

**VILLAGE OF PAWLING ZONING CODE AND RELATED LOCAL LAWS**

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# **ZONING CODE AMENDMENTS AND MAP**

VILLAGE OF PAWLING, New York

Adopted by the Pawling Village Board  
January 1995

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## **ARTICLE I GENERAL PROVISIONS**

### **§98-1. Title.**

This chapter shall be known as "Local Law No. 2 of the year 1995 Zoning Law - Village of Pawling" and may be cited as the "Zoning Law."

### **§98-2. Intent.**

This chapter is intended to establish comprehensive controls for the development of land in the Village of Pawling based on the "Comprehensive Plan" as defined herein and enacted in order to promote and protect health, safety, comfort, convenience and the general welfare of the people.

### **§98-3. Purpose.**

Such regulations are made in accordance with the Comprehensive Plan and are designed to:

- A. Guide future growth and development of the Village in accordance with the Comprehensive Plan that represents the most beneficial and convenient relationships among the residential, commercial, industrial and public areas within the Village, considering the suitability of each area for such uses, as indicated by existing conditions, trends in population and having regard for the use of land, building development and economic activity, considering such conditions and trends both within and adjacent to the Village.
- B. Provide adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent overcrowding of the land and undue congestion of population.
- C. Protect and conserve the character, the environment and the social and economic stability and value of all parts of the Village and to encourage the orderly and beneficial development of all parts of the Village.
- D. Promote the most beneficial circulation of traffic throughout the Village having particular regard to the avoidance of congestion in the streets and the provision of safety and convenient traffic movements to and among the various uses of land and buildings throughout the Village.
- E. Ensure that development takes place in an amount commensurate with the availability and present and future capacity of public facilities and services.
- F. Provide adequately for transportation, water, sewerage, schools, parks, conservation and recreation areas and other public requirements.

G. Protect streams and ponds from pollution, avoid hazardous conditions and excessive damage from stormwater runoff and flooding, safeguard the water table and encourage the wise use and sound management of the natural resources throughout the Village.

H. Provide a variety of housing types and environments in order to afford the maximum opportunity for people to find a housing and living style suitable to their needs and desires.

I. Ensure future preservation of open space and recreation lands as an integral part of future development and to conserve the natural resources of the Village.

J. Preserve the natural beauty and historic resources of the Village and ensure appropriate development with regard to its natural and cultural features.

#### §98-4. Word usage.

Words used in the present tense include the future; the singular number shall include the plural, and the plural, the singular; the word “structure” shall include the word “building”; the word “used” shall include “arranged, designed, constructed, altered, converted, rented, leased or intended to be used”; and the word “shall” is mandatory and not optional.

#### §98-5. Definitions.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this chapter.

**ACCESSORY DWELLING** - A separate dwelling unit which is subordinate in size and intensity of use to a single family dwelling.

**ACCESSORY STRUCTURE** – A permanently anchored structure detached from a principal building on the same lot meeting applicable requirements of the urban regulations.

**ACCESSORY USE** - The use of land, a building or a portion of land or building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

**ACTIVE ADULT RESIDENCES** - A planned and managed community providing living accommodations, and which may also provide accessory facilities, occupancy of which is limited, as permitted by Federal and State Fair Housing Laws, to persons who are 55 years of age and over.<sup>1</sup>

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<sup>1</sup> Added pursuant to Local Law No. 3 of 2009

**AFFORDABLE HOUSING** - Dwellings that have been designated as Affordable Housing by the Village of Pawling Affordable Housing Board for the purpose of providing housing to Financially-Eligible Households. Affordable Housing shall have a sale or rental price determined by the Affordable Housing Board to be an amount that a household making eighty percent (80%) of the median family income for households in Dutchess County could reasonably afford. The Affordable Housing Board shall make this calculation in consultation with the Dutchess County Department of Planning.<sup>2</sup>

**ALTERATION** - Any deliberate change made to an existing site, development, structure or natural feature which alters the appearance, use or functionality of the structure or feature.<sup>3</sup>

**ALTERNATE-CARE FACILITY** – A facility designed for housing three (3) or more persons who are unable to live and work independently at a particular time and providing for their specific needs.

**ANTENNA** – Equipment and support structures designed to transmit or receive electronic signals, which may include antennas attached to buildings or freestanding antennas or satellite dishes, excluding commercial radio, television and other utility transmission towers.

**AREA:**

A. **LOT AREA** – The total area contained within the property lines of an individual parcel of land, excluding any area within an existing street right-of-way.

B. **BUILDING AREA** – The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

**BAR** – An establishment licensed under the laws of New York State for the sale and dispensing of liquor by the drink and its consumption on the premises or the principal structure or part of a combined-use structure in which alcoholic beverages are served, which may include entertainment.

**BED-AND-BREAKFAST** – A single, detached residential building affording overnight accommodations to transient guests in not more than six (6) guest rooms. The owner or a non-owner manager must be present on the premises during daytime business hours, on days when registered guests are in occupancy, to protect the building and grounds, as determined by the owner of the Bed and Breakfast to be advisable.<sup>4</sup>

**BOARDING HOUSE** – A dwelling occupied by one family with one or more boarders, roomers or lodgers, who are lodged with or without meals, and for which compensation is paid, either

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<sup>2</sup> Amended pursuant to Local Law No. 3 of 2007

<sup>3</sup> Added pursuant to Local Law No. 4 of 1998

<sup>4</sup> Amended pursuant to Local Law No. 2 of 2016

directly or indirectly. No "Boardinghouse" shall house more than six (6) boarders. The term "Boardinghouse" shall include a rooming house, lodging house and tourist home, but not foster home.

**BOARD OF TRUSTEES** – The legally elected governing body of the village.

**BUFFER AREA** - A strip of land, identified on a site plan or by a zoning ordinance, established to protect one type of land use from another land use that is incompatible. Normally the area is landscaped and kept as open space.

**BUILDING** - A structure designed to be used as a place of occupancy, storage or shelter. The term "building" shall include the term "structure" as well as receiving and transmitting commercial radio, television and other utility communication towers.

**BUILDING COVERAGE** - That percentage of the lot area covered by the combined area of all buildings and structures on the lot.

**BUILDING INSPECTOR** - The Building Inspector of the Village or any person appointed by the Board of Trustees to act as such for the purpose of this chapter.

**BUILDING, PRINCIPAL** - The building on a lot that houses a primary use on a parcel of land.

**BULK SCHEDULE** - The area and bulk schedule set forth in Schedule C attached hereto and made a part hereof, which is hereby adopted and made a part of this chapter.

**CAR WASH** - A building or area, the use of which is devoted to the washing of automobiles.

**CHANGE IN USE** - The changing of the use or occupancy of a building from one use specified on the Table of Uses defined herein to another use specified on the Table of Uses. For example: an application which involves a conversion from a retail store to a bank would constitute a change in use; an application which involves a conversion from one type of retail store to another would not constitute a change in use.

**CHILD-CARE FACILITY** - Any child-care arrangement that provides day care on a regular basis for more than four (4) hours per day for four (4) or more children of preschool age, where tuition or fees or other compensation is charged for such care. A "day-care center" shall be considered a child care arrangement which provides day care for fifteen (15) or more children.

**CLINIC, VETERINARY** - An office designed for the care and treatment of animals which may also provide for the boarding of animals.

**CLUSTER SUBDIVISION** - A residential subdivision in which an altered configuration of lots is allowed by variation in lot size and bulk regulations.

CO-LOCATION - The use of a single mount on the ground by more than one utility carrier and/or several communication mounts on an existing building or structure by more than one utility carrier. <sup>5</sup>

CO-LOCATOR – A carrier which locates equipment for providing a utility service upon an existing structure. <sup>6</sup>

COMMERCIAL USE - Any use permitted in a given district (including by special use permit), other than residential use.

COMMUNICATION TOWER - Any tower whose primary use is to support equipment and signals used for communication. <sup>7</sup>

COMPREHENSIVE PLAN - The Comprehensive Plan of the Village adopted on the date of enactment of this local law, as amended.

DENSITY - The number of dwelling units permitted per acre of land.

DISTRICT - One of the zoning districts within the Village as shown on the Zoning Map.

DRIVEWAY - Land situated on a lot used or intended to be used to provide access by vehicular traffic. <sup>8</sup>

DUST – Solid particulate matter capable of being air- or gasborne.

DWELLING - Any building or portion thereof designed or used exclusively as the residence or sleeping place of one (1) or more persons. The term shall not include an automobile court, hotel, motel, boarding or rooming house, travel trailer, tourist home or tent.

DWELLING, MULTIPLE-FAMILY - A building, portion of a building or group of buildings on one (1) lot containing three (3) or more dwelling units, regardless of the form of ownership, and designed or used for occupancy by three (3) or more families living independently of each other.

DWELLING, SINGLE-FAMILY - A building containing one (1) dwelling unit and designed or used exclusively for residential occupancy by one (1) family.

DWELLING, TWO-FAMILY - A building designed for and occupied exclusively as a home or residence for two (2) families.

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<sup>5</sup> Added pursuant to Local Law No. 4 of 1998

<sup>6</sup> Added pursuant to Local Law No. 4 of 1998

<sup>7</sup> Added pursuant to Local Law No. 4 of 1998

<sup>8</sup> Added pursuant to Local Law No. 2 of 2003

DWELLING UNIT - One (1) or more rooms or an enclosure containing sleeping, cooking and sanitary facilities in a dwelling structure, designed as a unit for occupancy or permanent residence by not more than one (1) family for living and sleeping purposes.

EQUIPMENT OR STORAGE SALES YARD - An exterior area used for the storage of items for retail or wholesale sale.

EQUIPMENT SHELTER - An enclosed structure, cabinet, shed or box within which is housed batteries, electrical equipment and other devices needed in the operation of communication equipment.<sup>9</sup>

FAMILY - One (1) or more persons living together as a single housekeeping unit.

FINANCIALLY-ELIGIBLE HOUSEHOLDS - Households whose income does not exceed one hundred twenty percent (120%) of the median family income for households in Dutchess County, as determined by the Affordable Housing Board based on information available from Dutchess County at the time of the determination.<sup>10</sup>

FL - Floor.

FLOOR AREA RATIO - the number obtained by dividing the gross floor area of all buildings on a lot by the area of that lot.

FREQUENCY - The number of oscillations per second of a vibration.

FRONTAGE - that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.

FT - Feet.

HOME OCCUPATION - one of the uses described in §98-79 hereof which is conducted entirely within a Principal Dwelling or entirely within an Accessory Dwelling.

HOSPITAL - An acute care hospital, a sanitarium, preventorium, clinic, rest home, nursing home or convalescent home for the diagnosis, treatment or other care or human ailments.

HOTEL, MOTEL - A building used primarily to provide sleeping accommodations for the transient public in which seven (7) or more rooms are available for hire.

IMPACT VIBRATION - Earthborne oscillations occurring in discrete pulses at or less than one hundred (100) per minute.

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<sup>9</sup> Added pursuant to Local Law No. 4 of 1998

<sup>10</sup> Amended pursuant to Local Law No. 3 of 2007

**IMPERVIOUS SURFACE**- A surface that has been compacted or covered with a layer of material so that it is resistant to infiltration by water, including, without limitation, areas covered by buildings, graveled driveways and parking areas.

**LABORATORY** - A building and accessory structure(s) developed for the purpose of scientific testing and research or to provide testing or research services.

**LOT** - A parcel of land whose boundaries are established by some legal instrument such as a recorded deed or map and which is recognized as a separate legal entity for the purposes of transfer of title.

**LOT COVERAGE** - The percentage of the lot area covered by the combined area of all buildings, structures and other impervious surfaces on the lot.

**LUMBERYARD** - A yard where a stock of lumber is kept for sale, which may include a sales office, parking and loading area, housing for lumber-moving equipment and necessary security structures, such as fencing.

**MAJOR SUBDIVISION** - means a "major subdivision" as that term is defined in the Subdivision Regulations. Major subdivisions include, without limitation, any subdivision containing more than three (3) lots.

**MAX** - Maximum.

**MIN** - Minimum.

**MIXED USE BUILDING** - a building used and occupied for nonresidential uses permitted in the district and for residential use.

**MOTOR VEHICLE SERVICE STATION** - Any area of land, including structures, that is used for the sale of gasoline, motor vehicle fuel oil and other lubricating substances, including any sale of motor vehicle accessories and which may include facilities for lubricating, washing or otherwise servicing motor vehicles.

**NONCONFORMING USE** - A use of a structure (including, without limitation, a building) that does not conform to the regulations as to use in the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments thereto.

**NONCONFORMING STRUCTURE** means a structure (including, without limitation, a building) that does not conform to the height, yard, coverage, minimum floor area, parking or other bulk requirements of this chapter either at the effective date of this chapter or as a result of subsequent amendments thereto.

**OPEN SPACE** - land which an applicant for site plan, subdivision or special use permit approval dedicates, conveys or sets aside in perpetuity, such that no portion of such land shall be thereafter improved by buildings or other improvements (other than trails or other incidental improvements



which are approved by the Planning Board). In any case where Open Space is required hereunder the applicant's method of maintaining the open space in perpetuity shall be subject to approval of the Planning Board; however, in no event will the Planning Board require dedication of such land to the Village except to the extent that such dedication is roughly proportionate to the projected impact of the applicant's proposed development; in making such determination, no precise mathematical calculation is required, but the Village must determine that the required dedication is related both in nature and extent to the impact of the proposed development.

OPEN SPACE, COMMON - Open space with or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use and enjoyment of the residents of the development.

PARKING SPACE - An area for the temporary storage and parking of motor vehicles.

PERFORMANCE GUARANTEE - a financial guarantee approved by the Village Attorney which secures the Village that certain improvements or work to be performed pursuant to this law will be completed.

PUBLIC UTILITY - A business or service furnishing the public with a commodity or service which is of public consequence and need, including but not limited to electricity, gas, water, sewerage, transportation and telephone service.

R.O.W. - Right of Way.

RECREATION FACILITY, INDOOR - An enclosed structure for public use developed for active recreation, such as exercise area, ball courts, skating rinks, bowling alleys, etc.

RECREATION FACILITY, OUTDOOR - Open areas developed for activities such as picnicking, walking, running, biking or other sports or activities, including passive enjoyment of open space and areas developed for organized and/or active recreation such as ballfields, tennis courts, swimming pools, golf courses, ice skating, etc.

REPEATER - A receiver/relay transmitter designed to enhance the strength of a signal(s) which is transmitted from a different location. Signal strengths must comply with FCC regulations. <sup>11</sup>

REQD - Required.

RES/RESID - Residential.

RESTAURANT - An establishment where food and drink is prepared, served and consumed primarily on the premises.

RINGELMANN SMOKE CHART - A chart for determining the density of smoke, which is issued by the Federal Bureau of Mines.

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<sup>11</sup> Added pursuant to Local Law No. 4 of 1998

**SENIOR CITIZEN HOUSING** - A building or buildings containing two or more dwelling units, designed to provide living accommodations and facilities for aged persons to be owned and operated by a non-profit corporation organized for such purposes under the laws of the State of New York.

**SEQR** - The New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in 6 N.Y.C.R.R. 617.

**SETBACK** - The required minimum horizontal distance between the building line and the related front, side or rear property line.

**SIGN, SIGNAGE** - a structure or device designed or intended to convey information to the public in written or pictorial form.

**SMOKE** - Any emission into the open air from any source, except emissions of uncontaminated water vapor.

**SMOKE UNIT** - A measure of the quantity of smoke being discharged and is the number obtained by multiplying the smoke density in a Ringelmann Smoke Chart by the time of emission in minutes. For example, the emission of Ringelmann Smoke Density No. 1 for one (1) minute equals one (1) "smoke unit."

**STEADY-STATE VIBRATIONS** - Continuous earthborne oscillations. Discrete pulses that occur more than one hundred (100) times per minute shall be considered steady- state vibrations.

**STREET** – A way which is an existing state, county or village highway, or a way shown upon a subdivision plat approved by the Village Planning Board, as provided by law, or on a plat duly filed and recorded in the office of the County Clerk.<sup>12</sup>

**STRUCTURE FOOTPRINT** – The area which defines the outer edges of the physical structure and does not include any walkways, parking lots or landscaping.<sup>13</sup>

**SUBDIVISION REGULATIONS** - Chapter 82 of the Code of the Village of Pawling entitled Subdivision of Land, as amended from time to time.

**TABLE OF USES** - The schedule attached hereto and made a part hereof as Schedule "A" which lists permitted uses (including uses permitted by special use permit) in various districts.

**THEATER** - A building or part of a building devoted to showing moving pictures or stage productions on a paid admission basis.

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<sup>12</sup> Added pursuant to Local Law No. 2 of 2003

<sup>13</sup> Added pursuant to Local Law No. 4 of 1998

THREE-COMPONENT MEASURING SYSTEM - A device for recording the intensity of any vibration in three (3) mutually perpendicular directions.

TOWER – An erect structure or framework either self-supporting or tied to the ground or other surface by diagonal cables, that is designed to support, including but not limited to, the following:

Wireless service transmissions, receiving and/or relaying antennas and/or equipment, electrical or cable power lines of any transmission or conductance range, or any other equipment, device or service.

A tower includes any structure and supporting apparatus which is attached to same.<sup>14</sup>

TOXIC OR NOXIOUS MATTER- Any solid, liquid or gaseous matter, including but not limited to gases, vapors, dusts, fumes and mists, containing properties which, by chemical means, are:

- A. Inherently harmful and likely to destroy life or impair health; or
- B. Likely to cause injury to the well-being of persons or damage to property.

TYPE I - A building subject to the Urban Regulations for "Type I - Shopfront/Mixed Use."

TYPE II - A building subject to the Urban Regulations for "Type II - Townhouse."

TYPE III - A building subject to the Urban Regulations for "Type III - Infill Houses."

TYPE IV - A building subject to the Urban Regulations for "Type IV - Small House."

TYPE V - A building subject to the Urban Regulations for "Type V - Large House."

TYPE VI - A building subject to the Urban Regulations for "Type VI - Highway Commercial."

URBAN REGULATIONS - Standards attached hereto and made a part hereof as Schedule B which regulate building placement, encroachments, parking, building use, building height, types of buildings and other matters with respect to certain construction and use of property within the Village.

USE - One of the categories of uses listed on the Table of Uses.

USE, PRINCIPAL - The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

YARD - An unenclosed, unoccupied space on the same lot with a building or structure.

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<sup>14</sup> Added pursuant to Local Law No. 4 of 1998

**YARD, FRONT** - The space within and extending the full width of the lot from the front lot line to the part of the building which is nearest to such front lot line.

**YARD, REAR** - The space within and extending the full width of the lot from the rear lot line to the part of the building which is nearest to such rear lot line.

**YARD, SIDE** - The space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the building which is nearest to such side lot line.

**VILLAGE** - The Village of Pawling, New York.

**WIRELESS COMMUNICATIONS FACILITY** - A term intended to include all of the various facilities which provide Communication Services, including tower, antenna and any accessory structures or equipment designed and constructed for use by a commercial provider of such services.<sup>15</sup>

**WIRELESS COMMUNICATIONS** - A type of communications that utilizes electromagnetic energy for the purpose of transmitting and receiving signals.<sup>16</sup>

**ZBA** - The Zoning Board of Appeals of the Village.

**ZONING MAP** - A map adopted by the Board of Trustees pursuant to the requirements of the Village Law on the date of adoption of this Local Law which depicts the Village and the boundaries of the districts.

#### §98-6. Interpretation of provisions.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. In the event of a conflict in the terminology of any section or part thereof of this chapter, the more restrictive provisions shall control.

§98-6a. Greenway Connections. By Local Law No. 1 of the year 2000, the Village of Pawling has adopted Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities, as amended from time to time, as a statement of land use policies, principles, and guides to supplement other established land use policies in the village. In its discretionary actions under this Chapter of the Village Code, the reviewing agency shall be guided by said statement of policies, principles and guides, as appropriate.<sup>17</sup>

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<sup>15</sup> Added pursuant to Local Law No. 4 of 1998

<sup>16</sup> Added pursuant to Local Law No. 4 of 1998

<sup>17</sup> Added pursuant to Local Law No. 6 of 2014

## **ARTICLE II ZONING DISTRICTS; MAP**

§98-7. Establishment and enumeration of districts.

The Village is hereby divided into the following districts:

Residence 1 ("R-1")  
Residence 2 ("R-2")  
Residence 3 ("R-3")  
Residence 4 ("R-4")  
Business 1 ("B-1")  
Business 2 ("B-2")  
Industrial 1 ("I-1")

§98-8. Zoning Map. <sup>18</sup>

The boundaries of the districts are hereby established as shown on the Zoning Map, which accompanies and which, with all explanatory matter thereon, is hereby adopted and made a part of this chapter.

All that real property hereinafter described, which is now designated as being in the Residence 1 ("R-1") zoning use district as indicated on the Zoning Map of the Village of Pawling, be and the same is hereby amended and changed to place the Property into the Business 2 ("B-2") zoning use district. The real property that shall be the subject of this zoning amendment being all that certain piece or parcel of land located on the southeast corner of Route 22 and Pine Drive in the Village of Pawling, County of Dutchess, constituting a 1.243 +/- acre piece of the real property currently owned by Christine Polesovsky Monteleone, with a street address of 592 Route 22, and bearing Tax Parcel Number 7057-17-236132, as more particularly described by deed dated May 3, 2002 and recorded in Liber 1425, Page 698 of the Dutchess County Clerk's Office on or about May 17, 2002. <sup>19</sup>

§98-9. Interpretation of Boundaries.

A. Boundaries indicated as approximately following the center line of streets, highways, alleys or utility/railroad right-of-way shall be construed to follow such center lines of the right-of-way.

B. Boundaries indicated as approximately following Village limits shall be construed as following such Village limits.

C. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

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<sup>18</sup> §98-8 amended pursuant to Local Law No. 1 of 2016 adding 5 Spring Street to B-1 District on Zoning Map

<sup>19</sup> §98-8 amended pursuant to Local Law No. 2 of 2005

D. Boundaries indicated as approximately following the center lines of streets, rivers, ponds or other bodies of water shall be construed to follow such center lines.

E. Boundaries indicated as parallel to or extensions of features indicated in §§ A-D above shall be so construed.

F. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map or in other circumstances not covered in this subsection, the ZBA shall interpret district boundaries.

#### §98-10. Application of Regulations.

Except as otherwise provided herein:

A. No building shall be erected and no existing building shall be moved, altered, rebuilt, added to or enlarged, nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with all applicable regulations, requirements and restrictions specified in this chapter for the district in which such building or land is located.

B. No open space surrounding any building shall be encroached upon or reduced in any manner except in conformity with the regulations herein designated for the district in which such building or open space is located.

#### §98-11. General Supplementary Regulations.

The provisions of this chapter shall be subject to such exceptions, additions or modifications as herein provided by the general supplementary regulations.

A. Lot for every building. Every building hereafter erected shall be located on a lot as herein defined, and there shall be not more than one (1) principal building on one (1) lot, except as specifically permitted elsewhere in this chapter.

B. Yard for every building. No part of a yard or other open space provided about any building or on any lot for the purpose of complying with the provisions of this chapter shall be included as any part of the yard or open space for any other building or any other lot.

C. Subdivision of a Lot. Where a lot is hereafter formed from part of another lot, the Subdivision Regulations must be complied with.

D. The minimum floor area on the first floor of any building used for a single family dwelling or a two family dwelling shall be 900 square feet. In calculating this amount, areas used for a garage and/or any accessory structures shall be excluded.<sup>20</sup>

### **ARTICLE III DISTRICT USE REGULATIONS**

§98-12. Table of Uses.

The Table of Uses attached hereto and made a part hereof as Schedule "A" (located at the back of this zoning law) lists permitted uses for each district category. "P" means permitted, "S" means allowed only through granting of a special use permit. Further elaboration and limitation on uses appears in the Urban Regulations and elsewhere in this chapter.

### **ARTICLE IV AREA AND BULK REGULATIONS**

§98-13. Compliance with Urban Regulations.

A. The Urban Regulations (located at the back of this zoning law) set forth different Building Types allowed within the Village. Each given Building Type is only permitted in the district or districts specified for such Building Type. Where applicable, the Urban Regulations shall prevail over contrary provisions in the Bulk Schedule.

B. The Urban Regulations apply to any erection, movement, alteration, rebuilding or enlargement of a building or structure and any use, design or arrangement of any land, building or other structure which requires any one or more of the following:

1. application to the Planning Board for approval of a Major Subdivision;
2. application for a building permit or certificate of occupancy in a Major Subdivision created after the effective date of this Chapter.
3. application for a building permit or certificate of occupancy in the B1 or B2 districts where site plan approval is required and which involves enlargement, extension or reconstruction of a building or structure that will increase the assessed value of the property by

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<sup>20</sup> Added pursuant to Local Law No. 1 of 1998

more than 20% and any subsequent application for a building permit or certificate of occupancy with respect to such property.

§98-13A. Cluster Subdivision Plats.<sup>21</sup>

A. General. In accordance with the provisions of provisions of § 7-738 of the Village Law and the general and special conditions hereinafter set forth, the Planning Board may authorize cluster subdivision plats in any residential district to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and buildings.

B. Purpose. The purpose of a cluster subdivision shall be to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision for streets and utilities and to preserve the natural and scenic qualities of lands in support of one (1) or more of the following open space functions:

1. Recreation.
2. Water resources.
3. Natural drainage systems.
4. Habitat for wildlife, fish and plant life.
5. Guidance for the location and pattern of development.
6. Preservation of historic sites and buildings
7. The protection of streams, rivers and ponds so as to avoid flooding, erosion and water pollution.
8. The preservation of land as unsubdivided and undeveloped open space which preserves or enhances the appearance, character or natural beauty of an area.
9. The modifications result in design and development which promotes the most appropriate use of the land, facilitates the adequate economical provision of streets and utilities and preserves the natural and scenic qualities of open lands.

C. Procedure. The following procedures shall be applicable to the authorization of cluster subdivisions.

1. Application. In addition to the application requirements set forth in the Village of Pawling Code, Chapter 82, the applicant requesting approval of a cluster subdivision under this Section shall submit to the Planning Board the following:

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<sup>21</sup> Added pursuant to Local Law No. 3 of 1996



- (a) A modified preliminary layout, showing the tract as a cluster subdivision layout conforming in all respects to general conditions of this Section and Chapter 82. Four (4) copies shall be submitted.
- (b) Four (4) copies of a written statement certified by the applicant, identifying the owner of the tract and the applicant and setting forth:
  - (1) The proposed functions to be accomplished by the open space.
  - (2) A plan for ownership, use, operation and maintenance of the open space.
  - (3) The vision to be made for water supply and sewage disposal for the proposed lots.

2. The Planning Board may request the applicant to submit such additional information that it deems necessary in order to review the application.

3. Plat map. The boundaries of the open space land shall be clearly delineated on the cluster subdivision plat map, and such boundaries shall be property lines or easement or other restriction lines in accordance with the approved plan of ownership, use, operation and maintenance. The map shall also bear notes specifying that:

- (a) That such authorization pertains only to the tract for which the application was made.
- (b) That the final plat shall conform to any special conditions established by the Planning Board, including, but not limited to, a plan for ownership, use, operation and maintenance of the open space approved by the Planning Board as deemed necessary by the Planning Board to assure the preservation of the natural and scenic qualities of such open lands and property use of the open space lands for their intended function.

D. General conditions. The following general conditions are applicable to cluster subdivision plats:

- 1. Plat and lots. Both the standard preliminary layout and modified preliminary layout submitted with the application under C. above, shall conform in all respects to this Section and Chapter 82.
- 2. The number of lots shown on a cluster subdivision preliminary layout and final plat shall not exceed the number shown on the standard preliminary layout and which, in the Planning Board's judgment, could be permitted if the land were subdivided into lots conforming to the minimum lot size and density requirements in which the land is situated and conforming to all other applicable requirements.

3. Plat map. The boundaries of the open space land shall be clearly delineated on the cluster subdivision plat map, and such boundaries shall be property lines or easement or other restriction lines in accordance with the approved plan of ownership, use, operation and maintenance. The map shall also bear notes specifying that:

- (a) The plat is approved under the provisions of this Section and § 7-738 of the Village Law;
- (b) Identified areas on the plat are reserved as open spaces for particular functions;
- (c) A particular ownership of each open space parcel is intended and is approved by the Planning Board;
- (d) There shall be no further division of any open space parcel unless approved by the Planning Board under a revised plat.

4. Area of subdivision. The acreage covered by the cluster subdivision shall consist of not less than ten (10) acres.

5. Use of open space. The permitted use of the open space land under this Section shall be that which is specified in the approved plan of ownership and use, and no building or other structure shall be established on such open space.

#### §98-14. Compliance with Area and Bulk Standards.

Any application for a building permit or certificate of occupancy which is not subject to the Urban Regulations shall meet the applicable requirements set forth in the Bulk Schedule (located at the back of this zoning law). The Bulk Schedule shall apply to properties subject to the Urban Regulations; provided, however, that, where applicable, the Urban Regulations shall prevail over contrary provisions in the Bulk Schedule.

#### §98-15. Incentive Zoning in New Subdivisions.<sup>22</sup>

Any application to the Planning Board for approval under this section shall be awarded a density bonus if the Planning Board determines that all seven community objectives listed below (the "Community Objectives") have been met. A "density bonus" in connection with this section means an increase in the number of dwelling units (exclusive of accessory dwellings) allowed; provided, however, that the "density bonus" shall equal 1.5 times the Allowed Number unless otherwise provided for in paragraph D of this section, in the event that the Planning Board determines that all seven Community Objectives have been met. The "Allowed Number" means the number of dwelling units (exclusive of accessory dwellings) which, but for the density bonus,

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<sup>22</sup> §98-15. amended pursuant to Local Law No. 3 of 2009

would otherwise be allowed.

The Allowed Number shall be determined by the Planning Board based on its review of a conceptual conventional subdivision plan to be prepared and submitted by the applicant, and shall equal the number which, in the Planning Board's judgment, could be permitted if the land were subdivided into lots conforming to the minimum lot size and density requirements of this chapter applicable to the district or districts in which the land is situated and conforming to all other applicable requirements, excluding undevelopable land within the Subdivision such as wetlands and steep slopes.

A. The seven Community Objectives are:

1. Neutral or Positive Fiscal Impact.

The proposed development shall have a neutral or positive fiscal impact with respect to tax levy revenues versus government services and schools. For example, a developer could propose a blend of residential uses such as active adult housing and single family homes.

2. Design Conformance and Urban Regulations conformance.

The site plan and/or subdivision plan must conform with the Urban Regulations and the preferred conceptual development option for the Major Subdivision, if any, described in the Comprehensive Plan, subject to modifications deemed necessary by the Planning Board to address site specific environmental constraints. The site plan and/or subdivision plan must also receive a favorable architectural conformance review. The conceptual development options in the Comprehensive Plan were prepared without detailed environmental and engineering data with respect to the subject parcels and the conceptual development options do not guarantee an applicant a specific lot count with respect to any Major Subdivision.

3. Open Space

The applicant must maintain a minimum of 25% of the Subdivision's land area in perpetuity as Open Space as defined herein unless otherwise provided for in paragraph D of this section; provided, however, in calculating Open Space, the Planning Board shall include any land required by the Planning Board to be used for park, playground or other recreational purposes in accordance with the Village Law. In calculating Open Space, undevelopable land such as wetlands and steep slopes shall be included.

Where applicable and subject to adjustments acceptable to or required by the Planning Board to address engineering and environmental constraints

within the Subdivision, the Open Space configuration and trail system shall conform to the conceptual illustration shown in the Comprehensive Plan.

#### 4. Recreational Lands, Facilities, and Programs.

The applicant must provide suitable recreational facilities that benefit Village residents. This can be accomplished by land dedication, park creation, or a fee in lieu of a built facility, or other acceptable means as determined by the Planning Board.

A. Before the planning board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such a board, a park or parks suitably located for playground or other recreational purposes.

B. Land for park, playground or other recreational purposes may not be required until the planning board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the village. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the village based on projected population growth to which the particular subdivision plat will contribute.

C. In the event the planning board makes a finding pursuant to paragraph (b) of this subdivision that the proposed subdivision plat presents a proper case of requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the planning board may require a sum of money in lieu thereof, in an amount to be established by the village board of trustees. In making such determination of suitability, the board shall assess the size and suitability of land shown on the subdivision plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any moneys required by the planning board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the village exclusively for park, playground or other recreational purposes, including the acquisition of property.

#### 5. Affordable Housing.

10% of the dwelling units (exclusive of accessory dwellings) must be Affordable Housing. The Affordable Housing must be integrated within the development in terms of unit type, design, and location to the satisfaction of the Planning Board. The applicant must also establish a mechanism such as a covenant or deed restriction controlling resale or rental levels of the individual

units that assures that the housing will remain affordable in perpetuity. This mechanism may be a County, State or Federal guideline, but it must be acceptable to the Planning Board.

6. Utilities.

The dwelling units in the proposed Subdivision must be connected to the municipal sewer system unless the Pawling Joint Sewer Commission determines that such connection would not be in the best interests of the Joint Sewer District. The dwelling units in the Subdivision must be connected to the municipal water system, unless the Board of Trustees determines that such hook-up would not be in the best interests of the Village.

7. Water.

The applicant develops a well within or adjacent to the Major Subdivision, or at another feasible location as determined by the Village Board of Trustees, for the purposes of drawing water for use of the Village and its residents. The well shall comply with all applicable State and County regulations for a public water supply, and shall be subject to a continuing offer of dedication to the Village.

B. The Board of Trustees, prior to adoption of this Chapter, evaluated the impact of the above incentive provision upon the potential development of affordable housing gained by the provision of any such incentive or lost in the provision by an applicant of any community amenity to the village. The Board has determined that there is approximate equivalence between potential affordable housing lost or gained. See Village Law §7-703(g).

C. The Board of Trustees has also found, after evaluating the effects of any potential incentives which are possible by virtue of the provision of community amenities, that the district in which the incentive is authorized contains adequate transportation, water supply, waste disposal and fire protection. Also the Board has found that there will be no significant environmentally damaging consequences and that such incentives are compatible with the development otherwise permitted. See Village Law §7-703 (3)(c).

D. Incentive Zoning on Large Tracts of Land. The Village recognizes the value and complexity in developing large tracts of land as a single planned community. To encourage a unified development that enhances, maintains and extends the character of the Village to the large remaining lots, the following bonus shall apply to large tracts of land of 45 contiguous acres (for the purposes of this section, a project containing over 45 acres or more, that is bisected by a utility or transmission line shall qualify for the density bonus at outlined in this section) or more in the R-1 District:

1. The allowable density shall be up to seven times the 40,000 square foot limit if all seven of the community objectives are met. The "Allowed Number" means the number of dwelling units (exclusive of accessory dwellings) which, but for the density bonus, would otherwise be allowed. The land utilized to meet the Open Space Requirement may not be used to calculate the maximum allowable dwellings.

Allowable Density Calculation:

[Gross Acres - undevelopable land] = Developable land

[Developable Land - 50% open space requirement] x 7 = Max. Allowable Dwellings.

2. The Open Space requirement shall be increased to 50% of developable land after all environmental constraints (slopes 15% and greater, DEC Wetlands (including 100 foot buffer), NWI Wetlands, Waterbodies, Streams, and 100 year Floodplains) have been removed.

Where a parcel is environmentally constrained by 60% or more, the open space requirement shall be 25% of developable land after all environmental constraints have been removed. However, the "allowable density calculation" shall still be calculated using the 50% open space requirement.

## **ARTICLE V SUPPLEMENTARY REGULATIONS FOR RESIDENCE DISTRICT**

### **§98-16. Accessory Structures.**

A. An accessory structure may be located in any required side or rear yard, provided that:

1. Such building shall not exceed fifteen (15) feet in height.
2. Such buildings shall be set back at least five (5) feet from any lot line, except that accessory buildings may be located in pairs or groups in the required rear or side yard along the common side lot line or rear lot line of contiguous lots.
3. All such buildings in the aggregate shall not occupy more than twenty-five percent (25%) of the area of the required rear or side yard.
4. No such building shall project nearer to the street on which the principal building fronts than such principal building.
5. Such building must be permanently anchored in the ground.
6. A permit is needed for any building five by seven (5 X 7) feet or over.

B. This section shall not apply to any property subject to the Urban Regulations.

C. Accessory structures shall be excluded from the minimum floor area requirements for one and two family dwellings calculated pursuant to § 98-11(D).<sup>23</sup>

§98-17. Corner lots.

A. At all street intersections in all residence districts, no obstruction to vision exceeding thirty (30) inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines thirty (30) feet distant from their point of intersection.

B. On a corner lot, one (1) yard other than the front yards shall be deemed to be a rear yard, and the other or others side yards, and the minimum district requirements for each shall be complied with. The Building Inspector shall designate these yards.

C. This section shall not apply to any property subject to the Urban Regulations.

§98-18. Yard Requirement Exceptions.

A. Permitted obstructions.

1. Cornices or cantilevered roofs may project not more than two (2) feet into a required yard.
2. Window sills and other ornamental features, except awnings, may project not more than six (6) inches into a required yard.
3. No balcony shall project into a required yard.
4. Fences or walls shall not be over six (6) feet in height. This requirement shall not apply to lot lines dividing a residence district from a business district, nor shall they apply when the written consent to a variance, signed by the owner or owners of the adjoining property, is filed with the application for a permit. These provisions shall not apply to hedge, privet, trees, or other shrubbery boundary.
5. Window or wall mounted air conditioners may project not more than twenty-four (24) inches into a required yard.

B. The provisions of this section shall apply to property subject to the Urban Regulations; provided however, that in such cases, any provisions in the Urban Regulations which conflict with this section shall prevail.

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<sup>23</sup> §98-16.C. amended pursuant to Local Law No. 1 of 1998

- C. Existing setback. No proposed one-family dwelling need have a front yard of greater depth than the average setback of the existing dwellings located within three hundred (300) feet on each side of the proposed dwelling on the same side of the street and within the same block. Data supporting a request to take advantage of this provision shall be presented as part of the building permit application.

§98-18A. Multi-Family Housing on Large Lots<sup>24</sup>

- A. The purpose of this special use permit are:
  - 1. To ensure that Multi-family Housing in the Village is compatible with the existing scale of residential buildings and objectives of the Comprehensive Plan.
  - 2. To preserve, protect and maintain the existing scale and character of the residential districts and the objectives of the Comprehensive Plan.
- B. The conditions set forth in this section must be met, in addition to other conditions set forth in this chapter, for issuance of a special permit for Multifamily Residential - Large Lot. Regardless of whether a multi-family development project is being pursued under this section as a subdivision or as a site plan application, compliance with the provisions of the Incentive Zoning for New Subdivisions Law set forth in section 98-15 of this Chapter is required.
- C. Eligible properties: Multi-family dwellings may only be permitted in the R-1 District on parcels of 45 contiguous acres or more (for the purposes of this section, a project containing over 45 acres or more, that is bisected by a utility or transmission line shall qualify for the density bonus at outlined in this section) if developed as part of a large development proposal offering a mix of housing that also satisfies all seven community objectives identified in section 98-15 of this chapter. The Allowable Density of such a proposal shall be calculated in the same manner as set forth in section 98-15(D) of this chapter.
- D. The following additional standards apply:
  - 1. Siting:
    - a. Dwelling units shall be designed in groupings of small buildings, rather than one large building.
    - b. There shall be no more than 10 dwelling units per building.

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<sup>24</sup> § 98-18A. added pursuant to Local Law No. 3 of 2009



- c. Buildings shall be grouped around a common area to achieve a "village green".
  - d. Parking shall be located to the rear of the buildings.
- 2. Massing and Scale of Buildings
  - a. Buildings should give the appearance by use of design features on a single building or by development of individual buildings of being the same general scale or size as other residential buildings in the community.
  - b. Flat roofs shall be prohibited. Roofs shall have a minimum slope of 1/2.5.
  - c. A façade of a building may not exceed 75 feet without a significant break of at least 10% of the length of the building.
  - d. Roofs shall be varied to create a visual impression of individual dwelling units.
- 3. Architectural Features and Materials. When a façade exceeds 30 feet in length, architectural elements shall be introduced to the façades and roofs to produce a visual effect compatible with the Architectural Guidelines of the Comprehensive Plan. Such elements may include dormers, bays, entrance porches, cornices, balconies, window treatments, etc.

## **ARTICLE VI** **SUPPLEMENTARY REGULATIONS FOR NONRESIDENTIAL** **DISTRICTS**

§98-19. Supplemental Regulations for B-1 and B-2 and I1 District.

- A. All uses in the B-1, B-2 and I1 districts and all storage accessory thereto other than off-street parking shall be carried on in buildings fully enclosed on all sides, except as otherwise provided herein and, provided however, that this provision shall not apply to municipal parks and recreation areas, equipment storage and sales yard, outdoor cafe and table service, lumberyard, building material or sales yard, agricultural uses, outdoor recreational facility and commercial parking lots which are otherwise permitted (including by special use permit) as provided herein.
- B. No use shall be maintained, established, altered, moved or expanded in the B-1, B-2 or I1 districts unless it complies with the performance standards set forth in Article 98-20. Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy.

- C. All waste materials, including garbage and trash, shall be stored in an enclosed area until one (1) hour before pickup.
- D. Without limiting the enforcement powers of the Building Inspector with respect to an existing use, in the case of a special permit or site plan application for establishment of a use which the Planning Board determines may violate this section, the Planning Board may require the applicant, at the applicant's own expense, to provide such evidence as the Planning Board deems necessary to determine whether the proposed use violates this provision. In making this determination, the Planning Board may seek expert advice, with the cost of such advice paid for in advance by the applicant.as a condition of further consideration of the application.

#### §98-20. Performance Standards

- A. Purposes: Consistent with the general purposes of this chapter, performance standards shall set specific controls on potentially objectionable external aspects of business and industrial uses so as to:
  - 1. Reduce to a reasonable minimum the dissemination of smoke, gas, dust, odor or other atmospheric pollutant outside the building in which the use is conducted.
  - 2. Control noise perceptible beyond the boundaries of the site of the use.
  - 3. Prevent the discharge of untreated or insufficiently treated wastes into any watercourse.
  - 4. Prevent the dissemination of vibration, heat or electromagnetic interference beyond the immediate site on which the use is located.
  - 5. Prevent physical hazard by reason of fire, explosion, radiation or any similar cause.
  - 6. Regulate and control the generation and flow of vehicular traffic so as to prevent hazardous conditions, traffic congestion and excessive noise in the streets.
- B. Noise: Any noise to be generated in connection with a proposed use must comply with Local Law #5 of the Year 1985, a local law restricting the making of unreasonable noise.
- C. Vibration.
  - 1. Method of measurement. For the purpose of measuring vibration, a three-component measuring system approved by the engineering firm

regularly retained by the Village (or other engineer approved by the Planning Board) shall be employed.

2. Maximum permitted steady-state and impact vibration displacement. No activity shall cause or create a steady-state or impact vibration on any lot line with a vibration displacement by frequency bands in excess of that indicated in the following table:

Frequency (cycles per second)	Vibration Displacement (inches)	
	Steady-State	Impact
Under 10	0.0005	0.0010
10-19	.0004	.0008
20-29	.0003	.0006
30-39	.0002	.0004
40 and over	.0001	.0002

D. Smoke, dust and other atmospheric pollutants.

1. General control. The emission of smoke and other particulate matter shall not be permitted, regardless of quantity, if it will be in any way detrimental to the public health, safety, welfare or comfort or a source of damage to property.
2. Method of measurement of smoke. For the purpose of grading the density of smoke, the Ringelmann Smoke Chart shall be used to determine the total smoke units emitted. A reading shall be taken every minute for an hour or, if less than an hour, until the total smoke units emitted exceed the number allowed by these regulations. Each reading shall be multiplied by the number of minutes during which it was observed and the product added.
3. Maximum permitted emission of smoke. There shall be no measurable emission of smoke, gas or other atmospheric pollutant.

The emission of one (1) smoke unit per hour and smoke with discernible density of No. 1 on the Ringelmann Smoke Chart shall be prohibited.

4. Maximum permitted emission of dust.
  - (1) The emission of dust related to combustion for indirect heating from any source shall not exceed thirty-hundredths (0.30) pounds of dust per thousand pounds of flue gas adjusted to fifty percent (50%) excess air for combustion.

- (2) There shall be no measurable emission of dust or other particulate matter not related to combustion for indirect heating.
- (3) All properties shall be suitably improved and maintained with appropriate landscaping and paving or other type of improvement so that there will be no measurable windblown dust or other similar types of air pollution created.

E. Discernible odors.

No land use shall be permitted which emits any discernible odor beyond the boundary of the property upon which the use is conducted.

F. Toxic or noxious matter.

No use shall be permitted which will cause any dissemination whatsoever of toxic or noxious matter outside the building in which the use is conducted.

G. Radioactive materials.

The handling, storage or disposal of radioactive materials or waste by-products, whether or not licensed by the Atomic Energy Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, Code of Federal Regulations, Standards for Protection Against Radiation, as amended, and in accordance with any other applicable laws or regulations.

H. Electromagnetic interference.

No operation shall be permitted which produces any perceptible electromagnetic interference with normal radio or television reception in any area within or without the Village.

I. Fire and explosive hazards.

No storage or manufacture of explosives or solid materials or solid products which burn actively or which have a low ignition temperature, a high rate of burning or create great heat, under ordinary temperature conditions, shall be permitted.

J. Heat.

There shall be no emission of heat which would cause a temperature increase in excess of one degree Fahrenheit (1°F.) along any adjoining lot line, whether such change be in the air, in the ground or in any watercourse or water body.

K. Liquid or solid wastes.

The discharge of any or all wastes shall be permitted only if in complete accordance with all standards, laws and regulations of the Dutchess County Department of Health, the New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and as to discourage the breeding of rodents or insects.

L. Vehicular traffic.

No nonresidential use shall be permitted where it is determined by the Planning Board that the type and number of vehicle trips it is estimated to generate would be expected to produce unusual traffic hazards or congestion or cause or induce emissions which may be expected to interfere with the maintenance of air-quality standards established by the United States Environmental Protection Administration, the New York State Department of Environmental Conservation or other regulatory agency having jurisdiction due to the design or capacity of the state or highway system, the relationship of such proposed use to surrounding or nearby industrial, commercial or residential uses or other factors affecting air pollution arising from mobile source activity.

- M. Without limiting the enforcement powers of the Building Inspector with respect to an existing use, in the case of a special permit or site plan application for establishment of a use which the Planning Board determines may violate this section, the Planning Board may require the applicant, at the applicant's own expense, to provide such evidence as the Planning Board deems necessary to determine whether the proposed use violates this provision. In making this determination, the Planning Board may seek expert advice with the cost of such advice paid for in advance by the applicant as a condition of further consideration of the application.

§98-21. Off-Street Loading

No loading or unloading shall take place nearer than thirty-five (35) feet from any residence zone boundary.

§98-22. Off-Street Parking

- A. Required number of spaces. Accessory off-street parking spaces, open or enclosed, shall be provided for the uses specified in the table below. For any use not listed, the requirements of the Bulk Schedule (see Schedule C at the end of this Zoning Law) shall apply.

1. Places of worship, libraries, clubs and other public buildings: 1 space for each 200 square feet of floor area, but not less than 1 space for each 5 seats provided.
  2. Schools: 1 space for each 20 seats or students.
  3. Hospitals and sanitoriums: 1 space for each 3 beds
  4. Theaters, restaurants, bars and nightclubs: 1 space for each 5 seats
  5. Funeral parlors: 1 space for each 2 employees, plus 5 spaces for each chapel
  6. Bowling alleys: 2 spaces for each alley
  7. Professional office: 3 spaces for each professional office or home activity.
  8. Hotel and motels: 1 space for each room.
- B. Parking requirements in the B-1 zoning district. All lots located in the B-1 zoning district, excepting those lots improved with a single family detached building, shall be subject to this section when required to file a site plan application as provided by this chapter. The planning board shall require the applicant for site plan approval to provide a number of off-street parking spaces that the planning board deems reasonable given the area on the site available for such off-street parking given the scale of other necessary existing and proposed structures on the site. The site plan shall be required to show the proposed parking area and shall state the design elements to be imposed on the parking area, including pavement, landscaping and screening, setbacks, striping, accessible parking spaces and signage. The planning board shall require the applicant to submit proof that any additional off-site parking spaces that may be necessary to accommodate the customers and employees who use the site have been secured by contract or other means that must be approved by the planning board. At any time after site plan approval, the planning board may summon any property owner whose property has been granted site plan approval after the effective date of this section to consult with the planning board about the adequacy of off-site parking.<sup>25</sup>
- C. Areas computed as parking spaces. Areas which may be computed as parking spaces include any private garage, carport, or other area dedicated to use for parking.

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<sup>25</sup> §98-22B repealed and restated, amended pursuant to Local Law No. 6 of 2014

- D. Location of required facilities. Except for parcels located within the boundaries of the B-1 zoning district, required accessory parking spaces, open or enclosed, maybe provided upon the same lot as the use to which they are accessory, or elsewhere, provided that all spaces are located within one hundred (100) feet walking distance of such lot. In all cases, such parking spaces shall conform to all the regulations of the district in which they are located, and in no event shall such parking spaces be located in any residence district unless the uses to which they are accessory are permitted in such districts. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, filed with the County Clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available, either throughout the existence of such use or until such spaces are provided elsewhere. Said deed restrictions shall be enforceable by the village or neighboring owners affected thereby.<sup>26</sup>
- E. Size of spaces. Parking spaces shall be at least 9 feet by 19 feet in size. Entrance and exit roadways shall not be computed as parking space, except for single-family residences.
- F. Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one (1) twelve foot lane for parking areas with less than twenty (20) spaces, and at least two (2) twelve-foot lanes for parking areas with twenty (20) or more parking spaces.
- G. Drainage and surfacing. All parking areas shall be adequately drained so that there shall be no damaging runoff, and all such areas of over five (5) spaces shall be provided with a dustless surface.
- H. Access near street corners. No entrance or exit for any accessory or off-street parking area with over ten (10) parking spaces shall be located within fifty (50) feet of the intersection of any two (2) streets.
- I. Where the Planning Board determines that less than the required number of parking spaces will satisfy the intent of this Chapter in connection with a site plan or special use permit application, the Planning Board may waive the requirement in part, but not in excess of 15% of the number required.
- J. Parking in Front Yards Prohibited. Parking and storage of automobiles, trucks and trailers on the front yard of any building in the village that contains one or more residential apartments, is prohibited except if a lawfully approved site plan issued before the date of enactment of this section shows such parking in a front yard as a permitted driveway or parking area, or a permit has been

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<sup>26</sup> § 98-22D amended pursuant to Local Law No. 1 of 2015

lawfully issued by the building inspector or other village official approving the location of parking in such front yard. Paving over the front yard area with asphalt, concrete or other impervious materials is prohibited except within the area of a legal driveway leading from the street to the garage or parking area which is shown on an approved site plan for the parcel or a valid permit issued by the building inspector or the street supervisor. An "apartment building" means any building in the village that has one or more residential apartments in it, occupied or unoccupied. An "apartment" is any room or multiple rooms occupied by a tenant as a residence pursuant to a lease or other agreement. An "apartment" would not typically include a building with a single residential unit occupied by the owner of the building. "Front yard" includes the area between the curb or sidewalk and the wall of the building facing the street, but does not include the area leading from an approved curb cut in the street to the garage or parking area at the side or rear of the building. Notwithstanding this limitation of parking in front yards, the owners of buildings containing one or more residential apartments shall be legally responsible for providing adequate legal parking area for their tenants, and failure of the owner to provide such legal parking area on-site or by renting parking spaces on other lots shall be a violation of this chapter. In addition to any other remedies provided for violations of this chapter, violations of this section may result in the Village obtaining an injunction to compel compliance by property owners and tenants.<sup>27</sup>

98-23. Repealed.<sup>28</sup>

## **ARTICLE VII NONCONFORMING BUILDINGS, STRUCTURES AND USES**

§98-24. Continuance.

- A. All nonconforming uses and all nonconforming structures shall be subject to the following provisions:
- B. Any nonconforming use may be continued but:
  - 1. Shall not be enlarged, extended or reconstructed, except enlargement, extension or reconstruction in accordance with the requirements of this chapter that will not increase the assessed valuation of the structures within or with which such use is conducted by more than twenty percent (20%) shall be permitted by the ZBA once during the life of such use.

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<sup>27</sup> § 98-22-J added pursuant to Local Law No. 6 of 2014

<sup>28</sup> § 98-23 repealed pursuant to Local Law No. 6 of 2014, amended §98-22B enacted in its place.



2. Shall not be placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter, nor shall any external evidence of such use be increased by any means whatsoever.
3. Shall not be changed to another nonconforming use without a special use permit from the Planning Board and then only to a use which, in the opinion of the Planning Board, is of a more restrictive nature.
4. Shall not be reestablished if such use has been discontinued for any reason for a period of one (1) year or more or has been changed to or replaced by a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.

#### §98-25. Nonconforming Structures

Any nonconforming structure may be continued but no permit shall be issued nor shall any changes be made that will result in an increase in the nonconformity of such structure.

#### §98-26. Restoration of Damaged Nonconforming Structures.

Nothing in this Chapter shall prevent the restoration or reconstruction of a nonconforming structure damaged or destroyed by fire or other casualty, provided that such restoration is reviewed and approved by the Planning Board, does not extend the nonconformity which previously existed and is commenced within eighteen (18) months after the date of the fire or other casualty and is completed within thirty (30) months after such date. Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any wall declared to be unsafe by the Building Inspector.

#### 98-27. Normal maintenance.

Normal maintenance and repair, structural alteration in and moving, reconstruction or enlargement of a building which does not house a nonconforming use, but is nonconforming as to the district regulations for lot area, lot width, front yard, side yard, rear yard, maximum height, maximum building or lot coverage or minimum livable floor area per dwelling, is permitted if the same does not increase the degree of, or create any new, nonconformity with such regulations in such building. Nothing in this Article shall be deemed to prevent normal maintenance and repair of any building, or the carrying out, upon the issuance of a building permit, of major structural alterations or demolitions necessary in the interest of public safety.

#### 98-28. Construal of previous unlawful uses.

In no event shall any use or condition unlawfully established under any previously existing building zone ordinance of the Village of Pawling be deemed to be a nonconforming use, building or structure under this chapter but shall be deemed to remain illegal and unlawful, nor

shall any amortization period for the elimination of nonconforming uses specified in any previously existing building zone ordinance be deemed extended, waived or modified.

## **ARTICLE VIII - RESERVED <sup>29</sup>**

### **ARTICLE VIII-A <sup>30</sup> DRIVEWAY PERMITS**

Driveways.

- (A) All new driveways and sidewalk crossings entering onto any street shall comply with all requirements of this article, including but not limited to obtaining the appropriate permits and the payment of any and all fees for said permits, and shall be subject to the approval of the Working Highway Foreman (the "Foreman"), except where such are part of a use subject to special permit or site development plan approval, in which case they shall be subject to Planning Board approval.
- (B) No driveway center line shall intersect a street line less than 70 feet from the intersection of any two street lines.
- (C) Driveway grades.
  - (1) The maximum grade for any new driveway accessory to a single-family dwelling and connecting its off-street parking area to a street shall be 10%, except where it can be demonstrated to the satisfaction of the approving authority that, because of unreasonable hardship affecting a particular property, the construction of a driveway shall be permitted, provided that the increase in driveway grade is the minimum increase required, and further provided that in no case shall such driveway grade be permitted to exceed 15%.
  - (2) The maximum grade for new driveways accessory to uses other than single-family dwellings and connecting the required off-street parking area to the street shall not exceed 7%, except that the approving authority shall have the same power to permit increased grades here as above, provided that such grades shall in no case exceed 10%.
  - (3) Notwithstanding the maximum permitted grades specified above, no driveway serving a use other than a single-family dwelling shall have a grade in excess of 3% within 50 feet of the center line of the traveled way of the street, or within 25 feet of the property line of the street, whichever

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<sup>29</sup> Article VIII repealed (§§s 98-29 - 98-44), reserved for future use, pursuant to Local Law No. 2 of 2022

<sup>30</sup> Article VIII-A added pursuant to Local Law No. 2 of 2003

distance is greater. The Planning Board may require increased platform areas of this type in situations where, because of the nature of the proposed use, substantial traffic volumes are anticipated.

- (4) Clear visibility shall be provided in both directions at all exit points so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the highway for a reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that there is a similar view of the automobile in the driveway.

#### Building and Driveway Permits.

- (A) A building permit shall not be issued until a driveway permit has been obtained from the Foreman.
- (B) Building and driveway permits must be obtained at the same time. If the roadway is completed at the time of issuance of the permits, a cash bond of two hundred dollars must be deposited with the Village for the driveway permit. The two-hundred-dollar cash bond will be returned upon completion of work as outlined in the permit and approved as completed by the Foreman.
- (C) The developer and/or owner of the total subdivision or the individual lot, plot or parcel being developed with a driveway shall so design, lay out and construct such driveway, both within and without the limits of the right-of-way, that the latest models of modern cars may enter and leave the right-of-way without difficulty.
- (D) The developer and/or owner shall construct all driveway entrances according to the dimensions and specifications shown on Figure 1, appearing at the end of this article, and any modification will have to be authorized, in writing, by the Foreman.
- (E) All necessary entrances within the subdivision shall be constructed at the time of construction of the curbs.
- (F) Before a building permit may be issued, the developer, owner or contractor must obtain a driveway permit from the Foreman and pay the requisite fee for said permit. The Foreman shall require before issuing the driveway permit that all requisite fees be paid and that the developer, owner or contractor submit to him a permit form, together with a plan drawn accurately to scale and showing the entire parcel of land, together with metes and bounds; North arrow, owner's name and address of the property; scale; location of the building on the property; and layout of the driveway from the paved street, through the right-of-way and into the property to building and/or parking areas. Where the existing property grade exceeds 5%, accurate existing and proposed grades shall be shown. Driveway

grades shall conform to Figure 1, appearing at the end of this article. A section through the driveway shall be shown on the permit drawing which shall show the materials and method of construction. The driveway shall be paved with a minimum of one and one-half (1½) inches of macadam over a six-inch-deep run-of-bank gravel base that has been properly compacted and sealed at a minimum from the edge of the pavement of the public street or road to the property line. Where required by the grade and/or the direction of the Foreman, a culvert, with a minimum fifteen-inch diameter, of galvanized corrugated metal pipe, shall be installed under the driveway to maintain proper drainage along the public road or street. The driveway construction within the property shall be so designed and constructed as to eliminate any erosion or siltation on any public road or street or adjacent properties.

- (G) After the developer and/or owner has secured a driveway permit and building permit, he shall rough out the driveway in accordance with the approved plan. He shall provide temporary siltation basins and/or any other type of energy dissipators as shall be additionally required by the Foreman in order to eliminate siltations from flowing onto any portion of the right-of-way. In the event that any siltation does occur, the Code Enforcement Officer shall issue a stop order of all construction until this problem has been corrected to the satisfaction of the Foreman. Any siltation and other damages that occur within the right-of-way of any adjoining property shall be corrected immediately, and no other construction shall continue until the Foreman has approved such correction.
- (H) Before the certificate of occupancy is issued and before anyone may be permitted to occupy and utilize any structure, the permanent driveway shall be installed and completed to the satisfaction of the Foreman. The Foreman shall issue a certificate of driveway completion, after he has inspected the same and found said driveway completed in accordance with the approved plan, approved with the issuance of the driveway permit. No certificate of occupancy may be issued without the driveway completion certificate having first been issued and filed with the Code Enforcement Officer.

#### **ARTICLE IX - RESERVED <sup>31</sup>**

#### **ARTICLE X - RESERVED <sup>32</sup>**

§98-57. Local Law #3 of 1987 is hereby repealed as of the effective date of this Chapter.

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<sup>31</sup> Article IX repealed (§§s 98-45 – 98-52), reserved for future use, pursuant to Local Law No. 2 of 2022

<sup>32</sup> Article X repealed (§§s 98-53 – 98-56 except §98-57), reserved for future use, pursuant to Local Law No. 3 of 2022

## **ARTICLE XI – RESERVED <sup>33</sup>**

## **ARTICLE XII PLANNING BOARD**

### **§98-60. Establishment.**

The Planning Board heretofore established pursuant to the Village Law is hereby continued.

