

**Local Law No. \_\_\_\_ of 2023**

**(A LOCAL LAW TO CREATE THE ANNSVILLE WATERFRONT ENHANCEMENT DISTRICT)**

**Section 1. Legislative Intent**

The intent of these Zoning Amendments is to revitalize the waterfront area by incentivizing the transformation of a historic corridor and gateway to the Town of Cortlandt from a highway-oriented and motor vehicle-oriented land use pattern into a more people-oriented destination where the natural, cultural, and scenic resources of the Annsville hamlet can be appreciated in a range of attractive and revitalized commercial, residential, and mixed-use settings.

The Town recognizes the existing HC District has not developed into a vibrant waterfront district as envisioned in the Town's Comprehensive Plan, and other town planning studies and programs due in large part to lack of sewers, public water supply, waterfront trails and amenities and other infrastructure and community amenity needs. To address this shortcoming, a new zoning district is hereby created, the Annsville Enhancement District (AWE) comprising four (4) subareas as set forth herein, which replaces the HC district in Annsville. The AWE district establishes a system of zoning incentives as provided herein which are necessary and appropriate to advance the Town's policies toward the physical improvement of the Annsville area, to advance town goals for incentivizing quality development that fits into the setting and secures the inherent advantages of the scenic and natural resources of Annsville Creek and the Hudson River and Hudson Highlands landscape.

In accordance with § 261-b of the Town Law of the State of New York, the Town Board is empowered to provide for a system of zoning incentives as the Town Board deems necessary and appropriate, consistent with the purposes and conditions set forth herein.

**Section 2. Amendments to the Town Code**

The following provisions shall be added to the Town Code:

**I. Purpose**

1. Promote desirable balance of land uses along Annsville Creek, including commercial and water-dependent and water-enhanced business uses.
2. Encourage high-quality development, fitting for this important gateway to the Town.
3. Expand public access along the water's edge.
4. Support rehabilitation and protection of the natural resources of Annsville Creek.
5. Develop residential uses where such development advances the purposes set forth herein.

6. To encourage investment in infrastructure and other amenities that support smart growth of the area.
7. Provide expanded opportunities and incentives to secure affordable housing for Town residents.
8. Ensure consistency with Town's Comprehensive Plan and other local plans.

## **II. Permitted Uses and Dimensional Requirements**

In the Annsville Waterfront Enhancement (AWE) District, the uses established in the Table of Permitted Uses as provided for in the amended table attached hereto are permitted, subject to the applicable development standards and provisions set forth in this ordinance.

### **A. Dimensional Requirements**

1. Min Lot Area: 7,500 SF
2. Min Lot Width: 50 FT
3. Max Building Coverage: 30%
4. Yards (Front/Side/Rear): 10 FT/10 FT/10 FT (or greater as set forth in the Design Guidelines.)
5. Max Height (Stories): 2.5 stories
6. Max Height (Feet): 35 Feet

### **B. Design Principles**

This set of principles shall be implemented to the maximum extent practicable as determined by the Planning Board in the process for site plan review. The design guidelines for this district are further discussed in a subsequent section.

1. Design for a human scale. Create places where the site design includes pedestrian facilities, well-considered lighting and other amenities, street trees, landscaped areas and a balance of building to paved areas to avoid overwhelming a site with pavement, roadways, parking lots and overly massive structures.
2. Establish a physical and visual connection to the waterfront. Provide waterfront views and establish space for a waterfront promenade (for waterfront properties) and connections to the waterfront that accommodate those with disabilities, pedestrians and bicyclists.

3. Create a scale of development that is appropriate for the setting. Establish areas that are setback from the waterfront and provide a pedestrian and landscaped buffer to heavy traffic areas and set the tallest buildings in areas that can be buffered by higher topography and buildings along the waterfront should include pedestrian and outdoor spaces and be appropriately lower in height and smaller in massing.
4. Create a welcoming streetscape using traditional town planning and design elements. Provide an appropriate architectural feature that clearly identifies the front entry. Include a balance of architectural elements such as generous windows and an appropriate mix of materials such as brick/stone/masonry in the façade and complementary outdoor spaces and streetscape design that creates an attractive public realm.
5. Commercial development shall provide traditional “Main Street” design elements. These elements include a welcoming architectural design and generous spaces and amenities for pedestrians to buffer areas of high traffic and to offer places for outdoor socializing and civic engagement.
6. Design with nature in mind. Provide opportunities to preserve, stabilize and restore natural shorelines and introduce trees, plantings and naturalized stormwater management systems to the maximum extent practicable.

### **III. AWE Sub-Areas and Zoning Incentives**

The Annsville Waterfront Enhancement district amends the zoning map as established and is hereby divided into four subareas: AWE-1, AWE-2, AWE-3 and AWE-4. The Town finds that each subarea has a distinct character because of topography and/or location and site attributes within the waterfront area.

