

Amendments

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(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~~ of Pawling
~~TOWNSHIP~~
Village

Local Law No. 5 of the year 19 95

A local law Amending Chapter 98 of the Code of the Village of Pawling
(Insert Title) Section 98-77(D).

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

~~COUNTY~~
~~CITY~~ of Pawling as follows:
~~TOWNSHIP~~
Village

SECTION 1. Section 98-77(D) is hereby amended to read as follows:

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.

SECTION 2. This Local Law shall take effect immediately upon the filing in the office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.

(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.

~~XXXXX~~
~~XXX~~ of Pawling
Village

Local Law No. 2 of the year 19 96

A local law Amending Section 98-15 (A) of Chapter 98 of the Code of
(Insert Title) the Village of Pawling

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

~~XXXXX~~
~~XXX~~ of Pawling as follows:
Village

SECTION 1. Incentive Zoning in New Subdivisions.

A. Any application to the Planning Board for approval of a Major Subdivision may be awarded a density bonus if the Planning Board determines that the four community objectives listed below (the "Community Objectives") have been met. A "density bonus" in connection with a Major Subdivision means an increase in the number of dwelling units (exclusive of accessory dwellings) allowed within the Major Subdivision equal to the product of 1.3 times the "Allowed Number"; provided, however, that the "density bonus" shall equal 1.5 times the Allowed Number in the event that the Planning Board determines that the Community Objectives have been met and the applicant offers and the Village (through the Board of Trustees) accepts land within or adjacent to the Major Subdivision for purposes of drawing water for use of the Village and its residents.

The "Allowed Number" means the number of dwelling units (exclusive of accessory dwellings) which, but for the density bonus, would otherwise be allowed within the Major Subdivision. 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.

SECTION 2. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section twenty seven of the Municipal Home Rule Law.

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.)

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~~XXXXX~~
~~XXX~~ of Pawling
~~XXXXX~~
Village

Local Law No. 3 of the year 19 96

A local law Amending Chapter 98 of the Code of the Village of Pawling
(Insert Title) by adding a new Section §98-13A

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

~~COUNTY~~
~~XXX~~ of Pawling as follows:
~~TOWN~~
Village

SECTION 1. New Section §98-13A of Chapter 98 of the Code of the Village of Pawling is hereby adopted which shall read as follows:

§98-13A. Cluster Subdivision Plats.

A. General. In accordance with the 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 landscape.

B. Purpose. The purposes 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.

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

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:
 - (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 provision 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. Planning Board action. Approval for a cluster subdivision shall be deemed conditioned upon the following:
 - (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 proper 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 of the Village Zoning Code applicable to the district or districts 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.

SECTION 2. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.

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~~ of Pawling
~~TOWN~~
Village

Local Law No. 1 of the year 1997

A local law Amending Chapter 98, Section 98-68(B) of the Code of the
(Insert Title) Village of Pawling

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

~~COUNTY~~
~~CITY~~ of Pawling as follows:
~~TOWN~~
Village

SECTION 1. Section 98-68(B) of Chapter 98 of the Code of the Village of Pawling is hereby amended to read as follows:

- 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 deem an area beyond two hundred (200) feet of the subject area 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.

SECTION 2. This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.

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

Local Law Filing

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

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~~County~~
~~City~~ of Pawling
~~Town~~
Village

Local Law No. 1 of the year 1998

A local law Amending Chapter 98-16, of the Code of the Village of
(Insert Title) Pawling and adding subparagraph D of Chapter 98-11

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

~~County~~
~~City~~ of Pawling as follows:
~~Town~~
Village

SECTION 1. Purpose and Intent. The Code of the Village of Pawling contains regulations governing the use, size and type of accessory structures within the Village of Pawling. The Code of the Village of Pawling also contains regulations which set minimum first floor area requirements for one and two family dwellings located within the Village of Pawling. The existing provisions of the Code of the Village of Pawling do not adequately clarify the relationship between accessory structure and minimum floor area requirements. It is therefore necessary to amend the Code of the Village of Pawling to clarify the inapplicability of accessory structures to the calculation of minimum floor area requirements.

SECTION 2. Section 98-16(C) of the Village Code of the Village of Pawling is hereby amended to read in its entirety as follows:

Section 98-16 (C): Accessory structures shall be excluded from the minimum floor area requirements for one and two family dwellings calculated pursuant to §98-11(d).

SECTION 3 Section 98-11(D) of the Code of the Village of Pawling is added to read in its entirety as follows:

Section 98-11(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.

SECTION 4 This local law shall take effect immediately upon filing with the Secretary of State.

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

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~~COUNTY~~
~~CITY~~ of Pawling
~~TOWN~~
Village

Local Law No. 2 of the year 19 98.

