

STATE ENVIRONMENTAL QUALITY REVIEW ACT
FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS)
For the Town of Pawling Comprehensive Plan Update (CPU)
And Zoning Amendments

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*The Revised and Draft CPU and Appendices are available on the Town of Pawling website (www.pawling.org)

II. INTRODUCTION

This Final Generic Environmental Impact Statement (hereinafter Final GEIS or FGEIS) has been prepared as part of the continued review of proposed planning and zoning actions in the Town of Pawling located in southeastern Dutchess County, New York. The purpose of the FGEIS is to provide the Town Board's responses to substantive comments raised by members of the public and agencies during the public comment period on the Draft Generic Environmental Impact Statement (Draft GEIS or DGEIS) for proposed planning and zoning actions described below. The Proposed Action that was the subject of the DGEIS was presented in:

- The Comprehensive Plan Update (CPU); and
- The Proposed Zoning Amendments (CPU Appendix C).

As Lead Agency in the SEQRA review of the CPU and Proposed Zoning Amendments, the Town Board sets forth Pawling's responses to public and agency commentary in this FGEIS. Additionally, the documents that were the subject of review under SEQRA - the CPU and Proposed Zoning Amendments - have been revised substantially to address questions, comments and concerns expressed in the review process. Therefore, the FGEIS makes frequent reference to the revised CPU and Zoning Amendments as the Town's response to public and agency comment. The substantive changes made in these planning documents are summarized in the FGEIS (see section III Description of Action). Reference is made to specific sections in the CPU and Proposed Zoning to guide reviewers to where these changes can be found.

The FGEIS consists of this response document and the appendices listed herein (refer to table of contents):

- Comprehensive Plan Update – Revised March 2, 2012 (hereinafter Revised CPU);
- Proposed Zoning Amendments (CPU Appendix C) – Revised March 2, 2012 (hereinafter Revised Zoning);
- SEQRA documents; and
- Public Comments/Correspondence.

The DGEIS, which was the subject of an extended public review and comment process, evaluated the potential impacts of the adoption of the Town of Pawling Draft CPU and proposed amendments to the Code of the Town of Pawling, Chapter 215, Zoning. The DGEIS, dated August 2, 2011, is incorporated in this FGEIS by reference as are the original Draft CPU and Proposed Zoning Amendments, both dated July 5, 2011.

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 since July 2011 includes the following highlights:

- Discussion of the Draft CPU and proposed zoning amendments at a Town Board meeting on July 13, 2011; initiation of SEQRA review including a Positive Declaration (a Determination of Non-Significance); and official 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 Town Board Determined the DGEIS to be complete and adequate for public review.
- A combined public hearing on: the CPU; the proposed zoning amendments; and the DGEIS was held on September 7, 2011.
- On September 7th, the public and agency comment period was extended to October 28, 2011.
- A second combined public hearing on the CPU, proposed zoning and DGEIS was held within the extended comment period on October 12th.
- The Board also extended the report and recommendation timeframe for Town Planning Board and Dutchess County Planning Department (DCPD) referrals on the CPU and zoning to October 28th.
- In addition to the public hearings, an informal question and answer session was held at the Pawling Town Hall on September 28, 2011 to give the public an opportunity to better understand 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 CPU, Proposed Zoning and the several documents related to the DGEIS were made available at Town Hall and the Pawling Free Library and on the Town's website as detailed in Revised CPU section 1.2. Records of the Town Board and Planning Board meetings can also be found at Town Hall or on the website.

Extensive public commentary was recorded in the records of the three hearings (July 27th; September 7th and October 12th). Approximately 4 dozen sets of individual comments were received from the public and agencies. These included letters, emails, petitions and responses to referrals from the Town Planning Board and DCPD. Refer to FGEIS Appendix 4. The comment period lasted for three months.

The CPU and the proposed zoning have been extensively revised in response to the points raised during the public comment period. The description of the Town's existing conditions, as summarized in CPU Section 2 and contained in Appendix A (excerpts Draft Comprehensive Plan, 2010) is extensive and fairly current. However, since new information is available, updates have been prepared about Pawling's population; housing and economic resources (see CPU sections 2.2, 2.3 and 2.4).

The Revised CPU and Revised Zoning are posted on the Town of Pawling website including highlighted versions showing recent revisions.

III. DESCRIPTION OF PROPOSED ACTION

As described in the Draft GEIS (DGEIS), 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. Specifically, 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.

This FGEIS also address adoption of the CPU and the zoning amendments, attached to the CPU as Appendix C. However, these have been revised to address public and agency commentary. These constitute revisions to the Proposed Action. These changes are in effect responses to public commentary. Notable changes found in the Revised CPU and Revised Zoning are briefly described below. Substantial portions of the CPU and zoning remain as originally proposed. The reviewer is referred to the Revised CPU document (FGEIS Appendix 1) and the Revised Zoning (FGEIS Appendix 2 [CPU Appendix C]) for more detail. As noted above, the Revised CPU and Zoning are posted on the Town of Pawling website with highlighted versions showing recent revisions.

A. Adoption of the Revised Comprehensive Plan Update

The passages below indicate that certain sections of the Revised CPU were either not changed; or they contain paraphrased excerpts of changed text from the Revised CPU. This section provides an in depth description of the revised aspects of the proposed action being evaluated in this FGEIS. The entirety of the proposed action is contained in the Revised CPU and Revised Zoning, which are provided in the CPU and included herein as FGEIS Appendices 1 and 2.

1. INTRODUCTION

Section 1.2 of the CPU provides an updated account of the 3-month public and agency review process. Refer to the highlights in the introduction to this FGEIS, above.

2. BASIC STUDIES SUMMARY AND UPDATE

Revised CPU section 2.2 was updated to include corrected demographic information. CPU Sections 2.3 and 2.4 were added to the Revised CPU to provide housing and economic resource updates, respectively. Refer to pages 14 and 15 of the Revised CPU.

3. COMMUNITY VISION

CPU section 3 did not require substantive revisions.

4. Overall Goals and Objectives

CPU section 4 did not require substantive revisions.

5. STRATEGIES AND ACTIONS

Substantial revisions were made throughout CPU section 5. These changes are summarized for each topical subsection below.

5.1 Land Use

CPU section 5.1 was revised to acknowledge the importance of the intersection of New York State Route 55 with Route 22 as an optimum area for economic development related to coordinated highway access. This identifies the existing basis for examining zoning in this area and for extending central sewer service south of the Village of Pawling along the Route 22 corridor. Refer to CPU pages 29 to 30.

5.2 Zoning

Several changes in CPU section 5.2 strengthen the Town's approach to objectives related to the design and quality of development.

As part of attention to higher-quality design and community character, the Town states that it will create an Architectural Review Board (ARB), which would serve in an advisory capacity. The ARB will be charged with compiling a set of desirable architectural and site design elements to guide land development and ARB decisions. Refer to CPU page 32.

Mixed Business-Industry Zoning

Revisions to CPU section 5.2 elaborate on the purpose of changes to the existing I district to create the proposed MBI (Mixed Business-Industry) zoning district. The intent of the proposed mixed use zoning is to move the Town away from heavier industrial operations toward the possibility of complementary office, retail, hotel, service and light manufacturing businesses. As with the original CPU, these changes are proposed within the existing I district boundary. The need for the proposed supplemental requirements to ensure better design for all uses permitted in the proposed MBI zone is spelled out. The need for special use review for certain uses is noted and such uses would be required to be located on lots of 5 acres or larger.

The proposed MBI zoning reverts to the existing setbacks for the I district in response to agency and public comment. 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. Refer to the CPU (pages 32-33) and Appendix C, Proposed Zoning Amendments (Revised Zoning).

Route 22 Corridor

The CPU recommends zoning amendments that would allow a broader range of uses in the HB (Highway Business) zoning district. There is clarification in revised section 5.2 that no change is proposed to the boundaries of the existing HB districts. The Revised Zoning for the HB zones addresses agency and public commentary by reverting to the existing yard setback requirements for this district. Flexible setbacks are presented in a revision to the supplemental HB zoning regulations as an option during Planning Board review for instances where high-quality and low-impact design are proposed.

In accordance with the revised Proposed Zoning Amendments, a special use permit would be required in the HB zone for parcels of 2 or more acres. Accordingly, the existing HB supplemental requirements for lots of 5 acres and shopping centers will apply to lots above 2 acres, and mixed business centers. The revised

supplementary regulations focus on the quality of development design and character of the numerous smaller parcels lining Route 22. Refer to CPU page 33.

The Revised Zoning includes supplementary regulations for accessory apartments above commercial establishments, which are permitted by special use in the HB district. This creates the opportunity for additional housing in the Town's core area and along a main transportation route (Route 22) with appropriate development standards. The supplementary requirements limit the number of dwellings above commercial establishments to 2 units limited in size, which would not exceed the commercial floor area. The overall site development on any HB parcel must still address the existing coverage and parking requirements for the district for these uses. Refer to CPU pages 33 to 34.

Holmes Hamlet

As described in the original Draft CPU, the Town is proposing amendments to the HA (Hamlet) zoning district as part of the CPU to add the uses: bed-and-breakfast; and accessory apartment. Additionally, amendments to lot area and bulk requirements are proposed. These bulk changes will not alter building coverage requirements, yet will provide flexibility in the layout of proposed uses (CPU Appendix C). Refer to CPU pages 34 to 35.

The Revised Zoning includes supplementary regulations for accessory apartments on one-family residential lots and above commercial establishments. The inclusion of accessory apartments by special use in the HA district creates the opportunity for additional housing one of the Town's hamlet areas and along one of its main transportation routes (Route 292). The supplementary requirements for accessory apartments on one-family lots limit the area of an apartment relative to the principal dwelling and ensure that the property owner occupies a dwelling on such a lot. Bulk requirements and the exterior of buildings on properties with accessory apartments must be consistent with the character of a one-family lot.

As described above, the supplementary requirements for accessory apartments also limit the number of dwellings above commercial establishments to 2 units limited in size, which would not exceed the commercial floor area. These regulations ensure a balance in the mix of uses permitted in the HA zone. The overall site development on any parcel must address the existing coverage requirement for the HA district including access and all required parking for business space and apartments.

As part of the Town's future review of the HA zone, the need for augmentation of the district boundary should be studied. The CPU has been revised to recommend the formation of a volunteer group including local residents and business owners working with members of the Town Board and Planning Board for this study. As stated in the original Draft CPU, the Holmes area has the potential to become a more mixed-use settlement with the proper zoning configuration, which would allow the limited growth of services and businesses that would serve local residents and visitors. As per the original CPU, expanding the HA boundary to fill in a gap would create a more complete hamlet configuration, including a defined area west of Holmes Road running from Herd and Tanner Road north to Denton Lake Road. This broadened district configuration would retain the hamlet's core area.

General Review of Zoning and Regulations

The CPU has been revised to reflect that the Town of Pawling Planning Board's experience with the application of Zoning section 215-21, Open space subdivisions, should identify historic and scenic resources in

these supplementary regulations. An addendum to CPU Appendix C illustrates the minor changes that would be required to properly emphasize that scenic and historic resources must be considered for protection in open space subdivisions. This addendum should be considered for immediate implementation with adoption of the CPU and the Proposed Zoning Amendments. Alternatively, the recommended amendments to the open space subdivision regulations should be considered as a priority after the adoption of the CPU.

