

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM July 11, 2012 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Montemarano, DeRosa, Johnson, Upham and approximately 40 interested citizens.

American Legion Post representatives Lou Musella and Jerry Christiansen led the Pledge of Allegiance.

AMERICAN LEGION PRESENTATION

The Board entertained a presentation by American Legion Commander Lou Musella, of Hassler Camp Post 215 and past Commander Jerry Christiansen. Mr. Musella said the building next door to the town hall, the American Legion building, was built by WWII Veterans back in the 1950's. The building was sold to the Town back in 1983 so the building no longer belongs to them. There is a stipulation in the contract that says that as long as there is an American Legion in Pawling, they will have a place to meet. There are concerned about the deterioration of the building. There are many repairs needed, which they submitted to the Board in writing. They wanted to keep the "Post" home as their home. They asked the Board to look over their concerns and asked what the plans were for repairs to the building. Mr. Musella asked that the Board let them know what the plans are for the building so he could inform the membership.

Mr. Christiansen said they are in the process of updating and cleaning up the inside of the building. Mr. Musella touched on the main issues and he asked if the Board could address them. They are willing to work together with the Board on the repairs. He thanked the Board for their time this evening.

Supervisor Kelly said he would have the liaison to Buildings & Grounds and the Head of Buildings & Grounds get together and get a report back to Mr. Musella.

PUBLIC COMMENT ON AGENDA ITEMS

Supervisor Kelly opened the meeting for public comment and there were none.

RESOLUTIONS

Supervisor Kelly moved to the resolutions.

Resolution 2012100 Payment of Bills for the Town of Pawling

Whereas, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for the month of June 2012 and has offered them for review, and

Whereas, the vouchers have been approved in accordance with the Town of Pawling policy, and

Whereas, the vouchers have been numbered 20120722 through 20120860, now therefore, be it

Resolved that the Pawling Town Board hereby accepts the vouchers as prepared on the recommendation of the Bookkeeper, and, be it, further

Resolved, that the Town Board hereby authorizes payment of said vouchers for the Town of Pawling on this date in the amount of \$262,749.51, and be it, further

Resolved, that a correction needs to be made to the June 13, 2012 abstract to renumber the vouchers from 20120544 through 20120721, these vouchers should read 20120544 through 20120757 in the amount of \$223,342.77 shall be changed to \$233,342.47.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2012101
Billing for Pawling Water District #2**

Whereas, Pawling Water District #2 bills need to be approved by the Pawling Town Board, and

Whereas, the bills have been prepared and submitted in the amount of \$13,751.20 for the period of April 1, 2012 to June 30, 2012 by the Water District Clerk, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the billing as recommendation for Pawling Water District #2.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2012102
Reimbursement Engineer Fees**

Whereas, the Planning Board reviews applications on matters of potential changes to properties as requested by the applicant, and

Whereas, under the review process, the Town Engineer may be asked to review submitted materials for clarity and code compliance, and

Whereas, during the review process the applicant along with their engineer can be asked to make changes to conform or to come into compliance with current Town Codes, and

Whereas, the applicant has challenged the request for further review and additional information requested by the Planning Board and or engineer, now, therefore, be it

Resolved, upon further review of the question raised by the applicant, the request for additional information by the Planning Board and or Engineer was found to be contained within the applicants file prior to the Planning Board / Town Engineer request, and, be it, further

Resolved, based on the findings, the applicant was required to expend an additional \$2500 on engineer fees, and, be it, further

Resolved, it is the recommendation that the additional expenditure of \$2500.00 be reimbursed to the applicant, and, be it, further

Resolved, that the Bookkeeper is hereby authorized to make payment to Mr. Adrian Maxwell in the amount of \$2500.00.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

AMENDMENT:

Supervisor Kelly introduced an amendment in the last resolved that the Bookkeeper is hereby authorized to make payment to Mr. Adrian Maxwell “up to” the amount of \$2,500.00.

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2012103
Sale of Obsolete Equipment**

Whereas, certain equipment being stored that is obsolete and no longer of use by the Town of Pawling, and

Whereas, as a result of the solicitation of Obsolete Equipment bids were opened on Monday June 25, 2012 at 3pm, now, therefore, be it

Resolved, that the Town Board declares the attached list of equipment, which shall be made part of the minutes of this meeting, obsolete and surplus to the needs of the Town of Pawling, and be it, further

Resolved, the following list contains the high bid for the equipment and, be it, further

Resolved, that the Town Board hereby authorizes the sale of the following equipment to the high bid and authorizes the Head of Building and Grounds to contact the high Bidder and make arrangements for payment and pickup in a manner consistent with law and/or regulation:

1983 Chevrolet K-20 **Vin# 2GCGK24M3D1143472**
4 X 4 3 / 4 Ton Pickup

AMI Sales, Inc \$151.51
34 Maggie Lane
Pawling, NY 12564

Jacobsen T422D **Serial# 66132 5780**

Martin Dennis \$255.00
15 Mayflower Ave.
Dover Plains, NY 12522

Jacobsen T422D **Serial# 66132 4053**

Devino Used Truck Parts \$175.00
190 Doremus Ave.
Newark, NJ 07105

Simplicity tractor Model 637 **Serial# 003423**

Devino Used Truck Parts \$175.00
190 Doremus Ave.
Newark, NJ 07105

MOTION: Supervisor Kelly
SECOND: Councilman Upham

AMENDMENT:

Councilman Montemarano offered an amendment to waive the requirement of the minimum bid of \$250.00 on the tractor as it was the only bid submitted, seconded by Councilman Johnson, motion passed unanimously.

ROLL CALL VOTE ON THE RESOLUTION:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

Resolution 2012104

REGARDING ADOPTION OF SEQR FINDINGS; AND ADOPTION OF THE COMPREHENSIVE PLAN UPDATE (CPU) AND AMENDMENTS TO THE TOWN CODE REGARDING ZONING AND SUBDIVISION

Whereas, the Town Board of the Town of Pawling has considered a Draft Comprehensive Plan Update (CPU) based upon previous studies, reports and plans prepared for the Town of Pawling; and

Whereas, by identifying the vision, goals and strategies by which the Town intends to achieve sustainable development; high quality of life; and by directing actions and resources in response to the needs of its residents, businesses and visitors; this CPU will act as a design for the future of Pawling; and

Whereas, the Town Board has also considered Draft zoning amendments to the uses, bulk and supplemental requirements related to the HA (Hamlet), HB (Highway Business) and I (Industry) zoning districts to include more uses; emphasized mixed uses; and provide supplementary requirements; and

Whereas, the zoning amendments, attached to the CPU as Appendix C, are proposed for adoption with the adoption of the CPU; and

Whereas, the Town Board has followed the necessary procedures in the planning, zoning and environmental review, in accordance with the Town Law of the State of New York, the Town’s local laws and as Lead Agency pursuant to 6 NYCRR Part 617, New York State Environmental Quality Review Act (SEQRA) regulations. The extended review process from July through October 2011 is memorialized in the Revised CPU and in prior Town Board resolutions in this process;

Whereas, the CPU and zoning amendment documents were revised extensively to respond to the commentary received; and a Final Generic Environmental Impact Statement (Final GEIS or FGEIS) was been prepared for the Town Board’s SEQRA review; and

Whereas, at the March 14, 2012 meeting the Town Board took the following actions in the SEQRA and planning review of the CPU and Proposed Zoning Amendments:

- Extended the date by which an FGEIS must be prepared and filed;
- Set combined public hearings on the CPU and zoning for April 11, 2012 and May 9, 2012; and
- Authorized circulation of the Revised CPU and Zoning; and

Whereas, at the April 11, 2012 meeting the Town Board took the following actions to continue the SEQRA and planning review of the CPU and Zoning Amendments:

- Held an additional combined public hearing on the Revised CPU and Zoning;
- Extended the date by which an FGEIS must be prepared and filed to May 4, 2012; and
- Extended the date by which SEQRA Findings must be prepared and filed to June 15, 2012; and

Whereas, the Town Board reviewed and considered an FGEIS, which was prepared to address adoption of the CPU and the proposed zoning amendments together as the “Proposed Action” pursuant to the SEQRA regulations;

Whereas, at the May 2, 2012 meeting the Town Board took the following actions to continue the SEQRA and planning review of the CPU and Zoning Amendments:

- Determined the FGEIS to be complete and adequate for public review;
- Authorized circulation of the SEQRA Notice of Completion of FGEIS, the FGEIS with the DGEIS, Revised CPU and the Revised zoning amendments as appendices to interested agencies, including the Environmental Notices Bulletin (ENB);
- Extended the period for consideration of the FGEIS, the Revised CPU and Revised zoning to Wednesday, May 23, 2011 at 4 PM; and
- Authorized availability of the FGEIS and appendices at Town Hall and electronic versions on the town’s website; and

Whereas, addenda to FGEIS Appendices 3 and 4 were prepared to incorporate additional correspondence on the CPU and Zoning; and the DGEIS; and

Whereas, at the May 9, 2012 meeting the Town Board:

- Held an additional combined public hearing on the Revised CPU and Zoning; and
- Determined the FGEIS, with the addenda, to be complete and adequate for public review pursuant to SEQRA section 617.9; and circulated the SEQRA Notice with the FGEIS addenda to the interested agencies, including the Environmental Notices Bulletin (ENB); and,

Whereas, printed copies of the FGEIS and addenda were made available at town hall and the library; and electronic versions of the FGEIS, addenda, CPU and proposed zoning continued to be available on the town’s website;

Whereas, revisions were made to the CPU and proposed amendments to the Code of the Town of Pawling in response to comments made at the additional public hearings on April 11 and May 9, 2012 including amendments to the regulations for subdivision of land; now, therefore, be it

Resolved, that the date by which SEQRA Findings must be prepared and filed is hereby extended to July 13, 2012; and be it further

Resolved, that pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Pawling Town Board as the Lead Agency, has considered the statement of findings attached hereto; and be it further

Resolved, that the Town Board as the Lead Agency, having considered the draft and final Environmental Impact Statement and having considered the written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, in the attached Statement of Findings, hereby certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable; and
3. The Town Board hereby adopts the SEQRA Findings Statement attached hereto; and be it further

Resolved, that the Town of Pawling Town Board hereby adopts the proposed *Town of Pawling Comprehensive Plan Update (CPU)* dated July 6, 2012 as a design and guide for the future of Pawling, which identifies the vision, goals and strategies and an outline for implementation by which the Town intends to achieve sustainable development; high

quality of life; and direct actions and resources in response to the needs of its residents, businesses and visitors; and be it further

Resolved, that the Town Board hereby adopts and enacts the proposed Amendments to the Code of the Town of Pawling Chapters 215 and A230, Zoning and Subdivision of Land, respectively, as set forth in Local Law No. 2 of 2012, as prepared July 5, 2011, revised July 6, 2012 (and as further revised on July 11, 2012) as the immediate steps of implementation of the Comprehensive Plan Update; and be it further

Resolved, that a copy, or an electronic version as appropriate, of the SEQRA Notice / Statement of Findings, with the adopted version of the CPU and the adopted local law containing the Town's code amendments, shall be filed with the Town Clerk; and will be circulated to the interested agencies, in the list attached to the Notice; and be it further

Resolved, that printed copies of the SEQRA Notice / Statement of Findings, with the adopted version of the CPU and the adopted local law containing the Town's code amendments, will be available at town hall and the library; and electronic versions of the SEQRA Notice / Statement of Findings, CPU and zoning will be available on the town's website; and be it further

Resolved, that the Town Board directs the Town Clerk to cause a copy of the law to be filed with the Secretary of State and a summary of the adopted local law shall be published in a newspaper of general circulation in the town; and be it further

Resolved, that this resolution shall take effect immediately; and the adopted local law shall take effect immediately upon filing with the Secretary of State.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

AMENDMENT 1:

Supervisor Kelly introduced an amendment to the Local Law "Amendments to the Code of the Town of Pawling – Chapter 215 Zoning and Chapter A230 Subdivision of Land" (which is at the end of these minutes) on page 1 of 14 regarding Dwelling Unit, he wanted to reinstate the line that is crossed out and change it to "each containing a minimum of 700 square feet of habitable floor area above grade", seconded by Councilman Johnson, motion passed unanimously.

AMENDMENT 2:

Supervisor Kelly introduced an amendment to the Local Law "Amendments to the Code of the Town of Pawling – Chapter 215 Zoning and Chapter A230 Subdivision of Land" (which is at the end of these minutes) on page 8 of 14 under c. General Requirements, to strike "(b) No building footprint shall exceed 80,000 square feet", seconded by Councilman Johnson, motion passed unanimously.

AMENDMENT 3:

Supervisor Kelly introduced an amendment to the Local Law "Amendments to the Code of the Town of Pawling – Chapter 215 Zoning and Chapter A230 Subdivision of Land" (which is at the end of these minutes) on page 9 of 14 under c. General Requirements, to strike "(c) Retail floor area shall not exceed forty percent (40%) of the total floor area on a site in an MBI zoning district. Any subdivision of lot in an MBI district shall include permanent controls on the use of the resulting lots to maintain the required proportion of retail to non-retail use. Such controls shall be in a form satisfactory to the Town Attorney.", seconded by Councilman Upham and passed with the following roll call vote:

ROLL CALL VOTE ON AMENDMENT 3:

Councilman Johnson – "AYE"	Councilman Upham – "AYE"
Councilman Montemarano – "NAY"	Councilman DeRosa – "NAY"
Supervisor Kelly – "AYE"	

ROLL CALL VOTE:

**ON RESOLUTION 2012104
REGARDING ADOPTION OF SEQR FINDINGS; AND ADOPTION OF THE
COMPREHENSIVE PLAN UPDATE (CPU) AND AMENDMENTS TO THE
TOWN CODE REGARDING ZONING AND SUBDIVISION:**

Councilman Johnson – “AYE” Councilman Upham – “AYE”
Councilman Montemarano – “NAY” Councilman DeRosa – “NAY”
Supervisor Kelly – “AYE”

***SEQR FINDINGS AND LOCAL LAW ARE AT THE END OF THESE MINUTES.
TO SEE FULL DISCUSSION ON THE RESOLUTION, AMENDMENTS AND
VOTE, PLEASE SEE FULL TRANSCRIPT AT THE END OF THESE MINUTES.***

**Resolution 2012105
Appointment Ad Hoc Implementation Committee**

Whereas, the Town of Pawling has adopted a Comprehensive Plan Update (CPU) on Wednesday, July 11, 2012, and

Whereas, amendments were made to the Town Code regarding Zoning and Subdivision as their were contained within the CPU, and

Whereas, the CPU is considered to be a “Living Document” and shall be valued as such, and

Whereas, the CPU has a list of goals and objectives contained to allow for further action to be taken by the Town Board in coming years, and

Whereas, in the best interest of the Town, the Town Board should appoint an Ad Hoc Implementation Committee to the Town Board, now, therefore, be it

Resolved, that the Town Board hereby appoints an Ad Hoc Implementation Committee for the sole purpose to advise the Town Board on matters of the Goals and Objectives contained with the newly adopted July 11, 2012 Comprehensive Plan Update and shall make the best effort possible to meet such Goals and Objectives, and, be it, further

Resolved, that the Town Board hereby appoints Councilman Phil DeRosa as Chairman of the Ad Hoc Implementation Committee along with Councilman Upham to serve on such a committee during their tenure on the Town Board, and, be it, further

Resolved, that the Ad Hoc Implementation Committee shall contain one member from both the Planning Board and Zoning Board of Appeals (not to be the Chairperson of such boards) and one member of the “Public at Large”. Each member shall be confirmed by a majority vote of the Town Board.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman Upham – “AYE”
Councilman Montemarano – “AYE” Councilman DeRosa – “AYE”
Supervisor Kelly – “AYE”

MINUTES

The motion to approve the minutes of May 30, 2012 was made by Supervisor Kelly, seconded by Councilman Upham and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “ABSTAINED”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

The motion to approve the minutes of June 6, 2012 and June 13, 2012 was made by Supervisor Kelly, seconded by Councilman Johnson and passed unanimously.

ACCEPTANCE OF DONATION FOR DUTCHER GOLF COURSE

Councilman Johnson made a motion to accept a generous donation from the Tuesday night Golf League of two storm doors with screens as well as an air conditioner to put on the deck and also have it wired by a licensed electrician, seconded by Councilman Upham, motion passed unanimously.

AUTHORIZATION OF LEGAL COUNSEL/ASBESTOS ABATEMENT

Supervisor Kelly said he has met with the Town’s counsel from Daniels & Porco regarding an issue the Town had during the asbestos abatement project that was done. The monitoring company has not responded back to numerous attempts by the Town’s counsel to contact them about discussion of a settlement. It is the recommendation of counsel to file papers against this corporation.

Supervisor Kelly made a motion to file papers against this corporation under the recommendation of the Town’s counsel, seconded by Councilman Johnson, motion passed unanimously.

ROOF REPAIR BID AWARD/LATHROP BUILDING

Councilman Montemarano said a proposal for roof repairs to the Lathrop building was circulated to four local contractors. One bid was received back from Dutcher Avenue Builders.

Councilman Montemarano made a motion to award the bid for the Lathrop roof repairs to Dutcher Avenue Builders in the amount of \$11,875.00, seconded by Supervisor Kelly, motion passed unanimously.

Supervisor Kelly thanked Councilmen Montemarano and DeRosa for their work on this and taking on this task.