### **§98-61. Composition, Appointments and Terms.**

- A. The Planning Board shall consist of five (5) members, including the Chairperson, appointed by the Mayor. All such appointments shall be for terms of five (5) years.
- B. No person who is a member of the Board of Trustees shall be eligible for membership on such Planning Board.
- C. Training Requirements. <sup>34</sup>
  - 1. The State of New York has recognized the importance of Training for members of the Planning Board in Section 7-718 of New York State Village Law.
  - 2. Each member of the Planning Board shall be required to attend a minimum of one seminar of training relevant to the responsibilities of the Planning Board 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 Planning Board pursuant to Village Law Section 7-718(9).

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<sup>33</sup> Article XI repealed (§§s 98-58 – 98-59), reserved for future use, pursuant to Local Law No. 2 of 2022

<sup>34</sup> Added pursuant to Local Law No. 3 of 20

4. The costs of training shall be a Village charge, and members shall be reimbursed for the cost of the training, provided such training and attendant costs have been approved in advance by the Village Board.
5. Approved Training Courses. Training sessions which relate to the duties of members of the Board may include programs offered by the New York Department of State, the New York State Department of Environmental Conservation, the Dutchess County Planning Department or Cornell Cooperative Extension or other appropriate entities. The Village Board, after consultation with the Chairperson of the Planning Board, may annually designate training courses which will meet the Village's training requirements.
6. Notwithstanding the foregoing, the failure of a member of the Board to obtain the required training shall not, absent Village Board action, affect the member's appointment to serve on the Board, to entertain and vote on applications or the validity of that member's acts as a Board member.

#### §98-62. Comprehensive Plan.

The Planning Board review and recommend updates to the Comprehensive Plan every five years; however, failure of the Planning Board to recommend updates to the Plan shall in no event invalidate any of the provisions of the current Comprehensive Plan or this Chapter.

#### §98-63. Powers.

The Planning Board is authorized and empowered to approve, approve with modifications or disapprove:

- A. Site plans in accordance with Article XIII of this Chapter.
- B. Plats showing lots, block or sites, with or without streets or highways.
- C. Preliminary and final subdivisions in accordance with the Subdivision Regulations.
- D. Changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the Dutchess County Clerk's office.

#### §98-64. Planning Board, Reports on Matters Referred to It.

The Board of Trustees may refer any matter or class of matters to the Planning Board before final action for a report to be submitted within a reasonable amount of time as fixed by the Board of Trustees.

**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

<sup>36</sup> Added pursuant to Local Law No. 4 of 2009

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 SEQQR 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 SEQRA. The Planning Board shall comply with SEQRA.
- 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.

4. The costs of training shall be a Village charge, and members shall be reimbursed for the cost of the training, provided such training and attendant costs have been approved in advance by the Village Board.
5. Approved Training Courses. Training sessions which relate to the duties of members of the Board may include programs offered by the New York Department of State, the New York State Department of Environmental Conservation, the Dutchess County Planning Department or Cornell Cooperative Extension or other appropriate entities. The Village Board, after consultation with the Chairperson of the Zoning Board of Appeals, may annually designate training courses which will meet the Village's training requirements.
6. Notwithstanding the foregoing, the failure of a member of the Board to obtain the required training shall not, absent Village Board action, affect the member's appointment to serve on the Board, to entertain and vote on applications or the validity of that member's acts as a Board member.

#### §98-67. Use and Area Variances.

The ZBA is empowered to grant use variances and area variances and to reverse, affirm or modify certain orders, requirements, decisions, interpretations and determinations of the Building Inspector as provided in Village Law §7-712-b, as amended from time to time.<sup>42</sup>

#### §98-68. Procedures.

The powers and duties of the ZBA shall be exercised in accordance with the following procedure:

- A. A public hearing shall be held by the ZBA on every appeal and application made to it. The ZBA shall decide upon the appeal within sixty two (62) days after the conduct of the hearing; provided however that such time may be extended by mutual consent of the applicant and the ZBA.
- B. A notice of such hearing and of the substance of the appeal or application shall be given by publication in the official newspaper of the village at least ten (10) days before the date of such hearing. A notice of such hearing shall also be transmitted to the applicant. The applicant shall be required to notify any property owner within two hundred (200) feet of the subject property by certified mail or registered mail and shall, on or before the date of the hearing, file with the Zoning Board of Appeals a verified statement that such property owners were so notified. Should the Zoning Board of Appeals deem an area beyond two hundred (200) feet

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<sup>42</sup> For the convenience of and guidance to applicants, a copy of Village Law §7-712(l)(a) and (b) and 7-712-b in effect as of the date of enactment of this Chapter are attached to this Chapter as Schedule "D".

of the subject property to be affected, it may require the notification of property owners within not more than five hundred (500) feet of said property by certified mail or registered mail. At least ten (10) days before such hearing, the ZBA shall mail notices thereof to the Dutchess County Planning Department, if required by section two hundred thirty-nine-m of the General Municipal Law which notice shall be accompanied by a full statement of the matter under consideration.<sup>43</sup>

- C. If the land involved in an appeal or application lies within five hundred (500) feet of the boundary of any other municipality, the applicant shall also transmit to the Municipal Clerk of such other municipality a copy of the official notice of the public hearing thereon not later than the day after such notice appears in the official newspaper of the Village.
- D. At least five (5) days before the date of any public hearing, the Secretary of the ZBA shall transmit to the Village Clerk a copy of any appeal or application, together with a copy of the notice of such hearing. The Board of Trustees may submit to the Zoning Board of appeals an advisory opinion on said appeal or application at any time prior to the rendering of a decision.
- E. Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance, such variance shall become null and void.
- F. Each and every application for a hearing and determination by the ZBA whereby said Board is called upon to exercise the powers and duties granted to it under and pursuant to the Village Law shall be accompanied by the filing fee determined as provided under Article X, which fee shall be payable to the Village Clerk.
- G. Every appeal or application shall refer to the specific provision of the ordinance involved and shall exactly set forth the interpretation that is claimed or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- H. Every decision of the ZBA shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- I. All the provisions of this chapter relating to the Zoning Board shall be strictly construed; the ZBA, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of this chapter and in strict compliance with all limitations contained therein; provided, however, that if the procedural requirements set forth in this chapter have been substantially observed, no applicant or appellant shall be deprived of the right of application or appeal.
- J. The ZBA shall comply with SEQR

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<sup>43</sup> §98-68.B amended pursuant to Local Law No. 1 of 1997



## **ARTICLE XV SPECIAL USE PERMITS**

### **§98-69. General Provisions.**

The Planning Board shall have the power, after public notice and hearing, to grant special use permits for the uses specified within this chapter.

Any use designated in a given district as requiring a special use permit shall be deemed to be a permitted use in such district, subject to satisfaction of the conditions and standards set forth in this Article in addition to all other requirements of this chapter.

### **§98-70. Application Procedures.**

- A. Application for the special use permit shall be made in writing to the Planning Board.
- B. Any land use requiring a special use permit shall also require site plan review as provided herein. The special use permit application shall be accompanied by a site plan application.
- C. In addition to the specific requirements of this chapter, the plan shall show any other information that the Planning Board may require as it deems necessary to act on the special use permit application.

### **§98-71. Review by Other Agencies.**

The Planning Board may forward copies. for review and report to such other agencies and officials as it deems appropriate.

### **§98-72. Public Hearing.**

The Planning Board shall fix a time within sixty-two (62) days from the day a complete application for special use permit is made for a public hearing.<sup>44</sup> Public notice shall be given by publication in the newspaper of such hearing at least five (5) days prior to the date of public hearing.

### **§98-73. Decision.**

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<sup>44</sup> Note the requirements of SEQRA with respect to a completed application. See 6 N.Y.C.R.R. 617.3(f).

- A. Time for decision. Within sixty-two (62) days of said hearing, the Planning Board shall approve, approve with modifications or disapprove the special use permit. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board.
- B. Filing of decision and notice. The decision of the Planning Board on the appeal shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant. No building permit shall be issued for a special permit use until the conditions of the Planning Board have been met.
- C. The Planning Board is empowered (but not required) to grant a special use permit and preliminary and final site plan approval with respect thereto simultaneously.

§98-74. Special Permit Considerations.

- A. The Planning Board shall approve an application for a special use permit, subject to such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit, if it finds that the following conditions have been met:
  - 1. The proposed use is compatible with the goals and objectives of the Comprehensive Plan, including without limitation reinforcing the B-1 district as the retail center of the Village and preserving the character and context of the district in which such use is proposed; provided, however, that this provision shall not be applied to deny a retail use in the B-2 district which meets the standards herein.
  - 2. That all proposed structures, equipment or material shall be readily accessible for fire and police protection.
  - 3. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with such use, the size of the site in relation to the use, the assembly of persons in connection with the use and the location of the site with respect to streets giving access to the site are such that the use will be in harmony with the appropriate and orderly development of the district in which the use is proposed to be situated.
  - 4. The location, nature and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
  - 5. Operations in connection with the use will not be offensive, dangerous, destructive of property values and basic environmental characteristics or detrimental to the public interest of the village and not be more

objectionable to nearby properties by reason of noise, fumes, vibration, flashing of or glare from lights and similar nuisance conditions than would be the operation of any permitted use not requiring a special use permit.

6. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
  7. The use conforms in all respects to all the regulations of this Chapter and particularly to the specific supplementary regulations that may apply to such use.
- B. The Planning Board shall require such additional conditions and safeguards to the special use permit as may be necessary to assure continual conformance to all applicable standards and requirements.
  - C. The Building Inspector shall not issue the permit for which the application has been made until receipt of written permit approval from the Planning Board.
  - D. Expiration of special use permits. A special use permit shall be void if construction contemplated is not started within one (1) year and completed within two (2) years of the date of the final site plan approval, except that such special permit approval may be renewed by the Planning Board at its discretion. Notwithstanding the foregoing to the contrary, with respect to a site on which an applicant seeks, with the approval of the planning board, to construct a project subject to a special permit in phases, revocation of a special permit for a given phase (for which specific site plan approval was granted) shall not invalidate any previously granted special permit on the site; provided that construction pursuant to such previous special permit was completed in accord with the time Frames set forth in this section.
  - E. Waiver. The terms and conditions of a special use permit may be modified by application to the Planning Board in the same manner as an application for a new special use permit. In the event that the modification sought is deemed insubstantial by the Planning Board, it may waive one (1) or more of the requirements of this section.
  - F. Existing violations. No permit shall be issued for a special use for a property upon which there is an existing violation of this chapter.
  - G. Referral. The Planning Board shall comply with the provisions of Article 12-B, §§ 239-l and 239-m of the General Municipal Law; as amended, and refer to the Dutchess County Department of Planning such special permit applications which are within its jurisdiction.

- H. In all instances, a special use permit may be revoked by the Planning Board, after public hearing, if it is found and determined that there has been a substantial failure to comply with any of the terms, conditions, limitations and requirements imposed by said permit.

§98-75. Individual standards and requirements for certain Special Permit uses.

§98-76. Retail in the B-2 district.

- A. The purpose of this special use permit is to allow Motor Vehicle Service Stations, Theaters, Restaurants, Bars, Nightclubs, sales and rentals of retail goods, public assembly places, museums and personal services stores and banks (all the foregoing uses being collectively referred to herein as "Retail Uses") in the B-2 district subject to the performance standards herein.
- B. The conditions set forth in section C. or section D. of this Article 98-76 must be met, in addition to other conditions set forth in this chapter, for issuance of a special use permit for a Retail Use.
- C. Special Permit Conditions Applicable to all Retail Uses:
  - 1. The buildings and other improvements on the site, the landscaping and the setbacks from Route 22 shall be designed and located in accord with the Urban Regulations.
- D. Specific Permit Conditions Applicable to Large Lots:
  - 1. The site must have 3 acres or more which may be a consolidation of two or more tax parcels provided that title to the lots included in the application are merged.
  - 2. The site must have direct vehicular and pedestrian access to East Main Street which is designed to encourage vehicular, bicycle and pedestrian traffic to enter the site from and exit the site onto East Main Street.
  - 3. Retail Use on the site shall not occupy in excess of 15,000 square feet
  - 4. The site plan shall adhere to the proposed plan and recommendations pertaining thereto in the Comprehensive Plan, subject to modifications required to address environmental constraints on the site. This provision shall not be construed to require that the buildings and parking shown in the Comprehensive Plan for such site be located in the footprints shown therein: provided that the site plan adheres to the design and planning concepts embodied in the Comprehensive Plan, including, without limitation, those relating to size, scale, location and positioning of buildings and other improvements.

5. No building shall be constructed within 50 feet from any residential property.
  6. Flat roofs shall be prohibited. Roofs shall have a minimum slope of 1/2.5.
  7. Density. The uses on the site shall not exceed a floor area ratio (FAR) of .3
  8. The applicant must maintain a minimum of 25% of the site's land area in perpetuity as Open Space.
- E. Special Permit Conditions Applicable to Small Lots. A special use permit shall be granted for Retail Uses for properties located within the B-2 district which do not meet the conditions in Section D of this Article, subject to the following:
1. Retail Use on the site shall not occupy in excess of (i) 2,500 square feet or (ii) the footprint of the building, if any, which exists on the site as of effective date of this Chapter, whichever is greater.
  2. The site plan shall adhere to the design and concept recommendations pertaining thereto in the Comprehensive Plan and to the Urban Regulations.
  3. Flat roofs shall be prohibited. Roofs shall have a minimum slope of 1/2.5.

§98-77. Senior Citizen Housing.

- A. The purposes of this special use permit are:
1. To ensure that Senior Citizen Housing in the Village is compatible with the existing scale of residential buildings and objectives of the Comprehensive Plan.
  2. To preserve, protect and maintain the existing scale and character of the residential districts and the objectives and (where applicable) design layouts of the Comprehensive Plan.
- B. The conditions set forth in this section must be met, in addition to other conditions set forth in this chapter, for issuance of a special use permit for Senior Citizen Housing.
- C. Residential housing which meets the other requirements of this chapter shall not be subject to this section merely because such housing is to be occupied or limited to occupancy by individuals 60 years of age or older.

- D. Eligible Properties. The subject property, if more than 50 units are proposed, must be located within 250 feet of one of the highways, arterial roads or collector roads shown in the Comprehensive Plan, Figure 8, to insure reasonable traffic flow within and through neighborhoods.<sup>45</sup>
- E. For proposals in residential districts, the following additional standards apply:
1. The proposed project shall meet the density, height, lot frontage, coverage, and yard requirements in the Bulk Schedule with the following exceptions allowed:
    - a. Maximum lot coverage shall be no greater than 40%.
    - b. Parking shall be at least one (1) space per three (3) dwelling units.
    - c. The density shall be no greater than 20 dwelling units to the gross acre.
  2. Siting:
    - a. The dwelling units shall be designed in groupings of small buildings (with no more than 20 dwelling units per building), rather than as one or more large buildings.
    - b. Buildings shall be grouped around a common area to achieve a "village green".
    - c. Parking located in the front yard shall be prohibited.
  3. Massing and Scale of Buildings
    - a. Buildings should give the appearance by use of design features on a single building or by development of individual buildings of being of the same general scale or size as other residential buildings in the community.
    - b. Limited height: No building shall be built to a height greater than 2 stories or 25 feet, whichever is less (this shall be exclusive of sloped roofs).
    - c. Flat roofs shall be prohibited. Roofs shall have a minimum slope of 1/2.5.

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<sup>45</sup> §98-77.D amended pursuant to Local Law No. 5 of 1995

- d. A facade of a building may not exceed 75 feet without a significant break of at least 10% of the length of the building.
  - e. Roofs shall be varied to create a visual impression of individual dwelling units.
4. Architectural Features and Materials. When a facade exceeds 30 feet in length, architectural elements shall be introduced to the facades and roofs to produce a visual effect compatible with the Architectural Guidelines of the Comprehensive Plan. Such elements may include dormers, bays, entrance porches, cornices, balconies, window treatments, etc.

§98-78. Office/Research/Light Industrial.

- A. Purpose: The purpose of this special permit is to encourage good design and a sensible mix of land uses on parcels within the Village of Pawling of 25 acres or more with frontage on Route 22, in conformance with the community and design objectives of the Comprehensive Plan. Such development will provide the Village of Pawling with economic and efficient use of land, harmonious varieties of housing types and an increased tax base through commercial uses, and will encourage preservation of open space.
- B. Eligibility: The minimum requirements for the special permit are:
  - 1. Minimum of four hundred (400) feet of frontage on State Route 22.
  - 2. Minimum of twenty-five (25) contiguous acres.
  - 3. The property must be in single ownership.
- C. Uses. If the requirements of this section are met the Planning Board may grant a special permit for the following uses or mix of uses:
  - 1. Offices
  - 2. Light industry, warehouse and indoor storage
  - 3. Recreation facilities and membership clubs
  - 4. Schools and public buildings
- D. Development Standards
  - 1. Density. Non-residential uses shall not exceed a floor area ratio (FAR) of 0.15. In determining density the applicant shall show appropriate maps

indicating any residential and commercial areas and their respective densities.

2. Building Height. The maximum permitted building height shall be forty (40) feet.
3. Maximum Coverage. The maximum permitted gross building coverage shall be fifteen percent (15%).
4. Screening and Buffering. The minimum buffer area shall in no case be less than one hundred (100) feet.
5. Open Space and Recreation Areas. At least 25% of the gross acreage of the site shall be composed of land which is used for recreational purposes and/or preserved as Open Space.
6. Unit Design Consideration. The illustrative design lay-outs contained in the Comprehensive Plan shall be utilized by the Planning Board in maintaining an appropriate scale to the proposed buildings and insuring compatibility with natural and man made surroundings.

#### §98-79. Home Occupations.

- A. Purpose. The provisions of this section are to help provide peace, quiet and domestic tranquility in all residential districts while recognizing that limited home occupational use can be useful to the general community as well as the resident/proprietor.
- B. The following conditions must be met, in addition to other conditions set forth for this chapter, for issuance of a special use permit for a home occupation:
  1. A home occupation must be incidental to the use of a dwelling unit for residential purposes.
  2. The dwelling unit must be owner-occupied.
  3. No more than twenty-five percent (25%) of the total floor area of the dwelling unit may be used in connection with a home occupation. This floor area requirement refers only to heated and habitable rooms within the dwelling unit. This maximum floor area percentage shall not apply to a home occupation operated entirely within an Accessory Structure.
  4. The sale of produce and consumer goods shall be prohibited except for the sale of products or goods produced or fabricated on the premises as a result of the home occupation.



5. Only the person or persons who own and occupy the dwelling, and up to two (2) additional persons, shall be employed in the home occupation. Off-street parking shall be provided for each additional employed person and shall conform to all applicable regulations.
  6. There shall be no outside evidence of the home occupation, except that one (1) unanimated, unilluminated, flat or window sign having an area of not more than two (2) square feet shall be permitted on the street front of the lot on which the building is located, subject to all applicable regulations.
  7. There shall be no exterior storage of materials to be used in conjunction with a home occupation.
  8. No alteration or the residential appearance of the premises to accommodate the home occupation is allowed.
  9. An existing accessory structure can be used for a home occupation, provided that there are no exterior modifications and that the use will not change the residential character of the area.
  10. In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. nor later than 9:00 p.m.
  11. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
  12. Electrical or mechanical equipment that creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit or that creates noise not normally associated with residential uses is prohibited.
- C. Expiration. The special use permit expires when the occupation changes or the property is sold.
- D. The following uses are allowed, provided that they comply with the conditions set forth herein:
1. Artist or musician.
  2. Custom dressmaking/seamstress.
  3. Tutoring. Instruction in any area shall be limited to five (5) students at one (1) time.
  4. Home crafts for sale on and off site.

5. Drafting and graphic services.
  6. Data processing, computer programming and word processing.
  7. Baby-sitting up to three (3) children, in addition to the immediate family members, provided that all county, state and federal requirements are satisfied.
  8. Professional and other consulting services, e.g., interior design, engineering, financial planning, architecture, law and real estate.
  9. Medical doctors, dentists, chiropractors and other health care professionals.
  10. Gardening and landscape maintenance.
  11. Single-chair beauty salons or barbershops.
  12. Any use not stipulated above may be reviewed by the Planning Board for appropriateness as a home occupation.
- E. Because of parking requirements and other issues of compatibility, the following uses are specifically prohibited as home occupations:
1. Ambulance service.
  2. Automobile repair, parts, sales, upholstery or detailing and washing service, including businesses working at customers' homes.
  3. Churches and religious instruction.
  4. Restaurants and taverns.
- F. Occupations not listed in Subsection D must be considered on their merits and are subject to requirements set forth in this section and to procedures for special use permits as outlined in this chapter.

#### §98-80. Accessory Dwellings.

- A. A Special Use Permit is required to create an accessory dwelling, subject to the following conditions:
1. The accessory dwelling shall be located either in an accessory structure to a single family dwelling which meets applicable requirements of this Chapter, provided, however, in no event shall the portion of an accessory

structure used for an accessory dwelling be less than 450 square feet or greater than 500 square feet and there shall be no more than one accessory dwelling for any single family dwelling.

2. Only one dwelling unit is allowed in the accessory dwelling.
3. The number of bedrooms in the accessory dwelling shall not be more than one (1) and it shall be used as a dwelling unit by not more than two persons at a time.
4. This special permit shall only be granted to single family residences which have a minimum floor area (exclusive of garage and accessory structures) of 1,200 square feet.
5. Continued compliance with all of these regulations is required. Failure to do so will result in revocation of the Special Use Permit.
6. The owner of the lot upon which the accessory dwelling is located shall occupy the principal or accessory dwelling on the lot as his primary residence.
7. The Special Use Permit shall be issued to the owner of the property. In the event of a change in ownership or a change in the residence of the owner, the Special Use Permit and certificate of occupancy for the accessory dwelling shall be null and void. If a new owner desires to secure a Special Use Permit for an accessory dwelling, the owner must apply to the Planning Board as provided herein.
8. Any Special Use Permit granted under this provision shall be valid for a period of two (2) years.
9. The owner of the accessory dwelling shall be entitled to renewal of the Special Use Permit provided that all conditions of the original permit are satisfied at the time of such renewal. If the Building Inspector determines, upon inspection of the property, that there have been no material changes in the property since the date of the original application, then the Planning Board shall issue such renewal permit without requiring a new application upon the applicant's payment of a renewal fee in an amount specified in the Village's schedule of fees.
10. In the event that the term of a Special Use Permit expires, the use of the structure as an accessory dwelling shall cease.

§98-81. Route 22 Office Use.

- A. Office use in buildings with frontage on Route 22 may be permitted by special permit from the Planning Board, subject to the following conditions:
  - 1. The residential character of existing buildings must be maintained.
  - 2. Additions to existing structures shall be designed to be compatible with the existing residential structure.
  - 3. Such office use must be located within 150 feet of Route 22.
  - 4. Parking for non-resident employees must be provided at one (1) space per two hundred fifty (250) square feet of gross floor area of office use.
  - 5. Properties in a residential district with frontage on Coulter Avenue, East Main Street or Taber Knolls are not eligible for this special use permit.

§98.82. Motor vehicle service stations.

The conditions set forth in this section must be met, in addition to the other conditions set forth in this chapter for issuance of a special use permit for a Motor Vehicle Service Station.

- A. The minimum lot area for such use shall be ten thousand (10,000) square feet, and the minimum frontage on each street on which such lot fronts shall be one hundred (100) feet.
- B. Entrance and exit driveways shall have an unrestricted width of not less than sixteen (16) feet, shall be located not nearer than ten (10) feet from any property line and shall be so laid out as to avoid the necessity of any vehicle entering the property to back out across any public right-of-way or portion thereof.
- C. Vehicle lifts, dismantled and disabled automobiles or used cars for sale and all parts or supplies shall be located within a building enclosed on all sides.
- D. All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
- E. The storage of gasoline or flammable oils in bulk shall be located fully underground and not nearer than thirty-five (35) feet from any property line other than the street line.
- F. No gasoline pumps shall be located nearer than twenty (20) feet to any street line.
- G. No building permit shall be issued for a motor vehicle service station within a distance of two hundred (200) feet of any school, church, hospital or place of

public assembly designed for the simultaneous use and occupancy by more than one hundred (100) persons; said distance shall be measured in a straight line between the nearest points of each of the lots or premises, regardless of the district where either premises is located.

## **ARTICLE XVI**

### **AMENDMENT PROCEDURE AND COMPLIANCE WITH SEQR**

#### **§98-83A. Amendment Procedure.**

- A. This chapter, or any part thereof, may be amended, supplemented or repealed, from time to time, by the Board of Trustees on its own motion or on petition, as provided in Article 7 of the Village Law.
- B. Each petition for a zoning amendment shall be accompanied by a fee in accordance with Article X of this ordinance, payable to the Village Clerk upon the filing thereof. No fee shall be required for petitions filed in favor of or against a pending application.
- C. By resolution adopted at a stated meeting, the Board of Trustees shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given in accordance with the provisions of Article 7 of the Village Law.
- D. All notices of public hearings shall specify:
  - 1. The nature of any proposed amendment.
  - 2. The land or district affected.
  - 3. The date when and the place where the public hearing will be held.

#### **§98-84. Compliance with SEQR.**

- A. Pursuant to SEQR, a Generic Environmental Impact Statement ("GEIS") has been prepared to assess the environmental effects of the Comprehensive Plan and this Chapter.
- B. Individual applications for subdivision, site plan or special use permit approval which conform to the Urban Regulations, and to the design and concept recommendations pertaining thereto, if any, in the Comprehensive Plan (a "Conforming Application") shall require only supplemental Environmental Impact Statements as described in the SEQR regulations. See 6 NYCRR §617.15.

§98-85. Wireless Communication Towers and Facilities.<sup>46</sup>

- A Purpose. It is the purpose of this section to protect the aesthetics of the Village of Pawling, and safety of the Village's residents, by regulating the siting and design of communication facilities located in the Village. Specifically, this section shall:
- (1) Establish clear standards for the location of communication facilities and accessory structures;
  - (2) Minimize the total number of communication towers located within the Village of Pawling;
  - (3) Attempt to protect residential areas and sensitive land uses from the potential adverse impacts of communication towers;
  - (4) Establish clear standards to minimize the negative aesthetic impacts of communication towers;
  - (5) Establish a permitting system which ensures periodic re-evaluation of the sites and communication towers;
  - (6) Ensure timely removal of an abandoned or unused communication tower and accessory structures;
  - (7) Encourage a streamlined approval process for proposed communication towers and accessory structures which comply with the regulations of this section.
- B. Intent. These regulations are intended to be consistent with the Telecommunications Act of 1996 in that:
- (1) They do not prohibit, or have the effect of prohibiting, the provision of wireless communication services.
  - (2) They are not intended to be used to unreasonably discriminate among providers of functionally equivalent services.
  - (3) They do not regulate wireless communication services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning such emissions.

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<sup>46</sup> Added pursuant to Local Law No. 4 of 1998. NOTE: there are two separate sections of this chapter 98 designated as §98-85

- C. Compliance with the State Environmental Quality Review Act. The Planning Board shall comply with all provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations. An application for a communication facility which conforms to the regulations of this section and the Village of Pawling Village Law shall be an Unlisted Action. Should

§98-86. Village of Pawling List of SEQRA Type I Actions.<sup>47</sup>

- A. In addition to the list of Type I Actions detailed in 6 NYCRR Part 617.4, the following actions are also considered Type I Actions by the Village of Pawling:
  - (1) If a proposed action does not comply with the regulations of Article IV Section 98-85 "Wireless Communication Towers and Facilities" of this Chapter resulting in a request for use or area variances, the action be considered a Type I Action.

**ARTICLE XVII**  
**STORMWATER CONTROL**<sup>48</sup>

§98-85. Definitions<sup>49</sup>

The terms used in the Articles concerning Stormwater Control, Subdivision, Site Plan Review or in documents prepared or reviewed under this Article XVII shall have the meaning as set forth in this section.

Agricultural Activity – the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures, roads, or ponds larger than 5000 SF associated with agricultural activities.

Applicant – a property owner or agent of a property owner who has filed an application for a land development activity.

Building – any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

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<sup>47</sup> Added pursuant to Local Law No. 4 of 1998

<sup>48</sup> Article XVII entitled Stormwater Control added pursuant to Local Law No. 2 of 2007

<sup>49</sup> NOTE: there are two separate sections of this chapter 98 designated as 98-85

Certified Professional in Erosion and Sediment Control – A CPESC is a recognized specialist in soil erosion and sediment control. CPESCs have educational training, demonstrated expertise, experience in controlling erosion and sedimentation, and meet certification standards.

Channel – a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clearing – any activity that removes the vegetative surface cover.

Dedication – the deliberate appropriation of property by its owner for general public use.

Department – the New York State Department of Environmental Conservation.

Design Manual – the *New York State Stormwater Management Design Manual*, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

Developer – a person who undertakes land development activities.

Erosion Control Manual – the most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

Grading – excavation or fill of material, including the resulting conditions thereof.

Impervious Cover – those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Industrial Stormwater Permit – a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration – the process of percolating stormwater into the subsoil.

Illicit Discharge – Any direct or indirect non-storm water discharge to the storm drain system. Further clarification of this definition is provided in other Village Ordinances.

Land Development Activity – construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance exposing soil to the elements that may result in erosion of that soil or the transport of sediment off the project site to other sites, the Village drainage system, wetlands and/or water courses.

Landowner – the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.



Maintenance Agreement – a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

Nonpoint Source Pollution – pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction; subsurface disposal and urban runoff sources.

Phasing – clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

Pollutant of Concern – sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

Project – land development activity

Recharge – the replenishment of underground water reserves.

Redevelopment – is a Land Development Activity that modifies existing properties to make it suitable for a new use or improves the site for existing uses.

Sediment Control – measures that prevent eroded sediment from leaving the site.

Sensitive Areas – cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES General Permit for Construction Activities GP-02-01 – A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-02-02 – A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

Stabilization – the use of practices that prevent exposed soil from eroding.

Stop Work Order – an order issued which requires that all construction activity on a site be stopped.

Stormwater – rainwater, surface runoff, snowmelt and drainage

Stormwater Hotspot – a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

Stormwater Management – the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

Stormwater Management Facility – one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

Stormwater Management Officer – an employee or officer designated by the Village to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

Stormwater Management Practices (SMPs) – measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution-inputs to stormwater runoff and water bodies.

Stormwater Pollution Prevention Plan (SWPPP) – a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Stormwater Runoff – flow on the surface of the ground, resulting from precipitation

Surface Waters of the State of New York – lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Ultimate Area of Land Disturbance – The total disturbed land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules such as phased construction schedule, development of lots in a subdivision, etc.

Watercourse – a permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water.

Waterway – a channel that directs surface runoff to a watercourse or to the public storm drain.

Wetland – an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The boundary of a wetland is identified based on the methodology established by the US Army Corps of Engineers.

#### §98.86. Applicability

- A. This Article XVII shall be applicable to all land development activities as defined in this Article XVII.
- B. The Village shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the Board of Trustees, engage the services of a registered professional engineer to review the plans, specifications and related documents, the costs of such review to be paid by the applicant pursuant to the "Fees for Services" provisions contained in Section 6.5 herein or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.
- C. All land development activities subject to review and approval by the Village of Pawling Planning Board ("Planning Board") under the subdivision, site plan, and/or special permit regulations contained in the Village of Pawling Village Code ("Village Code") shall be reviewed subject to the standards contained in this Article XVII
- D. All Land Development Activities that are subject to review under this law, but that are not subject to review by the Planning Board pursuant to Section 98.86(C), shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer, who shall approve the SWPPP if it complies with the requirements of this law.

The Stormwater Management Officer is authorized to retain a professional engineer to assist in this review process. If the Stormwater Management Officer concludes that a professional engineer should be retained to review the SWPPP, the applicant shall be required to fund an escrow account for the purpose of reimbursing the Village for the reasonable engineering fees and costs incurred during this review process.<sup>50</sup>

#### §98.87. Exemptions

The following activities may be exempt from review under this law.

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<sup>50</sup> §98-86.D amended pursuant to Local Law No. 4 of 2009

- A. Agricultural activity as defined in this Article XVII.
- B. Silvicultural activity except that landing areas and log haul roads are subject to this law.
- C. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility and can not be classified as a land development activity.
- D. Repairs and Routine Maintenance to any stormwater management practice or facility disturbing less than 5000 SF that is deemed necessary by the Stormwater Management Officer.
- E. Any part of a subdivision if a plat for the subdivision has been approved by the Planning Board on or before the effective date of this law.
- F. Land development activities for which a building permit has been approved on or before the effective date of this law.
- G. Cemetery graves.
- H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- I. Emergency activity immediately necessary to protect life, property or natural resources.
- J. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- K. Landscaping and horticultural activities in connection with an existing structure. Activities associated with wholesale or retail sales of plants, mulches, topsoil, or other plant materials or products are not included in this exemption.

#### §98.88. Stormwater Pollution Prevention Plans

- A. Stormwater Pollution Prevention Plan Requirement
  - 1. No application for approval of a Land Development Activity shall be approved until a SWPPP has been prepared and approved in accordance with this law.<sup>51</sup>

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<sup>51</sup> §98.88(A)(1) amended pursuant to Local Law No. 4 of 2009

2. To determine the need for a SWPPP, two overlay zones have been established as follows:
  - a) The East Branch of the Croton River Watershed.
  - b) The Swamp River Watershed.
  - c) For parcel where the boundary passes through the parcel
    - 1) If the boundary divides a parcel where less than 5,000 SF is in the East Branch Watershed, then the entire parcel will be treated as being in the Swamp River watershed.
    - 2) If due to the installation of drainage structures or performing grading on the parcel, the overland flow from the parcel outlets to the Swamp River, then that parcel will be treated as being in the Swamp River Watershed. The Planning Board or its designee will determine if any proposal for overland flow diversion is acceptable. Any proposal for overland flow diversion shall:
      - i) be no more than 20,000 SF;
      - ii) show that downstream impacts in the receiving watershed can be mitigated;
      - iii) show that there are no downstream impacts to water resources of the watershed where the water is being diverted from.
    - 3) If neither of the previous conditions apply, then the area of the parcel in the Swamp River Watershed will comply with the requirements of that overlay zone and the area within the East Branch Watershed will comply with the requirements of that zone.
    - 4) The boundary of the zones is generally shown on a plan on File with the Village Clerk. If the location of the boundary on any specific parcel is disputed by any land owner the boundary may be determined by a detailed survey of the property and its position in a watershed and Certification by a Licensed Professional Engineer.
3. Requirements for the East Branch Croton Watershed. A SWPPP shall be required for Land Development Activities of equal to or greater than five thousand (5,000) square feet, or activities disturbing less than five

thousand (5,000) square feet, if part of an activity with an Ultimate Area of Land Disturbance greater than 5,000 square feet.<sup>52</sup>

4. Requirements for the Swamp River Watershed - A SWPPP shall be required for Land Development Activities of equal to or greater than twenty thousand (20,000) square feet or activities disturbing less than twenty thousand (20,000) square feet if part of an activity with an of Ultimate Area of Land Disturbance greater than 20,000 square feet.

B. Contents of Stormwater Pollution Prevention Plans

1. All SWPPPs shall provide the following background information and erosion and sediment controls:
  - a) Background information about the scope of the project, including location, type and size of project.
  - b) Site map/construction drawing(s) for the project at a scale of no smaller than 1"=100', including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
  - c) Description of the soil(s) present at the site;
  - d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. The intent is to minimize the area of disturbance as a means to prevent erosion and encourage stabilizing disturbed areas as quickly as possible. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP with special attention to controlling erosion and dust through temporary measures.
  - e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

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<sup>52</sup> §98.88(A)(3) amended pursuant to Local Law No. 4 of 2009

- f) Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
  - g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
  - h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
  - i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
  - j) Temporary practices that will be converted to permanent control measures;
  - k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
  - l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
  - m) Name(s) of the receiving water(s);
  - n) Delineation of SWPPP implementation responsibilities for each part of the site;
  - o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
  - p) Any existing data that describes the stormwater runoff at the site.
2. Land development activities as defined in Section 98-85 of this Article and meeting Conditions below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Item 3 below as applicable:

For both watersheds:

Condition A - Storm water runoff from land development activities disturbing one (1) or more acres.

For only the East Branch of the Croton Watershed:

Condition B: stormwater runoff from land development and redevelopment activities for parking areas having greater than 15 cars (existing or proposed).

Condition C: stormwater runoff from land development and redevelopment activity identified as having specific pollutant loading concerns (i.e. Stormwater Hot Spots - industrial sites, commercial sites with wastes (dumpsters, stored goods, litter, etc) likely to be exposed to the weather and contaminate stormwater).

3. SWPPP Requirements for Conditions A, B and C:

- a) All information in Section 98.88 B.1 of this Article XVII
- b) Description of each post-construction stormwater management practice;
- c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
- d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms
- e) Comparison of post-development stormwater runoff conditions with pre-development conditions. Parcels in the East Branch Watershed must comply with the requirements of the Technical Standards for Phosphorus Removal.
- f) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
- g) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice.
- h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and



repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.

- i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Section 98-90 of this Article XVII.

C. Plan Preparation and Certification

1. For land development activities as defined in Item 1 of this Section and meeting Condition A, B or C in Item B.2., the SWPPP shall be prepared by a registered landscape architect or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this Article XVII.
2. For land development activities as defined in Item 1 of this Section and having a disturbed area of less than 20,000 SF with slopes generally less than 10% and no water course or wetland within 200', the SWPPP may use appendix E of the "Standards". If in the opinion of the Stormwater Management Officer, that conditions exists which require individualized SWPPP, then the requirements of Item 3 must be complied with.
3. For Land Development Activities and having a disturbed area between 20,000 SF and 1.0 Acre, the SWPP shall be prepared by certified professional in erosion and sediment control (only for sites without drainage structures), registered landscape architect or professional engineer and must be signed by the professional preparing the plan. The professional preparing the SWPPP shall certify that the design of all stormwater management practices meet the requirements in this Article XVII.

D. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final storm water design plan.

E. Contractor Qualifications/Certification

1. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following contractor qualifications/certification statement before undertaking any land development activity : "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution

Prevention Plan; and that I, or one of my onsite staff, has received a minimum of four (4) hours of acceptable training in Erosion and Sediment Control within the last two (2) years. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standard." This certification shall be on a form provided by the Stormwater Management Officer. Each certification shall also designate the responsible person charged with ensuring the contracting firm's compliance with the SWPPP. If the designated responsible person is someone other than the person who signed the certification statement on behalf of the contracting firm, that designated responsible person shall also sign and date the certification statement and certify that he/she understands the requirements of the SWPPP and will comply with its terms and conditions.

2. The certification must include the name and title of the person providing the signature, the person identified as having the training, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
3. The certification statement(s) shall become part of the SWPPP for the land development activity.

- F. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization. The SWPPP shall be posted in a prominent location at the Project and protected from the weather.

#### §98.89. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land development activities shall be subject to the following performance and design criteria:

A. Technical Standards

For the purpose of this Article XVII, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

1. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual) and the Stormwater Phosphorus Removal Supplement, most current version or its successor (document to be developed by DEC).
2. New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation

Society, 2005, most current version or its successor, hereafter referred to as the Erosion Control Manual).

B. Equivalence to Technical Standards

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in (Section 5.3, Criteria for Practice Addition) of the Design Manual and the SWPPP shall be prepared by a licensed professional.

C. Water Quality Standards

1. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

§98.90. Maintenance, Inspection and Repair of Stormwater Facilities

A. Maintenance and Inspection During Construction

1. The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this Article XVII. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
2. For land development activities as defined in this Article and meeting Condition "A" in Section 98.88(B)(2), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices at the frequency specified in the general permit for Construction Activities. Inspection reports shall be maintained in a site log book. All inspection reports should be provided to the Stormwater Management Officer the next business day after completing the Inspection.<sup>53</sup>
3. The results of all inspections shall be performed in general compliance with the latest version of the NYSDEC "Construction Stormwater Inspection Manual" and recorded on a form equivalent to the form contained in that Manual. Other forms may be permitted if agreed to in advance by the Stormwater Management Officer.

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<sup>53</sup> §98.90(A)(2) amended pursuant to Local Law No. 4 of 2009

B. Maintenance Easement(s)

Prior to the issuance of any approval that has a storm water management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Pawling to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Article XVII. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Village of Pawling.

C. Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

1. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
2. Written procedures for operation and maintenance and training new maintenance personnel.
3. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Section 98.89C.

D. Maintenance Agreements

The Village of Pawling shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule A of this Article XVII entitled Sample Stormwater Control Facility Maintenance Agreement. The Village of Pawling, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this Article XVII and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§98.91. Performance and Design Criteria for facilities to accept Construction Site Wastes

A. Definitions.

1. "Construction site waste" shall mean construction and demolition debris, solid waste and hazardous waste, as those terms are defined in this Article XVII, which is produced or generated at a construction site.
2. "Construction and demolition (C&D) debris" means uncontaminated waste resulting from the construction, remodeling, repair and demolition of utilities, structures and roads; and uncontaminated solid waste resulting from land clearing. Such waste includes, but is not limited to bricks, concrete and other masonry materials, soil, rock, wood (including painted, treated and coated wood and wood products), land clearing debris, wall coverings, plaster, drywall, plumbing fixtures, nonasbestos insulation, roofing shingles and other roof coverings, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, empty buckets 10 gallons or less in size and having no more than one inch of residue remaining on the bottom, electrical wiring and components containing no hazardous liquids, and pipe and metals that are incidental to any of the above.
3. "Construction Site" means the entire property that is the subject of a building permit, subdivision application or zoning permit application where construction, remodeling, repair and demolition of utilities, structures and roads take place.
4. "Hazardous waste" means that waste which appears on the list, or satisfies the characteristics of hazardous waste, promulgated pursuant to section 27-0903 of the Environmental Conservation Law.
5. "Responsible Person" means the current owner of the property. Any delegation of this responsibility must be promptly communicated to the regulatory agencies, their inspectors, and the project engineer. Delegation does not relieve the landowner from responsibility.
6. "Solid waste" means waste which is not C&D debris (even if resulting from the construction, remodeling, repair and demolition of utilities, structures and roads and land clearing) and includes but is not limited to asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, carpeting, furniture, appliances, tires, drums, containers greater than 10 gallons in size, any containers having more than one inch of residue remaining on the bottom and fuel tanks.
7. Specifically excluded from the definition of construction and demolition debris is solid waste (including what otherwise would be construction and demolition debris) resulting from any processing technique, other than that employed at a department approved C&D debris processing facility, that

renders individual waste components unrecognizable, such as pulverizing or shredding.

B. Standards for Waste Storage facilities and wash down areas.

1. The Responsible Person shall keep all construction site waste in appropriate containers or dumpsters. An "appropriate container or dumpster" is one which prevents leakage and exposure to rainfall. All containers and dumpsters used to store construction site waste shall have a permanent cover to prevent the accumulation of water in the containers and/or dumpster and to keep objects within the containers and/or dumpsters. The containers will be anchored or otherwise secured to prevent them from being blown or tipped over.
2. The Responsible Person shall provide temporary sanitary facilities for human wastes, such as portable toilets.
3. The Responsible Person shall store any hazardous waste in labeled containers approved for that purpose by the manufacturer of the container, third party testing agency (UL, etc). Hazardous waste shall be protected from the weather. Other local, state, or federal regulations regulating the storage and disposal of hazardous waste must be complied with.
4. The Responsible Person shall ensure that all equipment wash down areas shall have protections placed to prevent the expected pollutant from reaching wetlands, water courses and drainage systems. Including the following specific measures:
  - a) Concrete Truck Wash down areas shall have hay bales or other filter measures placed around the area of discharge in order to keep the concrete in one area and to filter the diluted wash water.
  - b) Earth moving equipment including track and wheel excavators, dozers, dump trucks, etc shall be done in an area surrounded by silt fence such that all the excess water filters through the silt fence. Oil absorption pads shall be used if a high level of grease or oil is expected or if a sheen develops on the wash water.
  - c) Paving equipment and delivery trucks shall not be washed down with asphalt release chemicals on site.

C. Standard for locating Storage Facilities

1. All construction site waste containers not less than 50 foot distance from any wetland, watercourse, waterbody or drainage system.

2. All maintenance/wash down areas for construction vehicles shall be greater than 100 feet from any wetland, watercourse, waterbody or drainage system.
3. All temporary sanitary facilities shall be located greater than 50 feet from any wetland, watercourse, waterbody or drainage system.
4. If site conditions dictate that there is no practical location to store these materials on the site, the Stormwater Management Officer may make exceptions to the minimum setback. In all cases, the separation from the wetland, watercourse or waterbody shall be as great as possible. The Stormwater Management Officer may, at his discretion, require measures to mitigate any concerns raised by the reduced setback including requiring the use of construction barrier fence, ditches or, barriers to prevent further intrusion into the setback.
5. All facilities shall be located as far away from adjoining property lines to minimize impacts to the neighbors of the construction site.

D. Standards for Maintaining Waste Storage

1. All Construction Sites shall be inspected daily and any construction site waste shall be collected and placed in the appropriate container or dumpster.
2. Any excess construction materials removed from vehicles must immediately be removed from the site, placed in the appropriate container or otherwise prevented from becoming a contaminant.
3. All leaks and spills shall be cleaned immediately in manner appropriate for the magnitude of the leak or spill. As necessary, berms or dikes shall be erected to contain or divert the flow of a spill. In the event of these discharges, there may be reporting requirements or actions mandated by laws and other regulations not mentioned herein which the Responsible Person is responsible to comply with.
4. Temporary sanitary facilities shall be inspected regularly, at least once a week, checked for leaks, and pumped out or replaced as frequently as necessary. The Facilities will be removed from the construction site within one week after construction activities have ceased and are not expected to resume within four weeks from the date when they ceased.
5. Construction site waste shall be stored in such a manner on a Construction Site that does not impair the public health or safety.

6. The containers and dumpsters will be removed from the construction site upon the earlier of: within one week of being filled to capacity and within one week after construction, remodeling, repair and demolition activities have ceased and are not expected to resume within four weeks from the date when they cease.

## §98.92. Administration and Enforcement

### A. Construction Inspection

#### 1. Erosion and Sediment Control Inspection

The Village of Pawling Stormwater Management Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of Pawling enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- (a) Start of construction
- (b) Installation of sediment and erosion control measures
- (c) Completion of site clearing
- (d) Completion of rough grading
- (e) Completion of final grading
- (f) Close of the construction season
- (g) Completion of final landscaping
- (h) Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

#### 2. Coordination with other permits

All Land Development Activities that disturb greater than one (1) acre of land are required to meet the requirements of the NYSDEC Permits for Construction Activities. When other permits are required by federal, state, or Article XVII and/or regulation, the provisions of this law are meant to be complementary to such laws and regulations. The Inspections performed or required by the Village of Pawling in no way take the place of the requirements of any other permit. In order to coordinate the requirements of other permits with the requirements of this section, the Stormwater Management Officer shall be provided with:



- (a) all correspondence with the other agencies including Notices of Intent, Notices of application for individual permits, Notice of Termination, etc,
- (b) all weekly inspection reports if required,
- (c) all inspections required after rainfall events (within 12 hours of the inspection),
- (d) any enforcement notices.

**B. Stormwater Management Practice Inspections**

1. The Village of Pawling Stormwater Management Officer, is responsible for conducting inspections of storm water management practices (SMPs) that were installed as part of approved plans as specified below. The purpose of the inspections is to insure that the SWPs are maintained and operating as intended in the approved design.
2. All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed as required in the subdivision and site plan sections of this Article XVII. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.
3. Inspection of Stormwater Facilities After Project Completion
  - a) routine inspections will be performed on an annual basis for the first two years and may be reduced to, not less than, once every five years, as deemed reasonably necessary by the Stormwater Management Officer. The landowner will have these inspections performed by a qualified individual, and shall cause written inspection reports to be submitted to the Village by that qualified individual in compliance with the reporting schedule that shall be established by the Stormwater Management Officer at the start of operations.
  - b) random inspections; inspections based upon complaints or other notice of possible violations will be performed by Stormwater Management Officer or a designated qualified person. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices. Random inspections may be un-announced and may be joint inspections with other agencies inspecting under environmental or safety laws.

- c) Inspections may also be conducted by the Storm water Management Officer or a designated qualified individual to determine the presence of Illicit Discharges are present, as may be more completely described in other sections of the Village Code.
- d) By filing a SWPPP for approval by the Village Planning Board or the Stormwater Management Officer, the owner of the real property consents to the inspections identified in paragraphs (b) and (c) of this Item. In recognition of the benefits that accrue to the real property by reason of the permits and approvals that are issued in reliance on the continued maintenance and operation of the approved SMPs, this consent shall be binding upon all successor owners of the real property.

#### 4. Submission of Reports

The Village of Pawling Storm water Management Officer may require additional monitoring (i.e. inspections) and reporting from entities subject to this law as are necessary to determine compliance with this law.

#### 5. Right-of-Entry for Inspection

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Village of Pawling the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in this section.

### C. Performance Guarantee

#### 1. Construction Completion Guarantee

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Pawling in its approval of the Storm water Pollution Prevention Plan, the Village of Pawling may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Pawling as the beneficiary. The security shall be in an amount to be determined by the Village of Pawling based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of Pawling, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been

conducted and the facilities have been found to be acceptable to the Village of Pawling. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

## 2. Maintenance Guarantee

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village of Pawling with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Pawling may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs. If the amount of money is insufficient to perform the needed maintenance, the cost shall become a claim against any surety in place for the project, or a lien upon the property until paid. Additionally, if the amount of the surety is identified as being insufficient or needs to be replenished, then amount of money estimated by the Stormwater Control Officer to be required shall become a lien against the property until paid.

## 3. Record keeping

The Village of Pawling requires entities subject to this law to maintain records demonstrating compliance with this law. These records shall contain the information described in Section 98.90, Stormwater Control, and be available at the site of the facility and be available within 24 hours of being requested by the Stormwater Management Officer.

## D. Enforcement and Penalties

### 1. Notice of Violation.

When the Stormwater Management Officer determines that a land development activity is not being carried out in accordance with the requirements of this Article XVII, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- a) the name and address of the landowner, developer or applicant;
- b) the address when available or a description of the building, structure or land upon which the violation is occurring;
- c) a statement specifying the nature of the violation;

- d) a description of the remedial measures necessary to bring the land development activity into compliance with this Article XVII and a time schedule for the completion of such remedial action;
- e) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- f) a statement that the determination of violation may be appealed to the Village Board of Trustees or its designee by filing a written notice of appeal within fifteen (15) days of service of notice of violation. Seeking an appeal does not stop the violation process or alter the responsibilities of the Owner or Contractors under this law especially with regard to remediation of sites damaged by excessive or uncontrolled erosion and its resulting sedimentation.

## 2. Stop Work Orders

The Village of Pawling may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Village of Pawling confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Article XVII.

## 3. Violations

- a) The person holding legal title to the real property ("the Owner") upon which a violation has occurred shall be responsible for curing said violation, and shall also be liable for any fines and/or penalties imposed for such violation under this law, and for reimbursement and indemnification for any remedial or restoration costs incurred by the Village in curing such violation.
- b) Any contractor, sub-contractor, tenant, agent, or employee of Owner who participated in or supervised activities that caused or contributed to such a violation shall also be jointly and severally responsible and liable with Owner for any fines and/or penalties imposed under this law and for reimbursement and indemnification of any remedial or restoration costs incurred by the Village.
- c) Any land development activity that is commenced or is conducted contrary to this Article XVII, may be restrained by injunction or otherwise abated in a in manner provided by law.

#### 4. Penalties

- a) In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Article XVII shall be guilty of a violation punishable by a fine or imprisonments for a period not to exceed six months, or both. The fines shall not exceed the following amounts:

Ultimate Area of Land Disturbance	Fines		
	First Offense	Second Offenses	Third and Subsequent Offenses
5000 SF to 20,000 SF	\$200	\$400	\$800
20,000 SF to 1 AC	\$350	\$700	\$1400
1 AC and Above	\$700	\$1400	\$2800

A second offense is one committed within a period of five years of the first offense on the same project. A third or subsequent offense is committed within a period of five years on the same project. For the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this Article XVII shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- b) Any fine imposed under this law shall constitute a lien against the real property until paid.
- c) If a project causes the Village to be out of compliance with its Stormwater Permit, and it is assessed a fine or civil penalty as a result of that violation, the Village shall be authorized to commence an action and obtain judgment against Owner, and any persons jointly and severally liable for such violation pursuant to Section 98.92 B.3. of this Article XVII, for reimbursement and/or indemnification of such fines or civil penalties.

#### 5. Withholding of Certificate of Occupancy

If any building or land development activity is installed or conducted in violation of this Article XVII the Stormwater Management Officer may prevent the occupancy of said building or land.

6. Restoration of lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Pawling may take necessary corrective action, the cost of which shall become a claim against any surety in place for the project, or, if none has been posted or posted in an inadequate amount, a lien upon the property until paid.

E. Fees for Services

The Village of Pawling may require any person undertaking land development activities regulated by this law to pay an application fee established by the Village Board and reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village of Pawling or performed by a third party for the Village of Pawling.

## Schedule A

### SAMPLE STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

Whereas, the Village of Pawling, “the Village” and the \_\_\_\_\_ (“facility owner”) want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Village for the below named project, and

Whereas, the Village and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Village and the facility owner agree as follows:

1. This agreement binds the Village and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Attachment 1 of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Attachment 1 as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, once per year for the first two years and, then not less than once in every five year period or as determined necessary by the Village per the Village Code, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Village within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Village.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Village or in accordance with the recommendations of the inspecting engineer.

7. The facility owner shall provide to the Village within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
8. The landowner grants to the Village of Pawling the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection and monitoring of the stormwater control measures.
9. This agreement shall be recorded in the Office of the County Clerk, County of Dutchess together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to \_\_\_\_\_.
10. If ever the Village determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Village or by the inspecting engineer, the Village is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
11. This agreement is effective \_\_\_\_\_.



**TABLE OF USES**  
**SCHEDULE A**  
**SCHEDULE OF PERMITTED USES**

USES	R1	R2	R3	R4	B1	B2	I	
Single Family Dwelling	P	P	P	P		P		
Accessory Dwelling	S	S	S	S		S		
The following Accessory Residential Uses (see R-1) in an accessory structure: Garden house Tool house Playhouse Greenhouse Private garage for not more than three (3) automobiles	P	P	P	P		S		
2 Family Dwelling				P	P*	P		
Mixed Use Buildings (subject to a special use permit where required)					P*	P		
Multi-family Residential Dwelling					P*			
Multi-family Residential Dwelling; provided, however, density shall not exceed ten families per acre of land, nor more than a proportional number of families on a fractional part of an acre of land (in R4 and B2 districts only) **				P	P*	S		

\* must be mixed use building meeting use requirements specified for a Type I Building in Urban Regulations.

\*\* Amended pursuant to Local Law No. 1 of 2018

USES	R1	R2	R3	R4	B1	B2	I	
Multi-family residential and 2-family dwellings on lots totaling 45 acres or more <sup>1</sup>	S							
Municipal Parks and Recreation Areas including Customary Service Buildings; provided, however, that any such use which is proposed to be conducted in whole or in part, in a freshwater wetlands as defined in the Environmental Conservation Law, Section 24-0107, or in "adjacent area" to a freshwater wetland as that term is defined in 6 NYCRR 663.2(b) shall require a special use	P	P	P	P		P		
Boarding House				P		P		
Alternate Care Facility				S	S	P		
Bed and Breakfast <sup>2</sup>	S	S	S	S	S	S		
Equipment Storage and Sales Yard						P	S	
Car Wash					S	S	S	
Schools	S	S	S	S	S	S		
Public Assembly Places (e.g., community building, library, place of worship)	S	S	S	S	P	S	S	
Motor Vehicle Service Station					S	S	S	
Hospital					S	P		
Child Care Facility				S	S	P		
Animal Hospital						S		
Hotel, Motel or Inn					P	S		
Public Utility					P	P	S	
Medical and Dental Clinic					P	P		
Restaurant, Bar or Nightclub					P	S		
Outdoor Cafe and Table Service					P	S		
Funeral Parlor					P		P	
Laboratory						P	P	
Cemetery	S	S	S	S		S		
Laundries and Cleaning Establishments, excluding washing of wearing apparel on the premises, except in the case of self-service and hand laundries. On premises cleaning of wearing apparel or household effects shall be permitted only if noncombustible solvent is used except for the incidental removal of spots with					P		P	

<sup>1</sup> Amended pursuant to Local Law No. 3 of 2009

<sup>2</sup> Added pursuant to Local Law No. 1 of 2006

USES	R1	R2	R3	R4	B1	B2	I	
combustible solvent.								
Indoor Recreation Facility					P	P	P	
Theater					P	S		
Lumberyard, Building Material or Sales Yard						S	P	
Newspaper printing, including incidental job printing not employing machinery and equipment having more than 10 rated horsepower					P	P	P	
Publishing, Printing and Bookbinding					S	P	P	
Outdoor Recreation Facility	S	S	S	S		P		
Home Occupation	S	S	S					
Retail Goods, Sales and Rentals					P	S	P	
Personal service stores, such as, but not limited to: shoe repair, barber shops, beauty parlors and tailors, provided that where steam pressure is used in clothes pressing, it shall not exceed fifteen (15) pounds' pressure per square inch, and steam condensate shall be discharged through a roof vent or to the rear of the building.					P	S	P	
Banks					P	S		
Office (Business, Professional or Government)					P	P	P	
Wholesale, Storage or Warehouse Establishment (excluding self-storage units)						P	P	
Manufacturing, Assembling, Converting, Altering, Cleaning or other Processing of Products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that: (a) an area concealed from any street and equal to not more than 20% of the area devoted to retail sales shall be so used; and (b) not more than two employees may be engaged in such production or processing					P	P	P	
Manufacturing, Processing, Assembly of Goods, Merchandise or Equipment						P	P	
Commercial Parking Lots and Storage Garages					S	S	S	
Agricultural						P		
Museum Use					S	S		

**KEY:**

**P = Permitted Uses**

**S = Special Use Permit required**

Pursuant to Local Law No. 4 of 1998: In all zoning districts: Wireless Communication Facilities are allowed only through granting of a Special Use Permit (SP). The performance standards to be referenced for Wireless Communication Facilities are found in Section 98-85.

## **SCHEDULE B Urban Regulations**

### **Local Law No 1 of 2018 made the following amendments to the Urban Regulations below:**

Schedule “B” Urban Regulations Type 1 Shopfront/Mixed Use Building Use delete

“2. Four Units Maximum Per Lot” and insert next text providing

“2 The “first floor/ground floor” of a Type 1 building as defined in this Urban Regulation may be used all or partially for residential occupancy subject to a special permit to be issued by the planning board, provided that where the building front faces on Charles Colman Blvd., East Main Street (excluding East Main Street south of intersection with Coulter Avenue), West Main Street or Memorial Avenue, the individual residential unit spaces shall not occupy the front of the building and shall not be visible from the street. Where a property is located fronting on the aforementioned streets, the Planning Board may consider residential uses within a portion of the first floor but in no case shall residential units be located along the building frontage along these streets. The planning board shall determine for such special permit that due to the nature of the business, the location of the building, unsuitable public parking, unsuitable sidewalk amenities or other conditions unfavorable for retail and commercial uses exist, that residential use of all or a portion of the ground floor/first floor may be permitted. In addition, the planning board may base such determination in part on the first floor/ground floor being suitable for use by disabled persons. The structure diagram in this Urban Regulation for Building Use shall provide “commercial or residential use” for the first/ground floor uses thereby permitted. The special permit shall be subject to the requirements for special permits in article XV of the zoning law. The planning board is authorized to impose reasonable conditions and covenants on the special permit as permitted by law and to apply the supplementary regulations from the zoning law that apply to non-residential uses.”

### **Building Height**

3. In addition to the 13 feet from floor to ceiling height limit per floor/story, the planning board shall allow a reasonable amount of structure between each floor and ceiling of adjacent building levels where support structures and utilities may be installed, not to exceed 50 feet of building height.

### **Local Law No. 7 of 2022 made the following amendments to the Urban Regulations below:**

“The Urban Regulations contained in Schedule B of Chapter 98 of the Village Zoning Law are amended to provide that the maximum height of Type I – Shopfront/Mixed Use Buildings is 3.5 floors. Any provision to the contrary in Local Law 1 of 2018 is repealed.”