The original CPU discussed the use of open space subdivision design in specific areas of Town, namely the Conservation Density zoning district. Since focus on this district for this type of subdivision raised concern, the CPU was revised to consider open space design in certain circumstances. The Revised CPU now recommends that land subdivision regulations and zoning provisions for open space subdivisions should be fully utilized to maximize conservation on subdivision sites with natural, historic and scenic resources that should be protected. The Town should consider amendments to fully accommodate open space subdivision design to curtail land disturbance effects that are typically more extensive in conventional subdivision layouts. Refer to FGEIS Appendix 5 for descriptions and illustrations of open space or conservation subdivision design.

The CPU was further revised to assert that such amendments should address a conceptual or sketch review step for consideration of the management of open space during the initial stages of subdivision review. Discussion of the fate and administration of land to be preserved should involve the participation of any land trust or preservation group. Provisions should be examined and revised as necessary to provide the opportunity for alternative residential designs such as flag lots.

The original CPU included a recommendation that the Town should conduct a general review of its zoning and other regulations consulting with officials, boards, committees and other agencies involved in administering the Town's Code Chapters. In response to public comment, it was added that Pawling's enforcement provisions should be examined regarding processing of applications when there are problems or violations on properties. Any amendments proposed should include provisions for expediting remedies on such properties. This general review should be done on an annual basis. Recommendations and suggestions for amendments should be properly prioritized and coordinated with CPU implementation actions. Refer to CPU pages 35 to 38.

5.3 Housing

The original CPU recommended that the Town should use the experience of the Affordable Housing Board (AHB) to identify successful and problematic aspects of housing development in Pawling. Given the issues raised by the Housing Update, which is an added section in the Revised CPU (see section 2.3), the Town's regulations and zoning related to housing were reviewed. Revisions to the CPU include recommendations to facilitate development of needed housing.

The Town's existing regulations contained in Chapter 55, Affordable Housing Regulations, 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.

Several different approaches are needed to build on what is in place for and what must be initiated to move toward development of needed housing. The zoning amendments proposed as part of this CPU will allow development of accessory apartments in the HA and HB zoning districts. The creation and implementation of a water and sewer service plan specifying expansion areas would facilitate the development of higher density and affordable housing in existing zoning districts that permit higher-density housing such as the R-1 and VRD districts. The Town must consider zoning amendments to facilitate the construction of housing as part of its economic strategy to attract young individuals, couples and families. For example, the need for increased residential density should be considered in limited areas where existing neighborhood roads intersect with Route 55. Potential neighborhood densities may be feasible in areas adjacent to R-1 and VRD districts.

5.4 Economic Resources

Section 5.4 of the original CPU observed that non-residential development consistent with the Town's character that would complement but not detract from its cultural and natural features would be suitable. Because of existing zoning and locational characteristics, the areas along the Route 22 corridor, near the crossroads of Routes 55 and 22, and in proximity to the Village of Pawling were identified as having the potential for economic growth. The Revised CPU describes this core economic area as an "emerging center" to the south of the Village buffered from the Village by a variety of residential zoning districts.

The Revised CPU now includes the observation that the lack of sanitary sewer service to these areas designated by the Town for commercial and industrial development has made it difficult to plan for reasonable site development and quality design. Without sewer service, land development would require on-site systems with extensive area for subsurface discharge. The time needed to obtain permit approvals; the "soft costs" involved in design and the long-term financial risk associated with the operation and maintenance of private wastewater treatment and disposal systems are further deterrents to economic development in Pawling's existing business districts.

The Economic Resources section of the Revised CPU is updated by addressing the work of the Mid-Hudson Region Economic Development Council (MHR EDC). The MHREDC presented their 5-Year Strategic Plan¹ in 2011 setting forth 15 goals for future economic development of the region. The Revised CPU now includes highlights of these goals that pertain to the Town of Pawling, which are presented below (paraphrased and quoted as appropriate):

- Job-creation programs should highlight "technology-based industries such as biotechnology, high-tech manufacturing, and information technology ..."; and continuation of "mature industries such as distribution, financial and professional services, food and beverage, and health care".
- A "natural infrastructure" approach values the Mid-Hudson region's "outstanding natural resources", environment and agriculture as key parts of the economy, particularly the tourism industry. These resources are part of the region's quality of life, which is "critical to attracting and retaining high-quality jobs for all key industry sectors."
- "Improvements in infrastructure and investment in housing are needed to 'attract jobs to the region, create construction jobs ...' and support a beneficial housing market."
- Voluntary programs should be initiated to "encourage, educate, and foster green development projects" as a way to develop a more sustainable economy in the Hudson Valley.

¹ Mid-Hudson Region Economic Development Council Strategic Plan, adopted November 2011.

- Encourage partnerships among inter-regional groups and efforts to shape the use and preservation of cross-region resources.
- Make the Mid-Hudson Valley more attractive to skilled and educated young people to stop “youth flight” and “brain drain” in the area.

A clearer message about economic development is set forth in the Revised CPU, following the Economic Resources vision statement (see pages 45-47). A primary strategy is to enhance development potential within the limited areas in the developed core which permit commercial use, while prohibiting intensive non-residential development in the outlying rural areas of the Town. This strategy will contribute to the preservation of Pawling’s rural character while protecting sensitive environmental resources, including the Great Swamp, which are located near the core commercial area near the cross roads of Routes 55 and 22.

As described above in the Zoning section, portions of the two I districts located south of the Village of Pawling on the west side of Route 22 are significantly constrained by wet areas, wetlands, Brady Brook and floodplains. These constraints within the I districts south of the Village may be affecting the viability of these parcels for development even though each has usable unconstrained areas. However, the Town can partially remedy this situation by incorporating more flexible development standards for campus-style design that would highlight natural features.

As with the original CPU, the Revised CPU recommends re-naming and revision of the I district (see Revised Zoning, FGEIS Appendix 2 [CPU Appendix C]). The intent of the proposed mixed use zoning is still to move the Town away from heavier industrial operations toward the possibility of complementary office, retail, lodging, service and light manufacturing businesses. The proposed re-naming of the zone to the MBI (Mixed Business Industry) district includes the addition of several business uses as principal uses. The proposed set of uses would provide entrepreneurs with a broader array of options for development or redevelopment of sites within the current I district boundaries and a greater likelihood of filling the spaces created. Concurrently, a variety of businesses will offer residents a greater selection of employment opportunities.

The Revised CPU acknowledges that implementing the CPU’s economic development recommendations while respecting the environmental protection strategies will require both zoning changes and infrastructure improvements. The Revised MBI zoning provides for higher levels of regulatory review for proposed industrial uses presently permitted in the existing I district. It also introduces supplemental requirements for principal and special uses in the MBI district with requirements for design, open space, landscaping, retail building size, shared parking, minimized access points and architectural review. Flexible setbacks may be allowed where land development includes high-quality design; preservation of natural or historical features and viewsheds; and low-impact development methods.

To increase the opportunity for well-designed, compact economic development in the Town’s existing non-residential zones, the Revised CPU clearly states that expansion of sewer services must be expedited. The planning and phased extension of the existing central sewer system must be implemented immediately to serve the areas targeted for economic development. Providing sanitary sewer service to the existing PDD and proposed MBI districts along Route 22 south of the Village to Akindale Road will not only support economic development, but will also protect sensitive lands in proximity to such districts. Extension of sewer services and the concurrent upgrades to the PJSC wastewater treatment plant will provide needed infrastructure to this area and provide enhanced sewage treatment for the existing and extended district.

To emphasize the concept of economic growth built on the community's "core", the Revised CPU recommends that the Town of Pawling create a detailed "centers and greenspaces" map. This would be based on the format of the countywide map created by the Dutchess County Department of Planning. The County's GIS resources would be used to highlight emerging centers, hamlets and settlement areas. This effort should be coordinated with the Green Infrastructure mapping recommendation in CPU Section 5.5, Natural Resources.

5.5 Natural Resources

Section 5.5 of the Revised CPU makes specific reference to Chapter 7 of the Draft Comprehensive Plan of 2010, excerpts of which are part of the CPU (see CPU Appendix A), which provide descriptions of the Town's natural resources including its geology, topography, soils, surface waters, wetlands and groundwater resources. Consistent with the communities regard for its natural resources, the Revised CPU lists the four Critical Environmental Areas (CEAs) designated in the Town, which "posses exceptional or unique environmental characteristics". The four CEAs include:

- Quaker Lake and Deuel Hollow;
- Hurds Corner;
- Little Whaley Lake and Watershed; and
- Great Swamp.

The Town's Conservation Advisory Board (CAB), which is involved in the review of subdivisions, site plans, special permits and other land development and permitting applications, is specifically mentioned in the Revised CPU. The role of the CAB in the environmental aspects of these reviews is addressed in specific provisions of Pawling's existing zoning, wetland and timber harvesting laws.

The Revised CPU includes additional strategies that must be implemented to address threats to groundwater quality. Compact development with reduced lengths of roads and driveways would increase the groundwater recharge area resulting from new development. A special report entitled "Road Salt, Moving Toward the Solution"² recommends a road salt management plan aimed at reducing salt applied on local roads. The Town should begin discussions with adjoining communities about possible coordinated intermunicipal efforts focused on the protection of groundwater resources in the Harlem Valley. Such efforts would also protect the health of the Great Swamp and Swamp River, which are part of the Harlem Valley groundwater system.

The Revised CPU also points to the existing Pawling Joint Sewer Commission Sewage Treatment Plant, which was created as a joint project of the Village and the Town in the early 1980's. The possibility of enhancing the service area of this treatment plant has been considered for a number of years. Such extension has great promise to aid in the protection of natural resources, including groundwater. The Town's 1991 Comprehensive Plan acknowledged that further study was necessary to determine whether central sewers were feasible in the business and industrial zones along Route 22.

An enhancement and upgrade of the existing treatment plant would deliver service to this targeted area of the southern Route 22 corridor, without the necessity of constructing a new facility. The upgrades necessary to accommodate enhanced flows to the existing PJSC facility could also benefit existing users of the system by spreading operation and maintenance costs over a larger customer base and could also reduce effect on receiving streams. The upgrades to the plant will require cooperation with the Village and the Pawling Joint Sewer Commission, entities which have worked together since the formation under the original agreement in

² Cary Institute of Ecosystem Studies, Road Salt, Moving Toward the Solution, Special Report, December 2010.

1983. It is possible that the upgrades to serve areas between Akindale and the southern Village boundary could be accomplished entirely within the existing grounds of the plant's facility. The route of the sewer main extension to serve the targeted area could be located within the NYS Route 22 right-of-way in areas that are already generally disturbed and or improved. The Town will evaluate the most appropriate design for the sewer pipe extension on Route 22 so as to provide flexibility in accommodating a variety of flows as the area is developed.