LAKESIDE PARK/NON-RESIDENT USE

Councilman Johnson said the intent of Lakeside Park when it was purchased was for the residents of the Town of Pawling. It has gotten to the point that on Saturday’s and Sunday’s, our residents are not able to use the park. While non-residents are still a revenue stream, our priority is that our residents are served. A lot of ideas were discussed and the Board has decided that they want to try closing the park seven days a week to non-residents until 2 PM. This allows Town residents to get in and get access to grills, picnic tables, the waterfront and so on. Board members have met with Wendel Weber, Supervisor of Buildings & Grounds, Melissa Smith, Recreation Director and Chief Constable Kelly and all agree. This is an initial phase, if this doesn’t work, he may come back to the Board and maybe recommend that the park be completely closed to non-residents. This doesn’t necessarily affect people who want to walk their dogs and hike because that is not an issue right now.

Councilman Johnson made a motion to close the Town’s parkland facilities/waterfront/picnic areas until 2 PM to non-residents seven days per week, seconded by Councilman Montemarano.

Supervisor Kelly said he is glad the Board is taking care of this immediately. As a fiscal officer of the Town, we spend a lot of money on principal and interest payments on the park. This is what the Board needed to do. Residents are paying a lot of taxes for this park and he supported this.

Councilman Johnson said he has spoken to Chief Constable Kelly about having law enforcement at the gate for the first few weekends for protection.

Councilman Montemarano said this may have to be tightened up to more of a local operation, maybe surrounding towns and maybe Dutchess County. It is primarily a community park.

Supervisor Kelly asked that professional signs be made up as soon as possible to put at the Lakeside Park gate.

The motion passed unanimously.

FACILITIES USE REQUEST/BREWSTER HIGH SCHOOL CLASS REUNION

Councilman Johnson said in keeping with the park, he has an issue that keeps arising. This request has come through Senator Greg Ball's office and the Putnam County Clerk's office sent a letter regarding this request. He found it hard to believe that the Putnam County Clerk did not have a park in Putnam County these people could use. When this group used the Town's park last year, the police had to be called to restrain a couple of their recipients and they had alcohol which was not on the facilities use request. The Board should officially deny this request.

The motion to deny the Brewster High School's Class Reunion Facilities Use Request was made by Councilman Johnson, seconded by Councilman Upham, motion passed unanimously.

PAWLING WATER DISTRICT #2

Councilman Johnson said he received a call from Ken Sabia, his contact with the water management company for Pawling Water District #2, who explained that production of the main well for the water district has dropped. Through years of usage, the well calcifies and output is blocked and it drops. Mr. Sabia recommended zone fracking the well, which is done at different depths of the well and is far more productive. This is something that needs to be done and the cost estimate is approximately \$7,500.00. Mr. Sabia recommended Northeast Fracking and he is asking the Board to authorize him to allow VRI to hire these people to go ahead with the fracking of the well because at this point, with the water reduction, water may have to be trucked in before the next meeting.

Councilman Johnson made a motion to authorize him to allow VRI to hire these people to do this repair, seconded by Supervisor Kelly.

Supervisor Kelly said this should be deemed as an emergency situation.

Councilman Johnson said going forward, in an effort to be conscious of the 52 people who bear the cost of this, they need another well and the plant needs to be re-automated. They are very near the end of their bond cycle and their debt to the Town is all but gone. He has asked Supervisor Kelly to sit with him and bond counsel to explore the feasibility of re-bonding, and bring them into full compliance with Board of Health requirements.

Councilman DeRosa asked if there was any money in the revolving water fund for this.

Councilman Johnson said because there are 52 residents, they don't qualify.

The motion passed unanimously.

SHOREHAVEN WATER SYSTEM

Councilman DeRosa asked if there was a way that there could be a link to the Dutchess County Health Department on the Town's website so as to make information available to residents, particularly in relation to the Chloramine, which the Health Department proposes using in the Shorehaven Water District.

Supervisor Kelly said he would speak with Bob Reilly about creating a link.

COMPREHENSIVE PLAN STATEMENT FROM SUPERVISOR

Supervisor Kelly read the following statement:

It is now official that we've adopted the Town of Pawling Comprehensive Plan this evening with the help of our Town to maintain its historic small town charm and at the same time provides development opportunities and programs to increase tax revenues, which will reduce at some point the tax burden of our residents. This major undertaking,

which was started more than five years ago, could not have come to reality without the efforts of several people. In no particular order I would like to take this opportunity to thank many people; the Comprehensive Plan Advisory Committee that was formed over the previous administration, that was very large at times, I thank them. Former Councilman Mike Mayer along with my colleagues on the Town Board. Town Clerk, Cathy Giordano, and Deputy Town Clerk, Cheryl Knowles, who dedicated countless hours handling the documents associated with this undertaking, members of the Planning Board and the Zoning Board both past and present. Those individuals provided much valued input. This adopted Comprehensive Plan -- this is the size of this document -- all these years to work on a document this size, and I'll tell you we burned a printer up trying to work on this thing. This is also the result of hiring one of the premier firms that has been well-advised in planning. Morris Associates provided this Town with outstanding guidance, and now retired, Richard Harper, along with Principal, Pete Setaro, brought their years of experience to the table. Additionally, I'd like to thank Liz Axelson of Morris Associates for all her guidance and many phone calls, emails from many Board members all the time. I really want to thank you for everything you've done right up to this. I just want to let you know that Liz's son is getting married this weekend and she's taken her own time tonight to come out for this meeting.

PUBLIC COMMENT

Mrs. Nancy Tanner, resident of 35 West Main Street, read a letter to the Board explaining that her property is in a flood zone and is adjacent to the Great Swamp wetland. She said there is a bridge adjacent to her property, which is too small and the other side of the bridge across the road has a sandbar that impedes and slows the flow. She has approached the Village Board with her concerns because her driveway and yard have constant holes and wear from water flow. She asked that the Town and Village governments work together to avert a potential tragedy and address this bridge and problem area before a large sinkhole develops.

Supervisor Kelly said he would forward a copy of Mrs. Tanner's letter to the Town Highway Superintendent as the Town is responsible for all bridges even though they fall within the Village limits.

Ms. Donna Pagliaro thanked the Board for adopting the CPU and was pleased that it was finally done. She felt hopeful for Pawling.

Carol Leight, resident of Holmes, expressed concern about the lawn in Holmes at the dam not being mowed. Residents are maintaining the lawn and constables have come to tell them to stop doing the work. The property is owned by the Town and residents want it to be maintained and look nice.

Rose Ellen Tamburello said residents are weed whacking and being told they can't do the work. Residents want the neighborhood to look good and she did not understand why they were being told not to do this work.

Supervisor Kelly said he would check into this.

Christine Watlers said she appreciated the Board addressing the situation at the lakefront at the park. She said July 4th was challenging, which is a huge compliment to the Town. She explained that some school families live in several different towns. There are a number of Pawling students who live in Patterson and would want to come to the park with their classmates. She supported this but she asked the Board to consider allowing community type situations so Pawling school children can go to the park with their friends. She asked for more professional signs at Lakeside Park.

Helen Grosso said she wanted to also commend the Board and Ms. Axelson for their work on the Comprehensive Plan. She expressed concern that three amendment changes were made here at the last minute and that there was no chance for public comment. She asked where those changes were so she could explain to people where to find them.

Supervisor Kelly said he would explain that to Ms. Grosso after the meeting.

Ms. Grosso said there is a developer who has conformed to much more stringent requirements that have now been loosened for parts of Route 22. She asked if there was any news about the proposed sewer expansion project.

Supervisor Kelly said he would speak to Ms. Grosso after the meeting.

Ms. Grosso asked about fracking the well.

Councilman Johnson said fracking is a process that is done to a water well and it is done in stages. It is where they open fishers that allow water to flow and it is certainly safe. It has nothing to do with natural gas.

Vinny DeMarco said he wanted to express his appreciation and thanked the Board for all of their work regarding the Comprehensive Plan Update. He appreciated the back and forth among the Board members. Both arguments are really valid. He believed the non restriction is fine. The concern that Mr. DeRosa and Mr. Montemarano have regarding allowing some industry in the area is also very valid but as it stands today, nothing is made in America and industry is pretty much out. He thanked the Board for approving the plan and Liz Axelson for her work on the plan, saying it was a wonderful job by all.

There were no further comments.

Supervisor Kelly closed the meeting in memory of Town of LaGrange Supervisor John Wagner, who lost his battle with cancer last week. Mr. Wagner was a friend of his family. He was a very good supervisor, fought for the people of Dutchess County and he was also a retiree of the Town of Poughkeepsie Police Department.

Supervisor Kelly offered adjournment of the meeting in memory of Supervisor John Wagner at 8:05 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk

STATE ENVIRONMENTAL QUALITY REVIEW

Adoption of Town of Pawling Comprehensive Plan Update (CPU) and Zoning Amendments

Findings Statement – *DRAFT May 21, 2012; revised July 5, 2012*

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Pawling Town Board as the Lead Agency makes the following findings.

Name of Action: Adoption of Town of Pawling Comprehensive Plan Update (CPU) and Zoning Amendments

Description of Action: The proposed action, which was described in detail in the Draft Generic Environmental Impact Statement (DGEIS) and the Final GEIS (FGEIS), involves:

1. Adoption of the Comprehensive Plan Update (CPU) and proposed zoning amendments to the use and bulk tables and related zoning text for the HA, HB and I zoning districts (refer to CPU Appendix C). No land development is proposed in this action.
2. Changes to the uses and bulk requirements in the HA (Hamlet - 1/2 acre); HB (Highway Business - 1 acre); and I (Industry – 1 acre) zoning districts. No changes to density are proposed. All Zoning District boundaries will remain as they are currently configured. Supplemental requirements and other zoning text are proposed related to these changes.
3. The CPU objectives include review of land development regulations and open space inventory with strategies to identify to identify gaps; need for links in; and more effective protection of natural, agricultural and open space resources and community character.
4. The Town's zoning and land use regulations will also be evaluated to balance the complement of residential and non-residential uses permitted; and flexibility and usefulness for encouraging desired uses, needed housing and better design.
5. The CPU objectives include green infrastructure mapping; a historic inventory; community mapping; and examination of local laws regarding effective recognition and protection of these resources.
6. The CPU objectives include evaluation of CEA and ESA (Environmentally Significant Areas) regulation and monitoring; and making linkages with other protected resources.

As described in the Draft DGEIS and the FGEIS, the proposed action will involve: the adoption of the Comprehensive Plan Update (CPU); and related amendments to the Code of the Town of Pawling, Chapter 215 Zoning. The CPU includes: a basic studies summary and updates; vision statements; overall goals and objectives; specific strategies and actions; and implementation. The strategies and actions address the following topics: land use; zoning; housing; economic resources; natural resources; open space, recreational and agricultural issues; historical, cultural and community resources; municipal services, facilities and infrastructure; and transportation. The CPU includes appendices, which contain information from previous planning efforts, studies and plans.

The Town Board is considering Draft zoning amendments to the uses, bulk and supplemental requirements related to the HA (Hamlet), HB (Highway Business) and I (Industry) zoning districts to include more uses; emphasized mixed uses; and provide more flexible bulk requirements.

The Draft CPU and zoning amendments have been revised to address public and agency commentary. Notable changes found in the Revised CPU and Revised Zoning were briefly described in the Final GEIS. Substantial portions of the CPU and zoning remained as originally proposed. The changes made to create the Revised CPU document are described in FGEIS Part III Description of the Proposed Action, section A.; and set forth in FGEIS Appendix 1 (the Revised CPU). The changes that were made resulting in the Revised Zoning are described in FGEIS Part III Description of the Proposed Action, section B; and are detailed in FGEIS Appendix 2 (also CPU Appendix C).

Location: The CPU addresses the entirety of the Town of Pawling, located in the southeast corner of Dutchess County New York. The zoning amendments focus primarily

on the core areas of the community along the NYS Route 22 corridor and areas near its intersection with Route 55.

Agency Jurisdiction: The Town Board of the Town of Pawling is lead agency for the proposed action. Pursuant to the Town law, Article 16, section 272-a the Town Board of the Town of Pawling has jurisdiction to adopt a town comprehensive plan. Pursuant to the Code of the Town of Pawling, Chapter 215 Zoning, Article VIII, adopted May 9, 1978, amended through March 9, 2011; and pursuant to the Town law, Article 16, section 265, the Town Board of the Town of Pawling has jurisdiction to amend the Town's Zoning Ordinance. As such the Town Board is the only involved agency with approval authority.

Date Final Environmental Impact Statement Filed: May 4, 2012 (vote on May 2, 2012)

Facts and Conclusions Relied on to Support the Decision:

INTRODUCTION

The Town Board of the Town of Pawling has carefully and thoroughly reviewed the information contained in the DGEIS and the FGEIS, as well as any comments from the public and involved and interested agencies; the Dutchess County Planning Department; and the Town of Pawling Planning Board. The Town Board found that the DGEIS and FGEIS provide adequate examination of all significant potential adverse impacts which could result from the proposed action, if implemented.

The DGEIS explained that the purpose of presenting the proposed action, existing conditions, impacts and mitigation in a Generic EIS is that it allows a broader, more general outlook on proposed actions that address the entire community; and do not involve site specific land development and disturbance. The proposed amendments to the Town's code relate to zoning districts covering certain areas of the community and will present options for future development. However, these amendments, even as revised, will not directly result in development and disturbance.

Under current conditions, without the adoption of this CPU and zoning amendments, proposals for land development in the Town of Pawling are subject to review under the NY SEQRA regulations. The same will be true for individual land development projects occurring after adoption of this CPU and zoning amendments as this DGEIS addresses adoption of a policy document and amendments to the Town's zoning. The DGEIS does not address any land development proposal on any specific lot or site within the Town. After adoption, future individual land development proposals should be consistent with the objectives, strategies and actions stated in the CPU and the requirements and standards contained in the zoning. However, their review and approval must include separate review under the SEQRA regulations.

The comprehensive planning process in Pawling spans many years. The revised CPU provides an updated description of the Town's ongoing planning process in section 1.2. A summary of the steps taken by the Town Board since July 2011 includes the following highlights:

- Discussion of the Draft CPU and proposed zoning amendments on July 13, 2011; initiation of SEQRA review; and referral to the Town of Pawling Planning Board and the Dutchess County Planning Department.
- The first of three public hearings on the CPU was held on July 27, 2011.
- On August 10, 2011, the DGEIS was determined to be complete and adequate for public review.
- A combined public hearing on: the CPU; proposed zoning amendments; and DGEIS was held on September 7, 2011. On that date, the public and agency comment period was extended to October 28, 2011.
- A second combined public hearing was held within the comment period on October 12th.
- The Town Board extended the report and recommendation timeframe for Town Planning Board and Dutchess County Planning Department (DCPD) referrals to October 28th.
- An informal question and answer session was held at the Pawling Town Hall on September 28, 2011 about the CPU, proposed zoning and DGEIS.

- The CPU and proposed zoning were discussed at several Planning Board meetings including August 15 and August 29, 2011.
- The Town Board took several actions on March 14, 2012: -Extended the date for preparation and filing of an FGEIS; - Set combined public hearings on the CPU and zoning for April 11th and May 9th; and - Authorized circulation of the CPU and Zoning;
- The Board took several actions on April 11th: - Held a combined hearing on the Revised CPU and Zoning; - Extended the date for preparation and filing of an FGEIS to May 4th; and - Extended the date for preparation and filing of SEQRA Findings to June 15th;
- On May 2, 2012, the Board determined the FGEIS to be complete and adequate for public review followed by circulation to interested agencies and posting on the town's website; and extended the period for consideration of the FGEIS, the Revised CPU and Revised zoning to May 23, 2012;
- On May 9, 2012, the Town Board held a combined public hearing on the Revised CPU and Zoning; and determined an Addendum to the Final Generic Environmental Impact Statement (FGEIS) to be complete and adequate for public review followed by circulation to interested agencies and posting on the town's website; and
- The Town Board concluded the public comment period on May 23, 2012.

NEED AND BENEFIT

The CPU includes strategies for re-examining existing resources, facilities; and evaluating local laws and regulations. It also describes procedures for involving local and regional officials, agencies, volunteers, community groups and citizens in the amalgamation of existing studies and inventories and of the resources that define Pawling's character and quality of life. The consequence of such examination and inventory will be to improve the ways in which the Town values, protects and regulates its resources and growth.

Many of the CPU strategies recognize the need to build on what is in place whether it is focusing development in existing settled areas; surveying existing reports and studies; or working through current laws to make them more effective. Actions such as enacting scenic or historic overlay districts address the need for regulation where the community's character warrants further protection.

The benefit of involving volunteers and a broader array of the community in inventories is that participants are more invested in the resulting inventory and recommendations that will stem from such concerted efforts. Examination of existing resources and related laws and policies will point the Town to key imbalances and deficiencies in an otherwise well developed framework of regulations and services.

A. LAND USE AND ZONING

Review

The DGEIS in section VI., H. concluded that no adverse impacts were identified for land use and zoning aspects of the adoption of the CPU and proposed zoning amendments; and no mitigation was necessary. However, CPU strategies that may lead to future rezoning actions will necessitate that proper planning studies and environmental review will be conducted in the event that the Town has identified specific lands for rezoning. Such review must fully consider the characteristics of the land identified for rezoning; the nature of the uses, standards and requirements proposed in the zoning; and the potential effects on the site, surrounding lands and community character.

The FGEIS addressed land use and zoning comments by elaborating on the following points:

Planning Process

- The Revised CPU and the FGEIS state that the comprehensive planning process in Pawling spans many years. The CPU provides an update about the Town's ongoing planning process (refer to section 1.2). During the public review process, actions were taken to extend the comment period and to provide a public question and answer session.

