

VILLAGE OF HIGHLAND FALLS
INTRODUCTORY LOCAL LAW NO. ___ OF 2020
AMENDMENT OF THE ZONING LAW MODIFYING THE USES ALLOWED WITHIN
THE BUSINESS-1 MAIN STREET CORRIDOR AND ASSOCIATED BULK TABLE
MODIFICATIONS

BE IT ENACTED by the Village Board of Trustees of the Village of Highland Falls, County of Orange, State of New York, as follows:

Section 1. Legislative Findings, Purpose and Intent.

The Village Board of the Village of Highland Falls hereby finds and determines that it is necessary to amend the Village’s zoning law to clarify the uses allowed in the Business 1 (“B-1”) district. The current zoning law allows, among other things, “dwelling units over first floor nonresidential uses” as a special permit issued by the Planning Board, but provides no special permit guidelines associated with the use. No definitions are associated with the use; no density calculation to determine number of dwelling units are associated with the use; no minimum or maximum size of dwelling is associated with the use. The Board of Trustees finds that the absence of such guidance hinders the Planning Board’s ability to carry out its statutory function to act as the ministerial board charged with applying the zoning law to land use applications and exercise its inherent advisory powers to assist the Village Board in the application of good planning practice within the Village.

The Village Board also finds and determines that in order to further the objectives contained in the 2009 Comprehensive Plan (the “Comprehensive Plan”), it is necessary to broaden the uses allowed in the B1 district to enhance economic activity in the heart of the Village, specifically the commercial district located along the Main Street corridor. Section VIII, “Plan Implementation,” of the Comprehensive Plan calls for rezoning areas along Route 218 to commercial, implement downtown revitalization and various revisions aimed at moving in a pro-active manner in [pursuit] of downtown renewal, including the promotion of tourism. Comprehensive Plan, pgs. VIII-1, VIII-2. Further, the Comprehensive Plan calls for encouraging and publicizing upgrades to local hotels and motels, promoting mixed use development downtown, with ground floor commercial/retail uses and residential development above, suitable commercial development, “particularly Main Street.” Comprehensive Plan, pg. III-3

The Village Board further finds and determines that promoting mixed use development within the B-1 district will enhance the traditional village character of Highland Falls’ business district and the Village center. Spurring economic growth within the B-1 district will help revitalize the Village, promote a village-style mix of retail, restaurants, offices, civic uses while encouraging residential growth within the Village center. Residential growth within the Village center provides additional housing opportunities and choices and promotes pedestrian traffic, which, in turn, reduces parking requirements and street congestion.

The Village Board has determined that this local law will address the existing deficiencies in the zoning law as applied to the B-1 district is a first and necessary step toward implementing the goals of the Comprehensive Plan.

Section 2. Authority.

This local law is enacted by the Village Board of Trustees of the Village of Highland Falls

pursuant to its authority to adopt local laws pursuant to the New York State Constitution and Section 10 of the Municipal Home Rule Law.

Section 3.

Chapter 240, titled, "Zoning," of the Village of Highland Falls is hereby amended as follows:

Section 240-4, titled, "Definitions," is amended by adding the following:

MIXED-USE DEVELOPMENT: For the purpose of this Chapter, "mixed-use development" is defined as development that provides revenue-producing use of a building on the ground floor such as, but not limited to, retail, restaurant, eating and drinking places, entertainment, office, civic, cultural or recreation and residential use in the form of apartment dwellings and similar residential dwellings located on the floors above.

HOTEL, MIXED-USE: A hotel located over first-floor nonresidential use.

The definition of "HEIGHT OF STRUCTURE OR BUILDING" is amended by adding the following sentence: Architectural elements that do not add floor area to a building or structure, such as parapet walls, chimneys, vents, and roof equipment are not considered part of the height of a building or structure. The maximum height of a building or structure located in the B1 district shall not include rooftop amenities such as a pool, clubhouse, restaurant, bar, or similar amenities, provided that the sum total of all such areas do not exceed 50% of the rooftop area.

