

INCORPORATED VILLAGE OF PIERMONT
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VIA: Certified Mail - Return Receipt

October 25, 2024

Town of Orangetown
26 Orangeburg Road
Orangeburg, NY 10962

Re: Village of Piermont Draft Introductory Local Law __ of 2024

RECEIVED
OCT 30 2024
TOWN OF ORANGETOWN
LAND USE BOARDS

To whom it may concern,

Enclosed please find a completed Referral Form for General Municipal Law Review, and the Draft introductory Local Law __ of 2024, Central Business Mixed-Use (CBM) District for your review.

Sincerely,

Jennifer DeYorgi Maher
Clerk-Treasurer

RECEIVED

OCT 28 2024

Town of Orangetown
Town Attorney's Office

VILLAGE OF PIERMONT
INTRODUCTORY LOCAL LAW NO. ____ OF THE YEAR 2024

A LOCAL LAW AMENDING CHAPTER 210 (ZONING) TO CREATE A NEW ZONING DISTRICT, THE CENTRAL BUSINESS MULTI-USE (CBM) DISTRICT, IN THE VILLAGE OF PIERMONT.

Be it enacted by the Board of Trustees of the Village of Piermont by authority of Article 2, §10 of the Municipal Home Rule Law, as follows:

Section 1: Legislative findings and intent. *The Board of Trustees the Village of Piermont hereby finds and declares:*

- A. The Village’s downtown is currently predominantly zoned Business B, which does not reflect the actual built conditions in terms of general bulk regulations.
- B. There are several exclusively multifamily structures within the downtown, with no ground story commercial, which is not a permitted or special permit use within the Business B District.
- C. The current Business B District encompasses a larger area than what is widely considered to be the Village’s downtown.
- D. It is the intent of this local law to correct the disparity between the existing Business B District requirements and the built environment and to promulgate regulations reflective of the existing built environment.

Section 2: Article I General Provisions. §210-3(A) (List of Districts), which currently reads as follows: .

A. *The Village of Piermont is hereby divided into the following zoning districts:*

<i>Symbol</i>	<i>District</i>
<i>R-80</i>	<i>Single-Family Residential</i>
<i>R-40</i>	<i>Single-Family Residential</i>
<i>R-20</i>	<i>Single-Family Residential</i>
<i>R-15</i>	<i>Single-Family Residential</i>
<i>R-10</i>	<i>Single-Family Residential</i>
<i>R-7.5</i>	<i>Single-Family Residential</i>
<i>R-1.25</i>	<i>Single-Family Residential</i>
<i>RM</i>	<i>Multifamily Residential</i>
<i>WF-1</i>	<i>Waterfront</i>
<i>WF-2</i>	<i>Waterfront</i>
<i>BB</i>	<i>Business B</i>
<i>BA</i>	<i>Business A</i>

Symbol

District

RD

Riverfront

Is hereby amended to read:

