LOCAL LAW NO. 6 OF 2023

A LOCAL LAW AMENDING THE ZONING CODE OF THE VILLAGE OF AIRMONT WITH RESPECT TO ELIGIBILITY FOR THE RSH OVERLAY ZONING DISTRICT

Be it enacted by the Board of Trustees of the Village of Airmont as follows:

Section 1. Legislative Intent and Findings.

The Zoning Code expressly allows the construction, maintenance, and use of property for specialized housing for senior citizens in its RSH zoning district. The RSH district is a floating zone, but it may only be applied to properties in the existing Village Center (VC) and Neighborhood Shopping (NS) zones. The intent of so limiting the RSH zone was to "assure access to transportation, community and commercial services." (Airmont Zoning Code, § 210-19.A(2)).

The RSH district has only been applied to three properties: Airmont Gardens, a rental project on North DeBaun Avenue west of North Airmont Road; Retreat at Airmont, a condominium project on North DeBaun Avenue east of North Airmont Road; and a rental project on South Airmont Road at Pondview Drive operated by the Town of Ramapo Housing Authority that pre-dated the incorporation of the Village.

While the number of RSH projects has not changed over the years, the demand for senior housing has been increasing.

The Board of Trustees has reviewed this problem. It finds that the current restrictions limiting the available areas for the RSH overlay zone are too restrictive. Properties that are within a short walk of the VC or NS district may be just as suitable for RSH projects as properties actually within one of those districts. Also, limiting the RSH to proximity to the VC and NS districts ignores services that are available for seniors in the Professional Office (PO) district.

While recognizing the need to enlarge the areas where RSH zoning may be appropriate, the Board of Trustees also acknowledges that RSH projects tend to be large. Thus, they need proper access, they must be on larger parcels of land, and they must not interfere with quieter residential neighborhoods. Further, the Board of Trustees does not want to interfere with the Village's commercial tax base by expanding RSH eligibility to other non-residential zones such as LO and PO. The expansion of RSH eligibility set forth in this local law addresses all the foregoing concerns.

Section 2. Amendment of Zoning Code.

Subdivision (2) of subsection A of section 210-19 of the Village of Airmont Zoning Code is hereby amended to read as follows:

> (2) The RSH Zone is intended as a floating zone to accommodate senior citizen housing as defined in Article XII herein and is to be applied only in the following areas in order to assure access to transportation, community and commercial services:

(a) parcels zoned Village Center (VC) or Neighborhood Shopping (NS) at the time of submission of a rezoning petition to the Village Board;

(b) parcels zoned R-35 or RR-50, but only if all the following additional criteria are also met at the time of submission of a rezoning petition to the Village Board:

(i) the parcel must have at least 200 feet of frontage on a state or county highway; and

(ii) the parcel, or a portion of the parcel, is located within 500 feet walking distance of an existing NS, VC, or PO zoning district along the existing road network; and

(iii) the parcel, which may consist of one or more contiguous lots owned by a single person or entity at the time of submission of a rezoning petition to the Village Board, must have a lot area equal to or greater than the minimum lot area required for the intended use.

Subsection E of Section 210-19 of the Village of Airmont Zoning Code is hereby amended to read as follows:

Additional use requirements. A vegetated buffer with a minimum dimension of the respective required setback shall be required where such uses may adversely affect the residential character of the neighborhood. The buffer shall be provided between the proposed use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed for special permit use approval.

Subsection H of Section 210-102 of the Village of Airmont Zoning Code is hereby amended as follows:

H. In areas zoned VC at the time of petition for an RSH zone, the maximum building height shall be 40 feet with maximum three stories (currently 35 feet and two stories), whichever is less. In areas zoned NS at the time of the petition for the RSH zone, maximum height shall be 35 feet with a maximum of two stories. In all residential zones, the maximum building height shall be 35 feet with a maximum of two stories.

Section 3. Severability.

The invalidity of any word, section clause paragraph, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part of parts.

Section 4. SEQRA.

Enactment of this local law was determined by the Village Board to be a Type I action under SEQRA and the Village Board conducted SEQRA review of this action.

Section 5. Code Preparation

The Village's Code preparation contractor is authorized, without further action of the Village Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this local law.

Section 6. Effective date.

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