



Planning Board

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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

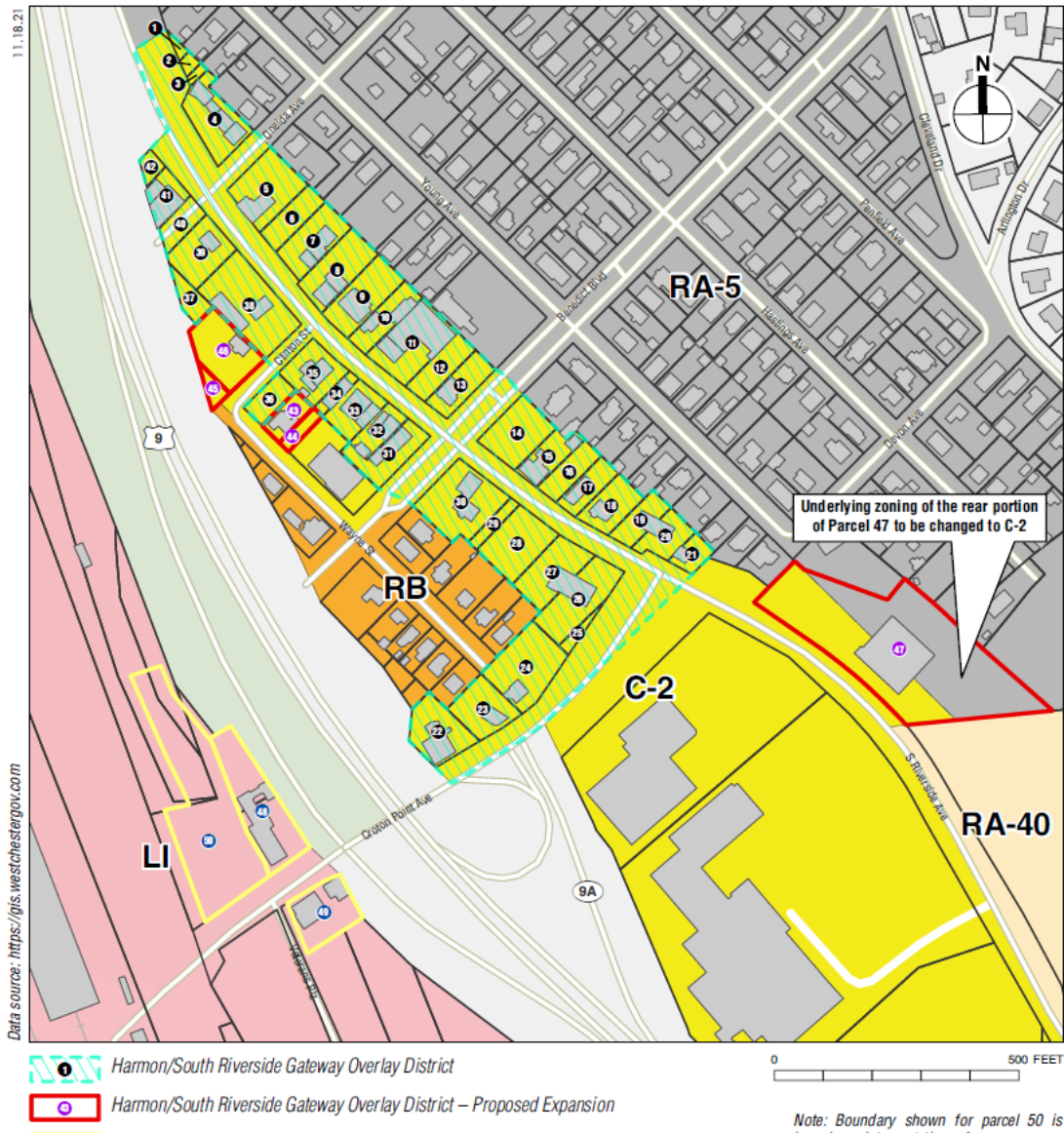
Referral from Village Board for a recommendation on Local Law Introduction 12 of 2022 revisions to the Zoning Law to modify the regulations for the LI zoning district in the area near the Metro-North Croton-Harmon Train Station to allow for transit-oriented development.

DATE: September 23, 2022

At its regularly scheduled meeting on September 15th, 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 EAF 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.

