friedman, aye		

AMERICAN SOCIETY FOR PREVENTION  
OF CRUELTY TO ANIMALS

Administration/Environmental Permit

Intersection of Route 22 and 55  
Pawling, NY 12564  
Grid Number: 134089-7056-00-257503  
134089-7056-00-110487

Mr. James Caris AICP from the firm of JMC Site development was present.

Chairman Brehm said the property is located at the intersection of NYS Route 22 and 55 in the Mixed Business Industry (MBI) Zoning district. The applicant is applying for an Environmental Permit to request tree felling. The New York State Department of Environmental Conservation limits tree felling to the months of November through March. In an effort to avoid impacts to Indiana bat habitat, the applicant and Board can discuss their options.

Mr. Caris said memorandums from Mr. Bolner and Mr. Artus were received. The ASPCA continues its goal to obtain Site Plan approval in January or February 2022. This leaves little time prior to the DEC prohibitory period for tree cutting, and then to commence construction on its property. The Town's consultants have recommended manual felling of trees without any land disturbance on the site. Following a review by ASPCA, they concur with the Town's consultants, which covers the scope of work, restoration bond and establishment of an escrow account for site inspection.

Mr. Bolner said it would be appropriate for the Board to indicate within a timely fashion on the length of time the landowner has to restore the site if the project is not built out. That time could start at 9 months to a year. This is the Board's discretion for the restoration bond. The objective is that if the applicants do not proceed with the site development within a specific time frame, the Town has the ability to exercise the restoration bond. Mr. Caris commented that he agrees with the comments in the memorandum.

Mr. Erickson asked if the NYSDEC regulations addresses specific calibers of trees for cutting.

Mr. Bolner responded often trees less than four (4) inches are not bat habitat. The Indiana bats nest in dead trees.

Mr. Erickson said one option is to remove bat habitat trees, which consist of shag bark or hickory, and dead trees. The five- or eight-inch trees could be left for the reason no bats would nest in these trees. If any unforeseen situation occurred resulting in the project not being built out, this option would protect the younger forest tree growth. He asked why this option could not be considered?

Mr. Caris said the NYSDEC regulations states all tree cutting. The situation we would like to avoid is responsive to your comment. If in the spring the site work could not be commenced after April 1, this would result in construction not starting until 2023. There are no known roosting sites within the Town of Pawling. Nonetheless, pursuant to NYSDEC regulation, any sites within five miles of East Fishkill are regulated. Parts of the Town of Pawling are within the five-mile radius. Mr. Caris illustrated on the site plan the parcel setback areas that will remain in a natural vegetated state. The ASPCA will install walking trails within the natural wooded areas for employees walking the dogs. The ASPCA is very conscious of all environmental impact.

Mr. Bolner and Mr. Erickson discussed the NYSDEC regulation for Protection of Northern Long Eared Bats and Indiana Bats when projects occur within or near occupied habitat.

Mr. Erickson said a clear interpretation relating to bat habitat regulation be provided by the NYSDEC. He recommends Mr. Bolner and Mr. Caris write letters to the NYSDEC requesting the bat habitat regulation be forthcoming to understand the types of trees and areas to be protected. The parcels at the intersection of Route 22 and 55 are part of a significant viewshed within in the Town. On a daily basis countless people drive by this location. He is very sensitive to the applicant's business issues. Nonetheless, he seeks a clear-cutting definition by the

NYSDEC, in case the site was not built out. The site has not been clear cut since 1940. It has taken 70 years to grow a substantial forest.

The Board discussed the significance of the applicant building out the project and what could happen if the trees were felled and the site not built out. Furthermore, what is the extent of a restoration bond to re-establish the forested area?

Mr. Caris said in June 2021, the applicants purchased both parcels. They continue to hold weekly meetings on the site plans moving forward, with the goal to receive Site Plan approval prior to Spring 2022. The ASPCA is committed and excited to move forward with this site development.

