

DATE OF MEETING: July 2, 2018

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Robert Liffland  
Trustee Dan Peters  
Trustee John Burweger  
Trustee Earl Slocum  
Trustee Lauri Taylor

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

**MOTION** by Trustee Burweger to open the Public Hearing on 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 and the Amendment of Comprehensive Plan (Village of Pawling Local Law No. 4 of 1994 Comprehensive Plan Update §14 of Addendum to Comprehensive Plan) at 7:01 P.M. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

Mr. Brian Morgan, a village attorney, went over the proposed Local Law and amendment. He said the hearing that evening was for the Comprehensive Plan amendment.

Trustee Slocum said it was acceptable to him because he was against any residential use on the first floor at all but he felt the Local Law and amendment as presented clarified that residence areas are restricted to the back of the building. Trustee Taylor said it went with the map that was given at the prior meeting. Mr. Curt Johnson, a village architect, said the Local Law was more defined than what the hearing was discussing that evening. He said the hearing was for the Comprehensive Plan amendment which was a global look at it and it protects the intent of the Master Plan moving forward. Trustee Taylor said it was not addressing the issue she had with the Planning Board and their Special Use permit overriding what was being put in place. Mr. Johnson said that was correct basically the Planning Board would act using the Comprehensive Plan and Local Law to apply their site plan review on any given project. Trustee Taylor asked if they could still override what the Board was doing. Mr. Johnson said they could not because it was in the zoning and the Planning Board reviews under the special permit and can say yes this is an appropriate location as defined by the Comprehensive Plan and the Local Law shows where residential uses can be on the first floor in specific locations - but not on Charles Colman Boulevard or the areas highlighted on the map. He said they work in tandem. Trustee Taylor said that was good because she did not want contradictions. Mr. Johnson said it was an extra level of review by the Planning Board that they have to look at as a Special Permit and gives them further review than a standard site plan as of right. Trustee Taylor said she wanted to make sure they were working together and not contradicting each other. Mr. Johnson said that was not the case.

Trustee Burweger and Trustee Peters were fine with the Local Law and amendment.

Mayor Liffland opened the floor up to the public. There were no questions or comments.

**MOTION** by Mayor Liffland to close the hearing at 7:08 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to open the Public Hearing on Local Law 2 of 2018 Amending Chapter 98 of the Village Code Entitled "Zoning" to authorize civilian patrol officer to issue appearance tickets for certain zoning enforcement actions and Chapter 92 Entitled Vehicles and Traffic for issuance of appearance tickets in parking enforcement proceedings at 7:08 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mr. Morgan went over proposed Local Law No 2 of 2018. There was discussion on addressing single family homes at some point. The Board was in favor of the Local Law as presented.

Mr. Drew Montgomery, a village resident of Quaker Hill Road, said he was under the impression that it was the single family homes that have the problem due to kids living at home. Trustee Peters said the Local Law states that apt houses cannot use the lawn as a parking lot. Mr. Montgomery asked if the Board would look into a requirement that multiple dwelling buildings have off street parking. Trustee Peters said most of them have parking lots but they have been having issues with people parking on the lawn.

**MOTION** by Trustee Peters to close the Public Hearing at 7:14 P.M. **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: Proposed SEQR Resolution for Determination of Non-Significance for Local Law 1 of 2018 Amendments to Ch. 98 Urban Regulations Type 1 Shopfront Mixed Uses in B-1 Zoning District*

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

WHEREAS, the Village of Pawling Board of Trustees ("Board") adopted a resolution on May 21, 2018, introducing the Introductory Local Law and setting three public hearings; and

WHEREAS, the public hearings were duly convened and closed; and

WHEREAS, the Board has reviewed the Short Environmental Assessment Form ("SEAF") bearing the date July 2, 2018, (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 adverse or significant environmental impacts; and

**NOW THEREFORE, BE IT RESOLVED**, the Board accepts the completed SEAF dated July 2, 2018; 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;

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 Earl Slocum	Aye
Trustee Lauri Taylor	Aye.

The Resolution was adopted.

