

## STATE ENVIRONMENTAL QUALITY REVIEW

### Adoption of Town of Pawling Comprehensive Plan Update (CPU) and Zoning Amendments

#### Findings Statement – *Adopted July 11, 2012*

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Pawling Town Board as the Lead Agency makes the following findings.

**Name of Action:** Adoption of Town of Pawling Comprehensive Plan Update (CPU) and Local Law including Zoning Amendments

**Description of Action:** The proposed action, which was described in detail in the Draft Generic Environmental Impact Statement (DGEIS) and the Final GEIS (FGEIS), involves:

1. Adoption of the Comprehensive Plan Update (CPU) and Local Law including zoning amendments to the use and bulk tables and related zoning text for the HA, HB and I zoning districts (refer to CPU Appendix C). No land development is proposed in this action.
2. Changes to the uses and bulk requirements in the HA (Hamlet - 1/2 acre); HB (Highway Business - 1 acre); and I (Industry – 1 acre) zoning districts. No changes to density are proposed. All Zoning District boundaries will remain as they are currently configured. Supplemental requirements and other zoning text are proposed related to these changes.
3. The CPU objectives include review of land development regulations and open space inventory with strategies to identify to identify gaps; need for links in; and more effective protection of natural, agricultural and open space resources and community character.
4. The Town's zoning and land use regulations will also be evaluated to balance the complement of residential and non-residential uses permitted; and flexibility and usefulness for encouraging desired uses, needed housing and better design.
5. The CPU objectives include green infrastructure mapping; a historic inventory; community mapping; and examination of local laws regarding effective recognition and protection of these resources.
6. The CPU objectives include evaluation of CEA and ESA (Environmentally Significant Areas) regulation and monitoring; and making linkages with other protected resources.

As described in the Draft DGEIS and the FGEIS, the proposed action will involve: the adoption of the Comprehensive Plan Update (CPU); and related amendments to the Code of the Town of Pawling, Chapter 215 Zoning. The CPU includes: a basic studies summary and updates; vision statements; overall goals and objectives; specific strategies and actions; and implementation. The strategies and actions address the following topics: land use; zoning; housing; economic resources; natural resources; open space, recreational and agricultural issues; historical, cultural and community resources; municipal services, facilities and infrastructure; and transportation. The CPU includes appendices, which contain information from previous planning efforts, studies and plans.

The Town Board is considering Draft zoning amendments to the uses, bulk and supplemental requirements related to the HA (Hamlet), HB (Highway Business) and I (Industry) zoning districts to include more uses; emphasized mixed uses; and provide more flexible bulk requirements.

The Draft CPU and zoning amendments have been revised to address public and agency commentary. Notable changes found in the Revised CPU and Revised Zoning were briefly described in the Final GEIS. Substantial portions of the CPU and zoning remained as originally proposed. The changes made to create the Revised CPU document are described in FGEIS Part III Description of the Proposed Action, section A.; and set forth in FGEIS Appendix 1 (the Revised CPU). The changes that were made resulting in the Revised Zoning are described in FGEIS Part III Description of the Proposed Action, section B; and are detailed in FGEIS Appendix 2 (also CPU Appendix C).

**Location:** The CPU addresses the entirety of the Town of Pawling, located in the southeast corner of Dutchess County New York. The zoning amendments focus primarily on the core areas of the community along the NYS Route 22 corridor and areas near its intersection with Route 55.

**Agency Jurisdiction:** The Town Board of the Town of Pawling is lead agency for the proposed action. Pursuant to the Town law, Article 16, section 272-a the Town Board of the Town of Pawling has jurisdiction to adopt a town comprehensive plan. Pursuant to the Code of the Town of Pawling, Chapter 215 Zoning, Article VIII, adopted May 9, 1978, amended through March 9, 2011; and pursuant to the Town law, Article 16, section 265, the Town Board of the Town of Pawling has jurisdiction to amend the Town's Zoning Ordinance. As such the Town Board is the only involved agency with approval authority.

**Date Final Environmental Impact Statement Filed:** May 4, 2012 (vote on May 2, 2012)

### **Facts and Conclusions Relied on to Support the Decision:**

#### INTRODUCTION

The Town Board of the Town of Pawling has carefully and thoroughly reviewed the information contained in the DGEIS and the FGEIS, as well as any comments from the public and involved and interested agencies; the Dutchess County Planning Department; and the Town of Pawling Planning Board. The Town Board found that the DGEIS and FGEIS provide adequate examination of all significant potential adverse impacts which could result from the proposed action, if implemented.

The DGEIS explained that the purpose of presenting the proposed action, existing conditions, impacts and mitigation in a Generic EIS is that it allows a broader, more general outlook on proposed actions that address the entire community; and do not involve site specific land development and disturbance. The proposed amendments to the Town's code relate to zoning districts covering certain areas of the community and will present options for future development. However, these amendments, even as revised, will not directly result in development and disturbance.

Under current conditions, without the adoption of this CPU and zoning amendments, proposals for land development in the Town of Pawling are subject to review under the NY SEQRA regulations. The same will be true for individual land development projects occurring after adoption of this CPU and zoning amendments as this DGEIS addresses adoption of a policy document and amendments to the Town's zoning. The DGEIS does not address any land development proposal on any specific lot or site within the Town. After adoption, future individual land development proposals should be consistent with the objectives, strategies and actions stated in the CPU and the requirements and standards contained in the zoning. However, their review and approval must include separate review under the SEQRA regulations.

