



Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501

Mayor
Dr. Greg Schmidt

Trustees
Bob Anderson
Ann Gallelli
Brian Pugh
Ken Walsh

Village Manager
Janine M. King

Treasurer
Sandra Bullock

Clerk
Pauline DiSanto

Engineer
Daniel F. O'Connor, P.E.

May 23, 2016

VIA EMAIL

James E. Johnson, Esq.
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022

Dear Mr. Johnson:

I am following up on a meeting the Village of Croton-on-Hudson (The "Village") recently held with Carolyn Stevens and Brian Kintish regarding updated information from the Village with respect to its land use laws and procedures. At this meeting, Mayor Greg Schmidt, Trustee Ann Gallelli, Village Attorney James Staudt, Village Engineer Daniel O'Connor, and I were in attendance.

At the meeting we provided an update on Local Laws the Village has passed regarding the incentivizing of mixed use, encouragement of accessory apartments, tax abatements, streamlined SEQRA process and streamlined Coastal Review process. At the conclusion of the meeting we agreed to forward to you the following local laws which are attached hereto:

- Exhibit A: Local Law 10 of 2015 - Tax Abatement for Rent-Controlled and Rent-Regulated Property Occupied by Senior Citizens of Persons with Disabilities
- Exhibit B: Local Law 9 of 2015 – Removing age restrictions and streamlining procedures in obtaining a legal accessory apartment
- Exhibit C: Local Law 8 of 2015 – Streamlining procedures for obtaining a Consistency Review with the Village's Waterfront Revitalization Program
- Exhibit D: Local Law 1 of 2012 – Amendment and expansion of the Harmon Overlay Mixed Use District (litigation now concluded)
- Exhibit E: Local Law 5 of 2011 – Supplementing the list of Type II Actions contained in the NYS SEQRA regulations

At the meeting we also discussed how, with our streamlined procedures, the Mixed Use Special Permit process does not add significant time to the underlying SEQRA, CZM and Site Plan procedures for development projects. To demonstrate this we have also attached a chart (Exhibit F) showing the applications for mixed use occupancy buildings which have been processed in recent years. Except for one application which required a Phase 1 and Phase 2 environmental contamination review, all other applications were approved, including Site Plan and Special Permit Approval, within approximately six months. This is a very efficient time frame for Site Plan Approval alone, even without a Special Permit process. Our streamlined procedures allow the Special Permit process to be conducted simultaneously with the underlying Site Plan process.

We have also included information previously submitted to the County in 2013 (Exhibit G) regarding the Village's record of encouraging the development of affordable housing units within the Village.

In addition, as requested, we have included in our covering email a link to the Transit Oriented Development study (http://www.crotononhudson-ny.gov/Public_Documents/CrotonHudsonNY_BComm/CrotonTOD.pdf) which was completed in 2005.

Finally, we will also be reviewing the proposed Model Ordinance with the new Village Board within the next few weeks.

Please let me know if you require any further information.

Sincerely,



Janine King
Village Manager

cc: Brian Kintish – via email

EXHIBIT A

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Croton-on-Hudson

Local Law No. 10 of the year 2015

A local law amend Chapter 204 "Taxation" to add a new article VIII entitled Tax Abatement
(Insert Title)
for Rent-Controlled and Rent-Regulated Property Occupied by Senior Citizens or
Persons with Disabilities.

Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Croton-on-Hudson

as follows:

see attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

Village of Croton-on-Hudson

Local Law No. 10 of the year 2015

A local law to amend Chapter 204 "Taxation" to add a new article VIII entitled Tax Abatement for Rent-Controlled and Rent-Regulated Property Occupied by Senior Citizens or Persons with Disabilities.

Be it enacted by the Board of Trustees of the

Village of Croton-on-Hudson as follows:

Section 1. New Article VIII shall be added to Chapter 204, "Taxation," to read as follows:

Article VIII

**Tax Abatement for Rent-Controlled and Rent-Regulated Property Occupied
by Certain Senior Citizens or Persons with Disabilities**

§ 204-29 Legislative findings and intent.

The Board of Trustees of the Village of Croton-on-Hudson finds that it is in the public interest to adopt legislation in accordance with Real Property Tax Law § 467-b, the enabling legislation enacted by the State Legislature with respect to abatements of real property taxes where rent-controlled and rent-regulated property is occupied by persons age sixty-two years of age or older and of limited means, or persons with disabilities.

§ 204-30 Definitions.

As used in this article, the following terms shall have the meanings indicated:

DWELLING UNIT

That part of a dwelling in which a head of the household resides and that is subject to either the emergency housing rent control law or the emergency tenant protection act of nineteen seventy-four.

HEAD OF THE HOUSEHOLD

A person who: (i) is sixty-two years of age or older, or (ii) qualifies as a person with a disability pursuant to Real Property Tax Law § 467-b; and is entitled to the possession or to the use or occupancy of a dwelling unit.

INCOME

Income from all sources after deduction of all income and social security taxes, and includes social security and retirement benefits, supplemental security income and

additional state payments, public assistance benefits, interest, dividends, net rental income, salary or earnings, and net income from self-employment, but shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year that take effect after the date of eligibility of head of the household or any other member of the household.

INCOME TAX YEAR

A twelve month period for which the head of the household filed a federal personal income tax return, or if no such return is filed, the calendar year.

INCREASE IN MAXIMUM RENT OR LEGAL REGULATED RENT

Any increase in the maximum rent or the legal regulated rent for the dwelling unit in question pursuant to the applicable rent control law or to the emergency tenant protection act of nineteen seventy-four, respectively, or such classes of increase thereunder as may be specified in a local law, ordinance, or resolution enacted pursuant to real property tax law section 467-b, over such base period rent as shall be provided therein or an exemption from the maximum rent or legal regulated rent as specified in paragraph 204-31(B) and section 204-33 of this article.

MEMBERS OF THE HOUSEHOLD

The head of the household and any person, other than a bona fide roomer, boarder, or subtenant who is not related to the head of the household, permanently residing in the dwelling unit.

§ 204-31 Abatement of taxes; deductions.

- A. All taxes of the Village of Croton-on-Hudson imposed on real property containing a dwelling unit are hereby abated by one of the following amounts:
- (1) where the head of household does not receive a monthly allowance for shelter pursuant to the social services law, the taxes shall be abated by an amount not in excess of that portion of any increase in maximum rent or legal regulated rent that causes such maximum rent or legal regulated rent to exceed one-third of the combined income of all members of the household; or
 - (2) where the head of the household receives a monthly allowance for shelter pursuant to the social services law, the taxes shall be abated by an amount not in excess of that portion of any increase in maximum rent or legal regulated rent that is not covered by the maximum allowance for shelter that such person is entitled to receive pursuant to the social services law.
- B. Upon issuance of a tax abatement certificate as hereinafter provided, the amount of increase in maximum rent or legal regulated rent set forth in said certificate shall be deducted from the legal maximum rent or legal regulated rent chargeable for the dwelling unit of a head of the household.

§ 204-32 Exceptions.

A. For a dwelling unit where the head of the household is a person sixty-two years of age or older, no tax abatement shall be granted if the combined income of all members of the household for the income tax year immediately preceding the date of making application exceeds the maximum allowable income provided below:

Beginning Date	Maximum Allowable Income
July 1, 2009	\$29,000
July 1, 2014	\$50,000

provided, however, that when the head of the household retires before the commencement of such income tax year and the date of filing the application, the income for such year may be adjusted by excluding salary or earnings and projecting his or her retirement income over the entire period of such year.

B. For a dwelling unit where the head of the household qualifies as a person with a disability under this article, no tax abatement shall be granted if the combined income of all members of the household for the current income tax exceeds fifty thousand dollars beginning July first, two thousand fourteen.

C. Notwithstanding the foregoing paragraphs (A) and (B), in the event the maximum allowable incomes established under Real Property Tax Law § 467-b for dwelling units where the head of the household is a person sixty-two years of age or older or a qualified person with a disability is reduced by operation of law or by action of the state legislature to an amount less than fifty thousand dollars, the maximum allowable incomes under this section 204-32 shall automatically reduce to said statutory maximum allowable incomes.

§ 204-33. Change in principal residence.

A. Notwithstanding any other provision of law, when a head of the household to whom a then current, valid tax abatement certificate has been issued moves his or her principal residence from one dwelling unit to a subsequent dwelling unit located within the Village, the head of the household may apply for a tax abatement certificate relating to the subsequent dwelling unit, and such certificate may provide that the head of the household shall be exempt from paying that portion of the maximum rent or legal regulated rent for the subsequent dwelling unit that is the least of the following:

- (1) the amount by which the rent for the subsequent dwelling unit exceeds the last rent, as reduced, that the head of the household was required to actually pay in the original dwelling unit;
- (2) the last amount deducted from the maximum rent or legal regulated rent pursuant to this section in the original dwelling unit; or
- (3) where the head of the household does not receive a monthly allowance for shelter pursuant to the social services law, the amount by which the maximum rent or legal regulated rent of the subsequent dwelling unit exceeds one-third of the combined income of all members of the household.

B. Notwithstanding any other provision of law, when a head of the household to whom a then current, valid tax abatement certificate has been issued moves his or her principal residence from one dwelling unit subject to the provisions of articles II, IV, V or XI of the private housing finance law to a subsequent dwelling unit subject to either the local emergency housing rent control law or to the emergency tenant protection act of nineteen seventy-four that is located within the Village, the head of the household may apply for a tax abatement certificate relating to the subsequent dwelling unit, and such certificate may provide that the head of the household shall be exempt from paying that portion of the maximum rent or legal regulated rent for the subsequent dwelling unit that is the least of the following:

- (1) the amount by which the rent for the subsequent dwelling unit exceeds the last rent, as so reduced, that the head of the household was required to actually pay in the original dwelling unit;
- (2) the most recent amount so deducted from the maximum rent or legal regulated rent in the original dwelling unit; or
- (3) where the head of the household does not receive a monthly allowance for shelter pursuant to the social services law, the amount by which the maximum rent or legal regulated rent of the subsequent dwelling unit exceeds one-third of the combined income of all members of the household.

§ 204-34. Application for redetermination in case of decrease in income.

Notwithstanding any other provision of law to the contrary, where a head of the household holds a current, valid tax abatement certificate and, after the effective date of this paragraph, there is a permanent decrease in the combined income of all members of the household in an amount that exceeds twenty percent of such income as represented in such head of the household's last approved application for a tax abatement certificate or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to re-establish the ratio of adjusted rent to income that existed at the time of approval of such head of the household's last application for a tax abatement certificate or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of the combined income of all members of the household; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to such law. For purposes of this paragraph, a decrease in the combined income of all members of the household shall not include any decrease in such income resulting from the manner in which income is calculated pursuant to any amendment to paragraph c of subdivision one of Real Property Tax Law § 467-b made on or after April first, nineteen hundred eighty-seven. For purposes of this paragraph, "adjusted rent" shall mean maximum rent or legal regulated rent less the amount set forth in a tax abatement certificate.

