

Supervisor David P. Kelly opened a Special Meeting of the Town Board of the Town of Pawling at 7:00 PM May 30, 2012 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. The meeting was a joint meeting with the Town of Pawling Town Board and Town of Pawling Planning Board to discuss the Comprehensive Plan Update. The meeting ended at approximately 8:45 PM and a transcript of the meeting is below.

Present for the Town Board:

Supervisor Dave Kelly
Councilman Mike Montemarano
Councilman Phil DeRosa
Councilman Paul Upham – absent
Councilman Bill Johnson – absent

Present for the Planning Board:

Chairman Kent Johnson
George Brehm
Steve Sollazzo
Stan Scherer
Amelie Rennolds
B.J. Yankowich
Russ Gerry – absent

JoAnne Daley, Planning Board Secretary

Also present was Liz Axelson, Town Consultant/Morris Associates and Bill Blessey, Zoning Board of Appeals Chairman.

Town Clerk

STATE OF NEW YORK

TOWN OF PAWLING

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TOWN BOARD AND PLANNING BOARD

CPU UPDATE and APPENDIX C PROPOSED ZONING AMENDMENTS

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DATED: May 30, 2012

Pawling, New York

7:01 p.m. - 8:45 p.m.

BEFORE: DAVID P. KELLY, SUPERVISOR

Claudia Miller, Reporter

MINUTES

OF

JOINT WORKSHOP

MARY T. BABIARZ COURT REPORTING SERVICE, INC.

845-471-2511

APPEARANCES:

TOWN BOARD:

David P. Kelly, Supervisor

William Johnson, Deputy Supervisor/Councilman (Not present)

Phil DeRosa, Councilman

Michael Montemarano, Councilman

Paul Upham, Councilman (Not present)

Liz Axelson, Town Engineering Consultant

Cathy Giordano, Town Clerk

Planning Board:

Kent Johnson, Chairman

George Brehm, Member

Russ Gerry, Member (Not present)

Aime Rennolds, Member

Stanton Scherer, Member

Steven Sollazzo, Member

Betty Jo Yankowich, Member

JoAnne Daley, Secretary

Also Present:

William Blessey, ZBA Chairman

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PROCEEDINGS

BY MR. KELLY:

Good evening, everybody. Sorry for the little delay. I'd like to call this meeting – special Town Board meeting to order, and have the clerk please read the roll of the Town Board.

BY MS. GIORDANO:

Councilman Phil DeRosa?

BY MR. DeROSA:

Here.

BY MS. GIORDANO:

Councilman Mike Montemarano?

BY MR. MONTEMARANO:

Present.

BY MS. GIORDANO:

Councilmen Paul Upham and Councilman Bill Johnson are absent. Supervisor Dave Kelly?

BY MR. KELLY:

Here. And I'll ask the Chair of the Planning Board to call the roll.

BY MR. JOHNSON:

The Chair or my secretary? Can I have my secretary do it?

BY MR. KELLY:

Yes.

BY MR. JOHNSON:

Anyway, JoAnne, are we here or where are we?

BY MS. DALEY:

Kent Johnson?

BY MR. JOHNSON:

I'm here.

BY MS. DALEY:

George Brehm?

BY MR. BREHM:

Here.

BY MS. DALEY:

Aime Rennolds?

BY MS. RENNOLDS:

Here.

BY MS. DALEY:

B.J. Yankowich?

BY MS. YANKOWICH:

Here.

BY MS. DALEY:

Steven Sollazzo?

BY MR. SOLLAZZO:

Here.

BY MS. DALEY:

Stan Scherer?

BY MR. SCHERER:

Here.

BY MS. DALEY:

And Russ Gerry, he's excused.

BY MR. KELLY:

Thank you very much. I'd like to ask everybody to please stand and join me for the Pledge of Allegiance.

(OFF THE RECORD FOR THE PLEDGE OF ALLEGIANCE)

BY MR. KELLY:

First off, I'd like to thank you all for coming tonight. I'd like to thank the public for joining us. Also, in the attendance is Liz Axelson, our consultant from Morris Associates. Liz will be joining the conversation. So, Liz, if you'd like -- (Interrupted)

BY MS. AXELSON:

You want me to scoot my chair up?

BY MR. KELLY:

Scoot right up. For everybody's understanding, this is a general workshop. This is a time for the Planning Board and the Town Board to discuss the CPU and any changes, and basically, it is also a chance for the Town Board to listen to the Planning Board members in the letter that they drafted to the Planning Board -- to the Town Board last week. We just want to have some dialogue back and forth. This is really -- again,

this is our workshop. We are not allowing for any public comments tonight. This is just our time to work together in a workshop setting. So what I'm just asking our board members at the table -- we're going to have -- how we're going to work this is, I'm going to ask Kent to give a little overview of the letter -- of the document, and then he's going to allow each one of you to make a comment if you'd like to. Then we're going to go to -- Liz will make a presentation, an interpretation of the letter, and some recommendations to the town board. Throughout, we'll have dialogue. Throughout that dialogue, I will still moderate the meeting, so please just raise your hand, I'll write your name down, I'll keep everybody in order. You'll see that I'll keep a list of who's going to speak. At the end, if there's any other key issues that someone would like bring up, we'll discuss it then, and then we'll end the night there. To be honest, I didn't -- I don't plan on this being a three-four-hour meeting. I think we'll probably whip through a lot of this. Hopefully, there will be time for us to have good discussions and get things out on the table, so let's work together. You guys have to implement whatever gets adopted or whatever happens, and we want to make sure we have a good working relationship with everybody. I want this to be the best -- this document should be in the best interest of the people of Pawling, and that's what we want to have here.

BY MR. JOHNSON:

All right. Dave, number one, thank you and the Board for inviting us to have this work session. I think it's a great idea. Just as a fast summation of what the Planning Board has done, for the last six weeks, we have reviewed the March 2nd, 2012 draft of the CPU, and through several workshops -- we've had several workshops and we've had several meetings where there was -- where we have rewritten and reworded the documents that we want to present to the Town Board, and based on those workshops and the many sessions we had in rewriting and rewording the document, the documents that you are looking at tonight are the results of those workshops and -- and the rewording of the documents. Now, due to the limited time that we have, we really concentrated on the Route 22 corridor. Now, if we are given additional time, we will gladly, at no additional cost to the town, analyze those areas in which we have not given a full review. In other words, we've concentrated on the Route 22 corridor. There are other things in the CPU that we just did not have time to really analyze, but, we, as a Planning Board, I think I speak for the entire board, that we are willing to hold extra sessions at no additional cost to the town to further analyze those areas in which we have not given a full, full review.

Now, we have written -- the documents that we're going to discuss tonight, I won't get into that. I just wanted to mention one more thing. We have written an entirely new ordinance pertaining to the MBI district, which you have. We have submitted that also in the documents that we have reviewed as a Planning Board through the past several weeks. This document does two very important things. Number one, before an applicant - - before a developer even submits a formal site plan review, the citizens of the Village and the Town of Pawling will know ahead of time what areas we feel must be protected, what areas that we feel will not be developed, and consequently, what areas that are left open, leave open for potential development, so the Town and the Village citizens will know ahead of time before a site plan is even submitted basically what is going to be protected and what is going to be developed. Now, this also is a very big plus for any future person or people that want to develop this property. In other words, before a formal site plan is submitted, an applicant will know what areas in which are going to be protected, what areas are not going to be allowed to be built upon, and again, conversely, what areas are open, still open for potential development. Now, this -- with the economy the way it is today and the unknown status of the sewer district, this will save any applicant, any developer, literally time, and I'm talking perhaps years, and thousands and thousands of dollars, because they'll -- they will know ahead of time where they can build, what is going to be protected and what areas are going to be left open for development. Now, having said that -- as I said, I won't get into the things that -- the item by item things that we -- that we have addressed through the many, many recent weeks that we, as the Planning Board, have discussed, and before I turn it over to you, David, again, and to members of the Town Board, are there any members of the Planning Board -- do they wish to make a short statement at this -- at this time?

BY MR. KELLY:

And also, please feel free to -- if there's a section that you would like to touch base on or you'd like to bring up, this is the time for you to bring it up. If you feel strongly about something, this is your time to bring that to our attention.

BY MR. JOHNSON:

Well, as I said, David, that was just a fast summation of what the -- what the thrust is. So now I'll just turn it over, actually, to you guys to -- if you have any questions, concerns, that -- that we can help you with.

BY MR. KELLY:

I'll start with a couple of questions here. I'd like to go to the PDD requirement on page 2 -- or actually, it's on page 3 at the top. It's number 4. "The Planning Board recommends a 650 square foot maximum size for any senior citizen proposed housing." Can you explain your methodology and logic on -- why would we limit the senior housing to a 650 square foot maximum? I mean, in the days where we know that we have a potential builder that wants to build upscale senior housing, 650 -- I look at my house, it's 18 plus -- a 1,800 square foot and two floors, and I said to my wife, 650 square feet maximum? I mean, that's -- even my wife's grandmother lives in a place that's over 650 square feet.

BY MR. JOHNSON:

I think, David, this came out of discussions on what type of senior citizens housing has been built, and it came as just perhaps an arbitrary number that we put on, David, just based on what little research was done on that, and we came up with the 650. Now, this is not carved in stone. Obviously, it can be changed.

BY MR. KELLY:

Okay.

BY MR. JOHNSON:

But based on what knowledge we had at the time, that was the number that we put into place.

BY MR. SCHERER:

Dave, if I may, a representative of Castagna was at one of our work sessions, Jerry Schwalbe, and it was his suggestion and recommendation that the 650 foot would be an acceptable number, and it was a number that they were planning on using in their proposed structure on their property.

BY MR. KELLY:

My understanding, the Carney is 720 square feet.

BY MR. SCHERER:

That's a new number to us.

BY MR. JOHNSON:

It's an arbitrary figure, David.

BY MR. KELLY:

I'm just trying to -- just trying to grasp -- (Interrupted)

BY MR. SCHERER:

I think we just picked up Gerry's recommendation at the time, so...

BY MR. DeROSA:

Can I just follow up on that?

BY MR. KELLY:

Yes, please.

BY MR. DeROSA:

Was that -- was that train of thought based on a -- on a bedroom count, too, that maybe they kept in there, that you didn't want more than one or two bedrooms --

(Interrupted)

BY MR. SCHERER:

Yeah.

BY MR. DeROSA:

-- for a senior housing unit?

BY MR. SCHERER:

Yes.

BY MS. AXELSON:

I'm just going to jump in. I wrote some plan development continuing care retirement community zoning in North Salem, and I also had a lot of contact over the years with Erikson, which is a developer that does senior housing. They're experts and they do beautiful developments. And I also kind of looked around at senior housing in the area, and, you know, the range that I'm seeing, you know -- typically, you try to come up with the bedroom count, you know, an average of one and a half bedrooms or something like that, so they can have some one-bedroom senior housing units and some two-bedroom, and I'm seeing a range for senior housing of anywhere from 375 square feet for a studio, but I've seen it go as high as 1,200 for a deluxe one- or two-bedroom. So I'm -- I'm not sure of the purpose of having that. I think the big control would be if you have a number of bedrooms like, you know, total number -- an average number of bedrooms per unit, then you're not going to really end up with a predominance of, say, a bunch of two-bedroom units that could be converted later to something else, and as long as they're sticking to coverage on the ground and your building height, you'd be safe. So those are my thoughts on that, because that's also a nice kind of development to have in terms of concerns about, you know, school children, so...

BY MR. KELLY:

Thanks. I'd like to go on to page 1. We talked about -- Planning Board recommends no residential development to be allowed in the mixed business, the MBI, or the highway. My understanding is that mixed business is not in that -- in that part of the document at all, so I don't know where that understanding was, but under highway business, currently, we have rental units in the HB now. Is there a reason why you're looking at not having the possibility of -- of allowing a unit or two above a business? Traditionally, you have a -- let's say, the -- Mario's pizza place and, you know, not having an apartment above it. I mean, you have some people that could live above it as affordable housing. That allows people to maybe work in that establishment or -- and/or commute right off of the spot right off of 22.

BY MS. AXELSON:

Yeah, and, actually, I just want to chime in here. There was a really good recommendation the Planning Board made of having a maximum of 650 square feet on the accessory apartments. I think that's a good number for, you know, HA or HB.

