



***Planning Board***

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*Secretary*  
**KAREN STAPLETON**

TO: Mayor Pugh and the Board of Trustees

FROM: Robert Luntz, Chairman of the Planning Board

RE: Referral from Village Board for a recommendation on Local Law Introduction 11 of 2022 revisions to the Zoning Law to expand the Harmon/South Riverside Gateway area and to modify the regulations for that area to encourage Residential development and

Referral from Village Board for a recommendation on Local Law Introduction 12 of 2022 revisions to the Zoning Law to modify the regulations for the LI zoning district in the area near the Metro-North Croton-Harmon Train Station to allow for transit-oriented development.

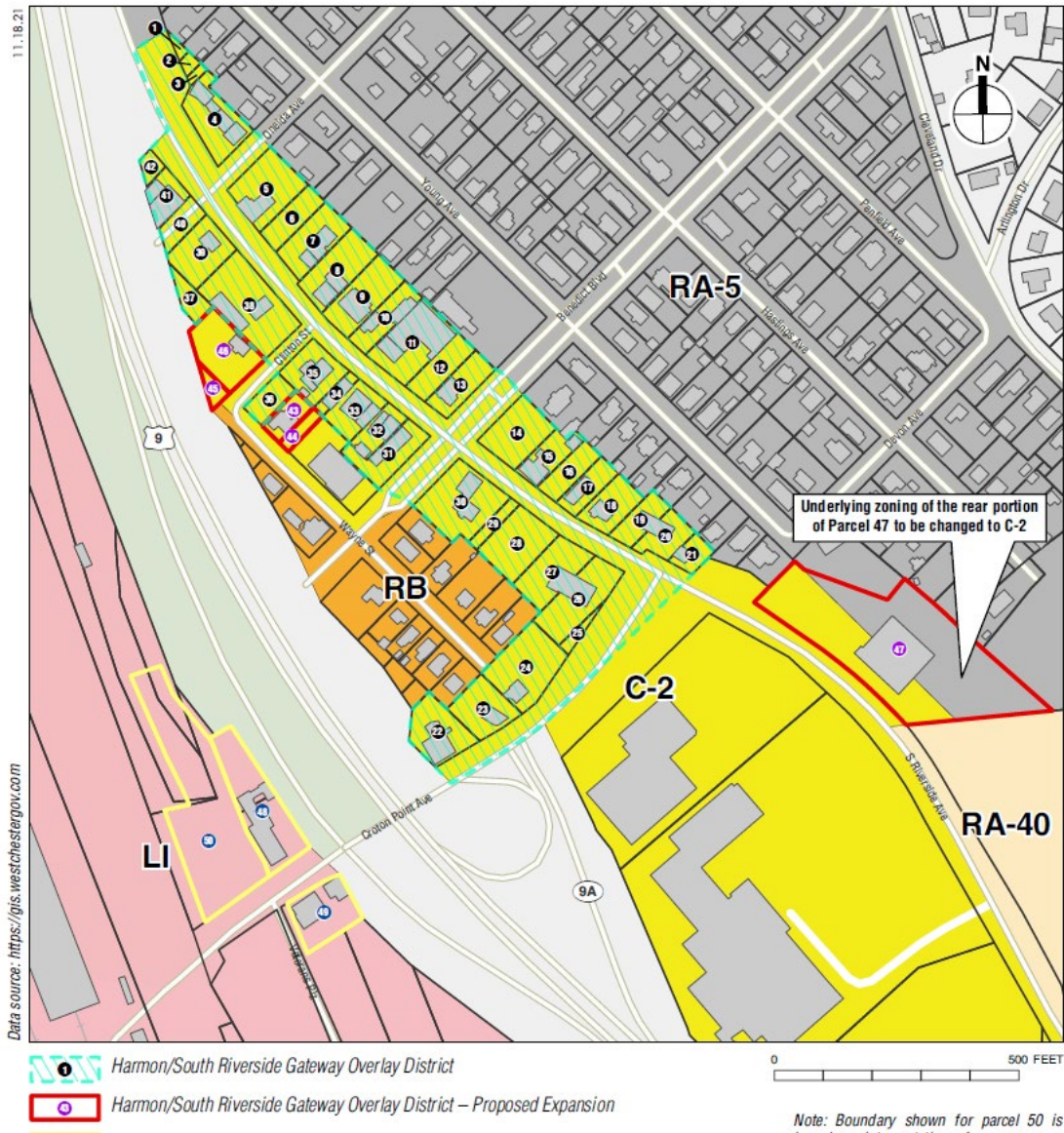
DATE: September 23, 2022

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At its regularly scheduled meeting on September 13<sup>th</sup>, 2022, the Planning Board of the Village of Croton-on-Hudson reviewed the referrals from the Village Board regarding the proposed Local Laws referenced above. The board noted that the FEAF part 3 was a very thorough analysis and a professionally prepared document. The Planning Board's recommendations are noted below for each proposed local law.

**Local Law Introduction 11 of 2022**

The Harmon/South Riverside Gateway Overlay District is proposed to be expanded to include five additional parcels. Two parcels on Clinton Street, two on Wayne Street and one on South Riverside Avenue across from ShopRite. The parcels to be added are shown outlined in red in the image below.



Planning Board is in favor of expanding the Gateway Overlay district to include these additional five parcels as indicated below.

**Section 3.** Chapter 230 Attachment E, Gateway Districts Location, is amended to add the following Tax Map Lots to the Harmon/South Riverside Gateway District, and these lots are hereby rezoned to be included in the Harmon/South Riverside Gateway District.

Tax Map Lots numbered 79.13-1-76, 79.13-1-77, 79.13-1-83, 79.13-1-84, 79.13-2-91