HEIGHT, SET-BACK BONUS: Maximum building height for commercial buildings located in the Business Commercial District ("B-3") may be increased by one (1) story, not to exceed a height of 15-feet, on condition that the additional story is set back from the building edge on all sides by no less than ten (10) feet (the "bonus story"). The 10-foot set-back shall be open and unobstructed and shall not contain mechanical equipment or any other visible structure, including, but not limited to signage. In no event shall more than one height bonus be allowed per building in the absence of a height variance. For the purpose of this Chapter, "height set-back bonus" is also referred to as "bonus story."

Subsection B, titled, "Business districts," of Section 240-6, titled, "Classes of Districts," is amended by adding the following:

- (3) B-3 District, Commercial Business District.

Amendment to zoning map. The Village Board of Trustees hereby amends the Village of Highland Falls Official Zoning Map as follows:

The B-1 District shall be extended southward to encompass those lots abutting the west side of Route 218 from Dale Avenue to Walker Avenue, and shall also encompass those lots abutting the east side of Route 218 from Havens Road southward to and including the property identified on the Town of Highlands Tax Map as Section 106, Block 1, Lot 8.

The B-3 District shall encompass those lots abutting the west side of Main Street beginning at the entrance to West Point Military Academy (Thayer Gate) and continuing south to the intersection of Cozzens Avenue. The B-3 District shall encompass those lots abutting the west side

of Main Street from the intersection of Walker Avenue to and including the property identified on the Town of Highlands Tax Map as Section 107, Block 3, Lot 18.1.

Column 1, titled, “B-1 Village Business,” of Section 240-24, titled, “Table of Use Regulations,” is amended by deleting the Residential use “Dwelling units over first floor nonresidential uses,” with “Mixed-use development.”

Section 240-24, titled, “Table of Use Regulations,” is amended by adding a third Column labeled, “B-3 Business Commercial District,” as follows:

	B-1 Village Business	B-2 Highway Commercial	B-3 Business Commercial
Use Classifications			
Residential uses:			
Bed-and-breakfast inn	SE		SE
Home professional office	SE	X	SE
Mixed-use development	SE	X	SE
Single-family detached dwelling	SE	X	X
Residential community facilities:			
Church or similar place of worship, parish house, seminary, convent, dormitory	SE	SE	SE
Nursery school	SE	SE	SE
Park, playground or recreational area operated by the municipality	P	P	P
Public library, museum, community center	SE	SE	SE
Fire station municipal office or other governmental building of similar character	SE	SE	SE
School, elementary or high, public, denominational or private, having a curriculum the same as ordinarily given in public schools	SE	SE	SE
General community facilities:			
Bus passenger shelter	P	P	SE
Membership club, nonprofit	SE	SE	SE

	B-1 Village	B-2 Highway	B-3 Business
Use Classifications	Business	Commercial	Commercial
Philanthropic, fraternal, social or educational institution office or meeting room, nonprofit	SE	SE	SE
Public utility structure or right-of-way, including sewage treatment plant or water supply facility, necessary to serve the Highlands-Highland Falls community	X	SE	X
Public passenger transportation station or terminal	SE	SE	SE
Business uses:			
Animal hospital, animal boarding	X	SE	SE
Automobile laundry	X	SE	X
Bank	P	P	P
Bowling alley	X	P	SE
Convenience store	P	P	SP
Eating establishment: drive-in, open-front or curbside service	SE	SE	SE
Filling station	SE	SE	X
Funeral home	P	P	P
Greenhouse, horticulture	SE	SE	X
Hotel, mixed-use	X	X	SE
Hotel	SE	SE	SE
Motel	X	SE	SE
Motor vehicle, mobile home or boat salesroom or outdoor sales lot for products for sale and/or for hire	X	P	X
Office: business, professional or utility,	P	P	P
Parking garage, storage garage	SE	SE	SE
Personal service shop: barber- shop, beauty parlor,	P	P	P