Numerous development and environmental stakeholders and the public have commented on the benefits of supporting development of the PDD, MBI, and other key sites from Akindale Road to the southern Village border on Route 22 by the provision of central sewer. The implementation schedule in the CPU has been modified to insert a new item about the necessary sewer studies regarding expansion of existing PJSC sewer plant to serve the Route 22 corridor south of the Village to Akindale Road. This item is given a 2012-2013 time frame to address the priority for moving forward on the process of extending sewer service. The process requires planning, engineering and environmental review involving inter-municipal actions and permitting from numerous agencies.

The Revised CPU also recommends that the Town examine the boundaries of the existing CEAs in the Quaker Hill area: Quaker Hill/Deuel Hollow; and Hurds Corner. Additional areas of the 7,000-acre Quaker Hill area should be considered for CEA designation in accordance with a report by Larson Fisher Associates (March 2008). Alternatively, expansion of the boundaries of the existing CEAs should be explored.

5.6 Open Space, Recreation, Agricultural and Scenic Resources

Revised CPU section 5.6 is renamed in recognition of the significance of scenic characteristics of its open spaces, recreational and agricultural lands. Significant text was added to section 5.6 in response to agency and public commenters identifying numerous geographical features that contribute to Pawling's scenic "viewshed" during the public review process (see CPU pages 60-62). These consist of waterbodies, waterways, wooded or rural landscapes, parks, preserved open spaces and historic areas. Many are located in the Town; however, scenic places outside Pawling's boundaries are part of its rural character. These places, landscapes and areas can be viewed from Pawling's roads, neighborhoods and trails and create an important aspect of the Town's character and quality of life. Documentation prepared in 1993 provides supportive information about the Town's scenic roads. Therefore, the scenic aspects of the Town of Pawling are set forth below as features that must be protected from the effects of land development.

The site plan approval provisions in Pawling's zoning refer to the comprehensive plan as a factor to be considered (see section 215-47, G.). In the Planning Board's general considerations for special permits (section 215-46, E), the zoning law makes reference to "harmony with the appropriate and orderly development of districts" in which a site is located; and "environmental characteristics" and the "total interests of the Town". These provisions are not specific to visual impacts. However, the listing of scenic resources in the CPU, prefaced by considerations of the Town's character and quality of life that "must be protected from the effects of land development", provides a basis for preservation of these scenic resources.

The Revised CPU recommends that initially the Town should use the NY SEQRA Visual Impact Assessment Form (Visual EAF Addendum) during the environmental review of land development including subdivisions, special permits and site plans. For certain land development review processes, an in depth visual impact analyses may be performed. Depending on the results of review of visual assessment or analyses, it may be

necessary to incorporate specific practices in the design of land development. Such changes in design should mitigate the effects of development on scenic features, or views of these scenic places, landscapes and areas.

The scenic places, landscapes, roads and areas identified below provide a preliminary yet not an exhaustive list in the Revised CPU, which will be expanded to include details and additional scenic features:

- Appalachian National Scenic Trail (National Park Service)
- Ballard Pond
- Ballard Lake
- Birch Hill
- Branch Hill
- Brady Brook
- Brady Falls
- Brady Pond
- Byrd's Hill Falls
- Cat Rocks
- Corbin Hill
- Corbin Road
- Denton Lake
- Depot Hill
- Deuel Hollow* and Brook
- East Branch of the Croton River
- Edward R. Murrow Park
- French Lake
- Great Swamp*
- Green Mountain Lake
- Hammersley Hill
- Harlem Valley
- Harmony Lake
- Hiller Brook
- Hudson Hills
- Hudson Highlands (northern extent)
- Hurds Corner*
- Lake Dutchess
- Little Whaley Lake*
- Mill Pond
- Mizzen Top
- Mount Tom
- NYS Route 22 (sections)
- NYS Route 55 (sections)
- NYS Route 292 (sections)
- Nuclear Lake
- Oblong Trail Association Trails
- Observatory Hill
- Parce Pond
- Pawling Mountain
- Pawling Nature Preserve
- Pawling Reservoir

- Purgatory Hill
- Quaker Brook
- Quaker Hill
- Quaker Lake*
- Ray Lake
- Sealy Hill
- Swamp River
- Sunset Lake
- The Great Swamp
- Tracy Pond
- Waldo Hill
- West Mountain
- Whaley Lake and Stream
- Willow Lake

Areas marked with an asterisk () are formally designated CEAs.

Given the extensive visual resources listed above, the Revised CPU recommends that the Town of Pawling create a map that would be the basis for creation of a scenic overlay district. As part of this process, the town should review examples of scenic overlay legislation and examine existing town land development review regulations. 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; and
- Using siding, roofing, fencing and other building materials with textures or colors that reduce their visibility in the landscape.

The Revised CPU also includes the recommendation that the Town of Pawling use the format of Dutchess County's "Centers and Greenspaces" map to guide its "green infrastructure" mapping efforts. This should be coordinated with the preparation of a detailed Town of Pawling "centers and greenspaces" map discussed above in the Economic Resources section.

5.7 Historical, Cultural and Community Resources

The Town of Pawling should identify, inventory and assemble a complete map of sites, structures and locations of groups interested in historical and cultural resources. Creating partnerships with the Town Historian, the Historical Society of Quaker Hill and Pawling and other related community groups to would be an effective way to ensure a comprehensive collection of information for the inventory. The inventory and map will be based on existing reports and studies.

In order to further emphasize Pawling's scenic, historic character, section 5.7 of the Revised CPU recommends that the Town should create scenic and historic overlay districts or a combined overlay district. The regulations for an overlay district would be in addition to the underlying zoning district but would not affect density, lot area, coverage and setback requirements. The Town of Pawling should create a map that would be the basis for creation of a historic overlay district. As part of this process, the town should review examples of historic overlay legislation and examine existing town land development review regulations. To be effective, historic overlay provisions will be coordinated with other aspects of the Town's site plan or subdivision review (see CPU page 71).

Historic 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.

5.8 Municipal Services, Facilities and Infrastructure

The Revised CPU includes added background about ongoing consideration of sewer service in section 5.8. The Pawling Joint Sewer Commission (PJSC) oversees an inter-municipal sewage disposal and treatment system that serves the Village of Pawling and two areas of the Town. The Village and Town have been working together to seek funding for an upgrade and expansion of the Pawling Wastewater Treatment Plant.

The 1991 Master Plan noted that studies would be necessary to determine the viability of extending central sewer service to the Route 22 corridor. As stated in this CPU, the lack of central sewer to service the Town's commercial development node south of the Village of Pawling continuing toward Akindale Road (including the Castagna and Elm Street properties) is a significant stumbling block to economic development. The presence of sewer service in this area will improve conditions for optimum site design, which will protect nearby sensitive resources. Efforts to remove this obstacle have been ongoing; the PJSC took the following actions on the dates noted below (see CPU pages 73-74):

- 5/14/09: Reviewed the consultant's New York State Pollution Discharge Elimination System (SPDES) Capacity Increase Application report considering potential plant expansion strategies; Authorized the consultant to prepare an RFP for an Inflow/Infiltration (I/I) investigative report, as requested by NYSDEC; and Declared Intent to become Lead Agency for the coordinated SEQRA review of the upgrade of Wastewater Treatment Plan (WWTP) permitted SPDES capacity.
- 6/11/09: Declared itself Lead Agency for the SPDES modification application; and made a Determination of Non-Significance (Negative Declaration) on the modification of the SPDES permit.
- 7/9/09: Consented to the Town of Pawling being Lead Agency for the Route 22 sewer line extension; and Declared itself Lead Agency for the WWTP expansion and main trunk line along the Metro North tracks.
- 10/8/09: Discussed the plant expansion options and directed its engineers toward a traditional plant expansion system.

- 11/12/09: Amended a Sewer Tenancy and Capacity Reservation agreement with the Castagna company for the sewer lines it would install and dedicate to the respective municipalities within which they would run.
- 1/14/10: Received the consultant's I/I report.
- 3/11/10: Reviewed the consultant's I/I report.
- 4/8/10: Authorized the consultants to work on an application for Environmental Facilities Corporation (EFC) funding for WWTP improvements; and Reviewed the NYSDEC comments on the WWTP expansion application.
- 5/13/10: Reviewed the required repair work based on the I/I report and NYSDEC comments.

As part of the PJSC process, the NYSDEC took the following actions on 7/7/10: Published a notice in Environmental Notices Bulletin (ENB) of completion of "full technical review" and a determination to upgrade the PJSC WWTP and modify its SPDES permit capacity from 0.28 million gallons per day (mgd) to 0.32 mgd. Technical aspects of the review included the following: Water quality review was conducted for the increased design flow; Permitted mass loads (lbs/day) were revised per the modified design flow; Most permit discharge limits were maintained, as was temperature monitoring requirement; and Phosphorus monitoring was added.

The Town of Pawling Town Board also had a role in the PJSC's process and took its own actions on 8/5/09: Authorized filing of funding applications "concerning the construction of a municipal sanitary sewer main extension along NYS Route 22 for the purpose of providing sewer service to areas south of the Village, tying into the existing municipal facilities of the PJSC, subject to the Commission's approval"; Acknowledged itself as Lead Agency for the proposed action; and Adopted a Negative Declaration for the proposed action. In so doing, the Town Board noted that while "the Town is lead agency on the six inch pipe, the PJSC is lead agency with respect to the improvements of the plant itself and trunk line with the Village. The Town can only make commitments with respect to the pipe itself and can't make any commitments with respect to the sewer treatment plant.

The Revised CPU clearly states the need 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 for the various uses permitted under the proposed zoning. 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 existing PJSC Sewage Treatment Plant was created as a joint project of the Village and the Town in the early 1980's. The possibilities of enhancing the service area of this treatment plant have been considered for a number of years. The Town 1991 Comprehensive Plan acknowledged that further study would need to be done to determine if central sewers were feasible in the business and industrial zones along Route 22. The development potential of key sites between the southern Village border and Akindale Road has increased since that time. The Castagna PDD development was approved by the Town Board and Planning Board in 1998. The Elm Street Partners site, located in the MBI district, offers the development potential of a large site close to the Village. Such development would help realize the vision of this CPU which calls for the Town to encourage economic development "fostering appropriately scaled and well designed development along the Route 22 corridor.

An enhancement and upgrade of the existing treatment plant would deliver service to this targeted area of the Route 22 corridor, without the necessity of building a new facility. The upgrades necessary to accommodate enhanced flows to the existing PJSC facility would also benefit existing users of the system by spreading operation and maintenance costs over a larger customer base. The upgrade would also reduce effects on receiving streams. Completion of these plant upgrades will require continued cooperation between the Town and the Village as part of the Pawling Joint Sewer Commission, entities which have worked together since the formation under the original agreement in 1983.

It appears that the upgrades to serve areas between the southern Village boundary and Akindale Road could be accomplished entirely within the existing grounds of the plant's facility. The route of the sewer main extension to serve the targeted area could be located entirely within the NYS Route 22 right-of-way, in areas that are already generally disturbed. The Town will evaluate the most appropriate pipe design to provide flexibility in accommodating a variety of flows as the area is developed.