§ 204-35. Second dwelling unit.

A. Notwithstanding any other provision of law, a head of the household who is at least sixty-two years of age and otherwise eligible under this article for a tax abatement certificate shall

be issued a tax abatement certificate applicable to a second dwelling unit when such person occupies two contiguous and connected dwelling units, both of which are eligible for a tax abatement certificate when occupied by the head the household at least sixty-two years of age, as a combined residence and such person has occupied and paid rent for both units for at least two years. Only one head of household shall be issued a tax abatement certificate for each eligible contiguous and connected dwelling units pursuant to this paragraph.

- B. If the appropriate rent control agency or administrative agency determines that there was a material misstatement in an application filed by a head of household for a second tax abatement certificate pursuant to this paragraph and that such misstatement provided the basis for the granting of such second certificate, the rent control agency or administrative agency shall proceed to impose a penalty on the applicant of one thousand dollars in addition to recovering the amount of any prior exemption erroneously granted. For purposes of this paragraph, "contiguous" shall mean adjacent or next to.

§ 204-36. Application for certificate.

The head of the household must apply every two years to the Office of Rent Administration, Division of Housing and Community Renewal of the State of New York, for a tax abatement certificate on a form prescribed by said agency. A tax abatement certificate setting forth an amount not in excess of the increase in maximum rent or legal regulated rent for the taxable period shall be issued by said agency to each head of the household who is found to be eligible under this article on or before the last date prescribed by law for the payment of the Village's real property taxes or the first installment thereof. Copies of such certificate shall be issued to the owner of the real property containing the dwelling unit of the head of the household and to the Village Treasurer.

§ 204-37. Eligibility; eligibility date.

- A. To qualify as a person with a disability for the purposes of this section, an individual shall submit to the Office of Rent Administration, Division of Housing and Community Renewal of the State of New York, proof sufficient to such agency that such individual is currently receiving social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal social security act or disability pension or disability compensation benefits provided by the United States department of veterans affairs or those previously eligible by virtue of receiving disability benefits under the supplemental security income program or the social security disability program and currently receiving medical assistance benefits based on determination of disability as provided in section three hundred sixty-six of the New York Social Services law.
- B. Eligibility shall be determined as of the date of receipt in the Office of Rent Administration of a properly completed form. A pro rata share of taxes paid prior to such eligibility date shall be credited against the next succeeding Village tax period.

§ 204-38. Portion of taxes deducted or remitted.

The amount set forth in a tax abatement certificate shall be deducted from the total taxes levied by the Village of Croton-on-Hudson on real property containing the dwelling unit of a head of household to whom the certificate has been issued, effective the beginning of the next fiscal year

after the application has been filed, provided that the application has been filed no later than April 1. of each year.

§ 204-39. Vacancy of dwelling unit.

Upon the vacancy of a dwelling unit for which a tax abatement certificate has been issued, the owner thereof shall remit a pro rata portion of the tax abatement to the collecting officer of the Village of Croton-on-Hudson and any amount due by reason of such vacancy shall be a lien upon the property on and after the date of such vacancy.

§ 204-40. Overcharges.

Where a tax abatement certificate has been issued to a head of the household as authorized by this article and the landlord collects or attempts to collect all or part of the amount covered by such tax abatement certificate, the amount of such abatement shall be deemed a rent overcharge under the applicable rent control or rent regulation law.

This chapter shall take effect immediately filing with the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. Ten of 2015 of the (County)(City)(Town)(Village) of Croton-on-Hudson was duly passed by the Village Board of Trustees on October 19 2015, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body) (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body *Pauline DiSanto*

Date: 10/20/15

(Seal)



4b. On motion of TRUSTEE LEVITT, seconded by TRUSTEE SLIPPEN, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York with a 5-0 vote.

WHEREAS, the Village wishes to amend Chapter 204 "Taxation" to add a new article VIII entitled "Tax Abatement for Rent-Controlled and Rent-Regulated Property Occupied by Senior Citizens or Persons with Disabilities" in the Village Code of the Village of Croton on Hudson.

WHEREAS, Local Law Introductory No. 6 of 2015 has been drafted to reflect such language;

WHEREAS, a Public Hearing was held and closed on October 19, 2015,

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby adopts Local Law Introductory No. 6 of 2015 to amend Chapter 204 "Taxation" to add a new article VIII entitled "Tax Abatement for Rent-Controlled and Rent-Regulated Property Occupied by Senior Citizens or Persons with Disabilities" in the Village Code of the Village of Croton on Hudson, which upon adoption will become Local Law No. 10 of 2015.

Dated: October 19, 2015

State of New York)

ss:

County of Westchester)

I, Pauline DiSanto, Clerk of the Village of Croton-on-Hudson, in the County of Westchester, State of New York, do hereby certify that the annexed resolution is a copy of an original on file in my office and has been duly adopted at a regular meeting of the Board of Trustees of said Village held on October 19th, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the said Village this 20th day of October, 2015.

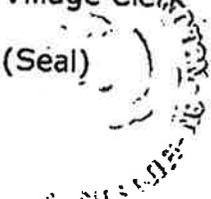

Village Clerk
(Seal)


EXHIBIT B

Local Law Filing

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.state.ny.us/corps

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Croton-on-Hudson _____

Local Law No. 09 _____ of the year 2015

A local law to amend Chapter 230-41 of the zoning code of the Village Zoning Code to remove
(Insert Title)
age restrictions and other provisions to streamline procedures in obtaining a legal
accessory apartment.

Be it enacted by the Village Board of Trustees _____ of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Croton-on-Hudson _____ as follows:

see attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Chapter 230. ZONING

Article VII. Supplementary Regulations

§ 230-41. Accessory apartments.

- A. An accessory apartment shall be permitted in a single-family detached dwelling, on a lot containing no more than one dwelling unit, in districts permitting single-family residences upon approval by the Planning Board, subject to the conditions and limitations contained in this section.
- B. No accessory apartment shall be installed or maintained except upon approval by the Planning Board. The application procedures and required submittals shall be the same as for minor site plan approval, except that noticing shall be required for property owners within 100 feet of the subject property and that scaled floor plans for the dwelling, with floor areas noted, shall be submitted as part of the application. The application fee for an accessory apartment application shall be an amount set by resolution of the Board of Trustees. Approval for an accessory apartment shall be issued to and run with the property owner.
- C. The owner of a detached dwelling in which the accessory apartment is located shall occupy at least one of the dwelling units on the premises as his primary residence. For the purposes of this Section 230-4.C. of the Zoning Code, the word "owner" shall mean:
 - i.) any individual who is an owner of the subject premises including a joint tenant, tenant in common or tenant by the entirety, or
 - ii.) the grantor and/or beneficiary of a trust that owns the subject premises, or the owner of a majority of the membership interest/share interest in an LLC or corporation that owns the premises.
 - (1) The Planning Board approval for an accessory apartment shall become null and void within ninety (90) days of any of the following events: a) change of property ownership; b) death of the property owner; or c) change in residence of the owner. The Planning Board may grant a 90-day extension past the expiration for good cause, including that an application has been filed to continue an accessory apartment use.
 - (2) Upon a change in ownership, should the new owner desire to continue the accessory apartment use, then the owner shall apply to the Planning Board for renewal of the approval.
- D. Only one accessory apartment per single-family detached dwelling shall be permitted.
- E. No accessory apartment shall be permitted on premises where there is also a Professional Office use.

- F. An accessory apartment shall be permitted only within the main structure and not within any accessory building. The character, degree and extent of any additions to the residence shall be a factor to be considered by the Planning Board in approval of an application for an accessory apartment.
- G. An accessory apartment shall have separate access, not observable from the street, unless there is a single access from the front of the building with a split access inside the building.
- H. All code requirements under Village law and other applicable laws and regulations shall be complied with and a building permit obtained for any changes or alterations requiring such permit.
- I. The habitable floor area of an accessory apartment shall be no less than 400 square feet and no greater than the lesser of 750 square feet or 33.3% of the habitable floor area of the dwelling in which it is contained.
- J. The lot size for buildings containing accessory apartments shall conform to the requirements of the district in which the building is located unless a variance shall have been granted by the Zoning Board of Appeals.
- K. The building shall, to the degree reasonably feasible, maintain the character and appearance of a single-family dwelling.
- L. A residence containing an accessory apartment shall have a minimum of three off-street parking spaces. In an RA-5 District, no expansion of the existing parking area shall be permitted in order to satisfy this off-street parking requirement.
- M. If the premises are not serviced by the Village sewer system, approval of the Westchester County Department of Health shall be obtained before Planning Board approval.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. nine of 2015 of the (County)(City)(Town)(Village) of Croton-on-Hudson was duly passed by the Village Board of Trustees on October 19 2015, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

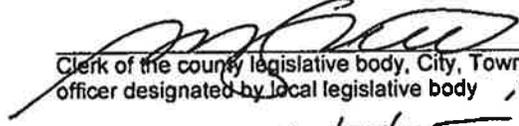
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(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body *Pauline Di Santo*

Date: 10/20/15



EXHIBIT C

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Croton-on-Hudson

Local Law No. 8 of the year 2015

A local law to amend Chapter 225 Waterfront Revitalization to streamline procedures for
(Insert Title)
obtaining a consistency review with the Village's Local Waterfront Revitalization
Program.

Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Croton-on-Hudson

as follows:

see attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. Eight of 2015 of the (County)(City)(Town)(Village) of Croton-on-Hudson was duly passed by the Village Board of Trustees on October 5 2015, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

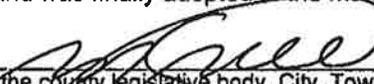
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body *PAULINE DI SANTO*

Date: 10/9/13

(Seal)



Local Law Filing

Village of Croton-on-Hudson

Local Law No. 8 of the year 2015

A local law to amend Chapter 225 Waterfront Revitalization to streamline procedures for obtaining a consistency review with the Village's Local Waterfront Revitalization Program.

Be it enacted by the Board of Trustees of the

Village of Croton-on-Hudson as follows:

§ 225-1. Title.

This chapter will be known as the "Village of Croton-on-Hudson Waterfront Consistency Review Law."

§ 225-2. Statutory authority; purpose; legislative intent.

A.

This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Resources and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).

B.