	B-1 Village	B-2 Highway	B-3 Business
Use Classifications	Business	Commercial	Commercial
dry- cleaning or laundry service of less than 4,000 square feet, professional studio, travel agency or similar shop			
Pool hall/arcade	SE	SE	X
Radio or television broadcasting studio	P	P	P
Repair garage	X	SE	SE
Repair shop for household and/or personal appliances	P	P	SE
Restaurant	P	P	P
Retail store or shop	P	X	P
Shop for custom work and for making articles to be sold at retail on premises	P	P	P
Tavern	P	P	P
Theater or motion-picture theater, other than an outdoor drive-in theater	SE	SE	SE
Veterinarian	X	SE	SE
Vocational school	P	P	P
Wholesale business	X	P	X
Industrial uses:			
Limited nonnuisance industry using machines not exceeding 5 horsepower	P	P	P
Printing or publishing plant	SE	SE	SE
Research institute or laboratory using machines not exceeding 5 horsepower	P	P	P
Accessory uses:			
Caretaker's or owner's dwelling unit	X	P	X
Customary accessory use, building or structure, except retail services or prohibited uses	P	P	P
Private garage or off-street parking area pursuant to	P	P	P

	B-1 Village	B-2 Highway	B-3 Business
Use Classifications	Business	Commercial	Commercial
Article VIII			
Private swimming pool	X	P	X
Signs pursuant to Article IX	P	P	P

NOTES:

*Except as required by special exception conditional use.

P = Permitted use.

SE = Special exception use.

X = Prohibited use.

All unlisted uses are prohibited in all districts.

Column 1, titled, “B-1 Village Business, of section 240-24, titled, “Table of Use Regulations,” is amended as follows:

The term, “Dwelling units over first floor nonresidential uses,” is deleted and replaced by the term “Mixed-use development.”

“Mixed-use development,” is added as a special exception use (SE).

Column 1, titled, “B-1 Village Business, of section 240-25, titled, “Table of Dimensional Regulations,” is amended as follows:

	B-1 Village	B-2 Highway	B-3 Business
	Business	Commercial	Commercial
Lot area minimum ¹ (square feet)	No requirement	10,000	No requirement
Lot area minimum per dwelling unit (square feet)	2,500	X	350
Lot coverage (percent of total lot area occupied by main and accessory buildings)	80%	50%	100%*
Lot width minimum (feet)	No requirement	75	No requirement
Height maximum (feet)	50	60**	60**
Yard minimum (feet):			

	B-1 Village Business	B-2 Highway Commercial	B-3 Business Commercial
Front	No requirement	50	No requirement
Side, any one	12, if provided	20	No requirement*
Side, total for both on interior lot	No requirement	40	No requirement
Side abutting side street on corner lot	No requirement	50	No requirement
Rear	15	30	10
Accessory buildings:			
Coverage of required rear yard, maximum (percent)	None	None	None
Height in required rear yard, maximum (feet)	None	None	None
Setback from any lot line, minimum (feet)	See "Yards"	See "Yards"	None*
Encroachment of off-street parking and required screening on required yards, permitted maximum (percent):			
Front	No yard	100% requirement	
Side	100%	100%	
Rear	100%	100%	

NOTES:

*Subject to special exception conditions.

** One-time bonus height of 15 feet provided if additional story set back from all building edges by no less than 10 feet.

¹Where public sewerage is not available, no lot shall be built upon which has insufficient space for a private sanitary waste disposal system, as determined by the municipality.

Section 240-29, titled “Special conditions and safeguards for certain special exception uses,” is hereby amended by adding two new subsections as follows:

G.1. Hotel, mixed-use:

1. Architectural review. The building design should incorporate an architectural style that is compatible with nearby uses. Architectural details may draw upon locally historic buildings or other nearby features that contribute to the aesthetic ambience of the Village. The Planning Board is authorized to consider façade and architectural features during its review, and may engage an architect licensed to practice in the state of New York to facilitate said review.