The comprehensive planning process in Pawling spans many years. The revised CPU provides an updated description of the Town's ongoing planning process in section 1.2. A summary of the steps taken by the Town Board since July 2011 includes the following highlights:

- Discussion of the Draft CPU and proposed zoning amendments on July 13, 2011; initiation of SEQRA review; and referral to the Town of Pawling Planning Board and the Dutchess County Planning Department.
- The first of three public hearings on the CPU was held on July 27, 2011.
- On August 10, 2011, the DGEIS was determined to be complete and adequate for public review.
- A combined public hearing on: the CPU; proposed zoning amendments; and DGEIS was held on September 7, 2011. On that date, the public and agency comment period was extended to October 28, 2011.
- A second combined public hearing was held within the comment period on October 12<sup>th</sup>.
- The Town Board extended the report and recommendation timeframe for Town Planning Board and Dutchess County Planning Department (DCPD) referrals to October 28<sup>th</sup>.
- An informal question and answer session was held at the Pawling Town Hall on September 28, 2011 about the CPU, proposed zoning and DGEIS.
- The CPU and proposed zoning were discussed at several Planning Board meetings including August 15 and August 29, 2011.
- The Town Board took several actions on March 14, 2012: -Extended the date for preparation and filing of an FGEIS; - Set combined public hearings on the CPU and zoning for April 11<sup>th</sup> and May 9<sup>th</sup>; and - Authorized circulation of the CPU and Zoning;
- The Board took several actions on April 11<sup>th</sup>: - Held a combined hearing on the Revised CPU and Zoning; - Extended the date for preparation and filing of an FGEIS to May 4<sup>th</sup>; and - Extended the date for preparation and filing of SEQRA Findings to June 15<sup>th</sup>;
- On May 2, 2012, the Board determined the FGEIS to be complete and adequate for public review followed by circulation to interested agencies and posting on the town's website; and extended the period for consideration of the FGEIS, the Revised CPU and Revised zoning to May 23, 2012;
- On May 9, 2012, the Town Board held a combined public hearing on the Revised CPU and Zoning; and determined an Addendum to the Final Generic Environmental Impact Statement (FGEIS) to be complete and adequate for public review followed by circulation to interested agencies and posting on the town's website; and
- The Town Board concluded the public comment period on May 23, 2012.

## NEED AND BENEFIT

The CPU includes strategies for re-examining existing resources, facilities; and evaluating local laws and regulations. It also describes procedures for involving local and regional officials, agencies, volunteers, community groups and citizens in the amalgamation of existing studies and inventories and of the resources that define Pawling's character and quality of life. The consequence of such examination and inventory will be to improve the ways in which the Town values, protects and regulates its resources and growth.

Many of the CPU strategies recognize the need to build on what is in place whether it is focusing development in existing settled areas; surveying existing reports and studies; or working through current laws to make them more effective. Actions such as enacting scenic or historic overlay districts address the need for regulation where the community's character warrants further protection.

The benefit of involving volunteers and a broader array of the community in inventories is that participants are more invested in the resulting inventory and recommendations that will stem from such concerted efforts. Examination of existing resources and related laws and policies will point the Town to key imbalances and deficiencies in an otherwise well developed framework of regulations and services.

### A. LAND USE AND ZONING

#### Review

The DGEIS in section VI., H. concluded that no adverse impacts were identified for land use and zoning aspects of the adoption of the CPU and proposed zoning amendments; and no mitigation was necessary. However, CPU strategies that may lead to future rezoning actions will necessitate that proper planning studies and environmental review will be conducted in the event that the Town has identified specific lands for rezoning. Such review must fully consider the characteristics of the land identified for rezoning; the nature of the uses, standards and requirements proposed in the zoning; and the potential effects on the site, surrounding lands and community character.

The FGEIS addressed land use and zoning comments by elaborating on the following points:

#### Planning Process

- The Revised CPU and the FGEIS state that the comprehensive planning process in Pawling spans many years. The CPU provides an update about the Town's ongoing planning process (refer to section 1.2). During the public review process, actions were taken to extend the comment period and to provide a public question and answer session.
- The CPU and the proposed zoning have been extensively revised in response to the points raised in the public comment period. In regard to implementation of the CPU, there are revisions throughout providing further clarification about how implementation tasks will be carried out. A town-appointed housing committee is recommended in CPU section 5.3 to work on a housing strategy. The timeline in CPU section 6

(Implementation) was reorganized to begin several implementation items on earlier dates. Section 6 was revised to add details about the role of the Implementation Committee.

- The original draft CPU, section 1.2, had documented the ongoing planning process beginning with the 1991 Master plan and incorporating recent comprehensive planning efforts through the Draft Town of Pawling Comprehensive Plan, dated January 2010. Substantial excerpts of the 2010 plan (existing conditions and vision statements) are included as Appendix A in the original draft CPU dated July 5, 2011. Consistent with the Draft 2010 Plan, the draft CPU used other existing studies and inventories by local, county and regional agencies and groups, which are referenced in therein. The objectives in the 1991 plan, the Town's existing zoning, the 2005 and 2010 draft plans were considered in formulating the objectives, strategies and actions in the draft CPU. The Town built the CPU from the resources, information, laws, vision and objectives available as a result of these ongoing planning processes.
- The Revised CPU includes additional references to other existing studies and inventories by local, county and regional agencies and groups. These were all considered in formulating the objectives, strategies and actions in the Revised CPU. These have been further revised and refined to reflect recent public and agency commentary (July through October 2011).