A local law Adding Section 98-85 adopting a temporary 90 day moratorium on the
(Insert Title) approval, establishment, placement, construction,
enlargement and erection of telecommunications towers and appurtenant facilities
Be it enacted by the in the Village of Pawling. of the
(Name of Legislative Body) Board of Trustees

~~COUNTY~~
~~CITY~~ of Pawling as follows:
~~TOWN~~
Village

SECTION 1: Section 98-85 of the Village Code of the Village of Pawling is added to read as follows:

Section 98-85:

- A. Title. This law shall be entitled "A Local Law Adopting a Temporary 90 day Moratorium on the Approval, Establishment, Placement, Construction, Enlargement and Erection of Telecommunications Towers and Appurtenant Facilities in the Village of Pawling"
- B. Purpose and Intent.
 - (1) Chapter 98 of the Village code, "Zoning" has not received meaningful review and scrutiny by the Village Board, as regards telecommunications towers, antennas and related appurtenances, since the recent proliferation of telecommunications modes and devices. These changes in technology necessitate a comprehensive evaluation of the proper means to accommodate needed telecommunications services in a sound manner consistent with, and as part of, the Village's land use laws and policies. The existing provisions in Chapter 98 do not address such issues as current technology, co-location issues, preferred use of already existing towers and related structures where feasible, or the identification of preferred potential location sites so as to promote a comprehensive land use policy.
 - (2) Moreover, the Village Board has not reviewed its land use policies concerning telecommunication facilities since the enactment of the Federal communications Act (the "Act"). Consistent with its obligations under that Act, it is the purpose of this law to adopt an interim moratorium in order to achieve the reasonable time necessary to develop comprehensive land use regulations that will facilitate the location of towers and related structures and appurtenances in the appropriately delineated locations, and to give clear notice to providers of telecommunications services of the Village's policies

relating to siting and development. It is not the purpose of this law to prohibit such services; to avoid rendering decisions in a reasonable period of time; to discriminate among providers of functionally equivalent services; or to regulate the entry of any commercial or private mobile service.

- (3) Telecommunication towers and related facilities involve large structures that are generally of greater scale and visibility than surrounding improvements. It is important to implement land use regulations that promote compatibility of telecommunication facilities and surrounding land uses, limit impacts of visual resources, and give due consideration to the impact on community character through the avoidance of any unnecessary proliferation of facilities either in number or location.
- (4) In order to avoid unfairness or discriminatory effect, this interim legislation allows for existing applicants, as of the time of this legislation, to continue the pursuit of applications for relevant land use approvals of telecommunication towers, antennas, and related structures and appurtenances, although it establishes a moratorium on the taking of the final action or the making of final determinations by any town boards, agencies, or officers upon pending application. To the extent that the law remains the same after the end of the moratorium, work done on the project during the moratorium will remain valid. However, all decisions after the moratorium will be made in accordance with the law in effect at the time the decision is made.
- (5) In order to avoid or minimize any undue hardship that may arise from a strict application of this local law, the Village Board has provided for a review and appeals procedure to enable variations to be granted.

C. Temporary 90 day Moratorium on Applications For, or Administrative Approvals of Telecommunication Towers and Related Structures or Appurtenances.

- (1) The Village Board hereby enacts a temporary ninety (90) day moratorium on the application for, or establishment, placement, construction, enlargement or erection of telecommunication towers, and related structures or appurtenances, for the purpose of allowing the development of comprehensive zoning regulations to address the location and development of such facilities.
- (2) The term "telecommunication towers, and related structures or appurtenances" shall include all towers monopoles, three-sided towers, guy-wire towers, and any other tower or other support structure or other facility used to support telecommunication antennas or other communication devices, or otherwise used in connection with providing telecommunication services, including but not limited to the transmission or receiving of radio, television, telephone, or microwave communications, and any structures accessory thereto, including but not limited to structures situated at or near the base of said telecommunication towers for the purpose of housing, storing, or maintaining equipment devoted to the providing of telecommunication services. This local law does not cover police or fire communications, or facilities used exclusively for private radio and

television reception and private citizen's bands, amateur radio, and other similar private, residential communications. Questions arising under this law as to the actual purpose of any particular telecommunication tower, or related structure or appurtenance, shall be referred to the Zoning Board of Appeals which is hereby empowered to interpret this law, in the same manner as interpretations of other provisions within Chapter 98 of the Village Code.

D. Scope of Controls.

(1) During the effective period of this local law:

- (a) Pending Applications. No current pending application for establishment, placement, construction, enlargement or erection of a telecommunications tower, or related structure or appurtenance, or for the approval of a subdivision plat, site plan, special permit, area variance, or use variance, building permit, or certificate of occupancy for such towers, or related structures or appurtenances, shall be finally considered, voted upon, or issued, as the case may be, by any board, agency, or public officer of the Village of Pawling while this moratorium is in effect.
- (b) New Applications. No new applications for the establishment, placement, construction, enlargement or erection of a telecommunications tower, or related structure appurtenance, or for approval of a subdivision plat, site plan, special permit or area or use variance, building permit or certificate of occupancy for a proposed telecommunications tower, or related structure or appurtenance, shall be accepted or processed by any board, agency or public officer of the Village of Pawling while this local law is in effect.

