

INTRODUCING

# Castagna Commerce Park

PAWLING, NEW YORK

80AC DEVELOPABLE  
Planned Development District

INDUSTRIAL | RETAIL

OFFICE | MEDICAL



HOULIHAN LAWRENCE  
COMMERCIAL





HOULIHAN LAWRENCE

COMMERCIAL

INTRODUCING

## Castagna Commerce Park

CASTAGNA DRIVE, PAWLING, N.Y. 12564

80

ACRES

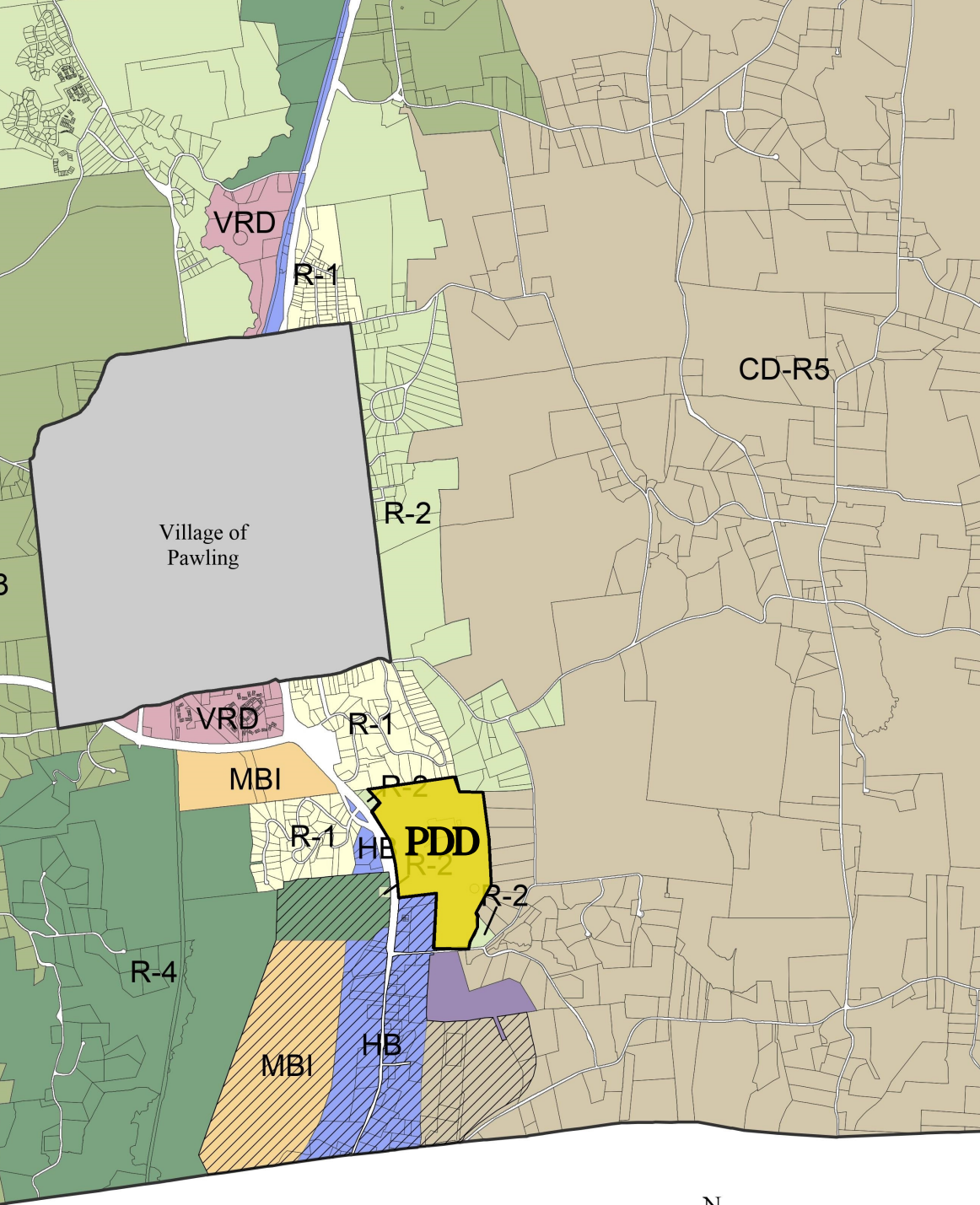
\$4,800,000

OFFERED AT

Nestled between the Hudson Valley and the Berkshires, this Planned Development District site features virtually unlimited commercial development along its developable 80 acres (estimated 120 acres total). Close to I-84/684, the site features proximity to major NYC commuter markets, as well as tourist attractions.

The property features a secluded, wooded area, with on-premise high-flow water and sewer facilities, natural gas and electric connections, all on a private road off NYS-22. Permitted uses in the Planned Development District allow a variety of industrial, retail, office and residential, including, but not limited to, distribution, manufacturing, R&D, hotels, water parks, self-storage, medical, professional offices, multi-family.

*Interested buyers are responsible for confirming zoning/permitted uses with Town of Pawling, and if applicable, obtaining site plan approval. Owners will entertain deals with such contingencies.*



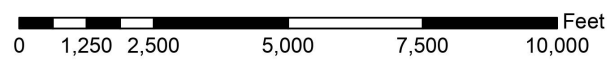
## PLANNED DEVELOPMENT DISTRICT PERMITTED USES

