

## ***Local Law Filing***

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(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.

FILED  
STATE RECORDS

DEC 30 2022

Town  
of Somers

DEPARTMENT OF STATE

Local Law No. 7 of the year 20 22

A local law See below

Be it enacted by the Town Board  
of the *(Name of Legislative Body)*

Town  
of Somers

A Local Law to amend Section 170.15.1 entitled Principal Uses with regard to the Business Historic Preservation District in the Code of the Town of Somers.

Be It Enacted by the Town Board of the Town of Somers as follows:

§ 170-15.1. Principal uses.

A. In a B-HP District, no building, structure or premises, in whole or in part, shall be used and no building or structure, in whole or in part, shall be erected, enlarged, structurally altered or moved except for the following purposes or as herein elsewhere specifically provided, together with the accessory uses specified in § 170-15.2 herein:

(13) Restaurants, taverns and ice cream parlors located in any portion of a building that was in existence on the effective date of this provision, but excluding fast- food establishments and drive-in, drive through or curbside service. Such uses shall also be permitted in any new floor area constructed on the upper level of such existing building subsequent to that date, provided that the upper level floor area in existence on the effective date of this provision represents at least 30% of the lower level floor area in existence on such date and the total floor area on the

upper level after it has been enlarged does not exceed 100% of the floor area of the lower level of such building. Such uses shall also be permitted in a new building constructed after the effective date of this provision, provided that all such uses are located only on the lowest level at grade that faces the major roadways of U.S. Route 202, N.Y. Route 100 or N.Y. Route 116 and residential uses are established on the upper level(s) of such building.

(14) Retail stores located in any portion of a building that was in existence on the effective date of this provision, including but not limited to thrift, consignment and antique shops, bakeries and delicatessens, but not convenience stores, provided that the Planning Board approves the use as being consistent with the nature, character and purpose of the B-HP District. Within any retail establishment that sells food or beverages, a maximum of 10 seats may be provided for customer use. If a greater number of seats are provided, such use shall be considered a restaurant. Such uses shall also be permitted in any new floor area constructed on the upper level of such existing building subsequent to that date, provided that the upper level floor area in existence on the effective date of this provision represents at least 30% of the lower level floor area in existence on such date and the total floor area on the upper level after it has been enlarged does not exceed 100% of the floor area of the lower level of such building. Such uses shall also be permitted in a new building constructed after the effective date of this provision, provided that all such uses are located only on the lowest level at grade that faces the major roadways of U.S. Route 202, N.Y. Route 100 or N.Y. Route 116 and residential uses are established on the upper level(s) of such building.

Effective Date: This Local Law shall be effective upon filing of same with the Secretary of State of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strikeout that which is not applicable).

1. (Final adoption by local legislative body only).

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2022 of the (County) (City) (Town) (~~Village~~) of Somers was duly passed by the Town Board on November 10 2022, in accordance with the applicable provisions of law.

*(Name of Legislative Body)*

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2022 of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2022, and was (approved) (not approved) (repassed after

*(Name of Legislative Body)*

disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2022,

*(Elective Chief Executive Officer\*)*

in accordance with the applicable provisions of law.

3. (Final adoption by referendum).

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2022 of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2022, and was (approved) (not approved) (repassed after

*(Name of Legislative Body)*

disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 2022. Such local law was submitted

*(Elective Chief Executive Officer\*)*

to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on \_\_\_\_\_ 2022, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum).

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2022 of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2022, and was (approved) (not approved) (repassed after

*(Name of Legislative Body)*

disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 2022. Such local law was subject to

*(Elective Chief Executive Officer\*)*

permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2022, in accordance with the applicable provisions of law.

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition).

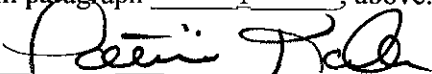
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2022 of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 2022, became operative.

6. (County local law concerning adoption of Charter).

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2022 of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 2022, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

If any other authorized form of final adoption has been followed, please provide an appropriate certification).

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ 1 \_\_\_\_\_, above.

  
\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body


(Seal)

Date: 12/15/2022

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality).

STATE OF NEW YORK  
COUNTY OF WESTCHESTER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Town Attorney  
Title

County \_\_\_\_\_  
City of Somers  
Town \_\_\_\_\_  
Village \_\_\_\_\_  
Date: 12/15/2022