

DATE OF MEETING: September 16, 2019

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Robert Liffland  
Trustee Dan Peters  
Trustee Earl Slocum  
Trustee John Burweger  
Trustee Lauri Taylor

The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance.

**MOTION** by Trustee Taylor to close the regular meeting and go into a Public Hearing on Local Law 1 of 2019 regarding Snow and Ice Removal at 7:01 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

There was no public comment.

**MOTION** by Trustee Burweger to close the Public Hearing on Local Law 1 of 2019 regarding Snow and Ice Removal and return to the regular meeting at 7:02 P.M. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Taylor to close the regular session and go into a Public Hearing on the 2020 Community Development Block Grant Application at 7:02 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mayor Liffland said the Board was looking at applying to redo the Elm Street Sidewalk down to the library. George Cronk, an engineer from Chazen, said the village was in a good position to apply for that project.

A resident asked how far down the project would go. Mayor Liffland responded it would be the entire length.

**MOTION** by Trustee Slocum to close the Public Hearing on the 2020 Community Development Block Grant Application and return to the regular meeting at 7:05 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mr. Curt Johnson said he was there on behalf of 146 East Main Street (formerly McGrath's tavern). He said it was a restaurant for years and was granted a variance in 1994 to be used as a restaurant. He stated it is in the R2 Residential Zone and perhaps it was time to rezone the property to be commercial. Mr. Johnson said it was listed in the Comprehensive Plan as an existing land use of retail use even though it was in the residence zone and that Figure 14 shows the site in red as retail use. Mr. Johnson said the Comprehensive Plan also discusses gateways with recommendations. He asked the Board to consider putting the property in the B2 Zone and create a gateway overlay that would specifically talk about design characteristics for that parcel. There was discussion on the topic. Trustee Burweger

had reservations on the amount of parking spaces and the size of the building. Trustee Taylor said the restaurant had parking issues and the proposed building might be even larger. There was discussion. Mr. Johnson said he believed the process to change it would be to change the zoning to B2 and then create the gateway overlay. He said the County Planning Department was favorable to putting the parcel in the B2 zone and for creating a gateway overlay. There was discussion on allowable limits within the B2 zone. Mr. Brian Morgan, a village attorney, went over the process for making the changes.

**MOTION** by Mayor Liffland to approve the following resolution. **SECONDED** by Trustee Peters.

The Village of Pawling Board of Trustees resolves as follows:

1. The change of zoning designation of this site may be accomplished by local law pursuant to municipal home rule law (SEQRA, Resolution of Introduction and setting date for public hearing, public hearing and voting on enactment of local law).
2. Include planning board and ZBA in conceptual discussions before permits are issued.
3. Sec. 7-708 provides that trustees enact change of zone by majority vote (except if a protest petition is submitted with enough signatures of nearby owners of property in which case a supermajority vote may be required for enactment).
4. Sec. 239-l,m,n will also require referral to county planning dept.; I believe the proximity of the property to state Rte. 22 will require such referral.
5. SEQRA review may be a Type 1 SEQRA action. Type 1 status carries with it the rebuttable presumption that the action will have significant environmental impacts and require a full EIS.
6. Signoff of SHPO is also likely.
7. Comprehensive Plan: to avoid spot zoning there must be compliance with the current comprehensive plan. Enactment of a zone change would be required to comply with the current comp plan. A few readily apparent issues that come to mind are as follows:
  - a. P. 60 Map 14 Future Land Use shows subject location for future retail, incl restaurant, and Addendum to Comp. Plan beginning p. 131 provides for retail uses specially permitted in B2 district.
  - b. Urban Regulations will affect new construction. P.89
8. B-2 zone can be amended to provide for special permit restaurant/catering use where there is buffering from residential uses and gateway values are enhanced by the design of the improvements and site plan.
9. The Gateway Overlay is limited in use to this subject location, will carry over B-1 Urban Regulations and bulk requirements as alternative to B2 Urban Regulations and bulk requirements as determined by the Village after completion of SEQRA, parking and traffic study and height analysis.

Be it further resolved, the board of trustees and planning board should schedule a joint conceptual review of the owner's application and supporting documentation and the lead agency will be selected upon receipt by VP of long environmental assessment form.

The vote was:

Trustee Peters	Aye
Trustee Slocum	Aye

Trustee Burweger  
Trustee Taylor  
Mayor Liffland

Abstain  
Abstain  
Aye.

The resolution was adopted.

