

On motion of TRUSTEE MURTAUGH, seconded by TRUSTEE RESTUCCIA, the following amended resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village Board is considering making certain revisions to its Zoning Law to expand the Harmon/South Riverside Gateway area and to modify the regulations for that area to encourage commercial development by facilitating market rate mixed use of properties; and

WHEREAS, the Village Board has caused to be drafted a Local Law to expand the area of, and modify the regulations for the Harmon/South Riverside Gateway area; and

WHEREAS, the Village Board has caused Parts 1 and 2 and 3 of a Full Environmental Assessment Form (the "EAF") to be drafted in connection with the Proposed Action; and

WHEREAS, the Village Board has caused a Coastal Assessment Form to be drafted in connection with the Local Law; and

WHEREAS, on July 13, 2009 the Village Board declared itself Lead Agency for SEQRA purposes in connection with the Local Law; and

WHEREAS, on July 13, 2009 the Village Board referred the draft Local Law, the EAF and the Coastal Assessment Form to the Planning Board, Waterfront Advisory Committee, and Westchester County Planning Board in accordance with Law; and

WHEREAS, the Village Board has received favorable response letters from Westchester County and the Waterfront Advisory Committee; and

WHEREAS, the Planning Board has had 4 meetings in connection with the Local Law and the Village Board has had a work session in connection with the Local Law, and

WHEREAS, as a result of public input and feedback to date the Village Board has caused a revised draft of the Local Law to be prepared (Local Law Introductory No. 4 of 2009);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Village Board hereby schedules for a public hearing to consider Local Law Introductory # 4 of 2009, a Local Law to amend the Village of Croton on Hudson Gateway Overlay District by Expanding the Area of, and Modifying the Regulations for, the Harmon/South Riverside Gateway Area. The Public Hearing will be held in the meeting room of the Stanley H. Kellerhouse Municipal Building, 1 Van Wyck Street, Croton-on-Hudson, NY at 8pm on November 2, 2009 with the understanding that if the Saccardi and Schiff final report is not received within the two week review period, the Public Hearing can be rescheduled

Dated: October 5, 2009

DRAFT

A LOCAL LAW TO AMEND THE VILLAGE OF CROTON-ON-HUDSON
GATEWAY OVERLAY ZONING DISTRICT BY EXPANDING THE AREA OF, AND
MODIFYING THE REGULATIONS FOR, THE HARMON/SOUTH RIVERSIDE GATEWAY AREA

Section 1 Section 230-20.2.A.(1) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

(1) Harmon/South Riverside, consisting of lots on the east and west sides of South Riverside Avenue between Croton Point Avenue and a point approximately 200 feet north of Oneida Avenue. A list of the specific parcels included in the Harmon/South Riverside area is set forth in the Table of Zoning Map Amendments located at the end of this chapter which table and map are hereby amended to include the parcels described in the schedule hereto. This area is an important link to the train station via Croton Point Avenue and to the Harmon neighborhood. It also provides a connection with the historic Van Cortlandt Manor to the south.

Section 2 Section 230-20.3 of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

Section 230-20.3. Use regulations for all Gateway areas, and special area, bulk and parking regulations for the Harmon/South Riverside Gateway area.

A. The uses permitted in the Gateway District areas shall correspond to the permitted and special permit uses set forth in the underlying zoning district. In addition, the following uses, when not otherwise authorized in the underlying zone, shall be permitted:

(1) Permitted Principal Use. In the Harmon/South Riverside area mixed use shall be a permitted principal use subject to the parameters and requirements set forth below:

a. Notwithstanding any other provision of this Chapter to the contrary, for the purposes of this Article (IVA), mixed use shall mean a combination of residential dwelling units and other permitted and/or special permit uses provided, however,

i. At least 50 percent of the area of the first floor of any mixed use building must be used for non-residential use. Residential uses may not be located in the portion of a building's first floor which is immediately inside the building's front facade, it being the intention of this law that first floor front building facades, and the building areas immediately inside first floor front building facades, will be used for non-residential purposes. It is the further intention of this law that any first floor residential space will be located "behind" first floor non-residential space as viewed from the street/sidewalk adjacent to the building front. For the purpose of this subparagraph buildings located on street corners shall be deemed to have building fronts on each of the intersecting streets which form the street corner.

ii. There shall be no percentage restrictions on the amount of residential versus non-residential space on the second floor of a mixed use building.

iii. The third floor of a mixed use building may only be used for residential dwelling unit purposes.

b. Notwithstanding any provisions of Section 230-20.4 or any other provisions of this Chapter to the contrary, the following area and bulk regulations shall apply to mixed use buildings in the Harmon/South Riverside Gateway area. To the extent that contrary area/bulk regulations are not specified in this subsection, they shall be as otherwise provided in this Code:

i. Maximum floor area ratio (FAR) shall be .8.

ii. Maximum height shall be 35 feet/3 stories. Provided, however, the third story must be constructed within the roofline of the building.