E. Construction with other Laws. All local laws, ordinances, regulations, and other provisions of the Code of the Village of Pawling, and any parts thereof, in conflict with the provisions of this local law are hereby suspended to the extent necessary to give this local law full force and effect during its effective period, including but not limited to all provisions of the schedule of regulations for zoning districts, found within existing Chapter 98, concerning the provision of essential services in the form of telecommunication towers, and related structures and appurtenances.

F. Effective Period and Coverage. This local law shall apply to all zoning districts and all real property within the Village of Pawling. It shall be in effect for 90 days after its effective date, and shall expire following either the expiration of 90 days after its effective date, or the earlier passage of zoning provisions governing the subject matter hereof.

G. Penalties. Any individual person, firm, corporation or other entity that shall establish, place, construct, enlarge or erect a telecommunications tower, or related structure or appurtenance, in violation of the provisions of this local law, or shall otherwise violate any of its provisions, shall be subject to:

- (1) Such penalties as may be otherwise be provided by the laws, rules or regulations of Chapter 98 of the Village Code for violations; and

- (2) Injunctive relief in favor of the Village of Pawling to cease and/or remedy any and all such actions which conflict with this local law and, if necessary, to remove any construction which may have taken place in violation thereof.

H. Hardship/Exceptions.

- (1) Application to the Village Board. Where the owner of the property, or other aggrieved party effected by this local law can demonstrate unique and undue hardship from the application of this moratorium, or where the public health, safety and welfare requires, then the owner of said property or any other aggrieved party may apply to the Village Board in writing for a variation from strict compliance with this local law upon submission of documentary proof to support the claim. The necessity to wait through the 90 day period of moratorium established herein, in order to apply or obtain a final decision, shall not alone constitute unique and undue hardship.
- (2) Procedure. Upon submission or written application to the Village Clerk for a variation of this local law, the Village Board shall within 30 days of receipt of said application, or the submission of supplemental materials deemed necessary by the Village Board to make the application complete, schedule a public hearing on said application upon at least five days written notice in the official newspaper of the Village. At said public hearing, the property owner or other aggrieved parties may present evidence with regard to the application and shall otherwise have an opportunity to be heard. The Village Board shall render a decision either granting or denying the application for a variation within 30 days after the close of the public hearing. If the Village Board determines that a variation is appropriate, it shall vary the application of this local law to the minimum extent necessary.
- (3) Judicial Remedy. Any party aggrieved by the determination of the Village Board on an application for the aforesaid variation may appeal said decision to the Supreme Court, State of New York, County of Dutchess, pursuant to Article 78 of the CPLR of this state within 30 days after the filing of said decision in the office of the Village Clerk.

Section 2. This local law shall take effect immediately upon its filing with the Secretary of State.

Section 3. Supersession. Pursuant to §22 of this state's Municipal Home Rule Law, the provisions of this law are intended to supercede any inconsistent provisions of state or local law including those of the following sections of New York State Town Law which sets forth the procedures for reviewing site plans, subdivisions and variances to wit: Village Law §7-725a, 7-728,7-730, 7-732, 7-734, and 7-736; and the provisions of the Pawling Village Code which are inconsistent therewith, including but not limited to the schedule of uses for the zoning districts established within Chapter 98 of the Village Code.

Section 4. Separability. The provisions of this local law are separate and if any provision, clause, sentence, section, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not effect or impair any of the remaining

provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

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 of Pawling
~~Town~~
Village

Local Law No. 4 of the year 19 98

A local law Amending Chapter 98, "Zoning" of the Code of the Village of Pawling
(Insert Title) by Amending Section 98-5, "Definitions," Adding a
new Section 98-85, "Wireless Communication Towers and Facilities," Amending
~~Section 98-12 and Schedule A, "Schedule of Permitted~~
Permitted Uses," and ~~adding a New Section 98-86, "Village~~
of Pawling List of SEQRA Type I Actions".

~~Be It Enacted~~ Be It Enacted by the Board of Trustees of the
~~City~~ City of Pawling as follows:
~~Town~~
Village

SECTION 1. Chapter 98, "ZONING", of the Code of the Village of Pawling is amended as follows:

A. Section 98-5, "Definitions," is amended to include the following new definitions:

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.

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.

Co-Locator: A carrier which locates equipment for providing a utility service upon an existing structure.

Communication Tower: Any tower whose primary use is to support equipment and signals used for communication.

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.

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.

Site: A parcel of land to which an individual, company, organization, or other entity has access to and legal permission to build upon.

Structure: A man-made combination of materials assembled at a fixed location to give support or shelter, including but not limited to a dwelling, accessory building, antenna, tower, trailer, platform, fence, sign, flagpole, and building.

Structure Footprint: The area which defines the outer edges of the physical structure and does not include any walkways, parking lots, or landscaping.

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.

Wireless Communication 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.

Wireless Communications: A type of communications that utilizes electromagnetic energy for the purpose of transmitting and receiving signals.

B. A new Section 98-85, "Wireless Communication Towers and Facilities," is added as follows:

"A. Purpose. It is the purpose of this section to protect the aesthetics of the Village of Pawling, and the health 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.

