

MEMORANDUM

To: Marcus Serrano, Interim Village Administrator

Date: November 20, 2020

Subject: **Creation of C-1/C-2 Overlay District and Rezoning from M-1 to C-2**

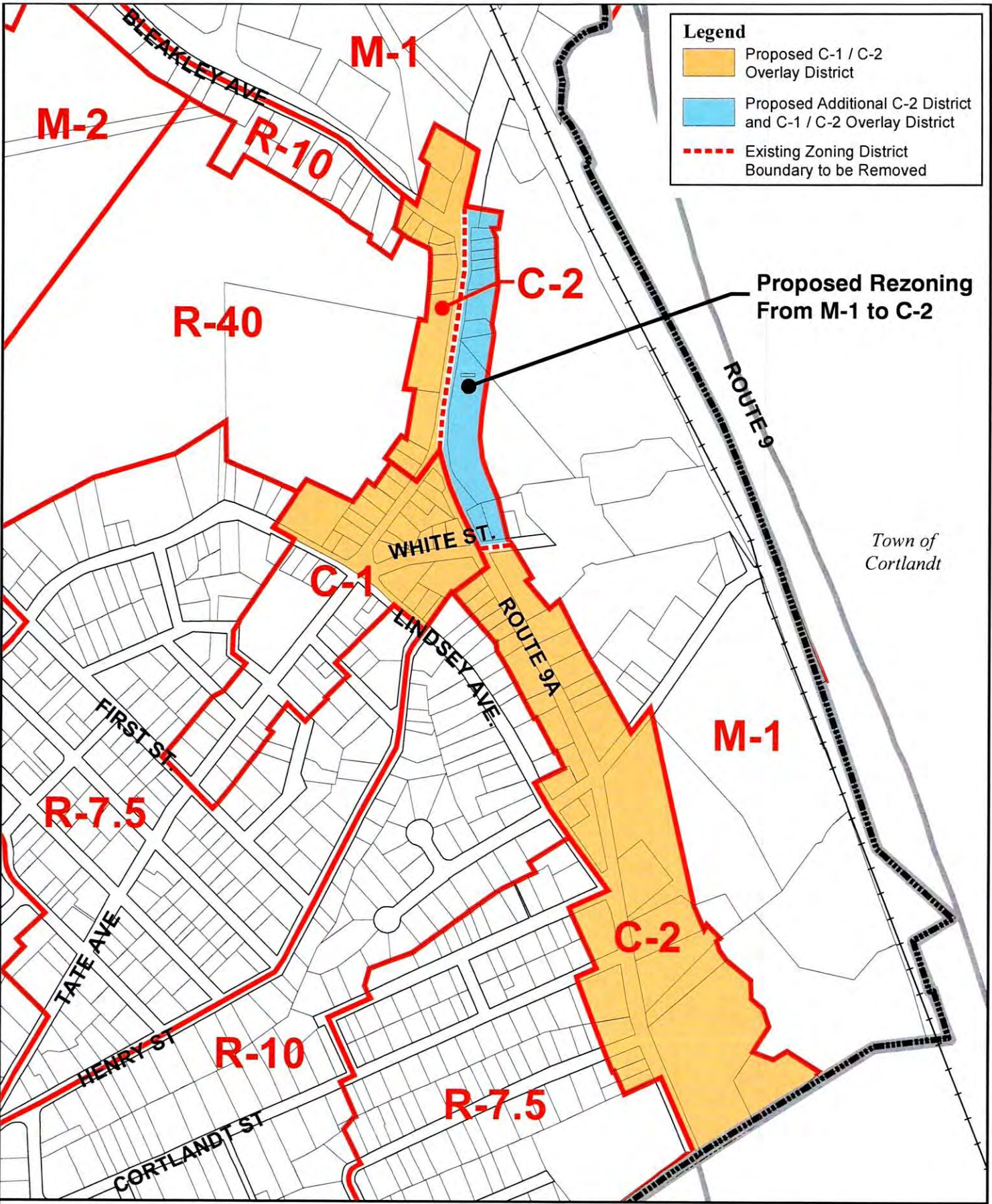
As requested, we have prepared this memorandum for the purpose of outlining the next steps in the process of enacting the proposed C-1/C-2 Overlay District and have provided approximate time frames.