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

***Identifier: Enacting Local Law No. 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***

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 2<sup>nd</sup> day of July, 2018, at 7:00 p.m., Trustee Peters, seconded by Trustee Burweger moved the following resolution, to enact the following proposed local law, to be known as 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 subject to a special permit to be issued by the planning board, provided that 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, the individual residential unit spaces shall not occupy the front of the building and shall not be visible from the street. Where a property is located fronting on the aforementioned streets, the Planning Board may consider residential uses within a portion of the first floor but in no case shall residential units be located along the building frontage along these streets. The planning board shall determine for such special permit that due to the nature of the business, 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 base such determination in part on the first floor/ground floor being 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. The special permit shall be subject to the requirements for special permits in article XV of the zoning law. The planning board is authorized to impose reasonable conditions and covenants on the special permit as permitted by law and to apply the supplementary regulations from the zoning law that apply to non-residential uses.
- 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 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.** Message of necessity waiver. The mayor has announced a message of necessity as provided by §20(4) of the municipal home rule law, certifying the necessity for immediate passage of the local law, thereby waiving the time frames normally required before voting to enact the local law. See Exhibit "A".

**Section 5.** This local law shall take effect immediately upon filing with the New York State Department of State.

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

Mayor Liffland	Aye
Trustee Burweger	Aye
Trustee Peters	Aye
Trustee Slocum	Aye
Trustee Taylor	Aye.

The Resolution was adopted.

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

***Identifier: Proposed SEQR Resolution for Determination of Type II Action for Local Law 2 of 2018 Appearance ticket issuance by civil patrol officer***

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

**WHEREAS**, the Village of Pawling Board of Trustees ("Board") adopted a resolution on June 18, 2018, introducing Introductory Local Law 2 of 2018 and setting a public hearing; and

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

**WHEREAS**, the enactment of this proposed local law is a Type II action pursuant to 6 NYCRR 617.5(c)(27) "adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list," specifically 6 NYCRR §617.5(c)(20) "routine or continuing agency administration and management" relating to enforcement of existing ban of front yard vehicle parking on some residential properties in the village, by authorizing the civil patrol officer to issue appearance tickets for parking and certain zoning violations;

**NOW THEREFORE, BE IT RESOLVED**, no further compliance with SEQRA is necessary.

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 Earl Slocum	Aye
Trustee Lauri Taylor	Aye.

The Resolution was adopted.

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

***Identifier: Enacting Local Law Amending Chapter 98 of the Village Code Entitled "Zoning" to authorize civilian patrol officer to issue appearance tickets for certain zoning enforcement actions and Chapter 92 Entitled Vehicles and Traffic for issuance of appearance tickets in parking enforcement proceedings.***

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 2nd day of July, 2018, at 7:00 p.m., Trustee Slocum, seconded by Trustee Burweger, moved a resolution, to enact the proposed local law, known as Introductory Local Law No. 2 of 2018, entitled "A Local Law Amending Chapters 98 of the Code of the Village of Pawling, entitled "Zoning" and Ch. 92 entitled "Vehicles and Traffic";

**Section 1. Statement of Purpose and Intent.** It is the purpose and intent of the board of trustees to clarify the authority of the civilian patrol officer to issue appearance tickets for certain zoning and parking ticket offenses to strengthen the enforcement capability of these local regulations and to afford an emergency back-up for the building inspector for commencing enforcement actions for violations of no parking in front yard previously enacted by Village of Pawling Local Law No. 6 of 2014 sec. 2.

**Section 2. Grant of authority.** Pursuant to the authority vested by Municipal Home Rule Law Section 10(4)(a), the non-competitive civil service title of Civilian Patrol Officer for the Village of Pawling is hereby authorized to issue and serve appearance tickets in connection with enforcement proceedings for zoning matters arising pursuant to Chapter 98 of the Village of Pawling Code, entitled "Zoning" and Chapter 92, entitled "Vehicles and Traffic", provided that issuance of appearance tickets for zoning matters shall be limited to offenses against Village of

Pawling Local Law No. 6 of 2014 sec. 2 parking vehicles on front lawns, and shall be subject to the request of the mayor of the Village of Pawling for such issuance and issuance and service of appearance tickets shall be under the supervision of the Village of Pawling Court special prosecutor and shall conform to applicable law..

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

**RESOLVED**, that a public hearing was duly held in relation to the proposed amendments and the said local law is hereby enacted.

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

Mayor Liffland	Aye
Trustee Burweger	Aye
Trustee Peters	Aye
Trustee Slocum	Aye
Trustee Taylor	Aye.

The Resolution was adopted.

**MOTION** by Trustee Peters to approve the Pawling Fire Department parade on August 3, 2018 – staging area Willets and Pawling Products with route to go from Town Hall to Lakeside Park. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to approve the Pawling Resource Center’s annual Walk So they May Ride Walkathon scheduled for September 22, 2018 Village Green and Public Assembly Events Permit Application. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Burweger to approve payment of May bills in the amount of \$18,562.29 and June bills in the amount of \$50,088.83. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Taylor to adjourn the meeting at 7:41 P.M. and go into Public Comment. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

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Village Clerk