

DATE OF MEETING: November 3, 2014  
PLACE OF MEETING: Village Hall, Pawling, New York  
MEMBERS PRESENT: Mayor Robert Liffland  
Trustee Stan Mersand  
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.

**MOTION** by Trustee Mersand to close the regular session and go into the Public Hearing on Local Law No. 6 of 2014 Regarding Chapter 98 of the Village Code Entitled "Zoning" at 7:00 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mayor Liffland said the proposed Local Law had been on the table for a few different meetings and it was finally done in a professional manner. He asked if the Board had any comments. Trustee Griffin said the issues with the front lawns and the impervious materials were addressed and he felt it was a good document. Mayor Liffland said the new law was trying to help the planning board out because of parking in the B1 zone. He stated probably 90% of the B1 zone does not have parking and it was always a stumbling block for the planning board so the village board came up with a new Local Law that would charge a one-time fee for the person who owns the building in the B1 zone and then it would be the owner's obligation to find parking for his tenants and not the village's. He said another thing that was brought up from the planning board was cars parking on their front lawns and they were allowed to do that as long as the material of the front lawn allowed water to run through. Mayor Liffland said the proposed Local Law stops that as well and that applicants have to apply for a variance.

Mr. Earl Slocum, a resident of East Main Street, asked if the people who are currently parking on their front lawns are grandfathered in. Mayor Liffland said they were not.

There was no further Public Comment.

**MOTION** by Trustee Peters to close the Public Hearing at 7:06 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

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

**WHEREAS**, the Village of Pawling Board of Trustees ("Board") adopted a Resolution Introducing Local Law No. 6 of 2014 on October 21, 2014, setting the public hearing for 7 pm on November 3, 2014, and pursuant to the State Environmental Quality Review Act ("SEQR") a Short Environmental Assessment Form ("SEAF") dated November 3, 2014 has been filed by the Board's engineer, Zarecki and Associates; and

**WHEREAS**, Local Law No. 6 of 2014 is an Unlisted Action pursuant to 6 NYCRR Part 617.6; and

**WHEREAS**, the Board has reviewed the SEAF (Exhibit "A"); and

**WHEREAS**, the SEAF provides evidence that the amendments of chapter 98 of the Village of Pawling Code 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 local law will not result in significant environmental impacts; and

**WHEREAS**, a public hearing was duly advertised and conducted on November 3, 2014; **NOW THEREFORE, BE IT RESOLVED**, the Board confirms its status as Lead Agency for the uncoordinated review of the proposed local law; and

**BE IT FURTHER RESOLVED** that the Board accepts the completed SEAF dated November 3, 2014, prepared by the Board's consulting engineers and land use planners, including the Negative Declaration Form dated November 3, 2014 that is attached thereto; and

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

**BE IT FURTHER RESOLVED**, that the Mayor is authorized to execute the SEAF in the form attached to this Resolution.

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

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Mayor Robert Liffland	X		
Trustee Daniel Peters	X		
Trustee John Burweger	X		
Trustee Brian Griffin	X		
Trustee Stan Mersand	X		
TOTAL	5	0	0

The Resolution was adopted.

### **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," to repeal off-street parking requirements and fee (ch. 98-22B and 98-23) for site plans in District B-1 and to replace it with new parking requirements; enacting a new ch. 98-22J to prohibit parking in front yards of residential buildings with apartments; and setting site plan fee applicable to the Business (B-1) zoning district***

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 3rd day of November, 2014, at 7:00 p.m., Trustee Peters, seconded by Trustee Mersand, moved the following resolution, to enact the following proposed local law, to be known as Local Law No. 6 of 2014, entitled "A Local Law Amending Chapter 98 of the Code of the Village of Pawling, entitled "Zoning;" §98-22B," repealing "Parking Ratios in the B-1 District" and replacing it with a new §98-22B, entitled "Site Plan Review for Certain Residential, Commercial and Mercantile Uses In the B-1 Zoning District;" ii. adding Chapter 98-22J of the Code, entitled "Parking in front yards prohibited," to limit parking on front yards of apartment buildings; and iii. The fee schedule resolution section 1.6 adopted pursuant to Chapter 98 Article X of the Code entitled "Site Plan Fees" to set site plan fees applicable to applications in the Business (B-1) zoning district and to repeal the former fee for waiver of parking spaces (Ch. 98-23);"

**WHEREAS**, this Introductory local law was introduced to the Board of Trustees on October 21, 2014, at which time notice to the public of a public hearing on the proposed law was ordered; and

**WHEREAS**, the said public hearing was duly opened on November 3d, 2014, the comments of all interested persons were heard, and the hearing was closed, during a regularly scheduled meeting of the said Board of Trustees;

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

#### **PART 1 AMENDING CH. 98 "ZONING" §98-22B and §98-23**

**Section 1.** Statement of Purpose and Intent. The Village Board of Trustees has determined that the current "in lieu of" parking regulation and fee applying to site plans approved in the B-1 zoning district is unwieldy and in need of simplification.

