

Supervisor James Schmitt opened the Regular meeting of the Town Board of the Town of Pawling at 7:00 PM October 9, 2019 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, McCarthy, DeRosa, McGrath and approximately 40 interested citizens.

### **PAWLING FREE LIBRARY**

The Board entertained a presentation by Brian Avery, Pawling Free Library Director, which included a promotional video for the library. Mr. Avery said he was happy to have the opportunity to spread awareness about what the library does. He explained that the library offers 75 events per month and he gave more detail on the events, saying it is a very busy library. Their largest project is the human library project, which will happen in February. They are introducing an auto renewal process, and a text notification program. They are involved in a lot of partnerships and they continue to grow with the community as it grows. They want to know what more they can be doing so that everyone in Pawling's needs are met. They are proud of the work they do and hope to continue to grow with the community.

### **PUBLIC HEARING - SHORT TERM RENTAL PROPOSED LOCAL LAW**

Supervisor Schmitt made a motion to open the public hearing for the proposed Short Term Rental local law, seconded by Councilman Johnson, motion passed unanimously.

Theresa Ryan, questioned section 2(d), which says if the parcel is served by a private septic system, a septic inspection may be required. She asked who would be required to do that inspection. The law doesn't specify if it would have to be someone from the Health Dept. or private organization who typically installs septic systems.

Councilman DeRosa said he and Councilman McCarthy met with the Town's attorneys who are drafting this local law and this question came up. He said the person doing the inspection would not need to be an engineer, it would be a septic servicing company who would come out and pump the septic system or a septic professional. That is being changed in the law now.

Mrs. Ryan was also wondering how some adjustments could be made to the local law to take into consideration older individuals who are looking for additional income, for instance renting out a room in their houses. A lot of this law is onerous for older couples looking to rent out a room.

Councilman DeRosa said nothing that was looked at or that he knows of has something like that.

Mrs. Ryan asked if all requirements needed to be met each year.

Councilman DeRosa said every year, the Building Inspector would go to the property and do an inspection to make sure nothing has changed. The septic inspection was just on the initial application.

Mrs. Ryan wondered if language could be added saying that the septic inspection did not have to be done every year because it doesn't seem clear.

Councilman DeRosa said that is on the application. He said other changes were fees, which still have to be approved by the Town Board. The original application fee was going to be \$300.00 and the annual inspection would be between \$150.00 and \$175.00. These fees are based on the amount of time these applications will take the Building Inspector.

Mrs. Ryan asked if the Board would be willing to share the local laws from other towns they looked at to base this on.

Supervisor Schmitt said there was a committee that was formed to look at this.

Councilman DeRosa said there were local laws that were looked at from other towns and he had given them to JoAnne Daley and Mrs. Ryan could get that information from her.

Joe Marotta felt the regulations were becoming onerous to people. He said the Board had discussed that if a tenant did something wrong, their permit could be pulled. That is a double whammy for a tenant. It looks like a rough rule for people. These regulations were put into effect because of noise and parking and he felt that noise and parking could be regulated individually. At Whaley Lake, there are a lot of people who rent out because it is a summer community and to put on all these fees could be onerous for a lot of these families. He felt the town should stick to parking regulation and noise regulation. If you have a business, like a bed and breakfast, you have regulation for that.

Supervisor Schmitt said if his neighbor was renting out his house and there was a party every weekend with a lot of noise and parking, he would be mad. There are noise and parking regulations but this is meant to protect residents and communities. The complaints came mostly from Quaker Hill and Whaley Lake.

Councilman DeRosa said this is introducing businesses into residential neighborhoods and there must be regulations. This applies to everyone who rents under 30 days per month, short term rentals.

Celeste Bevilacqua said she was a member of the committee for the Airbnb and she thanked the Board for letting her participate. She understood the concerns about too much regulation but there are two parts of it, one is safety and the other is for the tenant, to ensure the building is safe. Regarding the fees, she felt they were a little higher than what was discussed and she was concerned about that. She suggested the fee be different for someone who is renting an entire house versus someone renting out a room.