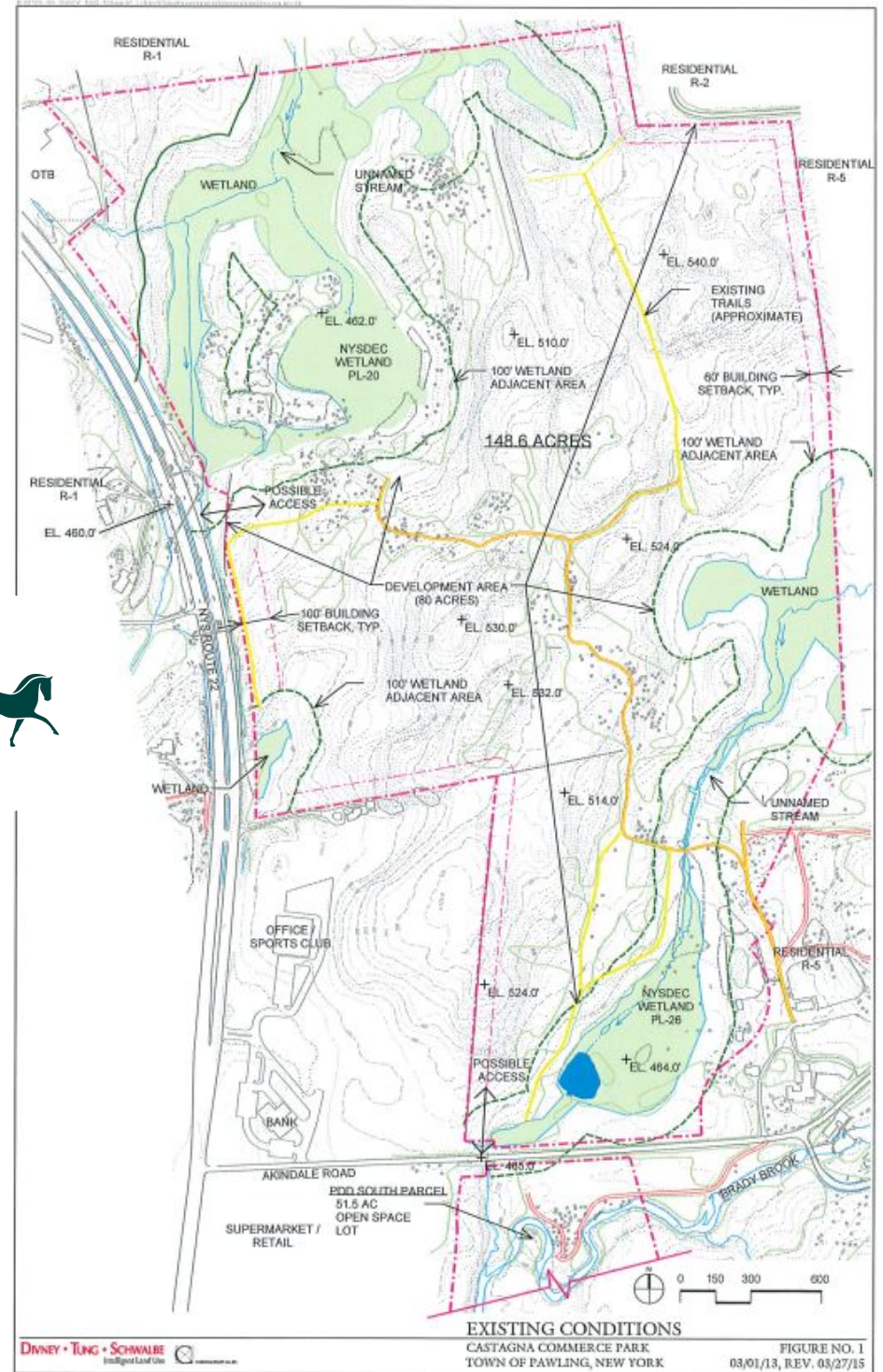
The subsequent pages features prior site plans and other documentation that displays the site's potential.

Phase I Senior Housing has already been erected (parcel lies within the subject site) and Phase II Mixed-Income housing was just approved (will be sub-divided from the subject property).

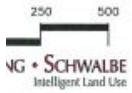
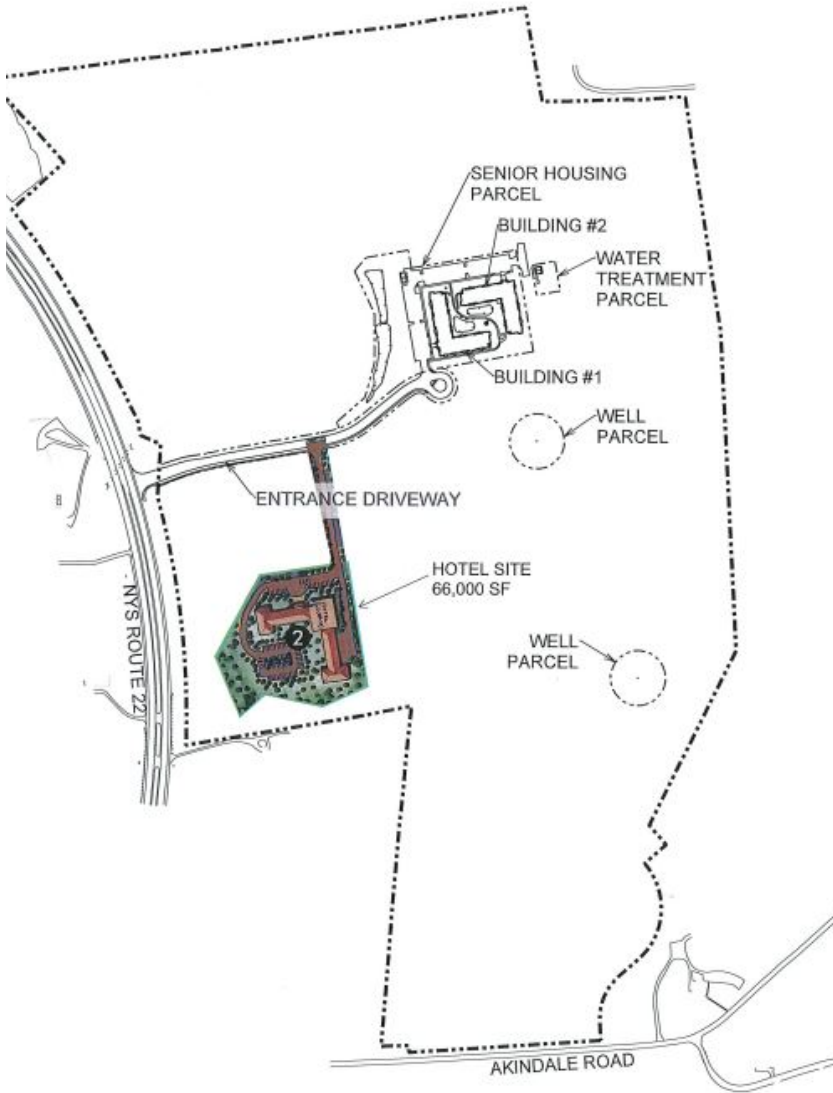
The remaining 80 acres make up the subject property, and the Town of Pawling has expressed a strong desire for commercial as a priority, with the likelihood of further multi-family down the road.

- **INDUSTRIAL** (Food & Beverage Production, eCommerce/Distribution, Film Production, Advanced Manufacturing, BioTech/Life Sciences)
- **RETAIL** (Big Box, Plaza, Outlet, Hotel, B&B, Experiential/Recreation, Amusement/Water Park)
- **OFFICE** (Headquarters, Back Office, Suites, Co-Working)
- **MEDICAL** (Walk-In, Clinic, Hospital, Outpatient, Senior/Child Care, Surgical)









**SENIOR HOUSING SITE PLAN**  
 CASTAGNA COMMERCE PARK  
 Pawling, New York  
 FIGURE NO. 11/1



N  
 E8

CONCEPTUAL  
 MASTER PLAN  
 11th July 20, 2011

CASTAGNA COMMERCE PARK  
 TOWN OF PAWLING, NEW YORK

# Castagna Commerce Park

CONTACT ME FOR MORE INFORMATION

---



**Steven Salomone**

*Associate Real Estate Broker*

M (814) 329-0185

ssalomone@houlihanlawrence.com



**Tom LaPerch**

*Associate Real Estate Broker*

M (845) 729-4211

tlaperch@houlihanlawrence.com

---



HOULIHAN LAWRENCE  
COMMERCIAL



← 55 MILES TO NYC

*The information contained in this Offering Memorandum is confidential, furnished solely for the purpose of review by a prospective purchaser of certain information relating to the property mentioned herein (the "Property"), and is not to be used for any other purpose or made available to any other person without the prior written consent of HLC. The material is subject to errors and omissions and based on part upon information supplied by sources deemed reliable.*

**§ 215-36. Planned Development District.**

**A. Intent. [Amended 4-3-1996 by L.L. No. 1-1996]**

- (1) The Planned Development District (PDD) is hereby established to provide flexible land use and design regulations to encourage the creation of a mixed use of residential, commercial, retail, recreation and cultural development that:
  - (a) Generates a positive tax base benefiting Town and village residents.
  - (b) Increases employment opportunities.
  - (c) Enhances shopping, recreational and cultural opportunities.
  - (d) Supports senior housing and opportunities for the community. **[Added 8-10-2016 by L.L. No. 1-2016]**
- (2) The PDD must utilize planning concepts that preserve open space, safeguard the environment, are compatible with historic, cultural and scenic resources and that are pedestrian oriented (i.e., incorporate walkways and bikeways and create a park-type atmosphere). **[Amended 8-10-2016 by L.L. No. 1-2016]**
- (3) The PDD is established in furtherance of the basic policies and objectives as set forth in the Town of Pawling Comprehensive Plan.

