

Supervisor James Schmitt opened the regular meeting of the Town Board of the Town of Pawling at 6:00 PM March 3, 2021 via Facebook due to the Covid-19 pandemic. The meeting was broadcast live. The public was able to submit comments in writing and on Facebook. Present were Councilmen DeRosa, McCarthy, Johnson, Councilwoman Snow, and Town Attorney Nancy Tagliaferro.

PUBLIC COMMENT ON AGENDA ITEMS

Supervisor Schmitt opened the meeting for public comment on agenda items, there were none.

RESOLUTIONS

The Board reviewed the resolutions and agreed they would be acted upon at next week's meeting. The Board took action on the following resolution:

Resolution 2021060 Approval of Laberge Contract Addendum – Route 22 Sewer Additional Services

Whereas, the Town of Pawling entered into a Grant Management Services Contract with the Laberge Group in 2019, and

Whereas, the Town Board intends to contract with the Laberge Group for additional services related to the extension of a sewer line down Route 22 due to their expertise in the field, and

Whereas, to acquire these services with the Laberge Group a Contract Addendum must be reviewed and executed, and

Whereas, the Town Board of the Town of Pawling has reviewed Contract Addendum No. 2019063-01, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby authorizes the Town Supervisor to sign Contract Addendum No. 2019063-01 to give effect to this resolution.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2021063 Authorizing One-Time Healthcare Buyout to Paul Dresek

Whereas, the Town of Pawling offers a \$4,000 health care buyout paid annually to full time employees who do not opt-in to the health insurance plan, and

Whereas, per the Town of Pawling Employee Handbook unless otherwise noted in the Teamsters contract union employees are not entitled to the health care buyout, and

Whereas, the Teamsters contract does not have a provision granting the health care buyout to union employees, and

Whereas, Paul Drensek has been employed by the Town of Pawling for 3 years and has not taken the health care plan, and

Whereas, the Town Board is agreeable to issuing a one-time health care buyout to Paul Drensek in the amount of \$4,000, therefore, be it

Resolved, that the Town Board hereby authorizes a one-time health care buyout payment of \$4,000 to Paul Drensek.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2021064

Introducing Local Law #__, 2021 and Providing For Public Notice and Hearing

Whereas, that an amendment to Pawling Town Code regarding Agricultural Uses and properties within Agricultural Districts within the Town of Pawling was previously introduced before the Town Board of the Town of Pawling in the County of Dutchess and State of New York on October 2, 2019 as Introductory Local Law #___ of the year 2019, and

Whereas, following public hearing on this matter, changes have been proposed to Introductory Local Law #___ of the year 2019 and the updated amendment is being introduced by James Schmitt as Introductory Local Law #___ of the year 2021, and

Whereas, copies of the aforesaid updated proposed Amendment, which is attached hereto, were laid upon the desk of each member of the Board, and be it

Resolved, that the Town Board will hold a public hearing on said proposed Amendment at the Town Hall, in the Town of Pawling, New York at 6 o'clock P.M. on April 14, 2021, 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 McCarthy

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

TOWN BOARD DISCUSSION

DEROSA

Councilman DeRosa said regarding resolution 2021062, regarding alternate members for the planning & zoning boards, he felt they should be compensated for this task. An alternate member will be required to do a lot of work and he felt the individuals should be compensated.

Following discussion, the Board agreed and they also agreed they would change C, (v) in the proposed local law to add compensation.

MCCARTHY

AG LAW

Councilman McCarthy said the Board was waiting for input from NYS Ag & Markets on the proposed laws which has been received. The Town of Pawling Ag Law has not been updated in many years and it was very restrictive. Most of what was done in the updated Pawling law refers back to the NYS Ag & Markets laws. The board has previously held a public hearing on this law but is conducting another public hearing because changes have been made since the last public hearing. Most of what is being changed is what NYS AG & Markets recommends. The public hearing on the new law will be on April 14, 2021. Councilman McCarthy thanked town attorney Nancy Tagliaferro, town attorney Jamie Spillane, George Brehm, planning board chairman and JoAnne Daley, planning board secretary for their help on this.

Councilman DeRosa thanked Councilman McCarthy for his work on this law.

The Board also thanked Councilman McCarthy.

BULK PICKUP

Supervisor Schmitt said bulk pickup has been scheduled for April 17, 2021. Information will be posted on the town website and social media soon. He announced a new Facebook page which is the Pawling Free Marketplace, where people can give items away to others.

SNOW

Councilwoman Snow said the Pawling recreation department will be holding tag sales for people to buy and sell their items. Regarding the Pawling Resource Center, they need volunteers, particularly drivers to help out. They need people to commit to three hour shifts per week to help put food out. Councilwoman Snow said she attended some virtual Association of Towns seminars and she would like to update the board on one class in particular, which is "town boards and diversity". She could update the board whenever they want. Councilwoman Snow said the board has discussed honoring people in the community and they will begin honoring one person per month.

Supervisor Schmitt said Councilwoman Snow introduced this idea to him and he agreed it was a great idea. The board will honor a community person once per month. The individuals will be announced the first meeting of the month and they will be awarded an accommodation at the second meeting of the month.

Councilwoman Snow said this month, the board has decided to honor Crew Binette. Crew sells ice cream at The Family Quick Stop and he uses the proceeds to buy supplies for the Pawling Resource Center.

Supervisor Schmitt said Crew goes above and beyond every day. He said he would reach out to the family tomorrow.

Councilman Johnson suggested calling the award going forward the Crew Recognition Award since he is the first one to receive the award.

