

DATE OF MEETING: August 4, 2014

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Robert Liffland  
Trustee John Burweger  
Trustee Brian Griffin  
Trustee Daniel Peters

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

Mr. Ian MacDonald, a village attorney, gave an update on the Charles Colman Boulevard Sidewalk Project lawsuit.

**MOTION** by Trustee Peters to accept the recommendation of counsel to have Joe Zarecki, a village engineer, make adjustments to the distances of the sidewalk and curbing in order to complete the worst sections of the project up to \$31,885.00. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

### **A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING**

***Identifier: Introductory Local Law No. 6 of 2014 Regarding Chapter 98 of the Village Code Entitled "ZONING."***

At a regular meeting of the Board of Trustees of the Village of Pawling ("Village Board"), held at the Village of Pawling Village Hall on the 4<sup>th</sup> day of August, 2014, at 7:00 p.m., Trustee Dan Peters, seconded by Trustee Brian Griffin, moved the following resolution, to introduce the following proposed local law, to be known as Proposed Local Law No. 6 of 2014, entitled "A Local Law Regarding 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.** The Village Board of Trustees has determined that there is a clear and present necessity to take legislative steps to eliminate off-street parking requirements for some new commercial properties and expansions of existing commercial properties in the village. Commercial property owners and their business tenants too often are unable to secure site plan approval and building permits because they are not able to comply with off-street parking regulations. The impact of existing requirements for off-street parking is that development of new and expanded businesses in the Village is being discouraged because the current off-street parking requirements are widely unattainable by property owners and tenants. This situation requires a legislative solution by the board of trustees. The zoning board of appeals is not the appropriate agency to grant variances for hardship that is experienced widely across a class of property owners. Such action is appropriately left to the discretion of the local legislature. The solution effected by this legislation will permit off-street parking to the extent each parcel can accommodate on-site parking, but the zoning law will no longer require a minimum number of parking spaces as a condition of eligibility for new or amended site plan approval, special permit approval and subdivision approval, and for all permits the building inspector of the Village of Pawling is authorized to issue. This legislation will also empower the planning board to approve permits for new

commercial uses and expansions of existing commercial uses where the required number of off-street parking spaces is not attainable if the applicant pays into a fund maintained by the village to provide public parking for the benefit of local businesses.

**Section 2.** Chapter 98 “ZONING”, is amended by adding a new “§98\_\_\_,” entitled “Off-Street Parking” to provide:

**§98-\_\_\_.** Notwithstanding any requirements to the contrary in Chapter 98 of the Village of Pawling Code of Ordinances, entitled “ZONING”, Off-Street Parking Regulations shall be subject to the following provisions:

- a. Off-Street Parking Requirements of a minimum number of parking spaces as provided by section 98-\_\_ shall not be applied to any new construction of a non-residential use or conversion of any use to a non-residential use of any non-residential parcel of land or building in the Village of Pawling (“Village”). This subsection “a” shall not mean that a reasonable number of off-street parking spaces may not be approved by the planning board and the building inspector as permitted by the dimensions and character of the land and improvements. The planning board is authorized to determine such number of off-street parking spaces to be approved as part of a site plan, subdivision or special permit application, subject to such drainage, screening, paving and landscaping requirements as deemed reasonable and appropriate by the planning board, and further based on the Payment in Lieu of Parking (PILOP) program provided below..
- b. Expansion of existing off-street parking. The requirements in section 98-\_\_ shall apply to Off- Street Parking Requirements of a minimum number of parking spaces provided by section 98-\_\_. Applications for amendment of site plans, special use permits and subdivision plats in existence at the time of the enactment of this local law no. 6 of 2014 shall not be applied to the expansion of existing non-residential building and off- street parking areas to any non-residential parcel of land.
- c. Continuation of existing off-street parking areas. Existing commercial parcels having off-street parking shall continue to maintain their parking as previously approved by the planning board and building inspector as provided in this chapter 98.
- d.

Sec. 98-\_\_ Payment In Lieu of Parking. If a commercial establishment cannot satisfy, on site, its required minimum number of off-street parking spaces, then a portion of the requirement may be waived by the planning board if the applicant agrees to pay to the Village of Pawling a payment in lieu of parking (“PILOP”), subject to the following restrictions and conditions.

(1)

No more than \_\_\_ spaces of a commercial establishment's off-street parking space requirement may be satisfied by a PILOP. Payment to the PILOP fund for the number of spaces required by the planning board permits the planning board to approve the permit for such use and its off-street parking requirements; however, the village does not warrant or guarantee when and where such PILOP parking spaces shall be constructed. The use of such PILOP parking spaces shall be managed in accordance with rules enacted by the VBT.