Symbol

District

R-80

Single-Family Residential

R-40

Single-Family Residential

R-20

Single-Family Residential

R-15

Single-Family Residential

R-10

Single-Family Residential

R-7.5

Single-Family Residential

R-1.25

Single-Family Residential

RM

Multifamily Residential

WF-1

Waterfront

WF-2

Waterfront

BB

Business B

BA

Business A

RD

Riverfront

CBM

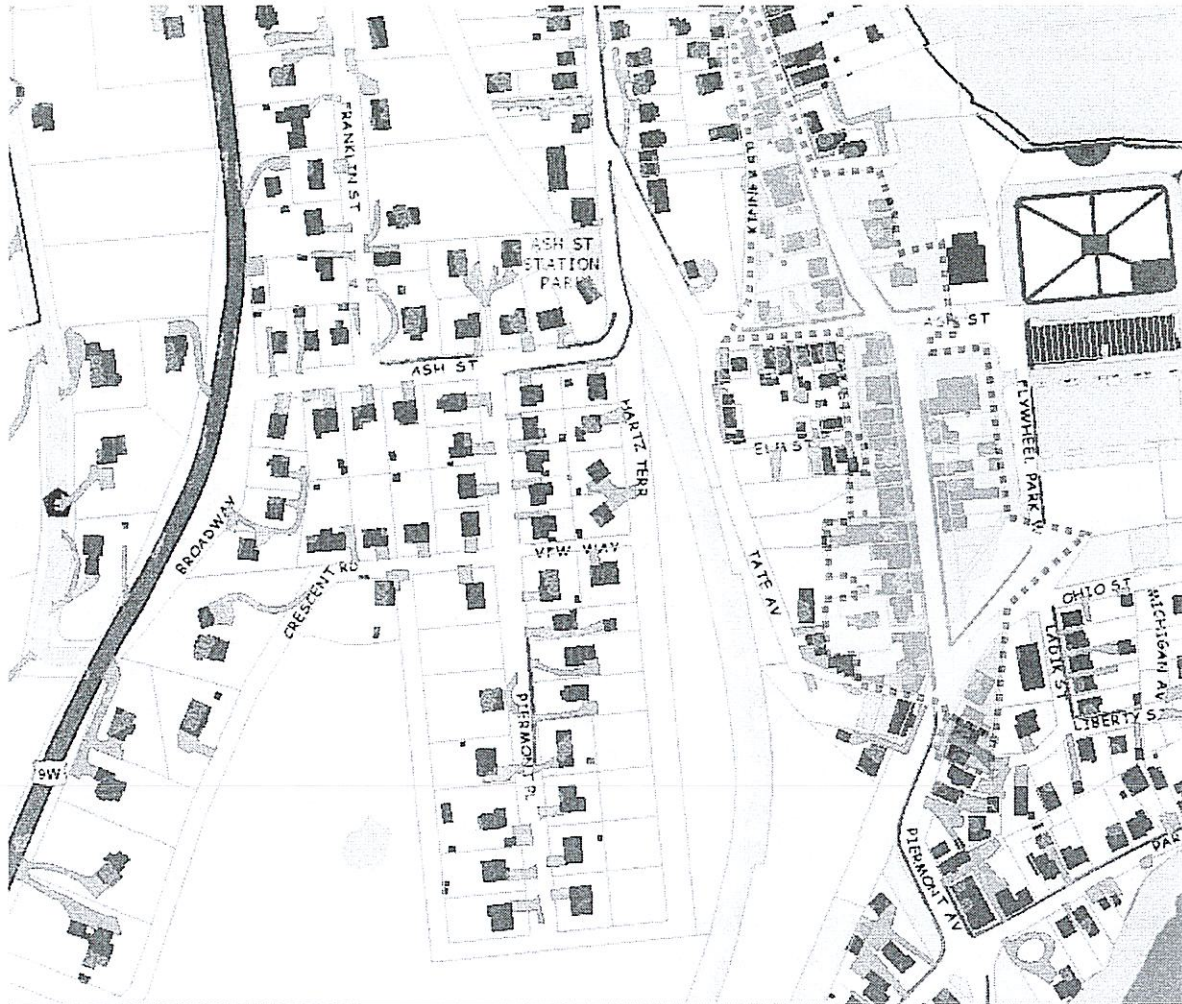
Central Business Multi-Use

Section 3: Article I General Provisions. §210-4 (Zoning Map), *The zoning map is hereby amended to designate the following areas as CBM:*

- 1. All lots located in the area bound by Kinney Street, Ash Street and Piermont Avenue.*
- 2. All lots having frontage on the west side of Piermont Avenue south of Ash Street and north of Tate Avenue.*
- 3. All lots having frontage on the east side of Piermont Avenue south of Ash Street and north of (but not including) the residence designated as 449 Piermont Avenue also known as that lot designated on the tax map of the Town of Orangetown as Section 75.63 Block 1 Lot 63.*
- 4. The lots referred to as 447-477 Piermont Avenue as shown on the Existing Parcels Boundary Survey prepared by Steven J. Collazuol, P.E., P.L.S., dated October 11, 2017 with addition on June 12, 2021, also known as those lots designated on the tax map of the Town of Orangetown as Section 75.55 Block 1, Lots 14.1, 14.2, 14.3, plus adjacent land not designated on the tax map.)*

And to redesignate the lots designated on the tax map of the Town of Orangetown as Section 75.63 Block 1 Lot 62 and 63, which are currently designated as Business B, to be changed to R-7.5:

The total of which is shown on the map below:



3/8/2023, 5:59:12 PM

- Parcel
- 50 Ft Contours
- 2 Foot Contour Elevations
- 100 Ft Contours
- Parking
- 10 Ft Contours
- 2 Ft Contours
- Buildings
- Sidewalks
- Driveways
- Proposed CBM
- Proposed R-7.5
- ABFE Elevation 10

Section 4: Article I General Provisions. *The portion of §210-6.1 (General use requirements), which currently reads as follows:*

The following general use requirements shall apply in the following zoning districts identified in § 210-3: WF-1, WF-2, Business A, Business B, RD-West, and RD-East.