The purpose of this chapter is to provide a framework for agencies to consider the policies and purposes contained in the Village of Croton-on-Hudson LWRP when reviewing applications for actions or direct actions located in the Village coastal area and to ensure that such actions are consistent with said LWRP policies, and whenever practicable will advance one or more of them.

C.

It is the intention of the Village of Croton-on-Hudson that the preservation, enhancement and utilization of the natural and man-made resources of the coastal area of the Village of Croton-on-Hudson take place in a comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate population growth and economic development. Accordingly, this chapter is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing the following: loss of living estuarine resources and wildlife; diminution of open space areas and of public access to the waterfront; erosion of shoreline; impairment of water quality and scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

§ 225-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACTION

Either Type 1 or unlisted actions as defined in the SEQRA regulations (6 NYCRR 617).

AGENCY

Any board, agency, department, office, other body or officer of the Village of Croton-on-Hudson.

COASTAL AREA or ZONE

The lands and waters within the Village of Croton-on-Hudson's jurisdiction as described in the Local Waterfront Revitalization Program.

COASTAL ASSESSMENT FORM (CAF)

The form, approved by the Village Manager, and on file in the Village Clerk's Office, and used by an agency to assist it in determining the consistency of an action with the LWRP.

CONSISTENT

That the action will substantially comply with the LWRP policies and, whenever practicable, will advance one or more of them.

DETERMINATION OF CONSISTENCY

The written decision that is made regarding whether the action substantially complies with the LWRP policies and whenever practicable will advance one or more of them.

DIRECT ACTION

An action planned and proposed for implementation by an agency.

LEAD AGENCY

An involved agency under SEQRA principally responsible for undertaking, funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action and for the preparation and filing of the statement if one is required, in accordance with SEQRA.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

The local program approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law Article 42), a copy of which is on file in the office of the Village Clerk of the Village of Croton-on-Hudson.

RECOMMENDATION OF CONSISTENCY

The recommendation that is made by the WAC regarding whether the action substantially complies with the LWRP policies and whenever practicable will advance one or more of them.

SEQRA

The State Environmental Quality Review Act, codified as Article 8 of the Environmental Conservation Law, and its' implementing regulations, 6 NYCRR Part 617.

WATERFRONT ADVISORY COMMITTEE (WAC)

The Committee that will make a recommendation of consistency regarding an action.

§ 225-4. Management and coordination of the LWRP.

A. The lead agency shall be responsible for coordinating review of actions in the Village of Croton-on-Hudson's coastal zone for consistency with the LWRP policies.

B. The WAC will advise, assist and make recommendations of consistency to the lead agency in its review of actions and in the implementation of the LWRP, its policies and projects.

C. The Village Board with the assistance of the WAC shall coordinate with the New York State Department of State regarding consistency review of actions by Federal agencies and with State agencies regarding consistency review of their actions.

D. The WAC shall assist the Village of Croton-on-Hudson Board of Trustees in making applications for funding from State, Federal or other sources to finance projects included in the LWRP.

E. The WAC will consist of five members appointed on a yearly basis by the Mayor, consisting of members of the Board of Trustees, the Water Control Commission, the Planning Board and, at the Mayor's discretion, the Village's environmental consultant. The Board of Trustees, the Water Control Commission and the Planning Board shall each be represented on the WAC by at least one and no more than two members. The Mayor shall appoint the Chairperson on a yearly basis.

F. Any vacancy shall be filled by the Mayor for the balance of the expired term within 60 days or as soon as practicable thereafter, of receiving notice of the vacancy.

G. The WAC may request that the referring agency retain a consultant to assist in its review pursuant to Chapter 178 of the Village Code. The Chairperson of the WAC shall submit the request for retaining a consultant to the referring agency.

H. The members of the WAC shall serve without compensation and shall be charged with the duties as set forth in this chapter.

I. For conducting business including making a recommendation of consistency, a quorum shall consist of three members of the WAC.

§ 225-5. Review of actions required.

A. Prior to approving, funding or undertaking a proposed action located within the Village of Croton-on-Hudson coastal zone, the lead agency shall make a determination of consistency.

B. An application to a Village of Croton-on-Hudson agency for approval or funding of an action shall be accompanied by a coastal assessment form (CAF) and other required documents.

§ 225-6. Consistency review.

A. Whenever a Village agency declares itself lead agency regarding a proposed action in the Village's coastal zone, the agency shall refer a copy of the CAF and any other required documents to the WAC within ten (10) days. Prior to the lead agency making its determination of consistency, it shall consider the recommendation of the WAC with reference to the determination of consistency of the proposed action with the LWRP policies.

Whenever a Village agency is an involved agency under SEQRA and not the lead agency for a proposed action in the Village's coastal zone, either the Village Board of Trustees, the Planning

Board, the Zoning Board of Appeals, or the Water Control Commission shall be deemed the Lead Agency under this chapter. If multiple Village agencies are involved agencies, the lead agency under this chapter will be determined in the order stated above.

B. After referral from the lead agency, the WAC shall review the CAF and other required documents and make a recommendation to the lead agency regarding the action's consistency with the LWRP policies.

The WAC shall render its written recommendation of consistency to the lead agency within thirty (30) days of receiving the referral of the CAF and any other required documents. The WAC may request an extension of time in order to obtain more information or more documentation, or the need to hire a consultant from the lead agency, in order to render its written recommendation of consistency. The extension of the time shall be by mutual agreement of the lead agency and applicant.

The WAC's recommendation shall indicate whether the proposed action is consistent with or inconsistent with one or more of the LWRP policies and shall elaborate in writing the basis for its opinion. The WAC shall, along with its recommendation of consistency, make any suggestions to the lead agency concerning modification of the proposed action, including recommending conditions of approval, to make it consistent with the LWRP policies or to greater advance one or more of them.

In the event that the WAC's recommendation of consistency is not forthcoming within the specified time, the lead agency shall make its determination of consistency without the benefit of the WAC's recommendation of consistency.

C. Upon receipt of the WAC's recommendation of consistency, the lead agency shall consider whether the proposed action is consistent with the LWRP policies. The lead agency shall consider the WAC's recommendation of consistency, the CAF and other relevant information in making its determination of consistency. No approval or decision shall be rendered for an action in the coastal area without a determination of consistency having first been adopted by the lead agency. The lead agency shall circulate its determination to all other involved agencies.

D. Where an Environmental Impact Statement (EIS) is being prepared or required, the draft EIS must identify applicable LWRP policies and include a discussion of the effects and impacts of the proposed action on such policies.

E. The lead agency which is making a determination of consistency for direct actions must also review consistency with Section IV of the LWRP, in making its consistency determination.

F. Recommendation of consistency

- (1) The WAC's recommendation of consistency shall indicate whether, in its opinion, the proposed action is consistent or inconsistent with the LWRP policies. The recommendation of consistency shall address:
 - (a) Potentially significant adverse impacts on coastal area resources and the consistency of the action with the LWRP policies.

- (b) Alternative actions which would avoid the potential significant adverse impacts on coastal resources and ensure consistency with the LWRP policies.
 - (c) Measures to mitigate potential significant adverse impacts on coastal resources and resolve inconsistencies with LWRP policies.
- (2) The WAC shall approve its recommendation of consistency by a majority vote of a quorum of its members.

G. In the event the WAC's recommendation of consistency is that the action is inconsistent with the LWRP policies, and the lead agency makes a contrary determination of consistency, the lead agency shall elaborate in writing the basis for its disagreement with the WAC's recommendation of consistency and state the manner and extent to which the lead agency believes that the action is consistent with the LWRP policies.

H. If the lead agency finds that the action is not consistent with one or more of the LWRP policies, the action shall not be undertaken, approved or funded unless the lead agency makes a written finding that, on balance, the action should nevertheless be undertaken, approved or funded taking into consideration each of the following factors listed below. Such a finding shall be a prerequisite to a determination of consistency with the LWRP policies.

- (1) No reasonable alternatives exist to the proposed action which would permit the action to proceed in a manner that is consistent with the LWRP policies.
- (2) The action would be undertaken in a manner which will minimize inconsistencies with LWRP policies.
- (3) The action will advance one or more of the other LWRP policies or proposed projects.
- (4) The action will result in an overriding village, regional or statewide public benefit.

I. The lead agency shall have the authority, in its determination of consistency, to impose reasonable conditions on an action to ensure that it is carried out in accordance with this chapter and the LWRP.

§ 225-7. Enforcement.

No work or activity on a project in the village which is subject to review under this chapter shall be commenced or undertaken until the Village Engineer has been presented with a written determination of consistency from the lead agency except for direct actions. In the event that an activity is not being performed in accordance with this chapter or any condition imposed thereunder, the Village Engineer shall issue a stop-work order, and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

§ 225-8. Penalties for offenses.

A. A person who violates any of the provisions of or who fails to comply with any condition imposed by this chapter shall have committed a violation, punishable by a fine. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

B. The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 225-9. Severability

If any provision of this chapter shall be held for any reason to be invalid, such determination shall not invalidate any other provision hereof.

§ 225-10. When Effective

This chapter shall take effect immediately filing with the office of the Secretary of State.

EXHIBIT D

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Croton-on-Hudson

Local Law No. 01 of the year 2012

A local law A LOCAL LAW TO AMEND THE PROVISIONS OF THE VILLAGE OF CROTON-ON-HUDSON GATEWAY OVERLAY ZONING DISTRICT, AND CERTAIN ZONING LAW PROVISIONS RELATED THERETO, BY REPEALING LOCAL LAW NO. 4 OF THE YEAR 2009 AND ENACTING PROVISIONS TO EXPAND THE AREA OF, AND MODIFY THE ZONING REGULATIONS FOR AND RELATED TO, THE HARMON/SOUTH RIVERSIDE GATEWAY AREA
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Croton-on-Hudson as follows:

See Attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 01 of 2012 of the (County)(City)(Town)(Village) of Croton-on-Hudson was duly passed by the Board of Trustees (Name of Legislative Body) on the 4th of June 2012, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

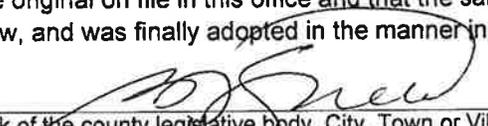
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: June 13, 2012

(Seal)

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section 1. Local Law Number 4 of the year 2009, adopted by the Board of Trustees of the Village of Croton-on-Hudson on November 16, 2009, is hereby repealed in its entirety, and the provisions hereof are intended to supersede the provisions of Local Law Number 4 of the year 2009 in their entirety.

