

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM April 8, 2015 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Montemarano, Upham, DeRosa and approximately 8 interested citizens.

PUBLIC COMMENT ON AGENDA ITEMS

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

MINUTES

Supervisor Kelly made a motion to approve the minutes of March 4, 2015, March 11, 2015 and March 25, 2015, seconded by Councilman Johnson.

Councilman Montemarano said he missed one of those meetings and asked that the minutes be approved separately.

Supervisor Kelly amended his motion to approve the minutes of March 4, 2015 and March 25, 2015, seconded by Councilman Upham, motion passed unanimously.

Supervisor Kelly made a motion to approve the minutes of March 11, 2015, seconded by Councilman Johnson and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “ABSTAINED”

Supervisor Kelly – “AYE”

CONSENT AGENDA

**Resolution 2015058
Payment of Bills for the Town of Pawling**

Whereas, the Town of Pawling Bookkeeper has reviewed and prepared the vouchers 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 20150332 through 20150488, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper and hereby authorizes payment of said vouchers for the Town of Pawling on this date in the amount of \$283,085.04.

**Resolution 2015060
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 \$14,110.25 for the period of January 1, 2015 through March 31, 2015 by the Water District Clerk, now therefore, be it

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

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

NON CONSENT AGENDA

**Resolution 2015059
Facility Use Requests - Waiver / Fees**

Whereas, the Town of Pawling operates facilities that from time to time will be used by the public for events other than the Town’s own usage, and

Whereas, the Director of Recreation will periodically receive requests to waive the fees, and

Whereas, the Town Board sets the fees for the use of facilities, now, therefore, be it

Resolved, that the following fees, reductions, or waiver(s) have been authorized by the Town Board:

Pawling Fish & Game	Murrow Park	May 9, 2015	6am to 3pm
		Waive Fee(s)	
Shore Haven Civic Assoc.	HWLCA	May 16, 2015	4:30pm to 6:30pm
		\$50.00	
Pawling Knights of Columbus	Lakeside Park Pavilion	May 17, 2015	12pm to 8pm
		Requested: \$25.00 fee	
Pawling American Legion	Lakeside Park Pavilion	May 25, 2015	10am to 2:30pm
		Waive Fee(s)	
Pawling Chamber	Lakeside Park	May 7, 2015	7pm to 9pm
		Waive Fee(s)	

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Supervisor Kelly offered an amendment for the Knights of Columbus to be a \$50.00 fee and the Pawling Chamber to be a \$50.00 fee, seconded by Councilman Johnson.

Following discussion, Supervisor Kelly rescinded his amendment and Councilman Johnson rescinded his second on the amendment.

Supervisor Kelly offered an amendment that the fee be waived for Pawling Fish & Game and Shore Haven Civic Association, and the Knights of Columbus will pay a \$50.00 fee plus constable coverage if necessary, the fee be waived for the Pawling American Legion and the Pawling Chamber will pay a \$50.00 fee, seconded by Councilman Johnson and passed with the following roll call vote:

ROLL CALL VOTE ON THE AMENDMENT:

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

ROLL CALL VOTE ON RESOLUTION 2015059:

Councilman Johnson – “AYE” Councilman DeRosa – “ABSTAINED”

Councilman Upham – “ABSTAINED”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

RESOLUTION 2015061

**RESOLUTION REGARDING SEQRA REVIEW OF THE GAS STATION LOCAL LAW
1 of 2015
(Gas Filling Stations, Commercial Garages and Convenience Stores)
NEGATIVE DECLARATION; AND ADOPTION OF LOCAL LAW**

WHEREAS, the Town Board of the Town of Pawling is considering adoption of an amendment to Code Chapter 215, specifically section 215-28 to properly regulate Gas Filling Stations, Commercial Garages and Convenience Stores based upon review of drafts of provisions for the proposed local law; and

WHEREAS, the Town Board recognizes that the proposed local law is intended to amend the existing supplementary zoning regulations for these uses while defining separate related uses; and addressing design and aesthetic concerns related to their use; and

WHEREAS, a Short Environmental Assessment Form (Short EAF) has been prepared to address adoption of the local law as the “Proposed Action” pursuant to 6 NYCRR Part 617, New York State Environmental Quality Review Act (SEQRA) regulations;

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, and the Town’s local laws in review of the proposed local law including the following:

- Review of the existing zoning provisions and preparation of recommended amendments by the Planning Board and the Implementation Committee in consultation with the Zoning Board;
- Authorizing the Town Clerk to issue notices and make referrals of the proposed zoning provisions to the Dutchess County Planning Department and other interested parties on January 14, 2015; and
- Holding a public hearing on February 4, 2015;

NOW THEREFORE BE IT RESOLVED, that the Town of Pawling Town Board hereby classifies the Proposed Action as an Unlisted Action, pursuant to SEQRA section 617.4 and 617.6; and