Numerous stakeholders and the public have commented on the benefits of supporting growth in the area of the HB, MBI and PDD zoning districts along Route 22 by providing central sewer. Comments raised during the extended agency and public review process for the CPU and Proposed Zoning affirmed the desirability of development of central sewer, concurrent with the implementation of the proposed zoning and actual development of the properties in these zones. The implementation schedule in the CPU has been modified to insert a new item about the necessary sewer studies regarding expansion of existing PJSC sewer plant to serve the Route 22 corridor south of the Village to Akindale Road. This implementation item is proposed to occur within a 2012-2013 time frame as per the Revised CPU.

5.9 Transportation

The Revised CPU incorporates updated transportation information and recommendations from regional studies and agencies. Previous planning studies have identified areas where improvements to the existing roadway network are necessary. The Route 22 Corridor Study: Corridor Management Plan, prepared by the Poughkeepsie Dutchess County Transportation Council (PDCTC) in 2002, made recommendations about roads and intersections in the Town of Pawling. *Moving Dutchess* is the latest in a series of long-range metropolitan transportation plans of the PDCTC, which was adopted on November 18, 2011. *Moving Dutchess* recommends the following to address the transportation needs of Pawling and the metropolitan area of which it is a part:

- Provide a secondary (rear) access, service or feeder road along Route 22, south of Route 55. Parking behind commercial buildings would be coordinated.
- Road Capacity Improvements are needed on Akindale Road and on Coulter Avenue/Pine Street.
- A Long Term Capacity Improvement for deficiencies in the capacity of the intersection of CR 67 (Quaker Hill Road) and East Main Street would be the provision of a through/left turn lane and a separate right turn lane for the eastbound movement. Signal head modifications and better alignment of the eastbound and westbound approaches would also improve capacity and safety.
- Explore possible safety improvements at the Akindale Road/Route 22 and Dutcher Avenue/Route 55 intersections.
- The vertical profile of Route 22; the resulting short sight distances and opposing turning movements at the CR 67 (Quaker Hill Road) and East Main Street intersection create additional safety concerns. Changing the profile of Route 22 and realigning the intersection would be expensive, but would be

an effective long term capital improvement. Less costly solutions include restricting right turns on red and tree removal within the highway ROW near the intersection.

- Modify the intersection at Lakeside Park and County Route 20 (West Dover Road) to create a “T” intersection.
- Explore the widening of Route 22 to two lanes in either direction from Pawling south to I-684.

The Dutchess County Division of Mass Transit, the Dutchess County LOOP, provides public transit bus service through two modes: fixed route service and demand response services such as Dial a Ride and Paratransit. The Revised CPU reflects updated routes. Loop E serves Pawling, originating from and with stops in Poughkeepsie; along NYS Routes 22 and 55 including stops at a supermarket, at apartment houses and near the Pawling train station. Loop E also provides connections to Loop D which runs through Dover Plains, Wassaic and Millbrook. Loop E connects with Loop C to provide transit to Dutchess Community College and Poughkeepsie.

A pedestrian and bicycle connection is recommended in *Moving Dutchess* from Route 22 at Quaker Hill Road to the train station via Main Street. Another recommendation is that a sidewalk be installed on Lakeside Drive to connect the Village’s center with the Town Parks. The metropolitan transportation plan promotes completion of a Greenway Trail along the unused railbed from Hopewell Junction through Pawling and then south to the Putnam County line. According to the plan, an additional parking lot would be needed at Route 292 to accommodate Greenway Trail visitors.

While regional transportation reports and studies do not include specific concerns and recommendations about NYS Route 292, it is identified as a smaller state road in the Lower Taconic aspect of Dutchess County. Drivers may use it as a connection between Route 55 via Route 312 to I-84 since there is a park-and-ride lot at I-84 exit number 19 (Rte 312). Although it provides connections between state highways, it is considered to be a collector road based on traffic volume and multiple access points for residential roads and driveways. Route 292 has a relatively high rate of accidents. Therefore, the configuration of key local intersections with Rte 292 should be examined including the following roads:

- South Road;
- Brandy Hill Road; and
- Holmes Road.

6. IMPLEMENTATION

The Implementation section and schedule are substantially changed in the Revised CPU as set forth below.

The adoption of a Comprehensive Plan Update (CPU) gives the Town direction for realizing the community’s vision and putting the goals, objectives, strategies and actions to work. The zoning amendments proposed as part of this CPU, contained in Appendix C, are an immediate implementation task that will be adopted when the CPU is adopted.

The recommended strategies and actions set forth in this CPU will be implemented over many years. These must be outlined in an implementation schedule starting from the Implementation Outline table on the following pages. This schedule will generally describe the tasks involved and project the timeframes for initiation and completion of CPU strategies and actions. The Town should follow the priorities set by the Implementation Outline below. However, it may be necessary to amend the relative priorities and

implementation schedule to address the availability of funding, the level of volunteer effort involved and other factors.

To use this CPU as a blueprint for building Pawling's future, the Town must set in motion the strategies and actions herein, which may involve:

- A compilation of existing resources, studies, reports made more accessible to the community at the library or other community place or on the internet; and a more detailed inventory and assessment of certain aspects of the community's resources;
- A plan for preservation, enhancement of such resources or creation of new programs and amenities to highlight existing programs and resources;
- The review and adoption of zoning amendments, revised local laws and the investment of public resources to achieve the desired outcome; or
- The encouragement of partnerships of agencies and community groups to create and fund improvements or programs.

It is recommended that after the CPU is adopted, the Town Board should designate a CPU Implementation Committee to regularly review the progress of the plan's goals, strategies and actions. The Implementation Committee would meet with the Town's Boards, agencies, committees and community groups involved in the implementation of specific aspects of the CPU. Summaries of the progress of each implementation task would be prepared for the Town Board to be periodically reviewed at Board meetings. This Committee should conduct annual reviews of the Town's progress and make recommendations about re-prioritizing actions and strategies, as needed; when to use volunteer assistance; funding sources; and when review is needed by the Town Board or Planning Board on certain items.

The Town should commit to conducting a general review of its zoning and other regulations consulting with officials, boards, committees and other agencies involved in administering the Town's Code Chapters. This general review should be done on an annual basis. Recommendations and suggestions for amendments should be properly prioritized and coordinated with CPU implementation actions.

Finally, the Comprehensive Plan Update (CPU) is a current policy statement based on the recent planning processes of the Town. It should not be viewed as a "static" text. The CPU should be used to guide the Town's decision making processes whether for the review of a specific land development project or to guide the progress of the numerous goals, objectives, strategies and actions contained herein.

The CPU is designed to be a "living" document that should be regularly reviewed and updated. Although comprehensive and detailed, it is improbable that the CPU as adopted anticipates every possible matter and opportunity that may present itself in the years ahead. Annual reviews of the CPU will be the responsibility of the Implementation Committee, as described above. More extensive reviews and updates should be done at five year intervals. This will assure that the CPU stays current, and continued to meet the needs of the community.

Town of Pawling Comprehensive Plan Update (CPU) Implementation Outline for 2012 through 2020			
Beginning Year	Finishing Year	Task Title and Description	CPU Strategy/Action Section(s) Addressed
2012	2013	Zoning/Regulations Review: Examination of zoning and land development regulations regarding balanced economic growth. Consider the need for amendments/rezoning.	Land Use; Zoning; Economic Resources
2012	2013	Zoning Amendments, Specific: Review and consider zoning amendments regarding specific provisions identified by the Building Inspector	Land Use; Zoning
2012	2013	Complete plans and report regarding: expansion of existing PJSC sewer plant; and extension of the sewer district to serve the Route 22 corridor south of the Village to Akindale Road	Land Use; Zoning; Economic Resources; Municipal Services and Infrastructure
2012	2013	Local Centers and Greenspaces mapping; Review DC GIS information; mapping of existing hamlet and settlement areas; coordinate with Green Infrastructure Mapping	Land Use; Housing; Economic Resources; Natural Resources
2012	2015	Green Infrastructure Mapping: Inventory and review by a volunteer group of open space, recreation and agricultural lands and resources, related activities and plans. Collaborate with stakeholders and regional/county "green infrastructure" plans. Identify gaps and needed linkages; and make recommendations and prioritize needs.	Natural Resources; Open Space, Recreation and Agricultural
2012	2014	CEA/ESA Inventory and Evaluation: Review and inventory by a volunteer group of established Critical Environmental Areas (CEAs) and Environmentally Sensitive areas (ESAs), related regulations and monitoring. Collaborate with stakeholders and "green infrastructure" mapping group.	Natural Resources; Open Space, Recreation and Agricultural
2013	2014	Historical Inventory and Access: Collaboration of historical groups to identify, inventory and map historical and archaeological resources. Consultation with stakeholders, community mapping group and recommend ways to make inventory/mapping accessible to the community.	Historical, Cultural and Community Resources
2013	2014	Prepare, review and adopt Scenic Overlay District	Natural; Open Space, Recreation and Agricultural; Historical, Cultural and Community Resources

Town of Pawling Comprehensive Plan Update (CPU) Implementation Outline for 2012 through 2020 (continued)			
Beginning Year	Finishing Year	Task Title and Description	CPU Strategy/Action Section(s) Addressed
2013	2014	Housing Needs Assessment: Review of housing development and applications, and related Code provisions. Collaboration with stakeholders. Recommend actions to facilitate the creation of needed and desired housing.	Housing
2013	2015	Streetscape and Trail Amenities: Assessment, recommendations, and plan for commuter amenities and trail network by volunteers. Consultation with stakeholders would result in recommendations for amenities and funding.	Economic Resources; Transportation
2013	2026	Periodic Review of Environmental Regulations: Staged review depending on age (year adopted) of regulations. Recommend amendments if needed.	Natural Resources
2014	2017	Community Mapping: Collaboration of community, cultural, educational and historical groups to identify, inventory and map community and cultural resources. Incorporate public participation. Consultation with stakeholders, historical inventory group and recommend ways to make inventory/mapping accessible to the community.	Historical, Cultural and Community Resources
2014	2015	Historical, Cultural and Community Resource Protection Assessment: Town Board and Planning Board review of Historical Inventory and Community Map regarding effectiveness of Town Code provisions to protect resources	Historical, Cultural and Community Resources
2014	2015	Central Sewage Treatment Assessment: Study of sewage treatment concerns in remote residential areas and consider feasibility of establishing community central sewage treatment systems.	Municipal Services, Facilities and Infrastructure
2014	2016	Zoning Overview: General review of zoning regarding provisions for mixed use, flexibility, community character, walkability, sensitivity to natural resources and sustainability. Consider the need for amendments.	Land Use; Zoning; Economic Resources
2014	2016	Residential Zoning Overview: General review of residential and hamlet zoning regarding array of uses, bulk, limited non-residential uses, affordability and sustainability. Consider the need for amendments.	Zoning; Economic Resources
2014	2016	Hamlet Area Zoning: Study possible boundary change in Holmes; and consider establishing other HA zones.	Zoning; Economic Resources

Town of Pawling Comprehensive Plan Update (CPU) Implementation Outline for 2012 through 2020 (continued)			
Beginning Year	Finishing Year	Task Title and Description	CPU Strategy/Action Section(s) Addressed
2014	2016	Code Review for Groundwater Protection: Evaluation of standards in subdivision and environmental regulations regarding provisions for groundwater resource protection. Consideration of regional/county regulations. Consider the need for amendments.	Natural Resources
2014	2015	Prepare, review and adopt Historic Overlay District	Historical, Cultural and Community Resources
2015	2016	Review of land development regulations: Evaluation of standards in subdivision and environmental regulations regarding provisions for flexibility, community character, walkability, natural resource protection and sustainability. Consider the need for amendments.	Zoning; Natural Resources
2015	2018	Transportation Corridor and Transit Review: Collaboration with and review of plans/reports from state, regional and county transportation planning groups and Green Infrastructure Mapping group. Conduct community survey. Make recommendations for land use and transit linkages.	