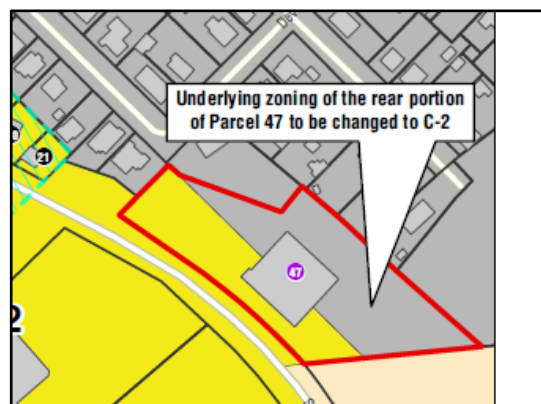
[2] Maximum height shall be 35 feet/three stories; ~~provided, however, that the third story must be constructed within the roofline of the building.~~

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.



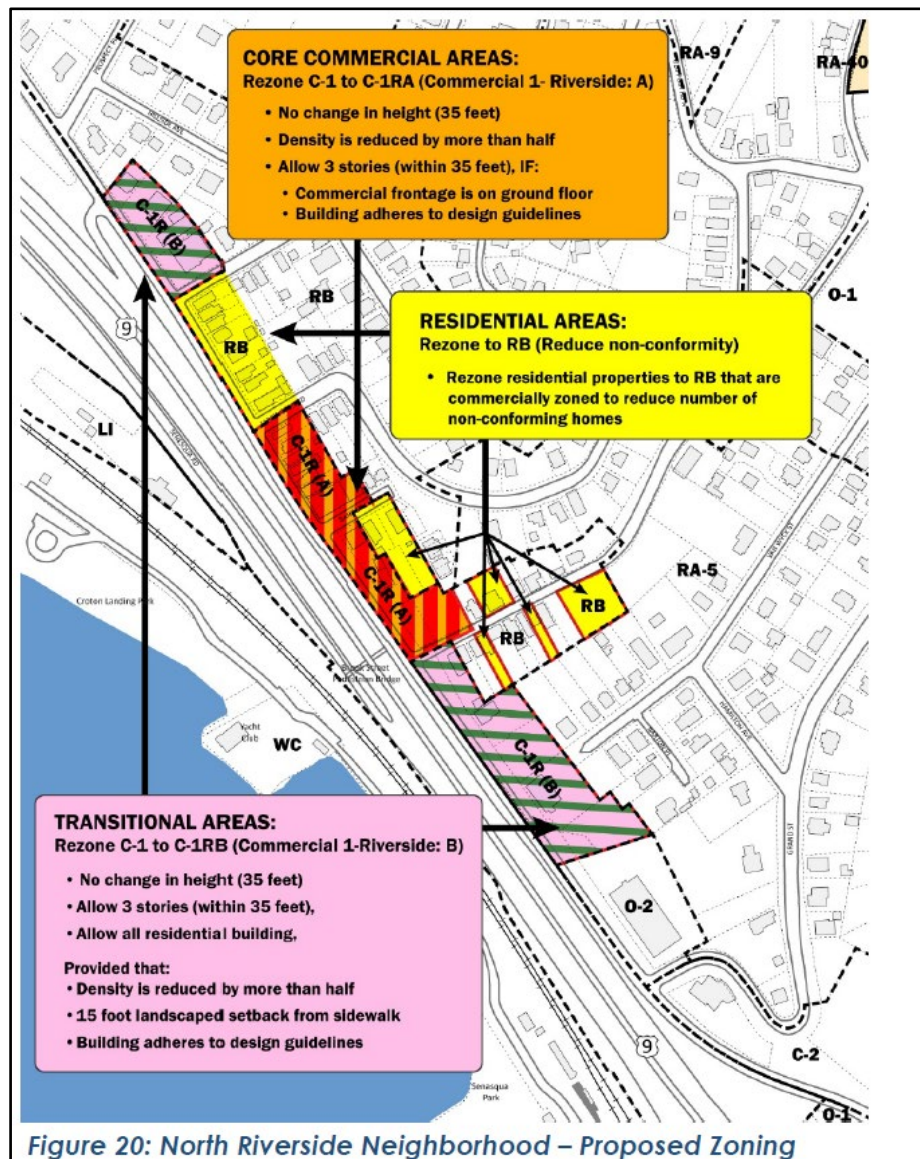
The massing of a possible future multi-family building is shown in the image below (shaded area) along with the three existing buildings.



