

Supervisor James Schmitt opened the Regular meeting of the Town Board of the Town of Pawling at 7:00 PM February 12, 2020 at the Holmes Whaley Lake Civic Association building, 239 Route 292, Holmes, New York. Present were Councilmen McCarthy, DeRosa, Councilwoman Snow and approximately 28 interested citizens. Councilman Johnson was absent.

PUBLIC COMMENT/AGENDA ITEMS

Supervisor Schmitt said before comments are made on agenda items, Nancy Tagliaferro, Town Attorney would give an update on the Whaley Lake Dam.

Nancy Tagliaferro, Town Attorney said the Town has put the engineer Fuss & O'Neil on notice that there is a defect in the design of the Whaley Lake Dam because the water pooling levels are not what they used to be historically. She said there have been negotiations with Fuss & O'Neill and they have come up with some ideas about how they can correct this and there has been some term of agreement where the work could be commenced as soon as possible. But there is not a full settlement agreement in place yet but she could say with full confidence that there would be a resolution one way or another by the first meeting in March. Obviously, a settlement is in everyone's best interest and she has been working very hard and they are very close to an agreement. If this falls through, this will be taken in another direction but she should know in the next few days.

Supervisor Schmitt said the priority is to get the water level up for the summer but that will take time. He said regarding the rezone, there were a lot of people there last week and the rest of the Board is doing a great job working on the stuff that he is not privy to. It has been kept amongst the four Board members and the attorneys. The Route 22 stuff will not be discussed during a meeting he is running in order to make it more comfortable for the community and the Board members who ultimately make the decisions. There is nothing on the agenda regarding that this evening.

Ms. Tagliaferro said that pertains to public comment, the Board would not be entertaining any comments on the Route 22 rezoning tonight.

Helen Grosso said so the public can't make a public comment about Route 22 north while the Supervisor is in the room.

Ms. Tagliaferro said that is correct.

Ms. Grosso said the Supervisor has a conflict and he declared that. This happens at Town Board meetings.

Ms. Tagliaferro said the reason the Supervisor made the statement at the beginning of the meeting is that there is nothing pending. We don't have any information and he can't be present when it is discussed. There is a super long agenda, 40 pages, and they felt it was best to put everyone on notice that the Board is not going to be able to hear comments tonight on the potential rezoning.

Supervisor Schmitt said it is also a matter of respect for people's time.

Ms. Grosso said she was confused. Certainly, there have been other times where there have been conflicts that have been acknowledged.

Councilman DeRosa said there has been nothing presented to the Town Board on anything on Route 22. Nothing has been formally presented to the Town Board regarding Route 22.

Ms. Grosso said there was something presented and there was a long interaction with the Planning Board, which was aggressive.

Ms. Tagliaferro said the public can be assured that if there is a petition and this Board is considering it, there will be opportunity for everyone to comment.

Ms. Grosso said she wanted to be really clear to make sure everyone has their right to speak.

Ms. Beth Coursen echoed Ms. Grosso's sentiment. She is here tonight to talk about the rezone on Route 22. She has very serious about procedure and she will talk about that and Ms. Tagliaferro would be wise not to silence her.

There were no further comments regarding agenda items.

MINUTES

Councilwoman Snow made a motion to approve the minutes of January 8, 2020, seconded by Supervisor Schmitt, motion passed unanimously.

Councilman DeRosa made a motion to approve the minutes of January 15, 2020, seconded by Supervisor Schmitt, motion passed unanimously.

CONSENT AGENDA

**Resolution 2020053
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 20191761 through 20191909, 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 \$375,073.80.

**Resolution 2020054
Billing for Pawling Water District #1**

Whereas, Pawling Water District #1 bills need to be approved by the Pawling Town Board, and

Whereas, the bills have been prepared and submitted in the amount of \$2,203.20 for the period of November 1, 2019 through January 31, 2020 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 #1.

**Resolution 2020058
Dog Control Transfer Agreement with Dutchess County SPCA**

Whereas, the Town of Pawling Dog Warden is empowered to seize dogs pursuant to the provisions of Agricultural and Markets Law Article 7 s117, and

Whereas, the Town of Pawling has been partnered with Dutchess County SPCA to house unclaimed dogs held at The Pawling Animal Clinic, and

Whereas, the Town of Pawling wishes to continue their contract with Dutchess County SPCA to accept unclaimed dogs seized by the Town, therefore be it

Resolved, that the Town of Pawling Town Board hereby authorizes the Town Supervisor to sign the Dog Control Transfer Agreement with the Dutchess County SPCA.

**Resolution 2020059
Escrow Release – Christopher Lallo**

Whereas, the Town of Pawling currently holds a \$75.00 balance in escrow for Mr. Christopher Lallo, and,

Whereas, the Planning Board Secretary has confirmed in a letter dated February 3, 2020 that there are no outstanding bills and that there will be no future bills for review, and,

Whereas, the Planning Board has recommended to the Town Board that these funds be released, therefore, be it

Resolved, that the Town of Pawling hereby releases the \$75.00 balance in escrow and authorizes the Bookkeeper to release such funds.

Resolution 2020060
Escrow Release – Green Lumber Company

Whereas, the Town of Pawling currently holds \$5,000.00 balance in escrow for the Green Lumber Company, and,

Whereas, the Planning Board Secretary has confirmed in a letter dated February 3, 2020 that the Code Enforcement Officer performed a site inspection on January 6, 2020 to confirm the site work has been completed, and,

Whereas, the Planning Board has recommended to the Town Board that these funds be released, therefore, be it

Resolved, that the Town of Pawling hereby releases the \$5,000.00 balance in escrow and authorizes the Bookkeeper to release such funds.

MOTION: Councilman McCarthy

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

NON CONSENT AGENDA

Resolution 2020061

**Authorizing the Implementation and Funding of
100% of the Costs of a Transportation Project
of which Qualified Costs May Be Reimbursed
from BridgeNY Funds**

WHEREAS, a project for the West Main Street Over Tributary to Swamp River Culvert Lining in the Town of Pawling, Dutchess County, P.I.N. 8762.24 (the "Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the Town of Pawling will design, let, and administer all phases of the Project.

WHEREAS, the Town of Pawling desires to advance the Project by making a commitment of 100% of the costs of preliminary engineering and construction work for the Project or portions thereof.

NOW, THEREFORE, the Pawling Town Board, duly convened does hereby

RESOLVE, that the Pawling Town Board hereby approves the Project; and it is hereby further

RESOLVED, that the Pawling Town Board hereby authorizes the Town of Pawling to pay 100% of the cost of preliminary engineering and construction work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and it is further

RESOLVED, that the sum of **\$183,800** is hereby appropriated from the Capital Projects Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the Pawling Town Board hereby agrees that the Town of Pawling shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Town of Pawling; and it is further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Town of Pawling shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is further

RESOLVED, that the Pawling Town Board hereby agrees that Town of Pawling hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Supervisor of the Town of Pawling be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Town of Pawling in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs, and it is further

RESOLVED, that the Town of Pawling will be responsible for all maintenance of the Project; and it is further

RESOLVED, that upon the adoption of this Resolution, Resolution 2019139 is hereby rescinded; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

Resolution 2020062

**Authorizing the Implementation and Funding of
100% of the Costs of a Transportation Project
of which Qualified Costs May Be Reimbursed
from BridgeNY Funds**

WHEREAS, a project for the Dewey Lane over Hiller Brook Culvert Rehabilitation in the Town of Pawling, Dutchess County, P.I.N. 8762.23 (the "Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the Town of Pawling will design, let, and administer all phases of the Project.

WHEREAS, the Town of Pawling desires to advance the Project by making a commitment of 100% of the costs of preliminary engineering and construction work for the Project or portions thereof.