BY MR. DeROSA:

I don't think that's a good number myself. When you -- when you look at accessory apartments in other people's homes, you know, like a residential district, you know, I -- I think that's relatively small for an accessory apartment. I think a better way to maybe control it is to go with the bedroom count, too. If we're worried about multiplying our school -- our school enrollment and stuff like that, which I think that's where everybody is -- is really concerned with, you know, an 800, 900 -- I live in a -- I live in a two-bedroom house that's 1,100 square feet, 1,132 square feet on one floor, you know, and I could see a one-bedroom apartment being 900 square feet easily.

BY MS. AXELSON:

Sure.

BY MR. BREHM:

Where we're coming from though, back in the HB, you have to realize that you have very limited resources in the HB and the MBI. There's just not a lot of land out there.

BY MR. KELLY:

Well, the MBI is not -- I'd like to take it right off the table. The MBI was never proposed in there. It's not proposed, so I -- (Interrupted)

BY MS. AXELSON:

Accessory apartments? No, it was never proposed.

BY MR. DeROSA:

It does say -- it does say in there that -- that you -- (Interrupted)

BY MS. AXELSON:

Where?

BY MR. DeROSA:

-- could put anything in that's in the HB zone -- (Interrupted)

BY MS. AXELSON:

Where? No, no, no. Okay. Let me clarify that. That was only for accessory apartments and what -- what -- sorry. Pardon me. That was a reference that is easily corrected. For example, in the zoning table for MBI, we can -- we can use the language that you have in accessory uses for HB that says -- hang on, let me -- let me read it to you -- and just put that in the MBI, and that will make it clearer so it doesn't seem open-ended.

BY MR. DeROSA:

That's where that came from?

BY MS. AXELSON:

That's where that came from.

BY MR. JOHNSON:

And that's where I -- we just want to make it very clear that -- (Interrupted)

BY MS. AXELSON:

Agreed.

BY MR. JOHNSON:

-- was not allowed in the MBI zone.

BY MS. AXELSON:

Right. So let me just -- HB -- hang on for a second here. For accessory uses, it says -- and this is just the accessory use column. "Accessory buildings and structures customarily associated with and incidental to the permitted uses, off-street parking and loading, blah, blah, blah -- I would put that same language in the MBI accessory use column so that that language would refer to only the uses allowed, so accessory incidental to the uses allowed in MBI, so that should -- (Interrupted)

BY MR. JOHNSON:

Well, we don't care how you word it, Liz, but our concern is we do not think that

residential should be permitted in the MBI zone, we don't think residential should be allowed in the highway business zone, that's our bottom line, and the reasons for that is, we feel that putting residential over commercial uses in the HB zone, putting residential knocks down the tax -- knocks down the ability to raise taxes, whether it be sales taxes or whatever, whatever, and it's a known fact that any residential use consumes more taxes than they get. That's a -- that's a given. The more residential uses you have, and you take away commercial, the worse you're going to have as far as a cash flow for the town is concerned. That's our feeling, am I right? Please correct me. That's our standing --

(Interrupted)

BY MS. AXELSON:

Yes.

BY MR. JOHNSON:

-- and that's our reason that we're adamant just to get rid of the residential in the highway business zone and the MBI zone. However you want to word it, Liz --

(Interrupted)

BY MS. AXELSON:

Okay, but -- (Interrupted)

BY MR. JOHNSON:

-- that's your department, but that's our position.

BY MR. KELLY:

Just so you know, my feeling is that we have our youths that are leaving the town in droves. New York State is -- is up against it. If we don't start to look at having some type of balance somewhere and somehow, our youths cannot afford the houses here. People cannot afford the houses here. That's why we're trying to do this. There's got to be some type of balance, so I'm just -- I'm just looking at seeing what your methodology was and -- (Interrupted)

BY MR. JOHNSON:

Well, that was the methodology.

BY MR. KELLY:

And I've got to look from the Town Board side, from the other side, you know, what we will do to try to retain the young people here, to retain the youths here.

BY MR. JOHNSON:

Well, our position was, as I just said, the more commercial -- the more

residential you have, the greater the chance you're knocking down the ability to raise taxes or generate taxes.

BY MR. DeROSA:

Just to play the devil's advocate on this, you know, we all know that we have such limited commercial and business space here, 1.7 percent of our total acreage, and -- and we are going to allow the accessory apartments now in all of the residential areas, so that should help a little bit with affordable housing, so I -- I do appreciate some of the concern that the Planning Board has that -- you know, I wouldn't want to see all the businesses on 22 have accessory apartments there, Stan, you know what I'm saying?

BY MR. JOHNSON:

If you're looking for accessory apartments throughout the town, we put a maximum of 650, which Liz -- I think she's saying that -- (Interrupted)

BY MR. DeROSA:

So now that we're allowing them in all of the residential areas, you know what I'm saying? Maybe that will -- (Interrupted)

BY MS. AXELSON:

Well, we're -- we're not, that's the thing. Let me -- let me go back a step. I'm just going to say what's on the table now.

BY MR. DeROSA:

I think that should be allowed for all the residential areas.

BY MR. KELLY:

Well, that's what he's saying. It's not now, but...

BY MS. AXELSON:

I mean, that's -- well, it's not what was proposed. Let's me just say what is proposed so we're all clear what we're talking about. The only places we have proposed the accessory apartments are in the HA District and the HB District, and the idea in the HB District was that it would just be one more option, so that if somebody has retail on the ground floor, they have an option of putting retail or office for any use on the second floor, but they also have the option of putting apartments, and the idea was that the HB district is along a transportation route, bus route, etcetera, etcetera. If there was a rental apartment, somebody can, you know, easily get out to a commutable place, and living over the store is one of the concepts that, you know, Dutchess County had promoted in the past, and it would just -- in other words, if somebody owns or is going to invest

in, you know, doing a development on -- on a piece of land in the HB district, you're right. Their best bet in terms of getting the most for their money in terms of leasable area would be to do an office or retail on the second floor.

BY MR. DeROSA:

See, I think one of our reasons for grasping for accessory apartments --

(Interrupted)

BY MS. AXELSON:

But this is just from one -- (Interrupted)

BY MR. DeROSA:

-- was to keep our seniors here too that have these bigger houses that can't afford to live here with their tax base and everything, and that's why I -- I was under the impression that we were allowing them in all the residential -- residential zones --

(Interrupted)

BY MR. JOHNSON:

That's not going to -- (Interrupted)

BY MR. DeROSA:

-- R-1, R-2, R-3 and R-4. You're telling us it's not allowed in those zones now?

BY MR. JOHNSON:

Why -- why don't you -- (Interrupted)

BY MR. KELLY:

Aime?

BY MS. RENNOLDS:

Yes. I was -- I was very much in favor of allowing it in all of the areas, even though I did notice that Liz is only recommending it and the Board is only recommending it in two areas. I did feel those two areas were substantial, and I like the idea of the accessory apartments being made more affordable and -- for a grandmother or for a -- but, to -- to counter Phil a little bit, being an architect, I know what people do when they got addendums that read in favor, they turn them into two-bedrooms, and then all of a sudden, you've got a four-family house and then you're paying for that education, so that - that's part of what -- what made us think about 650 as the limit for that.

BY MR. JOHNSON:

That's right.

BY MR. DeROSA:

Or you can -- I think you can limit it at two, limit the amount of bedrooms. There's always somebody that's going to tweak it a little, but it -- you can't worry about the little percentage that's going to do it. You know, I'm worried about the older people and stuff that are moving out of the town because they can't carry a big house. They don't need a big house anymore, and they would rather have one of their relatives or somebody come in and move in with them, so there's got to be a way. And we just attended the conference on the -- on affordable housing, the second series, that was a question that we brought up, and what the planner said there, that they've never seen, you know, where there's -- really where a town has allowed accessory apartments in residential zones where -- the school enrollment has gone way up.

BY MS. AXELSON:

They haven't.

BY MR. DeROSA:

They haven't seen that?

BY MS. AXELSON:

No, not all, and -- (Interrupted)

BY MR. DeROSA:

As long as you keep it to one -- to one- or two-bedroom apartments.

BY MR. SCHERER:

The flip side of your comments, Dave, in the discussions we had, was a second story along the highway district, maybe 1,000 square feet could support a family with one or two children. Now, the tax revenue from that rental might be a few hundred dollars to the town, but the expense to the town would be another two -- one or two children into the school system at tens of thousands of dollars, and that was the reason we wanted to -- we don't want to discourage young people, children of families here of being forced to leave, but to open up the corridor along Route 22, I think we are really unanimous against that having any residential.

BY MR. KELLY:

Mike?

BY MR. MONTEMARANO:

Doesn't the residential over commercial more fit a village environment where people walk to services and -- (Interrupted)

BY MS. AXELSON:

Let me just say this. Yeah, that's agreed. I mean, you don't really have that in the villages. This is a village, and they have a whole other zoning constrict. I -- I love the idea of having accessory apartments in all the residential zoning districts, however, we didn't -- we proposed that as a CPU objective to pursue later to really look at the different zoning districts and see if it was suitable, so we didn't really evaluate that as part of this process. I would support allowing it in all of the other residential zoning districts. What you do have now is a provision that if somebody owns a piece of property with a house that has multiple outbuildings, then as long as the people that live in those outbuildings work on the property, they can have as many units as they want, but that's not the same thing we're talking about here.

BY MR. JOHNSON:

And we're against it.

BY MS. AXELSON:

I know, and I'm -- I'm explaining just so it's clear on the record what there is and there isn't. You know, if the Planning Board really supports having accessory apartments in all the residential zoning districts, I would take that very seriously.

BY MR. DeROSA:

Well, we discussed it as -- as a Planning Board. You know, we may not have discussed it with you, but I know we -- we hashed it out before I was on the Town Board, what the Planning Board -- accessory apartments in the residential areas, and the only hang-up we had was trying to limit the number of bedrooms so we didn't, you know, blast our schools out where it costs us 27 -- over \$27,000 to educate a child. You know what I'm saying? So, that was our only real hang-up.

BY MR. KELLY:

B.J.?

BY MS. YANKOWICH:

In response to your concerns of young people living -- leaving town because they can't afford to live here, I totally agree. On the other hand, I don't think that any of our children that live here now would necessarily move into apartments on Route 22, that's number one, especially if they were brought up here in Pawling. Then when you think about the highway business, their hours of operation, the traffic flow and the traffic on 22, if you have apartments above these businesses, they're really -- they're not going to mesh with the times, and we have a few apartments now on 22, like you said, and if you

go down 22 in the morning where a bus stops, it's a traffic nightmare. I mean, you've got to time it just -- if you miss those buses -- if you get behind them, it's -- because of the way the buses are, they pick the kids up at every other house. They don't have to walk. So that's one issue I think that -- you know, I don't think it's a good mix to have, where you're having commercial and business to have residential. In the Village, it's a little different. There are apartments and they can walk. On 22, these kids cannot walk, and anyone that lives there, even if they don't have children, they're going to have to get in the car and drive. I think that's -- you know, we didn't discuss that, but it's something, after listening to you guys tonight, that I think we should consider.

BY MS. AXELSON:

Are both Boards in agreement about having accessory apartments in all residential zoning districts?

BY MR. JOHNSON:

We've discussed it at length. I think -- I think we, as a Planning Board, have agreed to that, yes.

BY MR. KELLY:

That's something we can look at to -- (Interrupted)

BY MS. AXELSON:

I would say it's a good thing to do and not difficult to do, if that's something you would want.

BY MR. KELLY:

I'd like to go on to the MBI, number 7. The CPU States that the FAR is .06 for the MBI, and the Planning Board recommends a floor area ratio of 3 -- of .30 in the MBI, the HB and the PDD zoning. I'll be honest that the PDD is something that was not discussed, because this is a set entity on -- within itself. It's been in provisions for what, 13, 14, 15 years now? It was something that was not posed as a potential change. Why are you looking to coordinate all three in one at the same -- the same measures, when the PDD is strictly a stand-alone entity?

