

VILLAGE OF COLD SPRING LOCAL LAW NO. OF 2013

A LOCAL LAW TO AMEND VILLAGE CODE CHAPTER 134 BY AMENDING VILLAGE CODE SECTIONS 134-3, "LISTING OF DISTRICTS," AND 134-15, "REGULATIONS FOR B-4 DESIGNATED MEDICAL AND HEALTH CARE FACILITY DISTRICT."

SECTION 1. PURPOSE

The purpose of this Local Law is to enact conditional zoning adding a new sub-district to the B4 District. The existing B4 district will remain, and the new sub-district will be named "B4A - Medical and Health Care Facility Mixed Use District" and will permit "Senior Citizen Housing," "Municipal and other Governmental Uses," "Retail stores", "Business and Professional Offices," "Banks," and "Mixed uses consisting of two or more permitted uses." Additionally, the zoning designation of certain real property presently zoned "B-4" will be conditionally changed to "R-1."

SECTION 2. AMENDMENT OF CODE.

1. Village Code Section 134-3 "Listing of Districts" is hereby amended to add a sub-district "B-4A" named "Medical and Health Care Facility Mixed Use District."
  
2. Village Code Section 134-4 "Zoning Map" is hereby amended to add to the Village's Zoning District Map a new Zoning District known as the "B-4A Medical and Health Care Facility Mixed Use District" which shall be shown upon the Zoning Map as the area BEGINNING at the point on the southwesterly line of Paulding Avenue that is distant S64°50'46"E 240.25 feet measured southeasterly along the said southwesterly line of Paulding Avenue from another point thereon where it is met by the line dividing the lands of Butterfield Realty LLC, on the southeast from the lands shown on that certain "Final Subdivision Plat of 'The Grove'" which was filed in the Putnam County Clerk's office on March 5, 2003 as Map No. 2924, on the northwest: THENCE from the said point of beginning southeasterly along the said southwesterly line of Paulding Avenue S64°50'46"E 282.85 feet, to the point where it meets the northwesterly line of N.Y. State Route 9d; thence southwesterly along the said northwesterly line of N.Y. State Route 9d, first

S57°57'19"W 506.11 feet, then on a non-tangent curve to the right, the center of which bears N32°25'17"W, the central angle of which is 47°21'44", the radius of which is 608.00 feet for 502.59 feet to a point at the line of lands now or formerly of Sugarloaf Land Co., Inc.; thence along the said Sugarloaf Land Co., Inc. lands and continuing along the southeasterly line of lands shown on said Filed Map No. 2924 N37°47'38" E 617.75 feet to a point; thence through the lands of Butterfield Realty, LLC S64°50'46"E 261.55 feet, and N25°09'14"E 95.00 feet to the southwesterly line of Paulding Avenue and the point or place of beginning. Provided, however, that in the event that the said property is not actually developed substantially in accordance with the annexed concept plan, then the Zoning Map designation will revert to B-4.

3. Village Code Section 134-4 "Zoning Map" is hereby amended to change upon the Village's Zoning District Map the district designation from B-4 (Designated Medical and Health Care Facility District") to R-1 ("One Family Residence District") of all the property in the area BEGINNING at the point on the southwesterly line of Paulding Avenue where it is met by the line dividing the lands of Butterfield Realty LLC, on the southeast from the lands shown on that certain "Final Subdivision Plat of 'The Grove'..." which was filed in the Putnam County Clerk's office on March 5, 2003 as Map No. 2924, on the northwest: THENCE from the said point of beginning southeasterly along the said southwesterly line of Paulding Avenue S64°50'46"E 240.25 feet to a point; thence through the lands of Butterfield Realty, LLC S25°09'14"W 95.00 feet and N64°50'46"W 261.55 feet to a point on the line of the said lands shown on Filed Map No. 2924; thence along the lands shown on Filed Map No. 2924 N37°47'38"E 97.36 feet to the southwesterly line of Paulding Avenue and the point or place of beginning. Provided, however, that in the event that the said property is not actually developed in general accordance with the annexed concept plan, then the property will revert to the B-4 zoning for any other development.
4. The change in zoning from B-4 to B-4A and B-4 to R-1 for the above-listed property is conditioned upon and shall commence and be effective upon approval of a site plan that substantially conforms to the annexed concept plan.