NOW, THEREFORE, the Pawling Town Board, duly convened does hereby

RESOLVE, that the Pawling Town Board hereby approves the Project; and it is hereby further

RESOLVED, that the Pawling Town Board hereby authorizes the Town of Pawling to pay 100% of the cost of preliminary engineering and construction work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and it is further

RESOLVED, that the sum of **\$353,200** is hereby appropriated from the Capital Projects fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the Pawling Town Board hereby agrees that the Town of Pawling shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Town of Pawling; and it is further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Town of Pawling shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is further

RESOLVED, that the Pawling Town Board hereby agrees that Town of Pawling hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Supervisor of the Town of Pawling be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Town of Pawling in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs, and it is further

RESOLVED, that the Town of Pawling will be responsible for all maintenance of the Project; and it is further

RESOLVED, that upon the adoption of this Resolution, Resolution 2019138 is hereby rescinded; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

Resolution 2020063

Lead Agency Designation, Town of Pawling Dutchess County, NY – Short Term Rentals

CHAPTER 215 ZONING – LOCAL LAW NO. 1

WHEREAS, The Town of Pawling Town Board (hereafter “Town Board”) desires to consider and adopt Local Law 1, (the “Action”) amending Chapter 215 (Zoning) of the Town of Pawling Town Code as follows:

- 1) Insertion of a new definition of “Short-Term Rental”; and
- 2) Insertion of a new Section 215-44.1, “Short-Term Rental” to regulate the short-term rental of residential structures in the Town of Pawling.

WHEREAS, the Town Board is directly undertaking the Action and as the only involved agency, desires to serve as Lead Agency for the environmental review of the Action pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.6; and

WHEREAS, the Town Board, as Lead Agency, has identified and intends to classify this Action as a Type 1 Action pursuant to 6 NYCRR § 617.4 of the Regulations and the Town Board has caused the preparation of a Full Environmental Assessment Form (FEAF) for review of the Action; and

NOW, THEREFORE, BE IT

RESOLVED, pursuant to the applicable standards of 6 NYCRR § 617, the Town of Pawling Town Board concludes that it is the appropriate agency to serve as, and declares itself Lead Agency for the environmental review of the Action.

RESOLVED, pursuant to the applicable standards of 6 NYCRR § 617, the Town of Pawling Town Board, as Lead Agency classifies the Action as a Type 1 Action.

RESOLVED, that this resolution shall take effect immediately.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

Resolution 2020064

Lead Agency Designation, Town of Pawling Dutchess County – Special Events

CHAPTER 215 ZONING – LOCAL LAW NO. 2

WHEREAS, The Town of Pawling Town Board (hereafter “Town Board”) desires to consider and adopt Local Law 2, (the “Action”) amending Chapter 215 (Zoning) of the Town of Pawling Town Code by the insertion of a new Section 215-44.2, “Special Events;” and

WHEREAS, the Town Board is directly undertaking the Action and as the only involved agency, desires to serve as Lead Agency for the environmental review of the Action pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.6; and

WHEREAS, the Town Board, as Lead Agency, has identified and intends to classify this Action as a Type 1 Action pursuant to 6 NYCRR § 617.4 of the Regulations and the Town Board has caused the preparation of a Full Environmental Assessment Form (FEAF) for review of the Action; and

NOW, THEREFORE, BE IT

RESOLVED, pursuant to the applicable standards of 6 NYCRR § 617, the Town of Pawling Town Board concludes that it is the appropriate agency to serve as, and declares itself Lead Agency for the environmental review of the Action.

RESOLVED, pursuant to the applicable standards of 6 NYCRR § 617, the Town of Pawling Town Board, as Lead Agency classifies the Action as a Type 1 Action.

RESOLVED, that this resolution shall take effect immediately.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

Resolution 2020065

Negative Declaration, Town of Pawling Dutchess County, NY – Short Term Rentals

CHAPTER 215 ZONING – LOCAL LAW NO. 1

WHEREAS, The Town of Pawling Town Board (hereafter “Town Board”) desires to consider and adopt Local Law 1, (the “Action”) amending Chapter 215 (Zoning) of the Town of Pawling Town Code as follows:

- 3) Insertion of a new definition of “Short-Term Rental;”
- 4) Insertion of a new Section 215-44.1, “Short-Term Rental” to regulate the short-term rental of residential structures in the Town of Pawling.

WHEREAS, the Town Board previously declared itself as Lead Agency and classified the Action a Type 1 Action pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617; and

WHEREAS, the Town Board has caused the preparation of a Full Environmental Assessment Form (FEAF) for the environmental review of the Action; and

WHEREAS, The Town Board, as Lead Agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

WHEREAS, this negative declaration is supported and substantiated by the following conclusions of the Lead Agency:

- 1) The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It will not result in indirect or secondary effects which threaten adverse physical impacts upon the environment.

- 2) The proposed legislative amendments will not propose any actions or land uses that may be different from, or in sharp contrast to current surrounding land use patterns (Full EAF, Part 2, 17[a]). They will not cause the permanent population of the Town to grow by more than 5% (Full EAF, Part 2, 17[b]). They are not inconsistent with the current local land use plan (Full EAF, Part 2, 17[c]). They are not inconsistent with any County plans, or other regional land use plans (Full EAF, Part 2, 17[d]). They will not cause a change in density of development that is not supported by existing infrastructure or is distant from existing infrastructure (Full EAF, Part 2, 17[e]). They are not in an area characterized by low density development that will require new or expanded public infrastructure (Full EAF, Part 2, 17[f]). They may give rise to secondary development impacts, in the nature of residential or commercial development, but such impacts are not currently ascertainable and will not be ascertainable until site-specific proposals are received, at which time they will be subject to legislative or administrative review, as well as review under SEQRA addressing the actual identity and nature of such proposals

NOW, THEREFORE, BE IT RESOLVED, that the Town of Pawling Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;
2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;
3. The Action does not involve the impairment of any designated critical environmental area;
4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted;
5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;
6. The Action will not result in a major change in the use of either the quantity or type of energy;
7. The Action will not create a hazard to human health;
8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses;
9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action;

10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences;
11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment;
12. The Action does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

BE IT FURTHER RESOLVED, that the Town of Pawling Town Board, acting as Lead Agency, has examined the impacts which may be reasonably anticipated from the Action, and has determined that it will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of Pawling Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

Resolution 2020066

Negative Declaration, Town of Pawling Dutchess County, NY – Special Events

Chapter 215 ZONING – LOCAL LAW NO. 2

WHEREAS, The Town of Pawling Town Board (hereafter “Town Board”) desires to consider and adopt Local Law 2, (the “Action”) amending Chapter 215 (Zoning) of the Town of Pawling Town Code by the insertion of a new Section 215-44.2, “Special Events;” and

WHEREAS, the Town Board previously declared itself as Lead Agency and classified the Action a Type 1 Action pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617; and

WHEREAS, the Town Board has caused the preparation of a Full Environmental Assessment Form (FEAF) for the environmental review of the Action; and

WHEREAS, The Town Board, as Lead Agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the

relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

WHEREAS, this negative declaration is supported and substantiated by the following conclusions of the Lead Agency:

- 1) The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It will not result in indirect or secondary effects which threaten adverse physical impacts upon the environment.
- 2) The proposed legislative amendments will not propose any actions or land uses that may be different from, or in sharp contrast to current surrounding land use patterns (Full EAF, Part 2, 17[a]). They will not cause the permanent population of the Town to grow by more than 5% (Full EAF, Part 2, 17[b]). They are not inconsistent with the current local land use plan (Full EAF, Part 2, 17[c]). They are not inconsistent with any County plans, or other regional land use plans (Full EAF, Part 2, 17[d]). They will not cause a change in density of development that is not supported by existing infrastructure or is distant from existing infrastructure (Full EAF, Part 2, 17[e]). They are not in an area characterized by low density development that will require new or expanded public infrastructure (Full EAF, Part 2, 17[f]). They may give rise to secondary development impacts, in the nature of residential or commercial development, but such impacts are not currently ascertainable and will not be ascertainable until site-specific proposals are received, at which time they will be subject to legislative or administrative review, as well as review under SEQRA addressing the actual identity and nature of such proposals

NOW, THEREFORE, BE IT RESOLVED, that the Town of Pawling Town Board makes the following findings based upon the conclusions identified above:

13. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;
14. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;
15. The Action does not involve the impairment of any designated critical environmental area;
16. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted;
17. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;
18. The Action will not result in a major change in the use of either the quantity or type of energy;