## **A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING**

***Identifier: Enacting Local Law No. 1 of 2019 Repealing All Previous Local Laws Pertaining to Snow and Ice Removal and Creating a New Chapter No. 78 and Providing for Exclusions of Certain Institutional Property Owners from Mandatory Clearing of Snow from Sidewalks***

At a regular meeting of the Board of Trustees of the Village of Pawling (“Village Board”), held at the Village of Pawling Village Hall on the 16th day of September, 2019, at 7:00 p.m., Trustee Peters, seconded by Trustee Slocum, moved the following resolution, to enact the following local law, to be known as Local Law No. 1 of 2019, entitled “A Local Law Repealing All Previous Local Laws Pertaining to Snow And Ice Removal and creating a New Chapter No. 78 and Providing For Exclusions of Certain Properties Dedicated to Conservation Purposes from Mandatory Clearing of Snow and Ice from Sidewalks

**NOW THEREFORE, BE IT ENACTED** by the Board of Trustees of the Village of Pawling as follows:

**Section 1.** Statement of Purpose and Intent. It is the purpose and intention of the board of trustees to protect the safety, health, comfort and general welfare of the inhabitants of the Village and their property by promoting and encouraging the conservation, preservation and maintenance of the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of real property in the Village of Pawling in a manner consistent with the public policy and purpose set forth in section 49-0301 of the New York Environmental Conservation Law and Art 14, Section 4 of the New York State Constitution. The board has determined that such purpose and intention will be furthered by exempting real property which is owned by a public body or not for profit conservation corporation and subject to a conservation easement from certain mandates set forth in Village’s local law pertaining to snow and ice removal.

**Section 2.** A new Chapter Number 78 is created providing as follows:

### **Snow and Ice Removal**

- § 1. Purpose.**
- § 2. Definitions**
- § 3. Duty to keep the sidewalks clear.**
- § 4. Time limit for removal.**
- § 5. Severe icing.**

- § 6. **Removal by Village.**
- § 7. **Cost of removal.**
- § 8. **Towing of Vehicles**
- § 9. **Snow, ice and water falling from building.**
- § 10. **Depositing snow and ice in streets prohibited.**
- § 11. **Piling of snow or ice on streets or private land restricted.**
- § 12. **Snow emergency.**
- §13 **Exemptions**
- § 14. **Penalties for offenses.**
- § 15. **Severability.**
- § 16. **When effective.**

**§ 1. Purpose.**

The purpose of this local law shall be to preserve the public peace and good order in the Village, to contribute to the welfare, safety and good order of its people and to contribute to the safe conveyance of its people over the streets and sidewalks of the village by establishing certain regulations for the removal of snow and ice from the streets and sidewalks of the village that are consistent with the rights and privileges of other residents of the village. It is further noted that certain snow removal practices are a vexation and annoyance not only to the traveling public but to the owners and occupants of adjoining lands. It is for these reasons and others that the Board of Trustees of the Village of Pawling is compelled to legislate upon the subject matter.

**§ 2. Definitions**

As used in this Local Law:

“Adjoining Owner” means the owner of a given Adjoining Parcel.

“Adjoining Parcel” means any parcel of real estate which adjoins a public sidewalk within the Village of Pawling.

“Adjoining Sidewalk” means the portion of a public sidewalk within the Village which runs along a given Adjoining Parcel.

“Adjoining Sidewalk Length” means the length of the Adjoining Sidewalk measured along the boundary line of the Adjoining Parcel.

“Snow Removal Amount” means the sum of \$70.00; provided, however, if the Adjoining Sidewalk Length exceeds 50 linear feet, then the Snow Removal Amount shall equal the sum of \$70.00 plus an additional amount equal to \$1.00 per each linear foot that the Adjoining Sidewalk Length exceeds 50 linear feet. For example, if the adjoining Sidewalk Length is 60 linear feet, then the Snow Removal Amount would be \$80.00.

**§ 3. Duty to keep sidewalks clear.**

It shall be the duty of the Adjoining Owner of every Adjoining Parcel, whether the Adjoining Parcel is occupied by a structure or not, to keep the Adjoining Sidewalk free from snow and ice and for the full paved width of such sidewalk, as may be practicable.

**§ 4. Time limit for removal.**

Each Adjoining Owner shall have the obligation and responsibility to ensure that any snow and ice which has accumulated on the Adjoining Sidewalk has been removed within twenty-four (24) hours after the end of each snowfall.

In addition, sidewalks in front of commercial establishments and commercial parking lots shall be kept free of snow and ice at all times between the hours of 9:00 a.m. and 5:00 p.m. as may be practicable.

**§ 5. Severe icing.**

In case snow and ice on any Adjoining Sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, the Adjoining Owner shall ensure that within the time specified in paragraph 4, above, the Adjoining Sidewalk is strewn and kept strewn with ashes, sand, sawdust or other suitable material so as to minimize, to the maximum extent practical danger to life and limb. As soon as practical thereafter, the Adjoining Owner shall ensure that the Adjoining Sidewalk shall be completely cleared of snow, ice and other materials strewn thereon, as provided in this local law.