- The CPU and the proposed zoning have been extensively revised in response to the points raised in the public comment period. In regard to implementation of the CPU, there are revisions throughout providing further clarification about how implementation tasks will be carried out. A town-appointed housing committee is recommended in CPU section 5.3 to work on a housing strategy. The timeline in CPU section 6 (Implementation) was reorganized to begin several implementation items on earlier dates. Section 6 was revised to add details about the role of the Implementation Committee.
- The original draft CPU, section 1.2, had documented the ongoing planning process beginning with the 1991 Master plan and incorporating recent comprehensive planning efforts through the Draft Town of Pawling Comprehensive Plan, dated January 2010. Substantial excerpts of the 2010 plan (existing conditions and vision statements) are included as Appendix A in the original draft CPU dated July 5, 2011. Consistent with the Draft 2010 Plan, the draft CPU used other existing studies and inventories by local, county and regional agencies and groups, which are referenced in therein. The objectives in the 1991 plan, the Town's existing zoning, the 2005 and 2010 draft plans were considered in formulating the objectives, strategies and actions in the draft CPU. The Town built the CPU from the resources, information, laws, vision and objectives available as a result of these ongoing planning processes.
- The Revised CPU includes additional references to other existing studies and inventories by local, county and regional agencies and groups. These were all considered in formulating the objectives, strategies and actions in the Revised CPU. These have been further revised and refined to reflect recent public and agency commentary (July through October 2011).

Open Space Design

- The original CPU discussed amendments to accommodate open space subdivision design "particularly in the Conservation Density zoning district", which is an environmentally sensitive area. It was intended that open space design would preserve open land areas in an approach to subdivision commonly referred to as "clustering". The original CPU did not contain language promoting the development of "cluster" housing, which may mean attached or multi-family homes, in any specific area of Town. The original CPU used the phrase "open space subdivision design", which is governed by the Town of Pawling zoning law section 215-21. CPU section 5.2, regarding zoning, was revised to address the concern about focusing open space design in the Quaker Hill area.
- It should be noted that according to the Town's existing provisions for open space subdivisions contained the zoning law section 215-21, there is no change or increase in the permitted density on a site so developed. The same number of lots and dwelling units would be permitted in a conventional subdivision as would be permitted in an open space layout. The same number of lots would be laid out in a more compact design in an open space subdivision with smaller lots, shorter roads and driveways than would be proposed in a conventional subdivision. The FGEIS Appendix 5 provided descriptions and illustrations of open space or conservation subdivision design.

Implementation

- The CPU has been revised in regard to implementation of the CPU. There are refinements throughout providing further clarification about how implementation tasks will be carried out. The timeline in Revised CPU section 6 regarding Implementation was reorganized to move up several implementation items. The following items were moved up to begin in the first two years of implementation:
 - Green Infrastructure Mapping;
 - Inventory and evaluation of CEAs and ESAs;
 - Historical inventory;
 - Scenic Overlay District;
 - Plans and reports for sewer plant expansion and district extension;
 - Housing needs assessment; and
 - Periodic review of environmental regulations.
- Many other items are proposed for earlier implementation in Revised CPU section 6 with the historic overlay district being initiated in 2014 and all items

being initiated by 2015. This vigorous approach allows the Town to pursue in-depth examination of its existing resources, including inventories that are already on the record with various agencies and groups, before or in tandem with consideration of changes to zoning and environmental regulations. However, intensive volunteer effort will be necessary to initiate these tasks as per the proposed timeline.

Zoning

- The intent of the originally proposed reduced setbacks in the HB and MBI zoning districts was to allow flexibility in design of development without any changes to the coverage permitted in these zones. In other words, a building in the HB district could be located closer to its road frontage, leaving parking behind structures, yet with no increase in the permitted area of the site to be covered by buildings.
- The Revised Zoning for the HB and MBI zoning districts no longer includes the reduced setbacks. The proposed zoning amendments are reverted to the existing setbacks provided in the Town's current zoning for these districts.
- In the Revised Zoning, the HB supplemental requirements are proposed to be updated and there are new supplemental regulations proposed for development in the MBI district. The updated HB supplemental requirements include improved standards for flexible design; higher quality landscaping; and development of lots of 2 or more acres. The supplemental requirements proposed for the MBI district will provide development and design standards in an existing district where there were no specific standards.
- The revised HB and proposed MBI supplemental zoning requirements now include the possibility of Planning Board discretion to allow flexibility in yard setbacks. These flexible setbacks are presented in the proposed supplemental zoning regulations as an option during Planning Board review for instances where high-quality and low-impact design are proposed.
- In accordance with Pawling's existing zoning, the bulk requirements for the HB district would permit 35 percent building coverage. All zoning districts in the Town of Pawling permit a maximum building height of 35 feet, which translates into 2 to 2-1/2 stories or floors. Consultation with the Town's building Inspector indicates that a structure in the HB zoning district would therefore be permitted to have at least 2 floors. The proposed amendment to permit a floor area ratio (FAR) of 0.70 in the HB district is consistent with a 2-story building where the ground floor covers 35 percent of the site.
- The total floor area of any structure on a given development site is limited by the other improvements that take up land area on the site. These improvements include primarily access and parking areas. A structure's ground floor area would be limited by the parking requirements for the proposed use and the amount of parking that would be accommodated on a site. The building and parking area covering a site's land area are further limited by the HB open space requirement found in the existing supplemental requirements for development in the HB districts. The proposed floor area ratio of 0.70 would result in a 2-story building with a maximum of 35 percent coverage. Adjustments to first and second floor uses and areas would be necessary until a suitable proposal could be formulated, which would meet the floor area; required parking and open space requirements.
- No changes were proposed to the existing building coverage (35%) and open space (15%) requirements in the HB zoning district in the originally proposed zoning amendments. No changes are proposed to these requirements in the Revised zoning. Therefore, under current and proposed zoning, two-story buildings covering a maximum of 35% of a site would be permitted with other required improvements as long as 15% of the site remains as open space. The change in the FAR is a proper statement of the parameters for development in the HB zone and does not result in any increase in coverage or disturbance.
- The Revised Zoning includes supplemental requirements for the proposed MBI district, which provide criteria for the design and layout of sites and necessary improvements and amenities. There are no such supplementary requirements for development in the existing I district so the implementation of the zoning will result in better site design.
- The open space requirement for development in the proposed MBI district is 15 percent, which is consistent with the HB zoning district. The building coverage is 30 percent in the MBI district, which is slightly less than that

permitted in the HB zone. Similarly, the limit in the MBI supplemental requirements to an 0.6 FAR is also less than the proposed FAR in the HB zone. The relative ratios of building coverage, open space and parking/access are more realistic in the proposed MBI supplementary regulations for potential actual development considering a 1-story building. As with the requirements in the HB district, adjustments to first and second floor uses and areas would be necessary on sites in the proposed MBI zone until a suitable proposal could be formulated, which would meet the floor area; required parking and open space requirements.

- There is no doubling or increase in permitted floor area or reduction in open space requirements as a result of the originally proposed zoning amendments or Revised Zoning. Accordingly, there would be no impacts related to doubling or increase in permitted floor area or reduction in open space requirements.
- The proposed MBI district will be a mixed non-residential use district. The complement of principal uses emphasizes a mix of business uses and de-emphasizes heavier industrial uses by making them subject to special permits. The MBI is not intended to be a mixed use district incorporating residential uses, which sets it apart from the existing PDD zone. An examination of the proposed principal and special permit uses in the proposed MBI district compared to the existing PDD zone clearly shows that a larger number uses are allowed in the PDD zone.
- Many revisions were made to the originally proposed zoning amendments in response to comments to create the Revised Zoning. Supplemental requirements were added to address the development of accessory apartments, which limit the number, size and exterior appearance of these apartments. A proposed change in the table of bulk regulations will eliminate the “minimum area per dwelling” column, which will allow more flexibility in the creation of dwelling units. This proposed change will address the need for housing for senior citizens, young people and couples and those in need of more affordable homes.
- The Revised Zoning incorporates several changes, which define a mixed business center and improve or provide supplemental requirements for such use in the HB and proposed MBI zoning districts. A mixed business center would be a special use in both districts, yet would occur on 2 acres in the existing HB zone and on 5 acres in the proposed MBI district. The regulation of a mixed business center on a 2-acre parcel makes more of the land in the HB zoning district eligible for two uses and consequently subject to special permit review. Whether a site includes two uses or not in the HB zone, if it is a site of 2 acres or larger, it would be subject to special permit review.
- None of the existing business zoning districts are proposed for expansion as part of the Revised Zoning. The boundaries of the existing HB and proposed MBI zoning districts will remain as they are currently configured. The existing I district will be renamed to become the MBI zone with no change in its existing boundaries.
- The original and Revised CPU addresses the future examination of the Town’s existing residential districts in section 5.2 regarding Zoning. No amendments are proposed in the CPU in any residential zoning district.
- The CPU address additional protective measures for natural resources throughout the Town of Pawling in section 5.5, especially regarding groundwater and CEAs, which may require future Town Code changes. Open space and related visual resources including Green Infrastructure mapping of the Town is recommended in CPU section 5.6 to identify linkages and gaps in the network of natural, open space, recreational and scenic resources that contribute to the character of the overall community. Community mapping, recommended in CPU section 5.7, would address historic, cultural and community resources that make of the fabric of the whole community. Scenic and historic overlay districts are recommended for areas of Pawling where these resources are identified.
- Between the existing zoning in residential areas, including the provisions for open space subdivisions and environmental regulations; and the recommended measures in the CPU, there are many ways to protect the environment and character of areas throughout the Town.

Finding

The CPU and zoning amendment processes were thorough and involved extensive public and agency review. The CPU and zoning amendments proposed as revised to address

commentary are responsive to the concerns and points of view expressed. The revised documents balance the Town's need for economic development; the objective to build on the community's core areas; and need to protect community character and environment. The implementation outline was revised to reflect priorities expressed in public and agency commentary. The proposed zoning amendments add standards and requirements for better design of sites in existing non-residential zoning districts. Future development of these sites will involve site-specific planning, zoning and environmental review.

B. HOUSING AND ECONOMIC RESOURCES

Review

The DGEIS in section VI., I. concluded that no adverse impacts were identified for housing and economic resource aspects of the adoption of the CPU and proposed zoning amendments; and no mitigation was necessary. The CPU strategies that may lead to future rezoning result in the need for proper planning studies and an environmental review to be conducted in the event that the Town has identified specific lands for rezoning. Such review must fully consider the characteristics of the land identified for rezoning; the nature of the uses, standards and requirements proposed in the zoning; and the potential effects on the site, surrounding lands and community character.

The FGEIS addressed housing and economic resources comments by elaborating on the following points:

- The idea of balancing appropriate land uses with the protection of Pawling's environment and quality of life was stated in the original Draft CPU in subsection 3.1, the Overall Community Vision Statement. This central objective is repeated in every section of the original Draft and the Revised CPU.
- The concept of focusing development in the core area around the Village and defined by Route 22 corridor and its juncture with Route 55 is similarly stated throughout the original Draft and Revised CPU and the original Draft and Revised Zoning. The extension of the sewer district to areas south of the Village reinforces the concept of keeping development in core areas of the Town (see CPU sections 5.4 and 5.8).
- The need for transit, pedestrian and bicycle amenities and trails are prominent themes throughout the CPU (see sections 5.1, 5.2, 5.3, 5.4, 5.5, 5.6 and 5.9). The enhancement of existing amenities and creation of new improvements to encourage transit and walkability will keep residents and visitors circulating in and around the core area of the community (Village and Town).

Housing

- Specific recommendations about the Code of the Town of Pawling Chapter 55, Affordable Housing are provided in Revised CPU section 5.3 as per the excerpt below:

“The Town's existing regulations contained in Chapter 55, Affordable Housing Regulations were adopted in 1992 and provide for comprehensive review procedures. This chapter should be reviewed and updated to facilitate construction of needed housing. A few key aspects of this chapter that may be impeding applications for such development are as follows:

 - Multiple review procedures are required including Town Board special permit and open space subdivision procedures based on underlying density;
 - The open space subdivision regulations impose gross acreage deletions before density is determined; and
 - The highest possible density that might be achieved through the process without a density bonus would be a dwelling unit per ½ acre of land.”
- The HA and HB zoning districts are located in a hamlet and in core areas of the Town where there are settled areas with a mix of residential and non-residential uses. Since these are settled areas along primary routes of travel, the addition of accessory apartments may provide needed smaller-scale and rental housing near neighborhoods and transit.

- Implementation of the Revised Zoning including accessory apartments in the HA and HB zoning districts will create the opportunity for potentially affordable housing in these core areas. These accessory apartments would not be regulated and administered as official affordable housing units. The Revised CPU recognizes that provision of needed housing is part of the community's economic development efforts to retain young individuals, couples and families. Additional future residential zoning strategies are recommended in section 5.3 of the Revised CPU to encourage creation of needed housing in core areas of the Town near existing neighborhood areas and adjacent to medium- to variable-density zoning districts.
- A review of residential zoning is recommended in CPU section 5.2 regarding zoning and section 6 regarding implementation. However, this examination must be done first to determine whether accessory apartments would be appropriate in other districts.
- Revised CPU section 5.3, regarding housing, recommends strategies to focus residential development in the core area of the Town surrounding and to the south of the Village in the R-1 and VRD zoning districts (see page 41). This would potentially increase the population somewhat in areas near the Village. Supplementary requirements proposed for the HB and MBI districts adjacent to these residential zones encourage walkability. The extension of the sewer district to areas south of the Village reinforces the concept of keeping development in core areas of the Town.

Economic

- The original CPU and originally proposed zoning amendments anticipated lower demand for the industrial-type uses permitted in the Town's existing I zoning district. The proposed MBI district is intended to be a mixed non-residential use district. The complement of principal uses emphasizes business uses and de-emphasizes heavier industrial uses by making them subject to special permits. The MBI district addresses improved demand for business uses such as lodging; business offices, clinics and research; amusements and recreation; restaurants and other uses. Special permit use include mixed business centers; retail; hospitals, clinics and nursing homes; and nursery schools in addition to the manufacturing, warehousing and wholesale uses permitted in the I district.
- The Town's and Village's varied situations define the possible effects of zoning on economic growth in each place. The Village has the benefit of a volume of pedestrian and vehicular traffic from the train station and surrounding neighborhoods that the Town does not have. The Town has the benefit of the vehicular traffic from Routes 22 and 55 to fuel its economic growth. It is possible that highway businesses may provide additional options for potential customers who must choose between the Village's downtown and the Village's and Town's highway areas. Each area has its niche shaped by continuing business activity and adaptation to customers' needs.
- The range of uses permitted in the Village's and Town's business zoning districts are comparable and provide ample opportunities for retail, restaurant, lodging and office uses in each context. The primary difference is that the Village's zoning districts include residential with non-residential uses and include manufacturing as principal uses. Therefore, the Village's existing zoning provides a somewhat broader range of uses than the Town's HB and MBI districts.
- In terms of form, the main difference between the Village's existing zoning and the Town's existing and proposed zoning is that the Village's Business 1 district permits 3-story (40-foot) structures. The Town's existing and proposed zoning permits 35-foot structures, which would allow 2 to 2-1/2 stories. Therefore, the Village's zoning permits higher density per acre, which is appropriate in its context. The ability to provide significant residential development on the same parcel with business space provides the population on-site necessary to support the Village's businesses. The Town's existing and proposed zoning does not provide this advantage.
- In regard to lot and bulk requirements, the Village zoning provisions include flexibility and substantially more floor area potential when compared with the Town's. The Town's zoning requirements place more limits on development potential than the Village's. The Village's existing zoning provides for 3 times to nearly 4 times more leasable area per acre when compared to the Town's existing and proposed HB and MBI districts.

- The Revised CPU and Revised zoning result in the creation of supplementary requirements for the MBI zoning district and revision of the HB supplemental requirements. These include standards developers must meet for better design including: open space and landscaping; interconnection of sites and access; shared parking and bicycle and pedestrian amenities; and design review for buildings “in harmony with the general visual character of the surrounding community”. The requirement for future development to comply with better site design standards increases the potential for improving the overall aesthetic and character of buildings and site amenities in proximity to the Village. The presence of higher quality development would have the long-term effect of making the Village and surrounding areas in the core area of the Town more desirable places to live, work and do business. This effect should improve the demand over time for leasable business space and housing in both places.

Finding

The revised CPU and zoning amendment documents balance the Town’s need for housing and economic development; the objective to build on the community’s core areas; and need to protect community character and environment. The CPU includes strategies to focus residential and non-residential development in the core area of the Town surrounding and to the south of the Village. The need for transit, pedestrian and bicycle amenities and trails are prominent themes throughout the CPU. The enhancement of existing amenities and creation of new improvements to encourage transit and walkability will keep residents and visitors circulating in and around the core area of the community (Village and Town). The extension of the sewer district to areas south of the Village reinforces the concept of keeping development in core areas of the Town.

The Town’s and Village’s varied situations define the possible effects of zoning on economic growth in each place. Each area has its niche shaped by zoning; continuing business activity and adaptation to customers’ needs. The proposed zoning amendments add standards and requirements for better design of sites in existing non-residential zoning districts. The presence of higher quality development in the Town would have the long-term effect of making the Village and surrounding areas in the core area of the Town more desirable places to live, work and do business. This effect should improve the demand over time for leasable business space and housing in both places.

C. NATURAL RESOURCES

Review

The DGEIS in section VI., J. concluded that no adverse impacts were identified for natural resource aspects of the adoption of the CPU and proposed zoning amendments; and no mitigation was necessary. However, CPU objectives that may lead to future amendments to local laws related to these resources will result in the need for properly focused planning studies and environmental review.

