

## **ARTICLE XIII SITE PLAN APPROVAL**

### **§ 98-65. Site Plan Approval.**

- A. Prior to the issuance of a Building Permit or Certificate of Occupancy in any district, the Building Inspector shall require the preparation of an application as specified in Section 10-6 of the Building Construction Local Law of the Village of Pawling Code.
- B. No Building Permit or Certificate of Occupancy shall be issued without site plan approval by the Planning Board in accordance with this section for the proposed use or changes in use of land, building and other structures for the following:
  - 1. Residential districts: all special use permits
  - 2. Business 1 District: principal uses, accessory uses and special permit uses except for interior alterations which do not involve a change in use (as defined herein);
  - 3. Business 2 District: principal uses (other than single family dwelling), accessory uses and special permit uses except for interior alterations which do not involve a change in use (as defined herein);
  - 4. Industrial 1 District: principal uses, accessory uses and special permit uses.
  - 5. Swamp River Watershed. Any Land Development Activity exceeding the disturbance levels identified in Section 98.88(A)(4) of this Chapter.<sup>35</sup>
  - 6. East Branch Croton Watershed. A Land Development Activity exceeding the disturbance levels identified in Section 98.88(A)(4) of this Chapter shall be subject to site plan approval if it exceeds 15,000 square feet, or if it is part of a Land Development Activity with an Ultimate Area of Land Disturbance of more than 15,000 square feet.<sup>36</sup>
- C. In any case where a site plan is required, the Building Inspector shall refer the applicant to the Planning Board for site plan review as provided in this Article.
- D. Sketch Plan Conference. A sketch plan conference between the Planning Board and the applicant shall be held to discuss whether site plan approval is required

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<sup>35</sup> Amended pursuant to Local Law No. 4 of 2009

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for the intended development or use for which the building permit or certificate of occupancy is sought.

The Planning Board shall make its determination as to whether site plan approval is required based upon review of the project's scope and the basic land use and design concept, as shown by a sketch plan drawn to scale and accompanying statements provided by the applicant and describing at a reasonable level of detail what is proposed. At the sketch plan conference, the Planning Board shall take one of three actions:

1. Determine that the project is not subject to site plan approval.
2. Determine that the project does require site plan approval, and advise the applicant of site plan submission requirements in accordance with Part B of this Article.
3. Require additional sketch plan information prior to making a determination regarding whether site plan approval is required.

E. In order to assist the Planning Board in its determination, the applicant shall submit, as may be applicable, the further data discussed below, during the sketch plan discussion:

1. An area map keyed to the real property tax maps, showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, and easements within two hundred (200) feet of the boundaries thereof.
2. A map of site topography, photographs of the site and buildings thereon, and any other similar descriptive data.

F. Application for Site Plan Approval. An application for site plan approval shall be made in writing to the Planning Board and shall be accompanied by four (4) prints of a site plan which includes information drawn from the following checklist of items, as determined necessary by the Planning Board at the time of the sketch plan conference, and which is provided on a drawing certified to by a licensed design professional:

1. Title of drawing, including name and address of applicant and person(s) responsible for the preparation of such drawing.
2. North arrow, scale and date.
3. Accurate boundaries of the property plotted to scale.
4. Existing watercourses and other significant natural features.

5. Grading and drainage plan, showing existing and proposed contours at an interval to be specified by the Planning Board at the sketch plan conference, with two (2) foot contour intervals and soils data generally required on that portion of a site proposed for development where general site grades exceed five percent or there may be susceptibility to erosion, flooding or ponding.
6. Location, proposed use and height of all existing and proposed buildings or structures and signs on the property, including floor plans, plans for exterior elevations, and architectural design details and features.
7. Location, design and construction materials of all parking, loading and service areas, with access and egress drives thereto.
8. Provision for pedestrian and handicapped access.
9. The location of outdoor storage and display areas, if any, and the anticipated items to be stored or displayed, their type, bulk, height and schedule of yearly use.
10. Location, design and construction materials of all existing and proposed site improvements, including drains, culverts, retaining walls and fences.
11. Description of the method of sewage disposal and the location, design and construction materials of such facilities.
12. Description of the method of securing water supply and the location, design and construction materials of such facilities.
13. Location of fire and other emergency zones, including the location of the nearest water supply for fire emergencies.
14. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
15. Location, size, design and construction materials of all proposed signage.
16. Location and proposed development of all buffer areas, including indication of existing vegetative cover, both that which will be retained and that which will be removed.
17. Location and design of all outdoor lighting facilities, including data regarding, when appropriate, lighting levels, both within the site and at the site's boundaries.