- 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 any variance from these regulations be requested, the proposed facility shall be considered a Type I Action.
- D. Special Permit Review. In all zoning districts, Communication Facilities are allowed only through granting of a Special Use Permit (SP). All applicants for new communication facilities shall conform to the application procedures and requirements required by the Special Use Permit review process detailed in this Section and Article XV Sections 98-69 and 98-82.
- E. Decision. Any decision of the Planning Board to grant or deny an application shall be in writing and supported by substantial evidence on the record.
- F. Siting. Communication facilities shall be sited, to the maximum extent feasible, on existing tall structures such as utility poles, silos, buildings, church steeples, water tanks, and the like. Applicants must demonstrate exhaustion of all reasonable efforts to site facilities on existing structures before approval shall be granted to construct a new communication tower.
- G. Bulk Requirements. In preparing its decision concerning any application, the Planning Board shall consider the standards detailed in Article IV, as well as the following:
- (1) Lot Siting. All structures, access roads, buffers, setbacks, fences, and all other facility appurtenances shall be located on one lot and shall not straddle a boundary line.
 - (2) Height. The total height of proposed structures and accessory elements shall not be more than the maximum allowed in the zoning district in which the facility is to be located and shall be measured from the natural ground level to the top of the structure or the top of the uppermost

fixture, antenna, or appurtenance affixed to the structure, whichever is higher.

- (3) Lighting. The lighting of the area surrounding a communication facility shall be in keeping with the needs and safety of the surrounding neighborhood. No light shall be permitted to spill from the site onto surrounding properties, and every attempt shall be made to prevent light from spilling into and beyond the buffer strip. Communication towers shall not be illuminated by any artificial means, including strobe lighting, unless required by the Federal Aviation Administration (FAA) or other federal authority.
- (4) Noise. When a facility has power equipment on site, including both temporary equipment including but not limited to tools and generators, or permanent equipment including but not limited to HVAC and emergency generators, steps shall be taken to minimize, to the maximum extent feasible, the amount of noise heard off-site.
- (5) Location and Setbacks.
 - (a) All communication facilities are prohibited within 1000 feet of any park, school, or day care center;
 - (b) All communication facilities are prohibited within 500 feet of any occupied residential dwelling unless expressly permitted, in writing, by all inhabitants of the dwellings within a 500 foot radius of the proposed communication facility;
 - (c) The proposed yard setbacks from the property line must be no less than the 1.5 times the height of the tallest proposed structure or the setback requirements in the existing zoning regulations, whichever are greater.
 - (d) The maximum area permitted to be cleared shall be no more than 50' in extent from the outer edge of the primary structure's footprint.
 - (e) During construction and installation of

facilities and structures, only the minimum amount of existing vegetation shall be cleared.

- (6) Buffer Strip. A buffer strip is required to minimize to the maximum extent possible, any visual impacts of the proposed free-standing facilities.
 - (a) The buffer shall be a minimum of 25' wide, and shall begin at the outer edge of the cleared area. The buffer strip shall contain, or be planted with, vegetation of sufficient height and density as determined by the Planning Board.
 - (b) The buffer strip shall be free of any manmade structures, including but not limited to fences, facilities, and roads.
- (7) Signage. Only signs which are for security purposes are permitted on communication facility structures. All other signs are prohibited on all communication facilities.
- (8) Security. If the Planning Board determines that a security fence is necessary, said fence shall surround all structures and guy wires and shall be at least 6' high and opaque in nature.
- (9) Maintenance. A safety and structural inspection of the facility shall be prepared by a Licensed Professional Engineer every four years. The report shall be submitted to the Zoning Administrator. All costs associated with the inspections shall be paid by the facility owner.
- (10) Co-location.
 - (a) All wireless communication facility structures should be of a type and design which will maximize co-locations.
 - (b) Co-location is required of a communication facility unless the applicant has provided clear and convincing evidence that:
 - (i) There are no other usable existing

structures in service area.

(ii) Co-location does not achieve the minimum reasonable technical needs of the proposed facility.

(iii) Structural or other engineering limitations, absent reasonable refurbishment, are clearly demonstrated to be prohibitive to the proposed facility.

(iv) After demonstrated thorough and good faith efforts, the applicant is unable to secure permission from another facility or structure owner to co-locate.

(11) Clustering. The clustering of towers and structures on the same site should be considered if co-location can not be facilitated.

(12) Alternative Technologies. The use of Repeaters and other alternative technologies is strongly encouraged in order to reduce or minimize the number and height of towers in the Village.

(13) Visual Appearance.

(a) All equipment shelters and accessory structures shall be architecturally uniform and no taller than 12 feet.

(b) All equipment shelters shall only be used for housing of equipment related to the particular facility on the particular site.

(c) Materials and colors for proposed communication facility structures shall be of an appearance which is compatible with any surrounding structures and/or vegetation to the maximum extent practicable and as approved by the Planning Board.

(d) Facility design shall incorporate, to the maximum extent feasible, alternative designs which minimize a discordant intrusion on the aesthetic landscape. Alternative designs

shall be considered and shall include the camouflaging of the facility in order to make it blend in with surrounding structures and facilities.