#### Open Space Design

- The original CPU discussed amendments to accommodate open space subdivision design "particularly in the Conservation Density zoning district", which is an environmentally sensitive area. It was intended that open space design would preserve open land areas in an approach to subdivision commonly referred to as "clustering". The original CPU did not contain language promoting the development of "cluster" housing, which may mean attached or multi-family homes, in any specific area of Town. The original CPU used the phrase "open space subdivision design", which is governed by the Town of Pawling zoning law section 215-21. CPU section 5.2, regarding zoning, was revised to address the concern about focusing open space design in the Quaker Hill area.
- It should be noted that according to the Town's existing provisions for open space subdivisions contained the zoning law section 215-21, there is no change or increase in the permitted density on a site so developed. The same number of lots and dwelling units would be permitted in a conventional subdivision as would be permitted in an open space layout. The same number of lots would be laid out in a more compact design in an open space subdivision with smaller lots, shorter roads and driveways than would be proposed in a conventional subdivision. The FGEIS Appendix 5 provided descriptions and illustrations of open space or conservation subdivision design.

#### Implementation

- The CPU has been revised in regard to implementation of the CPU. There are refinements throughout providing further clarification about how implementation tasks will be carried out. The timeline in Revised CPU section 6 regarding Implementation was reorganized to move up several implementation items. The following items were moved up to begin in the first two years of implementation:
  - Green Infrastructure Mapping;
  - Inventory and evaluation of CEAs and ESAs;

- Historical inventory;
  - Scenic Overlay District;
  - Plans and reports for sewer plant expansion and district extension;
  - Housing needs assessment; and
  - Periodic review of environmental regulations.
- Many other items are proposed for earlier implementation in Revised CPU section 6 with the historic overlay district being initiated in 2014 and all items being initiated by 2015. This vigorous approach allows the Town to pursue in-depth examination of its existing resources, including inventories that are already on the record with various agencies and groups, before or in tandem with consideration of changes to zoning and environmental regulations. However, intensive volunteer effort will be necessary to initiate these tasks as per the proposed timeline.

### Zoning

- The intent of the originally proposed reduced setbacks in the HB and MBI zoning districts was to allow flexibility in design of development without any changes to the coverage permitted in these zones. In other words, a building in the HB district could be located closer to its road frontage, leaving parking behind structures, yet with no increase in the permitted area of the site to be covered by buildings.
- The Revised Zoning for the HB and MBI zoning districts no longer includes the reduced setbacks. The proposed zoning amendments are reverted to the existing setbacks provided in the Town's current zoning for these districts.
- In the Revised Zoning, the HB supplemental requirements are proposed to be updated and there are new supplemental regulations proposed for development in the MBI district. The updated HB supplemental requirements include improved standards for flexible design; higher quality landscaping; and development of lots of 2 or more acres. The supplemental requirements proposed for the MBI district will provide development and design standards in an existing district where there were no specific standards.
- The revised HB and proposed MBI supplemental zoning requirements now include the possibility of Planning Board discretion to allow flexibility in yard setbacks. These flexible setbacks are presented in the proposed supplemental zoning regulations as an option during Planning Board review for instances where high-quality and low-impact design are proposed.
- In accordance with Pawling's existing zoning, the bulk requirements for the HB district would permit 35 percent building coverage. All zoning districts in the Town of Pawling permit a maximum building height of 35 feet, which translates into 2 to 2-1/2 stories or floors. Consultation with the Town's building Inspector indicates that a structure in the HB zoning district would therefore be permitted to have at least 2 floors. The proposed amendment to permit a floor area ratio (FAR) of 0.70 in the HB district is consistent with a 2-story building where the ground floor covers 35 percent of the site.
- The total floor area of any structure on a given development site is limited by the other improvements that take up land area on the site. These improvements include primarily access and parking areas. A structure's ground floor area would be limited by the parking requirements for the proposed use and the amount of parking that would be accommodated on a site. The building and parking area covering a site's land area are

further limited by the HB open space requirement found in the existing supplemental requirements for development in the HB districts. The proposed floor area ratio of 0.70 would result in a 2-story building with a maximum of 35 percent coverage. Adjustments to first and second floor uses and areas would be necessary until a suitable proposal could be formulated, which would meet the floor area; required parking and open space requirements.

- No changes were proposed to the existing building coverage (35%) and open space (15%) requirements in the HB zoning district in the originally proposed zoning amendments. No changes are proposed to these requirements in the Revised zoning. Therefore, under current and proposed zoning, two-story buildings covering a maximum of 35% of a site would be permitted with other required improvements as long as 15% of the site remains as open space. The change in the FAR is a proper statement of the parameters for development in the HB zone and does not result in any increase in coverage or disturbance.
- The Revised Zoning includes supplemental requirements for the proposed MBI district, which provide criteria for the design and layout of sites and necessary improvements and amenities. There are no such supplementary requirements for development in the existing I district so the implementation of the zoning will result in better site design.
- The open space requirement for development in the proposed MBI district is 15 percent, which is consistent with the HB zoning district. The building coverage is 30 percent in the MBI district, which is slightly less than that permitted in the HB zone. Similarly, the limit in the MBI supplemental requirements to an 0.6 FAR is also less than the proposed FAR in the HB zone. The relative ratios of building coverage, open space and parking/access are more realistic in the proposed MBI supplementary regulations for potential actual development considering a 1-story building. As with the requirements in the HB district, adjustments to first and second floor uses and areas would be necessary on sites in the proposed MBI zone until a suitable proposal could be formulated, which would meet the floor area; required parking and open space requirements.
- There is no doubling or increase in permitted floor area or reduction in open space requirements as a result of the originally proposed zoning amendments or Revised Zoning. Accordingly, there would be no impacts related to doubling or increase in permitted floor area or reduction in open space requirements.
- The proposed MBI district will be a mixed non-residential use district. The complement of principal uses emphasizes a mix of business uses and de-emphasizes heavier industrial uses by making them subject to special permits. The MBI is not intended to be a mixed use district incorporating residential uses, which sets it apart from the existing PDD zone. An examination of the proposed principal and special permit uses in the proposed MBI district compared to the existing PDD zone clearly shows that a larger number uses are allowed in the PDD zone.
- Many revisions were made to the originally proposed zoning amendments in response to comments to create the Revised Zoning. Supplemental requirements were added to address the development of accessory apartments, which limit the number, size and exterior appearance of these apartments. A proposed change in the table of bulk regulations will eliminate the “minimum area per dwelling” column, which will allow more flexibility in the creation of dwelling units. This proposed change will address the

need for housing for senior citizens, young people and couples and those in need of more affordable homes.