19. The Action will not create a hazard to human health;
20. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses;
21. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action and the proposed local law has been drafted specifically to properly manage large gatherings;
22. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences;
23. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment;
24. The Action does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

BE IT FURTHER RESOLVED, that the Town of Pawling Town Board, acting as Lead Agency, has examined the impacts which may be reasonably anticipated from the Action, and has determined that it will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of Pawling Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2020067
Adopting Local Law #1 of 2020 – Short Term Rentals**

WHEREAS, a local law to amend Pawling Town Code Chapter 215, entitled “Zoning”, which amendment will add provisions allowing Short Term Rentals by Permit was introduced as Introductory Local Law #___ of the year 2019 before the Town Board of the Town of Pawling on July 10, 2019; and

WHEREAS, the public hearing was opened on October 9, 2019 and the public was invited to attend and be heard on the matter;

NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law #___ of 2019 is hereby enacted by the Town Board of the Town of Pawling as Local Law #1 of 2020 of the Town of Pawling, and

BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2020068
Adopting Local Law #2 of 2020 – Special Events**

WHEREAS, a local law to amend Pawling Town Code Chapter 215, entitled “Zoning”, which amendment will add provisions allowing Special Events by permit was introduced as Introductory Local Law # ___ of the year 2019 before the Town Board of the Town of Pawling on July 10, 2019; and

WHEREAS, the public hearing was opened on January 15, 2020 and the public was invited to attend and be heard on the matter;

NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law #___ of 2019 is hereby enacted by the Town Board of the Town of Pawling as Local Law #2 of 2020 of the Town of Pawling, and

BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2020069
Approving the Capital Project Budget for 2 Heavy Duty Highway Department Trucks**

Whereas, a Capital Project Budget for the purchase of 2 Heavy Duty Highway Trucks was developed by the Bookkeeper of the Town of Pawling, and

Whereas, the Pawling Town Board approved the financing of said trucks through Resolution 2019071 on May 8, 2019, therefore, be it

Resolved, the Pawling Town Board hereby approves the following Capital Project Budget for the purchase of 2 Heavy Duty Highway Trucks:

Revenues:

HT 5710 Serial Bonds	\$480,000
HT 5031 Interfund Transfer	\$ 9,600
TOTAL	\$489,600

Appropriations:

HT5130.2 Machinery	\$480,000
HT1420.2 Legal/Financing	\$ 9,600
TOTAL	\$489,600

MOTION: Supervisor Schmitt
SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilman Johnson – “ABSENT” Councilman DeRosa – “AYE”
 Councilman McCarthy – “AYE” “Councilwoman Snow – “AYE”
 Supervisor Schmitt – “AYE”

Resolution 2020070
Approving the Capital Project Budget for the West Main Street Culvert

Whereas, the Town of Pawling has been awarded \$183,800 in grant funding from the New York State Department of Transportation (NYSDOT) for the West Main Street Culvert project, and

Whereas, a Capital Project Budget for the NYSDOT approved West Main Street Culvert project was developed by the Bookkeeper of the Town of Pawling, therefore, be it

Resolved, that the Pawling Town Board hereby approves the following Capital Project Budget for the West Main Street Culvert project:

Revenues:

HWM 3097 General Government Capital Project	\$150,500 (NYS Bridge Program)
HWM 5031 Interfund Transfer (DA)	\$ 33,300 (Town Portion)
HWM 5031 Interfund Transfer (DA)	\$ 5,000 (Financing cost)
TOTAL	\$188,800

Appropriations:

HWM 8597.2 Drainage Equip & Capital	\$150,500(Construction)
HWM 1440.2 Engineering	\$ 33,300
HWM 1420.2 Legal/Financing	\$ 5,000
TOTAL	\$188,800

MOTION: Supervisor Schmitt
SECOND: Councilwoman Snow

ROLL CALL VOTE:

Councilman Johnson – “ABSENT” Councilman DeRosa – “AYE”
 Councilman McCarthy – “AYE” “Councilwoman Snow – “AYE”
 Supervisor Schmitt – “AYE”

Resolution 2020071
Approving the Capital Project Budget for the Dewey Lane Bridge

Whereas, the Town of Pawling has been awarded \$703,200 in grant funding from the New York State Department of Transportation (NYSDOT) for the Dewey Lane Bridge project, and

Whereas, a Capital Project Budget for the NYSDOT approved Dewey Lane Bridge project was developed by the Bookkeeper of the Town of Pawling, therefore, be it

Resolved, that the Pawling Town Board hereby approves the following Capital Project Budget for the Dewey Lane Bridge project:

Revenues:

HDL 3097	General Government Capital Project	\$343,200 (NYS Bridge Program)
HDL 3089	Senate-NYSL4 Financing	\$350,000
HDL 5031	Interfund Transfer (DA)	\$ 10,000 (Town Portion)
HDL 5031	Interfund Transfer (DA)	\$ 14,064 (Financing cost)
	TOTAL	\$717,264

Appropriations:

HDL 5120.2	Bridge Maint	\$600,700(Construction)
HDL 1440.2	Engineering	\$102,500
HDL 1420.2	Legal/Financing	\$ 14,064
	TOTAL	\$717,264

MOTION: Councilman DeRosa

SECOND: Councilwoman Snow

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”	Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE”	“Councilwoman Snow – “AYE”
Supervisor Schmitt – “AYE”	

Resolution 2020072
Approving the Capital Projects Budget for Hurds Corner Road

Whereas, the Town of Pawling has been awarded \$450,000 in grant funding from the New York State Department of Transportation (NYSDOT) for the Hurds Corner Road project, and

Whereas, the Capital Project Budget for the NYSDOT approved Hurds Corner Road project was developed by the Bookkeeper of the Town of Pawling, therefore, be it

Resolved, that the Pawling Town Board hereby approves the following Capital Project Budget for the Hurds Corner Road project:

Revenues:

HCR 4097	General Government Capital Project	\$359,960 (Federal Title 23)
HCR 5031	Interfund Transfer (DA)	\$ 147,040 (Town Portion)
HCR 5031	Interfund Transfer (DA)	\$ 10,140 (Financing cost)
	TOTAL	\$ 517,140

Appropriations:

HCR 5197.2 Hwy Capital Project	\$450,000(Construction)
HCR 1440.2 Engineering	\$ 57,000
HCR 1420.2 Legal/Financing	\$ 10,140
TOTAL	\$517,140

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT” Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE” “Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

Resolution 2020073
Budget Amendment for Fiscal Year 2020

Whereas, a request for a Budget Amendment has been received from the Bookkeeper, and

Whereas, an increase to General Fund appropriations for the total cost of 3 Town Hall servers and computer upgrades to the Town Clerk and Assessors Offices as recommended in the 2019-2020 IT Replacement Schedule provided by Sullivan Data, therefore, be it

Resolved, that the Bookkeeper has requested the following Budget Amendment:

Increase in line A1680.2 Central Data Processing Equipment by\$27,522
Decrease in line 599 Appropriated Fund Balance by\$27,522

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilman Johnson – “ABSENT” Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE” “Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

Resolution 2020074
Setting Short Term Rental Permit Fees

WHEREAS, the Town Board of the Town of Pawling wishes to set the fee schedule annexed hereto for Short Term Rental Permits as authorized by Local Law #1 of the Year 2020 amending Pawling Town Code Chapter 215, entitled “Zoning”, which amendment adds provisions allowing Short Term Rentals by Permit.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling hereby authorizes and approves the Short Term Rental Permit fees as annexed hereto.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

Resolution 2020075

A Resolution Authorizing, Subject to Permissive Referendum, the Issuance of \$517,140 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 \$517,140.

Section 2. It is hereby determined that the plan of financing of said specific object or purpose is by the issuance of \$517,140 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 adoption of this bond resolution and lapsing of the permissive referendum period thereafter, the bond resolution of October 9, 2019 authorizing \$450,000 bonds for said specific object or purpose is hereby repealed.

Section 10. 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 11. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM**

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

MCCARTHY

Councilman McCarthy said EMStar hoped to have a contract for ambulance service to the Town for review by the first meeting in March.

