

Village of Pawling Zoning Committee Recommended Zoning Changes

The Village of Pawling Zoning Committee has studied, in detail, issues regarding the development of its three remaining large undeveloped parcels in the R-1 District. We determined that only minimal changes to the Code are necessary to address the concerns raised by the group. To that end, we have recommended nominal changes and have proposed special supplemental regulations to assure the proposal continues the legacy of good development practices within the Village. These changes can easily be adopted as an amendment to the zoning code and after a necessary SEQRA review.

The committee recommends that the community objectives, as outlined in the Zoning Code, be enhanced to assure that new development benefits the Village.

❖ Recommendation: Amend the Incentive Zoning section of the Zoning Law

Incentive Zoning in New Subdivisions and on lots which total 45 continuous acres or more.

- A. Any application to the Planning Board for approval under this section may be awarded a density bonus if the Planning Board determines that the six 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 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 the 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.

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.

- B. The six 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; 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 our 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.

15% 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.

- C. 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).[\[DC1\]](#)
- D. 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)[\[JCo2\]](#)).[\[DC3\]](#)
- E. 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 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 [six](#) of the community objectives are met [and the Village \(through the Board of Trustees\) accepts land within or adjacent to the Major Subdivision for the 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. 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.
 - i. Where a parcel is environmentally constrained by 60% or more, the maximum number of allowed units shall be calculated as above, however, the open space requirement shall be 25% of developable land after all environmental constraints have been removed.

❖ **Recommend the following changes to the definition section of the zoning code**

- A. To provide for active adult communities that are built by for-profit developers by defining this specific residential type in the zoning law.
 - There is no mechanism in zoning to assure that occupants are of a certain age are included/excluded. That instead could be required in a deed restriction.
- B. A definition needs to be added for active adult
 - A building or buildings containing one or more dwelling units designed to provide living accommodations and facilities for aged persons 55 years of age and older.
- C. To allow a mix of housing types
 - The following types of housing are currently allowed in the R-1 District per the Urban Regulations: townhome, large house, small house, infill house
 - The following types of housing are currently allowed in the R-1 District per the Village of Pawling Schedule of Permitted Uses As-of-Right: Single Family Dwelling.

Note: A townhouse is considered a single family dwelling and already would be allowed in the R-1 District.

- ❖ Recommend: Amend “Use Schedule” to permit multi-family residential and 2 family dwellings by special use permit in the R-1 District on lots **which total 45** acres or more. This would allow a mix of housing types to occur.[\[DC4\]](#)
- ❖ Recommend: Amend “Supplementary Regulations” to add:

“Multi-family Residential - Large Lot”.

- A. The purpose of this special use permit are:
 - To ensure that Multi-family Housing in the Village is compatible with the existing scale of residential buildings and objectives of the Comprehensive Plan.

- 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 Multi-family Residential – Large Lot.
 - C. Eligible properties: Multi-family dwellings may be permitted in the R-1 District on parcels of **45 contiguous** acres or more if developed as part of a large development proposal which offers a mix of housing.
 - D. The following additional standards apply:[DC51](#)
 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.
 - 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 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.

❖ **Recommend adding a new section to provide for architectural conformity under Site Plan Approval and through the building permit process**

The Zoning Committee wanted more oversight in guiding and monitoring façade renovations within the Village. The Planning Board’s review of site plan currently includes (section 98.65(G)):

- #12. Compatibility of building design with existing characteristics of the neighborhood;
- #14. Conformance with the Comprehensive Plan, including without limitation Appendix B: Architectural Guidelines and Appendix C: Landscape Guidelines; and;
- #15. Conformance with the Urban Regulations, if applicable to the site plan.

A. To more formally structure a design review and ensure conformity with other aspects of this chapter, a paragraph to specifically provide for an architectural conformance review has been added.

§98-65. Site Plan Approval.

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 Section 98.65 G(14)(15). [JCo6]

[renumber remaining sections]

B. Recommend: To more formally structure a design review and ensure conformity with other aspects of this chapter, a paragraph to specifically provide for an architectural conformance review as a part of the Building Permit process has been added.

§ 98-29. Permit Requirements.

- A. No building or structure in any district shall be erected or structurally altered with out a building permit duly issued upon application to the Building Inspector.
- B. No building permit shall be issued unless the proposed construction or use is in full conformance with all the provisions of this chapter and other applicable laws, ordinances, codes and regulations.¹

¹ Editor's Note: As to the issuance of building permits under the State Building Construction Code; see Ch. 10, Building Construction.

C. Every application for a building permit shall be accompanied by a plan drawn to scale showing:

1. The actual shape, dimensions, radii angles and area of the lot on which the building is proposed to be erected or of the lot on which it is situated if an existing building.
2. The lot and block numbers as they appear on the Official Village Tax Map.
3. The exact size and location on the lot of the proposed building and of other buildings on the same lot.
4. The dimensions of all yards in relation to the subject building and the distances between such building and any other existing buildings on the same lot.
5. The existing and intended use of all buildings, existing or proposed, the use of land and the number of dwelling units the building is designed to accommodate.

6. Such topographic, **architectural** or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this chapter.

§98-36. Architectural Conformance Review

If there has been an Architectural Conformance Review performed as part of the Site Plan Approval process, no building permit shall be issued for a building to be used for any use in any district where such use is allowed unless and until the such permit has been duly reviewed by a designated Architectural Review Professional.

If the Architectural Review Professional determines that the proposed construction is not in full conformance with all the provisions of this chapter, including section 98.65G (14) 15), a building permit shall not be issued.

[Renumber next sections]

- ❖ **Recommend: To clarify that an applicant is responsible to reimburse the Village for the cost incurred in reviewing development plans for Architectural Conformance, we recommend that Article X, FEES, be amended as follows:**

§98-54. Fees.

- A. The Village Board shall, from time to time by resolution, adopt a schedule of fees concerning applications, certificates, inspections, petitions, and other matters specified in this Chapter, including, without limitation, applications for building permits, certificates of occupancy, site plan approval, special use permits, subdivisions, variances, **architectural conformance** and zoning interpretations.
- B. Any applicant for site plan approval, a special use permit (or renewal thereof), subdivision approval, a variance, **architectural conformance review** or a zoning law interpretation and any petitioner for a rezoning of a property within the Village shall be required to reimburse the Village for expenses reasonably incurred by the Village in connection with such application, including without limitation planning, engineering, **architect**, legal and clerical costs and expenses and expenses relating to publication of legal notices (collectively referred to as “Processing Expenses”).

Add new definition for Active Adult Community

Active Adult Community: A dwelling or group of dwellings designed for persons aged 55 or older.

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[DC1]Need another SEQRA determination

[JC02]

[DC3]This will have to be readdressed.

[\[DC4\]](#) Which would allow rental senior housing, and more affordable housing which is beneficial to the Village.

[\[DC5\]](#) The committee should verify that this list of design “principles” are correct.

[\[JC06\]](#) New Paragraph