- The Revised Zoning incorporates several changes, which define a mixed business center and improve or provide supplemental requirements for such use in the HB and proposed MBI zoning districts. A mixed business center would be a special use in both districts, yet would occur on 2 acres in the existing HB zone and on 5 acres in the proposed MBI district. The regulation of a mixed business center on a 2-acre parcel makes more of the land in the HB zoning district eligible for two uses and consequently subject to special permit review. Whether a site includes two uses or not in the HB zone, if it is a site of 2 acres or larger, it would be subject to special permit review.
- None of the existing business zoning districts are proposed for expansion as part of the Revised Zoning. The boundaries of the existing HB and proposed MBI zoning districts will remain as they are currently configured. The existing I district will be renamed to become the MBI zone with no change in its existing boundaries.
- The original and Revised CPU addresses the future examination of the Town's existing residential districts in section 5.2 regarding Zoning. No amendments are proposed in the CPU in any residential zoning district.
- The CPU address additional protective measures for natural resources throughout the Town of Pawling in section 5.5, especially regarding groundwater and CEAs, which may require future Town Code changes. Open space and related visual resources including Green Infrastructure mapping of the Town is recommended in CPU section 5.6 to identify linkages and gaps in the network of natural, open space, recreational and scenic resources that contribute to the character of the overall community. Community mapping, recommended in CPU section 5.7, would address historic, cultural and community resources that make of the fabric of the whole community. Scenic and historic overlay districts are recommended for areas of Pawling where these resources are identified.
- Between the existing zoning in residential areas, including the provisions for open space subdivisions and environmental regulations; and the recommended measures in the CPU, there are many ways to protect the environment and character of areas throughout the Town.

### Finding

The CPU and zoning amendment processes were thorough and involved extensive public and agency review. The CPU and zoning amendments proposed as revised to address commentary are responsive to the concerns and points of view expressed. The revised documents balance the Town's need for economic development; the objective to build on the community's core areas; and need to protect community character and environment. The implementation outline was revised to reflect priorities expressed in public and agency commentary. The proposed zoning amendments add standards and requirements for better design of sites in existing non-residential zoning districts. Future development of these sites will involve site-specific planning, zoning and environmental review.

## B. HOUSING AND ECONOMIC RESOURCES

### Review

The DGEIS in section VI., I. concluded that no adverse impacts were identified for housing and economic resource aspects of the adoption of the CPU and proposed zoning amendments; and no mitigation was necessary. The CPU strategies that may lead to future rezoning result in the need for proper planning studies and an environmental review to be conducted in the event that the Town has identified specific lands for rezoning. Such review must fully consider the characteristics of the land identified for rezoning; the nature of the uses, standards and requirements proposed in the zoning; and the potential effects on the site, surrounding lands and community character.

The FGEIS addressed housing and economic resources comments by elaborating on the following points:

- The idea of balancing appropriate land uses with the protection of Pawling's environment and quality of life was stated in the original Draft CPU in subsection 3.1, the Overall Community Vision Statement. This central objective is repeated in every section of the original Draft and the Revised CPU.
- The concept of focusing development in the core area around the Village and defined by Route 22 corridor and its juncture with Route 55 is similarly stated throughout the original Draft and Revised CPU and the original Draft and Revised Zoning. The extension of the sewer district to areas south of the Village reinforces the concept of keeping development in core areas of the Town (see CPU sections 5.4 and 5.8).
- The need for transit, pedestrian and bicycle amenities and trails are prominent themes throughout the CPU (see sections 5.1, 5.2, 5.3, 5.4, 5.5, 5.6 and 5.9). The enhancement of existing amenities and creation of new improvements to encourage transit and walkability will keep residents and visitors circulating in and around the core area of the community (Village and Town).

### Housing

- Specific recommendations about the Code of the Town of Pawling Chapter 55, Affordable Housing are provided in Revised CPU section 5.3 as per the excerpt below:  
“The Town's existing regulations contained in Chapter 55, Affordable Housing Regulations were adopted in 1992 and provide for comprehensive review procedures. This chapter should be reviewed and updated to facilitate construction of needed housing. A few key aspects of this chapter that may be impeding applications for such development are as follows:
  - Multiple review procedures are required including Town Board special permit and open space subdivision procedures based on underlying density;
  - The open space subdivision regulations impose gross acreage deletions before density is determined; and
  - The highest possible density that might be achieved through the process without a density bonus would be a dwelling unit per ½ acre of land.”