DEROSA

Councilman DeRosa said he and Vinny DiMarco were at the dam today and the water level is three inches below the concrete spillway, so it is a half inch lower than last month. He thanked Cathy Giordano, Town Clerk and Cheryl Knowles, Deputy Town Clerk for handling the dump stickers, it is a busy time of year for the Clerk’s office, as they are selling new stickers for 2020. They took in over approximately \$180,000.00 and they do a great job. He and other elected officials and employees will be attending the Association of Towns conference next week. Next week he is meeting Michele Greco/Planner who comes highly recommended, along with other Board members, to see if she is interested in working on projects here in town.

SNOW

Councilwoman Snow said this Saturday there is a Pawling Community Foundation meeting, which she will be attending as their liaison to the Town Board. She said she was having difficulty with hearing tonight, and not giving the community warning, that the Board might change its visitor comments. She felt that people come to the meetings so they can make comments. She understood the situation but was wondering how the Board could communicate that a little better, like defining what meetings would be for what.

Supervisor Schmitt suggested once the meeting is over, he could leave the room for public comment and let the rest of the Board handle the comments.

SCHMITT

Supervisor Schmitt said the Association of Towns conference is a great resource and there are a lot of people going to it for continued education. He said the bathrooms are done at the Lathrop building and the building is really transformed with all of the work that has been done over the past two years. Camp registration has begun and it is going well. People are using the park again.

PUBLIC COMMENT

Supervisor Schmitt left the room.

Beth Coursen, resident from 12 Church Road, Pawling said her comments are specifically on ethics and procedure. For two years this board has been in discussions about a zone change on RT 22 North. In those two years a whole host of Town resources have been used including Planning staff, Town attorney and town planner among other resources.

The required LEGAL process for a zone change begins with the filing of an application. To date, there is currently no application filed on behalf of the Town Supervisor's parents. No fees have been paid, no monies are held in escrow to cover the costs associated with a proposed zone change. Yet all of you gentleman, have allowed town resources to be used for the express purpose of a proposal benefiting the Town Supervisor's parents.

Shame on all of you gentlemen. We live in a nation of laws. The Town of Pawling was among the first in NYS to adopt a Comprehensive Plan and Zoning Code. People in this community are passionate about planning and zoning. This board had better be prepared to offer these same generous terms of two years of town resources to any property owner who merely writes a letter expressing an interest in a zone change, and has a few neighbors that say they'd like one also and couched under the very nebulous term of 'economic development'

Gentlemen, in providing these generous terms to the Town Supervisor's parents, you've gone far beyond the minimum standard outlined in General Municipal Law, which is to avoid the appearance of impropriety.

I urge you all to correct your course going forward. General Municipal Law sections 800-809 require a number of things to protect the public from conflicts of interest of elected officials and others. The Town Supervisor, Mr. Schmitt is required to ensure this entire statute is posted conspicuously in EVERY Town owned building. It is not in this building folks.

Every Town official is required to disclose conflicts in writing. Merely recusing oneself or abstaining on a vote does NOT meet the intent or letter of this law. There are additional requirements in statute and in rulings that affect the actions of Board members, spouse and children.

So, for instance, if a board member's spouse has sold insurance to an applicant currently, or in the past, this needs to be disclosed in writing. If a board members son works for an applicant or the Town Supervisor, this needs to be disclosed in writing.

Given what has already occurred, I urge this board to appoint special counsel and special planner for this project. Both the Town Attorney and Planner serve at the pleasure of this board, making it difficult for them to provide an unbiased review of a project and placing the interests of the Town ahead of the interests of the Supervisor's parents.

The formal review for this proposed zone change will likely require a full Environmental Impact Statement and is an expensive undertaking. By law these costs are paid entirely by the applicant - the Supervisors parents.

If you face a legal challenge then the cost for legal counsel will be paid by every property owner in this town. I am here for them, I am paying close attention and I intend to give voice to those you've clearly forgotten. Come into compliance with all laws beginning tonight.

Councilwoman Snow said Supervisor Schmitt has asked her to continue this part of the meeting and asked if there were any other comments on Route 22.

Rick Wilson, resident of Holmes, said he found the Supervisor accommodating to leave the room and allow comment.

Councilwoman Snow asked if there were any other comments regarding Route 22, and there were not. Supervisor Schmitt returned to the room.

Gerald McDonald said he appreciated the Board having meetings in Holmes but the website said the meeting was at town hall. He asked that this be corrected going forward. As a result, he may have missed some of the comments on the dam. He said he understood the lake is being lowered to remediate the issues. Is that expected.

Supervisor Schmitt said he hoped to have solid information by the first meeting in March for the homeowners inside the district.

Helen Grosso asked about the different wording on some of the resolutions regarding bonding.

Supervisor Schmitt said they were changes requested by NYS DOT.

Ms. Grosso said the other thing she heard Councilman DeRosa say was that more people were needed downstairs because the Town is about to lose its Code Enforcement Officer.

Councilman DeRosa said for the last year or two, the Town has been short people downstairs in the Building Department. The current Code Enforcement Officer is retiring. The Town needs to have a full time Building Inspector and additional assistants. He felt another part time Building Inspector and a part time Zoning Administrator were needed because Building Inspectors are hard to get and there aren't any experienced ones.

Supervisor Schmitt said part time help in different places to better serve the public, that is what he would like to do and not have the full-time positions. The consultant that was hired to look at the Building Department should have recommendations to the Board hopefully by March.

Vinny DiMarco thanked the Board for coming to Holmes, and he was not aware the meeting was here tonight. The lake elevation is three inches below the primary spillway, the lake elevation as of this morning is at 704.55, and that is in tenths. Mr. DiMarco said regarding the Resource Center project, he and Bill Volmer, Village Building Inspector reviewed a sketch of the proposed ramp. The ramp needs to be 48 feet and he will provide the sketch to everyone soon. He stated that Mr. Serafino Tomasetti has volunteered to pay for the ramp lumber material in its entirety. There are still other expenses that will need funding. Everyone is willing to help and he hoped there was someone who had a crew readily available to help at a discounted rate. There are also trees that will need to come down and there is a sewer pipe near the root system. There is a lot of work involved. He said Curt Johnson will do the architectural drawings for the project.

Chief Constable Mike Kelly said there is a problem with parents dropping off their kids and leaving them at Lakeside Park. Something is going to happen and something needs to be done as soon as possible. He suggested more cameras be installed around Town properties.

Bonnie Lunt, resident from Quaker Hill Road asked if the Airbnb regulations were available to the public so people know what the code is.

Supervisor Schmitt said yes, they will be.

Ms. Lunt said Councilman DeRosa has said he was planning on meeting with a planning consultant to work on a possible project for the Town.

Councilman DeRosa said she could work on any project. The planning consultant came very highly recommended by the Dutchess County Planning Federation, and he sits on that Board. He is looking for a new planner for any projects that come up within the Town. He is meeting with her to see if she is interested in working with the Town of Pawling.

Beth Coursen said the Town is bringing in a consultant for an undefined purpose, with no applicant paying for this.

Councilman DeRosa said this is just an interview to see if she is interested in working with Pawling.

Nancy Hopkins Reilly, President of the Historical Society of Quaker Hill in Pawling said she hoped that the Historical Society is brought in on this plan for the ramp. She understood it does need to be done. The Historical Society owns the Carriage House where the Resource Center is and there needs to be more communication on what the plan is, and what is entailed before it happens. She said 48 feet is long and the Historical Society needs to be informed about this project.

Vinny DiMarco said he would meet with Mrs. Reilly and go over the plans with her. He will work with the Historic Society.

Councilwoman Snow said this is a safety issue and once things are more defined, the Historical Society will be included.

The motion to adjourn was made by Supervisor Schmitt at 7:50 PM, seconded by Councilman McCarthy, motion passed unanimously.

Town Clerk

**A LOCAL LAW ESTABLISHING AMENDING CHAPTER 215 (ZONING)
OF THE TOWN CODE OF
THE TOWN OF PAWLING
ENTITLED “SHORT TERM RENTALS”**

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 a new definition of “Short-Term Rental” to read as follows:

SHORT-TERM RENTAL- A dwelling unit that is rented, in whole or part, to any person or entity for a period of less than 30 consecutive nights, and is not regulated by any other section of the Code of the Town of Pawling. “Rental” means an agreement granting use or possession of a residence, in whole or in part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration. Use of short-term rental by a record owner of a property shall not be considered a rental under this section.