BY MR. JOHNSON:

I think the reason for that, David, if I may answer, we tried to make all the zones in the highway -- in the Route 22 corridor roughly coming out of the same criteria as -- as all zones are equal. In other words -- in other words, we were trying not to give favoritism to, say -- like, the CPU recommended a .7 FAR in some zones and .6 in other

zones. We felt, as a Planning Board, to make -- to make all the zones equal in their competitiveness and all that, and that's why we came up -- we increased it from the .25 to a .3 FAR in the entire highway business zone -- or the Route 22 corridor zone, not just the highway business.

BY MR. KELLY:

I just feel that they have distinctive acronyms in themselves for a reason, and if - if they were all going to be the same thing, then it will just be all HB. I just -- you know, my feeling, my personal feeling is that they -- they're all entities within themselves and they should have different -- for different reasons, what the -- if the town wants to promote different types of development or different types of structures or businesses, or have a different look, I think they should have their own entity, and by putting them all in the same playing field, it's cookie -- to me, it's cookie cutter, is what it does. You might as well just have Route 9 up here in one -- one flat building, and everybody's just a square -- square frontage.

BY MR. JOHNSON:

Well, I don't -- we don't necessarily agree with that. As I said earlier, we have rewritten an entire new ordinance pertaining to the MBI zones. The criteria which has to be developed, which can be protected forever -- I said this earlier this evening, what areas that are still open for potential development. Our feeling was that unless we analyze each and every parcel of land, the feeling that, to put in a .7 FAR in some areas -- I speak for myself, but I think I speak for the rest of the Board in our discussions, that it is very hard for us to understand the impact of what really and truly an FAR .7 would really do to enhance the quality of life in -- in Pawling. Pawling is a rural community. We were -- we were very concerned with these high FAR ratios, what it would do to the image that Pawling has enjoyed for hundreds of years, and again, that was a reason we put, again, a FAR .3 in the entire Route 22 corridor.

BY MR. KELLY.

1.6, not .7, 1.6 to .3.

BY MR. JOHNSON:

Some of it was .6, some of it was .7, and we brought it all down to .3. We increased some from a .25, we increased that to .3, and the ones that were much higher than a .3, we reduced it back to a .3. Am I speaking correctly on this now? Please correct me if I'm speaking out of turn here, guys.

BY MS. AXELSON:

That -- yeah. Go ahead.

BY MR. SCHERER:

The original thought process was, when we were looking at the MBI areas, and there are three properties that fall under that heading, two of them on Route 22 and one piece of property on 292, and what we -- our plan was, in the -- in the two properties on Route 22, one is 80 acres, the other is 100-plus acres, the PDD directly across from the 80-acre site, at 200 acres, is really compatible in size. They're both fairly big pieces of property. And what we felt, that we would set up the MBI based on the PDD structure, as it's been on our books now for 12, 15 years, and that was the beginning of our process of setting the recommendations for the MBI, and one of them was on this .3 as a maximum. The MBI district has much more varied use than the PDD, but the restrictions are very similar, and they're -- they're both on the Route 22 corridor across from each other, and we felt that there should be similarities in look and structure and in the ability to patrol the growth of those particular -- that particular property.

BY MR. KELLY:

Thanks. I just -- I think our HB is our -- is our baseline, and our PDD was taken from the HB, so I think our HB should have been -- in my consideration, that would have been the baseline to use as the starting point. The PDD was developed off -- off of the HB baseline, so I think that's why we go back and forth. So my Board knows, I won't support, you know, this type of...

BY MR. DeROSA:

The only trouble I -- and I'm not against raising the FARs at all from where we were, because, again, there being that we have such limited commercial space, the only way we can gain more commercial acreage and stuff is by changing our bulk regulations. The only trouble that I have with it, and it's going to be hard to implement these high FARs, is because of our building height restriction, because, you know, we got to remember that the Route 22 corridor, the MBI, the PDD, they're all on very environmentally sensitive areas, and when you increase these FARs that much with keeping a low building height, you're creating flat buildings and -- and not only that, you've got to have parking areas that go along with it, so you're going to have an expansive -- you know, flat areas. And the -- and just for your information, the way we -- you know, in our code, we measure a building height -- a building with a pitched roof is

the medium height of the roof from the -- from the eaves to the ridge line, so if you have a building that's backfilled part way in back and then at grade level in the front, they take the medium height of the fill and then they go to the medium height of the roof, so if we want to -- and we're proposing in some of these areas, we want a -- a convention center, a hotel and everything. How many hotels are really 30, 35 feet high, you know, that have these kind of structures? Not many. So, you know, I'm -- I think this ties into the FAR, and I would rather see, myself, a three-or four-story building on a smaller footprint with a less impervious surface in our great swamp and -- and where a developer doesn't haven't to put thousands, and maybe a million dollars, in the drainage system to control that water, and be dealing with the DEP and DEC until they're pulling their hair out. You know, if we make our building heights a little bit higher, I think I would it support, you know, a higher FAR myself and -- and I -- you know, I don't think it will be, you know, unattractive. I'd rather see a facade of a building than look down on the roof of a 100 or an 80,000-square-foot building, and looking at the mechanicals and then seeing that the parking area that's two or three acres or four or five acres to support that, you know, big flat building, myself. So I think if we're going to raise the FAR, we have to raise the height of our buildings, too. If you look at the Dutcher -- the Dutcher House is over 60 feet high and the fire department can protect it. You look at Trinity-Pawling and the Cluett building, how high is that one?

BY MR. KELLY:

Four stories.

BY MR. DeROSA:

And, you know, we can protect it. As long as we can protect the building with our fire protection, and any building that's over three feet -- three stories high is sprinklered anyway today. You can even build a wood-frame structure three -- three stories high, as long as it's sprinkled by New York State code. I don't -- I think the two kind of go together myself.

BY MS. AXELSON:

I'm going to just reiterate a conversation I had with Tom Lanes (Proper noun subject to correction) months and months ago, and again today, and also, I kind of want to tie it in with -- we just talked about let's not do accessory apartments upstairs on the -- in the HB zone because we want people to have more ratables there, so when you -- when you make the FAR the same as the building coverage, which is -- or less than what's

there, you're basically leveling the HB, MBI zones. You're leveling them, you're making them one story. And there is a piece in the Final Draft Environmental Impact Statement where I go -- I do the numbers, and I actually explain how it worked, and, actually, the way the MBI bulk is structured, it's actually very realistic. The way that HB is now, the building coverage that's allowed is really hard to achieve anyway. Once you get done with constraints and building coverage and adding your parking and access, it's very hard to achieve, so, and 35 feet, according to Tom Lanes, then and now, corresponds to two or three stories, it just does, and -- and so when -- you know, when the FAR's the same as the coverage, you're basically saying you only want one story. It just is -- it completely flies in the face of the building height in every single one of your zoning districts, so...

BY MR. JOHNSON:

Well, the FAR, a .3 means you can go -- you can go two stories, two and a half stories, but your -- but your ground coverage is less. That's what the FAR is.

BY MS. AXELSON:

Right. So if you have a 30-percent building coverage and the 30-percent FAR -- .3 is 30 percent, you're basically saying it's 15 percent building coverage for two -- for one story, so it's like creating an automatic impossibility. It's like you saying you don't really want 30 percent on the ground, you know, because if you have 30 percent on the ground, then you're going to have .6 in two stories, and, you know, two stories is not inconsistent with, you know, being next to the Village, on the flanking areas of the Village. I think going up -- the Village should be the core with the higher buildings, you know, with the three- and four-story buildings, and around it, it's appropriate to have two stories or -- or, you know, three stories if somebody can accomplish it, but if we're talking about ratables, you know, you have an opportunity here to maximize what somebody can, you know, create in a leasable area in your existing zoning districts without ever touching the boundary. And they have to deal with environmental constraints, it's all through your code, so they have to build around those anyways. Most of them will never come close to the coverages in the FAR that are proposed or existing.

BY MR. BREHM:

Well, that was one of the things -- one of the items we wrestled with. If you allow, as written, .7, right, and, you know, they can find the room, they'll put up a -- put one great, big building, but what -- (Interrupted)

BY MS. AXELSON:

Well, they can't -- they can't --(Interrupted)

BY MR. BREHM:

-- what we were concerned with -- (Interrupted)

BY MS. AXELSON:

They can't do .7 on the ground though. You understand that?

BY MR. BREHM:

Well, that's not what it says. That was -- this is what we were discussing earlier.

We never really figured it out. If you -- (Interrupted)

BY MS. AXELSON:

You can only have 35 percent on the ground in HB. You can never go to 70 percent.

BY MR. BREHM:

I'm taking the MBI. I think the MBI says you can have .7, all right? Point 7 is a lot, and I was trying to envision or to think about a way to say it's .3 for a single-story building and it's .6 for a two-story building, because the way it's written now, it's .3, so if you make it a two-story building, it becomes .15 on the ground. That's -- you know, two stories is .3, and that's the thing we never really got our hands around, just exactly what is FAR other than -- (Interrupted)

BY MS. AXELSON:

Right.

BY MR. BREHM:

-- you know, the pure definition of the percentage of the ground that's covered.

BY MS. AXELSON:

Building -- building coverage is the square footage of a building on the ground floor, and that's why I did -- if you read the FDEIS thing, it's response A-7, it actually walks you through all those number. So, for example, in HB, you can only build a building as big as -- covering 35 percent of the lot, approximately a third of a lot, and FAR is all of the square footage of all of the floors over the acreage, so you can't have -- cover 70 percent of the site on the ground.

BY MR. BREHM:

Well, I'm not talking coverage, I'm talking FAR.

BY MS. AXELSON:

Right, but you can have -- if it's done as proposed, you can have a third covered

on the ground and a second floor that's equivalent.

BY MR. BREHM:

But that's the piece we all wrestled with. You said -- (Interrupted)

BY MR. SCHERER:

George, that's what we're talking about.

BY MS. AXELSON:

You want the second floor?

BY MR. SCHERER:

We're in favor of it.

BY MR. BREHM:

But if I have to go to a .7 FAR to get to the second floor, right, I don't want to come out and say you have a .7 FAR available to you. We should find a way to say it's .35 or .3, whatever number we choose. If you go to a second story, you're now allowed to go to a .6 or a .7.

BY MS. AXELSON:

That -- that is what it -- that -- that is what it describes. That's the result.

BY MR. BREHM:

We never found that -- (Interrupted)

BY MS. AXELSON:

So you're saying that what's lacking is a floor area definition?

BY MR. BREHM:

Yes.

BY MR. JOHNSON:

We have a floor area definition. We got a -- (Interrupted)

BY MS. AXELSON:

Yeah, that's what it describes.

BY MR. JOHNSON:

We went on the Web. We had diagrams. We went all through that.

BY MR. BREHM:

I'm under the impression that if you have a .3 and you put up a second story, you can't have .3 on the ground. You have a .3 between the two stories.

BY MS. AXELSON:

If you have a building coverage of point -- if you have a building coverage of 30

percent and then you have an equivalent building coverage, meaning the ground floor covers 30 percent, if you only had a one-story building, then the ground coverage would be the same as the FAR, but the second story is another, you know, equivalent gross floor area, so you -- you double the gross floor area, but you still don't change the size of the building on the ground. That is the way it works, so -- (Interrupted)

BY MR. BREHM:

That's not the way we were looking at it. We were looking at it -- if you -- if you have a .3 FAR limit, you can have a certain size footprint on the ground.

BY MS. AXELSON:

You would have a smaller footprint on the ground.

BY MR. BREHM:

If you go to a second story, it goes back to .15 and the second one's .15. That's still .3.

BY MS. AXELSON:

Right. That's pretty small. That's close to residential. Yeah, okay.

BY MR. BREHM:

That's why we're saying what is the right way to put to words in the document, to say it's .3, but if you have a second story, you're allowed to go to .6?

BY MR. KELLY:

B.J.?

BY MS. YANKOWICH:

That's exactly what I wanted to say. This was -- we must have spent probably a workshop and half on this. It just wasn't clear.

BY MR. KELLY:

Well, we did offer Liz's help to guys.

BY MS. AXELSON:

And Tom Lanes confirms this. I mean, this is not -- I'm not making this up. This is the way FAR and coverage -- building coverage is done everywhere. I've never been in a municipality that didn't -- you know, that is the way it's done. The ground floor is the building coverage and the second floor and the third floor, if they are, you add -- you add this -- let me get -- it's a lot easier if I can actually read you this.