- The HA and HB zoning districts are located in a hamlet and in core areas of the Town where there are settled areas with a mix of residential and non-residential uses. Since these are settled areas along primary routes of travel, the addition of accessory apartments may provide needed smaller-scale and rental housing near neighborhoods and transit.
- Implementation of the Revised Zoning including accessory apartments in the HA and HB zoning districts will create the opportunity for potentially affordable housing in these core areas. These accessory apartments would not be regulated and administered as official affordable housing units. The Revised CPU recognizes that provision of needed housing is part of the community's economic development efforts to retain young individuals, couples and families. Additional future residential zoning strategies are recommended in section 5.3 of the Revised CPU to encourage creation of needed housing in core areas of the Town near existing neighborhood areas and adjacent to medium- to variable-density zoning districts.
- A review of residential zoning is recommended in CPU section 5.2 regarding zoning and section 6 regarding implementation. However, this examination must be done first to determine whether accessory apartments would be appropriate in other districts.
- Revised CPU section 5.3, regarding housing, recommends strategies to focus residential development in the core area of the Town surrounding and to the south of the Village in the R-1 and VRD zoning districts (see page 41). This would potentially increase the population somewhat in areas near the Village. Supplementary requirements proposed for the HB and MBI districts adjacent to these residential zones encourage walkability. The extension of the sewer district to areas south of the Village reinforces the concept of keeping development in core areas of the Town.

### Economic

- The original CPU and originally proposed zoning amendments anticipated lower demand for the industrial-type uses permitted in the Town's existing I zoning district. The proposed MBI district is intended to be a mixed non-residential use district. The complement of principal uses emphasizes business uses and de-emphasizes heavier industrial uses by making them subject to special permits. The MBI district addresses improved demand for business uses such as lodging; business offices, clinics and research; amusements and recreation; restaurants and other uses. Special permit use include mixed business centers; retail; hospitals, clinics and nursing homes; and nursery schools in addition to the manufacturing, warehousing and wholesale uses permitted in the I district.
- The Town's and Village's varied situations define the possible effects of zoning on economic growth in each place. The Village has the benefit of a volume of pedestrian and vehicular traffic from the train station and surrounding neighborhoods that the Town does not have. The Town has the benefit of the vehicular traffic from Routes 22 and 55 to fuel its economic growth. It is possible that highway businesses may provide additional options for potential customers who must choose between the Village's downtown and the Village's and Town's highway areas. Each area has its niche shaped by continuing business activity and adaptation to customers' needs.
- The range of uses permitted in the Village's and Town's business zoning districts are comparable and provide ample opportunities for retail, restaurant, lodging and office

uses in each context. The primary difference is that the Village's zoning districts include residential with non-residential uses and include manufacturing as principal uses. Therefore, the Village's existing zoning provides a somewhat broader range of uses than the Town's HB and MBI districts.

- In terms of form, the main difference between the Village's existing zoning and the Town's existing and proposed zoning is that the Village's Business 1 district permits 3-story (40-foot) structures. The Town's existing and proposed zoning permits 35-foot structures, which would allow 2 to 2-1/2 stories. Therefore, the Village's zoning permits higher density per acre, which is appropriate in its context. The ability to provide significant residential development on the same parcel with business space provides the population on-site necessary to support the Village's businesses. The Town's existing and proposed zoning does not provide this advantage.
- In regard to lot and bulk requirements, the Village zoning provisions include flexibility and substantially more floor area potential when compared with the Town's. The Town's zoning requirements place more limits on development potential than the Village's. The Village's existing zoning provides for 3 times to nearly 4 times more leasable area per acre when compared to the Town's existing and proposed HB and MBI districts.
- The Revised CPU and Revised zoning result in the creation of supplementary requirements for the MBI zoning district and revision of the HB supplemental requirements. These include standards developers must meet for better design including: open space and landscaping; interconnection of sites and access; shared parking and bicycle and pedestrian amenities; and design review for buildings "in harmony with the general visual character of the surrounding community". The requirement for future development to comply with better site design standards increases the potential for improving the overall aesthetic and character of buildings and site amenities in proximity to the Village. The presence of higher quality development would have the long-term effect of making the Village and surrounding areas in the core area of the Town more desirable places to live, work and do business. This effect should improve the demand over time for leasable business space and housing in both places.

### Finding

The revised CPU and zoning amendment documents balance the Town's need for housing and economic development; the objective to build on the community's core areas; and need to protect community character and environment. The CPU includes strategies to focus residential and non-residential development in the core area of the Town surrounding and to the south of the Village. The need for transit, pedestrian and bicycle amenities and trails are prominent themes throughout the CPU. The enhancement of existing amenities and creation of new improvements to encourage transit and walkability will keep residents and visitors circulating in and around the core area of the community (Village and Town). The extension of the sewer district to areas south of the Village reinforces the concept of keeping development in core areas of the Town.

The Town's and Village's varied situations define the possible effects of zoning on economic growth in each place. Each area has its niche shaped by zoning; continuing business activity and adaptation to customers' needs. The proposed zoning amendments add standards and

requirements for better design of sites in existing non-residential zoning districts. The presence of higher quality development in the Town would have the long-term effect of making the Village and surrounding areas in the core area of the Town more desirable places to live, work and do business. This effect should improve the demand over time for leasable business space and housing in both places.

### C. NATURAL RESOURCES

#### Review

The DGEIS in section VI., J. concluded that no adverse impacts were identified for natural resource aspects of the adoption of the CPU and proposed zoning amendments; and no mitigation was necessary. However, CPU objectives that may lead to future amendments to local laws related to these resources will result in the need for properly focused planning studies and environmental review.