**§ 6. Removal by Village of Pawling.**

If such accumulations of snow and ice are not removed within the time frames specified in paragraph 4, above, then the Village of Pawling may cause such snow and ice to be removed from such Adjoining Sidewalk by Village personnel or by other personnel engaged by the Village.

**§ 7. Cost of removal.**

In the event that the Village removes snow and ice from an Adjoining Sidewalk pursuant to paragraph 6 of this Local Law, then: (i) the Adjoining Owner shall, upon written notice of demand by the Village to such Adjoining Owner, pay to the Village the Snow Removal Amount.

The Village Clerk shall mail a bill to the Adjoining Owner of any Snow Removal Amount due to the Village as provided above promptly following receipt of notice from the Village Street

Foreman of the Village's removal of snow and ice from an Adjoining Sidewalk. If the Snow Removal Amount is not paid within thirty (30) days, the cost thereof shall be assessed against the property and village taxes.

**§ 8. Towing of Vehicles.**

Vehicles parked in the municipal lot must be moved within twenty-four (24) hours after the end of a snowfall. Any vehicle not removed from the municipal lot within the time specified in this local law may be towed at the direction of the Street Foreman, or his designee, and the owner of the vehicle shall be liable for the costs of said towing. The costs of towing a vehicle from the municipal lot shall be paid by the owner of the vehicle prior to the vehicle being released to the owner.

**§ 9. Snow, ice and water falling from building.**

The owners or occupants of buildings adjacent to public sidewalks shall prevent the falling of snow, ice or water from such buildings upon said public sidewalks, as may be practicable.

**§ 10. Depositing snow and ice in streets prohibited.**

No person, firm or corporation shall deposit, throw, place or strew, nor shall any person, firm or corporation cause to be deposited, thrown, placed or strewn, any snow or ice upon any street, avenue or roadway within the Village of Pawling, except such snow and ice may be placed along the edge of the roadway in the gutter in the event there is no other place for it.

**§ 11. Piling of snow or ice in streets or private land restricted.**

A. No person, firm or corporation shall pile, gather up, plow up, or in any way force any snow or ice upon any street, avenue or roadway within the Village of Pawling or from one streets, avenue or roadway onto any other street, avenue or roadway within the Village of Pawling.

B. No person, firm or corporation shall pile, gather up, plow up of in any way force any snow or ice upon any terrace or parcel of land within six (6) feet of any street, avenue or roadway in such a manner as to cause the height of snow and ice so piled, gathered, plowed or forced to exceed three (3) feet six (6) inches in height above the existing natural grade of said terrace or parcel of land within six (6) feet of said street, except that it shall be unlawful to cover a fire hydrant with snow or ice.

C. No person, firm, corporation, property owner or occupant shall remove snow or ice from any parcel of real estate and place it upon another parcel of real estate without the express permission of the owner of the parcel of real estate which the snow or ice is to be placed.

D. Any person, firm or corporation piling, gathering or plowing up snow or ice on any public street, avenue or roadway or to an excess height, as indicated in § 9B above, shall forthwith remove the same at his or its expense, upon the request of the Street

Foreman of the Village of Pawling.

E. Whenever any person, firm or corporation neglects or refused to remove snow or ice piled, gathered or plowed up by him or it in violation of this local law within four (4) hours after a request to do so by the Street Foreman of the Village of Pawling, it shall be the duty of the Street Foreman to remove said snow or ice from such street or terrace and notify the Village Clerk of the expense incurred by the amount of labor, equipment and materials used.

F. The Village Clerk shall promptly present to the violator of this local law a bill for the removal of snow and ice, as provided for in § 9E, as certified by the Street Foreman. If not paid within thirty (30) days, in the case of a property owner, the cost thereof shall be assessed against the property and become a lien thereon, collectible in the same manner as delinquent village taxes.

## **§ 12. Snow emergency.**

A. There is hereby declared an emergency to exist in the Village of Pawling by reason of a heavy snowstorm whenever snow falls during any period of twenty-four (24) hours or less to a depth of four (4) inches or more, in that such storm constitutes a serious public hazard impairing transportation, the movement of feed and fuel supplies, medical care, fire, health and police protection and other vital facilities of the Village. Such an emergency is declared to continue for a period of twenty-four (24) hours or until such earlier time as snowplowing operations have been declared completed by the Street Foreman of the Village of Pawling.

