

DATE OF MEETING: October 17, 2022

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Lauri Taylor
Trustee Dan Peters
Trustee John Burweger
Trustee Jerry Locascio
Trustee Tom Meyer

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

MOTION by Trustee Peters to go into Executive Session for Litigation at 7:00 P.M.
SECONDED by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Meyer to close Executive Session and go back into regular session at 7:29 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

Mr. David Daniels, a village attorney, went over proposed Local Law No. 10 for 2022.

Identifier: Introducing Local Law No. 10 for the year 2022 entitled “2022 Amendments to Chapter 98 Zoning Law” relating to clarifying certain provisions therein, including provisions relating to determining maximum density and floor area ratio, determining whether a given lot is a large lot or a small lot and adding or amending certain defined terms.

Trustee Peters moved the following resolution seconded by Trustee Burweger:

RESOLVED: That Village of Pawling Local Law No. 10 for the Year 2022 entitled “2022

Amendments to Chapter 98 Zoning Law” be introduced;

RESOLVED: that the text of this proposed local laws is as follows:

1. Purpose and intent.

The purpose of this local law is to amend Chapter 98 Zoning of the Code of the Village of Pawling to clarify certain provisions therein.

2. Density Calculation for Multi-family Residential Dwellings

The text relating to Multi-family Residential Dwellings in the first column of the “Table of Uses Schedule A Schedule of Permitted Uses” in Chapter 98 is amended to read as follows:¹

¹ For the avoidance of doubt, this local law deletes the following text from the Zoning Law: “ Multi-family Residential Dwelling; provided, however, that density shall not exceed ten families per acre of land, nor more than a proportional number of families on a fractional part of an acre of land”

“Multi-family Residential Dwelling; provided, however, that the density of a given lot shall not exceed the product of (i) ten (10) multiplied by (ii) the Net Residential Acreage of such lot; provided, however, if such calculation does not result in a whole number of units and the fraction of a unit is less than .5 then the density of such lot shall be rounded down to the nearest whole number and if such calculation does not result in a whole number of units and the fraction of a unit is equal to or greater than .5 then the density of such lot shall be rounded up to the nearest whole number. Examples of such density calculation are set forth in Table A below:

TABLE A

Net Residential Acreage of Lot in acres	Maximum Density (i.e. Maximum number of dwelling units permitted on Lot)
2.44	24
2.45	25
2.46	25

3. **Amendment of Definitions Section.** §98-5 of the Zoning Law entitled “Definitions” is amended to add or amend the terms set forth below. For the avoidance of doubt, in the event that a definition in this local law no. 10 for the year 2022 conflicts with the definition of the same term elsewhere in the Zoning Law, the definition in this local law shall apply.

BOARD or BOARD of TRUSTEES – the board of trustees of the Village

BUILDING — Any structure or series of connected structures having a roof or roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING PERMIT — A permit issued pursuant to § 10-6 of Chapter 10A of the Code. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of such Chapter 10A.²

BUILDING, PRINCIPAL - A building in which is conducted the main use of the lot on which said building is located.

BUILDING INSPECTOR — The Building Inspector or Contracted Inspector, as the case may be, appointed pursuant to § 10-5 of Chapter 10A of the Code.

CERTIFICATE OF OCCUPANCY — A certificate issued pursuant to § 10-9 of Chapter 10A of the Code

CHAPTER- Chapter 98 of the Code.

CODE — the Code of the Village of Pawling as defined in Section 1.1 et seq. thereof.

² Chapter 10A was enacted pursuant to Local Law No 2 for the year 2022.

DENSITY – A unit of measurement; "density" means the maximum number of residential dwelling units permitted on a given lot.

FLOOR AREA RATIO – the combined gross floor area in square feet of all buildings on a lot divided by the area of such lot in square feet. In calculating the floor area of a building or buildings on a given lot, all floors within each building shall be included. For example, assume that the gross floor area of given lot equals 40,000 square feet and that such lot is to be improved by two (2) buildings, one with three (3) floors with 2,500 square feet of gross floor area each and the other with one floor with a gross floor area of 10,000 square feet. Under such example, the floor area ratio would be .43 calculated as follows: $((3 \times 2,500) + 10,000)/40,000$.

LEGAL REQUIREMENT — any provision of this Chapter 98, other sections of the Code and/or any other state or local law, ordinance or regulation related to construction, development and/or use of buildings, structures and lots and other land within the Village.

LOT — A parcel of land whose boundaries are established or are to be established by some legal instrument such as a recorded deed or map and which has been established or is to be established in accord with applicable Legal Requirements as a separate parcel of land for the purposes of transfer of title and/or for purposes of obtaining site plan approval, a special use permit and/or any other approval specified in this Chapter.