The Planning Board also discussed the elimination of the requirement for the third story to be in the roofline of the building. This requirement typically requires that dormers be added to the roof to provide some additional floor area on the third floor with normal ceiling heights of eight feet in the dormered areas. Third floor apartments built in the roofline have less floor area than second floor apartments and have sloped ceilings in areas near exterior walls with ceiling heights as low as five feet. The smaller floor areas and sloped ceilings with lower heights compared to second floor apartments make the third-floor apartments less spacious and slightly less usable. The elimination of this requirement would allow apartments with the same floor areas and ceiling heights as second floor apartments to be constructed on the third floor including any required AFFH apartments on the third floor. The Planning Board is in favor of the “in the roofline” requirement being eliminated from the Gateway Overlay district requirements.

[1] Maximum floor area ratio (FAR) shall be 0.8.

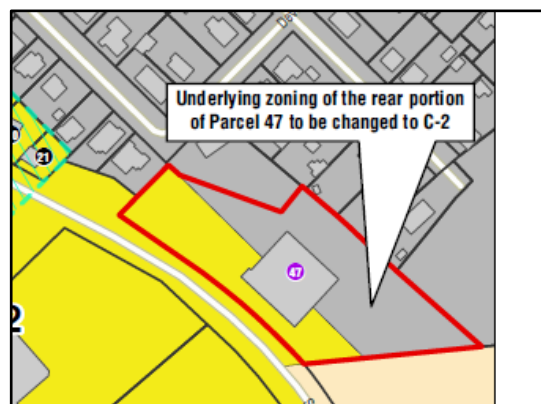
[2] Maximum height shall be 35 feet/three stories; **provided, however, that the third story must be constructed within the roofline of the building.**

D. Maximum height. Maximum height shall be as permitted for the underlying zone as provided elsewhere in this Chapter, except for the following:

- (1) Maximum height for mixed use **or multi-family residential** development in the Harmon/South Riverside Gateway area shall be 3 stories and 35 feet, **Provided, however, the third story must be constructed within the roofline of the building, as set forth in §230-20.3B(3) above.**
- (2) Maximum height for buildings within the C-2 Zoning District in the Municipal Place Gateway area on lots fronting on Municipal Place shall be 3 stories and 35 feet.