# TYPE I - SHOPFRONT / MIXED-USE

BUCKHURST FISH  
HUTTON KATZ  
JACQUEMART INC.

## URBAN REGULATIONS FOR NEW CONSTRUCTION VILLAGE OF PAWLING MASTERPLAN

1 OF 6

ANDRÉS DUANY  
ELIZABETH PLATNER-EDBERG  
TOWN PLANNERS

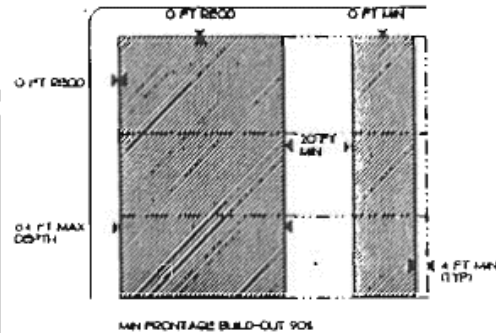
### TYPE I - SHOPFRONT / MIXED-USE

#### INSTRUCTIONS

TYPE I APPLIES TO CONSTRUCTION AND USE OF PROPERTY IN THE BH DISTRICT WHERE SUCH CONSTRUCTION AND DEVELOPMENT IS SUBJECT TO THE URBAN REGULATIONS. SEE SECTION 98-336.

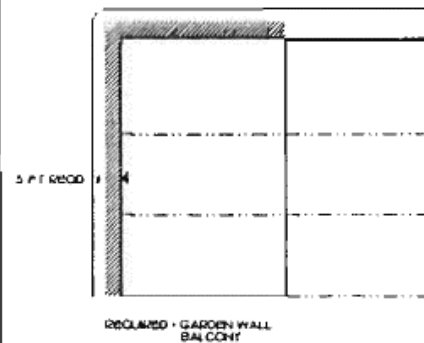
#### BUILDING PLACEMENT

- BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES WITHIN THE SHADED AREAS SHOWN HERE.
- BUILDINGS AND STREET FACADES SHALL EXTEND ALONG THE LOT FRONTAGE AS DESIGNATED HERE.
- IN THE ABSENCE OF BUILDING WALLS, GARDEN WALLS SHALL BE BUILT ON FRONTAGE PROPERTY LINES.



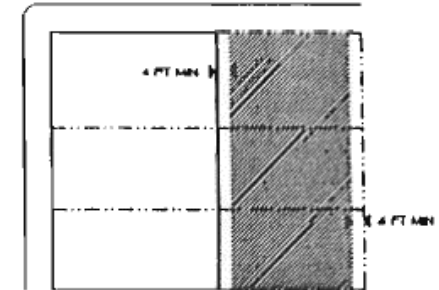
#### ENCROACHMENTS

- BALCONIES, STOOPS, CHIMNEYS, OPEN PORCHES AND AWNINGS SHALL BE PERMITTED WITHIN THE SIDEWALK AREA SHOWN HERE.
- AWNINGS SHALL BE REDUCED TO ENOUGH THE FULL SIDEWALK WIDTH.



#### PARKING

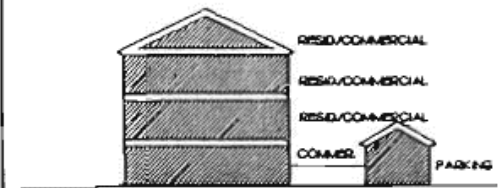
- PARKING SPACES, IF PROVIDED, SHALL BE WITHIN THE SHADED AREAS SHOWN HERE.
- PARKING SPACES SHALL BE NO LESS THAN 9 FT X 19 FT WITH ACCESS TO A STREET OR ALLEY.
- PARKING SPACES SHALL BE PROVIDED AS PER SECTION 98-72.
- SEE SECTION 98-73 FOR FILLER OF PARKING IN THE BH DISTRICT.
- TRASH CONTAINERS SHALL BE LOCATED WITHIN THE PARKING AREA.



ONE SPACE MIN PER DWELLING  
THREE SPACES PER 1000 SF OF NET OFFICE OR RETAIL

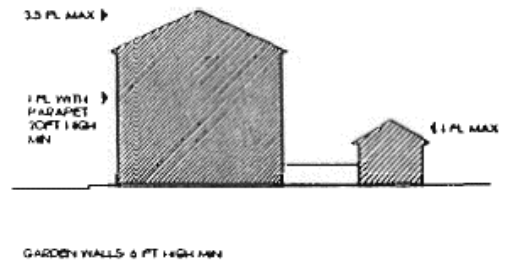
#### BUILDING USE

- USES PERMITTED WITHIN THE BUILDINGS SHALL BE AS SHOWN HERE.
- FLOOR LEVELS MAXIMUM PER LOT



#### BUILDING HEIGHT

- SPECIFIC HEIGHTS, 11 FT, SHALL BE MEASURED, RELATIVE TO THE PROPOSED STREET ELEVATION AND A SPECIFIED POINT AS SHOWN HERE.
- MAXIMUM AND MAXIMUM BUILDING HEIGHTS SHALL BE MEASURED IN NUMBER OF FLOORS, EACH NOT TO EXCEED 13 FT FLOOR TO CEILING.



THE ABOVE FORMAT AND TECHNIQUE ARE THE PROPERTY OF ANDRÉS DUANY AND ELIZABETH PLATNER-EDBERG, ARCHITECTS. NO PART THEREOF SHALL BE COPIED, DISCLOSED TO OTHERS, OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECTS.  
NOVEMBER 1984

## TYPE II - TOWNHOUSE

BUCKHURST FISH  
HUTTON KATZ  
JACQUEMART INC.

### URBAN REGULATIONS FOR NEW CONSTRUCTION FIGURE 106 VILLAGE OF PAWLING MASTERPLAN 6 OF 8

ANDRES DUANY  
ELIZABETH PLATER-SPERK  
TOWN PLANNERS

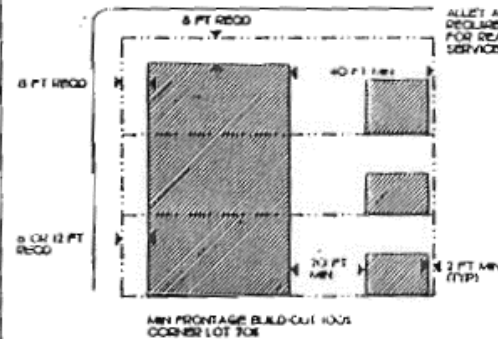
## TYPE II - TOWNHOUSE

### INSTRUCTIONS

TYPE II APPLIES TO CONSTRUCTION AND USE OF PROPERTY WITHIN THE R-1, R-2, R-3 AND R-4 DISTRICTS. IF SUCH CONSTRUCTION AND DEVELOPMENT IS SUBJECT TO THE URBAN REGULATIONS, SEE SECTION 98-10.

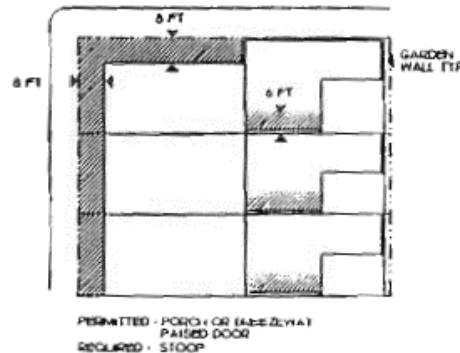
### BUILDING PLACEMENT

1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES WITHIN THE SHADED AREAS SHOWN HERE.
2. BUILDINGS AND STREET FACADES SHALL EXTEND ALONG THE LOT FRONTAGE AS DESIGNATED HERE.



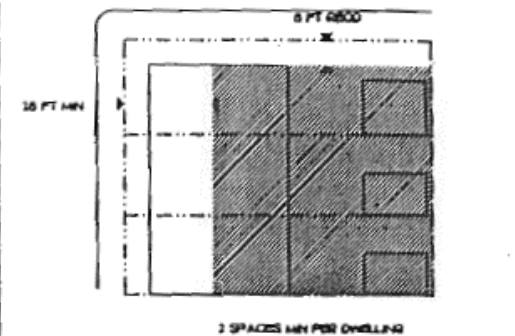
### ENCROACHMENTS

1. BALCONIES, STOOPS, CHIMNEYS, OPEN PORCHES, BAY WINDOWS AND RAISED DOORWAYS SHALL BE PERMITTED WITHIN THE SHADED AREAS SHOWN HERE.
2. GARDEN WALLS SHALL BE PERMITTED AS SHOWN HERE.



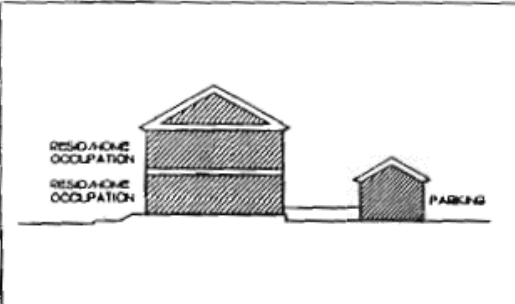
### PARKING

1. PARKING SPACES, IF PROVIDED, SHALL BE WITHIN THE SHADED AREAS SHOWN HERE.
2. PARKING SPACES SHALL BE NO LESS THAN 9 FT X 18 FT WITH ACCESS TO A STREET OR ALLEY.
3. THERE SHALL BE PROVIDED TWO PARKING SPACES PER DWELLING.
4. TRASH CONTAINERS SHALL BE LOCATED WITHIN THE PARKING AREA.



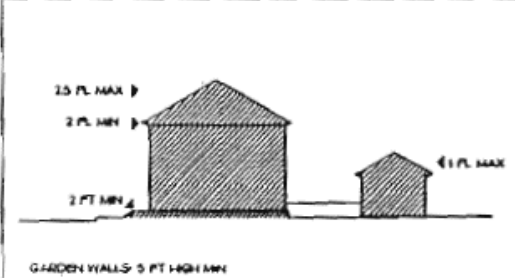
### BUILDING USE

1. USES PERMITTED WITHIN THE BUILDINGS SHALL BE AS SHOWN HERE.
2. THE FOLLOWING USES ARE ADDITIONALLY PERMITTED WITHIN ACCESSORY STRUCTURES: HOME OCCUPATION, ACCESSORY DWELLING, GARDEN HOUSE, PLAYHOUSE, GREENHOUSE, SALINA, POOLHOUSE, EQUIPMENT BUILDING, GAZEBO.
3. FOUR UNITS MAXIMUM PER BUILDING.



### BUILDING HEIGHT

1. SPECIFIC HEIGHTS, 11 FT, SHALL BE MEASURED, RELATIVE TO THE FINISHING STREET ELEVATION AND A SPECIFIED POINT AS SHOWN HERE.
2. MINIMUM AND MAXIMUM BUILDING HEIGHTS SHALL BE MEASURED IN NUMBER OF FLOORS EACH NOT TO EXCEED 13 FT FLOOR TO CEILING.



THE ABOVE FORMAT AND TECHNIQUE ARE THE PROPERTY OF ANDRES DUANY AND ELIZABETH PLATER-SPERK, ARCHITECTS. NO PART THEREOF SHALL BE COPIED, DISCLOSED TO OTHERS, OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECTS. NOVEMBER 1994

## TYPE III - INFILL HOUSE

BUCKHURST FISH  
BUTTON KAYE  
JACQUEMART INC.

### URBAN REGULATIONS FOR NEW CONSTRUCTION VILLAGE OF PAWLING MASTERPLAN

ANDRÉS DUANY  
ELIZABETH PLATNER-ZYBERK  
TOWN PLANNERS

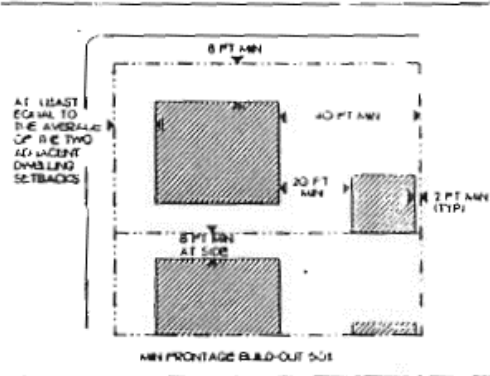
## TYPE III - INFILL HOUSE

### INSTRUCTIONS

- TYPE III APPLIES TO CONSTRUCTION AND USE OF PROPERTY WITHIN THE R-1, R-2, R-3 AND R-4 DISTRICTS WHERE SUCH CONSTRUCTION AND DEVELOPMENT IS SUBJECT TO THE URBAN REGULATIONS. SEE SECTION 16.13.

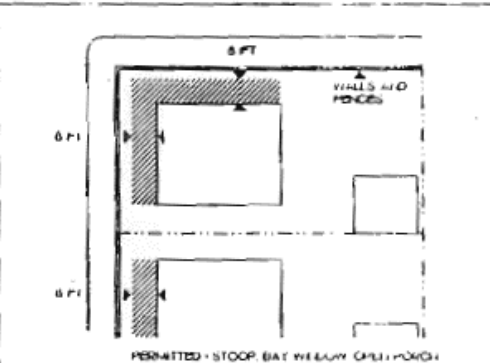
### BUILDING PLACEMENT

- BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES WITHIN THE SHADED AREAS SHOWN HERE.
- BUILDINGS AND STREET FACADES SHALL EXTEND PARALLEL ALONG THE LOT FRONTAGE AS DESIGNATED HERE.
- ACCESSORY STRUCTURES SHALL NOT EXCEED 500 SQ. FT. LOT COVERAGE.



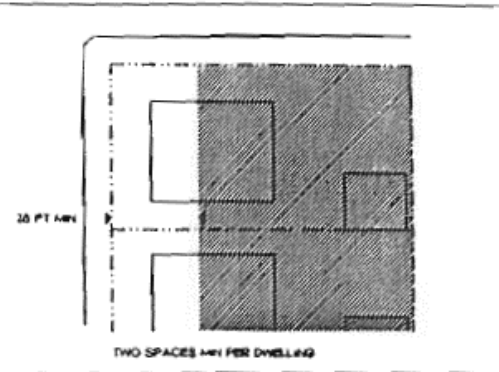
### ENCROACHMENTS

- BALCONIES, STOOPS, CHIMNEYS, OPEN PORCHES, BAY WINDOWS AND RAISED DOORWAYS SHALL BE PERMITTED WITHIN THE SHADED AREAS SHOWN HERE.
- WALLS AND FENCES SHALL BE MANDATORY AS SHOWN HERE.
- HEDGES, GARDEN WALLS OR FENCES SHALL BE BUILT ON THE FRONTAGE LINES.



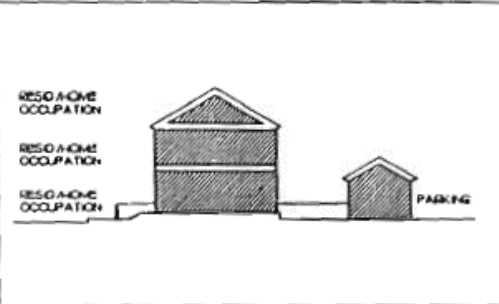
### PARKING

- PARKING SPACES, IF PROVIDED, SHALL BE WITHIN THE SHADED AREAS SHOWN HERE.
- THERE SHALL BE PROVIDED TWO PARKING SPACES PER DWELLING.
- PARKING SPACES SHALL BE NO LESS THAN 9 FT X 18 FT WITH ACCESS TO A STREET OR ALLEY.
- TRASH CONTAINERS SHALL BE LOCATED WITHIN THE PARKING AREA.
- A SHED NOT TO EXCEED 8 FT X 8 FT IS PERMITTED IN THE SHADED AREAS SHOWN HERE.



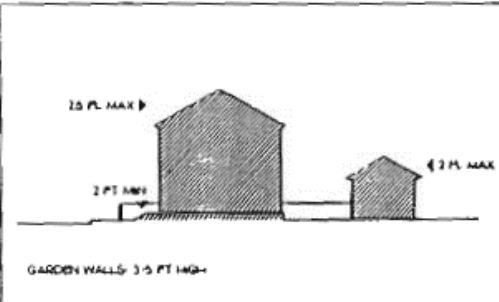
### BUILDING USE

- USES PERMITTED WITHIN THE BUILDINGS SHALL BE AS SHOWN HERE.
- THE FOLLOWING USES ARE ADDITIONALLY PERMITTED WITHIN: ACCESSORY STRACTIONS, HOME OCCUPATION, ACCESSORY DWELLING, GARDEN CLUB, PLAYHOUSE, GREENHOUSE, SAUNA, POOLHOUSE, EQUIPMENT BUILDING, GAZBO.



### BUILDING HEIGHT

- SPECIFIC HEIGHTS IN FT. SHALL BE MEASURED RELATIVE TO THE FINISHED STREET ELEVATION AND A SPECIFIED POINT AS SHOWN HERE.
- MINIMUM AND MAXIMUM BUILDING HEIGHTS SHALL BE MEASURED IN NUMBER OF FLOORS EACH NOT TO EXCEED 10 FT. FLOOR TO CEILING.
- THE MAXIMUM HEIGHT OF ACCESSORY STRUCTURES SHALL NOT EXCEED THE MAIN BUILDING HEIGHT.



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NOVEMBER 1994



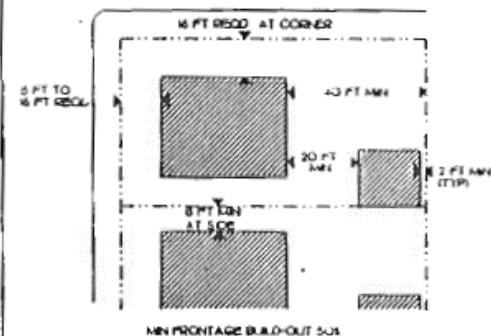
BUCKHURST FISH  
HUTTON KATE  
LACOMMANT INC.

ANDREWS DUANY  
ELIZABETH PLATNER-ZYBURA  
TOWN PLANNERS

### INSTRUCTIONS

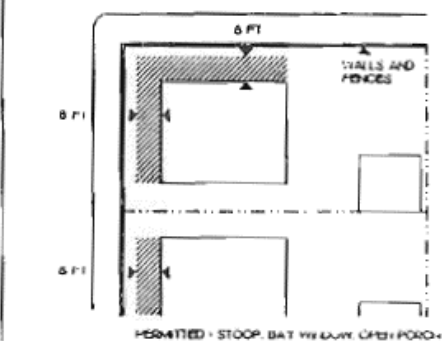
TIME IV APPLIES TO CONSTRUCTION AND USE OF PROPERTY WITHIN THE R-1, R-2, R-3 AND R-4 DISTRICTS WHERE SUCH CONSTRUCTION AND DEVELOPMENT IS SUBJECT TO THE URBAN REGULATIONS. SEE SECTION 95-13.

1. BUILDINGS SHALL BE SET IN LOTS RELATIVE TO THE PROPERTY LINES WITHIN THE SHADED AREA AS SHOWN HERE.
2. BUILDINGS AND STREET FACADES SHALL EXTEND PARALLEL ALONG THE LOT FRONTAGE AS INDICATED HERE.
3. FENCES, GARDEN WALLS, ETC. PERMITS SHALL BE BUILT ON THE FRONTAGE LINES.
4. ACCESSORY STRUCTURES SHALL NOT EXCEED 500 SQ. FT. LOT COVERAGE.



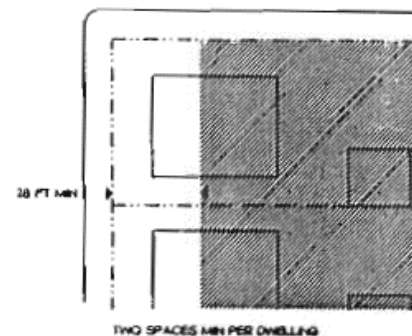
## ENCROACHMENTS

1. BALCONIES, STOOPS, CHIMNEYS, OPEN PORCHES, BAT WINKERS AND RAISED DOORWAYS SHALL BE PERMITTED WITHIN THE SHaded AREAS SHOWN HERE.
2. WALLS AND FENCES SHALL BE MANDATORY AS SHOWN HERE.



### PARKING

1. PARKING SPACES, IF PROVIDED, SHALL BE WITHIN THE SHADED AREAS SHOWN HERE.
2. THERE SHALL BE PROVIDED TWO PARKING SPACES PER DWELLING.
3. PARKING SPACES SHALL BE NO LESS THAN 8 FT X 18 FT WITH ACCESS TO A STREET OR ALLEY.
4. TRASH CONTAINERS SHALL BE LOCATED WITHIN THE PARKING AREA.



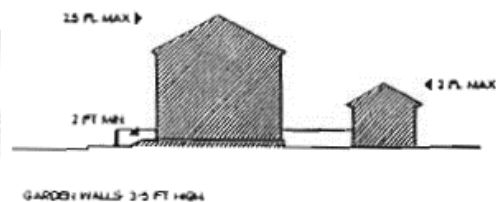
## BUILDING USE

1. USES PERMITTED WITHIN THE BUILDINGS SHALL BE AS SHOWN HERE
2. THE FOLLOWING USES ARE ADDITIONALLY PERMITTED WITHIN ACCESSORY STRUCTURES:  
HOME OCCUPATION, ACCESSORY DWELING, GARDEN HOUSE, PLAYHOUSE, GREENHOUSE, SAUNA, POOLHOUSE, EQUIPMENT ENCLOSURE, GAZEBO.



**BUILDING  
HEIGHT**

1. SPECIFIC HEIGHTS, FT., SHALL BE MEASURED RELATIVE TO THE FRONTING STREET ELEVATION AND A SPECIFIED POINT AS SHOWN HERE.
2. MINIMUM AND MAXIMUM BUILDING HEIGHTS SHALL BE MEASURED IN NUMBER OF FLOORS EACH NOT TO EXCEED 10 FT. FLOOR TO CEILING.
3. THE MAXIMUM HEIGHT OF ACCESSORY STRUCTURES SHALL NOT EXCEED THE MAIN BUILDING HEIGHT.



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NOVEMBER 1994

BUCKHURST FISH  
HUTTON KATE  
JACQUEMART INC.

URBAN REGULATIONS FOR NEW CONSTRUCTION  
VILLAGE OF PAWLING MASTERPLAN

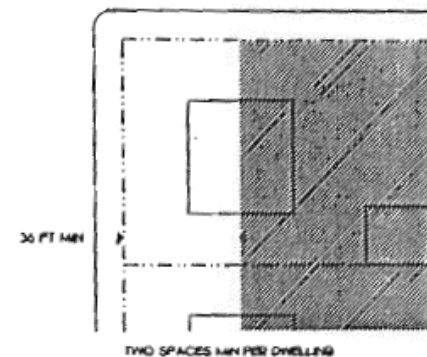
ANDREWS DUANY  
ELIZABETH PLAYER-ZIMMER  
TOWN PLANNERS

### INSTRUCTIONS

TYPE V APPLIES TO CONSTRUCTION AND USE OF PROPERTY WITHIN THE R-1, R-2, R-3 AND R-4 DISTRICTS WHERE SUCH CONSTRUCTION AND DEVELOPMENT IS SUBJECT TO THE URBAN REGULATIONS, SEE SECTION 96-13.

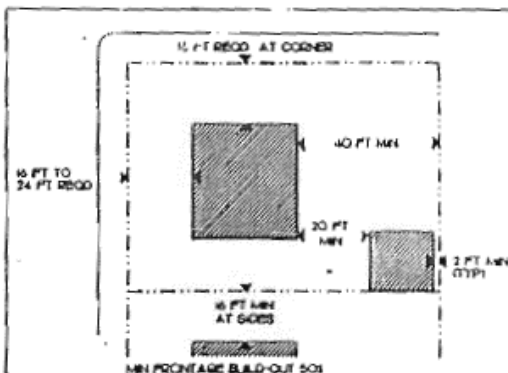
## PARKING

1. PARKING SPACES, IF PROVIDED, SHALL BE WITHIN THE GRADED AREA & SIGNIFIED.
2. THERE SHALL BE PROVIDED TWO PARKING SPACES PER DWELLING.
3. PARKING SPACES SHALL BE NO LESS THAN 9 FT X 18 FT WITH ACCESS TO A STREET OR ALLEY.
4. TRASH CONTAINERS SHALL BE LOCATED WITHIN THE PARKING AREA.



## BUILDING PLACEMENT

1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES WITHIN THE SHADED AREAS SHOWN HERE.
2. BUILDINGS AND STREET FACHADES SHALL EXTEND PARALLEL ALONG THE LOT FRONTAGE AS DESIGNATED HERE.
3. FENCES, GARDEN WALLS OR FENCES SHALL BE BUILT ON THE FRONTAGE LINES.
4. ACCESSORY STRUCTURES SHALL NOT EXCEED 500 S.D. FT LOT COVERAGE.



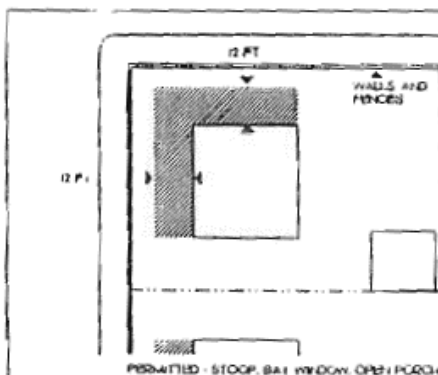
## BUILDING USE

1. USES PERMITTED WITHIN THE BUILDINGS SHALL BE AS SHOWN HERE.
2. THE FOLLOWING USES ARE ADDITIONALLY PERMITTED WITHIN ACCESSORY STRUCTURES:  
HOME OCCUPATION, ACCESSORY DWELLING, GARDEN HOUSE, PLAYHOUSE, GREENHOUSE, SAUNA, POOLHOUSE, EQUIPMENT ENCLOSURE, GARAGE.

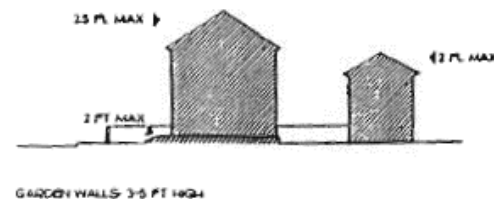


## ENCROACHMENTS

1. BALCONIES, LOOPS, CHIMNEYS, OPEN PORCHES, BAY WINDOWS AND RAISED DOORWAYS SHALL BE PERMITTED WITHIN THE SHADED AREAS SHOWN HERE.
2. WALLS AND FENCES SHALL BE MANDATORY AS SHOWN HERE.

BUILDING  
HEIGHT

1. SPECIFIC HEIGHTS, IN FT., SHALL BE MEASURED, RELATIVE TO THE FINISHING STREET ELEVATION AND A SPECIFIED POINT AS SHOWN HERE.
2. MINIMUM AND MAXIMUM BUILDING HEIGHTS SHALL BE MEASURED IN NUMBER OF FLOORS, EQUIVANT TO EXCEED 1ST FLOOR TO CEILING.
3. THE MAXIMUM HEIGHT OF ACCESSORY STRUCTURES SHALL NOT EXCEED THE MAIN BUILDING HEIGHT.



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NOVEMBER 1994

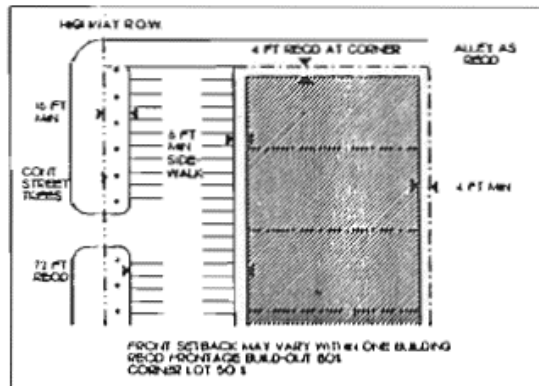
## TYPE VI - HIGHWAY COMMERCIAL

### INSTRUCTIONS

TYPE N APPLIES TO CONSTRUCTION AND USE OF PROPERTY IN THE B-2 DISTRICT  
WHERE SUCH CONSTRUCTION AND DEVELOPMENT IS SUBJECT TO THE URBAN REGULATIONS. SEE SECTION 9B-13.

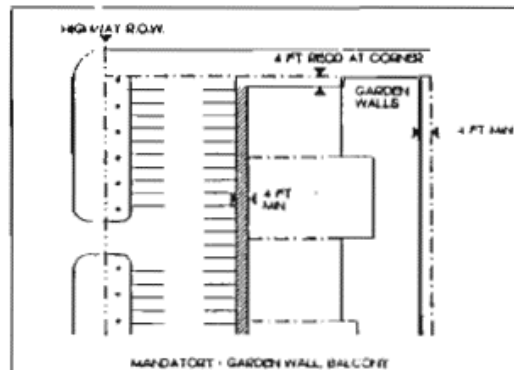
## BUILDING PLACEMENT

1. BUILDINGS SHALL BE SET ON LOTS RELATIVE TO THE PROPERTY LINES WITHIN THE SHADED AREAS SHOWN HERE.
2. BUILDINGS AND STREET FACADES SHALL EXTEND ALONG THE FRONTAGE TO THE PERCENTAGE OF LOT WIDTH AS SHOWN HERE.
3. IN THE ABSENCE OF BUILDING WALLS, GARDEN WALLS SHALL BE BUILT ON PROPERTY LINES.



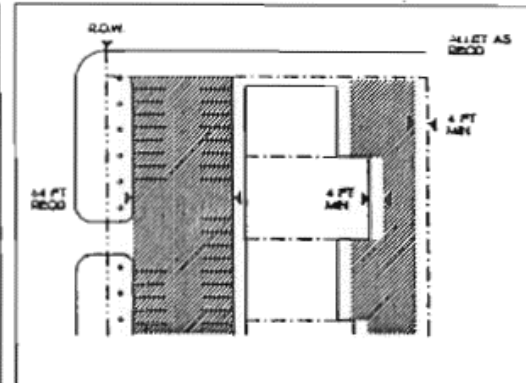
## ENCROACHMENTS

1. BALCONIES, STOOPS, WALKWAYS OPEN PORCHES SHALL BE PERMITTED TO ENDOACH WITHIN THE SHADED AREA SHOWN HERE.
2. WALLS SHALL BE MANDATORY AS SHOWN HERE.
3. WHERE WALLS ARE MANDATORY AN OPENING OF 12 FT. AUTOMOBILE INGRESS IS PERMITTED.



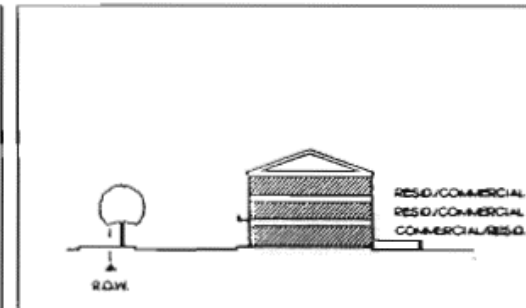
## PARKING

1. PARKING SPACES, IF PROVIDED, SHALL BE WITHIN THE SHADED AREAS SHOWN HERE.
2. TRASH CONTAINERS SHALL BE LOCATED WITHIN THE PARKING AREA.



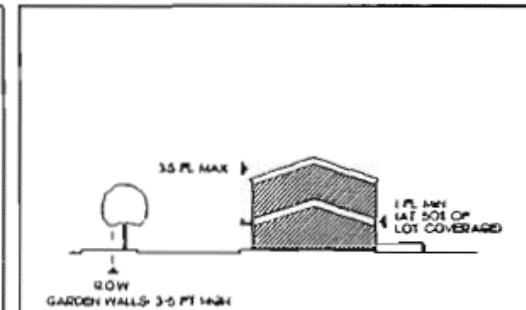
## BUILDING USE

1. USES PERMITTED WITHIN THE BUILDINGS SHALL BE AS SHOWN HERE.
2. RETAIL IS NOT ALLOWED AS A PRIMARY USE.



**BUILDING  
HEIGHT**

1. SPECIFIC HEIGHTS, IN FT., SHALL BE MEASURED TO THE TOP OF THE FRONTING STREET ELEVATION AND A SPECIFIED POINT AS SHOWN HERE.
2. MINIMUM AND MAXIMUM BUILDING HEIGHTS SHALL BE MEASURED IN NUMBER OF FLOORS, EACHING TO EXCEED 10 FT. FLOOR TO CEILING.
3. BUILDINGS OF WAREHOUSE AND MANUFACTURING USES ARE EXEMPT FROM THE 13 FT. HEIGHT. SUBJECT TO A 35 FT. HEIGHT MAXIMUM.



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MAY 1994

### Schedule C: Area and Bulk Schedule

District	R1	R2	R3	R4	B1	B2	I1
Maximum building height (stories and feet)	2 ½ and 35 feet	2 ½ and 35 feet	2 ½ and 35 feet	2 ½ and 35 feet	3 and 40 feet	2 and 30 feet	2 and 35 feet
Minimum lot area (square feet)	40,000	20,000	10,000	10,000	None	30,000	40,000
Minimum lot frontage (feet)	150	125	100	100	20	150	100
Maximum building coverage	15	20	25	30	75	30	50
Maximum lot Coverage	15	20	25	30	75	70	90
Minimum front yard (feet)	50	35	25	20	None	40	40
Minimum rear yard (feet)	60	25	20	20	None	20	20
					25' along the	Boundary of	Residential zones
Minimum side yard (feet)	2 aggregating to 70'; min 20' each	2 aggregating 50'; min 15' each	2 aggregating 40'; min 15' each	2 aggregating 40'; min 15' each	None	20	20
					25' along the	Boundary of	Residential zones
Floor area ratio (FAR)	----	----	----	0.30	2.0	0.30	1.0
Parking	2 per unit	2 per unit	2 per unit	2 per unit	See parking regulations	1 space per 250 SE of gross floor area	1 space per 400 SE of gross floor area

## Schedule D

### SCHEDULE "D"

#### § 7-712 Zoning board of appeals

##### 1. Definitions. As used in this section:

(a) "Use variance" shall mean the authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

(b) "Area variance" shall mean the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Balance of Village Law §7-712 not reprinted here.

#### § 7-712-b. Permitted action by board of appeals

1. Orders, requirements, decisions, interpretations, determinations. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

2. Use variances. (a) The board of appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of such local law, shall have the power to grant use variances, as defined herein.

(b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

(c) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

SCHEDULE "D" Continued

3. Area variances. (a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such local law, to grant area variances as defined herein.

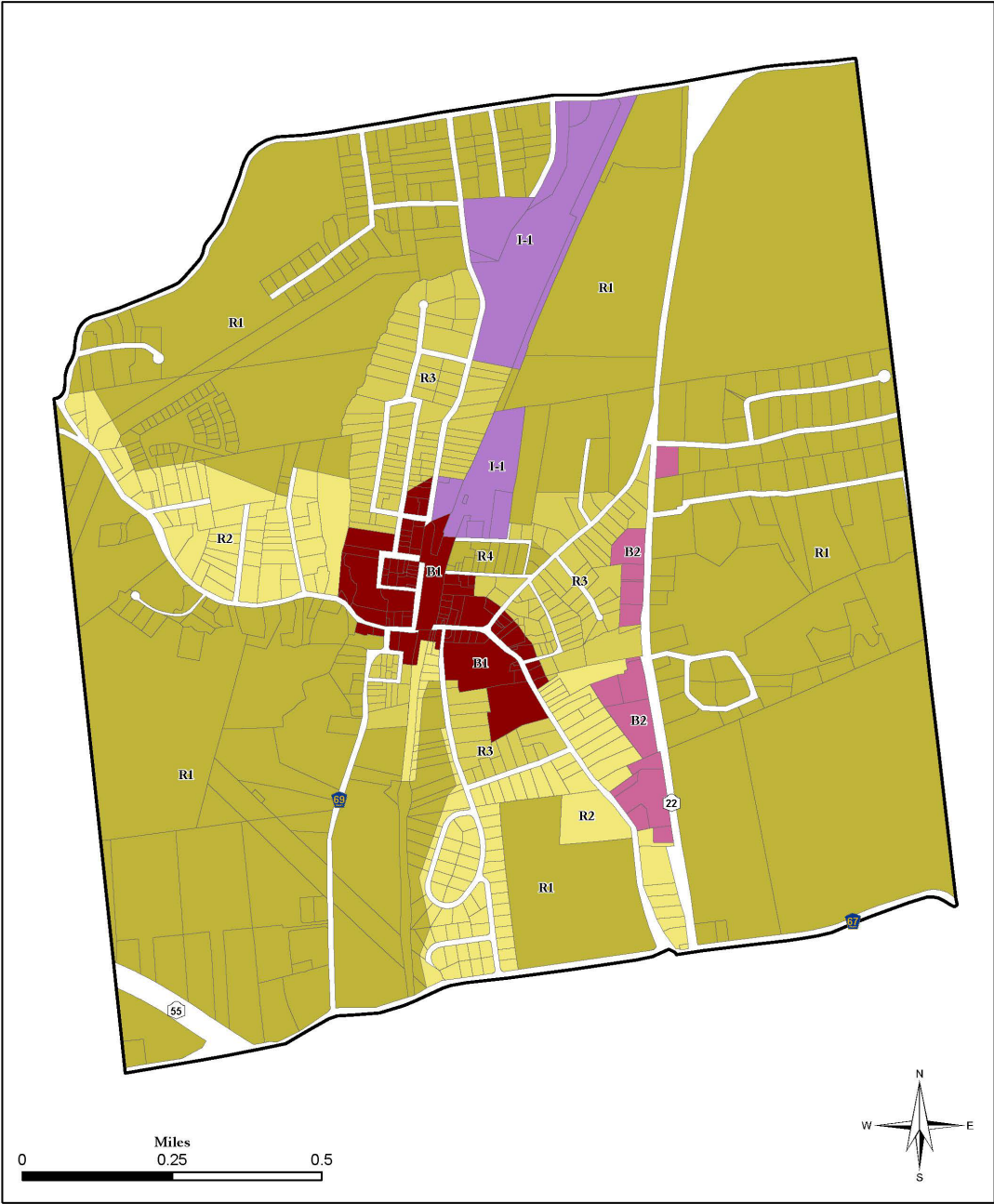
(b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

(c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

(Added L.1991, c. 692, § 7; amended L.1992, c. 248, §§ 24 to 27; L.1993, c. 208, § 14.)

# ZONING MAP



## Village of Pawling Zoning Map

### Legend

	MUNICIPAL BOUNDARIES		I-1, INDUSTRIAL 1
	PARCEL BOUNDARIES		R1, RESIDENCE 1
<b>Zoning Districts</b>			R2, RESIDENCE 2
	B1, BUSINESS 1		R3, RESIDENCE 3
	B2, BUSINESS 2		R4, RESIDENCE 4

Map Prepared By Dutchess County  
Department of Planning and Development  
Issued: February 2016

Zoning District boundaries are enacted by the Municipalities. These maps are based on information supplied by the Municipalities, per agreement with Dutchess County Department of Planning and Development. Zoning district lines are updated at the pleasure of the Municipality. Check with local municipal officials for most recent boundary delineations.

**CHAPTER 10-A**  
**BUILDING CODE ADMINISTRATION AND ENFORCEMENT**  
**PROCEDURES FOR BUILDINGS AND ZONING**



**CHAPTER 10-A**  
**BUILDING CODE ADMINISTRATION AND ENFORCEMENT**  
**PROCEDURES FOR BUILDINGS AND ZONING**

§ 10-1. Title. This Local Law 11 for the Year 2022 shall be designated and referred to as "Chapter 10-A Building Code Administration and Enforcement Procedures for Buildings and Zoning."

§ 10-2. Purpose and intent.

- A. This Chapter provides for the administration and enforcement in the Village of the New York State Uniform Fire Prevention and Building Code (the Uniform Code), the State Energy Conservation Construction Code (the Energy Code), this Chapter, Chapter 98 Zoning of the Code of the Village of Pawling ("Zoning Law") and other state and local laws and regulations related to construction, development and/or use of Buildings, Structures and Lots and/or other land within the Village the enforcement of which is lawfully vested in the Village of Pawling or its duly authorized designees.
- B. This Chapter is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other sections of this Chapter, all Buildings, Structures, and Lots and other land in the Village, regardless of use or occupancy, are subject to the provisions of this Chapter.

§ 10-3. Definitions. In this Chapter, the following terms shall have the meanings indicated:

APPLICANT - a Person applying for a Building Permit, a Certificate of Occupancy or an Operating Permit, as the case may be.

APPLICATION - an application submitted by an Applicant for a Building Permit, a Certificate of Occupancy, a Certificate of Compliance, or an Operating Permit, as the case may be.

ASSEMBLY AREA - An area in any building, or in any portion of a Building, that is primarily used or intended to be used for gathering fifty (50) or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

AUTHORIZED OFFICER - means the Village Clerk or any other officer of the Village, other than the Building Inspector, who is authorized by the Mayor with the approval of the Board to take any one or more Officer Actions.

BOARD - The Board of Trustees of the Village.

**BUILDING** - Any Structure or series of connected Structures having a roof or roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

**BUILDING INSPECTOR** - The Building inspector appointed pursuant to § 10-5.A of this Chapter.

**BUILDING INSPECTOR DOCUMENT** - has the meaning set forth in § 10-5.C(3)(a) of this Chapter.

**BUILDING INSPECTOR QUALIFICATIONS** - has the meaning set forth in § 10-5.B of this Chapter.

**BUILDING PERMIT** - A permit issued pursuant to § 10-6 of this Chapter. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this Chapter.

**CERTIFICATE OF COMPLIANCE** - a document issued by the Building Inspector stating that Work was done in compliance with approved construction documents and the Codes.

**CERTIFICATE OF OCCUPANCY** - A document issued by the Building Inspector certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Building Inspector, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

**CHAPTER** - Means a Chapter of the Code and "this Chapter" means this Chapter 10-A of the Code.

**CODE** - the Code of the Village and any other local laws of the Village.

**CODES** – the Uniform Code and the Energy Code.

**CONTRACTED INSPECTOR** - has the meaning set forth in § 10-5.C of this Chapter.

**CORRECTION DATE** - has the meaning set forth in § 10-18.E of this Chapter.

**DEMOLITION PERMIT** - a Building Permit which involves the demolition of one or more Buildings or other Structures or no other Work for which a Building Permit is required under this Chapter.

**ENERGY CODE** - The New York State Energy Conservation Construction Code, Subchapter B of Chapter XXXIII of Title 19 of New York Codes, Rules, and Regulations, adopted pursuant to Article 11 of the Energy Law, as currently in effect and

as hereafter amended from time to time.

FCNYS - The 2020 Fire Code of New York State, as currently incorporated by reference in 19 NYCRR 1225.

FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION - An inspection performed to determine compliance with the applicable provisions of Part 1225 of this Title and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR 1226 of this Title and the publications incorporated therein by reference.

HAZARDOUS PRODUCTION MATERIALS - A solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

LEGAL REQUIREMENT - any provision of the Uniform Code, the Energy Code, this Chapter, the Zoning Law, the Code and/or any other state or local law, ordinance or regulation related to construction, development and/or use of Buildings, Structures and lots and other land within the Village, the administration and/or enforcement of which is lawfully vested in the Village, the Building Inspector, any Authorized Officer and/or any Contracted Inspector, as the case may be.

LOT - A parcel of land whose boundaries are established by some legal instrument such as a recorded deed or map and has been established in accord with applicable Legal Requirements as a separate parcel of land for the purposes of transfer of title.

MOBILE FOOD PREPARATION VEHICLES - Vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

NOTICE OF VIOLATION - means notice of a Violation issued by the Building Inspector to one or more Responsible Persons as provided in § 10-18 of this Chapter.

OFFICER ACTION - has the meaning set forth in § 10-5.C(3).

OPERATING PERMIT - A permit issued pursuant to § 10-12 of this Chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this Chapter.

PERMIT HOLDER - The person to whom a Building Permit or Operating Permit, as the case may be, has been issued.

PERSON - Shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

PMCNYS – The 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR 1226 of this Title

PREMISES IN VIOLATION - Any Lot, land, Building or Structure within the Village upon or with respect to which a Violation is occurring or has occurred and remains uncorrected.

RCNYS – The 2020 Residential Code of New York State as currently incorporated by reference in Part 19 NYCRR 1220 of this Title

REPAIR - The reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage

RESPONSIBLE PERSON - "Responsible Person" means any of the following Persons: (i) the Violating Owner and/or any other Person that the Building Inspector has reasonable cause to believe has committed or materially participated in committing a Violation, either through act or omission. Without limiting the generality of the immediately preceding sentence, a Responsible Person may include without limitation a builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person or entity taking part or assisting in either (i) the Work being performed at the Premises in Violation or (ii) any act or omission causing the Violation in whole or in part. Further if the Premises in Violation is owned by a Person who is not a natural person, a Responsible Person may include without limitation, the owner(s), shareholders, directors, members, managers and/or agents, as the case may be, of the Responsible Person who the Building Inspector determines is taking part or assisting in either (i) the Work being performed at the Premises in Violation or (ii) any act or omission causing the Violation in whole or in part.

STOP-WORK ORDER -An order issued pursuant to § 10-8 of this Chapter.

STRUCTURE -Anything constructed or erected on the ground or with a fixed location on the ground or attached to something having a fixed location on the ground, including but not limited to Buildings, walls, fences, radio towers, power-generating equipment such as freestanding windmills and solar panels, swimming pools, billboards, poster panels and signs.

SUGARHOUSE - A building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

TEMPORARY CERTIFICATE — A certificate issued pursuant to § 10-9.D of this Chapter.

UNCORRECTED VIOLATION — has the meaning set forth in § 10-18.E.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of New York Codes, Rules, and Regulations, adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

UNSAFE STRUCTURE — has the meaning set forth in § 10-11.A.

VILLAGE — The Village of Pawling, New York.

VILLAGE CLERK — The Village Clerk of the Village.

VIOLATING OWNER — The owner of a Premises in Violation.

VIOLATION — “Violation” means any one or more conditions or activities found to exist in, on, or about any Building, Structure, Lot or other land located within the Village where any one or more of the following apply:

- a. Any Building or Structure is being erected, constructed, reconstructed, altered, repaired, converted, or maintained: (i) in violation of any one or more Legal Requirements or (ii) in the opinion of the Building Inspector in a dangerous or unsafe manner, in any case without regard to whether such work is or is not Work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work;
- b. Any Building or Structure is in violation of any one or more Legal Requirements or is dangerous or unsafe;
- c. Any condition or use of any Building, Structure, Lot or other land fails in any respect to comply with any one or more Legal Requirements;
- d. Any Lot or other land is divided into lots, blocks or sites in a manner which fails to comply with any one or more Legal Requirements, including without limitation Chapter 82, Subdivision of Land;
- e. Any Work which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked;
- f. Any Work which is not in conformity with either (i) the Building Permit; or (ii) any plans or specifications approved in connection therewith or in connection with an approved site plan.

If there is more than one Violation with respect to a given Building, Structure, Lot or Land, the term “Violation” shall be deemed to mean each such Violation.

WORK – Has the meaning set forth in § 10-6.A.

ZONING LAW — Local Law # 2 of the year 1995 entitled Chapter 98 Zoning Law, as amended.

§ 10-4. Amendment or Repeal of Certain Local Laws of the Village.

- A. Local Law # 1 of the year 1979 entitled “Chapter 10 Building Construction” is hereby repealed.
- B. Local Law #1 for the year 2007 entitled “A local law providing for the administration and enforcement of the NYS Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code in this Village” is hereby repealed.
- C. The following Articles of the Zoning Law are repealed: Article VIII “Building Permits”, Article IX Certificates of Occupancy and Article XI “Powers and Duties of the Building Inspector; Penalties”. Articles VIII, IX and XI of the Zoning Law are reserved for future use.
- D. Local Law #14 for the Year 2015 entitled “Chapter 14 Unsafe Buildings Law of the Village of Pawling” is hereby repealed.
- E. Local Law No 2 of 2022, as amended by Local Law No 5 of 2022 is hereby repealed in its entirety

§ 10-5. Building Inspector and Contracted Inspectors; Powers of Authorized Officers

- A. The Board of Trustees may appoint one or more Building Inspectors. The Building Inspector shall administer and enforce all the provisions of the Uniform Code, the Energy Code, this Chapter and shall enforce all provisions of the Zoning Law. The Building Inspector shall also administer and enforce other local laws of the Village to the extent provided for therein. For the avoidance of doubt, the Building Inspector shall have duties and rights of a code enforcement official as outlined in 19 NYCRR Part 1203. To the extent that the provisions of this Chapter are in conflict with or are inconsistent with any provisions of the Zoning Law or any other local law of the Village, the provisions of this Chapter 10-A shall prevail and be controlling. The Building Inspector shall have the following powers and duties:
  - (1) To receive, review, and approve or disapprove Applications for Building Permits, Certificates of Occupancy, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such Applications;
  - (2) Upon approval of such Applications, to issue Building Permits, Certificates of Occupancy, temporary certificates and operating permits, and to include in Building Permits, Certificates of Occupancy, temporary certificates and

operating permits such terms and conditions as the Building Inspector may determine to be appropriate;

- (3) To conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, temporary certificates and operating permits, fire safety and property maintenance inspections, inspections related to enforcement of the Zoning Law, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this Chapter; provided however, that unless the owner or owner's agent of a given property located in the Village consents to such inspection in writing or there is an emergency justifying an immediate inspection as provided in § 10-11.G of this Chapter or other applicable law authorizes an inspection or search without a search warrant, the Building Inspector, prior to conducting an inspection on such property, must obtain a search warrant from a court of competent jurisdiction.
- (4) To issue stop-Work orders, Notices of Violation and other notices and orders provided for in this Chapter;
- (5) In connection with any Application to interpret the Zoning Law to the full extent permitted by New York law, subject, however, to the Applicant's right to appeal such determination to the Zoning Board of Appeals pursuant to Village Law 7-712-b.
- (6) To review and investigate complaints;
- (7) To maintain records;
- (8) To collect fees provided for in this Chapter;
- (9) To pursue administrative enforcement actions and proceedings relating to any Violation;
- (10) In consultation with the Village Attorney and subject to the approval of the Board, to commence, pursue and prosecute such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, this Chapter, and any other local law of the Village which provides for enforcement by the Building Inspector or to abate or correct any Violations, including without limitation, conditions not in compliance with the Uniform Code, the Energy Code, this Chapter, the Zoning Law;
- (11) To inspect all signs in the Village and to enforce all of the provisions of the Village's local law regulating signs;
- (12) The Building Inspector may request and shall receive, as far as may be necessary in the discharge of his duties, the assistance and cooperation of the police and fire officers and all other municipal officials exercising any

jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

- (13) To exercise all other powers and fulfill all other duties conferred upon the Building Inspector by this Chapter.

B. The Building Inspector may be appointed and removed from office from time to time by the Mayor with the approval of the Board. The Building Inspector's term of office shall be one (1) year from the date of appointment; provided, however, that the Board may by resolution provide for a shorter or longer term of appointment for the Building Inspector. The Building Inspector shall meet or exceed the "Building Inspector Qualifications". "Building Inspector Qualifications" means having background experience related to Building construction and fire prevention and complying with the minimum standards imposed on the Village for Building Safety Inspectors and code enforcement officials as set forth in 19 NYCRR §1208(a) or (b), as the case may, as same may be amended from time to time. The Board by resolution may from time to time amend or modify the Building Inspector Qualifications provided that such amendment or modification does not violate any applicable state or federal law.

C. In addition to or in lieu of the appointment of a Building Inspector, the Board may from time to time employ or engage as an independent contractor one or more individuals, partnerships, corporations, LLCs or other entities to carry out some or all of the duties of the Building Inspector as provided in this Chapter (a "Contracted Inspector"), subject however, to the following:

- (1) Any such Contracted Inspector must at all times meet or exceed the Building Inspector Qualifications;
- (2) Any such Contracted Inspector shall perform the duties and responsibilities of the Building Inspector in compliance with the terms and conditions of any applicable agreement between such Contracted Inspector and the Village; however in no event will a Contracted Inspector take an "Officer Action".
- (3) As used herein "Officer Action" means any one or more of the following actions:
  - (a) Execution and issuance of any "Building Inspector Document". As used herein, Building Inspector Document" means any of the following: Building Permit, Certificate of Occupancy, Certificate of Compliance, operating permit, temporary certificate, stop Work orders, Notice of Violation and any other permit, certificate, order, notice or appearance ticket authorized to be issued under this Chapter by the Building Inspector and any documents suspending or revoking any such Building Inspector Document;
  - (b) Pursuing administrative enforcement actions and proceedings



relating to any Uncorrected Violation and legal actions and proceedings to the extent of the Building Inspector's authority under this Chapter and/or other applicable law;

- (c) any other action within the scope of the Building Inspector's power and authority as provided in this Chapter that a Contracted Inspector is not permitted to take under applicable law.
- D. Notwithstanding anything to the contrary set forth in this Chapter, during any time that the Village is employing or engaging a Contracted Inspector, as the case may be, any Officer Action may be taken by an Authorized Officer, but only if (i) such Officer Action has been recommended and approved by such Contracted Inspector and (ii) such Officer Action is within the scope of the authority granted to such Authorized Officer by the Mayor with the approval of the Board.
- E. "Special Inspectors" may be engaged by the Village from time to time to perform "Special Inspections" subject to and in compliance with 19 NYCRR Part 1208(e)(4).
- F. The compensation for the Building Inspector and any Contracted Inspector shall be fixed from time to time by the Board.

§ 10-6. Building Permits.

- A. Building Permits required. Except as otherwise provided in § 10-6.C, a Building Permit shall be required for any Work. As used in this Chapter, "Work" means any work which is required to conform to the Codes, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any Building or Structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any Work without first having obtained a Building Permit from the Building Inspector.
- B. Conformance with Zoning and Other Laws Required; Frontage Required.
  - (1) No Building Permit shall be issued for any proposed Work on any Building or Structure unless the proposed Work and use is in full conformance with the Zoning Law, and other applicable laws and regulations. Without limiting the generality of the foregoing, no Building Permit shall be issued for any use requiring a special permit, site plan approval and/or variance under the Zoning Law unless and until such permit, approval or variance, as the case may be, has been issued.
  - (2) No Building Permit shall be issued upon a Lot without access to either (i) a public street or (ii) a private street which is within a Subdivision approved by the Planning Board.

- C. Exemptions. No Building Permit shall be required for work in any of the following categories:
- (1) Construction or installation of one story detached Structures associated with one or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 100 square feet;
  - (2) Construction of temporary sets and scenery associated with motion picture, television, and theater uses;
  - (3) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
  - (4) Installation of partitions or movable cases less than 5'-9" in height;
  - (5) Painting, wallpapering, tiling, carpeting, or other similar finish work;
  - (6) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
  - (7) Replacement of any equipment, provided that the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
  - (8) Repairs, provided that the impact does not have an impact on fire and life safety, such as:
    - (a) any part of the structural system;
    - (b) The required means of egress; or
    - (c) The fire protection system or the removal from service of any part of the fire protection system for any period of time.
- D. Exemption not deemed authorization to perform noncompliant Work. The exemption from the requirement to obtain a Building Permit for work in any category set forth in § 10-6.C shall not be deemed an authorization for Work to be performed in violation of the Codes.
- E. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Building Inspector. The Application shall be signed by the owner of the property where the Work is to be performed or an authorized agent of the owner. The Application shall include such information as the Building Inspector deems sufficient to permit a determination by the Building Inspector that the intended Work complies

with all applicable requirements of the Codes. The Application shall include or be accompanied by the following information and documentation:

- (1) A description of the location, nature, extent, and scope of the proposed Work;
- (2) The Tax Map number and the street address of any affected Building or Structure;
- (3) The existing and intended use and the occupancy classification of any existing or proposed Building(s) and/or Structures;
- (4) The number of dwelling units the Building is designed to accommodate;
- (5) Where applicable, a statement of special inspections to be prepared in accordance with the provisions of the Uniform Code;
- (6) construction documents (drawings and/or specifications) in the format and quantity acceptable to the Board, prepared in compliance with 19 NYCCR 1203.3(a)(3);
- (7) any additional submittal documents in the format and quantity acceptable to the Board as required by the applicable provisions of the Codes;
- (8) Any other information and documentation that the Board or the Building Inspector may deem necessary to allow the Building Inspector to determine that the proposed Work conforms to the Codes.
- (9) Such other information with regard to the Building, the lot or neighboring lots as may be necessary to determine that the proposed Work will conform to the provisions of the Zoning Law
- (10) A statement that the Applicant consents to the Building Inspector conducting Construction Inspections of the Lot or other land, Building and/or Structure pursuant to § 10-6.E(10).

F. (Reserved)

G. Construction documents. Construction documents submitted as part of an application for a Building Permit shall be drawn to scale on suitable material or in electronic media. The Board and/or the Building Inspector shall not approve required construction documents unless they show in sufficient detail that they contain the information and/or documentation required by the applicable provisions of the Codes, and including but not limited to the following, where applicable:

- (1) describing the location, nature, extent, and scope of the proposed Work;
- (2) showing that the proposed Work will conform to the applicable provisions of the Codes;

- (3) showing the location, construction, size, and character of all portions of the means of egress;
- (4) showing a representation of the building thermal envelope;
- (5) showing structural information including but not limited to braced wall designs; the size, section, and relative locations of structural members; design loads; and other pertinent structural information;
- (6) showing the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the Building;
- (7) a written statement indicating compliance with the Energy Code;
- (8) a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site; distances from lot lines; the established street grades and the proposed finished grades; and, as applicable, flood hazard areas, floodways, and design flood elevations;
- (9) evidence that the construction documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number; and
- (10) include any other information and documentation that the Board may deem necessary to allow the Building Inspector and/or the Board to determine that the proposed work conforms to the Codes.

G-1 Construction documents and any other submittal documents approved as part of a Application for a Building Permit shall be so marked in writing and by stamp, or in the case of electronic media, an electronic marking. One complete set of approved construction documents and other submittal documents shall be retained by the Building Inspector. One complete set of approved construction documents and other submittal documents shall be returned to the Applicant to be available at the Work site for use by the Building Inspector. However, the return

of a set of accepted construction documents to the Applicant shall not be construed as authorization to commence Work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

- H. Issuance of Building Permits; Demolition Permits.
  - (1) An Application for a Building Permit or for an amendment thereto shall be examined to ascertain whether the proposed Work is in compliance with the applicable Legal Requirements, including without limitation the requirements of the Codes, this Chapter and the Zoning Law. The Building Inspector shall issue a Building Permit if the proposed Work is in compliance with the applicable requirements of the Codes, the provisions of this Chapter and the Zoning Law. If a Building Permit is denied, the Building Inspector shall provide the Applicant with the reasons for such denial in writing.
  - (2) A Building Permit which involves only the demolition of a Building or other Structure may be referred to in the Application and other applicable documentation as a Demolition Permit.
- I. Building Permits to be displayed. Building Permits shall be visibly displayed at the Work site and shall remain visible until the authorized Work has been completed.
- J. Work to be in accordance with construction documents. All Work shall be performed in accordance with the construction documents and other submittal documents which were submitted with and accepted as part of the Application for the Building Permit. The Building Permit shall contain a statement indicating that all work shall be performed in accordance with the approved building permit application including any supporting information and documentation, such as construction documents, written statements, submittal documents, etc. In addition, The Permit Holder shall immediately notify the Building Inspector of any change occurring during the course of the Work. The Building Permit shall include a directive indicating that the Permit Holder must notify the Building Inspector immediately in the event of changes occurring during the Work. If the Building Inspector determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- K. Time limits. Building Permits shall become invalid unless the authorized Work is commenced within twelve (12) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this § 10-6.K may be renewed upon Application by the Permit Holder, payment of the applicable fee, and approval of the Application by the Building Inspector.
- L. Revocation or suspension of Building Permits. The Building Inspector is

authorized to suspend or revoke a Building Permit in any one or more of the following cases:

- (1) The Building Inspector determines that a Building Permit was issued in error;
  - (2) Because of materially incorrect, inaccurate or incomplete information submitted by the Applicant or the Applicant's representative(s) to the Village in connection with the Application for the Building Permit, including without limitation false statements or misrepresentations as to a material fact in the Application or in the plans, specifications or other documents submitted in support of the Application or in support of any site plan approval, special permit or variance that was required in order for the Building Permit to be issued;
  - (3) The Building Inspector determines that the Work being performed under the Building Permit is not being carried out in accord with the Application, plans, specifications or other documents submitted by the Applicant or the Applicant's representative(s) in support of the Application or in support of any site plan approval, special permit or variance that was required in order for the Building Permit to be issued;
  - (4) Where the Person to whom a Building Permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.
  - (5) The Work for which a Building Permit was issued violates the Codes or otherwise constitutes a Violation.
- M. In the event that the Building Inspector revokes or suspends a Building Permit pursuant to § 10-6.L above, such revocation or suspension, as the case may be, the Building Inspector shall revoke the Building Permit or suspend the Building Permit until the Building Inspector determines that 1) all Work then completed is in compliance with all applicable provisions of the Uniform Code, the Energy Code, the Zoning Law and other applicable Legal Requirements, if any; and 2) all Work then proposed to be performed shall be in compliance with all such Legal Requirements.
- N. Fee. The fee specified in or determined in accordance with the provisions set forth in § 10-19 (Fees) of this Chapter must be paid at the time of submission of an Application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.
- O. Required Survey.
- (1) Applications for the construction of new Buildings or additions to existing Buildings shall be accompanied by an accurate survey showing the exact location of any proposed new construction and all existing Structures to remain.