Is hereby amended to read:

The following general use requirements shall apply in the following zoning districts identified in § 210-3: WF-1, WF-2, Business A, Business B, Central Business Multi-Use, RD-West, and RD-East.

Section 5: Limiting density of apartments in multiple-use buildings. *Paragraph A of §210-57 (Uses permitted by special permit in the Business B District), which currently reads as follows:*

A. Professional offices and dwelling units over commercial uses.

Is hereby amended to read:

Professional offices and dwelling units over commercial uses, with dwelling units within the structure not to exceed one dwelling unit per 1,250 square feet of lot area.

Section 6: Also limiting density of apartments in multiple-use buildings. *Paragraph J of §210-57 (Uses permitted by special permit in the Business B District), which currently reads as follows:*

J. Conversion of the rear of stores and shops for the conduct of retail business or personal services into apartments, subject to the following conditions:

- (1) Stores and shops prior to conversion must not be less than 450 square feet.*
- (2) Apartments must not be less than 250 square feet after conversion.*
- (3) The front of the store or shop must be of a transparent surface so as to permit a view of the interior of the store or shop from the street at all times.*
- (4) The occupant of the apartment and the proprietor of the store or shop must be one and the same person.*

Is hereby amended to read:

J. Conversion of the rear of stores and shops for the conduct of retail business or personal services into apartments, subject to the following conditions:

- (1) Stores and shops prior to conversion must not be less than 450 square feet.
- (2) Apartments must not be less than 250 square feet after conversion.

(3) The front of the store or shop must be of a transparent surface so as to permit a view of the interior of the store or shop from the street at all times.

(4) The occupant of the apartment and the proprietor of the store or shop must be one and the same person.

(5) The density of dwelling units within the structure shall not exceed one unit per 1,250 square feet of lot area.

Section 7: Adding a new Article XA entitled CBM Central Business Multi-Use District. A new Article XA CB Central Business District is added to Chapter 210 (Zoning) of the Code of the Village of Piermont to read as follows:

Article XA CB Central Business Multi-Use District.

§210-61.1 Uses permitted by right.

The following uses shall be permitted by right in the CB District:

- A. Same as the BB District
- B. Two-family residences

§210-61.2 Uses permitted by special permit.

The following uses shall be permitted in the CB District by a special permit issued by the Board of Trustees and shall be subject to the provisions of Article XIII:

- A. Same as the BB District
- B. Multiple Dwellings, subject to the following conditions:
 - (1) The architectural appearance of the proposed structure incorporates common architectural elements present throughout the downtown. At a minimum, the horizontal spacing, vertical to horizontal proportions and alignment of windows should be harmonious and compatible with adjacent structures fronting on Piermont Avenue. Additionally, buildings with front facades that are wider than 50 feet should be broken up into segments no wider than 50 feet, each differentiated by articulation of setbacks, roofline or roof style, cladding materials, colors, or architectural style.

§210-61.3 Permitted accessory uses.

The following uses shall be permitted accessory uses in the CB District:

- A. Same as the BB District

§210-61.4 Permitted accessory signs.

The following uses shall be permitted accessory signs in the CB District:

- A. Same as the BB District

§210-61.5 Additional use requirements.

The following uses shall be permitted accessory uses in the CB District:

- A. Same as the BB District

§210-61.6 General bulk regulations.

