

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

FILED WITH  
OCT 12 2022  
VILLAGE CLERK

**Zoning Board of Appeals Application**

Appeal #: \_\_\_\_\_  
Fee Received: \$450.00

Applicant Name: Lorraine + Roy Forster

Mailing Address: 51 cross Rd Patterson NY 12563

Phone Number(s): 845-216-4221

E-mail Address: happyLifeAnimalrescue@gmail.com

Property Owner: John + Donna Schutz

Property Street Address: 381 bagg Rd Brewster, NY 10509

Zoning Ordinance Appealed: \_\_\_\_\_

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

A previous appeal (has) been made: Appeal: N/A Date: \_\_\_\_\_  
Appeal: \_\_\_\_\_ Date: \_\_\_\_\_

## Zoning Board of Appeals Application (cont'd)

Area Variance:

Appeal #: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

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.

*No change from previous use.*

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

*That's correct.*

- 3) Is the Variance substantial?

*No*

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

*No change.*

- 5) Was this difficulty self-created?

*No. It's a business that was grandfathered in 1961. It was reaffirmed that the use was permitted by the use variance. (1994)*

# Zoning Board of Appeals Application (cont'd)

Area Variance:

Appeal #: \_\_\_\_\_

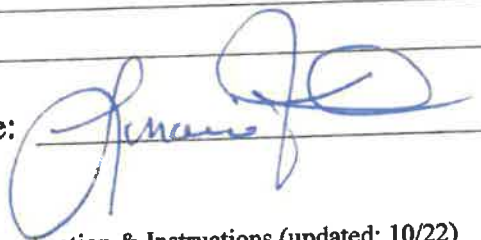
Applicant: \_\_\_\_\_

MINIMUM VARIANCE REQUIRED:

*Interpretation weather if it is a change of use.*

ZBA COMMENTS:

Applicant Signature:



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Happy Life Animal Rescue			
Project Location (describe, and attach a location map): 550 Route 22, Pawling, New York 12564			
Brief Description of Proposed Action: Site plan change of use from "Animal Hospital" to "Animal Rescue"			
Name of Applicant or Sponsor:  Lorraine & Roy Foster		Telephone: 845-216-4221  E-Mail: happylifeanimalrescue@gmail.com	
Address: 51 Cross Road			
City/PO: Patterson		State: New York	Zip Code: 12563
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.413 acres	
b. Total acreage to be physically disturbed?		0.0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.413 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,				
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: _____ Existing on site drilled well		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____ Existing on site subsurface sewage disposal system		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Bog Turtle	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;">           a. Will storm water discharges flow to adjacent properties?            b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?         </div> If Yes, briefly describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>John P. Schultz</u> Date: <u>9/13/2022</u>		
Signature: <u>[Signature]</u> Title: <u>owner</u>		

# **HAPPY LIFE ANIMAL RESCUE**

## **STATEMENT OF USE**

8/8/22

The subject site is located on the east side of NYS Route 22, situated in the Village of Pawling, NY. The site comprises 0.413 (17,999+/- sf) acres and is known as Tax Map lot 7057-17-229013.

### **Proposed Uses:**

The site was used for the past 60 years as an animal hospital/veterinarians office, which treated and boarded animals and was open six days a week.

The proposed use is by a similar but less intensive animal rescue, non-profit 501(c)(3) organization. The Happy Life Animal Rescue facilitates rescue adoptions and provides temporary housing for dogs and cats as needed. Most of their rescues are housed by foster families with some animals boarded at the site on an interim basis with most all animals housed for no more than approximately a week. The facility has approximately 20 indoor kennel cages with four covered dog runs but generally houses between 10 and 15 animals at any given time. Medical services are provided by visiting veterinarians on an as-needed basis.

The facility is not open to the public. Adoptions are held on site one day a week by appointment only. Their main adoption events are held off site a couple of times a week with a partner business such as PetSmart. The rescue is staffed only by volunteers with approximately three to four on site throughout each day.

As noted above the facility is not open to the public as was associated with the previous veterinary hospital use and is by appointment only.

### **Zoning Compliance:**

The site is located within the R-1, residential zone. This zone does not permit the animal rescue use, however a variance was granted for an animal hospital to the previous owners (1961) to permit the use for animal care.

Pursuant to and in compliance with Article VII of the Village Code with respect to Non-conforming Buildings, Structures and Uses, it should be noted that in compliance with Section 98-24, the use of the property or the improvements is not being enlarged, extended or reconstructed, or used in any manner that will increase the assessed valuation of the structures; the use is not being placed on a different portion of the property; the use is not being changed with the exception of having a

more restrictive nature; and the non-conforming use has not been discontinued for a period of one year or more.

Area variances, specifically front, side and rear yards, were granted for this site by the Village of Pawling Zoning Board of Appeals on April 14, 1999 (refer to attached bulk zoning table). In compliance with Section 98-25, the non-conforming structure and improvements were constructed in compliance with the variances that were granted and no changes are proposed that will result in an increase to the non-conformity of such structures.

#### **Parking:**

Per the Village of Pawling zoning regulations, there are no specific parking requirements for the animal rescue use, therefore, 1 space//250 sf of floor area has been utilized.

Required parking spaces:  
Existing building (2120 sf)

$2120 \text{ sf} / 250 = 9 \text{ spaces required}$

Parking spaces provided:

11 (including one handicapped accessible)

One dumpster is located in the rear of the parking lot and is depicted on the site plan.

#### **Well and Septic:**

The site is serviced by an existing on site well and a subsurface sewage disposal system.

#### **Traffic:**

The proposed use is will generate less vehicular traffic than the previous use as it is not open to the public and will therefore have no impact on existing traffic levels on NYS Route 22.

#### **Impact on the Community:**

The general animal care use of the property has existed for many years, therefore public controversy is not anticipated.







# HAPPY LIFE ANIMAL RESCUE



Dutchess County  
New York

Parcel Lines  
Dutchess County, NY

Printed by:  
ParcelAccess

0 80 160 ft



ParcelAccess  
Internet  
8/15/2022





**HAPPY LIFE ANIMAL RESCUE**  
**550 Route 22**  
**Pawling, New York**

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

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

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

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

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

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

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

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

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

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

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

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