Councilman DeRosa said it will be based on how much time it takes the Building Inspector to do inspections. Also, the existing Airbnb's will have three months to begin their application. He felt that should be extended to 120 days or six months. It will take a month before people even know this law is enacted and to give them the rules and fee schedule. He felt they should have more time than ninety days.

Mrs. Bevilacqua said she was willing to help with anything she can.

Sarka Leff said the short term rental is for the time period of 30 days or less. What happens if it is 32 days?

Councilman DeRosa said that would fall under people who rent their houses.

Ms. Leff asked if the properties that provide this opportunity would be reassessed.

Supervisor Schmitt said not to his knowledge, but he would have to ask the assessor about that. This was a question that was not brought up.

Councilman DeRosa said it is a good question, but you aren't really changing the value of the property.

Councilman Johnson said there would now be a potential for income.

Ms. Leff said she was at the last Planning Board meeting, and they discussed taking out of the code tourist home and bed and breakfast.

Councilman DeRosa said he suggested taking out tourist home and boarding house because they are covered under short term rentals. The bed and breakfast is different in that they serve breakfast where the other places don't. It is allowed in the highway business and the hamlet in Holmes. In any other zone, bed and breakfast would require a special use permit and that would be obtained through Planning Board approval.

Ms. Leff said there is a reference to sleeping rooms, are those considered bedrooms?

Councilman DeRosa said yes, sleeping rooms and bedrooms are the same thing.

There were no further comments and Supervisor Schmitt made a motion to close the public hearing, seconded by Councilman Johnson, motion passed unanimously.

## **MINUTES**

Councilman Johnson made a motion to accept the minutes of 9/4/19 and 9/11/19, seconded by Supervisor Schmitt, motion passed unanimously.

## **CONSENT AGENDA**

### **Resolution 2019121 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 20191228 through 20191353, now therefore, be it



2019            936,925      590,450      109,700      233,240      850,935      380,925

and,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling hereby approves and ratifies the settlement of the above described; and

BE IT FURTHER RESOLVED, that Jamie Spillane, Esq. of the Firm of Hogan & Rossi, the Pawling Town Attorney, or any other member of said Firm, is hereby authorized and directed to sign, on behalf of the Town of Pawling, said Consent Judgment in the form annexed hereto or, if hereinafter modified or amended, in such form as may be deemed satisfactory to the Town Attorney.

**Resolution 2019126  
Adoption of IT Policy**

Whereas, the Town of Pawling Town Board deems it in the best interest of the Town to implement a more comprehensive IT policy, and

Whereas, Sullivan Data is contracted by the Town of Pawling to manage all IT systems in the Town, and

Whereas, Sullivan Data has drafted the IT Policy to meet the IT and security requirements of the Town of Pawling,

Whereas, the Town Board has read the IT Policy and agrees with its contents, therefore, be it

Resolved, that the Town of Pawling Town Board hereby approves and adopts the IT Policy as the official policy of the Town of Pawling.

**MOTION:**    Councilman Johnson

**SECOND:**    Supervisor Schmitt

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

**NON CONSENT AGENDA**

**Resolution 2019124**

**AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$450,000 BONDS OF THE TOWN OF PAWLING, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF HURDS CORNER ROAD, IN AND FOR SAID TOWN**

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which

regulations state that Type II Actions will not have any significant adverse impact on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project,  
NOW, THEREFORE, BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Pawling, Dutchess County, New York, as follows:

Section 1. The reconstruction of Hurds Corner Road, including drainage improvements and other incidental improvements and expenses in connection therewith, in and for the Town of Pawling, Dutchess County, New York, is hereby authorized at a maximum estimated cost of \$450,000.