**B. Objectives. The Planned Development District should meet the following objectives:**

- (1) The establishment of areas in which diverse uses may be brought together as a part of a compatible and unified plan of development which shall be in the interest of the general welfare of the Town and in accord with the Comprehensive Plan.
- (2) An environment of stable character in harmony with surrounding development, and a more desirable environment than would be possible through the strict application of other sections of this chapter.
- (3) Increased availability of housing needs for all economic levels. **[Amended 4-3-1996 by L.L. No. 1-1996]**
- (4) A creative approach to the use of land and related physical development.
- (5) A land use pattern which minimizes the cost of the provision of community facilities and utilities (water, sewer, fire service, schools and roads) by an efficient use of land.
- (6) Convenience in the location of service facilities that better fulfills the needs of the surrounding area. **[Amended 4-3-1996 by L.L. No. 1-1996]**
- (7) A development pattern which preserves the existing trees, outstanding topography, historic and scenic features, unique vegetation and geologic features of the site and which prevents soil erosion. **[Amended 8-10-2016 by**

**L.L. No. 1-2016]**

- (8) An efficient, aesthetic and desirable use of open space.
  - (9) A more desirable environment and use of open space through the provision of pedestrian walkways, natural landscaping, appropriate screening and a park-like setting throughout the development.
- C. General requirements. **[Amended 4-3-1996 by L.L. No. 1-1996; 9-9-1997 by L.L. No. 2-1997; 5-8-2001 by L.L. No. 2-2001]**
- (1) Area and bulk standards.
    - (a) The minimum area requirement to qualify for a Planned Development District (PDD) shall be 150 contiguous acres of gross land area. Public roads shall not be deemed to divide acreage for this purpose. **[Amended 8-10-2016 by L.L. No. 1-2016]**
    - (b) A Planned Development District shall be permitted only in those areas designated on the Zoning Ordinance Map for Planned Development Districts.
    - (c) The land proposed for a Planned Development District may be owned by one or more persons or corporations, but shall be combined into a single contiguous parcel of land at or prior to the time of application to the Town Board. The applications shall be jointly submitted by all owners and, if approved, shall be jointly binding on all owners.
    - (d) The floor area ratio (FAR) for the gross land area of any PDD application shall not exceed 0.25. Building coverage shall not exceed 15%. **[Amended 8-10-2016 by L.L. No. 1-2016]**
    - (e) When calculating the permitted density for a Planned Development District any land within the Great Swamp Wetland (DP-22) shall be excluded from the calculation.
  - (2) Design requirements.
    - (a) <sup>1</sup>Incorporate appropriate transportation improvements in terms of access to and from Route 22 and interior road circulation and pedestrian circulation systems. This may include the development of a transportation improvement district to provide for necessary service roads or feeder roads running parallel to Route 22.
    - (b) Incorporate a sewage service area or on-site sewage treatment plan that adequately meets the needs of the expanded commercial development and makes some provision for eventual hookups or other sewage

---

1. Editor's Note: Former Subsection C(2)(a), regarding design requirements for stores, professional offices and personal service establishments, was repealed 8-10-2016 by L.L. No. 1-2016. This local law also redesignated former Subsection C(2)(b) through (g) as Subsection C(2)(a) through (f), respectively.

solutions for existing businesses in the HB part of the PDD Zone.

- (c) Ensure that the appearance of commercial buildings permitted under this section is harmonious with the general visual environment of the Town and promote a high standard of architectural design. The Planning Board may establish design guidelines and controls for commercial buildings, including architectural design review.
  - (d) Maximize opportunities for shared parking and avoid unnecessary pavement and impervious surface coverage. For commercial uses permitted under this section, the Planning Board may waive up to 15% of the parking required for said commercial use upon a finding that an alternate supply to the minimum requirement is appropriate and adequate to meet the peak demands. In granting a parking waiver, the Planning Board may require that a parking reserve be provided in the event that it finds that some portion of the parking may be required in the future.
  - (e) Ensure an integrated open space network by requiring a landscape plan that creates small tree-lined parking bays and requires at least one tree per 10 parking spaces.
  - (f) These design requirements shall be applicable to all applications receiving PDD preliminary approval after the effective date of this amendment.
- D. Permitted uses. The permitted principal uses within a PDD shall be limited to those specified below. A separate special permit is not required for any permitted uses in the PDD. **[Amended 4-3-1996 by L.L. No. 1-1996; 5-8-2001 by L.L. No. 2-2001]**
- (1) Residential. The uses permitted in residential zones within the chapter shall be permitted in the Planned Development District.
  - (2) Commercial. The following permitted principal uses are allowed, subject to the extent provided in an approved plan:
    - (a) Banks, credit agencies and financial establishments. **[Amended 8-10-2016 by L.L. No. 1-2016]**
    - (b) Food stores.
    - (c) Personal service establishments.
    - (d) Restaurants and other places serving food and beverages.
    - (e) Stores and shops for the conduct of retail business, including the making of articles to be sold at retail on the premises, provided that any such manufacturing or processing shall be incidental to a retail business.
    - (f) Day-care facility. **[Added 8-10-2016 by L.L. No. 1-2016]**
  - (3) Industry and offices. The following permitted principal uses are allowed,

subject to the extent provided in an approved plan:

- (a) Any industrial or manufacturing use, including the fabrication, converting, processing, altering, assembly or other handling of products, the operation of which uses only electric power not generated on site and which use does not constitute a hazard or nuisance and will meet the criteria of the performance standards as stated in § 215-35.
  - (b) Lodging and conference-event center. **[Added 7-11-2012 by L.L. No. 2-2012<sup>2</sup>]**
  - (c) Recreation and cultural facilities, including sports complexes, entertainment and theater/cinema uses.
  - (d) Office buildings for business and professional use, including administrative, scientific research and development, educational, financial and similar activities.
  - (e) Warehousing and storage buildings.
  - (f) Wholesale business.
  - (g) Hospital, nursing home and clinic (medical or dental). **[Added 8-10-2016 by L.L. No. 1-2016]**
  - (h) Assisted-living facility. **[Added 8-10-2016 by L.L. No. 1-2016]**
  - (i) Educational institution. **[Added 8-10-2016 by L.L. No. 1-2016]**
- (4) Accessory uses. The following permitted accessory uses shall be allowed in the PDD:
- (a) Storage and maintenance structures and areas for materials and equipment for the proper upkeep of the PDD.
  - (b) Temporary construction facilities needed during the course of construction of the PDD.
  - (c) Any use which is customarily incidental to any of the permitted uses located on the property. **[Added 8-10-2016 by L.L. No. 1-2016]**
- E. Standards and controls. All improvements within the Planned Development District shall be required to comply with the following specified standards and controls in lieu of those comparable requirements for other residential developments which are specified elsewhere in this chapter and in the land subdivision regulations. The appropriate density of land use to be permitted in a Planned Development District shall be determined in each case by the Planning Board and approved by the Town Board and specified on the General Land Use Development Plan. Such determination shall be based upon the standards and controls herein. Special

---

2. Editor's Note: This local law also provided for the redesignation of Subsection D(3)(b) through (e) as Subsection D(3)(c) through (f), respectively.

permits may be required for aspects of certain uses as set forth below: **[Amended 4-3-1996 by L.L. No. 1-1996; 5-8-2001 by L.L. No. 2-2001; 5-7-2008 by L.L. No. 4-2008; 7-16-2008 by L.L. No. 5-2008; 7-11-2012 by L.L. No. 2-2012; 8-10-2016 by L.L. No. 1-2016]**

(1) Density.

- (a) Gross density for all residential development shall not exceed 2.0 dwelling units per acre for the gross land area of the Planned Development District.
- (b) Gross density for multifamily residential uses shall not exceed six bedrooms per acre of gross land area.
- (c) The Planning Board may grant a special permit to allow a density of greater than six bedrooms per acre for development addressing the housing objectives of the Comprehensive Plan.
- (d) No more than 25% of the total dwelling units within the Planned Development District shall be in single-family detached structures.

(2) Commercial.

- (a) No more than 5% of the total permitted floor area in the Planned Development District shall be developed for commercial use.
- (b) The Planning Board may grant a special permit for commercial development to occupy up to 15% of the total permitted floor area within the PDD, if it finds that all such commercial development will:

[1] Maintain a reasonable mix of uses in accordance with the objectives of Subsection B. Such commercial development may not exceed the limits of a multiple-use center, hereby defined as a maximum of 200,000 square feet of gross floor space.

[2] Enhance the overall economic development of the Town and improve the tax base of the Town.

[3] Increase lodging, service, shopping or recreational options and enhance the variety of employment opportunities available to the Town.

[a] Establishment of a maximum store size of 100,000 gross square feet.

[b] That a fund be established as called for below to help purchase land and development rights in the HB Zone north of the village and to improve the Route 22 corridor throughout the Town. Such a fund, among other items, could help eliminate any further retail development north of the village and create a Route 22 greenway.

- [4] Protect the visual environment through high-quality architecture and attention to aesthetics, scale and community character. Create a Route 22 greenway and minimize strip commercial development north of the village through the contribution of \$1 per gross square foot for the additional commercial development beyond 5% of the total permitted FAR. This financial contribution is to be set aside in a special fund to enhance the landscaping, signage and lighting of the Route 22 corridor, including the potential for sidewalks, bicycle paths and conservation areas. The revenue from this special fund shall be used for the preservation and conservation of Route 22, including the area north of the Village of Pawling, so that retail development or commercial development of any kind is discouraged in this area of the Town. Such funds may be used to buy conservation or scenic easements, development rights or land. Fund revenues may also be used for landscape enhancements, signage, new lighting and pedestrian/bicycle paths. The one-time financial contribution of \$1 per gross square foot of additional commercial development shall be collected by the Town upon the grant of certificate of occupancy for the additional square footage permitted as the result of this special permit.
- [5] Utilize a design concept that incorporates open space elements, the site's environmental characteristics, and is pedestrian oriented (i.e., incorporates walkways and bikeways).
- [6] Provides an efficient use of land, which minimizes the extent and cost of the provision of community facilities and utilities (water, sewer, fire service, schools and roads).
- [7] Provides convenience in the location of goods, services, amenities and facilities that better fulfills the needs of the surrounding area.
- [8] Utilizes an efficient, aesthetic and unified design incorporating open space elements, pedestrian walkways, natural landscaping and appropriate screening throughout the development, where feasible.
- [9] Promotes interconnected and shared access and parking facilities between businesses and the surrounding community.
- [10] Enhances opportunities for pedestrian and bicycle circulation and access to transit.
- [11] Provide a public square or park for the use of shoppers, employees and residents.
- [12] Within the PDD, the applicant shall provide one acre of open space for every 1% of commercial floor area in excess of 5% of the total permitted floor area. Such open space shall be calculated in addition to that required in Subsection E(5), open space and recreation. The

Planning Board may waive or reduce this requirement if the intent of these provisions has been met as part of other planned improvements within the PDD.

[13] The Planning Board may grant a special permit to allow a multiple-use center of greater than 200,000 square feet or a store greater than 100,000 square feet, provided that the overall development complies with the objectives, requirements and standards herein.

(c) The Planning Board must find that the above conditions for granting a special permit are met by the applicant.

(3) Industrial and office.

(a) Up to 25% of the total permitted floor area in the Planned Development District may be devoted to industrial and/or office uses.

(b) The Planning Board may grant a special permit for industrial and office development to occupy more than 25% of the total permitted floor area, if it finds that all such industrial and office development will meet the standards set forth above at §§ 215-36E(2)(b).

(c) The Planning Board must find that the above conditions for granting a special permit are met by the applicant, except for those that pertain specifically to commercial development.

(4) Building height and setbacks.

(a) No structure within a PDD shall exceed 45 feet in height. However, no portion of any building shall exceed a height that would be equivalent to 35 feet higher than the highest point of the existing elevation of a site.

(b) Setbacks.

[1] Minimum required setbacks of all structures shall conform to the following requirements:

[a] From the right-of-way of external roadways: 150 feet. The Planning Board may grant a reduction of the required setback from the right-of-way to external roadways to no less than 60 feet, provided that at least 60% of the external roadway frontage shall have no structures within 150 feet of the right-of-way of external roadways, and further provided that no parking areas shall be permitted within the reduced required setback.

[b] From the outside perimeter of entire developments: 60 feet.

[c] From internal roadways: 20 feet.

[d] Utility structures and enclosures, including but not limited to transformers, switchgear, telephone boxes, water plant

buildings, and other similar structures, can be placed within the required setback.

- [2] The distance between adjacent buildings shall be determined by the Planning Board on site plan review applying standards of firesafety and the necessity of access to said buildings by fire-fighting apparatus.
- [3] Where determined necessary by the Planning Board when reviewing site development plans, buffer landscaping of adequate size, type and spacing may be required to effectively screen buildings within the PDD from neighboring properties.

(5) Open space and recreation.

