

***Village of Pawling
9 Memorial Avenue
Pawling, New York 12564***

**Email: pbsecy@villageofpawling.org
Tel: (845) 855-1128**

Zoning Board of Appeals Application Instructions & Procedures

All Paperwork must be received by application deadline to be on the ZBA Agenda.
This includes, but is not limited to the following: •

1. Completed and Signed Application by Property Owner or Letter of Authorization for Agent / Agency.
2. Type of Variance Form completed.
3. SEQR Completed and Signed by Property Owner / Agent.
4. **Seven (7) Copies of Signed & Stamped survey map to scale** showing the Precise Setbacks (both current & with proposed variance request), Road Frontage, and /or Acreage of Area, so an Accurate Variance May be Granted. All applications and re-submissions shall include a digital copy of all applications, forms, and surveys. Electronic files may be submitted via email (pbsecy@villageofpawling.org) to the Village Planning Board Secretary. The digital copy shall be in a PDF format or other suitable write-protected image format capable of being opened and viewed using any standard Windows based software.
5. Applicant must mail the Notice of Variance (Public Hearing Notice) request to neighbors within 200' of Property. (List of Names & Addresses will be supplied to the Applicant by the Zoning Department Secretary once the complete application packet has been submitted.)
 - The Notice of Variance (Public Hearing Notice) must be mailed seven (7) days before hearing date.
 - Must contain name of applicant, location of parcel of land, brief description of identification of the proposal.
 - Must specify date, time, and place of the public hearing.
 - Sent out via United States Postal Service Certified or Registered Mail
 - Prior to (or at the time of) the public hearing, the applicant shall provide the ZBA proof (either by affidavit or registered mail receipts or copies of such receipts) the mailing was completed.

***Village of Pawling
Zoning Board of Appeals
9 Memorial Avenue
Pawling, New York 12564
Tel: (845) 855-1128***

Zoning Board of Appeals Application

Appeal #: _____
Fee Received: _____

Applicant Name: Brian & Jean Senno

Mailing Address: 28 Walnut Street, Pawling, NY 12564

Phone Number(s): 845-702-6049

E-mail Address: bsenno@yahoo.com

Property Owner: Brian Senno

Property Street Address: 28 Walnut Street, Pawling, NY 12564

Zoning Ordinance Appealed: We are appealing code 98-29 of the Bulk Schedule, allowing
an Area variance for sub standard road frontage for a new building lot in an R-3 zone (lot 2). We are also
appealing the mandatory front yard garen fence for both lots 1 and 2, as well as the 50% minimum frontage
build out for the existing home (lot1) as stated in the Urban Regulations for new construction for a type III
Infill House. This is a total of 4 variances.

Type of Appeal: (☒) Area Variance (☐) Interpretation (☐) Use Variance
(☐) Appeal decision of Code Enforcement Officer

A previous appeal (has) been made: Appeal: _____ Date: _____
Appeal: _____ Date: _____

Zoning Board of Appeals Application (cont'd)

Area Variance:

Appeal #: _____

Applicant Name: Brian Senno

Please respond to the following 1–5: (use extra sheets if needed)

- 1) That the granting of the Variance will not result in the undesirable change in character of the neighborhood or a detriment to nearby properties.

Existing lots in the area are of varying sizes, most of which have smaller frontages than current zoning standards. The granting of the sub standard road frontage will allow for the construction of a new single family home in place of an existing detached garage (lot 2). None of the current lots in the neighborhood have the Urban Regulation mandaotry front yard garden fence. The varying sizes of existing lots and homes lead to majority of homes non conforming to the Urban Regulations minimum 50% frontage build out. Allowing these variances will keep the same character or existing neighborhood.

- 2) The benefit sought cannot be achieved by some other feasible method.

The current lot cannot be subdivided in a way that meets both the Urban Regulations as well as the new village bulk zoning standards. We can add the front yard garden fence to both lots if the board requires it. To meet the minimum frontage build out for the existing home we would have to adjust the lot lines where area variances would be needed for sub standard road frontage for both lots. If subdivided any other way multiple area variances would be required for both lots.

- 3) Is the Variance substantial?

The variance for sub standard road frontage would allow for 30' road frontage which is enough width to provide access to the larger rear lot (lot 2). Existing homes on the street have frontages of 0' and 60'. No homes currently have a front garden fence. The variance for minimum frontage build out equates to 17.32 feet(lot 1).

- 4) Will there be an adverse effect or impact on physical or environmental conditions in the neighborhood or district?