- H. Application Requirements. In addition to the requirements and fees outlined in Article VIII, an Applicant proposing to construct a communication facility in the Village shall also complete or submit the following:
- (1) Applicants shall meet with the Zoning Administrator prior to submitting a formal application for a proposed communication facility. The purpose of the pre-application meeting is for the Applicant to disclose to the Zoning Administrator:
 - (a) The specific location and nature of the proposed facility, and;
 - (b) The Applicant's proposal and date for a visual analysis.
 - (2) The Applicant shall complete fully the Village of Pawling "Application for Communication Tower Siting Approval."
 - (3) A SEQR Full Environmental Assessment Form (Parts I, II, and III).
 - (4) A five (5) year buildout plan for the proposed site and other sites within the Village and within adjacent municipalities, clearly demonstrating the Applicant's plans for other structures, proposed application and building dates, and justification for additional structures. Additionally, the 5 year buildout plan must take into consideration known and potential changes in technology which may have an effect on the number, design, and type of facilities needed in the near future. In keeping with the buildout plan, the applicant shall also notify the Planning Boards of all adjacent communities and the Coordinator of the Dutchess County Office of Emergency Response concerning the location and height of the propose action.

- (5) The Applicant for a new communication facility must demonstrate a proposed structure's ability to handle additional co-locators and must identify the maximum number of co-locators, or alternative co-location strategies, which could be supported on the structure.
- (6) The Applicant shall provide to Village a copy of the Applicant's liability insurance which shall name the Village as an additional insured party.
- (7) A copy of the Applicant's FCC licenses for service in the proposed area.
- (8) The Applicant must identify the number, size, type, materials, manufacturer and model number, and location of antennae, or other types of transmitting devices including but not limited to microwave dishes or microwave panels to be placed on the structure.
- (9) The Applicant must provide clear and convincing evidence that the proposed height and bulk of the facility is the minimum necessary to provide licensed communication services to locations in the Village which the applicant is unable to serve with existing facilities and with a facility of a lower height.
- (10) The Applicant must provide clear and convincing evidence that the visual, aesthetic, and community character intrusion impacts have been minimized to the maximum extent practicable.
- (11) The Applicant must submit Landscaping and Reclamation Plans in the event of future structure removal. This plan shall include provisions for site remediation, landscaping, removal of structures, utility lines, and accessory structures, and shall cover the building site and buffer area controlled by the facility owner.
- (12) The Applicant must demonstrate by clear and convincing evidence the exhaustive consideration of alternative sites, alternative technologies, and alternative design considerations which include but are not limited to alternative structure types and heights, materials, colors,

multiple smaller structures versus one larger structure, or other design parameters as may be requested by the Planning Board. The Applicant must also document and inventory all tall structures within 4 miles of the proposed location and provide a quantification as to each structure's ability to meet the service requirements of the Applicant.

- (13) All electrical power supply service to all structures and facilities shall be installed underground, and plans for the installation shall be approved by a licensed professional engineer.
- (14) A visual analysis, conducted after sufficient public notice and open to the public, the methodology of which is to be approved by the Planning Board prior to the commencement of this analysis.
- (15) Additional information as requested by the Planning Board and/or the Village Zoning Administrator.

I. Duration of Special Use Permits.

- (1) The Special Permit shall expire after 2 years from date of approval by the Planning Board.
- (2) The applicant has 1 calendar year from date of approval of the Special Permit to commence construction; if construction is not begun within this year, the Special Permit shall expire.

J. Renewal of Special Use Permits.

- (1) Renewal must not be unreasonably withheld if the Applicant is in conformance with the original approval and all conditions attached thereto.
- (2) No less than sixty (60) days prior to the expiration of a Special Use Permit, the holder of the Special Use Permit must submit to the Zoning Administrator a Renewal Application for Special Use Permit. If the holder fails to submit the application within the 60 day period, and has not arranged with the Zoning Administrator for an extension of the 60 day period, the Special Use

Permit will expire. The renewal application shall contain the following:

- (a) A current, updated buildout plan.
- (b) A Special Use Permit Renewal Form.
- (c) Statement of need that a structure is still in use and is still necessary to provide satisfactory service to its customers.
- (d) The most recent structural and safety inspection report for all structures on site.
- (e) Color photographs of the structure from all directions.
- (f) Other materials or information deemed necessary by the Zoning Administrator.

- (3) Within forty-five (45) days of the submission of a completed application for a Special Use Permit and a determination by the Zoning Administrator that the application is technically sufficient, the Administrator shall act on the Special Use Permit Application. A copy of the Administrator's decision shall be filed in the offices of the Village Clerk, Zoning Administrator, and mailed to the Applicant.

K. Alterations. All modifications to a structure shall require that the Applicant submit a new Special Use Permit Application to the Planning Board. Exceptions which conform to "1" and "2" below do not require a new special use permit:

- (1) Increasing the originally approved size of any structure's building footprint a maximum of 250 square feet, and;
- (2) Increasing the originally approved height of the structure by a maximum of 10 feet.

L. Structure Removal.

- (1) If a Special Permit has expired, the communication facility owner or user has lost its FCC license, or if a continued need for the facility has not

been demonstrated to the satisfaction of the Village, the structure and accessory structures must be dismantled and removed.