The FGEIS addressed natural resources comments by elaborating on the following points:

- The originally proposed and Revised CPU addressed a number of protective measures in section 5.5 regarding natural resources. In response to public and agency commentary, this section has been expanded and strengthened.
- The CPU was revised to add emphasis about Critical Environmental areas (CEAs) and possible expansion thereof; the role of the Conservation Advisory Board (CAB); and additional groundwater protection strategies. CPU section 5.6 regarding open space, recreation and agricultural resources was revised to identify scenic and natural resources. Recommended scenic overlay provisions are protective of the Town's viewsheds and natural resources.
- Natural, scenic and historic resources were discussed throughout the original Draft CPU and are discussed in the Revised CPU (refer to sections 5.5, 5.6 and 5.7). The CPU spells out measures in the Town's existing Code and measures proposed for implementation for their enhancement and protection.
- The zoning originally adopted after the 1991 Plan set forth zoning districts, corresponding use and bulk tables and supplemental requirements for development. The potential for disturbance and development on a site in any district is guided or limited by the uses permitted and how they are laid out within the limits set by the following:
  - Special permit and site plan review; or subdivision review;
  - Bulk regulations governing density and intensity by lot area per use, setback and coverage requirements;
  - Supplemental use and design standards and requirements; and
  - The site's physical and environmental characteristics and constraints.
- Based on the objectives of the 1991 Plan, it was intended that the non-residential (business and industrial) zones adopted at that time would create the opportunity for commercial development in those designated areas indicating use categories that were deemed suitable in 1991. The environmental impacts of the Town's existing zoning would have been examined when it was adopted.

- The Town's existing laws governing land use and development are listed in CPU section 5.1 and repeated in subsequent sections. Similarly, land use and development proposed after the adoption of the CPU and zoning amendments would be subject to site-specific review taking into account the limits listed above.
- The originally proposed and Revised Zoning sets forth changes in uses within existing zoning districts, but no change in the boundaries of these districts. Other aspects of the Revised Zoning are described in this FGEIS in the Description of Action, subsections A. 5.2 and B, including the addition of supplemental requirements for several uses. The intent of the change in uses in the HB and MBI zoning districts is to broaden the array of permitted uses to increase the likelihood that existing business spaces would be used or redeveloped. The broader array of uses would also increase the likelihood that vacant land would be developed. Such use, redevelopment and new development would occur within the existing business district boundaries and consistent with the current parameters for coverage and building height. It would be developed according to existing open space requirements in the HB district and proposed open space requirements in the MBI district.
- The originally proposed and Revised Zoning includes uses that are either as intense or less intense than the most intense uses permitted in the existing HA, HB and I zoning districts. In the proposed HA and HB zoning district amendments, there is no increase in the intensity of uses. Additionally, making the more intensive uses in the HA and HB zones subject to special permit review gives the Town more control over how such uses are developed in the future.
- The proposed MBI district adds some business uses that are consistent with the HB zoning district and which are generally related to lodging, dining, entertainment and services. Food preparation, processing and product development is not related to these tourist and service-oriented uses, yet may provide opportunities for value added products related to local agricultural crops and different types of jobs. When compared to the industrial, manufacturing, warehouse and wholesale uses permitted in the existing I district, these business uses are considered to be less intensive and hazardous and less likely to involve regular truck traffic. The industrial, manufacturing, warehouse and wholesale uses; mixed business centers and individual retail stores are special permit uses in the MBI district requiring additional controls in the review and approval process.
- While lodging, entertainment and dining may attract visitors and result in increased vehicular traffic, this is balanced with the Town's expressed desire to pursue a diverse economic base including tourism. It is possible that visitors will frequent services provided in different parts of the community, which would be reflected in vehicular trips between related uses known as pass-by traffic. Given the presence of a train station in the Village and existing and potential bike routes through the Town, it is anticipated that some visitors and residents will opt to use these alternate forms of transportation.
- There is no change in the potential for land disturbance and coverage impacts. The proposed setback, coverage and open space requirements remain the same as in existing zoning or have improved in the HB and MBI districts. The zoning setbacks in the Revised Zoning are the same as the existing setbacks in the HB and MBI districts. The coverage remains the same in all three affected zoning districts (HA, HB and MBI).
- The Town's existing zoning does not include any supplementary regulations with open space requirements for development in the I district. The uses in the proposed MBI

zoning district will be subject to proposed supplementary regulations including an open space requirement of 15 percent. Because there are open space requirements for the HB and MBI districts, which exist under existing zoning or are imposed by proposed zoning, there are no potential impacts related to the amount of open space on site in the HB and MBI districts.

- As explained in the Draft GEIS (DGEIS) Introduction section (pages 2-3), the adoption of the CPU and proposed zoning amendments will not directly result in any land disturbance and development. It is acknowledged in the DGEIS that

“the adoption of the CPU and zoning amendments will change the framework and the variety of opportunities for individual development projects. After the adoption of the CPU and zoning, site-specific land development will have to comply with the current unchanged laws and amended provisions pertaining to: the type of development proposed; its specific location; and the characteristics of the site and environs. As before, individual development projects will undergo thorough review in accordance with the NY SEQRA regulations and other environmental regulations.

This DGEIS addresses the potential generic impacts of the proposed action, including the CPU and zoning amendments. Future actions that will occur as part of implementation of the CPU may be subject to review under SEQRA.”

### Finding

The revised CPU and zoning amendment documents balance the Town’s need for housing and economic development; the objective to build on the community’s core areas; and need to protect community character and environment including specific objectives to protect natural resources. The originally proposed and Revised CPU addressed a number of protective measures in section 5.5 regarding natural resources, specifically regarding groundwater and CEAs. CPU section 5.6 regarding open space, recreation and agricultural resources was revised to identify scenic and natural resources; and to recommended scenic overlay provisions.

The proposed zoning amendments add standards and requirements for better design of sites in existing non-residential zoning districts. These include standards for open space, landscaping, shared access and parking. More intensive uses will be special permit uses in the HA, HB and MBI districts requiring additional controls in the review and approval process. There is no change in the potential for land disturbance and coverage impacts. The Town’s existing zoning does not include any supplementary regulations for development in the I district, which will be remedied by the proposed supplementary regulations for the MBI zoning district.