Chairman Brehm explained the applicants are far along in the site development process. The ASPCA has purchased the property, and continue to work with professionals with the goal to develop this site for animal rescue and rehabilitation. Nevertheless, ASPCA has agreed to post a restoration bond to ensure that in the very unlikely event of a default by not proceeding with construction, a bond will be in place to restore the land.

Mrs. Pitt said that, in her opinion, the ASPCA moved forward with the purchase of the land. They continue to proceed through the Site Plan approval process with the anticipation of commencing construction spring of 2022. This site will be very impressive within the Town of Pawling. Her preference is not to delay the ASPCA.

Chairman Brehm said the Board has several options to consider this evening, as follows:

- Remove all the trees
- Selective tree cutting
- Hire an arborist to mark the trees.

Following the Board options outlined, Chairman Brehm polled the Board for their opinion.

Mr. Cioppa said his preference is selective tree cutting.

Mr. Erickson said selective tree cutting. If the applicants did not fell the trees, this is an eight-month delay. The projects development has been a four-year time frame from planning to Site Plan approvals. He does feel the Board should proceed hastily.

Mr. Vollmer said he feels that allowing the applicant to clear the trees to protect the Indiana Bats in accordance with the NYSDEC regulations is the best option by moving forward with the Environmental Permit

Mr. Freidman said the Board does not have to approve the permit this evening. The NYSDEC regulation time frame is until March 31, 2022. His preference is to send a letter to the NYSDEC, seeking a response to gather additional information on Bat Habitat relating to clear cutting or selective tree cutting, prior to granting approvals by the Board.

Dr. Bloom said he is favor of moving forward with the Environmental Permit and recommendation for a Restoration Bond approval.

Mrs. Pitt said she is in favor of moving forward with the Environmental Permit and recommendation for a Restoration Bond approval.

Chairman Brehm said he is in favor of moving forward with the Environmental Permit and recommendation for a Restoration Bond approval.

Motion by Dr. Bloom to grant American Society for Prevention of Animal Cruelty located at the intersection of NYS Route 22 and 55, an Environmental Permit to clear cut trees only, and post a Restoration Bond (as determined by the Town's Engineer) and posted with the Town of Pawling Town Board.

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

Role call:

Chairman George Brehm aye.  
William Vollmer, aye.  
Mark Friedman, nay

Jay Erickson, nay  
Aaron Cioppa, nay.

Dr. Bloom, aye.  
Corinne Pitt, aye

### THE WOODS AT PAWLING

Further Discussion/Site Plan/Subdivision

Castagna Drive

Pawling, NY 12564

Grid Number: 134089-7056-00-561152

Mr. Jerry Schwalbe P.E. from the firm of Divney, Tung and Schwalbe, Ken Kearney from Kearney Development Group were present.

Chairman Brehm said the property is located off of NYS Route 22, Castagna Commerce Park, Castagna Drive in the Planned Development District (PDD) Zoning District.

Mr. Schwalbe thanked the Board members on the landscape and architectural committees for taking the time to work with the Castagna team on the review of the project plans. He reviewed with the Board the comments and responses as noted below:

1. Use landscaping to create more of an entry/arrival experience from the cul-de-sac to the site.
2. The landscape plans have been updated to add trees on the east side of the entry road and pockets of shrub planting have been added to both sides of the road. Per the 10/14/21 Zoom call, it was agreed that the trees will be Eastern Redbuds to provide spring flowers and that taller shrubs will be used near the existing water building to screen the existing exterior tanks.
3. Add trees on the back sides of the buildings to help mitigate the views of the buildings and lights from off site.
4. The landscape plans have been updated to show evergreen and understory trees in the rear of the proposed buildings as well as on the sides and between the buildings to enhance the landscape buffer.
5. Consider adding pollinator garden areas to the courtyard lawn area.  
The landscape plans have been updated to show pollinator gardens within the west courtyard to frame the space. It was also noted that the native trees and shrubs proposed throughout the site will also support pollinator species.
6. Add evergreen shrubs or climbing vines to screen the refuse areas.  
The landscape plans have been updated to include evergreen shrubs around the 3 refuse areas.
7. The plans have been updated to show 4 bench locations in the courtyard.
8. The subcommittee provided the applicant with the "Pawling Conservation Advisory Board's Recommended Native Plants for the Route 22 Corridor and Limestone Soils" and asked that best efforts be made to align with the species recommended.  
The applicant confirmed that the majority of the proposed plants (trees, shrubs, perennials and grasses) are included on this list.