The FGEIS addressed natural resources comments by elaborating on the following points:

- The originally proposed and Revised CPU addressed a number of protective measures in section 5.5 regarding natural resources. In response to public and agency commentary, this section has been expanded and strengthened.
- The CPU was revised to add emphasis about Critical Environmental areas (CEAs) and possible expansion thereof; the role of the Conservation Advisory Board (CAB); and additional groundwater protection strategies. CPU section 5.6 regarding open space, recreation and agricultural resources was revised to identify scenic and natural resources. Recommended scenic overlay provisions are protective of the Town’s viewsheds and natural resources.
- Natural, scenic and historic resources were discussed throughout the original Draft CPU and are discussed in the Revised CPU (refer to sections 5.5, 5.6 and 5.7). The CPU spells out measures in the Town’s existing Code and measures proposed for implementation for their enhancement and protection.
- The zoning originally adopted after the 1991 Plan set forth zoning districts, corresponding use and bulk tables and supplemental requirements for development. The potential for disturbance and development on a site in any

district is guided or limited by the uses permitted and how they are laid out within the limits set by the following:

- Special permit and site plan review; or subdivision review;
 - Bulk regulations governing density and intensity by lot area per use, setback and coverage requirements;
 - Supplemental use and design standards and requirements; and
 - The site's physical and environmental characteristics and constraints.
-
- Based on the objectives of the 1991 Plan, it was intended that the non-residential (business and industrial) zones adopted at that time would create the opportunity for commercial development in those designated areas indicating use categories that were deemed suitable in 1991. The environmental impacts of the Town's existing zoning would have been examined when it was adopted.
 - The Town's existing laws governing land use and development are listed in CPU section 5.1 and repeated in subsequent sections. Similarly, land use and development proposed after the adoption of the CPU and zoning amendments would be subject to site-specific review taking into account the limits listed above.
 - The originally proposed and Revised Zoning sets forth changes in uses within existing zoning districts, but no change in the boundaries of these districts. Other aspects of the Revised Zoning are described in this FGEIS in the Description of Action, subsections A. 5.2 and B, including the addition of supplemental requirements for several uses. The intent of the change in uses in the HB and MBI zoning districts is to broaden the array of permitted uses to increase the likelihood that existing business spaces would be used or redeveloped. The broader array of uses would also increase the likelihood that vacant land would be developed. Such use, redevelopment and new development would occur within the existing business district boundaries and consistent with the current parameters for coverage and building height. It would be developed according to existing open space requirements in the HB district and proposed open space requirements in the MBI district.
 - The originally proposed and Revised Zoning includes uses that are either as intense or less intense than the most intense uses permitted in the existing HA, HB and I zoning districts. In the proposed HA and HB zoning district amendments, there is no increase in the intensity of uses. Additionally, making the more intensive uses in the HA and HB zones subject to special permit review gives the Town more control over how such uses are developed in the future.
 - The proposed MBI district adds some business uses that are consistent with the HB zoning district and which are generally related to lodging, dining, entertainment and services. Food preparation, processing and product development is not related to these tourist and service-oriented uses, yet may provide opportunities for value added products related to local agricultural crops and different types of jobs. When compared to the industrial, manufacturing, warehouse and wholesale uses permitted in the existing I district, these business uses are considered to be less intensive and hazardous and less likely to involve regular truck traffic. The industrial, manufacturing, warehouse and wholesale uses; mixed business centers and individual retail stores are special permit uses in the MBI district requiring additional controls in the review and approval process.
 - While lodging, entertainment and dining may attract visitors and result in increased vehicular traffic, this is balanced with the Town's expressed desire to pursue a diverse economic base including tourism. It is possible that visitors will frequent services provided in different parts of the community, which would be reflected in vehicular trips between related uses known as pass-by traffic. Given the presence of a train station in the Village and existing and potential bike routes through the Town, it is anticipated that some visitors and residents will opt to use these alternate forms of transportation.
 - There is no change in the potential for land disturbance and coverage impacts. The proposed setback, coverage and open space requirements remain the same as in existing zoning or have improved in the HB and MBI districts. The zoning setbacks in the Revised Zoning are the same as the existing setbacks in the HB and MBI districts. The coverage remains the same in all three affected zoning districts (HA, HB and MBI).
 - The Town's existing zoning does not include any supplementary regulations with open space requirements for development in the I district. The

uses in the proposed MBI zoning district will be subject to proposed supplementary regulations including an open space requirement of 15 percent. Because there are open space requirements for the HB and MBI districts, which exist under existing zoning or are imposed by proposed zoning, there are no potential impacts related to the amount of open space on site in the HB and MBI districts.

- As explained in the Draft GEIS (DGEIS) Introduction section (pages 2-3), the adoption of the CPU and proposed zoning amendments will not directly result in any land disturbance and development. It is acknowledged in the DGEIS that

“the adoption of the CPU and zoning amendments will change the framework and the variety of opportunities for individual development projects. After the adoption of the CPU and zoning, site-specific land development will have to comply with the current unchanged laws and amended provisions pertaining to: the type of development proposed; its specific location; and the characteristics of the site and environs. As before, individual development projects will undergo thorough review in accordance with the NY SEQRA regulations and other environmental regulations.

This DGEIS addresses the potential generic impacts of the proposed action, including the CPU and zoning amendments. Future actions that will occur as part of implementation of the CPU may be subject to review under SEQRA.”

Finding

The revised CPU and zoning amendment documents balance the Town’s need for housing and economic development; the objective to build on the community’s core areas; and need to protect community character and environment including specific objectives to protect natural resources. The originally proposed and Revised CPU addressed a number of protective measures in section 5.5 regarding natural resources, specifically regarding groundwater and CEAs. CPU section 5.6 regarding open space, recreation and agricultural resources was revised to identify scenic and natural resources; and to recommended scenic overlay provisions.

The proposed zoning amendments add standards and requirements for better design of sites in existing non-residential zoning districts. These include standards for open space, landscaping, shared access and parking. More intensive uses will be special permit uses in the HA, HB and MBI districts requiring additional controls in the review and approval process. There is no change in the potential for land disturbance and coverage impacts. The Town’s existing zoning does not include any supplementary regulations for development in the I district, which will be remedied by the proposed supplementary regulations for the MBI zoning district.

D. OPEN SPACE, RECREATION, AGRICULTURE AND SCENIC RESOURCES

Review

The DGEIS in section VI., K. concluded that no adverse impacts were identified for open space, recreational and agricultural resource aspects of the adoption of the CPU and proposed zoning amendments; and no mitigation was necessary.

The FGEIS addressed open space, recreational, agricultural and scenic resources comments by elaborating on the following points:

- The original Draft CPU had addressed consideration of a scenic overlay district. In response to public commentary, the Revised CPU contains extensive revisions identifying available measures for addressing impacts on viewsheds; listing numerous scenic features; and recommending creation of a scenic overlay district and possible protective development practices. The CPU includes the following recommendation:

“Given the extensive visual resources listed above, the Town of Pawling should create a map that would be the basis for creation of a scenic overlay district. To be effective scenic overlay provisions will be coordinated with other aspects of the Town’s site plan or subdivision review. ...

Scenic Overlay provisions will add supplemental design standards to underlying zoning districts, which would serve to mitigate the effects of land disturbance and development on surrounding viewsheds. Recommended approaches to protection of viewsheds during the review of land development may include:

- Limiting site disturbance and clearing;
- Incorporating landscaped buffers along the edge of cleared areas;
- Avoiding placement of structures and other improvements on hilltops, ridgelines and steep slopes;
- Using siding, roofing, fencing and other building materials with textures or colors that reduce their visibility in the landscape.”

Finding

The revised CPU and zoning amendment documents balance the Town’s need for housing and economic development; the objective to build on the community’s core areas; and need to protect community character and environment including specific objectives to protect open space, recreational, agricultural and scenic resources. Scenic Overlay provisions to be implemented after adoption of the CPU will add supplemental design standards to underlying zoning districts, which would serve to mitigate the effects of land disturbance and development on surrounding viewsheds. The recommended protective measures are also protective of natural resources.

E. HISTORIC, CULTURAL AND COMMUNITY RESOURCES

Review

The DGEIS in section VI., L. concluded that no adverse impacts were identified for historical, cultural and community resource aspects of the adoption of the CPU and proposed zoning amendments; and no mitigation was necessary.

The FGEIS addressed historical, cultural and community resources comments by elaborating on the following point:

- The original Draft CPU had addressed consideration of scenic and historic overlay districts. In response to public commentary, the Revised CPU contains revisions specifically recommending creation of scenic and historic overlay districts or a combined overlay district and possible protective development practices. An excerpt of the text of Revised CPU section 5.7 is presented below:

“...To be effective historic overlay provisions will be coordinated with other aspects of the Town’s site plan or subdivision review.

Overlay provisions will add supplemental design standards to underlying zoning districts, which would serve to mitigate the effects of land disturbance and development on historic features located on a site or on adjacent properties. Recommended approaches to protection of historic features during the review of land development may include:

- Architectural review regarding the design and layout of proposed structures and related improvements (roads, driveways, lighting, etc);
- Incorporating appropriate landscaped buffers and retention of existing vegetation;
- Preserving historic structures, sites and landscapes as part of the character of the site and surrounding community; and
- Using siding, roofing, fencing and other building materials with textures or colors that are compatible with historical features.”

Finding

The revised CPU and zoning amendment documents balance the Town’s need for housing and economic development; the objective to build on the community’s core areas; and need to protect community character and environment including specific objectives to historical, cultural and community resources. Scenic and historic overlay districts or a combined overlay district and provisions to be implemented after adoption

of the CPU will add supplemental design standards to underlying zoning districts, which would serve to mitigate the effects of land disturbance and development on surrounding historical resources and viewsheds. The recommended protective measures are also protective of natural resources.

F. MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE

Review

The DGEIS in section VI., M. stated that:

“The adoption of the CPU commits the Town to implementation of the strategies and actions recommended to address municipal services, facilities and infrastructure. The expansion or creation of new sewer services in existing settled areas is consistent with a sustainable development approach by providing services for compact development near community centers. The recommendation to conduct a feasibility study about the creation of central sewage collection and treatment systems for remote hamlet and neighborhood areas addresses the public need for such services. In settled areas with higher densities of homes and individual septic systems, particularly where homes encircle lakes, the Town must consider threats to public health, and ground and surface water quality.”

The DGEIS concluded that no adverse impacts were identified for aspects of the adoption of the CPU and proposed zoning amendments related to municipal services, facilities and infrastructure; and no mitigation was necessary.

The FGEIS addressed municipal services, facilities and infrastructure resources comments by elaborating on the following points:

- The Revised CPU clearly states that it makes sense to create or expand services in and near existing settled areas and areas with potential for more concentrated development. The CPU endorses the extension of the existing central sewer system to serve the areas targeted for economic development under existing and proposed zoning, including the properties in the southern HB and MBI zoning districts. Central sewer service will enhance the development potential of these areas. The centralized wastewater treatment system that will be upgraded as part of PJSC’s proceedings will provide protection of the sensitive resources that lie close to the Route 22 development corridor from the potential of discharges from commercial septic systems.
- The intent of the change in uses in the HB and MBI zoning districts is to broaden the array of permitted uses to increase the likelihood that existing business spaces would be used or redeveloped. The broader array of uses would also increase the likelihood that vacant land would be developed. Such use, redevelopment and new development would occur within the existing business district boundaries and consistent with: the current parameters for coverage and building height; existing open space requirements in the HB district and proposed open space requirements in the MBI district.
- New jobs will be created during construction and in the operation of resulting businesses and services. Increased employment and customer activity and the use of redeveloped and new buildings will result in some increase in the demand for police, fire and emergency services comparable to demand resulting from existing commercial spaces in the area. Redeveloped and new commercial space will also result in improved property tax revenues on underutilized and vacant properties in the HB and MBI zones.
- The ultimate uses of these properties depend on the objectives of the owners, developers and/or persons leasing the properties or buildings. The potential square footage of usable, leasable commercial space would be defined by each sites’ constraints and the parameters set for in the Town’s zoning for coverage, setbacks, open space, parking, etc. (see FGEIS subsections A.5, A.7 and C.3). The numbers of employees would depend on the types of businesses, the size of occupancies and related leasable and sales areas. These variables will be addressed during site-specific review of land development as described in the Draft GEIS Introduction (see DGEIS pages 22-23 and FGEIS subsection C.3).

Finding

The revised CPU and zoning amendment documents balance the Town's need for housing and economic development; the objective to build on the community's core areas; and need to protect community character and environment including specific objectives to expand sewer services. The implementation of the CPU will involve the extension of the existing central sewer system to serve the areas targeted for economic development under existing and proposed zoning, including the properties in the southern HB and MBI zoning districts. The centralized wastewater treatment system that will be upgraded as part of PJSC's proceedings will provide protection of the sensitive resources that lie close to the Route 22 development corridor from the potential of discharges from commercial septic systems.

G. TRANSPORTATION

Review

The DGEIS in section VI., N. concluded that no adverse impacts were identified for aspects of the adoption of the CPU related to transportation; and no mitigation was necessary.

The FGEIS addressed transportation comments by elaborating on the following points:

- The DGEIS included section G. about "transportation", which included the following points under "Potential Impacts" (excerpts from DGEIS text):

"The CPU's recommends consideration of plans for a feeder road on the south section of Route 22 would potentially result in safer access for existing and future development in this area.

The review of road standards and the potential for adoption of rural road standards would be protective of natural resources by reducing the area of land disturbance related to new road construction for certain projects. "

- There is no change in the maximum permitted building coverage or minimum open space requirements for development in the HB and MBI zones as a result of the originally proposed zoning amendments or Revised Zoning. Accordingly, there would be no impacts on transportation related to any increase in permitted floor area or reduction in open space requirements.

Finding

The revised CPU and zoning amendment documents balance the Town's need for housing and economic development; the objective to build on the community's core areas; and need to protect community character and environment. The CPU recommends creation of a feeder road on the south section of Route 22 for safer access for existing and future development in this area. Other CPU strategies such as rural road standards are protective of natural resources.

H. SUMMARY OF ALTERNATIVES CONSIDERED

Alternative: Comprehensive Plan Update without Adoption of Zoning Amendments

This Alternative would involve the potential impact of development resulting from future growth guided by the newly adopted CPU, yet under current zoning, current land use patterns, and without the benefit of adoption of the proposed zoning amendments. The Town would continue to review land development in the HA, HB and I district according to the existing complement of uses and bulk regulations. By omitting the proposed zoning amendments, the community would lose the benefit of an updated set of complementary business uses, which would regulate heavier industrial uses with special permits. Pawling would miss the opportunity to allow better design contained in the enhanced HB and new MBI supplementary zoning regulations.

The addition of accessory apartments to the HA and HB zoning districts would not occur if the proposed zoning is not adopted. In forfeiting the option of creating rental dwellings

associated with principal uses, the Town would deprive property owners of economically efficient use of their land. Pawling would also lose the opportunity to create moderate- to affordable apartments.

No-Action Alternative

The No-Action Alternative would involve the potential impact of development resulting from future growth under current zoning, current land use patterns, and without the benefit of adoption of the CPU and attached zoning amendments. The CPU document, now being considered for adoption, builds on ongoing comprehensive planning efforts (2005-2010). The various visions from the 2010 plan are unified into one vision statement in the CPU, which presents realistic, focused objectives, strategies and actions to guide Pawling's future growth and development.

If the community opts to continue without adoption of the CPU, their future actions would be guided by an outdated plan. The Town would lose the benefit of the studies, public input, vision, refined objectives and focused strategies and actions expressed as a result of extensive planning processes. The Town would also forgo the guidance set forth in the implementation outline for initiating and completing the CPU's recommended actions. In this scenario, the proposed zoning amendments would not be adopted either. The Town of Pawling would therefore experience the effects of the Alternative described above.

Finding

The revised CPU and zoning amendment documents balance the Town's need for housing and economic development; the objective to build on the community's core areas; and need to protect community character and environment. The proposed zoning amendments constitute immediate implementation of high-priority actions. The CPU recommends numerous strategies to be implemented over time with priorities expressed in an outline. Adoption of the CPU and zoning sets in motion the implementation of the visions, objectives, strategies and actions therein and an ongoing dynamic planning process to guide the growth of the Town of Pawling.

Certification To Approve/Fund/Undertake:

Having considered the draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Name of Agency: Town of Pawling Town Board

Signature of Responsible Official

David Kelly
Name of Responsible Official

Supervisor, Town of Pawling
Title of Responsible Official

Date

Address of Agency:
Town Hall
160 Charles Colman Boulevard
Pawling, NY 12564
Phone: 845-855-4464

cc: Other Involved Agencies

LOCAL LAW
Amendments to the Code of the Town of Pawling
Chapter 215 Zoning and Chapter A230 Subdivision of Land

Dated: July 6, 2012

NOTE: Existing text from the Code of the Town of Pawling is shown below as regular text, highlighted only as shown in the code. Proposed amended text is shown as underlined text (text). Text that is proposed to be deleted is shown as stricken text (~~text~~).

Chapter 215. Zoning

1. The Code of the Town of Pawling, Chapter 215 shall be amended to incorporate revisions to the HA (Hamlet), HB (Highway Business) and I (Industry) zoning districts and related provisions as described below:

2. Article II, entitled Definitions, Section 215-3 Definitions shall be revised to include the following new and revised terms and definitions, inserted in the proper order in this section, to read as set forth below. The remainder of section 215-3 shall remain as currently set forth in the code:

Article II. Definitions.