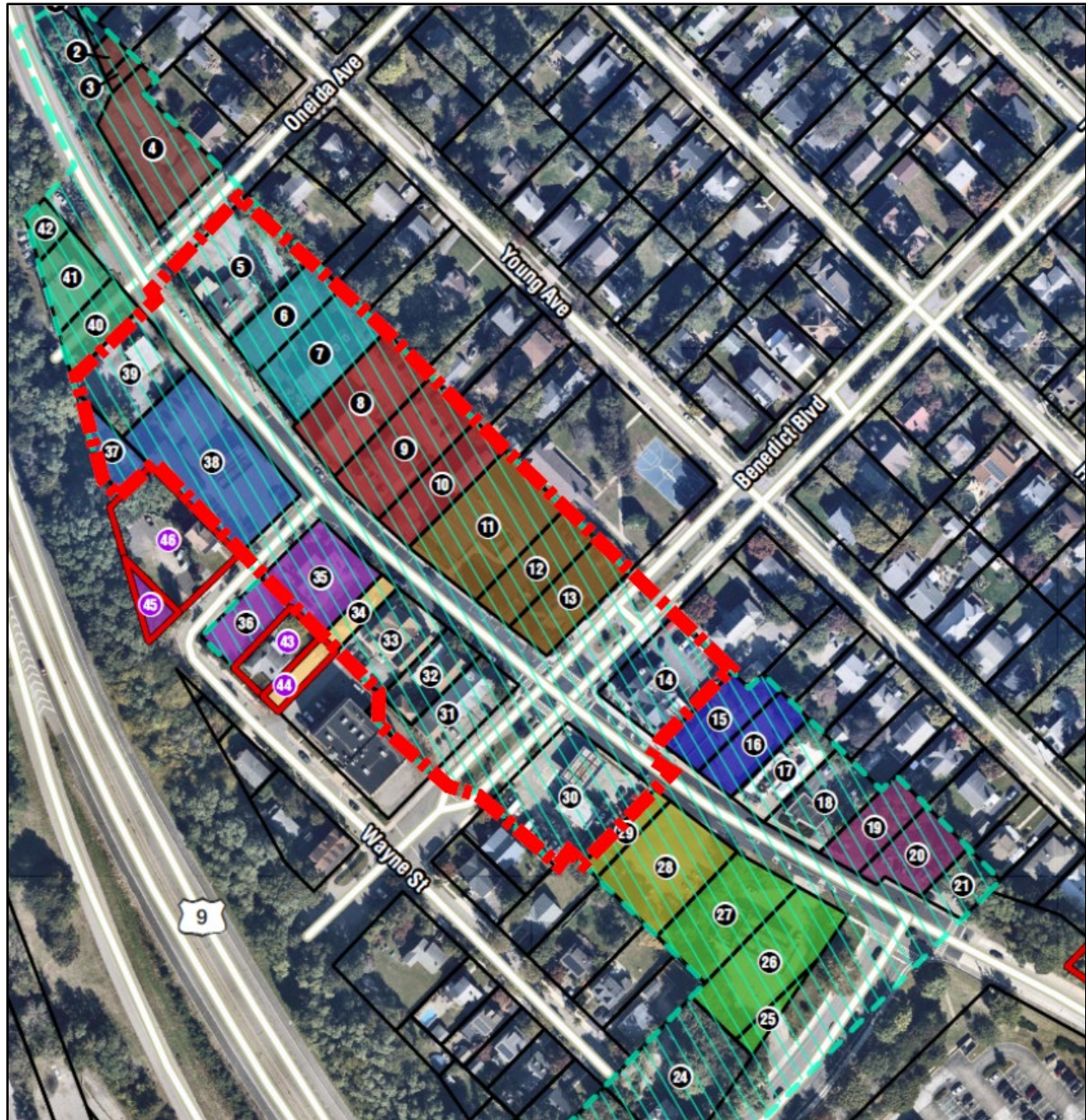
Parcels 8, 9 and 10 are shown outlined in yellow in the image below.



