

**Questions from the May 14, 2012 Public Hearing on the Proposed Harmon Gateway Zoning
Amendment – Mayor Wiegman’s responses**

These responses represent summary answers to questions raised at the public hearing. The public should be aware that a significant amount of information is available regarding the proposed Local Law on the Village’s website. This includes the EAF Parts 1, 2 and 3 and the EAF Addendum, the Negative Declaration adopted by the Village Board pursuant to SEQRA, and the draft of the Local Law, as well as other documents.

1. What is the definition of “mixed use”? The proposed Zoning Amendment defines the term “mixed use” as a combination in one building of residential dwelling units and other permitted and/or special permit uses. Permitted uses would be dependent on the underlying zone in which the mixed use occurs.
2. Will off-site parking be available? The intention of the zoning amendment is to allow fuller utilization of properties where the required amount of parking is available on-site. The existing Zoning Code allows required parking to be provided elsewhere if such location is within 500 feet walking distance and certain other requirements are met. The existing Code also provides for joint parking facilities and combined spaces.
3. Will there be tax credits to encourage development in the Harmon area? The proposed zoning does not provide local property tax credits. The possibility of increasing the value and income potential from the increase in the FAR (Floor Area Ratio) and flexibility in uses provides the incentive for property improvements. Tax credits would also decrease property tax revenue for the period in which they would be in effect.
4. Will there be waivers on sprinkler system requirements? The proposed law does not provide for a waiver of sprinkler system requirements.
5. Will mixed-use special permits have to be renewed? Existing law gives the Village Board authority to condition Special Permits on periodic renewals. A special permit for a mixed-use building would not generally have a time limit. Time limits if imposed are usually for a specific use within an existing building, not for the building itself.
6. Can vacant properties pay a vacancy tax or fee for remaining empty over an extended period of time? The proposed law does not provide for a vacancy tax.
7. Is the Feed the Birds property, or a similar property with an ongoing business, underutilized ? Under-utilization is simply a term meaning that more potential development is possible on a property. The determination to pursue fuller utilization is that of the property owner. A property is not underutilized if the property owner is satisfied with his ability to achieve his property’s potential. If a property owner would like to achieve more on a property by taking advantage of the opportunities provided by the proposed zoning amendment, then the property is underutilized.
8. Can the Village Board pursue a bond or injunction in the event of a second Article 78 lawsuit if the proposed zoning amendment is adopted? This would be determined in consultation with our attorneys if and when a lawsuit is commenced.

9. Why was the former Croton Dodge not allowed to reopen? The property owner of the former Croton Dodge site has had permission to open as a Motor Vehicle Service Station for over one year. The length of time between initial application and approval was due to changes the owner made in his requested permit during the review process. The Village does not know why the property owner has not exercised his right upon the Village Board granting the special permit.
10. Where is the parking behind buildings? Currently, some buildings in the area have parking behind and some do not. Generally, parking cars between the sidewalk and the front of a building decreases the pedestrian friendliness and safety of a business's site. The proposed zoning amendment would encourage rear of building parking. It also encourages adjacent property-owners to reach agreements that would allow for mutual access to the rear of the properties. As this is a zoning amendment and not a development, the development of rear parking is likely to occur over time as the commercial properties along South Riverside are developed or redeveloped.
11. What was the year the Village's Comprehensive Plan was adopted? The Comprehensive Plan was adopted in 2003.
12. What were the recommendations from the consultants on the Comprehensive Plan? Buckhurst Fish and Jacquemart (BFJ) worked with the Village on the development of the Comprehensive Plan. The Comprehensive Plan discussion on the commercial areas states that "the types of establishments need to be diversified to better meet the needs of residents and encourage local shopping and that higher quality aesthetics will help attract shoppers to those areas." The Comprehensive Plan recommended the establishment of three Gateway areas, including the Harmon/South Riverside area. For all Gateways, the Comprehensive Plan called for upgrading the image and function of the commercial areas, defining the entry into the Village, improving their visual quality, improving their commercial areas, and enhancing the pedestrian connections within the Village. The Comprehensive Plan is discussed in the EAF Part 3 and the EAF Addendum for the proposed law.
13. Has the Village Board received memos from the Planning Board or Zoning Board of Appeals that support the need for modifying the zoning in this area? The Village Board has received two memos from the Planning Board which have supported the need for zoning modifications in this area. The memos are available on the Village's website.
14. Do insurance companies frown on shared parking arrangements between separate abutting property owners? Shared parking arrangements certainly exist in a number of locales in this region. Insurance companies always prefer less risk.
15. Why did Nappy's secure a permit for its corner parcel at S. Riverside and Benedict Blvd. and not build on it? This site had an approved site plan for a multi-story mixed use building about fifteen years ago. The developer failed to proceed and the approval expired. More recently, a bank indicated an interest in a drive through bank office at this site. The Village Board at that time changed the zoning to allow the drive-through teller window, which was otherwise not permitted. In spite of the change in the law, the bank chose not to pursue its plans for the site.

16. Does this proposal erode overall commercial space? The proposed zoning will encourage commercial use by permitting residential use in the same building to help support the commercial use. The proposal also permits commercial uses on the second and third floors.
17. Can this proposed zoning change be put to a public referendum? Zoning laws and amendments are not among the issues that are allowed to be decided by referendum under New York State Village Law.
18. What are the residential parking requirements? If current zoning requires 2 parking spaces for each one bedroom, why does this proposal require only 1 space/one bedroom apartment? Current zoning requires 2 parking spaces per dwelling unit in a mixed use development in the C-2 zone. However, this is greater than the parking requirements in other zoning districts. Two family homes in the RB district require only 1 space per dwelling unit, no matter how many bedrooms. In the RC district, multi-family development requires 1.5 spaces per dwelling unit, again no matter how many bedrooms. Single family homes require only 2 off street parking spaces, again no matter how many bedrooms. The proposed zoning will require 1 parking space for a studio or 1 bedroom unit, and 2 parking spaces for a 2 bedroom unit. Therefore the requirement is equal to or greater than other districts depending on the number of bedrooms proposed. The Board has considered these other requirements, as well as the fact that some shared parking will take place between the commercial and residential uses.
19. Should a Business Improvement District (BID) be considered instead of the proposed zoning? BIDs are local non-profit organizations that have as members business persons and property owners within the BID's defined territory. Businesses pay a tax or fee to fund improvements in the BID area and to support efforts to bring business to the area. A BID would not accomplish the goals sought, and would add cost to the property and business owners.