B. Adoption of Zoning Amendments

In addition to the adoption of the CPU, the other key component of the proposed action is the adoption of Proposed Zoning Amendments. The Town of Pawling Town Board is considering Draft amendments to the Town Code Chapter 215 Zoning regarding the uses, bulk and supplemental requirements for the HA (Hamlet), HB (Highway Business) and I (Industry) zoning districts. The intent of the amendments is to include more uses; emphasize mixed uses; and provide more flexible bulk requirements in these zones. The originally proposed zoning amendments, dated July 5, 2011, which were attached to the Draft CPU as Appendix C, have been revised and are proposed for adoption with the adoption of the CPU.

As described above in the Introduction, the Town Board sets forth Pawling's responses to public and agency commentary in this Final GEIS (FGEIS). Additionally, the documents that were the subject of review under SEQRA - the CPU and Proposed Zoning Amendments - have been revised substantially to address questions, comments and concerns expressed in the review process. Therefore, the FGEIS makes frequent reference to the revised CPU and Zoning Amendments as the Town's response to public and agency comment. The substantive changes made in these planning documents are summarized in the FGEIS. Reference is made to specific sections in the Revised CPU and Revised Zoning to guide reviewers to where these changes can be found. The Revised Zoning, attached to the Revised CPU as Appendix C, is proposed for adoption with the adoption of the CPU. FGEIS Appendix 2 also contains the Town Board's revised, proposed zoning amendments.

The Revised Zoning amendments are presented as a draft local law for adoption by the Town Board. The draft law, revised March 2, 2012, details the changes needed through the various articles and sections of the Town's zoning law as outlined below. Refer to FGEIS Appendix 2 for more detail. The substantive changes that were made to the proposed zoning are included in the description below:

- Article II Definitions, section 215-3 will include definitions for 4 new terms: accessory apartment; bed-and-breakfast establishments; lodging and conference-event center; and mixed business center. Two existing terms will be revised: dwelling, multifamily; and dwelling unit.
- Article III, section 215-4 Districts enumerated; and the zoning map (corresponding to section 215-5) will be revised to change the name of the I (Industry) zoning district to be the MBI (Mixed Business-Industry) district.
- Article IV, District regulations, section 215-12, will be revised to make the provisions for dwellings in accessory buildings consistent with the proposed supplemental requirements for accessory apartments;
- The Schedule of Permitted Uses corresponding to Article IV, section 215-15 will be revised to accomplish the following:
 - Add bed-and-breakfast establishments and accessory apartments to the HA and HB zoning districts;
 - Provide a broader range of uses in the HB zoning district with the term "shopping center" revised to the term "mixed business center"; and
 - Rename the current I zoning district to become the MBI district; and
 - Emphasize mixed business uses and provide a broader range of uses, including lodging and conference-event center, nursery school and retail, with the term "shopping center" revised to the term "mixed business center" in the MBI zoning district.

- The Schedule of Bulk Regulations, referenced in Article IV District Regulations, section 215-16 will be amended to provide flexibility with reduced yard setback requirements in the Hamlet (HA) zoning district. The bulk regulations will also be amended to eliminate the minimum area per dwelling column. However, previously proposed reductions in yard setbacks in the HB and MBI zoning districts have been eliminated in response to public comments.
- Article V Supplementary Regulations shall be revised and renumbered to include the supplemental requirements for accessory apartments on one-family residential lots; accessory apartments above commercial establishments; bed-and-breakfast establishments; and mixed business industry districts.
- Article V Supplementary Regulations, Section 215-30, subsection A will be revised to indicate that the existing landscaping provisions apply to development in the MBI zoning district.
- Article V Supplementary Regulations, Section 215-31.1 Highway Business (HB) nonresidential zoning districts will be revised to allow flexible setback requirements for development meeting certain quality criteria; to increase the floor area ratio requirements; to specify open space plantings; and to refer to the Dutchess County Greenway Guides.
- Article V Supplementary Regulations will include Section 215-31.2 Mixed Business Industry (MBI) nonresidential zoning districts, which set forth requirements for uses therein.
- Article V, section 215-34, subsection J shall be revised to add accessory apartments to the list of uses, which corresponds to minimum off-street parking requirements.
- Article V, Section 215-36 Planned Development District, subsection E will be revised to delete the requirement that residential dwellings “shall occupy a minimum area of at least 900 square feet”, consistent with the change in the bulk regulations table.

It should be noted that although the name of the I district will change, the boundaries of the existing I zones will remain the same. Similarly, there are no changes to the boundaries of the HA or HB districts.

An addendum to CPU Appendix C illustrates the minor changes that would be required in zoning section 215-21 to properly emphasize that scenic and historic resources must be considered for protection in open space subdivisions. This addendum may be considered for immediate implementation with adoption of the CPU and the Proposed Zoning Amendments. Alternatively, the recommended amendments to the open space subdivision regulations may be considered as a priority after the adoption of the CPU.

While the description above describes the mechanics of how the zoning law will change, the Revised CPU sections on land use and zoning discuss the purpose of these amendments and how they will serve the community.

IV. PUBLIC COMMENT AND RESPONSES

Each section below provides summarized, paraphrased public and agency comments on the proposed action and responses to each comment. A list of the documents containing commentary and copies of public and agency comments are contained in FGEIS Appendix 4. The list provides reference to the FGEIS subsections corresponding to each set of public comments.

A. Land Use and Zoning

A.1 Comment: There is not enough time for review of the CPU and Zoning? A public information session is needed.

A.1 Response: As described in the Revised CPU and in the FGEIS Introduction above, 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. During the public comment process actions were taken to extend the comment period and to provide a public question and answer session. A summary of the steps taken since July 2011 includes the following highlights:

- Discussion of the Draft CPU and proposed zoning amendments at a Town Board meeting on July 13, 2011; initiation of SEQRA review including a Positive Declaration (a Determination of Non-Significance); and official 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 Town Board Determined the DGEIS to be complete and adequate for public review.
- A combined public hearing on: the CPU; the proposed zoning amendments; and the DGEIS was held on September 7, 2011.
- On September 7th, the public and agency comment period was extended to October 28, 2011.
- A second combined public hearing on the CPU, proposed zoning and DGEIS was held within the extended comment period on October 12th.
- The Board also extended the report and recommendation timeframe for Town Planning Board and Dutchess County Planning Department (DCPD) referrals on the CPU and zoning to October 28th.
- In addition to the public hearings, an informal question and answer session was held at the Pawling Town Hall on September 28, 2011 to give the public an opportunity to better understand 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 CPU, Proposed Zoning and the several documents related to the DGEIS were made available at Town Hall and the Pawling Free Library and on the Town's website as detailed in Revised CPU section 1.2. Records of the Town Board and Planning Board meetings can also be found at Town Hall or on the website. A full-scale version of the Town's zoning map is available at Town Hall. The original Draft CPU; Proposed Zoning Amendments; and Draft GEIS (DGEIS) were circulated to adjoining communities including the Village of Pawling throughout the review process.

Extensive public commentary was recorded in the records of the three hearings (July 27th; September 7th and October 12th). Approximately 4 dozen sets of individual comments were received from the public and agencies. These included letters and emails and responses to referrals from the Town Planning Board and DCPD. The comment period lasted for three months.

The CPU and the proposed zoning have been extensively revised in response to the points raised during the public comment period. In particular, in regard to implementation of the CPU, there are revisions throughout providing further clarification about how implementation tasks will be carried out. For example, a town-appointed housing committee is recommended in section 5.3 to work on a housing strategy. The timeline in the Revised CPU section 6 regarding Implementation was reorganized to move up several implementation items. Section 6 was revised to add details about the role of the Implementation Committee.

A.2 Comment: What resources were used to prepare the CPU? How did the Town address previous planning efforts such as the 2010 Draft Comprehensive Plan?

A.2 Response: The original draft CPU, section 1.2, had documented the ongoing planning process beginning with the 1991 Master plan and acknowledging recent comprehensive planning efforts through the Draft Town of Pawling Comprehensive Plan, dated January 2010. The Draft 2010 Plan provides information about the Town's existing conditions and vision statements from the process running from 2008 to 2010. Substantial excerpts of the 2010 plan were 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 intent of the Town was to build the CPU from the resources, information, laws, vision and objectives available as a result of these ongoing planning processes.

The description of the ongoing planning process is provided in Revised CPU section 1.2 with revisions to emphasize the use of previous comprehensive planning documents. The Revised CPU includes additional references to other existing studies and inventories by local, county and regional agencies and groups. The objectives in the 1991 plan, the Town's existing zoning, the 2005 and 2010 draft plans 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).

Below are excerpts of the Revised CPU that were refined to address comments about how resources and previous planning efforts were used to prepare the original and Revised CPU. Please refer to Revised CPU section 1.2 to review the entire text:

"The current, adopted Town plan is the *Community Master Plan* of 1991, from which a comprehensive series of zoning amendments were initiated. Between the adoption of the 1991 plan and now, a number of local laws were adopted establishing a usable framework for regulating land development and preserving the Town's natural features. These laws and regulations are contained in the Code of the Town of Pawling New York on file with the Town Clerk and available on the internet through the Town's website.

Pawling has embarked on comprehensive planning efforts in the last several years (2005 and 2008-2010), which provide updated information about the Town's existing conditions and draft statements about objectives and strategies to guide the future growth of the Town. However, the progress of the Town's planning and implementation should be measured from the *Community Master Plan* of 1991 as it is the only

adopted plan. Therefore, this Comprehensive Plan Update is an update of the 1991 plan utilizing: current basic studies of existing conditions from the draft 2010 plan contained in Appendix A; vision statements from recent 2010 planning processes; and objectives, strategies and actions drawn from the 1991 adopted plan and the 2005 and 2010 draft plans.”

“The resulting Draft Town of Pawling Comprehensive Plan, dated January 2010, was compiled by Patrick Cleary, of Cleary Consulting, including a set of community vision statements; comprehensive information about the Town’s existing conditions and resources. A public hearing was held on August 4, 2010. Excerpts of the Town of Pawling Comprehensive Plan Draft of January 2010 are incorporated as part of this Comprehensive Plan Update as Appendix A.