1. We would prepare a Full Environmental Assessment Form regarding the zoning amendments and Architectural Design Guidelines. (two weeks)
2. The Village Board would introduce a local law containing the zoning amendments by resolution. In this introductory resolution the Village Board would:
 - a. Schedule a public hearing on the local law including proper notice of this hearing.
 - b. Direct the referral of the local law to the Westchester County Planning Board (WCPB) and the Village Planning Board for their advisory opinions. (30 days for the WCPB; 45 days for the Village Planning Board or as agreed to by the Village Board and Planning Board)
3. The Village Board would hold and close the public hearing.
4. The Village Board would adopt a resolution (presumably including a Negative Declaration) which would enact the local law. (Could be done as soon as the same night as the public hearing)

Please let me know if you have any questions regarding this memo.

David H. Stolman, AICP, PP
Practice Lead – Planning

Mr. Marcus Serrano, Interim Village Administrator
Page 2
May 19, 2020



Legend

- Proposed C-1 / C-2 Overlay District
- Proposed Additional C-2 District and C-1 / C-2 Overlay District
- Existing Zoning District Boundary to be Removed

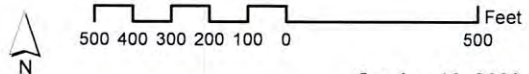
Proposed Rezoning From M-1 to C-2

Town of Cortlandt

PROPOSED ZONING
 Village of Buchanan, Westchester County, New York

FREDERICK P. CLARK / Hardesty
 ASSOCIATES & Hanover

NOTE:
 Tax parcel data obtained from the Town of Cortlandt
 Map compiled from multiple datasets with different scales and projections
 and is intended to be used for GENERAL PLANNING PURPOSES ONLY.



October 13, 2020

M:\g14\Drive\hardesty\Share\GIS\Projects\100\Buchanan_Village\GIS\Production\Projects\Possible Additional Overlay District.mxd

| | | The Following B | | | | | |
|--------------------------|-------|--|---|------------------------------------|--|------------------------------------|---|
| Districts | Group | For Uses Listed Below (Uses herein refer in abbreviated form to the uses listed in detail in Use Table Columns 2 and 3) | Minimum Lot Area (square feet) | Minimum Lot Width (feet) | Minimum Lot Frontage at Street Line (feet) ¹ | Minimum Lot Depth (feet) | Minimum |
| C-1/C-2 Overlay District | O | Same as underlying zoning district as qualified by §§ 211-24.1.C and 211-10 | Same as underlying zoning district as qualified by §§ 211-24.1.C and 211-10 | Same as underlying zoning district | Same as underlying zoning district | Same as underlying zoning district | Same as zoning district by §§ 211-24.1.C and 211-10 |

NOTES:

¹ Amended 10-2-1989 by L.L. No. 9-1989.

² Whichever is less.

MEMORANDUM

To: Mayor Theresa Knickerbocker and the Buchanan Village Board of Trustees
Marcus Serrano, Interim Village Administrator

Date: November 20, 2020

Subject: **Creation of C-1/C-2 Overlay District and Rezoning from M-1 to C-2**

As requested, we have again revised the attached draft local law regarding the above captioned matter. However, the only change to the local law relative to the October 13, 2020 version is the reduction the minimum lot size for the proposed uses in the Overlay District from 40,000 square feet to 25,000 square feet. This change is highlighted in yellow on the proposed Schedule of Use Regulations (attached).

After reviewing the size of many of the lots in the Overlay District and discussing this matter with Town Board member Zachary, we modified this requirement to make more lots in the Overlay District eligible for the uses permitted by the Overlay District.

I look forward to discussing the attached local law with you.

