

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

MEMORANDUM

E-15

TO: Supervisor Richard Dionisio
Members of the Town Board

FROM: Jonathan D. Kraut, Village Attorney



DATE: March 23, 2023

RE: **Proposed Local Law No. __ of 2023 Amending Chapter 235-17, by adding Section CC, creating a GC-RF Zoning District and amending Attachment 3, entitled "Business Districts: Table of Use Regulations" and Attachment 4, entitled "Business Districts: Table of Dimensional Regulations" accordingly**

Attached herewith is a draft Public Notice, proposing amendments to the above-referenced Sections of the Zoning Code of the Town of Harrison.

If acceptable, kindly adopt two Resolutions which:

1. Refers this matter to the Planning Board for its recommendation, pursuant to the ordinance amendment procedure established by Article VIII, Section 235-76, of the Zoning Code; and
2. Designates the Town Board as Lead Agency for SEQR and authorizes the Law Department to circulated the EAF and Notice of Intent to involved agencies.

JDK:ld

Attachment

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

PUBLIC NOTICE

Proposed Local Law No. ____ of 2023

Amending Chapter 235, entitled "Zoning"

by adding a new district known as "GC-RF - General Commercial - Residential Floodplain" to Attachment 3 - Business District: Table of Use Regulations, by adding new dimensional regulations for the GC-RF district to Attachment 4 - Business District: Table of Dimensional Regulations, and by adding new Special Exception Use Regulations for Multiple Dwellings and Townhouses in the GC-RF district as §235-17 CC.

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 _____, 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, entitled "Zoning", by adding to Section 17, entitled "Special conditions and safeguards for specific uses", subsection CC, entitled "GC-RF Multiple Dwellings and Townhouses." to the Town Code of the Town of Harrison. Additionally, Chapter 235, Attachment 3, entitled, "Business District: Table of Use Regulations" and Chapter 235, Attachment 4, entitled "Business District: Table of Dimensional Regulations" will be amended accordingly to reflect the regulations within the General Commercial – Residential Floodplain (GC-RF) District. **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

- (1.) The proposed development shall comply with Chapter 146 of the Town Code - Flood Damage Protection, except as follows:
 - a. No building or structure shall be permitted in the Regulatory Floodway.
 - b. The habitable space within residential structures shall have the lowest floor elevated to or above two feet above the 500-year base flood elevation.
 - c. A parking garage or other uninhabited portion of a structure that is designed to allow a 500-year flood to pass through the structure without causing an adverse impact to public health and safety, is permitted within the floodplain. A

hydrological analysis shall be submitted to demonstrate compliance with this provision.

- d. Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at the development site, or in an alternative location within the same watershed, approved by the Town Engineer. The compensatory flood storage volume shall be provided at a 4:1 ratio.
 - e. An unimpeded pedestrian access route shall be provided, which shall be located above the 500-year base flood elevation, from a central point of refuge in a multi-family building, or in the case of a townhouse, in a centralized location, to the nearest public street that is also situated above the 500-year base flood elevation.
 - f. All building HVAC and mechanical equipment, including emergency generators shall be located above the 500-year base flood elevation.
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- (2.) The applicant shall submit a recent (no earlier than 12 months from the date of application) market survey indicating there are a sufficient number of individuals that would occupy the proposed number of housing units in the proposed price range (either purchase or rental) to assist the Planning Board in its review of the feasibility of the proposed project.
 - (3.) The applicant shall submit a municipal service and infrastructure analysis that addresses the project's impact on community services, schools, infrastructure and traffic conditions.
 - (4.) 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.
 - (5.) No more than 10% of the units in any residential development shall consist of three (3) bedrooms.
 - (6.) A minimum of 300 square feet of recreation space per dwelling unit is required, which may include interior spaces such as a community or recreation room, fitness room, etc. This requirement shall supersede the usable open space requirements set forth in § 235-25 of the Zoning Ordinance.
 - (7.) A minimum of 1.25 off-street parking spaces for each dwelling unit shall be provided.
 - (8.) To facilitate the proximity of a GC-RF residential development to the Metro North train station and the downtown, 1 enclosed bicycle parking space, or bicycle locker shall be provided for every 2 dwelling units.

- (9.) High quality architectural elements shall be employed to provide visual interest, reduce building scale and promote the integration of various design elements.

The use regulations for the GC-RF district shall be as follows as set forth in Chapter 235, Attachment 3 - Business Districts: Table of Use Regulations:

[illegible]