BY MR. DeROSA:

My only comment is, again, these ratios work on the perfect building site, which

we don't have many of them in our HB zone, with the -- with the swamp -- (Interrupted)

BY MS. AXELSON:

Right.

BY MR. DeROSA:

-- and limitations of that, and with the limitations of the parking and everything that goes along with these -- (Interrupted)

BY MR. KELLY:

Excuse me. Let's keep one conversation here, please. Thank you.

BY MR. DeROSA:

-- in relationship with the parking and everything that goes along with -- with these raised buildings heights, so, you know, that -- those perfect scenarios don't really work. We've found out when we -- when we did the Esposito building, when we did the Mavis Tire building, that we had to adjust the parking lots and the setbacks and where the parking is allowed, and we even let the retention ponds be in the -- the setback areas, which -- because otherwise, they wouldn't have been able to build anything on those sites -- (Interrupted)

BY MR. JOHNSON:

That's right.

BY MR. DeROSA:

-- because of the -- because of the swamp and the drainage and DEP and everything else. So that's -- that's what we have to really keep in mind. We don't have many perfect building sites that are here in this -- in this -- the HB, the PDD or the MBI zones.

BY MS. AXELSON:

I guess what I'm trying to tell you is that I've spoken to your building inspector. You know, the way it is, is exactly as I'm describing, so if you have a one-acre site in HB, then a third of an acre's going to be the building on the ground, and then -- although that is not always achievable, and then your second floor would be another equivalent to a third of an acre of a building so that your total square footage -- your total gross floor area is like two-thirds of an acre, over an acre, which is .6.

BY MR. BREHM:

But if you say -- if you say .6 in the code, and I have a perfect lot, in other words, it's in a nice, big, flat lot, can I put .6 in a single-story building?

BY MR. DeROSA:

No, because -- (Interrupted)

BY MS. AXELSON:

No, you cannot.

BY MR. DeROSA:

-- the building coverage limits that.

BY MS. AXELSON:

Right. Exactly.

BY MR. KELLY:

Stan?

BY MR. SCHERER:

I think the Board was unanimous in saying whatever the size of the footprint of the building would be, whether it's an acre and you can get a 100-square-foot building on that one acre, we would allow and support a second story of the same square footage.

Whatever the -- (Interrupted)

BY MS. AXELSON:

That's the way it's written.

BY MR. SCHERER:

-- FAR number is -- (Interrupted)

BY MS. AXELSON:

That is the way it's written.

BY MR. SCHERER:

-- we couldn't figure out what it was, but that's what -- (Interrupted)

BY MS. AXELSON:

You know what? Zoning can make -- (Interrupted)

BY MR. KELLY:

(Indicating) Hang on. Let her -- let's let --(Interrupted)

BY MR. SCHERER:

We're all in favor -- we're all in favor of doing that. Whatever the footprint is on any available piece of property, we would support a second story.

BY MS. AXELSON:

Okay.

BY MR. KELLY:

Thank you. Any further comments? Steve?

BY MR. SOLLAZZO:

I just wanted to reiterate on what Phil said, because that's been bothering me for awhile, from when -- the other's a 35-foot building height, you know, instead of mid-point roof. In certain -- in certain sites, there should be some kind of language in there, because it might be better in a different site to go a little bit higher. You're going to get more coverage, you're going to get more tax base coming in, so that's -- I mean, there should be something in there that we can look at, and -- and I talked to you about this a bunch of times, too.

BY MR. DeROSA:

One of -- one of the things I thought about in doing that is let it -- letting them go 45, 50 feet if they include underground parking on the building, because then you would limit again some impervious surface in -- in these areas, you know, if it's possible or whatever -- whatever the footage would need to be to accommodate that, and you ain't going to be able to do in every single lot, you know what I mean? You know, in our -- in our area, but you might be able to do it on some of the lots.

BY MR. SOLLAZZO:

Each site is different. You know what I mean? Each site is different.

BY MR. KELLY:

That would also be called a zone if they go in for a variance. They can do it by a variance.

BY MR. SOLLAZZO:

Yeah, right.

BY MR. KELLY:

It would be allowable within certain restrictions, certain types of structures.

BY MR. DeROSA:

Yeah, but you've got to remember with all these things that we're -- that we're looking at putting in there, it's not only for the benefit of the Town, but it's also for the benefit of the developer so he knows when he comes in with a concept plan that -- what kind of -- what we're looking to protect, what we're looking to have here so that he -- him and the Planning Board don't -- don't have to go for a year or two battling each other in an adversarial thing to get to a concept, that they would come in with something pretty close. You know, when I look at these -- all these different supplements here -- that --

that a developer could come in pretty close to a concept plan that's, first of all, been tested with our SEQR process with developing this process, and he would have mitigated a lot of the problems and take away that adversarial thing between the Planning Board and the developer and shorten his time to get to that point, and be cheaper, where he doesn't have to get into such a detailed environmental, you know, study afterwards, because we generically did our environmental study with these regulations.

BY MR. JOHNSON:

That's right.

BY MR. DeROSA:

So, you know, I -- you know, I see it as a plus for both of us, the Town and the developer.

BY MS. AXELSON:

That sort of corresponds to one of the first comments that I think -- in the concept plan discussions, and then there's discussion about it later in the MBI supplement, so that, I think, really should be added into the MBI supplemental regs. That's not a problem at all, that could be done very easily. I think in the long run, it would be good to add that kind of process into your site plan so it applies to everything, but I think it should apply for the MBI, so that will be added in, and I would add in resource analysis and the concept plan discussion. I think it's kind of what you're talking about.

BY MR. JOHNSON:

Well, it's the same.

BY MR. KELLY:

You're talking about the concept, like --(Interrupted)

BY MS. AXELSON:

Like, make them give you the resource analysis and the concept plan since you're looking at both sides.

BY MR. JOHNSON:

Before they come in with a bona fide -- (Interrupted)

BY MS. AXELSON:

Right.

BY MR. JOHNSON:

-- high, expensive -- (Interrupted)

BY MS. AXELSON:

Agreed.

BY MR. DeROSA:

Well, that's what we do, that's what we do with our open space and stuff.

BY MS. AXELSON:

Yeah.

BY MR. JOHNSON:

That's what we do now.

BY MS. AXELSON:

So we'll put it in the MBI, and then maybe later, we'll put it in the site plan regs.

BY MR. DeROSA:

And while we're talking about the FAR and stuff, you know, we have an established maximum of 80,000 gross square feet. Now, that's the footprint of the building, right? If someone, you know, had a big enough lot where they're 35 percent building coverage, it could get them an 80,000-square-foot building, and they could actually have 160,000 square foot.

BY MR. JOHNSON:

No, that isn't what we said though. We said a maximum -- 80,000 square foot.

BY MR. DeROSA:

Of the whole building?

BY MR. JOHNSON:

The whole building. That's what we said.

BY MS. AXELSON:

I actually -- (Interrupted)

BY MR. KELLY:

So how does that fall into the PDD with -- where they have 160,000 square foot of retail?

BY MR. DeROSA:

Well, that was going to be broken up into different buildings.

BY MR. KELLY:

Well, let's go back to the scenario where, if you have the perfect -- you have the perfect thing, and you have the qualifications for 160,000 square foot, that would be a two-story building. It would be -- (Interrupted)

BY MR. JOHNSON:

No, it wouldn't be over 70 -- (Interrupted)

BY MR. KELLY:

But -- but, Kent, with all due respect, he talked about -- George talked about if you have the perfect lot and put it on a flat, and you had the perfect scenario and you had the lot, you do 80,000 square feet. This would allow for 160,000. So, I mean -- (Interrupted)

BY MR. DeROSA:

I don't see -- I don't see where that's wrong myself.

BY MR. KELLY:

Either do I. Either do I.

BY MS. AXELSON:

I actually -- as long as you're on that, I want to follow up there with your recommendation for 25 percent retail, which I would like to incorporate. It's on the recommended MBI regulations that the Planning Board did on page 4. Right in the middle of the page, under E -- E -- I've scribbled so much -- EA -- (Interrupted)

BY MR. KELLY:

You're saying 4 of 12?

BY MS. AXELSON:

Yeah, 4 of 12. In the middle of page 4 of 12, subsection EA -- wait a minute here -- and I kind of worked some numbers on doing a 25 percent retail in an MBI site. You can only do retail with a special permit, so it would be part of your special permit analysis, but it's going to be in the MBI supplemental regulations to only allow -- let's see -- "Retail store floor area shall not exceed 25 percent of the total floor area of the site," and then you would -- let's see. I did an example just so you'd see how it would pan out, because we're talking about this 80,000 square foot. If you have a five-acre site -- if you have a five-acre site and you're allowed .6 FAR, you would end up with 130,680 square feet of total gross floor area on five acres, and of that, if 25 percent was retail on five acres, you would only be allowed 32,670 square feet that would be retail on that five-acre site. The rest would have to be non-retail. So it would be a total -- on five acres, a total - - total gross floor area of 130,680 square feet and -- but, of that, a 25 percent retail would be 32,670.

BY MS. RENNOLDS:

May I comment?

BY MS. AXELSON:

Yeah, sure.

BY MS. RENNOLDS:

Well, we're not really talking about five-acre sites, are we? We're talking about much larger sites.

BY MS. AXELSON:

Well, I did another example. Yeah. So on a 20-acre site, and you can go up from here, on a 20-acre site, you're -- with a .6 FAR -- hang on a second here. You would end up with -- (Interrupted)

BY MR. DeROSA:

You know what? Liz, could you just explain how you got to the 20 acres? That's 20 acres of buildable land on the site or -- (Interrupted)

BY MS. AXELSON:

No.

BY MR. DeROSA:

-- 20 acres, whole site?

BY MS. AXELSON:

Twenty acres, whole site.

BY MR. DeROSA:

A perfect site?

BY MS. AXELSON:

Right. I mean, again, you have constraints on all these sites, so you're -- these are worst-case scenarios, a five-acre site and a 20-acre site. I'm going to just put my disclaimer in here. These are worst-case scenarios. The likelihood of you ever getting to this -- (Interrupted)

BY MR. DeROSA:

Why don't you use, instead of -- put five acres of buildable land on the site, because once you take out the steep slopes, the wetlands -- (Interrupted)

BY MS. AXELSON:

Well, this -- this -- it would be less.

BY MR. DeROSA:

-- because that's why it's confusing, I think.

BY MS. AXELSON:

It would be less, because -- (Interrupted)

BY MS. RENNOLDS:

I just want to use 80 to 100 square foot -- I mean, square-acre lot, because those are the lots we're talking about specifically.

BY MR. DeROSA:

Yeah, but you've got to use the buildable land that's available on those lots. You can't just build, you know, on the -- on the square -- on the five acres.

BY MS. AXELSON:

Well, this is a site plan, not subdivision, so... All right. So let me just -- any time you have zoning -- let me just give this big premise. Whatever is provided in terms of FAR and building coverages, maximum permitted, and in all likelihood, it's not achievable on most of the land you have here. Most of the land that's not developed is marginal in many ways, wetlands, rock, steep slopes, whatever it is, so whatever site plan is going to get constructed is always going to be having to deal with that stuff, and there's no way around it, so this is the -- these are worst case, but what I'm trying to say is that you couldn't get 80,000 square feet of retail on a five-acre site with the 25 percent requirement. You would have to have a much bigger site. Even on a 20 -- should I stop? No, not yet. Even on a 20-acre site, using the point .6, you'd have 500,000-plus of gross floor area, 25 percent of that is going to be approximately 130,000 square feet of retail, so when you have a 20-acre site, that's when you get to that point.

BY MR. SCHERER:

And we're -- we're looking at an 80-acre site and another 100-plus-acre site, and we knew that we could get on those properties one or two or three box store type stores, which we -- and the 80,000 square feet, I thought was in the PDD, but I may be wrong, David. I think it was 80,000 maximum for retail.

BY MR. KELLY:

What about the other two sites? It seems like we're honing in on one site. We have another site right on the county border that's in the MBI.

BY MR. JOHNSON:

Yeah, but we're looking at those.

BY MR. KELLY:

Okay. It just seems like we're honing in on one property and -- (Interrupted)

BY MR. JOHNSON:

No, we're looking at the MBI zones.

