

PROPOSED LOCAL LAW D OF 2018

A LOCAL LAW Amending Chapter 295 Zoning to remove open space requirements.

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:
(deleted language in ~~strikeout~~, added language in **bold**)

SECTION 1. Section 295-18, Building lots and open spaces, Subsection E., Required open space, is amended to read as follows:

295-18.E Required ~~open space~~ **yards and courts**.

(1) No lot shall be so reduced in area as to make any yard **or**; court ~~or other required open space~~ smaller than the minimum required under this chapter.

(2) No part of a yard, ~~or court or other required open space~~ provided about any building or structure for the purpose of complying with the provisions of this chapter shall be included as a part of a yard, ~~or court or other open space~~ required under this chapter for another building or structure.

SECTION 2. Section 295-20, Required yards, Subsection A., Yard for every building, is amended to read as follows:

295-20.A No part of a required yard ~~or other open~~ space provided about any building or on any lot for the purpose of complying with the provisions of this chapter shall be included as any part of the required yard ~~or open space~~ for any other building or any other lot.

SECTION 3. Section 295-71, Multifamily Residence (MR-2.5) Districts, Subsection A., Principal Uses, Subsection (2) is amended to read as follows:

295-71.A(2) Multifamily dwellings for three or more families, provided that suitably improved and usable recreation area and open space shall be provided **to the satisfaction of the Planning Board.** ~~, as follows:~~

~~(a) One hundred square feet for each studio (efficiency) dwelling unit; and~~

~~(b) Two hundred square feet for each bedroom.~~

SECTION 4. Section 295-72.1, Multifamily Residence/Office (MR-O) Districts, Subsection A., Principal Uses, Subsection (5) is amended to read as follows:

295-72.1.A(5) Mixed-use buildings containing no more than eight dwellings, provided that any residential dwelling unit contained therein has a minimum floor area of 500 square feet, and further provided **to the satisfaction of the Planning Board** ~~that suitably improved and usable recreation area and open space shall be provided in accordance with the following requirements:~~

- ~~(a) One hundred square feet for each studio (efficiency) dwelling unit; and~~
- ~~(b) Two hundred square feet for each bedroom for all other dwelling units.~~

SECTION 5. Section 295-72.1, Multifamily Residence/Office (MR-O) Districts, Subsection B., Principal uses requiring a special use permit, Subsection (2) is amended to read as follows:

295-72.1.B(2) Dwellings for four or more families but not more than eight families, provided that suitably improved and usable recreation area and open space shall be provided **to the satisfaction of the Planning Board** ~~in accordance with the following requirements:~~

- ~~(a) One hundred square feet for each studio (efficiency) dwelling unit; and~~
- ~~(b) Two hundred square feet for each bedroom for all other dwelling units.~~

SECTION 6. Section 295-72.2, Multifamily Residence/Commercial (MR-C) Districts, Subsection A., Principal Uses, Subsection (2) is amended to read as follows:

295-72.2.A(2) Dwellings for three or more families, provided that suitably improved and usable recreation area and open space shall be provided **to the satisfaction of the Planning Board** ~~in accordance with the following requirements:~~

- ~~(a) One hundred square feet for each studio (efficiency) and one bedroom dwelling unit; and~~
- ~~(b) One hundred square feet for each additional bedroom thereafter for all other dwelling units.~~

SECTION 7. Section 295-72.2, Multifamily Residence/Commercial (MR-C) Districts, Subsection A., Principal Uses, Subsection (11) is amended to read as follows:

295-72.2.A(11) Mixed-use buildings, provided that any residential dwelling unit contained therein has a minimum gross floor area of 500 square feet and further provided that suitably improved and usable recreation area and open space shall be provided **to the satisfaction of the Planning Board** ~~in accordance with the following requirements:~~

- ~~(a) One hundred square feet for each studio (efficiency) and one bedroom dwelling unit; and~~
- ~~(b) One hundred square feet for each additional bedroom thereafter for all other dwelling units.~~

SECTION 8. Section 295-72.3, Mixed-Use Planned Development District (MUPDD), Subsection B., Principal Uses, Subsection (1) is amended to read as follows:

295-72.3.B(1) Dwellings for three or more families, including senior enriched/independent living housing and senior assisted living housing, provided that:

(a) The maximum number of dwelling units per acre shall be six and the maximum number of bedrooms per acre shall be 12.

[1] The maximum number of dwelling units and bedrooms per acre may be increased by not more than 33 1/3% beyond the basic permitted density if the applicant agrees to dedicate to the Village, or an entity designated by the Board of Trustees, land for open space or recreation purposes, and if the Board of Trustees determines that such dedication of land is of sufficient size and suitability to permit the increased density, which determination shall lie within the absolute discretion of the Board of Trustees.

[2] Any such land dedicated in exchange for increased density shall not be included in lot area for purposes of calculating maximum building coverage and maximum development coverage under Subsection E of this section, nor shall it reduce the applicant's open space requirement under the following subsection.

(b) For each dwelling unit, there shall be provided suitably improved and usable recreation area and open space **to the satisfaction of the Planning Board** ~~in the following amounts:~~

~~[1] One hundred square feet for each studio (efficiency) dwelling unit; and~~

~~[2] Two hundred square feet for each bedroom.~~

SECTION 9. Section 295-72.3, Mixed-Use Planned Development District (MUPDD), Subsection B., Principal Uses, Subsection (2)(b), is amended to read as follows:

295-72.3.B(2)(b) For each townhouse, there shall be provided ~~at least 100 square feet of~~ suitably improved and usable recreation area and open space **to the satisfaction of the Planning Board** ~~for each bedroom.~~

SECTION 10. Section 295-72.3, Mixed-Use Planned Development District (MUPDD), Subsection B., Principal Uses, Subsection (5)(b), is amended to read as follows:

295-72.3.B(5)(b) For each dwelling unit, there shall be provided suitably improved and usable recreation area and open space **to the satisfaction of the Planning Board** ~~in the following amounts:~~

~~[1] One hundred square feet for each studio (efficiency) dwelling unit; and~~

~~[2] Two hundred square feet for each bedroom.~~

SECTION 11. SEVERABILITY

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.

SECTION 12. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Environmental Assessment Form Part 1

Question 1 – Narrative Description

The intent of Proposed Local Law D of 2018 is to remove numerous inconsistent requirements for “open space” that appear throughout the Zoning Chapter. The Code does not define the term "open space", nor does it provide uniform requirements for application of the concept. This issue was identified as problematic after review of the Code by the Village’s Land Use Task Force, subsequent discussions by Planning Board and Zoning Board of Appeals, and further review by the Village’s Counsel. No environmental resources will be affected by these amendments because the Code's coverage and setback provisions preserve open space on lots throughout the Village.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.				
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:				
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO 	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO 	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO 	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____		