

Draft 4/30/14

VILLAGE OF COLD SPRING LOCAL LAW NO. of 2014

A LOCAL LAW TO AMEND VILLAGE CODE CHAPTER 134 BY AMENDING VILLAGE CODE SECTIONS 134-2, "DEFINITIONS," 134-3, "LISTING OF DISTRICTS," 134-4 "ZONING MAP" AND 134-15, "REGULATIONS FOR B-4 DESIGNATED MEDICAL, HEALTH CARE FACILITY DISTRICT"

SECTION 1. PURPOSE

The purpose of this Local Law is to enact conditional zoning adding a new sub-district to the B4 District. The existing B-4 district will remain, and the new sub-district will be named "B-4A – Medical and Health Care Facility Mixed Use District." Additionally, the zoning designation of certain real property presently zoned "B-4" will be conditionally changed to "R-1."

SECTION 2. AMENDMENT OF CODE

1. Village Code Section 134-2 (B) "Definitions" - "Senior Citizen Housing" is deleted in its entirety and amended to read as follows:

"SENIOR CITIZEN HOUSING-Age-restricted housing facilities which meet the special housing needs of senior citizens, limit occupancy of each dwelling to no more than two (2) persons, and comply with the "housing for older persons" exception from the federal Fair Housing Act, as amended (42 U.S.C. s.3607(b)(1)-(5))."

2. Village Code Section 134-3 "Listing of Districts" is hereby amended to add a sub-district "B-4A" named "Medical and Health Care Facility Mixed Use District."
3. Village Code Section 134-4 "Zoning Map" is hereby amended to add to the Village's Zoning District Map a new Zoning District known as the "B-4A Medical and Health Care Facility Mixed Use District" which shall be shown upon the Zoning Map as the area BEGINNING at the point on the southwesterly line of Paulding Avenue that is distant S64°50'46"E 240.25 feet measured southeasterly along the said southwesterly line of Paulding Avenue from another point thereon where it is met by the line dividing the lands of Butterfield Realty LLC, on the southeast from the lands shown on that certain "Final Subdivision Plat of 'The Grove'" which was filed in the Putnam County Clerk's Office on March 5, 2003 as Map No. 2924, on the northwest: THENCE from the said point of beginning southeasterly along the said southwesterly line of Paulding Avenue S64°50'46"E 282.85 feet, to the point where it meets the northwesterly line of N.Y. State Route 9d; thence southwesterly along said northwesterly line of N.Y. State Route 9d, first S57°57'19"W 506.11 feet, then on a non-tangent curve to the right, the center of which bears N32°25'17"W, the central angle of which is 47°21'44", the radius of which is 608.00 feet for 502.59 feet to a point at the line of lands now or formerly of Sugarloaf Land Co., Inc.; thence along the said Sugarloaf Land Co., Inc. lands and continuing along the

southeasterly line of lands shown on said Filed Map No. 2924 N37°47'38"E 617.75 feet to a point; thence through the lands of Butterfield Realty, LLC S64°50'46"E 261.55 feet, and N25°09'14"E 95.00 feet to the southwesterly line of Paulding Avenue and the point or place of beginning. Provided, however, that in the event that the said property is not actually developed in substantial conformity with the annexed concept plan, then the Zoning Map designation will revert to B-4.