Section 2. It is hereby determined that the plan of financing of said specific object or purpose is by the issuance of \$450,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; **PROVIDED, HOWEVER**, that to the extent that any Federal or State grants-in-aid are received for such specific object or purpose, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 6. The faith and credit of said Town of Pawling, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
  - 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM**

**MOTION:** Supervisor Schmitt

**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2019127**

**Introducing Local Law “Agricultural Uses;  
New York State Agricultural Districts” and  
Scheduling a Public Hearing**

BE IT RESOLVED that an amendment to Pawling Town Code on Agricultural Uses, and New York State Agricultural Districts, is hereby introduced by Supervisor James Schmitt, as Introductory Local Law #\_\_\_\_ of the year 2019 before the Town Board of the Town of Pawling in the County of Dutchess and State of New York, and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Amendment, which is attached hereto, be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED, that the Town Board authorizes and directs the Town Clerk to forward the proposed Amendment to the Town of Pawling Planning Board and Dutchess County Planning for review and comment on the proposed Amendment, and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on said proposed Amendment at the Pawling Town Hall, in the Town of Pawling, New York at 7 o'clock P.M. on Wednesday, December 4, and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Pawling of said public hearing at least five (5) days prior thereto.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2019128****Budget Amendments for Fiscal Year 2019**

Whereas, a request for Budget Amendments has been received from the Budget Officer, and

Whereas, normal course of business activity throughout 2019 has prompted the Budget Officer to determine that various budget items should be amended to allow for the Town of Pawling to continue conducting business as usual; and

Whereas, the Budget Officer has requested the following budget amendments:

**Increase** in Expense Line DB.5110.100 (Maintenance of Streets PS) by \$ 9,500.00  
**Increase** in Expense Line DB.5110.400 (Maintenance of Streets CE) by \$ 27,000.00  
**Increase** in Expense Line DB.5112.200 (Permanent Improvements CE) by \$ 100,800.00

**Decrease** in Expense Line DB.5130.200 (Machinery EQ) by \$ 10,000.00  
**Increase** in Expense Line DB.5130.400 (Machinery CE) by \$ 10,000.00  
**Increase** in Expense Line DB.5140.400 (Brush & Weeds CE) by \$ 5,000.00  
**Increase** in Expense Line DB.5142.100 (Snow Removal PS) by \$ 5,400.00  
**Decrease** in Expense Line DB.9010.800 (State Retirement) by \$ 12,000.00  
**Decrease** in Expense Line DB.9060.800 (Hospital & Health Ins.) by \$ 37,048.00  
**Increase** in Expense Line DB.9089.800 (Medicare Reimbursement) by \$ 2,148.00  
Net Increase in (DB) Expenses \$100,800.00

**Increase** In Revenue Line DB.2401.000 (Interest & Earnings) by \$ 5,600.00  
**Increase** In Revenue Line DB.3501.000 (State Aid, CHIPS) by \$ 95,200.00  
Net Increase in (DB) Revenues \$ 100,800.00

