

DATE OF MEETING: August 17, 2009
PLACE OF MEETING: Village Hall, Pawling, New York
MEMBERS PRESENT: Mayor Robert Liffland
Trustee Tracy Durkin
Trustee Colette Zito

The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance.

MOTION by Trustee Durkin to approve the Metro North Treasurer's Report for July 2009. **SECONDED** by Trustee Zito. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to approve the Metro North vouchers in the amount of \$4,960.26. **SECONDED** by Trustee Zito. There was no discussion; all were in favor and the motion carried.

Mr. Michael Hayes, village attorney, stated the Board conducted Public Hearings on Local Law No. 3 of 2009 - Incentive Zoning for all new subdivisions as well as additional requirements that apply to large tracts of land of 45 acres or more. He said the Board received the response from Dutchess County Planning which said it was a matter of local concern. Mr. Hayes said there were a few changes after the second Public Hearing and the Local Law was re-circulated and subject to the third Public Hearing. He reported the changes were to decrease the percentage of affordable housing that has to be a part of any development that qualifies for the incentive zoning from 15% to 10%. Mr. Hayes said the other comment was that the Special Use provisions that specifically apply to a condo type development did not expressly incorporate the requirements in the subdivision section which require compliance with the seven community objectives and standards therefore cross references were made. Mr. Hayes said before the Local Law was adopted the Board needed to conduct SEQRA review. He explained it was considered a Type I Action because the schedule of uses was being amended to add the specially permitted use of mixed use multiple family dwellings in the R1 zone. Mr. Hayes went over the SEQRA Full Environmental Assessment Form focusing on the "Description of Action" and "Reasons Supporting Determination" sections.

MOTION by Trustee Durkin to declare a Negative Declaration for SEQRA for Local Law No. 3 of 2009. **SECONDED** by Trustee Zito. The roll call vote was:

Trustee Wayne Osborn	Absent
Trustee Robert Murphy	Absent
Trustee Colette Zito	Aye
Trustee Tracy Durkin	Aye
Mayor Robert Liffland	Aye.

The motion carried.

Trustee Tracy Durkin, seconded by Trustee Colette Zito, introduced the following local law, to be known as Local Law No. 3 of 2009, entitled "A Local Law Amending the Village Zoning Law relating to Incentive Zoning in New Subdivisions, by Amending sections 98-5, 98-15, and the Schedule of Uses of the Village Zoning Law, and by Adding a new section 98-18A."

BE IT ENACTED by the Board of Trustees of the Village of Pawling as follows:

Section 1. Section 98-15 (“Incentive Zoning in New Subdivisions”) of the Village Zoning law is hereby repealed and replaced with the following:

Any application to the Planning Board for approval under this section shall be awarded a density bonus if the Planning Board determines that all seven community objectives listed below (the “Community Objectives”) have been met. A “density bonus” in connection with this section means an increase in the number of dwelling units (exclusive of accessory dwellings) allowed; provided, however, that the “density bonus” shall equal 1.5 times the Allowed Number unless otherwise provided for in paragraph D of this section, in the event that the Planning Board determines that all seven Community Objectives have been met. The “Allowed Number” means the number of dwelling units (exclusive of accessory dwellings) which, but for the density bonus, would otherwise be allowed.

The Allowed Number shall be determined by the Planning Board based on its review of a conceptual conventional subdivision plan to be prepared and submitted by the applicant, and shall equal the number which, in the Planning Board’s judgment, could be permitted if the land were subdivided into lots conforming to the minimum lot size and density requirements of this chapter applicable to the district or districts in which the land is situated and conforming to all other applicable requirements excluding undevelopable land within the Subdivision such as wetlands and steep slopes.

A. The seven Community Objectives are:

1. Neutral or Positive Fiscal Impact.

The proposed development shall have a neutral or positive fiscal impact with respect to tax levy revenues versus government services and schools. For example, a developer could propose a blend of residential uses such as active adult housing and single family homes.

2. Design Conformance and Urban Regulations conformance.

The site plan and/or subdivision plan must conform to the Urban Regulations and the preferred conceptual development option for the Major Subdivision, if any, described in the Comprehensive Plan, subject to modifications deemed necessary by the Planning Board to address site specific environmental constraints. The site plan and/or subdivision plan must also receive a favorable architectural conformance review. The conceptual development options in the Comprehensive Plan were prepared without detailed environmental and engineering data with respect to the subject parcels and the conceptual development options do not guarantee an applicant a specific lot count with respect to any Major Subdivision.