§ 215-3. Definitions.

ACCESSORY APARTMENT - A dwelling accessory to and separate from the principal use on a lot, which may be contained in the same building.

BED-AND-BREAKFAST ESTABLISHMENTS - A dwelling in which overnight accommodations and breakfast are provided for transient guests for compensation.

BUILDING FOOTPRINT - Area of the ground covered by a building, including the foundation and all areas enclosed by exterior walls and footings and covered by roofing.

DWELLING, MULTIFAMILY - ~~A dwelling or group of dwellings each containing a minimum of 900 square feet of habitable floor area above grade, containing separate dwelling units for three or more families, but which may have joint services or facilities, or both. Section [215-32](#) should be read in connection herewith. [Amended 7-14-1987 by L.L. No. 3-1987]~~

DWELLING UNIT – ~~A building designed or used exclusively as living quarters for one or more families. Containing a minimum of 900 square feet of habitable floor area above grade; †The term shall not be deemed to include an automobile court, motel, boarding- or rooming house, mobile home trailer, tourist home or tent.~~

LODGING AND CONFERENCE-EVENT CENTER - A building or group of buildings, which include: transient living and sleeping accommodations for rent for 10 or more persons, which is open for year-round occupancy; and rooms and other facilities for meetings, events and dining. A lodging and conference-event center may also include offices and facilities for business, recreational and leisure activities.

MULTIPLE USE CENTER – A cohesively planned development in accordance with an integrated site and architectural plan consisting of two or more commercial, service, retail or other permitted or specially permitted uses within a zoning district which permits multiple use centers.

SHOPPING CENTER – ~~An area where two or more businesses engaged in retail trade have public entrances on a single common off-street parking area that is available to the public. A shopping center is a group of commercial establishments planned, constructed and managed as a total entity. [Amended 5-8-2001 by L.L. No. 2-2001]~~

3. Article III, entitled Establishment of Districts, Section 215-4 Districts Enumerated shall be revised to read as follows:

Article III. Establishment of Districts.

§ 215-4. Districts Enumerated.

A. The Town of Pawling is hereby divided into the following districts:

- CD Conservation Density Residential
- R-4 Agriculture-Conservation Density Residential
- R-3 Very Low Density Residential
- R-2 Low Conservation Density Residential
- R-1 Low-Density Residential
- VRD Variable Residential Density
- HA Hamlet
- HB Highway Business
- MBI Mixed Business-Industry
- PDD Planned Development District

[Amended 9-10-1991 by L.L. No. 5-1991; 8-9-1994 by L.L. No. 1-1994]

4. Regarding Article III, Section 215-5 Zoning Map, the zoning map shall be revised to show that areas previously designated as I (Industry) zoning districts will now be designated MBI (Mixed Business-Industry). The boundaries of said districts shall remain the same.

5. Article IV. District regulations, Section 215-12, subsection B shall be revised to read as shown below. Subsections A., C and D. shall remain as previously adopted:

Article IV. District Regulations.

§ 215-12. Accessory buildings, guest cottages, tents and campers.

B. Dwellings in accessory buildings. Any accessory building on the same lot with a main residence building ~~shall not may~~ be used for residence purposes, ~~except~~ for employees of the owners of the main building, ~~and~~ who are employed full-time on the premises. ~~Such housing may contain a kitchen or kitchen facilities.~~ Such use of an accessory building will require a special use permit approved by the Planning Board in accordance with the supplemental requirements herein for accessory apartments on one-family residential lots. ~~[Amended 8-9-1994 by L.L. No. 1-1994]~~

6. The Schedule of Permitted Uses, referenced in Article IV District Regulations, section 215-15 Permitted Uses, shall be amended as set forth in the attached zoning table entitled "Draft Amendment to Pawling Code Schedule of Permitted Uses". The proposed amendments:

- Add accessory apartments to the R-1 to R-4 and CD zoning districts;
- Add bed-and-breakfast establishments and accessory apartments to the HA zoning district;
- Provide a broader range of uses in the HB zoning district;
- Rename the current I zoning district to become the MBI district; and
- Emphasize mixed business uses and provide a broader range of uses, including lodging and conference-event center, in the MBI zoning district.

7. The schedule referenced in Article IV District Regulations, section 215-16 Schedule of Bulk Regulations, shall be amended to provide flexibility with reduced yard setback requirements in the Hamlet (HA) zoning district as set forth in the attached zoning table entitled "Draft Amendment to Pawling Code Schedule of Bulk Regulations". The Schedule of Bulk Regulations shall also be amended to eliminate the minimum area per dwelling column.

8. Article V Supplementary Regulations shall be revised and renumbered to include the following supplemental requirements for accessory apartments on one-family residential lots; accessory apartments above commercial establishments; and bed-and-breakfast establishments set forth below:

Article V. Supplementary Regulations.

§ 215-17.1 Accessory apartments on one-family residential lots.

A. Only one accessory apartment is allowed and it shall be clearly subordinate to the one-family dwelling.

B. The owner of the one-family lot on which an accessory apartment is located shall occupy the principal or accessory dwelling unit.

C. The accessory apartment shall occupy not more than 30% of the floor area of the principal dwelling if located in a portion of a single-family structure. If located in a detached accessory structure, the accessory apartment shall be limited to a maximum floor area equivalent to 30% of the floor area of the principal dwelling. In no case shall the accessory dwelling have more than 2 bedrooms or exceed 1,200 square feet of floor area.

D. The accessory apartment must comply with all bulk requirements for a one-family residential lot.

E. The exterior of the structure in which an accessory apartment is located, its entry, stairways, parking and access thereto shall be such that, to the extent practicable, the appearance of the property will remain as a one-family residence. The resulting appearance of the property shall be consistent with the character of principal one-family dwelling and the surrounding properties. Appropriate screening of access, parking and entry areas may be required.

F. Evidence shall be provided about the sufficiency of water supply and sewage treatment facilities for the accessory and principal dwellings. Any necessary improvements to such facilities shall be properly permitted.

§ 215-17.2 Accessory apartments above commercial establishments.

A. Only two accessory apartments are allowed above non-residential uses the total floor area of which shall be equal to or less than the floor area of the non-residential uses.

B. In no case shall any accessory dwelling have more than 2 bedrooms or exceed 1,200 square feet of floor area.

C. The accessory apartment must comply with all bulk requirements for the non-residential lot on which it is located.

D. The residential aspect of any structure in which accessory apartments are located over non-residential uses must have an entryway which does not require access through any non-residentially used area, other than a common lobby, hallway or stairway.

E. Evidence shall be provided about the sufficiency of water supply and sewage treatment facilities for the accessory and non-residential uses. Any necessary improvements to such facilities shall be properly permitted.

§ 215-18.1 Bed-and-breakfast establishments.

A. Purpose. The intent of these supplemental requirements is to allow convenient, local accommodation for short-term visitors to the community; and to encourage preservation of older homes and residential lots with open space by providing a cost-effective alternative or adaptive use consistent with the character of the community. It is also anticipated that this provision will provide economic support for present homeowners, to protect and preserve property values. Therefore, specific conditions are set forth below for bed-and-breakfast establishments.

B. Bed-and-breakfast establishments, where permitted under this chapter, shall conform to the following additional requirements:

- (1) The property and principal and accessory structures thereon shall conform to the lot area, yard and other requirements for the zoning district in which the property and structures are located.
- (2) The building housing a bed-and-breakfast establishment shall be an existing, detached one-family dwelling and its use as a bed-and-breakfast establishment shall not conflict with its appearance or function as such.
- (3) The minimum size lot on which a bed-and-breakfast establishment may be located is one-half acre. A bed-and-breakfast establishment may be permitted on a lot with a smaller area only if such lot is located in a nonresidential district and the Planning Board finds that a bed-and-breakfast establishment can be adequately accommodated within the existing principal dwelling building and that it will not overburden the property and that it will be a use compatible with the surrounding properties.

- (4) The owner of the lot upon which the bed-and-breakfast establishment is to operate shall occupy and maintain the bed-and-breakfast establishment as his/her legal residence.
- (5) The maximum number of bedrooms that may be available to overnight guests shall be four. The Planning Board shall be responsible for determining and limiting the number of bedrooms in each dwelling in connection with its review of the special permit application.
- (6) Meal service shall be limited to a morning meal served to overnight guests only.
- (7) No less than one off-street parking space shall be provided per bedroom designated as available for overnight guests. Said parking shall be in addition to the parking required by this chapter for the single-family dwelling use. The parking spaces shall be provided in a safe manner on the subject lot so as to not establish a nuisance or burden for adjacent and surrounding lots.
- (8) Evidence of the approval of the proposed method and adequacy of water supply and sewage disposal shall be obtained from the Dutchess County Department of Health.
- (9) Signage shall comply with the provisions herein for signs generally, and for signs in residential districts as set forth in section 215-40, G., except that a bed-and-breakfast sign may be externally illuminated with lighting sensitive to the neighborhood. There shall be no more than one sign, which may be freestanding, not exceeding four square feet in area.
- (10) Smoke alarms shall be installed in each bedroom of the bed-and-breakfast establishment.

9. Article V, section 215-21, regarding Open Space Subdivisions, subsections B. (1(a); C. (1) and C. (4); and D. (1)(b) shall be revised to read as shown below. Subsections A., all remaining subsections of B. through D. and subsections E. through J. shall remain as previously adopted:

B. Intent.

(1) This provision encourages flexibility in the design and development of land in order to promote the most appropriate use of land, to facilitate the adequate and economic provision of streets and utilities and to preserve as permanent open space agricultural land, important natural, ~~and~~ cultural and historic features, wildlife habitat, water resources, ecological systems, and scenic areas for the benefit of present and future residents. A residential open space development (either a cluster or conservation density subdivision) shall achieve the following purposes:

(a) Better protection of natural, ~~and~~ scenic and historic resources as identified in the Comprehensive Plan Master Plan and the Zoning Law than would be provided by the conventional subdivision plan;

C. Purposes of open space subdivisions. The Planning Board may modify lot area and dimensional regulations pursuant to the Municipal Home Rule Law and § 278 of the Town Law and if it finds that an application will fulfill several of the following purposes:

(1) The preservation of land as unsubdivided and undeveloped open space which preserves or enhances the appearance, scenic resources, historic character or natural beauty of an area.

(4) The preservation and protection of particular areas and terrain having qualities of significant scenic natural beauty or historic interest as identified in resource lists set forth by the Town.

(D) Additional application requirements for cluster subdivisions.

(1) Application requirements:

(b) The Planning Board shall have architectural review to assure the subdivision is compatible with the community's scenic and historic character and is unobtrusive to the surrounding area.

10. Article V Supplementary Regulations, Section 215-30 Landscaping, subsection A. shall be revised to read as shown below. The rest of Section 215-30 shall remain as previously adopted:

A. The provisions of this section shall apply to all multiple-family complexes and all uses in the following districts: Hamlet, Highway Business, Mixed Business-Industry, Planned Development and Variable Residential Density. Lands which are not used for buildings, structures, off-street parking and loading areas, driveways or similar uses shall be landscaped in accordance with the standards of this section. A complete plan and

schedule of existing and proposed landscaping shall be included with the site plan and/or special permit application. This plan should detail the number, location, size and name of each plant species, which shall be approved by the Planning Board. The minimum standards and requirements for landscape areas shall be:

11. Article V Supplementary Regulations, Section 215-31.1 Highway Business (HB) nonresidential zoning districts, shall be revised to read as follows:

§ 215-31.1. Highway Business (HB) nonresidential zoning districts.

[Added 5-8-2001 by L.L. No. 2-2001]

A. Intent. The Highway Business Zoning District is intended to provide flexible land use and design regulations to encourage the creation of an appropriate scale of commercial and retail development that:

- (1) Generates a positive tax base benefiting Town and village residents.
- (2) Increases employment opportunities and/or enhances shopping.
- (3) Protects the visual environment through high-quality architecture and attention to aesthetics.
- (4) Enhances pedestrian circulation.

B. General requirements for HB Zone.

(1) No building, including accessory structures, shall exceed a floor area ratio of ~~0.30~~ 0.70.

(2) No building shall exceed 60,000 square feet in size.

(3) The Planning Board may, in its sole discretion, vary the required yard setbacks for developments in the HB district where it finds that:

(a) High-quality site layout, architecture, landscaping and preservation of natural and historical features are maximized;

(b) Sharing of access and parking facilities and coordination of pedestrian improvements with adjacent sites or properties are maximized;

(c) Site design and construction utilize methods that have a low-impact on the environment; and

(d) Proposed development is in substantial compliance with the intent of these supplemental requirements.

~~(3)~~(4) All utilities, telephone and other wires for providing power and communication shall be installed underground in the manner prescribed by the regulations of state and local governments and/or the utility company having jurisdiction.

~~(4)~~(5) No parking shall be permitted in any front yard setback.

~~(5)~~(6) At least 15% of any ~~zoning~~ lot must be open space. Such designated open space must be undisturbed natural features~~grass~~, or landscaped areas with a variety of trees, shrubs and ground covers open to the air.

~~(6)~~(7) The layout and design of buildings and related improvements will address the land use policies, principles and guides entitled "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities".

C. Special permit requirements for any lot above ~~five~~ two acres and multiple use shopping centers. Because large lots and multiple use shopping centers have special aesthetic and design considerations, they shall meet the general standards of § [215-46](#), the standards listed above in Subsection [B](#), as well as the following conditions:

(1) Minimum lot size: ~~five~~ two acres.

(2) Maximum allowable floor area ratio: ~~0.20~~ 0.70.

~~(3) Minimum store size: Development shall minimize impacts on the economic viability of the Village of Pawling by limiting of all store sizes and professional offices and personal service establishments in a shopping center to at least a minimum of 3,500 square feet of gross floor area so that small stores and professional offices are encouraged to locate in the village.~~

(4) Access management. Development shall minimize the number of access points to and from Route 22 and provide interior road circulation and pedestrian circulation systems, including provision for service roads or feeder roads running parallel to Route 22, as determined by the Planning Board. (See § [215-25](#).)

(5) Design criteria.

(a) Ensure that the appearance of the buildings permitted under this section is harmonious with the general visual environment of the Town and promote a high standard of architectural design. The Planning Board may establish design guidelines and controls for commercial buildings, including architectural design review.

(b) In addition to the parking requirements of § [215-34](#), ensure that parking is minimized in the front of buildings, that it is provided in small, tree-lined parking bays and that at least one tree per 10 parking spaces is provided.

(c) Utilities provisions. The utility provisions of § [215-36](#) (Planned Development District) shall be met.

(6) Open space. At least 25% of the total lot area shall be open space. Such designated open space must be undisturbed natural features ~~grass~~, or landscaped areas with a variety of trees, shrubs and ground covers open to the air.

12. Article V Supplementary Regulations shall be revised to include a new subsection after Section 215-31.1 Highway Business (HB) nonresidential zoning districts, which shall read as follows:

§ 215-31.2. Mixed Business Industry (MBI) nonresidential zoning districts.

A. Intent. The purpose of the Mixed Business Industry (MBI) district is to provide flexible land use and design regulations to encourage the creation of a mixed use development that:

(1) Creates the opportunity for enhancement of the tax base benefiting Town and village residents.

(2) Increases lodging, service, shopping, and recreational options and enhances the variety of employment opportunities available in the Town.

(3) Protects the visual environment through high-quality architecture and attention to aesthetics and community character.

(4) Utilizes a design concept that incorporates open space elements, the site's environmental characteristics, and is pedestrian oriented (i.e., incorporates walkways and bikeways).

(5) Provides an efficient use of land use, which minimizes the extent and cost of the provision of community facilities and utilities (water, sewer, fire service, schools and roads).

(6) Provides convenience in the location of goods, services, amenities and facilities that better fulfills the needs of the surrounding area.

(7) Utilizes an efficient, aesthetic and unified design incorporating open space elements, pedestrian walkways, natural landscaping and appropriate screening throughout the development.

(8) Promotes interconnected and shared access and parking facilities between businesses and the surrounding community.

(9) Enhances opportunities for pedestrian and bicycle circulation and access to transit.

B. Concept plan review.

(1) This part of review permits an applicant to submit his concept for a Mixed Business Industry development without incurring the significant costs of detailed planning for discussion with the Planning Board. The Board will review the concept plan as early as possible in the project review to discuss whether the proposal generally complies with the pertinent supplemental regulations herein and the Comprehensive Plan for the Town of Pawling.

(2) The submittal for concept plan shall be filed with the Planning Board and shall contain the following information:

(a) A vicinity map sketched to a scale of 2,000 feet to the inch, showing land owned by the applicant; and indicating the relationship of the site to existing community facilities which serve it, such as roads, shopping, schools, etc.

(b) Resource analysis map(s) of the site showing:

[1] Soil types and boundaries; and bedrock outcrops.

[2] Topography; and steep slopes (over 25%).

[3] Wetlands plus buffer areas; wet areas; water bodies; and watercourses.

[4] One-hundred-year floodplains.

[5] Vistas and viewsheds into or out of the property.

[6] Areas of contiguous forest lands and wooded areas.

[7] Nearby significant topographic features and historical structures.

[8] Existing parklands, recreational and/or public open space.

(c) A conceptual drawing of the entire proposed development showing:

[1] The outer perimeters of the site, including the use of abutting lands and connections to community roads, pedestrian pathways and transportation, water supply and sewage disposal.

[2] Location and identification of proposed uses, structures, including landscaped and open spaces and associated amenities.