**Section 2.** Chapter 98 "ZONING", §98-22B," entitled "Parking Ratios in the B-1 District" and §98-23 entitled "Fee in Lieu of Parking in the B-1 District" are repealed. In its place, a new §98-22B is enacted, entitled "Site Plan Review for Certain Residential, Commercial and Mercantile Uses In the B-1 Zoning District," providing as follows:

**§98-22B.** Parking requirements in the B-1 zoning district. All lots located in the B-1 zoning district, excepting those lots improved with a single family detached building, shall be subject to this section when required to file a site plan application as provided by this chapter. The planning board shall require the applicant for site plan approval to provide a number of off-street parking spaces that the planning board deems reasonable given the area on the site available for such off-street parking given the scale of other necessary existing and proposed structures on the site. The site plan shall be required to show the proposed parking area and shall state the design elements to be imposed on the parking area, including pavement, landscaping and screening, setbacks, striping, accessible parking spaces and signage. The planning board shall require the applicant to submit proof that any additional off-site parking spaces that may be necessary to accommodate the customers and employees who use the site have been secured by contract or other means that must be approved by the planning board. At any time after site plan approval, the planning board may summon any property owner whose property has been granted site plan approval after the effective date of this section to consult with the planning board about the adequacy of off-site parking.

#### **PART 2 AMENDING CH. 98 "ZONING" §22J**

**Section 1.** Statement of Purpose and Intent. The Village Board of Trustees has determined that all parcels containing one or more residential apartments in the village must be restricted in the use of front yards for parking of automobiles, trailers and trucks. Unrestricted paving and use of front yards for parking has the noxious impact of compounding the overcrowding of residential buildings, compounds conflicts of parked vehicles with sidewalk traffic and street traffic, increased storm water loads in the public storm sewer collection system and potential for damaging underground water and sewer pipes under the weight of the vehicles.

**Section 2.** Chapter 98 “ZONING”, §98-22J, shall provide:

**§98-22J** Parking in Front Yards Prohibited. Parking and storage of automobiles, trucks and trailers on the front yard of any building in the village that contains one or more residential apartments, is prohibited except if a lawfully approved site plan issued before the date of enactment of this section shows such parking in a front yard as a permitted driveway or parking area, or a permit has been lawfully issued by the building inspector or other village official approving the location of parking in such front yard. Paving over the front yard area with asphalt, concrete or other impervious materials is prohibited except within the area of a legal driveway leading from the street to the garage or parking area which is shown on an approved site plan for the parcel or a valid permit issued by the building inspector or the street supervisor. An “apartment building” means any building in the village that has one or more residential apartments in it, occupied or unoccupied. An “apartment” is any room or multiple rooms occupied by a tenant as a residence pursuant to a lease or other agreement. An “apartment” would not typically include a building with a single residential unit occupied by the owner of the building. “Front yard” includes the area between the curb or sidewalk and the wall of the building facing the street, but does not include the area leading from an approved curb cut in the street to the garage or parking area at the side or rear of the building.

Notwithstanding this limitation of parking in front yards, the owners of buildings containing one or more residential apartments shall be legally responsible for providing adequate legal parking area for their tenants, and failure of the owner to provide such legal parking area on-site or by renting parking spaces on other lots shall be a violation of this chapter. In addition to any other remedies provided for violations of this chapter, violations of this section may result in the Village obtaining an injunction to compel compliance by property owners and tenants.

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

### **PART 3 AMENDING §1.6 of the FEE SCHEDULE**

**Section 1.** Statement of purpose and intent.

§1.6 of the Fee Schedule adopted by the board of trustees pursuant to Chap. 98 article X of the zoning law is being amended to provide for a site plan fee of \$3,000.00 limited to site plans in the B-1 district. Site plans in the B-1 zoning district are particularly complex due to parking constraints, architectural considerations and other issues. The amount of expertise and resources that are necessary to allow the planning board to adequately focus on site plan applications in the B-1 zoning district require that site plan fees be amended for more uniformity

among site plan applicants and to permit more resources to support the planning board's evaluations and problem solving in the B-1 zoning district.