**Increase** in Expense Line A.1330.100 (Tax Collector PS) by \$ 1,202.00  
**Decrease** in Expense Line A.1330.400 (Tax Collector CE) by \$ 1,202.00  
**Decrease** in Expense Line A.1340.100 (Finance PS) by \$ 1,700.00  
**Increase** in Expense Line A.1340.400 (Finance CE) by \$ 1,700.00  
**Increase** in Expense Line A.1355.100 (Assessor PS) by \$ 3,500.00  
**Decrease** in Expense Line A.1355.400 (Assessor CE) by \$ 11,500.00  
**Increase** in Expense Line A.1620.100 (Buildings & Grounds PS) by \$ 6,100.00  
**Increase** in Expense Line A.1620.400 (Buildings & Grounds CE) by \$ 20,600.00  
**Increase** in Expense Line A.1650.400 (Central Communication CE) by \$ 2,000.00  
**Increase** in Expense Line A.4540.400 (Ambulance CE) by \$ 10,115.00  
**Increase** in Expense Line A.7020.100 (Recreation Administration PS) by \$ 3,200.00  
**Increase** in Expense Line A.7110.100 (Parks PS) by \$ 9,200.00  
**Increase** in Expense Line A.7110.400 (Parks CE) by \$ 3,300.00  
**Increase** in Expense Line A.7145.400 (Teen Center CE) by \$ 1,000.00  
**Increase** in Expense Line A.7250.400 (Golf Course – Grounds CE) by \$ 5,500.00  
**Increase** in Expense Line A.7310.400 (Other Rec Programs CE) by \$ 30,000.00  
**Increase** in Expense Line A.8160.100 (Refuse & Garbage PS) by \$ 11,000.00  
**Increase** in Expense Line A.8160.200 (Refuse & Garbage EQ) by \$ 54,000.00  
**Increase** in Expense Line A.8160.400 (Refuse & Garbage CE) by \$ 11,500.00  
**Increase** in Expense Line A.9010.800 (NYS Retirement) by \$ 1,000.00  
**Increase** in Expense Line A.9030.800 (Social Security) by \$ 500.00  
**Increase** in Expense Line A.9035.800 (Medicare) by \$ 100.00  
**Increase** in Expense Line A.9060.800 (Health Ins.) by \$ 18,500.00  
**Increase** in Expense Line A.9730.600 (BAN Principal) by \$ 5,000.00  
**Increase** in Expense Line A.9730.700 (BAN Interest) by \$ 4,200.00  
**Decrease** in Expense Line A.1440.400 (Town Engineer) by \$ 18,000.00  
**Decrease** in Expense Line A.1930.400 (Judgements & Claims) by \$ 10,000.00  
**Decrease** in Expense Line A.1990.400 (Contingency) by \$ 22,000.00  
**Decrease** in Expense Line A.7230.100 (Beach & Pools PS) by \$ 6,000.00  
**Decrease** in Expense Line A.7320.100 (Summer Camp PS) by \$ 5,815.00

Net Increase in (A) Fund Expenses \$147,000.00

**Increase** in Revenue Line A.1120.000 (Non-Property Tax Distribution) by \$ 60,000.00  
**Increase** in Revenue Line A.2001.000 (Park & Recreation Charges) by \$ 20,000.00  
**Increase** in Revenue Line A.2001.101 (Summer Camp) by \$ 50,000.00  
**Increase** in Revenue Line A.2025.000 (Beach Fees) by \$ 20,000.00  
**Increase** in Revenue Line A.2050.000 (Golf Fees) by \$ 15,000.00  
**Decrease** in Revenue Line A.3005.000 (Mortgage Tax) by \$ 18,000.00

Net Increase in (A) Fund Revenues \$ 147,000.00

**Increase** in Expense Line A.7310.100 (Other Rec Programs PS) by \$ 3,200.00  
**Decrease** in Expense Line A.7320.100 (Summer Camp PS) by \$ 3,200.00

**MOTION:** Supervisor Schmitt  
**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”                      Councilman DeRosa – “AYE”  
 Councilman McCarthy – “AYE”                      Councilman McGrath “AYE”  
 Supervisor Schmitt – “AYE”

**APPOINTMENT OF FIRE COMMISSIONER CHRIS BURKE**

Councilman McCarthy made a motion to reappoint Chris Burke for a five year term beginning January 1, 2020 as a Fire Commissioner, seconded by Councilman Johnson, motion passed unanimously.

**BOARD MEMBER DISCUSSION**

**JOHNSON**

Councilman Johnson said he has been working on what could be a catastrophic leak at Pawling Water District #2. There is a repair plan and it will be done on October 23rd. Cathy Giordano, Town Clerk will send a notice to the residents in the district letting them know that they will not have water that day for eight to ten hours.