Cleaning establishments	X	SE	SE	X	X	X	X	X	X		<u>X</u>
Coffee shop										SE	<u>P</u>
Dance and martial arts studio										SE	<u>X</u>
Delicatessen										SE	<u>X</u>
Personal wireless services facilities ²											<u>X</u>
Structurally mounted	X	X	X	SE	SE	SE	SE	X	X		<u>X</u>
Monopole	X	X	X	SE	SE	SE	SE	X	X		<u>X</u>
Tower	X	X	X	SE	SE	SE	SE	X	X		<u>X</u>
Eating establishment: drive-in, open front or curb service	X	X	X	X	X	X	X	X	X		<u>X</u>
Equipment storage building ²	X	X	X	X	X	X	X	X	P		
Executive learning center, corporate management training facility	X	X	X	X	X	SE	SE	X	X		<u>X</u>
Food-processing shop	X	X	X	X	X	X	X	X	X		<u>X</u>
Guest facilities (See § 235-17K)	X	X	X	X	X	X	SE	X	X		<u>X</u>
Health maintenance, rehabilitation and fitness centers	X	SE	X	SE	SE	SE	SE	X	X		<u>X</u>
Hotel/motel	X	X	X	SE	X	X	X	X	X		<u>X</u>
Job printing	P	X	P	X	X	X	X	X	X		<u>X</u>
Newspaper establishment	X	X	X	SE	X	X	X	X	X		<u>X</u>
Nursing home	X	X	X	X	X	X	X	X	X		<u>X</u>
Private parking garage pursuant to Article VII	SE	SE	SE	SE	SE	SE	SE	SE	SE		<u>SE</u>
Professional and business offices and financial institutions	P	P	P	P	P	P	P	P	P	SE	<u>P</u>
Planned office park	X	X	X	SE	SE	SE	SE	X	X		<u>X</u>
Public parking garage	SE	X	SE	X	X	X	X	X	SE		<u>SE</u>
Public off-street parking	P	X	P	X	X	X	X	X	P		<u>P</u>
Private off-street parking lot or garage										SE	<u>X</u>
Restaurants	X	P	P	X	X	X	X	P	X	SE	<u>X</u>
Retail service establishments	P	P	P	X	X	X	X	P	P		<u>P</u>
Retail stores	X	P	P	X	X	X	X	P	P	SE	<u>P</u>
SB-0 Restaurant				SE							<u>X</u>
SB-0 Retail				SE							<u>X</u>
SB-0 Retail Service				SE							<u>X</u>
SB-0 Stand-alone fitness center	X	X	X	SE	X	X	X	X	X		<u>X</u>
SB-0 Stand-Alone Retail	X	X	X	SE	X	X	X	X	X		<u>X</u>
Scientific research, excluding manufacturing of products for sale	P	P	P	P	P	P	P	X	X		<u>X</u>
Secretarial, business, trade or similar schools	SE	SE	SE	SE	SE	SE	SE	X	SE		<u>SE</u>

Telephone exchange	SE	SE	SE	SE	SE	SE	SE	X	X		<u>X</u>
Theater										SE	<u>X</u>
Undertaker's establishment	X	X	SE	X	X	X	X	X	X		<u>X</u>
Accessory uses											
Customary accessory uses incidental to a permitted use on the same premises	P	P	P	P	P	P	P	P	P	P	<u>P</u>
Kiosks										P	<u>P</u>
Private off-street parking pursuant to Article VII	P	P	P	P	P	P	P	P	P		<u>P</u>
Retail service or wholesale trade only as an incidental activity to a permitted use	P	P	P	SE	SE	SE	SE	P	P	P	<u>P</u>
SB-0 Day-care center	X	X	X	SE	X	X	X	X	X		<u>X</u>
Signs pursuant to Article VIII	P	P	P	P	P	P	P	P	P	P	<u>P</u>

The dimensional regulations for the GC-RF district shall be as follows as set forth in Chapter 235, Attachment 4 - Business Districts: Table of Dimensional Regulations:

Dimension	P B	NB	CBD	SB- 0	SB- 1	SB- 35	SB- 100	MFR	G C	TOD	GC- RE
Lot area (square feet)											
Minimum	No requirement			5 ac	5 ac	35 ac	100 ac	4,000 sqft	No require- ment	2 ac	<u>No require- ment</u>
Minimum per family unit	No requirement			Residential use not permitted				750 sqft	No require- ment	1,000 sqft	<u>750 sqft</u>
Lot Coverage											
Maximum building coverage											
Maximum coverage for multiple dwellings	No requirement			20%	20%	10%	10%	50%	50%	95%	<u>70%</u>
Lot width (Minimum in feet)	50	50	50	300	300	400	500	50	50		<u>50</u>
Required yards (minimum in feet)											
Front	No requirement			50	50	200	200	No requi- reme- nt	15	No requi- reme- nt	<u>15</u>
Side											
Adjoining a residence district	20	20	20	100	100	200	200	20	20	No requi- reme- nt	<u>10</u>
Adjoining a business district	0 or 10' if provided			75	75	200	200	0 or 10' if provi- ded	No require- ment	0 or 10' if provi- ded	<u>10</u>
Rear	20	20	20	100	100	200	200	20	20	No requi- reme- nt	<u>20</u>
Habitable floor area (minimum in square feet)	600	600	Residential use not permitted					600	600	600	<u>600</u>
Buffer strips (minimum in feet)											
Front yard											
Adjoining residence districts	No requirement			50	50	200	200	No requirement			

Adjoining business districts	No requirement			25	25	100	200	No requirement			
Side and Rear Yard											
Adjoining residence districts	No requirement			50	50	200	200	No requirement			
Adjoining business districts	No requirement			50	50	100	200	No requirement			
Height (maximum)											
Feet	35	35	45	55	65	55	55	50	35	50	50
Stories	2	2	4	4	5	4	4	4	2	4	No require ment
Floor area ratio	No requirement					.30	No requirement		0.50	1.25	No require ment

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
March 22, 2023