**Section 2.** §1.6 of the Fee Schedule adopted by the board of trustees pursuant to Chapter 98 "ZONING", Article X is hereby amended to provide:

**§1.6** Site Plan Application (except in the B-1 district): \$50.00 plus \$.50 per square foot of gross floor area proposed. Site Plan fees in the B-1 zoning district: A fee of \$3,000.00 for site plan approval shall be paid for any application filed after the effective date of this section to construct, enlarge or otherwise modify the improvements or use of such lot [located in the B-1 Zoning District], excepting that such fee shall not apply to single family detached residential buildings.

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

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The village clerk is authorized to file this enacted local law with the Department of State and to enter section numbers where indicated and to correct spelling and punctuation errors prior to such filing in a manner that does not materially change the substance of the regulation.

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

Mayor Liffland	Aye
Trustee Burweger	Aye
Trustee Peters	Aye
Trustee Mersand	Aye
Trustee Griffin	Aye.

The Resolution was adopted.

**MOTION** by Trustee Griffin to close the regular session and go into the Public Hearing on proposed Local Law No. 7 of 2014 Enacting a Local Law Amending Section 92-36 of the Village Code Entitled "Schedule VIII: Speed Limits" at 7:08 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

Mayor Liffland said the proposed Local Law was to lower the speed limit to 15 mph in the core of the village. Trustee Mersand said he appreciated the concept but wanted to bring up the issue of speeding on East Main Street and Dutcher Avenue at some point. It was decided to contact County Legislator John Thomes regarding Dutcher Avenue because it is a county road. Trustee Griffin said he would love to see a comprehensive study of the speed limits on all areas of the village. The Board discussed putting the mileage machine up in the village to make people aware of their speeds and setting up a meeting with stakeholders to discuss the issue. Mayor Liffland said the state would have to approve lowering the limit below 25 mph.

Mr. Earl Slocum asked what happened to the people who paid fees for parking spots – do they get their money back or do they keep the spaces they paid for. Trustee Griffin said when it becomes law it would not change anything prior to that date. Mr. Morgan, a village attorney, said existing site plans are not altered as a result of the new Local Law. He said the expense for the in-lieu of parking did not buy parking spaces.

Mr. Slocum said the speed limits need to be enforced – that is the biggest problem. He said the board has to be careful not to chase people away from Pawling because people who come in would not appreciate getting a ticket.

Mr. Peter Cris, President of the Chamber of Commerce, asked Trustee Griffin to reiterate the areas that would be affected by the new speed limit.

Mr. Earl Slocum asked about a parking space for the Chamber of Commerce/Welcome Center.

Mr. Daniel Panzer, a resident of Elm Street, said that when they were talking about enforcement they were not talking about chasing people away from Pawling. He said the board represents the residents of the village and they have a fiduciary responsibility to the residents of the Village of Pawling and if they do not feel safe walking the streets then the board should put up signs and flash signs and enforce the law because the residents of Pawling do not feel safe walking through the crosswalks. He said if someone gets hurt there would be a lot of tears so the board has a fiduciary responsibility to protect the citizens of the Village of Pawling who they represent and not just people who come from the outside.

There were no further comments.

**MOTION** by Trustee Mersand to return to regular session at 7:34 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Mersand to keep the Public Hearing open until further notice. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Trustee Peters reported that Trustee Mersand found a possible garbage truck for the village to purchase. Trustee Mersand said the purchase price was under what had been authorized.

Trustee Peters went over the tentative 2015 Garbage budget (see attached). He said it came out to a \$1.65 per unit increase which is an increase of 0.97%.

**MOTION** by Mayor Liffland to schedule the Public Hearing for the 2015 Garbage budget for December 1, 2015. **SECONDED** by Trustee Mersand. There was no discussion; all were in favor and the motion carried.

The Board discussed placing a menorah on the Village Green during the Holiday Season. Trustee Griffin asked if the requester should fill out a facility use form. Trustee Burweger said he did not think it applied. The Board decided that conceptually it was okay however it was decided to get more information regarding the size of the menorah, the location, the duration of time and to check with Metro North regarding their requirements.