**DEROSA**

Councilman DeRosa said Joe Szilagy, Building Inspector will be leaving at the end of the year so the Board needs to find another Building Inspector. If the short term rental local law is passed, the building office will become very busy and Jennifer Strehle isn't there anymore either. So a replacement needs to be found for her also. Councilman DeRosa said he sits on the Board of the Dutchess County Planning Federation and upcoming classes are “aquifer and stream corridor protection” on October 10<sup>th</sup>, “how to plan for site plan lighting” on October 30<sup>th</sup>, and “the ins and outs of affordable housing” on October 14<sup>th</sup>. Councilman DeRosa said the Board needs to start thinking about the transfer station fees and what will be done for the stickers. He felt the fees should be kept the same as last year. A lot of improvements have been made at the transfer station over the past year.

Councilman Johnson said the Board had talked about having the second sticker be a different color so that the attendant can check all second stickers to make sure they are on the right car.

**SCHMITT**

Supervisor Schmitt said regarding the budget, last week he told everyone that the budget was completed and he felt very strongly about it. He targeted the departments he thought needed the increases and hoped to make improvements to the building and grounds department, highway department and recreation department. The budget is a three step process, going from a tentative budget, to a preliminary budget to an adopted budget. During those steps, the Board takes it and

reviews it. Luckily, the Board caught a clerical error that was done when the numbers were being inputted by the Bookkeeping Department. He is working on that and is hoping to have it out soon. He is working on it every day with the consultants and working to make the necessary changes to the tentative budget. It's a shame that there was an error, but it was a clerical error and it is nice that the Board caught it. The Board is doing a great job and he will keep pushing forward on it and get it out as soon as he can. Regarding the Whaley Lake Dam, he is in the process of scheduling site meetings with new engineering firms. He is going to schedule a meeting with the original engineering firm as well to get input from them and he has been in daily talks with the construction company. Everyone is working together to come up with a solution to get the lake to where it needs to be.

Councilman DeRosa said he was at the dam last week to grease the cranes. The water was about three eighths of an inch over the existing concrete spillway. Everything else looked good.

## **PUBLIC COMMENT**

Peter Cris, President of the Pawling Chamber of Commerce said he wanted to give the Board a heads up about Tree Lighting/Decemberfest on Friday, December 6<sup>th</sup> at 6:00 PM. Mr. Cris said they are having difficulty raising money this year. The Chamber does not have any money to fund this year's tree lighting. It is not the Chamber's responsibility, it is up to the municipality. The Chamber is supposed to be the coordinator of events like this. Historically, the Chamber has been in charge of raising the funds for it. A couple of years ago, money was received by donors but this year, he doesn't know. The Chamber has invested in LED lights so they have the capability of lighting the Village. What is missing is professional assistance to help light the Village. A letter is going out today or tomorrow asking for funding and a follow up letter will go out after that. The letter will outline what can and can't be done depending on the money that is received. The goal is to keep this a wonderful celebration and he is working with the schools, the Village, Town and the Executive Board of the Chamber. They are looking for funding for this event. The minimum amount of money they would need is \$4,000.00 and the maximum would be \$15,000.00.

Helen Grosso asked if the transfer station is paying for itself. A lot of equipment was purchased this past year. She asked about the grant.

Councilman DeRosa said yes, it is. He said the money from the permits was used to purchase the equipment and the new house for the attendants.

Councilman McCarthy said the grant is still being pursued and he said it is based on the percentage of how much each item is used for recycling.

Mrs. Grosso said she wanted to bring up healthcare because the Board hasn't done enough. The healthcare policy in this town needs to be changed. She is going to start giving the Board ideas, and one of things they can do is change the provider and change how the provider groups the coverage. The family coverage is much more than the cost of two people and yet most of it is for two people, just because that is what NYSHIP offers and there is no reason in the world we have to stand for that. The Board could be making real money and she will bring the Board specific ideas. She understood people were weary of losing some part of their coverage but the Board has to face facts, insurance is too damn expensive and we've got to find a solution. She felt there should be a cap. She understood the Board does a lot of work but they are getting health coverage with part time jobs and it is just not fair.