BY MR. SCHERER:

No, and into the 80 acre and then 100-plus acre down -- further down on 22.

BY MR. DeROSA:

And just to be clear, in the PDD, they originally had 300,000 square feet of office -- of office space, and that was in one building that we -- that was designed on the top of the hill, so it was two floors. It was 150,000 on each floor. Now, they -- the proposal is broken up into a 65,000-square-foot office, you know, that came out of that 200 -- 300,000 square feet of business and office space, but, you know, the building was originally designed up there, because we went through it with the patches, remember? With the balloons and everything, the buffer zones.

BY MR. JOHNSON:

That was industrial.

BY MR. DeROSA:

And that was only two floors for 300,000 square feet in the original PDD that was approved.

BY MS. AXELSON:

So how do both Boards feel about the 80,000 square foot?

BY MR. DeROSA:

Just to give people an example of what an 80,000-square-foot building is, you know where the -- we all shopped probably at some point at the A&P in Patterson. I helped construct that business, that building when I was working there. Just the A&P alone is -- that's one of their biggest stores, is over 72,000 square feet. That's not what the rest of the stores in that -- just to give you some kind of idea of what an 80,000-square-foot building consists of.

BY MS. AXELSON:

And the bigger Home Depots and the Wal-Marts and the really large grocery stores are typically 100 to 100,000 square feet.

BY MR. DeROSA:

Although, on the news this week, if anybody picked it up, Wal-Mart now started a -- smaller stores that they did the last couple of years of 12,000 square feet, and they've turned out to be one of their most profitable stores, and they're looking to -- (Interrupted)

BY MS. AXELSON:

Neighborhood stores.

BY MR. DeROSA:

-- and they're looking to expand that size.

BY MS. AXELSON:

Neighbor stores.

BY MR. DeROSA:

Neighborhood stores, but me, myself, I don't have a problem with, you know, 80,000 square feet on each floor, you know...

BY MS. AXELSON:

Right. Well, I guess what we're talking about is 25 percent retail and a limit of 80,000 square feet in an occupancy. That -- I think that's what we're talking about.

BY MR. BREHM:

One single business.

BY MS. AXELSON:

One single store. In other words, they can't go beyond 80 -- 80,000 square feet.

BY MR. DeROSA:

Unless they have a second floor.

BY MR. JOHNSON:

No, we're saying 80,000 square feet.

BY MS. AXELSON:

You mean 80,000 square feet in any one building?

BY MR. JOHNSON:

That's what we said, a maximum of 80,000 square feet.

BY MS. AXELSON:

What about a hotel?

BY MR. DeROSA:

Yeah. I'm not going to -- (Interrupted)

BY MS. AXELSON:

Yeah, that -- I could see 80,000 square feet -- (Interrupted)

BY MR. JOHNSON:

Well, that was in the retail part, in the commercial part.

BY MR. SCHERER:

And a hotel's not in the retail section.

BY MR. DeROSA:

For a footprint, I could see 80,000 square feet for a footprint.

BY MS. AXELSON:

I could see for an occupancy. I think you -- you could end with some -- if you don't allow occupancy to be too out of control, you could end up with a decent looking two-story building with proper architectural review.

BY MR. DeROSA:

Like I said, we -- we allowed the 300,000 square feet in the PDD, one building, two floors.

BY MR. JOHNSON:

I forget if it was one building or not.

BY MR. DeROSA:

Well, that's what I remember.

BY MR. JOHNSON:

I think it was 300,000 square feet.

BY MR. SCHERER:

You're talking about the medical building?

BY MR. DeROSA:

No, that was before the medical building, Stan. The medical building was about 66,000 square feet.

BY MR. SCHERER:

Right.

BY MR. KELLY:

All right. Any further on the -- (Interrupted)

BY MR. SOLLAZZO:

We know the properties that we're talking about. It's not like we're talking about -- we have so much property. I mean, this ratio here obviously doesn't work, the 25, 75 and 15. Where does the 15 percent come out of, the 75 or the 25?

BY MS. AXELSON:

What are we -- (Interrupted)

BY MR. DeROSA:

The 15 percent is the buildable land on the site, so the 75 and the 25 percent

comes out of that 15 percent of the buildable land. That's the point that I was getting to before. That's after you take apart the natural restraints, the wet -- the wet area, the steep slopes.

BY MS. AXELSON:

I think that's appropriate to do in subdivisions, you know, when you're trying to figure out density, like how many lots, that kind of calculation makes sense, but doing site plans, they have these maximum or minimum things that they have to do, but they have to build around constraints. They can't -- you know, you can't build in a wetland, you know, a DEC wetland. You can't build in a buffer. If it's steep slopes, that makes things more constrained, so I don't -- I think -- and if you've got 15 percent open space requirement, I'm going to just say on most of these sites, you're going to end up with more than 15 percent open space and a lot less building coverage on the ground.

BY MR. JOHNSON:

That could be. We put 15 percent in to make sure that was an open area where it's not built. There's open areas for all -- (Interrupted)

BY MS. AXELSON:

Right.

BY MR. JOHNSON:

-- the different businesses to give it a park atmosphere a little bit, that's all.

BY MS. AXELSON:

Well, that, I think, was already in -- the 15 percent was already in the MBI.

BY MR. JOHNSON:

That looks like building area.

BY MR. KELLY:

Any further questions on the -- (Interrupted)

BY MR. MONTEMARANO:

I have a question on that page, the criteria for the percentages.

BY MR. JOHNSON:

What, the 25, 75?

BY MR. MONTEMARANO:

The 25, 75, yeah.

BY MR. JOHNSON:

I think the feeling was that we have very few industrial zones, and years ago,

that zone, the -- whatever we're talking about, the 22, 55 piece of property in the MBI zones -- years ago, New York State designated it as one of the best industrial zones, because of the proximity to the railroad and all that stuff. What I'm saying, because we have very little industrial zones and our feeling not -- not to eliminate what little bit of industrial zone we have, and that's why we left it at 75 percent of it must remain industrial. That's where that came from, the reason.

BY MR. MONTEMARANO:

And hospitality uses are in industrial?

BY MS. AXELSON:

Right. You -- it would be -- you know, the thing is -- the other thing I just want to add to what you're saying is that I, as the planner, wouldn't want to see these zones just become huge, you know, multi-retail places. Those aren't the kind of jobs that give people decent pay or benefits, and so 25 percent is more than enough in terms of retail. There's so many other kinds of businesses you want to attract here.

BY MR. DeROSA:

That was one of my big concerns, was with the job -- the job availability to be able to afford the taxes here and live. You know, you can't do it on a ten hour -- you can't do it on a \$10-an-hour job that you get in a retail store.

BY MR. JOHNSON:

David, one of the many things we talked about is that we can zone for economic development and all that, and we can generate tax revenues, you know, do a great job, but until we get the expenses under control -- the Village and the Town are pretty much under control, but the school -- half of Quaker Hill is for sale, and that's why we got into the accessory apartments and all that, to give a chance for people to at least pay their tax bills. It's getting to the point, David, where no matter how much tax revenue we generate, the feeling from our Board, it isn't going to be enough to offset the tremendous increase in the cost that the Town has to -- that's just a sidebar, just one of the many things we talked about.

BY MS. AXELSON:

You're talking about having accessory apartments in all residential?

BY MR. JOHNSON:

Well, that's why -- that's one of the reasons we mentioned that, yes, to give people a chance to get a little income to pay their taxes.

BY MR. KELLY:

Stan?

BY MR. SCHERER:

If I may, we -- and I am focusing on one of the pieces of property, which is the Elm Street property, and many of us have heard their presentations over the last two and a half or three years, and I think we took -- the Planning Board took the lead from some of those presentations, because they presented to the Planning Board, to the comprehensive planning group as well, and to the Town Board, and many of the things that they talked about was creating a gateway, and that was their theme in their presentations to us, and part of their discussion was talking about recreation and cultural facilities, sport complexes, entertainment, theater, hotels, professional offices and so on, so that's why we made the larger percent, to include all those things that they were proposing to us here in the Village, here in the Town and amongst all of the committees.

BY MR. KELLY:

Thank you.

BY MS. AXELSON:

And I know that cultural was one of the uses added to the MBI.

BY MR. KELLY:

Steve?

BY MR. MONTEMARANO:

The way that the economy is and stuff, a lot of that stuff's all market driven. I mean, I think we all understand we're in an economic mess right now. We can sit here all day long. So, I think there has to be some -- however this is worded or how -- however it is, whoever's going to come in here, if it's Elm Street Partners, if it's somebody on the other properties, you single it out. It has to be where we're opening Pawling up for business, you know what I mean? But that's what I think this whole MBI and all of this was all about, and there has to be this thing where it all ties together with the Village, where everybody in this whole community is going to prosper somehow from whatever happens in this document that gets passed. I just wanted to say that.

BY MR. KELLY:

That's the sentiment of it, is that we've got to be ready for when this happens. We have two entities that are ready to spend money in this Town, you know, we know that right now, so we're going to be looking.

BY MR. JOHNSON:

But, David, just -- if I may, David, just to reiterate, that's one of the reasons we wrote the new ordinance for the MBI zone, to make sure that when a developer does come in that the process is streamlined. We're saving them literally years, and thousands and thousands of dollars, because they're going to know what realms they're going to have to work within before they even submit a site plan.

BY MR. KELLY:

Good. All right. I'd like to move on to number 11. You have -- it deals with setbacks, and there was already a change in the revised CPU on the setbacks for the MBI, and you go further to state that the 150 on the front -- you go through 100 with conditions and structures, with no 200 feet to the right of ways. I'd like to know if we're talking about one property or a couple of properties. I mean, let's deal with the Elm Street property. What does this have to do with the right of way that NYSEG has in the middle of it? What does it make that property usable for now? I mean, have you done calculations of what that 200 feet does?

BY MR. JOHNSON:

We have not taken into consideration the high power lines going through the property.

BY MR. KELLY:

I'm just saying, I won't -- we looked at a change in those setbacks. I -- for my Board, I will support what was changed in the current CPU, in the revised CPU. You know, we start dealing with 200 feet of right of ways, we start dealing with unusable property, and you know, again, as Steve just said, we need to get ready for -- for the next move.

BY MS. AXELSON:

Two hundred feet, just for a reference, is basically equivalent to the depth of the property that we're sitting on right now. Can I touch on one of the PDD things or do you still have MBI stuff?

BY MR. KELLY:

Does anybody want to comment on that or -- we'll move on. Move on. Go ahead.

BY MS. AXELSON:

I have one last MBI thing when -- the whole business of adding one tree per ten

spaces in addition to the ten-percent landscaping, so that's -- definitely, do that change, and then the -- then under -- on page 2, under PDD number 2, Planning Board's recommendation is broaden the range of uses to include lodging and conference center -- lodging and conference-event center in the PDD and, you know, I'd like some feedback on that, because, you know, the CPU very clearly states that they want this type of use, and as proposed, we're only allowing it in one district in the MBI. You know, adding it to the PDD certainly couldn't hurt in terms of trying to make that use happen, and I just wanted some input from both of the Boards.

BY MR. KELLY:

You know, again, we talked about being ready. One thing I've heard from a lot of people is that they want a hotel in this area. I've talked with the developers. You know, they're -- they're hedging on if somebody wants to come in or not. You know, I don't think we're going to get a Hilton in here or I don't think we're going to get, you know, a Hyatt. If we could get somebody to take even a nibble, maybe it would be -- hopefully, it would be a Marriott Courtyard or something like that, you know, but, you know, do -- and I'll throw this out. Do we allow it, and the first one that secures it, you know, wins? You know, I think it's something that the people want. I'm not firmly grasped around it, but it's -- you know, I think it's something people are talking about in this area. You know, but, again, I'm going to go back to one of my other statements -- I guess I'll do the roundabout -- is that the PDD, they asked for these requirements 12-plus years ago, 15 years ago. They didn't want a hotel back then. Now, we're saying we've got an area where it is. B.J.?

BY MS. YANKOWICH:

Times have changed, and I think 12, 15 years ago, a lot of what they asked, it's not possible nowadays. I mean, it's a totally different market. Everything's market driven, and I think maybe you're -- you had a very good suggestion. Allow it, and first come, first serve.

