

VILLAGE OF HIGHLAND FALLS
INTRODUCTORY LOCAL LAW NO. __ OF 2024
AMENDING THE ZONING LAW OF THE VILLAGE OF HIGHLAND FALLS

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 Local Law No. 1 of 2020 (“LL 1 of 2020”), which implemented a new zoning district, the Business-3 (“B-3”) commercial district, and a new use therein, “Hotel, mixed-use,” among other things, was less in keeping with the 2009 Comprehensive Plan than originally thought. Although mixed-use development in the commercial corridor of the Village, including the Village center, was recommend by the Comprehensive Plan, the Plan specifically identified that use as “dwelling units over first floor nonresidential uses” and not transient hotel rooms. The Board of Trustees is also concerned with the additional parking that could be generated by such a use, especially given the temporary nature of hotel occupancy. Thus, the Board has determined that the B-3 district should be eliminated and returned to its prior Village Business-1 (“B-1”) zoning classification and the “Hotel, mixed-use” use should also be eliminated.

The Board has also determined that building heights of 60 to 75 feet tall in the B-3 district, 50-65 feet tall in the B-1 district and 60-75 feet tall in the Business-2 (“B-2”) district, as permitted by LL 1 of 2020, will result in buildings that are out of character with the community, especially if developed to their capacity height. At full height, a 75-foot building is between 5 to 7 stories. The tallest building in the Village now is three stories. Five- to seven-story buildings were not contemplated in the 2009 Comprehensive Plan. Thus, the Village Board finds and determines that it is in the best interests of the Village and its residents not only to eliminate the B-3 district and “Hotel, mixed-use” use, as authorized by LL 1 of 2020, but also to reduce the maximum height in the B-1 and B-2 districts to 40 feet with a height bonus of 5 feet, if granted by the Planning Board. That reduction in height will result in buildings of 3-4 stories, which are more in keeping with the current character of the Village.

However, the Village Board finds that encouraging moderate “mixed-use” residential growth in the Village center will spur economic growth and help revitalize the community by promoting a village-style mix of retail, restaurants, offices, and civic uses. In furtherance of that goal, expressed clearly in the 2009 Comprehensive Plan, the Board finds and determines that increasing the number of apartment-style dwelling units permitted in the B-1 district by reducing the minimum lot area per dwelling unit from 2,500 square feet to 1,250 square feet will encourage residential growth within the Village center that will, in turn, lead to a more vital community. The reduction will allow for a doubling of the residential density in the Village center without sacrificing the small-town Village character and without unduly stressing infrastructure sch as water, sewer and roadways. In addition, those buildings that currently have legal apartments over nonresidential will be permitted no less than the existing number of apartments, as determined by the building inspector, should the property be redeveloped.

Although residential infill in the Village center is a worthy goal, continuing the residential parking exemption within the B-1 commercial district will likely overwhelm the Village's extremely limited parking capacity when mixed-use development does occur. Therefore, the commercial parking exemption will remain but the residential parking exemption in the B-1 district will be eliminated.

Finally, the Board of Trustees is aware that extending the B-1 district southward to encompass lots abutting the west side of Route 218 from Dale Avenue to Walker Avenue, and abutting the east side of Route 218 from Havens Road southward to the property identified on the Village of Highlands Falls Tax Map as Section 106, Block 1, Lot 8, immediately made homes in the formerly Residential-3 ("R-3") district nonconforming. The Board also recognizes that the community is generally in favor of protecting and maintaining the existing residential nature of the Village outside of the Main Street corridor. Therefore, the Village Board determined that the extension of the B-1 district to include large portions of the R-3 district was problematic and that it would be in the best interest of the residents to return the zone to R-3. This reversal will have no direct effect on property owners as there has been no change to the status quo since Local Law 1 of 2020 was enacted.

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.

Section 240-4, titled, "Definitions," of Chapter 240, titled, Zoning," of the Village of Highland Falls is hereby amended as follows:

By deleting the definition of "HOTEL, MIXED USE."

By amending the definition of "HEIGHT OF STRUCTURE OR BUILDING" by striking the last two sentences beginning with "Architectural" and ending with "rooftop area."

By deleting the definition of "HEIGHT, SET-BACK BONUS" in its entirety.

The definition of "MIXED-USE DEVELOPMENT" shall be amended by adding "no less than one hundred percent (100%) of" as shown below:

For the purpose of this Chapter, "mixed-use development" is defined as development that provides revenue-producing use of a building on no less than one hundred (100) percent of 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.

Subsection B, titled, “Business districts,” of Section 240-6, titled, “Classes of Districts,” is amended as follows:

By deleting “(3) B-3 District Commercial Business District.”