Provided, however, that in the event that the said property is not actually developed in general accordance with the approved site plan, then the property will revert to B-4 zoning for any other development.

5. Village Code Section 134-15 shall be amended to add the following language as follows:

Section 134-15A Medical and Health Care Facility Mixed Use District.

The following regulations shall apply in the B-4A District:

A. Site plan review and approval. In each case where a building or use is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building or use to the Planning Board for its review. The Planning Board shall determine that all the requirements of this chapter have been met, including the site plan review requirements of §134-16B and E, and, after holding a public hearing on each case, following the procedure required for approval of subdivisions under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Planning Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted uses.

- (1.) Any use permitted in an R-1 District.
- (2.) Hospital and sanatorium.
- (3.) Nursing home and health-related facility.
- (4.) Senior Citizen Housing which complies with the applicable requirements of 134-16G(3) with the following exceptions: up to two bedrooms may be provided per unit, with occupancy limited to no more than two (2) persons, at least one (1) of whom is at least fifty-five (55) years of age.
- (5.) Municipal and other government uses.

- (6.) Privately owned facilities leased to a municipal or government entity, such as a United States post office.
- (7.) Retail Stores.
- (8.) Business and professional offices.
- (9.) Banks.
- (10.) Mixed uses, consisting of two or more permitted uses in the district.

C. Minimum requirements.

- (1.) Lot area: 3 acres (120,000) square feet.
- (2.) Lot width: two hundred (200') feet.
- (3.) Lot depth: two hundred (200') feet.
- (4.) Front Yard: For any use fronting on a Village Street other than a single family residence - 75 feet. For single family residence fronting on a Village street or State Highway - 25 feet or less as may be permitted by the planning board. For use (other than single family) fronting on a New York State Highway - 0 feet.
- (5.) Side Yard: 10 feet
- (6.) Combined side yard: 25 feet
- (7.) Rear Yard: 10 feet
- (8.) Open Space: 15 percent of total site area
- (9.) Off-street parking: see supplemental regulations in Subsection F and § 134-18E.

E. Maximum permitted.

- (a) Building height. Stories: two and one-half (2.5).
  - (b) Feet: thirty-five (35).
- (2) Building percentage of lot coverage: Twenty-five percent (25%).

F. Supplementary regulations applying to B-4A Medical and Health Care Facility Mixed Use District.

- (1) Entrances and exit driveways shall be located with the approval of the Planning Board and the New York State Department of Transportation where its authority exists or extends.

(2) All permitted uses and all storage accessory thereto, other than offstreet parking, shall be carried on in buildings fully enclosed on all sides.

(3) All loading and unloading shall be off the street and on the property according to the plan approved by the Planning Board.

(4) No access (other than emergency access) shall be provided from a Village Street to any use other than a single family residential use

(5) The requirements of §134-17 and §134-18 shall be applicable to this district.

(6) Senior Citizen housing shall be a permitted use in the district and comply with the applicable requirements of §134-16G(3) with the following exceptions: up to two bedrooms may be provided per unit, with occupancy limited to no more than two (2) persons, at least one (1) of whom is at least fifty-five (55) years of age.

(7) Parking: Parking requirements in the B-4A district shall be as set forth in §134-18E including the following provision:

The planning board may reduce the required parking space for any use up to 20 percent when shared parking amongst uses can be demonstrated.

Where parking is sufficient for existing uses as of the date of this amendment, no additional parking shall be required for said use, however such parking shall not be decreased.

Parking may be provided offsite, so long as it is within 500 feet of any associated use.

### SECTION 3. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

### SECTION 4. EFFECTIVE DATE

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