BE IT FURTHER RESOLVED, that the Town Board hereby declares that it will be the Lead Agency in this SEQRA review as it is the only identified Involved Agency and, therefore, a Coordinated Review under SEQRA is not necessary pursuant to SEQRA section 617.6; and

BE IT FURTHER RESOLVED, that the Town Board, as Lead Agency, hereby determines that the proposed action will not have a significant impact on the environment and that a Draft Environment Impact Statement (DEIS) will not be required pursuant to SEQRA section 617.7; and

BE IT FURTHER RESOLVED, that the Town Board relies on the supporting reasons set forth in the SEQRA Negative Declaration Notice attached hereto; 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, Zoning as set forth in Local Law No. 1 of 2015, as prepared March 6, 2015; and

BE IT FURTHER RESOLVED, that a copy, or an electronic version as appropriate, of the adopted local law containing the Town’s code amendments, shall be filed with the Town Clerk; and

BE IT FURTHER RESOLVED, that printed copies of the adopted local law containing the Town's code amendments, will be available at town hall; and electronic versions of the 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.

LOCAL LAW No. 1 of 2015
Amendments to the Code of the Town of Pawling
Chapter 215 Zoning
RE: Gas Filling Stations, Commercial Garages and Convenience Stores

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. 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.

COMMERCIAL GARAGES - A commercial establishment, in which motor vehicles are repaired, serviced. Such establishment may or may not be part of a Gasoline Filling Station/Convenience store.

GASOLINE FILLING STATION/CONVENIENCE STORE - Commercial garages and a gas station with commercial stores located on the premises for the sale of petroleum products, gas, diesel and any other products associated with the vehicle industry are with the retail of usual allowed convenience store items, such as food staples and household items over the counter. Only over the counter service is allowed.

Article IV. District Regulations

§ 215-15. Permitted uses.

#. The Schedule of Permitted Uses, for the HB (Highway Business) zoning district, referenced in Article IV District Regulations, section 215-15 Permitted Uses, shall be amended to add the following uses to the schedule's column listing Principal Uses:

- Commercial garages; and
- Gasoline filling station/convenience store.

#. Article V Supplementary Regulations shall be revised and renumbered to include the following revised supplemental requirements for Gas Filling Stations, Commercial Garages and Convenience Stores (revised section 215-28); and to add a new set of supplemental requirements for Commercial Garages (new section 215-28.1) as set forth below:

Article V. Supplementary Regulations.

§ 215-28. Gasoline filling stations, Commercial garages and convenience stores. ~~gasoline filling stations.~~

- A. In no case shall a commercial garage and/or gasoline filling station be located nearer than 23,000 feet to any existing gasoline filling station/convenience store commercial garage and/or gasoline filling station or any site previously approved for such use and not as yet terminated as provided in this chapter. The distance shall be measured between the nearest two points located any place on the property boundaries fronting on NYS Route 22 on each parcel in question. The north and south bound lanes of Route 22 should be measured separately.
- B. A multi-business operation must have a common entrance, whether or not the businesses have more than one owner.
- ~~B. No commercial garage or gasoline filling station shall be located within 500 feet from any church, school or hospital, regardless of the district where either premises are located.~~
- C. Pumps, lubricating and other dispensing devices, except air pumps, shall be located at least 50 feet from any adjoining lot line or street right-of-way.
- D. All motor fuel, oil or similar substances shall be stored at least 50 feet distant from any adjoining lot line or street right-of-way. In addition, all motor fuel shall be stored underground and in conformity with the latest edition of the Uniform Fire Prevention and Building Code.
- E. Premises shall not be used for the display of automobiles, trailers, mobile homes, boats or other vehicles, unless specifically permitted by Planning Board site plan approval.
- ~~F. Insofar as possible, all repair work will be performed indoors.~~
- F. Outside displays and retail items on sidewalks and travel ways must be restricted to specific display locations.
- G. Ensure site layout and design, including landscaping that complies with the supplementary regulations in this Chapter for Landscaping; and development in the Highway business (HB) zoning district; and creates a green way along the Route 22 corridor and proper landscape screening for the premises, if applicable.
- ~~G. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.~~
- ~~H. No inoperative motor vehicle shall be kept on the premises of a motor vehicle service station for longer than two weeks.~~
- H. Premises shall not be constructed and/or approved within 700 feet of a historic site, church, school or hospital, or at a site and with a design that would significantly impact a scenic viewshed.
- I. Commercial garage/gas filling station/convenience stores not connected to commercial garages and gas filling stations should not be constructed and/or approved near a historic site or scenic viewshed.
- J. A special use permit is required for commercial garages/gasoline filling stations/convenience stores if they include tables for food and drink consumption.
- K. All applications for any entity covered by this provision must receive site plan approval from the Planning Board.