18. Designation of the square footage of building areas proposed for retail sales, office use, warehousing, or other commercial activity.
  19. General landscaping plan and detailed planting schedule.
  20. Any other elements integral to a complete description of the proposed development, as determined necessary by the Planning Board, including the identification of any State, County or local permits and approvals required for the project's execution.
  21. Any proposed division of buildings into units of separate occupancy.
- G. Planning Board review of Site Plan. The Planning Board's review of a site plan shall include, as appropriate, but is not limited to, the following:
1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, street widths, pavement surfaces, dividers, structures and traffic controls.
  2. Adequacy and arrangement of pedestrian traffic access and circulation, walkways, control of intersections with vehicular traffic, and overall pedestrian safety and convenience.
  3. Location, arrangement, appearance and sufficiency of offstreet parking and loading.
  4. Location, arrangement, size, design and general site compatibility of principal and accessory buildings, lighting and signage.
  5. Adequacy of stormwater and drainage facilities.
  6. Adequacy of water supply and sewage disposal facilities. The Planning Board shall refer to criteria set forth by local, county and state agencies with jurisdiction over water supplies and sewer facilities.
  7. Adequacy of fire lanes and other emergency zones and water supply for fire emergencies.
  8. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
  9. In the case of an apartment complex or other multiple family dwelling, the adequacy of usable open space for play areas and informal recreation.

10. Protection of adjacent and/or neighboring properties from noise, glare, unsightliness or other objectionable features or nuisances.
  11. Special attention to the adequacy of structures, roadways, landscaping and other improvements, in areas susceptible to ponding, flooding or erosion.
  12. Compatibility of building design with existing characteristics of the neighborhood.
  13. A Stormwater Pollution Prevention Plan consistent with the requirements including all the performance and design criteria and standards of Article XVII, Stormwater Control, of the Zoning Code shall be required for Site Plan Approval. The approved Site Plan shall be consistent with the provisions of Article XVII of this Chapter.<sup>37</sup>
  14. Conformance with the Comprehensive Plan, including without limitation Appendix B: Architectural Guidelines and Appendix C: Landscape Guidelines.
  15. Conformance with the Urban Regulations, if applicable to the site plan.
- H. Consultant Review. In its review, the Planning Board may consult with the Village Building Inspector, the Public Works Superintendent, other local and County officials, and its designated private consultants, in addition to the representatives of State agencies, including, but not limited to, the State Department of Transportation and the State Department of Environmental Conservation.
- I. Architectural Conformance Review. In its review, the Planning Board may require architectural review by an individual or firm designated by the Village Board of Trustees, assuring conformance of the proposed site plan with this chapter.<sup>38</sup>
- J. Public Hearing. The Planning Board may conduct a public hearing on the application for site plan approval. The public hearing shall be held within sixty-two (62) days of the receipt of the completed application. The Planning Board shall mail notice of the hearing to the applicant at least ten (10) days before such hearing and shall give public notice of such hearing in a newspaper of general circulation in the Village at least five (5) days before the public hearing.
- K. Required Referral. At least ten (10) days before such hearing, the Planning Board shall mail notices thereof to the Dutchess County Planning Department, if required by section two hundred thirty-nine-m of the General Municipal Law

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<sup>37</sup> Amended pursuant to Local Law No. 2 of 2007

<sup>38</sup> §98-65 amended pursuant to Local Law No. 1 of 2009

which notice shall be accompanied by a full statement of the matter under consideration. In the event a public hearing is not required, the matter shall be referred to the Dutchess County Planning Department before final action is taken thereon, if required by section two hundred thirty-nine-m of the general municipal law.