Section 2: Section 215-3 of the Zoning Code of the Town of Pawling is hereby amended with the deletion of the definition of “Tourist Home” and “Boardinghouse” from the Zoning Code.

Section 3: Section 215-15 and Section 215 Attachment 1 of the Zoning Code of the Town of Pawling is hereby amended to remove “Tourist Home” and “Boardinghouse” as permitted uses.

Section 4: Chapter 215 (Zoning) of the Code of the Town of Pawling is hereby amended with the insertion of a new section 215-44.1 to read as follows:

§ 215-44.1 Short-Term Rental Regulations.

- A. Intent. To guide the future growth of the Town, while preserving the rural character of the neighborhood, protect the health safety and welfare of surrounding community, residents of the Town, and the Short Term Rental transient occupants. Promote a beneficial way for property owners to monetize extra space in exchange for rental income to offset expense, maintain properties aesthetics and values within a neighborhood.
- B. Permit Required. An owner shall obtain a revocable short-term rental permit whenever a dwelling unit, apartment within a dwelling unit, or any bedroom within a dwelling unit, is to be used for short-term rental purposes.
 - (1) A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
 - (2) A short-term rental permit shall be valid for one calendar year and must be renewed upon expiration as long as the unit is used as a short-term rental.
 - (3) The short-term rental permit is transferrable to a new owner of said premises, so long as the owner registers with the Town updating the short-term rental permit application, and agree in writing to comply with the requirements of the short-term rental permit and these regulations.
 - (4) If the terms of the short-term rental permit are violated or these regulations not followed, the short-term rental permit may be revoked by the Building Inspector subject to the penalties of Chapter 11 of the Code of Pawling, and the penalties set forth below.
 - (5) Owners of existing Short Term Rentals must file for a permit within 6

months of the effective date of this local law in order to be in conformity with the local law.

C. Notification to Neighbors: As a condition precedent to submitting an application for a Short Term Rental Permit, the applicant must send written notification to all property owners within the following radius of the subject property of the applicant's intent to apply for a Short Term Rental Permit, by certified mail, return receipt requested:

- (1) If a subject property is located partially or wholly within a commercial zoning district, the Highway Business, or CD-5 Zoning District, a radius of 500 feet;
- (2) If a subject property is located partially or wholly within the R-3 or R-4 Zoning District, a radius of 300 feet; or
- (3) If a subject property is located partially or wholly within the R-1 or R-2 Zoning District; a radius of 150 feet.

The applicant shall obtain the most current addresses for the neighboring property owner's from the assessor's office. Such notice must include:

- (1) The number of rooms that the applicant intends to rent on a short term basis. If the application is for the entire house, then the notice shall include the number of bedrooms, as defined below, within the house.
- (2) The names and contact information for all property owners of the short term rental, including current telephone number and email addresses.
- (3) The name, address, telephone number and email address of a contact person, who shall be responsible and authorized to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The contact person may be the owner or an agent designated by the owner to serve as a contact person.
- (4) The parking plan for the short term rental.

With the application the applicant must provide a notarized affidavit affirming that the certified mailings have been sent, a list of the property owners within the specified distances and copies of any and all receipts and return receipts.

D. Short-Term Rental Permit Application Requirements. An application for (or renewal of) a short-term rental permit signed by all persons and entities having ownership interest in the subject property, shall be submitted to the Building Inspector, shall be accompanied by payment of a permit fee, to be determined by the Town Board by separate resolution, shall by a copy of the current vesting deed showing how title to the subject property is then held, shall be completed on a form provided by the Town, and shall provide the following information:

- (1) A list of all property owners of the short-term rental including names, addresses, telephone numbers and email addresses.
- (2) Completion of a signed and notarized affidavit by all property owners certifying the following:
 - (a) Compliance with the following standards:
 - (i) There shall be one functioning smoke detector in each sleeping room and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and at each exit, and at least one carbon monoxide detector. In addition, the premises must comply with all NYS Building and Fire Code regulations, as the same may be amended.
 - (ii) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
 - (iii) Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 - (iv) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.
 - (v) Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue

window.

- (b) The number of sleeping rooms within one short-term rental, as defined in this section.
 - (c) The number of parking spaces on the property that meet the standards set forth below.
 - (d) Affidavit certifications shall be valid during the term of the short-term rental permit, or until modifications requiring a building permit are made. If relevant circumstances on the property change or for any reason the certification is or becomes inaccurate, a new certification shall be submitted.
 - (e) Affidavit pursuant to Chapter 67 of the Town Code, entitled “Application Processing” certifying that there are no violations on the property.
- (3) A detailed plan, drawn to scale, showing the location of buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field. An accurate suitable plan need not be prepared by a professional.
 - (4) If the property is served by a private septic system, a septic inspection report, dated within 90 days of the date of the application, stating the size of the tank(s) and leach or absorption field or area and location and condition of all septic system components. The Building Inspector has the discretion to accept a report of a septic company. The report must state the septic system was adequately functioning at the time of inspection. The maximum occupancy of the short-term rental unit shall be limited by the number of bedrooms allowed for the size of the septic tank and leach or absorption area, as set forth in the regulations of the NYS Department of Health, Appendix 75-A of Part 75 of Title 10 of the New York Code of Rules and Regulations, as amended, and regulations and/or standards applicable to aerobic septic systems. A system failure will require a new passing inspection report.
 - (5) The name, address, telephone number and email address of a contact person, who shall be responsible and authorized to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The contact person may be the owner or an agent designated by the owner to serve as a contact person.
 - (6) A statement that the applicant has met and will continue to comply with the standards of these regulations and the permit.

E. Short-Term Rental Standards. All short-term rentals shall meet the following standards:

- (1) The maximum occupancy for each short-term rental shall be the smaller of:
 - (a) 20 individuals; or
 - (b) The maximum number of people allowed based on the septic inspection report, if applicable; or
 - (c) The number of people calculated on the basis of 2 persons per sleeping room (unless the room size is below 100 square feet). For this purpose, a sleeping room is defined as a fully enclosed habitable space of at least 70 square feet for one person and 100 square feet for two persons, with an emergency escape or rescue opening.
- (2) The property must have sufficient off street parking spaces in compliance with the requirements of Section 215-34 (Off Street Parking and Loading) of this Chapter, to accommodate the maximum occupancy.
- (3) Tenants and guests shall park in the off street parking spaces required by Section 215-34 of the Town Code and shall not park on the street.
- (4) A house number visible from the street or road shall be maintained.
- (5) Provisions shall be made for garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling of odors, and placed where they are not clearly visible from the street or road except around pick-up time.
- (6) Advertisements for the short-term rental must conform to what is allowed

under these regulations and the short-term rental permit. All signs must comply with any and all requirements of the Town of Pawling Town Code.

- (7) No short term rental shall be used for a Special Event as defined in Town Code Chapter 215-44.2 without first applying for and obtaining a Special Event Permit consistent with the provisions of said Chapter.