Section 2. 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 certain lots located on Croton Point Avenue, South Riverside Avenue and Clinton Street. A list of the specific parcels included in the Harmon/South Riverside area is set forth in Attachment E of this Chapter and the Zoning Map is hereby amended to include the parcels described in the Attachment E of this Chapter. 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 3. Section 230.20.2.B. of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

B. The parcels comprising the gateway districts are indicated in Attachment E of this Chapter.

Section 4. 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 Gateway Areas.

A. Permitted Uses. Unless otherwise specified in this Chapter, the uses permitted in the Gateway District areas shall be the same as those permitted in the underlying zoning district.

B. Special Permit Uses. The uses permitted in the Gateway District areas by Special Permit shall be the following:

(1) Unless otherwise specified in this Chapter, all special permit uses permitted in the underlying zoning district (subject to the underlying districts' requirements and criteria) shall be permitted in the Gateway District areas by special permit of the Village Board of Trustees.

(2) Farmers markets, greenmarkets or garden centers by special permit of the Village Board of Trustees, subject to the requirements and criteria set forth in Article X of this Chapter.

(3) In the Harmon / South Riverside Gateway District area, mixed use, by special permit of the Village Board of Trustees, subject to the following requirements and criteria and to the requirements / criteria contained in Article X of this Chapter:

a. Notwithstanding any other provision of this Chapter to the contrary, for the purposes of this Article (IVA), "mixed use" shall mean a combination in one building 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 or third floor of a mixed use building.

iii. Residential dwelling units may be studios, one bedroom units and two bedroom units only. No more than fifty percent of the total number of dwelling units in a building may be two bedroom units.

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 Village Board shall have the authority in conducting Special Permit review to reduce or waive side yard setback requirement(s) of the underlying zone provided there is otherwise adequate access to parking areas, and provided one or more of the following criteria are met:

x. reducing the setback(s) will facilitate more parking to be provided in the rear of the building than would otherwise be the case.

xx. reducing the setback(s) will facilitate the interconnection of rear parking lots with those on adjoining property(ies).

xxx. reducing the setback(s) will contribute to the building forming a more unified, cohesive streetscape with adjoining buildings than would otherwise be the case.

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 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 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 sixty 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 at least the following amount of parking 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 minimum parking for non-residential space shall be as otherwise required by this Chapter. The Village Board of Trustees, as part of its special permit determination, shall have the authority to increase these parking requirements. In the case of each application the Village Board of Trustees shall consider and make a finding as to whether the above-stated parking requirements are adequate or will be increased based upon the following factors:

i. The mix of uses proposed to be conducted in the various spaces in the building considering, among other things, the extent to which their parking demands are likely to overlap.

ii. Whether the applicant is willing to limit areas of the building to only certain uses.

- iii. The square footage of each of the proposed residential and commercial units in the building.
- iv. The availability of nearby municipal parking.
- v. Such other factors as the Board may deem relevant on a case by case basis.

The Board shall have the authority to require applicant(s) to provide and/or pay for a professional parking study.

C. 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.

Section 5. The introductory paragraph of Section 230-20.4.A. 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 6. 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 230-20.3B(3)a.) are contained in Article IVA of this Chapter.

Section 7. 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 therefor, 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 8. There is hereby added to Section 230-20.5 of the Code of the Village of Croton-on-Hudson a new Section G to read as follows:

G. Unified Parking Lot Design. Notwithstanding any other provision of this Chapter, in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic flow, the Planning Board shall have the authority in conducting site plan review to waive such open space, design guideline and parking lot buffer, screening and landscaping requirements as it deems advisable to encourage and foster the joint use of, and common access to, parking lots located on adjoining properties. The Planning Board may require as a condition of site plan approval the interconnection of parking facilities via circulation drives within and between adjacent lots, where necessary to mitigate impacts on traffic or parking resulting from a proposed plan that cannot be otherwise mitigated. In such cases, the Planning Board will require written easement agreements between the property owners to permit and maintain such interconnection of parking facilities.

Section 9. Section 230-51C of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

C. Location and ownership of required accessory parking facilities. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory or elsewhere, provided that all spaces therein are located within 500 feet walking distance of such lot. In all cases, such parking spaces shall conform to all the regulations of the district in which they are located, and in no event shall such parking spaces be located in any residence district unless the uses to which they are accessory are permitted in such districts or by special permit of the Board of Appeals. Unless otherwise approved by the Planning Board, such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, filed with the County Clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available either:

(1) Throughout the existence of such use to which they are accessory;

or

(2) Until such spaces are provided elsewhere.

Section 10. The introductory paragraph of Section 230-20.6 of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

Each of the gateway areas should have a special character that should be preserved and enhanced. Accordingly, in addition to the design regulations set forth above in §230-20.5 of this article, design guidelines have been established in the 2003 Comprehensive Plan for each of the three gateway areas that build upon the individual features of each district.

Section 11. If any clause, sentence, paragraph, section, Article or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, nor the remainder of any clause, sentence, paragraph, section, Article or part hereof.

Section 12. The provisions of Sections 2 through 9 of this Local Law shall not apply to any proposed project for which a complete application has been submitted prior to the effective date hereof. The provisions of the Zoning Law in effect on November 15, 2009 shall apply to such proposed projects.

Section 13. This Local Law shall take effect immediately upon filing with the Secretary of State.

230 ATTACHMENT E

Areas Comprising the Gateway Districts

The Municipal Place Gateway District is comprised of the following:

Tax Map Lots numbered -

78.12-3-4, 78.12-3-5, 78.12-3-6,
78.12-3-7, 78.12-3-3, 78.12-3-2,
78.12-3-8, 78.12-3-9, 78.12-3-10,
79.9-1-30, 79.9-1-77, 79.9-1-66,
79.9-1-67

The North End Gateway District is comprised of the following:

Tax Map Lots numbered -

67.10-2-11, 67.10-2-12, 67.10-2-13,
67.10-2-14, 67.10-2-15, 67.10-2-16,
67.10-2-17, 67.10-2-1

The Harmon/South Riverside Gateway District is comprised of the following:

Tax Map Lots numbered -

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, 79.13-1-85,
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

AFFIDAVIT OF PUBLICATION

from

CMT Phoenix, Inc.
D/B/A The Gazette
160 Cleveland Drive
P.O. Box 810
Croton-on-Hudson, NY 10520-0810
(914) 271-2088

State of New York
County of Westchester

.....May Tierney.....being duly sworn, says that she is the Associate Editor of The Gazette, a weekly newspaper published by CMT Phoenix, Inc. in the County of Westchester and State of New York, and that the Notice printed below was published in this newspaper on the dates stated below.

Signed *May Tierney*.....

Dates Published.....June 21, 2012

Sworn to before me

this *24th* day of *June* 2012

Notary Public, Dutchess County, New York

GARY J. CAHILL
Notary Public, State of New York
Registration No. 01CA5012145
Qualified in Dutchess County
Commission Expires June 15, 2015

Village of Croton on Hudson, New York
Local Law 01 of the Year 2012

A local law to amend the provisions of the Village of Croton-on-Hudson Gateway Overlay Zoning District, and certain zoning law provisions related thereto, by repealing Local Law No. 4 of the Year 2009 and enacting provisions to expand the area of, and modify the zoning regulations for and related to, the Harmon/South Riverside Gateway Area

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section 1. Local Law Number 4 of the year 2009, adopted by the Board of Trustees of the Village of Croton-on-Hudson on November 16, 2009, is hereby repealed in its entirety, and the provisions hereof are intended to supersede the provisions of Local Law Number 4 of the year 2009 in their entirety.

Section 2. 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 certain lots located on Croton Point Avenue, South Riverside Avenue and Clinton Street. A list of the specific parcels included in the Harmon/South Riverside area is set forth in Attachment E of this Chapter and the Zoning Map is hereby amended to include the parcels described in the Attachment E of this Chapter. 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 3. Section 230.20.2.B. of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

B. The parcels comprising the gateway districts are indicated in Attachment E of this Chapter.

Section 4. 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 Gateway Areas.

A. Permitted Uses. Unless otherwise specified in this Chapter, the uses permitted in the Gateway District areas shall be the same as those permitted in the underlying zoning district.

B. Special Permit Uses. The uses permitted in the Gateway District areas by Special Permit shall be the following:

(1) Unless otherwise specified in this Chapter, all special permit uses permitted in the underlying zoning district (subject to the underlying districts'



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

June 20, 2012



Village of Croton-on-Hudson New York
Stanley H. Kellerhouse Municipal Bldg.
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501

RE: Village of Croton-on-Hudson, Local Law No. 1, 2012, filed on June 18, 2012.

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us/corp/misc.html.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

requirements and criteria) shall be permitted in the Gateway District areas by special permit of the Village Board of Trustees.

(2) Farmers markets, greenmarkets or garden centers by special permit of the Village Board of Trustees, subject to the requirements and criteria set forth in Article X of this Chapter.

(3) In the Harmon / South Riverside Gateway District area, mixed use, by special permit of the Village Board of Trustees, subject to the following requirements and criteria and to the requirements / criteria contained in Article X of this Chapter:

a. Notwithstanding any other provision of this Chapter to the contrary, for the purposes of this Article (IVA), "mixed use" shall mean a combination in one building 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 or third floor of a mixed use building.

iii. Residential dwelling units may be studios, one bedroom units and two bedroom units only. No more than fifty percent of the total number of dwelling units in a building may be two bedroom units.

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 Village Board shall have the authority in conducting Special Permit review to reduce or waive side yard setback requirement(s) of the underlying zone provided there is otherwise adequate access to parking areas, and provided one or more of the following criteria are met:

x. reducing the setback(s) will facilitate more parking to be provided in the rear of the building than would otherwise be the case.

xx. reducing the setback(s) will facilitate the interconnection of rear parking lots with those on adjoining property(ies).

xxx. reducing the setback(s) will contribute to the building forming a more unified, cohesive streetscape with adjoining buildings than would otherwise be the case.

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 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 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 sixty 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 at least the following amount of parking 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 minimum parking for non-residential space shall be as otherwise required by this Chapter. The Village Board of Trustees, as part of its special permit determination, shall have the authority to increase these parking requirements. In the case of each application the Village Board of Trustees shall consider and make a finding as to whether the above-stated parking requirements are adequate or will be increased based upon the following factors:

i. The mix of uses proposed to be conducted in the various spaces in the building considering, among other things, the extent to which their parking demands are likely to overlap.

ii. Whether the applicant is willing to limit areas of the building to only certain uses.

iii. The square footage of each of the proposed residential and commercial units in the building.

iv. The availability of nearby municipal parking.

v. Such other factors as the Board may deem relevant on a case by case basis.