The following bulk regulations shall apply in the CB District:

- A. One-family dwellings:
 - (1) Minimum lot area: 1,700 square feet.
 - (2) Minimum lot width: 25 feet.
 - (3) Required front yard setback: 0 feet.
 - (4) Minimum side yard setback: 0 feet, but 10 feet where provided.
 - (5) Minimum total side setback: 0 feet.
 - (6) Minimum rear yard setback: 25 feet
 - (7) Maximum building height: three stories, but not more than 35 feet.
 - (8) Maximum floor area ratio: 1.0.
- B. Two-family dwellings:
 - (1) Minimum lot area: 2,500 square feet, 1,250 square feet per dwelling unit.
 - (2) Minimum lot width: 25 feet.
 - (3) Required front yard setback: 0 feet.
 - (4) Minimum side yard setback: 0 feet, but 10 feet where provided.
 - (5) Minimum total side setback: 0 feet.
 - (6) Minimum rear yard setback: 25 feet
 - (7) Maximum building height: three stories, but not more than 35 feet.
 - (8) Maximum floor area ratio: 1.0.
- C. Multiple dwellings:
 - (1) Minimum lot area: 3,750 square feet, 1,250 square feet per dwelling unit.
 - (2) Minimum lot width: 25 feet.
 - (3) Required front yard setback: 0 feet.
 - (4) Minimum side yard setback: 0 feet, but 10 feet where provided.
 - (5) Minimum total side setback: 0 feet.
 - (6) Minimum rear yard setback: 25 feet
 - (7) Maximum building height: three stories, but not more than 35 feet.
 - (8) Maximum floor area ratio: 1.0.
- D. All other uses:
 - (1) Minimum lot area: 1,700, 1,250 square feet per dwelling unit.
 - (2) Minimum lot width: 25 feet.
 - (3) Required front yard setback: 0 feet.
 - (4) Minimum side yard setback: 0 feet, but 10 feet where provided.
 - (5) Minimum total side setback: 0 feet.
 - (6) Minimum rear yard setback: 0 feet
 - (7) Maximum building height: three stories, but not more than 35 feet.
 - (8) Maximum floor area ratio: 1.0.

Section 8: Article XII Off-Street Parking and Loading. The portion of §210-68.1(Exceptions to off-street parking requirements in the Business B Zoning District.), which currently reads as follows:

§210-68.1 Exceptions to off-street parking requirements in the Business B Zoning District.

A. The required number of off-street parking spaces for "Retail or service business of floor area devoted to retail or service activities" in Business B is modified as follows: There is no required number of off-street parking spaces for "Retail or service business of floor area devoted to retail or service activities" under a threshold floor area of 600 square feet; the required number of parking spaces for floor area above 600 feet is one space for every additional 150 square feet.

B. "Restaurants, tearooms, taverns or places serving food or beverage" (hereinafter "food/beverage service establishment") and retail and/or service businesses, in Business B, that cannot provide the required number of parking spaces on site may use leased or rented spaces from a different site (i.e., "off-site") to satisfy the off-street parking regulation, subject to the restrictions and conditions set forth below. Such food/beverage service establishment that is leasing or renting off-street parking spaces off site is hereinafter referred to as "the food/beverage service establishment lessee." The owner of the real property that is the situs of the leased or rented off-street parking spaces (that are being utilized off-site by the food/beverage service establishment lessee) is hereinafter referred to as "the lessor."

(1) Off-site leased or rented off-street parking spaces must either be within the Business B Zoning District or (if not in Business B) be within 250 feet of the food/beverage service establishment lessee's business.

Is hereby amended to read:

§210-68.1 Exceptions to off-street parking requirements in the Business B Zoning District and Central Business Multi-Use Zoning Districts.

A. The required number of off-street parking spaces for "Retail or service business or floor area devoted to retail or service activities" in Business B or Central Business Multi-Use is modified as follows: There is no required number of off-street parking spaces for "Retail or service business of floor area devoted to retail or service activities" under a threshold floor area of 600 square feet; the required number of parking spaces for floor area above 600 feet is one space for every additional 150 square feet.

B. "Restaurants, tearooms, taverns or places serving food or beverage" (hereinafter "food/beverage service establishment") and retail and/or service businesses, in Business B or Central Business Multi-Use, that cannot provide the required number of parking spaces on site may use leased or rented spaces from a different site (i.e., "off-site") to satisfy the off-street parking regulation, subject to the restrictions and conditions set forth below. Such food/beverage service establishment that is leasing or renting off-street parking spaces off site is hereinafter referred to as "the food/beverage service establishment lessee." The owner of the real property that is the situs of the leased or rented off-street parking spaces (that are being utilized off-site by the food/beverage service establishment lessee) is hereinafter referred to as "the lessor."

- (1) Off-site leased or rented off-street parking spaces must either be within the Business B Zoning District or Central Business Multi-Use Districts or (if not in Business B or Central Multi-Use) be within 250 feet of the food/beverage service establishment lessee's business.