iii. The minimum front yard setback shall be 15 feet. The maximum front yard setback shall be 20 feet. In accordance with the general provisions of this Chapter, corner lots shall be deemed to have front yards on each of the intersecting streets which form the corner.

iv. The Planning Board shall have the authority in conducting Site Plan review to reduce or waive side yard setback requirement(s) of the underlying zone provided there is otherwise adequate access to parking areas.

v. With the exception described below, pre-existing buildings which do not meet the front yard setback required herein (15-20 feet) or any of the other area requirements of this Chapter (e.g. rear yard setback) shall not be permitted to have an FAR of .8 nor to add third story residential occupancy. They shall be governed by the FAR and story limitations of their underlying zone. Provided, however, pre-existing buildings which are otherwise area-compliant, but whose front yard setback is between ten and twenty feet (instead of the required fifteen to twenty feet) shall be permitted to have an FAR of .8 and third story residential occupancy.

c. Design Regulations. In addition to any other design regulations provided in this Code, the following design guidelines shall apply to mixed use buildings in the Harmon/South Riverside Gateway area:

i. The street level façade of the front of any building shall consist of at least 60 percent transparent glass to facilitate visibility into the building's first floor commercial premises and a retail streetscape look. For the purpose of this subparagraph buildings located on street corners shall be deemed to have building fronts on each of the intersecting streets which form the corner.

ii. Mixed use buildings in the Harmon/South Riverside Gateway area shall be subject to such additional design guidelines as may be adopted by resolution of the Board of Trustees from time to time.

d. Parking. Notwithstanding any other provision of this Code to the contrary, for mixed use buildings in the Harmon/South Riverside Gateway area there shall be provided for each residential dwelling unit: one parking space plus one additional parking space for each bedroom in the unit in excess of one bedroom. (Examples: studio apartment – 1 space; 1 bedroom apartment – 1 space; 2 bedroom apartment – 2 spaces). The parking for non-residential space shall be as otherwise required by this Chapter.

(2) Special Permit Uses.

In addition to the special permit uses permitted in the underlying zoning district, the following uses, when not otherwise authorized in the underlying district, shall be permitted by special permit granted by the Village Board of Trustees in all Gateway District areas:

(a) Farmers' market, greenmarkets or garden centers.

B. Prohibited uses. Notwithstanding uses otherwise permitted by the underlying zoning district, the following uses shall be prohibited in all the Gateway District areas:

(1) Commercial parking lots.

(2) Automobile storage lots.

(3) Drive-through windows for commercial establishments.

(4) Automobile or other vehicle dealerships.

(5) Fast food restaurants.

Section 3 Section 230-20.4 of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

A. Maximum allowable floor area ratio. With the exception of mixed use development in the Harmon/South Riverside area, the maximum floor area ratio (FAR) standards that shall be adhered to for new development shall be the FAR listed for the underlying zone or the following, whichever is more restrictive.

Section 4 There is hereby added to Section 230-42.1 of the Code of the Village of Croton-on-Hudson a new Section G to read as follows:

G. The provisions of this Section 230-42.1 shall not apply to properties located in the Harmon/South Riverside Gateway Overlay area. Regulations governing Harmon/South Riverside Gateway Overlay area "mixed use" buildings (as defined in Section 230-20.3A(1)a.) are contained in Article IVA of this Chapter.

Section 5 Section 230-17A.(1) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

A. Permitted uses. No building or premises shall be used and no building or part of building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

(1) Any use permitted in a Commercial C-1 District, as set forth in Section 230-16A, and subject to the regulations therefore, but for properties not within the Harmon/South Riverside area of the Gateway Overlay District no retail stores shall be permitted except by special permit of the Village Board of Trustees. Such retail stores in all former C-1 Districts prior to the date of the adoption of this section shall be deemed to have special permits; however, any retail store with a current special permit requiring periodic renewal shall continue to require renewal in accordance with its terms.

Section 6 This Local Law shall take effect immediately upon filing with the Secretary of State.

LIST OF PARCELS included in Harmon
South Riverside Gateway Overlay Zone

SECTION	BLOCK	LOT
79.13	1	5
79.13	1	6
79.13	1	7
79.13	1	9
79.13	1	60
79.13	1	61
79.13	1	62
79.13	1	63
79.13	1	64
79.13	1	65
79.13	1	66
79.13	1	68
79.13	1	69
79.13	1	70
79.13	1	71
79.13	1	72
79.13	1	73
79.13	1	74
79.13	1	75
79.13	1	76
79.13	1	77
79.13	1	78
79.13	1	83
79.13	1	84
79.13	1	85
79.13	1	86
79.13	1	87
79.13	1	88
79.13	1	89
79.13	1	90
79.13	2	5
79.13	2	6
79.13	2	18
79.13	2	19
79.13	2	20
79.13	2	21
79.13	2	22
79.13	2	22.1
79.13	2	23
79.13	2	24
79.13	2	25
79.13	2	26
79.13	2	27
79.13	2	28
79.13	2	29
79.13	2	30
79.13	2	31
79.13	2	32
79.13	2	33