


**TOWN OF HARRISON
VILLAGE OF HARRISON
ATTORNEY'S OFFICE**

MEMORANDUM

E-14

TO: Supervisor Richard Dionisio
Members of the Town Board

FROM: Jonathan D. Kraut, Village Attorney 

DATE: November 9, 2023

RE: **Proposed Local Law No. __ of 2023 Amending Chapter 235-17 CC (5),
Entitled "GC-RF Multiple Dwellings and Townhouses", Chapter 235,
Attachment 3 - Business District: Table of Use Regulations and Chapter
235, Attachment 4 - Business District: Table of Dimensional Regulations**

Attached for review is a draft Public Notice, proposing amendments to the above-referenced Sections of the Zoning Code of the Town of Harrison, together with the recommendations of the Planning Board pursuant to Zoning Code Chapter 235-76.

Kindly schedule a Public Hearing on the matter to be held at the Town Board meeting of November 29, 2023

JDK:ld

Attachments

cc: Rocco Germani, Building Inspector
Patrick Cleary, Planning Consultant

Local Law No. ____ of 2023

**Amending Chapter 235-17 CC (5), entitled “GC-RF Multiple Dwellings and Townhouses”,
Chapter 235, Attachment 3 - Business District: Table of Use Regulations and Chapter 235,
Attachment 4 - Business District: Table of Dimensional Regulations**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Harrison, at its meeting to be held at 7:00 P.M., on November 29, 2023, will hold a Public Hearing pursuant to Article 2, Section 10 and Article 3, Section 20 of Municipal Home Rule Law, to amend Chapter 235-17 CC (5), by adding additional requirements to developments proposing floorplans in which three (3) bedroom units comprise more than ten percent (10%) of the total units. Additionally, amending Chapter 235, Attachment 3, entitled, “Business District: Table of Use Regulations” by prohibiting “Equipment Storage Buildings”, and Chapter 235, Attachment 4, entitled “Business District: Table of Dimensional Regulations” by imposing additional requirements on “Maximum Building Lot Coverage” and “Maximum Height” upper floor setback requirements and “Impervious surface lot coverage.”

New material is underlined and deletions are in brackets [].

§ 235-17 Special conditions and safeguards for specific uses.

No authorization for a building permit shall be granted by the Planning Board for any use listed in this section, unless the Board shall specifically find that, in addition to meeting all general conditions set forth in § 235-16, the proposed special exception use also meets the special conditions and safeguards required in this section.

§ 235-17 CC. GC-RF Multiple Dwellings and Townhouses

- (5.) No more than 10% of the units in any residential development shall consist of three (3) bedrooms. **If more than 10% of the units in any residential development are proposed to contain three (3) bedrooms, a school impact study shall be submitted that addresses the impact of the proposed development on the school enrollments and fiscal impacts.**

The use regulations for the GC-RF district shall be amended as follows, as set forth in Chapter 235, Attachment 3 - Business Districts: Table of Use Regulations. **New material is underlined and deletions are in brackets [].**

Use Classifications	P B	NB 1	CB D	SB- 0	SB- 1	SB- 35	SB- 100	MF R	G C	TO D	GC- RF
Equipment storage building ²	X	X	X	X	X	X	X	X	P		<u>X</u>

The dimensional regulations for the GC-RF district shall be amended as follows as set forth in Chapter 235, Attachment 4 - Business Districts: Table of Dimensional Regulations. **New material is underlined and deletions are in brackets [].**

Dimension	P B	NB	CB D	SB- 0	SB- 1	SB- 35	SB- 100	MF R	G C	TO D	GC- RF	
Lot Coverage												
Maximum building coverage	No Requirement		20%	20%	10%	10%	50%	50%	95%	<u>70%</u>		
Maximum coverage for multiple dwellings	50 %	50 %	Residential use not permitted					50%	No requirement	50%	70%	
<u>Impervious surface lot coverage</u>	<u>No requirement</u>										<u>85%</u>	

Height (maximum)	PB	NB	CB D	SB- 0	SB- 1	SB- 35	SB- 100	MF R	G C	TO D	GC- RF
Feet	35	35	45	55	65	55	55	50	35	50	50 <u>(i)</u>

NOTES:

(i) The upper floor of the building shall be setback and shall incorporate architectural elements that minimize its visual impact.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

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

ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND
AND BE HEARD.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HARRISON.

Jacqueline Greer
Town Clerk

Dated: Harrison, New York
November 9, 2023

TOWN OF HARRISON

MEMORANDUM

To: Mayor/Supervisor Dionisio & Members of the Town/Village Board

From: Patrick Cleary, AICP, CEP, PP, LEED AP

Date: July 18, 2023

Re: General Commercial - Residential Floodplain District (GC-RF) - Clarifications

Prior to the August 10th public hearing on the proposed General Commercial - Residential Floodplain (GC-RF) zoning district, I would like to bring two issues to the Board's attention.