Section 240-24, titled, “Table of Use Regulations,” is amended by as follows:

By deleting column three labeled “B-3 Business Commercial District” in its entirety.

By adding “X” in column two labeled “B-2 Highway Commercial” for the use identified as “Bed-and-breakfast inn” in column one labeled “Use Classifications.”

By deleting “Hotel, mixed-use” from column one, labeled “Use Classifications,” and deleting its associated “SE” approval classification from column two labeled “B-1 Village Business” and column three labeled “B-2 Highway Commercial.”

The NOTE identified with one asterisk (*) stating “Except as required by special exception conditions use,” is deleted in its entirety.

Section 240-25 titled “Table of Dimensional Regulations” is amended as follows:

By labeling column one “Dimensional Regulations.”

By deleting column three labeled “B-3 Business Commercial” in its entirety.

By amending “lot area minimum per dwelling unit (square feet)” in column two labeled “B-1 Village Business” by replacing 2,500 with 1,250 and by adding footnote [2].

By reducing “Height maximum (feet)” in column two, “B-1 Village Business, from 50 feet to 48 feet.

By reducing “Height maximum (feet)” in column three, “B-2 Highway Commercial,” from 60 feet to 48 feet.

The double asterisk (**) statement at the end of the table is deleted in its entirety.

Footnote [2] shall be added as follows: **[2] Existing apartments grandfathered for a period of ten (10) years.** For a period of ten (10) years from the effective date of this Local Law, buildings located in the B-1 district that have existing legal apartment dwelling units over first-floor nonresidential use shall be entitled at a minimum to the same number of legal apartment dwelling units even where the application of lot area minimum per dwelling unit would result in fewer dwelling units. “Legal” apartment dwelling units shall comply with the New York State Uniform Building Code and the minimum residential floor area as defined in the Village of Highland Falls Zoning Law as certified by the Building Inspector after an inspection of the

building. Any application to renovate, redevelop or otherwise modify the building(s) or lot(s) shall include the Building Inspector's certification of current use, number of apartment dwelling units and whether said apartments meet the definition of "legal" as expressed herein.

Section 240-29, titled "Special conditions and safeguards for certain special exception uses," is hereby amended by deleting subsection "G.1. Hotel, mixed use" in its entirety and re-alphabetaing the remaining subsections.

Section 240-32, titled "Height," is deleted in its entirety and held as "Reserved."

Subsection B of section 240-39, titled "Required transitional yards and screening," is modified by adding "and" between "B-1 B-2" removing the reference to "B-3" in the last sentence so that the sentence reads "...between the B-1 and B-2 Districts."

Section 240-42, "Schedule of off-street parking requirements for residential uses," of Article VIII, titled, "Off-street parking and truck loading space requirements," is amended by including "or residential apartments in mixed-use buildings," after "Apartment building" in the fourth row of the "Use" column, and by deleting Editor's Note [1] in its entirety, thus eliminating the exception to provide off-street parking for residential uses in the enumerated area.

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 deleting "Hotel, mixed-use" and its accompanying regulations.

Editor's Note [1] to 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 removing the text "and mixed-use hotels" in the second sentence.

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

The modification to the Zoning Map enacted by Local Law No. 1 of 2020 to incorporate a new B-3 zoning district is hereby rescinded. All such lots shall henceforth be returned to the B-1 zoning district. Specifically, the lots moved from B-3 to B-1 are 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 and those lots abutting the west side of Main Street from the intersection of Walker Avenue to and including the property identified on the Village of Highland Falls Tax Map as Section 107, Block 3, Lot 18.1.

The modification to the Zoning Map enacted by Local Law No. 1 of 2020 to rezone portions of the Village located in the Residential-3 ("R-3") zoning district to the B-1 zoning district is rescinded. All such lots shall henceforth be returned to the R-3 district. Specifically, the lots moved back to R-3 include lots abutting the west side of Route 218 from Dale Avenue to Walker Avenue and lots abutting the east side of Route 218 from Havens Road southward to and including the property identified on the Village of Highlands Falls Tax Map as Section 106, Block 1, Lot 8.

Section 4. Exemptions

Approved projects under prior B-3 zoning regulations. Any application to develop property located in the B-3 zoning district that has received a Negative Declaration pursuant to the State Environmental Quality Review Act (“SEQRA”) and received a conditional approval granted by the Consolidated Planning Board prior to the effective date of this Local Law shall be exempt from its effect for a period of eighteen (18) months from said effective date. Thereafter, the Board of Trustees, in consultation with the Consolidated Planning Board, may grant one (1) additional eighteen-month exemption. No additional exemptions of any time period whatsoever shall be permitted.

Section 5. 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 6. 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 7. Effective Date.

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