The Board shall have the authority to require applicant(s) to provide and/or pay for a professional parking study.

C. 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.

Section 5. The introductory paragraph of Section 230-20.4.A. 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 6. 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 230-20.3B(3)a.) are contained in Article IVA of this Chapter.

Section 7. 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 therefor, 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 8. There is hereby added to Section 230-20.5 of the Code of the Village of Croton-on-Hudson a new Section G to read as follows:

G. Unified Parking Lot Design. Notwithstanding any other provision of this Chapter, in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic flow, the Planning Board shall have the

230 ATTACHMENT E

Areas Comprising the Gateway Districts

authority in conducting site plan review to waive such open space, design guideline and parking lot buffer, screening and landscaping requirements as it deems advisable to encourage and foster the joint use of, and common access to, parking lots located on adjoining properties. The Planning Board may require as a condition of site plan approval the interconnection of parking facilities via circulation drives within and between adjacent lots, where necessary to mitigate impacts on traffic or parking resulting from a proposed plan that cannot be otherwise mitigated. In such cases, the Planning Board will require written easement agreements between the property owners to permit and maintain such interconnection of parking facilities.

The Municipal Place Gateway District is comprised of the following:

Tax Map Lots numbered -
78.12-3-4, 78.12-3-5, 78.12-3-6,
78.12-3-7, 78.12-3-3, 78.12-3-2,
78.12-3-8, 78.12-3-9, 78.12-3-10,
79.9-1-30, 79.9-1-77, 79.9-1-66,
79.9-1-67

The North End Gateway District is comprised of the following:

Tax Map Lots numbered -
67.10-2-11, 67.10-2-12, 67.10-2-13,
67.10-2-14, 67.10-2-15, 67.10-2-16,
67.10-2-17, 67.10-2-1

The Harmon/South Riverside Gateway District is comprised of the following:

Tax Map Lots numbered -
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, 79.13-1-85,
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

Section 9. Section 230-51C of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

C. Location and ownership of required accessory parking facilities. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory or elsewhere, provided that all spaces therein are located within 500 feet walking distance of such lot. In all cases, such parking spaces shall conform to all the regulations of the district in which they are located, and in no event shall such parking spaces be located in any residence district unless the uses to which they are accessory are permitted in such districts or by special permit of the Board of Appeals. Unless otherwise approved by the Planning Board, such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, filed with the County Clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available either:

- (1) Throughout the existence of such use to which they are accessory; or
- (2) Until such spaces are provided elsewhere.

Section 10. The introductory paragraph of Section 230-20.6 of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

Each of the gateway areas should have a special character that should be preserved and enhanced. Accordingly, in addition to the design regulations set forth above in §230-20.5 of this article, design guidelines have been established in the 2003 Comprehensive Plan for each of the three gateway areas that build upon the individual features of each district.

Section 11. If any clause, sentence, paragraph, section, Article or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, nor the remainder of any clause, sentence, paragraph, section, Article or part hereof.

Section 12. The provisions of Sections 2 through 9 of this Local Law shall not apply to any proposed project for which a complete application has been submitted prior to the effective date hereof. The provisions of the Zoning Law in effect on November 15, 2009 shall apply to such proposed projects.

Section 13. This Local Law shall take effect immediately upon filing with the Secretary of State.

June 25, 2012

I, Pauline DiSanto, Village Clerk, of the Village of Croton-on-Hudson, hereby certify that the legal notice for Local Law 1 of 2012 was published in the Gazette and posted on the Village's Bulletin Board.



Pauline DiSanto, Village Clerk

Sworn to before me this 25th day of June, 2012



Kristine Gilligan, Notary

KRISTINE GILLIGAN
Notary Public, State of New York
No. 01GI6199331
Qualified in Westchester County
Commission Expires January 12, 2013

EXHIBIT E

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Croton-on-Hudson

Local Law No. Five of the year 2011

A local law A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF
(Insert Title)
CROTON-ON-HUDSON TO SUPPLEMENT THE LIST OF TYPE II
ACTIONS CONTAINED IN THE NEW YORK STATE SEQRA REGULATIONS

Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Croton-on-Hudson as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Village Board

A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF
CROTON-ON-HUDSON TO SUPPLEMENT THE LIST OF TYPE II
ACTIONS CONTAINED IN THE NEW YORK STATE SEQRA REGULATIONS

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section 1: Section 116-1 of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

Section 116-1. Additional Type II actions.

Consistent with the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law), and the regulations promulgated pursuant to that statute (6 NYCRR Part 617, hereinafter "Part 617"), the following actions, in addition to those listed in Part 617 as Type II actions, are determined to be Type II actions:

- A. Minor improvements by the Village designed or intended to correct localized water, sewer, or drainage problems alone or in conjunction with street resurfacing projects.
- B. Seasonal salting and/or sanding of roads, sidewalks, and parking lots.
- C. Granting by the Village Board of a Special Permit (including the allowable waiving of any requirements) for the construction, expansion or use of a primary or accessory/appurtenant, structure or facility involving less than 4,000 square feet of gross floor area and less than 10,000 square feet of land disturbance and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities nor other structures related to radio, television, telephone or data transmission/reception.
- D. Granting an extension of the expiration date for a special permit.
- E. The approval of a Storm Water Pollution Prevention Plan under Chapter 196 of the Village Code in connection with any Type II action.
- F. The approval of a Tree Removal Permit under Chapter 208 of the Village Code in connection with any Type II action.

Section 2: This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. Five of 2011 of the (County)(City)(Town)(Village) of Croton-on-Hudson was duly passed by the Village Board of Trustees on November 7, 2011, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

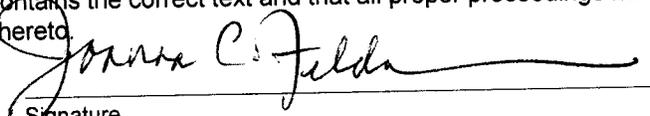
Date: NOV. 7, 2011

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Westchester

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Village Attorney
Title

County _____
City of Croton-on-Hudson
Town _____
Village

Date: November 7, 2011

AFFIDAVIT OF PUBLICATION

from

CMT Phoenix, Inc.
D/B/A The Gazette
160 Cleveland Drive
P.O. Box 810
Croton-on-Hudson, NY 10520-0810
(914) 271-2088

State of New York
County of Westchester

.....May Tierney.....being duly sworn, says that she is the Associate Editor of The Gazette, a weekly newspaper published by CMT Phoenix, Inc. in the County of Westchester and State of New York, and that the Notice printed below was published in this newspaper on the date stated below.

Signed.....*May Tierney*.....

Date Published.....February 10, 2011

Sworn to before me

this...*14th*.....day of...*February*.....2011

.....
Notary Public, Dutchess County, New York

GARY J. CAHILL
Notary Public, State of New York
Registration No. 01CA5012145
Qualified in Dutchess County
Commission Expires June 15, 2011

VILLAGE OF CROTON ON HUDSON, NEW YORK

NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW

PUBLIC NOTICE IS HEREBY GIVEN that a resolution has been adopted by the Board of Trustees, Village of Croton on Hudson, New York, at a meeting on February 7, 2011 to schedule a PUBLIC HEARING on the following:

Local Law Introductory #2 of 2010, to amend Chapter 120 of the Village Code relating to excavation, filling and topsoil removal.

THEREFORE, pursuant to statute, the Board of Trustees, Village of Croton on Hudson, New York, will hold a PUBLIC HEARING on Tuesday, February 22, 2011, 8:00 p.m., at the Stanley H. Kellerhouse Municipal Building, 1 Van Wyck Street, Croton on Hudson, NY, at which time all interested parties will be heard.

Pauline DiSanto
Village Clerk

Date: February 8, 2011

EXHIBIT F

Village of Croton on Hudson
Special Permit applications for mixed occupancy buildings.

Address 37 South Riverside Avenue
Date Received January 2009
No Special permit required
Planning Board issued site plan approval July 2009

Address 383 South Riverside Avenue
Date Received September 29, 2010
BOT Declared Lead Agency October 4, 2010
BOT issued a Negative Declaration December 6, 2010
BOT issued special permit January 18, 2011
Planning Board issued Site Plan Approval February 8, 2011

Address: 379 South Riverside Avenue
Date Received August 11, 2014
BoT declared Lead Agency October 6, 2014
The November 2014 Waterfront Advisory Committee recommended a Phase I and Phase II environmental report on October 16, 2014. The applicant did not submit the phase II report until November 2015.
BOT issued a negative declaration January 19, 2016
BOT issued Special Permit March 7, 2016
Planning Board issued site plan approval May 10, 2016

Address 370 South Riverside Avenue
Date Received December 15, 2014
BOT declared Lead Agency January 20, 2015
BOT issued a negative declaration April 20, 2015
BOT issued Special Permit June 22, 2015
Planning Board issued site plan approval July 28, 2015

EXHIBIT G



Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501

Mayor
Leo A. W. Wiegman
Trustees
Ann H. Gallelli
Ian W. Murtaugh
Casey Raskob
Kevin W. Davis
Manager
Abraham J. Zambrano
Clerk
Pauline DiSanto
Engineer
Daniel F. O'Connor, P.E.

September 5, 2013

Kevin J. Plunkett
Deputy County Executive
Westchester County
148 Martine Avenue, 9th Floor
White Plains, NY 10601

Re: United States ex rel Anti-Discrimination Center of Metro New York v. Westchester County

Dear Mr. Plunkett:

The Village of Croton-on-Hudson would like to provide the following information in response to the Monitor's July 31, 2013 Report on the County's Analysis of Municipal Zoning as set forth in the Report and Monitor's cover letter of the same date.

In the Monitor's letter of 7/31/2013 it is alleged that the Village of Croton-on-Hudson has an exclusionary zoning code that has restrictions on multi-family housing, lack of incentives and mandates for affordable housing, restrictions on alternative sources of affordable housing and that the Village has not addressed in a significant way the regional need for affordable housing. We would like to provide the following information regarding the Village's multi-family housing and efforts towards providing affordable housing.

Over the last two decades or so, the Village has worked very closely with the non-profit Croton Housing Network and Westchester County to develop affordable housing in the Village. The Croton Housing Network was expressly established for the purpose of creating more affordable housing after the Village Housing Task Force recommendations under Mayor Roland Bogardus, over 22 years ago. These projects have consisted of the following; for a total of 35 affordable housing units (27 apartments and 8 houses).

Brook Street affordable housing	1-2 family house
Bank Street affordable housing	4 houses (2 2-family houses)
Discovery Cove affordable housing	4 Townhouses
Mt. Airy Woods affordable housing	12 apartments
Symphony Knoll affordable housing	11 apartments
Scenic Drive West affordable housing	2 single-family houses

Attached is a letter (dated 9/5/13) from the Croton Housing Network detailing a history of the Village and Croton Housing Network working together to advance affordable housing opportunities in the Village.