F. Procedure Upon Filing Application.

- (1) Upon filing the complete permit application, fee, and supporting affidavits with the Town Building Inspector, the Town Building Inspector shall have 30 days to review the application, inspect the property, and then either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied along with the reason or reasons for denial. If a permit is issued, the permit shall bear the signature of the Building Inspector.
- (2) In submitting the application for a new permit or any renewal, the Owner consents to an inspection of the property to ensure compliance with all conditions.
- (3) In issuing a short-term rental permit, the Building Inspector may impose such reasonable conditions and restrictions as are directly related to and incidental to the use of the property for short-term rentals, so long as such conditions and restrictions are consistent with the requirements of the Town Code and are imposed for the purpose of minimizing any adverse impact the issuance of the short-term rental permit may have on the neighborhood or community. The Building Inspector may review any written complaints or concerns of neighbors and take such complaints and concerns into account when determining reasonable conditions.
- (4) The Town Building Inspector may deny an application for any of the following reasons:
 - (a) The application is incomplete, the documentation required by this Chapter was not included with the application or the full permit fee, in payment form acceptable to the Building Department, was not included with the application.
 - (b) The Town of Pawling issued a short-term rental permit to any of the owners of the subject property and any of such owners had a short-term rental permit revoked within the previous year.
 - (c) The affidavit from the owners or an inspection conducted by the Building Inspector as authorized in this section evidences that the subject property is not in compliance with this Chapter or Chapter 67.
 - (d) The detailed plan submitted with the application does not comply with the requirements of this section.
 - (e) A private septic inspection report submitted with the application does not comply with the requirements of this section and with all East of Hudson requirements for maintenance of such septic systems as the same may be amended from time to time.
- (5) Short-term rental permits issued pursuant to this section shall state the following:
 - (a) The names, addresses and phone numbers of every person or entity that has an ownership interest in the short-term rental property and of a primary contact person who shall be available during the entire time the short-term rental property is being rented;
 - (b) The maximum occupancy and vehicle limits for the short-term rental unit;
 - (c) Identification of the number of .and location of parking spaces available;
 - (d) A statement that littering is illegal;
 - (e) A statement that all outdoor fires must be attended;
 - (f) A statement that guests must comply with the Noise ordinance of the Town of Pawling, as set forth in Section, 215-35, which ordinance will be enforced by any law enforcement agency properly exercising jurisdiction over the premises or incident;
 - (g) A statement that the short-term rental permit may be revoked for

- violations; and
 - (h) Any conditions imposed by the Town Building Inspector.
- G. Conformity and Display of Permit.
- (1) The issuance of a short-term rental permit is subject to continued compliance with the requirements of these regulations.
 - (2) Prior to any tenants coming onto the short-term rental property:
 - (a) The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental; and
 - (3) The owners must ensure that current and accurate information is provided to the Town Building Inspector and that they notify the Building Inspector immediately upon any information contained on the permit changing.
- H. Compliance, Hearings and Penalties. Owners of short-term rental units shall obey all applicable laws, ordinances and regulations of the Town of Pawling, Dutchess County, New York State and shall be subject to the enforcement and penalty proceedings contained in this Chapter.
- The following process shall be followed in the event of a complaint alleging a violation of these regulations or a permit issued under these regulations:
- (1) The complaining party must file a complaint with the Building Inspector on a form provided by the Building Department including the date, time and nature of the alleged violation. The complaining party may also contact the local police/sheriff department. A copy of the complaint must be provided to the Building Department.
 - (2) The Town Building Inspector shall investigate the complaint. Any person who commits or permits any act in violation of any provisions of this chapter shall be deemed to have violated this chapter and to have committed a misdemeanor against the chapter and, shall be liable to the following penalties, following prosecution consistent with the laws of the State of New York:
 - (a) For each violation of the provisions of this chapter, the person violating the same shall be subject to a fine of not more than five hundred dollars (\$500.) nor less than one hundred dollars (\$100.) or imprisonment not to exceed one (1) year, or to both such fine and imprisonment.
 - (3) In addition to finding a violation, the Building Inspector may do any of the following depending on the circumstances:
 - (a) Attach reasonable conditions to the existing short-term rental permit;
 - (b) Suspend the short-term rental permit; and/or
 - (c) Revoke the short-term rental permit.
 - (5) Should a permit be revoked, none of the owners of the short-term rental property will be permitted to apply for any short term rental permit for one year from the date of revocation.
 - (6) The Town may initiate enforcement proceedings under this Chapter at any time following receipt of a complaint.
 - (7) In addition to the above-provided penalties, the Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

Section 5. Tourist Home and Boardinghouse Uses.

This local law is intended to replace and supplement any and all provisions of the Pawling Town Code pertaining to Tourist Homes and Boardinghouses. This provision will govern the regulation of such short term rental uses.

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

**A LOCAL LAW ESTABLISHING AMENDING CHAPTER 215 (ZONING)
OF THE TOWN CODE OF
THE TOWN OF PAWLING
ENTITLED “SPECIAL EVENTS”**

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

Section 1: Chapter 215 (Zoning) of the Code of the Town of Pawling is hereby amended with the insertion of a new section 215-44.2 to read as follows

Special Events Article I. General Provisions

§ 215.44.2-1. Purpose.

It is the intent of this chapter to establish procedures and requirements for conducting special events in the Town of Pawling to preserve the public peace, good order and the integrity of the use regulations established under the Zoning Code, to properly provide for the health, safety and welfare of the general public and to provide penalties for violations of the provisions herein.

§ 215.44.2-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PARKING CAPACITY

For the purposes of this chapter, parking capacity shall be the number of cars, limousines or buses permitted on the site according to a site plan approved by the Town of Pawling Planning Board.

SPECIAL EVENT

Any temporary gathering, demonstration, performance, exhibition, amusement or activity that is not currently a permitted use of the property in the applicable zoning district or which requires a parking area to accommodate all vehicles transporting attendees to the event that is larger than the existing parking capacity of the site that is conducted or sponsored by a person, organization, entity or association, including, but not limited to, carnivals, circuses, fairs, bazaars, outdoor shows and concerts, parades, walks, runs, marathons, bicycle races or motorcycle rallies, which may involve one or more of the following:

- A. The closing of a public street.
- B. The use, blocking or restriction of Town property, roads or rights-of-way;
- C. The use of amplified sound exceeding the standards set forth in Chapter 215 Section 215-35 Performance Standards of the Code of the Town of Pawling.
- D. The sale of merchandise that is not ordinarily sold in the normal course of the applicant's business.
- E. The sale or service of food to the public with the exception of the following:
 - (1) On land used in agricultural production, the sale or service of food products

composed primarily of ingredients produced on site; or

- (2) On land used in agricultural production that maintains a winery, brewery, or farm winery license issued by the New York State Liquor Authority, the sale or service of food items which customarily complement wine tastings and that are ordinarily consumed while standing or walking and without the need for utensils.
- F. The substantial increase or disruption of the normal flow of traffic on any street or highway.
- G. The placement of portable toilets.
- H. The placement of temporary no-parking or directional signs or banners.
- I. The use of Town services that would not be necessary in the absence of such an event.

Events Article II. Permit Required and Procedure

§ 215.44.2-3. Permit required.

- A. To preserve public peace, good order and the health, safety and welfare of the residents of the Town of Pawling, special events shall be prohibited in the Town of Pawling unless a special event permit is obtained in accordance with the requirements set forth in this chapter and as follows:
 - (1) All special events shall require the issuance of a special event permit.
- B. The provisions of this chapter shall not apply to the following events:
 - (1) Any event held on property owned by any special district that is contained on site and has adequate parking, ingress, egress, traffic control and sanitary facilities to host such an event;
 - (2) Any event held on property owned by a not-for-profit for its own fundraising that is contained on site and has adequate parking, ingress, egress, traffic control and sanitary facilities to host such an event; and
 - (3) Occasional events on private residential properties hosted by the owner thereof to celebrate family events, holidays, charitable or other not-for-profit fundraisers; however, any use of residential property for profit, such as a venue for weddings or other events, is prohibited.

If, however, the attendance at the events described in this § 215.44.2-3(B) are expected to meet or exceed 500, including, without limitation, organizers, employees, vendors, exhibitors and spectators/participants, the owner or event sponsor must confirm with the Building Inspector at least 60 days prior to such event that all local, state, and federal laws, rules and regulations are complied with.

§ 215.44.2-4. Notification to Neighbors: As a condition precedent to submitting an application for any special event where the expected attendance exceeds 125 people, the applicant must send written notification to all property owners within the following radius of the property where the event will be held of the applicant's intent to apply for a Special Event Permit, by certified mail, return receipt requested:

- (1) If a subject property is located partially or wholly within a commercial zoning district, the Highway Business, or CD-5 District, a radius of 500 feet;
- (2) If a subject property is located partially or wholly within the R-3 or R-4 Zoning District, a radius of 300 feet; or
- (3) If a subject property is located partially or wholly within the R-1 or R-2 Zoning District, a radius of 150 feet.