The adopted Town plan, the *Community Master Plan* of 1991, led to a comprehensive series of zoning amendments and a sophisticated set of local laws for regulating land development and preserving natural resources. Pawling has been guided by the 1991 plan, the resulting amended and new local laws and their stated purposes. The comprehensive planning efforts in the last several years (2005 and 2008-2010) have provided a wealth of updated information and explored new issues facing the Town. Therefore, this Comprehensive Plan Update (CPU) is an update of the 1991 plan utilizing current information and vision from recent planning processes. The CPU therefore consists of this document and its appendices as listed below:

- A. Excerpts of Town of Pawling Comprehensive Plan Draft, January 2010;
- B. Current Zoning Tables;
- C. Proposed Zoning Amendments; and
- D. Parkland and Facilities Master Plan, May 2009.”

A.3 Comment: The CPU “incentivizes” or encourages the use of open space subdivision or cluster design in the CD zone, which is the Quaker Hill area. A previous application for an open space design in the Quaker Hill area raised serious concerns about this type of development in an area with scenic and historic resources.

A.3 Response: The original CPU discussed amendments to accommodate open space subdivision design “particularly in the Conservation Density zoning district”. Since this is an area of environmental sensitivity, it was intended that open space design could be used to preserve open land areas as part of an approach to subdivision commonly referred to as “clustering”. However, 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 zoning law section 215-21.

The CPU was revised in section 5.2, regarding zoning, to address the concern about focusing open space design in the Quaker Hill area. For example, the end of Revised CPU section 5.2 regarding zoning, which contained the language of concern, no longer makes any reference to the CD zoning district or the Quaker Hill area and now includes the following text (see CPU page 37):

“Land subdivision regulations and zoning provisions for open space subdivisions should be fully utilized to maximize conservation on subdivision sites with natural, historic and scenic resources that should be protected. The Town should consider amendments to fully accommodate open space subdivision design to curtail land disturbance effects that are typically more extensive in conventional subdivision layouts. Such amendments should address a conceptual or sketch review step for consideration of the management of open space during the initial stages of subdivision review. Discussion of the fate and administration of land to

be preserved should involve the participation of any land trust or preservation group. Provisions should be examined and revised as necessary to provide the opportunity for alternative residential designs such as flag lots.”

The Draft 2010 Plan had included objectives to make open space development (“cluster” subdivisions) as-of-right under certain low- to very-low-density residential zoning districts. Accordingly conventional subdivisions would be allowed in these districts only by special permit. Open space subdivision design remains as a very effective method for creating compact development and preserving a site’s woods, wetlands and streams, farms, cultural sites, open spaces and other natural resources as open land. However, public commentary on the Draft CPU clearly indicated that focusing this type of development on the eastern side of town is not a desirable objective. The option for open space design should be determined on a case-by-case basis relative to a site’s characteristics and context.

The proposed development that was of concern as per public commentary was an application by Quaker Hill LLC (also referred to as Cogi Farm and the owner of record Trevor Davis). A review of Planning Board minutes; items from the project file and conversations with former Planning Board Chairwoman Betty Jo Yankowich provides details about the proposed 10-lot subdivision. During the initial review in 2007 and 2008, the Planning Board requested information and expressed concern about the proposed development’s impact on steep slopes; wetlands and their adjacent areas; other natural features and historical resources. No hearings were set on the application and no approvals were granted. In fact, although review was initiated in accordance with SEQRA, a Draft Environmental Impact Statement (DEIS) was anticipated. The requirement for the DEIS indicated that the Planning Board had identified significant impacts that would have to be addressed. The project was given an intensive review early in the process, yet to date no DEIS was submitted for the project.

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 developed as an open space subdivision. 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. Refer to FGEIS Appendix 5 for descriptions and illustrations of open space or conservation subdivision design.

The supplemental requirements for open space subdivisions include additional controls that are not applicable to conventional subdivisions. For example, site plan approval is required in addition to subdivision approval. Specific setbacks; open space requirements and other additional design standards are imposed on open space subdivision proposals that would not be applicable to conventional subdivisions.

Other concerns expressed about natural, scenic and historic resources in the Quaker Hill area and throughout the Town are addressed in Revised CPU sections 5.5, 5.6 and 5.7 and in other FGEIS responses.

A.4 Comment: Some assessments, studies are put off for later years and come after consideration of related zoning issues. Protection of environmentally sensitive and historic areas should have priority.

A.4 Response: The original CPU had accounted for zoning with numerous amendments and the presence of several sets of environmental regulations in the town’s existing Code when creating the implementation outline in section 6. Existing regulations provide protection of natural resources as discussed in the original

and Revised CPU section 5.5. The extensive record of existing conditions for the Town was also taken into account including the information presented in the Draft 2010 Plan and numerous local, county and regional assessments, studies and plans addressing land use, housing, natural resources, open space and recreation among other issues. The implementation outline was intended to be a reasonable approach given these existing conditions, funding issues and the need for intensive volunteer effort.

The CPU has been extensively revised in response to the points raised during the public comment period. In particular, 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.

As expressed in original and Revised CPU section 6, a CPU Implementation Committee will be responsible for regular review and recommendations about the progress and re-prioritizing of implementation tasks.

A.5 Comment: The setbacks proposed in the HB and MBI districts are too drastic. These may result in increased density in these districts. Why are they needed?

A.5 Response: The intent of reduced setbacks in the HB and MBI districts was to allow flexibility in design of development within these districts without any changes proposed 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. Density or intensity in non-residential zoning districts is typically limited by building coverage leaving the remainder of such properties to be covered by access and parking; undisturbed land and landscaping.

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. Refer to FGEIS Appendix 2 (CPU Appendix C) for the revised version of the Proposed Zoning Amendments.

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

Revised Zoning proposes supplemental requirements for the MBI district, which will provide development and design standards in an existing district where there were no specific standards.

Both the HB and MBI supplemental requirements now include the possibility of Planning Board discretion to allow flexibility in yard setbacks. As described in this FGEIS, above, 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. Refer to CPU Appendix C, Proposed Zoning Amendments (Revised Zoning).

A.6 Comment: Concern was expressed about the elimination of the minimum store size in the HB zoning district supplemental requirements.

A.6 Response: The HB supplemental requirements were specifically revised to eliminate the minimum store size of 3,500 square feet in response to a court case involving Pawling Place LLC against the Town of Pawling. In the decision, this requirement was identified this as “discriminatory” and “prejudicial to businesses located in the Town”. The elimination of this requirement properly addresses this decision.

Elimination of this provision affects the size of occupancies within a building or on a site. Since the HB zoning district requirement for building coverage remains unchanged, the elimination of the store size requirement does not affect the permitted area of disturbance or coverage on sites in this zone.

A.7 Comment: The change in the floor area ratio proposed in the amendments to the HB zoning district supplemental regulations would result in a doubling of the permitted floor area. A question was raised about the lack of open space requirement in the proposed zoning for commercial sites.

A.7 Response: In accordance with Pawling’s existing zoning, the bulk requirements for the HB district would permit 35 percent building coverage, which would be 15,246 square feet (SF) of building area on 1 acre for the ground floor. 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.

Ultimately, the total floor area of any structure on a given 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 would be limited by the parking requirements for the proposed use and the amount of parking that would be accommodated on a site. For example, a 15,246 SF retail use would require 102 parking spaces. An estimate of the combined typical area of parking and access per parking space would be approximately 300 SF. Therefore, the area required on such a site for access and parking is estimated to be 30,600 SF (102 spaces X 300 SF). The combined area of the ground floor of the structure and the estimated parking and access area (45,846 SF) would exceed the site area (1 acre=43,560 SF). So adjustments would have to be made to accommodate the building and parking even with a 1-story building.

The building and parking area covering the site’s land area are further limited by the HB open space requirement found in the supplemental requirements for development in the HB districts. The 15 percent open space requirement would require that at least 6,534 SF remain as undisturbed or landscaped area. If the remaining 37,026 SF (43,560 SF [1 acre] – 6,534 SF) is split so that about 1/3 is building coverage (12,342

SF) and 2/3 is parking and access (24,684 SF), that gives a balanced scenario of what might result under the existing and proposed bulk and supplemental requirements for a 1 acre site in the HB zone. A proposal for development would be adjusted within this framework to propose a 1-story or 2-story building.

It should be noted that the proposed floor area ratio of 0.70 would result in a maximum total floor area of 30,492 SF on 1 acre, which would have to be constructed in a 2-story building as a maximum of 35 percent coverage (15,246 SF) is permitted. It is already shown that the parking for this square footage would not be accommodated on a 1-acre site. The area for parking required for any use on the second floor would be in excess of the capacity of the site, which would lead to reductions in first and second floor areas. It is probable that second floor uses in the HB zone would be less intensive as measured by parking requirements. Possible choices for second floor uses would be office, research or accessory apartments. 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. The same dilemma with resulting adjustments would occur in development scenarios for larger sites.

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. These are described in the FGEIS introduction above. 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. Refer to CPU Appendix C, Proposed Zoning Amendments (Revised Zoning).

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. However, 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.

For example, a 5-acre site in the MBI zone with the first story as retail (consistent with the HB example above) would have 15 percent open space (32,670 SF). The developed portion of the site would accommodate 28 percent building coverage with a 61,710 SF first floor and 57 percent of the site would be parking and access (approximately 123,600 SF). 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. The same dilemma with resulting adjustments would occur in development scenarios for larger sites.

Therefore, 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.

A.8 Comment: The proposed conversion of the I district to the MBI district does not have a balance of uses as is provided in the existing PDD zoning district. There are not as many available uses in the PDD zoning district as are provided in the proposed MBI zone.

A.8 Response: The proposed MBI district is intended to 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. The balance of uses proposed in the MBI district is to encourage business uses such as lodging; business offices, clinics and research; amusements and recreation; restaurants and other uses. Uses permitted by special permit include mixed business centers; retail; hospitals, clinics and nursing homes; and nursery schools in addition to the manufacturing, warehousing and wholesale uses currently permitted in the I district.

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. The MBI zoning district would permit a total of 23 uses with 13 principal and 10 special permit uses. The PDD zoning district would permit a total of 54 uses all of which would be principal uses. Of the total uses permitted 46 would be various types of residential use. In addition, 4 commercial uses and 5 industrial/office uses may be incorporated into a PDD development.

A.9 Comment: Numerous specific comments were offered about the proposed zoning amendments to the HA, HB and proposed MBI zoning districts and related existing provisions that should be amended.

A.9 Response: Many revisions were made to the originally proposed zoning amendments in response to comments from many sources to create the Revised Zoning. Supplemental requirements were added for accessory apartments and for development in the MBI district. For an overview of the changes made, refer to the FGEIS Description of the Proposed Action, subsections 5.2 and B, regarding zoning and adoption of zoning amendments. For details about the Revised Zoning, refer to Revised CPU section 5.2 and Appendix C.

For example, supplemental requirements were added to address the development of accessory apartments, which limit the number, size and exterior appearance of these apartments. Accessory apartments would be allowed by special permit in the HA and HB district as per the originally proposed and Revised Zoning. Special permit uses are subject to site plan review as per the zoning law section 215-46. It is noted that dwellings in accessory buildings were permitted by zoning section 215-12 by special permit. These provisions, which apply more broadly in the Town, will be amended to be consistent with the proposed supplemental requirements for accessory apartments.

