

Local Law Filing

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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.

Town of OSSINING

Local Law No. \_\_\_\_\_ of the year 2016

A local law entitled "Local Law # \_\_\_\_\_ of 2016, for the Purpose of Amending the Zoning Chapter of the Town Code."

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Be it enacted by the TOWN BOARD of the

Town of OSSINING as follows:

TEXT COMMENCES ON NEXT PAGE

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**LOCAL LAW # \_\_\_ OF THE YEAR 2016**

BE IT ENACTED by the Town Board of the Town of Ossining as follows:

**SECTION 1: TITLE**

This Local Law shall be known and cited as “Local Law #\_\_\_ of 2016, for the Purpose of Amending the Zoning Chapter of the Town Code.”

**SECTION 2: LEGISLATIVE INTENT**

The Ossining Town Board has a desire to amend the Zoning chapter of the Town Code with respect to a variety of zoning matters in order to update and improve this chapter. This local law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents. This local law also serves to implement recommendations of the Town’s Comprehensive Plan.

**SECTION 3: ZONING CHAPTER AMENDMENTS**

1. **Section 200-18.1 and 200-18.1.A shall be revised to read as follows:**<sup>1</sup>

**§ 200-18.1 GB-1 General Business District-1.**

In a GB-1 District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following, and all uses shall be subject to site plan approval in accordance with § 200-50 hereof.

A. Permitted uses.

~~(1) Any permitted use permitted in and as regulated by the GB General Business District.~~

~~(2)~~(1) Warehouse and storage facilities and related business offices, provided that there is no outdoor storage of any kind.

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<sup>1</sup> These amendments relate to Zoning Issue #4: The GB-1 zone refers to the GB district for most of its permitted uses, and the GB uses have changed materially in recent years. As analysis and recommendations as to whether the uses currently permitted in the GB-1 zone are appropriate. (The footnotes herein will be removed from the final version of the local law.)

(2) Public utility structures.

(3) Buildings and uses owned and operated by the Town.

B. Accessory uses.

(1) Off-street parking and loading spaces, subject to the requirements in § 200-29A(1) and B, excluding the outdoor parking of construction equipment~~Any accessory use permitted in and as regulated by the GB General Business District.~~

(2) Accessory signs advertising only activities conducted on the lot are permitted, provided that they do not exceed two feet in height nor 25% of the length of the building. Such signs shall be attached to the wall of the building and shall not project more than 15 inches beyond the face of such wall. Signs projecting above the roof or beyond the side walls are prohibited.

(3) Freestanding signs advertising only activities conducted on the lot; however, no such sign shall exceed 20 square feet in area on each side and 10 feet in height from the ground level to the top of the sign, and no part of said sign shall extend over the lot or street line.

C. Miscellaneous provisions.

(1) If there is a conflict between the provisions of this section and any other applicable section of this Zoning chapter~~Ordinance~~, the provisions of this section shall control.

(2) Front, side and rear setback requirements otherwise applicable may be increased up to a factor of two, reduced or eliminated to the extent deemed appropriate by the Planning Board in their sole discretion on site plan review pursuant to Article XI hereof, based upon the topography, slopes, grades, site distances and highway conditions and configurations as found by the Planning Board and upon a finding by the Planning Board that any such increase, reduction or elimination shall not adversely impact adjacent or abutting properties in considering visual, economic, environmental, ecological, safety and health effects.

X. Section 200-17 of the Zoning chapter shall be repealed as follows:<sup>2</sup>

**§ 200-17      Reserved.   ~~NC Neighborhood Commercial District.~~**

~~In an NC Neighborhood Commercial District, no building or premises shall be used, and no building or part of a building shall be erected or altered, which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following, and all such uses shall be subject to site plan approval in accordance with § 200-50 hereof.~~

~~A. Permitted uses.~~

- ~~(1) Stores and shops for the conduct of any retail business, excluding drive-in establishments.~~
- ~~(2) Service establishments, excluding automobile laundries, gas stations and all other similar automotive service establishments, undertakers and funeral parlors.~~
- ~~(3) Fully enclosed eating and drinking establishments, provided that no live entertainment or live music is supplied or dancing permitted.~~
- ~~(4) Business, professional and governmental offices.~~
- ~~(5) Public utility structures serving a local area.~~
- ~~(6) Fire and police stations.~~
- ~~(7) Self-service or hand laundry and dry-cleaning establishment, provided that not more than two workers shall be engaged in the dry-cleaning process and which contain one or more dry-cleaning units having an aggregate dry-load capacity of not more than 60 pounds.~~

~~B. Accessory uses.~~

- ~~(1) Off street parking and loading space subject to the requirements in § 200-29A(1) and B.~~

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<sup>2</sup> These amendments relate to Zoning Issue #3: Consideration as to whether to change the zoning designation and permitted uses for the General Business-1 (GB-1) and Neighborhood Commercial (NC) districts to a One-Family Residence District (R-5 or R-7.5) so that these areas are more consistent with the surrounding residential uses and zoning districts in Crotonville.