- (a) At least 1/3 of the acreage of any PDD shall be composed of land which is owned or controlled jointly by all property owners within the development and is used for recreational purposes and/or preserved as natural open space. Such areas shall encompass land having meaningful ecological, aesthetic and recreational characteristics, with access, shape, dimensions, location, topography and nature and extent of improvements suitable in the opinion of the Planning Board for the intended purposes.
- (b) In the evaluation of the PDD, the minimum landscaping provisions of § 215-30 shall apply, except where the regulations of this section or conditions of approval of the PDD require more restrictive controls.
- (c) Where a Planned Development District abuts a residential district, a buffer strip shall be provided along the perimeter of the PDD, suitably landscaped with earth mounds, trees and other ground cover.
- (d) Permanent preservation and maintenance of such areas shall be assured by means of the filing of covenants and restrictions, negative easements and/or scenic easements on the land and by the formation and incorporation of a property owners' association, which shall be required to maintain such open space and recreation areas.
- (e) If the common property is deeded to a property owners' association, the developer shall submit with the application for preliminary plan a declaration of covenants and restrictions that will govern the association. The provisions shall include but not be limited to the following:
  - [1] The association must be set up before lots are sold. Membership must be mandatory for each property owner and any successive buyer.
  - [2] The open space restrictions must be permanent, not just for a period of years.
  - [3] The association must be responsible for liability insurance, local

taxes and the maintenance of recreational and other facilities.

[4] The association shall be empowered to levy assessments against property owners to defray the cost of maintenance and to acquire liens, where necessary, against property owners for unpaid charges or assessments.

[5] In the event that the association fails to perform the necessary maintenance operations, the Town of Pawling shall be authorized to enter upon such premises for the purpose of performing such operations and to assess the cost of so doing equally among all affected property owners.

(f) Common property shall be guaranteed by a restrictive covenant describing the open space and the maintenance and improvement provisions which run with the land.

(6) Utilities.

(a) In order to achieve greater safety and improved appearance, all water, sewer and gas lines and all electric, telephone and other wires and equipment for providing power and/or communication shall be installed underground in the manner prescribed by the regulations of state and local governments and/or the utility company having jurisdiction.

(b) Where, in the opinion of the Planning Board, connections to existing facilities are possible and warranted, sanitary sewers and/or water mains and fire hydrants to be installed in a Planned Development shall be connected to such existing facilities in the manner prescribed by the regulations of the appropriate sewer, water or fire district or other agency having jurisdiction.

(c) Where connection to existing off-site public water or sewerage facilities is not possible or not warranted, a central water supply and sewage treatment system shall be designed and constructed by the applicant to serve all dwelling units and other facilities within the Planned Development District in accordance with the standards and subject to the approval of the Dutchess County Department of Health and the appropriate state and federal agencies, where such approvals are required.

(d) Where part or all of a PDD is to be located within an area or drainage basin planned for future service by public water and/or sewerage systems or recommended for such system and/or systems within current comprehensive water supply and sewerage plans of the Town of Pawling, adjacent municipalities or of Dutchess County, any water or sewer facilities within the PDD shall be designed and located in such a way as to readily permit their connection to the public systems at such time as they are constructed.

(e) Where adequate surface drainage is not possible by grading alone, a

supplementary drainage system approved by the Town Planning Board shall be required.

- (7) Road standards.
- (a) The following three types of roads shall be permitted within the PDD:
- CLASS A ROAD — A road built in accordance with the requirements of the Town's land subdivision regulations and standard specifications for subdivision road construction. The Planning Board shall classify all "Class A roads" into one of the following three classifications included in the minimum Town road specifications: major or through street; commercial or industrial; and rural or suburban type.
- CLASS B ROAD — A private road over 600 feet in length and built in accordance with Town specifications.
- CLASS C ROAD — A private road 600 feet or less in length and built in accordance with Town specifications.
- (b) The Planning Board may, when reviewing site development plans, adjust the road standards where it determines that such adjustment would be appropriate in relation to the particular situation involved and where the basic intent and purpose of these standards will be satisfied.
- (c) Only Class A roads may be offered for dedication as a public highway to the Town. Suitable legal agreements shall be required which permanently assure the proper maintenance of all Class B and Class C roads by a property owners' association.
- (d) Any Planned Development District shall conform to the provisions of § 215-25, Feeder roads.
- (8) Off-street parking requirements. The off-street parking and loading requirements of § 215-34 of this chapter shall apply, except that the following standards and requirements shall prevail if they are considered by the Planning Board to be more appropriate than those stated in § 215-34:
- (a) Joint use. Joint use of parking spaces by two or more adjacent facilities may be permitted when approved by the Planning Board upon a determination that the parking capacity to be provided will meet the intent of the requirements by reason of variation in the probable time of maximum use by users and staff on such facilities.
- (b) All parking shall be provided in paved off-street parking areas. Parking shall be minimized along road frontage areas and screened from view.
- (c) Internal landscaping. In off-street parking areas containing 25 or more parking spaces, at least 15% of the total parking area within the paved areas shall be landscaped with appropriate trees, shrubs and other plant material as determined necessary by the Planning Board to assure the

establishment of a safe, convenient and attractive parking facility. The Planning Board may require curbing where deemed necessary to control drainage or provide safe and efficient vehicle access.

F. Application procedures. The application procedure for approval of a Planned Development District shall involve the following process:

- (1) Resource analysis and concept plan review by the Town Board. [**Amended 8-10-2016 by L.L. No. 1-2016**]
- (2) Planning Board review of the Preliminary Plan and report to the Town Board.
- (3) Public hearing by the Town Board and decision on the Planned Development District rezoning.
- (4) Administrative site plan review by the Planning Board and appropriate Town officials.
- (5) Planning Board public hearing and decision on the subdivision of land, if any.

G. Resource analysis and concept plan. [**Amended 4-3-1996 by L.L. No. 1-1996; 8-10-2016 by L.L. No. 1-2016**]

- (1) The resource analysis and concept plan are intended to permit an applicant to provide site information and submit his concept for a Planned Development District without incurring the significant costs of detailed planning. This step permits the Town Board to review the resource analysis and concept plan at the earliest possible stage so as to determine whether the proposal complies with the regulations herein and the Comprehensive Plan for the Town of Pawling.
- (2) The application for resource analysis and concept plan approval shall be filed with the Town Clerk and shall contain the following information:
  - (a) A vicinity map sketched to a scale of 2,000 feet to the inch, showing land owned by the applicant and indicating the relationship of the site to existing community facilities which serve it, such as roads, shopping, schools, etc.
  - (b) Resource analysis map(s) of the site showing:
    - [1] Soil types and boundaries and bedrock outcrops.
    - [2] Topography and steep slopes (over 25%).
    - [3] Wetlands plus buffer areas, wet areas, water bodies, and watercourses.
    - [4] One-hundred-year floodplains.
    - [5] Vistas and viewsheds into or out of the property.

