

On motion of TRUSTEE Gallelli, seconded by TRUSTEE Olver, the following resolution was unanimously adopted 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 (the "Proposed Action"); and

WHEREAS, the Village Board has caused Parts 1 and 2 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 Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village Board hereby determines that the Proposed Action is an Unlisted action.
2. The Village Board hereby declares itself to be the Lead Agency for SEQRA purposes in connection with the Proposed Action.
3. The Village Board hereby issues Parts 1 and 2 of the EAF which it has before it in connection with the Proposed Action.
4. The Village Board hereby directs the consulting firm of Saccardi & Schiff to prepare for the Board's consideration a Part 3 for the EAF in connection with the Proposed Action in order to further assess potential impacts of the items which are described in Part 2 of the EAF as having the potential for large impact.
5. The Village Board hereby issues the Coastal Assessment Form which it has before it in connection with the Proposed Action.
6. The Village Board hereby refers to the Village Planning Board, the draft Local Law and Parts 1 and 2 of the EAF for a report back to the Village Board from the Planning Board in accordance with Village law.
7. The Village Board hereby refers the draft Local Law, the EAF and Parts 1 and 2 and the Coastal Assessment Form to the Village Waterfront Advisory Committee for a recommendation back to the Village Board in accordance with Village Law.
8. The Village Board hereby refers the draft Local Law, and Parts 1 and 2 of the EAF and the Coastal Assessment Form to the Westchester County Planning Board/Planning Department for review in accordance with law.

Dated: July 13,2009

DRAFT

LOCAL LAW INTRODUCTORY NO. 4 OF 2009

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 attachment 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 shall be 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. 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.

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 Code 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.

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.

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 two parking spaces provided for each residential dwelling unit. The parking for non-residential space shall be as otherwise required by this Chapter. Provided, however, such non-residential parking requirements for mixed use buildings in the Harmon/South Riverside Gateway area shall be reduced by one space for each residential unit located in the same building.

(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 shall be 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 mixed use buildings (as defined in Section 230-20.3A(1)a.) located in the Harmon/South Riverside Gateway Overlay area. Regulations governing such buildings are contained in Article IVA of this Chapter.

APPENDIX 2: LIST OF AFFECTED PARCELS¹

APPENDIX 2A: PARCELS TO BE ADDED TO GATEWAY OVERLAY ZONE

Parcel #	Section: 79.13		Lot Size	Estimated Current Taxes	Current Use
(in S & S study)	Block	Lot	(Sq Ft)	Rate/\$M: \$232.26 (2008-09)	
1	1	9	13,333	\$7,944	Professional Office
2	1	60	14,473	\$5,923	Restaurant
3	1	61	7,160	\$1,126	Vacant
4	1	62	11,276	\$3,856	Vacant
5	1	63	12,692	\$5,679	Mixed Use
6	1	64	12,614	\$4,454	Mixed Use
7	1	65	8,287	\$3,507	Taxi Stand/Apts
8	1	66	16,240	\$11,868	Vacant
9	1	68	7,765	\$1,312	Vacant
10	1	69	8,270	\$3,983	Nail Salon
11	1	70	10,099	\$5,807	Convenience Store
12	1	71	5,981	\$4,285	Vacant
13	1	72	8,517	\$9,987	Mixed Use
14	1	73	2,670	\$2,166	Deli
15	1	74	10,318	\$6,683	Restaurant
16	1	75	5,262	\$441	Parking
17	1	85	4,055	\$105	Vacant
18	1	86	22,150	\$10,980	Gas Station
19	1	87	11,342	\$2,520	Limo/Car Service
20	1	88	5,167	\$0	Auto Storage
21	1	89	5,734	\$6,149	Auto Body Shop
22	1	90	2,110	\$0	Auto Storage
subtotal:			205,515	\$98,775	

¹ See the parcel map in Appendix 3 for the location of parcels 1-36 in Harmon's business district. For sake of simplicity, throughout this report we use the parcel numbers as assigned by Siccardi and Schiff to refer to specific sites.

APPENDIX 2B: PARCELS IN THE CURRENT GATEWAY OVERLAY ZONE

Parcel # (in S & S study)	Section: 79.13		Lot Size	Estimated Current Taxes	Current Use
Block	Lot	(Sq Ft)	Rate/\$M: \$232.26 (2008-09)		
23	2	21	1,920	\$0	N/A
24	2	22	12,284	\$9,221	Gas Station
25	2	22	14,556	\$0	Gas Station
26	2	23	13,591	\$2,276	Vacant
27	2	24	2,925	\$453	Vacant
28	2	25	18,286	\$6,364	Gas Station
29	2	26	12,436	\$4,877	Auto Storage
30	2	27	7,424	\$5,284	Professional Office
31	2	28	6,596	\$2,532	Parking
32	2	29	6,463	\$4,088	Vacant
33	2	30	8,550	\$3,339	Hair Salon
34	2	31	6,410	\$6,283	Veterinarian/Apt.
35	2	32	6,999	\$0	Veterinarian/Apt.
36	2	33	4,064	\$1,846	Professional Office
subtotal:			128,190	\$59,744	
total			328,019	\$145,338	

APPENDIX 3: STUDY AREA MAP²

APPENDIX 3: THE STUDY AREA MAP

The study area in the Harmon section of Croton-on-Hudson, New York, upon which the committee focussed its attention includes 36 parcels that face South Riverside Drive between Croton Point Avenue to the south with its access to Route 9/9A and two hundred feet beyond Oneida Avenue to the north, where the topography plunges downhill toward the Duck Pond and Municipal Place area. The red borders on some hypothetical clusters of parcels here indicate those for which one consultant examined the impacts on parking and floor to area ratio of combining lots if they developed jointly. (Source S & S study)



² See Exhibit 3, Siccardi & Schiff study for the complete map and scale.