No adverse effects or impacts are anticipated with the allowance of these variances or the subsequent home construction. Similar lot characterstics would be present as the current driveway would service the new lot and the existing detached garage would be demolished and replaced with a new single family home.

- 5) Was this difficulty self-created?

This difficulty was self-created in that we want to subdivide a current lot to further develop the area. We would like to retain ownership of both lots futhering our investment in the Village of Pawling.

Zoning Board of Appeals Application (cont'd)

Area Variance:

Appeal #: _____

Applicant: Brian Senno

MINIMUM VARIANCE REQUIRED:

A variance of 70' on the current roadway front requirements is requested/required. The narrow roadway frontage would allow access to larger lot that meets all other Urban Regulations and bulk schedule requirements. Lot opens up for a full width of 132'. Allowing a variance to keep the front yard garden fence off the plan is requested but not required as we can add that to the plan if necessary. The 50% minimum frontage build out for the existing home is requested/required. The road frontage proposed for the existing home (lot 1) is 102', meeting the bulk schedule zoning regulations of a minimum of 100'. This would require the existing home to be a minimum of 51' in width. The house is 34.68' in width or 34% build out.

ZBA COMMENTS:

Applicant Signature: 

Village of Pawling ZBA Fee Schedule
(Adopted 09/03/2019)

Area Variance	\$350.00
Use Variance	\$450.00
Zoning Interpretation	\$350.00

Project description-

Our current property at 28 Walnut street is a legal 2 family residence made up of .64 acres with 132 'of road frontage. We are in an R-3 zone that requires a minimum of .25 acres and minimum of 100 'road frontage. We are proposing a subdivision of our current lot that would allow us to build a single family home for our family to live in while also maintaining ownership of the existing legal 2 family home. Essentially making 1 lot into 2 lots and maintaining ownership of both homes while remaining residents of the village.

We previously attended a ZBA meeting in February of 2023 where the board voted in favor of our road frontage variance of 70 'for lot 2 in this subdivision project. Allowing the proposed 30 'roadway frontage that gives access to the larger lot in the back of the property opening up to the full lot width of 132'. Since that meeting we were informed that decision had been voided and we were instructed to follow both the Urban Regulations as primary code and the bulk schedule zoning as secondary code for this project. Having made the appropriate changes following the Urban regulations for new construction for a Type III Infill house, we are requesting the board upholds it's original ruling in favor of the area variance for sub standard road frontage of lot 2, as well as grant us 3 additional variances required by the Urban regulations.

First, the Urban regulations state we need a 50% minimum frontage build out for each lot. As constructed, our current home of 28 Walnut (lot 1) has a build out of 34.68' or 34%. This build out would need to be 51 'to meet the 50% minimum build out in the Urban regulations. Lot 1 will have a road frontage of 102', meeting the bulk schedule lot frontage minimum while also bringing us out of conformity with the urban regulation. Second the Urban regulations require a mandatory frontage garden fence on each lot. We are requesting to leave this garden fence off the plans for both lots 1 and 2. Currently, there aren't any homes on our street with frontage garden fences. These variances are not essential to our project as we can add the garden fence to the plan if necessary.

If compared to R-3 frontage requirements 22 of the 31 properties located in the neighborhood of Walnut St, Elm St and Union St have non-conforming frontages. 14 of these 22 properties have frontages of 66' or less. 8 of the 22 properties have lot areas less than 10,000 ft² and 24 of the 31 properties do not meet the side yard setback requirements. Exhibit 1 was created to tabularize this information focusing on these two (frontage and lot size) requirements. There are two additional building lots that would also have substandard road frontages.

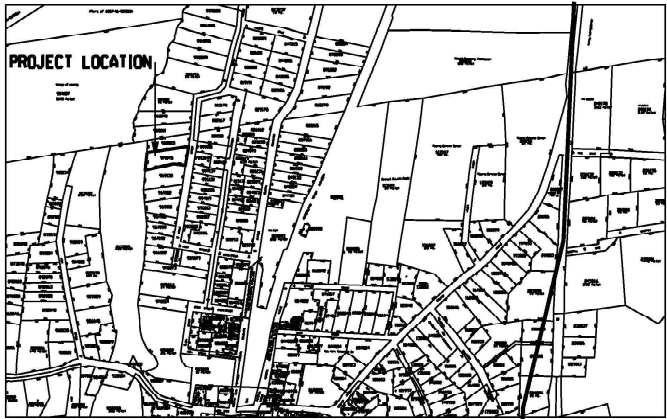
Exhibit 1:

	Front (FT)	Side Yard (FT)	Rear Yard (FT)	Max Coverage	Lot Size (sqft)	Frontage
R3	25	20	20	25%	10,000	100
Urban Regulations	Average of two adjacent	8	40	R3	R3	R3
Proposed 28 Walnut Lot 1	24.5 (existing)	12.7 (existing)	42.7	11.6	10245	102
Proposed 28 Walnut Lot 2	113	21	74	8.4	17934	30
House Address						
2 Walnut St						0
40 Walnut st						74
38 Walnut						80
22 walnut					8712	74
10 Walnut					9583	60
8 Walnut						75
4 Walnut						75
31 Walnut					8407	84
23 Union St					4792	50
10 Elm St						50
24 Elm St						60
30 Elm St						60
32 Elm St						60
36 Elm St						60
38 Elm St						50
42 Elm St					7492	75
48 Elm St						75
56 Elm St						99
51 Elm St					3049	57
37 Elm St					5271	64
33 Elm St					5793	69
31 Elm St					4966	50
Elm St Building Lot 1						60
Elm St Building Lot 2						75

Exhibit 2 has a list of the properties that could potentially duplicate the subdivision proposed as part of this project. They are located in R-3 zoning. They were based on minimum existing road frontage of 115' and minimum .50 acres. This criteria is less strict than using current 28 Walnut but it expands the number of properties. Of the 181 properties located in R-3 zoning 15 properties (8%) met the above criteria. Each of these properties are unique and would have their own hurdles to tackle to be able to subdivide effectively. Sloping land, flood plains and wetlands are also present on all 15 lots. In all cases a second home on the lot would have to be stacked directly behind the existing house. This is not the case for 28 Walnut as the proposed house although further back from the road is adjacent to the existing home. This also makes the 28 walnut proposed subdivision completely unique in R-3 zoned areas of the Village.

Exhibit 2:

Exhibit 2	
Potentail Flag Lot Properties R-3 Zoning	
#	Address
1	7 Spring Street
2	32 Fairway Drive
3	38 Fairway Drive
4	45 Fairway Drive
5	52 Fairway Drive
6	23 Dutcher Avenue
7	77 East Main Street
8	16 Summit Avenue
9	172 Charles Colman Blvd
10	162-164 Charles Colman Blvd
11	141 Charles Colman Blvd
12	139 Charles Colman Blvd
13	129 Charles Colman Blvd
14	126 Chargles Colman Blvd
15	16 Walnut St (only one in same neighborood)



Oblong Land Conservancy, Inc.
Tax Lot 6957-20-943088
Deed Ref: Inst. ID # 2-2020-52319

STATE AND FEDERAL WETLANDS
BOUNDARY BEYOND PROPERTY LIMITS
MAPPED BY NYSDEC REGION 3

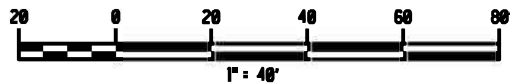
LEGEND

- EXISTING CONTOUR MINOR
- EXISTING CONTOUR MAJOR
- PROPOSED CONTOUR
- SEWER LINE
- WATER LINE
- ELECTRIC LINE
- SILT FENCE

100-YEAR FLOODPLAIN
-AE-

SURVEY CONDUCTED BY MICHAEL PARRELLA, PLS
APRIL 20, 2022

- NOTES:
- EXISTING UNDERGROUND UTILITIES SHOWN
IN APPROXIMATE LOCATION. OWNER/BUILDER
TO CONFIRM ACTUAL LOCATIONS.



Fausto Villatoro
Tax Lot 6957-20-969133
Deed Ref: Inst. ID # 2-2006-5338

David Thomson
Tax Lot 6957-20-968153
Deed Ref: Inst. ID # 2-2007-8265

LIMIT OF DISTURBANCE = 0.34 ACRES

SETBACK LIMITS
PROPOSED SUBDIVISION LINE

PROPOSED HOUSE

EXISTING GARAGE
TO BE DEMOLISHED

INSTALL CLEANOUT /
OBSERVATION

EXISTING
2-FAMILY
2 story frame
house #22

INSTALL NEW WATER
SERVICE TO NEW DWELLING
USING 1" DIA. TYPE K ASTM B88
COPPER PIPE. WATER LINE TO
BE MIN. 4" BELOW FINISHED GRADE.

INSTALL NEW WATER SERVICE
VALVE CONFORMING TO AWWA C800
OR OTHER AS SPECIFIED BY VILLAGE
OF PAWLING.