## D. OPEN SPACE, RECREATION, AGRICULTURE AND SCENIC RESOURCES

### Review

The DGEIS in section VI., K. concluded that no adverse impacts were identified for open space, recreational and agricultural resource aspects of the adoption of the CPU and proposed zoning amendments; and no mitigation was necessary.

The FGEIS addressed open space, recreational, agricultural and scenic resources comments by elaborating on the following points:

- The original Draft CPU had addressed consideration of a scenic overlay district. In response to public commentary, the Revised CPU contains extensive revisions identifying available measures for addressing impacts on viewsheds; listing numerous scenic features; and recommending creation of a scenic overlay district and possible protective development practices. The CPU includes the following recommendation:

“Given the extensive visual resources listed above, the Town of Pawling should create a map that would be the basis for creation of a scenic overlay district. To be effective scenic overlay provisions will be coordinated with other aspects of the Town’s site plan or subdivision review. ...

Scenic Overlay provisions will add supplemental design standards to underlying zoning districts, which would serve to mitigate the effects of land disturbance and development on surrounding viewsheds. Recommended approaches to protection of viewsheds during the review of land development may include:

- Limiting site disturbance and clearing;
- Incorporating landscaped buffers along the edge of cleared areas;
- Avoiding placement of structures and other improvements on hilltops, ridgelines and steep slopes;
- Using siding, roofing, fencing and other building materials with textures or colors that reduce their visibility in the landscape.”

### Finding

The revised CPU and zoning amendment documents balance the Town’s need for housing and economic development; the objective to build on the community’s core areas; and need to protect community character and environment including specific objectives to protect open space, recreational, agricultural and scenic resources. Scenic Overlay provisions to be implemented after adoption of the CPU will add supplemental design standards to underlying zoning districts, which would serve to mitigate the effects of land disturbance and development on surrounding viewsheds. The recommended protective measures are also protective of natural resources.

## E. HISTORIC, CULTURAL AND COMMUNITY RESOURCES

### Review

The DGEIS in section VI., L. concluded that no adverse impacts were identified for historical, cultural and community resource aspects of the adoption of the CPU and proposed zoning amendments; and no mitigation was necessary.

The FGEIS addressed historical, cultural and community resources comments by elaborating on the following point:

- The original Draft CPU had addressed consideration of scenic and historic overlay districts. In response to public commentary, the Revised CPU contains revisions specifically recommending creation of scenic and historic overlay districts or a combined overlay district and possible protective development practices. An excerpt of the text of Revised CPU section 5.7 is presented below:

“...To be effective historic overlay provisions will be coordinated with other aspects of the Town’s site plan or subdivision review.

Overlay provisions will add supplemental design standards to underlying zoning districts, which would serve to mitigate the effects of land disturbance and development on historic features located on a site or on adjacent properties. Recommended approaches to protection of historic features during the review of land development may include:

- Architectural review regarding the design and layout of proposed structures and related improvements (roads, driveways, lighting, etc);
- Incorporating appropriate landscaped buffers and retention of existing vegetation;
- Preserving historic structures, sites and landscapes as part of the character of the site and surrounding community; and
- Using siding, roofing, fencing and other building materials with textures or colors that are compatible with historical features.”

### Finding

The revised CPU and zoning amendment documents balance the Town’s need for housing and economic development; the objective to build on the community’s core areas; and need to protect community character and environment including specific objectives to historical, cultural and community resources. Scenic and historic overlay districts or a combined overlay district and provisions to be implemented after adoption of the CPU will add supplemental design standards to underlying zoning districts, which would serve to mitigate the effects of land disturbance and development on surrounding historical resources and viewsheds. The recommended protective measures are also protective of natural resources.

## E. MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE

### Review

The DGEIS in section VI., M. stated that:

“The adoption of the CPU commits the Town to implementation of the strategies and actions recommended to address municipal services, facilities and infrastructure. The expansion or creation of new sewer services in existing settled areas is consistent with a sustainable development approach by providing services for compact development near community centers. The recommendation to conduct a feasibility study about the creation of central sewage

collection and treatment systems for remote hamlet and neighborhood areas addresses the public need for such services. In settled areas with higher densities of homes and individual septic systems, particularly where homes encircle lakes, the Town must consider threats to public health, and ground and surface water quality.”

The DGEIS concluded that no adverse impacts were identified for aspects of the adoption of the CPU and proposed zoning amendments related to municipal services, facilities and infrastructure; and no mitigation was necessary.

The FGEIS addressed municipal services, facilities and infrastructure resources comments by elaborating on the following points:

- The Revised CPU clearly states that it makes sense to create or expand services in and near existing settled areas and areas with potential for more concentrated development. The CPU endorses the extension of the existing central sewer system to serve the areas targeted for economic development under existing and proposed zoning, including the properties in the southern HB and MBI zoning districts. Central sewer service will enhance the development potential of these areas. The centralized wastewater treatment system that will be upgraded as part of PJSC’s proceedings will provide protection of the sensitive resources that lie close to the Route 22 development corridor from the potential of discharges from commercial septic systems.
- The intent of the change in uses in the HB and MBI zoning districts is to broaden the array of permitted uses to increase the likelihood that existing business spaces would be used or redeveloped. The broader array of uses would also increase the likelihood that vacant land would be developed. Such use, redevelopment and new development would occur within the existing business district boundaries and consistent with: the current parameters for coverage and building height; existing open space requirements in the HB district and proposed open space requirements in the MBI district.
- New jobs will be created during construction and in the operation of resulting businesses and services. Increased employment and customer activity and the use of redeveloped and new buildings will result in some increase in the demand for police, fire and emergency services comparable to demand resulting from existing commercial spaces in the area. Redeveloped and new commercial space will also result in improved property tax revenues on underutilized and vacant properties in the HB and MBI zones.
- The ultimate uses of these properties depend on the objectives of the owners, developers and/or persons leasing the properties or buildings. The potential square footage of usable, leasable commercial space would be defined by each sites’ constraints and the parameters set for in the Town’s zoning for coverage, setbacks, open space, parking, etc. (see FGEIS subsections A.5, A.7 and C.3). The numbers of employees would depend on the types of businesses, the size of occupancies and related leasable and sales areas. These variables will be addressed during site-specific review of land development as described in the Draft GEIS Introduction (see DGEIS pages 22-23 and FGEIS subsection C.3).