~~(2) — Accessory signs.~~

~~(a) — Accessory signs, subject to § 200-28, advertising only activities conducted on the lot are permitted, provided that they do not exceed two feet in height nor 25% of the length of the building. Such signs shall be attached to the wall of the building and shall not project more than 15 inches beyond the face of such wall. Signs projecting above the roof or beyond the side walls are prohibited.~~

~~(b) — Freestanding pole signs advertising only activities conducted on the lot which are affixed to a single upright pole; however, no such sign shall exceed 20 square feet in area on each side and 10 feet in height from the ground level to the top of the sign, and no part of said sign shall extend over the lot or street line.~~

~~(c) — A building on a corner may have a sign on two facades, one sign facing each street.~~

~~C. — Special requirements.~~

~~(1) — Where feasible in an NC District, all buildings shall be serviced from a rear service road not less than 25 feet wide. Said service road may be counted as available for access to the required off street parking spaces.~~

~~D. — Uses permitted by special permit upon approval by the Town Board in accordance with Article X hereof. The following uses are permitted subject to approval by the Town Board in accordance with the provisions of Article X hereof. The uses are subject to the requirements set forth therein and elsewhere in this chapter, including site plan approval by the Planning Board in accordance with § 200-50 hereof.~~

~~(1) — Fully enclosed eating and drinking establishments where live entertainment or live music is supplied or provided.~~

~~(2) — Fully enclosed eating and drinking establishments where music is provided for dancing and dancing is permitted.~~

**3. The following definitions in Section 200-53.A of the Zoning Chapter shall be amended to read as follows:<sup>3</sup>**

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<sup>3</sup> These amendments relate to Zoning Issue #6: Determination as to which pertinent uses and terms need to be defined (or better defined) such as, for example, in the difference between wholesale and retail commercial operations.

**BED-AND-BREAKFAST ESTABLISHMENT** – An owner-occupied one-family detached dwelling that also contains guest rooms, where short-term lodging with food and drink is provided for compensation. Seating for food and beverage service shall be limited to the maximum occupancy of the bed-and-breakfast establishment. A bed-and-breakfast establishment shall be limited to \_\_\_ guest rooms. The term “bed-and- breakfast establishment” shall not include a boarding house or rooming house.

**HEIGHT, BUILDING** – The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat and mansard roofs and to the mean height between eave and ridge for other types of roofs.

**INN** – A commercial establishment operating as a small hotel that provides lodging, food and other amenities for travelers and the public. Seating for food and beverage service shall be limited to the maximum occupancy of the inn. An inn shall be limited to \_\_\_ guest rooms. The term “inn” shall not include a boarding house or rooming house.

**RETAIL STORE OR SHOP** – A business enterprise which ~~only~~ sells merchandise on premises at retail prices directly to the ultimate consumers.

**WHOLESALE ESTABLISHMENT** – A business enterprise engaged in buying large quantities of materials or merchandise and selling such materials or merchandise at wholesale prices to other businesses or entities ~~for distribution~~, rather than selling at retail prices directly to the ultimate consumers.

**SECTION 4: REZONING**

**The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table:<sup>4</sup>**

Tax Parcel Number	Subject Property Address	Owner's Name	Existing Zoning District	New Zoning District
80.14-1-29	35 Old Albany Post Rd. Ossining, NY	2 Stanley Avenue Corp.	NC	R-5
80.18-2-15	33 Old Albany Post Rd. Ossining, NY	Kenneth R. Lamboy	NC	R-5
80.18-2-16	31 Old Albany Post Rd. Ossining, NY	Kenneth R. Lamboy	NC	R-5

<sup>4</sup> These amendments relate to Zoning Issue #3: Consideration as to whether to change the zoning designation and permitted uses for the General Business-1 (GB-1) and Neighborhood Commercial (NC) districts to a One-Family Residence District (R-5 or R-7.5) so that these areas are more consistent with the surrounding residential uses and zoning districts in Crotonville.

80.18-2-17	29 Old Albany Post Rd. Ossining, NY	Richard John Pataro	NC	R-5
80.18-2-18	27 Old Albany Post Rd. Ossining, NY	Richard John Pataro	NC	R-5
80.18-2-19	25 Old Albany Post Rd. Ossining, NY	Richard G. Chrapowitzky	NC	R-5
80.18-2-22	23 Old Albany Post Rd. Ossining, NY	Old Albany Post Holdings, Inc.	NC	R-7.5
80.18-2-23	20 Old Albany Post Rd. Ossining, NY	Francesco Mendes	NC	R-7.5
80.14-1-28	39 Old Albany Post Rd. Ossining, NY	Susan M. Curtin	GB-1	R-7.5
80.14-1-30	37A Old Albany Post Rd. Ossining, NY	Watsky & Damm, Inc.	GB-1	R-7.5
80.18-2-20	1 Cliff Drive Ossining, NY	Karl Kehrlle	R-5	R-7.5

**SECTION 5. ZONING MAP**

The Zoning Map of the Town of Ossining is hereby amended to show the changes specified in Section 4 above. A map showing the proposed rezonings entitled “Zoning Map Proposal” dated August 22, 2016 is attached hereto as Figure 1.

**SECTION 6: RATIFICATION, READOPTION AND CONFIRMATION**

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**SECTION 7: INCLUSION IN CODE**

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; that the sections and subsections of this Local Law may be renumbered or relettered to accomplish such intention; and that the words “local law” shall be changed to “chapter,” “section” or other appropriate word, as required for codification.

## **SECTION 8: RENUMBERING**

The location and numerical designation of this Local Law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

## **SECTION 9: CODIFICATION**

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section numbers by the codifier, General Code, in accordance with the numbering system of the Code.

## **SECTION 10: CODIFIER'S CHANGES**

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

## **SECTION 11: SEPARABILITY**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

## **SECTION 12: EFFECTIVE DATE**

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

Attachment: Figure 1