The draft local law also proposes to rezone the rear portion of parcel 47 (shown in image below) from RA-5 to C-2.

**Section 4.** The rear portion of the property known as Tax Map Lot numbered 79.13-2-91 is hereby rezoned from RA-5 to C-2 such that the entire Tax Map Lot is zoned C-2 and the zoning map shall hereby be amended to reflect such change.



The Planning Board notes that parcel 47 is currently a split-zoned parcel with the portion along South Riverside Avenue zoned C-2 and the rear portion zoned RA-5. Section 230-7A(4) (see below) of the Zoning Code addresses lots that have split zoning.

- (4) In all cases where a lot in one ownership is divided by a district boundary and more than 50% of the area of such lot lies in the less restricted district, the regulations prescribed by this chapter for the less restricted district shall apply to such portion of the more restricted district. For the purposes of this section, the more restricted district shall be deemed that district which is subject to regulations which either prohibit the particular uses permitted in the district covering the remaining portion of said lot or which regulations require higher standards with respect to setback, coverage, yards, screening, landscaping and similar requirements.

The latest site plan (see image of portion of site plan below) for parcel 47 indicates that greater than 50% of the parcel is zoned C-2 so as per section 230-7A(4) of the Zoning Code the C-2 regulations would currently apply to the rear portion of parcel 47. The rezoning of the entire parcel to C-2 would make the applicable zoning regulations clear on the zoning map and for those intending to develop the parcel. The Planning Board is in favor of the rezoning of the rear of parcel 47 to C-2.

* ZONE AREA CALCULATION	
LOT #1 AREA (C-2 ZONE)	±42,649.45 S.F.
LOT #1 AREA (RA-5 ZONE)	±41,331.37 S.F.
LOT #1 TOTAL AREA	±83,980.82 S.F.
LOT #1 AREA (C-2 ZONE)	$\pm 42,649.45 \text{ S.F.} \div 83,980.82 = .507 \times 100 = 50.79\%$
LOT #1 AREA (RA-5 ZONE)	$\pm 41,331.37 \text{ S.F.} \div 83,980.82 = .492 \times 100 = 49.21\%$
* VILLAGE ZONING CODE SECTION 230-7(A)(4): IN ALL CASES WHERE A LOT IN ONE OWNERSHIP IS DIVIDED BY A DISTRICT BOUNDARY AND MORE THAN 50% OF THE AREA OF SUCH LOT LIES IN THE LESS RESTRICTED DISTRICT, THE REGULATIONS PRESCRIBED BY THIS CHAPTER FOR THE LESS RESTRICTED DISTRICT SHALL APPLY TO SUCH PORTION OF THE MORE RESTRICTED DISTRICT. FOR THE PURPOSES OF THIS SECTION, THE MORE RESTRICTED DISTRICT SHALL BE DEEMED THAT DISTRICT WHICH IS SUBJECT TO REGULATIONS WHICH EITHER PROHIBIT THE PARTICULAR USES PERMITTED IN THE DISTRICT COVERING THE REMAINING PORTION OF SAID LOT OR WHICH REGULATIONS REQUIRE HIGHER STANDARDS WITH RESPECT TO SETBACK, COVERAGE, YARDS, SCREENING, LANDSCAPING AND SIMILAR REQUIREMENTS.	

The proposed local law would allow buildings containing multifamily residential uses as an additional special permit use in the Harmon/South Riverside Gateway Overlay district at the same maximum FAR (0.8) and height (3-stories/35 feet) currently allowed by special permit for mixed-use buildings.

