

DATE OF MEETING: November 4, 2019

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Robert Liffland
Trustee Dan Peters
Trustee John Burweger
Trustee Earl Slocum
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 regular session and go into Executive Session to discuss Personnel at 7:00 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to close Executive Session and return to regular session at 7:46 P.M. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

There was discussion on 140/146 East Main Street rezoning/creation of gateway overlay. Mayor Liffland and Trustee Peters recused themselves on this item.

MOTION by Trustee Taylor that the topic be given to the Planning Board for their review and that they would give the Village Board recommendations once they made a thorough review. **SECONDED** by Trustee Burweger. Mr. Don Cappillino, attorney for the applicant, stated this was a zoning amendment request and they wanted to make a preliminary presentation to the Board to get any input the members might have. He said they would gladly talk to the Planning Board to get their recommendations and they were not asking for that step to be avoided... Trustee Taylor said ok – she thought they were looking for a vote that evening. Mr. Curt Johnson, architect for the project, said they were not looking for a vote because the impression he got was that they were not ready. He said at the last meeting they talked about having the three lots being included in the zone change request and this was furthering that discussion. Mr. Johnson said he thought there was a question regarding spot zoning that came up and since the last meeting Mr. Cappillino had come on board for the applicant, issued an opinion letter and had discussions with the village attorney. Mr. Johnson said he thought that issue was resolved or at least there was an opinion on the table regarding that. Trustee Taylor said that was correct. Mr. Johnson said what they would like from the Village Board was to get their feelings on the draft concepts that were put before the Board and if there were concerns, or whatever, so language could be tightened up. Trustee Taylor said she thought the Board had expressed their concerns. Mr. David Daniels, a village attorney, said he did not disagree with Mr. Cappillino on the law - it wasn't a question of the law – he had a different view of how the Master Plan applies to Mr. Cappillino's statement of the law. Mr. Daniels stated at this point, assuming the Board decides to move it to the Planning Board, any differences of opinion about that would become moot because the Planning Board would do their thing - and assuming they look at the Master Plan, would come up with either to leave it alone or make changes or what have you and at that point it would come back to the Village Board and there would be clarity

about that issue. Mr. Daniels said he did review Mr. Cappillino's memo and he also reviewed it with the Board and Mr. Capillino was essentially saying that zoning has to be done in accord with the Master Plan and if it is then you could rezone a particular parcel of property and it is not spot zoning. Mr. Daniels said he did not disagree with that but he thought the issue was more involved with Route 22 and this particular parcel in that it is a non-conforming use currently used for a retail purpose. He went on to say there is specific language throughout the Comprehensive Plan that specifically says there won't be any expansion or change to any existing zones on Route 22 – the B2 zone would stay as it is and the existing residential parcels would stay as they are. He said the way he read that, and reasonable minds could differ, and he was there when the Master Plan was written, was that there was not going to be anybody looking to change the restaurant use and that was why it was shown as a retail use - that there wasn't any intent at that time to permit an expansion of that use. Mr. Cappillino asked if he meant that it couldn't be a bigger restaurant or that it couldn't be a use other than a restaurant. Mr. Daniels responded either of them at the time of the Master Plan and he wasn't saying that was how it needs to be because that is part of the process - Master Plans were made to be updated and looked at again. Mr. Cappillino said he didn't think it needed to be updated - he said he was glad to talk to Mr. Daniels about any of the zoning amendments and every one of those issues could be discussed as a zoning amendment issue – what the Board looks at, what kind of issues it has about the building, how big it should be, what it should look like and how they should proceed with it. He said the point is that it clearly shows that the future use of that is retail and they weren't saying that they want to put gas stations there. Mr. Cappillino said they were perfectly fine limiting the types of uses that were there and as far as the particular project they thought they had something that looks good and they wanted to hear people's thoughts about it so they could then consider any kind of modifications and put whatever restrictions the Board wants. He said what he didn't want was to get caught up in something that was going to run them...first of all beyond the period now, the place is closed and there is a pre-existing non-conforming use and a variance on the property that was granted and he didn't know the extent of that and he didn't want to have any lapse of use. He said were they going to go in there and open the place up for 2 weeks or three days just to retain that – that was a waste of time, money and effort when they should be working on trying to see what is good for the village. He stated the use could be continued and nice plans were submitted – it would look a heck of a lot better than the dilapidated structure there now at the entranceway to the village. He said they were looking for the Board's input and if they were just saying to go talk to the Planning Board it sounded like the Board didn't want to talk about it and they would go to the Planning Board to hear what they had to say and then come back and the Planning Board might have views that were at variance with the Village Board. He said they would like to make a presentation because they came to the meeting all ready to go and then the Board was saying they didn't want to hear it. He said if that was the case that was fine. Mr. Daniels said he did not have a problem with them making a presentation – that was up to the Board - but he would recommend that they reserve comment and let the Planning Board do their work and if they wanted to present it tonight they absolutely could. Mr. Cappillino said they weren't going to make a presentation if they weren't going to hear back on if people had particular issues with the project. Mr. Daniels said it was the cart before the horse – the motion was to have it go before the Planning Board to look at because that was their function and then at that point it would come back and there would be an opportunity to... Mr. Cappillino stated he respectfully disagreed because he did not feel it was a question of cart before the horse because the ultimate authority here was the Village Board and the Village Board could hear

