

DATE OF MEETING: May 18, 2015

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Robert Liffland
Trustee Stan Mersand
Trustee John Burweger
Trustee Dan Peters
Vacancy

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

The following Resolution was proposed by Trustee Mersand, who moved its adoption, and seconded by Trustee Peters.

WHEREAS, the Village of Pawling Board of Trustees (“Trustees”) is the Lead Agency of the environmental review conducted pursuant to the State Environmental Quality Review Act (“SEQR”) in relation to the Village of Pawling’s (“Village”) application for financing from the Environmental Facilities Corporation (“EFC”) for the expansion and improvement of the WWTP (“Project”), such review required by the SEQR Regulations contained at 6 NYCRR §617, thereafter the Trustees adopted a “SEQR Resolution for Determination of Non-Significance (“Negative Declaration”)] on January 29, 2014 based on a Full Environmental Assessment Form (“FEAF”) that was accepted and approved in the same Resolution; and

WHEREAS, the Trustees now desire to reaffirm the prior Negative Declaration, based on a Supplemental Environmental Assessment Form (Parts 1, 2 and 3) (“SEAF”) dated January 10, 2014 and revised January 28, 2014 and May 7, 2015, and a [proposed] Amended Negative Declaration, which are annexed to this Resolution and made a part thereof as Exhibits “A” and “B”; and

WHEREAS, the purpose of this Resolution is for the Lead Agency to reaffirm that the financing, design and construction of the improvements to the WWTP will not result in any significant environmental impacts, taking into consideration minor changes of the Project, including but not limited to increasing the area of disturbance by 3/10 of an acre and changing the location on the site of the outfall from the WWTP; and

WHEREAS, the State Historic Preservation Office (“SHPO”) determined on April 30, 2015 that it maintains its previous “No Impact” determination for the Project as changed as proposed by the Village; and

WHEREAS, the SEAF and the Amended Negative Declaration prepared by the Lead Agency’s engineers and environmental planners provide evidence that the expansion of the capacity of the WWTP and related improvements on the site at 37 Corbin Road in the Village, will not have a significant impact on the environment; and

WHEREAS, the Board has considered the SEAF and the criteria contained in the SEQR Regulations at 6 NYCRR §617.7(c), as recited in the SEAF and Amended Negative Declaration and each member voting “aye” has concluded that the action will not result in any significant environmental impacts;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village confirms its continuing status as Lead Agency for this action; and

BE IT FURTHER RESOLVED that the Board accepts the completed SEAF (Parts 1, 2 and 3) annexed to this Resolution at Exhibit "A"; and

BE IT FURTHER RESOLVED that the Board, as Lead Agency, adopts and confirms the recommendations and conclusions in the SEAF and the Amended Negative Declaration of the Board's consulting engineers and environmental planners that the action, including so much of the Project as includes the increase of the area of disturbance by 3/10 of an acre and the relocation of the outfall, and other minor specific changes to the plan as identified in the SEAF, will not result in significant environmental impacts, and the Board hereby does reaffirm its prior determination of non-significance for this Project; and

BE IT FURTHER RESOLVED that the mayor is authorized to execute the SEAF and provide for the publication and filing of this Negative Declaration as provided by law.

The question of the foregoing Resolution was duly put to a vote, the Board of Trustees voting as follows:

Mayor Robert Liffland	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
Trustee Stan Mersand	Aye
Vacancy	

The Resolution passed.

Mr. Brian Morgan, a village attorney, presented a local law amending Chapter 98 of the Village Code entitled "Zoning" to adopt Reservation of Park Land and Recreation Areas. He explained the proposed local law is intended to apply to lots that qualify for Incentive Zoning. He said it was for lots that are 45 acres or more.

Identifier: Proposed SEQR Resolution for Determination of Non-Significance for Local Law 2 of 2015 Reservation of Park Land and Recreation Areas

The following Resolution was proposed by Trustee Peters, who moved its adoption, and seconded by Trustee Mersand.