[3] An outline of the interior roadway system, parking areas and the connection to existing roadways.

[4] Any other information which would assist in the review of the applicant's concept.

(d) A general report prepared by the applicant about the compatibility of the concept with the Comprehensive Plan of the Town of Pawling.

(3) Within 30 days of the submittal of the above materials, the concept plan shall be discussed at a Planning Board meeting. The applicant shall be permitted to present the concept. The Planning Board will provide comments and recommendations about the site, its resources, the concept plan and compatibility with the Comprehensive Plan.

C. General requirements.

(1) Area and bulk standards.

(a) The total of all buildings on a site, including accessory structures, shall not exceed a floor area ratio (FAR) of 0.60.

(b) No building footprint shall exceed 80,000 square feet.

(c) Retail floor area shall not exceed forty percent (40%) of the total floor area on a site in an MBI zoning district. Any subdivision of lot in an MBI district shall include permanent controls on the use of the resulting lots to maintain the required proportion of retail to non-retail use. Such controls shall be in a form satisfactory to the Town Attorney.

(d) The Planning Board may, in its sole discretion, vary the required yard setbacks for developments in the MBI district where it finds that:

[1] High-quality site layout, architecture and landscaping; and preservation of natural and historical features and surrounding viewsheds are maximized;

[2] Site design and construction utilize methods that have a low-impact on the environment; and

[3] Proposed development is in substantial compliance with the intent of these supplemental requirements.

(2) All utilities, telephone and other wires for providing power and communication shall be installed underground in the manner prescribed by the regulations of state and local governments and/or the utility company having jurisdiction.

(3) Parking.

(a) Parking shall be prohibited along road frontage areas and screened from view.

(b) In off-street parking areas containing 25 or more parking spaces, at least 10% of the total parking area within the paved areas shall be landscaped with appropriate trees, shrubs and other plant material to assure the establishment of a safe, convenient and attractive parking facility. Such landscaping shall include at least 1 tree for every 10 parking spaces.

(c) Opportunities for shared parking shall be maximized and unnecessary pavement and impervious surface coverage shall be avoided. For mixed use development with complementary peak hours of use, the Planning Board may waive up to 25% of the total parking required for all of the proposed uses upon a finding that the shared parking is appropriate and adequate to meet the peak demands. In granting a parking waiver, the Planning Board may require that a parking reserve be provided in the event that it finds that some portion of the parking may be required in the future (see 215-34).

Alternatively, the Planning Board may require that a portion of the required parking be constructed with pervious materials upon a finding that that portion of the required parking is projected for use during peak demand.

(4) Access and internal circulation plans shall minimize the number of access points to and from Routes 22 and 55 by utilizing shared roads and driveways. Interior vehicular, bicycle and pedestrian circulation systems shall include internal road systems with service roads or feeder roads and incorporate transit stops, as determined by the Planning Board. (See § [215-25](#))

(5) The site layout and appearance of the buildings shall be in harmony with the general visual character of the surrounding community and incorporate a high standard of architectural design. The Planning Board may establish design guidelines and controls for commercial buildings, including architectural design review.

(6) At least 15% of any lot shall be open space consisting of undisturbed natural features or landscaped areas with a variety of trees, shrubs and ground covers open to the air. Permanent preservation and maintenance of such areas shall be assured by appropriate controls including plan notation, restrictions, covenants and easements in form satisfactory to the Town Attorney.

(7) Buffer landscaping may be required to screen buildings within the MBI district from the surrounding area (See § [215-30](#)).

(8) The layout and design of buildings and related improvements will address the land use policies, principles and guides entitled "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities".

D. Special permit requirements.

(1) Minimum lot size: five acres. In accordance with Town Law 280-a, multiple use center sites shall be considered as eligible for establishment of open development areas subject to the standards for this district. Minimum lot sizes and other bulk standards shall apply to the overall contiguous site area except for planned or existing streets which would separate any part of the land from the rest of the site. Subsequent to site plan approval, lands in an open development area may be subdivided to lots of less than 5 acres provided that no lot shall be less than 1 acre, and provided that: (a) sufficient parking is provided for each use and building on the lot or in approved shared parking facilities; (b) lot development complies with the approved site plan for the overall site; and (c) satisfactory provisions for the maintenance of all elements of the site are set forth on the site and subdivision plans.

(2) Site design and development must be consistent with the Intent of the MBI district as set forth above.

(3) The site layout shall include improvements on the grounds for use and enjoyment by persons employed on or visiting the site such as a picnic, plaza, seating or garden area or recreational trails. Said improvements should be constructed of pervious materials, to the extent practicable, and may be located in required open space areas.

13. Article V, section 215-33, subsection E. regarding conforming uses, conforming buildings on nonconforming lots, shall be revised to read as shown below. Subsections A. through D. and F. shall remain as previously adopted:

E. Conforming uses, conforming buildings on nonconforming lots. Any enlargement of a building must conform to all setback requirements of the zoning in which it is located. In the Whaley Lake Dam District, any lot lawfully created prior to the year 2012, that does not meet the lot area requirement may be permitted a reduction in minimum side yard dimensions such that no side yard shall be less than 8 feet; and the total of both side yards is no less than twenty feet.

14. Article V, section 215-34, subsection J shall be revised to include a change to the list of uses, which corresponds to minimum off-street parking requirements, as shown below. The remainder of the list of uses and parking requirements shall remain as currently shown in this subsection of the code.

J. Off-street parking requirements.

(1) Off-street motor vehicle parking facilities shall be provided as follows, except as may be modified in other provisions of this section or where additional parking requirements may be made as a condition of the issuance of a special permit, in which case provisions of the appropriate section shall apply.

Use	Minimum Off-Street Parking (spaces)
1- and 2-family dwellings	2 for each dwelling unit
Mobile home	2 for each dwelling unit
Multifamily dwelling and accessory apartment	1 1/2 for each dwelling unit

15. Article V, section 215-36 Planned Development District., subsections D. (3); and E. (1)(d) shall be revised as described below. Subsections A. through C., all remaining subsections and paragraphs of D. and E. and subsections F. through I. shall remain as previously adopted:

- Subsection D. (3) regarding industry and office uses shall be revised to insert a new use "(b) Lodging and conference-event center". The remaining industry and office uses in

subsection D. (3) shall be re-lettered as (c) through (f). The rest of subsection D. shall remain as previously adopted.

- Subsection E. Standards and controls., shall be revised to delete subsection E. (1)(d) requiring that residential dwellings “shall occupy a minimum area of at least 900 square feet.” Subsections E. (1)(a) to (c) shall remain as previously adopted.

16. Article VI, section 215-46. Standards for special permits., subsections A. and D. shall be revised to read as shown below. Subsections B., C., and E. to K. shall remain as previously adopted:

Article VI. Special Permits, Site Plans and Environmental Impact Statements.

§ 215-46. Standards for special permits.

A. All uses listed in the Schedule of Permitted Uses as special uses are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case, and they shall conform to but not be limited to the following general requirements as well as the pertinent supplementary regulations. Special uses are subject to the requirements of § 215-47, Site plan approval, with the exception of accessory apartments.

~~D. Notice to abutting property owners. At the time of application referral to the Planning Board, the Town Clerk shall notify all abutting landowners by mail with respect to the application for a special permit.~~ Notice to property owners. At least seven days before the hearing, the applicant shall mail notice to property owners as follows:

(1) Form and content. Such notice shall include the name of the applicant, the location of the parcel of land and a brief description or identification of the proposal; and shall also specify the date, time and place of the public hearing.

(2) Transmittal. Such notice shall be sent by United States Postal Service certified or registered mail to the owners of all lots in the Town which are within 300 feet of the parcel to which the application pertains, which owners and their addresses shall be as indicated in the current Town Tax Assessor's records.

(3) Certification. Prior to or at the time of the public hearing, the applicant shall provide to the Planning Board a copy of the required notice, a list of all the owners to whom such notice was mailed and either an affidavit that the mailing was completed as required herein or copies of all mailing receipts.

17. Article VI, section 215-47 Site plan approval., subsections A. and B. shall be revised to read as shown below. Subsections C. through J. shall remain as previously adopted:

A. Planning Board approval required. The following are subject to site plan approval: all special uses in Districts R-1 through CD, VRD and HA with the exception of accessory apartments; all uses in a Highway Business or Mixed Business Industry District and planned developments and all commercial, industrial, highway business, PDD and special uses where the original use has been changed or altered. Before the issuance of any building permit for a use requiring site plan approval, as specified by the Schedule of Bulk Regulations, the detailed site plan for such use shall be approved by the Planning Board. **[Amended 2-13-1979; 9-10-1991 by L.L. No. 5-1991]**

B. Application, referral and hearing. Applications for site plan approval shall be made, in writing, to the Planning Board. The Planning Board shall make referrals as required herein; and shall fix a time within 45 days from the day an application for site plan approval is made for a public hearing. Public notice of such hearing shall be provided as set forth below. ~~shall be given by publication in the official Town newspaper of such hearing at least five days prior to the date of public hearing.~~ Within 45 days of said hearing, the Planning Board shall approve, approve with modifications or disapprove the site plan. The decision of the Planning Board shall be filed in the office of the Town Clerk.

(1) Publication. At least five days before a scheduled hearing, a notice shall be published in a newspaper of general circulation designated by the Town as its official newspaper for publication of such notices.

(2) Notice to property owners. At least seven days before the hearing, the applicant shall mail notice to property owners as follows:

(a) Form and content. Such notice shall include the name of the applicant, the location of the parcel of land and a brief description or identification of the proposal; and shall also specify the date, time and place of the public hearing.

(b) Transmittal. Such notice shall be sent by United States Postal Service certified or registered mail to the owners of all lots in the Town which are within 300 feet of the parcel to which the application pertains, which owners and their addresses shall be as indicated in the current Town Tax Assessor's records.

(c) Certification. Prior to or at the time of the public hearing, the applicant shall provide to the Planning Board a copy of the required notice, a list of all the owners to whom such notice was mailed and either an affidavit that the mailing was completed as required herein or copies of all mailing receipts.

18. Article VII, section 215-52 Zoning Board of Appeals., shall be revised to reword subsection E.(1) and add new subsection F. as described below. Subsections A. through D. and E.(2) and (3) shall remain as previously adopted:

Article VII. Enforcement and Administration.

§ 215-52. Zoning Board of Appeals.

E. Procedure. The Board of Appeals shall act in strict accordance with the procedure specified by law and by this chapter. All appeals and applications made to the Board of Appeals shall be in writing, on forms prescribed by the Board of Appeals and accompanied by a fee to be determined by the Town Board. Every appeal or application shall refer to the specific provision of the chapter involved and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Where placement of buildings is concerned with relation to lot dimensions, a sketch drawn to an accurate scale must accompany the application.

(1) Hearing. The Board of Appeals shall fix a reasonable time for the public hearing of any appeal or other matter referred to it and shall give public notice thereof as follows:

(a) by the Publication in the official newspaper of a notice of such hearing at least 10 days prior to the date thereof.

(b) Notice to property owners. At least seven days before the hearing, the applicant shall mail notice to property owners as follows:

(1) Form and content. Such notice shall include the name of the applicant, the location of the parcel of land and a brief description or identification of the proposal; and shall also specify the date, time and place of the public hearing.

(2) Transmittal. Such notice shall be sent by United States Postal Service certified or registered mail to the owners of all lots in the Town which are within 300 feet of the parcel to which the application pertains, which owners and their addresses shall be as indicated in the current Town Tax Assessor's records.

(3) Certification. Prior to or at the time of the public hearing, the applicant shall provide to the Zoning Board of Appeals a copy of the required notice, a list of all the owners to whom such notice was mailed and either an affidavit that the mailing was completed as required herein or copies of all mailing receipts.

F. Expiration of appeal decision. Unless otherwise specified by the Zoning Board of Appeals, a decision on any appeal shall expire if the applicant fails to commence and substantially complete work related to the decision within 2 years of the date of such decision.

Chapter A230 Subdivision of Land

19. The Code of the Town of Pawling, Chapter A230. Subdivision of Land., Article III, section A230-13, subsections B. and F. shall be revised to read as follows. Subsections A., C. to E., G. and H. shall remain as previously adopted.

Article III. Procedures.

§ A230-13. Time schedule.

B. Public hearing. Before the Planning Board acts on any preliminary plat, it shall hold a public hearing thereon in accordance with § 276 of the Town Law within 62 days of receipt of the preliminary plat by the ~~Chairman of the Planning Board or the Town Clerk~~. Public notice of such hearing shall be provided as set forth below:

(1) The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the date of the hearing. [Amended 2-8-2005 by L.L. No. 1-2005]

(2) Notice to property owners. At least seven days before the hearing, the applicant shall mail notice to property owners as follows:

(a) Form and content. Such notice shall include the name of the applicant, the location of the parcel of land and a brief description or identification of the proposal; and shall also specify the date, time and place of the public hearing.

(b) Transmittal. Such notice shall be sent by United States Postal Service certified or registered mail to the owners of all lots in the Town which are within 300 feet of the parcel to which the application pertains, which owners and their addresses shall be as indicated in the current Town Tax Assessor's records.

(c) Certification. Prior to or at the time of the public hearing, the applicant shall provide to the Planning Board a copy of the required notice, a list of all the owners to whom such notice was mailed and either an affidavit that the mailing was completed as required herein or copies of all mailing receipts.

F. Public hearing. Before the Planning Board acts on any final subdivision plat previously having received preliminary plat approval, it shall hold a public hearing thereon in accordance with § 276 of the Town Law, within 62 days of the submission of the plat in final form, ~~which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing.~~ Public notice of such hearing shall be provided in the same manner as set forth herein for the hearing for a preliminary plat. The Planning Board shall approve, conditionally approve with or without modifications or disapprove the final plat within 62 days of the public hearing. The Planning Board shall notify the applicant, in writing, of its decision, and the grounds for disapproval of any plat shall be stated on the records of the Planning Board. The time within which the Planning Board shall act on the final plat may be extended by mutual consent of the subdivider and the Planning Board. The Planning Board may waive the public hearing on the final plat if it is deemed to be in substantial agreement with an approved preliminary plat.

Amendment to Pawling Code		Schedule of Permitted Uses		Dated: July 6, 2012
District	Principal Uses	Special Uses	Accessory Uses	
R-1 through R-4 and CD	Animal husbandry	<u>Accessory Apartment</u>	Accessory use as defined herein	
	Dwelling, 1 -family	Airfield	Accessory buildings and structures customarily associated with the permitted uses, buildings and other structures	
	Dwelling, 2 family, subject to the provisions of § 215-23	Bus passenger shelter Camp	Yards on the same lot as a dwelling may contain a private garage or open parking area for operative passenger vehicles of person residing or visiting on the premises and for not more than 1 commercial licensed vehicle, if meeting setback requirements	
	Farm, farm use and customary farm occupations	Carnival	Yards on the same lot as a dwelling may contain a playhouse, toolhouse, garden house or private swimming pool not operated for gain, if meeting setback requirements.	
	Forest nurseries, tree seed gathering and extracting, gathering of gums	Cemetery	Customary home occupation as defined herein	

and barks

Forestry services	Church or other place of worship	Signs, subject to the provisions of § 215-40
Parks, public and private, excluding commercial facilities	Circus	
Stable, private	Clubs, private, community, fraternal, recreation, rod and gun	
Timber tract	Educational institutions of higher learning on a site not less than 100 acres	
Wildlife preserve, private	Farm, cage-type poultry, on a site not less than 50 acres	
	Farm, fur, on a site not less than 100 acres	
	Funeral Home	
	Golf course	
	Hospital, clinic	
	Hospital, animal or veterinary clinic on a site not less than 10 acres	
	Kennel on a site not less than 10 acres	
	Libraries, public and semipublic	
	Museums, public and semipublic	
	Nursery school	
	Nursing Home	
	Pet cemetery	
	Public and private water supply system and facilities -Public and private sewage disposal facilities	
	Public utility electrical transmission lines	
	Public utility substation	
	Radio or television transmission and receiving facilities with their customary appurtenances	
	Riding academy	
	Roadside stand, not more than 1 per farm	

Amendment to Pawling Code

Schedule of Permitted Uses

Dated: July 6, 2012

District	Principal Uses	Special Uses	Accessory Uses
HA	Dwelling, 1-family		Accessory use as define herein
	Dwelling, 2-family, subject to the provisions of § 215-23	<u>Accessory apartment</u> <u>Bed and breakfast establishments</u>	Accessory buildings and structures customarily associated with the permitted uses, buildings and other structures
	Dwelling units secondary to a business use and not occupying any ground floor area	Bus passenger shelter	Between the yards of a dwelling, a private garage or open parking for operative passenger vehicles of a person residing or visiting on the premises and for not more than 1 commercial licensed vehicle
	Parks, public and private, excluding commercial facilities	Church or other place of worship	Between the yards of a dwelling, playhouse, tool house, garden house, private swimming pool not operated for gain
	Clinic, medical or dental	Customary home occupation as defined herein	Signs, subject to the provisions of § 215-40
	Clubs, private, community, fraternal, recreation		
	Libraries, public and semi-public		

Subject to site plan approval, the following nonresidential uses:
 antique store, art gallery, museum, convenience shopping facility, restaurant and smokehouse, which can be accomplished in such a way as to preserve the exterior character of structures in existence at the time of this amendment (10-12-1982) and are consistent with the character of the district
[Amended 10-12-1982]
 Nursery school
 Post office **[Added 4-30-1985 by L.L. No. 2-1985]**
 Public and private water supply system and facilities
 Public and private sewage disposal facilities
 Schools, elementary and secondary, private
 Schools, religious
 Tourist home or boardinghouse