4. Village Code Section 134-4 "Zoning Map" is hereby amended to change upon the Village's Zoning District Map the district designation from B-4 (Designated Medical and Health Care Facility District") to R-1 ("One Family Residence District") of all the property in the area BEGINNING at the point on the southwesterly line of Paulding Avenue where it is met by the line dividing the lands of Butterfield Realty LLC, on the southeast from the lands shown on that certain "Final Subdivision Plat of 'The Grove' . . ." which was filed in the Putnam County Clerk's Office on March 5, 2003 as Map No. 2924, on the northwest: THENCE from the said point of beginning southeasterly along the said southwesterly line of Paulding Avenue S64°50'46"E 240.25 feet to a point; thence through the lands of Butterfield Realty, LLC S25°09'14"W 95.00 feet and N64°50'46"W 261.55 feet to a point on the line of the said lands shown on Filed Map No. 2924; thence along the lands shown on Filed Map No. 2924 N37°47'38"E 97.36 feet to the southwesterly line of Paulding Avenue and the point or place of beginning. Provided, however, that in the event that the said property as well as the above-listed property that is subject to the conditional zoning change to B-4A is not developed in substantial conformity with the annexed concept plan, then the Zoning Map designation will revert to B-4.
5. A footnote shall be added to Village Code §134-4 stating that the change in zoning of the property described in this Local Law from B-4 to B-4A and B-4 to R-1 is conditioned upon and shall commence and be effective upon approval of a site plan that substantially conforms to the annexed concept plan. Provided, however, that in the event that the said property is not actually developed in accordance with the terms and provisions of the approved site plan, then the Zoning Map designation will revert to B-4. For purposes of this Local Law, the term "substantial conformity" shall mean that:
 - (a) there shall be no increase in the number of buildings shown on the concept plan;
 - (b) the size of the buildings shown on the concept plan may be decreased, but shall not be increased, except for the three proposed single family homes which may be of any size conforming to applicable zoning;
 - (c) the locations of the buildings shall not be altered by more than 15 feet in any direction unless the planning board determines greater flexibility is warranted to accommodate unanticipated site conditions or aesthetic considerations, under such specific circumstances a building may be moved no more than 25 feet in any direction;
 - (d) the orientation of the individual buildings depicted on the concept plan shall not vary more than 10 degrees, unless the planning board determines greater flexibility is warranted to accommodate unanticipated site conditions or aesthetic considerations,

under such specific circumstances the orientation of individual buildings may vary no more than 15 degrees. Building orientation restrictions shall not apply to the three proposed single family homes;

- (e) the “Gateway Park Area” depicted on the concept plan shall not be decreased by more than 10%, the “Gateway Park Area” shall not be included in any calculation of resident community space;
 - (f) the uses on the property shall not deviate from those listed in Section 134-15A (B) of the B4-A zoning district.
6. Village Code Section 134-15 shall be amended to add the following language at the end of that Section as follows:

Section 134-15A Medical and Health Care Facility Mixed Use District.

The following regulations shall apply in the B-4A District:

A. Site plan review and approval. In each case where a building use or mixed use development is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building(s) and use(s) to the planning board for its review under Article VIII of this chapter. The planning board shall be authorized to determine that all requirements of this chapter have been met, including any additional requirements referenced in §134-4 and standards required for special use permits under §134-16B and E, with the planning board having sole authority to apply appropriate standards and safeguards in accordance with 134-16E(4) and additional standards under §134-16G for Senior Citizen Housing in the B4-A zoning district. After holding a public hearing on each case, following the procedure required for approval of site plans under the Village Law, the planning board shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the planning board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted uses.

- (1) Any use permitted in an R-1 District.

- (2) Hospital and sanatorium.
- (3) Nursing home and health-related facility.
- (4) Senior Citizen Housing of up to fifty-five units, which complies with the applicable requirements of 134-16G(3) (a) and (b), with the following exceptions: (1) every unit shall be occupied by at least one person who is at least fifty-five years of age and there shall be no residents under the age of 18; (2) up to two bedrooms may be provided per unit, with occupancy limited to no more than two persons; (3) compliance with age restrictions for Senior Citizen Housing in the B-4A Zoning District shall be a condition of site plan approval and 134-16G(3) (a) [8] shall apply to assure continued compliance with approval conditions; (4) the community space for the use of residents required by Section 134-16(G) (3) (a) (11) need be only five percent of the total floor area of the residential buildings if outdoor community space equaling at least five percent of the total floor area of the residential buildings is provided. Outdoor community space shall include all those identified areas in and around the senior housing units that are specifically dedicated for active and/or passive outdoor recreational use by senior residents.
- (5) Municipal and other government uses.
- (6) Privately owned facilities leased to a municipal or government entity, such as a United States post office.
- (7) Retail Stores at street-level, provided that the total square footage of retail space in the district does not exceed 13,000 square feet and that no single building in the district shall have more than 7,000 square feet of retail space.
- (8) Business and professional offices, provided that the total square footage of business and professional office space in any one building shall not exceed 17,500 square feet and the total amount of square footage of business and professional

office space in the district shall not exceed 32,500 square feet.

- (9) Banks.
- (10) Mixed uses, consisting of two or more permitted uses in the district.
- (11) Personal Service Shops.
- (12) Coffee shop or luncheonette, with counter service and customer seating for a maximum of 15 customers and not exceeding 750 square feet, only permitted if in connection with a mixed use development

C. Prohibited Uses

Restaurants shall be prohibited uses in the B-4A District, in addition to any other uses prohibited by the Village Code, whether expressly or through omission of such use from the list of permitted uses.