Supervisor Schmitt said he interviewed another healthcare provider last month and he has made good steps and will continue to make steps. He is looking at all of the things Mrs. Grosso is talking about, he is looking at it constantly. He is looking at changes for retirees. He is looking at everything in steps.

Councilman Johnson said everyone hired after January 1, 2011 will pay 50% of the family plan in retirement and will have to work for 20 years to be eligible.

Councilman DeRosa said the public perception is that all Board members receive over \$30,000.00 in insurance benefits but not all Board members get that. It offends some of us who aren't getting it. He would be willing to discuss it privately. He has made the suggestion to do away with health benefits for Town Board members and add to their salary. The people putting out this information are not giving out the true information on all of the Board members.

Joe Marotta said he is glad the Board is meeting with engineers and he suggested the committee be allowed to attend those meetings. He felt it was important they attend the meetings in order to

come up with the number of where the lake ought to be. He suggested widening the spillway, so that the new high water mark would be lower and shed water off the dam more quickly. He said the treasurer is looking for financial information. He asked about the grant status.

Supervisor Schmitt said the treasurer has a meeting tomorrow and the grant is being pursued.

Marty Mygan said if the Building Inspector is going to be gone in a couple of months, this is an important job and the Board should be looking for a full time Building Inspector. He said the Airbnb will affect the Building Inspector's office and the rest of the town should not incur those fees. He said he is disappointed in Reid McGrath. He ran last year talking about healthcare benefits and he was disappointed that three months into the job, Mr. McGrath took the health benefits. He trusted that Mr. McGrath would stand by his word when he ran for office.

Councilman McGrath said he did not know what the job entailed when he said those words.

The motion to adjourn was made by Councilman Johnson at 8:20 PM, seconded by Councilman DeRosa, motion passed unanimously.

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Town Clerk

**A LOCAL LAW ESTABLISHING AMENDING CHAPTER 215 (ZONING)**

**OF THE TOWN CODE OF**

**THE TOWN OF PAWLING**

**ENTITLED “FARM USES; NEW YORK STATE AGRICULTURAL DISTRICTS”**

**BE IT ENACTED** by the Town Board of the Town of Pawling, County of Dutchess, as follows:

Section 1: Section 215-3 of the Zoning Code of the Town of Pawling is hereby amended with the insertion of the new definitions for “Agricultural District”, “Agricultural Practices” and “Farm” to be read as follows:

**AGRICULTURAL DISTRICT-** A New York State Agricultural District as defined in Article 25-AA of the New York State Agriculture and Markets Law.

**AGRICULTURAL PRACTICES-** Includes all practices necessary for the on-farm production, preparation and marketing of agricultural commodities.

**FARM** -Includes livestock, dairy, poultry, fur-bearing animal, aquaculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations used primarily for the raising of agricultural or horticultural commodities.

Section 2: Chapter 215-3 of the Zoning Code of the Town of Pawling is hereby amended for the definitions of “Animal Husbandry” and “Farm Use; Customary Farm Occupation” to be read as follows:

**ANIMAL HUSBANDRY** - Livestock for personal use; the keeping, grazing, feeding and care of animals other than household pets.

A. The minimum lot size (except for farms) shall be one **grazing** acre for each large animal, including horses, ponies, sheep, goats, pigs or other similar sized animals which are kept, grazed, fed and cared for on the property.

B. The minimum lot size for keeping, grazing, feeding and caring for small animals shall be one acre. No more than 25 small animals per acre may be kept, grazed, fed or cared for. Small animals include poultry, rabbits and other similarly sized animals.

C. Adequate fencing must be installed and maintained to contain the livestock within the property and to harmonize with the character of the neighborhood.