**MOTION** by Trustee Mersand to approve the 2015 Metro North Budget as presented (see attached). **SECONDED** by Trustee Griffin. Trustee Griffin said it was fairly static from the prior year and stayed about the same. He said the revenues were about the same and the only difference was that there was a slight uptick in revenues due to the increase in fees proposed for 2015 which he was sure would be offset by the purchase of equipment that is needed, especially the ticket machines. He said he expected it should stay fairly static despite the increase in revenues. There was no further discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to approve the minutes from September 15, 2014 and October 6, 2014. **SECONDED** by Trustee Griffin. Trustee Griffin said he abstained from voting on the October 6, 2014 minutes since he was not present. There was no further discussion; all were in favor for the September 15, 2014 minutes and there were 4 ayes and 1 nay for the October 6, 2014 minutes. The motion carried.

**MOTION** by Trustee Mersand to pay the October bills in the amount of \$154,785.96. **SECONDED** by Trustee Peters. Trustee Griffin said he wanted to have some discussion on the bills. He said while reviewing the bills he saw one for \$54,000 for paving on Charles Colman. He stated he was away in October but he did not recall ever discussing that particular job. He said he would vote no for that particular bill. Trustee Burweger asked the Clerk if a discussion on that project was in the minutes. Mayor Liffland said it was in a discussion on the roads the board planned to do. Trustee Burweger said it was for the South Street Extension as well and he did not recall discussing that either. Mayor Liffland said it was discussed because it had to do with the CHIPS money. Trustee Mersand said he remembered the discussion because the street had to be milled and paved and South Street they just paved. Trustee Burweger asked if Trustee Mersand remembered discussing it. Trustee Mersand said the board did discuss it. Trustee Griffin asked if it was brought to a vote or was there bidding. Mayor Liffland said they talked about where they were going to spend the CHIPS money. Trustee Griffin asked if he was there for the discussion. Mayor Liffland replied he did not know. Mayor Liffland said Charles Colman was discussed and the South Street Extension. Trustee Peters said those items had been discussed since he came on the board and what the CHIPS money would be used for. Trustee Mersand said Memorial Avenue had also been discussed but the board decided that it did not want to open up that can of worms due to the water lines needing to be replaced. Trustee Griffin asked if the job was bid at all. Trustee Peters said they talked to numerous people about what the job was to entail and they received prices but 2 of the people did not want to do what they wanted them to do which was expose the curbing. He said 2 of the people said they just wanted to mill an inch and a half and put an inch and a half on. The gentleman who did the job said he could expose the curbing and did so. Trustee Griffin asked if he submitted a proposal. Mayor Liffland said they did the rental system – renting the trucks and stuff. Trustee Griffin said he wanted to reiterate that for that one particular bill he did not know anything about it and was not approving it. Trustee Mersand said that as a point of order that Robert's Rules does not give Trustee Griffin the option to pick and choose what bills he wants to approve – he either has to approve the bills or vote against them. Trustee Griffin said he would vote "No" for the October bills. There was no further discussion. The vote was 4 Ayes and 1 Nay from Trustee Griffin. The motion carried.

**MOTION** by Trustee Peters to pay the Metro North bills in the amount of \$3,020.04. **SECONDED** by Trustee Mersand. Trustee Griffin said he was away and did not have an opportunity to review the bills. He said he was not clear on a bill for street lighting and one for tree pruning and wanted to have a discussion on them or vacate that particular bill from the agenda so he could discuss it and bring it up at the next meeting. He said he had not had the opportunity to discuss the bill and he was not sure what it was about. Trustee Mersand stated it was that trees were blocking many of the acorn lights in the parking lot creating a dangerous and darkened situation. Trustee Griffin asked what the location was. Trustee Mersand replied they were in the lot across from the meeting room. Trustee Griffin asked if he was talking about the one on Memorial. Trustee Mersand said he was and one of the pole lights in the big lot had a tree growing up so that it totally blocked the shoe box and you could barely see any light through there at all. He said the contractor came in with his bucket truck, did the trimming, all the lights were clearly visible and are giving out the maximum lumens. Trustee Griffin said