BY MS. AXELSON:

You know, we could still have it in both zones.

BY MS. YANKOWICH:

Absolutely, but I'm just saying... It's still allowed, but -- (Interrupted)

BY MR. KELLY:

But the reason is -- excuse me -- but Liz and I had a long conversation today

about it. If you look at what's allowable in the PDD also, they kind of -- the regs kind of go hand in hand.

BY MR. DeROSA:

And, again, it depends on where they take it from in the PDD, if they take it from the 200,000 square feet of the retail or from the office space. You know what I mean? It depends where they take it -- (Interrupted)

BY MR. JOHNSON:

It will come from one or the other.

BY MR. DeROSA:

-- take it from.

BY MS. AXELSON:

And they could complement each other in the long run.

BY MR. JOHNSON:

That's right, that's right. That's what we said.

BY MR. KELLY:

That was about all the comments that I have. Does anybody have -- (Interrupted)

BY MS. AXELSON:

I have more questions, but go ahead.

BY MR. DeROSA:

While we're talking about setbacks and everything, I just want to make a comment about the Whaley Lake area, which the Planning Board didn't agree on where -- where -- there's small lots there, and I asked the ZBA Chair to come tonight just to help me with this, because this was based on some of the recommendations that -- that he had. First of all, in the Whaley Lake area, most of those lots are 50, 60 feet wide, and I know when my family first bought there in 1960, they had deed restrictions of eight feet off the sidelines, and through all the years that I know, and Bill can substantiate this when I'm done, there's only been one variance that's been denied, and that was an after-the-fact variance, that someone built a deck right out to the property line and they, the ZBA, made them take four feet off the deck, and as far as I know, there has never been a variance that's been denied that's over four feet off the property line in that area, and you know, it's -- if someone wants to a put deck on or a door or a bathroom on their house, they not only have to pay the fee of \$250, but the time restraints -- and they usually have to hire an attorney, Bob, or an engineer also, or somebody to present it for them, and it's a lot more

than just \$250. It could be \$1,000, and it could take them a couple of months before they get to the -- the building. So that's why, you know, I really want to propose it, and it ties up our ZBA for -- for something that is never denied. It's always been approved. So that's why I think it's -- it's necessary in that Whaley Lake area where there's approximately 200 lots or more that have -- that have these restrictive problems.

BY MR. KELLY:

So what do you want to propose that we -- (Interrupted)

BY MR. DeROSA:

I'd like to see -- to go to like ten feet off the sidelines instead of -- I think it's 25 feet now, and with a 50-foot lot, you can't put a house on it at all.

BY MS. AXELSON:

Can I pass around this sample or -- (Interrupted)

BY MR. KELLY:

Stan?

BY MR. SCHERER:

Yeah. I was going to ask Phil, but the reason we -- and we normally do agree with you, Phil, your suggestions, but we thought the ZBA was another way for somebody else to look at the structure, whether it's an increased patio or swing set or extending a garage and so on, and then there's a better alert system to neighbors in the community of what's going on on the property, and we thought -- we didn't look at expenses for lawyers and engineers. We looked at the \$250 and we thought that was a nominal amount of money, and it would be another group looking at this new structure going on on those small properties.

BY MR. DeROSA:

And, normally, I would agree with you, Stan, but -- but when none of it's been denied in 20 years, that tells you there's a problem with the zoning.

BY MR. KELLY:

I'm going to actually ask Bill Blessey to step up here for a second if you have a comment, and I think this is -- (Interrupted)

BY MS. AXELSON:

You want me to move so he can sit here?

BY MR. KELLY:

No, no, there's -- he's not going to be here long. He won't be here long.

BY MR. BLESSEY:

The Whaley Lake area, because of the constraints of the size of the lots, almost anybody that wants to build something on Whaley Lake has to come to the ZBA and request a variance, and like Phil said, the distance is now -- I'm not sure if they're 20 or 25 on your sidelines. I believe between both sides you need 50 feet, so you're talking 20 and 20. We had one last night. There's an existing deck. It's a stone walkway. He wanted to put a decent safe set of steps and put a concrete cap over the -- over the deck. Can we deny that variance? Hardly. It's already existing. We try to encourage people, if they have two lots, to join the lots so that it gives a little breathing room up there, but as it stands right now with that 50 feet between both sides, it becomes very, very difficult for anybody to do anything with a piece of property on Whaley Lake and we have denied more than one or two. We've denied several. Ms. Watkill (Proper noun subject to correction) was one, and there have been others, and we very seldom will grant a variance within one foot of a property line. If you can't paint it without being on your own property, you can't build it. So that's basically what's happening at Whaley Lake, and it would be a good thing to look at, to decrease the distances that are needed, or if you stay with them, we're just going to have start denying variances.

BY MR. KELLY:

Would this be something that we could -- as the CPU has years of implementation of different avenues -- that we could look at at the next stage if we couldn't come to an agreement now or -- (Interrupted)

BY MR. DeROSA:

Well, you could, but I don't see where it's necessary, because like I said, all these lots are already preexisting, and I like said, most of them are 50 to 60 feet wide, and I looked at -- you know, when they originally were subdivided, and in the deed, there was an eight-foot setback, and I -- and I look at it really for safety, for fire protection to allow the fire company to get around the house and stuff, so I don't see any problem with going to eight or ten feet off the sidelines there.

BY MR. BLESSEY:

Plus, I -- this is my 19th year on the ZBA. We have seen a lot of variances from the Whaley Lake area. Probably half the variances in those 19 years having been from Whaley Lake, and so that just goes to show you that it's -- that they're needed, and I think if we were given a number, for instance, 20 feet between both sides, you know, ten feet

on each side, then we could feel quite confident to maybe deny a few of these variances, because it gets to the point -- (Interrupted)

BY MR. KELLY:

Do you have a question, Kent?

BY MR. JOHNSON:

No. Just a comment, Bill. We said no -- no recommended changes at this time, and the reason for that, we weren't exactly sure what dimensions you all were talking about, and we heard the other side, which Stan mentioned, that was an opportunity for the neighbors. So, we're not against this. Don't misunderstand me, David, but at this point, we just don't have enough information to make a recommendation.

BY MR. KELLY:

And that's the reason I wanted Bill to come up, so if he gives us a number, it's something we can -- we can look at.

BY MR. JOHNSON:

That's why we said no recommendation.

BY MR. BLESSEY:

And to answer your -- another question here, too, is to let the neighbors know. Unfortunately, Pawling, we advertise in the Poughkeepsie Journal. Most of the people in Whaley Lake, even the Holmes area, maybe even Pawling or Quaker Hill, they live in their New York City residences. They have summer homes. I think it's probably time that the Town of Pawling, which other towns do, implement a policy that the neighbor has to send a registered letter to his adjoining neighbors that he is going for a variance. That way, the neighbor becomes aware of it first-hand, and isn't dependent on it being in the Poughkeepsie Journal, so that's -- I think that's probably a good point for the Town to look at.

BY MR. DeROSA:

And what I see, you know, to reducing it down to ten or eight feet, if someone wants to get closer to the property line, that gives them the opportunity for the variance and then the neighbors to walk up and see.

BY MS. AXELSON:

I have a sample. I didn't bring enough copies. I brought -- so if you guys can kind of share? It's an excerpt from the Town of Dover. It's interesting, because what you were just talking about, one of the minimums on the side is eight feet. I think it's a pretty

good sample, so, if that's the kind of language you would be interested in... Now, I've also heard that the real concern is the side yards, not the front and the rear, so maybe you only need this for side yards, but I guess the thing that I want to say is that this would apply Town wide. I think that there are other places, I'm sure, where -- your hamlets and settlement areas, where there are undersized lots that have similar problems. You may have most of your applications in Whaley Lake, but if there's an issue and somebody is still experiencing that hardship, they're going to have the same problem that a person in Whaley Lake might have. I think it would be appropriate to allow this Town wide of you're going to do it.

BY MS. RENNOLDS:

I'd like to address that. I feel that Whaley Lake is such a special area in terms of its environment, its beauty. It's -- it's small lots, it's crowded lots, which give it some charm. It feels very village-like in that way. So I am favor of perhaps relaxing a little bit, but still making sure the ZBA has its ability to grant the variance, and I love the idea of -- you know, you have to notify your neighbors. When you build in New York City, you have to notify your upstairs or downstairs, all of your neighbors have to know what you're doing, so I think that's a great idea. And then I just want to say, Liz, I'm concerned, because I think a lot of other sites in the Town of Pawling are much, much larger, so I would not be in favor of relaxing the side-yard setbacks in that case. They can always come for a variance. I've asked for a variance when -- I'm on a clove, and I -- there was nowhere to put the house, but, you know, right near the road, and I feel like that's important for the ZBA, to be able to have that opportunity to review things.

BY MR. KELLY:

What I'd like to ask is, I'll ask the Chairman, ask Bill, to circulate that letter to your Board asking for comments as soon as possible on that, and just on -- really strictly on the Whaley Lake section, how that would apply.

BY MR. DeROSA:

Just while we're talking about variances and with Bill, Bill, can you talk about the time, the time -- (Interrupted)

BY MR. KELLY:

I'd like to not get into -- go ahead, go ahead.

BY MR. DeROSA:

Well, we've had discussions about variances. In our existing code, there's no

time limit on our variance, and it was one of Bill's recommendations that we add to our zoning a time limit on it, because it comes to many, many instances where if someone doesn't act on a variance, because the variance runs with the property, and then the house gets sold, and then the new people come up and they ask for a variance, and they may have one or two other variances on the property existing.

BY MR. KELLY:

The only reason I'm going to ask not to get into the discussion now is because I want to concentrate on this document. That's a document -- that's something they can produce to us and we can just deal with that as a Board, okay?

BY MR. BLESSEY:

Okay.

BY MR. KELLY:

I just have one other comment while we're on -- moving down under Whaley Lake in the CPU amendments in the code. Actually, I had a concern with the last thing on page 3 there. It says, Planning Board recommended to remove mobile home language from the CPU appendix. It's actually unconstitutional. We can't -- we have to address it. We can't remove it. So just to let you know, the attorney has advised us that that's got to be addressed in some form.

BY MS. AXELSON:

Because I don't think you allow language -- (Interrupted)

BY MR. JOHNSON:

It's not there now.

BY MS. AXELSON:

I did this -- a word search, and the only place that mobile home shows up is in the definition of the dwelling unit to say that it doesn't count, and also, in the parking thing, but I looked at all the -- you know, the residential zoning district, you know, use tables. It's not allowed anywhere. So it's like a quirk that just kind of never got deleted, like, somebody -- (Interrupted)

BY MR. KELLY:

All right. I just -- it's in this document. I just wanted to make it -- (Interrupted)

BY MS. AXELSON:

Yeah, but I do understand the concern.

BY MR. KELLY:

On page 4, the CPU language changes, follows from should to will. I have a very hard issue with changing words from should to will. Will means that the Town will spend a whole lot of money, right? If you go back to the draft 2010 comprehensive plan, there was 187 wills that the Town would do. I couldn't tell you what that would cost the Town. I think we should refrain from putting undue pressure on the Town and on the residents for implementing these types of things. These overlay districts are all planned to be looked at over the next few years in segments and researched, but I will not support, on behalf of the residents, to move terms to will. It's going to put too much cost burden on the Town, and I'm not -- you know, and that was one of the reasons Mike Maher (Proper noun subject to correction), when we originally started this process, agreed that that was, you know, more -- the stronger way to go and research everything.

BY MS. RENNOLDS:

Well, I would just like to say that the Planning Board is committed to spending some more of our time without any cost to the Town of researching this and looking into it, and there are -- we've been focusing so far on these areas that we've been talking about tonight, which means the most important in terms of the economic picture, really, and that was also the very specific zoning language that you're proposing, so we're working with that, but we have, amongst ourselves, really thought about it and we want to continue to study it on our own time, you know, maybe we'll have more workshops, and we just want you to know that we're committed to doing that, and there are a lot of resources that we can make ourselves -- we can avail ourselves of without any cost, which is a good thing, and we are willing and happy to do it. And I also just wanted to add that this has just been a really interesting, wonderful experience to sit down at the table with you all and actually talk back and forth, and have Liz here, and it's really helpful for me. I really appreciate this opportunity.