The Housing Action Plan based on a regional needs assessment prepared by the Center for Urban Policy Research of Rutgers University estimated the Village's fair share of the regional need at 115 affordable housing units or 98 additional units (above the 17 constructed after 2000) by 2015. At a typical ratio of 10% of affordable units this would require that approximately 1000 new multi-family housing units be built in the Village by 2015. On face value this number is so unrealistic and should therefore be considered grossly inaccurate. Given the built-out nature of the Village, minimal amount of remaining developable vacant land, environment constraints and other national conditions it would appear that 1000 additional multi-family units would not even be built by 2050. The Rutgers Report and Housing Action Plan needs to be reanalyzed and possibly redone to address current conditions. It is also noted that additional dedication of park land has occurred since the adoption of the Allocation Plan.

The Village's existing multi-family housing is varied and consists of multi-family housing in multi-family zoning districts, commercial districts as mixed-use buildings and multi-family housing in other zoning districts, such as single-family districts, where the multi-family housing is considered legally non-conforming. In addition to the above multi-family housing, the following also exists:

Bari Manor apartment (1960's)	83 units
Van Wyck Apartments (pre-zoning, 1929)	32 units
Scenic Ridge Townhouses (1980's)	94 units
Half Moon Bay/Discovery Cove Condominiums (1980's & 2000's)	282 units
Numerous legally non-conforming multi-family homes (various ages)	151 ¹ units

¹ See attached list of legally non-conforming multi-family buildings.

Based on "Units in Structure, Westchester County 2005-2009" (see attached) there are 3,048 housing units in the Village with the following breakdown:

1-family detached	1915	(62.8%)
1-family attached (multi-family)	250	(8.2%)
2 units in structure	347	(11.4%)
3 or more units in structure	536	(17.6%)

Based on the above information the percent of structures that are multi-family in the Village is 25.8% indicating that a population of approximately 2000 people live in multi-family housing in the Village.

A map of multi-family homes produced by Westchester County is attached and shows that a great percentage of the land area in the Village has between 20% and 50% multi-family

homes and the remaining land area in the Village has approximately 7% of multi-family homes. On face value this does not appear to be exclusionary zoning.

The Report by the Housing Consultants misinterprets the Village Multiple Development Use (MDU) zoning district regulations. The Report states that the MDU zoning district only allows multi-family housing if the underlying district so permits. This is incorrect, the MDU zoning district regulations clearly states in 230-21(D)(2)(a) that “for land located in an RA, RB or RC zoning district, such uses as are permitted in any residential zoning district.” An MDU designation would allow the construction of multi-family housing in a single-family zoning district. The MDU regulations allow a 10% increase in residential density for other elements contained in the MDU, “which are of special benefit to the Village or meet several community needs” such as affordable housing. Although there is no current application for an MDU designation, eligible parcels exist, some being:

<u>Parcel</u>	<u>Area</u>	<u># Units</u>	<u># Units with Bonus</u>
Parcel A	18+ Acres	18 units	20
Parcel B	15+ Acres	15 units	17
Parcel C	18+ Acres	18 units	20

If these parcels were developed as multi-family housing there would be an additional 57 units including 6 affordable housing units. Once designated the development would be as-of-right. The Report by the Housing Consultants also states that development cannot exceed the density of the underlying district which is incorrect as Section 230-21 (E)(1)(A) allows a 10% increase in the residential density.

The Report by the Housing Consultants incorrectly states that the Village’s Accessory Apartment law 230-41 effectively limits the accessory apartments to one-bedroom units. The maximum size of an accessory apartment is 750 sq. ft. which is a sufficient size for a two-bedroom apartment. The Report also states incorrectly that accessory apartments appear to be exclusively targeted towards seniors. This is incorrect as the Accessory apartment code only specified that the owner or the lessee be 55 or over. A senior owner of a home with an accessory apartment can rent the accessory apartment to a person of any (legal) age.

The Village’s lot count and size distribution was established for large areas of the Village prior to the adoption of the first zoning code in 1931. The great majority of these parcels are in the 50 ft to 125 ft size, limiting the parcel to a one or two-family house. Very little vacant land of larger size exists for multi-family housing.

One creative zoning solution was to incorporate residential housing into the commercial zoning districts in the form of mixed-use buildings. Mixed-use by special permit is permitted in the C-1 and C-2 zoning districts under Section 230-42.1 of the zoning code. The buildings are limited to two stories with the residential use on the second floor.

A few years ago, the Village revised the Gateway Overlay District for the Harmon/South Riverside commercial area to enhance the residential component of mixed-use buildings. This zoning revision was the subject of an Article 78 proceeding in which the Village ultimately prevailed with a court decision being issued earlier this year. The Article 78 lawsuit resulted in the expenditure of approximately \$450,000 in legal and other fees. The enacted Gateway overlay zone in the Harmon/South Riverside district enhances multi-family housing by allowing residential units on a third floor in addition to the second floor and 50% (rear space) of the first floor. Previously the residential units were only allowed on the second floor. This new gateway zoning effectively increases the potential residential development in a building from 50% to approximately 82% of the building square footage, a substantial increase in the potential residential units (apartments) in this overlay district. Pages from the environmental assessment form for the zoning change are attached and indicate a likely build-out resulting in an additional 46 residential units in mixed-use buildings and a theoretical maximum full build-out of 145 residential units.

The Report by the Housing Consultants indicates that there are zero sites for new development of multi-family housing. This of course, is based on a very narrow construct presented in the report. A more rational review of the Village's zoning code indicates (as shown above) that 103 additional multi-family housing units on 30± sites have the potential to be built. This does not include additional residential units in other areas of commercial zoning districts (C-1 and C-2) where mixed-use is permitted however limited to only the second floor.

The charts of the *Berenson* Tests also appear to have some errors or missing information as follows:

Chart of Zoning Data for *Berenson* Test Prong 1:

Does the acres of multi-family use and two- or three-family use include lots containing legally non-conforming uses of these types?

Undeveloped land zoned multi-family is listed as zero when the above information (MDU) indicates that approximately 60 or more acres of land is available.

The number of new potential units is listed as zero when the above information (MDU) indicates that there are approximately 57 new potential multi-family units.

Chart of Zoning Data for *Berenson* Test Prong 2:

The number of allocated units may not be based on the best available data due to changes that have occurred since the date of the report.

The number of potential units is listed as zero where the above information indicates that there are 103 or more potential units.

A limitation is listed that the MUD overlay district is dependent on the underlying district permitted uses where in fact the MUD district, on residentially zoned land, can have any uses in a RA, RB or RC district.

Does the number of acres zoned multi-family as-of-right include legally non-conforming multi-family uses?

The number of undeveloped acres zoned multi-family as-of-right is listed as zero where the above information indicates that approximately 60 acres are available.

Chart of Municipal Rebuttal Factors under *Berenson* Test:

There is no mention of the 10% incentive under the MDU overlay zone.

The age restrictions for accessory apartment should be noted as partial or 50% of units.

The Report's narrow and exclusive focus on as-of-right (no special permit) development due to the "possibility of dilatory review process, with uncertain outcomes" is misguided and ignores the large potential for multi-family housing in areas requiring a special permit. Environmental laws such as steep slope and wetlands will impact the expense and duration of the review process, potentially having a much greater impact than the special permit process. The Village recently amended its Type II SEQR list to include special permits and other approvals for smaller projects, greatly streamlining the review process for projects with no adverse environmental impacts. The special permit process (Section 230-53(A)(2)) can be an important process for changing one non-conforming use to another non-conforming use, such as converting an old Antique Shop in a two-family zone into a potential four-unit multi-family building, that without the special permit process, could only be converted into a two-family house.

Additional information on the existing multi-family and other housing (two-family, etc.) and the potential for new housing units in the Village can be provided if additional time to respond is granted.

Thank you for including this letter in the County's response to the Housing Monitor's report and letter.

If you have any questions, please contact me at (914) 271-4781.

Very truly yours,



Abraham Zambrano
Village Manager

**Enc: Letter from Croton Housing network, 9/5/13
List of legally non-conforming multi-family housing
Units in Structure, Westchester County 2005-2009
Westchester County, New York, map of Multi-family Homes (2013)
Environmental Assessment Form for Harmon Gateway Overlay Zone (pages 21, 30
and Exhibit #7)**

**cc: James E. Johnson, Housing Monitor, w/enc.
Geroge Oros, Chief of Staff, w/enc.
Ed Borroughs, Commissioner of Planning, w/enc.
Mayor Wiegman and Village Trustees, w/enc.
Daniel O'Connor, Village Engineer, w/enc.
James Staudt, Village Attorney, w/enc.
File, w/enc.**



Croton Housing Network
15 Mount Airy Road
Croton-on-Hudson, New York 10520

September 5, 2013

Mr. Abe Zambrano, Village Manager
Village of Croton-on-Hudson
1 Van Wyck Street
Croton-on-Hudson, NY 10520

Dear Mr. Zambrano,

I am the President of the Croton Housing Network, Inc., a volunteer not-for-profit organization that has been developing and operating affordable housing in the Village of Croton on Hudson since about 1990.

As you can learn from the attached history, the Network grew out of a municipal initiative started in the mid 1980s, in response to the County's identified need for action on housing. As a small Village with limited municipal resources, the Mayor and Board recognized the need to partner with a community organization to create opportunities for funding and support. The consultant dollars spent by the Village triggered a task force that spawned the Network, which has now completed six projects and generated 27 rental and seven ownership housing units. The Network also played an important role in supporting the passage of the Emergency Tenant Protection Action provisions for the Village.

The Croton Housing Network has secured Federal, State, County and commercial funding for its projects, but it never could have succeeded without the ongoing partnership of the local and County governments and their staff. Westchester County's Department of Planning and Village of Croton's Managers and Mayors have provided critical support to the Network every step of the way. The housing we've created is also a credit to the municipalities and their commitment to affordable housing.

Croton is not an easy place for development. There is very little undeveloped land, and much of that is hilly and rocky land on which building is difficult. The only large land tracts are dedicated either to parkland or Metro North.

In our first project, the Village combed the parcels it owned for various reasons (a fairly short list), and gave the land that set us on our way with the NYS Affordable Home Ownership program. The recently passed Steep Slopes Law presented obstacles that the Village worked with us to overcome. Shortly thereafter, when one of the few large tracts of privately held land was being developed, the Village Board required, as a part of site plan review and approval, that land be transferred to the Network to allow Mt. Airy Woods to be

built (12 rental units, 1-, 2-, and 3-bedroom). Similar Planning Board actions resulted in West Winds and Discovery Cove units. When a dilapidated single family went in rem, the Village and the Network cooperated to remove the dangerous eye-sore and build two units of affordable housing, one ownership and one rental.

