

**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 recommended 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.

After further consideration, 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, but to also reduce the maximum height in the B-1 and B-2 districts to 48 feet. That reduction in height will result in buildings of 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 zero (0) square feet will encourage residential growth within the Village center that will, in turn, lead to a more vital community. In addition, those buildings that currently have legal apartments over nonresidential use 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 exception will remain but the residential parking exemption in the B-1 district will be eliminated.

The Board 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 as expressed during several public meetings. Local Law No. 1 of 2020 resulted in the rezoning of certain properties from their current and long-time Residential-3 (“R-3”) use to commercial use, rendering those residential properties nonconforming. 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.

Finally, the Board has determined that the official zoning map was adopted in 1983 and may not reflect the zoning law as intended by this local law. Therefore, the Board will adopt the Orange County Planning Department map dated August 27, 2010, as the Official Map of the Village of Highland Falls Map.

**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:**

The definition “HOTEL, MIXED USE” is deleted in its entirety.

The definition of “HEIGHT OF STRUCTURE OR BUILDING” is amended by striking the last two sentences beginning with “Architectural” and ending with “roof top area.”

The definition of “HEIGHT, SET-BACK BONUS” is deleted in its entirety.

The definition of “MIXED-USE DEVELOPMENT” is 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.

**Section 240-6, titled, “Classes of Districts,” subsection B, titled, “Business districts,” of 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 “0” 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 notes identified with a single (\*) and double asterisk (\*\*) statement at the end of the table are deleted in their entirety.

Footnote [1] remains unchanged.

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 (“VOHF”) as certified by the Building Inspector. Such certification may be issued only after the property owner submits a set of stamped plans certified by a licensed New York State architect or similar certified professional showing the number of then-existing apartments drawn to scale and certified compliant with the Uniform Building Code and VOHF zoning law and 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 as follows:

Subsection “G.1. Hotel, mixed use” is deleted in its entirety.

Subsection “H-1. Mixed-use development,” is modified as follows:

Paragraph (8), “Rooftop amenities,” shall be amended by deleting the first sentence: “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.”

Paragraph (9), “Mechanicals,” shall be amended by deleting the first sentence: “In no event shall rooftop mechanical equipment be located atop a bonus story or within the required ten-foot setback from all edges of the building.”

Paragraph (10), “Parking garage,” shall be amended by deleting “Above- or” from the sentence, which shall now read “Below-grade parking structures are encouraged and permitted.”

A new paragraph (16) is added as follows:

(16) Efficiency dwelling units limited. No greater than 25% of dwelling units in mixed-use development projects shall be efficiency units.

**Section 240-37**, titled “Minimum residential floor area,” subsection B, titled, “Minimum schedule,” is amended by including additional rows to the table as follows (additions are underlined):

Type of Residence	Minimum Required Floor Area per Family (square feet)
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	750
Mobile homes located in licensed mobile home courts	500
<u>Mixed-use development</u>	<u>625 square feet of livable floor area per efficiency dwelling unit</u> <u>725 square feet of livable floor area per one-bedroom dwelling unit</u> <u>900 square feet of livable floor area per two-bedroom dwelling unit</u> <u>1,200 square feet of livable floor area per three-bedroom unit</u>

**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 additional rows to the table as follows (additions are underlined):

Use	Number of Required Spaces
Single- and two-family dwelling	2 per dwelling unit
Townhouse development	2 per dwelling unit
Condominium development	2 per dwelling unit
Apartment building	1.5 per dwelling unit

Residential membership club or fraternity	1 per residence unit, plus 1 per each 2 employees on the premises at one time
Lodging house	1 per lodger
<u>Mixed-use development</u>	<u>1 per each efficiency or each 1-bedroom dwelling unit</u>  <u>2 per each dwelling unit with 2 or more bedrooms</u>

Editor’s Note [1] is deleted 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 modifying “Mixed-use development” as follows: ~~1 per dwelling unit, plus~~ 1 per each 2 employees on the premises at any one time.

**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.

**Adoption of the Village of Highland Falls Official Zoning Map.** The Village Board of Trustees hereby adopts the Orange County Planning Department map dated August 27, 2010, as the Official Zoning Map of the Village of Highland Falls.

**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.