(3) In the Harmon/South Riverside Gateway District area, mixed use **or multi-family residential buildings**, 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:

D. Maximum height. Maximum height shall be as permitted for the underlying zone as provided elsewhere in this Chapter, except for the following:

- (1) Maximum height for mixed use **or multi-family residential** development in the Harmon/South Riverside Gateway area shall be 3 stories and 35 feet, ~~Provided, however, the third story must be constructed within the roofline of the building, as set forth in §230-20.3B(3) above.~~



The Planning Board discussed the new multi-family use compared to the currently allow mix-use which allows apartments on the second and third floors and rear portion of the first floor. The requirement in mixed-use buildings to locate the apartments in the rear portion of the first floor maintains the commercial nature and streetscape of the Harmon business district and provides a diversity of business uses at the same time giving property owners flexibility in allowing residential uses on a portion of the first floor.

The current proposed revision to all multi-family instead of mixed-use building may over time change the Harmon business district into a business district with large multi-family buildings having no commercial store fronts.

One example would involve parcels 8, 9 and 10 which are under single ownership. Redevelopment of these parcels as a group could allow for a large multi-family building in the middle of the Harmon Business District and result in a good portion of the block with no commercial store fronts.





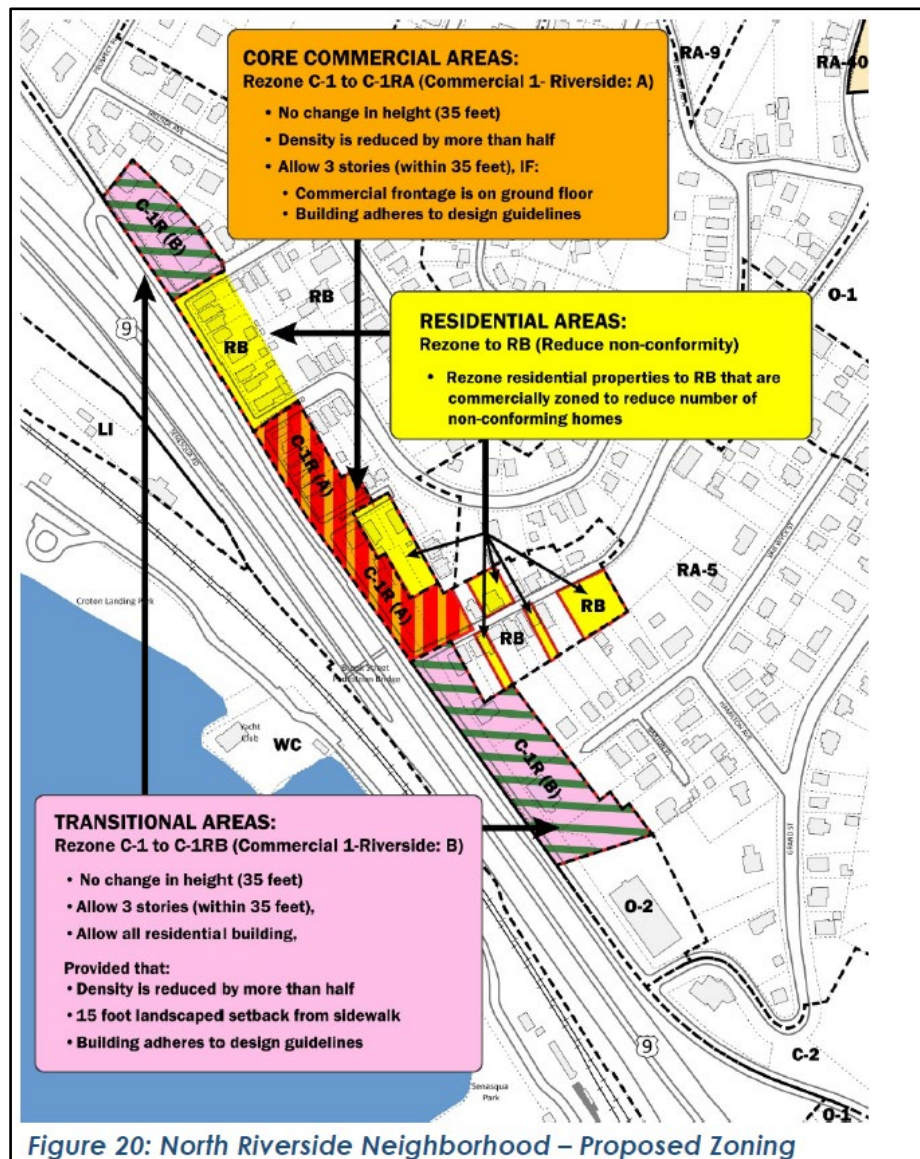
The massing of a possible future multi-family building is shown in the image below (shaded area) along with the three existing buildings.