David H. Stolman, AICP, PP
Practice Lead – Planning

Attachments

| Districts | Uses Permitted by Right | Uses by Special Permit of the Planning Board or Board of Appeals | Permitted Accessory Uses | Minimum Off-Street Parking Spaces | Minimum Off-Street Loading |
|--------------------------|---|--|--------------------------|-----------------------------------|----------------------------|
| C-1/C-2 Overlay District | <p>Uses Permitted by Right</p> <p>A. <u>One- and two-bedroom multifamily apartment dwellings or two-family dwellings on parcels of land not less than 25,000 square feet, provided that each dwelling unit contains a minimum of 750 square feet, with a maximum of 12 dwelling units per 40,000 square feet (prorated), that building height does not exceed 40 feet and 3 stories, and provided the parcel adjoins a residentially zoned district, subject to compliance with § 211-24.1.</u> Notwithstanding the above, at the sole discretion of the Planning Board, a number of the dwellings not exceeding 20% of the total may be three-bedroom units.</p> <p>B. <u>One- and two-bedroom multifamily apartment dwellings on parcels of land not less than 25,000 square feet, in back of or over a commercial establishment, provided that each dwelling unit contains a minimum of 750 square feet, with a maximum of 8 dwelling units per 40,000 square feet (prorated), that building height does not exceed 40 feet and 3 stories and provided the parcel adjoins a residentially zoned district, subject to compliance with § 211-24.1.</u> No more than 50% of the total floor area may be utilized for residential purposes. Notwithstanding the above, at the sole discretion of the Planning Board, a number of the dwellings not exceeding 20% of the total may be three-bedroom units.</p> <p>C. <u>Multifamily townhouse dwellings or two-family dwellings on parcels of land not less than 25,000 square feet, provided that each dwelling unit contains a minimum of 750 square feet, with a maximum of 6 dwelling units per 40,000 square feet (prorated), and provided the parcel adjoins a residentially zoned district, subject to compliance with § 211-24.1</u></p> | NA | A. Same as C-2. | A. Same as C-2. | A. Same as C-2. |

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Draft: 11-20-20

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of BUCHANAN

Local Law No. _____ of the year 2020

A local law entitled "A Local Law for the Purpose of Amending Chapter 211, Zoning, of the Village Code with Respect to the Creation and Application of a New C-1/C-2 Overlay Zoning District and the Rezoning of Property from M-1 to C-2 and the Placement of Said Property in the C-1/C-2 Overlay District, and Amending Chapter 171, Subdivision of Land, with Respect to Lot Consolidation"

Be it enacted by the VILLAGE BOARD of the Village of BUCHANAN as follows:

TEXT COMMENCES ON NEXT PAGE

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW No. ___ OF THE YEAR 2020

BE IT ENACTED by the Village Board of the Village of Buchanan as follows:

Section 1. Title

This Local Law shall be known and cited as "Local Law No. ___ of 2020, for the Purpose of Amending Chapter 211, Zoning, of the Village Code with Respect to the Creation and Application of a New C-1/C-2 Overlay Zoning District and the Rezoning of Property from M-1 to C-2 and the Placement of Said Property in the C-1/C-2 Overlay District, and Amending Chapter 171, Subdivision of Land, with Respect to Lot Consolidation."

Section 2. Legislative Intent

The Village Board believes that it is reasonable and appropriate to update and amend Chapter 211, Zoning, of the Village Code with respect to the creation and application of a new C-1/C-2 overlay zoning district and the rezoning of property from M-1 to C-2 and the placement of said property in the C-1/C-2 Overlay District, and to amend Chapter 171, Subdivision of Land, with respect to lot consolidation. This local law is determined to be an exercise of the police powers of the Village to protect the public health, safety and welfare of its residents. This local law is consistent with and an implementation of the Village's Comprehensive Plan.

Section 3. Amendments to Chapter 211, Zoning

1. Section 211-7.A shall be amended to read as follows:

- A. The location and boundaries of the zoning districts hereby established are shown on the Zoning Map of the Village of Buchanan, New York, dated _____, ~~2020 January 1979~~. This Zoning Map, and all notations, references and other information shown thereon, is incorporated by reference and is attached hereto. An updated copy of the Zoning Map shall be maintained in the office of the Village Clerk for public view.

2. In Section 211-6, Enumeration of Districts, the following new zoning district shall be added at the end of the current list of districts:

C-1/C-2 Overlay Zoning District

3. A new Section 211-24.1 shall be added and shall read as follows:

§ 211-24.1 C-1/C-2 Overlay District.

A. Purpose. The purpose of the C-1/C-2 Overlay District is to implement recommendations of the Village's Comprehensive Plan by encouraging business and residential development of a character desired by the Village, amending the tables of use and bulk regulations to obtain such character, beautifying the existing commercial corridor, and improving its pedestrian access.

B. Underlying and overlay zoning. The parcels located in the C-1/C-2 Overlay District shall retain their respective underlying zoning and may be developed in accordance with said underlying zoning. In addition, the provisions of § 211-24.1 shall also apply to the parcels in the C-1/C-2 Overlay District.