Amendment to Pawling Code		Schedule of Permitted Uses	Dated: July 6, 2012
District	Principal Uses	Special Uses	Accessory Uses
HB¹	Animal Husbandry	Amusement and recreation facilities, indoor and outdoor	Accessory buildings and structures customarily associated with and incidental to the permitted uses Off-street parking and loading space for motor vehicles subject to the provisions of § 215-34 Signs, subject to the provisions of § 215-40
	<u>Banks and credit agencies</u>	Dwelling, multifamily, HB only	
	<u>Bed and breakfast establishments</u>	Hospital, clinic	
	Car Wash	Kennel, on site not less than 10 acres	
	Automobile body shop	Mobile home sales	
	Automobile sales and rental	Motor freight terminal	
	Boat, boat trailer and marine accessory sales and rental	Nursing home	
	Building materials sales, including lumberyards	Quarrying and mining	
	Cargo trailer, camping trailer sales and rental	Storage of alcohol, gasoline, crude oil, liquefied petroleum gas or other highly flammable substances subject to the requirements of § 215-41	
	Commercial greenhouse and plant nursery, including office and sales yards		
	Construction equipment sales and rental		

Amendment to Pawling Code		Schedule of Permitted Uses	Dated: July 6, 2012
District	Principal Uses	Special Uses	Accessory Uses
			<i>July 11, 2012</i> <i>Page 40 of 62</i>

HB
(continued)

Eating and drinking establishments, excluding drive-in

Farm, farm use and customary farm occupations
Farm machinery sales and rental
Food, grocery and general merchandise stores
Food preparation, processing and product development including bakery
Furniture store
Home furnishing and equipment store
Ice storage and vending (3 tons or less capacity)
Motel

Motor vehicle service station subject to the provisions of §215-28
Offices, business, professional, research
Personal service establishments
Real estate office
Restaurant
Salesroom or shop of a builder, contractor or artisan
~~Warehouse~~
~~Wholesale business~~
Studio or gallery for a performing artist or artist, including instruction
Miscellaneous retail store, including the making of articles to be sold on the premises, provided that any such manufacturing or processing shall be incidental to a retail business and not more than 5 persons shall be employed in such manufacturing or processing

Multiple use Shopping center in accordance with an integrated site and architectural plan to be approved by the Planning Board and which may include uses permitted elsewhere in the district and **the following for:**

Apparel and accessory store

Bakery

Bank

Bar or tavern

Clinic, dental

Clinic, medical

Credit agencies other than banks

Dormitory **[Added 5-14-1985 by L.L. No 3-1985]**

Drug store

Financial establishment

Food stores

Food service establishments

General merchandise store

Grocery store

Hardware store

Insurance carriers, agents, brokers and services

Laundry, coin-operated, dry cleaner

~~Miscellaneous retail store, including the making of articles to be sold on the premises, provided that any such manufacturing or processing shall be incidental to a retail business and not more than 5 persons shall be employed in such manufacturing or processing~~

Motion-picture theater other than drive-in

Professional services

Restaurant

Veterinary hospital

Warehouse
Wholesale business

	Amendment to Pawling Code	Schedule of Permitted Uses	Dated: July 6, 2012
District	Principal Uses	Special Uses	Accessory Uses
<u>MBI</u>² †	<p>Animal husbandry</p> <p><u>Amusement, cultural and recreation facilities, indoor and outdoor</u> <u>Banks, credit agencies and financial establishments</u> <u>Bar or tavern</u></p> <p><u>Clinic, medical or dental</u> <u>Any industrial or manufacturing use, including the fabrication, converting, processing, altering, assembly or other handling of products, the operation of which uses only electric power not generated on site and which use does not constitute a hazard or nuisance and will meet the criteria of the performance standards in §215-35</u></p> <p><u>Farm, farm use and customary farm occupations</u> <u>Food preparation, processing and product development including bakery</u></p> <p><u>Forest nurseries, tree seed gathering and extracting, gathering of gums and barks</u></p>	<p><u>Any industrial or manufacturing use, including the fabrication, converting, processing, altering, assembly or other handling of products, the operation of which uses only electric power not generated on site and which use does not constitute a hazard or nuisance and will meet the criteria of the performance standards in §215-35</u> Dormitory [Added 5-14-1985 by L.L. No. 3-1985]</p> <p><u>Hospital, clinic and nursing home</u></p> <p><u>Motor freight terminal</u></p> <p><u>Nursery school</u></p> <p><u>Retail store selling one or more types of merchandise or services, including but not limited to food, grocery and general or specialty merchandise</u></p> <p><u>Multiple use center in accordance with an integrated site and architectural plan to be approved by the Planning Board and which may include uses permitted elsewhere in the district and the following: a. Laundry, coin-operated, dry cleaner</u></p>	<p><u>Accessory buildings and structures customarily associated with and incidental to the permitted uses</u> Same as HB District</p> <p><u>Off-street parking and loading space for motor vehicles subject to the provisions of § 215-34</u></p> <p><u>Signs, subject to the provisions of § 215-40</u></p>

Forestry Services	<u>b. Miscellaneous retail store, including the making of articles to be sold on the premises, provided that any such manufacturing or processing shall be incidental to a retail business and not more than 5 persons shall be employed in such manufacturing or processing</u>
<u>Insurance carriers, agents, brokers and services</u>	<u>c. Motion-picture theater other than drive-in</u>
<u>Lodging and conference-event center</u>	<u>d. Veterinary hospital</u>
Motor freight terminal	
Office buildings for business and professional use, including administrative, scientific research and development, educational, statistical, financial and similar activities, and which does not constitute a hazard or nuisance and will meet the criteria of the performance standards in § 215-35	
Quarrying and mining	
<u>Restaurants and food service establishments</u>	
Riding academy	
Storage of alcohol, gasoline, crude oil, liquefied petroleum gas or other highly flammable substances subject to the requirements of § 215-41	<u>Storage of alcohol, gasoline, crude oil, liquefied petroleum gas or other highly flammable substances subject to the requirements of § 215-41</u>
Warehousing, storage buildings	<u>Warehousing, storage buildings</u>
Wholesale business³	<u>Wholesale business³</u>

NOTES:

¹All uses permitted in the HB Districts are subject to site plan approval and supplemental requirements in 215-31.1.

²All uses permitted in the MBI District are subject to site plan approval and supplemental requirements in 215-31.2.

³The former regulations for the FH District, which immediately followed, were repealed 2-8-2005 by L.L. No. 1-2005.

Planned Development
District: See § 215-36.

Amendment to Pawling Code Schedule of Bulk Regulations

Dated: July 6, 2012

ZONING

215 Attachment 2

Town of Pawling

Schedule of Bulk Regulations⁷⁴

[Amended 7-14-1987 by L.L. No. 3-1987; 9-10-1991 by L.L. No.5-1991; 5-8-2001 by L.L. No. 2-2001; 2-8-2005 by L.L. No. 1-2005]

District	Area (acres)	Frontage (feet)	Coverage (percent)	Maximum	Minimum	Maximum	Minimum Yard Dimensions ⁶⁴		
				Building	Area-Per Dwelling (square feet)	Building	Front	Side	Both
CD	5	350	10	900	35	100	40	100	100
R-4	4	350	10	900	35	100	40	100	100
R-3	3	275	10	900	35	75	30	75	75
R-2	2	200	10	900	35	60	25	60	60
R-1	1	125	10	900	35	50	20	50	50
VRD ¹	1	125	10	900	35	50	20	50	50
HA	1/2	100	20	900	35	30 ² 25	30 ² 20	60 ⁴ 45	25 ⁵ 25
HB ¹	1 ³²	200 150 ⁴	35	900	35	100 ⁵	25	50	30
MBH	1 ³	200	30	NA	35	100	50	100	100

NOTES:

¹ For regulations for multiple-family dwellings, see § 215-32.

~~² One hundred feet required if off-street parking is permitted in front yard.~~

~~³² See § 215-31.1~~

~~⁴ Four hundred feet required for shopping centers.~~

~~⁵ One hundred fifty feet required if off-street parking is permitted in front yard.~~

~~⁶³ See § 215-31.2~~

⁴ For accessory buildings, see § 215-12.

~~⁷⁴ Each dwelling unit referred to herein shall contain a minimum of 900 square feet of habitable floor area above ground.~~

TRANSCRIPT OF PROCEEDINGS

-----X

TOWN OF PAWLING
COMPREHENSIVE PLAN UPDATE
PUBLIC HEARING

-----X

DATED: July 11, 2012

Pawling, New York

7:00 p.m. - 8:01 p.m.

Donna M. Wells, Court Reporter

MINUTES

OF

PUBLIC HEARING

Mary T. Babiarz Court Reporting Service, Inc.

(845) 471-2511

APPEARANCES:

TOWN OF PAWLING TOWN BOARD:

David P. Kelly, Supervisor

Philip DeRosa

William B. Johnson

Michael J. Montemarano

Paul Upham

Catherine Giordano, Town Clerk

Liz Axelson, Town Planner

Morris Associates

SPEAKERS:

Nancy Tanner

Donna Pagliaro

Carol Leight

Rose Ellen Tamburello

Christine Walters

Helen Grosso

Vinnie DeMarco

Comprehensive Plan Update

THE SUPERVISOR:

Good evening everybody. Will the Clerk please read the role.

THE CLERK:

Councilman Phil DeRosa.

BY COUNCILMAN DeROSA:

Here.

THE CLERK:

Councilman Mike Montemarano.

BY COUNCILMAN MONTEMARANO:

Here.

THE CLERK:

Councilman Paul Upham.

BY COUNCILMAN UPHAM:

Here.

THE CLERK:

Councilman Bill Johnson.

BY COUNCILMAN JOHNSON:

Here.

THE CLERK:

Supervisor David Kelly.

THE SUPERVISOR:

Here. I'd ask everybody to stand for the Pledge of Allegiance, but I'd love to ask the members of the American Legion Post to start us off with the Pledge of Allegiance tonight. (Whereupon the Pledge of Allegiance was recited) There's a small change to the agenda tonight. The American Legion has asked to come give a presentation tonight, and I just neglected to put it on the agenda, but I would like to ask Commander Lou Musella to come up to the microphone and give us a quick presentation tonight.

BY MR. MUSELLA:

Thank you, Dave. Thank you very much. My name is Lou Musella. I am the proud Commander of Hassler Camp Post 215, and I say that because the building right behind us has a lot of history. It was built with the hands of the World War II veterans back in the 50s; Phil Baez, Al Bryant, Bluford Jackson, Adrian Fozzani, and,

unfortunately, it was sold to the Town back in 1983 so it no longer actually belongs to us, but there's a stipulation that the Town, in that contract, that says as long as there's an American Legion in Pawling you guys are going to have a room to meet which we are thankful for. But there's still a lot of pride, I guess it runs in the blood from veteran to veteran. To see the building in the condition that it is right now, we're concerned about the deterioration. There are carpenter bees, the gutters are knocked down, the awning is coming apart, the air conditioning and heating doesn't work properly, the facade in the front is not pitched properly, and the drainage is not correct. That causes the water to overflow on the steps and deteriorate, and I'm sure that each one of you gentleman, and, Cathy, have a copy of our concerns, and we were just hoping, and we don't really know what the plans are for the Post home. Is it going to continue to deteriorate? In five or ten years is it going to be a building that is just going to cost too much money to repair? I know as a homeowner I can never catch up because when I start at A and go to Z I've got to go back to A, and it's just never ending. And we're just here to let you know that we want to continue to have the Post home as our home, and we would hope that tradition here in Pawling, history in Pawling, the hard sweat and labor that the World War II guys put into that doesn't someday become just in vain like everything else seems to be now, not important. We want to stay next door to you folks. A lot of people probably in the community don't know that the American Legion home doesn't belong to the American Legion. So not to belabor the point, please would you kindly look over our concerns. Please take care of the Post home and just let us know what the plans are for the building next door so I can pass it on to the membership and actually let them know what's going on. Jerry, do you think I covered all of our concerns?

BY MR. CHRISTIANSEN:

Yes.

THE SUPERVISOR:

Jerry, please come up to the mike.

BY MR. MUSELLA:

Thank you very much everybody.

BY MR. CHRISTIANSEN:

My name is Jerry Christiansen. I'm past Commander of the Post. We are in the process now of updating and cleaning up the inside of the building. We're going to get a new rug and re-stain the walls and just try and clean the whole place up inside and get

that office cleaned out and get rid of the -- so those are the main issues and if you could address them at some point and let us know what we can do together we would certainly appreciate it. I appreciate your time.

THE SUPERVISOR:

Thank you very much. We'll have the liaison for the building and grounds get together and they'll report back to you. Thank you.

BY MR. CHRISTIANSEN:

Thank you very much.

THE SUPERVISOR:

Moving on to privilege of the floor with respect to agenda items only. Seeing none, we'll move on to the resolutions. Resolution 104 regarding the adoption of SEQRA findings and adoption of the Comprehensive Plan update(CPU) and amendments to the Town Code regarding zoning and subdivision. I make this motion.

BY COUNCILMAN JOHNSON:

Second.

THE SUPERVISOR:

I would just like to start off by saying that this has been a very long process. I do have a statement in a few minutes to read on the whole process. This Board and my administration have been working on this for over two and a half years and the previous Board had been working for quite a few years on this process, and as of late we've had some very good input from some of our Boards. At this point I would like to offer a few amendments to the document. On the Town Code of Pawling Chapter 215 Zoning and Chapter A230, Subdivision of Lands. For your reference in the packets that I provided it is in the gray document. On page 1 of 14 we've aligned that the dwelling of units was struck that contain the minimum of 900 square feet of habitable force space above grade. I would like to reinstate that line, but change the number to 700 square feet of habitable force space above grade. That's a motion. Do I have a second?

BY COUNCILMAN JOHNSON:

Second.

THE SUPERVISOR:

Discussion? Seeing no discussion, all in favor?

THE BOARD:

Aye.

THE SUPERVISOR:

Opposed? Mike, did you vote?

BY COUNCILMAN MONTEMARANO:

I'm okay.

THE SUPERVISOR:

Five in favor. The next amendment I would like to offer is on page 8 of 14 at the bottom of the page. It's under General Requirements under B. I would like to strike B, no building shall exceed 80,000 square feet. That's a motion. Do I have a second?

BY COUNCILMAN JOHNSON:

Second.

BY COUNCILMAN UPHAM:

Second.

THE SUPERVISOR

Discussion?

BY COUNCILMAN DeROSA:

On that motion, before I was pretty much in favor of some kind of square footage minimum in that zone. Reading into the document further I see that the Planning Board does have some controls over that large building square footage and requiring the applicant to do proper screening, do view tests and things like that that could help minimize the problems that you have with the view sheds up 55, and Quaker Hill, and in the different areas, so I'm a little more apt to be a little looser on that part of the code.

THE SUPERVISOR:

Thank you. I think that the controls that are in place, as you said, Councilman, it does allow for a site plan review and more extensive review they got to in the pre and had a discussion with the Planning Board giving them a lot more control.

BY COUNCILMAN JOHNSON:

If I can also comment. I think by striking that maximum square footage it gives the applicant the opportunity to come see us and not just say Pawling has limits. It will give us the opportunity to at least entertain building some other type of facility there.

THE SUPERVISOR:

Further discussion on this matter? Seeing none, all in favor?

THE BOARD:

Aye.

THE SUPERVISOR:

Opposed? So carried. I would like to offer my last amendment of page 9 of 14. Still under General Requirements on the top of the page, C. I would like to strike, C, from the document.

BY COUNCILMAN JOHNSON:

Second.

THE SUPERVISOR:

Discussion? I can tell you as the person that Comprehensive Plan Update drafted this document and worked with Councilman Mayer from the beginning, it was never the intent to have an MBI be restricted on any form. It was an area where we could allow if somebody wanted to do something in three different parts they could do it. If they wanted to take the industrial and put a full building on it if it's just industrial they could do that. If it was a business they could take anything that was allowable that we put in our regulations to go there at any percentage that they want to, so to me it was never an issue until of late and it's very restrictive, I feel, of having our Town be progressive, having our Town be able to look for other opportunities in business, and I really feel that if we allow this amendment to pass that it will open up and it will flourish for other businesses to come. Once one business comes I feel we're going to move into other businesses in the future. Further discussion?

BY COUNCILMAN DeROSA:

Yes. I just don't think it meets the intent of the Mixed Business Industry Zone without some kind of a percentage in there to get a mixture of services like it talks about in the intent, a mixture of jobs, a mixture of retail, of hospitality, entertainment, all those things, and I think without some kind of a percentage in there that guarantees a mixture of these things it's the same as having the Highway Business Zone. We should have just extended the Highway Business Zone right up through the industrial area because it's the same uses without any kind of restrictions in there or guarantee of mixed uses, so I feel strongly about that, and I think it's an important part of the Code that helps to meet the intent of that Mixed Business Zone that is expressed in the CPU and is expressed in the Environmental Impact Statement both and without some kind of a guaranteed percentage of mixed use there it doesn't meet that intent, and I strongly feel that way.

THE SUPERVISOR:

Further discussion?

BY COUNCILMAN MONTEMARANO:

My thoughts are similar to Councilman DeRosa, and I'm not inclined to reject the advice of the Planning Board on this.

BY COUNCILMAN DeROSA:

And our own planner that suggested that.

THE SUPERVISOR:

Further discussion?

BY COUNCILMAN JOHNSON:

If I might add, I'm afraid that with having restricted percentages it could stop the initial phase of the project. I think economic development will seek its own level. Developers will thrive on whatever will support their investment.