- (2) Within 90 days from the date of the Zoning Administrator's decision to require facility removal, the owner shall completely remove the structure and all accessory structures from the site.
 - (3) Site remediation shall be completed in conformance with the reclamation plan and to the satisfaction of the Planning Board within 180 days of structure removal.
 - (4) Wireless Communication Facility Letter of Credit or Covenant. The obligation to remove an unnecessary wireless communication facility structure and implement the reclamation plan shall be secured in accordance with (i) a Letter of Credit or (ii) a recordable covenant and easement with the Village of Pawling as grantee, authorizing both access to the site and structure by the Village and the right to remove the structure.
- C. Section 98-12, and Schedule A, entitled "Schedule of Permitted Uses," is amended to add the following to the table entitled "Zoning District Regulations Permitted Uses and Special Use Permits":
- "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."
- E. A new Section 98-86, "Village of Pawling List of SEQRA Type I Actions," is added as follows:
- "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.

Section 2.: This local law will take effect upon the filing with the Secretary of State as prescribed by law.

(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

of Pawling.....

Local Law No.1..... of the year 20..00

A local lawto adopt Greenway Connections.....
(Insert Title)

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

~~COUNTY~~
~~CITY~~
~~TOWN~~
Village

of Pawling..... as follows:

SECTION 1. Adoption of Greenway Connections

1. Pursuant to the provisions of Section 44-0119 of the Environmental Conservation Law of the State of New York, the Village of Pawling hereby adopts the statement Of land use policies, principles and guides entitled "*Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities*" (hereinafter referred to as *Greenway Connections*), by which action the Village of Pawling becomes a participating community in the Greenway Compact.
2. Proposals to amend *Greenway Connections* may from time to time be made by the Hudson River Valley Greenway Communities Council (hereinafter referred to as "Greenway Council") in response to requests from participating communities. Within 90 days of receipt of any such proposal from the Greenway Council, the Village Board of the Village of Pawling shall determine by resolution whether to accept or to reject such proposed amendment. Any proposed amendment so accepted shall be considered an amendment of *Greenway connections* as adopted by the Village of Pawling. Any proposed amendment rejected by the Village Board will not be considered to be an amendment of *Greenway connections* for the Village of Pawling, and notice of such rejection shall promptly by provided to the Greenway Council.

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

3. It is the stated policy of the Village of Pawling that, to the extent the Village amends its current, or enacts new, land use laws and regulations, such new or amended laws and regulations, where appropriate, will be designed to be consistent with *Greenway Connections*.

SECTION 2. Amendment of Zoning Code

To implement *Greenway Connections* in the Village of Pawling, the Chapter 98 Code of the Village of Pawling is hereby amended by the addition of the following provision:

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.

SECTION 3. Amendment of Subdivision Code

To implement *Greenway Connections* in the Village of Pawling, Chapter 82 of the Code of the Village of Pawling is hereby amended by the addition of the following provision:

82-5a *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, the reviewing agency shall be guided by said statement of policies, principles and guides, as appropriate.

SECTION 4. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Village of Pawling hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

(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.

~~XXXXXX~~
~~XXX~~
~~XXXXXX~~ of Pawling
Village

Local Law No. 1 of the year 2002.

A local law Amending and Supplementing the Existing Affordable
(Insert Title)
Housing Provisions in the Zoning Code

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

~~XXXXXX~~
~~XXX~~
~~XXXXXX~~ of Pawling as follows:
Village

Be it enacted by the Board of Trustees of the Village of Pawling as follows:

Section 1. Purpose and Intent. The Zoning Code of the Village of Pawling contains regulations for the authorization for and construction of affordable housing. The following amendments authorize establishment of an Affordable Housing Board and list its powers and duties, and set forth occupant selection standards for affordable housing

Section 2. Article I Chapter 98 Section 5 of the Zoning Code of the Village of Pawling is amended hereby by amending the existing definition of Affordable Housing and adding a definition of Financially-Eligible Households, which shall read as follows:

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 in consultation with the Dutchess County Department of Planning as a function of what a Financially-Eligible Household could reasonably afford.

Financially-Eligible Households -- Households whose income does not exceed the median income of households in the Village of Pawling as determined by the Affordable Housing Board based on information available from the Dutchess County Department of Planning at the time of the determination.

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

3. Affordable Housing

A. Establishment and Maintenance in Perpetuity. Fifteen percent (15%) of the dwelling units (exclusive of accessory dwellings) in the applicable development 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 state or federal guideline, but it must be acceptable to the Planning Board.

