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To: Village Board of Trustees
From: Bryan Healy, Village Manager
Date: July 15, 2024
Re: Zoning Petition for 1 Half Moon Bay Drive

On July 11, 2024, the Village received a zoning petition from 1 HMB Property Owner LLC, requesting that the Village Board of Trustees amend Section 230-18(C)(9) and Section 230-37(B) of the Zoning Code.

The purpose of amending Section 230-18(C)(9) would be to remove the requirement that transit-oriented multi-family residential development have frontage on Croton Point Avenue and to amend the distance requirement of such development from within 1,500 feet of the Croton-Harmon Train Station to one mile. The purpose of amending Section 230-37(B) would be to permit three-bedroom units and to modify the maximum permitted height of a building from five stories to six stories.

As I previously wrote to the Board on November 9, 2023, the property is used as a large warehouse used for tire distribution. The property owner has informed the Village that the current tenant plans to vacate the property at the end of their current lease.

The property is located within the Light Industrial (LI) zoning district. Listed below are the permitted uses in the LI district (those which require a special permit are noted with an asterisk):

1. Business and professional offices, including related showrooms
2. Railroad lines and stations
3. Motor vehicle parking structures and parking lots
4. Light manufacturing, assembling, converting, altering, finishing, cleaning or any other professing of products*
5. Research and design and development laboratories, excluding laboratories that use or process biological, radioactive and hazardous materials, heavy metals or asbestos*
6. Storage and dispensing of motor fuel and lubricants, but only as part of motor vehicle parking lots and of structures for the parking of motor vehicles*
7. Hotels, inns and restaurants*
8. Occasional retail sales incidental to the conduct of any uses permitted*
9. Utilities*
10. Warehousing and wholesaling; freight distribution centers and terminals*
11. Tier 3 solar energy systems*

A zoning petition is a purely discretionary action for the Village Board; it can be rejected outright or can be rejected after completing the standard review process outlined by the State Environmental Quality Review Act (SEQRA) and the Village's Local Waterfront Revitalization Program (LWRP).

The first action, if the Board would like to undertake the review process of this petition, would be to declare the intent to serve as Lead Agency under SEQRA (which requires a 30-day waiting period) and send the zoning petition to the Village Planning Board and Westchester County Planning Board for review and comment. After declaring Lead Agency, the Village Board would refer the petition to the Waterfront Advisory Committee for review in accordance with the Village's Local Waterfront Revitalization Program (LWRP). A public hearing on the zoning petition can also be scheduled at this time so the Village Board can hear from residents on its merits. Once the Village Board is comfortable moving forward, the Board will undertake its review of the Environmental Assessment Form (EAF Part II) and its consistency review with the LWRP. If the Village Board is satisfied that the zoning petition is consistent with the Village's LWRP and will not have any negative environmental impacts, the Village Board can direct the Village Attorney to draft legislation in accordance with the terms of the petition.

The Village Board, as it will be doing with the proposed development at Parking Lot A, has the ability to hire third-party consultants to review the submission, at the applicant's expense. This is provided for in Chapter 178, Professional Fees, of the Village Code. I have obtained a proposal from AKRF, Inc., to undertake these services for the Village. As we have used AKRF previously for projects such as the South Riverside rezoning study and drafting of the Lot A RFP, I recommend retaining their services for this review.

Please let me know if you have any questions regarding the above.