Parcels 8, 9 and 10 are shown outlined in yellow in the image below.

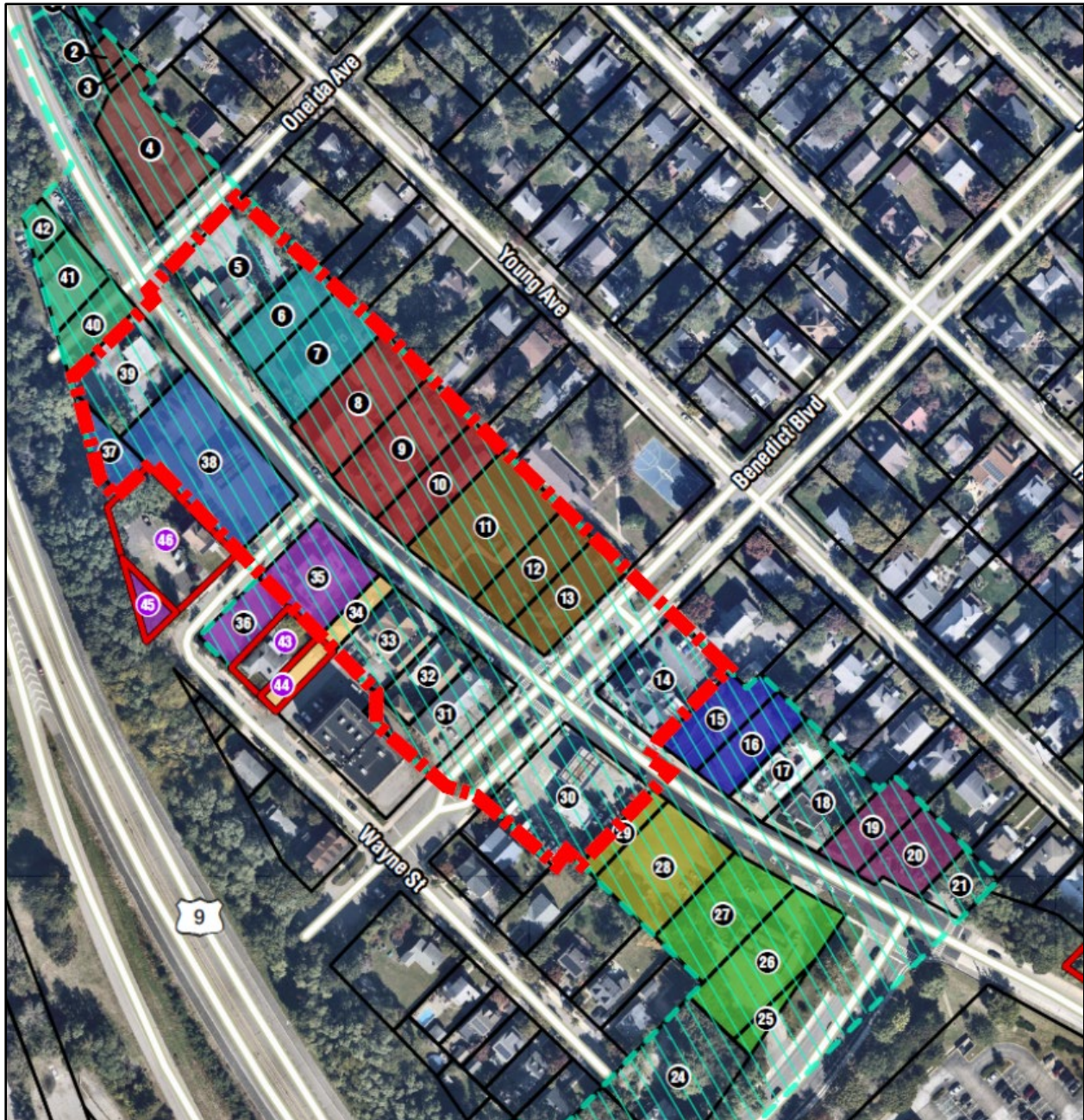


The Planning discussed the option of prohibiting the proposed multi-family use from certain areas of the Harmon/South Riverside Avenue gateway overlay district. This concept was used when rezoning the North Riverside neighborhood area as shown in the image below from the *Municipal Place Gateway and North Riverside Neighborhood Zoning Study (October 2019)*. Multi-family buildings were prohibited in the core business