(2)

The fees for PILOP spaces shall be established by resolution of the Village Board of Trustees ("VBT") on an annual basis.

(3)

Partial-year fees shall be pro-rated on a per diem basis.

(4)

The PILOP fee shall not be refundable.

(5)

Each commercial establishment has, by right (i.e., no planning board discretion shall be necessary to approve), 3 PILOP spaces, and the commercial establishment shall pay the required PILOP fee, as established by the VBT for such "by right" PILOP spaces.

(6)

A commercial establishment may submit as part of its application to the planning board requesting approval of a special permit granting more than 3 "by right" PILOP spaces for the purpose of the commercial establishment seeking to satisfy the required minimum quantity of off-street parking spaces. If the said special permit is approved, the commercial establishment shall pay the required fees to the Village.

(7)

PILOP shall not be available to a commercial establishment unless all exterior lot area available on the commercial establishment's premises that may feasibly be utilized as off-street parking spaces in accordance with the Zoning Code has been allocated to parking by the owner or occupant of the premises.

E.

The VBT shall adopt, by resolution, before January 1 of each year, the following regulations:

(1)

Establishing the number of off-street parking spaces (i.e., inventory) available for PILOP in the Village for the following year.

(2)

Establishing the annual fee for PILOP spaces.

F.

Change of use, ownership or occupancy; new or expanded establishments.

(1)

If a change of use, ownership or certificate of occupancy of a commercial establishment that is preexisting nonconforming as to its bulk, results in the same (or less) off-street parking space requirement for the new business operation, as compared to the prior use or occupancy, the change may be maintained as a preexisting nonconformity as to bulk.

(2)

If a change of use, ownership or certificate of occupancy of a commercial establishment that is preexisting nonconforming as to its bulk, results in a greater off-street parking

requirement, the net increase of required spaces shall be satisfied by: on-site off-street parking spaces; private off-street parking space lease or rental at a different situs than the commercial establishment; or PILOP (unless the maximum number of PILOP spaces has already been issued to the commercial establishment).

(3)

For new, or expansion of existing, commercial establishments, additional off-street parking space requirements shall be satisfied by: on-site off-street parking spaces; private off-street parking space lease or rental at a different situs than the commercial establishment; or PILOP (unless the maximum number of FILOP spaces has already been issued to the commercial establishment).

G.

In its review of an application seeking approval of an area/bulk variance from the Zoning Code's off-street parking requirements, the Zoning Board of Appeals should note that it is the principal responsibility of the VBT and planning board to balance the availability of off-street parking spaces with the needs of the business and residential community, as enacted in the annual parking plan analysis.

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

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

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

**WHEREAS**, Mayor Liffland has introduced this proposed local law for the Village of Pawling, to be known as Village of Pawling Proposed Local Law No. 6 of 2014, 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 changes 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 August 18, 2014, 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) 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 August 18, 2014, at 7 o'clock p.m., Prevailing Time on Proposed Local Law No. 6 of 2014, entitled "A Local Law Amending Chapter 98 of the Code of the Village of Pawling, entitled "ZONING", which local law provides for elimination of certain off-street parking requirements to applicants for site plans, subdivisions and other land use permits for new non-residential uses and changes of existing uses on non-residential parcels of the Village of Pawling.

TAKE FURTHER NOTICE, 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  
August 4, 2014  
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	Absent
Trustee Griffin	Aye

The Resolution was adopted.

**MOTION** by Trustee Peters to allow the Village of Pawling Justice Court to apply for the Justice Court Assistance Program Grant application. **SECONDED** by Trustee Griffin. There was no discussion; all were in favor and the motion carried.

There was discussion on bonding for village road repairs.

Trustee Griffin stated he would like to look into lowering the speed limit in certain areas to 15 – 20 miles per hour.

**MOTION** by Mayor Liffland to give Trustee Griffin the authority to move forward with lowering the speed limit within certain areas of the village. **SECONDED** by Trustee Peters. There was no discussion, all were in favor and the motion carried.

**MOTION** by Trustee Burweger to approve having the Village Historian's office in the back of the building with the alterations as listed on the memo handed out. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to have Severn Trent refurbish Baxter Well No. 1. **SECONDED** by Trustee Griffin. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Burweger to approve July bills in the amount of \$111,180.00. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Burweger to approve the Metro North bills in the amount of \$120.00. **SECONDED** by Trustee Griffin. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Griffin to adjourn the meeting at 7:44 P.M. and go into Public Comment. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Burweger to open the regular session and go into Executive Session to discuss Personnel at 7:56 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Burweger to close Executive Session and adjourn the meeting at 8:29 P.M. **SECONDED** by Trustee Griffin. There was no discussion; all were in favor and the motion carried.

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Village Clerk