WHEREAS, the Village of Pawling Board of Trustees ("Board") adopted a resolution on May 18, 2015, introducing Local Law 2 of 2015 and setting a public hearing; and

WHEREAS, the public hearing was duly convened and closed; and

WHEREAS, the Board has reviewed the Short Environmental Assessment Form ("SEAF") bearing the date April 23, 2015, (Exhibit A"); and

WHEREAS, the enactment of this proposed local law is an unlisted action pursuant to 6 NYCRR §617, and there are no other involved agencies as defined in 6 NYCRR §617 involving this action; the Board has determined that it will conduct an uncoordinated SEQRA review as defined in 6 NYCRR §617; and

WHEREAS, the SEAF provides evidence that the enactment of this local law will not have a significant impact on the environment; and

WHEREAS, the Board, pursuant to 6 NYCRR Part 617.7(b) and (c) of the SEQRA Regulations, has considered the SEAF and the criteria contained in sub-division "c" of Section 617.7 and hereby determines that the Proposed Project will not result in any significant environmental impacts; and

NOW THEREFORE, BE IT RESOLVED, the Board accepts the completed SEAF
Dated April 23, 2015; and

BE IT FURTHER RESOLVED that the Board as Lead Agency confirms the status of the Proposed Action as an Unlisted action pursuant to SEQR, adopts and confirms the recommendations and conclusions in the SEAF that the Proposed Project will not result in significant environmental impacts; and

BE IT FURTHER RESOLVED that a true copy of the SEAF supporting the finding of non-significance is annexed hereto and made a part hereof as Exhibit "A".

Mayor Liffland asked if there would be a Public Hearing. The Clerk responded there would need to be a Public Hearing on the Local Law. Mayor Liffland said the Board would have the right to charge \$3,000.00 per unit. Trustee Burweger said the Board could if they wanted to. Mayor Liffland said the Umscheid property was 50 units which would be \$150,000.00. Trustee Burweger said there were other options. Mayor Liffland asked how much land the Board was talking about. Trustee Peters said it could be discussed – perhaps the landowner could put in a tennis court or a walking trail. Trustee Burweger said it could also be a combination of things – some money and a donation of land. Mayor Liffland said that would be up to the Planning Board and he did not know if he liked that. He said he did not want to see the Board clear a project because a developer could not afford the fees. Trustee Peters asked if the proposed Local Law gave full control to the Planning Board. Mr. Morgan said it delegates the authority to the Planning Board per the Village Board's instructions. Trustee Peters asked Mayor Liffland what his plan was. Mayor Liffland said he did not have one – he just did not like it. Trustee Peters said the Board was voting on the SEQRA part – did the Mayor want to see changes. Mayor Liffland said he liked the pathway project but they could not get the landowner's to agree on it because nobody knew who would be responsible for insuring the property. He said would the village become the caretaker – how would that work because the trail would go right through that property. Trustee Peters asked if the Mayor wanted to change the amount of money. Mayor Liffland said that was one thing but who was going to be responsible for the trails. Trustee Peters said it would be parkland. Mayor Liffland responded the village would be responsible then. Trustee Peters said the Board would need to decide if they wanted that or not – he asked if any research had been done as to insurance costs. Mayor Liffland said he did not think it would add much but the Board needed to be aware it would be a village responsibility. Trustee Peters said the village was responsible for the green. Mayor Liffland said there was no sense bringing the green into it. He said any village property the village is responsible for and if the Board takes it on can the Highway Department maintain it. Trustee Peters said they do what they can do. Trustee Peters said the Board has been discussing it. Trustee Burweger said it was in the village's interest to have parkland and recreational resources. Mayor Liffland said he was on board but it was going to cost the village money to maintain it. Trustee Burweger said the local law provided for the ability to collect the money in

conjunction with that – the Board could balance things. Trustee Mersand said there were also state grants for parkland. Mayor Liffland said there still had to be a Public Hearing.

The question of the foregoing Resolution was duly put to a vote, the Board of Trustees voting as follows:

Mayor Robert Liffland	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
Trustee Stan Mersand	Aye
Vacant	

The Resolution passed.

Identifier: Introducing Local Law Amending Chapter 98 of the Village Code Entitled “Zoning” to adopt Reservation of Park Land and Recreation Areas

Trustee Peters, seconded by Trustee Burweger, moved the following resolution, to introduce the following proposed local law, to be known as Proposed Local Law No. 2 of 2015, entitled “A Local Law Amending Chapter 98 of the Code of the Village of Pawling, entitled “Zoning;”

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

Section 1. **Statement of Purpose and Intent.** Section 7-730(4) of the village law provides authority for villages to enact a law that permits the planning board to require applicants for residential subdivisions in the proper case to dedicate land to the village for use as park land or other public recreational uses as a condition of subdivision approval. Alternatively, if the planning board finds that there are no lands on the subdivision plat suitable for such public use, a fee may be fixed by the board of trustees to be deposited by the village in trust to fund capital improvements to existing parks and recreation areas or acquisition of additional park lands. In addition, the municipal home rule law provides the authority for the village to apply the same requirement to applicants for site plan approval where the site plan will be comprised of multi-family residential housing units. It is the intention of the board of trustees to apply this reservation of park land authority to lands qualifying for incentive zoning treatment pursuant to Local Law No. 3 of 2009, to provide funds for improvements to the Pawling Village Green and for development of new recreation uses convenient to village residents.