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.

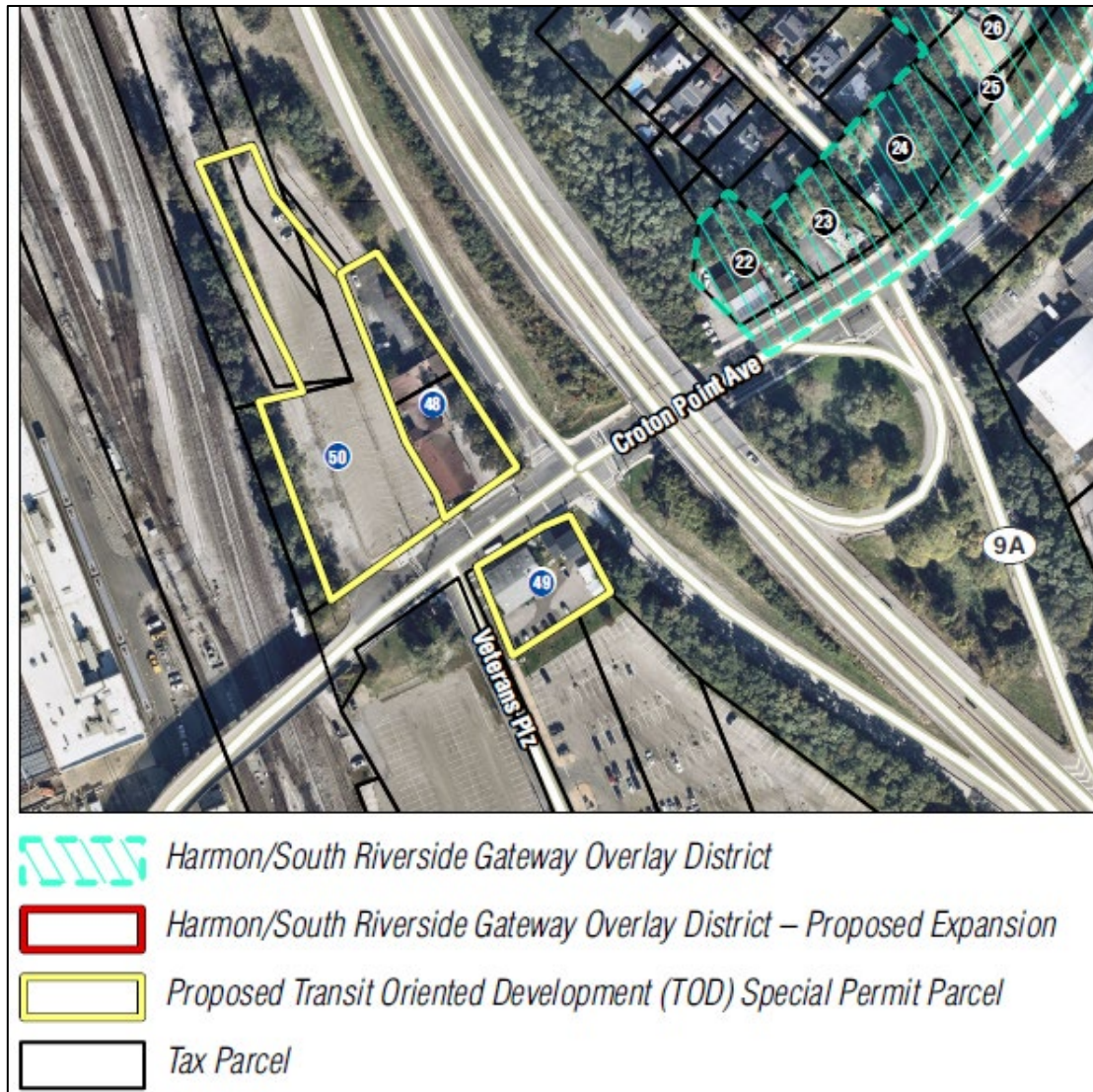


The Planning Board discussed areas of the Harmon/South Riverside Gateway Overlay District that should NOT have multi-family use as an allowed use and believes that this area should be along South Riverside Avenue from Oneida Avenue to one parcel north of Benedict Boulevard, the area is outlined with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

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.