3. Open Space

The applicant must maintain a minimum of 25% of the Subdivision’s land area in perpetuity as Open Space as defined herein unless otherwise provided for in

paragraph D of this section,; provided, however, in calculating Open Space, the Planning Board shall include any land required by the Planning Board to be used for park, playground or other recreational purposes in accordance with the Village Law. In calculating Open Space, undevelopable land such as wetlands and steep slopes shall be included.

Where applicable and subject to adjustments acceptable to our required by the Planning Board to address engineering and environmental constraints within the Subdivision, the Open Space configuration and trail system shall conform to the conceptual illustration shown in the Comprehensive Plan.

4. Recreational Lands, Facilities, and Programs.

The applicant must provide suitable recreational facilities that benefit Village residents. This can be accomplished by land dedication, park creation, or a fee in lieu of a built facility, or other acceptable means as determined by the Planning Board.

- A. Before the planning board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such a board, a park or parks suitably located for playground or other recreational purposes.
- B. Land for park, playground or other recreational purposes may not be required until the planning board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the village. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the village based on projected population growth to which the particular subdivision plat will contribute.
- C. In the event the planning board makes a finding pursuant to paragraph (b) of this subdivision that the proposed subdivision plat presents a proper case of requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the planning board may require a sum of money in lieu thereof, in an amount to be established by the village board of trustees. In making such determination of suitability, the board shall assess the size and suitability of land shown on the subdivision plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any moneys required by the planning board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the village exclusively for park, playground or other recreational purposes, including the acquisition of property.

5. Affordable Housing.

10% of the dwelling units (exclusive of accessory dwellings) must be Affordable Housing. The Affordable Housing must be integrated within the development in terms of unit type, design, and location to the satisfaction of the Planning Board. The applicant must also establish a mechanism such as a covenant or deed restriction controlling resale or rental levels of the individual units that assures that the housing will remain affordable in perpetuity. This mechanism may be a County, State or Federal guideline, but it must be acceptable to the Planning Board.

6. Utilities.

The dwelling units in the proposed Subdivision must be connected to the municipal sewer system unless the Pawling Joint Sewer Commission determines that such connection would not be in the best interests of the Joint Sewer District. The dwelling units in the Subdivision must be connected to the municipal water system, unless the Board of Trustees determines that such hook-up would not be in the best interests of the Village.

7. Water.

The applicant develops a well within or adjacent to the Major Subdivision, or at another feasible location as determined by the Village Board of Trustees, for the purposes of drawing water for use of the Village and its residents. The well shall comply with all applicable State and County regulations for a public water supply, and shall be subject to a continuing offer of dedication to the Village.

- B. The Board of Trustees, prior to adoption of this Chapter, evaluated the impact of the above incentive provision upon the potential development of affordable housing gained by the provision of any such incentive or lost in the provision by an applicant of any community amenity to the village. The Board has determined that there is approximate equivalence between potential affordable housing lost or gained. See Village Law §7-703 (g).
- C. The Board of Trustees has also found, after evaluating the effects of any potential incentives which are possible by virtue of the provision of community amenities, that the district in which the incentive is authorized contains adequate transportation, water supply, waste disposal and fire protection. Also the Board has found that there will be no significant environmentally damaging consequences and that such incentives are compatible with the development otherwise permitted. See Village Law §7-703 (3)(c).
- D. Incentive Zoning on Large Tracts of Land. The Village recognizes the value and complexity in developing large tracts of land as a single planned community. To encourage a unified development that enhances, maintains and extends the character of the Village to the large remaining lots, the following bonus shall apply to large tracts of land of 45 contiguous acres (for the purposes of this section, a project containing over 45 acres or more, that is bisected by a utility or transmission line shall qualify for the density bonus at outlined in this section) or more in the R-1 District:

1. The allowable density shall be up to seven times the 40,000 square foot limit if all seven of the community objectives are met. The “Allowed Number” means the number of dwelling units (exclusive of accessory dwellings) which, but for the density bonus, would otherwise be allowed. The land utilized to meet the Open Space Requirement may not be used to calculate the maximum allowable dwellings.

Allowable Density Calculation:

[Gross Acres - undevelopable land] = Developable land
[Developable Land - 50% open space requirement] x 7 = Max. Allowable Dwellings.

2. The Open Space requirement shall be increased to 50% of developable land after all environmental constraints (slopes 15% and greater, DEC Wetlands (including 100 foot buffer), NWI Wetlands, Waterbodies, Streams, and 100 year Floodplains) have been removed.