C. Bulk regulations. The following provisions apply to all permitted uses (whether based upon the underlying zoning or the overlay district), provided said uses comply with § 211-24.1.D of this chapter.

(1) The permitted lot coverage in the C-1/C-2 Overlay District may be increased at the sole discretion of the Planning Board to not more than 75 percent, provided that effective perimeter screening is proposed and the board determines that said increase conforms to sound planning principles.

(2) When a parcel is situated between two improved lots, each having a principal building within 20 feet of the side lot lines of said parcel, the front yard on the parcel may be reduced to a depth equal to that of the greater front yard of the two adjoining lots provided, however, that it may not be reduced to less than 20 feet.

D. Design guidelines. Any use developed in accordance with § 211-24.1, shall be consistent, to the extent deemed necessary by the Planning Board, with the Design Guidelines of the Village of Buchanan.

E. Prevailing provisions. If the provisions of this section are found to be inconsistent with any other provisions of this chapter, the provisions of this section shall prevail.

4. The Schedule of Use Regulations, Section 211-10, shall be revised in accordance with the attached schedule.

5. The Table of Bulk Regulations, Section 211-15, shall be revised in accordance with the attached table.

Section 4: Addition of C-1/C-2 Overlay Zoning District

The parcels listed below shall hereby retain their respective underlying zoning as shown in the table below and shall also be included in the C-1/C-2 Overlay Zoning District:

| Tax Parcel Number | Property Address | Owner's Name | Underlying Zoning District |
|--------------------------|---------------------------------|------------------------------|-----------------------------------|
| 43.11-1-5 | Albany Post Road | Village of Buchanan | C-2 General Commercial |
| 43.11-1-6 | Albany Post Road | Village of Buchanan | C-2 General Commercial |
| 43.11-2-24 | 226 Bleakley Avenue | Tavano III, Salvatore | C-2 General Commercial |
| 43.11-2-25 | 224 Bleakley Avenue | 224 Bleakley Realty LLC | C-2 General Commercial |
| 43.11-2-26 | 222 Bleakley Avenue | Roberts Family Trust | C-2 General Commercial |
| 43.11-2-27 | 3220 Albany Post Road | Apollonio, Francesco and Kar | C-2 General Commercial |
| 43.11-2-28 | 3214-3216 Albany Post Road | Cook, Brian | C-2 General Commercial |
| 43.11-2-29 | 3212 Albany Post Road | Sarmiento, Raul | C-2 General Commercial |
| 43.15-3-2 | 3208 Albany Post Road | Sarmiento, Raul | C-2 General Commercial |
| part of 43.15-3-1 | Albany Post Road | Con Edison Co. of New York | C-2 General Commercial |
| 43.15-3-3 | 3190 Albany Post Road | NY Dealer Stations Mgmt LLC | C-2 General Commercial |
| 43.15-3-4.1 | Tate Avenue & Albany Post Road | Eller Media Co. L/E | C-2 General Commercial |
| 43.15-3-4 | Tate Avenue | Village of Buchanan | C-2 General Commercial |
| 43.15-3-5 | Tate Avenue | Village of Buchanan | C-1 Neighborhood Commercial |
| 43.15-3-6 | 264-266 Tate Avenue | Bosco, Frank | C-1 Neighborhood Commercial |
| 43.15-3-7 | 260-262 Tate Avenue | Haight, Timothy M | C-1 Neighborhood Commercial |
| 43.15-3-8 | 256-258 Tate Avenue | Zumba, Carlos V | C-1 Neighborhood Commercial |
| 43.15-3-9 | Tate Avenue | Village of Buchanan | C-1 Neighborhood Commercial |
| 43.15-3-10 | 252 Tate Avenue | Buchanan Management Corp | C-1 Neighborhood Commercial |
| 43.15-3-11 | 250 Tate Avenue | WG Holdings LLC | C-1 Neighborhood Commercial |
| 43.15-3-12 | Westchester Avenue | WG Holdings LLC | C-1 Neighborhood Commercial |
| 43.15-3-13 | 260 Westchester Avenue | 260 Westchester Ave Realty | C-1 Neighborhood Commercial |
| 43.16-2-1 | 3188 Albany Post Road | MAF Holdings #1 LLC | C-1 Neighborhood Commercial |
| 43.16-2-2 | 269 Tate Avenue | Di Silva, Carlos Roberto | C-1 Neighborhood Commercial |
| 43.16-2-3 | 263-265 Tate Avenue | 265 Tate Avenue Corp | C-1 Neighborhood Commercial |
| 43.16-2-4 | 261 Tate Avenue | Uzhca, Joel O | C-1 Neighborhood Commercial |
| 43.16-2-5 | 259 Tate Avenue | Teixeira, John | C-1 Neighborhood Commercial |
| 43.16-2-6 | 257 Tate Avenue | Neves, Emanuel F | C-1 Neighborhood Commercial |
| 43.16-2-7 | White Street & Tate Avenue | Village of Buchanan | C-1 Neighborhood Commercial |
| 43.16-2-8 | 264 White Street | Villeda, Claudia | C-1 Neighborhood Commercial |
| 43.16-2-9 | 266 White Street | Travis, Hilda | C-1 Neighborhood Commercial |
| 43.16-2-10 | White Street & Albany Post Road | Eller Media Co. LLC | C-1 Neighborhood Commercial |
| 43.16-2-11 | 3176 Albany Post Road | Sellick, Reginald | C-1 Neighborhood Commercial |
| 43.16-2-38 | 179 Lindsay Avenue | F & A Realty Inc | C-1 Neighborhood Commercial |