- [6] Areas of contiguous forestlands and wooded areas.
  - [7] Nearby significant topographic features and historical structures.
  - [8] Existing parklands, recreational and/or public open space.
- (c) A conceptual drawing of the entire proposed Planned Development District containing the following information:
- [1] A scale drawing of the outer perimeters of the proposed project, including the ownership of abutting lands and principal ties to the community at large with respect to transportation, water supply and sewage disposal.
  - [2] Location and identification of the various land uses, including open spaces.
  - [3] An outline of the interior roadway system and the location of existing roadways within and adjacent to the proposed area development.
  - [4] Location of the boundaries of the existing zoning for the land proposed for the PDD and identification of districts therein and the number of acres within each district.
  - [5] The location of significant topographic features, vegetation and historic structures.
  - [6] Delineation of the areas to be included in each stage, if required, and an indication of the order in which they would be submitted for approval. Staging, or phasing, plans should include a notation summarizing the residential density; and residential and nonresidential uses by floor area for each project phase. The ratio of nonresidential to residential floor area within each stage of the PDD shall not differ from that of the PDD as a whole by more than 40% except that the Planning Board may authorize a greater difference up to a maximum difference of 50%.
- (d) Accompanying the conceptual drawing, there shall be a general report prepared by the applicant containing the following information:
- [1] An affidavit to demonstrate competence to carry out the plan and awareness of the scope of such project, both physical and financial.
  - [2] An explanation of the particular housing mix which the applicant intends to use, indicating the percentage of housing to be provided the following categories: detached, semidetached and multifamily, and what percentage of each is to be for rent or sale.
  - [3] Plans for accessory commercial, service and other nonresidential uses.

- [4] Plans for public and private institutional, residential and community activities, churches, schools and other uses.
  - [5] Plans for industrial office and research uses.
  - [6] A general statement as to gross residential density and average density for detached, semidetached and multifamily housing.
  - [7] A development schedule indicating the approximate date when construction of the PDD or the stages of the PDD can be expected to begin and be completed.
  - [8] A statement as to the compatibility of the applicant's proposed plan with the Comprehensive Plan of the Town of Pawling.
- (e) When the Town Board has received all of the above information, the Supervisor shall certify to the applicant, in writing, that his application for concept plan approval has been received. The Town Board shall refer the application to the Town Planning Board for informal study and comments. The Planning Board shall submit its comments within 30 days of receipt of the application. The application and its supporting documents shall be available for public inspection in the office of the Town Clerk during regular business hours.
  - (f) The Supervisor shall, within 60 days from the certification of receipt of application, call an informal public meeting to permit the applicant to present his concept to the public and for the Town Board to receive the public's comments, criticisms and suggestions on the concept presented by the applicant.
  - (g) The Town Board shall, within 30 days from the termination of the public meeting, and must, by letter, either refer the application to the Planning Board with directions to proceed with preliminary plan approval or indicate to the applicant that the concept does not comply with the intent of the Planned Development District and state generally what, if anything, could be done to bring the concept into compliance.
  - (h) If the application is referred to the Planning Board, a copy of the letter of referral must be sent to the applicant. The applicant shall, within 30 days after receipt of the above letter, furnish to the Town Board a letter of intent to file a preliminary plan. Failure of the applicant to file notice of intent will render the application null and void, and reapplication may not be made within one year from date of original application.

#### H. Preliminary plan.

- (1) Within 60 days from the filing of the letter of intent, the applicant shall submit a preliminary plan of his proposal to the Planning Board. The preliminary plan shall be drawn to scale and shall clearly show the following information for the PDD or stage thereof under consideration in addition to that required for

the concept plan:

- (a) The name and address of the applicant, property owner(s), if other than the applicant, and of the planner, engineer, architect, surveyor and/or other professionals engaged to work on the project. Written authorization from the owner(s) to submit the application shall be required where the applicant is not the owner of the affected property. Where the applicant or owner is a corporation, the application shall include the names and addresses of all officers, directors and principal stockholders of said corporation. Where the applicant is a partnership, the application shall include the names and addresses of all general partners.
- (b) A written statement describing the nature of the proposed Planned Development District and how it will serve to implement the intent and purpose for such development, as set forth in this chapter.
- (c) An area map showing the applicant's entire holding, that portion of the applicant's property under consideration and all properties, subdivision, streets and easements within 500 feet of the applicant's property.
- (d) The proposed general land use and development plan at a scale not smaller than one inch equals 200 feet and indicating the following:
  - [1] The gross acreage encompassed by the development. [**Amended 8-10-2016 by L.L. No. 1-2016**]
  - [2] Terrain conditions on the property, to include topographic data with a maximum contour interval of 10 feet, an indication of generalized soil types and the location of existing watercourses, wetlands, wooded areas, major rock outcroppings and other significant existing features.
  - [3] The proposed spatial arrangement of land uses, including the location, size, nature and general extent of areas to be developed with residential dwelling units, as well as nonresidential uses, mixed uses, public, community and/or recreational facilities; utility service and maintenance facilities; and areas to be preserved as open space, indicating the size, location and use of each area. [**Amended 8-10-2016 by L.L. No. 1-2016**]
  - [4] An identification of the various residential areas indicating for each area its extent, size and composition in terms of the total number of dwelling unit type (i.e., detached, semidetached, townhouse, garden apartments, etc.) and a description of the intended market structure (i.e., luxury, middle income, moderate income, senior housing units, family units, etc.), plus a calculation of the approximate residential density in dwelling units per acre (total PDD area, including interior roadways) and for each parcel if subdivided. For mixed-use areas, the plan shall identify the type and approximate density of dwellings

to be associated with the commercial, industrial or office use.  
**[Amended 8-10-2016 by L.L. No. 1-2016]**

- [5] Delineation of the areas to be included in each stage, if required, and an indication of the order in which they would be submitted for approval. Staging, or phasing, plans should include a notation summarizing the residential density; and residential and nonresidential uses by floor area for each project phase. The ratio of nonresidential to residential floor area within each stage of the PDD shall not differ from that of the PDD as a whole by more than 40% except that the Planning Board may authorize a greater difference up to a maximum difference of 50%. **[Added 8-10-2016 by L.L. No. 1-2016<sup>3</sup>]**
  - [6] The interior drainage system and its relationship to adjoining property.
  - [7] The general configuration of the road system and all existing or proposed rights-of-way and easements, whether public or private.
  - [8] If grades exceed 3% or if portions of the site have a moderate to high susceptibility to flooding, ponding or erosion, a topographical map showing contour intervals of not more than five feet of elevation shall be provided along with an overlay outlining the above areas.
  - [9] A description of how schools, fire-protection facilities, cultural facilities and other community services are to be provided, including a fiscal impact statement.
- (e) A statement of the proposed method of ownership and maintenance of the PDD, including common open space. This shall include a declaration of covenants and restrictions that will govern any homeowners' association, if established.
  - (f) A generalized time schedule for the staging and completion of the PDD, including utilities and facilities.<sup>4</sup>
  - (g) Such other additional information as deemed necessary by the Town Board to properly study and evaluate the application.
- (2) Fee.
    - (a) The fee which the applicant will have to pay based on the total acreage involved in his project is to be paid when he submits his documents at the preliminary plan stage.

---

3. Editor's Note: This local law also provided for the renumbering of former Subsection H(1)(d)[5] through [8] as Subsection H(1)(d)[6] through [9], respectively.