BM Elev. 100.59' (assumed)
benchmark spike in UTP NY14

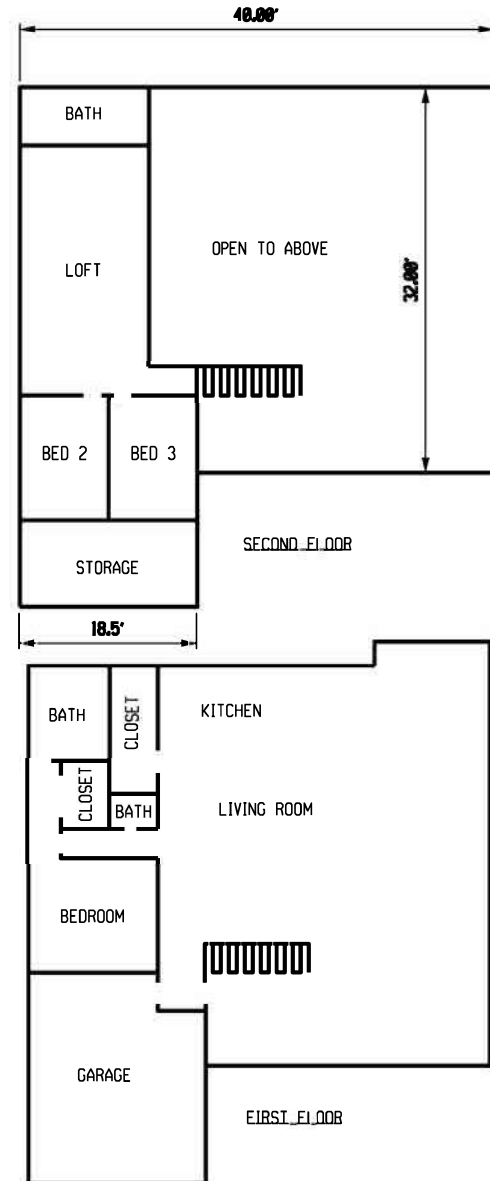
ADD NEW ELECTRICAL SERVICE FOR NEW DWELLING

Notes:

- This subdivision is considered a major subdivision per Village of Pawling Code.
MAJOR SUBDIVISION - All subdivisions not classified as minor subdivisions.
MINOR SUBDIVISION - Any subdivision containing not more than three (3) lots fronting
on an existing street not involving any new street or road or the extension of municipal facilities and not
adversely affecting development of the remainder of parcels or adjoining properties and not in conflict with
any provisions or portions of the Zoning Ordinances or this chapter or any Master Plan or Official Map now
or hereafter adopted.
- Plan shows some site plan details for planning board clarification on future development/construction.
- Per Village Urban Regulations home height shall be no taller than 2.5 stories. Where each story can have maximum 13' floor
to ceiling height. The proposed home is only 2 stories tall with 8' and 9' ceilings. See elevation sketch of proposed home also
submitted with this package.
- Per Village Urban Regulation parking shall be at rear of side of home at least 28' from front property line. Additionally, there
shall be 2 spots per dwelling. This criteria has been met for both lots. Lot 2 will have attached 2 car garage in the front of the
home which is located more than 28' from front property line. Lot 1 parking will be in the rear.
- Owner will be seeking a variance for the required garden wall or fence at front property line for both lots. A majority of
houses on Walnut Street do not have this feature and it will not aesthetically fit into the existing neighborhood.

TABLE OF BULK REGULATIONS

REQUIREMENT	R-3	URBAN REGS.	LOT 1	LOT 2
FRONT SETBACK	25'	MIN AVERAGE OF 2 ADJACENT 20.2'	24.5'	93'
SIDE SETBACK	20'	8'	12.7'	9.2'
REAR SETBACK	20'	40'	51.5'	96'
FRONTAGE	100'	R-3	102'	30'
LOT SIZE	10,000 SQFT	R-3	10,245 SQFT	17,934 SQFT
MAX COVERAGE	25%	R-3	11.6%	8.4%
MIN FRONTAGE BUILDOUT	N/A	50%	34%	133%



OWNER NAME AND ADDRESS
BRIAN SENNO
28 WALNUT ST
PAWLING, NY 12564

DATE: 11/5/2023



SUBDIVISION SITE PLAN

Senno Residence
28 Walnut St.
Pawling NY, 12564

- Alterations of this drawing, except by a Licensed
Professional Engineer or Architect is illegal. Any
alteration by a Professional Engineer or Architect must
be indicated and bear his/her seal, signature and date
of alterations.
- The user of this drawing shall verify all dimensions
shown and scale of this drawing.
- All written dimensions shall have precedence over
scaled dimensions.

JORDAN STRACK, P.E.
193 WALSH RD
LAGRANGEVILLE NY, 12540
845-546-0405

1" = 40'

1-1