

***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. SEQOR 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: _____

Mailing Address: _____

Phone Number(s): _____

E-mail Address: _____

Property Owner: _____

Property Street Address: _____

Zoning Ordinance Appealed: _____

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: _____

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.
-
- 2) The benefit sought cannot be achieved by some other feasible method.
-
- 3) Is the Variance substantial?
-
- 4) Will there be an adverse effect or impact on physical or environmental conditions in the neighborhood or district?
-
- 5) Was this difficulty self-created?
-

Zoning Board of Appeals Application (cont'd)

Area Variance:

Appeal #: _____

Applicant: _____

MINIMUM VARIANCE REQUIRED:

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

- V. ~~The design engineer shall certify that the improvements were constructed in substantial conformance with the Approved Plans on a form provided by the Village prior to the release of any surety.⁴⁰~~

ARTICLE XIV ZONING BOARD OF APPEALS

§98-66. Continuation of Board; membership; powers and duties.

- A. The ZBA, heretofore duly appointed in conformity with the Village Law, is hereby continued with all powers and duties conferred by the Village Law.
- B. The ZBA shall consist of five (5) members appointed by the Board of Trustees. The Board of Trustees shall also designate a chairman.
- C. The ZBA shall have all the powers and duties prescribed by law and by this chapter, provided that nothing contained herein shall be deemed to limit any power of said Board that is conferred by law:
- D. Training Requirements.⁴¹
 - 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).

⁴⁰ §98-65 sections U. and V. added pursuant to Local Law No. 2 of 2007.

⁴¹ § 98-66D added pursuant to Local Law No. 3 of 2002.

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

§98-67. Use and Area Variances.

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

§98-68. Procedures.

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

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

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

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

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

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

Schedule C: Area and Bulk Schedule

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

4/17/23