area, C-1R(A) zoning district, and limited to the transition areas, C-1R(B) zoning district, leading into the core business area.





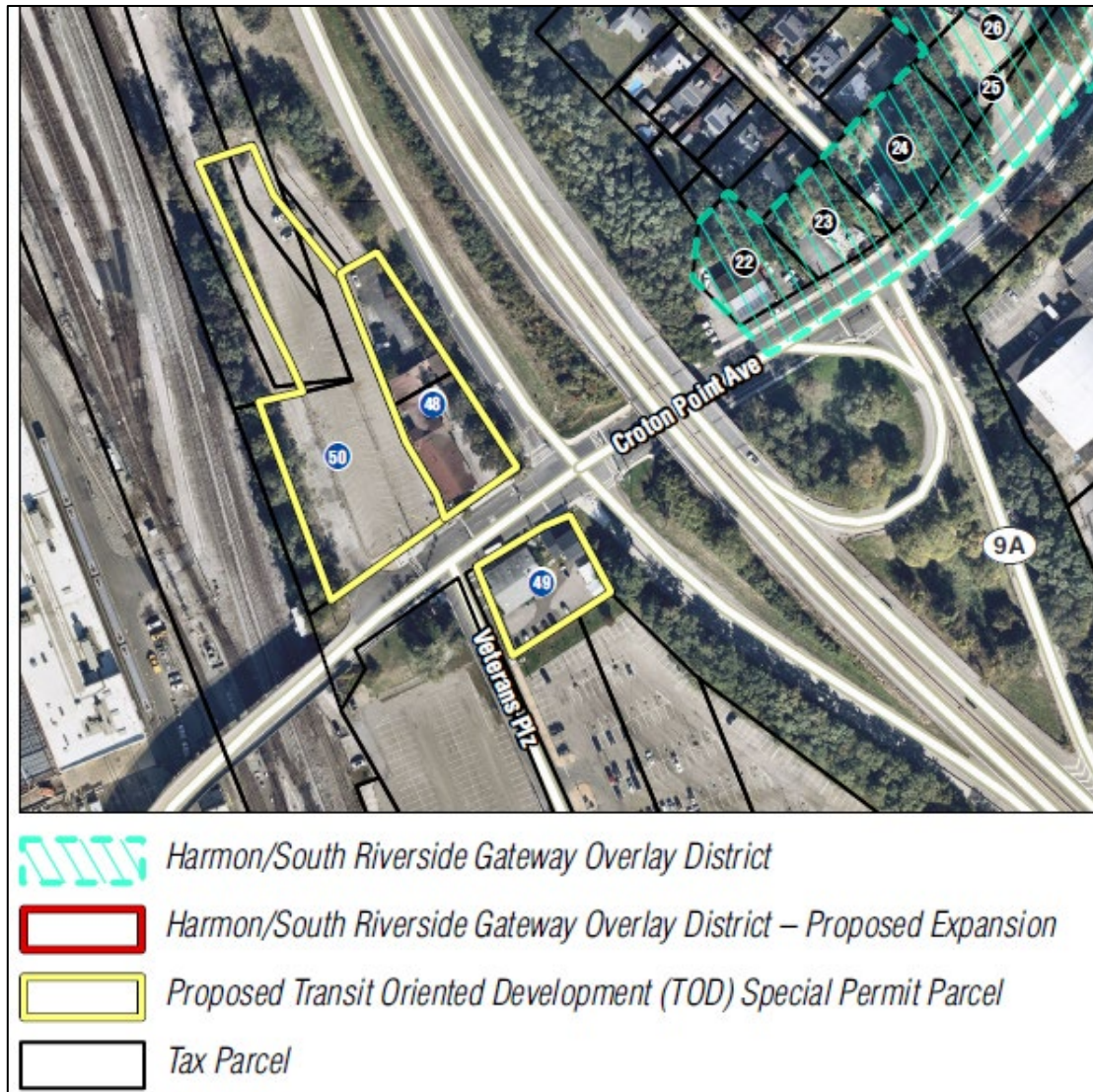
The Planning Board discussed areas of the Harmon/South Riverside Gateway Overlay District that should NOT have multi-family use as an allowed use and believes that this area should be along South Riverside Avenue from Oneida Avenue to one parcel south of Benedict Boulevard, the area is outlined with a heavy dashed red line in the image below.





