

DATE OF MEETING: May 21, 2018
PLACE OF MEETING: Village Hall, Pawling, New York
MEMBERS PRESENT: Deputy Mayor Dan Peters
Trustee John Burweger
Trustee Earl Slocum
Trustee Lauri Taylor

The meeting was called to order at 7:03 P.M. with the Pledge of Allegiance.

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

Identifier: Introducing Introductory Local Law 1 of 2018 Amending Chapter 98 Schedule B of the Village Code Entitled “Zoning” and Village of Pawling Local Law No. 4 of 1994 to set maximum building height and permit limited residential occupancy on ground floors in Type 1 Urban Regulation for Shopfront mixed use buildings in the B-1 District, and amending Village of Pawling Local Law No. 4 of 1994 Comprehensive Plan Update §14 of Addendum to Comprehensive Plan

Deputy Mayor Peters, seconded by Trustee Burweger moved the following resolution, to introduce the following proposed local law, to be known as Introductory Local Law No. 1 of 2018, entitled “A Local Law Amending Chapter 98 Schedules A, B and C of the Code of the Village of Pawling, regarding “Urban Regulation for Type 1 Mixed Use buildings in the B-1 District” and amending Village of Pawling Local Law No. 4 of 1994 Comprehensive Plan Update §14 of Addendum to Comprehensive Plan.;

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

Section 1. Statement of Purpose and Intent. It is the intention of the board of trustees to amend the Urban Regulation for Type 1 Shopfront Mixed Use buildings in Ch. 98 of the Village of Pawling Code and §14 of the Addendum to Comprehensive Plan contained in the Village of Pawling Comprehensive Plan Update of 1994 that was enacted as Local Law 4 of 1994. The Addendum to the Comprehensive Plan §14 provided that the Urban Regulations printed in the Local Law No. 4 of 1994 were replaced by the Urban Regulations as contained in the Zoning Law Schedule B as of the effective date of Local Law No. 4 of 1994 (March 24, 1995). The Urban Regulation in the 1995 Schedule “B” provided in “Building Use” that only commercial uses are permitted on the ground/first floor of Type 1 Shopfront buildings. The board of trustees intends that residential uses may be substituted for all or a portion of retail/commercial space on the ground level/first floor of such Shopfront commercial/retail-residential buildings in certain areas of the B-1 district

as provided herein. The board also intends to clarify the building height provision of the Building Height section of the Type 1 Urban Regulation of Schedule “B” to be a maximum of 4 floors, amending the current 3.5 floor limitation. In Schedule “C” of the Ch. 98 “Zoning Law”, a notation will be added to clarify that in the column for the B-1 zoning district, the number of floors and building height in feet do not apply to Type 1 Shopfront Mixed Use buildings that are subject to the Urban Regulation Type 1 in Schedule “B”. The intention is to clarify that density regulation other than that contained in Schedule “B” for Type 1 Shopfront Mixed Use buildings does not apply to such buildings. The Schedule “A” density regulation in the row for “Multi-family Residential Dwelling” uses shall not apply to buildings subject to Schedule “B” for Type 1 Shopfront Mixed Use buildings located in the B-1 zoning district.

Section 2. Statement of Amendments. Chapter 98 of the Code of the Village of Pawling, entitled “Zoning”, is hereby amended as follows:

- a) Schedule “B” Urban Regulations Type 1 Shopfront/Mixed Use Building Use delete “2. Four Units Maximum per Lot” and insert new text providing “2. The “first floor/ground floor” of a Type 1 building as defined in this Urban Regulation may be used all or partially for residential occupancy, except where the building front faces on Charles Colman Blvd., East Main Street (excluding East Main Street south of intersection with Coulter Avenue), West Main Street or Memorial Avenue. Where the building does not front on any of the four streets specified above, the planning board may determine that the location of the building, unsuitable public parking, unsuitable sidewalk amenities or other conditions unfavorable for retail and commercial uses exist, that residential use of all or a portion of the ground floor/first floor may be permitted. In addition, the planning board may make such determination where the residential use on the first floor/ground floor may be suitable for use by disabled persons.” The structure diagram in this Urban Regulation for Building Use shall provide “commercial or residential use” for the first/ground floor uses thereby permitted.
- b) In Schedule “B” Urban Regulations Type 1 Shopfront Mixed-Use delete the current “3.5 floors” in the Building Height diagram and substitute “4 floors”.
- c) In Schedule “C” of the Ch. 98 “Zoning Law”, delete “3 and 40” from the B-1 column and “Maximum building height” row and substitute “See Urban Regulation for Type 1 Shopfront bldg.” to clarify that the number of floors and building height in feet in