| | | | |
|----------------------|-----------------------|------------------------------|-----------------------------|
| 43.16-2-37 | 177 Lindsay Avenue | Prada, David | C-1 Neighborhood Commercial |
| 43.16-2-36 | 175 Lindsay Avenue | Romero, Katherine | C-1 Neighborhood Commercial |
| 43.16-2-35 | 173 Lindsay Avenue | Curry, Ricky and Regina | C-1 Neighborhood Commercial |
| 43.16-2-12 | 3172 Albany Post Road | Woodard, Donald S | C-2 General Commercial |
| 43.16-2-13 | 3170 Albany Post Road | Bleakley, Christopher | C-2 General Commercial |
| 43.16-2-14 | 3168 Albany Post Road | Rosen, Carl | C-2 General Commercial |
| 43.16-2-15 | 3166 Albany Post Road | Kendel, Matthew | C-2 General Commercial |
| 43.16-2-16 | 3164 Albany Post Road | Doyle, Patrick | C-2 General Commercial |
| 43.16-2-17 | 3162 Albany Post Road | Champion, Michael | C-2 General Commercial |
| 43.16-2-18 | 3160 Albany Post Road | C & C Mechanical Inc | C-2 General Commercial |
| 43.16-2-19 | 3150 Albany Post Road | Edwards, Paul C and Betty F | C-2 General Commercial |
| 43.16-2-20 | 3146 Albany Post Road | Polao OD, Michael | C-2 General Commercial |
| 43.16-2-21 | 3144 Albany Post Road | 144 Albany Post Rd Corp | C-2 General Commercial |
| 43.16-2-22 | 137 Lindsay Avenue | United Real Estate LLC | C-2 General Commercial |
| 43.16-2-23 | 139 Lindsay Avenue | Villa, Jose Ivan | C-2 General Commercial |
| 43.20-1-8 | 3114 Albany Post Road | Hair, Debra | C-2 General Commercial |
| 43.20-1-21 thru 21.4 | 245 Catherine Street | Keenan, John J and Carol A | C-2 General Commercial |
| 43.20-1-22 | 3106 Albany Post Road | 3106 Albany Post Inc | C-2 General Commercial |
| 43.20-1-37 | 3102 Albany Post Road | Albany Post Rd Properties | C-2 General Commercial |
| 43.20-1-38 | 3100 Albany Post Road | Albany Post Rd Properties | C-2 General Commercial |
| 43.20-1-39 | 3098 Albany Post Road | Albany Post Rd Properties | C-2 General Commercial |
| 43.20-2-5 | Lake Avenue | Board of Education | C-2 General Commercial |
| 43.20-2-6 | 3095 Albany Post Road | Roman Catholic Church | C-2 General Commercial |
| 43.20-2-7 | 3109 Albany Post Road | Chacon-Paul, Paola | C-2 General Commercial |
| 43.20-2-8 | 3113 Albany Post Road | Forest Hill Properties LLC | C-2 General Commercial |
| 43.20-2-1 | 3115 Albany Post Road | Mazzacone, Ralph and Linda | C-2 General Commercial |
| 43.16-3-17 | 3119 Albany Post Road | Albany Post Rd Realty LLC | C-2 General Commercial |
| part of 43.16-3-16A | Albany Post Road | Gusti Realty LLC | C-2 General Commercial |
| 43.16-3-18 | 274 Craft Lane | Rudy, Jean | C-2 General Commercial |
| 43.16-3-19 | 3149 Albany Post Road | Febres, Fabian R and Erika V | C-2 General Commercial |
| 43.16-3-20 | 3151 Albany Post Road | Preston, Jean | C-2 General Commercial |
| 43.16-3-21 | 3153 Albany Post Road | Buchanan Engine Co. No. 1 | C-2 General Commercial |
| 43.16-3-22 | 3159 Albany Post Road | Buchanan Engine Co. No. 1 | C-2 General Commercial |
| 43.16-3-23 | 3161 Albany Post Road | JAFRC Realty Corp | C-2 General Commercial |
| 43.16-3-24 | 3167 Albany Post Road | Sellicks Auto Body Shop Inc | C-2 General Commercial |