LOT, CONFORMING – a conforming lot is a lot which fully conforms to the minimum lot size of the Zoning Law applicable to the district or districts in which such lot is situated

LOT, LARGE -- a large lot is a lot containing three (3) or more acres. In the event that, in connection with a given use or uses, two (2) or more lots are consolidated or merged, or are to be consolidated or merged, into a single lot, the combined gross acreage of each such lot shall be included in determining whether the merged or consolidated lot, as the case may be, is a large lot or a small lot. For the avoidance of doubt in the event that a consolidation or merger of two (2) or more lots into a single lot is to occur prior to, as a condition of or after any site plan approval, special use permit approval or other approval under this Chapter, the combined acreage of each such lot shall be included in determining whether the resulting lot is a large lot or a small lot.

LOT, SMALL - a small lot is any lot which is not a large lot.

NET RESIDENTIAL ACREAGE - the total acreage of a given lot reduced by each of the following: (i) any acreage on such lot which the Planning Board determines is not subject to development due to development constraints, including but not limited to wetlands, watercourses, one-hundred-year floodplains, slopes of 15% or greater and areas with deficient subsoils; and (ii) any acreage that the Planning Board determines is dedicated or to be dedicated solely to non-residential uses on the lot, such as, but not limited to non-residential building coverage areas, parking spaces, parking lot, access roads, driveways, setback areas and landscaping dedicated solely to the non-residential use(s). In making such determination, any acreage which the Planning Board determines is dedicated to both residential and non-

residential uses (including but not limited to mixed use buildings, shared parking lot and shared access roads) shall be allocated to the residential and non-residential uses on a pro rata basis based on the relative floor area of the buildings allocated to residential use and non-residential use.

For example, if an access road on a given lot covers an acre of land and is dedicated to both the residential and the non-residential uses on such lot, and if the square footage of the building(s) devoted to residential use is 10,000 and the square footage of the buildings(s) devoted to non-residential use is 20,000 (resulting in an aggregate of 30,000 square feet) then for purposes of determining Net Residential Acreage, 1/3rd of the acreage of such access road (10,000/30,000) will be deemed to be dedicated to residential use and 2/3rds will be deemed to be dedicated to non-residential use.

OFFICE – A building used for business, medical, professional, administrative or government purposes, including without limitation lawyers, doctors and other health care professionals, authors, consultants, financial and business advisers, architects, engineers, surveyors and accountants.

PERSON —an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

PERSONAL SERVICE STORE -means a shop or store providing on site services to customers, such as but not limited to, shoe repair, barber shops, beauty parlors and tailors; provided, however, a personal service store does not include an office other than an office which is ancillary to the operation of a personal service store.

SITE – a lot.

STRUCTURE — Anything constructed or erected on the ground or with a fixed location on the ground or attached to something having a fixed location on the ground, including but not limited to buildings, walls, fences, radio towers, power-generating equipment such as freestanding windmills and solar panels, swimming pools, billboards, poster panels and signs.

ZONING LAW- Local Law #2 for the year 1995 entitled Chapter 98 Zoning Law, as amended.

4. Clarification of Special Permit Conditions Applicable to Large Lots.

§98-76D is amended to add the following immediately prior to item number “1”:

“The following conditions are applicable to any Large lot.”

5. Clarification of Retail Use Special Use Permit Square Footage limitations.

Paragraph A of §98-76 is amended to add the following sentence at the end of such section: For the avoidance of doubt, each of the uses specified in this paragraph A of §98-76 shall be deemed to be a separate retail use, including without limitation for

the purpose of calculating the maximum square footage of retail uses permitted on a given site as provided in item 3 in paragraph D of §98-76 and item 1 in paragraph E of §98-76.

6. Severability, Savings Clause, Inconsistencies

- A. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law and Chapter 98.
- B. In the event of any inconsistencies between this local law and other provisions of the Zoning Law or any other local law of the Village enacted prior to the effective date of this Chapter, the terms of this local law shall prevail and be controlling.

7. When effective.

This Chapter shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with § 27 of the Municipal Home Rule Law.”

RESOLVED: that this proposed local law be referred to the Dutchess County Department of Planning pursuant to General Municipal Law §239m; and

RESOLVED: that the Board of Trustees determines that the adoption of this proposed local law is an unlisted action under New York State Environmental Quality Review Act (“SEQRA”);

RESOLVED that the Board of Trustees is designated as lead agency under SEQRA with respect to this proposed local law;

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, with such hearing to be held at the Village Hall on November 7, 2022 **at 7 o’clock p.m.**, Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Village of Pawling by the Village Clerk, at least ten (10) 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 November 7, 2022, at 7

o'clock p.m., Prevailing Time on Proposed Local Law No. 10 of 2022 entitled "2022 Amendments to Chapter 98 Zoning Law";

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.

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

DATED: Pawling, New York
October 17, 2022
Jennifer Osborn, Village Clerk

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

Mayor Lauri Taylor	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
Trustee Gerald Locascio	Aye
Trustee Tom Meyer	Aye.

Mr. Kevin Hamilton gave an overview of the proposed service agreement received from Constellation for electricity supply. The Board decided to research the topic further and discuss it again at the next Board Meeting.