#### **A. Supplemental Use Regulations**

1. In the AWE-2, AWE-3, and AWE-4 sub-areas, the following uses are permitted, in addition to the uses permitted in the underlying AWE district, subject to the applicable development standards and provisions set forth in this ordinance.

a) Mixed-use development, where residential and non-residential uses are in the same structure or in adjacent structures on the same tax parcel, with the following provisions:

(1) Maximum Residential Density: 5 units/acre

2. In the AWE-4 sub-district, the following uses are permitted as-of-right, in addition to the uses permitted in the underlying AWE district subject to the applicable development standards and provisions set forth in this ordinance.

a) Multi-family development, subject to the following provisions:

- (1) Maximum Residential Density: 5 units/acre
- (2) Ground floor commercial are required at the following intersections on Albany Post Road:
  - (a) Sprout Brook Road
  - (b) Dogwood Road
3. Requirements for all multi-family and mixed-use buildings in AWE:
  - (1) For any mixed-use building, the residential portion of a building shall have separate access.
  - (2) The maximum size for any multi-family unit shall be 1,200 SF.
  - (3) For any building with greater than 5 units, a minimum of 10% of multifamily units must be designated as affordable as defined by Westchester County (e.g. a 30-unit project would provide 3 affordable units). This requirement holds true for any project that applies for allowable height and density incentives.

#### **IV. Zoning Incentives in AWE Sub-Areas:**

1. Intent: The zoning incentives in this section are provided to encourage investment in infrastructure and other amenities that support smart growth of the area. The bonus density and or height increases may be granted to developments as an incentive for added investment in the AWE District. The amenity package shall include provision of added infrastructure investments and/or provide a cash payment to the town, subject to provisions set forth herein. Payment to the Town shall be placed into a separate and dedicated Incentive Zoning Fund established and managed by the Town to be used for municipal improvements directly related to supporting land uses in the AWE District, including but not limited to: water and sewer, stormwater management, and flood control; sidewalk, lighting, plantings, or waterfront walkway improvements.
2. Eligibility: To be eligible for additional uses and dimensional bonuses provided for in the four sub-areas, applicants for must comply with the following standards:
  - a) Have municipal water and sewer service which is:
    - (1) Existing on the proposed site in the required capacities, or;
    - (2) located reasonably adjacent to the proposed site such that the applicant could get approval from the Town Board to make a connection to the existing services. Such approval would be conditional on the findings of an independent engineering report which evaluates the impact said connection would have on the existing municipal capacities and performance.
  - a) All buildings must be in conformance with the design guidelines section

3. Allowable Bonuses for Height and/or density: The following bonuses are permitted subject to review by the procedure set forth herein.

a) AWE-1 (Annsville Circle):

(1) Additional building height, not to exceed 70 feet maximum height.

b) AWE-2 (Properties on upland side of Route 9):

(1) Additional density up to a maximum of 15 units/acre total, and

(2) Up to 4 stories and 50 feet in total height

c) AWE-3 (Properties fronting waterfront on east/south side of Route 9)

(1) Additional density up to a maximum of 15 units/acre total

d) AWE-4 (Properties fronting Albany post road)

(1) Additional density up to a maximum of 20 units/acre total, or

(2) Additional density up to a maximum of 40 units/acre total, and a maximum height of 5 stories and 55 feet (whichever is less) if proposed project includes the provision of a publicly accessible waterfront walkway, created through the dedication of a permanent public waterfront access easement or other acceptable instrument. Design criteria for the waterfront walkway are provided in the design guidelines section.

4. Requirements for Requested Bonus: The bonus height or density increase may be granted to developments as an incentive for added investment in the AWE District as provided for in below.

a) The amenity package shall include a cash payment to the Town subject to provisions established herein. The fee will be placed in a fund for municipal improvements within the AWE District, including but not limited to water and sewer, stormwater management, and flood control; sidewalk or waterfront walkway improvements. Alternatively, the applicant can substitute a portion or all of required cash payment by providing public amenities including infrastructure improvements in the AWE district, supplemental to what is required to support the subject project. If this option is chosen, the value of proposed improvements shall be submitted to the Town Board for approval.

b) Buildings eligible for bonus height may be required by the Planning Board to incorporate setbacks and/or step-backs, or other measures to reduce visual impacts as appropriate.

c) Incentive Payment to Town. Any requested increase in density and or height shall be commensurate with the amenity or benefit provided. The required payment for amenities would be for only the increased density and/or height beyond what could be achieved under the base

scenario. For residential uses the incentive payment would be for each additional unit requested beyond what could be achieved without the amenity. For non-residential uses the calculation is based on the gross square feet that could be achieved beyond the base scenario. For example, on a 2-acre site in AWE-2, an applicant could build 10 units in the base scenario at 5 units per acre. With the bonus, the applicant could build 30 units (at 15 units/acre). The amenity payment would be only for the increase in 20 units above the base scenario

(1) Incentive Payment for additional residential density.

(a) \$5,000 per unit for each additional unit beyond the base scenario for projects greater than 5 and less than 10 units per acre

(b) \$7,500 per unit for each additional unit beyond the base scenario for projects between 11 and 20 units per acre

(c) \$10,000 per unit for each additional unit beyond the base scenario for projects between 21 and 30 units per acre.

(d) \$15,000 per unit for each additional unit beyond the base scenario for projects greater than 30 units per acre.

(e) Fees could be waived upon an affirmative vote of the Town Board for affordable units that meet Westchester County's guidelines provided by proposed project. Waivers shall not exceed 40% of the total number of units.

(f) Example calculation: In 3-acre site in AWE-4, an applicant could build 15 units in the base scenario and 120 units with the maximum incentive bonus. At the maximum density, the initial calculation of the incentive payment would be \$1,575,000. (3 acres x 40 units/acre = 120 units minus 15 units based density = 105 units x \$15,000 per unit = \$1,575,000.). If the applicant provided 40% affordable housing, the incentive payment of \$630,000 would be waived for those units (105 x 40% = 42 units x \$15,000 per unit = \$630,000) which would include the provision of 42 affordable units. The net incentive payment would be \$975,000 (\$1,575,000 – \$630,000).

(2) Incentive Payment for additional commercial space. The amenity payment schedule is as follows for commercial uses:

(a) \$15,000 per additional 1,000 square feet of built area over the base scenario, calculated fractionally.

(3) Provision of public amenity: If the applicant proposes to substitute a portion or all of the cash payment with the provision of additional infrastructure or another public benefit within the district. In this instance, the application would be referred to the Town Board to determine whether the proposed amenity(ies) provided are commensurate with the required cash payment for the zoning incentive requested. Such improvements could include:

- (a) Public right-of-way and construction of waterfront promenade.
- (b) Infrastructure investment that provide additional capacity and extend beyond the subject site but within the AWE District including public sewer and water service system extensions/expansions.
- (4) Waterfront Walkway/Promenade: For waterfront parcels, if feasible, part or all of the amenity package should include the provision of a publicly accessible waterfront walkway, created through the dedication of a permanent public waterfront access easement or other acceptable instrument. Design criteria for the waterfront walkway are provided below:
  - (a) The easement shall encompass the area of land extending from the mean high-water mark to a point at least fifteen feet inland, subject to the discretion of the Planning Board.
  - (b) The easement shall be wide enough to accommodate a ten-foot-wide walkway as well as necessary screening and fencing so as to ensure public safety and security for upland uses.
  - (c) The public waterfront access easement shall connect to all public waterfront access easements on adjacent properties.
  - (d) The public waterfront access easement shall extend along the entire waterfront of the site, as practicable based on the discretion of the Planning Board.
  - (e) The Planning Board, as part of site development plan approval, may modify the walkway and or setbacks required when it determines that the specific circumstances of the particular site make adherence to the waterfront walkway criteria impractical unless accommodation can be made to achieve the purposes of this section. The reasons for any such modifications must be expressed and placed into the official record of the Planning Board.
- (5) The cash payment or other public amenities provided are not a substitute for other project-related fees such as the recreation fees or any other mitigation measures that would be required as part of site plan approval and SEQR. However, recreation fees payable to the Town may be partially off-set through construction of a publicly accessible waterfront promenade as determined by the Town Board.

## 5. Criteria and Procedure for Approval

- a) Applications for zoning incentives such as increased density and height shall be submitted to the Planning Board in accordance with the zoning incentive procedures adopted by the Town Board.
- b) Planning Board Review: If the application includes a cash payment alone, it would be reviewed by the Planning Board,

c) Town Board Review: if the applicant proposes to substitute any portion of the cash payment with the provision of additional/offsite infrastructure investments and/or additional affordable housing unit beyond what is required, the application shall be referred by the Planning Board to the Town Board for approval. Applicants must present the cash value equivalent for any proposed amenity improvements (i.e. designation of a waterfront walkway and construction of a waterfront promenade). The Town Board would determine if proposed improvements provide sufficient public benefit and are commensurate with the amount of the requested incentive. The proposed amenities would also be reviewed and approved as to meeting legal requirements by the Town Attorney.

d) The application shall include the following information:

(1) The requested incentive(s) as further provided for in the respective Annsville Waterfront Enhancement zoning sub-area in which the project is located.

(2) A program of uses and a site plan for both a base scenario without the incentive or any other variance, and the proposal with requested bonus amenity.

(3) Gross Floor Area (GFA) increase (measured in gross square footage above what could be built under baseline dimensional regulations)

(4) Height Increase (measured in feet above what could be built under baseline zoning regulations)

(5) Residential density increase (measured in units per acre)

(6) Proposed amenity improvements including their cash value equivalent. (e.g. the designation of a waterfront walkway and construction of a waterfront promenade).

(7) Additional information and plans as applicable to provide for a thorough evaluation of the proposal

e) Incentive Payment Procedure:

(1) If there is a cash payment, it shall be paid as follows: 25 percent at the time for filing of a building permit, 50 percent prior to issuance of the building permit, and 25 percent prior to issuance of a certificate of occupancy. For incentives based on infrastructure to be constructed, all required improvements shall be made prior to issuance of a certificate of occupancy by the town and or provision of an irrevocable letter of credit to the town equal to the value of the unconstructed improvements.

(2) Payment to the Town shall be placed into a separate and dedicated Incentive Zoning Fund established and managed by the Town to be used for municipal improvements directly related to supporting land uses the AWE District, including but not limited to: water and sewer, stormwater



management, and flood control; sidewalk, lighting, plantings, or waterfront walkway improvements.

## **V. Design Guidelines and Standards for the Annsville Waterfront Enhancement District (AWE)**

1. **Applicability.** The design guidelines of this section shall be followed for all new construction and expansion projects within the AWE District which:

- a) Require site plan review as per (insert reference); or,
- b) Include new exterior building materials, commercial signs or exterior lighting;
- c) Include changes or replacement of existing exterior building materials, commercial signs or exterior lighting; or
- d) Are referred by the Planning Board to the Architectural Review Council for advisory review and comment.

2. Projects which only involve renovations or expansions to existing site plan features (parking areas, walkways, etc.) shall follow the standards to the extent practicable—as determined by the planning board—recognizing those elements of the standards that can be deployed to achieve the greatest overall improvement to the appearance and functionality of the site in relationship to the roadways and adjacent properties.

3. **Intent.** These guidelines are intended to be utilized by applicants in collaboration with the planning board for design development and review of projects to clarify and advance the goals of the town’s comprehensive plan and local waterfront revitalization program so that all parties know what is expected.

4. **Recommended Guidelines vs Required Standards.** Some of the provisions of this section are recommended, while other provisions are required. In this section, the directive word “should” is used for all recommended, but not required, guidelines. The directive word “shall” is used for all required minimum standards which must be adhered to, subject to discretion by the Planning Board.

5. **Waiver or Modification Request.** The Planning Board is authorized to modify/waive any particular design guideline subject to a formal request being submitted to the Board detailing why strict compliance isn’t possible. The Board shall consider comments and recommendations from the ARC and may waive or modify the design guideline provision(s) provided the Board finds that such waiver or modification will not substantially diminish the goals and intent of the design principles established herein.

6. **Site Analysis.** A site analysis is required for all applications seeking site plan review. The site analysis shall be conducted by a licensed design professional (professional landscape architect,

architect or engineer) who shall illustrate the following existing site characteristics on a scale plan of the property for use by the planning board in considering the proposed development design:

- a) Existing topographic contours of the site, at five-foot contour intervals or less;
- b) The extent of existing vegetation including woodlands, large trees, and any known plant or animal habitats which are unique, rare or endangered;
- c) Surface water features, stormwater flows, wetlands and flood hazard areas;
- d) Existing structures, including potential historic resources and known archeological resources;
- e) Potential access points for motor vehicles, pedestrians, and bicycles including any existing farm or service lanes or adjacent trails;
- f) The location of any nearby adjacent planned trails or the planned route of the Waterfront Promenade;
- g) Utilities availability in the vicinity;
- h) Wind and solar aspects of the site;
- i) Jurisdiction of all road frontage (state, county, town, private, etc.)
- j) Aerial imagery of the site;
- k) Property boundaries and easements and restrictions.

7. General Site Planning and Design. Site plan layouts shall be designed to convey an attractive, waterfront setting, with views to the water and limited visibility of larger parking areas.

- a) Preserve large areas of natural waterfront landscape including existing mature trees where possible, to be incorporated into the site plan.
- b) At least 25% of the site should include pervious services, with landscaped and planted areas.
- c) Parking areas shall be located in the rear, side or under the building structure as much as possible, with limited side or front yard convenience parking provided as necessary and as approved by the planning board.
- d) The main public entry to the building shall face the public road unless building is on an internal lot without frontage on a public way, and shall be visibly apparent with the use of architectural features which accentuate its importance.

e) Driveway access into the site shall be limited to a single curb cut wherever possible, or the minimum width and curb radius necessary to reasonably accommodate vehicles. Two access points may be permitted on a single parcel if shared cross access provisions are in place with adjacent property owners, employed using approved easements.

f) Distances between curb cuts on US Routes 9/202 shall be maximized to the greatest extent possible, or combined into a shared driveway.

g) It is recommended that new construction should orient buildings and rooflines to accommodate existing (or future) solar panel installations with direct southern exposures.

8. Front Yard Landscaping and Sidewalks. The defining, organizing framework for the highway corridors is landscaping along the front yard areas of all properties including sidewalks and on-street parking where space permits.

a) The front yard of all properties shall be visually defined by a deep and wide front lawn area, accentuated with occasional mature or newly planted trees and other planted landscaped areas, patios and public streetscape spaces. Existing structures on shallow lots shall be designed to fit the setting and the planning board will appropriately consider constrained sites/undersized lots.

b) All front and side yard greenspace areas on the site visible from the public road shall be landscaped with one or more of the following:

(1) Native vegetation; and/or,

(2) trees, shrubbery, nursery plants with appropriate mulch; tall grasses; and/or,

(3) sod, lawn, or other variety of planted groundcover.

c) Commercial/mixed use properties fronting US Routes 9 and 202 shall employ the use of a continuous low landscape wall and/or low plantings with occasional shade trees along the frontage to maintain a consistent design theme along the highway and screen any parking provided in the front yard. These elements should typically follow along the front property line and align with similar elements on adjacent properties.

d) Generous planting beds, including low hedges and trees, shall be provided along the front of the building around parking and pedestrian areas. Additional trees should be planted to screen any large areas of blank or windowless facade which are visible from the public road.

9. Stormwater Management. On site stormwater management facilities, if provided, should be designed where possible as a natural and integrated element of the site landscaping.

a) Consider the setting—whether on steeper hillsides or lower valley and floodplain area. Create a stormwater management plan as part of the site development plan that reflects natural processes and creates a system that adds to the aesthetic and natural amenities of the area.

b) Create naturalized stormwater management systems addressing multiple properties on a subwatershed basis where feasible.

10. Pedestrian and Bicycle Access. Safe access and accommodations for pedestrians and bicyclists shall be provided to make the property attractive and welcoming to visitors.

a) Any parking areas provided in the front or side yards shall provide a dedicated walkway or sidewalk to the main entry of the building.

b) Any public pedestrian walkway areas provided in the front yard shall extend to connect to the public sidewalk along the road, if present. If no sidewalk is present, one shall be constructed along the property frontage.

c) No parking, building or other structural constraint shall be placed on any waterfront site in the corridor designated for the Waterfront Promenade. A multi-use, shared use pathway shall be provided as part of an incentive zoning proposal in response to the requirement for the Waterfront Promenade.

d) At least one bicycle parking or storage space shall be provided at or near the main public entry for each commercial or residential use on the property. Additional bicycle parking spaces shall be provided as follows:

(1) Residential: 1 space for every 2 dwelling units;

(2) Eating/Dining: 1 space for every 5 required vehicle parking spaces;

(3) Other Commercial: 1 space for every 10 required vehicle parking spaces;

(4) Public Transit Shelters: 5 spaces for every transit stop.

11. Parking and Circulation. Parking, driveway and loading areas shall be minimized where possible in terms of size and visibility, while providing safe access in and out of the property for both vehicles and pedestrians.

a) Impervious parking and driveway surface areas shall be only as large as necessary to meet minimum requirements, and are encouraged to utilize porous asphalt or porous paving to reduce stormwater runoff. If additional parking capacity is deemed necessary by the applicant and appropriate by the Planning Board, the additional parking area shall be required to utilize porous surfacing.

b) Landscaped islands shall be provided at both ends of any internal parking rows, and at intermediate locations so that there are not more than 25 continuous parking spaces in a row

without a landscaped break. These islands shall be at least six feet in width, and extend the full depth of the row (nine feet for single row, 18 feet for a double row) providing a minimum of two shade trees, with low bushes, plantings and other groundcover. Stone mulch may be used with a curbless/recessed island where it is designed to collect stormwater.

c) Parking lot landscaped areas may be suitably replaced with integrated stormwater management areas such as raingardens or bioswales which capture rainwater on the site, provided they are adequately landscaped.

d) Shared/interconnected parking areas between two or more adjacent properties are encouraged where appropriate and feasible due to their proximity.

e) All off-street loading, service or dumpster areas shall be located in the rear of the building and screened from view from the public road.

f) Dumpster areas shall be enclosed within an extended envelope of the building, or located behind screening walls which match or complement the materials of the main building, as directed by the planning board. Chain link fence enclosures are not permitted.

12. Architectural Character. While specific architectural styles are not suggested or required, designs shall reduce adverse visual impact of larger structures through design techniques provided in this section. Examples are provided for reference in photos on the following pages.

a) The use of natural materials such as stone, brick and wood, combined with larger roof overhangs and the use of front porch entryways are generally recommended.

b) Sloped roof designs should be utilized where possible in lieu of flat roof, particularly at the front of the site or areas readily visible from the public road.

c) Sloped roof structures are encouraged to maintain a pitch between 5:12 minimum and 12:12 maximum for all primary roof areas (not including dormers, entry canopies or similar accessory elements.)

d) Roof eave and gable overhangs are encouraged to be a minimum of 18 inches deep, with taller or larger buildings providing deeper overhangs which are appropriate for their size and scale.

13. Building Entrance. Building entrances for the public shall face the main road and be highlighted by design features to make it stand out from the rest of the building.

a) Building entrances should be clearly recognizable and visible from the public road or driveway.

b) Building entrances should be covered in the form of a roof or porch overhang to provide shelter from the elements and make it more prominent.

c) The front yard area immediately adjacent to the building entrance shall be suitably landscaped with lawn, shrubs or flowers.

d) Building entrances shall be directly connected to parking and pedestrian areas with a sidewalk, separated from motor vehicle areas with a curb and/or planting strip.

14. Building Scale and Massing. Overall building massing shall be broken up into smaller, discrete shapes where possible to reduce the scale of the structure, particularly for larger buildings. Large monolithic box structures shall be avoided.

a) New development shall reflect appropriately scaled architecture.

b) Facades facing the public road should avoid large, uninterrupted blank wall areas without windows or entranceways.

c) Building appurtenances, such as porches, dormer windows are encouraged to be used to give building facades shade, scale and more visual interest.

d) Large, uninterrupted storefront or strip windows shall be avoided. Windows shall instead be broken up into smaller groups and spaced apart to create a rhythm or pattern. Window openings are encouraged to be vertically proportioned, so that the width to height ratio is taller than they are wide.

e) Longer building facades shall make use of a repeating pattern, expressing the structural bays of the building within, with the use of features such as repeating window groups, columns, or other features which help to tie the design together.

15. Exterior Materials. Primary façade material (i.e., visible from a public way and comprising 35 percent or more of the exterior horizontal surface) should be brick or stone/artificial stone masonry for structures of more than two stories and may include natural finished wood or fiber cement clapboard or board and batten or glass (non-mirrored) curtain wall or coated steel or composite or as a secondary façade material. Discouraged/prohibited primary façade materials include vinyl siding, cement block, concrete panels, expanded foam/fiberglass (EIFS).

a) Facades with an overabundance of different materials or colors are discouraged. When using more than one facade material or color, one material shall be used as the dominant “primary” theme, with the others used more sparingly as “secondary” materials or colors to accent the design.

b) Changes from one facade material or color to another shall occur at a “hard-edge” or bump-out transition in the facade that gives the material a surface to terminate into. Material or color changes from one wall to another shall occur at an “inside corner”.

c) Exterior building material colors should typically be a natural, subtle, muted shade and of low- reflectance. Brighter, more vibrant colors such as bright red or yellow should generally be reserved for minor accents and highlights only. Examples of colors which are likely to be

incompatible include basic primary colors, neon, fluorescent or those which are highly reflective or metallic.

d) Window and door openings in masonry facades should visually show a lintel above the opening which is carrying the weight above, instead of hidden steel plates.

16. Signs. Commercial signs in the AWE District shall be attractively designed using a similar theme of natural materials and color palettes to help identify the waterfront area as a unique destination. Garish façade/corporate-themed exterior color schemes, excessive lighting, illuminated/transparent awnings or canopies and similar treatments may be considered signs and subject to regulation.

17. Exterior Lighting. All exterior lighting in the AWE District shall be designed to minimize light pollution to the region and shall be compliant with dark sky, light pollution reduction principles, while providing a safe and attractive environment.

a) All exterior lighting shall be dark skies compliant, provided from full cutoff, downward facing fixtures which prevent any light emitted above the 90 degrees horizontal to minimize night sky pollution, glare and spillover onto adjacent properties, unless otherwise noted below.

b) Light Quality and Color. Exterior lighting should be provided from Induction or L.E.D. (light emitting diode) fixtures to provide quality light while minimizing energy use, provided the color temperature of the light is between 2500 and 3800 kelvin. Mercury vapor and low pressure sodium lamps are not recommended.

c) Light Intensity. Exterior lighting for parking lots and pedestrian areas is encouraged to remain at the lowest acceptable footcandle levels wherever possible to reduce energy use, glare and night sky pollution.

d) Parking Lot Lighting. Light fixtures located within the interior area of a parking lot shall not exceed 25 feet in height. Light fixtures located along the perimeter edge of a parking area shall not exceed 18 feet in height.

e) Walkway Lighting. Light fixtures located along pedestrian walkways or paths internal to the site shall not exceed 15 feet in height.

f) Facade Lighting. Decorative facade lighting, where used, shall only direct the light downward on the facade. Upward facing facade lighting shall only be permitted in instances where it is installed underneath a canopy, porch or roof overhang which will fully capture the upward light spill.

g) Security Lighting. Security lighting is encouraged to be provided from regular pedestrian fixtures where possible, especially in areas visible from the public road. Where dedicated security “wall packs” are necessary, it is recommended that they operate on motion sensor activations to limit use.

h) Vehicular Canopy Lighting. Light fixtures located underneath vehicle canopies, porches or similar.

i) Sign Lighting. Lighting for freestanding monument signs may be mounted above the sign or below at grade. If mounted at grade and pointing up at the sign, the lamp must direct the light only as needed onto the surface of the sign.

j) Landscaping Lights. Decorative landscaping lighting, if used, shall be designed to direct the lighting downward into the planted areas whenever possible. Upward facing landscape lights may be permitted provided they are low voltage systems which are equipped with automatic switching to turn off the lights no later than one hour after the site is closed to the public, or 10 pm, whichever is earlier.

k) Lighting Style. Lighting poles and exterior fixtures should be chosen to complement the design character of the building architecture.

l) Holiday or Event Lighting. None of the provisions above shall be interpreted to limit the temporary use of decorative lights for holidays or special events.

18. Service Areas & Utilities. All service areas, utilities and mechanical equipment shall be located and screened in a manner to minimize visibility from the public road.

a) All loading, dumpster and storage areas should be located in the rear of the facility and out of sight from the public road.

b) All loading and dumpster areas should be screened from view with landscaping or fencing which is compatible with the exterior materials of the building.

c) Ground and rooftop mounted mechanical equipment such as HVAC heating and cooling systems or transformer pads shall be located and screened to minimize visibility from the public road. This provision shall not apply to rooftop or ground- mounted solar systems.

d) All new utility lines serving private commercial or residential properties shall be buried underground.

19. Waterfront Promenade. The promenade is intended to provide an attractive and casual non-motorized connection between various businesses, residential properties and attractions along the Annsville Creek, providing access for pedestrians, bicycles and other users to each of the properties along the way. It is intended to be designed corroboratively with the town and willing landowners, implemented over time, to promote visitor exploration and unlock greater economic development potential.

a) The promenade should create a unique and beautiful waterfront passage parallel to Annsville Creek shoreline with minimal intrusion into the natural landscape, adding points of interest and design features which provide a continuity of interest.



- b) The design character of the promenade is intended to be flexible to account for the customized designs and compatibility of individual properties, recognizing the planning board shall establish minimum requirements that will accommodate the opportunities and constraints of the subject property.
- c) The promenade should be approximately 10 - 15 feet wide, with drainage swales or buffers along either side
- d) Wayfinding and identification signage is encouraged to be provided along the promenade to orient and attract visitors and to interpret the history of the setting.
- e) Benches and pedestrian-scaled lighting shall be provided at a ratio of one each per 150 feet or as otherwise established by the planning board as necessary and appropriate for the subject property.

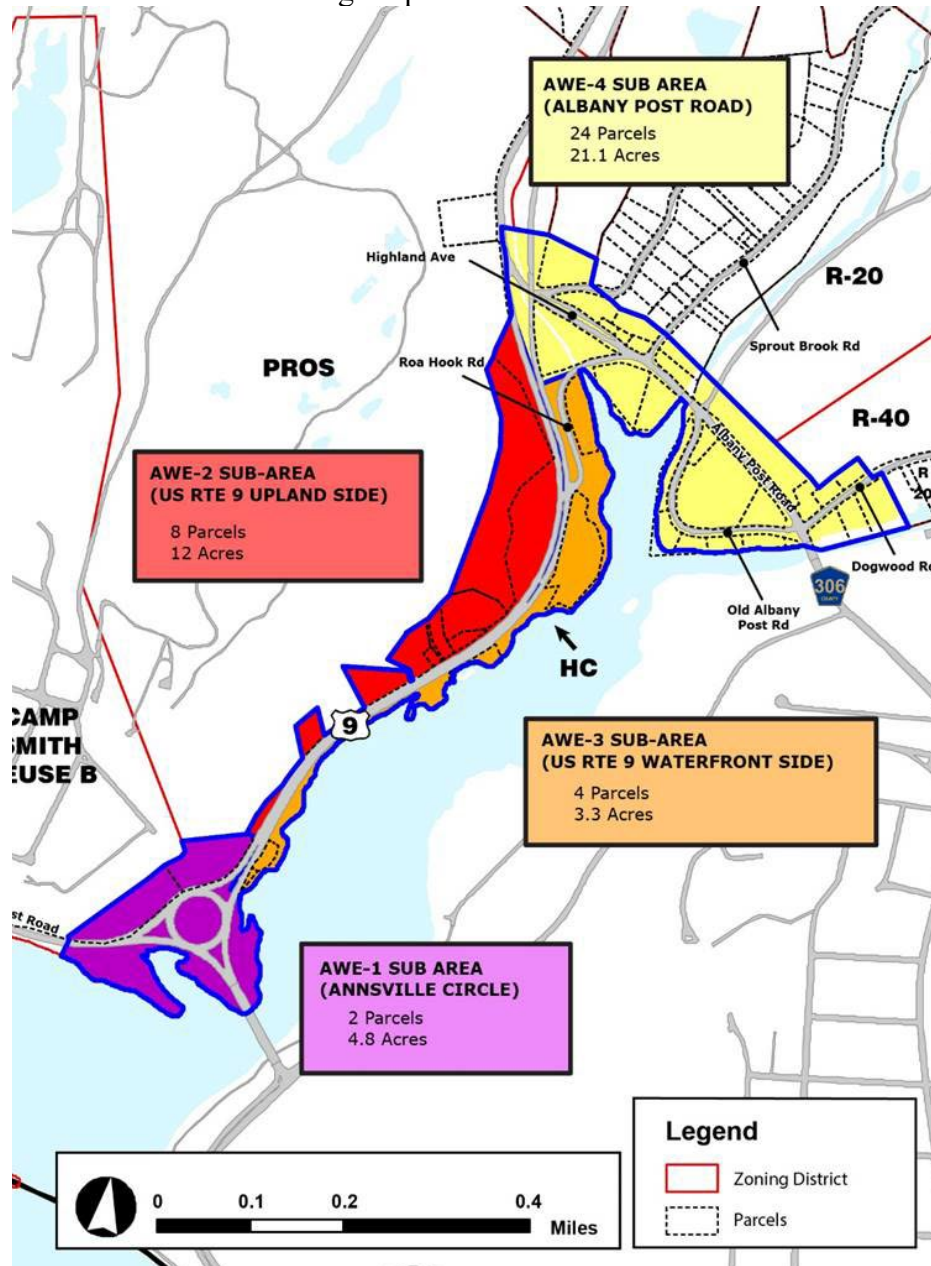
## **VI. Findings and Decision**

1. Public hearing. Prior to its final decision and in conjunction with its SEQRA review, the reviewing board (Planning Board or Town Board) will conduct a public hearing in accordance with the standard procedures for grant of a special permit, site plan review or town board public hearing.
2. Following the public hearing and completion of the SEQRA process, the reviewing board will approve, approve with modifications or conditions or deny the proposed incentive zoning application. A written statement of the findings will be prepared documenting the basis of the reviewing board's decision. The findings will include, but not be limited to, the following: be limited to, the following:
  - a. SEQRA. That all requirements of SEQRA have been met, including the required findings under that law.
  - b. Development capacity. That the proposed project, including the incentive, can be adequately supported by the public facilities available or provided as a result of the project, including but not limited to sewer, water, transportation, waste disposal and fire protection, without reducing the availability of such facilities for projects permitted as of right under the Town of Cortlandt Code.
  - c. Public benefit. That the public benefit realized by the amenity provided by the applicant is commensurate with the incentive granted.
  - d. Project quality. That the project is in harmony with the purpose and intent of this article and with the stated objectives and will promote the purposes herein, that the project is sufficiently advantageous to render it appropriate for grant of an incentive and that the project will add to the long-term assets of the Town of Cortlandt.
  - e. Comprehensive Plan. That the use of incentive zoning for the particular project is consistent with the Comprehensive Plan.