2. **Building Façade.** The building should be placed to enforce a continuous street edge establishing a strong pedestrian corridor while avoiding long, unarticulated building facades and should employ, where practical, variable set-backs.
3. **Architectural features.** Balconies, porticoes, signs and architectural features shall be allowed to extend over Village sidewalks provided that no such feature shall be located at a height less than 20 feet above the sidewalk, shall provide for safe passage underneath said feature and shall extend no closer than five feet distance from electrical utility poles. Such features shall not encroach over any side or rear lot line except those lot lines that abut a Village sidewalk. This provision shall not be construed to permit any obstruction of any Village sidewalk.
4. **Windows.** Street-facing facades should be visually open to major streets and architecturally enhanced through the use of architectural features. A minimum of sixty percent (60%) of the first floor should be comprised of clear windows that allow views of indoor space. On all other floors, the maximum total wall plane without windows or entrances (on any façade) should not exceed thirty percent (30%). The foregoing window standards are guidelines and the Planning Board may allow these standards to be exceeded, where it finds that doing so does not result in a diminishment of the architectural appearance of the building to the public right-of-way.
5. **Landscaping.** Landscaping between the building and the street is required for all new construction. Landscaping between the building and the street is encouraged to the greatest extent practicable where existing buildings are being renovated or repurposed for a use subject to this subsection.
6. **Green elements.** Building designs that incorporate green roofs, green walls, and other forms of living architecture are encouraged.
7. **Lot coverage.** Up to 100% of lot coverage shall be permitted only upon condition that acceptable snow and garbage storage areas and acceptable stormwater drainage are provided as determined by the Planning Board.
8. **Rooftop amenities.** Rooftop amenities such as pools, restaurants, spas and similar amenities shall be permitted only if they are open to the public either free, per-use fee, or membership fee. Rooftop amenities shall be subject to reasonable conditions imposed by the Planning Board to limit noise and light emissions to the greatest extent practicable including, but not limited to, dark sky lighting, limits on hours of operation, use of amplified sound and noise dampening technology.
9. **Mechanicals.** In no event shall roof-top mechanical equipment be located atop a bonus story or within the required 10-foot set-back from all edges of the building. Mechanical equipment located on any other rooftop shall be placed to the greatest extent practicable so as not be visible from the street or neighboring properties. The Planning Board may require roof-top mechanical equipment to be screened.
10. **Utilities.** Electric, telephone, communication and other utilities shall be installed underground where feasible.
11. **Parking garage.** Above- or below-grade parking structures are encouraged and permitted.
12. **Parking waiver.** Due to variations in parking demands and needs in hotel, mixed-use development projects, vehicle parking requirements and the design of parking areas, including ingress and egress, may be reduced or modified by the planning board as part of the special use/site plan review process. The Planning Board may reduce the number of off-street parking spaces required by up to but no greater than 25% where the applicant proves that additional parking is available in close proximity to the site.
13. **The plan submitted to the Planning Board shall either show a designated on-site snow storage area, or in the alternative, the applicant shall provide for snow removal offsite, which offsite snow removal shall be a condition of any approval issued.**

H.1. Mixed-use development.

1. Architectural review. The building design should incorporate an architectural style that is compatible with nearby uses. Architectural details may draw upon locally historic buildings or other nearby features that contribute to the aesthetic ambience of the Village. The Planning Board is authorized to consider façade and architectural features during its review, and may engage an architect licensed to practice in the state of New York to facilitate said review.
2. Building Façade. The building should be placed to enforce a continuous street edge establishing a strong pedestrian corridor while avoiding long, unarticulated building facades and should employ, where practical, variable set-backs.
3. Architectural features. Balconies, porticoes, signs and architectural features shall be allowed to extend over Village sidewalks provided that no such feature shall be located at a height less than 20 feet above the sidewalk, shall provide for safe passage underneath said feature and shall extend no closer than five feet distance from electrical utility poles. Such features shall not encroach over any side or rear lot line except those lot lines that abut a Village sidewalk. This provision shall not be construed to permit any obstruction of any Village sidewalk.
4. Windows. Street-facing facades should be visually open to major streets and architecturally enhanced through the use of architectural features. A minimum of sixty percent (60%) of the first floor should be comprised of clear windows that allow views of indoor space. On all other floors, the maximum total wall plane without windows or entrances (on any façade) should not exceed thirty percent (30%). The foregoing window standards are guidelines and the Planning Board may allow these standards to be exceeded, where it finds that doing so does not result in a diminishment of the architectural appearance of the building to the public right-of-way.
5. Landscaping. Landscaping between the building and the street is required for all new construction. Landscaping between the building and the street is encouraged to the greatest extent practicable where existing buildings are being renovated or repurposed for a use subject to this subsection.
6. Green elements. Building designs that incorporate green roofs, green walls, and other forms of living architecture are encouraged.
7. Lot coverage. Up to 100% of lot coverage shall be permitted only upon condition that acceptable snow and garbage storage areas and acceptable stormwater drainage are provided as determined by the Planning Board.
8. Rooftop amenities. Rooftop amenities such as pools, restaurants, spas and similar amenities shall be permitted only if they are open to the public either free, per-use fee, or membership fee. Rooftop amenities shall be subject to reasonable conditions imposed by the Planning Board to limit noise and light emissions to the greatest extent practicable including, but not limited to, dark sky lighting, limits on hours of operation, use of amplified sound and noise dampening technology.
9. Mechanicals. In no event shall roof-top mechanical equipment be located atop a bonus story or within the required 10-foot set-back from all edges of the building. Mechanical equipment located on any other rooftop shall be placed to the greatest extent practicable so as not be visible from the street or neighboring properties. The Planning Board may require roof-top mechanical equipment to be screened.
10. Utilities. Electric, telephone, communication and other utilities shall be installed underground where feasible.
11. Parking garage. Above- or below-grade parking structures are encouraged and permitted.