the presentation. He stated always in these cases you go to the Planning Board and ask for the Planning Board's opinion and make the presentation to them and they come back and get everybody's input and try to give everybody the best plan. He said if there was something in the plans that the Village Board does not want under any circumstances and they wind up going to the Planning Board and they spend all that time effort and money and they come back to the Village Board and they Board says "no, we never would have done that in the first place" then you have somebody spending a lot of money and time for nothing. He said they would just like to hear and receive some comments. Mr. Daniels replied it was up to them to make the presentation and his view was that it was the Board's decision for it to go to the Planning Board first to get that part of the process done, understand what they are looking for and their recommendations and the Village Board could decide. Mr. Johnson said he thought where they were based on feedback they received in the past from the Village Board was that the building might be too large so they took the third story off and took away the bed and breakfast use. He said it was a 2 story building with the same footprint. He stated another issue was with potential parking which was why they were working with the adjacent property to try and get additional parking to serve the restaurant. He said those were things they moved forward with based on comments received from the Village Board and they were just trying to get some kind of consensus to move it forward. Trustee Taylor said they were acting from direction from counsel so they felt it was the best thing for it to go before the Planning Board for them to review and look at the Comprehensive Plan and they could advise the Village Board as to how they move forward. Trustee Taylor thanked Mr. Cappillino and Mr. Johnson. All were in favor of the motion (Mayor Liffland and Trustee Peters recused themselves) and the motion carried.

Trustee Peters presented the preliminary Garbage Budget for 2020 (see attached). He said the rate per residential unit for 2019 was \$195.00 and the proposed rate per residential unit for 2020 was \$219.00 which was an annual increase of \$24.00 over last year's rate which was a \$2.00 per month increase which breaks down to \$4.22 per week. He said the reason for the increase was because the cost of disposing of the garbage keeps going up - especially the recyclables. He said he still felt it was a very reasonable rate compared to other residential rates from local vendors. He said it was less than half of what the Town of Pawling charges for residents to bring their garbage to the Transfer Station.

Mr. Drew Montgomery, a resident of Quaker Hill Road, asked if there was a way to go from single stream to a multiple collection of recyclables to get a little more for them. He said the village gets the least amount of money for single stream. Trustee Peters said he would have to ask Welsh but as far as he knew it was costing them money to get rid of the recyclables. Mr. Montgomery said it might cost a little less if they were not doing it single stream. Trustee Peters said he would look into it.

MOTION by Trustee Taylor to set the Public Hearing on the Garbage Budget for December 2, 2019. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Taylor that any agenda item is to be to the Clerk one week prior to the Board Meeting and there might be exceptions in an emergency situation. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve the adjustment to Water Account # 078 in the amount of \$606.11. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve the 2020 Participation Agreement for the Dutchess County Self-Insured Worker's Compensation Plan. **SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve payment of the October bills in the amount of \$116,441.54. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve payment of the October 24, 2019 prepaids in the amount of \$230.08. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve payment of the Metro North bills in the amount of \$1,100.01. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to go into Public Comment. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to adjourn the meeting at 8:21 P.M. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

Village Clerk