Another proposed change in the bulk regulations will eliminate the "minimum area per dwelling" column. This is an important update proposed in the zoning amendments, 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.

A.10 Comment: My property is surrounded by non-residential uses yet is located in a residential zoning district. My property has been and is used as a non-residential property and is adjacent to a non-residential zoning district. It should be rezoned to a non-residential district designation.

A.10: Response: The Town is making changes to zoning consistent with the objectives of the CPU, which are focused on the core business areas of the Town and the existing non-residential zoning districts. The CPU also contains objectives to consider the existing zoning in various areas of the Town in the future to determine whether additional zoning amendments would be needed.

For a specific property or group of properties, outside of this core area, to be considered for zoning amendments, a property owner would have to submit a petition to the Town Board for their consideration. This would be done in accordance with the zoning law subsection 215-53 regarding the procedure for amendments. If the Town Board decided to consider any such proposal, they would be guided by the vision, objectives and strategies stated in the CPU. Before making a formal submittal, the context and characteristics of a site should be considered along with options for use and development in the current zoning of the property. An inquiry should be made to see whether the Town Board would discuss conceptual use and development of a property prior to the submittal of a formal petition.

A.11 Comment: Clarification is needed on the number of uses rather than the number of buildings that are permitted on a lot in the HB zoning district. It is possible that more than one business can operate on a single lot if done properly. This should be addressed along with other revisions being considered for the HB zone. There are few 5 acre sites in the HB zone that are viable for more than one business or service use.

A.11 Response: 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 zoning district. The existing zoning provisions already define a shopping center as a development with two or more business uses on 5 acres in the HB zone, however, many of the parcels in this district are less than 5 acres. 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 under the revised supplementary. 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. The pertinent existing supplemental requirements for the HB zone address coordinated access, architectural design review and open space.

Refer to FGEIS comment and response subsection A.7 above, which provides examples of building square footage that may occur based on the coverage for 1-acre and 5-acre sites under existing and proposed zoning provisions. The square footage that would be permitted in accordance with maximum coverage on a 2-acre site would potentially create enough space for two or more business or services uses.

A.12 Comment: There are references in the CPU to expansion of commercial and industrial development. The Town should consider ways to use existing commercial areas to support more businesses with higher density, shared parking and compact plazas. Expansion of business zones along Routes 22 and 55 may promote sprawl.

A.12 Response: 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 proposed local law containing the proposed amendments to Pawling's zoning includes changes to the principal and special permit uses and supplementary regulations in three existing zoning districts (HA, HB and MBI). For an overview of the changes made, refer to the FGEIS Description of the

Proposed Action subsections 5.2 and B regarding zoning and adoption of zoning amendments. For details about the Revised Zoning, refer to Revised CPU section 5.2 and Appendix C.

A.13 Comment: Any zoning changes that would severely restrict development on Quaker Hill should be considered seriously as it is a large part of Town consisting of a variety of communities, housing styles and lot sizes. An overall zoning change for the entire area would not make sense. Ideas for protecting the character and nature of Quaker Hill may be applicable in other areas of Town.

A.13 Response: 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 original or Revised CPU in any residential zoning district.

The concept of compact subdivision design, if designed properly, can result in development that disturbs less land and preserves open space. Concerns expressed about cluster development focused on the Quaker Hill area have been addressed in revisions to the CPU (Refer to FGEIS section A.3).

The original and Revised CPU address additional protective measures for natural resources throughout the Town of Pawling (Refer to CPU section 5.5). Open space and related visual resources are addressed in CPU section 5.6 including Green Infrastructure mapping of the entire Town 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 original and Revised 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.

B. Housing and Economic Resources

B.1 Comment: The Town's affordable housing code needs to be updated. Median priced housing should be addressed in the CPU.

B.1 Response: The original draft CPU addressed housing issues citing county and regional reports on housing and recommended consultation with Town officials dealing with local housing needs. In response to public commentary, the Revised CPU incorporates updated existing information about Pawling's housing supply and the related cost to the community's households in section 2.3. 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.”

Implementation of the Revised Zoning includes accessory apartment in the HA and HB zoning districts, which will create the opportunity for potentially affordable housing in these core areas. However, 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.

B.2 Comment: The current industrial zoning should be changed for mixed business use to encourage potential use for health care, lodging, retail and office uses. There is less demand for the uses permitted in the current industrial zone.

B.2 Response: 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 is intended to address improved demand for business uses such as lodging; business offices, clinics and research; amusements and recreation; restaurants and other uses. Uses permitted by special permit 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.

B.3 Comment: Accessory apartments will be permitted in the Hamlet (HA) zone as per the proposed zoning amendments. The Town should consider permitting accessory apartments in all zoning districts.

B.3 Response: 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. In section 5.3, Housing, the original CPU and the Revised CPU recommend that: “The Town should facilitate the construction of accessory apartments attached to or in detached structures associated with single-family residences in many districts through review of and amendments to zoning. This approach integrates new dwellings throughout the community; and enhances home ownership opportunities as the accessory unit provides revenue.”

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.

B.4 Comment: Development in the Town of Pawling can co-exist with environmental preservation. Development is needed and should be focused on the Route 22 corridor area.

B.4 Response: 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.

B.5 Comment: The DGEIS does not address the potential land use, economic and community character impacts of the CPU and proposed zoning amendments on the Village of Pawling.

B.5 Response: 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 Village's adopted plan (1994) resulted in zoning adopted in 1995, which has been amended through 2003. 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. And it is possible that there are duplicate existing businesses or the potential for duplicate commercial uses. 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. The proposed amended HB district would only allow accessory apartments limited in number and size and would not allow manufacturing. The proposed amended MBI district would only allow manufacturing by special permit and does not allow residential uses.

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 do not include any minimum lot size. The Town's HB and MBI districts require 1 acre lots for principal uses and 2 and 5 acres lots, respectively for special uses. Maximum permitted building coverage is 75 percent in the Village's Business 1 district, whereas the Town's existing and proposed HB and MBI districts require maximum building coverages of 35 percent and 30 percent, respectively. A 3-story building that covers 75 percent of a site in the Village would result in a floor area ratio of 2.25 as compared to the 0.7 and 0.6 FAR requirements in the Town's HB and MBI zones.

The Village zoning provisions include flexibility and substantially more floor area potential when compared with the Town's.

Therefore, the Town's zoning requirements place more limits on development potential than the Village. Sites located in the Town's business districts have much less potential for the creation of leasable area per acre when compared with sites in the Village's business districts. Without the train station in the Village, it is possible that the vehicular traffic from Routes 22 and 55 would result in more frequent visits to the Town's businesses, which have highway frontage. Yet there is no appreciable change in the potential for creation of more leasable area in the Town's proposed zoning when compared to its existing zoning. 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.

Given the context and provisions of the Village's and Town's business zoning districts, the Town's CPU and proposed zoning will not have any adverse economic effect on the Village. In fact, the Village's situation and zoning provisions give it the potential to create 3 to 4 times more leasable area per acre than would be possible in the Town's HB and MBI districts as amended by the proposed Revised Zoning. The proposed supplemental requirements for the HB and MBI districts may improve the likelihood that businesses would locate in and people would decide to live in the core area of the Town and Village.

Additionally, 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, discussed in CPU section 5.4 and 5.8, reinforces the concept of keeping development in core areas of the Town. The area south of the Village is noted as a major center in CPU section 5.1 (see page 27) as per Dutchess County's Greenway Connections .

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). Shared access and parking areas and pedestrian and bicycle amenities are emphasized in the supplementary requirements for the HB and MBI zoning districts proposed as part of the CPU.

C. Natural Resources

C.1 Comment: Critical Environmental Areas (CEAs) should be established or expanded.

C.1 Response: 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 as described herein in the Description of the Proposed Action about Revised CPU section 5.5. Specifically, the Revised CPU recommends that the Town examine the boundaries of the existing CEAs in the Quaker Hill area: Quaker Hill/Deuel Hollow; and Hurds Corner. Additional areas of the 7,000-acre Quaker Hill area should be considered for CEA designation in accordance with a report by Larson Fisher Associates (March 2008). Alternatively, expansion of the boundaries of the existing CEAs should be explored. Refer to CPU section 5.5 and also changes to the implementation outline in section 6 and as described above.

C.2 Comment: We need a plan that protects our resources. The Great Swamp is one of the primary features of concern. Pawling's open spaces and trails should be considered.

C.2 Response: The original and Revised CPU addressed Pawling's natural resources with recommended zoning amendments. The CPU acknowledges the presence of several sets of environmental regulations in the town's existing Code, which provide protection of natural resources. These are discussed in the original and Revised CPU section 5.5. The extensive record of existing conditions for the Town is also taken into account including the information presented in the Draft 2010 Plan. The original and Revised CPU note numerous local, county and regional assessments, studies and plans addressing natural resources, open space and recreation among other issues.

As discussed in the Description of the Proposed Action section of this FGEIS, section 5.5 of 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. For example, the Great Swamp is noted in CPU sections 5.4, 5.5 and 5.6. Pawling's open space lands and trail networks are addressed in CPU sections 5.2, 5.4, 5.5, 5.6 and 5.9.

C.3 Comment: The DGEIS does not address environmental impacts of the proposed zoning amendments.

C.3 Response: The zoning originally adopted following the 1991 Plan set forth zoning districts, corresponding use and bulk tables and supplemental requirements for development in the various districts. The potential for disturbance and development on any given site in any district is guided or limited by the types of uses permitted and how they are laid out on a site 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;

- 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. This environmental review would have noted the differences between prior and proposed zoning. After some level of environmental review and adoption of zoning and regulations, any development of specific sites in the Town of Pawling would be subject to the review parameters above and site-specific environmental review. Additionally, certain types of land development on sites with specific characteristics – wetlands, surface waters, floodplains, etc. - would be subject to environmental and other separate sets of regulations. 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. As described in the Revised CPU section 5.1 in regard to the Route 22 Corridor and its junction with Route 55 (see CPU page 29):

“Proper planning often involves examining what uses are in place and seem to be naturally located in certain parts of a community. Then this must be compared with the regulations in place; and how the community and surrounding region is changing. The Town's Route 22 corridor, located north and south of the Village, is a natural location for new commercial development, which could be emphasized to incorporate appropriate uses. Route 22's junction with Route 55 provides an optimum location with the potential for coordinated highway access necessary for economic development sites. The Town's existing non-residential zoning near this junction (I [Industry] and HB [Highway Business]) has been evaluated. The Proposed Zoning amendments recommended as part of this CPU will provide a more suitable complement of uses in each zoning district for this area.”

Changes in use within a zoning district might result in potential future development that is deemed to be more intensive or potentially hazardous such as businesses that may increase traffic volumes and industrial uses that present potential effects such as pollution, noise and odor. Increases in permitted land disturbance or coverage would result in potential future development effects such as the loss of natural land area and increased runoff and erosion.