Section 2. Article XII, §98-63 of chapter 98 of the Code of the Village of Pawling, entitled “Powers”, is hereby amended by adding a new subsection 98-63 (E) providing as follows:

E. Exercise the authority granted by §7-730(4) of the village law, to identify suitable lands on any applicant’s subdivision plat or site plan that qualifies for an incentive zoning density bonus as prescribed by §98-15 of this chapter and Local Law No. 3 of 2009, for dedication to the village as park land or land for public recreational use, or alternatively, in the discretion of the planning board, to impose a fee to be paid to the village to be used for capital improvements and acquisition of park land and recreational uses. The fee per subdivision lot and for the number of residential units on a proposed site plan shall not exceed \$3,000.00 per lot or per residential unit. This fee may be required by the planning board to be paid by the applicant where the land shown as “Open Space” on the plat or site plan required by §98-15(2) of this chapter is found not suitable by the planning board for use as dedicated public park land

or publicly accessible recreation area. The maximum amount of land for public park and recreational use that the planning board may require of such applicant is 10% of the Open Space area identified on the subdivision plat or site plan required to qualify for the incentive zoning density bonus.

Section 3. This local law shall take effect immediately upon filing with the New York State Department of State.

Mayor Liffland advised the Village Board that, pursuant to the Municipal Home Rule Law of the State of New York, it is necessary to hold a public hearing upon this proposed local law.

Trustee Peters offered the following resolution, which was seconded by Trustee Burweger, to move its adoption:

WHEREAS, Trustee Peters has introduced this proposed local law for the Village of Pawling, to be known as Village of Pawling Proposed Local Law No. 2 of 2015, entitled "A Local Law Amending Chapter 98 of the Code of the Village of Pawling, entitled "Zoning";

RESOLVED, that a public hearing be held in relation to the proposed amendments as set forth in the form of notice, hereinafter provided, at which hearing parties in interest shall have an opportunity to be heard, to be held at the Village Hall on June 15, 2015, at 7 o'clock p.m., Prevailing Time, and that notice of said hearing shall be published in the official newspaper of general circulation in the Village of Pawling by the Village Clerk, at least ten (10) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Board of Trustees of the Village of Pawling will hold a public hearing at the Village Hall, 9 Memorial Avenue, Pawling, New York on June 15, 2015, at 7 o'clock p.m., Prevailing Time on Proposed Local Law No. 2 of 2015, entitled "A Local Law Amending Chapter 95 of the Code of the Village of Pawling, entitled "Zoning", which local law authorizes the planning board to require applicants for site plan and subdivision approval of residential housing subject to incentive zoning density bonus requirements to dedicate an amount of park land to the village for public use or to charge a fee in lieu of such dedication of park land.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the Village of Pawling Village Hall, 9 Memorial Avenue, Pawling, New York, during normal business hours on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Pawling, New York
May18, 2015
Jennifer Osborn, Village Clerk

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

Mayor Liffland	Aye
Trustee Burweger	Aye
Trustee Peters	Aye
Trustee Mersand	Aye
Vacant	

The Resolution passed.

The Board issued a Mandatory Water Conservation. There was discussion about setting up a penalty structure for residents who do not follow the mandate. Mr. Morgan said he would prepare something for the Board to review.

MOTION by Trustee Peters to send the I&I Regulation and Referral to the Town Board for their review. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve the Tax Warrant for Fiscal Year 6/1/2015 – 5/31/2016. **SECONDED** by Trustee Mersand. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve the Metro North Treasurer's Report for April 2015. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to approve the April 20, 2015 and May 4, 2015 minutes. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve payment of the Metro North bills in the amount of \$695.00. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to adjourn the meeting at 7:33 P.M. and go into Public Comment. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Village Clerk