- (2) The submission of an accurate survey may be waived by the Building Inspector in the case of an interior or exterior alteration to an existing Building or Structure.

§ 10-7. Construction inspections.

- A. The Building Inspector shall perform construction inspections required by the Codes including those listed in this paragraph, either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Building Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Building Inspector that the elements of the construction process conform with the applicable requirements of the Codes. Should a remote inspection not afford the Building Inspector sufficient information to make a determination, an in-person inspection shall be performed. Inspections shall include but not be limited to the following elements of the construction process, , where applicable:
  - (1) Worksite prior to the issuance of a Building Permit;
  - (2) Footing and foundation;
  - (3) Preparation for concrete slab;
  - (4) Framing;
  - (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the Building;
  - (6) Fire resistant construction;
  - (7) Fire resistant penetrations;
  - (8) Solid fuel-burning heating appliances, chimneys, flues, or gas vents;
  - (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, high-performance lighting, and controls;
  - (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
  - (11) A final inspection after all Work authorized by the Building Permit has been completed.
- B. Work for which a Permit has been issued shall remain accessible and exposed

until inspected and accepted by the Building Inspector or by an Inspector authorized by the Building Inspector. The Permit Holder shall notify the Building Inspector when any element of Work described in § 10-7.A is ready for inspection.

- C. Inspection results. After each inspection, the Building Inspector shall note the Work or a portion thereof to satisfactory as completed, or the building Permit Holder shall be notified as to the manner in which the Work fails to comply with the Codes, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with applicable provision of either or both of the Codes shall remain exposed until such Work shall have been brought into compliance with all applicable provisions of Codes, reinspected, and found satisfactory as completed.
- D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 10-19 (Fees) of this Chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 10-8. Stop-Work orders.

- A. Authority to issue. The Building Inspector is authorized to issue a stop-Work order pursuant to this section to halt any Violation(s). The Building Inspector is also authorized to issue a stop-Work order pursuant to this section to halt Work that is determined to be contrary to provisions of either or both of the Codes, is being conducted in a dangerous or unsafe manner, is being performed without obtaining a required Building Permit, or when a Building Permit has been issued in error.
- B. Content of stop-Work orders. Stop-Work orders shall:
  - (1) Be in writing;
  - (2) Be dated and signed by the Building Inspector;
  - (3) State the reason or reasons for issuance; and
  - (4) If applicable, state the conditions which must be satisfied before Work will be allowed to resume.
- C. Service of stop-Work orders. The Building Inspector shall attempt to cause the stop-Work order, or a copy thereof, to be served on the Violating Owner (and, if the Violating Owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Building Inspector is also authorized but not required, to attempt to cause the stop-Work order, or a copy thereof, to be served on any other Responsible Person personally or by certified mail; provided, however, that failure to serve the Owner or any other Responsible Persons shall not affect the efficacy or validity of the stop-Work order as to the Owner or any other



Responsible Person who has been served with such stop-Work order as provided in this § 10-8.C.

- D. Effect of stop-Work order. Upon the issuance of a stop-Work order, the Violating Owner, the Permit Holder and any other Person performing, taking part in or assisting in the Work shall immediately cease all Work which is the subject of the stop-Work order.
- E. Remedy not exclusive. The issuance of a stop-Work order shall not be the exclusive remedy available to address a Violation, and the authority to issue a stop-Work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 10-18 (Violations; penalties for offenses) of this Chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-Work order.

§ 10-9. Certificates of Occupancy, certificates of compliance, and temporary certificates of occupancy.

- A. Certificates of Occupancy required. A Certificate of Occupancy, or if determined to be applicable by the Building Inspector a Certificate of Compliance, shall be required for any Work which is the subject of a Building Permit and required to comply with either or both of the Codes and for all Structures, Buildings, or portions thereof which are converted from one use or occupancy classification or subclassification to another. Except as provided below in § 10-4D permission to use or occupy a Building or Structure, or portion thereof, for which a Building Permit was previously issued, or which has been converted from one use or occupancy classification or subclassification to another, shall be granted only by issuance of a Certificate of Occupancy or a Certificate of Compliance. The determination as to whether Work requires a Certificate of Occupancy or Certificate of Compliance shall be made by the Building Inspector, but in any case one or the other shall be required.
- B. A Certificate of Occupancy or a Certificate of Compliance, as the case may be, shall not issue until the Building Inspector shall have
  - (1) inspected the Building, Structure, or Work and determined that the Building, Structure, or Work is in compliance with all applicable provisions of the Codes;
  - (2) where applicable, received and reviewed each written statement of structural observations and/or a final report of special inspections required by any applicable provisions of the Uniform Code and determined that the information in such written statement or report adequately demonstrates compliance with the applicable provision of the Uniform Code;

- (3) where applicable, received and reviewed flood hazard certifications required by any applicable provisions of the Uniform Code and determined that the information in such certifications adequately demonstrates compliance with the applicable provision of the Uniform Code;
- (4) where applicable, received and reviewed each written statement of the results of tests performed to show compliance with the Energy Code and determined that the information in such statements adequately demonstrates compliance with the applicable provision of the Energy Code; and
- (5) where applicable, verified the affixation of the appropriate seals, insignias, and manufacturers' data plates as required for factory manufactured buildings and/or manufactured homes

B-1 Issuance of Certificate of Occupancy. The Building Inspector shall issue a Certificate of Occupancy if the Work which was the subject of the Building Permit was completed in accordance with each of the following: (i) the construction documents submitted by the Applicant as amended and approved by the Building Inspector; (ii) conditions or specifications of any applicable site plan or special permit approval; (iii) all applicable provisions of the Codes, this Chapter, the Zoning Law and any other applicable laws and regulations, and, (iv) if applicable, that the Structure, Building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Codes. The Building Inspector or an Inspector authorized by the Building Inspector shall inspect the Building, Structure or Work prior to the issuance of a Certificate of Occupancy. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Building Inspector, at the expense of the Applicant for the Certificate of Occupancy, shall be provided to the Building Inspector prior to the issuance of the Certificate of Occupancy:

- (1) A written statement of structural observations and/or a final report of special inspections; and
- (2) Flood hazard certifications.

C. Contents of Certificate of Occupancy and Certificate of Compliance. A Certificate of Occupancy or Certificate of Compliance, as the case may be, shall contain the following information:

- (1) The Building Permit number, if any;
- (2) The date of issuance of the Building Permit, if any;

- (3) The name, address, and Tax Map number of the property;
- (4) If the Certificate of Occupancy or Certificate of Compliance, as the case may be, is not applicable to an entire Building or Structure, a description of that portion of the Building or Structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) The use and occupancy classification of the Building or Structure;
- (6) The type of construction of the Building or Structure;
- (7) The occupant load of the assembly areas in the Building or Structure, if any;
- (8) Any special conditions imposed in connection with the issuance of the Building Permit;
- (9) The signature of the Building Inspector issuing the Certificate of Occupancy or Certificate of Compliance as the case may be and
- (10) the date of issuance of the Certificate of Occupancy or Certificate of Compliance, as the case may be.

D. Temporary certificate. The Building Inspector shall be permitted to issue a temporary Certificate of Occupancy prior to completion of the Work which is the subject of a Building Permit, provided that:

- (1) A temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six months, which shall be determined by the Building Inspector and specified in the temporary Certificate of Occupancy. During the specified period of effectiveness of the temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the Building or Structure into full compliance with all applicable provisions of the Codes.
- (2) The temporary Certificate of Occupancy shall specify the portion or portions of the Building or Structure that may be occupied pursuant to the temporary Certificate of Occupancy, and any special terms or conditions of such occupancy that the Building Inspector may deem to be appropriate to ensure the health and safety of the persons occupying and using the Building or Structure and/or performing further construction work in the Building or Structure.
- (3) The temporary Certificate of Occupancy shall also include the information mentioned in § 10-9 C.
- (4) The Building Inspector shall not issue a temporary Certificate of Occupancy until it determines that the following conditions are met:

- (a) the Structure or portions thereof may be occupied safely;
- (b) any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational; and
- (c) all required means of egress from the Structure have been provided.

- E. Revocation or suspension of certificates. A Certificate of Occupancy, Certificate of Compliance or a temporary Certificate of Occupancy, as the case may be, which is issued in error or on the basis of incorrect, inaccurate or incomplete information shall be suspended or revoked by the Building Inspector until such time as the Permit Holder demonstrates that all work completed and all work proposed shall be in compliance with applicable provisions of the Codes.
- F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 10-19 (Fees) of this Chapter must be paid at the time of submission of an Application for a Certificate of Occupancy, a Certificate of Compliance, or for a temporary Certificate of Occupancy, as the case may be.

§ 10-10. Notification regarding fire or explosion.

The Chief of any fire department providing firefighting services for a property within this Village shall promptly notify the Building Inspector of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

§ 10-11. Unsafe Structures and equipment and imminent danger.

- A. An "Unsafe Structure" means any Building or Structure or equipment which the Building Inspector determines: (i) to be structurally unsafe, insanitary or not provided with adequate egress, or (ii) to constitute a fire hazard or otherwise is dangerous to human life, or (iii) which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are, severally.
- B. All Unsafe Structures are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this § 10-11.
- C. The Building Inspector shall inspect or cause to be inspected every Unsafe Structure of which the Building Inspector becomes aware and shall make a written record of such examination.
- D. Whenever the Building Inspector shall find any Building or Structure or equipment or portion thereof to be an Unsafe Structure, the Building Inspector

shall issue a Notice of Violation in accordance with § 10-18.A.

- E. If the Building Inspector finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the Building, Structure, or portion thereof to be vacated forthwith and not reoccupied until the specified repair and improvements are completed, inspected and approved by the Building Inspector. The Building Inspector shall cause to be posted at each entrance to such Building a notice: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING INSPECTOR. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation, or their agents or other persons, to remove such notice without written permission of the Building Inspector, or for any person to enter the Building except for the purpose of making the required repairs or of demolishing same.
- F. In case the owner, agent or person in control cannot be found within the stated time limit, or if such owner, agent or person in control fails, neglects or refuses to comply with the notice to repair, rehabilitate or demolish and remove said Building or Structure or equipment or portion thereof, the Village Attorney shall be advised of all the facts in the case and, subject to the approval of the Board, shall be authorized to institute an appropriate action in a court of competent jurisdiction to compel compliance.
- G. In cases of emergency which, in the opinion of the Building Inspector, involve imminent danger to human life or health, the Building Inspector shall promptly cause such Building, Structure, equipment, or portion thereof to be made safe or to be removed. For this purpose, he may at once enter such Structure or Lot or other land on which it stands, or abutting Lot or other land or Structure, with such assistance and at such cost as may be necessary. He may vacate adjacent Structures and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a public or private way.
- H. Costs incurred under § 10-11.F and § 10-11.G, including reasonable attorneys fees of the Village's attorney, shall be paid out of the Village treasury on certificate of the Building Inspector. Such costs shall be assessed against the Lot or other land on which said Building or Structure is located and shall be and become a lien on said Lot or other land, as the case may be, as of the date of such assessment. The lien of the Village for such cost and expenses shall have priority over all other liens and encumbrances, except the liens of taxes and assessments which constitute prior liens.

§ 10-12. Operating permits.

- A. Operation permits required. Operating permits shall be required for conducting any process or activity or for operating any type of Building, Structure, or facility listed in this § as follows :

- (1) Manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
- (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS listed and described in section 1203.3 (g)(1)(ii) as follows:
  - (a) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
  - (b) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
  - (c) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
  - (d) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
  - (e) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
  - (f) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
  - (g) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
  - (h) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
  - (i) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
  - (j) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other

pyrotechnic special effects materials except the outdoor use of sparking devices as defined by Penal Law section 270;

(k) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;

(l) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and

(m) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle.

- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS;
- (4) Buildings containing one or more assembly areas;
- (5) outdoor events where the planned attendance exceeds 1,000 persons;
- (6) facilities that store, handle or use hazardous production materials;
- (7) parking garages as defined in section 1203.3 (j);
- (8) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of this Village; and
- (9) other processes or activities or for operating any type of building, structure, or facility at the discretion of the authority having jurisdiction.

Any person who proposes to undertake any activity or to operate any type of Building, Structure, or facility listed in this §10-12A shall be required to obtain an Operating Permit prior to commencing such activity or operation.

- B. Applications for operating permits. An Application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Building Inspector. Such Application shall include such information as the Building Inspector deems sufficient to enable a determination by the Building Inspector that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Building Inspector determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Building Inspector, at the expense of the Applicant. Such Application shall include a statement that the Applicant consents to the Building

Inspector conducting inspections pursuant to § 10-12.D.

- C. **Exemptions.** The Board may exempt from the requirement for an operating permit the processes or activities, or the buildings, structures, or facilities listed in § 10-12A, provided that the use is expressly authorized by a Certificate of Occupancy or Certificate of Compliance, fire safety and property maintenance inspections are performed in accordance with § 10-13, and condition assessments are performed in compliance with § 10-23 as applicable. Neither this paragraph nor this Chapter 10-A shall limit or impair the right of the Board nor the Building Inspector to take any other enforcement action, including but not limited to those specified in § 10-18, as may be necessary or appropriate in response to any citation of non-compliance found during a fire safety and property maintenance inspection.
- D. **Inspections.** The Building Inspector or an Inspector authorized by the Building Inspector shall perform an inspection of the subject premises prior to the issuance or renewal of an operating permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Building Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Building Inspector that the premises conform with the applicable requirements of the Uniform Code and this Chapter 10A. Should a remote inspection not afford the Building Inspector sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fails to comply with either or both of the Uniform Code and this Chapter 10A, including a citation to the specific provision or provisions that have not been met.
- D. **Multiple activities.** In any circumstance in which more than one activity listed in § 10-12.A is to be conducted at a location, the Building Inspector may require a separate operating permit for each such activity, or the Building Inspector may, in his or her discretion, issue a single operating permit to apply to all such activities.
- E. **Duration of operating permits.** Operating permits shall remain in effect until reissued, renewed, or revoked and shall be issued for a specified period of time consistent with local conditions, but in no event to exceed:
  - (1) 180 days for tents, special event structures, and other membrane structures;
  - (2) 60 days for alternative activities at a sugarhouse;
  - (3) years for the activities, structures, and operations determined per §10-12A6 (facilities that store, handle or use hazardous production materials);
  - (4) one (1) year for all other activities, structures, and operations identified in §10-12A



The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon Application to the Building Inspector, payment of the applicable fee, and approval of such Application by the Building Inspector.

- F. Revocation or suspension of operating permits. The Building Inspector shall revoke or suspend an operating permit where a [process or activity, or the operation of any type of Building, Structure, or facility does not comply with any applicable provision of the Uniform Code.
- G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 10-19 (Fees) of this Chapter must be paid at the time submission of an Application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 10-13. Fire safety and property maintenance inspections.

- A. Inspections required. Fire safety and property maintenance inspections of Buildings and Structures shall be performed by the Building Inspector or an Inspector designated by the Building Inspector either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Building Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Building Inspector that the premises conform with the applicable requirements of the Codes. Should a remote inspection not afford the Building Inspector sufficient information to make a determination, an in-person inspection shall be performed. Fire safety and property maintenance inspections shall be performed at intervals consistent with local conditions, but in no event shall such intervals exceed:
  - (1) One year for Buildings which contain an assembly area;
  - (2) one year for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining or recreational facilities; and
  - (3) (iii) three years for multiple dwellings and all nonresidential occupancies.
- B. Inspections permitted.
  - (1) In addition to the inspections required by § 10-13.A, a fire safety and property maintenance inspection of any Building, Structure, use, or occupancy, or of any dwelling unit, may also be performed by the Building Inspector or an Inspector designated by the Building Inspector at any time upon; the request of the owner of the property to be inspected or an authorized agent of such owner; receipt by the Building Inspector of a

written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or receipt by the Building Inspector of any other information, reasonably believed by the Building Inspector to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(2) After each inspection, the Building Inspector shall note the premises as satisfactory, or the owner and operator shall be notified as to the manner in which the premises fails to comply with the Uniform Code, including a citation to the specific Uniform Code provision or provisions that have not been met.

(3) Nothing in this §10-13 shall require or be construed to require regular, periodic inspections of (a) owner-occupied one and two-family dwellings, or (b) agricultural buildings used directly and solely for agricultural purposes, provided, however, that this shall not be a limitation on inspections conducted at the invitation of the owner or occupant, or where conditions on the premises threaten or present a hazard to public health, safety, or welfare.

C. OFPC inspections. In the case of a building referred to in § 10-13A2 (public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining or recreational facilities), the Building Inspector may accept an inspection performed by the Office of Fire Prevention and Control (“OFPC”) or other authorized entity pursuant to § 807-a and § 807-b of the Education Law and/or § 156-e of the Executive Law, and Education Law § 807-b in lieu of an inspection performed by the Building Inspector or an Inspector designated by the Building Inspector, provided that:

- (1) The Building Inspector is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR §1203.2 (e)(1) and § 1203.2 (e)(2);
- (2) The Building Inspector is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
- (3) such inspections are performed no less frequently than once a year;
- (4) a true and complete copy of the report of each such inspection is provided

to the Building; and

- (5) upon receipt of each such report, the Building Inspector takes the appropriate action prescribed by §10-13B2 or verifies the authorized entity performing the inspection has taken the appropriate action consistent with §10-13B2.

- D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 10-19 (Fees) of this Chapter must be paid prior to or at the time each inspection is performed pursuant to this section.

§ 10-14. Complaints.

- A. The Building Inspector shall review and investigate complaints which allege or assert the existence of conditions or activities that constitute a Violation. The process for responding to a complaint shall include such of the following steps as the Building Inspector may deem to be appropriate:
  - (1) Performing an inspection of the conditions and/or activities alleged to be a Violation, and documenting the results of such inspection;
  - (2) If a Violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the Violation with a Notice of Violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 10-18 (Violations; penalties for offenses) of this Chapter;
  - (3) If appropriate, issuing a stop-Work order;
  - (4) If a Violation which was found to exist is abated or corrected, performing an inspection to ensure that the Violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 10-15. Reserved.

§ 10-16. Recordkeeping.

- A. The Building Inspector shall keep permanent official records of all transactions and activities conducted by the Building Inspector and Inspectors including records of:
  - (1) All Applications received, reviewed and approved or denied;
  - (2) All plans, specifications and construction documents approved;
  - (3) All Building Permits, Certificates of Occupancy, temporary certificates, stop- Work orders, and operating permits issued;

- (4) All inspections and tests performed;
  - (5) All statements and reports issued;
  - (6) All complaints received;
  - (7) All investigations conducted;
  - (8) All other features and activities specified in or contemplated by § 10-6 through § 10-14, inclusive, of this Chapter, including; and
  - (9) All fees charged and collected.
- B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to Buildings or Structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.
- C. A record of all Certificates of Occupancy shall be kept in the office of the Village Clerk.

§ 10-17. Program review and reporting.

- A. The Building Inspector shall annually submit to the Board a written report and summary of all business conducted by the Building Inspector and the Inspectors, including a report and summary of all transactions and activities described in § 10-16 (Recordkeeping) of this Chapter and a report and summary of all appeals or litigation pending or concluded. The Building Inspector shall also submit to the Board such additional reports at such time and in such form as may be requested by the Board from time to time.
- B. The Building Inspector shall annually submit to the Secretary of State, on behalf of this Village, on a form prescribed by the Secretary of State, a report of the activities of this Village relative to administration and enforcement of the Uniform Code.
- C. The Building Inspector shall, upon request of the New York State Department of State, provide to the New York State Department of State true and complete copies of the records and related materials this Village is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Village in connection with administration and enforcement of the either or both of the Codes as may be requested by the Department of State.

§ 10-18. Violations; penalties for offenses.

- A. Notice of Violation. Upon a finding by the Building Inspector that there is reasonable grounds to believe that a Violation exists, the Building Inspector is authorized to issue a Notice of Violation to any one or more Responsible Persons. Failure to issue a Notice of Violation to one or more Responsible Persons shall not invalidate any Notice of Violation issued to any other Responsible Person or Responsible Persons.
- B. Contents of Notice of Violation.
- (1) The Notice of Violation shall be in writing, and shall:
- (a) be dated and signed by the Building Inspector;
  - (b) set forth the address and/or tax identification number of the Premises in Violation;
  - (c) specify the condition or activity that constitutes the Violation;
  - (d) specify the provision or provisions of the Uniform Code, the Energy Code, this Chapter, the Zoning Law or other Legal Requirement, as the case may be, that has been or is being violated;
  - (e) order that the Violation be corrected and specify the time period within which such correction must be completed. Including the following language in the Notice of Violation will satisfy this subparagraph (e):

“The person or entity served with this Notice of Violation must completely remedy each violation of law or regulation as described in this Notice of Violation by \_\_\_\_\_ [specify date] which is thirty (30) days after the date of this Notice of Violation (“Required Correction Date”)”
  - (f) specify the actions required to be taken in order to remedy the Violation (“Corrective Action”);
  - (g) state that an action or proceeding to compel compliance with this Notice of Violation may be instituted if correction of the violation is not achieved on or before the Required Correction Date (including, but not limited to, the imposition of criminal or civil penalties hereunder).
  - (h) If the Violation includes that the Building or other Structure is an Unsafe Structure, then the Notice of Violation shall also state that, on or before the Correction Date, the Corrective Action must be completed or the Unsafe Structure must be demolished and all debris removed.

- (2) Stop Work Order. The Building Inspector is authorized to include in such Notice of Violation a stop-Work order as described in § 10-8 of this Chapter. This paragraph (2) shall not be deemed to limit the authority of the Building Inspector to issue stop Work orders under circumstances not requiring a Notice of Violation.
- (3) The Building Inspector may include in the Notice of Violation provisions ordering the Responsible Person or Responsible Persons, as the case may be:
  - (a) To begin to remedy the Violation described in the Notice of Violation immediately, or within some other specified period of time which may be less than the time period specified for correction therein; to continue diligently to remedy such Violation until it is fully remedied; and, in any event, to complete the remedying of all such Violations within thirty (30) days.
  - (b) To take such other protective actions (such as vacating the Building or barricading the area where the Violation exists) which are authorized by the Building Inspector or by this Chapter or by any other applicable statute, regulation, rule, local law or ordinance, and which the Building Inspector may deem appropriate, during the period while such Violation are being remedied.
- (4) A Notice of Violation shall not be deemed defective so long as it substantially complies with the requirements of this § 10-18.
- C. Manner of Service of Notice of Violation. A Notice of Violation in order to be effective against a given Responsible Person shall be served upon such Responsible Person either personally or by certified or registered mail within five days of the date of the Notice of Violation. Failure to serve one or more Responsible Persons with a Notice of Violation shall not be deemed to invalidate service of such Notice of Violation upon any other Responsible Person or Responsible Persons.
- D. Appearance Tickets. For any Violation, the Building Inspector is authorized to issue appearance tickets to the Responsible Person or Responsible Persons, as the case may be, returnable in any court of competent jurisdiction.
- E. Penalties.<sup>1</sup> In the event that the Building Inspector determines that a Violation

<sup>1</sup> See Municipal Home Rule Law §10(4)(b) (the legislative body of a local government shall have power: ...4. In the exercise of its powers to adopt and amend local laws, the legislative body of a local government shall have power:... (b) To provide for the enforcement of local laws by legal or equitable proceedings which are or may be provided or authorized by law, to prescribe that violations thereof shall constitute misdemeanors, offenses or infractions and to provide for the punishment of violations thereof by civil penalty, fine, forfeiture, community service,...)

specified in a Notice of Violation has not been fully corrected on or before the date specified for such correction in the Notice of Violation (“Correction Date”), then such Violation shall be deemed to be an uncorrected violation (“Uncorrected Violation”). With respect to any Uncorrected Violation, each Responsible Person who has been served with a Notice of Violation with respect to Violation which becomes an Uncorrected Violation shall be guilty of a violation as provided in this Chapter shall for (a) a first offense be guilty of a violation as defined in Penal Law §55.10 (3) and subject to a fine of not less than \$500 and not more than \$2,000 or to imprisonment for up to fifteen (15) days, or both; (b) for a second offense be guilty of an unclassified misdemeanor as defined in Penal Law §55.10(2)(c) and subject to a fine of not less than \$1,000 and not more than \$4,000 or imprisonment for up to thirty (30) days, or both; and (c) for the third and all subsequent offenses be guilty of an unclassified misdemeanor and subject to a fine of not less than \$4,000 and not more than \$6,000 or imprisonment for up to sixty (60) days, or both.<sup>2</sup> Each and every day that any Uncorrected Violation continues beyond the Correction Date shall constitute a separate offense. In addition to the above penalties, the Responsible Person or Responsible Persons, as the case may be, shall be jointly and severally liable to the Village for all of its costs and expenses, including without limitation reasonable attorney’s fees, incurred in determining, issuing and/or prosecuting such Uncorrected Violation, including without limitation, in any action or proceeding relating to an Uncorrected Violation which is initiated by the Village against one or more Responsible Persons pursuant to this §98-59, whether criminal and/or civil.

For the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this Chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations.

- F. Remedies Not Exclusive. No remedy or penalty specified in this Chapter shall be the exclusive remedy or penalty available to address any Violation, and each remedy or penalty for any Uncorrected Violations as specified in this § 10-18 shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Chapter, in any other Articles of this Chapter, or under any other applicable law, including without limitation, the remedies specified in Village §7-714 and in Subdivisions (2), (3), and (4) of § 382 of the Executive Law or any regulations promulgated thereunder. Any remedy or penalty specified in this Chapter may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Chapter or under any other applicable law. Without limiting the generality of the foregoing, the Village may simultaneously maintain an injunctive action in

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<sup>2</sup> The NY Penal Law §80.05 (4) authorizes the Village to impose fines for violations of its local laws which exceed the maximum amount imposed by similar state law. See, *People v Kams*, 365 N.Y.S.2d 725, 735 (N.Y. City Ct., Mar. 18, 1975).

Supreme Court and a prosecution in Justice Court.

- G. Nothing contained herein shall be deemed to invalidate any Notice of Violation issued by the Building Inspector at any time prior to the effective date of this local law ("Prior Violation"); provided, however, that all of the Village's rights and remedies, including without limitation those specified in § 10-18.D through § 10-18.F shall fully apply to any such Prior Violation which has not been fully corrected prior to such effective date of this Chapter.
- H. Injunctive relief. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any Violation, and/or to obtain an order directing the removal of the Building or Structure or an abatement of the condition resulting in such Violation. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Board.

§ 10-19. Fees for permits, certificates and inspections.

A fee schedule applicable to permits and certificates issued and inspections made under this Chapter 10-A shall be established and may be amended from time to time by resolution of the Board. The applicable fee set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of any Application, the issuance of any Building Permit, any amended Building Permit, any renewed Building Permit, any Certificate of Occupancy, any temporary certificate, operating permit, construction inspection, fire safety and property maintenance inspection, and other action of the Building Inspector for which a fee is set forth on such fee schedule. No permit or certificate shall be issued and no inspection shall be performed by the Building Inspector until the Applicant has paid to the Village of Pawling the appropriate fee as provided in the fee schedule. The Board shall review such fee schedule from time to time to ensure that such fees are no greater than the amount which the Board has estimated in good faith to be reasonably necessary to cover the costs to the Village of review, issuance and inspection of permits, certificates and inspections provided for in the Chapter; however exact congruence between total expenses and total fees for permits, certificates and inspections is not required.

§ 10-20. Intermunicipal agreements.

The Board may, by resolution, authorize the Mayor to enter into an agreement, in the name of this Village, with other governments to carry out the terms of this Chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

§ 10-21. Severability, Savings Clause, Inconsistencies

If any section of this Chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate



the remainder of this Chapter.

In addition, to the maximum extent permitted by law, this Chapter shall be interpreted so as to comply with the requirements of 19 NYCRR Section 1203.3 (minimum features of a program for administration and enforcement of the Uniform Code) and any other state laws or regulations applicable to this Chapter.

In the event of any inconsistencies between this Chapter and the Zoning Law or any other local law of the Village enacted prior to the effective date of this Chapter, the terms of this Chapter shall prevail and be controlling.

§ 10-22. When effective.

This Chapter shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with § 27 of the Municipal Home Rule Law.

§ 10-23 Condition Assessments of Parking Garages

A. Definitions. For the purposes of this section:

- (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
- (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
- (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
  - (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
  - (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
  - (iii) a townhouse unit with attached parking exclusively for such unit;
- (4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

- (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
  - (6) the term “unsafe condition” includes the conditions identified as “unsafe” in § 304.1.1, § 305.1.1, and § 306.1.1 of the PMCNYS; and
  - (7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this §10-23, periodic condition assessments as described in subdivision (d) of this §10-23, and such additional condition assessments as may be required under subdivision (e) of this §10-23. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Building Inspector and the Board, in accordance with the requirements of subdivision (f) of this § 10-23. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.
- (c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:
- (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a Certificate of Occupancy or Certificate of Compliance being issued for the structure.
  - (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
    - (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
    - (ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
    - (iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.
  - (3) Any parking garage constructed prior to the effective date of this Chapter10A that

has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to *six (6) months after the effective date of this local law*.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this §, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the Building Inspector becomes aware of any new or increased deterioration which, in the judgment of the Building Inspector, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this §, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Building Inspector to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Building Inspector within such time as fixed by the Building Inspector. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
- (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
- (3) an evaluation and description of the unsafe conditions;
- (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

- (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
  - (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
  - (7) the responsible professional engineer's recommendation regarding preventative maintenance;
  - (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
  - (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.
- (g) Review Condition Assessment Reports. The Building Inspector shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Building Inspector shall, by Order to Remedy or such other means of enforcement as the Building Inspector may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Board or the Building Inspector to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.
- (h) The Building Inspector shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Building Inspector with a written statement attesting to the fact that he or she has been so engaged, the Building Inspector shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Building

Inspector shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

- (i) This section shall not limit or impair the right or the obligation of the Building Inspector:
  - (1) to perform such construction inspections as are required by §10-7 (Construction Inspections) of this local law;
  - (2) to perform such periodic fire safety and property maintenance inspections as are required by §10-13 (Fire Safety and Property Maintenance Inspections) of this local law; and/or
  - (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Building Inspector by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

§ 10-24. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

- (a) The Board of Trustees shall determine the climatic and geographic design criteria for buildings and structures constructed within this Village as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:
  - (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
  - (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
  - (3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
    - (i) the accompanying Flood Insurance Rate Map (FIRM);
    - (ii) Flood Boundary and Floodway Map (FBFM); and
    - (iii) related supporting data along with any revisions thereto.
- (b) The Building Inspector shall prepare a written record of the climatic and geographic design

criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Building Inspector, and shall make such record readily available to the public.

**LOCAL LAW NO. 3 OF 2022**  
**KNOWN AS “PROCEDURES FOR DETERMINATION AND PAYMENT OF**  
**REASONABLE AND NECESSARY FEES RELATING TO APPLICATIONS FOR LAND**  
**USE APPROVALS”**

At a Meeting of the Village of Pawling Board of Trustees held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 16<sup>th</sup> day of May, 2022, at 7:00 PM

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

***Identifier: Local Law No 3 for the year 2022 to be known as “Procedures for determination and payments of reasonable and necessary fees relating to Applications for Land Use Approvals”***

The meeting was called to order by Mayor Lauri Taylor and the following were:

**P R E S E N T:**

Mayor Lauri Taylor  
Trustee Daniel Peters  
Trustee John Burweger  
Trustee Gerald Locascio

**ABSENT:**

Trustee Tom Meyer

Trustee Peters moved the following resolution, seconded by Trustee Burweger, to adopt Local Law No. 3 of 2022, to be known as “Procedures for determination and payments of reasonable and necessary fees relating to Applications for Land Use Approvals”

**WHEREAS**, at the Board of Trustees meeting held on May 2, 2022 Local Law No. 3 of 2022 was introduced and the Board set the public hearing on this Local Law for May 16, 2022

**WHEREAS**, a duly noticed public hearing was held on May 16, 2022 and interested parties were provided an opportunity to be heard;

**NOW THEREFORE, BE IT ENACTED** that the Board of Trustees of the Village of Pawling hereby adopts the following Local Law:

Local Law No 3 for the year 2022 to be known as “**Procedures for determination and**

Local Law No 3 page 1

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**payment of reasonable and necessary fees relating to Applications for Land Use Approvals”**

**1. Certain Definitions.** As used in this local law:

- a. “Applicant” means a Person who submits an Application for Land Use Approval.
- b. “Application Review Process” means an Approval Board’s review of an Application for Land Use Approval.
- c. “Application for Land Use Approval” means any application submitted by an Applicant to an Approval Board seeking one or more Land Use Approvals with respect to real property located in the Village.
- d. “Approval Board” means any board of the Village with authority to issue a Land Use Approval, including without limitation, the Board, the Planning Board and the Zoning Board of Appeals.
- e. “Board” or “Board of Trustees” means the Board of Trustees of the Village.
- f. “Chapter 10-A” means Chapter 10-A of the Code of the Village of Pawling enacted by Local Law No 2 of the year 2022 and known as “Building Code Administration and Enforcement Procedures for Buildings and Zoning”.
- g. “Chapter 98” means Chapter 98 of the Code of the Village known as the “Zoning Law”.
- h. “Claimed Fee ” means the amount billed by a Professional to the Village for Professional Fees.
- i. “Effective Date” means the date on which this Local Law was filed with the New York State Secretary of State.
- j. “Escrow Amount” means any amount paid by an Applicant to the Village, as escrowee, whether as an initial or subsequent deposit, in order to provide funds to pay Reasonable and Necessary Fees related to the Applicant’s Application for Land Use Approvals.
- k. “Escrow Account” has the meaning set forth in Section 8.d
- l. “Estimated Fee” shall have the meaning set forth in Section 8.a.
- m. “Land Use Approval” means any approval of a Land Use Application by an Approval Board pursuant to Chapter 98 or any other law, rule or regulation, including but not limited to site plan approval, subdivision approval, special use permit, zoning amendments, use variance, area variance, zoning interpretation and any other application to an Approval Board which is within

the jurisdiction of such Approval Board and for which Professional Fees may lawfully be charged by the Approval Board to an Applicant.

- n. "this Local Law" means this local law number No.3 for the year 2022.
  - o. "Pending Dispute" has the meaning set forth in Section 4.b
  - p. "Person" means an individual, a partnership, a corporation, a limited liability company, a trustee, a trust and any unincorporated entity.
  - q. "Planning Board" means the Planning Board for the Village.
  - r. "Professional" means of the following: engineer, lawyer, architect, landscape designer, surveyor, municipal planner, environmental consultant and related professionals.
  - s. "Professional Fee" means a fee for services rendered by a Professional to an Approval Board in connection with the Approval Board's review of an Application for Land Use Approval.
  - t. "Reasonable and Necessary Fee" has the meaning set forth in Section 8.c.
  - u. "Reviewer" means (i) the Mayor if the Approval Board is the Board of Trustees or (ii) the Chairperson of the Approval Board if the Approval Board is the Planning Board or Zoning Board of Appeals.
  - v. "Section" means a numbered section of this Local Law.
  - w. "Village" means the Village of Pawling  
"Zoning Board of Appeals" means the Zoning Board of Appeals for the Village.
- 2. **Local Law No 2 for the Year 2021** regarding reimbursement of professional fees incurred by the Village in connection with land use applications is hereby repealed.
  - 3. **Article X of Chapter 98 entitled "Fees"** is repealed; provided however, for the avoidance of doubt, this Local Law shall not affect in any way the repeal of Local Law # 3 of 1987 as provided in former §98-57 of Chapter 98.
  - 4. **Applicability.** This local law shall apply to:
    - a. all Applications for Land Use Approvals pending before any Approval Board as of the Effective Date and all Applications for Land Use Approval submitted thereafter;
    - b. all Professional Fees with respect to which any dispute is pending between an Applicant and the Village on the Effective Date, including, but not limited to, any declaratory judgment action, Article 78 Proceeding, action for disallowance and/or refund of fees and/or other litigation (each, a "Pending Dispute"); and
    - c. any determination or re-determination of Professional Fees charged to an

Applicant by the Village at any time prior to the Effective Date upon the direction of a court of competent jurisdiction declaring or otherwise ruling that any fees or expenses imposed under this Local Law or any predecessor statute were improperly imposed, unconstitutional, or otherwise invalid;

5. Article X of Chapter 98 is reserved for future use.

6. **Section 10-19 of Chapter 10-A entitled "Fees"** is amended to read as follows:

**"10-19. Fees for permits, certificates and inspections.**

A fee schedule applicable to permits and certificates issued and inspections made under this Chapter 10-A shall be established and may be amended from time to time by resolution of the Board. The applicable fee set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of any Application, the issuance of any Building Permit, any amended Building Permit, any renewed Building Permit, any Certificate of Occupancy, any temporary certificate, operating permit, construction inspection, fire safety and property maintenance inspection, and other action of the Building Inspector for which a fee is set forth on such fee schedule. No permit or certificate shall be issued and no inspection shall be performed by the Building Inspector until the Applicant has paid to the Village of Pawling the appropriate fee as provided in the fee schedule. The Board shall review such fee schedule from time to time to ensure that such fees are no greater than the amount which the Board has estimated in good faith to be reasonably necessary to cover the costs to the Village of review, issuance and inspection of permits, certificates and inspections provided for in the Chapter; however exact congruence between total expenses and total fees for permits, certificates and inspections is not required."

7. **Application Fees for Application for Land Use Approvals.**

- a. A schedule of fees payable for Applications for Land Use Approvals shall be established and may be amended from time to time by resolution of the Board of Trustees. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of any Application for Land Use Approval.
- b. An Applicant shall not be placed on an Approval Board's agenda until the

Applicant has paid to the Village the appropriate fee as provided in the fee schedule (in addition to submitting any other documentation as may be required by law). The Board shall review such fee schedule from time to time to ensure that such fees are no greater than the amount which the Board has estimated in good faith to be reasonably necessary to cover the costs to the Village of review, processing and issuance of Land Use Approvals as provided for in the Chapter; however exact congruence between total expenses and total application fees for Land Use Approvals is not required.

**8. Estimates and Payments of Professional Fees Relating to Applications for Land Use Approval..**

- a. As soon as practical after an Applicant's submission of an Application for Land Use Approval to an Approval Board, the Reviewer shall make a good faith estimate of the Professional Fees, if any, required for such Application for Land Use Approval ("Estimated Fee").
- b. Prior to establishing an Estimated Fee, the Reviewer must make a determination that such Estimated Fee is a "Reasonable and Necessary Fee" as defined in Section 8.c and issue to the Applicant written notice of such determination.
- c. A "Reasonable and Necessary Fee" means a fee that has been determined in good faith by the Reviewer or Board of Trustees, as the case may be, to meet each of the following conditions:
  - i. The fee is necessary to the Approval Board's review and carrying out of its decision making function with respect to the Application for Land Use Approval in accord with applicable law and after taking into consideration the size, type and number of buildings and/or structures to be constructed, the topography of the site at issue, environmental conditions at such site, the infrastructure proposed in the Application for Land Use Approval, the project cost, and the complexity of the legal, engineering and/or planning issues presented by the Application for Land Use Approval to the extent that they bear upon the reasonableness and necessity of the given fee; and
  - ii. The fee bears a reasonable relationship to the average fees paid for similar professional services by applicants for comparable land use approvals in the region, with such determination to be confirmed by surveys of such expenses which are deemed reliable; and

- iii. The fee does not fulfill any purpose other than to reimburse the Village for reasonable and necessary Professional Fees incurred by the Approval Board in connection with the decision-making process of the Approval Board in the review of the Application for Land Use Approval.
  - d. Following the Reviewer's issuance of the determination that an Estimated Fee is a Reasonable and Necessary Fee, the Reviewer shall advise the Applicant in writing as to the amount of such Estimated Fee, and within ten (10) days thereafter, the Applicant shall deposit the Estimated Fee into a non-interest bearing escrow account maintained by the Village for deposits in escrow by Applicants and for payments of Professional Fees ("Escrow Account").
  - e. An Application for Land Use Approval shall not be deemed complete unless and until the Applicant has paid the Estimated Fee in escrow to the Village as provided above.
  - f. The Estimated Fee for a given Application for Land Use Approval must be paid prior to the consideration of such Application for Land Use Approval by the Approval Board or prior to the continuation of such consideration, as the case may be.
- 9. Payment of Professional Fees.**
- a. Payments to the Village from the Escrow Account as reimbursement for Professional Fees shall be made at the direction of the Reviewer from time to time, but only after the Reviewer has made a Determination that the Fee is Reasonable and Necessary Fee as provided in Section 8.c
  - b. Upon completion of the Approval Board's review of an Application for Land Use Approval or upon the withdrawal of an Application for Land Use Approval, and after payment from the Escrow Account of all Professional Fees already incurred by the Village and approved by the Reviewer as provided in Section 9 a have been paid and deducted from the Escrow Account, any balance remaining in the Escrow Account shall be refunded to the Applicant within 30 days after the Applicant's request.
- 10. Additional Payments into Escrow.** If at any time during the processing of an Application for Land Use Approval, the Reviewer estimates that the aggregate amount paid by the Applicant for deposit into the Escrow Account will be insufficient to meet the Professional Fees yet to be incurred, the Reviewer shall direct the Applicant

to pay an additional Reasonable and Necessary Fee whereupon the Applicant will be required to pay such additional amount to the Village for deposit into the Escrow Account within ten (10) days thereafter “additional Reasonable and Necessary amount”). Until payment of such additional Reasonable and Necessary amount is made by the Applicant to the Village, the Approval Board shall not continue to consider, or review the Application for Land Use Approval.

**11. Notice of Determination.**

- a. The Reviewer shall provide the Applicant with written notice of any determination as to the amount of any Estimated Fee, additional Reasonable and Necessary fee or Claimed Fee as provided in Sections 8, 9 and 10 respectively. Such notice shall include copies of any vouchers with respect to any Claimed Fees which have been submitted to the Village by the applicable Professional. In addition, within fifteen (15) day after a written request from the Applicant, the Reviewer shall provide the Applicant with written documentation, if any, relied upon in whole or in part by the Reviewer in connection the Reviewer’s determination that the given fee is a Reasonable and Necessary Fee.
- b. Any determination by a Reviewer establishing the amount of an Estimated Fee or additional Reasonable and Necessary Fee, or approving payment of a Claimed Fee, shall be made in writing and delivered to the Board of Trustee together with any surveys or other documentation supporting such determination.
- c. With respect to any Claimed Fee approved by the Reviewer, the Reviewer shall also provide the Board of Trustees with any bills and/or vouchers submitted to the Village by the Professional seeking payment of the Claimed Fee.

**12. Appeal Right .**

- a. An Applicant shall have the right to appeal to the Board of Trustees any determination by a Reviewer as to the amount of any Estimated Fee, additional Reasonable and Necessary fee or Claimed Fee as provided in Sections 8, 9 and 10 respectively by giving written notice to the Village Clerk. Such notice must be delivered to the Village Clerk by certified mail, return receipt requested on or before the last day of the thirty (30) day period immediately following the date that the Village mails notice to the Applicant of a Reviewer’s determination as to the amount of any Estimated Fee, additional fee or Claimed Fee.

- b. Such appeal before the Board of Trustees is a prerequisite to any suit, action or proceeding by the Applicant in any court with respect challenging the amount of any Estimated Fee, additional Reasonable and Necessary Fee or Claimed Fee, as the case may be. Such right to appeal shall be deemed waived and shall be null and void if the Applicant does not request such hearing by notice to the Village within the aforesaid 30-day period. Such appeal will be scheduled for a date which is within 30 days after such notice is given to the Village Clerk.
- c. The Board of Trustees shall audit the Claimed Fee pursuant to Village Law 5-524.
- d. In addition to any audit or other conditions legally required in connection with the Board of Trustee's approval to pay a Claimed Fee, such Claimed Fee shall not be approved for payment by the Board of Trustees unless the Board of Trustees reviews and adopts a resolution approving the Reviewer's determination that the Claimed Fee is a Reasonable and Necessary Fee.
- e. In the event that the Mayor has served as the Reviewer with respect to any Estimated Fee, additional Reasonable and Necessary fee or Claimed Fee and the Reviewer's determination is appealed to the Board of Trustees as provided herein, , the Mayor shall abstain from voting on any determination by the Board of Trustees as to whether the Estimated Fee, additional fee or Claimed Fee, as the case may be, is a Reasonable and Necessary Fee.
- f. During such appeal the Board shall permit the introduction of verbal and written evidence from the Applicant, from the Village Attorney and/or other officials or representatives of the Village and from third parties as the Board deems material and relevant to the appeal.
- g. In connection with an Applicant's appeal of any determination by a Reviewer with respect to an Estimated Fee or additional Reasonable and Necessary Fee, if the Board of Trustees determines in good faith that such fee is a Reasonable and Necessary Fee, in whole or in part, then such fee or portion thereof which is a Reasonable and Necessary Fee shall be deposited in escrow by the Applicant as provided in Section 8 of this Local Law and the Applicant shall not be required to

pay into escrow all or any portion of such Estimated Fee or additional Reasonable and Necessary Fee, as the case may be, which the Board of Trustees finds is not a Reasonable and Necessary Fee.

- h. In connection with an Applicant's appeal of any determination by a Reviewer with respect to a Claimed Fee, if the Board of Trustees determines in good faith that such Claimed Fee is a Reasonable and Necessary Fee, in whole or in part, then such Claimed Fee or portion thereof which is a Reasonable and Necessary Fee shall be paid by the Village to the Claimant out of the Escrow Account and any other portion of such Claimed Fee shall not be paid by the Village to the Professional.
- i. A copy of any determination of the Board of Trustees with respect to a fee as provided in this Section 12 shall be delivered by the Board of Trustees to the Applicant.

**13. Right of Appeal regarding Pending Disputes.**

- a. During the thirty (30) day period immediately following the Effective Date or during such other period of time as a court of competent jurisdiction shall direct, an Applicant who is the plaintiff in any Pending Dispute shall have the right to appeal the payment of any fees which are the subject of such Pending Dispute ("Disputed Fees") to the Board of Trustees by giving written notice to the Village Clerk. Such notice must be delivered to the Village Clerk by certified mail, return receipt requested on or before the last day of the thirty (30) day period immediately following the date of such notice of appeal or as otherwise directed by a court of competent jurisdiction
- b. Except as otherwise directed by a court of competent jurisdiction, such right to appeal shall be deemed waived and shall be null and void if the Applicant does not request such hearing by notice to the Village within the aforesaid 30-day period.
- c. Such appeal will be scheduled for a date which is within 30 days after such notice is given to the Village Clerk or as otherwise directed by a court of competent



jurisdiction.

- d. During such appeal the Board shall permit the introduction of verbal and written evidence from the applicant, from the Village Attorney and/or other officials or representatives of the Village and from third parties as the Board deems material and relevant to the appeal.
- e. Within thirty (30) days after the date of the appeal, the Board shall issue a determination as to whether the Disputed Fees are Reasonable and Necessary Fees.
- f. In the event that the Board determines that all or any portion of the Disputed Fees are Reasonable and Necessary Fees, the Board shall require the payment of such fees by the Applicant to the Village. To the extent that the Board finds that all or any portion of the Disputed Fees are not Reasonable and Necessary Fees then any portion of such disapproved fees which have been previously paid by the Applicant to the Village shall be refunded by the Village to the Applicant and the Applicant shall not be required to pay any portion of such disapproved fees which have not been paid by the Applicant.

**14. Invalidity; Severability.** If any provision of this Local Law is determined to be invalid, this Local Law shall nevertheless be enforceable as to the remaining provisions of this Local Law as though the provision deemed to be invalid or ineffective were never part of the Local Law.

**15. Fees Required by Other Applicable Law.** The fees provided for in this Local Law are in addition to application or administrative fees required pursuant to any other provisions of the Code or any other law, rule or regulation, including SEQRA fees imposed pursuant to 6 NYCRR 617.13 (except that the professional fees imposed hereunder in connection with SEQRA review shall be credited against the fees imposed under 6 NYCRR 617.13). Money deposited by applicants pursuant to this section shall not be used to offset the Village's general expenses of professional services for the several boards of the Village or its general administrative expenses.

**16.** This local law shall take effect immediately upon filing in the office of the New York

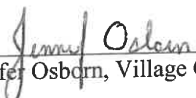
State Secretary of State in accordance with § 27 of the Municipal Home Rule Law (the  
“Effective Date”

The question of the foregoing Resolution was duly put to a vote, the Board of Trustees voting  
as follows:

Mayor Lauri Taylor	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
Trustee Gerald Locascio	Aye
Trustee Thomas Meyer	Absent.

I hereby certify that the above is a true and correct copy of the Resolution passed by the  
Village of Pawling Board of Trustees at a meeting held on May 16, 2022.

Date: May 16, 2022

  
Jennifer Osborn, Village Clerk

**LOCAL LAW NO. 4 OF 2022**  
**CONFIRMATION OF THE CORRECT COMPREHENSIVE PLAN**  
**FOR THE VILLAGE OF PAWLING**

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village  
(Select one:)

of Pawling

FILED  
STATE RECORDS

JUN 14 2022

DEPARTMENT OF STATE

Local Law No. 4 of the year 2022

A local law entitled "Confirmation of the correct comprehensive plan for the Village of  
(Insert Title)  
Pawling".

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village  
(Select one:)

of Pawling

as follows:

### Purpose

The purpose of this law is to confirm the correct version of the comprehensive plan for the Village of Pawling for all purposes.

### Background

In December of 1994, the Village adopted a comprehensive plan pursuant to Village Law 7-722 by enacting Local Law No. 4 for the year 1994 (the "Adopted Plan"). The Adopted Plan was filed as a local law with the New York Secretary of State's office on March 24, 1995. The Adopted Plan was signed by the Village Attorney and the Village Clerk and became effective upon its filing with the New York Secretary of State on March 24, 1995 pursuant to Municipal Home Rule Law § 27, which provides that a local law becomes effective upon its filing with the New York Secretary of State. The Adopted Plan contains a certification from the former Village Clerk, Cheryl Harrington as follows: "I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript thereof and the whole of such original local law and was finally adopted in the manner indicated in paragraph 1 above." The Adopted Plan also contains the certification by Village Attorney David Daniels that "the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto." The Draft Plan does not contain either of these certifications.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**NOW, THEREFORE,**

1. A copy of the Adopted Plan is attached to and made a part of this local law as Exhibit "A".
2. The Adopted Plan, as amended from time to time, is hereby confirmed to be the comprehensive plan for the Village of Pawling, having been adopted by the Board of Trustees of the Village of Pawling as Local Law No. 4 of 1994 and having become effective on March 24, 1995, the date it was filed with the New York Secretary of State.
3. Any reference to the comprehensive plan in Chapter 98, Zoning Law of the Village of Pawling, shall be deemed to refer to the Adopted Plan, as amended.
4. In accord with Municipal Home Rule Law §27(3), this local law shall be effective as of the date that it is filed with the Secretary of State.

COMPREHENSIVE PLAN FOR THE VILLAGE OF PAWLING  
ENACTED MARCH 24, 1995

Exhibit A

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

COUNTY  
CITY  
TOWN of Pawling  
Village

STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED

Local Law No. 4 of the year 1995 MAR 24 1995

A local law Adopting the Comprehensive Plan  
(Insert Title)

Be it enacted by the Board of Trustees  
(Name of Legislative Body) of the

COUNTY  
CITY  
TOWN of Pawling as follows:  
Village

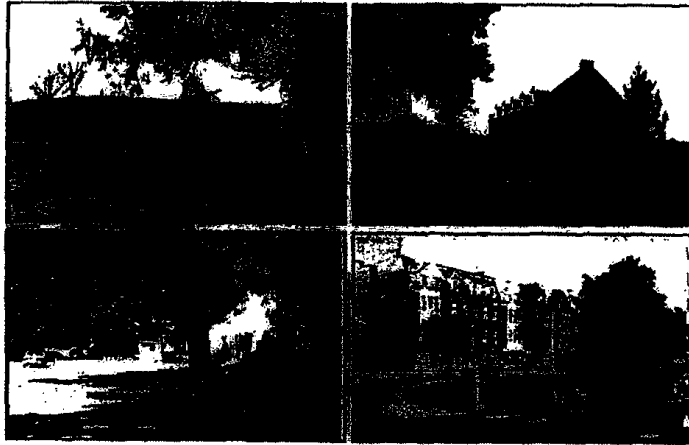
(SEE ATTACHED)

RECEIVED SEP 28 2020

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

## COMPREHENSIVE PLAN



### Village of Pawling, New York

Buckhurst Fish & Jacquemart Inc., Planners  
Andres Duany/Elizabeth Plater-Zyberk Architects

May 1994

2

4

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## 1.0 INTRODUCTION

### 1.1 Pawling's Civic Planning Process

The historic and picturesque Village of Pawling (the "Village") is a compact two square miles, but is feeling growth pressures. To manage development and change, Village officials must use an outdated 1962 master plan and a zoning code that often does not advance community goals. To preserve the best of the past and guide future residential, commercial, and institutional growth, a grassroots effort began in 1987 to create a revised plan.

A comprehensive plan is the material that identifies the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long range protection, enhancement, growth and development of the Village. The comprehensive plan, among other things, serves as a basis for land use regulation, infrastructure development, public and private investment and any plans which may detail one or more topics of the comprehensive plan. A comprehensive plan thus serves as a general guide expressing a community's values and intentions for its future. Land use regulations, particularly zoning, site plan, and subdivision ordinances, are the legal tools that a municipality uses to implement the commonly held vision expressed in the comprehensive plan. These laws establish specific districts and detail how land may be used and developed. Any changes to these laws and regulations must be in accordance with the comprehensive plan.

How can one document accomplish the Village's goals? The plan's usefulness lies in two aspects: the decision-making and consensus-building that go into the creation of the plan and the ongoing use of the plan by Village government. The plan cannot anticipate every issue that may arise over the next decade, but it can serve as a guide for actions to be taken. A comprehensive plan is an integral component of the Village's planning program. It should be consulted just as the Village would consult the public, its engineer, counsel, and planners.

For the past several years, Pawling has been building the groundwork for a revision of its comprehensive plan. The work by the community included arriving at initial goals and objectives for Pawling's development, a survey of residents' opinions, and a number of public discussions with planners about the need for planning. The need for a new plan was deemed so critical that when the Village government said it could not finance a new plan, given the Village's other commitments, a steering and fundraising committee was appointed by the Village Planning Board. This committee arranged a contract between the Village and the planning firm of Buckhurst Fish & Jacquemart Inc., and the design firm Duany/Plater-Zyberk Architects, to prepare the new plan.

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The process was divided into three phases. This was a response to Pawling's twin urgent needs: to begin the planning process as soon as possible and to sustain the fundraising momentum. It was felt that an early start to the process would allow for preliminary public identification and examination of major issues such as community character, context and utility capacities. Work on Phase I of the plan therefore began in October 1990. The timing of Phase I enabled BF&J and Andres Duany to conduct a joint design workshop in early January 1991.

Phase I: Phase I consisted of identification of salient existing conditions, an evening workshop on issues, and a one day workshop on design. The following issues were identified as a result of the workshop: natural resources and open space preservation, transportation and pedestrian circulation, municipal infrastructure and government, residential development, commercial and industrial development, and cultural resources and community facilities.

The specific concerns in each of these categories were expressed in two primary ways:

- Goals and objectives that would give shape to the Phase II solutions. These goals came not only from the Phase I work, but also from the earlier comprehensive planning efforts by Pawling citizens.
- Community character and design concerns related to the overriding issues of promoting appropriate development, while maintaining Pawling's unique small-town essence and virtues.

The major aspect of the work in Phase I was the discussion of community character (particularly focused on the community's identity as communicated through design) and on future growth. Three geographic areas in the Village were studied to see how the image of the Village could be better expressed: 1) gateways into the Village, 2) land use, urban design, and landscape design along entry roads leading from the gateways into the Village, and 3) the Village core or downtown. The primary concept was to create attractive gateways and entries that would enhance the sense of arrival at a special Village. The downtown would itself be improved to create a Village green surrounded by a thriving mix of businesses and residences. The ideas of the residents, business owners, and planners at the workshops led to an appreciation of the possibilities and opportunities already inherent in the Village for responding to these issues.

Another aspect of the Village studied during Phase I was the Village's growth potential. Phase I looked at questions of development intensity and how to maximize open space and utility efficiency while controlling growth, and at how new development should relate to its surrounding context. This phase did not resolve these questions, but rather framed them appropriately so that Phase II could go forward with land use and code and design solutions. Issues relating to growth included the availability of municipal utilities and environmentally sensitive areas on the

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large undeveloped parcels in the Village. The role of Village utilities was perceived as a means to protect open space and to allow for planned growth, with areas currently or potentially served by utilities able to support increased density.

Opportunities for meshing new development into the existing fabric of the Village were explored in general terms for residential areas, and in specific ways for the Village core. Pawling has four fairly large vacant and residentially zoned parcels representing good opportunities for controlled growth of the Village. Strong sentiment was expressed that new development should be woven into the Village's existing context, through appropriate use and design controls. These controls should encourage or require new construction and renovation to be compatible with the Village's existing historic character and context of the Village. These requirements and the Village core alternative developed in Phase I were a preview of the code and design work developed in the planning process of Phase II, discussed next.

**Phase II:** Whereas the Phase I report, dated April 1991, described the existing conditions, defined the issues, and discussed the opportunities available to Pawling, without specific solutions or definitive recommendations. Phase II focused on the preparation of the comprehensive plan itself. The plan arose out of an intensive four day design workshop, known as a charrette, held September 5-8, 1991 at the Methodist Church. The Charrettes were useful as a planning technique as they built upon widely-held values and goals for the Village to arrive at interrelated proposals for land use, design, business growth, utility expansion, and use and preservation of natural resources. The charrettes brought large and small property owners, business owners, directors of non-profit groups, residents, elected officials, and representatives of regulatory and administrative agencies together with the planners and designers to discuss the issues relating to the comprehensive plan.

The first two days of the charrette involved a series of information publicly attended information gathering meetings. Kernels of site designs and resolutions of land use issues were present in the meetings. The designers and planners attempted to respond to issues and opportunities with concrete recommendations. The planning and design team translated the information and ideas into conceptual site plan designs which were produced over the last two days of the charrette. This tandem process of design and meetings fostered the creation of consensus.

At a presentation following the charrettes, the draft plan was presented. The draft plan offered a growth and preservation strategy, involving the three major components: the Village as a whole; site plans for specific development areas; and code requirements designed to create desired Village character and to otherwise meet the goals, objectives and standards for immediate and long range growth and development of the Village.

The Phase II document included the site plan concepts for the four large undeveloped parcels, a Village Center concept, urban regulations, and architectural and landscape guidelines.

Phase III: Phase III of the planning process consisted of the following:

- Merger of the draft Phase I and Phase II documents into one complete draft comprehensive plan.
- Drafting of substantial amendments to Chapter 98 Zoning of the Village Code (the "Zoning Law") in accord with the Plan's recommendations.
- Conduct of a traffic and parking study of the Village Center and incorporation of the findings from such study into the Plan.
- Compliance with the mandates of the State Environmental Quality Review Act ("SEQR") with respect to the plan and the zoning amendments.
- Solicitation of public input with respect to the plan and zoning amendments.