**Local Law Introduction 12 of 2022**

The allowable uses in the Light Industrial Zoning District are proposed to be expanded to include Transient Orientated Development (TOD) on three parcels on Croton Point Avenue just west of Route 9: parcels 48, 49 and 50; as shown in the image below.



The Planning Board felt that this was an excellent area for TOD given the proximity to the Croton-Harmon Train Station, parks, food stores and other business. It was noted that mixed-use and multi-family buildings with an FAR of 1.2 and five stories would be permitted in the proposed TOD area in the LI district. The Planning Board reviewed the viewshed analysis for the five-story building and agreed that a five-story building would not present a significant adverse visual impact when view from residences on Young Avenue and Hastings Avenue and adjacent streets.

It was noted that the impact on the Croton Harmon Union Free School District was considered in the FEAF Part 3 analysis.

There appears to be some missing words in proposed section 230-18D as indicated below.

**Section 2.** Section 230-18.D of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

D. The above uses except for shall comply with the area and bulk standards listed in § 230-37, including the minimum lot size of three acres, except that the Village Board of Trustees may, by the issuance of a special permit, allow a lot area of less than three acres but not less than one acre, and except that for a Transit Oriented Development of mixed use or multi-family residential the minimum lot area shall be 10,000 square feet.

The Planning Board reviewed the items in section 230-180A(1) for the proposed zoning text changes as follows:

*230-180A(1) (a) Whether such change is consistent with the aims and principles embodied in the chapter as to the particular districts concerned.*

The aims and principles of the chapter are stated in section 230-2 of the Zoning Code and the allowed uses in the C-2 are listed in section 230-17 and for the Gateway overlay district in section 230-20.3 and for the LI district in section 230-18. The Planning Board felt that the proposed text changes noted above are consistent with the aims and principles embodied in the Zoning Chapter for the C-2 district covered by the Gateway overlay and the portion of the LI district being rezoned for TOD use. Residential uses are currently allowed in the C-2 district and in the LI as transient residential uses.