4. Editor's Note: Former Subsection H(1)(g), which required that the applicant propose and submit an environmental impact statement, and which immediately followed this subsection, was repealed 8-10-2016 by L.L. No. 1-2016. This local law also provided for the redesignation of former Subsection H(1)(h) as Subsection H(1)(g).

- (b) Such fee to be applied to meeting the costs incurred by the Town for engineering, planning and other professional services in connection with its review of the application.
  - (c) The initial application fee in an amount fixed by the then-current fee schedule as approved by the Town Board for each acre of land within the proposed development.
  - (d) Should the applicant withdraw the application during a part of the review process or should the application be denied at any point in the review process, any unused portion of the fee shall be returned to the applicant.
- (3) The Chairman of the Planning Board shall notify the applicant, in writing, when all the necessary application material has been presented to the Planning Board.
  - (4) Forwarding of copies for review and report.
    - (a) Upon receipt of a completed application for approval of a PDD, the Planning Board shall forward for review and report two copies of such application to the Town Board for its information and one copy each to the Building and Zoning Inspector, the Town Conservation Advisory Board, the Town Engineer, Town Attorney, the Pawling Fire Department, the School Board, the Superintendent of Highways, the Village of Pawling Board, the Dutchess County Soil and Water Conservation District, the Dutchess County Department of Health, the Dutchess County Department of Planning, when such proposed development is within its jurisdiction, the Clerk of any abutting municipality where the property proposed for such development is located within 500 feet of such municipality and any other agencies, such as the New York State Department of Environmental Conservation, which may have jurisdiction, together with a request for review and report by said agency.
    - (b) These agencies shall submit their reports to the Planning Board within 30 days of receipt of the referral, specifying the feasibility and adequacy of those elements within their sphere of interest. The appropriate Town authorities shall also state in their report any other conditions or problems which must be overcome before consideration of acceptance on their part.
  - (5) The Planning Board shall review the preliminary plan and its related documents. The Board shall review all referrals and may call upon any public or private consultants that it believes are necessary to provide a sound review of the proposal.
  - (6) Within 90 days from the date of receipt of a completed application, as determined by the Planning Board, said Board shall submit a written report to the Town Board setting forth its findings as to the advisability of the proposal. The Planning Board, upon rendering its report to the Town Board, shall also submit the preliminary plan, together with all related documents and reports,

to the Town Board.

- (a) A favorable report shall include a recommendation to the Town Board that a public hearing be held for the purpose of considering preliminary plan approval and rezoning to PDD. It shall be based upon the following findings, which shall be included as part of the report:

- [1] The proposal conforms to the Town's Comprehensive Planning Study.
- [2] The proposal meets the intent and objectives of Planned Development District.
- [3] The proposal meets all the general requirements of the Planned Development District.
- [4] The proposal is conceptually sound in that it meets existing community needs within the Town and it conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, drainage system and scale of the elements, both absolutely and to one another.
- [5] There are adequate services and utilities available or proposed to be made available in the construction of the development.

- (b) An unfavorable report shall state clearly the reasons therefor and, if appropriate, point out to the applicant what might be necessary in order to receive a favorable report.

(7) Public hearing and resolution.

- (a) Upon receipt of the Planning Board's report, the Town Board shall consider the rezoning application pursuant to the provisions of § 265 of the Town Law and § 239-m of General Municipal Law. The Town Board shall conduct a public hearing on the application for rezoning within 60 days of the receipt of the report. Public notice shall be as required by the Town Law of New York State.
- (b) The Town Board may continue the hearing from time to time; provided, however, that the hearing shall be concluded within 60 days of the first hearing unless the applicant shall consent, in writing, to an extension.
- (c) Within 120 days following the conclusion of the public hearing, the Town Board shall either:
  - [1] Grant approval of the plan as submitted by rezoning the proposed land area to PDD;
  - [2] Grant tentative approval subject to specified conditions not included in the plan as submitted or modified; or

[3] Deny approval of the plan and rezoning.

- (d) A denial shall be by written resolution, and the applicant shall be prohibited from making reapplication for a period of one year from the date of said resolution. The resolution shall include but not be limited to findings of fact and conclusions for denial.
- (e) In the event that the Town Board grants conditional approval to the preliminary plan, the applicant shall, within 30 days after receiving a certified copy of the written resolution of the Town Board, notify the Board of its acceptance of or refusal to accept all of said conditions. Upon written receipt of acceptance of the conditions and/or modifications by the applicant, the Town Board shall vote to approve or deny approval of the rezoning application.

I. Approval of site development plans.

- (1) No earth work, land clearing or construction of any kind shall take place within the limits of a Planned Development District until a site development plan for such development, or the appropriate section thereof, has been reviewed and approved, all in accordance with the procedures outlined in § 215-47, Site plan approval, of this chapter and supplemented as follows.
- (2) Submission of application. After Town Board action approving the zoning change, applications shall be submitted in five copies to the Zoning Inspector, with the initial application accompanied by five copies of the approved general land use and development plan, and shall include the following information: **[Amended 4-3-1996 by L.L. No. 1-1996]**
  - (a) A proposed site development plan map drawn at a scale of no less than one inch equals 100 feet and indicating the following:
    - [1] The title of the development, date, revision dates, if any, North point, scale, name and address of the applicant and of the architect, engineer, landscape architect and/or surveyor preparing the site development plan.
    - [2] A detailed description of existing terrain conditions on the property, to include topographic data at a maximum contour interval of two feet, designation of specific soil types, the location of all existing watercourses and intermittent streams, the location and extent of existing wooded and wetland areas and specification of the type of vegetation prevailing therein and the location of existing stone walls, rock outcrops, wooded areas and major trees (eight inches or more in diameter) outside of wooded areas which are to remain undisturbed.
    - [3] The location and dimensions (length, width, ground floor elevation and height) of all existing and proposed main and accessory buildings, with the use for each indicated.

- [4] The location, width and finished pavement grades of all existing and proposed public and private roads.
  - [5] The location and proposed development of all open spaces, including parks, playgrounds and natural open space.
  - [6] The location, layout, finished pavement grades and surface treatment proposed for parking and loading areas and ingress and egress drives.
  - [7] The location, size and proposed screening of any refuse storage or other outdoor storage areas.
  - [8] The location and size of all proposed water supply, sanitary sewerage, storm drainage and other utility facilities, including connections to any existing facilities.
  - [9] Locations, design and construction plans for proposed sidewalks and steps, drainage structures, retaining walls, etc.
  - [10] A landscaping plan, to include type, size and location of materials to be used.
  - [11] Proposed type, location and design of exterior lighting system.
  - [12] Proposed location, type, size, color and illumination of all proposed signs.
  - [13] Delineation of the areas to be included in each stage, if required, and an indication of the order in which they would be submitted for approval. Staging, or phasing, plans should include a notation summarizing the residential density; and residential and nonresidential uses by floor area for each project phase. The ratio of nonresidential to residential floor area within each stage of the PDD shall not differ from that of the PDD as a whole by more than 40% except that the Planning Board may authorize a greater difference up to a maximum difference of 50%. **[Added 8-10-2016 by L.L. No. 1-2016]**
- (b) Architectural plans and specifications of representative buildings and structures, including general exterior elevations, perspective drawings and, in the case of residential buildings, typical floor plans indicating the number of bedrooms and the use of all other rooms within each dwelling unit.
  - (c) Calculation of expected storm drain loads to be accommodated by the proposed drainage system for a fifty-year-frequency storm.
  - (d) Estimate of earth work, showing the quantity of any material to be imported to and/or removed from the site.