One of the hallmarks of this planning process was the extensive involvement of members of the public. All meetings were advertised and public participation in all meetings was welcomed and encouraged.

#### 1.2 Unique Aspects of the Plan

In some respects, the plan is similar to those used in other municipalities throughout New York State in that it describes general policies with respect to land development, pedestrian and vehicle circulation, open space networks, public spaces and buildings, consideration of regional needs, location and intensity of land uses, consideration of agricultural uses, historical and cultural resources and sensitive environmental areas, consideration of population, demographic and socio-economic trends, existing and proposed location of public and private utilities, existing housing resources and needs (including affordable housing), present and future general location of educational and historic facilities and cultural sites, existing and proposed recreation facilities and parkland, the present and potential future location of commercial and industrial facilities, policies and strategies for improving the local economy in coordination with other plan topics; and proposed measures to implement the goals and objectives of the various topics within the plan.

The design orientation of Pawling's plan is unique. Through this design orientation, the Village's values and goals are articulated and thus will hopefully be preserved. Provided in the plan are recommended regulations on residential and commercial development, landscaping, and architectural design and detailed visual guides explanation as to how the

plan's concepts are to be implemented. Thus, the plan combines the traditional policy guide with the precision of drawings and regulations, providing residents, property owners and officials with visual elucidation of the plan's goals, objectives and standards.

The plan is also unique in that it is intended to serve as a blueprint for planning and development for the next two generations. Traditional plans in New York State generally have a useful life of about ten years. Many of the residents who contributed to the planning process represent families who have lived in Pawling for two, three or more generations; other are first-generation, raising a new crop of Pawlingites. This plan is their way of insuring that the Village continues to be the best that it can be as a home and place of business for their families. Some of the plan's objectives can be realized immediately. Others will take longer. During this time, the plan will promote the kind of growth and change desired by the residents.

In sum, the plan and zoning amendments are intended to promote development and open space preservation which will strengthen the small town nature of the Village. This plan has not only the goals and policies needed to guide land use decision-making, but will generate the land use code changes relating to density, building types, landscape, and design necessary to strengthen the small town nature of Pawling.

### 1.3 SEQR - Use of Generic Environmental Impact Statement

The Village, in connection with the SEQR process conducted in connection with the plan and zoning amendments, has taken a significant step to ensure that the community's goals will be realized. The SEQR process evaluated the potential impacts created by the plan. The SEQR process included analysis of the generic environmental impacts of the plan, including the schematic site plan designs for four large privately-owned tracts and the Village core. The Generic Environmental Impact Statement (GEIS) produced in connection with the SEQR process will reduce the scope and expense of the site-specific impact analysis required under SEQR, provided individual developers meet the criteria set forth in the incentive zoning section of the plan (Section 9.2). In such cases only site-specific environmental assessments would need to be reviewed in connection with the development of a site. This streamlining, discussed in more detail in Section 9.2, will act as an incentive to future developers to produce new buildings and open space that further the Village's vision.

## 2.0 REGIONAL CONTEXT AND LOCAL HISTORY

### 2.1 Village History

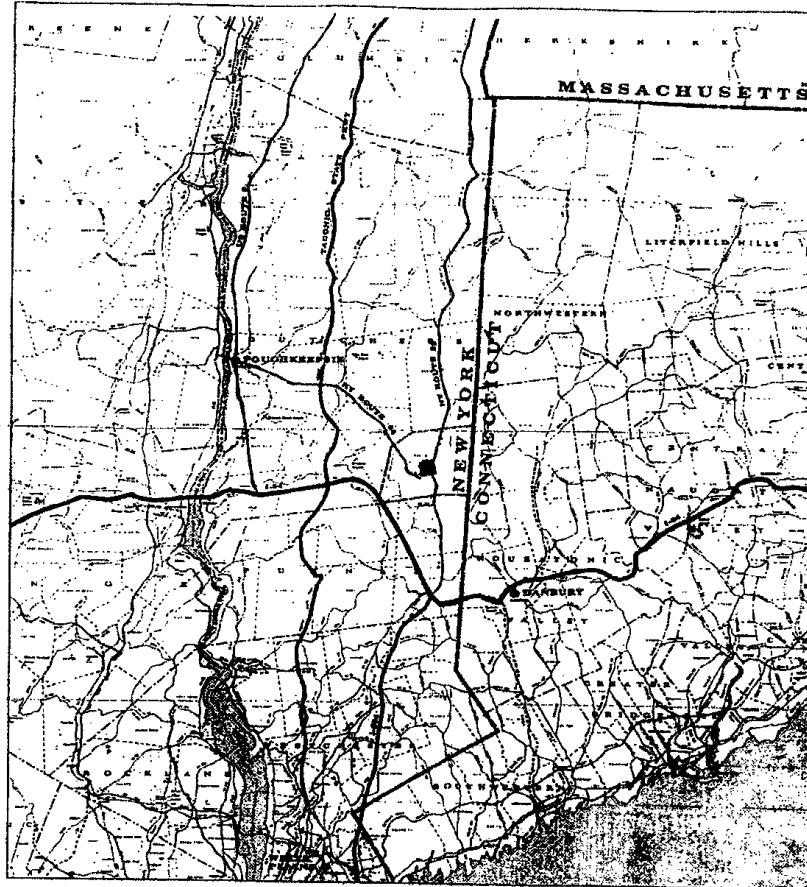
In the early 1600s, the Dutch began to settle the Hudson River valley, and by 1750, there was a small community around Pawling Lake. Members of the Society of Friends settled on what is now known as Quaker Hill, erecting a meeting house in 1764 that still stands. The Town of Pawling was incorporated in 1788; its present boundaries were established 19 years later in 1807 when the Town of Dover was formed to the north. The New York and Harlem Railroad reached Pawling in 1849, on its way to Dover Plains, and built a station in the center of the Town. Within fifty years, a community of 800 people and their homes, churches, and businesses had formed around this depot. These residents incorporated themselves as the Village of Pawling in 1893. One hundred years later, the Village retains its place as the Town's hub. Many of the buildings constructed during the 1800s remain and give the Village its strong link with its past. The John Kane House, which was the first home of the Pawling (Key) Bank, the Dutcher House, the United Methodist Church, St. John's Catholic Church and Rectory, and the Central Baptist Church are just a few examples of Pawling's living history.

### 2.2 Regional Context

The Village of Pawling lies tucked into the southeastern corner of New York's Dutchess County, near the Connecticut border (see Figure 1.) The Village lies in the broad Harlem Valley that makes up part of this mid-Hudson region. The Village is an incorporated Village under state law, enveloped by the larger Town of Pawling. The Village is 1.96 square miles, and spreads north from the intersection of two state highways, Routes 22 and 55.

The Village lies between significant shopping and employment centers: Poughkeepsie to the northwest, Danbury to the southeast, and White Plains and New York City to the south. The latter two cities are accessible by car and train from the Village. New York City is less than two hours by train from Pawling -- a trip that used to be made only by vacationers coming to one of the Village's several hotels that formerly operated, but now increasingly made every day by commuters. But New York City is less a focus for jobs and regional activity than the other employment opportunities that have grown up around the third tier of growth radiating outwards from the city and its second ring of adjacent suburbs: the I-684 corridor, the Danbury area, and the Northern Westchester area. Pawling represents a typical fourth tier, in which formerly exurban settlements are experiencing market pressures for residential growth from people who work not only in New York City, but also within an hour's commute from these new job opportunities.





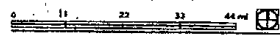


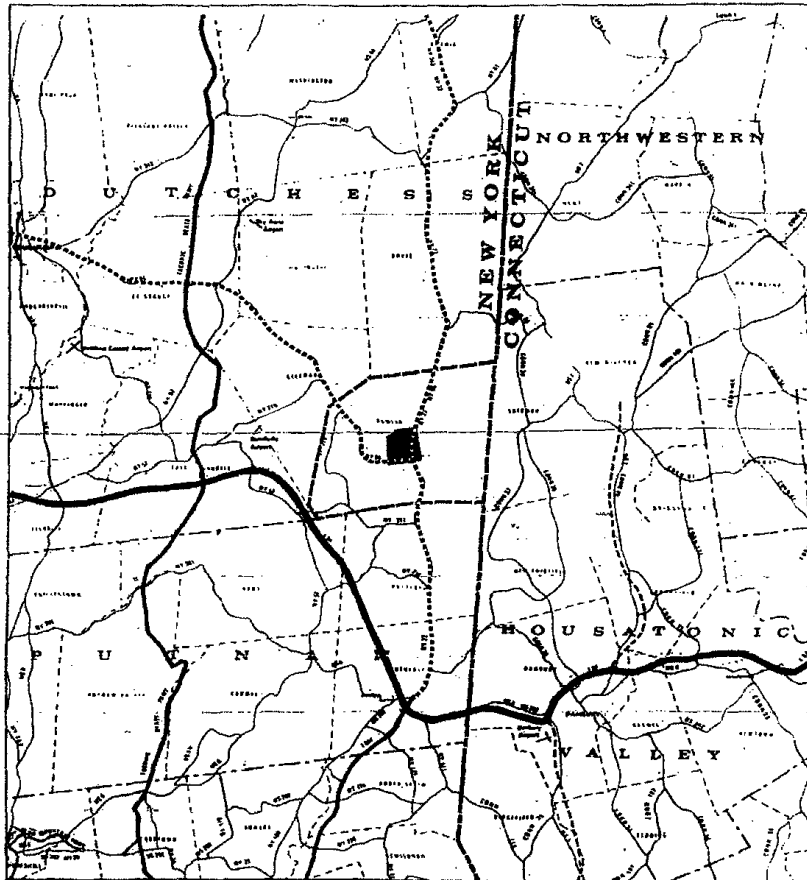
**Village of Pawling  
Comprehensive Plan**

Buckhurst Fish & Jacquemart Inc.  
in association with  
Andres Duany/Elizabeth Plater-Zyberk Architects

**1. Regional Context**

-  Village of Pawling
-  Town of Pawling





### Village of Pawling Comprehensive Plan

Buckhurst Fish & Jacquemart Inc.  
in association with  
Andres Duany/Elizabeth Plater-Zyberk Architects

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### 2. Local Context

- Village of Pawling
- Town of Pawling
- Major Arterial
- Minor Arterial
- Major Collector

Route 55 gives Pawling a direct road west to Poughkeepsie, the county seat and central business district for Dutchess County. Route 22 runs through the eastern portion of the Village (see Figure 2.) It is the old Harlem Valley drovers road, running north-south through the easternmost Towns of Dutchess and Putnam Counties. Before this century, this road was used by farmers and dairymen to take their produce to New York City markets. Route 22 today traverses the towns and villages of this valley. MetroNorth provides passenger rail service to the Village and ConRail serves the rail freight needs of the local industries.

### 2.3 The Town's Recent Planning Actions

Growth pressures from outside the Village's borders include policies of the Town of Pawling. On September 10, 1991, the Town revised its zoning, generally increasing the minimum lot size for residential use: the largest minimum lot size is now five acres. (See Figure 3.) Some land remains zoned for a minimum one-acre lot size (the same as the Village's primary underlying zoning), but the amount of this land is reduced. The Town's rezoning will reduce its projected population at full build-out under the old zoning by about 10,500 people, including a 3,500 reduction in the number of school children. Figure 3 shows that the Town land immediately surrounding the Village will be rezoned from predominantly one acre per unit to a minimum of two and three acres per unit.

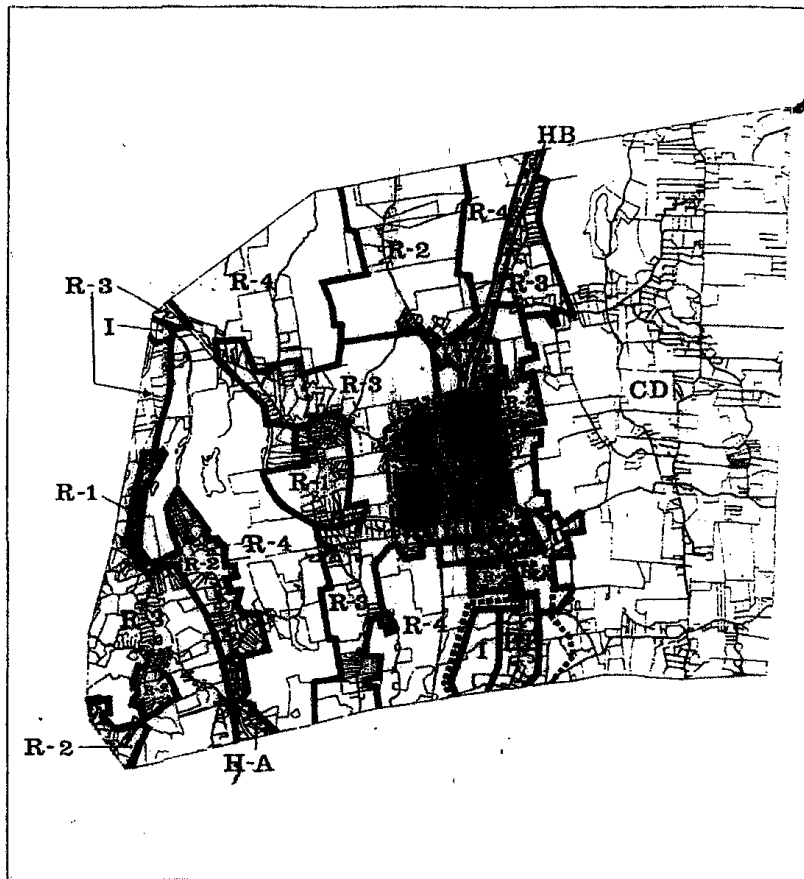
In recent years, there has been no major residential or commercial development in the Town. Large undeveloped parcels lie along the Town - Village border, as can be seen from the tax-lot property lines on the Town's proposed zoning map. Development will continue on the border, but now under a changed zoning relationship.

The Town's restrictive land use controls will cast the Village even more strongly than before as the local resource for moderate land values: smaller homesites with access to municipal water and sewer which are important development resources. One impact of the Town's rezoning may thus be to strengthen through new construction the Village's existing mix of middle and moderate income housing, accommodating various family sizes.

Table 1  
Town of Pawling Residential Zoning

Zone	Minimum Lot Size	Zone	Minimum Lot Size
HA	0.5 acre	CD	5 acres
VRD	1 acre	R-3	3 acres
R-1	1 acre	R-4	4 acres
R-2	2 acres		

Source: Dutchess County Department of Planning and Development,  
Town of Pawling Planning Board



**Village of Pawling  
Comprehensive Plan**

Buckhurst Fish & Jacquemart Inc.  
in association with  
Andres Duany/Elizabeth Plater-Zyberk Architects



**3. Town of Pawling Zoning**

 Village of Pawling

The Town also has two commercial designations: I (industrial) and HB (highway business), both requiring one acre minimum lot size except for shopping centers, which require a minimum of five acres and are restricted to HB zones.

Directly outside the Village, the Town land bisected by Route 22 is zoned for residential use. However, beyond these areas, Route 22 is zoned for highway business and industry representing most of the Town's commercial zoning. While shopping centers need a minimum of five acres, other commercial uses, including industry, need only one acre and 200 feet of frontage on Route 22. While this may encourage strip-development-style highway business in the Town and boost the Town's tax base, a secondary effect may be to allow the type of small business and industrial enterprise that could otherwise locate in the Village's downtown business district. The same could be said of planned commercial development allowed by zoning to the south of the Village. As the Town can offer the advantage of frontage on Route 22, the Town's zoning in this case competes with the Village's needs and capacity for housing small businesses rather than fostering the Village in its unique capacity for smaller homesites as the Town's residential zoning does.

#### 2.4 Regional Goals

In February 1987, Dutchess County issued *Directions*, a statement of goals and policies for the county's land development and conservation. The basic goal is "healthy economic and community development and... the preservation, enhancement promotion of those aspects of the county community we all value. If these values are not reflected in our planning, our opportunities for future economic growth will be diminished." The plan has fifteen goals, each with a set of policies. These are interrelated so that the overriding goal of simultaneous growth and environmental protection can occur.

The goals and policies in *Directions* are illustrated on a future land use plan map in nine land use categories: community center, community uses, suburban uses, rural uses, agriculture, open space, existing open space uses, stream and wetland protection, and slope protection. In the Pawling area, *Directions* shows community center uses to either side of Route 22, with stream, wetland, and slope protection and open space in the western part of the Village. The surrounding Town land is shown primarily with open space, slope protection, and some rural and agricultural uses. In *Directions*, The Village is clearly intended to be not only the Town's center, but the community center serving the southern part of Dover and Beekman (and to a great extent the northern part of Patterson in Putnam County).

The general characteristics of community centers - as opposed to suburban and rural uses - listed in *Directions* (pp. 10-11) in many respects describe the Village closely. These are:

- Highly organized public spaces and a strong sense of community and place.
- Greatest diversity of housing types and opportunities.
- Highest density of residential development.
- Primary site of community commercial activity.
- Industrial uses meeting applicable performance standards encouraged.
- Central water and sewer systems service.
- Focus of road and mass transit systems and linked to regional highway network.
- Revitalization of downtown areas, rehabilitation of substandard housing units, and construction of new housing units on appropriate vacant lots.
- Preferred location for municipal offices, legal and financial services, cultural and civic centers, and libraries.
- Widest range of governmental services, such as street lighting and refuse pick-up.
- Land use patterns which emphasize pedestrian access.
- Rehabilitation and new construction designed to be compatible with existing community character, emphasizing historic preservation.
- Preservation of significant wetlands, floodplains, and visual amenities.

Directions places Pawling and Dover within the county's Southeast Sector, and notes that this area is increasingly a bedroom community, changing from rural to suburban and set within a diversified and growing economy that ranges from horse and dairy farms to small industries. There will be pressure on groundwater resources, the road network, and community facilities such as schools and recreation. Directions cautions that as the local economy grows, expansion of municipal services and utilities to cope with increased demand will be needed. In addition, "high quality land use regulation and zoning ordinance administration are a prerequisite to assuring consistently high quality development." Directions notes the increased use of professional planning and engineering services, which has led to higher quality development due to more informed decision-making by local officials.

### 3.0 PEOPLE OF PAWLING

#### 3.1 Population

The Village has not substantially changed in its population size over the past 20 years. The housing inventory has grown more than the population, to keep up with the decreasing household sizes. In 20 years, the Village has had a net gain of only 60 persons, about 25 households. In 1970, the Village's population was 1,914. In 1980, it was 1,996, only a 4% increase. Ten years later, after the real estate boom years of the late eighties, the Village's population had actually declined 1% to 1,974, slightly over the 1970 population.

Virtually all residents are white (1,936 or 98%), with the remainder being either black, Asian, or American Indian. Forty residents, or 2.0% of the population, are of Hispanic origin. As with the overall population count, the Village's ethnic and racial composition has remained steady.

Table 2  
Pawling Population by Race and Ethnicity: 1980, 1990

	1980	Percent of Population	1990	Percent of Population
Total Persons	1,996	100.0	1,974	100.0
White	1,941	97.2	1,936	98.0
Black	37	1.8	22	1.1
Native American*	3	0.1	1	0.05
AP**	7	0.3	3	0.1
Other	8	0.4	12	0.6
Hispanic Origin***	44	2.2	40	2.0

\* American Indian, Eskimo or Aleut

\*\* Asian or Pacific Islander

\*\*\* Persons listed under Hispanic origin are also listed in one of the five race categories

Source: U.S. Bureau of the Census  
Dutchess County Department of Planning and Development

#### 3.2 Households

In 1990, the Village reported 738 total household units (defined as one or more persons of any relation living in a single dwelling unit), of which 503 (68%) are family households where the members are related by blood or law (marriage, adoption). Slightly over half (54%) the families have related children living at home, and of these 17% are headed by single parents. The Village is perceived by its residents as a good place to raise children,

but nearly half the family households do not have children living at home and 63% of all households (family and non-family) do not have children at home. The data on the non-family households seems to show that all non-family households are headed by single persons with not one having children living at home. These 235 householders are likely to be Pawling's single elderly.

In comparison to 1980, there was a nearly 2% decline (13 households) in the number of Pawling households. This is unlike national and regional demographics over the past ten years, which have shown increased household formation even when the population count remained steady or rose slightly. The Village has lost both population and the basic economic unit of families or households since 1980. The size of the average household has been declining since 1970, as it has nationally and regionally. In 1970, the average size was 2.86 persons per household. This decreased to 2.66 in 1980 and further decreased to 2.51 in 1990. The average size of families is generally higher; in the Village the 1990 average family size was 3.06.

Table 3  
Household Types: 1980, 1990

	1980	1990	Percent Change
Total Households	746	738	-1.07
Family Households	532	503	-5.4
Married couple	446	407	-8.7
No related children*	212	182	-14.1
With related children*	234	225	-3.8
Female Householder**	73	77	5.4
No related children	36	40	11.1
With related children	37	37	0
Male Householder**	13	19	46.1
No related children	8	9	12.5
With related children	5	10	100.00
Non-Family Households	217	235	8.2
Female Householder	n/a	142	
No related children		142	
With related children		0	
Male Householder	n/a	93	
No related children		93	
With related children		0	

Source: U.S. Bureau of the Census  
Dutchess County Department of Planning and Development



### 3.3 Age Distribution

Eight percent of the population is under school age (five years old and younger), and 15% is aged 6 through 17. Over 20% of the population is 65 years and older, and of this group a large 22% are the "old old": in 1990, 93 persons were over the age of 85. One-third of the population lies between these extremes in the prime family-creating years of 25 to 49. In comparison with 1980, there has been little change in these percentages, with two exceptions. In 1980 the over-65s represented only 16% of the Village's population and the very elderly only 8% of the over-65's. This rapid growth in the oldest age cohorts is consistent with national trends.

Table 4  
Age Distribution: 1980, 1990

	1980	Percent of Population	1990	Percent of Population	Percent Change, 80-90
Total population	1,996	100.0	1,974	100.0	-1.1
0-5 Years	156	7.8	151	7.6	-3.2
6-17	390	19.5	291	14.7	-25.3
18-24	179	8.9	163	8.2	-8.9
25-34	293	14.6	284	14.3	-3.0
35-54	467	23.3	447	22.6	-4.2
55-64	190	9.5	223	11.2	17.3
65-84	295	14.7	322	16.3	9.1
85+	26	1.3	93	4.7	257.6

Source: U.S. Bureau of the Census  
Dutchess County Department of Planning and Development

### 3.4 Income

Data from the 1980 and 1990 census show that Pawling had the highest median household and family incomes of all Dutchess County Villages. In 1980, the median household income was \$15,964, and by 1990 it had risen to \$40,435 (\$25,492 in constant 1980 dollars). As is usual, the median family income was higher than the household income, at \$49,615 in 1990. However, despite the apparent growth in income into the middle class, Pawling had 61 residents living on incomes below \$10,000. Table 5 demonstrates that over the past ten years the income distribution in the Village has shifted towards higher incomes within decreases in the low and moderate ranges and increases in the middle and upper income ranges.

Table 5  
Household Income: 1980, 1990

	1979	Percent of Households	1989	Percent of Households	Percent Change, 80-90
Total Households	749	100.0	738	100.0	-1.0
Below \$10,000	213	28.5	61	8.2	-71.3
\$10,000-14,999	96	12.8	46	6.2	-52.0
\$15,000-19,999	106	14.2	59	7.9	-44.3
\$20,000-24,999	101	13.5	64	8.6	-36.6
\$25,000-34,999	136	18.2	94	12.7	-30.8
\$35,000-49,999	75	10.0	142	19.2	89.3
\$50,000 and over	22	2.9	272	36.8	1,136.3

Source: U.S. Bureau of the Census  
Dutchess County Department of Planning and Development

### 3.5 Conclusions

The census data show that the Village has changed little over the past ten and twenty years in its population count, ethnic and racial composition, household count, and household composition. This fact, in the face of large-scale economic changes in the region and in a Village that has developable land, is unusual and may be a cause for concern if these data reflect a lack of economic vitality in the Village. The changes that have occurred appear small in absolute numbers, given the Village's compact scale of events, but are indications of some slowly evolving trends: the number of elderly is increasing while the number of school-aged children is decreasing, single heads of households are increasing in number, and the economic status of Pawling households is improving.

The Village's potential for growth lies in its vacant developable land, utility infrastructure, good transportation links to major employment centers, and the natural attractiveness of the landscape. From a planning perspective, a controlled population increase could provide increased economic health to the Village. The tax base would increase, the number of consumers patronizing local businesses would increase, and utilities, taking advantage of their current excess capacity, would operate at a more efficient level of service. A secondary effect would be an increase in the number of volunteers providing services and amenities to Village residents. In municipalities as compact as Pawling, an often-unacknowledged factor in a high-quality of life are the many volunteers who give time to be members of municipal boards, religious organizations, civic organizations, and the local fire and emergency services crew. When volunteers are no longer present in sufficient quantity, municipalities are compelled to consider professionalizing these activities and paying for them out of tight municipal budgets.

As the regional employment centers of White Plains, Danbury, and Poughkeepsie grow, as longer commutes are tolerated, and as more

businesses locate outside the traditional major urban centers, the Village can use its planning process to encourage a reasonable level of growth, allowing the Village to benefit from regional economic growth while maintaining its traditional scale, character, and mix of population and income levels.

22

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#### 4.0 THE NATURAL ENVIRONMENT

##### 4.1 Environmental Setting

###### Hills

The Village lies in the broad Harlem Valley and is overlooked by Purgatory Hill, Corbin Hill, Quaker Hill and, Mt. Tom hills forming part of the Atlantic Highlands ridge. The Village's own landscape is hilly along the perimeter with low-lying wetlands in the center. In Figure 4, the areas of steep slopes and distinctive ridgelines can be seen rising from the south to the west and east. These cup the wetlands which run a course through the western midline of the Village. The areas of steep slopes shaded on the map are areas with slopes in grade. These are hilly areas, and which are for the most part undeveloped or built at a low density. Homesites and construction on these hills and ridgelines are visible from many points within the denser part of the Village, due to its lower lying nature. Conversely, homes on these hillsides have views extending over large parts of the Village and Harlem Valley. Other than their visual value, these hills are also important as habitats and for the surface and groundwater drainage which sustains the wetlands and the regional watersheds.

###### Wetlands and Floodplains

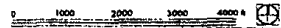
The wetlands themselves are part of two regional watersheds. The break between the two systems occurs naturally roughly along East Main Street as can be seen on Figure 4. To the north flows the Swamp River which joins the Housatonic River, ultimately draining into Long Island Sound. The southern part of the Village drains south into the East Branch of the Croton River. The Croton can be seen in the Village center as a small stream running past the intersection of East Main Street and Coulter Avenue. The river flows on to drain through Putnam County, becoming the Croton Watershed, supplying New York City and some Putnam and Westchester communities with municipal drinking water. Both these rivers lie in poorly drained floodplains, and the homes built along them are subject to flooding. Also shown in more detail are currently mapped wetlands.

The Village needs to be aware of its local soils when it considers applications for development or expansion. Certain soil types are unsuited to building and septic systems; consideration should also be given to preserving prime agricultural soils. Soils which contain documented severe restrictions to development are yet another environmental constraint. Village officials should consult the current Dutchess County soil survey in connection with development applications.



**Village of Pawling  
Comprehensive Plan**

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**4. Environmental Context & Utilities**

- |                   |                        |
|-------------------|------------------------|
| Steep Slopes      | NYSEG                  |
| Wetlands          | Sewage Treatment Plant |
| Great Swamp /     | Plumbing Station       |
| Watershed Line    | Sewage District        |
| Village Reservoir | Potential Well Farm    |

#### Landscape and Rural Nature

The refrain throughout the planning process was "We want to keep what makes Pawling Pawling." The obvious ingredients in Pawling's classically small town mix are its older homes, churches, and business buildings. But what is equally important are the settings for these structures. The yards, gardens, hillsides, and vistas contain and give shape to the Village. Every frame house sitting squarely in its domestic landscape, every church with its tree-shaded front lawn, and every brick school with its green playing field is a piece sewn into the Village patchwork.

There are obvious environmental benefits of preserving Pawling's rural quality, by regulating development on or near steep slopes, wetlands, and floodplains. In the most basic sense, protecting these natural resources prevents erosion, flooding, loss of property, loss of animal and plant habitat, and groundwater contamination. However, there are other reasons for protecting natural resources beyond these apparent health and safety ones. The social welfare of Village residents is closely linked to the experience of living in an encompassing natural, rural setting.

Pawling is seen and experienced by its residents as more than structures linked by streets; the green parts also hold the Village together visually and by experience. Some of the green parts are formally designated: Dutcher Golf Course, Pawling Central School and the Scout Camp, and Murrow Park in the Town. Most, however, are privately owned: private yards, Trinity-Pawling School, and old farmlands. Some of these are linked informally into greenways used by children, such as the stretches of unfenced backyards within a block.

The sense of Pawling's entirety as a Village is available to anyone walking, for example, along Grandview Avenue. Here, one can look across the whole of the Village from west to east. What one sees from these places is what makes Pawling Pawling: the dense nineteenth century cluster of harmonious buildings centered around a rail station, the fingers of streets with homes on compact lots, and an expansive surroundings of green marsh and hills. This complex of human habitation set within nature was abbreviated during the planning process to Pawling's "rural quality." If we understand Pawling's separate pieces of compact settlement, domestic landscaping, vistas, and the linkages among these made by streets and greenways, then it is possible to have the construction of contextually sympathetic new houses and streets. Such growth would preserve the rural quality of a compact, architecturally harmonious settlement set within and woven through with natural spaces.

#### 4.2 Open Space and Parks

Outside the denser downtown of the Village, the Village has an open, unspoiled quality. There is a sense of great open space as seen in Figure 5. In fact, this sense is illusory. Most of this land is privately owned uncommitted land or land in agricultural use, with only a few parcels

actually developed as public parkland or set aside for permanent open space. The largest of these open space parcels is privately held by Trinity-Pawling School, in the northeast of the Village. This is the private campus of a preparatory school, built with playing fields and lawns around the buildings, although much of this space is open to the public. Along the southern border of the Village lies the Town-owned Dutcher Golf Course. The last parcel is the playing fields and recess yard of the Pawling-Central School District, at the end of Haight Street. One parcel which is not shown on Figure 5, as it serves as quasi-public open space function, is the cemetery at the end of East Main Street.

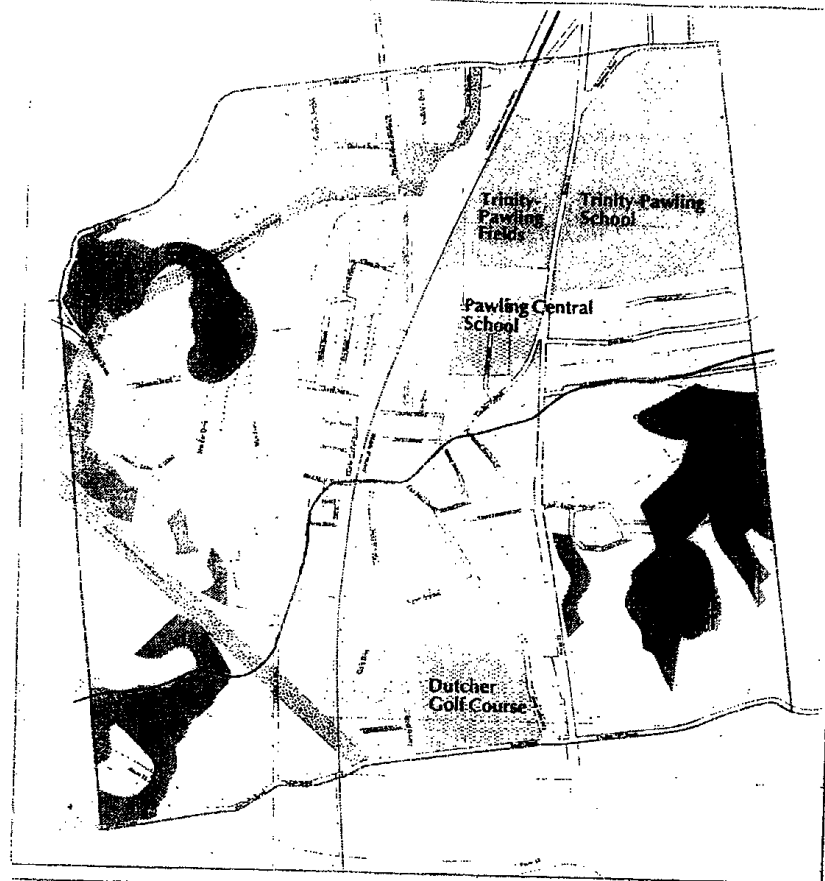
One of the major recommendations of the comprehensive plan is the creation of a linked system of permanently dedicated open spaces through the land development process. The development of four large privately-owned tracts (all residentially zoned) offers the Village an unparalleled opportunity to acquire not only new residents but an outstanding system of parks and open spaces available to all residents. The Village's development approval process will offer strong incentives to developers to provide open space as shown in Figures 6 and 7, and in Figures 23-25. This is discussed in more detail in Sections 8.3, 9.2, and 9.3.

Figure 6 shows a conceptual system of open space and park linkages within and outside Pawling. Shown here are wetlands, hillsides, existing parks, highways and arterials, and the NYSEG easement. One existing link is the Appalachian Trail which dips into the northern edge of the Town. This could be linked south into the Village with new trails through the new open space mentioned above. The trails would also take walkers and bicyclers to Murrow Park, Holiday Hills, Trinity-Pawling School, the High School and Elementary School; and down to the vast wetland along Dutcher Avenue.

Figure 7 shows the potential system of linkages within the Village in greater detail. The public open space shown contains existing and future parcels, and includes privately-owned and public land. The on-street connections, using sidewalks, and off-street connections, using trails or paths, are shown in the dotted line. With such a system, it will be possible to walk or bicycle from the east to west side of the Village and from north to south on paths dedicated to pedestrian use. Some of these connections would be created publicly, while others would be created as part of the surrounding open space created by large-scale residential development. The Oblong Land Conservancy has received funding through the Intermodal Surface Transportation Efficiency Act (ISTEA) for a Village of Pawling Pathway Network; draft maps of this system are in Appendix E.

#### 4.3 Watersheds and Wetlands Regulations

The whole of the Village lies in the Great Swamp drainage basin, which extends east into Connecticut, west into the Town, and south into Putnam County. In addition to its ecological and visual significance, the Great Swamp has larger meaning for the Village. Development in this basin is



**Village of Pawling  
Comprehensive Plan**

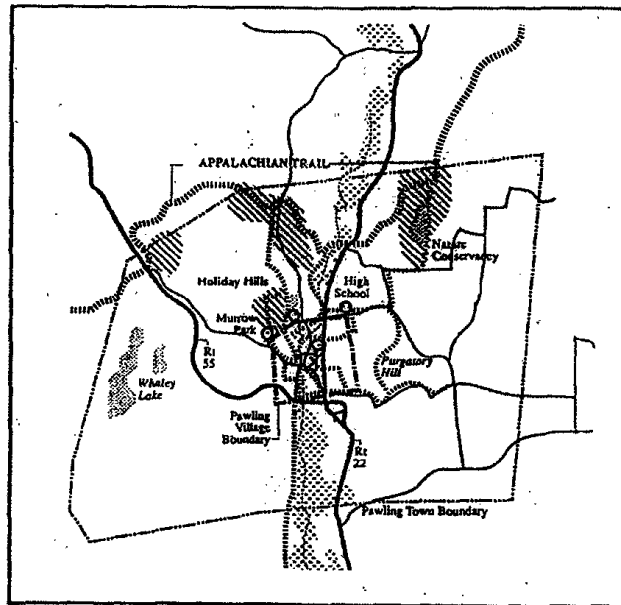
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in association with  
Andrus Danyl Elizabeth Plater-Zyberk Architects

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**5. Open Space & Environmental Constraints**

- |                            |                                  |
|----------------------------|----------------------------------|
| Wetlands                   | New York State<br>Electric & Gas |
| Steep Slopes               |                                  |
| Great Swamp Watershed Line |                                  |
| Public Open Space          |                                  |
| Private Open Space         |                                  |





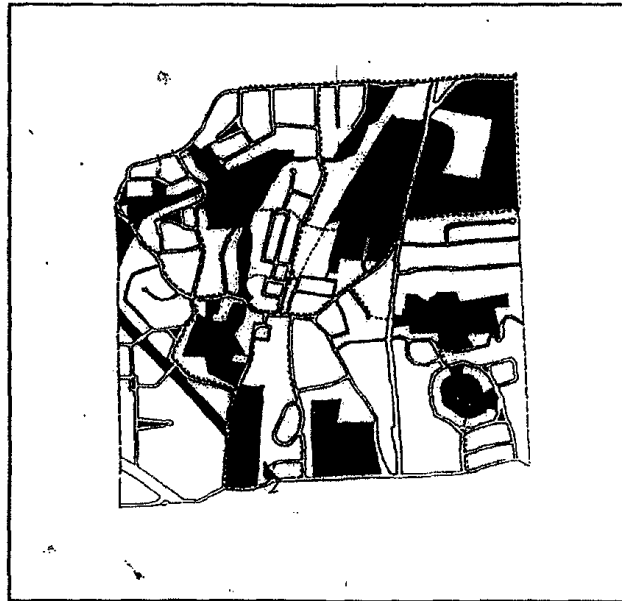
# Village of Pawling Comprehensive Plan

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## 6. Regional Open Space Linkages

- Proposed Trail System (Pedestrian and/or Bikeway)
- Wetlands
- Parks
- Roads
- Water Bodies



**Village of Pawling  
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**7. Open Space/ Greenway Network  
(Pedestrian Network)**

Public Open Space  
Major Pedestrian Linkages

subject to strict regulatory review by the New York City Department of Environmental Protection, Bureau of Water Supply. The entire Great Swamp wetland is designated a Class I wetland by the State Department of Environmental Conservation. Under DEC regulations, very strict and specific criteria are used to evaluate proposed development. These regulations are under current revision. New York City's DEP began the public disclosure and analysis of its proposed new regulations protecting its watershed in June 1990. At the close of 1993, DEP issued the Final Generic Environmental Impact Statement on the potential impacts of the new regulations. Actions which will be regulated are:

- Wastewater treatment plants.
- Septic systems.
- Sewer systems.
- Other point (direct) sources of pollution.
- Stormwater management.
- Water quality standards for reservoirs.
- Impervious (non-absorbing) surfaces.
- Solid waste.
- Winter highway maintenance materials and snow disposal.
- Petroleum products.
- Hazardous substances and wastes.
- Pesticides and aquatic herbicides.
- Fertilizers.

The Great Swamp was the subject of a Conservation Plan (authored by the Regional Plan Association) and has been nominated to the National Natural Landmark Program. To further protect local wetlands, Pawling could adopt additional methods such as public acquisition or private donation of wetlands.

#### 4.4 Goals and Objectives

- 1) Preserve environmentally sensitive lands and valuable landscapes through land use solutions, including amendments to zoning, subdivision and site plan regulations which implement the recommendations of the Plan.
  - Protect distinctive ridges, vistas, scenic resources, and wildlife and plant habitats (e.g. the Great Swamp.)
  - Protect streams, wetlands, and floodplains, incorporating established FEMA and NYSDEC guidelines where relevant. Consider using preservation overlay districts for these natural resources.
  - Where there are areas in need of environmental protection, establish Critical Environmental Areas (CEAs), allowed under SEQRA (State Environmental Quality Review Act): (e.g. the

Great Swamp, major wetlands, significant hills or steep slopes, or areas where there is a special animal or plant habitat).

- Study methods of protecting aquifers such as aquifer protection overlay zones which could be incorporated into the zoning ordinance, or CEAs.
- Adopt performance controls to protect natural resources: groundwater, aquifers, steep slopes, wetlands, watercourses, and trees.

2) Create a network of open space and recreational lands.

- Adopt cluster development provisions in accord with New York State Village Law, which would give the Planning Board authority to mandate clustering on all residential parcels on which it determines that cluster development would benefit the Village.
- Authorize a local land trust to act on the Village's behalf in administering open space.
- Create an open space inventory and master plan.
- Consider a future purchase of the right-of-first-refusal on the four major land tracts (discussed in 8.3) to control future ownership and development.
- Evaluate the usefulness of establishing sending and receiving districts for transferable development rights in protecting natural and scenic resources.
- Evaluate current soil mining regulations and determine whether amendments are required.

## 5.0 UTILITIES

### 5.1 Water Supply

Pawling has a public water and sewer supply. The two districts are not co-terminus: the water district is larger than the sewer district and is generally defined as extending the full limits of the Village (see Figure 4). There is no formal mapping of the water district. However, the Village and Dutchess County Department of Health are presently working together to establish a water improvement district, with the assistance of the Village's engineers, Slayton, Gainer, Wilbur Consulting Engineers, P.C. To date, this study has involved the development of a map of current users and evaluation of legal issues and possible benefits associated with the creation of an improvement district. Further, if found to be advantageous to the Village, other matters to be evaluated include the feasibility of expanding the district to include both Village and Town residents being served by the water system.

The impetus for this study was a decline in quality of water from the Upper and Lower Pawling Reservoirs. Turbidity became a problem, but neither the reservoir nor the two other sources of groundwater, a well on Corbin Road and another on Libby Lane, were shut down. The wells in fact have retained their good quality, but have historically suffered from declining rates of water production. The water district is also suffering from serious leakage: about 35% of the daily demand is lost (reported by Blasland Bouck and Lee, "Water and Wastewater Study," April 1989 and measured by Morris Associates in their 1986 report to the Village.) Some of the water district and improvement options that the Village will be assessing include establishing new groundwater sources and taking the reservoir off-line completely except for emergencies, with the hope of avoiding the need to provide filtration of the existing surface supply. A part of this effort would entail provisions for finished water storage facilities. To address the loss in well production, in 1993 the Village re-developed each well, with capacities restored to higher production rates.

A current report concludes that expanding the water district into parts of the Town is considered "the most environmentally sound and most prudent long-term solution to these municipalities future water supply needs" (in the April 1989 Blasland Bouck and Lee Report.) The October 1990 "Dutchess County Water and Wastewater Agency Plan" also recommends this upgrading and expansion.

An interesting option has been suggested for new large-scale development that may be proposed in the Village. For some years, various residential developments have been proposed, but none of the proposals substantially progressed given the numerous environmental constraints on the sites: steep slopes, wetlands and/or the NYSEG transmission line (see 5.3 for a discussion of this right-of-way). In assessing the site for residential use, developers will be asked to evaluate the

availability of groundwater for wells on the property. This possibility of a well farm or a private water utility is one of several options that the Village has to expand its water supply.

## 5.2 Sewer District

The potential joint management of an expanded water district has precedence, in that the Village and Town currently jointly manage the Village and Town sewer districts through the Pawling Joint Sewer Commission. The joint sewer district is smaller than the water district, but serves nearly all Village residents plus two areas in the Town (see Figure 4.). The sewage treatment plant is under-utilized on the whole and could accommodate the majority of all existing and projected units in the defined service area, as delineated in the facilities planning studies prepared for the Pawling Joint Sewer Commission. The system was also designed to accommodate the tie-in of the local industries. The focus now is on shifting towards the sewer district's next phase of expansion, including sewer extensions to new developments, an infiltration/inflow reduction and elimination program, and treatment plant process and capacity improvements.

The 1989 Dutchess County report on all public water and sewer utilities in the county made recommendations on sewer district expansion and improvements. Their recommendations through the year 2020, which are supported by the Village and Town governments, are summarized below:

- A new sewer line along Route 22 should be created, with the eastern part of the Village and all other residents and businesses eventually tying in to the system.
- One-quarter of the Town residential and commercial development should be tied-in.
- The treatment capacity of the district should be doubled.

It should be noted here that this is a recommendation of the county plan; doubling or expanding treatment capacity of the sewer district is dependent on a number of factors, including the ability of the existing treatment plant being expanded at its current location, the operational requirements of the treatment process, and the ability of the Swamp River to assimilate higher wastewater loading.

The Town's master plan identifies the area north of the Village as a preferred area of utility district expansion, to serve higher densities there. Part of this area of the Town is already in the district, as is the new condominium development just south of the Village, off South Street. Most district expansion in the Town would occur on either side of West Dover Road (County Route 20), north of the Village, with smaller areas

along State Route 22 and County Route 55, and North Quaker Hill Road (County Route 68).

Within the Village, the district could expand to include presently undeveloped parcels if these were developed residentially at densities or with site plans making a hook-up financially feasible. The large uncommitted parcels include the Flood, Grant, Johnson, Sells, and Umscheid properties. At present the Village has not targeted any of these for hook up. However, at the Village's discretion, sewer district expansion may occur as development occurs. Developers hooking up to the sewer district may receive an incentive bonus in return; criteria for this incentive system are detailed in Section 9.3 of this plan.

### 5.3 NYSEC Right-of-Way

The linear swath angling through the western portion of Figure 5 is the easement for the New York State Electric and Gas (NYSEG) transmission lines. No construction is allowed, although the undeveloped part of building lots may extend into the easement. Thus, this infrastructure path is included on the map as one of the environmental constraints on development. Nationally, in recent years, many citizens and elected officials have become concerned about the potential health harm that may result from long-term exposure to electromagnetic fields from power lines. These concerns may have land use implications if development is proposed for parcels through which the transmission line passes. Some of the actions taken by municipalities have included: 1) establishing a minimum setback for new residential and school development, 2) requiring the utility to have a mitigation plan for all new electric transmission projects, and 3) requiring that existing lines be retrofitted in accordance with the utility's maintenance and capital plans.

### 5.4 Utility Efficiency and New Development

#### Efficiency and Service

One of the ways in which Village government can minimize the tax burden on local citizens is to maximize the efficiency of the sewer system. Discussion with Slayton Gainer Wilbur, sewer consultants, revealed that within the current system, there is capacity for between 200 and 400 new units, and that beyond this amount, the sewer plant has been designed to be incrementally expanded.

A major reason for the high per-capita cost of the sewer system may be that it is operating on less than its most economic capacity. Therefore, adding new sewer-served units to the Village (naturally, consistent with other planning objectives and economic impact analyses) will increase the number of units served and decrease the cost per unit, assuming hookup charges and maintenance fees are accurately charged. Where these units fall outside the current service district, developers should be required to

pay not only extension costs but also an escrow fee for eventual plant expansion if necessary.

Water is also an issue, but as stated in Section 5.1, it is a solvable problem. New wells must be located and put on line as necessary; fees can be charged to offset these costs. As there is currently no ceiling on development based on water availability, the need for additional water resources must be examined on a case-by-case basis. Evaluation of water issues and impacts must be part of any site-specific environmental assessment completed for future developments in the Village.

#### Preserving Rural Quality

There is a larger public benefit to infrastructure improvements, one that speaks directly to Pawling's desire to balance the density of a healthy hamlet and the green openness of rural landscapes. This benefit has been expressed clearly by Joel Russell, the founding executive director of the Dutchess Land Conservancy and a participant in the comprehensive plan workshops: "It may seem surprising, but adequate water, sewer, and transportation systems are critical to sound preservation planning. If the rural open landscape is to be preserved, growth must be concentrated in settlement centers, such as hamlets, villages, and cities. However, many communities suffer chronic under-investment in the water, sewer, road and public transportation infrastructure that is essential to building or expanding old-fashioned villages and cities. There can be no serious preservation of open space without construction of water, sewer, and transportation improvements in appropriate locations. If there is inadequate public infrastructure, a pattern of compact settlements and undeveloped countryside will be impossible to achieve, regardless of what is in the master plan or zoning. The result, which we see all over America, is sprawl development in the countryside. Development in the rural open spaces is the developer's only alternative when public water and sewer capacity is lacking." (Journal of the Land Trust Exchange, Fall 1990.)

#### 5.5 Goals and Objectives

- 1) Expand municipal utilities to encourage environmentally sensitive residential and commercial development and to provide cost-effective municipal water and sewer service.
  - Establish a jointly-administered water district based on the recommendations of the Dutchess County Department of Health and the Village's engineers.
  - Develop new sources of water wells and storage tanks.
  - Expand the water district into appropriate parts of the Town.
  - At the Village's discretion, encourage developers to establish a private water utility as part of residential development proposals



that come before the Village, if the water capacity is present in the land.

- Expand the sewer district and the capacity of the treatment plant(s) as per the Dutchess County recommendations.
- 2) Study the potential constraints on residential development posed by the NYSEG transmission easement.
    - Consider establishing mandatory setbacks from the transmission lines to overcome the development constraint.
  - 3) Promote land development that utilizes municipal water and sewer infrastructure and avoids development of environmentally sensitive land.
    - Enact new zoning regulations which require lots to be sited in a manner which facilitates hook-up to municipal utilities.
    - At the Village's discretion, require new residences and commercial uses to hook into municipal infrastructure.
    - Authorize the Planning Board in appropriate circumstances to require cluster development in new residential developments where developers choose not to follow comprehensive plan recommendations.

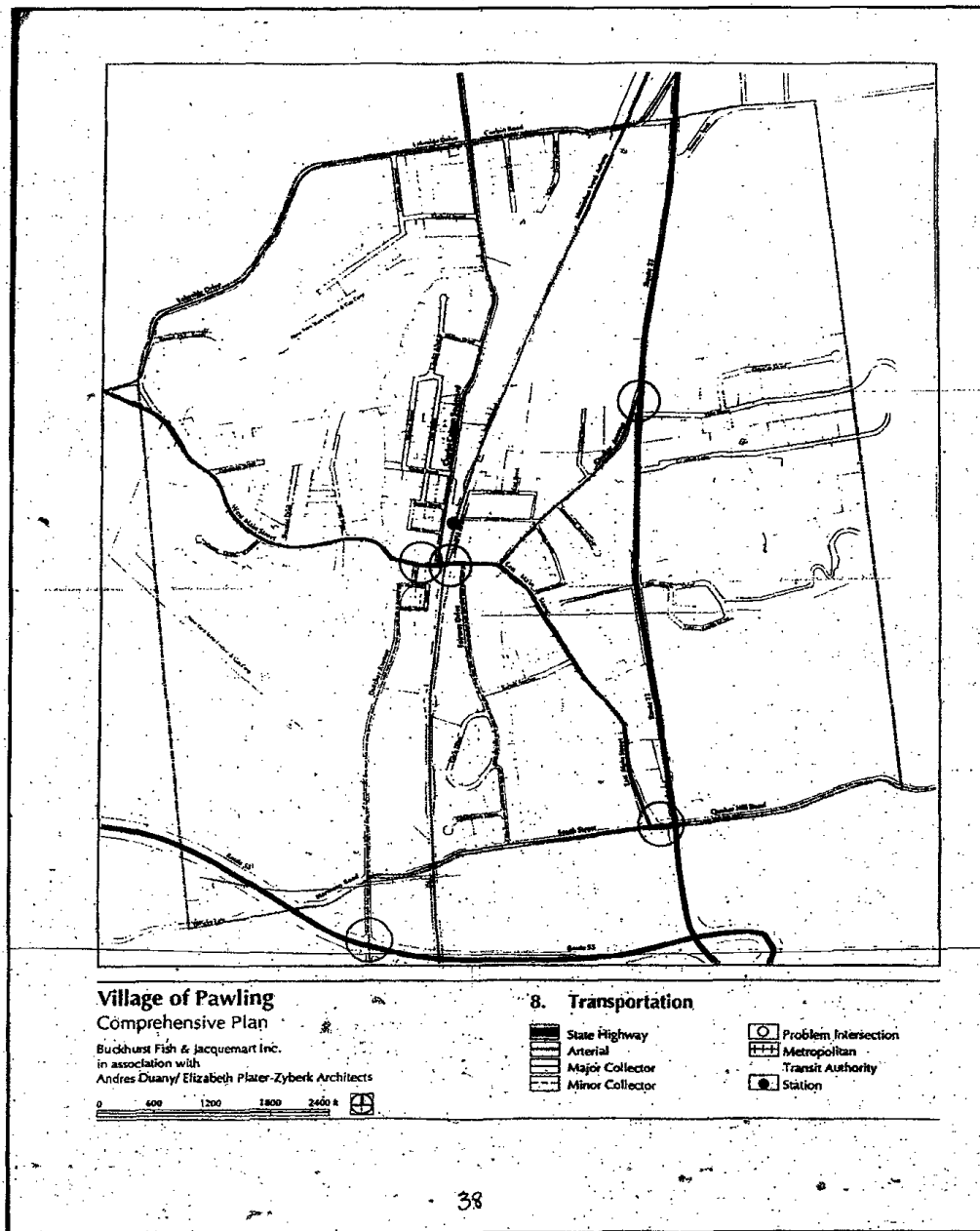
## 6.0 TRANSPORTATION

### 6.1 Roads and Highways

As with many other American villages, Pawling's transportation network was a formative force in its history, and is an issue to be dealt with in future development. The Village is organized around a road and rail transportation hub which serves the Village's own needs and those of the larger area (see Figure 8). Pawling lies at the southern end of Dutchess County's Harlem Valley, and is bisected by the valley's arterial spine; Route 22. From Westchester County, the highway extends through Putnam County, as the northward extension of I-684, a major north-south arterial. It then moves north through the Harlem Valley, providing key road access to Pawling and the other eastern Dutchess County Towns of Dover, Amenia, and Northeast. Route 22 not only moves through-traffic, however. It is a local access road for the Village itself. Village neighborhoods exist on both sides of the highway, and residents use it to get from one point of the Village to another.

Immediately south of the Village, Route 22 intersects Route 55, an east-west arterial. This route links Pawling to the Taconic State Parkway, a major state road north to Albany and south to New York City, and to Poughkeepsie and the Hudson River on the westernmost side of the county. Pawling is also about 15 miles north of I-84, itself a significant east-west route linking New Jersey, New York, and Connecticut. In recent years, NYSDOT has proposed the widening of Route 22, from the end of I-684 in Southeast, Putnam County to Route 55 in Pawling. This would in effect be the northward expansion of I-684 traffic movement, although at major arterial highway rather than interstate design standards. If the plan goes forward, Route 22 would be widened to a divided highway of four lanes with jughandle intersections and the possibility of future interchanges and two additional lanes. While the funding and timing of this corridor improvement are uncertain, the Village may wish to consider its response to this proposal, based on anticipated impacts to traffic flow, existing and potential development, and community character.

Within the Village, Route 22 and Dutcher Avenue/Charles Colman Boulevard are the primary north-south roads. They parallel one another, but Dutcher Avenue/Charles Colman Boulevard allows many more access points from local streets and thus is shown on the map as a major collector. East and West Main Street (Old Route 55) is the major east-west arterial inside Pawling, with major and minor collectors and local streets feeding into it. In the center of the Village, Main Street crosses the railroad tracks and Dutcher Avenue/Charles Colman Boulevard. The downtown confluence of Main Street, Charles Colman Boulevard, Fairway Drive, Memorial Avenue, Dutcher Avenue, and the at-grade railroad crossing creates two off-set intersections with associated circulation and parking problems.



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Poor quality intersections with Route 22, particularly at Coulter Avenue and East Main Street, have been noted as traffic issues. While it may be desirable to maintain the diagonal configuration of the intersections (to avoid the expense of road construction and to preserve the distinctive nature of Pawling's road and intersections), improvements to increase the safety of traffic movements to and from heavily-traveled Route 22 need to be examined. Other traffic problems in the Village are caused by a lack of sufficient parking in certain locations, and an inadequate sidewalk and path network to permit good pedestrian circulation.

Two additional items are evident on Figure 8: there are land parcels which are not served by roads, and there are large vacant parcels which have neither existing nor planned roads linking these potentially developable areas to the rest of the Village. The Town of Pawling has identified a future circulation network that depends to some extent on the Village's network. For instance, the Town's comprehensive plan identifies a proposed new feeder road in the southwestern part of the Village, which would provide access to large parcels which are currently landlocked. This new road would connect Route 55 to Main Street, at a point near Sheridan Drive. However, this proposed route is only conceptual at present and has not been mapped. If a development proposal should be submitted for these undeveloped lands the Planning Board should seek to obtain such road connections via the subdivision process.

There are a number of dead end roads in proximity to one another. Although some of these could be joined to create a full street network, the desirability of these linkages, as opposed to the quiet and privacy such dead-ends afford, is discussed in more detail in Section 8.3.

A final distinctive feature of Pawling's road network is its "cranky intersections," a term used in the planning process to describe intersections such as Coulter Avenue with Route 22, Smith and Spring Streets with Coulter Avenue, Walnut and Elm Streets with Summit Avenue, West Main Street with Lakeside Drive, and the above-mentioned intersection of Main Street with Colman Boulevard and Memorial Avenue. These are intersections (tee-, y- or cross-type) which do not conform to the highest road engineering design standards. The streets are not at right angles to one another, the intersecting roads are off-set somewhat, or the line of sight is shorter than that recommended in design manuals. Cranky thus means both the actual irregular geometry of these roads, and the sense that in our highly-engineered twentieth century these older intersection forms are becoming a rare breed.

The issue for the Village is that while such intersections contribute to the Village's distinctive sense of place, they also may not be as safe as standardized intersections. A partial resolution may be to maintain these existing cranky intersections, making them as safe as possible, while addressing the issue of road engineering individually when new subdivisions are proposed.

These new streets, however, should fit within Village's character. Road, sidewalk, and curb standards appropriate to a village, rather than the suburbs or a city, should be used, avoiding expensive or over-engineered standards. Roads should be narrower and have softer curbs or edging than typically found in new suburban developments. Pawling should allow dirt roads in rural parts of the village which meet an acceptable safety standard. All new roads should have detached sidewalks, which are separated from the street by a median wide enough to plant a tree.

#### 6.2 Sidewalks, Trails and Bicycle Routes

At present, only the streets within the Village Center have sidewalks, and in some cases, the sidewalk jumps from one side of the street to the other. On Fairway Drive, for example, the sidewalk stops short of the intersection with Circle Drive. This incomplete network hinders safe, off-street walking and yet does not substantially contribute to Pawling's rural quality. Pawling's small-town, rural quality, as described in Section 4.1, is achieved through a blend of elements which primarily include the compactness of the settlement, the small-Town quality of the street widths, domestic landscaping, harmonious architecture, and expansive vistas over hills and wetlands. The presence of appropriately sized sidewalks would not mar this quality and would substantially improve Pawling's walkability.

During the planning process, many residents expressed how they love to walk around Pawling, and wished there were a more extensive sidewalk or path system to make this easier and safer for themselves and for their children who could then walk to and from school. A safer sidewalk or a school path system was suggested as a way of reducing drop-off and pick-up car congestion at the school.

As a supplement to sidewalks or paths, trails and bicycle routes or paths were requested by residents. The desire is to have a network of walking and biking paths that traverses open space and links this common land with parks and playing fields, the downtown, and schools. In addition, certain roads or streets could have bicycle routes designated with separate bicycle lanes and signs.

The Oblong land conservancy has received funding through the Inter-Modal Surface Transportation Efficiency Act (ISTEA) for a Village of Pawling Pathway Network which, once completed, will do much towards accomplishing this goal. The draft maps for this project are included in Appendix E.

#### 6.3 Train Service

Rail passenger needs are served by the MetroNorth station in the Village core. Freight transport is provided by ConRail. MetroNorth tracks are used by both rail carriers. Figure 8 shows the tracks entering the Village from the south, the station's central location, and the tracks' further

progress north to Dover Plains, the last stop. The ride to New York City is under two hours, an acceptable commuting distance for a small but increasing number of residents. MetroNorth also reports a growing number of non-traditional passengers: intermediate commuters (people travelling from one stop to another for work) and reverse commuters.

#### 6.4 Parking

One significant effect of the MetroNorth work program will be the freeing up of former commuter parking spaces for the use of shoppers, visitors, and business owners in the Village center. However, additional parking spaces may be needed, especially as some new developments in the center may have their on-site parking obligations waived under the new zoning. This sensible action will enable more businesses to locate in Pawling, but may over time create a lack of parking as the Village Center is revitalized. In return for the waiver, property or business owners may be required to contribute to a municipal parking fund. This fund would be used solely for the construction or designation of new parking spaces (similar to the use of recreation funds when developers make contributions in lieu of providing on-site recreation.)