D. Permanent housing, three- or four-sided, shall be provided for all animals. There shall be no storage of supplies for livestock outside of permanent buildings. The minimum floor space for animal housing and storage shall conform to the following requirements:

	<b>Dairy Cows</b>	<b>Beef Cows</b>	<b>Horses</b>	<b>Goats or Sheep</b>	<b>Chickens</b>	<b>Rabbits</b>	<b>Hogs</b>
	<b>(1)</b>	<b>(1)</b>	<b>(1)</b>	<b>(2)</b>	<b>(25)</b>	<b>(10 does)</b>	<b>(1)</b>
Floor area, minimum (square feet)	100	100	100	100	100	60	150

Dairy Cows	Beef Cows	Horses	Goats or Sheep	Chickens	Rabbits	Hogs
(1)	(1)	(1)	(2)	(25)	(10 does)	(1)

- E. Manure shall be stored in an environmentally safe area. The manure storage area shall be screened so that it will not be unsightly.
- F. It shall be unlawful for any owner of livestock in the Town of Pawling to allow such livestock to constitute a nuisance to any other person.

**FARM USE; CUSTOMARY FARM OCCUPATION** - The use of a parcel of land five acres or more, either as a principal or accessory use, for the purpose of producing agricultural, horticultural, floricultural, vegetable and fruit products of the soil, livestock and meats, poultry, eggs, dairy products, nuts, honey, wool and hides, ~~but shall not include the breeding, raising or maintaining of fur-bearing animals, piggeries, abattoirs, riding academies, livery stables or animal kennels.~~ A garden accessory to a residential use shall not be deemed a "farm" or "farm use." A "customary farm occupation" shall be the conducting of usual farm activities and shall include the processing and retail sale of the products of only the farm on which such processing is conducted, including a roadside stand as defined in this chapter. Farm equipment and materials shall not be stored in required yards.

Section 3: Chapter 215 (Zoning) of the Code of the Town of Pawling is hereby amended with the insertion of a new section 215-17.3 to read as follows:

§ 215-17.3 Farm Uses; New York State Agricultural Districts.

A. Purpose.

1. The Town Board recognizes agriculture as an essential and integral industry in the community that enhances the economic base, stabilizes the tax base, and perpetuates the rural character of the Town of Pawling. The Town Board further declares that it shall be the policy of Pawling to encourage agriculture and foster understanding by all residents of the necessary day-to-day practices associated with farm uses so as to encourage cooperation with those practices.
2. Farming reinforces the special quality of life enjoyed by citizens, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, the Town of Pawling emphasizes to newcomers that this town encourages its agriculture and requests newcomers to be understanding of the necessary day-to-day operations.
3. For the purpose of reducing future conflicts between farmers and nonfarmers, it is necessary for notice to be given to future neighbors about the nature of agricultural practices. The following notice shall be included in building permits and on plats of subdivisions, site plans, and special permits submitted for approval pursuant to Town Law § 276:

"This property may border a farm, as defined in Town Law § 276. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and vibration."

4. The Town Board recognizes that in exercising its powers to enact local laws, ordinances, rules or regulations that apply to farm uses in a New York State certified agricultural district, these laws are necessary to protect the public health and safety, and are not intended to conflict with the purposes of Article 25-AA of the Agriculture and Markets Law of the State of New York.