- (e) Description of measures planned to assure proper erosion and sedimentation control during construction.
  - (f) A statement from the applicant's engineer indicating the estimated cost of constructing all new roads and sidewalks and of the water supply sanitary sewerage and storm drainage systems.
  - (g) A list of approvals to be obtained from the State Department of Transportation, County Highway Department or the Town of Pawling Superintendent of Highways, as appropriate, of the design and proposed construction of any intersection of a new road with an existing state or county or Town highway and of any proposed connections to existing drainage facilities along such highways.
  - (h) Copies of legal covenants and agreements restricting the use of recreation and open space areas to such purposes and of documents establishing future ownership and maintenance responsibilities for all private roads, recreation and open space areas.
  - (i) Any other legal agreements, documents or information required to implement the purposes and intent of the Planned Development District as approved by the Town Board.
  - (j) An application fee in an amount and as normally determined by the Planning Board in site plan review.
  - (k) Construction and maintenance bonds as normally required in subdivisions.
- (3) Referral to the Planning Board, Town Engineer, Superintendent of Highways and Town Attorney.
- (a) Upon receipt of a site development plan application, the Zoning Inspector shall refer two copies to the Planning Board, one copy to the Town Engineer, one copy to the Town Attorney and one copy to the Superintendent of Highways where a private road to be constructed as a part of the site development will intersect with an existing Town road or an approved Class A road, all for review and report.
  - (b) Review by the Planning Board, Town Engineer and Superintendent of Highways shall be for the purpose of determining that:
    - [1] Such development will be in accordance with the approved general land use and development plan and any other requirement and conditions established by the Town Board as a part of the rezoning of the development.
    - [2] It complies with all other applicable standards and requirements of this chapter.
    - [3] All facilities and improvements necessary to the construction of the

development will be properly provided.

[4] Proposed intersection of private roads with existing Town roads or Class A roads are located and designed so as to permit safe traffic movements through the intersections.

[5] Existing Town roads within the boundaries of the PDD are capable of safely accommodating the increased traffic generated by the development.

(c) Review by the Town Attorney shall be for the purpose of determining the adequacy of all covenants and agreements, documents and other legal information required in connection with the construction and operation of all jointly owned facilities and areas within the PDD.

(d) Reports from Town Engineer, Superintendent of Highways and Town Attorney shall be submitted to the Planning Board within 30 days.

(4) Action by Planning Board.

(a) The Planning Board shall fix a time within 45 days from the day an application for site plan approval is made for a public hearing. Public notice shall be given by publications in the official Town newspaper of such hearing at least five days prior to the date of public hearing. Within 45 days of said hearing, the Planning Board shall approve, approve with modifications or disapprove the site plan. The decision of the Planning Board shall be filed in the office of the Town Clerk.

(b) Conditional approval may include recommendations as to desirable revisions to be incorporated in the final site plan, conformity with which shall be considered a condition of approval. Such recommendations shall not significantly alter the preliminary plan. Final site plan approval may also be conditioned upon receipt of required agency permits, including but not limited to State Departments of Health, Transportation and Environmental Conservation. **[Amended 4-3-1996 by L.L. No. 1-1996]**

(c) The final site plan shall be disapproved if it significantly differs from the preliminary plan as approved by the Town Board. The Planning Board will indicate the reasons for disapproval. A revised plan may be submitted to the Planning Board within six months of disapproval.

(5) A permit authorizing earth work, land clearing or construction of any kind shall be issued only for work which will be done in accordance with the approved site development plan, and no certificate of occupancy shall be issued for any development which has not been constructed in accordance with said plan.

(6) Inspection fee. As a condition of site development plan approval, an inspection fee in an amount determined necessary by the Town Engineer, but not in excess of 7% of the estimated cost of constructing all private roads, sidewalks

and water supply sewerage and storm drainage systems, shall be paid to the Town of Pawling. Such fee shall be used to cover costs incurred by the Town in conducting inspections of such construction as it progresses, and any unused portion shall be returned to the applicant.

- (7) Special conditions. If, during the course of construction, any conditions, such as flood areas, underground water, springs, intermittent streams, humus beds, unsuitable slopes, soft and silty areas or other unusual circumstances, are encountered which were not foreseen in the original planning, such conditions shall be reported to the Planning Board, together with the developer's recommendations as to the special treatment required to secure adequate and permanent construction. The Planning Board, in consultation with the Conservation Advisory Board, shall investigate the condition or conditions, and either approve the developer's recommendations to correct the same, order a modification thereof or issue its own specifications for correction of the condition or conditions. Unusual circumstances or detrimental conditions observed by the Town Engineer or Zoning Inspector shall be similarly treated.
- (8) Amendments. Where unforeseen conditions are encountered which require any change to an approved site plan or where the developer wishes to modify the approved site plan for other reasons, an amended site plan shall be filed with the Zoning Inspector for review and approval in accordance with the same procedures required under this section.
- (9) Changes of land use, intensity of use and reduction of open spaces must be made by the Town Board after report of the Planning Board and upon recommendation by the Dutchess County Planning Department. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in community policy. Any changes which are approved in the final plan are to be attached to and recorded with initial final plan documents with the proper authorities.
- (10) Expiration of approval. Site development plan approval shall expire if work on the approved development has not begun with three years of the date of approval. Extensions of the expiration date may be granted by the Zoning Inspector upon recommendation of the Planning Board, for periods each of which shall not exceed one year.<sup>5</sup> [**Amended 4-3-1996 by L.L. No. 1-1996**]
- (11) Improvement or performance guaranties.
  - (a) As a condition of final approval and before any building permits are issued, the Town Board shall require posting of such performance guaranties as it deems necessary to ensure the installation of the improvements. Said performance guaranty shall be for a period of time to

---

5. Editor's Note: Former Subsection I(11), Regulation during construction, as amended, and which immediately followed this subsection, was repealed 8-10-2016 by L.L. No. 1-2016. This local law also provided for the renumbering of former Subsection I(12) and (13) as Subsection I(11) and (12), respectively.

be determined by the Town Board. The amount of the performance guaranty may be reduced by the Town as portions of the required improvements have been completed.

- (b) All such improvements shall be subject to the approval of the appropriate authority.
- (12) Approval of subdivision plats. Applications for the approval of any subdivision plats and for the construction of any Class A roads shall be submitted to the Planning Board and processed by said Board in accordance with all the procedures and requirements specified in the Town's land subdivision regulations and standard specifications for subdivision road construction. The Planning Board may waive dimensional requirements for lots created by subdivision, provided such lots are consistent with the objectives, intent, design requirements and all other provisions set forth in § 215-36. **[Amended 8-10-2016 by L.L. No. 1-2016]**