#### 6.5 Goals and Objectives

- 1) Improve vehicular circulation without sacrificing distinctive qualities of Pawling's roads and intersections.
  - Study problem and cranky intersections to evaluate what can or should be done to improve safety while not homogenizing the quality of Pawling's road network.
  - Work with MetroNorth to implement improvements that are in accord with the Village's goals in any of its actions including but not limited to construction of a high-level platform, improvement of at-grade crossings, or expansion of parking.
- 2) Add to the Village official map future road connections, new roads on currently undeveloped land, sidewalks, and trails.
  - Add all roads, connections, and pedestrian circulation elements shown for the four large land tracts discussed in Section 8.3.
- 3) Improve pedestrian circulation.
  - Complete sidewalks within the Village center.
  - Build new sidewalks along arterials and collectors outside the Village center.
  - Require new residential development to construct sidewalks and open space trails.

- 
- Maintain the pedestrian crossing (now located north of the Main Street crossing in the vicinity of Smith Street) for pedestrian use for the near term.
- 4) Study where bicycle routes (on- and off-road) could be created.
  - 5) Continue to work with MetroNorth on the expansion of train service and the improvement of the train stop.
  - 6) Amend road standards to require road, sidewalk, intersection, and curb specifications that are appropriate to the Village.
    - Reduce any over-engineering found in the existing road standards.
    - Establish a new road category of country lane or rural road which would have a narrower width, softer edges, and steeper grade than currently allowed.
    - Consider adopting scenic road overlays to protect existing scenic roads from inappropriate upgrading or development.

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## 7.0 LAND USE

### 7.1 Residential Development

#### Housing Units

The Village of Pawling is primarily a residential community, gathered around a traditionally arranged core of transportation, businesses, municipal and educational facilities, and churches. Housing is the single largest use of the Village's developed area. The general housing pattern has not changed significantly in the past decade. The 1980 census showed that about two-thirds of the 793 dwelling units were single family, and the bulk of the multi-family stock was relatively low density also: under ten units. The 1990 census data show the same data. The Village's housing stock is roughly divided between owner-occupancy and renter occupancy. The median estimated value of owner-occupied units is \$162,900. The median rent is \$501. The large jump in owner-occupied values between 1980 and 1990 can be due to two factors: actual housing value increases seen regionally in the early to mid-eighties and the inflated effect caused by having homeowners themselves report what they think their house is worth.

Table 6  
Housing Units, 1970 to 1990

	1970	1980	1990	% Change 1970-1990
Pawling (V)	667	793	810	18%
Pawling (T)	1,292	1,612	1,770	27%

Table 7  
Village of Pawling, Housing Units: 1980, 1990

	1980	1990	Percent Change 80-90
Total Housing Units	793	810	2.1
Renter Occupied	294	300	2.0
Median rent	n/a	\$501	
Owner Occupied	452	438	-3.0
Median value*	\$57,000	\$162,900	
Units in Structure:			
1 (detached or attached)	499	508	1.8
2 or more	287	285	-0.7
Other (mobile, etc.)	1	17	1,600.0

Note: The total number of units includes renter-occupied, owner-occupied, owner-occupied and vacant or seasonal units.

\* specified by owner.

Source: U.S. Bureau of the Census  
Dutchess County Department of Planning and Development



#### Land Use

The 1990 land use field survey (done for the comprehensive plan) indicates that housing now occupies about 35% of the Village's total land area, an increase of 113 acres since the 1962 master plan, at which time housing occupied 26% of the land area. As most of the housing is detached single family homes on one-acre, half-acre and quarter-acre lots, the growth in the number of housing units has been larger than the amount of land consumed for housing: between 1970 and 1980 the number of housing units increased 20%, to 793 units from 667. A comparison of the 1976 housing land area and that shown by the recent field survey shows an increase in 10% of land occupied by housing. This is an indication of the compactness of Pawling's settlement pattern.

Housing construction since 1962 has occurred in all parts of the Village, with the exception of the core and the Charles Colman Boulevard/Orchard Street area, which were already built up. The largest amount of land consumption for single family housing has led to the build-up of the Village in three main areas: the southwestern corner, the land east of Route 22 along Pine Drive and Cristmill Lane, and the area west of the Great Swamp on West Main Street, along Allison Drive, Sheridan Drive, Dykeman Street, and Round Hill Road.

The Village's residential zoning has been in place since 1972. (See Figure 9). The following table explains the zoning designations:

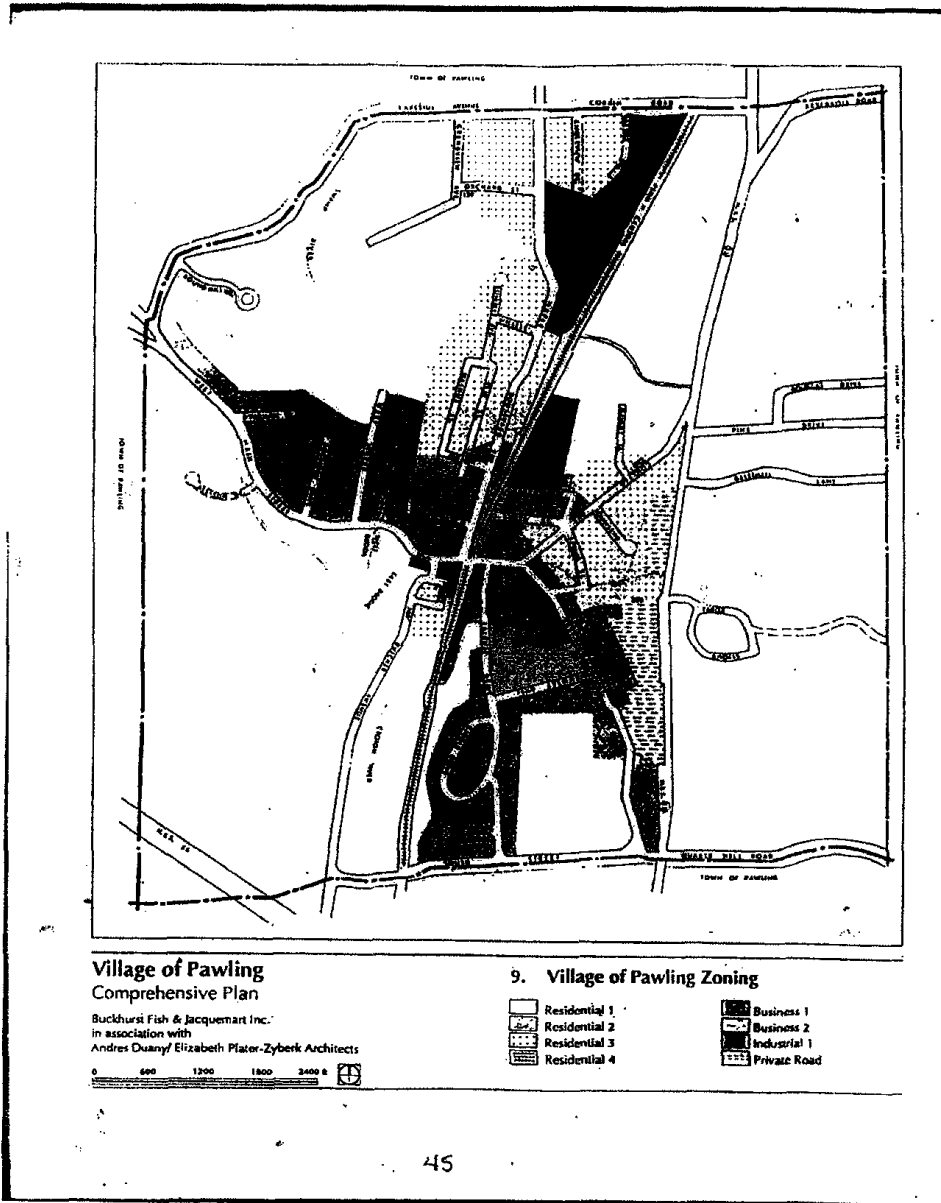
Table 8  
Village of Pawling Residential Zoning

Zone	Minimum Lot Size
R1	1.0 acre (1 du per acre)*
R2	0.5 acre (2 du per acre)
R3	0.25 acre (4 du per acre)
R4	0.25 acre (4 to 10 du per acre)

\* du: dwelling unit

In R1, R2 and R3 zones, dwellings may only be single-family detached units. In the one R4 zone, single-family and multi-family dwellings are allowed (up to ten households per acre).

The majority of the Village is zoned for a minimum lot size of one acre per house, and the majority of the residentially zoned vacant land is R1. These zones lie around the perimeter of the municipal boundary. In the older portions of the Village, strips of land along the major streets are zoned half-acre. In the core, quarter-acre zoning reflects the traditionally denser population found in older Villages and Towns.



#### Vacant, Uncommitted Land

In recent years, the Village had before its boards two significant development proposals. These are within the areas marked A and B on Figure 10 (the areas on the map may be larger than the actual parcels proposed for development). Parcel A is the 70-acre Berillo property, which was proposed for a 42-unit single family residential development (this application was subsequently withdrawn). The main drive access would have been off West Main Street. As is apparent from the natural resources map, the site has several environmental constraints: steep slopes, wetlands, and the passage of the NYSEC easement through the parcel.

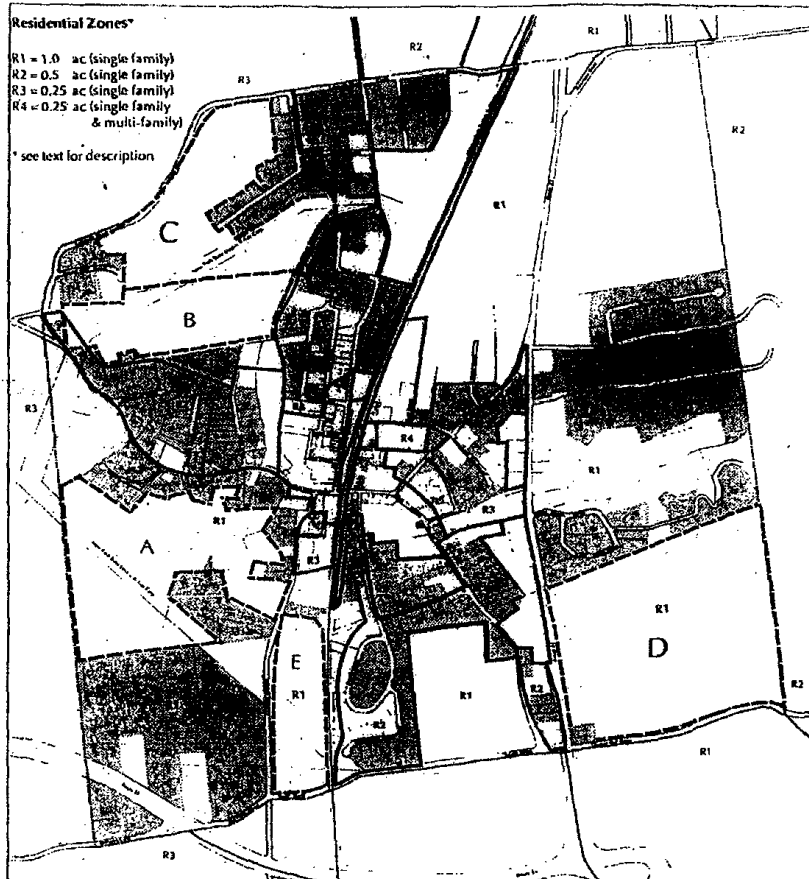
Parcel B is the Grant property, about 35 acres to the north of Dykeman Street and south of Lakeside Drive. The 65-unit proposal for a cluster development at half-acre density was withdrawn. This land is also subject to similar environmental constraints (steep slopes, wetlands, and the NYSEC easement).

The third parcel identified on Figure 10 is Parcel C, the Umscheid property. There has been no proposal made for this parcel. Parcel D, the Johnson property, is in the southeastern corner, abutting the Town boundaries on two sides. Parcel D is relatively undeveloped, and as yet has had no development proposal put forward. This parcel represents the largest remaining potentially developable land in the Village, outside of the Trinity-Pawling lands. Portions of the site are hilly, but have flat upper plateaus which would be buildable. It is located in a one-acre residential zone, with access from Route 22 and Quaker Hill Road. The Town land adjacent to this parcel is zoned for residential use at one-acre to the south and two-acre to the east.

The final identified parcel, Parcel E, is predominantly wetlands. The Oblong Land Conservancy, Inc. is under contract to purchase the parcel and has indicated its intention to maintain it as open space.

#### Affordable/Below Market Rate and Senior Citizen Housing

A major issue for the Village is the need to maintain a continuing balance in new development between higher-income housing and the current level of middle income now present in the Town. The ability to house and avoid displacement of the Village's senior citizens, young people just starting a family, or schoolteachers, fire, police, and emergency workers, and municipal employees is a key measure of a locality's prospects for building up and maintaining a stable community of residents. Increases in real estate values have made Pawling more expensive to settle in than in the past, although it may still be relatively affordable given real estate values in the surrounding area. However, based on comments from the workshops and surveys, Village and Town residents are more and more concerned that their senior citizens are having difficulty paying property taxes, that grown children with their young families must settle away from their parents in a search for affordable housing, and that others who want



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Comprehensive Plan.**

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**10. Residential Development**

- Residential Zone
- Current Zoning
- Existing Residential Development
- Proposed/Potential Residential Development
- Large Uncommitted Parcels

to live in Pawling are slowly being priced out of the Village. The 1980 census showed that there are 166 households in the Villages living on annual incomes below \$20,000. The number is lower than in 1980 (and the overall household count is lower), possibly indicating that low-income families have indeed left Pawling.

Many methods are available to provide for these affordable housing needs. Among these are the encouragement of senior-citizen housing, for which public and private support or subsidy programs are available. These units should be of a density that allows the development of a feasible number of smaller, maintenance-free units (often with elevators to assist elderly residents). Ideally, these units should be located in the municipality's center, where residents can walk to adjacent facilities such as grocery stores doctors' offices, or community services. Where they are proposed in outlying residential neighborhoods, special attention needs to be paid to project impact and fit with adjacent properties. This will be addressed in the amendments to the Zoning Law.

Another technique, suited to provide affordable housing for families, is to require that a percentage of new units built by private developers be set aside as affordable middle income units, the cost being partly cross-subsidized by the remaining higher-income units on the property. Using this technique, a level of subsidy is defined to achieve the income mix desired (affordable units often being defined by criteria such as the median salary of municipal employees).

Other techniques used by municipalities in the region which may be applicable for Pawling are:

- Reduced taxes for qualifying senior citizens;
- Allowing apartments over stores in village or town centers;
- Streamlining legal conversions of one-family homes to multi-family;
- Backyard cottages for rental units in selected areas supported by appropriate utilities and infrastructure;
- Incorporating incentives into the development approval process such as density bonuses, simplification, avoidance of SEQOR process, and greater flexibility in road and drainage requirements; and
- Mixing residential uses with commercial uses in downtown buildings to alleviate the reliance on a car (with its attendant costs).

These techniques do not require subsidies, land donation, or low-interest construction loans. Instead, implementing such techniques would diversify the range of housing types found in the Village by taking a more flexible, innovative approach to the development process.

#### Studies of Affordable Housing Need

Two recent studies outline the need for affordable housing in the village. In June 1992, the Dutchess County Department of Planning and Development prepared a study of the rental market in the Town and Village of Pawling, with a focus on building a 40-unit apartment building in the Village downtown (the vacancy rate for existing rental units is around 7%). The study was commissioned by Village government and the Pawling Community Foundation in response to initial findings in the comprehensive planning process. This was followed up with a financial feasibility study in November 1992. The study noted that Pawling had already distinguished itself in southeastern Dutchess County by having the only subsidized rental housing, the Dutcher House. Also noted were both the Town's comprehensive plan and this Plan, each of which recommended addressing the demand for below-market housing in order to sustain a diversity of household income in their populations and to provide housing for municipal and school district employees, employees of major employers in the municipality, senior citizens, and young couples.

The study found more than sufficient demand for 40 units of moderately priced rental housing on either the Chertock and Lidl Parcels or Kieran properties in the downtown. The tenants would probably not be solely current Pawling residents but would include those who work in Pawling, such as for the Town or Village governments, school district, Pawling Corporation, or Lumelite. The schematic designs studied for both sites were compatible with the goals of downtown revitalization and urban design; the proposals fit contextually with the best examples of surrounding architecture and most particularly with the Dutcher House. The ground floor would be commercial, with the upper floors used for the one-, two-, and three-bedroom apartments.

The final recommendation of the feasibility report was to pursue construction on the Kieran site, using multiple funding sources. Site development costs would be lower on this site than the Chertock and Lidl Parcels, while public subsidy costs would be higher. The study felt that the Chertock and Lidl Parcels has greater potential for development by a private developer.

A second study focusing on income and affordability was done in February 1994 by Development and Design Services of Wappingers Falls. Based on a somewhat different methodology and criteria, this study found that up to 51% of households in the village could be described as low or moderate income, who would thus benefit from increased choice in housing.

#### Goals and Objectives

- 1) Encourage a diversity of housing types and rents or purchase prices to match Pawling's demographic needs.

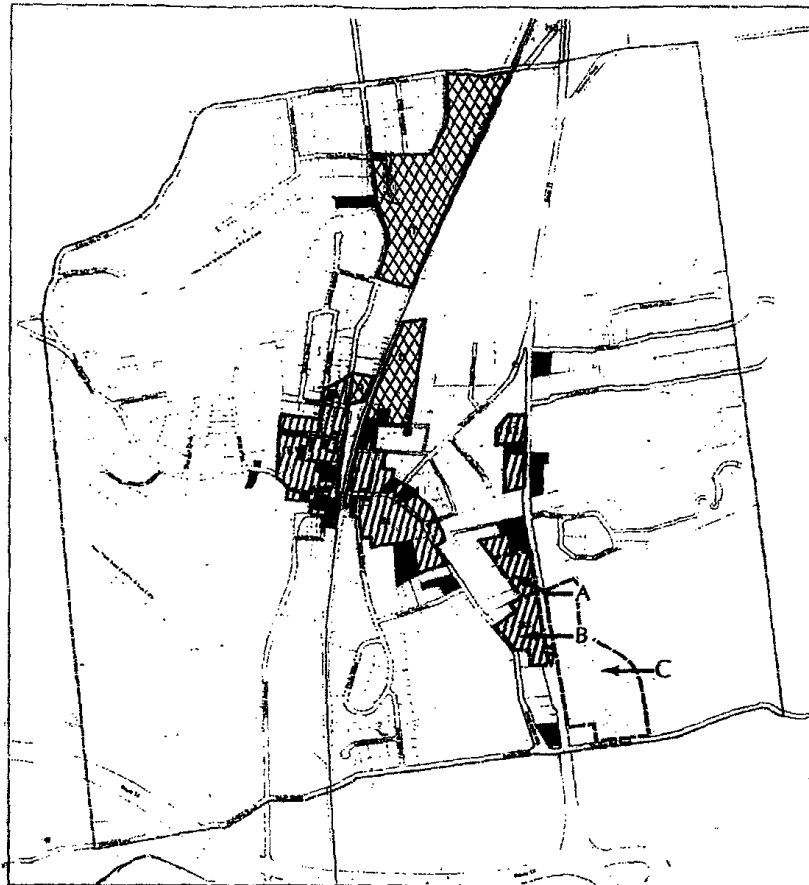
- Adopt more flexible zoning, site plan, subdivision, and land use regulations which provide more options for housing development in the Village.
  - Require developers to construct affordable housing as one of the conditions for receiving a density bonus.
  - Undertake actions to encourage the development of affordable housing in the Village, such as assisting Dutchess County and the Pawling Community Foundation to implement the findings of their affordable housing studies in the Village.
- 2) Enhance the Village's neighborhoods to protect their attractiveness and housing values.
- Encourage maintenance and upgrading of existing housing stock.
  - Require infill housing to be compatible with the surrounding neighborhood.
  - Allow home occupations in the Village but apply performance standards.
  - Plan for open space and trails within neighborhoods so residential areas are interwoven with public green links.
- 3) Build on Pawling's existing compact and historic settlement pattern by focusing new development where it can hook up with municipal utilities.
- Allow the Planning Board to require developers to cluster new housing where appropriate.

## 7.2 Commercial Development

### Commercial Uses

Commercial uses are located in two primary areas: along Route 22 and within the Village center. The Route 22 businesses, both in the Village and in the Town, are a mix of offices, light industry, and small retail (such as restaurants, delis, and antique stores). The majority of the land in the Village bordering Route 22 is zoned residential. However, this residentially zoned land contains very little housing; much of it is either vacant, used for cemetery purposes or for school lawns and fields. With respect to the commercially zoned property on Route 22, there is a mix of office and miscellaneous commercial uses.

Within the Village center (see Figure 11), the commercial mix is largely small-scale retail, personal services, and banking and professional services. Some of the storefronts are vacant, while the residential upper floors are occupied. Pawling's two largest industrial employers are located off Village streets. Lumelite Plastics sits just north of the train station. Pawling Corporation lies somewhat farther north on Charles Colman Boulevard. A



# Village of Pawling Comprehensive Plan

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## 11. Commercial Development

- Business Zone
- Current Zoning
- Existing Commercial Development
- Potential Commercial Development
- Large Commercial Parcels
- Industrial Zone



plant nursery occupies an outlying site in a residential area, also on Charles Colman Boulevard, just opposite Pawling Corp. The Village's largest shopping center is Kalyto Plaza on East Main Street. This houses a supermarket, bank and several smaller stores.

Some of the Village's old structures are in reuse as businesses. For example, at the corner of Sunset Avenue and East Main Street is an old house, now a funeral home. The old laundry on West Main Street, which at one time used the flow of the Swamp River for power, is now also a dry cleaner. Perhaps most well known in the area is the southern entry to Pawling, at Main Street and Route 22. This is marked by the reuse of an older building as a restaurant (now closed), complete with a historic cemetery in the side yard.

Pawling's commercial zones are I1 for industry, and B1 and B2 for all other commercial uses (see Figure 9).

#### Potential Development

##### Village Center and Route 22

The overall goal of the plan for commercial development is to reinforce the downtown as the Village's commercial center and enhance its economic vitality, while allowing for commercial development on Route 22 which does not compete with the Village Center or harm the visual quality of the Village. Two major ways of achieving this goal are the MetroNorth plan for the Village Center and amendments to the Zoning Law.

The MetroNorth plan previously described will allow the Village to separate commuter and business parking, improving parking access for Village Center businesses. On peak days (e.g. Saturday) the MetroNorth commuter parking will be available as additional retail parking space for shoppers. In addition, recommended changes to the Zoning Law will allow more flexibility in parking standards and will provide for mixed-use buildings in order to encourage development in the Village Center.

Presently, Route 22 is zoned R1, limiting commercial development to several small areas on the west side of the road which are zoned B2. No expansion of the B-2 zone is proposed, but existing businesses would be recognized and encouraged. Within this area, there are two large uses. The Heinchon Dairy (Parcel A on Figure 10) has substantial highway frontage and may have development potential. Immediately to the north of the dairy is a state highway maintenance yard (Parcel B) which also has substantial frontage.

In terms of future development on Route 22, new zoning should permit commercial development such as large scale offices that do not compete with the Village Center but do add to the tax and employment base. Two techniques are recommended to achieve this goal: A special permit to allow office use in residentially-zoned buildings with frontage on Route

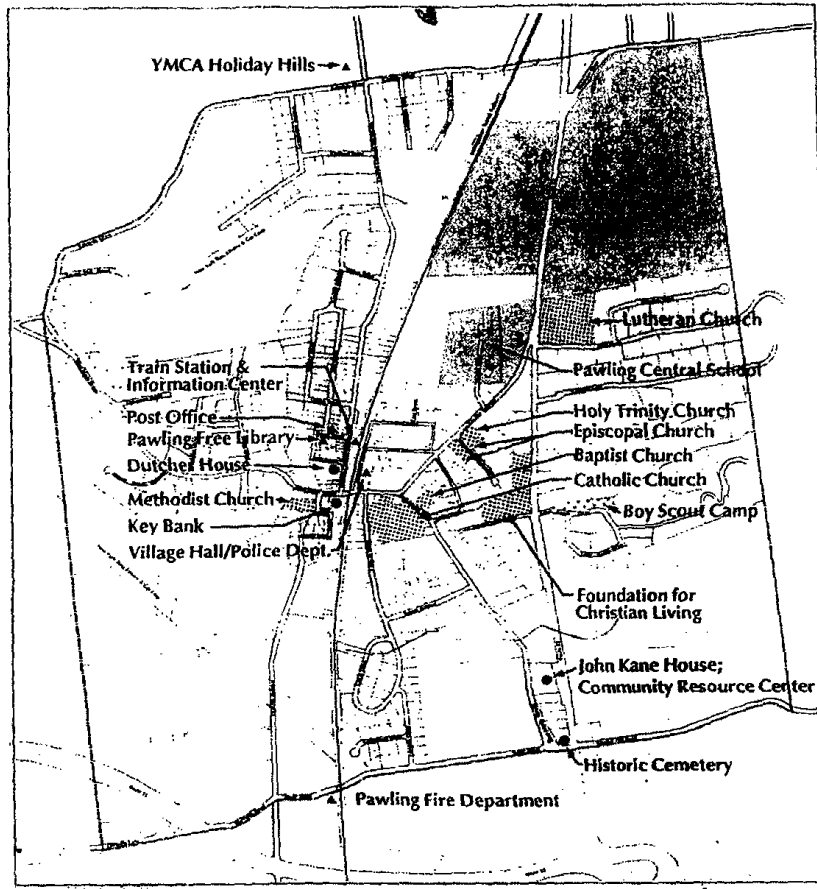
22; and a special permit for office, research, and light industrial uses on large undeveloped parcels with frontage on Route 22. The overall goal is to limit retail use on Route 22, in favor of locating these uses in the Village Center.

**Goals and Objectives:**

- 1) Revitalize the downtown and reinforce its place as the Village's commercial heart.
  - Permit mixed uses, such as apartments over shops.
  - Establish non-competing business zones along Route 22.
  - Relax parking requirements to encourage new development.
  - Create a Village green.
  - Work with MetroNorth to improve parking for commuters and business uses.
- 2) Encourage small businesses and light industry in suitable locations.
  - Develop zoning and standards for parcels fronting on Route 22 which allow low intensity commercial use and require appropriate buffers.
- 3) Attract new services and cultural activities.
  - Create a Village Center business association to take on important promotional and management tasks.
  - Advertise Pawling to local real estate agents and relocating or expanding businesses.
  - Work with Dutchess County to implement the findings of the commercial component of the affordable housing plan for the Kiernan and Chertok parcels.
- 4) Adopt performance standards to ensure that new businesses are compatible with nearby land uses and community character.

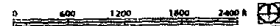
**7.3 Institutional and Community Resources**

A small part of the Village's wealth of community resources is shown on Figure 12. The municipal services and facilities, such as the public elementary school, Village hall, joint Town-Village firehouse, and police department are shown. The Town of Pawling has its Town Hall in the Village. (Please refer to Figure 5 for the location of the Village sewage treatment plant and pumping stations). Some of the Village's churches



# **Village of Pawling Comprehensive Plan**

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## **12. Community Landmarks & Facilities**

- Architecturally / Historically Significant Buildings & Sites
- Churches
- Community Facilities
- Schools

and historic buildings are also shown. Not indicated in detail on Figure 12 is the large number of civic and charitable organizations that Village residents support: there are over 40 of these community-building resources.

The Village has a unique asset in the Community Resource Center located in the carriage house of the historic John Kane House (which houses the Lowell Thomas Center.) The resource center provides services and meeting facilities. The private Trinity-

Pawling School is also shown, as it is active in the local area's cultural and musical life.

#### Historic Assets

A walk through the Village with maps from 1876 and 1890 finds a number of the structures from that era still standing and in use. The Village has one National Register building, the John Kane House, on East Main Street. The county has identified many other homes and buildings of historic and architectural significance in the Village. This list should be used as the sourcebook of what is worthy of preservation and for the preferred models for new structures. (see next section, Building Models.) A few of these and other local landmarks are identified on Figure 12. The building that the Key Bank occupies, and the three distinctive churches which punctuate the downtown, all date from the 1850 - 1870s. In 1884 the Dutcher House hotel was completed. The building now houses ground floor shops, and upper floor apartments, and is the centerpiece of the Village's downtown. The Dutcher House and the Rogers building are the architectural models for new construction in the center and the B1 zoned length of East Main Street.

The original Pawling railroad station was built around 1850. It burned in 1984. A smaller waiting room was refurbished by the Village residents and business owners to include an information office. North of this station is the freight depot. This 75' long frame structure is dilapidated due to long disuse and fire. Some Village residents have urged moving the depot closer to the core of the downtown on the west side of the tracks and renovating the structure so that an active use here would assist in the downtown's revitalization and improve the urban design of central area. The Village Center Plan anticipates that this move and reuse could happen and set aside one of two civic building sites for the depot's potential location.

In 1887 a fairgrounds was built which is now the YMCA Holiday Hills conference center, on Green Mountain Lake. One resource has been the Peale Center Foundation for Christian Living, now located on East Main Street. For more than 50 years, Norman Vincent Peale and Ruth Stafford Peale have lived and worked in Pawling.

#### Building Models

As part of the planning process, the architects and designers from Duany/Plater-Zyberk visited the Village to understand the local architecture and to find good examples of domestic and institutional or public buildings. These are what are referred to in Andres Duany's presentation (Appendix D) as historic building models. These examples are the basis for the urban regulations, which govern the bulk, yards, and design elements of new construction. DPZ's findings were that Pawling has at least one very, very good example of everything. It has a great store-front building, a great small house, a great large house, a great small church, a great large church. All of these examples are available here, which is unusual. In some places, every good model has to be imported. What you have in Pawling are the seeds of your own character."

The models that were identified in the planning process were both specific buildings and general types found along certain streets. For example, the commercial buildings in the Village center which should serve as templates or guides for new construction or major renovation are the Dutcher House and the Rogers Building. There are fine examples of institutional, public, and religious buildings, such as the Baptist, Methodist, and Catholic churches, the John Kane House, Key Bank, and the Pawling Central School. The special attributes of these buildings include their proportions, window and door spacing, use of indigenous materials, and ornament.

The Village has a number of private houses whose architectural styles and street presence offers similar templates or guides to the new construction of homes or major additions on existing homes. Some of the locations where these exemplars can be found are the cluster of Queen Anne houses on Charles Colman Boulevard, and homes along Coulter Avenue, Charles, Smith, and Spring Streets, Dutcher Avenue, and Main Street which date from the 1800s or the early part of this century. The special attributes of these buildings which should be replicated include their architecture, their placement on the lot, and their spatial relationship to the street and the other houses. Generally, the homes are frame construction, and modest in scale, close to the sidewalk or street. Most importantly, they are clearly a part of a long Dutchess County architectural tradition embodied in the Dutch colonial farm, and local versions of Greek Revival and Federal styles, Victorian or picturesque cottages, Arts and Crafts or Bungalow styles, and neo-colonial styles.

#### Goals and Objectives:

- 1) Preserve local landmarks and historic or architecturally significant buildings and sites.
- 2) Enhance the community-building functions of the local public and private schools.

#### 7.4 Existing Land Uses

In 1976 land use in the Village was calculated as follows: 26% of the land in residential use, 15% in public or semi-public use, 6% in commercial and industrial use, and 3% in recreation. The remainder was either agricultural use or inactive, being primarily wooded or wetlands. Figure 13 is based on a three-day 1990 field survey of the Village, which determined the current usage of each lot. A look at the map shows that in sixteen years, these proportions have changed. Public and semi-public use appears to be closer to 25%, counting the Trinity-Pawling School lands. But most significantly, the number of single family homes has grown.

Detached single family housing, by far the largest of all uses in the Village, now occupies about 35% of the Village's land area. There are a few small apartment buildings, but most of the multi-family housing is either two-family homes or conversions of the large homes and boardinghouses typical of Pawling's older housing stock. Multi-family housing is generally clustered in and around the Village center.

Commercial uses are also clustered in the core of the Village. Two outlying retail uses, the former Meeting House restaurant and the garden nursery on Charles Colman Boulevard, are non-conforming uses in residential areas. The downtown has a traditional small Town mix of ground floor stores and offices with apartments and professional offices on the upper floors, and a surrounding housing mix of single and multi-family units. The largest freestanding commercial use is the Kalyto Plaza supermarket and shopping center on Main Street.

Parking in the downtown is generally on-street, with several small parking lots found behind or to the sides of the stores. Rail commuter parking is presently located on both sides of the tracks and is shared with parking for downtown shoppers and workers. The combination of this large lot with the series of parking lots serving the industries and stores at the north end of the station creates a large concrete wedge in the heart of the Village. However, MetroNorth will be building a new lot in a new location. This is discussed in more detail in Section 8.1.

Pawling industries and manufacturing concerns are found both along Route 22 and inside the central part of the Village. The latter businesses receive freight from the rail line or from trucks; whose only transport route is along Main Street and Charles Colman Boulevard. The largest industries are Lumelite Plastics and the Pawling Corporation (formerly the Pawling Rubber Company).

The Pawling Corporation's neighbor to the north is the electrical substation serving the Village. The municipal sewage treatment plant lies at the far north end, between the railroad tracks and Route 22. Various pumping stations are sited around the Village on small plots. The utilities parcel lying between Dutcher Avenue and the railroad tracks is a fairly large plot of land, occupied by a small pumping station. Therefore the use of the entire plot is shown as utilities on Figure 3.

The Village center has two green parcels which open up the denser residential and commercial areas: the elementary school and playing fields, off Haight Street, and two cemeteries, off East Street. These cemeteries stretch from Route 22 to the tracks, and are bounded on the north by the playing fields of Trinity-Pawling School. The effect is of a green funnel, beginning in the industrial area of the Village, and opening wider as the Village outskirts approach.

This open land in the northeast is matched in the northwest and southeast corners by unbuilt land. Some large lots to either side of the NYSEG easement are also as yet undeveloped. Roughly 25% of the Village land area is undeveloped. A good portion of these uncommitted lands are Parcels A, B, C and D, shown on Figure 10.

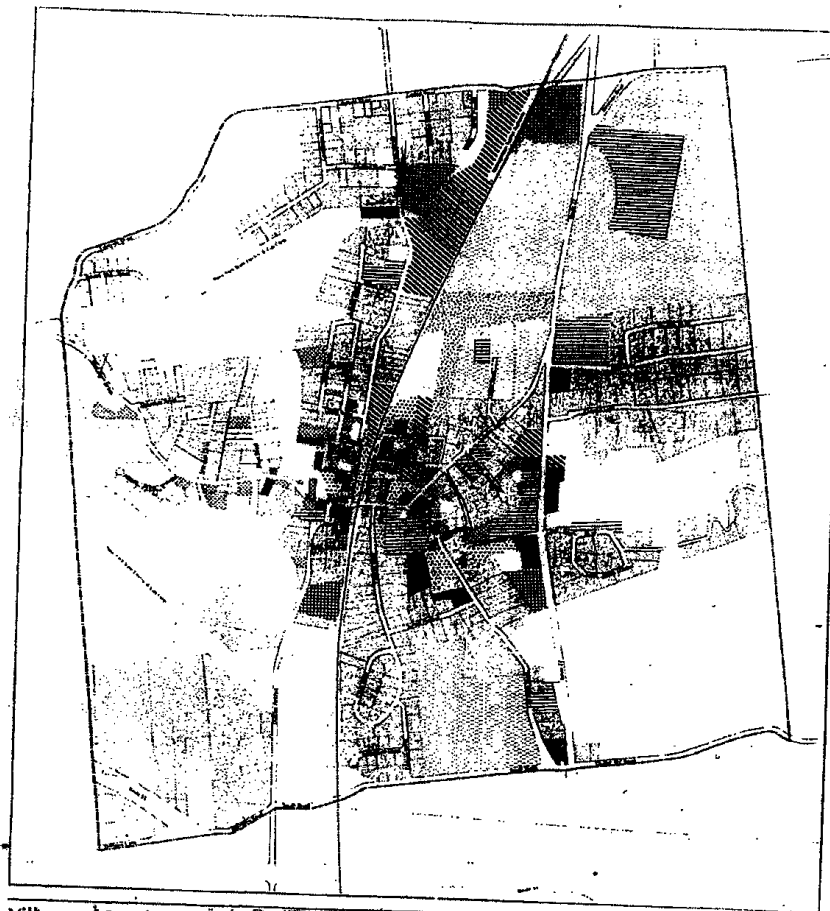
As discussed before in the natural resources discussion (Section 4.0), the land use character and surroundings of the Village give the sense of a great deal of open space. It is apparent from Figure 13, however, that there is only one parcel of public land dedicated to recreation, the public golf course on South Street and South Main Street. The elementary school, on Haight Street, has a recess yard and playing field and so serves a mixed institutional and open space role. The largest amount of open space is private: the campus of Trinity-Pawling School, in the Village's northeast quadrant. Edward R. Murrow Park is a public park available to Village residents, but is located in the Town, on West Main Street just outside the border.

Figure 13 shows one active agricultural use, located between Route 22 and East Main Street. This is the Heinchen Dairy, which partially burned in 1965. Some of the buildings are still standing, and there is some minimal activity on site. Other undeveloped land may be farmed on an intermittent basis, such as the Umscheid property south of Lakeside Drive or the Johnson property in the southeast corner of Pawling.

#### 7.5 Future Land Use Plan

Figure 14 shows the future land use plan for the Village. This shows what the use would be on all land if the Village were fully built out according to the recommendations in the comprehensive plan. The plan has the following components: the vehicular and pedestrian system, housing and layout of new neighborhoods, permanently dedicated open space and parks, and commercial and industrial uses.

The future land use plan, urban regulations, architectural guidelines, and landscape guidelines, in combination with the regional open space linkages, the Village open space-greenway network, the interim and long-term Village Center plans (see Section 8.1), and the conceptual plats for the four large parcels (see Section 8.3) form the major physical components of the Plan. They are all visual representations of an ideal form for the Village. They embody many of the goals, objectives, and recommendations of this plan.



**Village of Pawling  
Comprehensive Plan**

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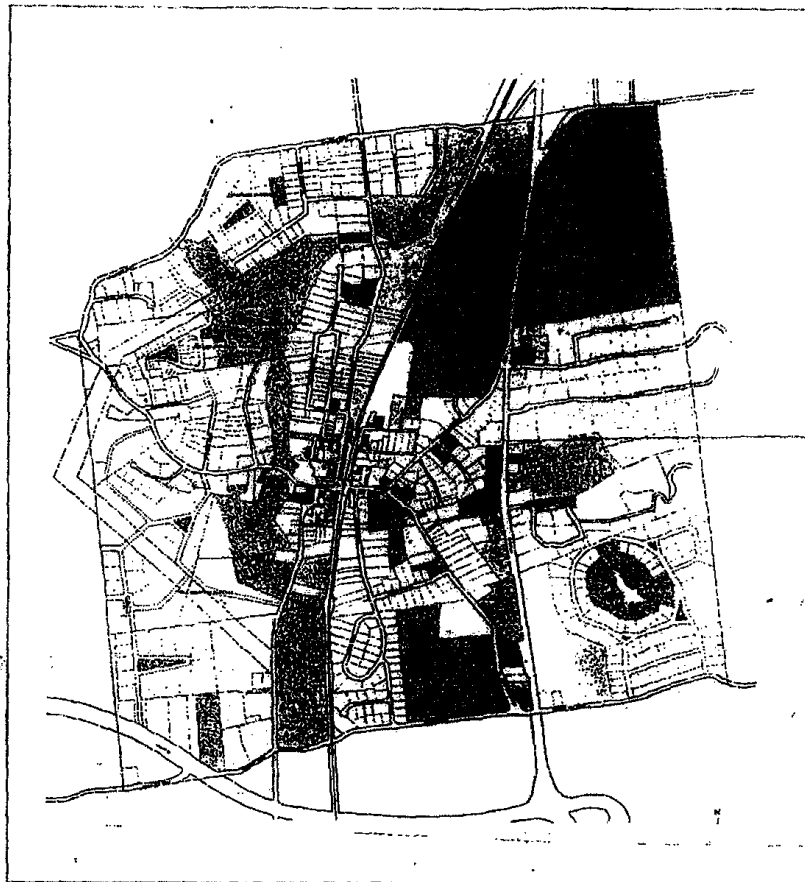
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**13. Existing Land-Use**

SF Residential  
MF Residential  
Retail  
Office  
Industrial  
Institutional

Public / Private Open Space  
Utilities  
Parking  
Cemetery  
Undeveloped / Agricultural





**Village of Pawling  
Comprehensive Plan**

Buckhurst Fish & Jacqueman Inc.  
in association with  
Andres Duany/Elizabeth Plater-Zyberk Architects

600 1200 1800 2400 ft

**14. Future Land Use**

SF Residential	Institutional	Parking
MF Residential	Parks/ Recreation	Undetermined
Retail	Agricultural	
Office	Predominately Wetland	
Industrial	Utilities	

60

62

The future land use plan, urban regulations, architectural guidelines, and landscape guidelines, and landscape guidelines, in combination with the regional open space greenway network, the interim and long-term Village Center plans (see Section 8.1) and the conceptual plats for the form the major physical components of the Plan. They are all visual representations of an ideal form for the Village. They embody many of the goals, objectives, and recommendations of this plan.

It should be noted that the future land use plan represents a concept rather than a detailed development schematic. The suggested lay-outs for undeveloped properties are illustrative. Actual development plans by applicants will need detailed engineering studies of soils, slopes, wetlands and vegetations. Such studies may reveal the need to modify some of the features shown in Figure 14. This is a natural occurrence in the planning process as more information becomes available for each site. Where such modification is necessary to address specific constraints on the site, and the developer is seeking a density bonus in return for complying with the Plan recommendations, the Planning Board, through subdivision and site plan review, will have to determine whether the development plan is in accord with the Plan's overall land use concept.

## 8.0 THE VILLAGE CENTER AND SPECIAL AREAS

### 8.1 Village Center

#### Issues

The Village's center (referred to as the "Village Center" or the "downtown") is the heart of the Village and the Town. Here can be found a traditional small-town mix of public services and structures, such as the Village and Town halls and the war memorial, small businesses and restaurants, churches, the railroad station, the offices of the local newspaper, houses and apartments, the central green, and Lumelite, which together with Pawling Corporation is Pawling's major employer. The changes in Pawling's economic base and demographics are also visible here, where businesses co-exist such as the Utter Brothers farm supply and McKinney and Doyle's restaurant (formerly the Corner Bakery), which draws diners from throughout the region.

Residents and business owners have a number of concerns about the economic health and the urban design of the Village Center. The issues are:

- 1) Customer Base: The downtown is not visible or immediately accessible from Route 22. This has an impact on the number of people who travel to or through the center who might stop to browse or shop. There is also a concern that the kinds of stores on Route 22 and in the downtown should be ones that complement one another, rather than competing for the same customers.
- 2) Parking, Traffic Circulation, and Walkability: There is concern that there is insufficient parking for customers near the greatest density of stores. Insert parking study conclusions. Currently the circulation pattern moves sufficiently well; any redesign of the center must ensure that this continues. Cars and trucks should be able to move readily through and around the downtown. The proximity of stores to one another and the existing pedestrian railroad crossing for pedestrians makes the downtown readily walkable. This walkability should be enhanced with a redesign and new linkages with nearby residential neighborhoods.
- 3) Vacant or Under-utilized Stores and Lots: A larger number of businesses, offering a wider range of goods and services, is crucial to the downtown's long-term economic health. There are opportunities for additional stores and services provided by storefront vacancies and vacant lots.
- 4) Appearance: At present, the elements of a memorable downtown exist, but there are gaps and ragged edges in the center's urban design. Pawling would like to see the downtown improved with new

buildings and landscaping that build upon the existing conditions. Rather than a total reconstruction (which is unnecessary), this would mean the lifting and enlargement of the existing central green, the construction of architecturally contextual buildings which closely frame the center, more on-street parking, and the set-aside of land for a civic building.

As part of the comprehensive plan, a specific parking analysis was undertaken for the Village Center. The study found sufficient existing parking for current needs. The study's recommendations for meeting future needs include:

- 1) Separation of commuter and business parking in conjunction with the MetroNorth plan;
- 2) New, more flexible parking requirements for individual uses;
- 3) Reduced parking requirements for shared use;
- 4) Credit for off-site parking within 100 feet of the businesses; and
- 5) A payment in lieu of parking allowed at the Village's discretion.

#### The Village Center Plan: Long Range Vision

The nature of changes in the Village Center were a primary focus of public attention during the planning process. Notwithstanding the fact that development of the major undeveloped tracts could have more significant impacts on the Village's character, residents expressed most concern over the potential for changes to the traditional small-town nature of the Village Center. The plan developed for the Village Center resulted from a two-year process of discussion, as discussed in Section 1 of the plan, and represents a great deal of consensus achieved on this sensitive issue during the planning process.

One of the unusual aspects of Pawling's comprehensive plan is its physical planning. The downtown issues enumerated above will be resolved through changes in land use and density, urban design, and circulation. The objective of these changes is to reinforce the Village Center as the central business district for the Village, Town, and the Southeast Sector of Dutchess County. The downtown should be the retail center for the Village; no expansion of the B-2 zone should be made along Route 22. The retail center is properly located in the downtown as it has easy walkability for shoppers and visitors and shared parking for those driving: it has the stores and services that commuters would more likely use (rather than offices and light industrial enterprises) on route from their train ride; and the proximity of retail businesses to one another creates a synergy that boosts long-term economic development.

Given the physical nature of the recommendations, the Village Center Plan is best understood through drawings rather than text. The rest of this section provides these drawings and an explanatory text.

Figure 15 is the vision as conceived and drawn by Duany/Plater Zyberk. The main elements are the creation of a central green, new traffic pattern, a second vehicular railroad crossing, two ceremonial civic sites, and the construction of new buildings. Figure 16 is a drawing of the center's future. In this sketch, we see the full length of the central green crowned with a new civic building. Flanking the green are the Dutcher House and a new building whose architecture is complementary. Near the civic building is the second civic site and the second vehicular rail crossing. For purposes of discussion, the freight depot is shown moved here.

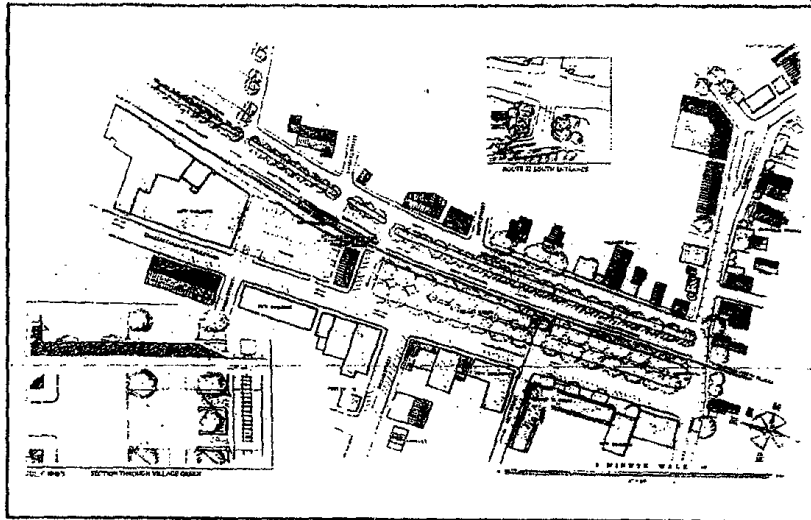
In order to arrive at the vision expressed in Figures 15 and 16, Pawling will need to redevelop the downtown in a sequence of building blocks: if Pawling in 1994 is A and Figures 15 and 16 are Z, then the first step in redeveloping the center is to move from A to B. In Duany's talk with the Village, he spoke of the realistic timeframe for accomplishing the full vision for the Village as requiring a generation, or even fifty years. In the interest of progressing quickly and economically in the next five years toward the Village Center Plan, the comprehensive plan makes several recommendations on first actions. If implemented, these recommendations would set in place the most critical of the building blocks. The transformation of Figures 15 and 16 into mortar and brick will be promoted.

The following discusses the vision and the interim ("A to B") plan, under the four major elements of the plan.

#### The Green and Civic Sites

As Duany noted in his presentation, "What is peculiar to Pawling is that the central square, or central green, never really took off... the central green has never been more than a parking lot... But there is a possibility: we think that the creation of a central square is the key to excellence." The future plan is for the central green to be transformed from its current primary role as a parking lot and railroad track edge to a memorable public commons.

The proposed green would be a long, narrow park lying to the west of the tracks for about two blocks, from West Main Street to Broad Street. It would be wide enough to encompass two lines of trees with a central path (eliminating the current median separating the two lanes of traffic along Charles Colman Boulevard). It will terminate at its northern end at the second railroad crossing (see below) with a civic building. This building (not yet constructed or determined) could mark the ceremonial heart of the downtown, and will also serve an important urban design purpose by visually containing the densest part of the center. The reconstructed green would also be an impressive site to relocate the war memorial, as this



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**15. Village Center Plan  
Long Range Vision**

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**16. Village Green**

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should have a more impressive siting than it does currently. The green would be balanced on the east side of the tracks by the trees along Memorial Avenue and a grassy median between the avenue and the parking near the tracks. Some of the Memorial Avenue trees could be replanted as these trees and their number commemorate the Village's war dead.

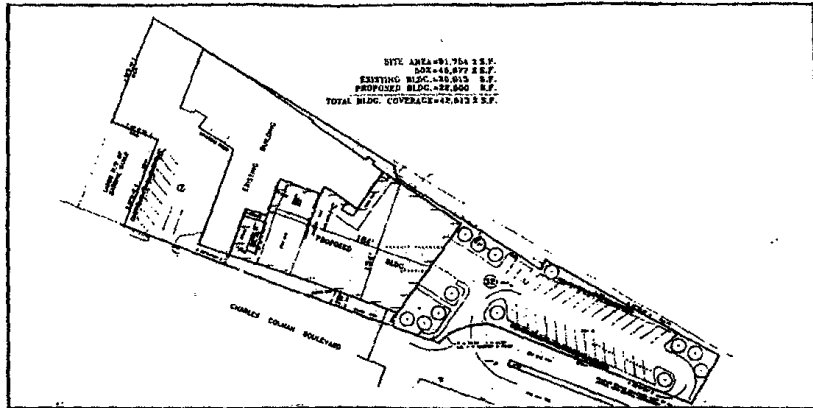
Presently the northern end of the green ends with the passenger waiting room and Lumelite's property. Lumelite's anticipated expansion into a second large building on the site presents an immediate opportunity to implement part of the Village center plan. Figure 17 shows two surveys prepared by Lumelite. The top is the layout of the proposed building and new parking on the existing site. The second shows the expansion on a new property configuration which could be created by a land swap between Lumelite and Penn Central. In either case, Lumelite could expand as needed and the Village could construct the northern edge of the commons against a landscaped parking lot. In the land-swap scenario, Lumelite would receive a more regularly shaped parking lot with better internal circulation in return for giving the Village a regularly shaped edge to the central green. The dotted box in the right corner shows the new Village property, which would be added to the existing property adjacent to form a clearly defined edge to the green.

In the first pages of this plan, it was stated that ten years is the usual lifecycle of a comprehensive plan. However, with respect to the major improvements and construction anticipated in the downtown and the large developable parcels, the more realistic timeframe may be a generation. It may require twenty or thirty years' effort to see the final effect of new buildings softening into their surroundings and the maturing of new oaks and lindens. In this respect, an interim, or first phase, construction of the green can be achieved, realizing the funding constraints the Village operates under, which successfully revitalizes the center and allows the second phase to occur seamlessly.

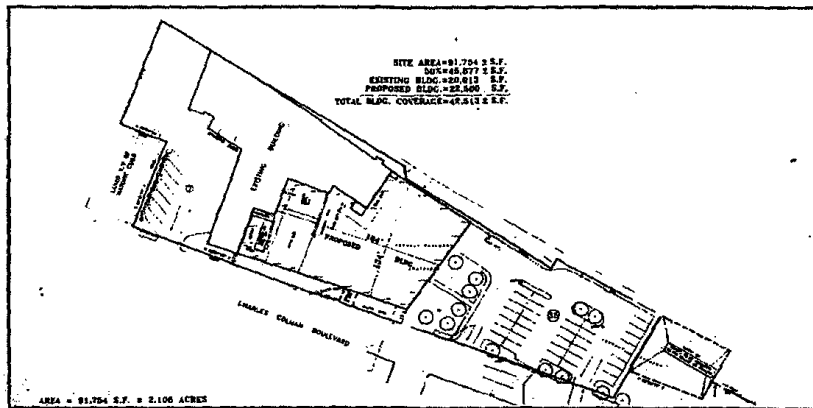
In the interim phase, the green would be created by "lifting" the planted length that slopes down from Charles Colman Boulevard to the train tracks. The westernmost edge of the existing green would remain where it is now. A retaining wall would be built along the eastern edge that would raise the sloping part of the green to make the green level with Colman Boulevard. In Duany's words: "The space liberated on top becomes the green that never was."

New trees should fill in the gaps among the existing Norway maples and a new line should be planted near the retaining wall to create an allée on either side of the central path. The central path should be lined with several benches and traditionally designed low-voltage street lamps. The central path may be either concrete, gravel, or brick.





Lumelite: Proposed Building



Lumelite: Proposed Building with Land Swap

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**17. Lumelite Building**

#### The Railroad Crossing, Station, and Parking

The Pawling passenger stop is growing in importance to MetroNorth as ridership has been steadily increasing. MetroNorth has added trains in recent years to the daily service. In 1995, the railroad plans to construct a new passenger platform and parking area as part of its capital program along the Harlem line. The Village has negotiated with MetroNorth to mesh Village urban design objectives with the railroad's expansion plans and has had significant success. MetroNorth's Pawling work program described below incorporates the changes that the railroad has agreed to make in its capital program. See Figure 18 for MetroNorth's conceptual plan.

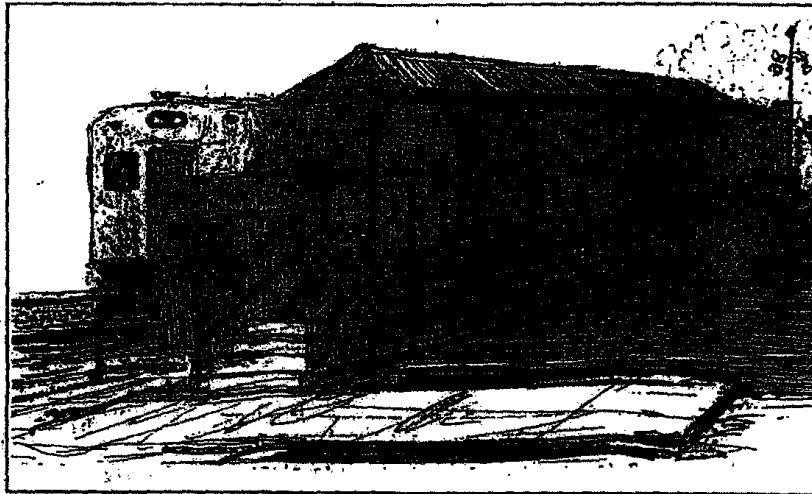
**New Platform Location:** MetroNorth has proposed to construct a high-level platform to the north of the current stop location and on the opposite side of the tracks from the current waiting room. This location and the corresponding location of the high platforms would allow commuter parking to supplement rather than compete with the downtown retail parking needs. The platform as proposed will be 340 feet long.

MetroNorth has agreed to have a pitched canopy, rather than a flat one, over the platform to give it a more conforming appearance with the rest of the downtown, and may incorporate the design elements from the old Freight Station (See Figure 19). There will not be a ticket office or waiting room. The present waiting room will not be moved by MetroNorth to the new train stop location on the opposite side of the tracks.

The existing freight depot at the end of Memorial Avenue is eligible for listing on the State Register of Historical Places and was deemed eligible for the National Register of Historical Places on January 4, 1990 by the New York State Office of Parks, Recreation and Historic Preservation (SHPO). The freight depot is sadly deteriorated, but retains some of its original character and architectural features, as detailed in a study by Wesley Haynes. A number of futures have been proposed for the depot, including its demolition. The Village Center plan provides that the depot or some components of the depot can be moved to the end of the new green, to occupy the site set aside for a civic building.

The exact preservation plan for the depot will depend on further study and fundraising, and the outcome of the discussions between the Village, SHPO, MetroNorth and concerned citizens. The Village has resolved to enter into an agreement with MetroNorth under which MetroNorth will submit documents to SHPO regarding the building's ultimate disposition. The Village has agreed to support MetroNorth's efforts to obtain SHPO's concurrence to remove or demolish the Freight House and incorporate or replicate architectural details of it into the new station canopy. However, MetroNorth has agreed to allow the Freight House to be removed by third parties from MTA property. There will be continuing discussions between MetroNorth, the Village, SHPO and interested citizens regarding the future use and location of the freight depot.





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**19. New High-Level Platform with  
Pitched Canopy**

Credit: Part of a drawing by Louis Crogan

Commuter Parking: MetroNorth will construct a new parking lot adjacent to the platform, moving all its commuter parking out of the central part of the downtown. The parking lot will be paved and landscaped, with 130 spaces and an expansion area for 40 more spaces. There will now be a landscaped median between the parking bays, which will also improve safety in the parking lot. There will also be one tree in each landscaped median. Driving commuters will be prevented from racing across the lot, endangering pedestrians and other vehicles. The medians will also break up what would have been a sea of cars and asphalt. Ideally, the curbs would be concrete and not asphalt. As with the pitched canopy, these minor modifications will enable MetroNorth to create a new train stop in keeping with its surroundings.

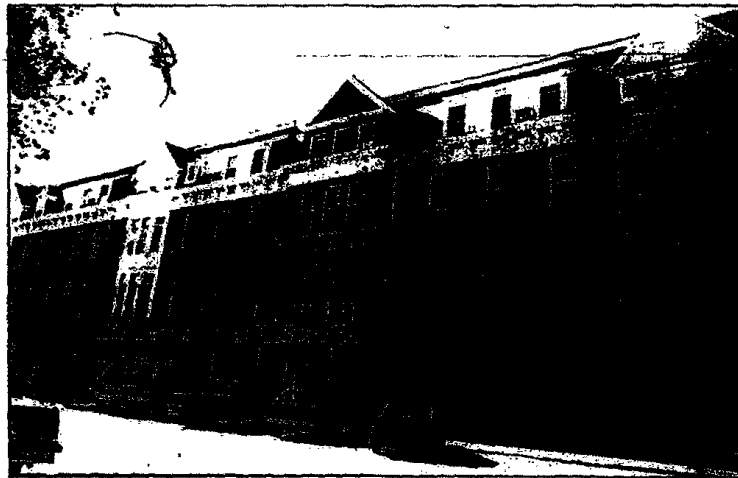
According to the MetroNorth conceptual plan, the relocation of commuter parking to the new lot will free up 20 spaces along Charles Colman Boulevard and up to 55 spaces along Memorial Avenue for the use of shoppers, visitors, and business owners.

Second Rail Crossing: Pawling has one vehicular grade crossing and one grade pedestrian crossing. Only the vehicular one crossing has a signal and barrier. The presence of a pedestrian crossing is critical to the economic development of the downtown: shoppers, customers, and business people must be able to readily and safely cross the tracks to move from the west and east sides of the center. The second crossing also encourages commuters to shop in the downtown, particularly in the evening, as they can cross safely to the western side of the tracks where almost all of the retail shopping now exists.

However, the present location of the pedestrian crossing is largely a function of where the train currently stops and where the old (burned) passenger station used to be. Given that there will be a new train stopping point, the pedestrian crossing location should be placed where it makes most sense. This would be in line with Broad Street. In the interim, this would assist with pedestrian circulation throughout the Village. In the long-term, it places the crossing at a logical point if it is upgraded into a vehicular crossing. If ridership continues to increase, bringing ever more cars into the center, a second crossing near to the actual platform and parking lot would be desirable.

There have been initial discussions with Metro-North about this issue. Their conceptual plan recognizes the existing unguarded pedestrian grade crossing and shows two potential locations for new guarded pedestrian grade crossings south of the high-level platforms. The Comprehensive plan strongly recommends that the existing pedestrian crossing be reconstructed with safety gates to align with Broad Street, and that ultimately, this pedestrian crossing be upgraded to a guarded vehicular crossing. Such a vehicular crossing would not pose the same safety hazards as a typical new vehicular crossing, because of its close proximity to the existing vehicular crossing on Main Street.