Identifier: Resolution regarding the engagement of a real estate broker for the sale of real property located at 85 Tracy Road and 90 Tracy Road, in Pawling, NY

The following Resolution was proposed by Trustee Peters who moved its adoption, and seconded by Trustee Burweger;

WHEREAS, the Village of Pawling is the owner of (a) certain real property located at 85 Tracy Road, in the Town of Pawling, County of Dutchess, State of New York, which is comprised of approximately 6.1 acres and is listed on the tax map of the Town of Pawling as parcel #134089-7057-00-067821 ("85 Tracy Property") and (b) certain real property located at 90 Tracy Road, in the Town of Pawling, County of Dutchess, State of New York, which is comprised of approximately 7.7 acres and is listed on the tax map of the Town of Pawling as parcel #134089-7057-00-119824 ("90 Tracy Property");

WHEREAS, the Board of Trustees has determined that the foregoing parcels no longer serve any public purpose;

WHEREAS, the Village desires to sell the 85 Tracy Property and the 90 Tracy Property at the most advantageous terms for the Village;

WHEREAS, the Board of Trustees desires to engage a licensed real estate broker to market the 85 Tracy Property and the 90 Tracy Property for sale;

WHEREAS, a licensed real estate broker provides a professional service with requires specialized skills, expertise, and the exercise of judgement and discretion;

WHEREAS, in accord with the Village's procurement policies and in accord with New York law, contracts involving professional services are an exception to competitive bidding requirements;

WHEREAS, the Board of Trustees solicited proposals from at least three (3) licensed real estate brokers, asking for appropriate listing price recommendations and the rationale underlying same;

WHEREAS, having considered each of these submissions, the Board of Trustees desires to engage McGrath Realty, Inc. by entering into a listing agreement for the 85 Tracy Property and the 90 Tracy Property, in the forms attached hereto and made a part hereof ("Listing Agreements"); provided however that the initial list price shall be \$175,000 per parcel;

WHEREAS, the Listing Agreements provide for a standard commission of five percent (5%) payable to McGrath Realty, Inc. in the event of a successful sale; provided however, that the commission will be four percent for dual agency;

WHEREAS, in accord with the Village's procurement policies, the Board of Trustees has determined that soliciting additional and alternative proposals and quotations would not be in the best interest of the Village because the subject services require special skill, training and experience and, in this regard, Mr. McGrath is known for his accountability, reliability, responsibility, skill, training, and judgment, qualities which are not necessarily found in the individual or company offering lower or similar commission percentages.

NOW THEREFORE, BE IT RESOLVED as follows:

(i) The Village Board approves the Listing Agreements in the form attached to this resolution;

(ii) Mayor Lauri Taylor is authorized to finalize negotiations of the Listing Agreements (including any changes to the Listing Agreements that she deems are beneficial or advantageous to the Village), to execute the final version of such Listing Agreements on behalf of the Village and to take such other actions as she deems convenient, necessary or advisable in order to effectuate the execution of the Listing Agreements by both parties and the sale of the property.

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

Mayor Lauri Taylor	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
Trustee Gerald Locascio	Aye
Trustee Thomas Meyer	Aye.

Mr. Daniels said the agreement with FBS Parking Agreement was signed and the next step was to get the town on board which is a fairly straight forward process. Mayor Taylor said in the past there were issues with the paper tickets and FBS offers a small handheld device that takes a lot of the errors of paper tickets away and is quick and concise. She stated over a three year period it would be approximately \$2,800 for the village to have the handheld device. She said in her mind that was the way she felt the Board should move to make it a much cleaner and efficient process. Trustee Locascio said he agreed. Trustee Meyer also agreed. Mayor Taylor said if the Board went with the paper tickets any little change made would require a new printing which would be an expense.

MOTION by Trustee Meyer to move forward with the purchase of the handheld and necessary software and hardware in the amount of:

Equipment handheld 1 unit and 1 printer	\$2,200.00
Base build and license 3 years*	\$3,888.00
Support 3 years	\$2,100.00
Total	\$8,188.00

The cost over 3 years would roughly be \$2,800 a year.

SECONDED by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

Mr. Daniels stated the county issued a letter saying they were no longer going to levy unpaid water and sewer charges outside the village. Mr. Daniels said all of the village's unpaid charges are within the district and the Comptroller's opinion they are relying on specifically excludes districts which he communicated to the county. He stated he was waiting for the county to confirm that the village is not subject to this because of the districts.

Mr. Dan Stone, a representative of LaBella, stated Kulk's came out and the leak in the hall was repaired. He said he and Jeff Smith were working on proposed rates for the water and they were getting close to presenting them. He reported the last Umscheid contract was signed by the Mayor to make the connection permanent between the wells. Mr. Stone said the EFC closing for Umscheid would be some time in December. He said Roehrs Construction directionally drilled a 2 inch HDPE line from the Chamber building area to a manhole under Charles Colman Boulevard without disturbing the road and Kulk's wrote a proposal for the PJSC to make the connection.

MOTION by Trustee Peters to close the meeting and go into Public Comment at 8:07 P.M.

SECONDED by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

Village Clerk