The remaining parts of §210-68.1(B) shall remain the same.

Section 9: Article XIII Off-Street Parking and Loading. §210-68.1(D) (Exceptions to off-street parking requirements in the Business B and Central Business Multi-Use Zoning District.), which currently reads as follows:

D. If a commercial establishment located in the Business B Zoning District cannot satisfy, on site, or in the case of a restaurant use, by the lease of off-site parking as provided under § 210-68.1(B), its required minimum number of off-street parking spaces, then a portion of the requirement may be satisfied by paying to the Village of Piermont a fee in lieu of parking ("FILOP"), subject to the following restrictions and conditions.

- (1) *The owner or operator of a commercial establishment in the Business B Zoning District may satisfy the off-street parking space requirement by using FILOP parking spaces which are permitted by right as set forth in this section, or otherwise to the extent that the use of additional FILOP spaces are approved by the Village Board of Trustees ("VBT").*

Is hereby amended to read:

D. If a commercial establishment located in the Business B or Central Business Multi-Use Zoning Districts cannot satisfy, on site, or in the case of a restaurant use, by the lease of off-site parking as provided under § 210-68.1(B), its required minimum number of off-street parking spaces, then a portion of the requirement may be satisfied by paying to the Village of Piermont a fee in lieu of parking ("FILOP"), subject to the following restrictions and conditions.

- (1) The owner or operator of a commercial establishment in the Business B or Central Business Zoning Districts may satisfy the off-street parking space requirement by using FILOP parking spaces which are permitted by right as set forth in this section, or otherwise to the extent that the use of additional FILOP spaces are approved by the Village Board of Trustees ("VBT").

The remaining parts of §210-68.1(D) shall remain the same.

Section 10: Article XIII Off-Street Parking and Loading. §210-68.1(F) (Exceptions to off-street parking requirements in the Business B Zoning District.), which currently reads as follows:

- F. Change of use, ownership or occupancy; new or expanded establishments.*
- (1) If a change of use, ownership or certificate of occupancy of a commercial establishment that is preexisting nonconforming as to its bulk, located in the Business B Zoning District, results in the same (or less) off-street parking space requirement for the new business operation, as compared to the prior use or occupancy, the change may be maintained as a preexisting nonconformance as to bulk.*
 - (2) If a change of use, ownership or certificate of occupancy of a commercial establishment that is preexisting nonconforming as to its bulk, located in the Business B Zoning District, results in a greater off-street parking requirement, the net increase of required spaces shall be satisfied by: on-site off-street parking spaces; private off-street parking space lease or rental at a different situs than the commercial establishment; or FILOP (unless the maximum number of FILOP spaces has already been issued to the commercial establishment).*
 - (3) For new, or expansion of existing, commercial establishments located in the Business B Zoning District, additional off-street parking space requirements shall be satisfied by: on-site off-street parking spaces; private off-street parking space lease or rental at a different situs than the commercial establishment; or FILOP (unless the maximum number of FILOP spaces has already been issued to the commercial establishment).*

Is hereby amended to read:

- F. Change of use, ownership or occupancy; new or expanded establishments.
- (1) If a change of use, ownership or certificate of occupancy of a commercial establishment that is preexisting nonconforming as to its bulk, located in the Business B or Central Business Multi-Use Zoning Districts, results in the same (or less) off-street parking space requirement for the new business operation, as compared to the prior use or occupancy, the change may be maintained as a preexisting nonconformance as to bulk.
 - (2) If a change of use, ownership or certificate of occupancy of a commercial establishment that is preexisting nonconforming as to its bulk, located in the Business B or Central Business Multi-Use Zoning Districts, results in a greater off-street parking requirement, the net increase of required spaces shall be satisfied by: on-site off-street parking spaces; private off-street parking space lease or rental at a different situs than the commercial establishment; or FILOP (unless the maximum number of FILOP spaces has already been issued to the commercial establishment).
 - (3) For new, or expansion of existing, commercial establishments located in the Business B or Central Business Multi-Use Zoning Districts, additional off-street parking space requirements shall be satisfied by: on-site off-street parking spaces; private off-street parking space lease or rental at a different situs than the commercial establishment; or FILOP (unless the maximum number of FILOP spaces has already been issued to the commercial establishment).

Section 14. Severability. If any clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 16. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.