It is also important to note that the sole vehicular crossing crosses the busiest intersection in the Village. Should there be an accident at the crossing, there is no way for emergency vehicles to move from one side of the downtown to the other. For this reason alone, the pedestrian crossing must be maintained. Second, there is a safety issue for commuters entering and exiting the parking lot. From observations at other commuter stations, it is clearly advantageous to the commuters as well as the Village to have two means of crossing the tracks. The existing connection has some difficult road alignment problems and car queuing problems. A second vehicular grade crossing will enable MetroNorth to mitigate these negative effects. Commuters who drive from the north down Charles Colman Boulevard would not have to drive a complete circuit through the downtown to get to or leave the commuter lot and some of these peak traffic congestion problems immediately after a train arrives would be alleviated.



Dutcher House

A second crossing would also ease traffic circulation in general. The added commuter traffic will over time exacerbate traffic conditions at the Main Street crossing. This is an intersection that does not have adequate stacking lanes at present. It would considerably ease traffic circulation within the Village center to have a second means of egress from the commuter parking lot to the western parts of Pawling. Such a crossing could be either one-way or two-way; this can be determined later.

#### Signs

MetroNorth has proposed new signs which complement the historic sense of the Village center. The comprehensive plan recommends that the signs, other graphic designs, and lights incorporate the historic flavor of the Village.

MetroNorth has assured the Village that there will be no advertising billboards on its high level platform. This will also help to maintain the historic sense of the Village Center.

#### New Construction and Major Rehabilitation

The Plan advocates new buildings for the Chertock and Lidl Parcels, the Kieran parcel, the civic building site on the green and the proposed Lumelite expansion.

Using the Dutcher House and the Rogers buildings as models, (shown below) the Village Center Plan advocates new buildings which are of a similar height, massing, proportion, and material, and hold the street wall along Colman Boulevard. (These are detailed in the Urban Regulations.) All new construction would thus be contextual with the best architectural examples in the Village center. The Lumelite expansion will be the most prominently placed building at the north end until the civic building is placed at the end of the green. Thus, the architecture of its southern and western facades are vitally important. The Plan advocates that Village center buildings should have a mix of uses. However, this should not be mandated. One possible mix of uses would have commercial tenants on the ground floor of a building, with apartments or offices on the upper floors.

#### Traffic and Pedestrian Circulation

The Village Center plan does not require any major rerouting or changes in the existing circulation patterns. However, in the long-term, the most substantial change will be created by the construction of a new gated pedestrian crossing aligned with Broad Street and possibly the ultimate conversion of this crossing into a second vehicular rail crossing.

#### Interim Village Center Plan

As stated earlier, the ultimate vision of the Village center's renovation must be accomplished through a sequence of changes. In order to show

what the Village center would look like with a number of the major steps achieved, Figure 20 illustrates the Interim Village Center Plan. This plan is not an alternative to the vision, but an illustration of a partial implementation of the vision. It is a plan that does not require major utility work or road construction, does not rely on land-swaps, and does not require major tree cutting.

In the Interim Plan, a major length of the green has been created by lifting the downward sloping length along the tracks, the pedestrian crossing has been aligned with Broad Street, the new rail platform and commuter parking have been constructed, and Lumelite has expanded. The north end has two sites set aside for civic buildings or structures; these could be the relocated war memorial, freight house, or information room. The existing median is retained, as it is seven feet wide in some places and already planted. The existing traffic circulation is retained, but parking spaces are increased in number. The realigned pedestrian crossing is constructed at a minimum width of one traffic lane, so that the eventual conversion to a vehicular crossing will be readily done. The number of parking spaces has increased due to the relocation of commuter spaces and new striping where feasible.

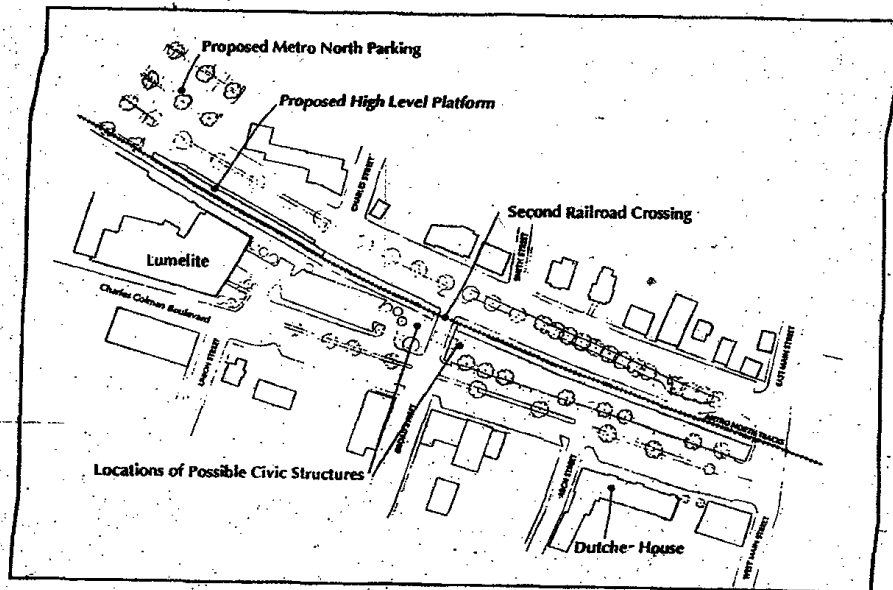


Moreno Building

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**20. Interim Village Center Plan**

#### East Main Street

Auxiliary to the renovation of the Village Center is a long-term plan for East Main Street from its intersection with Coulter Avenue west to the railroad crossing. The comprehensive plan advocates improvement of the urban design and traffic functioning of these blocks.

The existing buildings are different one from one another, with a few good examples of local institutional and commercial architecture in the two churches, the rectory, and some of the modest, older, two-story retail buildings near the intersection with Memorial Avenue. New buildings here, especially a redevelopment of the drugstore, should be architecturally compatible with the best of the Village center models. The exact configuration and mix of uses should be kept flexible, provided that applicable performance standards are met. The attractive redevelopment of the drugstore is particularly sensitive as it is the largest land use on these blocks (including its parking lot) and is the visual backdrop to the Baptist Church as one drives down East Main Street. (See Figure 21.) Any redevelopment of the Village Pharmacy building will need to meet new parking standards and the Urban Regulations (Appendix A); therefore certain areas of the parking lot will need to have a garden wall.

The functioning of the intersection of East Main Street with Coulter Avenue could be improved through the street widening. As part of the redesign of the road alignment, special consideration should be given to the ability of trucks to negotiate the curve at the intersection.

#### 8.2 Route 22

The Plan's objective vis a vis the portion of Route 22 located within the Village is to create over time a distinctive boulevard. As new commercial buildings are constructed, the Village's section of Route 22 will be a unique departure from the more common strip-malling of Route 22 in the region. Overall, Route 22 is visualized at its current width, tree-lined as befits a boulevard, and with a mix of commercial and residential uses. A goal that emerged from the planning process was most often expressed in the negative: "We do not want our section of Route 22 to look like what's happened south of us."

As a tool to avoid the strip mall appearance, the Plan advocates providing incentives which would encourage developers to follow the Plan's architectural and landscape guidelines and amendments to the zoning law which would regulate location of parking and setbacks from the road. The plan also encourages maintaining the residential character of the east side of Route 22 through allowing professional offices as a special permit. The principal requirement of the special permit would be the maintenance of residential structures or additions to existing residential



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**21. East Main Street and Coulter Avenue**

structures. Furthermore, retail will not be allowed as a primary use along Route 22. There will be very different setback requirements than usually found in highway commercial zones. Building heights will be limited to two stories, and new buildings will be placed to the front of the property with their parking lots to the side and rear. Where feasible, sidewalks or paths will be required. A landscaped buffer along Route 22 would be required. The Plan also advocates liberal landscaping around each building and erection of attractive signs and gateway markers which over time will recreate Route 22 as a boulevard.

All landscaping and lighting should befit the scale of a boulevard, not a highway. The proposed urban regulations would require specific highway business uses, setbacks, building heights, and landscaping for new non-residential buildings along Route 22. The Route 22 frontage of the Johnson parcel, at the intersection of Quaker Hill Road, would be zoned for office, research or light industrial use, subject to issuance of a special use permit which would require adherence to stringent land use and landscaping controls, including buffering.

Some traffic could be kept off Route 22 and the number of curb cuts onto Route 22 could be reduced by requiring businesses to connect their parking lots. This also would provide extra traffic lanes at low cost. Within the connected parking lots, setbacks from the highway should be shallower than they are currently to pull buildings closer to the road, with parking behind the buildings (the parking should still be connected in this arrangement). This would foster the creation of an urban avenue or boulevard and the sense of driving through a village, rather than driving on a placeless highway. Such an appearance could have the added benefit of slowing down traffic.

Current State Department of Transportation plans for widening Route 22 within the Town south of Route 55 to four lanes (including configuration and intersection designs) need to be carefully monitored. Adjacent planned regional commercial development, dependent on highway expansion, must be carefully controlled through cooperative Town/Village review in order to ensure that uses complement and do not compete with the Village core. Similar care needs to be given to the proposed highway business zone north of the Village. For instance, as a traditional and important focus of Village life, the Post Office should remain where it is in the Village center and not move to a highway business site. If the Post Office requires more space and truck loading area, the Village Center has a few locations that might serve well. Local residents, including merchants' organizations, should make every effort to find a suitable downtown location and then secure a lease for the Post Office.

### 8.3 Development of Large Tracts

The analysis of new growth potential in outlying areas of the Village examined the following issues:

- Development Intensity: How to maximize open space and utility efficiency while controlling growth.
- Edges and Interface: How new development should relate to its surrounding context.

An understanding of the Village's environmental and infrastructure context is important to this analysis. As described in Sections 4.0 and 5.0 above, many of the large sites within the Village available or zoned for residential development are wetlands or steep slopes, requiring clustered building lots to protect these natural features and prevent erosion. The water and sewer situation is an equally important factor: water quality in the Village is an issue, due to problems with the reservoir. If new sources of water are found, encouraging new development along existing lines or potential efficient extensions will be a key factor. With respect to the currently under-utilized sewer system, new hookups (if costs of extending trunk lines are minimized) will reduce cost per user by more efficiently utilizing the existing system capacity. The sewer district has been designed to accommodate all existing and projected units within the service area, and to allow the tie-in of local industry when requested. Since large areas of the Village are constrained from development by environmentally sensitive lands, the role of utilities can be both to protect the open space and permit the Village to grow, maintaining its role as the relatively dense core of the surrounding Town. Areas served by utilities (currently or potentially) could support increased density, allowing a balance of growth and conservation.

The following discussion focuses on four of the major parcels of undeveloped land remaining in the Village. These properties are known in the comprehensive plan as the Johnson, Grant, Sells and Umscheid parcels and conceptual plans are presented for the development of each under the existing Zoning Law and using a density bonus (see Section 7.4). It is unusual for a comprehensive plan to propose conceptual plans. It is done here because Pawling realized the enormous significance of these parcels, which together account for almost 200 acres of residentially zoned land:

- There is presently a sense of extensive rural acreage within the Village. These four parcels are among the greatest contributors to this sense. In fact, the parcels are privately owned and thus could be developed in such a way that the open space would be entirely and permanently lost.
- These parcels have wetlands and steep slopes, which are part of their beauty. However, the Village does not at present adequately regulate development on such environmentally sensitive lands. Thus it was important for the new land use regulations, arising from the comprehensive plan, to address the proper development of such land while enabling property owners to make economic use of their land.

- It was feared that non-contextual and poorly planned development of these parcels might occur. Village residents do not want new streets and houses that are out of context with the historic and community character of the Village and look like any other generic housing development: new Pawling neighborhoods should mesh seamlessly with existing Pawling neighborhoods. A strong sentiment exists that any new development should relate as closely as possible to its immediate context, in terms of use and design elements such as height, materials, roof pitch, landscaping, and other design elements.

As an example of the effect of harmonious housing development, Figure 22 shows a generic neighborhood green. When this drawing was first exhibited, a number of people were puzzled where this was in the Village; they were sure they had been there. In fact, the neighborhood green is an imagined representation of what a new housing development could look like, if architectural models found in Pawling were used. Each of the houses surrounding the green (or close) are copies of existing Pawling homes. In Andres Duany's words, "Hopefully, we have succeeded in so thoroughly replicating the character of Pawling that continuing to grow will be normal and natural. Just as your house was an addition to an earlier plat, all future plats will add to present ones. And though some fields are lost, Pawling becomes a better place."

At the time of this writing, there were no active residential development proposals. At one time the Flood property in the western part of the Village was proposed for a clustered development, as was the Grant property. The Grant and the Flood properties do not have active proposals for development as of May, 1994.

Figures 23 through 25 show two conceptual or schematic plans for the Johnson, Grant, Sells, and Umscheid properties. These plans were arrived at during the four-day charrette, in consultation with the property owners and immediate neighbors. Portions of Andres Duany's presentation at the end of the charrette addressed the special attributes of these parcels and how each scheme was arrived at (refer to Appendix D for the site-specific discussions). Scheme B for each parcel shows the preferred development option.

Certain caveats should be kept in mind. The comprehensive plan and the conceptual plans are qualitative indications of preferred development. Land contours, and wetlands and other environmental constraints are not indicated. These would have to be delineated when a development application is made and a site plan laid out. There may be differences between the following illustrations and the final engineering drawings of a proposed neighborhood platting due to more accurate and detailed design which takes into account environmental and engineering constraints.

The conceptual site plans utilize through streets; there are no dead ends. The issue of dead ends as opposed to through streets can be debated. Arguments can be made for the liveliness and ready circulation granted



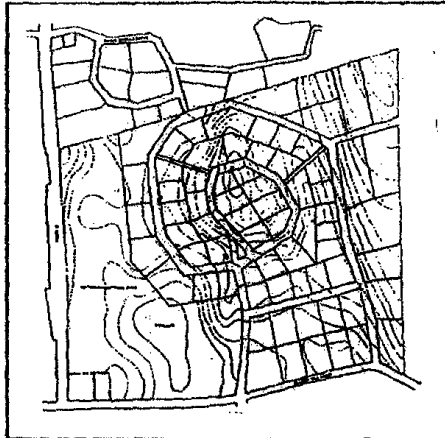
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**22. Neighborhood Green**

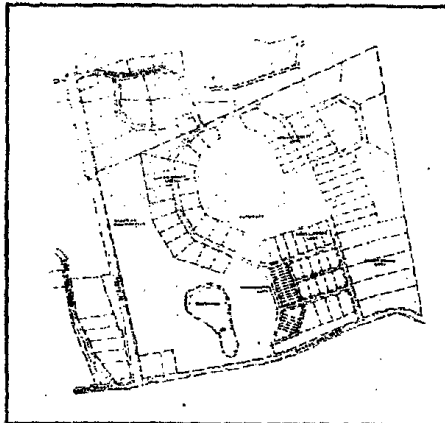
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#### Scheme A

Corresponding to an underlying R-1 'by right' development density; approximately 0.85 units per acre.  
 80 acres of residences (68 homes)  
 26 acres of commercially zoned land if allowed by special permit.



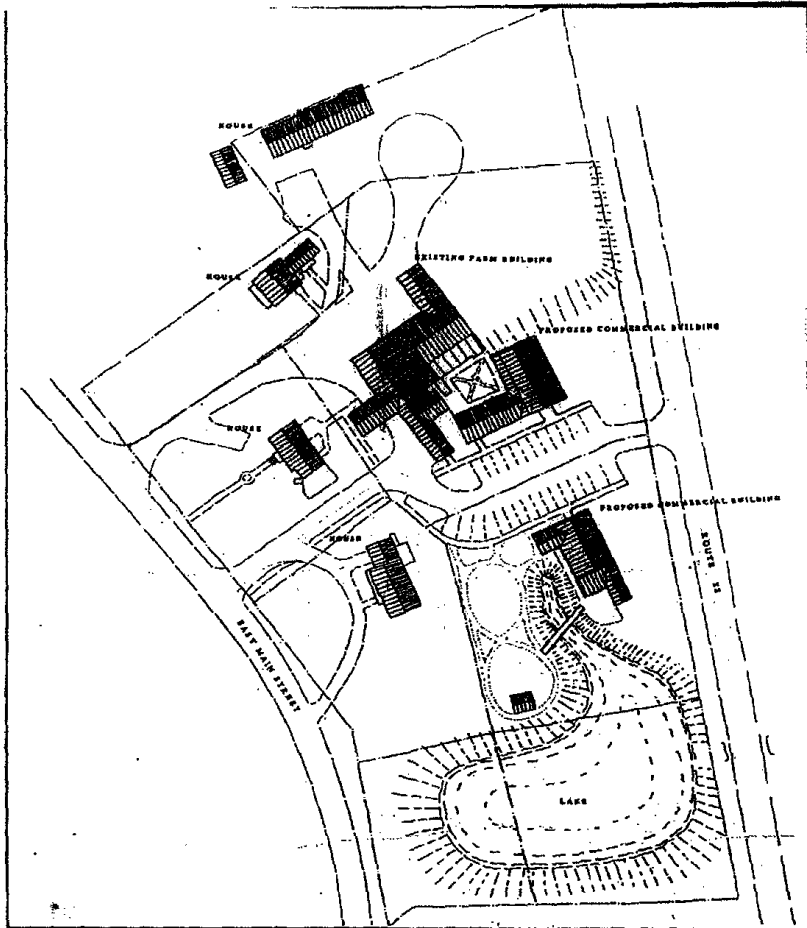
#### Scheme B - Preferred

Proposed development option provides 25% dedicated open space, and a mix of housing up to 1.3 DU/gross acre of residential land with required sewer and water hook-up and conformance with urban, architectural and landscape regulations.  
 (95 homes)  
 Commercial land to be allowed by special permit.

**Village of Pawling**  
**Comprehensive Plan GEIS**  
 Buckhurst Fish & Jacquemart Inc.

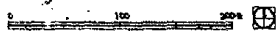
**23A. Johnson Parcel**





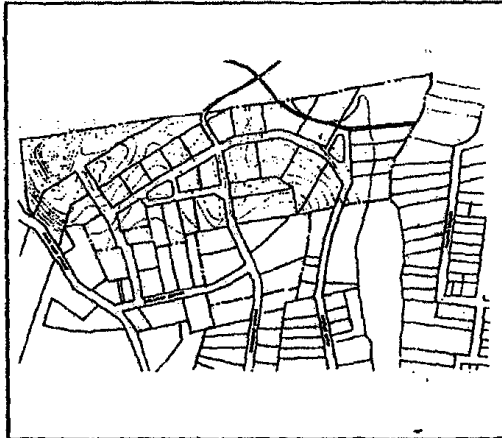
Village of Pawling  
Comprehensive Plan CEIS  
Buchhurst Fish & Jacquemart Inc.

23B. Johnson Farm Parcel



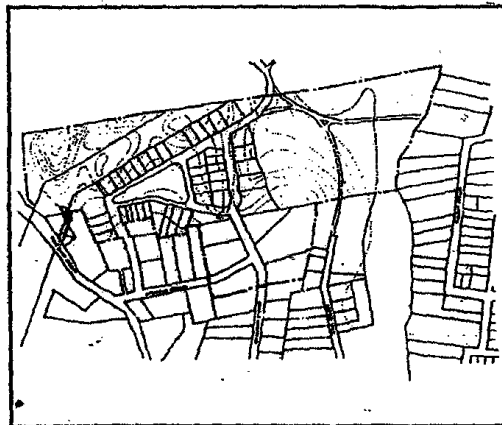
84

86



**Scheme A**

Corresponding to an underlying R-1 'by right' development density; approximately 0.65 units per acre.  
34 acres of residential (30 homes)  
4 acres of open space



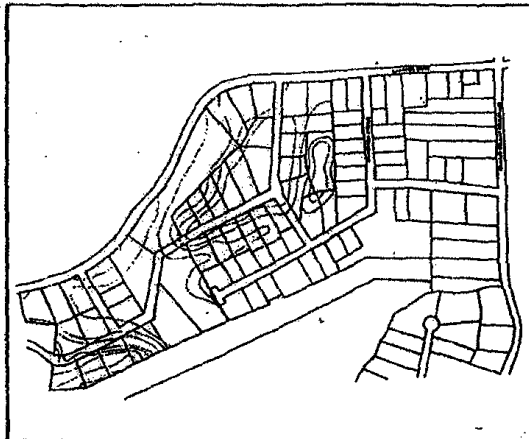
**Scheme B - Preferred**

Proposed development option provides 25% dedicated open space and a mix of housing up to 1.3 DU/gross acre of residential land with required sewer and water hook-up and conformance with urban, architectural and landscape regulations.  
14 acres of residences (45 homes)  
24 acres of open space

**Village of Pawling**  
Comprehensive Plan, GEIS

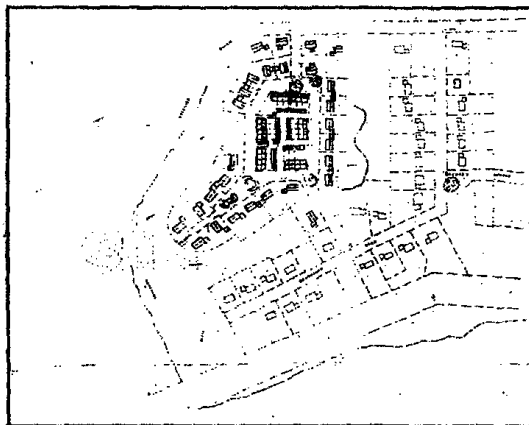
... Buckhurst Fish & Jacquemart Inc.

**24. Grant Parcel and Sells Parcel**



**Scheme A**

Corresponding to an underlying R-1  
'by right' development density;  
approximately 0.85 units per acre  
47 acres of residences (38 homes)



**Scheme B - Preferred**

Proposed development option provides  
25% dedicated open space, and a mix of  
housing up to 1.3 DU/gross acre of resi-  
dential land with required sewer and water  
hook-up with conformance with urban,  
architectural and landscape regulations,  
22 townhouses  
29 small houses

**Village of Pawling**  
Comprehensive Plan GEIS  
Buchhorn Fish & Jacquemart Inc.

25. Umscheid Parcel

by the traditional grid of older Towns and Villages, as well as for the privacy and traffic-reducing benefits of dead ends. The approach that the comprehensive plan takes is to show through streets as the preferred alternative. However, such connections could be restricted to pedestrian or bicycle links.

Three of the four tracts are conceived for residential and open space use only. The Johnson tract is planned for primarily residential and open space use, with its Route 22 frontage planned for commercial use. This use would likely be an office or light industrial park. The objective in introducing new commercial zoning on this part of Route 22 is to boost the economic, employment, and tax base of the Village in an appropriate location, while requiring buffering and screening to reduce visual impacts. A commercial use here would benefit from a location along Route 22 and access from the traffic light. The existing and future residences could readily be buffered from the use through deep setbacks and tree screens to the rear and the side. Additionally, through proper controls on the look of the building, its parking, and landscaping, a commercial use at this location could reinforce this intersection as the premier gateway into the Village.

With all four of these parcels, the exact lot count or density will be determined at the time of subdivision application. The illustrations were based upon area-wide maps rather than detailed mapping. Such detailed site specific mapping would include the flagging of wetlands and lead to a more accurate lot count. It should also be noted that larger lots might be appropriate on parts of the Johnson tract so that they achieve a "seamless" or contextual layout with the adjacent Tabor Knolls.

**Scheme A:** Scheme A shows an as-of-right or by right development under existing zoning (one house per acre), with the resulting number of residences and open space. No commercial land uses are allowed under current as-of-right zoning. The plans are conventional ("cookie-cutter"), with no special features such as greens or closes, linkages through the open space, or connecting roads to neighboring homes. Even under the proposed zoning, with its stricter setback and yard requirements, a development could be constructed whose density and urban design resemble that found elsewhere in the Village, but which is otherwise conventional with no special features.

**Scheme B:** Scheme B shows the preferred development option, employing a density bonus of no more than 1.3 times the base zoning. As a result, there are more houses than in Scheme A, but there are also more permanently dedicated open space acres with trails and linkages to other open space or parks, preservation of wetlands and steep slopes, small neighborhood greens, and better quality street connections with neighboring areas. This scheme also assumes that commercial development would be allowed along Route 22 by special permit. A developer would not be rewarded with a density bonus unless four conditions were met:

- Correspondence to the site planning/design concepts illustrated in the comprehensive plan;
- Dedication of common open space and associated recreation or maintenance funds to an approved public or not-for-profit body;
- Provision for affordable housing geared to serve the needs of different income groups in Pawling; and
- Hookup to the joint Village-Town sewer system and the Village water systems and contribution to resulting capital, operating or expansion costs.

If a landowner chooses not to increase the density or meet the four bonus conditions (described in more detail in Section 9.3), he or she will have the alternative of developing the site according to the base zoning code. This option would yield lower-density site plans, while allowing a mix of lot sizes.

Developers will have a second incentive to produce the kind of housing and neighborhoods advocated under by this comprehensive plan. A developer can save time and money through a streamlined SEQR and development approval process, taking advantage of the generic environmental impact evaluation performed as part of the SEQR process and the plan's conceptual review and approval of the development concepts for the large parcels contained. This is described in more detail in Section 9.2.

#### 8.4 Gateways

There are current proposals to improve the signage and visual appeal of the East Main Street-Route 22 entry (now a series of discordant service club and church signs hiding the historic fence and cemetery). These proposals are a well-intentioned step in the right direction. However, the potential for creating a consistent gateway approach into the Village at a number of locations and using adjacent land to increase the dramatic potential of each entry is a priority. There should be a sense of arrival at a special place. The Village should consider a visual and diagrammatic sign ordinance, as part of the entry sign project. This would regulate the look, location, and timing of signs, and would be particularly effective in the downtown area. A general question regarding all signs that the Village needs to give some thought to is: who are the signs trying to attract? Signs may be information for local residents, commuters, drivers on Routes 22 and 55, or a combination of all three.

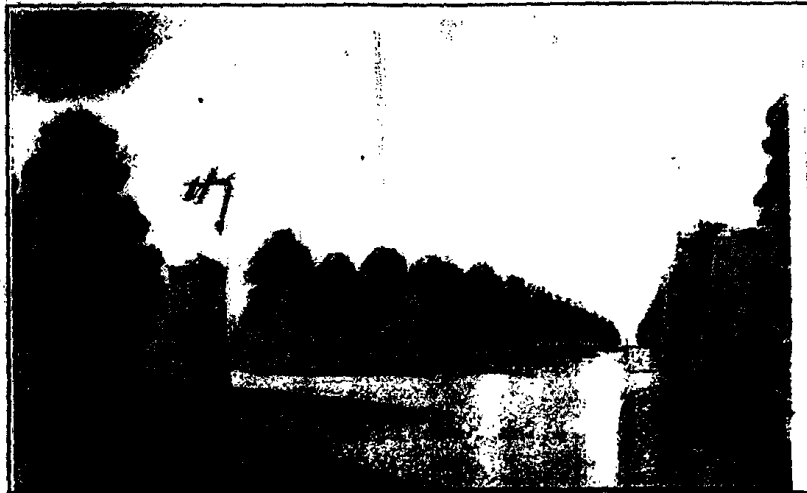
There should be a traditional "Village of Pawling" sign, which includes the population, at the East Main Street - Route 22 entry. This sign would include the churches' and civic groups' signs as indications of the community's vitality. It would also announce this entry as the main entry to the Village's business center.

Entry road uses and design as one enters the Village can include additional landscaping, possibly combined with sidewalks and bikeways at some locations, control of curb cuts, and selective design improvements to key buildings-- including the critically-located Village Pharmacy and the former garage building adjacent to the Catholic church. The feeling of arrival at a special place can be enhanced by using the local geology: just outside the Village, limestone rock cuts along the road and stands of cedar signal the arrival into the Harlem Valley, a place with a unique landscape and geology.

In addition to the entry at East Main Street and Route 22, the Village's other significant entry points are:

- Coulter Avenue at Route 22
- Route 55 at the Village boundary
- Charles Colman Boulevard at the Village boundary, or at the cluster of Queen Anne houses at the north end of the Village center
- Dutcher Avenue at the Village boundary and wetland, or by the Methodist Church.
- Route 22 at the northern Village boundary.

The short term priority should be to mark the East Main Street-Route 22 entry in a memorable way. Figure 26 shows such an entry. The four pylons are built at a scale that will make drivers notice that they have entered a special place. The surrounding trees, stone walls, and limestone geology draw from local traditions to augment this new element.



**Village of Pawling  
Comprehensive Plan**

**26. Route 22 Gateway**

Buckhurst Fish & Jacquemart Inc.  
in association with  
Andres Duany/Elizabeth Plater-Zyberk Architects

## **9.0 IMPLEMENTATION: PRESERVING PAWLING'S CHARACTER INTO THE FUTURE**

### **9.1 Plan Adoption**

The first stage of implementation for the Comprehensive Plan in New York State is its adoption by the Village Board of Trustees in accordance with Section 7-700 of New York State Village Law. This law is set to become effective on July 1, 1994. Prior to this change by the New York State legislature, master plans in New York State had been adopted by Planning Boards. The Village of Pawling anticipated this change and held all review meetings on the Comprehensive Plan with both the Planning Board and the Trustees.

### **9.2 SEQR Process**

#### **Municipal Compliance**

By state regulation, in order for a comprehensive plan to become local public policy and a legal document, SEQR (State Environmental Quality Review) must be adhered to as part of the plan implementation process. A GEIS (Generic Environmental Impact Statement) has been prepared to analyze the village-wide impacts of comprehensive plan recommendations.

#### **Private Developer/Landowner Compliance**

For each individual site or project proposed for development, site-specific impacts must be analyzed in greater detail through a separate SEQR process. For example, if residential development is proposed on any of the four large tracts, a separate environmental analysis will be required for those impacts not covered in the GEIS. The completion of this village-wide impact analysis will reduce the scope and extent of such a site-specific task, thus reducing the cost and time involved in the approvals process to the landowner as long as the developer or landowner proposes a kind of development that was generically analyzed for potential adverse environmental impacts discussed in the Village's GEIS.

There is another method available to the Village to encourage developers to conform both to the new zoning (which will incorporate the urban regulations contained in the plan), and also to realize the Plan's vision vis a vis design and site layout. Under SEQR law, certain actions are classified as Type 1. This means that there is a presumption that such an action will have negative environmental impacts which must be mitigated and that an EIS may be warranted. Under state law, municipalities can adopt their own custom Type 1 list, augmenting the state's list. The Village should consider doing this. Actions which do not conform to the plan's preferred development schemes on the four large tracts and in the Village Center



could be considered be Type 1 actions, unless such actions were to be of obviously low impact.

Thus the GEIS and the custom Type 1 list are important tools for the Village to achieve appropriate development in conformance with the plan: avoiding an EIS and a protracted approvals process is a large incentive to a developer or landowner to propose developing the property in accord with the Plan as the Village wishes. It is often said by developers everywhere that if they only knew what a community truly wanted, they would propose that plan. In his presentation, Duany pointed out the benefits of this clarity to Village residents, government, and developers: This is "a plan that the residents of Pawling can support so that the good, the best improvements can be made easily. So far the bad has been made difficult. But, in fact, it is possible to make the good easy. [This is] a physical plan that you can readily understand and therefore trust."

### 9.3 Rezoning and Code Amendments

Development controls are what give a comprehensive plan its teeth. The plan's major recommendation is thus for a comprehensive amendment of the Village's Zoning Laws and related land use regulations. Pawling's current Zoning Law works marginally well, but it is fundamentally a suburban code with rigid zoning districts which requires and encourages a settlement pattern which is at odds with existing community character and historical context. The new zoning ordinance should meet the following criteria:

- Flexibility in the regulation of density, lot size, and setbacks.
- Flexibility in the regulation of use, based on performance standards that control scale, impact, and design.
- Flexibility in determining appropriate lot sizes, based on accommodating environmental constraints, natural resource protection, and hook up to municipal or central sewer and water service.

The plan proposes two levels of control: The first are mandatory code requirements and the second are discretionary guidelines. The mandatory requirements will be embodied in the zoning amendments to reflect the plan's design, land use, and environmental objectives. Discretionary architectural and landscape guidelines will be a series of options for new construction or major renovation which also embody the Plan's objective of maintaining Pawling's visual charm and community character (see section 9.4).

The mandatory requirements include the Urban Regulations outlined in Appendix A of the plan. Their overall objectives are twofold. First, they codify the land-use and design characteristics that make the Village attractive and memorable. Second, they codify the characteristics of community centers recommended in the plan, including: 1) a compact, middle to high density residential settlement pattern, 2) a vital central

business district with mixed uses, 3) small private yards and large public parks and open space, with public spaces linked by pedestrian trails and landscaped appropriately with street trees, 4) traditional grid network of local streets, with extensive on- and off-street pedestrian circulation (sidewalks and paths), 5) reliance on central sewer and water services, and 6) building renovations, rehabilitations, additions, and new construction designed to be compatible with existing community character and architectural models.

#### Urban Regulations for New Construction

The urban regulations classify the types of new construction--called building Types I, II, III, IV, V and VI--which will be provided for in the Village. The regulations for each Type specify building placement on lots, permitted and/or required encroachments, parking, building uses allowed on specific floors and/or in outbuildings, building height, and other miscellaneous instructions. In some districts, primary and accessory (or outbuildings) are allowed. The urban regulations specify the bulk, uses, and lot placements of outbuildings. The plan advocates that the Urban Regulations be incorporated into the Zoning Law together with a new Regulating Plan, which will show uses and permitted building types.

#### 9.4 Incentive Zoning

In order to encourage developers to develop the large residential tracts in accordance with the plan, the Zoning Law will offer two significant incentives available to landowners and developers: 1) the streamlined development and SEQOR process described above in Section 9.2, and 2) a density bonus. The density bonus would allow an increase in the allowable number of housing units from that currently allowed under R-1 (40,000 square foot lots or a nominal one dwelling unit per acre) to a maximum of 1.3 dwelling units per gross acre.

To receive these bonuses, a set of four conditions would have to be met:

1. **Design Conformance:** The site and/or subdivision plan would have to conform with the site planning and design concepts illustrated and described in the comprehensive plan. Proposed development on the Johnson, Grant, Sells, or Umscheid parcels would have to conform to the conceptual plans shown in the plan. Development in the Village Center (including the section of East Main between Coulter and the rail crossing) also must conform. The Planning Board, as custodian of the comprehensive plan, will judge conformance.
2. **Open Space and Recreation Lands:** There must be a dedication of common open space and associated recreation land or donation of maintenance funds to an approved municipal agency or non-profit organization. If open space is dedicated, the dedication must be in perpetuity and of lands that would otherwise be buildable. On the

Johnson, Grant, Sells, or Umscheid parcels, the conceptual open space configuration and trail system shown in the comprehensive plan must be used. There is a further discussion of this in Section 9.5.

3. **Affordable Housing:** One technique suited to providing affordable housing is to require that a percentage of new units built by private developers be set aside as affordable units, their cost cross-subsidized by the remaining market-rate units on the property. Using this technique, a level of subsidy is defined to achieve the income mix desire (affordable units often being defined by criteria such as a percentage of the Village's median income).
4. **Municipal Utilities:** The Village may, at its discretion, require developers to hook up to the joint Village-Town sewer system and the municipal water district. The development must contribute to the resulting capital, expansion, or operating costs.

Pawling's physical, cultural, and social goals will be advanced by the adoption of the incentives and conditions. The conditions will enable the Village to realize the goal of appropriate and contextual site plans for the large tracts of uncommitted land. These conceptual site plans have been the subject of much discussion in the planning process and are generally agreed upon. The conditions will also provide the Village with common open space and affordable housing, which were two other goals that came out of the planning process. Finally, the conditions will require the utilization and expansion of the municipal sewer and water system. This will stabilize the associated taxes for these systems, increase their efficiency, and enable a clustered subdivision plan that protects large areas of open space, thereby preserving the beloved rural quality of the Village. These too are goals of the comprehensive plan.

#### 9.5 Architectural and Landscape Guidelines

Part of the new zoning ordinance will be two sets of discretionary guidelines. These will describe the preferred architectural style and elements, building materials, and public and private landscaping. These guidelines are not mandatory, but they illustrate to municipal agencies and private landowners the recommended choices when a house is being designed or renovated and when a garden wall or street tree is being installed. The look and ambiance of any Village is largely determined by unregulated private and public design decisions. Taken together, the minor decisions made by myriad private property owners over years and years, the large-scale development of new residences, and the efforts of municipal agencies to maintain and plant trees, keep sidewalks and streets in good repair, and construct attractive civic structures all have tremendous effect on how the Village looks.

The draft versions of the Architectural and Landscaping Guidelines can be found in Appendices B and C. These are suggested as guidelines for the Planning Board in its review of site plans and subdivisions.

#### Architecture Guidelines

The Architectural Guidelines are recommended for all new construction and major renovations or re-modelling of existing structures. The guidelines discuss the proportions of windows and doors, roof pitch, length of overhang, spacing of clustered houses, types of columns, porches or other encroachments into the setback or yard, garden walls, and preferred building materials and construction techniques. The objective of each guideline is to recreate those elements that make Pawling homes distinguishable; the use of these guidelines will, over time, reproduce and strengthen the Village's design character.

#### Landscape Guidelines

The Landscape Guidelines cover public spaces: streets, greens, parks, and parts of the open space network. It is an elaborate set of recommendations to Village government because of the variety of planted material existing in the Village. The guidelines describe specific streets, the placement of sidewalks and the types of sidewalks or paths, tree lists, and the general desired effect of the landscaping.

In his presentation, Duany used the words "steady" and "unsteady" streets. These terms refer to whether the street has a consistent tree species planted or a mixture of species. Pawling has both kinds of streets. The recommendation is that when Village government plants or replaces trees, the street's existing character should be replicated as closely as possible, using native trees that will thrive in the specific local conditions (damp, salty, or compacted soil, etc.). Also, the quality of the vista created by trees lining and canopying a street should be a major consideration in the selection of trees and the planting location.

A range of street and sidewalk standards are implied in the Landscape Guidelines. The comprehensive plan recommends that Pawling extend or construct sidewalks or pedestrian paths (see Figure 7). Paved sidewalks in the heart of the Village should be detached: set apart from the street by several feet, enough to plant a street tree. The first sidewalks and paths to be constructed should be those leading through residential neighborhoods to the elementary school and parks. Pawling also has "rural" streets. This quality has less to do with the low density of housing along them, and more to do with avoiding the use of road standards that force the over-engineering and -building of roads. Pawling should adopt more minimal road and curb standards, even allowing dirt roads, and should not require developers to construct over-engineering roads in return for providing more open space, benches, garden walls, or other amenities desired by the Village. In other locations, these rural roads are called country lanes and their design characteristics are incorporated into the regulatory road specifications, allowing both existing such roads to remain and developers to spend their construction funds in better ways.

#### 9.6 Other Actions

##### Village Center Specifications

Certain of the Village Center Plan recommendations are general and do not require architectural or engineering specifications, such as the mixing of uses in new and existing buildings and the setting-aside of two ceremonial locations for civic structures. Others will require detailed design and construction specifications or legal action in order to be implemented. These include the retaining wall supporting the green, the second rail crossing, and the possible land swap with Lumelite. The design of the Charles Colman Boulevard Green and the East Main Street green will require, among other things, a consideration of traffic circulation and the ease with which trucks serving Lumelite and Pawling Corporation can traverse the downtown.

##### Official Map

The physical orientation of the comprehensive plan means that a number of specific recommendations have been made for new streets, connections between new streets and existing dead ends, sidewalks, trails, and dedicated open space. Village government should amend its official map to show these.

Under the state Village Law Section 7-724, the Board of Trustees has the authority to establish, change or add to an official map which shows the location and widths of streets, highways, drainage systems, and the location of parks. The official map is thus a foundation for Pawling on which to base decisions and policies on where roads should go, rights-of-way, connections between subdivisions, and zoning district lines. The map also puts developers, landowners, and residents on notice where roads will be constructed or connected at some point in the future. The map should be updated as frequently as needed: as new subdivision roads are platted and public recreation and open space created, these should be added to the official map.

##### Village-Town Cooperation

The Village and Town municipal governments cooperate on administering the joint sewer district. The plan recommends that the Village and Town study the joint operation of the water district, if the district is expanded to include Town residents.

While the plan recognizes the strength of home rule sentiment throughout New York-State municipalities, there are advantages to increased Village-Town cooperation in other areas, in this era of reduced state and federal funds, increased mandates, and community consensus against new taxes. Each municipality must seek creative strategies to secure a healthy economic base and provide expected services, in order to thrive into the future it wants for itself. Inter-municipal cooperation would enable both the Village and the Town to deliver services to their

taxpayers at reduced costs, with increased quality, effectiveness, and convenience. Such cooperation can be handled with informal agreements to share services, solve mutual problems, or accomplish common goals. It could also be done through a formal contractual agreement under Article 5-G of New York State General Municipal Law.

Such written service agreements have been shown to work best where the participants are substantially different in size and capability. Natural resources not available to each municipality, such as sand, water, and gravel, could be more equitably distributed. Surplus facilities which become available through population decline or shifting local priorities could be more easily shared. Major capital expenditures, such as water and sewer utilities or data processing installation, could be shared, making available new facilities and services to both Village and Town. Some common cost-saving and organizational changes include:

- Merged departments and services: road maintenance, police, fire, and rescue (emergency) services.
- Joint use of buildings: Village and Town halls, Village and Town equipment sheds.
- Fee-based services: library, recreation facilities.
- Appointment of one person to fill a common position in Village and Town governments: joint Village-Town clerk or justice.

This is perhaps the kind of study that could be undertaken directly by local residents interested in government streamlining (also called right-sizing), working with the County which may have information on how other Dutchess County municipalities have handled cost- and revenue-sharing.

#### Land Trust

The rural nature of Pawling can be preserved, as stated earlier, by clustering housing and preserving the wetlands, hillsides, meadows, and vistas. The dedicated open space can be managed by a local homeowners association, the Village government, or by a local land trust.

## Appendix A: Urban Regulations

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**SCHEDULE B**  
**Urban Regulations**



SCOTT & BROWN  
ARCHITECTS  
JACKSONVILLE, FLA.

# URBAN REGULATIONS FOR NEW CONSTRUCTION VILLAGE OF SAVING HARBOR

ANDREW DEWITT  
NICHOLAS PETERSEN  
TOWN PLANNERS

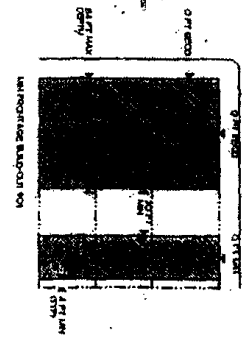
## TYPE I - SHOPFRONT / MIXED-USE

### INTENT

Type I applies to construction and use of property in the 3-1 District where such construction and development is subject to the Urban Regulations. See Section 98-13h.

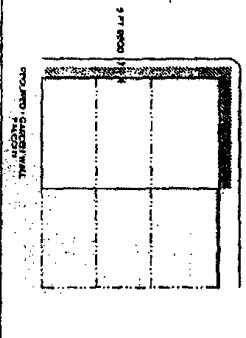
### BUILDING PLACEMENT

1. BUILDING SHALL BE SET BACK FROM THE STREET LINE 5-0 FT.
2. BUILDING AND STREET LIGHTS SHALL BE SET BACK FROM THE STREET LINE 5-0 FT.
3. THE HEIGHT OF BUILDING SHALL BE 10-0 FT. MAXIMUM.



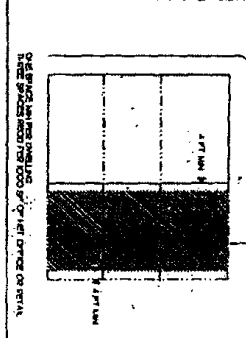
### ENCROACHMENTS

1. BUILDING SHALL BE SET BACK FROM THE STREET LINE 5-0 FT.
2. BUILDING AND STREET LIGHTS SHALL BE SET BACK FROM THE STREET LINE 5-0 FT.
3. THE HEIGHT OF BUILDING SHALL BE 10-0 FT. MAXIMUM.



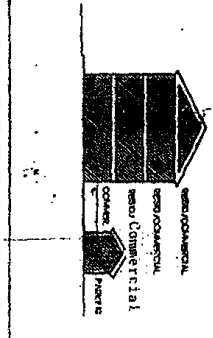
### PARKING

1. PARKING SHALL BE PROVIDED FOR ALL NEW CONSTRUCTION.
2. PARKING SHALL BE PROVIDED FOR ALL NEW CONSTRUCTION.
3. PARKING SHALL BE PROVIDED FOR ALL NEW CONSTRUCTION.
4. See Section 98-23.
5. See Section 98-23.



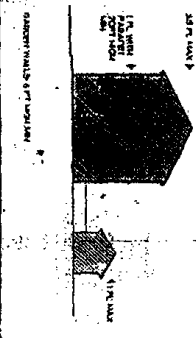
### BUILDING USE

1. BUILDING SHALL BE USED FOR RESIDENTIAL OR COMMERCIAL PURPOSES.
2. BUILDING SHALL BE USED FOR RESIDENTIAL OR COMMERCIAL PURPOSES.
3. BUILDING SHALL BE USED FOR RESIDENTIAL OR COMMERCIAL PURPOSES.



### BUILDING HEIGHT

1. BUILDING SHALL BE 10-0 FT. MAXIMUM.
2. BUILDING SHALL BE 10-0 FT. MAXIMUM.
3. BUILDING SHALL BE 10-0 FT. MAXIMUM.





BUCKINGHAM  
MOTOR L&S  
JACOBI & CO

URBAN REGULATIONS FOR NEW CONSTRUCTION  
VILLAGE OF FAYING LAKEVIEW

ALBERT DUNN  
MAYOR  
JAMES J. JACOBI

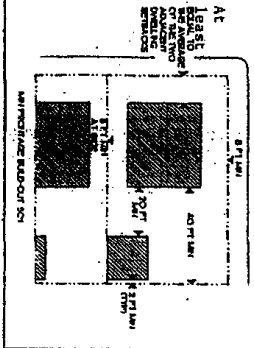
TYPE III - INFILL HOUSE

INSTRUCTIONS

Type III applies to construction and use of property within the R-1, R-2, R-3 and R-4 Districts where such construction and development is subject to the Urban Regulations. See 398-13.

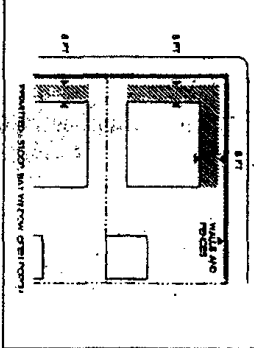
BUILDING PLACEMENT

1. BUILDING SHALL BE SET BACK FROM THE FRONT LOT LINE BY NOT LESS THAN 10 FEET.
2. BUILDING SHALL BE SET BACK FROM THE SIDE LOT LINE BY NOT LESS THAN 5 FEET.
3. BUILDING SHALL BE SET BACK FROM THE REAR LOT LINE BY NOT LESS THAN 10 FEET.



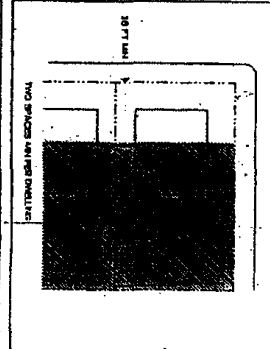
ENCLOSUREMENTS

1. BUILDING SHALL BE SET BACK FROM THE FRONT LOT LINE BY NOT LESS THAN 10 FEET.
2. BUILDING SHALL BE SET BACK FROM THE SIDE LOT LINE BY NOT LESS THAN 5 FEET.
3. BUILDING SHALL BE SET BACK FROM THE REAR LOT LINE BY NOT LESS THAN 10 FEET.



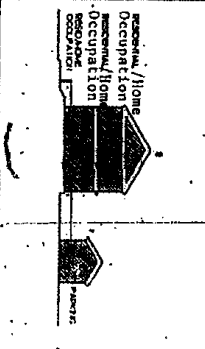
PARKING

1. PARKING SHALL BE PROVIDED FOR EACH BUILDING.
2. PARKING SHALL BE PROVIDED FOR EACH BUILDING.
3. PARKING SHALL BE PROVIDED FOR EACH BUILDING.
4. PARKING SHALL BE PROVIDED FOR EACH BUILDING.
5. PARKING SHALL BE PROVIDED FOR EACH BUILDING.



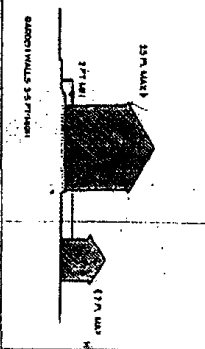
BUILDING USE

1. BUILDING SHALL BE USED FOR RESIDENTIAL PURPOSES.
2. BUILDING SHALL BE USED FOR RESIDENTIAL PURPOSES.
3. BUILDING SHALL BE USED FOR RESIDENTIAL PURPOSES.
4. BUILDING SHALL BE USED FOR RESIDENTIAL PURPOSES.
5. BUILDING SHALL BE USED FOR RESIDENTIAL PURPOSES.



BUILDING HEIGHT

1. BUILDING SHALL BE NOT MORE THAN 35 FEET HIGH.
2. BUILDING SHALL BE NOT MORE THAN 35 FEET HIGH.
3. BUILDING SHALL BE NOT MORE THAN 35 FEET HIGH.
4. BUILDING SHALL BE NOT MORE THAN 35 FEET HIGH.
5. BUILDING SHALL BE NOT MORE THAN 35 FEET HIGH.



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ENGINEER: JACOBSON  
 ARCHITECT: JACOBSON

# URBAN REGULATIONS FOR NEW CONSTRUCTION VILLAGE OF FAIRVIEW HAZENPLAN

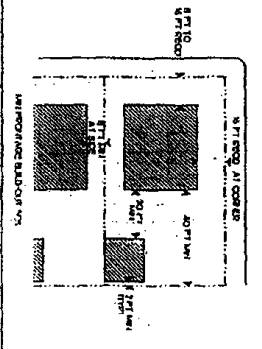
ANDERSON DUNN  
 ARCHITECTS

## TYPE IV - SMALL HOUSE

**INSTRUCTIONS**  
 Type IV applies to construction and use of property within the R-1, R-2, R-3 and R-4 Districts where such construction and development is subject to the Urban Regulations. See §98-13.

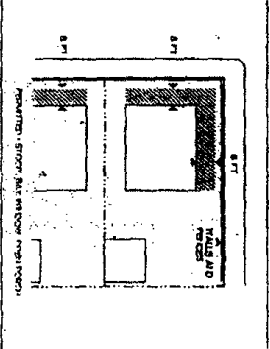
### BUILDING PLACEMENT

1. BUILDING SHALL BE SET BACK FROM THE FRONT LOT LINE AT LEAST 10 FEET.
2. BUILDING SHALL BE SET BACK FROM THE SIDE LOT LINE AT LEAST 5 FEET.
3. BUILDING SHALL BE SET BACK FROM THE REAR LOT LINE AT LEAST 10 FEET.
4. BUILDING SHALL BE SET BACK FROM THE REAR LOT LINE AT LEAST 10 FEET.



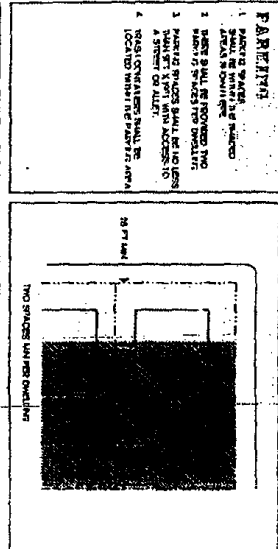
### ENCLOSUREMENTS

1. BUILDING SHALL BE SET BACK FROM THE FRONT LOT LINE AT LEAST 10 FEET.
2. BUILDING SHALL BE SET BACK FROM THE SIDE LOT LINE AT LEAST 5 FEET.
3. BUILDING SHALL BE SET BACK FROM THE REAR LOT LINE AT LEAST 10 FEET.
4. BUILDING SHALL BE SET BACK FROM THE REAR LOT LINE AT LEAST 10 FEET.



### FENCES

1. FENCES SHALL BE SET BACK FROM THE FRONT LOT LINE AT LEAST 10 FEET.
2. FENCES SHALL BE SET BACK FROM THE SIDE LOT LINE AT LEAST 5 FEET.
3. FENCES SHALL BE SET BACK FROM THE REAR LOT LINE AT LEAST 10 FEET.
4. FENCES SHALL BE SET BACK FROM THE REAR LOT LINE AT LEAST 10 FEET.

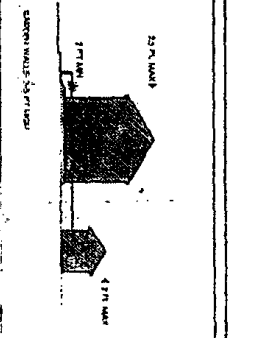


### BUILDING USE

1. BUILDING SHALL BE USED FOR RESIDENTIAL PURPOSES ONLY.
2. BUILDING SHALL BE USED FOR RESIDENTIAL PURPOSES ONLY.
3. BUILDING SHALL BE USED FOR RESIDENTIAL PURPOSES ONLY.
4. BUILDING SHALL BE USED FOR RESIDENTIAL PURPOSES ONLY.

### BUILDING HEIGHT

1. BUILDING SHALL BE SET BACK FROM THE FRONT LOT LINE AT LEAST 10 FEET.
2. BUILDING SHALL BE SET BACK FROM THE SIDE LOT LINE AT LEAST 5 FEET.
3. BUILDING SHALL BE SET BACK FROM THE REAR LOT LINE AT LEAST 10 FEET.
4. BUILDING SHALL BE SET BACK FROM THE REAR LOT LINE AT LEAST 10 FEET.



BOOKSHELF TYPE  
EIGHTH FIVE  
JACOBSON INC.

# URBAN REGULATIONS FOR NEW CONSTRUCTION VILLAGE OF FAYUNG WATERPLAN

1978

ANDREW DUNN  
SHERMAN TAYLOR-STEIN  
JOHN PETERSON

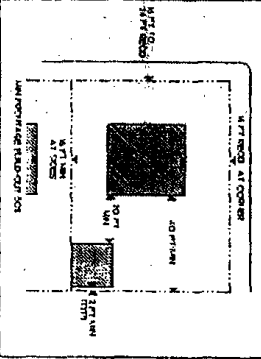
## TYPE V - LARGE HOUSE

### INSTRUCTIONS

Type V applies to construction and use of property within the R-1, R-2, R-3 and R-4 Districts where such construction and development is subject to the Urban Regulations. See 98-13.

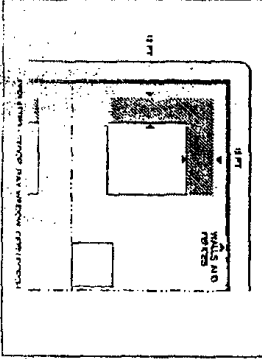
### BUILDING PLACEMENT

1. BUILDING SHALL BE SET ON LOT WITH THE FRONT YARD SETBACK.
2. BUILDING AND DRIVEWAY SHALL BE SETBACK FROM THE FRONT YARD SETBACK.
3. BUILDING SHALL BE SETBACK FROM THE SIDE YARD SETBACK.
4. BUILDING SHALL BE SETBACK FROM THE REAR YARD SETBACK.



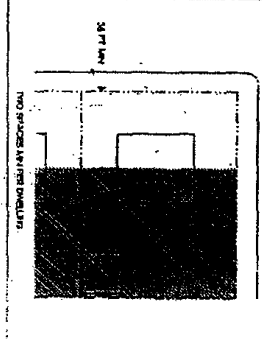
### ENCROACHMENTS

1. BUILDING SHALL BE SET ON LOT WITH THE FRONT YARD SETBACK.
2. BUILDING AND DRIVEWAY SHALL BE SETBACK FROM THE FRONT YARD SETBACK.
3. BUILDING SHALL BE SETBACK FROM THE SIDE YARD SETBACK.
4. BUILDING SHALL BE SETBACK FROM THE REAR YARD SETBACK.



### PARKING

1. DRIVEWAY SHALL BE SETBACK FROM THE FRONT YARD SETBACK.
2. DRIVEWAY SHALL BE SETBACK FROM THE SIDE YARD SETBACK.
3. DRIVEWAY SHALL BE SETBACK FROM THE REAR YARD SETBACK.
4. DRIVEWAY SHALL BE SETBACK FROM THE FRONT YARD SETBACK.

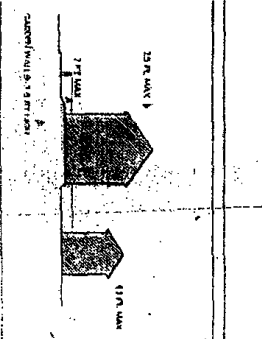


### BUILDING USE

1. BUILDING SHALL BE SET ON LOT WITH THE FRONT YARD SETBACK.
2. BUILDING AND DRIVEWAY SHALL BE SETBACK FROM THE FRONT YARD SETBACK.
3. BUILDING SHALL BE SETBACK FROM THE SIDE YARD SETBACK.
4. BUILDING SHALL BE SETBACK FROM THE REAR YARD SETBACK.

### BUILDING HEIGHT

1. BUILDING SHALL BE SET ON LOT WITH THE FRONT YARD SETBACK.
2. BUILDING AND DRIVEWAY SHALL BE SETBACK FROM THE FRONT YARD SETBACK.
3. BUILDING SHALL BE SETBACK FROM THE SIDE YARD SETBACK.
4. BUILDING SHALL BE SETBACK FROM THE REAR YARD SETBACK.



ACCREDITED  
EDITION EATZ  
JACOBSON INC.

**URBAN REGULATIONS FOR NEW CONSTRUCTION**  
TOWNSHIP OF PAVING MATERIALS

ALDERIDGE DRIVE  
MILWAUKEE PLAZA STREET  
TOWNSHIP

**TYPE VI - HIGHWAY COMMERCIAL**

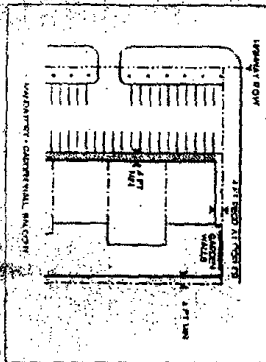
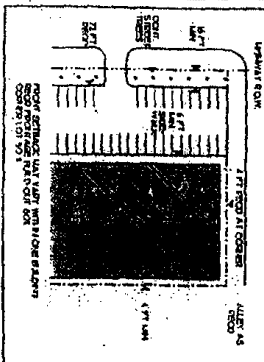
**INSTRUCTIONS**  
Type VI applies to construction and use of property in the B-2 District where such construction and development is subject to the Urban Regulations. See §98-13.

**BUILDING PLACEMENT**

1. BUILDINGS SHALL BE SET ON LOTS 10 FEET FROM THE FRONT LOT LINE.
2. BUILDINGS SHALL BE SET ON LOTS 10 FEET FROM THE SIDE LOT LINE.
3. BUILDINGS SHALL BE SET ON LOTS 10 FEET FROM THE REAR LOT LINE.
4. BUILDINGS SHALL BE SET ON LOTS 10 FEET FROM THE CORNER LOT LINE.

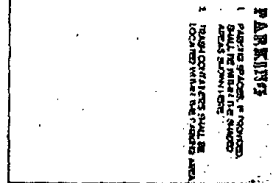
**ENCROACHMENTS**

1. ENCROACHMENTS SHALL BE LIMITED TO 10 FEET FROM THE FRONT LOT LINE.
2. ENCROACHMENTS SHALL BE LIMITED TO 10 FEET FROM THE SIDE LOT LINE.
3. ENCROACHMENTS SHALL BE LIMITED TO 10 FEET FROM THE REAR LOT LINE.
4. ENCROACHMENTS SHALL BE LIMITED TO 10 FEET FROM THE CORNER LOT LINE.



**PARKING**

1. PARKING SHALL BE PROVIDED FOR ALL PASSENGER CARS.
2. PARKING SHALL BE PROVIDED FOR ALL PASSENGER CARS.
3. PARKING SHALL BE PROVIDED FOR ALL PASSENGER CARS.