B. Farm Uses.

1. The following guidelines and standards apply to Farm Uses outside of the Agricultural District. Guidelines are recommended practices and are preceded by "should," while standards are required and are preceded by "shall":
  - a. Building setbacks. Buildings or structures for permitted fowl or livestock should be located not less than 100 feet from any lot line, except where the farm use precedes the residential use, and shall not be located within 200 feet of the nearest neighboring residential structure.
  - b. Manure storage. The storage of manure or odor-producing substances:
    - (i) shall be located at least 150 feet from any lot line, stream or other water body;
    - (ii) shall be located at least 200 feet from the nearest neighboring residential structure or well providing a source of potable water; and
    - (iii) shall be in a container or containment area;
  - (c) The minimum lot size (except for farms) shall be one grazing acre for each large animal, including horses, ponies, sheep, goats, pigs or other similar sized animals which are kept, grazed, fed and cared for on the property; and
  - (d) The minimum lot size for keeping, grazing, feeding and caring for small animals shall be one acre. No more than 25 small animals per acre may be kept, grazed, fed or cared for. Small animals include poultry, rabbits and other similarly sized animals.
- C. Buffers to agriculture required. The policy of the Town of Pawling is to encourage agriculture, so wherever agricultural uses and proposed nonagricultural uses adjoin, the applicant for the nonagricultural use shall provide buffers to reduce the exposure of these abutting uses to odors, noise, and other potential nuisances associated with the farm use. Said buffer strips may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features and, when required, shall be no less than 100 feet in width and may be required up to a width of 300 feet, depending upon the type of adjoining agriculture or farm use, the topography and the proposed design and planting of such buffer. It shall be the responsibility of the applicant, subject to approval by the Planning Board, to provide an effective buffer that will reasonably protect adjacent residential living areas from agricultural practices and to protect the agricultural use from nuisance complaints and nuisance lawsuits, from their non-farm neighbors, as a result of normal farm uses.
- D. Farm Uses in a New York State Agricultural District.
  1. The following provisions shall apply to land and buildings for farm use in an Agricultural District consistent with Article 25-AA of the Agriculture and Markets Law of the State of New York:
    - (a) There shall be no height limits on agricultural structures, including but not limited to barns, silos, grain bins, and fences, as well as equipment related to such structures, as long as they are being used in a manner that is part of the farm use.
    - (b) There shall be no lot line setback restrictions on agricultural structures, except setbacks from lots that are either not within the agricultural district or lots that have existing residential uses. This setback requirement shall not apply to preexisting nonconforming structures.
    - (c) Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming, are classified as Type 2 actions under SEQRA.
    - (d) Expedited site plan approval from the Planning Board in accordance with the

following agricultural site plan review process shall be required for farm use:

(i) The applicant shall submit a sketch of the parcel on a location map (such as a copy of a survey or a tax map) showing the boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. On this map, show the existing features of the site, including land and water areas, water and/or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.

(ii) The sketch should show the proposed location and arrangement of buildings and uses on the site, including access and egress, parking and circulation.

(iii) The sketch should show any proposed buildings or structures, including the exterior dimensions and elevations of the front, side and rear views. Include copies of any available plans or drawings prepared by a professional.

(iv) Provide a description of the project and a narrative of the intended use of the proposed building(s), including any proposed changes in the existing topography and natural features of the parcel to accommodate the proposed changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.

(v) The site plan application shall be referred to the Dutchess County Department of Planning and Development prior to site plan approval. The Planning Board may conduct a public hearing on the proposed site plan, depending upon the nature of the application and the degree of public interest.

E. Parcels within 500 feet of a Farm Use

1. The following guidelines and standards apply to parcels within 500 feet of a farm use for which a subdivision, site plan, special use permit, zoning variance or zoning amendment approval is required from the Town of Pawling.

(a) New development requires deeded declarations. All deeds of new residential units within 500 feet of a farm use shall contain references to notes that shall be placed on the subdivision plat and/or site plans relative to the benefits of agriculture to the Town of Pawling as well as to the potential hazards and nuisances associated with agriculture (such as noise, odors, hazardous chemical use, etc.) to which residents of the dwelling unit(s) willingly subject themselves.

(b) Agricultural data statement required. An agricultural data statement shall be required for any application for a subdivision, special permit, site plan, area or use variance, or zoning amendment approval by the Town Board, Planning Board, or Zoning Board of Appeals that would occur on property within an agricultural district containing a farm use, or on property with boundaries within 500 feet of a farm use located in an agricultural district. The reviewing board shall evaluate and consider the agricultural data statement and any comments thereon by owners or operators of farm uses potentially affected by such application in its review of the possible impacts of the proposed project upon the functioning of farm uses within the agricultural district.

Section 4. Severability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Pawling hereby declares that it would have

passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5: Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: \_\_\_\_\_, 2019

BY THE ORDER OF THE TOWN BOARD  
TOWN OF PAWLING