B. Whenever such an emergency exists and the Street Foreman of the Village of Pawling shall have caused announcement thereof to be made by the local radio station, whose normal operating range covers the Village of Pawling, it shall be unlawful for any person to park or suffer to be parked any vehicle of any kind or description between the hours of 9:00 p.m. and 6:00 a.m., inclusive, upon any street, avenue or roadway in the Village of Pawling, provided that vehicles may be parked for a period of time not longer than three (3) minutes for actual loading or unloading of passengers or thirty (30) minutes for actual loading or unloading of property, provided further that no other ordinance or local law restricting parking as to place or time is violated thereby.

C. In the event of a snow emergency, the Mayor, or the Deputy Mayor if the Mayor shall not be available, shall be authorized, in consultation with the Street Foreman, to either suspend the obligation of Adjoining Owners to remove snow and ice from their Adjoining Sidewalks as required by this local law or extend the time within which the Adjoining Owners are required to remove snow and ice from their Adjoining Sidewalks as required by this local law.

## **§13. Exemptions.**

Sections 3, 4, 5, 6 and 7 of this Local Law shall not apply to any Adjoining Parcel which meets each of following conditions: :

- (i) The entire Adjoining Parcel is owned in fee simple by a "public body" or a "not-for

profit conservation organization” as such terms are defined in NY ENVIR CONSER § 49-0303; and

- (ii) The entire Adjoining Parcel is subject to a “conservation easement” as such term is defined in NY ENVIR CONSER § 49-0303.

With respect to any Adjoining Parcel which qualifies for the exemption set forth in this Section 13, the Village of Pawling may cause such snow and ice to be removed from the applicable Adjoining Sidewalk by Village personnel or by other personnel engaged by the Village, but shall not charge the cost of such removal to the Adjoining Owner.

**§ 14. Penalties for offenses.**

Any person, firm or corporation which shall violate § 2,3,4,7,8,9 or 10 of this local law shall, upon conviction thereof, be guilty of a violation, punishable by a fine of up to Two Hundred and Fifty dollars (\$250.) and by imprisonment up to 15 days for each offense.

**§ 15. Severability.**

Should any section, paragraph, sentence, clause or phrase of this local law be declared unconstitutional or invalid for any reason, the remainder of said local law shall not be affected thereby.

**§ 16. When effective.**

This local law shall take effect upon filing with the Secretary of State.

**Section 3.** This local law shall take effect immediately upon filing with the New York State Department of State.

The foregoing resolution was voted upon with all members voting as follows:

Mayor Liffland	Aye
Trustee Burweger	Aye
Trustee Peters	Aye
Trustee Slocum	Aye
Trustee Taylor	Aye.

**MOTION** by Trustee Peters to approve applying for the Elm Street Sidewalk Project for the 2020 Community Block Grant. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to approve the RFQ for Engineering Services. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to approve the budget modifications as presented:

Approve modifications to the General Fund budget by decreasing the following lines by the following amounts:

A0.1010.4                    \$100.00

A0.1110.4	\$500.00
A0.1325.4	\$4,000.00
A0.1345.4	\$330.00
A0.1680.4	\$1,000.00
A0.1990.4	\$7,971.82
A0.3320.4	\$500.00
A0.4020.0	\$50.00
A0.5110.4	\$16,000.00
A0.5132.4	\$5,000.00
A0.5142.4	\$5,000.00
A0.5182.4	\$1,000.00
A0.5182.41	\$2,000.00
A0.8010.4	\$10,000.00
A0.8020.4	\$8,000.00
A0.8170.4	\$3,000.00

And increasing the following lines by the following amounts:

A0.1010.1	\$3.69
A0.1210.1	\$0.04
A0.1362.4	\$25.91
A0.1420.4	\$22,514.28
A0.1620.4	\$291.92
A0.1920.4	\$418.98
A0.3620.4	\$831.43
A0.5110.2	\$15,699.76
A0.5142.2	\$4,135.29
A0.5410.4	\$17,625.14
A0.8510.4	\$1,628.00
A0.9010.8	\$1,277.38

Approve modifications to the Water Fund budget by decreasing the following line by the following amount:

F0.1990.4	\$146.26
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And increasing the following lines by the following amounts:

F0.9010.8	\$36.26
F0.9730.6	\$110.00

**SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Slocum to not record Public Comment. **SECONDED** by Trustee Peters. The vote was:

Trustee Peters	Aye
Trustee Slocum	Aye
Trustee Burweger	Aye
Trustee Taylor	Nay
Mayor Liffland	Nay.

The motion carried.

**MOTION** by Trustee Burweger to approve the Village Green and Public Assembly Events Permit application for Oktoberfest run by the Merchant Committee to be held on October 12, 2019 from 1 pm – 7 pm. pending insurance certificate. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Slocum to adjourn the meeting at 8:02 P.M. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

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Village Clerk