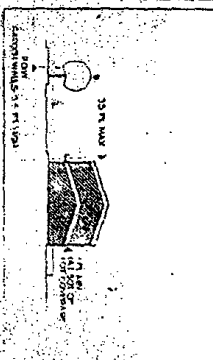
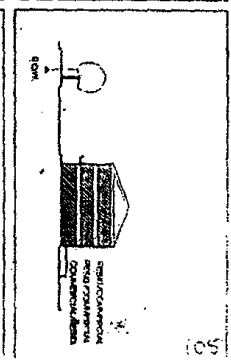


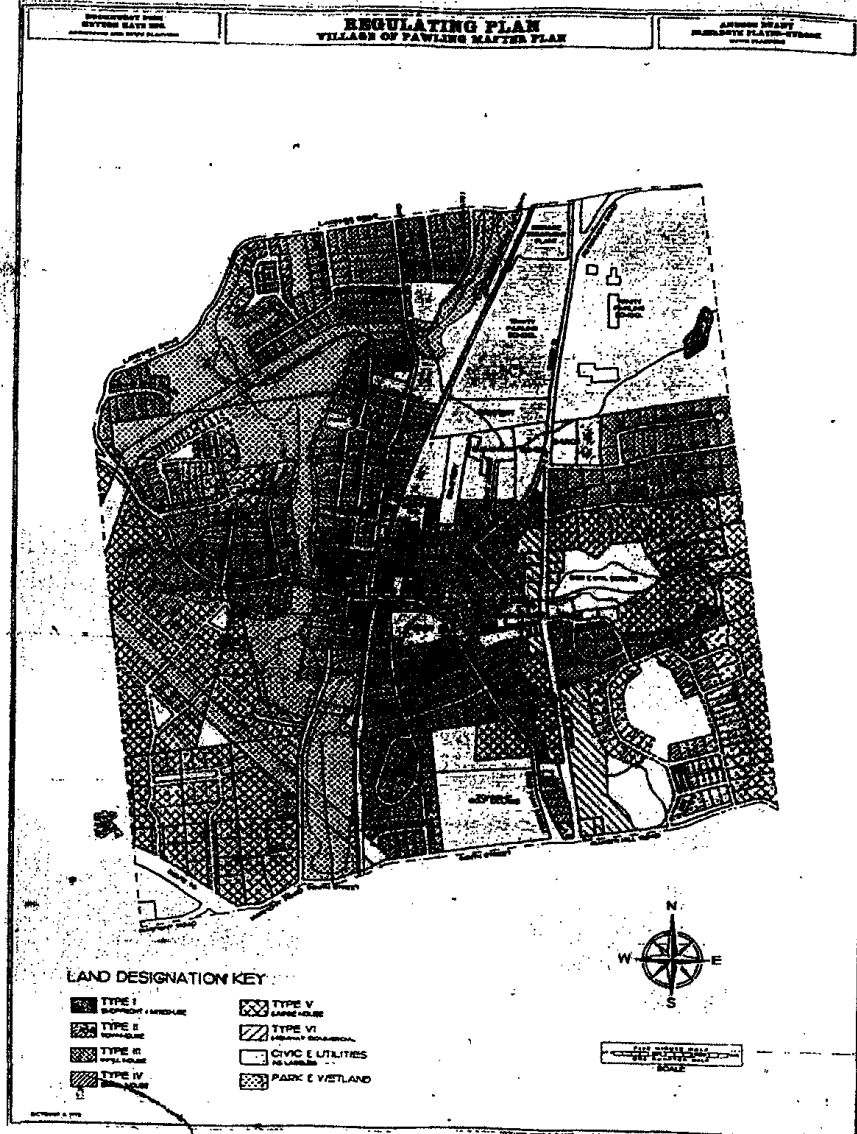
**BUILDING USE**

1. BUILDING SHALL BE USED FOR THE PURPOSES SET FORTH IN THE ZONING ORDINANCE.
2. BUILDING SHALL BE USED FOR THE PURPOSES SET FORTH IN THE ZONING ORDINANCE.
3. BUILDING SHALL BE USED FOR THE PURPOSES SET FORTH IN THE ZONING ORDINANCE.

**BUILDING HEIGHT**

1. BUILDING SHALL BE LIMITED TO 10 FEET IN HEIGHT.
2. BUILDING SHALL BE LIMITED TO 10 FEET IN HEIGHT.
3. BUILDING SHALL BE LIMITED TO 10 FEET IN HEIGHT.





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## Appendix B: Architectural Guidelines

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SUGGESTED TYPE RUSTON BLVD. JACOBSEN INC.		ARCHITECTURAL REGULATIONS FOR NEW CONSTRUCTION 1 OF 1		ANDREW DEARY ELIZABETH PLASTER-STEEN TOWN PLANNING	
SUGGESTED TYPE RUSTON BLVD. JACOBSEN INC.		VILLAGE OF PAVLING MASTERPLAN		TOWN PLANNING	
<b>WALLS</b>					
<b>MATERIAL</b> 1. BRICK WALLS SHALL BE CLAD IN WOOD OR STUCCO. WOOD SHALL BE PAINTED OR STAINED TO MATCH THE SURROUNDING ENVIRONMENT. 2. STUCCO SHALL BE CLAD IN WOOD OR STUCCO. WOOD SHALL BE PAINTED OR STAINED TO MATCH THE SURROUNDING ENVIRONMENT. 3. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 4. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 5. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 6. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 7. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD.		<b>CONFIGURATION</b> 1. THE WALL SHALL BE CLAD IN WOOD OR STUCCO. WOOD SHALL BE PAINTED OR STAINED TO MATCH THE SURROUNDING ENVIRONMENT. 2. STUCCO SHALL BE CLAD IN WOOD OR STUCCO. WOOD SHALL BE PAINTED OR STAINED TO MATCH THE SURROUNDING ENVIRONMENT. 3. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 4. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 5. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 6. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 7. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD.		<b>TECHNIQUES</b> 1. BRICK WALLS SHALL BE CLAD IN WOOD OR STUCCO. WOOD SHALL BE PAINTED OR STAINED TO MATCH THE SURROUNDING ENVIRONMENT. 2. STUCCO SHALL BE CLAD IN WOOD OR STUCCO. WOOD SHALL BE PAINTED OR STAINED TO MATCH THE SURROUNDING ENVIRONMENT. 3. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 4. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 5. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 6. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 7. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD.	
<b>ELEMENTS</b>					
<b>MATERIAL</b> 1. COLLARS FOR BALCONIES SHALL BE CLAD IN WOOD OR STUCCO. WOOD SHALL BE PAINTED OR STAINED TO MATCH THE SURROUNDING ENVIRONMENT. 2. STUCCO SHALL BE CLAD IN WOOD OR STUCCO. WOOD SHALL BE PAINTED OR STAINED TO MATCH THE SURROUNDING ENVIRONMENT. 3. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 4. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 5. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 6. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD.		<b>CONFIGURATION</b> 1. COLLARS FOR BALCONIES SHALL BE CLAD IN WOOD OR STUCCO. WOOD SHALL BE PAINTED OR STAINED TO MATCH THE SURROUNDING ENVIRONMENT. 2. STUCCO SHALL BE CLAD IN WOOD OR STUCCO. WOOD SHALL BE PAINTED OR STAINED TO MATCH THE SURROUNDING ENVIRONMENT. 3. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 4. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 5. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 6. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD.		<b>TECHNIQUES</b> 1. BRICK WALLS SHALL BE CLAD IN WOOD OR STUCCO. WOOD SHALL BE PAINTED OR STAINED TO MATCH THE SURROUNDING ENVIRONMENT. 2. STUCCO SHALL BE CLAD IN WOOD OR STUCCO. WOOD SHALL BE PAINTED OR STAINED TO MATCH THE SURROUNDING ENVIRONMENT. 3. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 4. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 5. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD. 6. BRICK WALLS SHALL BE TRIMMED IN STUCCO OR STUCCO IN WOOD.	

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MAY 1983

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May 1963

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## Appendix C: Landscape Guidelines

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BUCKENHART BUSH HUTTON KATZ ACQUERMANT INC.		FIGURE 12A LANDSCAPE REGULATIONS FOR PUBLIC SPACES		ANDREAS RUANY BLUESBETH PLASTER-27388K TOWN PLANNERS	
GENERAL		SPECIFIC			
TYPE	DESCRIPTION	TREE LIST		NAME	RECOMMENDATION
Wetland Park	All open wetland landscapes are to be treated as natural parks.  Where they abut the public realm, their buffer edges should be treated as public greens, bordered by a rural path and protected by a fence that sets their limit. Definition should also be provided by trees that shade and frame the view, especially along contiguous roads.	Wetland Tree Rows for Paths  American Elm* (Ulmus americana, 'Columbia' or 'Libertia' only)  Ash species* (Fraxinus spp.) except P. americana (White Ash)  Massed Planting  Larch* (Larix laricina)  Field Maple** (Acer rubrum: trees grown from seed only)  Shadbush* (Amelanchier canadensis or atropurpurea)  Tupelo** (Nyssa sylvatica)		Douglas Wetland Park	Border the wetlands with a fence and rural path, connecting it with a wooden bridge to cross the stream at the southern end. This path is to link with the sidewalk planned along South Street.  Plant resistant Elm rows (30' o.c.) on all four sides as a replacement and extension for the decaying Sugar Maples; include, if possible, the railroad right-of-way.  A double row of Elms (an alley), with benches underneath, is recommended along the new fill on the northern side, especially if this is developed as a softball field.  Paving: Great Swamp is an "inside park" that edges the back of people's houses. Some of these edges can be planned so as to impart a sense of natural isolation to the adjacent houses during the warm months. Choose trees from the wetland list with fall color.  The park has circumferential rural paths joined by a wooden walkway crossing the swamp (see Master Plan). This wooden walkway should be constructed at a minimum height above seasonal water.  Provisions for legal easement access from all nearby residential roads, existing and future, is important as this will become the pedestrian link between the Village core and its newer western extensions. The new paths will give freedom and interest to children, and help unbind the increasing burden of local vehicular traffic along West Main Street and Lakeside Drive.
				Great Swamp Park	

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BUCKHART FIRM HUNTERDON, N.J. JACQUIMART INC.		FIGURE 12b LANDSCAPE REGULATIONS FOR PUBLIC SPACES		JACQUIMART INC. HUNTERDON, N.J. JACQUIMART INC.	
GENERAL		SPECIFIC			
TYPE	DESCRIPTION	TREE LIST	NAME	RECOMMENDATION	
Grass	The elements of a typical Town or Village Green include a row of trees as an edge to the common land, straight paths, and evenly planted large trees. The planting of shrubs and smaller trees was not original to this type of landscaped park and are not permitted.	American Elm ( <i>Ulmus americana</i> var. 'Libertia' or 'Columbia'; these are the new resistant varieties) Sugar Maple** ( <i>Acer saccharum</i> var. 'Green Mountain' is recommended) Aspen species* ( <i>Populus spp.</i> ) Tulip Tree* ( <i>Liriodendron tulipifera</i> ) White Ash** ( <i>Fraxinus americana</i> , var. 'Autumn purple')	The Village Green	The new trees in the Village Upper Green should be planted as follows: first fill the gaps between the existing 'Columbian' trees on both sides of the central path, accepting irregularities that result. The central path should be lined with several benches and appropriate low-voltage street lamps.  This is an existing small triangular green. The key to the visual coherence and effect of this green will depend on a planting of green on white-stained wooden bollards 8'-10' apart.  A path should connect with Coulter Avenue's eastern sidewalk, with steps up the slope.  The Route 22 requirement of an Elm row should be extended. However, it should not interfere with the existing Garden Club evergreens.	
	Grass				

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INDEPENDENT PARK HUTTON KATE ARCHITECT INC.		FIGURE 126 LANDSCAPE REGULATIONS FOR PUBLIC SPACES	3 OF 3 ANDREW DUNN ELIZABETH PLATER-SPERK TOWN PLANNERS
GENERAL		SPECIFIC	
TYPE	DESCRIPTION	TREE LIST	NAME
Grass	<p>(cont.)</p> <p>Concrete paths are permitted, but they must be narrow, carefully reinforced and well finished. The base is made of old or re-used brick over coarse sand, perfectly in an "herding" mode.</p> <p>Gravel paths are pleasing if they are made stable through deep and careful structuring, for example, progressive layers of intermixed 3", 1 1/2", 3/4" and 1/4" rough-edged gravel.</p>	<p>Fall foliage and a studied relation to the adjacent street trees are desirable.</p> <p>American Elm (<i>Ulmus americana</i>, var. 'Liberty' or 'Columbia'; these are the new resistant varieties)</p> <p>Sugar Maple** (<i>Acer saccharum</i> var. 'Green Mountain' is recommended)</p> <p>Aspen species* (<i>Populus spp.</i>)</p> <p>Tulip Tree* (<i>Liriodendron tulipifera</i>)</p> <p>White Ash** (<i>Fraxinus americana</i>, var. 'Autumn purple')</p>	<p>East Main Street Green</p> <p>Ducher House Green</p>
			<p>Recommendation</p> <p>A minimum 10" granite curb or white square wooden bollards (8" x 8", pyramidal-topped, 2 1/2" to 3" high) should be employed to give this median green a discrete shape. The bollards should be deployed 8'-10' on center, and set 18" from the curb.</p> <p>The obelisk monument should due be pyramidal-topped, 12' high, with every light and lantern stone can be granite, pink granite on red sandstone.</p> <p>Ladders on a 5' grass strip 20' on center should be employed to screen the gas station.</p> <p>A restoration of part of the old back green. The existing grass oval should be edged by white posts or bollards and re-sodded.</p> <p>New trees surrounding this should be comparable to the existing ones, but with a more compact, upright, and more formal appearance. The bollards on the approach can be added to, replaced and painted white.</p>

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SUSAN RUTH FISH  
NORTON KATZ  
ACQUINANT INC.

LANDSCAPE REGULATIONS  
FOR PUBLIC SPACES

FIGURE 122

4 OF 6

ADDRESS ONLY  
BLIZBARTH PLAZA-ETWEEK  
TOWN PLANING

GENERAL

TYPE

Description

TREE LIST

Parking  
Cours

Parking lots can be redesigned by being edged with a single, or double row of trees, depending on the depth available at the edges. The resulting spatial containment can have the powerful effect of replenishing the look of our streets with a public places. All parking lots should be treated in this manner, starting with the Town Hall.

If the Parking Court is surrounded by walls retaining only a single line of fifth or light canopyed trees should be chosen. These should be planted in trenched strips, 2' deep and 5' wide. All Retail Parking Lots should be eventually reticulated in this manner, including Kabay Plaza and those facing Route 22. These lots should also feature interior trees at the ends of parking rows or in a linear arrangement through the lot to signal and facilitate pedestrian movement.

A single row of trees with copious undergrowth is a Parking Alley. Trees are generally two or three parking bays between the sidewalk. This is the optimum amount of parking space for a commercial street, as it can be used most effectively for portions of the center of the Village for both the commuter parking, around the Lower Green, on both sides of Broad Street, and the eastern side of Arch Street.

Single Row

Sycomore

Tulip Trees\*

Double Row

Horse Chestnut

Sugar Maple\*\*

Retail Parking Courts

American Elm\*

Thornless  
Honeylocust\*

Parked Allee

Oak\*\*\*

Scarlet Oak\*

Sycomore

Pin Oak

(Platanus occidentalis)

(Liquidambar styraciflua, select for hardiness)

(Ascarhus hippocastanum)

(Acer saccharum, var. 'green mountain' is recommended)

(Ulmus americana, var. 'Columbia' or 'Libertas' only)

(Oleifolia tricantata, var. 'Inermis' only)

(Ginkgo biloba)

(Quercus coccinea)

(Platanus occidentalis)

(Quercus palustris)

SUGGESTED TREE SPECIES FOR PLANTING		LANDSCAPE REGULATIONS FOR PUBLIC SPACES		SOP 9		ANDREW DUANY ELIZABETH WALKER NEW YORK	
FIGURE 124		SPECIFIC					
GENERAL		RECOMMENDATION					
TYPE		DESCRIPTION		NAME		TREE LIST	
Street Trees	<p>These are trees that in the relevant dimension of the street strip between the sidewalk and the street (such as a tree strip) (for a street "type").</p> <p>Preserving a street line created by a row of trees is essential for the beauty of a street. It is the greatest single element in making a public space, a road, into a village street.</p> <p>Streets that have sidewalks adjacent to the road should also be planted.</p> <p>In general, plant the same species of trees in a row for each section of a street, or at least for a "section," as in the old days. They become the landmarks of the future.</p>	<p>The narrow strip requires thorough aeration of compacted soil to a minimum depth of two feet, with fine mulch mixed into the top 5 inches, especially if there will be no grass; this prevents the water rejection of compacted soil. Any further soil additives must be mixed in at the time of aeration, as is increase resistance to compaction.</p> <p>The standard practice of digging planting pits is prohibited because it creates hydrological discontinuity. Underlying poor drainage is most easily treated by choosing wetland trees (Elms, Sycamores).</p> <p>Highly trafficked areas may require the same soil treatment, but with loosely-filled cobbles or bricks placed over coarse sand in the planting strip.</p> <p>Even with a planting strip, it may be difficult to plant new street trees to match existing canopy trees on the street. Where new trees are added, they will be long-lived only if the root crown underneath the sidewalk. If there is a front yard or courtyard, the soil underneath the sidewalk width of the concrete sidewalk is an area limited only by the width of the concrete sidewalk. The most important thing to do is to "wedge" the root crown of the new tree into the sidewalk. A new concrete sidewalk be reinforced at these ungrouted points, and underlain with gravel to permit aeration. This method of tree replacement will allow the trees to live their full life span.</p> <p>A good alternative method is to employ loosely filled brick sidewalks over coarse sand. The soil underneath the sidewalk must not be compacted either; this results in eventually looking like the picturesque old sidewalks of colonial towns. Use superior old brick.</p>		<p>These are the toughest proven trees. Many of them (Elm, Norway Maple, Sycamore, and White Ash) are huge, but are included here because of their unparalleled toughness; they should prove to be no problem in a properly prepared strip and sidewalk. Some are not native.</p> <p>American Elm* (Ulmus americana, var. 'Columba' or 'Libertia' only)</p> <p>Ginkgo** (Ginkgo biloba)</p> <p>Green Ash* (Fraxinus pennsylvanica, var. 'Marshall's Seedling')</p> <p>Shagbark Hickory* (Carya ovata)</p> <p>Norway Maple** (Acer platanoides, var. 'Summershade' is recommended)</p> <p>Sourist Oak* (Quercus coccinea. Use hardy stock)</p> <p>Silver Linden (Tilia tomentosa)</p> <p>Sycamore (Platanus occidentalis)</p> <p>Thornless Honeylocust* (Gleditsia triacanthos var. 'Inermis')</p> <p>White Ash** (Fraxinus americana, var. 'Autumn Purple' or 'Rosehill')</p>			

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MINIMUM RAMP 100' MIN. RAMP 100' MIN. RAMP		LANDSCAPE REGULATIONS 609		LANDSCAPE REGULATIONS 609		
FIGURE 101		FIGURE 101		FIGURE 101		
GENERAL		SPECIFIC				
TYPE	DESCRIPTION	NAME	RECOMMENDATION	TREE LIST		
Street Trees	<p>These are trees that fit the relevant dimension of the street and the street (each group of trees fits a street "type").</p> <p>Planting a street line created by a row of trees is essential to the character of a street. It is the present single element in making a public space, a road into a village street.</p> <p>Streets that have sidewalks adjacent to the road should also be planted.</p> <p>In general, plant the same species of trees in a row for each section of a street, or at least for "a stretch" as in the old days. They become the inheritance of the future.</p>	Type B (Wide Planting Strip - 6')	<p>The planting strip should be reddish, or planted with appropriate ground cover, such as pachyzandra, ivy, or myrtle. It is not advised to aerate or otherwise damage the soil structure of the strip if it hasn't been compacted. "Outlets" of uncompacted soil underneath the sidewalk near each tree are still desirable. See new planting plan. (see also above description of "Type A streets").</p>	American Elm* (Ulmus americana, var. "Columbia" or "Liberal" only) Hickory Species** (Carya spp.) Red Oak (Quercus rubra) Sugar Maple** (Acer saccharum, var. "green mountain" is recommended) Tulip Tree* (Liriodendron tulipifera) White Ash** (Fraxinus americana, var. "Autumn Purple" or "Roshili") White Oak (Quercus alba)		

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LUCAS & PIER LANDSCAPE ARCHITECTS JACQUESMART INC.		LANDSCAPE REGULATIONS FOR PUBLIC SPACES		7 OF 9	CANTON TOWN ELIZABETH PLAZA/BIERE TOWN PLANNING
FIGURE 12					
SPECIFIC					
RECOMMENDATION					
This curbside type means that one must worry about potential street safety as well as a narrow grass strip or no planned strip at all. Fortunately there are trees that grow in this harsh environment. Root outcrops must be dug very carefully after the uprooting operation; prop the tunnel. Do not waste soil if it is uncompacted and add new planting mix.					
NAME					
Type C (Narrow Curbside Strip - 4)					
DESCRIPTION					
These are trees that fit the relevant dimension of the grass strips between walk and the street (each group of trees for a street type). Preserving a street line is essential for the beauty of a street. It is the greatest single element in making a traffic artery into a public space, a road into a village street. Streets that have sidewalks adjacent to the road should also be planted. In general, plant the same species of trees in a row for each section of a street, or at least for "a stretch" as in the old days. They become the inheritance of the future.					
TREE LIST					
American Elm (Ulmus americana, var. 'Columbia' or 'Liberis' only)					
Black Cherry (Prunus serotina)					
Black Locust (Robinia pseudoacacia)					
Green Ash (Fraxinus pennsylvanica, var. 'Marshall's Seedling')					
Hackberry (Celtis occidentalis)					
Horse Chestnut (Aesculus hippocastanum)					
Norway Maple** (Acer platanoides, var. 'Summerside' is recommended)					
Redmond Libani (Tilia x euclora var. 'Redmond')					
Scarlet Oak (Quercus coccinea)					
Sassafras* (Sassafras albidum)					
Sycamore (Platanus occidentalis)					
Sycamore Maple (Acer pseudo-platanus)					
Thornless Honeylocust* (Gleditsia thornless var. 'Inermis')					
White Ash** (Fraxinus americana, var. 'Autumn Purple' or 'Rosehill')					

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RUCKENHART FISH HUTTON KATE JACOBSEN INC.		LANDSCAPE REGULATIONS FOR PUBLIC SPACES		ANDRE DUJANY ELEAZER PLATER-ZVIRAK TOM PLANNEN	
FIGURE 12b		8 OF 9			
GENERAL				SPECIFIC	
TYPE	DESCRIPTION			NAME	RECOMMENDATION
Street Trees	<p>These are trees that fit the relevant dimension of the grass strip between walk and the street (each group of trees fit a street type).</p> <p>Preserving a street line created by a row of trees is essential for the beauty of a street; it is the greatest single element in making a traffic artery into a public space, a road into a village street.</p> <p>Streets that have sidewalks adjacent to the road should also be planted.</p> <p>In general, plant the same species of trees in a row for each section of a street, or at least for "streets" as in the old days. They become the inheritance of the future.</p>	Type D (Wide Curbside Strip - 8' to 12')	<p>This is the most suburban. In the best sense, of the walkway types, a row of trees is essential to render it elegant. Where possible, a double row is best.</p>	<p>American Elm (Ulmus americana, var. 'Colombia' or 'Liberia' only)</p> <p>Red Oak (Quercus rubra &amp; hybrids)</p> <p>Sycamore (Platanus occidentalis)</p> <p>White Ash (Fraxinus americana, var. 'Autumn Purple' or 'Rosehill')</p>	

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**Appendix D: Andres Duany  
Presentation October 8, 1991**

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THE VILLAGE OF PAWLING  
ANDRES DUANY  
2. THE MASTER PLAN  
REVISED PRESENTATION BY ANDRES DUANY  
SEPTEMBER 8, 1991

housing, shopping centers, or office parks is simply not workable.

THE CODES

We propose to adopt a village zoning architectural code that would be more than a code. So when a developer makes a proposal, we must be able to say, "We must have this open field," then a neighborhood will be a valuable and beautiful one, and the neighborhood will be a valuable and beautiful one, and the neighborhood will be a valuable and beautiful one.

After arriving in Pawling, and after reading the Phase I report by Buckhurst Fish, Hutton, Katz, Inc., which is a thorough analysis of the village, not only that there were constraints pointed out, we found that the village was a wonderful place to live in. There were constraints that were bad and opportunities that were great. Fortunately, there were enough opportunities to really do something with Pawling.

Unfortunately, what has been happening to Pawling is the result of its existing zoning. On the existing zoning map each of the colors represents a different use: R1, R2, R3, RA, B1, etc. To date, the village has been zoned in a way that is not in the village's best interest. It does not allow for a higher density in one and lower density in another. It is not unusual to find a community, having a code that is like this, suspicious of the planning process and completely confused because, despite the very thorough and completely that developers have had to go through, when comes out is still there. After all, the code is still there. When this occurs, a traditional land use code is not a good idea. It is simply a code that does not work. (See Current Land Use, Figure 5).

Pawling has been subject to a generation of codes that were developed in the 1950's, and when planners specifically, when they had in mind were the village's future. When that kind of code comes into a village like Pawling, it devastates the town. If people are not allowed to build along suburban patterns that are not in the village's best interest, it is not in the village's best interest. It is just that the developers are not allowed to build. It is just that the developers are not allowed to build. It is just that the developers are not allowed to build.

We are preparing the complete replacement of the current code with a more traditional type of code, the kind of code

that towns used to have. It is a very precise, very short, and very physical code, one that lets the citizenry know what they are getting.

Our principal strategy (from the beginning) was to make the village a place where people can live and work and play. The village is a place where people can live and work and play. The village is a place where people can live and work and play. The village is a place where people can live and work and play.

OPEN SPACE AND GREENWAYS

In addition to enhancing the character of Pawling, the plan has regional implications. The location of Pawling makes it a place where people can live and work and play. The village is a place where people can live and work and play. The village is a place where people can live and work and play.

It is not a grand achievement to give a little bit of a stream in someone's backyard. It is not a grand achievement to give a little bit of a stream in someone's backyard. It is not a grand achievement to give a little bit of a stream in someone's backyard. It is not a grand achievement to give a little bit of a stream in someone's backyard.

HISTORIC BUILDING MODELS

Historically, we can preserve that which was best in Pawling. Pawling has a great history. Pawling has a great history. Pawling has a great history. Pawling has a great history.

In some places every good model has to be improved. We have to go to the East or to the West. We have to go to the East or to the West. We have to go to the East or to the West.

THE MASTER PLAN

The master plan is a plan that the residents of Pawling can support. The master plan is a plan that the residents of Pawling can support. The master plan is a plan that the residents of Pawling can support. The master plan is a plan that the residents of Pawling can support.

The problem with many of the master plans existing in the village is that they fail to present the public realm. The problem with many of the master plans existing in the village is that they fail to present the public realm. The problem with many of the master plans existing in the village is that they fail to present the public realm.

invaded the old Sandbourne Manor which show the peculiar quality of density which is unique to the town and many other New York towns. The combination of dense and loose buildings creates a rugged and very picturesque edge but the results in the street are appalling.

## THE CENTRAL SQUARE

What is peculiar to Pawling is that the central square, or central green, never really took off. We have looked at 150 years of maps and photographs and, although the components—the edge buildings, the railroad, and the space—were there, the central green has never been anything more than a parking lot. The town green never happened. It never was any good, not there is a possibility. We think that the creation of a central square is the key to excellence that this village needs to badly.

## LARGE PARCEL PLANS

and the country's elite cause suburban areas, the very special character of the country's cities would be lost. The city would be the kind of thing that we try to emulate in our new towns. When we have a completely open field it is our ambition to have this way, to be able to achieve that match history in place. We were able to replicate the character, not only of the neighborhood, but of the neighborhood as well. That is very important. It is supposed to be a faithful, historical and curricular reproduction of the original.

But, in contrast, his "dead system" of planning can't describe any city of Pawling's creativity, highly imperfect interventions in it, something that's interesting. It is a very easy way for us to get to know because such intervention is so malleable; it's so different from another. The proposed Master Plan seems to reproduce that quality. (See Master's Figure

## THE JOHNSON PARCEL

There is a huge gap between the jobless paper and the reality. The Queen's Hill Road intervention, in addition to residential development, is very easy to serve as a catalyst for commercial development. This is far less easy to accommodate a building complex on a temporary building from anything but a long-term perspective. The Queen's Hill Road intervention, with its existing tax incentives without harming anyone. But there is opposition to it. Two years past commercial on this road. It is an interesting case study. The Queen's Hill Road intervention is a very good example of what you can do with a very small amount of money. Who will want more of it? But this is a very good example of what you can do with a very small amount of money.

against the proposed project simply because you cannot tell what it would be like. With the new Master Plan and Code, you will be able to tell exactly what you are voting on. You will know which is your Housewife's what is going to happen in your immediate and regional environment.

**Hopefully, we have**

the character of Pawling that continuing to grow will be normal and natural. Just as your house was an addition to an earlier plot, all future plots will add to present ones. And though some fields are lost, Pawling becomes a better place. (See illustration A)

We did not have a simple solution to each of these problems. We work independently to get better. We work as a team not so much sequentially as simultaneously. And when the work was done, we found that there were virtually always two ways to do things. The reason that we would continue to present two is that we are not quite sure which one is better. I have very strong opinions but some of my teammates do not agree, so we have to wait a bit. Also, the immediate neighbors who would be affected must be consulted. It is important to understand what happens adjacent to Pawling and the development intentions of these landowners.

These of you who have traveled in Germany may have noticed how hard-edged the towns are. The buildings shop and the fields are open, which is what one sees in Europe. The townspeople own the land, a great feudal thing; the land deep into the landscape is theirs but they cannot build on it. As a result, there are quite large land owners but very compact farms. This is the reason why the towns are so close, concentrated in the middle of the fields. They have no room to expand. The towns are small, but there is a lot of them. The towns are not sprawling open areas like in the States. The problem is that it is not so easy to make a town like Pawling. The problem is anything is not so easy to make with Pawling; it is not exactly like anything in Pawling. We propose that we can achieve the same result (a small, sensitive town plan).

### GRANT AND SELLS PARCEL

Another element of the Master Plan that we detailed is the Grant and Selfs parcel plan. (See plotting detail, figure 8.) Mr. Selfs did not ask us to subdivide his land. He said, "I am happy here. I have my six or seven acres. I do not want you to take away from me. But we are not planning for now, this is the 50-year plan. In the future if someone wants to subdivide that land, that would be all right. But I don't want to subdivide that land and should not become a political crisis waiting to start the 50-year plan." Therefore, it should now be worked into this Master Plan. Furthermore, it is necessary for us to have a comprehensive understanding of what is happening in the area. So Mr. Selfs, unwittingly, was brought into the plan because he does not plan to, in his lifetime, subdivide the property.

Mr. Grant, however, has been trying to subdivide his property for some time. In attempting to do so he has met the equivalent of the Spanish Inquisition, which is what the modern planning department is. He has been told that he cannot subdivide his property and that it is actually possible to remove. And even it is reason to believe that not everything that he was proposing was a bad idea. It was not an unbalanced proposal. But, in that it was, they did it both ways. We did it one way in that Mr. Grant's parcel is subdivided in the sameless manner so that it is possible to remove. Sheridan Drive, West Street, and Dynamite Street. The block is owned by Mr. Grant and subdivided in the same manner. They have opened up the ends of the each of these three streets. They do not go all over the map. They simply connect back to each other in a loop, something like Spring Street. Spring Street is a little area that are all but not properly going anywhere; it simply connects back to so that you can get to the other end of the map. I am not sure that this is the best way to connect them. This is the best way to connect them.

those streets for various reasons. Perhaps, that trust cannot be restored to this generation. However, you should reserve the right-of-way opening, because in the future somebody might want to connect and it should be allowed to happen. So at the moment, at the very least, we propose that these connections be bicycle paths. You do not have to pave them, but the right-of-way should exist.

It is not all a dead-loss because, for example, the plan that we have done for Mr. Glani has a couple of wonderful greens (see Planning Detail II), which would make a wonderful place a turn around. Right now those three roads do not have very many turns. We are proposing a very special type of North-South Green.

[illegible]

the idea of the Neighborhood Green is what the many dead streets of New York should begin to consider. Streets that are only clipped by misers are pretty primitive planning. The only thing you can say about them is that there is no enough traffic, but it is neither pleasant, nor beautiful, nor comfortable, nor convenient. The Neighborhood Green is not a utopian ideal—see. It is not a lollipop fall of asphalt, which is an all-American invention. It is a British invention called a "close," which makes a yard a public space in the middle shared by surrounding houses.

## THE URBAN REGULATIONS

[illegible]

The architecture we discourage may be your neighbor's, his not in itself, a dispensable piece of work; it is just not Pawling. It is something that handed from a developer's manual somewhere, and you can find them, virtually identical, in Florida or Los Angeles. As the code is copied they will become progressively more difficult to build.

On the other hand, good architecture will be very easy to reproduce because the Architectural Code is very specific about the proportions of the windows, the pitches of the roofs, the spacing of the eaves, the arrangement of porches, the types of the chimneys and the types of columns (so they are neither too thin nor too thick, or left as pressure treated timbers). All of these things that make houses specific to a dwelling are going to be discouraged by the code. I am more encouraged by the code. If passed, Pawling's character will be reproduced.

## MODULAR HOUSING.

something very important to remember about the code is that people will immediately think it is elitist, that the specifics of the code are going to make housing unaffordable. That is absolutely not true. This code has to do with the proportions of architecture.

[illegible]

Architecture always presents perfect images—it always looks great. But what guarantees does one have that it is really so? What guarantees are there that it is really so? Currently, there are no guarantees to be that way. The kinds of codes that we use to describe the codes are so imprecise. The kinds of codes that we are proposing for Pawling are the following:

Type I is the downtown code, which includes shop-fronts, offices, or apartment uses. (See Urban Regulations, Type I, etc.)

[illegible][illegible]

**TYPE III:** A small, lot-dense, chest-house. (See Urban Regulations, page 111, Figure 10c). They are houses that are on small lots, very pretty close to the sidewalk and have bigger yards in the back. Many of them have porches, while the code highly encourages garages and to be in the back, not in the front. These garages tend to be extremely convenient to the facade, making it difficult to find a driveway. It's a steep enough grade to make a decent building out of 60 percent of the lot impossible. This reason why so many of the small, older lots are absolutely charming is because the garages in the back. Thus, they are encouraged in Pawling.

pe IV, the large lot house, of which Pawling has many, is essentially the suburban house. (See Urban Regeneration, p. 20)



THE VILLAGE OF PAWLING  
Andres Duxey

IV figure 10d). It is different in that the setbacks are larger. In the present code, large old houses (type IV) are required to have a garage apartment (a granny flat) backyard cottage), some of which steadily exist.

AFFORDABLE HOUSING  
ACCESSORY UNITS: ONE WAY TO PROVIDE

Garage apartments are the very best way to provide affordable housing if they do not occur in large groups. Whenever affordable housing is built in large quantities, it becomes a slum. In addition, the rental of the garage apartment supplements the mortgage of the principal unit, which means that the principal unit becomes relatively affordable. Finally, and most importantly, it is policed by the principal building owner. The principal building owner should be the one most concerned that the person in the back property behaves in terms of parking, loud music, trash, or all those things. The reason they have become illegal everywhere in the United States is that it is often abused. People go ahead and build a garage house, which begins to overwhelm the parking and the sewage.

If the size of the backyard cottage is controlled so no more than a single person or a couple can live there (we control it by limiting its lot coverage to a maximum of 400 square feet), then it is like a bedroom. It is a bedroom that is privatised from the inside to the outside of the house in order to enter the rental market. When that bedroom is inside the house, it is not used—it is wasted. There are millions of empty bedrooms all over the United States—the college-age children have left, at college—but if they are rented out, then the privacy of the owner is violated.

In context, if these rooms are separate garage apartments, they are not only compliant to the zoning, but they also have a separate entrance to the main house. We have seen them in Italy (the second so with people living) but in fact, it can keep the family together. The tenant that might want to move away in an apartment can stay home in a somewhat separate unit. Backyard cottages are considered to be so much of social benefit in England, Australia and Canada that tax breaks are given to those who build them. In fact, in Australia, you can phone the government and have one delivered.

BUILDING SETBACK ENFORCEMENTS

Regarding the system of enforcement, there are several building elements that are very good locally, for example, stoops and porches are good because people tend to hang

around on stoops and porches. Under the current zoning code, if you have a 25-foot setback, you can't build a stoop. The stoop must be outside that 25-foot setback. So it is a little bit more expensive, because if you want to build, for example, a 10-foot porch, the house must be moved in there a different way. There is a 25-foot setback, but rather than stifle you, you lose your rear yard. Our proposed code would discourage that. It encourages the porch to encroach on it. Even after you have already built your house you can later be rewarded for building a porch, a stoop, or a bay window. If you build a fireplace, we would like to see it the flue and chimney in the front; it is a nice looking sculptural element. All of these things can encroach on the front.

BUILDING APPEARANCE ALONG ROUTE 22

There is a kind of garden and home center that has fertilizer and heavy equipment, as well as the trunks of trucks. This would be out of place downtown, but when somebody comes in with this kind of a proposal for Pawling, you cannot just say, "Well, go to the town," because it is a town where people live. There is already enough room for business in Route 22. That this should not only remain but also more can be built. (See Urban Regulations, Type V, Figure 10a). However, it does not need to be sloppy. There is an awful lot of highway commercial that is incredibly sloppy, with parking lots in the middle of the street. There is no discipline to the setback from the street. As a consequence, it is impossible to make a nice work place when zoning allows buildings like these to occur.

There is a reminder what we heard from Pawling's citizens who proclaimed, "We want to be good, but we don't want to be elitist." Pawling is Pawling and it has a tradition of all types of people, all types of people need this kind of thing. This is a place that is not just a place for people to live, it is a place for people to live and work. So in the existing zoning of Route 22, that is a common sense of what we want to have. It is sloppy. Again because the code will discipline it.

THE ARCHITECTURAL REGULATIONS

The Urban Code shapes the buildings, and it locates the building on the site. It also stipulates the building type, such as either a store front or a single-family house. It does not affect the appearance of the building, which is an entirely different code called the Architectural Regulations. This code is for roofs, windows, doors, and walls. (See Architectural Regulations, Figure 11). It talks about the materials and the shapes that can be used, and the techniques of construction. It is very easy to read, and basically what it codifies is the system that was used to construct the buildings of Pawling is about.

1940 is an interesting date because before that time estate materials did not exist. Wood was used and it was plastic. Now, an asphalt product can take the shape of any shape you like, and anything is possible. Aluminum becomes a wood shingle. Wood can be shaped into virtually any shape. The problem with these new estate products is that they do laminate, and they become very trashy when old. All building materials age, and traditional building materials improve with age; they age with dignity. For example, you have seen what happens to old wood in a barn. Sure the wood gets old; sure the paint goes off; sure the wood rots, but it gets it so beautiful that you want to take it apart and put it in your den. That is not what you think about when you use wood vinyl siding. When that gets old, it looks like a slum.

If you build well, the place will get better over time. If you permit people to build badly, it will simply get worse over time. It is not that people do not want to build well, it is just that aluminum are really terrific about selling building trash for you to put on your fence. There are perfectly beautiful buildings that are reflected with aluminum that look terrible three years later.

This Architectural Code, if you pass it, will guarantee a high level of performance. This is a kind of a code that a sophisticated suburban developer always has because it is in their interest. Suburban developers with large tracts need to have the early buildings that they built look good while the later buildings are still being built. If a suburban developer permits trash, then he will never sell the later lot because it begins to look like a slum before he or she is out. So, in fact, you have the same problem here in Pawling.

The Architectural Regulations discuss the materials, the construction techniques for elements like balconies, stoops, setbacks, porches, and so forth. You can read this code maybe in five minutes; you can understand it in five minutes. It is absolutely straight forward. And if it is not, I am sure, because I will write it in plain English so that everybody can understand it.

In Pawling there are relatively good buildings that some horrible salesman sold somebody the idea that an aluminum facade was somewhat better. Aluminum facades probably looked terrific for three or four years. But if you look at one closely now, it is full of band-aids. Picking up the actual place on it, as if it has cut and glued. And the place, really, does not look as good as it is. It is not as good as the original old brick. The brick is getting better and better. Aluminum is getting worse and worse. That is what this code is about.

example. The post office is a great thing to have downtown. A large number of people go there to get their mail, and to get some of the interesting things that are being made in the city. Many people go there to get their mail, and to get some of the interesting things that are being made in the city. Many people go there to get their mail, and to get some of the interesting things that are being made in the city.

[illegible]

**Citizens have no right to galvanize and if you want to get ahead, ask for super light Department galvanized**

(13) As a result, the Basel Mission Church has been able to do more than ever before for the people of the country.

ಪ್ರತಿಭಾವಂತರಾದವರನ್ನು ಕೂಡಿಸಿ

the 22 the intensity of Fawling is inadequately conveyed. The southern entrance is terrifically inconvenient with a strong wall and a sign with all sorts of notices in a little angle. Beyond which is a new building where the whole thing took its terrific. Unfortunately.

JUNE 1972

MASTER PLAN  
Page 12  
THE INTERSECTION OF EAST MAIN STREET AND  
COULTER AVENUE  
The proposed design for b...  
ally spec...

[illegible]

...and the Catholic Church and continuing to us, the auto shop and the pharmacy, where the buildings pull are more than the stores where the barber is pulling down can be invested there. And that is the beginning of a new business. As we were concerned about how do we happen, Mr. Antin came in with a plan to make us very much in the style of Duichet House. And he used us to think...

...was it was no longer necessary or  
cars parked in the garage. In fact, Mr. Johnson  
the site to the rear with the intention of having  
the back. He just had no intention of having  
can be so precisely designed that its exit under  
again Church's beautiful tower. The Catholic  
point in the future, yet.

[illegible]

THE VILLAGE OF PAULINO

Under Duany

is a road, or a street, and then a grade down to additional  
in a road. When you are on top, you currently see this  
is where it is hidden. When you are on top, you currently see this  
is where it is hidden. When you are on top, you currently see this

## THE CENTER OF PAWLING

[illegible]

THE BALL STATION

[illegible][illegible]

Of course the excuse is that traveling needs all that parking, but these two buildings, there is money in them. I don't know if there is not enough parking and it must be a parking lot. But there is a hidden opportunity there. If you study the railway track and look to the east, it looks much better than the west side. What has happened on the east side is that there

[illegible]

If the parking on top, with its asphalt, is pulled down in the ditch, then the result is a perfectly respectable sized green right where it is wanted. The whole thing creeps up like magic, everything makes better sense and the West Memorial can actually join its old triangle, which is now squeezed very tightly. So we have also reassembled the triangle. If Pavlov's old dogs wish to move the memorial, it can fit. The new Upper Elizabeth wish to move the memorial, it can fit. The new Upper Elizabeth correspond, with Dutcher House and the first two blocks.

There is a limit to how long a green can be. A green also has to have an end, and Pawling's is too long. So we built a farmer's market at the north end at the right length. Behind the farmer's market is a new station, hopefully better looking, can be located where a new station, hopefully better looking, can be located. It can be related to another green much smaller in scale. It can be related to another green much smaller in scale.

[illegible]

Because this new building is granting us  
build something, and therefore a sign of potential profit.  
not unreasonable to ask Lumelthe first, to donate a little to  
land, and, second, to build a green. This whole thing m  
be packaged as a deal with Lumelright to the benefit of  
the difference as a whole.

[illegible]

**THE FREIGHT STATION**

Whether the freight station is moved or not, it is a classic railway station, and Pawling's future railway station should look like it. So, Pawling should consider either moving or consolidating it.

.....PARKING IN PARKING

[illegible][illegible]

Currently, in downtown Pawling, the required parking for each development must be provided on site, on the same lot, and each development must be provided on the same lot. In downtown Pawling, no one is going to re-build on the empty lots in downtown Pawling because we have lots are not designed to accommodate parking. That allows a disincentive for the reconstruction of downtown Pawling. We propose to relieve all of these restrictions on the reconstruction of downtown Pawling, and to allow downtown Pawling to be reconstructed in the public realm, just as it always has been, and to allow downtown Pawling to be reconstructed in the public realm, just as it always has been, and to allow downtown Pawling to be reconstructed in the public realm, just as it always has been.

ing, parking overlooking the highway. This is not suburbia; it is sometimes truly downtown. This is not suburbia; it is sometimes truly downtown.

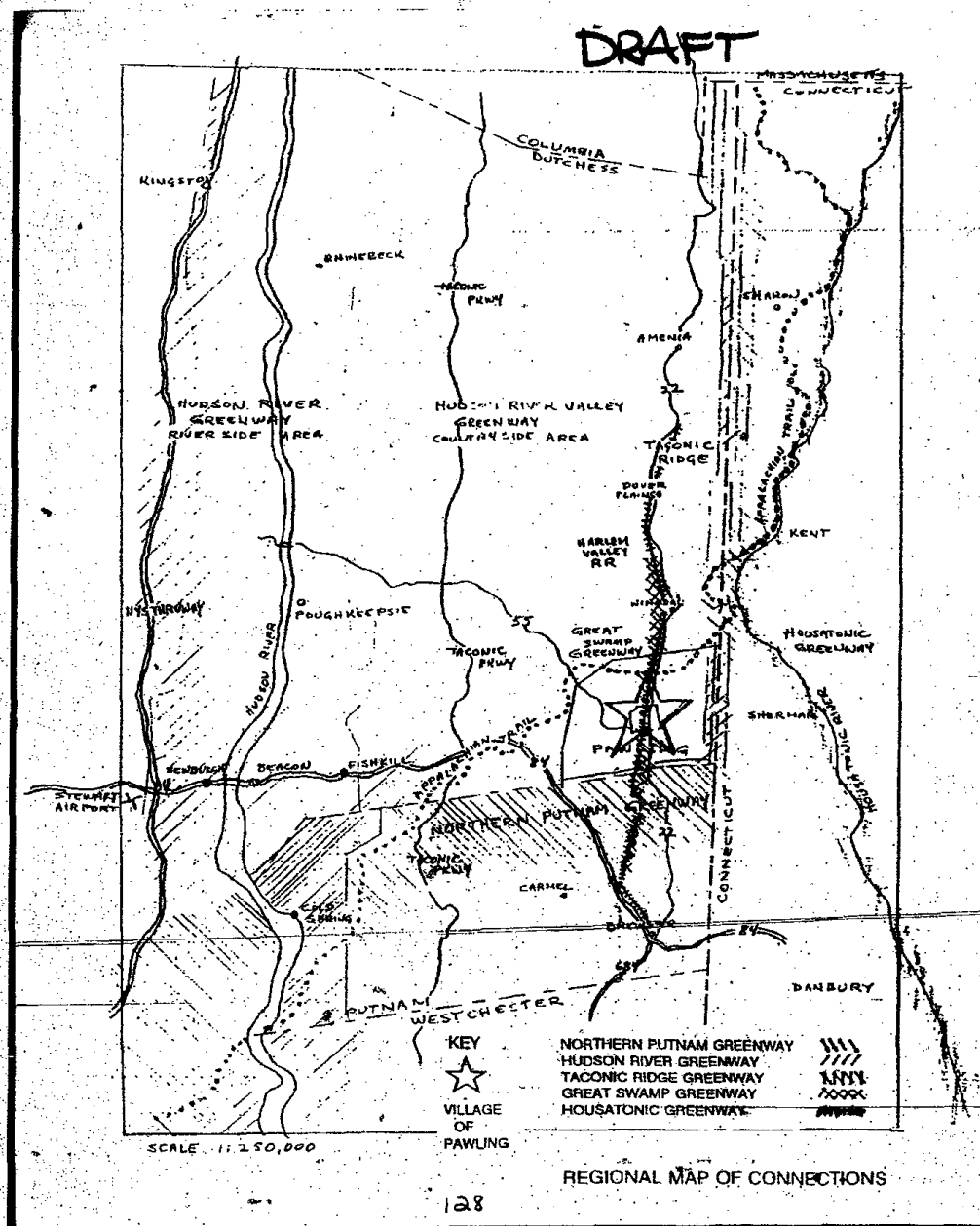
## Appendix E

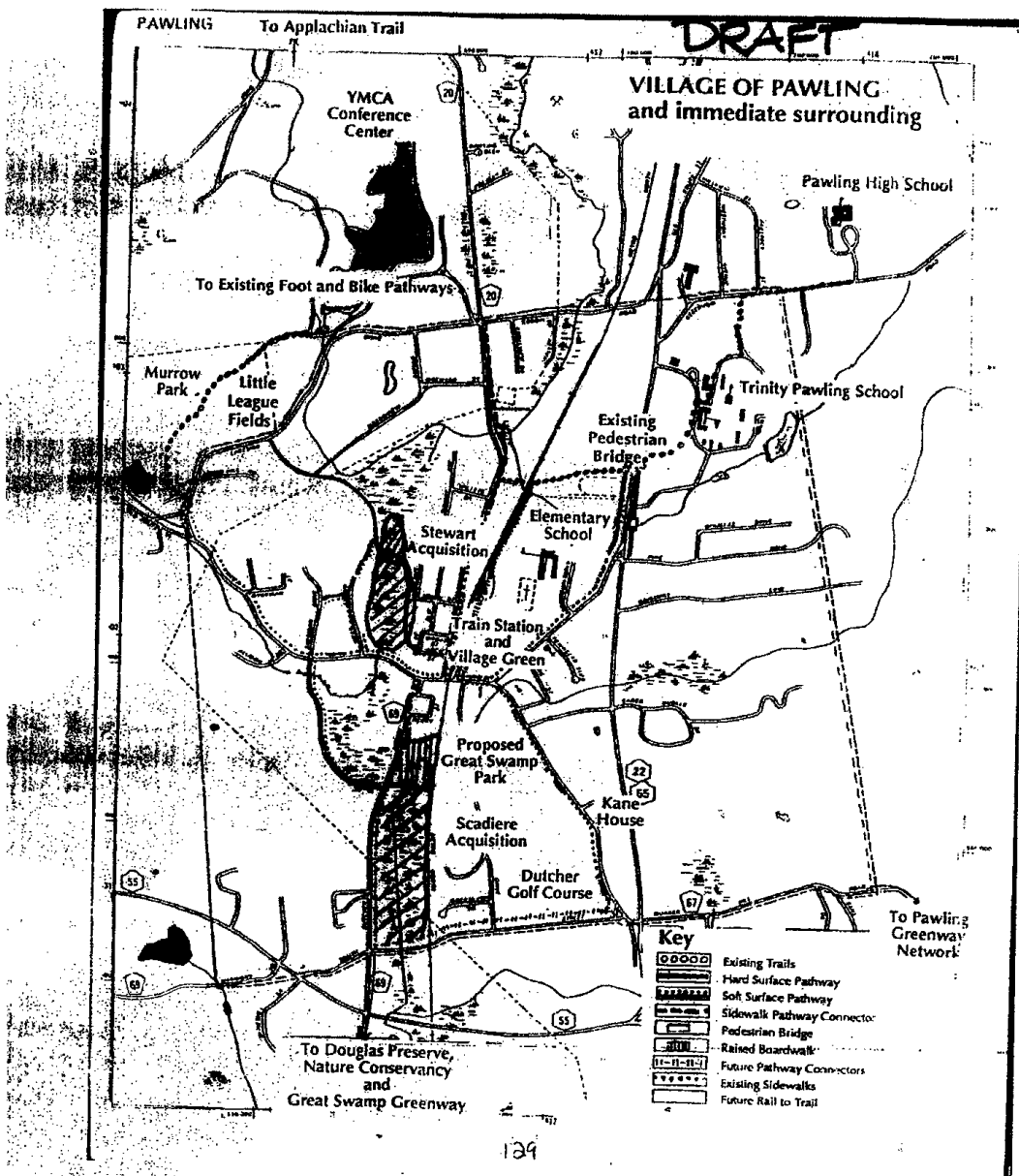
Proposed Village of Pawling  
Pathway Network

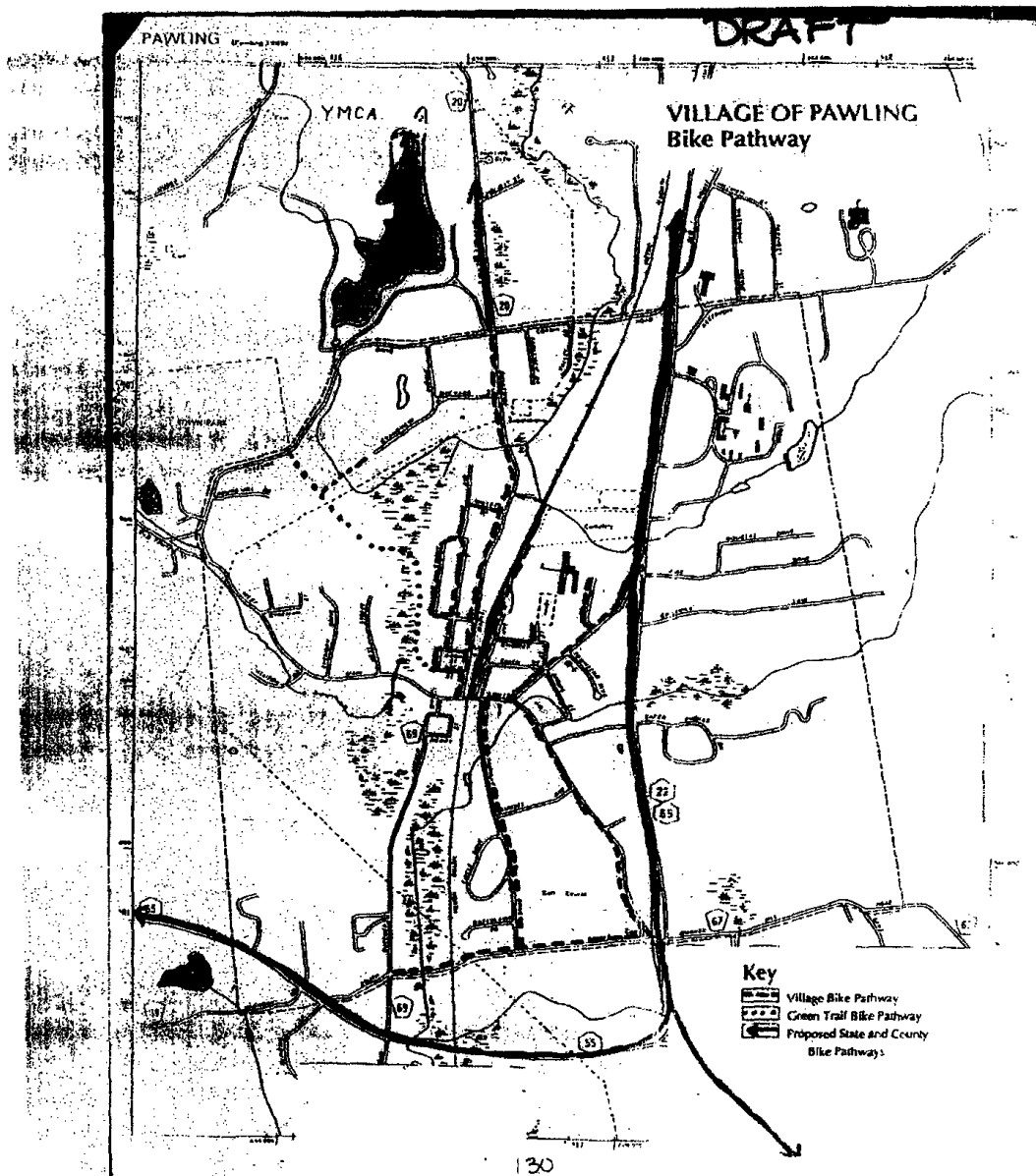
Oblong Land Conservancy Draft Maps

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ADDENDUM TO COMPREHENSIVE PLAN  
VILLAGE OF PAWLING, NEW YORK

The following is an addendum to the Comprehensive Plan of the Village of Pawling, New York. In the event of any inconsistencies between the terms in this addendum and the terms of the Comprehensive Plan, the terms of this addendum shall control.

1. On page 47, the third full paragraph under Potential Development, line two: delete "paring" and insert "parking."

2. On page 47, delete the last two lines (which begin "On the basis of future development" and "and insert the following in its place")

On the basis of future development on Route 22, new zoning should be implemented with the following Regulations and new special use permit. Route 22 should be zoned as a special use permit. In addition, office use should be allowed on parcels zoned as special use permit. Route 22 other than residential parcels with frontage on Southern Avenue, East Main Street and other smaller streets. Special use permit for this use should require that the residential character of existing buildings be maintained.

3. The special use permit for retail uses should limit the size and scope of retail uses. The overall goal is to promote the use of Route 22 as the main corridor of the Village, recognizing that limited retail use in the 22 District can serve as a magnet to attract business and other uses covered by the Village.

4. On page 48, the last four lines are deleted.

5. On page 48, under Goals and Objectives, delete the second bullet point which states "Establish non-competing business zones along Route 22" and insert "The goal is to promote the use of Route 22 as the main corridor of the Village, recognizing that limited retail use in the 22 District can serve as a magnet to attract business and other uses covered by the Village."

6. On page 48 under Goals and Objectives, delete the language which provides: "Establish zoning and use zones."



[REDACTED]

[REDACTED]

7. On page 57, line three of the paragraph captioned "Parking, Traffic Circulation and Walkability," delete the following: "Insert parking study conclusions."

8. [REDACTED] seventh line from the bottom of the page [REDACTED] language: "and a [REDACTED] with respect to [REDACTED]"

9. On page 69, the second paragraph under New Construction and Major Rehabilitation, after the word "mandated" in the third line from the bottom of that paragraph, insert: "as long as there is commercial use on the ground floor."

10. On page 70, the reference to Merino building should be changed to the Rogers building.

11. On page 87, the following should be added at the beginning of the first sentence in the last paragraph: "With respect to Major Subdivision and significant construction in the B-1 and B-2 Districts."

12. On page 88, under the section captioned Urban Regulations for New Construction, line two, after the words "provided for," insert the following: "with respect to Major Subdivisions, and significant construction in the B-1 and B-2 Districts."

13. At the bottom of page 88, delete the last five lines and insert the following in its place:

2. Open Space and Recreation Lands. There must be maintenance of common open space and associated recreation land or a donation of maintenance funds to an approved municipal agency or non-profit

organization, subject to compliance  
with recent Supreme Court cases.  
On the

14. The Urban Regulations attached to the  
Comprehensive Plan are deleted and the Urban Regulations which  
are attached as Schedule B to the Zoning Law are inserted in  
their place.

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(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 1964 of the (County)(City)(Town)(Village) of Pawling, was duly passed by the Board of Trustees on December 19<sup>th</sup>, 1964, in accordance with the applicable provisions of the (Name of Legislative Body)

2. (Passage by local legislative body with approval, or disapproval or repassage after disapproval by the Elective Chief Executive Officer\*)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of Pawling, was duly passed by the (Name of Legislative Body) on 19, and was (approved)(not disapproved)(repassed after disapproval) by the (Elective Chief Executive Officer\*) and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of Pawling, was duly passed by the (Name of Legislative Body) on 19, and was (approved)(not disapproved)(repassed after disapproval) by the (Elective Chief Executive Officer\*) on 19. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 19, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of Pawling, was duly passed by the (Name of Legislative Body) on 19, and was (approved)(not disapproved)(repassed after disapproval) by the (Elective Chief Executive Officer\*) on 19. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 19, in accordance with the applicable provisions of law.

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_, having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on 19\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 31 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Cheryl Harrington  
Clerk of the County Legislative Body, City, Town or Village Clerk  
or officer designated by local legislative body

Date: March 1, 1995

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Dutchess

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

David E. Daniels  
Signature

Village Attorney

CORPORATION  
City of Pawling  
TOWN  
Village

Date: March 6, 1995

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(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2022 of the (County)(City)(Town)(Village) of Pawling was duly passed by the Village Board of Trustees on June 6, 2022, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law. (Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

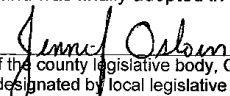
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1\_\_\_\_ above.

  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

(Seal)

Date: June 9, 2022