The applicant shall obtain the most current addresses for the neighboring property owners from the assessor's office. Such notice must include:

- (1) The location, date and expected attendance at the event;
- (2) A statement whether this is a one-time event or an application for a recurring event or a series of similar events (not to exceed six in a three-month period) that are of like size and scope, and if a series, the dates of each event;
- (3) The names and contact information for all property owners and the party hosting the event, including telephone numbers and email addresses; and
- (4) A copy of the parking/event plan as detailed in item D, above.

With the application the applicant must provide a notarized affidavit affirming that the certified mailings have been sent, a list of the property owners within the specified distances and copies of any and all receipts and return receipts.

§ 215.44.2-5. Application Requirements.

The following information and materials are to be submitted with an application for a special event permit. A single application may be made for a recurring event or a series of similar events (not to exceed six in a three-month period) that are of like size and scope.

A. A completed special event application form which includes the following information:

- (1) The name, address and telephone number(s) of the person(s) who will be organizing the event and who can be contacted prior to and during the event by Town officials.
- (2) The address of the event location.
- (3) The proposed dates and hours of the special event, including setup and shutdown times.
- (4) The expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators/participants.
- (5) Expected number of automobiles and other vehicles intended to use the property at one time and collectively.
- (6) The name, address and telephone number of the person(s) who will be engaged in the preparation and/or sale of food, alcohol, or beer and a copy of the State Liquor Authority license and County Department of health.
- (7) The name, address and cellular telephone number of any security company which will work on the premises, and a description of the duties to be performed.
- (8) The dimensions of any tents to be utilized for the event. All tents erected in connection with an event will require an application to, and the approval of, the Building Department.
- (9) Certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.
- (10) The applicant must provide a certificate of general liability insurance and declarations page from the policy naming the Town of Pawling as an additional insured with limits

of \$2,000,000 per occurrence or such other limit as may be required by the Town Board for events where expected attendance exceeds 500 attendees.

(11) Affidavit pursuant to Chapter 67 of the Town Code, entitled "Application Processing" certifying that there are no violations on the property.

B. The appropriate application fees.

(1) The fees for special event permits shall be proscribed by a resolution of the Town Board.

C. A general description of the proposed event including:

(1) The purpose of the event and description of the nature of the activities to be carried on and the admission fee to be charged, if any.

(2) The names of groups, organizations, charities or individuals who shall benefit from the proceeds of the event.

D. A parking/event plan showing:

(1) The size of the property and its location in relation to abutting streets or highways.

(2) The size and location of any existing building(s) or structure(s) that will be in operation during the course of the event and any proposed building, structure or signs to be erected temporarily for the event.

(3) The location of the stage or tents, if any.

(4) The designated areas of use for spectators, exhibitors, vendors, employees and organizers.

(5) The location of all exits.

(6) The location of all fire extinguishers and other fire safety equipment. A statement specifying the precautions to be utilized for fire protection, including a plan or drawing, to scale, specifying the location of fire lanes and water supply for fire control.

(7) The location of all temporary utilities to be installed for the event, if any.

(8) The layout of any parking area for automobiles and other vehicles and the means of ingress and egress for such parking areas. The parking spaces must allow for 10' X 20' per car, as per the code of the Town of Pawling.

(9) A traffic control plan for vehicles entering and leaving the site for the proposed event.

(10) A plan for the use of live outdoor music, loudspeakers and other sounds which will be used, if any, and the type and location of speakers and other audio equipment. A statement of the maximum noise decibels contemplated at the Special Event at the site of the nearest adjoining or contiguous property.

(11) A description of emergency access and facilities related to the event. A statement specifying the facilities to be available for emergency treatment of any person who may require medical or nursing attention.

(12) Provisions to dispose of any garbage, trash, rubbish or other refuse.

(13) The location and a description of any additional lighting to be utilized in conjunction with the event. No off-site lighting is allowed onto any adjoining property.

(14) The location of sanitary facilities on site.

(15) The location, method and manner that water will be supplied and distributed to those in attendance.

- E. A description of any signage to be displayed adjacent to a Town, county or state road, including size, location and dates of display. All signage must comply with all requirements of the Town of Pawling Town Code.
- F. A minimum cleanup deposit of \$250.
- G. The Building Inspector may require the applicant to send and provide certification that written notice was sent to every property owner abutting or adjacent to the property where the event is to be held, as shown on the current Town of Pawling assessment roll, and directly opposite (by extension of the lot lines through a street or right-of-way) of the property that is the subject of the application. Said notice shall include the date, time and location of the proposed special event.
- H. Notwithstanding the foregoing, the Town Board, upon request by an applicant, may waive in whole or in part any of the foregoing application requirements upon a finding that said requirements are not necessary for proper consideration of a permit application in accordance with the standards set forth in § 214.44.2-5E (1) through (15) or for the protection of health, safety and welfare. The Town Board's determination of any waiver request shall be in writing to the applicant and shall specify the reason for the grant or denial. If a waiver is granted, the Town Board may attach appropriate conditions to protect the public interest.

§ 215.44.2-6. Application Review Procedure and Standards.

- A. All applications for a special event permit must be submitted at least 60 days prior to a proposed event to the Town Building Department.
- B. Upon receipt of an application, the Building Inspector shall review the application, in conjunction with the Town Fire Marshall, and make a determination as to completeness. Upon making a determination that the application is complete, the Building Inspector shall cause the application and related documentation to be distributed to any Town, county or state agencies that may have jurisdiction over the event for their review and comment on any of the criteria set forth in § 215.44.2-5E of this article. Such referrals may include the Police Department, the Planning Department, the Building Department, the Office of the Zoning Board of Appeals, the Dutchess County Planning and Development, the Land Preservation Department, the Code Enforcement Department, the Fire Marshal, the Assessors' Office and/or the Town Attorney.
- C. Upon receipt of comments, the Building Inspector shall review the complete application and determine whether to grant the application, deny the application, or grant the application with conditions. In considering whether to recommend approval or denial of the application, the Building Inspector shall consider the following:
 - (1) The size and capacity of the site to accommodate the proposed event.
 - (2) The facilities available.
 - (3) The availability of highways and other means of transportation to and from the site.
 - (4) The impact of the event on the safe and orderly movement of traffic within and contiguous to the event.
 - (5) The need for security/law enforcement at the event.

- (6) The impact of the event on fire and police protection and ambulance service to the areas contiguous to the event and to the Town in general.
 - (7) The impact of the event on the movement of firefighting equipment or ambulance service to the Town or to areas contiguous to the event.
 - (8) Whether the owner, applicant or event sponsor has violated a previously issued special event permit.
 - (9) Verification that there are no outstanding violations on the property at which the event will be held or any outstanding or unsatisfied conditions of a Town agency approval, including, but not limited to, those of the Planning Board or the Zoning Board of Appeals.
 - (10) Verification that the granting of the permit will not violate any existing covenants or easements on the property.
 - (11) Whether a permit has been granted for a prior event that was the same or substantially similar in size and scope to the event applied for and/or resulted in the impacts defined in Subsection E (4), (5), (6), (7) and (8) above.
 - (12) Whether the frequency of prior or proposed special events on the site constitutes a change or intensification of the permitted use of the property necessitating a use variance or further site plan review.
 - (13) If an applicant is requesting a special event permit that was held the previous year, the verification must be submitted from those charities listed on the previous application.
 - (14) Any other matters that relate to the health, safety and welfare of the general public.
 - (15) At any event where attendance is expected to exceed 500, including, without limitation, organizers, employees, vendors, exhibitors and spectators/participants, the Building Inspector shall ensure that all local, state and federal law, rule and regulation is complied with.
- D. A deposit shall be made in an amount to be determined prior to issuance of the permit based upon the estimated direct costs attributable to additional police/sheriffs and highway costs associated with the event. After the event, the deposit will be used to cover such costs, and any monies remaining will be returned to the applicant.
 - E. Where the Building Inspector determines that there is no specific Town benefit from the event or that the event is conducted for profit, an additional deposit shall be made in an amount to be determined prior to issuance of the permit based upon the estimated direct costs attributable to additional police, highway and cleanup costs associated with the event. After the event, the deposit will be used to cover such costs, and any monies remaining will be returned to the applicant. If the costs incurred by the Town exceeds the amount deposited, the applicant shall be responsible for the additional costs incurred by the Town as a result of the special event.
 - F. A special event permit is not transferable and shall expire at the close of the event(s) for which it is issued.
 - G. The special event permit issued hereunder shall be displayed on the premises during the special event and shall be available for inspection.
 - H. Applications for tent permits required for any event must be submitted directly to the Building Department.
 - I. At the sole discretion of the Building Inspector, applications that are submitted less than 60 days prior to the proposed event may be rejected or be considered subject to the applicant paying a late processing fee.