1. **Equipment Storage Building** - In the proposed Table of Use Regulations that accompanied the proposed zoning, the "equipment storage building" use did not indicate if it was permitted, permitted as a SEU or prohibited (P, SE or X). This use should be classified as a prohibited use (X) in the GC-RF district.
2. **Bedroom Restriction** - Concern has been raised that the language in the proposed zoning limiting residential developments to no more than 10% three-bedroom units may constrain the economic and market viability of potential residential developments.

The restriction on three-bedroom units was designed to limit the potential for the generation of school-aged children. A possible alternative would be to provide a caveat allowing for more than 10% of the units to be three-bedroom units - subject to the preparation and submission of a school impact analysis specifically addressing the impact of the project on school enrollments and expenditures.

The following language is suggested:

(5.) No more than 10% of the units in any residential development shall consist of three (3) bedrooms. **If more than 10% of the units in any residential development are proposed to contain three (3) bedrooms, a school impact study shall be submitted that addresses the impact of the proposed development on school enrollments and fiscal impacts.**

The positive recommendation included two comments; that the proposed building height of 50' and the building and impervious surface lot coverages be further studied; and that the maximum number of bedroom restriction be studied.

1. **Building Height and Coverage:**

Building Height - The new GC-RF zoning incorporated a permissible building height of 50'. A story limitation was not imposed. This was due to the fact that the topography of the district drops away from Oakland Avenue toward the Beaver Swamp Brook, and the anticipated likelihood that any new building would be constructed on a podium, with parking below. Facilitating such a development, while accommodating the applicable floodplain regulations will necessitate this type of configuration.

The Planning Board's concern related to the visual impact of such a building from Oakland Avenue.

It is recommended that the height requirement be amended to include a setback requirement for the upper floor of the building. This zoning technique is frequently used to minimize the visual impact of the upper floors of taller buildings.

The following language is recommended as a footnote to the table of dimensional regulations:

The upper floor of the building shall be setback and shall incorporate architectural elements that minimize its visual impact.

Building and Impervious Surface Coverage - The new GC-RF zoning includes both a building coverage limitation (70%) and an impervious surface coverage limitation (85%).

The Planning Board was concerned that these relatively generous provisions may create excessive amount of impervious surfaces, which may in turn adversely impact the adjacent floodplain.

The recommended coverage percentages were designed to accommodate the nature of anticipated development within the zone. To protect the adjacent floodplain, extensive floodplain protection Special Exception Use criteria have been imposed including avoidance of the regulated floodway, elevation of habitable space above the 500-year floodplain, design of hydrostatic flood flows to pass through uninhabited portions of a building (such as a parking garage), 4:1 compensatory flood storage, unimpeded emergency access above the 500-year base flood elevation, etc.

By way of comparison the coverage requirement in the existing TOD zone is 95% The proposed coverages are not inconsistent with those that already exist in the

downtown. Given the extensive flood protection criteria embedded in the proposed Special Exception Use regulations, it does not appear necessary to adjust the originally proposed coverage percentages.

2. Maximum Number of Bedrooms:

One Planning Board member expressed concern over two provisions in the recommended zoning. This opinion was not shared by other members of the Board, but was thought to be necessary for the Town Board to consider.

The two provisions of concern were:

- d. The design of the project, number of bedrooms, size of units, unit mix and all other factors relating to the intended occupants of the dwelling units shall be primarily geared toward young people, empty nesters, and residents without young children.*
- e. No more than 10% of the units in any residential development shall consist of three (3) bedrooms.*

A Board member expressed the concern that this limitation was prejudicial to families with children and particularly to divorced couples where separate bedroom accommodations for children are often required.

The bedroom limitation derives from recommendations in the Town's Comprehensive Plan that are intended to minimize impacts on the school system. This is a well-considered strategy and has been universally employed in most municipalities as a proven method to mitigate school district impacts. This policy has been utilized in all of the recent multi-family developments in Town, and has achieved the desired result of minimizing school impacts.

Part of the broader underlying strategy associated with the current development cycle involves the construction of multi-family housing. This housing type accommodates young people just entering the housing market, but more importantly, older people that are downsizing from their multi-bedroom single homes. This results in a beneficial housing cycling, allowing families with children to re-occupy the single-family homes. As those home generally previously accommodated school-aged children, the net effect on the school district is minimal.

Modifying the language proposed for the GC-RF to encourage multi-bedroom units, would require amending the housing recommendations of the Comprehensive Plan.

Finally, multi-bedroom units are not prohibited in the GC-RF district. Only the number of such units are limited.

TOWN OF HARRISON

MEMORANDUM

To: Mayor/Supervisor Dionisio & Members of the Town/Village Board

From: Patrick Cleary, AICP, CEP, PP, LEED AP

Date: May 19, 2023

Re: General Commercial - Residential Floodplain District (GC-RF) -
Planning Board Referral

At their April meeting, the Planning Board forwarded a positive recommendation concerning the creation of a new General Commercial - Residential Floodplain (GC-RF) zoning district for the area adjacent to Oakland Avenue.

The positive recommendation included two comments; that the proposed building height of 50' and the building and impervious surface lot coverages be further studied; and that the maximum number of bedroom restriction be studied.