Section 5: Rezoning from M-1 to C-2 and Addition of C-1/C-2 Overlay Zoning District

The parcels listed below shall hereby be rezoned from the Light Industrial (M-1) District to the General Commercial (C-2) District and shall also be included in the C-1/C-2 Overlay Zoning District:

| Tax Parcel Number | Property Address | Owner's Name | Existing Zoning District | Proposed Zoning District |
|-------------------|-----------------------|-----------------------------|--------------------------|--------------------------|
| 43.16-3-26 | Albany Post Road | Con Edison Co of NY | M-1 | C-2 |
| 43.16-3-25 | White Street | Con Edison Co of NY | M-1 | C-2 |
| part of 43.16-3-1 | Albany Post Road | Con Edison Co of NY | M-1 | C-2 |
| part of 43.12-1-3 | 3199 Albany Post Road | Westchester Ind Complex LLC | M-1 | C-2 |
| 43.12-1-4 | 3201 Albany Post Road | Richardson Sanquintin | M-1 | C-2 |
| 43.12-1-5 | 3211 Albany Post Road | Michael P Bleakley | M-1 | C-2 |
| 43.12-1-6 | 3213 Albany Post Road | Jagg Group LLC | M-1 | C-2 |
| 43.12-1-7 | 3215 Albany Post Road | Wayne Chauvin | M-1 | C-2 |
| 43.12-1-8 | 3217 Albany Post Road | Gallo Development Corp | M-1 | C-2 |
| 43.12-1-9 | 3219 Albany Post Road | 3219 Albany Post Road LLC | M-1 | C-2 |
| 43.12-1-10 | Albany Post Road | Village of Buchanan | M-1 | C-2 |

Section 6. Amendment to Zoning Map in Chapter 211, Zoning

The Zoning Map of the Village of Buchanan is hereby amended to graphically show:

1. The parcels listed in Section 4 above as being in the C-1/C-2 Overlay Zoning District;
2. The rezoning of the parcels listed in Section 5 above from M-1 to C-2; and
3. The inclusion of the newly rezoned C-2 parcels in Section 5 above as also being in the C-1/C-2 Overlay District;

as shown on the map entitled, "Proposed Zoning" dated October 13, 2020 and attached hereto.

Section 7. Amendment to Chapter 171, Subdivision of Land

A new Section 171-5.L shall be added and shall read as follows:

L. Where the subdivision consists of a lot consolidation by the means of eliminating one or more common lot lines, the applicant may proceed directly from acceptance by the Planning Board of the sketch layout to submission of a subdivision plat (§ 171-7 herein).

Section 8. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Code of the Village of Buchanan as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 9. Numbering for Codification

It is the intention of the Village of Buchanan and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Buchanan; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 10. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Village Board of the Village of Buchanan that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Section 11. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by the Municipal Home Rule Law.

Attachment: Proposed Zoning Map, Schedule of Use Regulations, Table of Bulk Regulations

j:\docs2\100\Buchanan\code amendments 2020\overlay district LL 11-20-20.dhs.docx