WHALEY LAKE DAM

Councilman DeRosa asked that the board approve installation of the shed at the Whaley Lake Dam site next week. Councilman DeRosa said the process of filling up the lake would begin on Friday.

Councilman Johnson felt the board needed to be very conscious of ice around people's docks before allowing the lake to refill.

Supervisor Schmitt agreed, and felt this should be looked at before any action is taken to make sure there is no damage to any property. He suggested he and Councilman DeRosa go out to the lake and take a look to see what the conditions are.

PUBLIC COMMENT

Supervisor Schmitt said Eric Paulson has asked about the Ag Law. Supervisor Schmitt said it is posted on the agenda and if Mr. Paulson had any questions, he should feel free to call and ask questions.

Supervisor Schmitt said Steve Goldberg is asking that someone expand on the work Laberge is being asked to do. Supervisor Schmitt said the Laberge work is a continuation of the exploration of the Route 22 south sewer to the Patterson town line.

Councilman McCarthy said this is to continue to work with Laberge on the Route 22 sewer south.

Councilman DeRosa said Laberge generated a draft map, plan and report on the Route 22 south. The cost of that was four million dollars and he felt the next step would be sitting down with the Village to discuss this to see how it can move forward.

The motion to adjourn was made by Supervisor Schmitt at 6:45 PM, seconded by Councilwoman Snow, motion passed unanimously.

Town Clerk

LOCAL LAW NO. __ OF THE YEAR 2021

**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”, “Farm” and “Personal Use 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 products.

FARM –A farm operation as such term is defined in the Agricultural and Markets Law Section 301 (11), as may be amended from time, including, without limitation, livestock, dairy, poultry, fur-bearing animal, aquaculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations.

PERSONAL FARM USE – The keeping, grazing, feeding and care of animals other than household pets and the production of crops for personal use. These requirements shall not apply to a Farm Use/Customary Farm Occupation within an Agricultural District.

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

B. The minimum lot size shall be one grazing acre for every four (4) sheep, goats, pigs or other similar sized animals which are kept, grazed, fed and cared for on the property.

C. The minimum lot size for keeping, grazing, feeding and caring for small animals shall be one acre. No more than 30 small animals per acre may be kept, grazed, fed or cared for. Small animals include poultry, rabbits and other similarly sized animals.

D. Adequate fencing must be installed and maintained to contain the livestock within the property.

E. Permanent housing, three or four sided, shall be provided for all animals that require permanent housing based on current best standards and practices for proper care and welfare of 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 current best standards and practices for proper care and welfare of animals.

F. The owner must demonstrate to the Town that adequate open space and facilities, used for the proper care of such animals, are available and that the maintenance of such animals will not interfere with the reasonable use and enjoyment of the property of others.

G. Manure shall be stored in an environmentally safe area. The manure storage area shall be screened so that it will not be unsightly.

H. 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.

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

FARM USE; CUSTOMARY FARM OCCUPATION - The use of a parcel of land, 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 for profit, ~~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 the farm and those products as part of a "farm operation" as such term is defined in the Agricultural and Markets Law Section 301(11), as same may be amended from time to time, including a roadside stand as defined in this chapter. Farm equipment and materials shall not be stored in required yards except for those Farm Uses and Customary Farm Occupations within an Agricultural District.

Section 3: Chapter 215-3 of the Zoning Code of the Town of Pawling is hereby amended for the definition of "Animal Husbandry" to be removed 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:~~

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

Section 4: 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 residents that this town encourages its agriculture and requests residents to be understanding of the necessary day-to-day operations.

3. For the purpose of reducing future conflicts between farmers and non-farmers, 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 operation, as defined in Article 25-AA of the Agriculture and Markets Law. 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, as the same may be amended from time to time.

B Personal Farm Uses and Farm Use/Customary Farm Occupation: Parcels Not Included in the New York State Agricultural District.

1. The following guidelines and standards apply to Personal Farm Uses and Farm Use/Customary Farm Occupations 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 100 feet from any lot line, stream or other water body, and accordance with all applicable Department of Conservation requirements, as the same may be amended from time to time;

- (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 shall be one grazing acre for each large animal, including horses, ponies, and cattle or other similar sized animals which are kept, grazed, fed and cared for on the property

- d. The minimum lot size shall be one grazing acre for each four (4) sheep, goats, pigs or other similar sized animals which are kept, grazed, fed and cared for on the property; and

- e. The minimum lot size for keeping, grazing, feeding and caring for small animals shall be one acre. No more than thirty (30) small animals per acre may be kept, grazed, fed or cared for. Small animals include poultry, rabbits and other similarly sized animals.

- f. All applicable requirements of the Dutchess County Board of Health shall be complied with, as the same may be amended from time to time.

- 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 Use and Customary Farm Occupations 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, as the same may be amended from time to time:

- (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) The following expedited site plan approval from the Planning Board shall be required for Farm Uses consistent with Article 25-AA of the Agriculture and Markets Law of the State of New York:
 - (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 within 200 feet of 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 or of the manufacturer of such buildings or structures.
 - (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.
 - (vi) All applicable requirements of the Dutchess County Board of Health shall be complied with, as the same may be amended from time to time.

E. Parcels within 500 feet of a Farm Use/Customary Farm Occupation

1. The following guidelines and standards apply to parcels within 500 feet of a farm use/customary farm occupation 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 5: This local law is intended to replace and supplement Chapter 101 of the Pawling Town Code entitled “Farming”.

Section 6: 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 7: 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: _____, 2021

BY THE ORDER OF THE TOWN BOARD
TOWN OF PAWLING