1. Building Height and Coverage:

Building Height - The new GC-RF zoning incorporated a permissible building height of 50'. A story limitation was not imposed. This was due to the fact that the topography of the district drops away from Oakland Avenue toward the Beaver Swamp Brook, and the anticipated likelihood that any new building would be constructed on a podium, with parking below. Facilitating such a development, while accommodating the applicable floodplain regulations will necessitate this type of configuration.

The Planning Board's concern related to the visual impact of such a building from Oakland Avenue.

It is recommended that the height requirement be amended to include a setback requirement for the upper floor of the building. This zoning technique is frequently used to minimize the visual impact of the upper floors of taller buildings.

The following language is recommended as a footnote to the table of dimensional regulations:

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Building and Impervious Surface Coverage - The new GC-RF zoning includes both a building coverage limitation (70%) and an impervious surface coverage limitation (85%).

The Planning Board was concerned that these relatively generous provisions may create excessive amount of impervious surfaces, which may in turn adversely impact the adjacent floodplain.

The recommended coverage percentages were designed to accommodate the nature of anticipated development within the zone. To protect the adjacent floodplain, extensive floodplain protection Special Exception Use criteria have been imposed including avoidance of the regulated floodway, elevation of habitable space above the 500-year floodplain, design of hydrostatic flood flows to pass through uninhabited portions of a building (such as a parking garage), 4:1 compensatory flood storage, unimpeded emergency access above the 500-year base flood elevation, etc.

By way of comparison the coverage requirement in the existing TOD zone is 95%. The proposed coverages are not inconsistent with those that already exist in the downtown. Given the extensive flood protection criteria embedded in the proposed Special Exception Use regulations, it does not appear necessary to adjust the originally proposed coverage percentages.

2. Maximum Number of Bedrooms:

One Planning Board member expressed concern over two provisions in the recommended zoning. This opinion was not shared by other members of the Board, but was thought to be necessary for the Town Board to consider.

The two provisions of concern were:

d. The design of the project, number of bedrooms, size of units, unit mix and all other factors relating to the intended occupants of the dwelling units shall be primarily geared toward young people, empty nesters, and residents without young children.

e. No more than 10% of the units in any residential development shall consist of three (3) bedrooms.

A Board member expressed the concern that this limitation was prejudicial to families with children and particularly to divorced couples where separate bedroom accommodates for children are often required.

The bedroom limitation derives from recommendations in the Town's Comprehensive Plan that are intended to minimize impacts on the school system. This is a well-considered strategy and has been universally employed in most municipalities as a proven method to mitigate school district impacts. This policy

has been utilized in all of the recent multi-family developments in Town, and has achieved the desired result of minimizing school impacts.

Part of the broader underlying strategy associated with the current development cycle involves the construction of multi-family housing. This housing type accommodates young people just entering the housing market, but more importantly, older people that are downsizing from their multi-bedroom single homes. This results in a beneficial housing cycling, allowing families with children to re-occupy the single-family homes. As those home generally previously accommodated school-aged children, the net effect on the school district is minimal.

Modifying the language proposed for the GC-RF to encourage multi-bedroom units, would require amending the housing recommendations of the Comprehensive Plan.

Finally, multi-bedroom units are not prohibited in the GC-RF district. Only the number of such units are limited.

PLANNING BOARD RESOLUTION PB2023/26
APRIL 25, 2022

TOWN BOARD REFERRAL RESOLUTION
CREATION OF A GENERAL COMMERCIAL-RESIDENTIAL
FLOODPLAIN (GC-RF) DISTRICT
ZONING TEXT AMENDMENT

WHEREAS, the Planning Board has received a referral from the Town Board for a recommendation, pursuant to the ordinance amendment procedure established by Article VIII, Section 235-76, of the Zoning Code; and

WHEREAS, the Planning Board has reviewed the referral to Amend Chapter 235-17 by adding Section CC, creating a General Commercial-Residential Floodplain (GC-RF) District.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby offers a positive recommendation regarding the Zoning Text Amendment with two comments:

- Height and lot coverage percentage should be further studied.
- The limit on the number of bedrooms should be studied.

BE IT FINALLY RESOLVED, that this resolution shall have an effective date of April 25, 2023.

On the motion of Planning Board Member Chip Marrano, seconded by Planning Board Member Jeffrey Spano, it was adopted by the following vote:

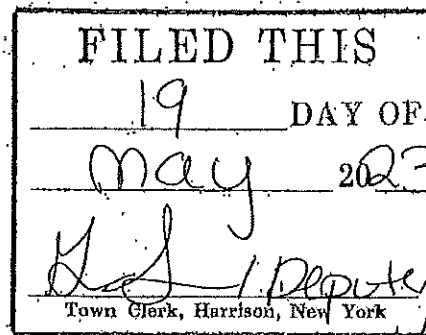
AYES: Joseph Stout, Chip Marrano, Jeffrey Spano, Kimberly Burkan and David Gelfarb

NAYES: None

ABSTAINED: None

ABSENT: Nonie Reich and Marshall Donat


Joseph Stout, Chairman



The resolution was thereupon duly adopted.