BY COUNCILMAN DeROSA:

I suggest that we make that all Highway Business Zone without any restrictions. Why have a mixed business thing if it's not going to be guaranteed, that's my point.

BY COUNCILMAN MONTEMARANO:

Basically the other two industrial parks switched to MBI have really no chance of vitality going forward. The one up on Route 292 and 55. There's no doubt there's already too many environmental restraints on the other industrial piece to the southwest.

THE SUPERVISOR:

We have to remember that this is a living document and in the implementation we have a series of steps over the next course of many years. That could be one thing that the Committee could look at and bring to the Town Board for review, but, again, this was not the discussion up until a couple of months ago. The percentages were left open for the ability for someone to come in and do any one thing if they wanted or a mix of things. It never was intended to be a mix of business. It was allowable that you could do mixed business, but it was never thought about from day one that you had to have a mixed business, and that's what we're saying here, you have to have it. You can't develop this property unless you have a mixed business. Let's be real today. Today's economy we'd be very happy to get somebody to come in and build a building and bring something to Pawling and maybe bring some jobs, bring some services that our residents have spoke numerous times about in public hearings that we have and the extended public hearings that we offered in this community. They talked about bringing jobs, and bringing services, and bringing products and merchandise to this Town. If we're going to be

restrictive -- like Councilman Johnson says, we're just going to be restrictive. People are going to go to look at other municipalities in the area and see what happens in Patterson, and Beekman, and Dover and say well, Pawling's restrictive so we're not going to look there. We're not even going to be giving people a chance to come to our Town, and I think it's just not the proper way that it was ever designed to be when we started to rewrite the -- the first two planners and the two planners were kept at that point up through the process until as of late. Further discussion? Seeing none, will call.

Councilman Johnson?

BY COUNCILMAN JOHNSON:

Aye.

THE SUPERVISOR:

Councilman Upham?

BY COUNCILMAN UPHAM:

Aye.

THE SUPERVISOR:

Councilman DeRosa?

BY COUNCILMAN DeROSA:

Nay.

THE SUPERVISOR:

Councilman Montemarano?

BY COUNCILMAN MONTEMARANO:

Nay.

THE SUPERVISOR:

The amendment passes. Further amendments to be offered to the document, to the resolution? If not, I will read the resolves to the resolution. Starting on page 2, "Resolve that the day by which SEQRA findings must be prepared and filed is hereby extended to July 13, 2012, and be it further resolved that pursuant to Article 8, State Environmental Quality Review Act, SEQRA, of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Pawling Town Board as Comprehensive Plan Update the Lead Agency has considered the statement of findings attached hereto; and be it further resolved that the Town Board as Lead Agency having considered the draft and Final Environment Impact Statement and having considered the written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11 in the

attached Statement of Findings hereby certifies, 1. The requirements of 6 NYCRR Part 617 have been met; and, 2. That consistent with social, economic and other essential considerations from among the reasonable alternatives available the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable; and, 3. The Town Board hereby adopts the SEQRA Findings Statement attached hereto; and be it further resolved that the Town of Pawling Town Board hereby adopts the proposed Town of Pawling Comprehensive Plan Update (CPU) dated July 6, 2012 as a design and guide for the future of Pawling which identifies the vision, goals and strategies and an outline for implementation by which the Town intends to achieve sustainable development, high quality of life, and direct actions and resources in response to the needs of its residents, businesses and visitors; and be it further resolved that the Town Board hereby adopts and enacts the proposed amendments to the Code of the Town of Pawling Chapters 215 and A230, Zoning and Subdivision of Land, respectively, as set forth in Local Law No. 2 of 2012 as prepared July 5, 2011, revised July 6, 2012 and as further revised on July 1, 2012, as the immediate steps for implementation of the Comprehensive Plan Update; and be if further resolved that a copy or electronic version as appropriate of the SEQRA Notice/Statement of Findings with an adopted version of the CPU and the adopted Local Law containing the Town's Code amendments shall be filed with the Town Clerk and will be circulated to the interested agencies including the Environmental Notices Bulletin" --

BY MS. AXELROD:

Just a quick note because it isn't required to be in the ENB, and I will not send it to them. Sorry about that.

THE SUPERVISOR:

So strike the --

BY MS. AXELROD:

After, "interested agencies," strike, "including the Environmental Notices Bulletin."

THE SUPERVISOR:

Strike that from the record. "Be it further resolved that printed copies of the SEQRA Notice/Statement of Findings with the adopted version of the CPU and the

adopted Local Law containing the Town's Code amendments will be available at Town Hall and the library and electronic versions of the SEQRA Notice and Statement of Findings, CPU and zoning will be available on the Town's website; and be it further resolved that the Town Board directs the Town Clerk to cause a copy of the law to be filed with the Secretary of State and a summary of the adopted shall be published in a newspaper of general circulation in the Town; and be it further resolved that this resolution shall take effect immediately and the adopted Local Law shall take effect immediately upon filing with the Secretary of State." On the resolution, itself, will call vote. Councilman Johnson?

BY COUNCILMAN JOHNSON:

Aye.

THE SUPERVISOR:

Councilman Upham?

BY COUNCILMAN UPHAM:

Aye.

THE SUPERVISOR:

Councilman DeRosa?

BY COUNCILMAN DeROSA:

Nay.

THE SUPERVISOR:

Councilman Montemarano?

BY COUNCILMAN MONTEMARANO:

Nay.

THE SUPERVISOR:

Supervisor Kelly, Aye. Resolution passes. With that, I would like to offer to the Board for consideration a new resolution, Resolution 105. I'll read the resolution. Resolution 105 appointment of an Ad Hoc Implementation Committee and to resolve, "that the Town Board hereby appoints an Ad Hoc Implementation Committee for the sole purpose to advise the Town Board on the matters of the goals and objectives contained within the newly adopted July 11, 2012 Comprehensive Plan and shall make the best efforts possible to meet such goals and objectives, and, be it further resolved that the Town Board hereby appoints Councilman Philip DeRosa as Chairman of the Ad Hoc Implementation Committee along with Councilman Upham to serve on such committees

during their tenure with the Town Board, and, be it further resolved that the Ad Hoc Implementation Committee shall contain one member from both the Planning Board and Zoning Board of Appeals, not to be the Chairman of such Board, and one member of the public at Comprehensive Plan Update large. Each member shall be confirmed by a majority vote of the Town Board." I offer this.

BY COUNCILMAN JOHNSON:

Second.

THE SUPERVISOR:

Discussion on the resolution? Seeing none, all in favor?

THE BOARD:

Aye.

THE SUPERVISOR:

Opposed? So carried. Phil and Paul, you have a task ahead of you.

BY COUNCILMAN DeROSA:

Thank you.

THE SUPERVISOR:

It is now official that we've adopted the Town of Pawling Comprehensive Plan this evening with the help of our Town to maintain its historic small town charm and at the same time provides development opportunities and programs to increase tax revenues which will reduce at some point the tax burden of our residents. This major undertaking, which was started more than five years ago, could not have come to reality without the efforts of several people. In no particular order I would like to take this opportunity to thank the many people; the Comprehensive Plan Advisory Committee that was formed over the previous administration, that was very large at times, I thank them. Former Councilman Mike Mayer along with my colleagues on the Town Board. Town Clerk, Cathy Giordano, and Deputy Town Clerk, Cheryl Knowles, who dedicated countless hours handling the documents associated with this undertaking, members of the Planning Board and the Zoning Board both past and present. Those individuals provided much valued input. This adopted Comprehensive Plan -- this is the size of this document -- all these years to work on a document this size, and I'll tell you we burned a printer up trying to work on this thing. This is also the result of hiring one of the premier firms that has been well-advised in planning. Morris Associates provided this Town with outstanding guidance, and now retired, Richard Harper, along with Principal, Pete Setaro, brought

their years of experience to the table. Additionally, I'd like to thank Lisa Axelrod of Morris Associates for all your guidance and many phone calls, emails from many Board members all the time. I really want to thank you for everything you've done right up to this. I just want to let you know that Lisa's son is getting married this weekend and she's taken her own time tonight to come out for this meeting.

BY MS. AXELROD:

It's been a privilege working with all of you.

THE SUPERVISOR:

The last group that needs to be recognized is you, the residents of Pawling. Your well-documented input is vital to changing this document. On behalf of this Board I want to thank all the residents for your input and your patience throughout this time. Thank you. Now, I move on to privilege of the floor with respect to agenda and non agenda items, anything that's on your mind. Please come up to the mike and state your name for the record. Mrs. Tanner.

BY MS. TANNER:

Good evening. This is a private public matter I guess. I've lived at 35 West Main Street since 1960. The property is in a flood zone since it is adjacent to the Great Swamp Wetlands. My property and its stream are one of the primary exits of the Great Swamp Wetlands. With the tremendous help of two quality engineers who I think you know, Bart Clark and John Kaylin, I secured DEC permission to remove a beaver dam that was negatively contributing to the high water problem that created the one major flood and frequent high water scares. Mayor Liffland assisted my contact with engineer Kaylin, and as I reviewed the negative water situation with the engineers, Clark and Kaylin, I learned that the bridge adjacent to my property is too small. That bridge which is supposed to handle the flow is the focus of the entire watershed area. Additionally, the other side of the bridge across the road has a sandbar that impedes and slows the flow. That overflow streaming to the west of my property, which should handle any overflow, appears completely clogged. On January 3rd of this year I approached the Village Board with all my concerns because my driveway and yard as well as the adjacent road have constant holes and wear and tear from water flow. I can't blacktop my driveway because of the lack of support underneath. For many years the Village government has patched the crevice in the middle of the West Main Street Road and surrounding area. The Village Government has, I feel, done all it can to patch and meld the continual problem

areas from both rain runoff and the Great Swamp overflow. The Band-Aid approaches of the past are complicated further by the tremendous increase in traffic. There is opportunity, I think, for the Town and Village Government to work together to avert a potential tragedy if and when a car sinks because the bridge is not capable of handling the increased traffic and periodic massive flows of water. Qualified engineers have told me the bridge is too small. Potential liability is obvious. It's time, and it's actually way passed time, to correctly address this bridge problem area before a large sinkhole develops. I request your immediate attention to this matter, and I thank you very much. I do have a copy of the letter for each of you.

THE SUPERVISOR:

Thank you. Mrs. Tanner, what we're going to do, our highway superintendent handles these matters. We'll forward a copy of the letter to him.

BY MS. TANNER:

Thank you very much.

THE SUPERVISOR:

For the Board's knowledge, the Town is responsible for bridges. All bridges fall within the Village limits. Mayor Liffland did call me and tell me about the letters that he's going to send to my office about this permit, so I will forward a copy of that to everybody. Thank you very much. Mrs. Pagliaro.

BY MS. PAGLIARO:

Donna Pagliaro, resident of Pawling. I just want to say thank you. I've been following this process along with you guys for the Comprehensive Plan. I'm very, very pleased that it is finally done, and I feel hopeful for Pawling, I really do. So, thank you. That's all I want to say.

THE SUPERVISOR:

Yes, ma'am. Mrs. Leight.

BY MS. LEIGHT:

I'm here. I'm Carol Leight. I live in Holmes. I've been there for since, I don't know when, back from the 50s. I'm here on behalf of the people in Holmes that have asked me to come because our constables that keep coming, whoever mows the law at the pond is not mowing it. It's getting shorter and shorter, and they have been trying to help out, the neighbors. The people that live there have been trying to help clean it up, including Rose Ellen, and we have had the constables show up two or three times and

finally one constable came to my house. Now, all they want to do is make it safe, make it clean and make it look nice. The dam area is beautiful. We used to have flower on it, they've all overgrown. The basketball area is completely covered with brush in the back. When they lose a ball it goes in the brush and the children try to go get it. So what can you do about helping us be able to either clean it or you help us out as you're supposed to.

BY MS. TAMBURELLO:

My name is Rose Ellen Tamburello. I'm a neighbor. I live next door, and I concur with everything that she's saying. I've been here about eight years and the first couple of years I came up somebody was weed whacking all the tall brush. It looked so pretty. Couple of years somebody put flowers in the front adjacent to the railroad and the passed couple of years nobody's doing anything. I don't know why. It looks really terrible. You want to keep up your property, make the neighborhood look good. We're volunteering to do this. My husband was down there with a long -- I don't know what you call it. Anyway, he was down there too and somebody told him he can't do that, why? Trying to make the place look nice, and I also would like to know why we can't put flowers in the front, and we need somebody with a tiller to take the grass out, and the weeds, and to keep it -- you know -- I'll put the flowers in, I don't care. I want it to look nice.

BY MS. LEIGHT:

And she does a beautiful job.

THE SUPERVISOR:

If you can give me your numbers and we'll get together.

BY MS. LEIGHT:

We appreciate it. Anything you can do.

THE SUPERVISOR:

Further comments to the Town Board this evening? Ms. Walters.

BY MS. WALTERS:

My name is Christine Walters. I appreciate you addressing the situation at the park, at the lakefront. I wasn't prepared to speak to it, but I was going to ask if something was going to be done. Although it is a tremendous compliment to what you have done to that park, which is obviously made it a huge attraction, July 4th was challenging to say the least, and obviously we'd expect it to be crowded, but I've never seen anything like it, so in any case, thank you for addressing it. The one concern that I would have only

because Pawling has a unique situation, we find that with the schools the school families live in several different towns. I believe we span five towns. We do have a number of students that are in Pawling schools, but they live in Patterson, so they want to come to the park with their classmates and now they're out of town residents. My only concern, and I do support the delay of the day, if we do go to such a drastic point if we could allow a community type situation so that they're not completely banned from going to the park because, if nothing else, they're school district families, so if some consideration could possibly be done for that, and do we have enough support for the band monitoring at the lakefront and the signs -- I saw the signs up that did appear that said no bands, only bands beyond this point, if those can be more professional signs too. I do appreciate the efforts to make that. I pay for my membership, and I like to use it. Thank you.

THE SUPERVISOR:

Thank you very much. Further comments for the Board this evening? Mrs. Grosso.

BY MS. GROSSO:

Helen Grosso. I wanted to also commend the Board for your work on the plan and how long it was, and the care you took in listening to everybody, and Liz also for her work with all the comments that were made, and that you let residents come forward as much as you did, and the most recent meeting with the Planning Board, thank you for that. I'm disappointed that three amendment changes were made here at the last minute so that there was no chance for comment, and I'm sorry that even though there wasn't even a chance before you voted on this amendment to hear something because all these people who have worked so hard and have read through those many pages and are not on the Board and not on a committee would like to have had a little warning about it, and that was unfortunate. Can you just tell me, again, where those three changes are because I have several people who would like to know what to look for.

THE SUPERVISOR:

I will give it to you after the meeting.

BY MS. GROSSO:

Okay. That's fine. And I'm curious also since we do have a developer who has conformed to much more stringent requirements that have now been loosened for parts of the Route 22 area, and I went to a meeting, I guess it was in the fall, with our new County Executive about supporting the sewer development so that they could move forward. Is

there any other news about that because that was just an introductory meeting with our -- you know -- it was a big celebration where there was a big push and a big discussion about what was going to be done.

THE SUPERVISOR:

Again, this is your time for comment. I'll talk with you afterwards.

BY MS. GROSSO:

And the other question is about fraking. Can you just describe what that is? Is that okay or should I ask him afterwards also because that word is disturbing in general and this must mean something different.

BY COUNCILMAN JOHNSON:

Dave, if I can just address that one issue because it is a lot of concern because if you go on line and Google fraking everyone assumes right away it has to do with natural gas. This is a process that's done to a water well. It's nowhere near as deep. You're talking about something two kilometers deep fraking for gas. This is something that could be 800 or 1,000 and it's done in stages to open up the fishers to allow the waters to flow.

BY MS. GROSSO:

And chemicals are not sent down?

BY COUNCILMAN JOHNSON:

No, not at all. It's done by water and air.

BY MS. GROSSO:

Okay. Thank you so much.

THE SUPERVISOR:

Thank you for your comments. Further comments for the Board this evening?
Mr. DeMarco.

BY MR. DeMARCO:

My name is Vinnie DeMarco. Thank you so much. I also want too express my appreciation and thank you for all the hard work regarding the CPU. Again, standing from the audience I do appreciate the back and forth among the Board members. Both sides or both arguments are really valid. I believe the non restriction is fine. The concern that Mr. DeRosa and Mike Montemarano had regarding allowing some industry within the area is also very valid, but as it stands today nothing is made in America anymore so industry is pretty much out. At any rate, thank you so much for approving the plan, and,

Liz, thank you. You've done really wonderful and enjoy the evening. Rest for a while.

THE SUPERVISOR:

Thank you for your comments. Further comments? Seeing none I would like to close the meeting this evening. As you exit the building you'll see that the flag is at half-mast. Today was the burial of Town Supervisor, John Wagner. John lost his battle with cancer last week. John was a personal friend of my family. John was a very good supervisor, fought for the people, fought for the people of Dutchess County, and also a retiree of the Town of Poughkeepsie police department, so I offer the adjournment of this meeting in memory of Town Supervisor John Wagner for the Town of LaGrange.

Motion?

BY COUNCILMAN JOHNSON:

Second.

THE SUPERVISOR:

Discussion? Seeing none, all in favor?

THE BOARD:

Aye.

THE SUPERVISOR:

Opposed? So carried.

STATE OF NEW YORK)

) ss:

COUNTY OF DUTCHESS)

I, DONNA M. WELLS, 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 recorded by me and reduced to typewriting under my supervision to the best of my knowledge and ability.

X

DONNA M. WELLS