- Schedule “C” do not apply to Type 1 Shopfront Mixed Use buildings that are subject to the Urban Regulation for Type 1 Shopfront Mixed Use buildings in Schedule “B”.
- d) In Schedule “A” of the Ch. 98 “Zoning Law”, insert “(in R4 and B2 districts only.)” in the “Multi-family Residential Dwelling” use column at the end of the current text.
 - e) In Schedule “B” of the Ch. 98 “Zoning Law”, insert a new “3.” in the Type 1 Shopfront Mixed Use “Building Height” box providing: “3: In addition to the 13 feet from floor to ceiling height limit per floor/story, the planning board shall allow a reasonable amount of structure between each floor and ceiling of adjacent building levels where support structures and utilities may be installed, not to exceed 50 feet of overall building height.

Section 3. Statement of Amendments of Comprehensive Plan

Village of Pawling Local Law No. 4 of 1994 and the 1994 Village of Pawling Comprehensive Plan Update are hereby amended as follows:

- a. §14 of the Addendum to Comprehensive Plan in Local Law No. 4 of 1994 is amended to provide:
 - 14. The Urban Regulations attached to the Comprehensive plan are deleted and the Urban Regulations which are attached as Schedule B to the Zoning Law are inserted in their place. With respect to the Type 1 Shopfront Mixed-Use Urban Regulation, matters of building use on the ground floor of such buildings and building height in feet and/or stories and residential densities may be amended by local law in a manner that will not impair the character of the B-1 zoning district.

Section 4. This local law shall take effect immediately upon filing with the New York State Department of State.

Deputy Mayor Peters 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.

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

WHEREAS, this proposed local law for the Village of Pawling, was introduced, to be known as Village of Pawling Introductory Local Law No. 1 of 2018, entitled “A Local Law Amending Chapter 98 Schedule B of the Code of the Village of Pawling, entitled “Urban Regulation for Type 1 Mixed Use” in the B-1 District”;

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 persons shall have an opportunity to be heard, to be held at the Village Hall on June 18, 2018, 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 18, 2018, at 7 o'clock p.m., Prevailing Time on Proposed Local Law No. 1 of 2018, entitled “A Local Law Amending Chapter 98 Schedule B of the Code of the Village of Pawling, entitled “Urban Regulation for Type 1 Mixed Use” in the B-1 District”, which local law amends a certain Urban Regulation controlling Type 1 Shopfront Mixed Use uses in the B-1 District, including residential use of ground floor in limited circumstances, limitation of building height to 4 stories/floors and 50 feet and clarification of building densities for residential occupancy;

TAKE FURTHER NOTICE, copies of the aforesaid proposed local law will be available for examination at the village clerk’s office at 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 shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Pawling, New York
May 21, 2018
Jennifer Osborn
Village Clerk

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

Mayor Liffland	Absent
Deputy Mayor Peters	Aye
Trustee Burweger	Aye
Trustee Slocum	Aye
Trustee Taylor	Aye

The Resolution was approved.

MOTION by Trustee Slocum to approve the MS4 Annual Report for period ending March 9, 2018. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Slocum to approve the Tax Warrant for fiscal year 6/1/18-5/31/19. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to approve Change Order No. 1 for the Village of Pawling Wastewater Treatment Plan Upgrade decreasing the contract price by \$3,462.00. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Slocum to approve changing the 2 Year Peddler's fee from \$50 to \$75. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Slocum to approve the minutes from April 16, 2018 and May 8, 2018. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

David Tavernier introduced himself as a Project Manager for Inframark.

MOTION by Trustee Burweger to adjourn meeting at 7:19 P.M. and go into Public Comment. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

Village Clerk