- L. Planning Board Action on Site Plan. The Planning Board shall make a decision on the application within sixty-two (62) days after such hearing, or sixty-two (62) days after the day the completed application is received if no hearing has been held.<sup>39</sup> The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Planning Board shall be filed in the office of the Village Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant. Nothing herein shall preclude the holding of a public hearing on any matter on which a public hearing is not so required.
- M. Action by Resolution. The Planning Board shall act by resolution to either approve, or disapprove, or approve with modifications the site plan application. A resolution of either approval or approval with modifications shall include an authorization to the Planning Board Chairman to stamp and sign the site plan upon the applicant's compliance with the submission requirements stated therein.
- N. Modifications. If the Planning Board's resolution includes a requirement that modifications be incorporated in the site plan, conformance with said modifications shall be considered a condition of approval.
- O. Disapproval. If the site plan is disapproved, the Planning Board's resolution shall state specific reasons for such decision. In such a case, the Planning Board may recommend resubmission of the site plan after further study and appropriate redesign.
- P. Submission Requirements for Stamping. After receiving site plan approval, with or without modifications, from the Planning Board, the applicant shall within six (6) months submit six (6) prints and one (1) reproducible mylar of the site plan to the Planning Board for stamping and signature by the Chairperson. The site plan submitted for stamping shall conform strictly to the site plan approved by the Planning Board, except that it shall further incorporate any revisions or other modifications required by the Planning Board, and shall be accompanied by the following additional information:
  - 1. Record of application for, and approval status of, all necessary permits from State, County and local officials.

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<sup>39</sup> Note the requirements of SEQR with respect to a completed application. See 6 N.Y.C.R.R. 617.3(f).

2. Detailed sizing and material specification of all required improvements.
3. An estimated project construction schedule and, if a performance guarantee is to be provided by the applicant for all or some portion of the work, a detailed site improvements and cost estimate.

Upon stamping and signature by the Chairman, the Planning Board shall forward one (1) copy of the approved site plan to the Building Inspector and one (1) copy to the applicant. The Building Inspector may then issue a Building Permit or Certificate of Occupancy if the project conforms to all other applicable requirements, including the provisions of the New York State Uniform Fire prevention and Building Code.

- Q. The Planning Board is empowered (but not required) to grant preliminary and final site plan approval and, where applicable, special use permit approval, simultaneously.
- R. Performance Guarantee. No Certificate of Occupancy shall be issued until all improvements shown on the approved site plan have been satisfactorily installed or a sufficient performance guarantee has been posted for improvements not yet completed. Such performance guarantee shall be posted in accordance with the procedure applicable to subdivisions. The amount and sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Village Attorney, the Building Inspector, other local officials, or its designated private consultants.
- S. Inspection of Improvements. The Building Inspector shall be responsible for the overall inspection of site improvements, including coordination with the Village's private consultants and other local officials and agencies, as may be appropriate on multi-family residential, institutional, commercial or light industrial projects.
- T. Compliance with SEQR. The Planning Board shall comply with SEQR.
- U. Drawings showing the location of all improvements as-built shall be provided and certified by a licensed land surveyor for any site where stormwater structures including those for stormwater volume and water quality devices are required prior to the final release of any surety. All information shall be submitted in a mylar and paper and digital formation.
- Digital format shall be suitable for use in GIS software with the attribute data in a form specified by the Village Board.
  - drawings shall show all improvements, arid metes and bounds description of all rights-of-way and easements, permanent monument locations, drainage and utility easements (including and any easements located outside the plat if supporting such facilities) and a drainage system profile.

- V. The design engineer shall certify that the improvements were constructed in substantial conformance with the Approved Plans on a form provided by the Village prior to the release of any surety.<sup>40</sup>

#### **ARTICLE XIV ZONING BOARD OF APPEALS**

§98-66. Continuation of Board; membership; powers and duties.

- A. The ZBA, heretofore duly appointed in conformity with the Village Law, is hereby continued with all powers and duties conferred by the Village Law.
- B. The ZBA shall consist of five (5) members appointed by the Board of Trustees. The Board of Trustees shall also designate a chairman.
- C. The ZBA shall have all the powers and duties prescribed by law and by this chapter, provided that nothing contained herein shall be deemed to limit any power of said Board that is conferred by law:
- D. Training Requirements.<sup>41</sup>
1. The State of New York has recognized the importance of training for members of the Zoning Board of Appeals in Section 7-712 of New York State Village Law.
  2. Each member of the Zoning Board of Appeals shall be required to attend a minimum of one seminar of training relevant to the responsibilities of the Zoning Board of Appeals within one year of appointment to such Board, and a minimum of one seminar of additional training in each calendar year succeeding the year of appointment. Individuals who are Board members at the time of the enactment of this law shall be required to attend a minimum of one seminar of training in each calendar year. Prospective Board members shall be advised of these requirements.
  3. Noncompliance with the Village's minimum requirement for training shall be a proper cause for removal from office as a member of the Zoning Board of Appeals pursuant to Village Law Section 7-712(9).

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<sup>40</sup> §98-65 sections U. and V. added pursuant to Local Law No. 2 of 2007.

<sup>41</sup> § 98-66D added pursuant to Local Law No. 3 of 2002.