And when we identified the opportunity to secure the land for Symphony Knoll the Village did not hesitate in its commitment to purchase the land from cash reserves, based on the County commitment to provide funds for land acquisition. It took several years for the funds to be back in the reserves, but they made it. If we had not been able to move quickly on the land, Symphony Knoll would not have happened. Other challenges in the project were eased through the assistance and cooperation of the Village and the County. We secured, with relatively little difficulty, a zoning variance to build a three-story building. We received, in an act of incredible cooperation and commitment, an additional \$300,000 grant when it became evident that the world-wide increase in building material costs was going to run the project off a cliff. These 11 units, which we hope to expand to 12 soon, are unquestionably helping to fill a major need. Symphony Knoll has already been home to people from all over the County, and will continue to serve for a long time to come.

In the model of the Village of Croton on Hudson and the Croton Housing Network, the Network provides expert assistance to the Village in the area of affordable housing. We are partners in evaluating opportunities or challenges, in securing funds and approvals, and in communicating with the citizens. The Village could not afford as much expertise and effort as we are able to bring with our volunteer organization. The public-private partnership model has been productive here and is even more public-serving, given that there is no profit involved.

Although it was not built specifically as such, some of the most affordable rentals in Croton are in Bari Manor, the largest rental complex in the Village, with 83 units. It was managed for many years by the original owners for many years with very reasonable rents. When it was sold in 2002, however, the new owners immediately started hiking the rents to high market. The Network advocated for the tenants, gathering the necessary information and then negotiating with the Village to adopt and enforce rent stabilization (ETPA) to protect this affordable enclave. Bari Manor is a unique asset of the Village and the municipal leaders exhibited their commitment to the goals of affordable housing in taking action.

The current administration has just succeeded in allowing mixed-use in its Harmon Business District. If commercial interest or community funds are available, this area has the potential to add more units of low-impact housing that will certainly include affordable units. There is not, however, much building of any kind of housing that is possible in Croton, because without a major change in land ownership, there just are not many opportunities.

What is without question is that this Village has sought out opportunities to create affordable housing and to welcome those from outside the community. And, without doubt, anyone who does bring a project that generates any units is going to be held to the previously established expectation of a contribution toward affordable housing as a pre-requisite to approval.

We are lucky for the diversity that exists in our housing and is in place as of right – including small apartment buildings, sub-divided homes, small houses – and for the existence of the Croton Housing Network as a consistent voice in the Village pushing for policies and decisions that support affordable housing. It is not our zoning laws that limit our creativity or commitment, as evidenced by the projects to date.

The findings of the Pratt Institute report are not an accurate assessment. HUD has damaged the Village's reputation by suggesting that it has discriminatory housing laws.

Yours truly,

A handwritten signature in cursive script that reads "Nance Shatzkin / ces".

Nance Shatzkin, President

cc: Leo Wiegman, Mayor, Village of Croton-on-Hudson

Attachment

Croton Housing Network Projects

Project	Project Type	# of Units	Development Costs	Affordability	Yr Completed	Funding Sources	Primary Sponsor's Role
Bank Street	Home Ownership	4	\$460,000	80%	1991	NYS Affordable Home Ownership; HIF	Developer
Mt. Airy Woods	Rentals	12	\$1,200,000	8 @ 80% 3 @ 60% 1 @ 50%	1995	CDBG; HIF; HOME	Developer and Owner
WestWind	Home Ownership	2	\$270,000	80%	1999	None	Developer
Brook Street	Home Ownership/ Rental	1/1	\$250,000	80% / 60%	2001	HOME	Developer
Discovery Cove	Rentals	4	\$220,000	60% - senior citizens	2003	HOME	Owner
Symphony Knoll	Rentals	11	\$3,300,000	8 @ 50% 3 @ 60% all senior citizens	2010	HOME, HIF, IDA, Tax Credits, FHLBB	Developer and Owner

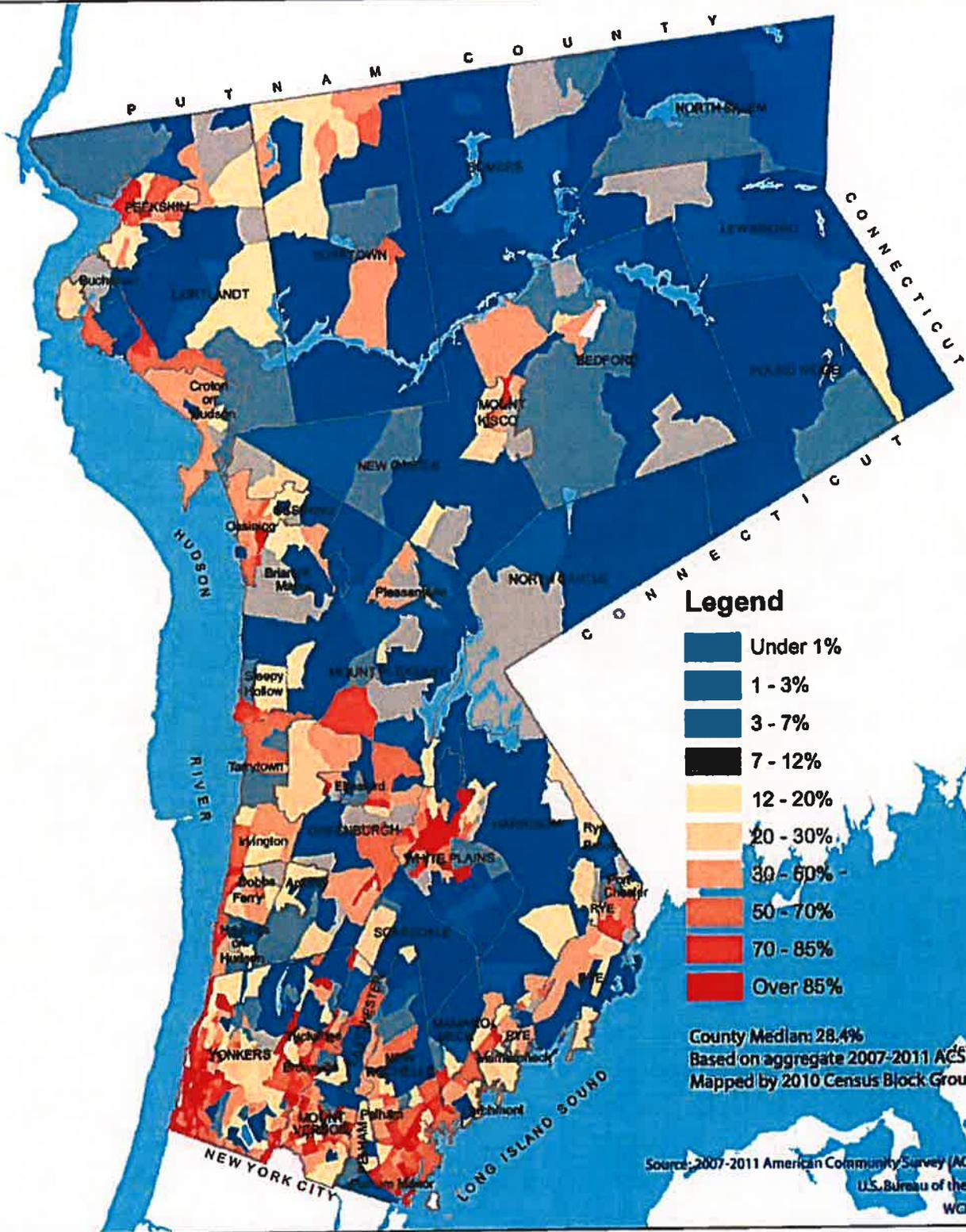
crotonhousing.org

LIST of LEGALLY NON-CONFORMING MULTI-FAMILY BUILDINGS

Zoning Code	Current Name Multi Family	Former Names Multi Family	Description	Facility Classification
1 RB	Agosta, Robert	Agosta, Robert	4 Family	Legally non-conforming
2 RA5	Americo, Salvatore		4 Family	Legally non-conforming
3 RB	Argiros, John & Maria		3 Family	Legally non-conforming
4 RB	Frank Osso	Bailey, Gordon	3 Family	Legally non-conforming
5 RA5	Banker, Mary E		3 Family	Legally non-conforming
7 RA5	Benedict Properties		5 Family	Legally non-conforming
8 RB	Brendan Gallagher		5-Family	Legally non-conforming
9 RB	Ciullo, John		4 Family	Legally non-conforming
10 RB	Conte, Arcangelo		4 Family	Legally non-conforming
11 RB	Conte, Linda		4 Family	Legally non-conforming
12 C1	Costantini, Luigi		3 Family	Legally non-conforming
13 RB	Costantini, Sylvia		4 Family	Legally non-conforming
14 RB	Demetriou, A & K		6 Family	Legally non-conforming
15 RB	Dicioccio, Joseph		3 Family	Legally non-conforming
16 RB	Family Living Inc / Thomas Sanfelice	Breen, James	3 Family	Legally non-conforming
17 C1	Franzoso, John		3 Family	Legally non-conforming
18 C1	Franzoso, Mark A		5 Family	Legally non-conforming
19 RB	Dietz, Bonnie Jean		3 Family	Legally non-conforming
20 RB	Phillip Goldstein		4 Family	Legally non-conforming
21 C2	Joseph F. Borges Enterprize	Croton Point Done Deal	3 Family	Legally non-conforming
23 RA9	Kane, Charles		3 Family	Legally non-conforming
24 RB	Koch, Grace		4 Family	Legally non-conforming
25 RA5	Mamone, Domenic		3 Family	Legally non-conforming
26 RB	Manicchio LLC		3 Family	Legally non-conforming
27 RB	Maselli, Enrico, Peter		3 Family	Legally non-conforming
28 RA5	Maselli, Peter		3 Family	Legally non-conforming
29 RA9	Mikado Inn		7-Family	Legally non-conforming
30 RA25	Oak Mountain Properties Inc		3 Family	Legally non-conforming
31 RB	Oroszlany, Peter		3 Family	Legally non-conforming
32 C2	Pappas, Fay		4 Family	Legally non-conforming
33 C2	Pappas, John		3 Family	Legally non-conforming
34 C2	Pappas, John & Fay		4 Family	Legally non-conforming
35 RB	Perry, Herbert & Carol		6 Family	Legally non-conforming
36 RA25	Rodregues, Antonio		5 Family	Legally non-conforming
37 RB	Schwamb, Robert & Robin		5 Family	Legally non-conforming
38 RB	Simonnot, Emmanuel		4 Family	Legally non-conforming
40 RA5	Swan, Randall		5 Family	Legally non-conforming
41 RA5	Swan, Randall		3 Family	Legally non-conforming
42 RB	Tice, Albert & Elizabeth		4 Family - 2 Stores	Legally non-conforming