Where a parcel is environmentally constrained by 60% or more, the open space requirement shall be 25% of developable land after all environmental constraints have been removed. However, the “allowable density calculation” shall still be calculated using the 50% open space requirement.

Section 2. Section 98-5 (“Definitions”) of the Village Zoning law is hereby amended by adding the following:

Active adult residences: A planned and managed community providing living accommodations, and which may also provide accessory facilities, occupancy of which is limited, as permitted by Federal and State Fair Housing Laws, to persons who are 55 years of age and over.

Section 3. The Schedule of Uses annexed to and incorporated by reference in the Village Zoning law is hereby amended by adding “multi-family residential and 2-family dwellings on lots totaling 45 acres or more” to the list of specially permitted uses in the R-1 zoning use district.

Section 4. Article V of the Village Zoning law is hereby amended by adding a new section 98-18A (“Multi-Family Housing on Large Lots”), to read as follows:

- A. The purpose of this special use permit are:
 1. To ensure that Multi-family Housing in the Village is compatible with the existing scale of residential buildings and objectives of the Comprehensive Plan.
 2. To preserve, protect and maintain the existing scale and character of the residential districts and the objectives of the Comprehensive Plan.

- B. The conditions set forth in this section must be met, in addition to other conditions set forth in this chapter, for issuance of a special permit for Multi-family Residential – Large Lot. Regardless of whether a multi-family development project is being pursued under this section as a subdivision or as a site plan application, compliance with the provisions of the Incentive Zoning for New Subdivisions Law set forth in section 98-15 of this Chapter is required.
- C. Eligible properties: Multi-family dwellings may only be permitted in the R-1 District on parcels of 45 contiguous acres or more (for the purposes of this section, a project containing over 45 acres or more, that is bisected by a utility or transmission line shall qualify for the density bonus at outlined in this section) if developed as part of a large development proposal offering a mix of housing that also satisfies all seven community objectives identified in section 98-15 of this chapter. The Allowable Density of such a proposal shall be calculated in the same manner as set forth in section 98-15(D) of this chapter.
- D. The following additional standards apply:
1. Siting:
 - a. Dwelling units shall be designed in groupings of small buildings, rather than one large building.
 - b. There shall be no more than 10 dwelling units per building.
 - c. Buildings shall be grouped around a common area to achieve a “village green”.
 - d. Parking shall be located to the rear of the buildings.
 2. Massing and Scale of Buildings
 - a. Buildings should give the appearance by use of design features on a single building or by development of individual buildings of being the same general scale or size as other residential buildings in the community.
 - b. Flat roofs shall be prohibited. Roofs shall have a minimum slope of 1/2.5.
 - c. A façade of a building may not exceed 75 feet without a significant break of at least 10% of the length of the building.
 - d. Roofs shall be varied to create a visual impression of individual dwelling units.
 3. Architectural Features and Materials. When a façade exceeds 30 feet in length, architectural elements shall be introduced to the facades and roofs to produce a visual effect compatible with the Architectural Guidelines of the Comprehensive Plan. Such elements may include dormers, bays, entrance porches, cornices, balconies, window treatments, etc

Section 5. This local law shall take effect immediately upon filing with the New York State Department of State.

The foregoing resolution was voted upon with all members voting as follows:

Mayor Liffland	Aye
Trustee Durkin	Aye
Trustee Murphy	Absent
Trustee Osborn	Absent
Trustee Zito	Aye.

The motion carried.

Trustee Zito asked to table the approval of the low bidder for the Roof Repair Project due to Trustee Murphy being absent, her not being able to speak with him about the pricing on the bids and not having time to review the documents.

MOTION by Trustee Durkin to approve the BAN for the Village Renewal Project at Putnam County Savings Bank at 2%. **SECONDED** by Trustee Zito. Trustee Durkin stated for the record that her father was a Trustee Emeritus of Putnam County Savings Bank. Mr. Hayes said he did not feel that was a conflict. There was no discussion; all were in favor and the motion carried.

The Board discussed applying for Handicapped Accessible Curb Cuts throughout the village for the Community Development Block Grant.

MOTION by Trustee Durkin to move the meeting scheduled for the first Monday in September to September 14, 2009 due to Labor Day. **SECONDED** by Trustee Zito. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to adjourn the meeting at 7:22. **SECONDED** by Trustee Zito. There was no discussion; all were in favor and the motion carried.

Village Clerk