*230-180A(1)(b) Which areas and establishments in the Village will be directly affected by such change and in what way they will be affected.*

The areas in the Gateway Overlay District and new TOD area in the LI district will be directly affected with new special permit uses being allowed on these properties which will allow for greater flexibility for property owners in developing or redeveloping their properties. An increase in dwelling units will generally increase the customer base for business establishments in the area.

*230-180A(1)(c) The indirect implications of such change in its effect on other regulations.*

An increase in applications for special permits may result from the proposed text changes.



*230-180A(1)(d) Whether such proposed amendment is consistent with the aims of the Comprehensive Plan of the Village.*

The increase in the Gateway Overlay District Area and the establishment of multi-family use as a special permitted use in the Gateway Overlay and LI districts has the potential to produce additional dwelling units that are not single-family houses. This will diversify the types of dwelling units and add some affordable dwelling units (10%) which is consistent with the Village's Comprehensive Plan.

And the Planning Board reviewed the items in section 230-180A(2) for the proposed zoning map changes as follows:

*230-180A(2) (a) Whether the uses permitted by the proposed change would be appropriate in the area concerned.*

The zoning map change will rezone parcel 47 from a split zoned parcel (C-2 and RA-5) to all C-2 with Gateway Overlay District. As stated above the split zoned parcel is effectively zoned C-2 already since the area with C-2 zoning is greater than 50% of the lot area and therefore the regulations of the C-2 district apply to the entire parcel. Four other parcels on Clinton and Wayne Streets will have the Gateway Overlay District expanded to cover these parcels. The new use permitted on these parcels will be multi-family use. This use is appropriate since mixed-use is already an allowed special permitted use that permitted dwellings on the second and third floors and the rear half of the first floor.

*230-180A(2) (b) Whether adequate public-school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change.*

The analysis in the FEAF indicates that adequate public-school facilities and other public services exist or can be created to serve the needs of additional residences likely to be constructed. It is very likely that it will take many years if not decades to reach a sizable percentage of the calculated maximum buildout of the area, if it ever occurs. Public utilities with some water system distribution improvements have the capacity to serve the additional residences.

*230-180A(2) (c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.*

There is a plan by Historic Hudson Valley to make improvements at the Van Cortlandt Manor National Historic Landmark site at the end of South Riverside Avenue. There is also a plan to install solar canopies at the Croton-Harmon train

station parking lot. The zoning changes should not have any direct effect on these plans.

*230-180A(2) (d) The effect of the proposed amendment upon the growth of the Village as envisaged by the Comprehensive Plan.*

The proposed amendment would likely result in population growth of the Village due to the increase in dwelling units. The additional dwelling units were envisaged in the 2017 Comprehensive Plan as stated below.

*“Recent development in the Village has provided needed additional housing units. However, with the exception of Half Moon Bay, these developments have provided mainly single-family homes best suited for families. At the same time, the demand for appropriately-sized, affordable housing for aging Croton-on-Hudson residents, young couples without children, and Village personnel is growing. The Village has worked with the Croton Housing Network to provide housing to meet these needs throughout the Village. To date, housing units, both rental units and individually owned homes, have been created on Bank Street, Brook Street, at Mount Airy Woods, the Westwind Subdivision and at the Half Moon Bay condominium development. Maintaining and creating lower cost, smaller-sized single or multi-family dwellings remains a priority in order to maintain the demographic diversity of the Village.”*

*230-180A(2) (e) Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Village and the probable effect thereof.*

The proposed amendment will likely result in an increase in the total zoned residential capacity of the Village due to the proposed multi-family use. The change will likely result in additional non-single-family dwelling units, some affordable dwelling units, and additional businesses. An increase in customers for existing business establishments is also likely. Some minor traffic impacts may occur as the number of dwelling units increase however this would be mitigated by the use of mass transit and alternate forms of transportation such as e-bikes, etc.

In summary, the Planning Board (5-0) recommends Local Law Introductory 11 and 12 of 2022 with the above noted items taken into consideration by the Village Board.