Note: This list is non-exhaustive

WESTCHESTER COUNTY, NEW YORK



Multi-Family Homes

Percent of housing units that are multi-family (3 units of more)

Units in Structure, Westchester County 2005-2009

Municipality	Total Units	1-Family Detached	1-Family Attached	2 Units	3 or 4	5 to 9	10 to 19	20 to 49	50 or More	Mobile Home
Cities										
Mount Vernon	28,236	8,916	896	2,964	3,198	1,655	1,560	4,402	4,611	34
New Rochelle	28,114	10,144	985	2,212	2,617	1,407	1,386	3,656	5,680	15
Peekskill	9,863	2,944	1,048	1,246	1,231	1,026	572	496	1,300	0
Rye	5,700	3,803	526	279	150	74	300	108	441	8
White Plains	24,376	7,931	834	1,091	1,517	1,149	1,263	2,568	8,023	0
Yonkers	79,166	20,613	2,086	9,413	9,546	5,852	3,815	8,664	19,097	64
Towns										
Bedford	6,385	4,708	317	336	207	244	264	64	175	70
Cortlandt	10,369	7,545	488	488	429	335	573	359	79	55
Eastchester	7,765	3,759	195	481	683	267	228	748	1,397	7
Greenburgh	16,615	8,987	1,158	535	861	931	653	1,108	2,368	14
Harrison	8,556	4,468	408	1,643	902	183	213	179	553	7
Lewisboro	4,495	3,745	423	85	11	91	45	41	30	24
Mamaroneck	4,446	2,941	63	57	134	88	125	572	466	0
Mount Kisco	4,222	1,209	464	609	505	162	198	382	693	0
Mount Pleasant	7,859	6,798	245	437	191	15	64	34	50	25
New Castle	5,893	4,995	478	124	108	46	33	62	39	8
North Castle	3,916	3,481	177	119	60	53	11	15	0	0
North Salem	1,945	1,759	100	20	0	24	0	0	42	0
Ossining	1,998	1,033	574	122	58	138	73	0	0	0
Pound Ridge	1,830	1,801	0	20	9	0	0	0	0	0
Scarsdale	5,627	5,156	60	26	10	78	101	68	128	0
Somers	7,390	4,848	2,019	136	173	171	0	10	13	0
Yorktown	13,494	9,918	948	407	908	610	354	57	254	0
Villages										
Ardsey	1,680	1,353	8	53	111	9	0	43	103	0
Briarcliff Manor	2,572	1,819	304	78	76	59	35	30	171	0
Bronxville	2,497	998	327	22	21	218	292	382	237	0
Buchanan	939	649	53	183	12	29	13	0	0	0
Croton-on-Hudson	3,048	1,915	250	347	231	89	48	89	79	0
Dobbs Ferry	4,326	1,680	455	454	463	656	227	81	310	0
Elmsford	1,707	806	58	256	169	64	195	98	61	0
Hastings-on-Hudson	3,081	1,704	174	214	269	267	104	68	281	0
Irvington	2,479	1,062	304	153	361	345	71	30	153	0
Larchmont	2,335	1,518	0	31	22	34	110	257	363	0
Mamaroneck	7,023	3,114	460	828	538	583	267	429	751	53
Ossining	8,970	3,052	565	1,194	1,446	905	510	481	810	7
Pelham	2,322	1,272	134	258	100	50	92	240	176	0
Pelham Manor	1,781	1,247	107	10	12	30	127	138	110	0
Pleasantville	2,896	1,460	195	412	235	359	150	68	0	17
Port Chester	10,281	3,144	561	2,127	1,475	607	355	579	1,433	0
Rye Brook	3,503	2,249	468	225	296	19	5	11	220	10
Sleepy Hollow	3,658	942	82	717	768	351	185	134	479	0
Tarrytown	4,096	1,259	485	352	459	395	585	117	444	0
Tuckahoe	2,676	648	29	340	270	142	236	339	672	0
Westchester	360,130	163,393	19,511	31,104	30,842	19,810	15,438	27,207	52,292	418

Prepared by the Westchester County Department of Planning based on the U.S. Census Bureau American Community Survey data, 2005-2009. Data is based on a sample and contains a margin of error, which is available on the Census Bureau's American Community Survey website. Town figures refer to the unincorporated areas outside of villages.



Exhibit 7
**SCEI ARI O #1: LIKELY
 LEVEL OF DEVELOPMEI T**
**HARMON GATEWAY OVERLAY
 ZONING AMENDMENTS**
 Croton-on-Hudson, New York

DATE: July 2010
 SOURCE: Croton-on-Hudson, New York GIS

Saccardi & Schiff, Inc. - Planning and Development Consultants

before the Village Planning Board by private parties/land owners (no publicly-owned properties are involved). This scenario assumes that 11 of the parcels (all vacant or underutilized) will be redeveloped as mixed-use buildings using the maximum potential development under the proposed amendments to the gateway overlay zoning. In some cases, it assumes combination of parcels that are directly adjacent to each other. The one exception to this assumption of complete redevelopment is parcel 12, which is an existing, partly vacant building and is assumed not to be re-constructed, but for the existing vacancies to be filled within that structure.

This scenario includes redevelopment of the following underutilized lots on the east side of South Riverside Avenue:

- Former Croton Dodge and adjacent parking (combined parcels 8, 9)
- Former Nappy Auto (parcel 29)
- Vacant underutilized office buildings/garage/apartment (parcels 30-31)

On the west side of South Riverside Avenue:

- Now inactive Oil City gas station (parcel 28)
- Vacant lots (combined parcels 27, 26) - former auto storage.
- Underutilized/partially vacant building (parcel 12) north of convenience store (no new construction - keep existing structure, fill vacancies)
- Now vacant commercial lot, formerly Westchester Coach (parcel 19)

The parcels described above are identified on Exhibit 7, Scenario #1, and a summary of the build-out under this scenario (using proposed law and described assumptions) is included in Table 3 below:

Table 3
Scenario #1- Likely Anticipated Level of Development

Parcel #	Lot Area (sf)	1 on-Residential space (sf) ¹	1 on-Residential parking ¹	Residential Units ¹	Residential Parking	Total parking required
8-9 (former Croton Dodge)	24,005	2,304	9	10	15	24
29 (former Nappy)	12,436	1,399	5	6	9	14
30-31 (vacant office/garage/apt)	14,020	1,785	6	8	12	18
26-27 (auto storage lots)	16,516	1,797	7	8	12	19
28 (vacant Oil City)	18,286	1,512	5	7	11	16
12 ³ (Ex. bldg)	5,981	±840	3 ³	4	6	9
19 (former Westch. Coach)	11,342	686	2	3	6	9
Totals	102,586	10,323 sf	53	46	71	109

¹ Taken from Table 2 in property utilization study prepared by Saccardi & Schiff, Inc. in July 2008, except for data for parcel 12. Assumes 50% one-bedroom and 50% two-bedroom units for parking calculations.

² As per proposed zoning amendments; 1 parking space for each unit, 1 additional parking space for each additional bedroom

before the Village Planning Board by private parties/land owners (no publicly-owned parcels are involved). This scenario assumes that 11 of the parcels (all vacant or underutilized) are included in the proposed amendments to the gateway overlay zoning. In some cases, it assumes combination of parcels that are directly adjacent to each other. The one exception to this assumption of complete redevelopment is parcel 12, which is an existing, partly vacant building that is to be re-constructed, but for the existing vacancies to be filled.

**Table 6
Summary Comparison
of Scenarios #1, 2, 3**

	# Residential units	Commercial/retail (SF)	Total parking
Scenario #1 (likely scenario-redevelopment of underutilized or vacant parcels)	46	10,323 sf	109
Scenario #2 (Theoretical Maximum-full build-out: all individual lots)	145	39,604 sf	336
Scenario #3 (Theoretical Maximum-full build-out: combination of some parcels)	146	38,723 sf	419

• New inactive Oil City gas station (parcel 28)

• Vacant lots (combined parcels 27, 26) - former auto storage.

Alternative Scenario 1 not Analyzed (with assumptions of common ownership and common parking lots)
 (new convenience store (no vacancies)
 (208 residential units/43,726 sf commercial)

• New vacant commercial lot, formerly Westchester Coach (parcel 19)

This unrealistic scenario was discussed in the Saccardi & Schiff, Inc. study (dated July 2008, Table 1 of that report). It assumes assemblage of private lands into larger parcels. This 2008 report states that this scenario is theoretical and not really achievable, and describes the assumptions that would be required for this level of development to occur.

As described in that study, this scenario is not considered in any way a viable alternative or development scenario, based on the characteristics and assumptions made to arrive at these development numbers (it is a theoretical mathematical maximum). For instance, in order for this scenario to occur, the following would have to take place:

Parcel #	Lot Area	Residential Units	Commercial/retail (SF)	Total parking required
8-9 (former Dodge)	12,476	300	5	6
29 (former Monsanto)	12,476	300	5	6
30-31 (vacant office/garage)	24,020	1,725	8	9
26-2 (auto storage)	18,286	1,312	5	7
28 (vacant Oil City)	18,286	1,312	5	7
12 (ex. B&E)	4,981	28-40	0	0
19 (Westchester Coach)	12,476	300	5	6
Totals	102,586	10,323 sf	53	46

• All parcels developed to the maximum FAR, with several assumed combined parcels. (Due to configuration of lots, maximum FAR is not achievable on all parcels, since on-site parking is a requirement).

• In addition, 23 on-street parking spaces on South Riverside would have to be available to contribute to the parking requirements of the new mixed use buildings. (On-site parking could not be accommodated on many of these parcels when utilizing the maximum FAR).

Therefore, this scenario was not analyzed further for impacts. This extreme build-out would require the village to waive many key land use requirements that this zoning amendment seeks to enforce, including: parking requirements, open space requirements, and setbacks.

¹ Taken from Table 2 in property utilization study prepared by Saccardi & Schiff, Inc. in July 2008, except for data for parcel 12. Assumes 50% one-bedroom and 50% two-bedroom units for parking calculations.

² As per proposed zoning amendments; 1 parking space for each unit, 1 additional parking space for each additional bedroom