D. Minimum requirements.

- (1) Lot area: 3 acres (120,000) square feet.
- (2) Lot width: two hundred (200') feet.
- (3) Lot depth: two hundred (200') feet.
- (4) Front Yard: For any use fronting on a Village Street other than a single family residence – 75 feet. For single family residence fronting on a Village street or State Highway – 25 feet or less as may be permitted by the planning board. For use (other than single family) fronting on a New York State Highway – 15 feet or less as may be permitted by the planning board.
- (5) Side Yard: 10 feet.
- (6) Combined side yard: 25 feet.
- (7) Rear Yard: 10 feet.

- (8) Open Space: 15 percent of total site area.
- (9) Off-street parking: see supplemental regulations in Subsection F and §134-18E.
- (10) Dwelling units may be the one-room efficiency type or one-bedroom units or two-bedroom units. The minimum floor area for an efficiency-type dwelling unit shall be five hundred (500) square feet. The minimum floor area for a one-bedroom dwelling unit shall be six hundred (600) square feet. The minimum floor area for a two-bedroom dwelling unit shall be nine hundred (900) square feet. No more than one (1) person shall be permitted to occupy an efficiency unit and no more than two (2) persons shall be permitted to occupy a one-or two-bedroom dwelling unit.

E. Maximum permitted.

- (1) Building height. Stories: two and one-half (2.5); Feet: thirty-five (35).
- (2) Building percentage of lot coverage: Twenty-five percent (25%).
- (3) Senior Citizen Housing: 55 units.

F. Supplementary regulations applying to B-4A Medical and Health Care Facility Mixed Use District.

- (1) Entrances and exit driveways shall be located with the approval of the Planning Board and the New York State Department of Transportation where its authority exists or extends.
- (2) All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides.
- (3) All loading and unloading shall be off the street and on the property according to the plan approved by the Planning Board.

- (4) No access (other than emergency access) shall be provided from a Village Street to any use other than a single family residential use.
- (5) The requirements of §134-17 and §134-18 shall be applicable to this district.
- (6) 134-15A(F)(6) Senior Citizen Housing shall be a permitted use in the district and comply with the applicable requirements of §134-16G(3) (a) and (b) with the following exceptions:
 - (1) every unit shall be occupied by at least one person who is at least fifty-five years of age and there shall be no residents under the age of 18;
 - (2) up to two bedrooms may be provided per unit, with occupancy limited to no more than two persons;
 - (3) compliance with age restrictions for Senior Citizen Housing in the B-4A Zoning District shall be a condition of site plan approval and 134-16G(3) (a) [8] shall apply to assure continued compliance with approval conditions;
 - (4) the community space for the use of residents required by Section 134-16(G) (3) (a) (11) need be only five percent of the total floor area of the residential buildings if outdoor community space equaling at least five percent of the total floor area of the residential buildings is provided. Outdoor community space shall include all those identified areas in and around the senior housing units that are specifically dedicated for active and/or passive outdoor recreational use by senior residents. The following shall not apply to the B-4A District: §§134-16G (3) (c), (d), (e), and (f).
- (7) Parking: Parking requirements in the B-4A district shall be as set forth in §134-18E including the following provision:

The planning board may reduce the required parking space for any use up to 20 percent when shared parking amongst uses can be demonstrated.

Where parking is sufficient for existing uses as of the date of this amendment, no additional parking shall be required for said use, however such parking shall not be decreased.

- (8) Landscaping: Landscape planting shall be shown on the site plan for the areas around and between all buildings, around the perimeter of and within parking areas and along streets and driveways. Pedestrian site improvements, such as sidewalks, paths, and benches, shall be provided. The planning board shall in its discretion determine suitable landscaping with a preference for trees and plantings that are non-invasive, non-allergenic and of an urban-tolerant species.
- (9) Green Building and Energy Efficiency: Future development should be consistent with the Village's desire to create a more sustainable community by encouraging the use of green building and energy efficiency measures in the design, construction, and maintenance of buildings. The planning board shall promote these measures to the greatest extent practicable during the site plan review process.

SECTION 3. SEVERABILITY.

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

SECTION 4. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of State in Albany.