wasn't there an agreement that the trees on Memorial would be pruned by the village. Trustee Mersand said the trees on Memorial Avenue are on Metro North property. Trustee Griffin asked if the village had pruned those trees before and weren't they on a tree maintenance program. Mayor Liffland asked if he was talking about the trees across from the meeting room and if so they were. Trustee Griffin asked if the village had paid for that. Mayor Liffland responded affirmatively. Trustee Griffin asked why it was coming out of Metro North accounts now. Trustee Mersand said he did not think the village was aware that it was on Metro North property when it did that. Trustee Griffin said he was not clear on it and was asking that the motion be vacated so he could understand the bill, have a discussion with Trustee Mersand and reintroduce the bill once he had a handle on what it was about. He said he was not clear and he would not like to approve it. Trustee Mersand said he would encourage Trustee Griffin to look at the contract he has because in the last section there were maps that show Metro North property - one shows the property prior to any improvements, the other shows the property across the tracks down to what is now the Welcome Center/Chamber building when it was still the railroad station and the third one shows what Metro North drew which now covers both sides of the tracks all the way down into the parking lot and up to our curb here which is what Metro North considers their property. Trustee Griffin said using that logic then they would be asking the Metro North budget to pay for most of everything. Mayor Liffland said that was correct and he was seeing that now and was how it should be done. Trustee Griffin said he was not sure if the budget could sustain that kind of expense. Trustee Mersand said it was not an everyday expense - it was every couple of years that the trees need to be pruned to keep the lights functional. Trustee Griffin said it was the first time he was hearing this which was why he was asking for some time. Mayor Liffland said it was worth discussion. Trustee Griffin said he wanted some time to wrap his head around it and look at the bills after a discussion. He said he understood the bill was already paid so they were not holding up a vendor - they were just trying to straighten out the accounting and determine where the money would come from, which fund, so it was not an issue of holding up a vendor on a payment. He said the bill was asking for reimbursement to the village from the Metro North fund so there was some time to discuss it and the reimbursement could wait until they get an agreement because he did not necessarily understand or agree... Mayor Liffland said they would also have to look at, since it was brought up, that as the board nurtures the trees who would be responsible for it which brings up another question. Trustee Griffin said that was his point. Mayor Liffland said would the village have to do that or would they rely on the Metro North budget. Trustee Griffin said if the bill gets approved it impacts the Metro North budget and may set precedent for future billing then the board should talk more about it because he was not seeing it and was not getting it. Mayor Liffland said they should renege back on the Metro North budget. Trustee Griffin said he would like to vacate it. Mayor Liffland said he meant the Metro North budget itself that was approved because maybe the budget was wrong if the board was going to have Metro North pay for the trees then the budget would not cover that. Trustee Griffin said that was correct, there was nothing in the budget - which was the point he was making. Mayor Liffland asked what the village had paid for trees - to have a company come out to save the Memorial trees. The Clerk said she did not remember but thought the fertilization was about \$500 a year twice a year. Mayor Liffland said that was not included in the Metro North budget. Trustee Griffin said if that was the case the board was asking for an expense that was not in the budget and that he could not wrap his head around it and it needed further discussion. He said he would like to know exactly what would be asked of the Metro North budget before he agrees to anything and that was only fair. Trustee Mersand asked if Trustee Griffin did not agree that Metro North gets a great amount of service and material from the village that in a budget would probably be on the Metro North side for example the fertilization for \$5,000. He said if they open up that can of worms then it could be that Metro North would be responsible for the fertilization, the weekly watering, the mowing, the clearing of the side of the hill - all things that the village does and

does not bill Metro North for. Trustee Griffin said Trustee Mersand brought it up and he was saying if that was the case then they certainly needed more time to discuss it because he was not going to agree to any additional expenses out of the Metro North budget until he fully understands what they are and that was only fair. Mayor Liffland said they would have to determine what that is. Trustee Griffin said that was his point because he has no idea what it was because it was an unquantified amount. Mayor Liffland asked if they should rescind the budget. Trustee Griffin said if that was the will of the board then that would be the case. He said he would not agree to further expenses without knowing what they are and he thought that was reasonable. Trustee Mersand said there was a motion on the floor and he moved for a vote. Mayor Liffland called for a vote.

Trustee Mersand	Aye
Trustee Peters	Aye
Mayor Liffland	Aye
Trustee Griffin	Nay
Trustee Burweger	Nay.

The motion carried.

**MOTION** by Trustee Mersand to adjourn the meeting at 8:20 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Griffin to return to regular session and go into Executive Session to discuss Personnel at 8:26 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Griffin to close Executive Session and return to regular session at 9:20 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Griffin to adjourn the meeting at 9:20 P.M. **SECONDED** by Trustee Mersand. There was no discussion; all were in favor and the motion carried.

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Village Clerk