BY MR. KELLY:

Thank you, thank you, and I appreciate, you know -- Kent and I have had a lot of conversations about it, you guys doing work on things like this and, you know, I would hope that when the months are light, that -- as they've been in the past, that, you know, you pick up things and look at them and do whatever, but just my -- the fiscal side of me, any time we start to research something, somebody always wants to bring in a planner or they want to bring something -- I mean, nothing for nothing, but the people pick up the phone and call Liz. We've had people from the audience call Liz, and I've had to stop

that, you know...

BY MS. AXELSON:

Well, plus the county does -- the county also does some stuff, and there's Greenway funding.

BY MR. KELLY:

Right.

BY MS. AXELSON:

You know, so those are some things to think about in terms of -- (Interrupted)

BY MR. KELLY:

And we want to look at that. We've talked to our Rockland County executive and we've been talking to our senator and assemblyman and -- and who knows who is going to be our new senator or new assemblyman, but, you know, I've got -- we have the tax cap against us, the two percent. I can, you know, foreshadow in a few years, with the rising cost of everything, employees are going to be tough -- it's going to be real tough on people.

BY MR. DeROSA:

Just to expand on that a little bit, looking at these districts, you know, especially if it's a scenic district, we have a pretty -- a pretty complete list, with the help of Mark Chapman and some other people in the community, of -- of really scenic areas, and -- that are really all throughout the Town, through Holmes, through Quaker Hill, Westover Road, I mean, all throughout the Town, so to create an overlay of a scenic district -- to me, I consider the whole town, myself, a scenic district. Now, a historic district, you know, an overlay historic district to me only works where you can map a property. Like, we have some historic -- historic buildings in Holmes. There's one on -- on Old 55 at the end of 292, and then we may have another one three or four miles down the road in the center of Holmes, so to make that into an overlay district to me is physically impossible. Maybe up on Quaker Hill, where everything is a little more concentrated, you know, it could be done, but, to me, a scenic district -- to me, it's the whole Town, because, we have, you know, so many scenic resources through the whole Town, Whaley Lake, Holmes, Westover, so, to me, it would be pretty hard to create.

BY MS. RENNOLDS:

Then how do you -- how do you come up with a way to protect those?

BY MR. DeROSA:

Well, we have it in our zoning, you know...

BY MS. RENNOLDS:

I think we disagree a little on that. Is the zoning really strong enough, because the Planning Board needs to -- (Interrupted)

BY MR. DeROSA:

I think it is. You know, the years that I've -- 15 -- over 15 years that I was on the Planning Board, you know, after being on there for so long, the tools are in our toolbox there. You know, I'm sure B.J. will agree with me, Kent will be -- agree with me, so maybe you new guys on the Planning Board have really come on at a bad time, because you only really learn our zoning and our regulations when you implement them, and it's been so slow because of the economic climate that we have today, I don't think you new guys really know the tools that you have in your box yet, so, you know, that's my little speech on that.

BY MR. JOHNSON:

David, may I?

BY MR. KELLY:

Yes. Kent?

BY MR. JOHNSON:

Just to go along with what Aime just said, the Planning Board feels that the overlays are necessary, and Aime and Steve has -- as a start, have volunteered to research, to compile a list of things that we should protect. Some of them may be scenic. Certainly, the historical is the main one. And into my file system, I added -- I sent away, years ago, a few years ago, the legal ramifications of historical districts, which I think JoAnne is going to print out and circulate to -- especially to Steve and Aime, just a background of what New York State thinks about this. So, in answer to your question, again, we have members of the Planning Board that are willing, for no charge, again, to start analyzing this to see where it works, to see where it doesn't work. We know that it has to encompass the entire Town, not only one district, just going along with what you just said, Phil.

BY MR. KELLY:

And just -- I met with our historian last night, and Bob Reilly had said -- he goes, you talk about a historic overlay district, he said the 1986 Dutchess County map is just a blob all over Pawling.

BY MR. JOHNSON:

Yeah, it is.

BY MR. KELLY:

It covers -- basically covers all of Pawling, so he said it's -- you know, you go back to what Phil said, it's basically all of Pawling, so those things -- you know, there are maps out there. There's things out there and they're -- you know, that one's there, so we'll continue to do it, and I think part of it was why we -- we looked at the four or five years of trying to implement items, because they need to be researched, so it's nice to know that everybody's willing to work on it.

BY MS. AXELSON:

The other thing that you have as soon as you adopt the CPU is you will have an adopted list, which is powerful. If you don't have any list at all, you'll now have an adopted list so at least you can start looking visually at the environmental review and say, well, look, it's right in our plan.

BY MR. JOHNSON:

Actually review -- (Interrupted)

BY MS. AXELSON:

It's a start.

BY MR. JOHNSON:

-- all those things.

BY MS. AXELSON:

It's a start, and you could save money doing descriptions instead of mapping, so those are just some ideas.

BY MR. KELLY:

Liz, you have a couple things you need to talk about. I just want to give Liz an opportunity to -- (Interrupted)

BY MS. AXELSON:

Yeah. I'm going to just go back, because there are things that I definitely -- I think I already talked about adding the resource analysis concept. Let's see. I think there's a recommendation to change the wording of mixed-business center to multiple-use center, which I have no issue with that, so we'll do that, and then at some point, we'll need to figure out how you want me to handle the accessory apartments.

BY MR. KELLY:

I think Phil will talk about that and -- (Interrupted)

BY MS. AXELSON:

And let me see what else. We talked about the 25 percent retail. Those were my main issues. Hold on a second here. Those were the main things that I had in terms of -- (Interrupted)

BY MR. KELLY:

Okay. Does anybody have anything you want to bring up? Stan?

BY MR. SCHERER:

I'm hearing, Liz, that you're changing the MBI to read -- what are you calling it?

BY MS. AXELROD:

Well, the MBI district will still be a mixed-business industry, but there was a recommendation in your summation to change the name of a mixed-business center, which is a use, to a multiple-use center, which -- it's fine.

BY MR. JOHNSON:

It's a minor thing.

BY MS. AXELSON:

It's a minor thing, but, you know, it's easy to change.

BY MR. SCHERER:

Thank you.

BY MR. KELLY:

Any further questions on anything? Does anyone want to bring up anything else?

BY MR. JOHNSON:

Well, I think the bottom line is economic development, but I think there's a very strong feeling that we must remain in real character of our town. That's -- that's utmost in our -- in our discussions, and again, again to reiterate, the Planning Board is willing to give more time to analyze -- further analyze those areas in which we just didn't have the time to really give it our full review, so we ask for your cooperation.

BY MR. KELLY:

I appreciate it and, you know, as we know, this has been a four-and-a-half to five-year process already. I mean, we've brought it down to where we can make some changes, move forward with some, you know, additional items, form an implementation committee with some key things to be -- points to be looked and moved forward with

within the next few years, and we've got a good document. We'll -- you know, Liz will have -- Liz brought drafts of some of the changes we talked about tonight. We'll get them out to everybody. We'll get them out to you guys, the Chairman, and we'll give them out to Bill, the ZBA, so he can look at them, and we'll move forward, talk to the Board. The 13th, we have a very busy night. We have quite a few things on the agenda to discuss, and let's see where that takes us, but we have the findings to deal with -- to deal with that night, and SEQR items, and see where we go.

BY MR. MONTEMARANO:

The items that you didn't review, is there some expectation there will be some --
(Interrupted)

BY MR. JOHNSON:

There may be other concerns.

BY MR. MONTEMARANO:

-- useful things that will help us?

BY MR. JOHNSON:

As I said earlier, we -- given the limited time, we -- we certainly concentrated on the Route 22 corridor, there's no doubt about that, and there were other areas. Like the Whaley Lake setbacks, for example, that's one area where we just didn't have the expertise to make a final decision, and there other things like that, like the historic overlay zones, for example, which I touched on. These are things that we feel that we can, you know, get some more input on, and given more time, we can do the job on those items also.

BY MR. MONTEMARANO:

I guess, realistically, we're into our seven-plus year now since the '05 plan started. In a perfect world, you know, most hope that this started at the Planning Board level, but we're beyond that point.

BY MR. JOHNSON:

Well, we're involved now.

BY MR. MONTEMARANO:

Yeah. Well, I -- at this point, another couple of weeks or -- I think we'll clear up some other things over the next few weeks or months.

BY MR. KELLY:

I'm going to -- I'll beg to differ at some point, because if what the Chairman,

what Kent is presuming, that they want to take their time and go over the entire document again and do a review, we have said -- and our CPU, revised CPU, has the guidelines of what -- has a set plan for the next few years, and a lot of these overlay districts are part of them. They're all segmented out, and actually, 2012 has some -- some goals after the adoption of the CPU. Thirteen has them, '14, '15, it goes all the way through. So what I'm saying is -- what I'm hoping for is, we can look at some type of adoption whether it's on 13th or whether it's in July, but then we move forward and set the tone so we can start moving forward, because if we keep lagging and letting this all happen, we're not going to get implementation, we're not going to move forward, we're not going to do anything. We have to set the base and we have to move forward and say here -- here it is, let's get it done and let's move forward and start reviewing these things like the overlay districts and some of the other things. We can move those things from year '14 to year '13 or from '13 to '16. We can move those things as we see fluid, and I would hope the Planning Board would look at the document and say, hey, here's an item that we want to move -- move out of the realm, we want to switch it out. So I really think that, you know, this has been happening for a long time. We need to get some closure to it and start moving things forward.

BY MR. JOHNSON:

I think the only feeling was, David, sometimes, these things are advocated, but unless they're put in early on, they just don't get finished. That was it. That's just what our feeling was.

BY MR. KELLY:

And that's the reason why I wanted to do the timeline, because then it gives us a timeline to move forward. Steve?

BY MR. MONTEMARANO:

About the historic districts, the re-implementation, but I think that's a very important thing throughout the whole Town, the historic district, but not only to look at everything, because that could be a selling point of our Town. Pawling could be a destination, because we're a very historic place. There's a lot of stuff that happened here, you know -- you know, so that's a very important thing. If that could be moved up, and, you know, we'll look at it. As time goes by, that's -- like I said, Pawling is a destination. You come here -- everywhere you go, you go to Lakeside Park, what went on there, and you've got to know, I talked about it many times. So that's a very important thing, I think.

BY MS. AXELSON:

One thing I just -- (Interrupted)

BY MR. KELLY:

Phil?

BY MR. DeROSA:

I just was -- I just was wondering what -- asking Liz, what did you think about some of the things that the -- the things that the Planning Board put into this mixed-business industry document as far as the objectives and the general requirements and design requirements? I mean...

BY MS. AXELSON:

I went through them, and what I did was I -- I looked at the MBI, the 12-page, you know, supplement, and I checked it to the language that we'd already written, tweaked a few things here and there. I also went and I looked at existing zoning provisions, because my previous experience tells me that if it's already in your code, it's best to refer to it and use what you've got. So there were definitely places where I felt that having a whole set of supplemental regs that reiterate something that's already in your code doesn't make sense, so there were definitely parts of it that I decided made good sense to make some revisions, so I'm adding a lot of language, and then there were other places where if I could check and find it's already in the code or already in the proposed code, then I didn't add it.

BY MR. JOHNSON:

Well, we used a lot of the existing PDD wording and made it fit to the proposed MBI zones. That's what it is.

BY MR. DeROSA:

So if I hear you correctly then, a lot of these recommendations you think are good and -- (Interrupted)

BY MS. AXELSON:

Well, I'm not using all of it.

BY MR. DeROSA:

No, but I'm saying -- (Interrupted)

BY MS. AXELSON:

I'm saying they're -- they're generally good recommendations, but I don't want to add a whole bunch of language to your code unless you really need it, so if it's already

there somewhere, either in what's proposed or what's already in your code, adding it -- you know, the whole procedural thing, the piece that I added from the procedural bit, the MBI's an existing zoning district. It's not a plan development thing. So the whole resource analysis concept plan, that's getting added in, but there's no reason to restate the rest of the procedure that already is going to happen, which is an applicant doing anything in MBI is going to need site planning regardless, and they might need special permit and site plan, but, in addition, up-front, they're going to do this resource analysis concept design, but there's no reason to state all the other procedure that really is processing -- (Interrupted)

BY MR. JOHNSON:

Well, we put it in there just to make sure that people -- that when -- to develop a need for proposed MBI zones and know precisely what criteria they're going to have to follow, that's why we put it in there.