B. Establishment of Village Affordable Housing Board

The Village Board shall establish an Affordable Housing Board composed of five (5) members. It shall be the purpose of this Board to properly administer the provisions of this chapter so that its purpose and intent are realized. The Affordable Housing Board shall have the following responsibilities:

- (i) The annual review of the implementation of this chapter and the recommendation of changes in these provisions, where necessary.
- (ii) The supervision over the criteria for determining Financially-Eligible Households in each calendar year.
- (iii) The certification of the eligibility of all households applying for the purchase or rental of Affordable.
- (iv) The maintenance of a list of eligible households for each unit of Affordable Housing.
- (v) The establishment of a formula for determining, and the designation of, Affordable Housing.
- (vi) The establishment and control of a lottery for selecting Financially-Eligible Households.
- (vii) The promulgation by resolution from time to time of such rules and regulations necessary to implement the requirements, intent and purpose of this chapter.
- (viii) The authority to take any other actions necessary to effectuate the purpose and intent of this chapter.

C. Occupant Selection Standards.

The Affordable Housing Board shall use the following standards in developing a priority list of households eligible to buy or rent each unit of Affordable Housing:

- (i) Financial Eligibility. Except in the case described in paragraph (v) below, applications for sale or lease of Affordable Housing must demonstrate that the applicant is a Financially-Eligible Household as defined in section 98-3 of the Zoning Code of the Village of Pawling, and, in the case of purchase, able to obtain adequate financing for the purchase.
- (ii) Preference Categories. Among Financially-Eligible Households, preference to purchase an Affordable Housing unit shall be given to those households that contain an individual in one of the following categories, listed in descending order of priority:
 - a. Category 1
 - 1. Village and Town of Pawling municipal employees who have been so employed for at least two years;
 - 2. Pawling Central School District employees who have been so employed for at least two years;
 - 3. Volunteer Fire Company and Ambulance Corps members actively serving the Town or Village of Pawling for at least five years;
 - 4. United States military service veterans who were a resident of the Town or Village of Pawling at least two (2) years prior or subsequent to their military service.
 - b. Category 2
 - 1. Households whose head of household or spouse is thirty (30) years of age or younger and employed in the Village or Town of Pawling;
 - 2. Households whose head of household or spouse is sixty-two (62) years of age or older.
 - c. Category 3
 - 1. Other persons employed in the Village of Pawling
 - 2. Other persons employed by employers whose businesses serve the Village of Pawling area.
 - d. Category 4
All other Financially-Eligible Households.
- (iii) Lottery. The Affordable Housing Board shall compile a list by Category of all Financially-Eligible Households who have submitted applications to purchase the available unit of Affordable Housing. The Affordable Housing Board shall first hold a lottery of all Category 1 households as designated on the list. If there are no Category 1 households, the Affordable Housing Board shall hold a lottery of Category 2 households from the list, and so on, until an eligible purchaser is found for the Affordable Housing.
- (iv) Time Period to Solicit Purchasers or Renters. Commencing on the date a unit of Affordable Housing is available for sale or lease, the Affordable Housing Board shall make reasonable efforts to solicit purchasers or renters for such housing for a continuous period of twenty-five (25) days (the "Open Solicitation Period"). If no Financially-Eligible Households

present themselves as potential purchasers or renters, solicitations for the Affordable Housing shall proceed pursuant to paragraph (v) below.

- (v) No Eligible Households. If no Financially-Eligible Households apply to purchase or rent, as the case may be, a particular unit of Affordable Housing within the Open Application Period, a second Open Application Period shall commence wherein applications shall be accepted from households who are not otherwise financially-eligible. At the end of the second Open Application Period, preference shall be given, in descending order, to (1) Financially-Eligible Households in accordance with sections (ii) and (iii) above, and (2) non Financially-Eligible Households with preference given to the household that is the closest to qualifying as a Financially-Eligible Household.

D. Review of Affordable Housing Board Decisions.

Decisions of the Affordable Housing Board are final and may be appealed by filing an action under Article 78 of the New York State Civil Practice Law and Rules.

Section 4. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, 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.

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~~XXXXXX~~

Village

of Pawling.....

Local Law No. 3 of the year 2002.

A local law to require training for members of the Village
(Insert Title)

Planning Board and Zoning Board of Appeals.....

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

~~XXXXXX~~

~~XXXXXX~~

~~XXXXXX~~

Village

of Pawling..... as follows:

Section 1. STATEMENT OF PURPOSE

It is the purpose of this local law to amend sections 98-61 and 98-66 of the Code of the Village of Pawling to require members of the Planning Board and Zoning Board of Appeals of the Village to obtain relevant training so that they may better carry out the responsibilities of their respective Boards.

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

Section 2. AMENDMENT

A. Section 98-61 is amended to add a new subsection (C) which shall state in whole.

C. Training Requirements.

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).

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.

B. Section 98-66 is amended to add a new subsection (D) which shall state in whole.

D. Training Requirements.

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).

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.

Section 3. This local law shall take effect immediately upon filing with this state's Secretary of State.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, 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.

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Village

Local Law No. 2 of the year 2003.

A local law amending Chapter 98 of the Code of the Village of
(Insert Title)
Pawling by adding a new Article VIII-A "Driveway
Permits".