Mr. Schwalbe said additionally, some areas onsite contain limestone or acidic soil. Specific trees grow best in different soil types. As the plans are further developed the appropriate trees species would be planted for the correct soil type.

Mr. Erickson said the nighttime rendering illustrates the open spaces on the outside of the complexes lend itself to mowed lawns. However, these areas do not contain walking paths,

to draw people in to hike. Therefore, one suggestion is to plant a meadow field, with pollinators. The meadow approach creates less maintenances, and reduces noise impacts.

Mr. Schwalbe said the outer section of the complexes will have stormwater swales installed to channelize water. There are a variety of low maintenance grasses that only get mowed one time per year, that can also be considered in the plans. He explained the tree plantings along the perimeter.

Mr. Kearney said he concurs with the Board and landscape architect's combination of lawn and landscape areas for the proposed designs.

Mr. Schwalbe presented illustrated building renderings of the revised architectural reviewed with the subcommittee. The following items were updated:

1. No lighting will be installed in cupolas.
2. Color selections for Buildings 1 and 3- Countrylane Red siding, Navajo Beige shakes, Shakewood roof shingles
3. Color selections for Buildings 2,4,5- Boothbay Blue siding, Light Mist shakes, Pewter Gray roof shingles
4. Added shutters to all windows in shake areas. Colors to match the siding color.
5. Building finishes are consistent on all sides.
6. Aligned the entry porch roof(s) with building corner.
7. Added railings on sides of entry porches.
8. Cedar gazebo, octagon shape, roof to be cedar shakes.
9. Playground fencing to be cedar picket type, 50% open.
10. Refuse enclosure cedar fencing to be 6' high, solid. There is proposed landscaping at the enclosure, being added to the rendering.
11. Cedar benches to be used on the site.

The Board reviewed the updated architectural building renderings. Following discussion, the Board members concurred with the updates.

Mr. Schwalbe presented a letter on behalf of the Kearney Realty and Development respectfully requesting a waiver to the dimensional parking spaces standards for the proposed Woods at Pawling residential project currently under review by the Town of Pawling Planning Board. The current parking space standard is 10 feet wide by 20 feet long, for residential use. The proposed plan includes parking spaces 9 ft wide by 18 long ft, and this is consistent with those spaces previously constructed at the adjacent Hamlet at Pawling residential project. The smaller parking space will reduce the overall length required to construct the parking area and the impervious surfaces needed.

Motion by Mrs. Pitt that the Board grant a waiver from the current parking space of 10 feet wide by 20 feet long for residential use down to 9 ft wide by 18 long ft long for The Woods at Pawling 80 non-age restricted residential multi-family housing development.

Second by Mr. Freidman. Chairman Brehm asked for discussion.  
All were in favor and the Motion carried.

Motion by Mrs. Pitt to schedule a Public Hearing for The Woods at Pawling on November 01, 2021.

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

All were in favor and the Motion carried.

MINUTES:

Motion by Mr. Friedman to approve the Minutes of September 07, 2021, September 20, 2021 and October 04, 2021.

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

All were in favor and the Motion carried.

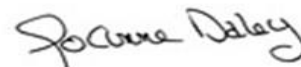
NEW BUSINESS

No new Business was discussed this evening.

ADJOURNMENT

On a Motion by Mr. Erickson and second by Mr. Vollmer to adjourn the meeting at 8:10 p.m. All were in favor and the motion carried.

Respectfully submitted



JoAnne Daley  
Recording Secretary

non - approved minutes