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. For example, accessory apartments and bed-and-breakfast establishments proposed as special permit uses in the HA district are less intense uses than other special uses permitted in the existing HA district such as medical or dental clinics or clubs. In the

HB district, the originally proposed and Revised Zoning includes food, grocery and general merchandise stores, which are comparable to other types of retail and shopping center uses already permitted in the HB zone. Warehouse and wholesale businesses, which are principal uses in the existing HB district, can bring truck traffic to business areas. These uses would be special uses in the proposed amendments to the HB zoning district. Special permit review adds additional controls in the review and approval process. Therefore, 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 proposed MBI district requiring additional controls in the review and approval process.

In terms of traffic, it is possible that some of the business uses proposed in the MBI district may attract more personal vehicular traffic than uses such as manufacturing, wholesaling and motor freight terminals. However, the proposed business and service uses will result in less truck traffic and would have a lower probability of creating noise, dust, odor and potential pollution. 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.

In terms of land disturbance and coverage, there is no change in the potential for this type of impact. 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. Since the amount of land on any given site that can be disturbed and covered with buildings is restricted by the same coverage requirements contained in the existing zoning, there is no impact related to changes in coverage in the HA, HB and MBI districts. 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.

For additional discussion about the mechanics of coverage and open space requirements on the potential development of sites in the HB and MBI zoning districts refer to subsection A.7 above.

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.”

Moreover, the CPU proposes strategies and actions that are more protective of the environment including the Town’s natural, scenic and historic resources as discussed elsewhere herein (refer to FGEIS subsections A.4, C.1, C.2, C.6, D.1, E.1, F.1 and the related CPU sections).

- C.4 Comment: The CPU includes language indicating that one aspect of the environment would compete with another aspect.
- C.4 Response: Revised CPU section 5.5 has been revised to provide clarification about its objectives.
- C.5 Comment: Develop a stream corridor overlay to protect the Town’s stream corridors.
- C.5 Response: Stream corridors are addressed as 100-foot adjacent or controlled areas associated with watercourses in accordance with the existing Code of the Town of Pawling, Chapter 111 Freshwater Wetlands and Watercourse Protection. In controlled areas, most types of land disturbance, including clearing, filling, grading, pollution, alteration of drainageways, construction of buildings, dams, driveways, roads and other types of disturbance or development are regulated in accordance with subsection 111-4.
- C.6 Comment: Develop an aquifer overlay district to minimize contamination and depletion of the Harlem Valley aquifer system.
- C.6 Response: The original CPU and the Revised CPU include strategies for groundwater protection in Revised CPU section 5.5 Natural Resources.
- C.7 Comment: Develop a floodplain overlay district to regulate construction and replacement of sanitary sewage systems.
- C.7 Response: Flood damage prevention is addressed in accordance with the existing Code of the Town of Pawling, Chapter 107. The Town adopted a “septic system law” in 2011 regulating the inspection and maintenance of individual subsurface disposal systems (SSDs).

D. Open Space, Recreation, Agriculture and Scenic Resources

D.1 Comment: The Town's natural and scenic resources and important viewsheds are valued resources in the community. These should be protected with scenic overlay districts.

D.1 Response: 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. Excerpts of the text of Revised CPU section 5.6 are presented below. The list of scenic resources, which originated from a public comment letter (M. Chipkin), has been included in the Revised CPU and has been expanded to include CEAs, scenic roads and other features. The list is provided in section 5.6.

"During the CPU review process, agency and public commenters identified numerous geographical features that contribute to Pawling's scenic 'viewshed'. These consist of waterbodies, waterways, wooded or rural landscapes, parks, preserved open spaces and historic areas. Many are located in the Town; however, scenic places outside Pawling's boundaries are part of its rural character. These places, landscapes and areas can be viewed from Pawling's roads, neighborhoods and trails and create an important aspect of the Town's character and quality of life. Documentation prepared in 1993 provides supportive information about the Town's scenic roads. Therefore, the scenic aspects of the Town of Pawling are set forth below as features that must be protected from the effects of land development.

The site plan approval provisions in Pawling's zoning refer to the comprehensive plan as a factor to be considered (see section 215-47, G.). In the Planning Board's general considerations for special permits (section 215-46, E), the zoning law makes reference to "harmony with the appropriate and orderly development of districts" in which a site is located; and "environmental characteristics" and the "total interests of the Town". These provisions are not specific to visual impacts. However, the listing of scenic resources in the CPU, prefaced by considerations of the Town's character and quality of life that "must be protected from the effects of land development", provides a basis for preservation of these scenic resources.

Initially, the Town should use the NY SEQRA Visual Impact Assessment Form (Visual EAF Addendum) during the environmental review of land development including subdivisions, special permits and site plans. For certain land development review processes, an in depth visual impact analyses may be performed. Depending on the results of review of visual assessment or analyses, it may be necessary to incorporate specific practices in the design of land development. Such changes in design should mitigate the effects of development on scenic features, or views of these scenic places, landscapes and areas.

The scenic places, landscapes, roads and areas identified below provide a preliminary yet not an exhaustive list, which will be expanded to include details and additional scenic features:"

Refer to the list of scenic features in Revised CPU section 5.6.

"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. As part of this process, the town should review examples of scenic overlay legislation and examine existing town land development review regulations. To be effective scenic 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 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.”

E. Historic, Cultural and Community Resources

E.1 Comment: The Town’s historic resources are valued resources in the community. These should be protected with historic overlay districts.

E.1 Response: 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. Refer to Revised CPU sections 5.6 and 5.7.

“With regard to how existing laws regulate land development proposals, the Town of Pawling Planning Board and Town Board should continue to confer with the Town Historian for actions near historic structures and sites. In order to further emphasize Pawling’s scenic, historic character, the Town should create scenic and historic overlay districts or a combined overlay district. The regulations for an overlay district would be in addition to the underlying zoning district but would not affect density, lot area, coverage and setback requirements. The Town of Pawling should create a map that would be the basis for creation of a historic overlay district. As part of this process, the town should review examples of historic overlay legislation and examine existing town land development review regulations. 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.”

F. Municipal Services, Facilities and Infrastructure

F.1 Comment: Sewer service is essential to the development of the business areas in the Route 22 corridor and its junction with Route 55. The need for and extension of sewer service must be considered along with the CPU and the proposed zoning amendments in this core area of the town. The extension of sewer service is needed to encourage business development along the Route 22 corridor.

F.1 Response: The CPU was revised to provide additional information about the ongoing consideration of the expansion of the PJSC wastewater treatment plant and extension of sewer service. The Pawling Joint Sewer Commission (PJSC) oversees an inter-municipal sewage disposal and treatment system that serves the Village of Pawling and two areas of the Town. The Village and Town have been working together to seek funding for an upgrade and expansion of the Pawling Wastewater Treatment Plant.

The 1991 Master Plan noted that studies would be necessary to determine the viability of extending central sewer service to the Route 22 corridor. As stated in this CPU, the lack of central sewer to service the Town's commercial development node south of the Village of Pawling continuing toward Akindale Road (including the Castagna and Elm Street properties) is a significant stumbling block to economic development. The presence of sewer service in this area will improve conditions for optimum site design, which will protect nearby sensitive resources. Efforts to remove this obstacle have been ongoing; the PJSC took several steps in the period from May 2009 through July 2010 to continue the technical and SEQR review for the plant expansion and sewer line extension. The plant expansion and sewer service extension are discussed further in this FGEIS in the Description of Action, subsections A. 5.8 and in the Revised CPU section 5.8.

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 for the various uses permitted under the proposed zoning. 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.

F.2 Comment: The DGEIS does not address the impact of the CPU and proposed zoning amendments on municipal services, facilities and infrastructure.

F.2 Response: The DGEIS included section F. about "municipal services, facilities and infrastructure", which included the following points under "Potential Impacts" (excerpts from DGEIS text):

"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 Town will also continue to support efforts to fund an upgrade and expansion of the Pawling Waste Water Treatment Plant. ... The support of upgraded, expanded sewer services would be consistent with the implementation of the CPU's economic, housing, land use and zoning strategies, which foster compact mixed land uses near core community areas."

This comment may pertain to the perception that the originally proposed and Revised Zoning would result in an increase in floor area in the HB and proposed MBI zoning districts. As described above in FGEIS section A, subsection A.7, there is no change in the maximum permitted floor area and 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 municipal services, facilities and infrastructure related to any increase in permitted floor area or reduction in open space requirements.

As discussed in FGEIS subsection C.3, 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 HB open space requirements in the HB district and proposed open space requirements in the MBI district.

As described in the Revised CPU section 5.1 in regard to the Route 22 Corridor and its junction with Route 55 (see CPU page 29):

“Proper planning often involves examining what uses are in place and seem to be naturally located in certain parts of a community. Then this must be compared with the regulations in place; and how the community and surrounding region is changing. The Town’s Route 22 corridor, located north and south of the Village, is a natural location for new commercial development, which could be emphasized to incorporate appropriate uses. Route 22’s junction with Route 55 provides an optimum location with the potential for coordinated highway access necessary for economic development sites. The Town’s existing non-residential zoning near this junction (I [Industry] and HB [Highway Business]) has been evaluated. The Proposed Zoning amendments recommended as part of this CPU will provide a more suitable complement of uses in each zoning district for this area.”

Refer to FGEIS subsection C.3 about the comment that the DGEIS does not address environmental impacts of the proposed zoning amendments and the related response.

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 other 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 zoning districts.

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).

F.3 Comment: The Whaley Lake area may require a sewer district to address residential growth occurring in increments. The Town should plan to address this issue.

F.3 Response: The original CPU expressed this concern and recommended a strategy. Section 5.8 of the Revised CPU contains the following text (see page 76):

“Pawling should conduct a feasibility study about the need for development of central sewerage to serve a number of remote neighborhoods located on the west side of Town. These settled areas include groups of homes located on or near: West Dover Road; Denton Lake Road; Whaley Lake; and the west end of Route 292 and Route 55. Depending on the funding available, the Town will have to prioritize the need for and consider phasing in sewer services to each of these areas. The options of decentralized and alternative community sewage treatment systems should be explored. An additional aspect to consider will be whether a larger number of users, that is all of the neighborhood areas together, even though in out-of-the-way locations would make the provision of central sewer services more viable.”

G. Transportation

G.1 Comment: The CPU should be careful about how Route 292 is categorized as there is a high rate of accidents on this road. Transportation patterns and roads should be examined.

G.1 Response: Section 5.9 of the Revised CPU includes updates about Route 292 and recent regional transportation planning studies. These revisions address road capacity and safety issues; problem intersections; the need for coordinated access and parking along Routes 22 and 55; mass transit changes; and pedestrian and bicycle amenities.

G.2 Comment: The DGEIS does not address the impact of the CPU and proposed zoning amendments on transportation.

G.2 Response: 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. ”

This comment may pertain to the perception that the originally proposed and Revised Zoning would result in an increase in floor area in the HB and proposed MBI zoning districts. As described above in FGEIS section A, subsection A.7, 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.

Refer to FGEIS subsection C.3 about the comment that the DGEIS does not address environmental impacts of the proposed zoning amendments and the related response.