14. Parking waiver. Due to variations in parking demands and needs in mixed-use development projects, vehicle parking requirements and the design of parking areas, including ingress and egress, may be reduced or modified by the planning board as part of the special use/site plan review process. The Planning Board may reduce the number of off-street parking spaces required by up to but no greater than 25% where the applicant proves that additional parking is available in close proximity to the site.
12. Assigned parking. Parking for any dwelling units shall be assigned, secured and separated from public parking.
13. Home office. Home professional office use shall require a special permit issued to the owner of the dwelling unit or to the long-term residential tenant provided, however, that the tenant submit an owner affidavit of consent with the application to the planning board. Any change of profession office use shall require a new Certificate of Occupancy issued by the building inspector who may require resubmission to the planning board.
14. Application of Uniform Code and Multi-family Inspection. Multi-family residential use located above non-residential use shall be subject to all applicable state and local building code and safety inspection requirements.

Section 240-37, titled “Minimum residential floor area,” is hereby amended by deleting the column titled, “Minimum First Floor Area,” in its entirety and reducing the minimum required floor area per family for Apartment residences from 900 to 750 square feet.

**Minimum Required Floor
Area per Family**

(square feet)

Type of Residence

Single- and two-family detached dwelling units constructed after January 1, 2019	1,200
Single-family detached dwellings constructed prior to January 1, 2019, converted to two-family detached dwellings [See Note below]	850
Townhouse development	1,200
Apartment	850
Mobile homes located in licensed mobile home courts	500

The table within section 240-43, titled, “Schedule of off-street parking requirements for nonresidential uses,” of Article VIII, titled, “Off-street parking and truck loading space requirements,” is amended by adding two rows in alphabetical order as follows:

Hotel, mixed use	1 per guest bedroom. The parking exemption provided in Footnote 1 applies to hotel employees and all non-hotel mixed uses.
Mixed-use development	1 per dwelling unit, plus 1 per each 2 employees

on the premises at one time.

The last row of the table, titled, “Wholesale establishment establishment,” is amended by deleting the repetitive word “establishment.”

Section 240-44, titled, “Off-street truck loading space requirements,” of Article VIII, titled, “Off-street parking and truck loading space requirements,” is amended by adding a footnote as follows:

FN1. The Planning Board may waive the requirement for off-street truck loading spaces for mixed-use developments and mixed-use hotels where the applicant establishes to the satisfaction of the Planning Board that deliveries may be accommodated with a minimum of disruption to surrounding residential neighborhoods or other commercial uses. The Planning Board may condition any approval on reasonable limitations to said deliveries, including, but not limited to, size of truck, hours of delivery, times of delivery, number of deliveries and similar restrictions

Section 4. Supersession, of Inconsistent Laws, if any.

The Village Board of Trustees hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the state Village Law or other special law that may be declared inconsistent or in conflict with this local law. The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Village has failed to specify any provision of law that may require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.

Section 5. Severability.

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof.

Section 6. Effective Date.

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