§215-28.1 Commercial Garages

In addition to all rules and regulations under §215-28, Commercial Garages shall be subject to the following:

- A. Premises shall not be used for the display of automobiles, trailers, motor homes, boats or other vehicles unless specifically permitted by the Planning Board site plan approval.
- B. Insofar as possible all repair work will be performed indoors.
- C. All automobiles parts, dismantled vehicles and similar articles shall be stored within a building.
- D. No inoperative motor vehicle shall be kept on the premises for longer than 30 days.

MOTION: Supervisor Kelly
SECOND: Councilman DeRosa

ROLL CALL VOTE:

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

ETHICS BOARD ANNUAL REPORT

Supervisor Kelly said the Town Board has received the Ethics Board Annual Report from Chairman Meagher of the Ethics Board. There is no action the Town Board needs to take at this time.

HOLMES WHALEY LAKE CIVIC CENTER/PARKING LOT PAVEMENT APPROVAL

Councilman DeRosa explained that work has been ongoing at the HWLCA and as the last part of the project, there will be paving in the front of the entrance to meet ADA standards for handicapped parking. He has discussed with Board members extending the blacktop out across the front of the building. He asked the Board for their thoughts on this proposal.

Following discussion, the following motion was made:

Councilman Johnson made a motion to authorize the Supervisor to enter into an agreement with the contractor to pave the front of the building doubling the size of the existing paving, ten feet past the building.

Councilman Upham asked what the maximum amount of money would be.

Supervisor Kelly said \$10,000.00.

Councilman DeRosa suggested bringing the blacktop around to the door.

Councilman Johnson agreed and rescinded his motion and made the following motion:

Councilman Johnson made a motion to authorize the Supervisor to spend up to \$15,000.00 to extend the current paving project all the way around and up to the side door, seconded by Councilman Upham, motion passed unanimously.

PAWLING WATER DISTRICT #1 METER REPLACEMENT PROJECT

Supervisor Kelly said the Board received a letter from Morris Associates dated April 7th relating to the bid that came in response to the RFP to replace the water meters in PWD #1, in the amount of \$101,800.00. The per meter price is usually around \$500.00 and this bid was quite high.

Supervisor Kelly made a motion to reject the bid on the basis that the dollar amount in the RFP is not within the budget of Pawling Water District #1, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Kelly made a motion to re-bid the water meter replacement for PWD #1, seconded by Councilman Johnson, motion passed unanimously.

CHANGE ORDER/PWD #2

Supervisor Kelly said there is an extensive list of a change order for the generator project at PWD #2. The issue is that the generator company is now requiring a one thousand gallon horizontal tank and the pad needs to be increased in size.

Supervisor Kelly made a motion to authorize change order #1 and allow the Supervisor to sign any and all agreements necessary to move forward with this project, seconded by Councilman Johnson, motion passed unanimously.

DUTCHER GOLF COURSE FEES

Councilman Johnson said there has been discussion about reducing the golf cart fees because they could be too expensive.

The Board discussed reducing the golf cart fees. Following discussion, the following motion was made:

Supervisor Kelly made a motion that on the weekday fee structure, to make an amendment to the league play non-resident to go to \$15.00 for 9 holes and \$17.00 for 18 holes and under cart rentals to make an amendment that it is \$10.00 per person for a cart for 9 holes and \$12.00 per person for a cart for 18 holes, seconded by Councilman Johnson, motion passed unanimously.

WHALEY LAKE DAM

Supervisor Kelly said NYS DEC has one last issue, which deals with inspections during construction. Fuss & O'Neill recommended 72 days of inspections but NYS DEC want this to be more detailed. The Town has taken all of Fuss & O'Neill's recommendations through this project and felt the Town should move forward with the 72 days of inspections.

Supervisor Kelly made a motion to authorize Fuss & O'Neill to incorporate the 72 total days plus 10 others for meetings, substantial completion and final completion, seconded by Councilman Johnson, motion passed unanimously.

AMENDED PETITION FOR ZONING – CASTAGNA COMMERCE PARK

Supervisor Kelly said Castagna has submitted the amended petition for zoning amendments to the Board.

Supervisor Kelly made a motion to accept the amended petition for zoning amendments to the Planned Development District, seconded by Councilman DeRosa, motion passed unanimously.

Supervisor Kelly made a motion to refer the document to the Planning Board for review and recommendations to the Town Board, seconded by Councilman DeRosa, motion passed unanimously.

Supervisor Kelly made a motion to set an escrow amount of \$7,000.00 to start on the amended petition and zoning amendments, seconded by Councilman DeRosa, motion passed unanimously.

PUBLIC COMMENT

Vinny DiMarco thanked the Board for their hard work and he appreciated all of the good things they passed tonight. He felt that regarding the Whaley Lake Dam and the inspection schedule, it needed to be left to the engineers to decide and trust their expertise. He suggested Supervisor Kelly reach out to the Committee members regarding meeting schedules.

Supervisor Kelly announced that the Interact Pancake Breakfast is Sunday morning and the County Executive will be here in the Pawling Town Hall on April 21st.

The motion to adjourn was made by Supervisor Kelly at 8:00 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk