

## **RESOLUTION**

A meeting of the Town Board of the Town of Stony Point was convened on **March 10, 2015 at 7:00 p.m.**

The following Resolution was duly offered by Councilman Basile and seconded by Supervisor Finn, to wit:

### **RESOLUTION 2015/13**

#### **RESOLUTION ADOPTING A LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING THE TOWN ZONING ORDINANCE REGARDING THE PLANNED WATERFRONT DISTRICT (PW)."**

**WHEREAS**, the Town Board of the Town of Stony Point ("Town Board") previously received and reviewed a proposed local law amending the Town Zoning Ordinance regarding the Planned Waterfront District ("PW") in the Town of Stony Point ("Local Law"); and

**WHEREAS**, the Town Board previously declared Lead Agency status ("Lead Agency") for the purposes of environmental review with respect to the review of the proposed Local Law, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617.6; and

**WHEREAS**, the Town Board hereby previously classified the action as a Type 1 Action under SEQRA and distributed Lead Agency notification, the proposed Local Law and Part 1 of the Environmental Assessment Form ("EAF") and other documents related thereto; and

**WHEREAS**, the Town Board reviewed the Part 2 EAF submitted with respect to such proposed Local Law, and issued a Negative Declaration on February 24, 2015 with respect to such proposed Local Law amendments; and

**WHEREAS**, by letter dated December 16, 2014, the Stony Point Planning Board reviewed the proposed Local Law and determined that the Planning Board recommended adoption of the Proposed Local Law recommending reduction of the minimum lot area from the original proposed 10 acres to 5 acres; and

**WHEREAS**, the Rockland County Planning Department, by letter dated December 1, 2014 recommended certain modifications to the proposed Local Law; and

**WHEREAS**, on February 13th the proposed Local Law was revised in response to comments by the Planning Board and Rockland County Planning Department and the proposed local law was made available for public review at the Town Clerk's office and on the Town website;

**WHEREAS**, a public hearing was duly noticed, and opened with respect to such proposed Local Law by the Town Board on February 24, 2015 at 7:00 p.m. at the RHO Building,

5 Clubhouse Lane, Stony Point, NY 10980 and appropriate notice was issued to the Rockland County Planning Department and other municipalities, boards and agencies entitled to notice thereof as set forth herein; and

**WHEREAS**, by letter dated March 10, 2015, the Stony Point Planning Board acting as the Waterfront Advisory Commission reviewed the proposed Local Law and determined that the local law was consistent with the Local Waterfront Revitalization Plan; and

**WHEREAS**, such public hearing on the proposed Local Law to the Town Zoning Code was continued on **March 10, 2015 at 7:00 p.m.** at the RHO Building, 5 Clubhouse Lane, Stony Point, NY 10980 and all interested parties were provided with an opportunity to speak on behalf of or in opposition to said Proposed Local Law; and

**WHEREAS**, such public hearing was closed on **March 10, 2015**; and

**WHEREAS**, no material changes were proposed to the proposed Local Law as previously presented to the Town Board and no modifications were made to the Local Law during or after such public hearing; and

**NOW, THEREFORE, BE IT RESOLVED that:**

1. The above WHEREAS clauses are incorporated herein by reference.
2. The proposed modifications set forth in the December 1, 2014 response of the Rockland County Department of Planning are hereby incorporated or overridden as noted below for the reasons set forth below:
  - a. With respect to Rockland County comments # 1,2,5,6,9,10,11,12 and 13: The proposed local law was amended as directed and suggestions incorporated.
  - b. With respect to Rockland County comment #3 (width of public use area): Members of the Town Board deliberated this issue with members of the Planning Board at a workshop meeting and it was decided to intentionally provide the Planning Board with discretion to vary the width as necessary. It is noted that the Town has a hard setback from River requirement of 50 feet that will likely also impact the width of the esplanade.
  - c. With respect to Rockland County comment #8 (sufficiency of off-street parking): One parking space per 0.4 dwellings is equivalent to 2.5 parking spaces per dwelling, which is in excess of the recommended parking rate.
  - d. With respect to Rockland County comment #4 (Inclusion of Restaurants): It is the Town's intention to allow restaurants in all PW zoning districts regardless if no Mixed -Use Development is being proposed.

- e. With respect to Rockland County comment #7 (Retail Kiosks): Retail kiosks were kept twice to make it clear that retail kiosks could be permitted as an accessory to a principal retail or restaurant use or as a principal standalone use.
- f. With respect to Rockland County comment #14 (applicability of Bulk Table Notes): The notes are intended for all property as they are written.
- g. With respect to Rockland County Planning comment #15 (Rationale for not including Maximum Floor Area Ratio): The rationale for not providing a Floor Area Ratio revolves around the Boatel structures that are likely to allow for this type of mixed-use development. Such structures are comprised of rack systems, upon which boat hulls are stored. Each vertical layer of such racks may or may not constitute what would be considered to be "floor area." Similar interpretational issues may surround such uses as parking under structures (which may or may not be enclosed by walls due to flood implications.) Also complicating matters may be high-ceilinged restaurants or restaurants that include loft areas for storage as part of a wet flood proofing scheme. Because the bulk of buildings is likely to be guided by the height requirements and the coverage requirements, FAR was determined to be unnecessary and impractical for this type of use.
- h. All other suggestions of the Rockland County Planning Department have been incorporated.

3. The Town Board of the Town of Stony Point hereby adopts said Local Law No. 2 of 2015 entitled "A Local Law amending the Town Zoning Ordinance regarding the Planned Waterfront District ("PW")", a copy of which is attached hereto and made a part of this Resolution.

4. Such Amended Local Law shall amend the current Zoning Code (Chapter 215 of the Town Code).

5. Such Local Law shall be effective immediately upon filing with the Secretary of State.

6. The Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Stony Point, and to give due notice of the adoption of said Local Law to the Secretary of State of New York and the New York State Department of Environmental Conservation.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

|                         | <u>Yea</u> | <u>Nay</u> | <u>Abstain</u> | <u>Absent</u> |
|-------------------------|------------|------------|----------------|---------------|
| Supervisor Finn         | [ x ]      | [ ]        | [ ]            | [ ]           |
| Deputy Supervisor White | [ x ]      | [ ]        | [ ]            | [ ]           |
| Councilperson Javenes   | [ x ]      | [ ]        | [ ]            | [ ]           |
| Councilperson Basile    | [ x ]      | [ ]        | [ ]            | [ ]           |
| Councilperson Monaghan  | [ x ]      | [ ]        | [ ]            | [ ]           |

The Resolution was thereupon duly adopted.