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

~~XXXXXX~~

~~XXXXXX~~

~~XXXXXX~~

Village

of Pawling as follows:

LOCAL LAW NO.2 OF THE YEAR 2003
AMENDING CHAPTER 98 OF THE
CODE OF THE VILLAGE OF PAWLING
BY ADDING A NEW ARTICLE VIII-A "DRIVEWAY PERMITS"

Section 1: STATEMENT OF PURPOSE

It is the purpose of this Local Law to amend Chapter 98 of the Code of the Village of Pawling to enhance traffic and pedestrian safety, both on and off the street, as well as to provide for possible future road widening or other improvements.

Section 2: DEFINITIONS

DRIVEWAY -- Land situated on a lot used or intended to be used to provide access by vehicular traffic.

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.

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

Section 3: 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 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.

Section 3. 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

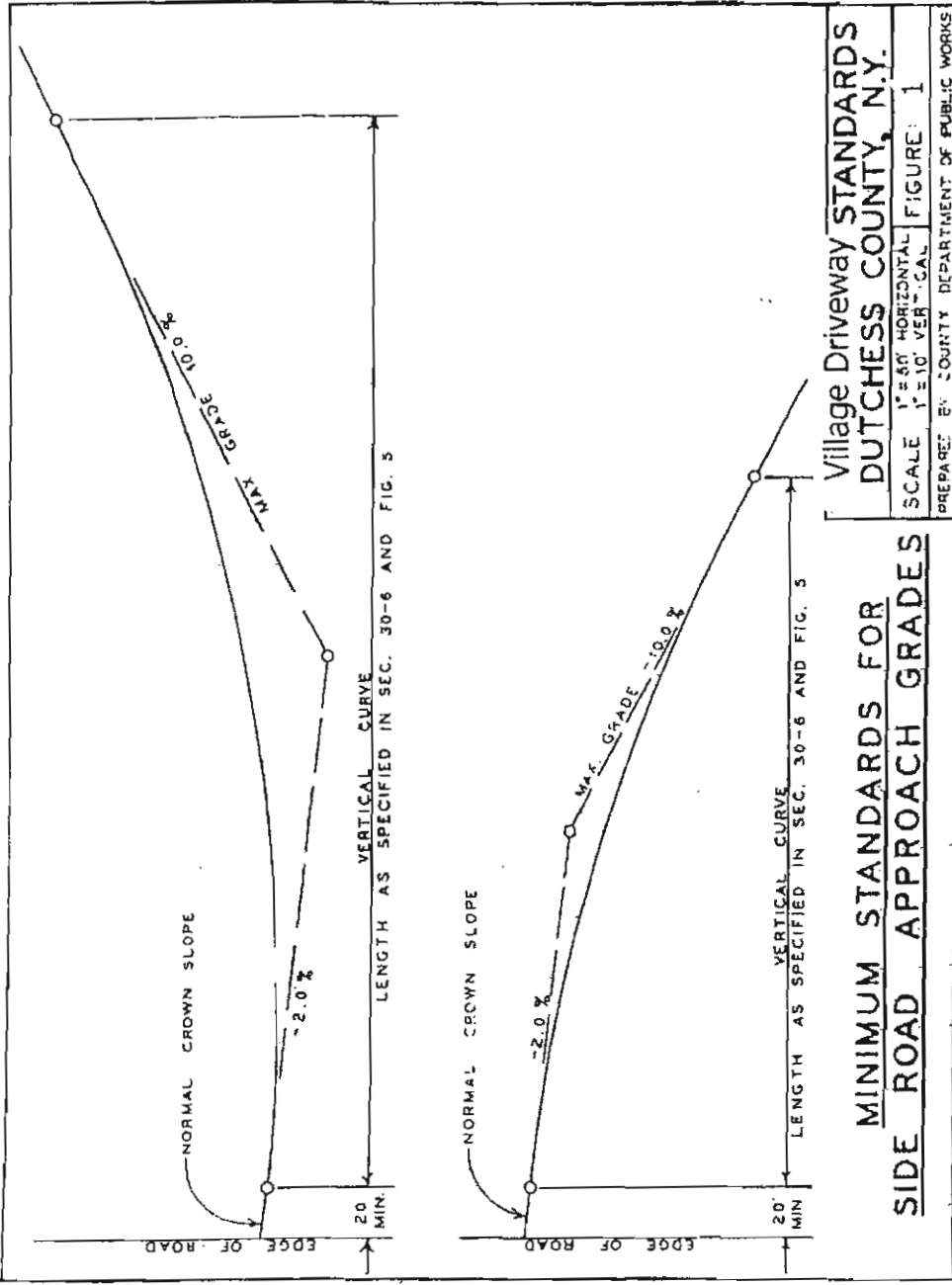
of this article. A section through the driveway shall be shown on the permit drawing which shall show the materials and method of construction. The driveway shall be paved with a minimum of one and one-half (1 1/2) inches of macadam over a six-inch-deep run-of-bank gravel base that has been properly 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.

Section 4. All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.



Village Driveway STANDARDS
 DUTCHESS COUNTY, N.Y.

SCALE 1" = 50' HORIZONTAL 1" = 10' VERTICAL
 PREPARED BY COUNTY DEPARTMENT OF PUBLIC WORKS
 FIGURE 1

**MINIMUM STANDARDS FOR
 SIDE ROAD APPROACH GRADES**