§ 215.44.2-7. Appeal from denial of a special event permit.

An applicant who is denied a permit by the Building Inspector may apply to the Town Board for reconsideration of the application by filing an appeal with the Town Clerk within 10 days of the date of the denial. A complete copy of the application shall accompany the request for reconsideration. The Town Board may, following a public hearing, affirm, amend or reverse the determination of the Building Inspector's prior decision subject to any conditions deemed appropriate under the circumstances.

Article III. Special Events Requiring Town Board Approval

§ 215.44.2-8. Events held on Town lands or events exceeding 1,000 attendees.

A. Any event held on property owned or controlled by the Town or any event where the expected attendance exceeds 1,000 people shall be subject to approval by resolution of a majority of the Town Board. All applications for such an event shall be submitted to the Building Inspector no less than 60 days prior to the proposed event. After review of the application, the Building Inspector shall forward the application to the Town Board with a recommendation to grant the application, deny the application, or grant the application with conditions. In reviewing applications for such events, the Town Board may consider the following criteria in addition to the criteria set forth in § 215.44.2-5C above:

- (1) The size of the premises in relation to the number of people attending the event.
- (2) The sufficiency of arrangements made to control traffic, parking, noise, lighting and refuse.
- (3) The frequency of events proposed or approved for the premises and whether the frequency is so great that the events constitute a persistent usage of the property incompatible with its character or with that of the surrounding area.
- (4) Conflicts with ordinary public use of the land, roads or facilities involved.
- (5) Whether the applicant has been convicted for failure to comply with the terms of this chapter within the past three years.
- (6) Adherence to the Town Board policy of discouraging events at Town beaches and parks from the Friday before the observance of Memorial Day until Labor Day.
- (7) If two or more events with an expected attendance of more than 1,000 people are scheduled for the same date and are within a half-mile radius of each other, the Town Board will determine if there are adequate resources for the events. If there are not sufficient resources to ensure public health and safety, the Town Board shall deny one or more permits if the impacts of the events cannot be mitigated. When deciding which event to deny, the Town Board shall consider the following:
 - (a) Whether the event is recurring.
 - (b) Whether the site has been subject to a violation within the last three years.
 - (c) The date the permit application was submitted.
 - (d) If events occurred the prior calendar year, the Town Board shall consider what their impact was on that area of the Town.
 - (e) Whether the event will yield a donation to one or more local charities.

B. For any special event that is to be held on land owned, leased or controlled by the Town of Pawling, the application shall include the following:

- (1) A completed special event application form which contains the following information:
 - (a) The name, mailing address, e-mail address and telephone number(s) of the person(s) who will be organizing the event and who can be contacted prior to and during the event by Town officials.
 - (b) The proposed event location and type of event.
 - (c) The proposed dates and hours of the special event, including setup and shutdown times.
 - (d) The expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators/participants.
 - (e) If there are any special requirements needed for the event, including, but not limited to, police presence or road closures.
 - (2) An application fee as set by the Town Board by separate resolution.
 - (3) A certificate of insurance and declarations page of each policy for not less than \$2,000,000 naming the Town of Pawling as an additional insured.
 - (4) A minimum cleanup deposit of \$250.
 - (5) Where the Town determines that there is a specific benefit for the event or that the event is conducted for profit, an additional deposit shall be made in an amount to be determined prior to issuance of the permit based upon the estimated direct costs attributable to additional police, highway and cleanup costs associated with the event. After the event, the deposit will be used to cover such costs, and any monies remaining will be returned to the applicant.
 - (6) Any additional information, licensing and permits required by the Town Clerk and/or Building Department.
 - (7) The Town Board may require the applicant to engage the services of licensed security guards for the event. In such case, the applicant must provide the Town Board with a copy of the contract to provide security evidencing that the guards are licensed.
- C. For any special event where the expected attendance exceeds 1,000 attendees, the application shall include all information required under § 215.44-4A, C, D and E, as well as the following:
- (1) An application fee of as set by the Town Board by separate resolution.
 - (2) A certificate of insurance and declarations page from each policy of not less than \$2,000,000 naming the Town of Pawling as an additional insured.
 - (3) The Town Board may require the applicant to send and provide certification that written notice was sent to every property owner abutting or adjacent to the property where the event is to be held, as shown on the current Town of Pawling assessment roll, and directly opposite (by extension of the lot lines through a street or right-of-way) of the property that is the subject of the application. Said notice shall include the date, time and location of the proposed special event.
 - (4) The Town Board may require the applicant to engage the services of licensed security guards for the event. In such case, the applicant must provide the Town Board with a copy of the contract to provide security evidencing that the guards are licensed.

- D. Notwithstanding the foregoing, the Town Board, upon request by an applicant, may waive in whole or in part any of the foregoing application requirements upon a finding that said requirements are not necessary for proper consideration of a permit application or for the protection of health, safety and welfare. The Town Board resolution shall specify the reason for the grant or denial. If a waiver is granted, the Town Board may attach appropriate conditions to protect the public interests.

Article IV. Enforcement

§ 215.44.2-9. Modification or rescission of permit.

If, after a permit is issued, the Town Board determines that any of the representations and/or statements contained in the application are materially inaccurate or any of the conditions of the permit have not been complied with, the Town may serve the permittee's agent a notice of rescission of special permit specifying the manner in which the permittee has not complied with the terms of its permit and/or identifying the incorrect information supplied in the application. The Town Board may, for good cause, modify or rescind such permit, absolutely or upon conditions.

§ 215.44.2-10. Penalties for offenses.

- A. It shall be unlawful for any owner, occupant or his/her agent or any other person to fail to comply with any provisions of this chapter or to fail in any manner to comply with a written notice, directive or order of the Director of Code Enforcement, Zoning Inspector or the Police/Sheriff Department, or to conduct any special event in a manner not in compliance with a permit issued pursuant to this chapter and with the provisions of this Code.
- B. For each offense against any of the provisions of this chapter or failure to comply with a written notice, directive or order of the Director of Code Enforcement, Zoning Inspector or the Police/Sheriff Department within the time fixed for compliance therewith, the owner, occupant or his/her agent or any other person who commits, takes part or assists in the commission of any such offense or who shall fail to comply with a written order of the Director of Code Enforcement, Zoning Inspector or the Police/Sheriff Department shall be a misdemeanor and shall be subject to the following:
 - (1) Failure to obtain a permit. Any person conducting a special event that is regulated under this chapter without first obtaining a permit according to the procedures outlined herein shall be subject to a fine of not less than \$1000 and not more than \$3000.
 - (2) Failure to comply with any terms of a permit. Any person failing to comply with the terms of a permit shall be subject to a fine of not less than \$1000 and not more than \$3000.
 - (3) For each subsequent offense of § 215.44.2-9 B (1) or (2), violators shall be guilty of a misdemeanor and/or subject to a fine of not less than \$3,000 nor more than \$5,000.
- C. No new special event permits will be issued to any property owner, occupant or his/her agent if such person is a named defendant in an outstanding or unresolved violation of this chapter.
- D. The Town may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

Section 2. 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 3: 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.

**TOWN OF PAWLING
SHORT TERM RENTAL PERMIT FEE SCHEDULE**

NEW APPLICATION FEE

Up to 2 Bedrooms	\$300
Each Additional Bedroom	\$100 per Bedroom

YEARLY RENEWAL FEE

One half of the New Application Fee

ADDITIONAL INSPECTIONS

inspection REQUIRED BY BUILDING INSPECTOR **\$100 per each additional**