- f. The reviewing board may impose conditions on a project to ensure that the above findings are ensured through the subsequent plan review and construction phases of the project.

### Section 3. Zoning Map Amendments

The Zoning Map shall be amended as follows:



### Section 4. Illustrative Examples

The following shall be added as an attachment to the Zoning Ordinance:

## Illustrative Examples of Architecture



One and two story commercial and retail.



Three story building with residential, commercial and retail uses. Building facade with brick, metal and glass materials.



Four story mixed use building with brick, glass, metal and masonry.



Three story mixed use building.





Four story plus penthouse mixed use building.



Six-story hotel and restaurant with brick and glass facade.



Promenade and buildings providing continuity of interest and human-scale landscape elements.



Generous width and design of promenade creates waterfront attraction with space for multiple users and movements.

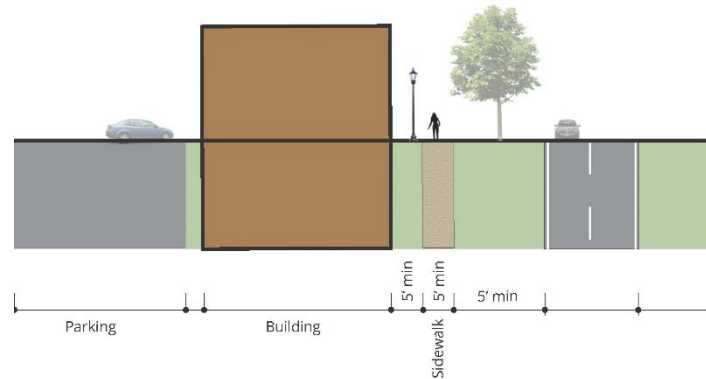
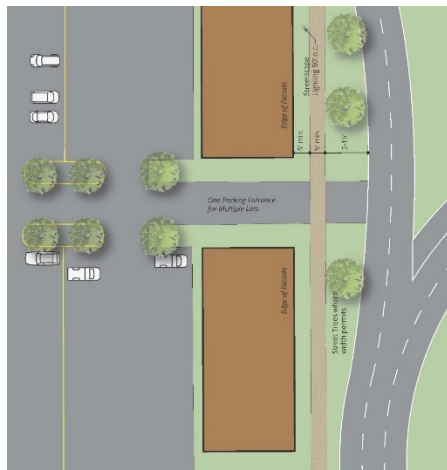


Two story civic and commercial building with brick and colonial style architecture.

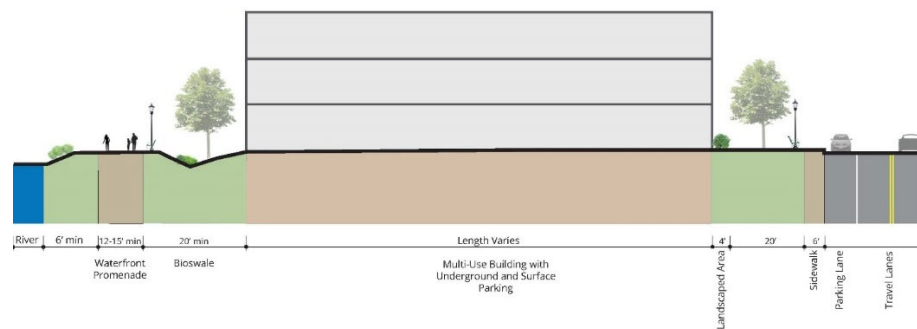


Two story brick building with civic and retail uses.

## Illustrative Designs For Buildings in AWE-1 and AWE-2 (Along Route 9)



## Illustrative Design for Buildings in AWE-4



## **Section 5. Update to Table of Permitted Uses**

The Table of Permitted Uses shall be updated to include a column for uses in the AWE District as seen attached to this Local Law.

## **Section 6. Update to Section 307-5 of the Town Code**

Section 307-5(A) shall be updated to include the Annsville Waterfront Enhancement (AWE) District.

The following description shall be added as provision “G”:

“Annsville Waterfront Enhancement District. The AWE District is established to aesthetically improve the Annsville Corridor by allowing uses to promote an attractive and revitalized commercial, residential, and mixed-use setting.”

## **Section 7. Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

## **Section 8. Effective date**

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

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF CORTLANDT  
LAROUÉ ROSE SHATZKIN, TOWN CLERK**

**Adopted February 14, 2023  
At a Regular Meeting  
Held at Town Hall**