## Finding

The revised CPU and zoning amendment documents balance the Town's need for housing and economic development; the objective to build on the community's core areas; and need to protect community character and environment including specific objectives to expand sewer services. The implementation of the CPU will involve the extension of the existing central sewer system to serve the areas targeted for economic development under existing and proposed zoning, including the properties in the southern HB and MBI zoning districts. The centralized wastewater treatment system that will be upgraded as part of PJSC's proceedings will provide protection of the sensitive resources that lie close to the Route 22 development corridor from the potential of discharges from commercial septic systems.

### G. TRANSPORTATION

#### Review

The DGEIS in section VI., N. concluded that no adverse impacts were identified for aspects of the adoption of the CPU related to transportation; and no mitigation was necessary.

The FGEIS addressed transportation comments by elaborating on the following points:

- The DGEIS included section G. about "transportation", which included the following points under "Potential Impacts" (excerpts from DGEIS text):

"The CPU's recommends consideration of plans for a feeder road on the south section of Route 22 would potentially result in safer access for existing and future development in this area.

The review of road standards and the potential for adoption of rural road standards would be protective of natural resources by reducing the area of land disturbance related to new road construction for certain projects. "

- There is no change in the maximum permitted building coverage or minimum open space requirements for development in the HB and MBI zones as a result of the originally proposed zoning amendments or Revised Zoning. Accordingly, there would be no impacts on transportation related to any increase in permitted floor area or reduction in open space requirements.

## Finding

The revised CPU and zoning amendment documents balance the Town's need for housing and economic development; the objective to build on the community's core areas; and need to protect community character and environment. The CPU recommends creation of a feeder road on the south section of Route 22 for safer access for existing and future development in this area. Other CPU strategies such as rural road standards are protective of natural resources.

## H. SUMMARY OF ALTERNATIVES CONSIDERED

### Alternative: Comprehensive Plan Update without Adoption of Zoning Amendments

This Alternative would involve the potential impact of development resulting from future growth guided by the newly adopted CPU, yet under current zoning, current land use patterns, and without the benefit of adoption of the proposed zoning amendments. The Town would continue to review land development in the HA, HB and I district according to the existing complement of uses and bulk regulations. By omitting the proposed zoning amendments, the community would lose the benefit of an updated set of complementary business uses, which would regulate heavier industrial uses with special permits. Pawling would miss the opportunity to allow better design contained in the enhanced HB and new MBI supplementary zoning regulations.

The addition of accessory apartments to the HA and HB zoning districts would not occur if the proposed zoning is not adopted. In forfeiting the option of creating rental dwellings associated with principal uses, the Town would deprive property owners of economically efficient use of their land. Pawling would also lose the opportunity to create moderate- to affordable apartments.

### No-Action Alternative

The No-Action Alternative would involve the potential impact of development resulting from future growth under current zoning, current land use patterns, and without the benefit of adoption of the CPU and attached zoning amendments. The CPU document, now being considered for adoption, builds on ongoing comprehensive planning efforts (2005-2010). The various visions from the 2010 plan are unified into one vision statement in the CPU, which presents realistic, focused objectives, strategies and actions to guide Pawling's future growth and development.

If the community opts to continue without adoption of the CPU, their future actions would be guided by an outdated plan. The Town would lose the benefit of the studies, public input, vision, refined objectives and focused strategies and actions expressed as a result of extensive planning processes. The Town would also forgo the guidance set forth in the implementation outline for initiating and completing the CPU's recommended actions. In this scenario, the proposed zoning amendments would not be adopted either. The Town of Pawling would therefore experience the effects of the Alternative described above.

### Finding

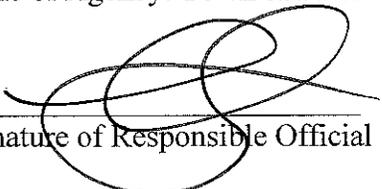
The revised CPU and zoning amendment documents balance the Town's need for housing and economic development; the objective to build on the community's core areas; and need to protect community character and environment. The proposed zoning amendments constitute immediate implementation of high-priority actions. The CPU recommends numerous strategies to be implemented over time with priorities expressed in an outline. Adoption of the CPU and zoning sets in motion the implementation of the visions, objectives, strategies and actions therein and an ongoing dynamic planning process to guide the growth of the Town of Pawling.

**Certification To Approve/Fund/Undertake:**

Having considered the draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Name of Agency: Town of Pawling Town Board

  
\_\_\_\_\_  
Signature of Responsible Official

Supervisor, Town of Pawling  
Title of Responsible Official

David Kelly  
Name of Responsible Official

7/11/12  
Date

Address of Agency:  
Town Hall  
160 Charles Colman Boulevard  
Pawling, NY 12564  
Phone: 845-855-4464

cc: Other Involved Agencies