BY MR. KELLY:

And, Phil, I would say that this goes back to that plain-Jane thing, that this should not just be in the MBI, it should be everywhere. Everybody should know when they come in what's required for utilities, what's required for recreation and -- (Interrupted)

BY MS. AXELSON:

Yeah, the underground facilities is all -- (Interrupted)

BY MR. DeROSA:

Yeah, I don't -- I don't mean those basic -- (Interrupted)

BY MS. AXELSON:

Landscaping stuff is all in. The signs are covered. You know what I mean? Like, a lot of the stuff is already covered, so I'm not going to add it into the HB -- the MBI language, but I did check. I went over it with a fine-tooth comb.

BY MR. JOHNSON:

As long as they know what they have to do.

BY MS. AXELSON:

Yeah.

BY MR. DeROSA:

Again, I -- I just -- I'm a little concerned about the cumulative effect, again, of changing our zoning in all the zones, the HB and MBI zones, where we, you know,

reduce down from five acres to two acres for multiple-use sites where they (Indiscernible word) throughout the 35,000-square-foot store size, and -- and by just opening up the complete MBI zones to everything, I was worried. I'm worried a little bit about the cumulative effect on our way of life here and the vitality of the Village, and that's the only reason why I say that.

BY MR. JOHNSON:

That's a good point.

BY MR. DeROSA:

And that's why I'd -- I'd like to see some of these things put in there so that -- so it just takes away some that adversarial -- I'll repeat myself, as I said earlier, during the concept part of a developer's stage where they can spend a lot of money, where they may not have to if they build some of these things already into the -- you know, ways to connect the -- that MBI zone to the Village with walkable paths or whatever or --

(Interrupted)

BY MS. AXELSON:

And those standards are already in the -- (Interrupted)

BY MR. DeROSA:

-- things like that.

BY MR. JOHNSON:

They're already in.

BY MS. AXELSON:

-- proposed draft.

BY MR. DeROSA:

Yeah, but -- (Interrupted)

BY MS. AXELSON:

But the resource analysis concept thing up-front will kind of help you, you know, talk to them and say, you know, we don't want you to touch this and, you know, reinforce some of the standards that they're going to have to address anyway.

BY MR. DeROSA:

Yeah, because that main concept step is one of the toughest steps for -- for a developer to get through and most time consuming, to get that basic design before they get into the in-depth analysis of all the impacts and mitigate.

BY MR. JOHNSON:

That's what we tried to do, is to eliminate that lengthy process.

BY MR. DeROSA:

And that's what I like about, you know, some of the suggestions.

BY MR. JOHNSON:

And you brought up another thing. You're -- going back to what you said, like on some of the things that we didn't -- we didn't get into the proposal to change the five acres, that Phil just mentioned, down to two, so there was a proposal that in the proposed MBI zones, that a developer can extend off of one up to five acres, and we were -- we weren't quite sure exactly how -- how that works. That was another loose end that we -- that we didn't study yet. We talked to some developers. They do not -- they do not allow individual parcels to be sold. Other developers do it. We don't -- we haven't studied enough to make a decision.

BY MR. KELLY:

How many developers did you talk to?

BY MR. JOHNSON:

We -- well, primarily -- obviously, the Castagna group primarily, because that's the only other big one in town, but some of the ones that are -- that I know a little bit in Westchester and, of course, Elm Street, they're the ones that proposed extending off the one or two acres up to five acres, the individuals, so they could own their own piece in the -- in the development.

BY MR. DeROSA:

I worked with some developers over my 30 years in the union where -- down county, where they do do that, but as part of the planning process, the whole site is looked at as -- as one site.

BY MR. JOHNSON:

But those are just some of things that we just haven't had time to -- (Interrupted)

BY MR. DeROSA:

Because some -- some sites, they look at the adjoining parking, they look at all the joint services, and they'll section off a site that maybe they'll sell to -- I'm trying to think of a restaurant -- Chi-Chi's or something, and they want their own individual site, but it's still been developed under the whole site, so I have worked on sites like that and it does work if it's done -- done properly.

BY MR. JOHNSON:

Anyway, that's another loose end.

BY MS. AXELSON:

I think there's some language to control for that.

BY MR. JOHNSON:

Yeah, that was just one of my concerns, Liz.

BY MS. AXELSON:

Here's something to think about. This is an interesting sort of spin-off of the 25 percent retail thing, is that -- let's say somebody comes to you with a 40-acre site, 25 percent of whatever gross floor on that could be retail. If they decide to subdivide it, they're going to have to put deed restrictions and covenants on -- on every single one of those lots to determine which ones are going to be retail and which ones aren't, but when somebody subdivides, you have to keep in mind that then they have a smaller lot and they're dealing with 25 percent of that, so those are things you can think about during review, but in a way, having the 25 percent retail is kind of an incentive to keep things as a larger whole and really coordinate it, but...

BY MR. JOHNSON:

Anyway, it's another loose end.

BY MR. KELLY:

I want to thank you all for coming tonight. I appreciate your comments and your work on this and everything. I really do.

BY MR. JOHNSON:

Okay. Thank you.

BY MR. KELLY:

And everybody else, I'd like to thank you all for coming, too.

STATE OF NEW YORK)

) ss.

COUNTY OF ORANGE)

I, CLAUDIA MILLER, a Stenotype Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and correct transcript of the minutes having been stenographically recorded and transcribed by me, to the best of my knowledge and belief.

X_____

CLAUDIA MILLER

Dated: June 12, 2012



TOWN OF PAWLING PLANNING BOARD

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The following summation is based upon the Town of Pawling's proposed March 02, 2012 Comprehensive Plan Update (CPU) and CPU Appendix C Proposed Zoning Amendments

Mixed Business Industry (MBI) non-residential zoning district

1. The MBI section of the CPU states goals but no provisions on how to protect the rural environment and the quality of life that Pawling enjoys. The Planning Board proposes safeguards before an applicant submits a site plan (i.e. what is to be protected, what is to be developed). The Planning Board promotes concept plan discussions, where the Board and applicant agree on buildable land and environmental and/or historical features to save. This process is provided at NO cost and in effect saves the applicant time and money. The final outcome is that the applicant understands in which areas to concentrate development on their site plan application.
2. It is the Planning Board recommendation that no residential development be allowed in the "MBI" Mixed Business District and "HB" Highway Business zoning district. Reviewing the CPU proposal residential dwellings are allowed. The consensus of the Planning Board is that any reference to residential dwellings is to be removed from the MBI and HB districts.
3. Schedule of Permitted Uses, for the MBI zone are as follows, Principal uses, Special uses, and Accessory uses. Under accessory uses the schedule of permitted uses states "same as HB district". The Board recommends removing the statement "same as HB district". If the statement is not removed the applicant would be allowed the same criteria as in the HB zoning district for special uses, for example (i.e. accessory apartments). It is the Planning Board's recommendation to eliminate all residential, such as accessory apartments in the MBI and HB Zoning districts.
The primary reasons for the elimination of residential uses in the MBI and HB zone are;
 - a. Commercial buildings should have the opportunity to expand by construction of a second floor, therefore enhancing the Town's tax base.
 - b. Residential development consumes more in services than it generates in tax revenue.
4. The Schedule of Permitted Uses for, the MBI zone under accessory uses states "same as HB district", "Quarry and mining" is an allowable use in the HB district. The Board recommends in all MBI zones "Quarrying and mining" is not allowed. The Board recommends that in the Schedule of Permitted Uses "HB" Highway Business district the following be written as "Quarrying and mining, HB only".
5. The MS4 General Permit 0-10-002 encourages green infrastructure, better site design and low impact development, it is the Board's recommendation that for internal landscaping, remove "parking areas within the paved areas shall be curbed".
6. The CPU states MBI enhances opportunities for the Town and Village but no language is included on how to protect the Village business district.
7. The CPU states the FAR of 0.60 for the MBI. The Planning Board's recommends a floor area ration (F.A.R.) 0.30 in the MBI, HB and PDD zoning districts.

8. The CPU states 10% of the parking shall be landscaped. The Planning Board recommends in addition 1 out of 10 parking spaces be landscaped.
9. The CPU states that “15% of any lot shall be open space”. The Planning Board is recommending 15 % of the buildable land of any lot shall be open space. In addition, the Board recommends adding language to protect the open space by such methods as covenants, easements and restrictions, negative easements, scenic easements, formation of property owners associations and/or other safeguards as needed.
10. The CPU does not state any maximum building square footage in the MBI. The Planning Board recommends 80,000 square foot maximum in the MBI zone.
11. The CPU has required setbacks as follows:

<u>CPU suggests</u>	<u>Planning Board suggests</u>
100 Front	150 front can go to 100
with 50 one side	condition of no structures
with 100 both sides	in 200 feet of the right of way.
100 rear	
12. The CPU does not address any road standards for the MBI zoning district. These standards must be established before the CPU is adopted.
13. A proposed ordinance and supplement regulations for the MBI zone, is attached.

Planned Development District PDD

1. The MS4 General Permit 0-10-002 encourages green infrastructure, better site design and low impact development, it is the Board’s recommendation that for internal landscaping to remove “parking areas within the paved areas shall be curbed”.
2. The Board’s recommendation is broaden the range of uses to include, lodging and conference -event center.
3. The CPU states the FAR of 0.60 for the MBI. The Planning Board recommends a floor area ration (F.A.R.) 0.30 in the MBI, HB and PDD zoning districts.
4. The Planning Board recommends a 650 square foot maximum size for any senior citizen proposed housing.

Highway Business (HB) non residential zoning district §215.31.1

1. Schedule of Permitted Uses, for the HB zone are as follows, Principal uses, Special uses, and Accessory uses. The schedule of permitted uses allows accessory apartments. It is the Planning Board’s recommendation to eliminate all residential, such as accessory apartments in the HB and MBI Zoning districts. The primary reasons for the elimination of residential uses in the HB and MBI zone are;
 - a. Commercial buildings should have the opportunity to expand by construction of a second floor, therefore enhancing the Town’s tax base.
 - b. Residential development consumes more in services than it generates in tax revenue.
2. The CPU states “no parking shall be permitted in any front yard setback” (#5). The Planning Board recommends flexibility on a case by case basis to allow parking in the front yard setbacks.
3. The CPU states the FAR of 0.70 for the HB Zone. The Planning Board recommends a floor area

ratio (F.A.R.) 0.30 in the HB, MBI and PDD zoning districts.

Special Permit Requirements

1. The Planning Board recommends changing the wording of “mixed business center” to “multiple uses”.
2. The Planning Board recommends for §215-3 “mixed business center” definitions be changed to “multiple uses”.

Accessory Apartment

1. The Planning Board recommends a maximum of 650 square feet for any accessory apartment.

Whaley Lake

1. The Planning Board recommends no changes for the Whaley Lake area R-1 Zoning district at this time.

CPU Amendment to the Code of Pawling Appendix C

Article V Supplementary Regulations- Off Street Parking Requirements READS J. (1)

Use---Mobile home - Minimum off street parking --2 for each dwelling unit. The current Town code does not contain Mobile homes.

The Planning Board recommendation is to remove Mobile home language from the CPU, Appendix C.

Overlay Districts

1. The Planning Board is in favor of creating overlay districts; i.e. historic and/or scenic, critical environmental areas/zones. The Planning Board is willing to participate with other Town agencies on creation of these overlay zones.

CPU Change language on the following pages from “should” to “will”.

- Page 62- Paragraph 1 Given the extensive visual resources listed above, the Town of Pawling will create a map that would be the basis for creation of a scenic overlay district.
- Page 71 Paragraph 2 The Town will create scenic and historic overlay districts or a combined overlay district.
- Page 71 – Paragraph 2 The Town will create a map that would be the basis for creation of a historic overlay district.

Town of Pawling Town Code -Site Plan Approval

The Planning Board recommends the Town updates the current zoning section for Site Plan Approval §215-47 A, to remove and replace “Industry District” with “Mixed Business Industry”.

The above recommended changes will stimulate economic growth, protect the environment, enhance a socio-economic balance and provide a positive impact on the quality of life that we presently enjoy in Pawling.