

*Final from Steve Vescio
(signed off by the ad hoc Committee)*

The B Zone Advisory Committee Report

Village of Briarcliff Manor, NY

Date of Report: May 5, 2017

To: Hon. Mayor Lori Sullivan & The Briarcliff Manor Board of Trustees

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Committee Members

- Steven Vescio – Chairman
- Steve Elkes – Member
- Michael Gioscia – Member
- Aaron Stern – Member
- Sabine Werner – Member
- Mark Wilson – Board of Trustees Liaison

*copy by Hand to
M/BOT. Add to
W/S discussion.*

Purpose

The Committee has been tasked by the Board of Trustees to make recommendations as to what, if any, changes should be made to the Village of Briarcliff Manor's Zoning Code Chapter 220-5 – Planned Office Building and Laboratory B District. The recommendations should focus on enabling properties located within the B Zone to be fully utilized and/or developed with its highest and best appropriate use. Short and long term impacts on Village residents, municipal infrastructure, local resources and the community as a whole should be considered and addressed.

Current Regulations

The Planned Office Building and Laboratory B District ("B Zone") is outlined in Chapter 220-5 of the Village of Briarcliff Manor's Zoning Code ([Exhibit A](#)). The statement of purpose conveys the following:

*"...to encourage the use of property for office buildings of a proprietary character
occupied by a single owner or tenant, and research laboratory buildings,
similarly occupied, erected in accordance with suitable standards, and at appropriate locations
and supported by accessory uses considered appropriate."*

As detailed herein, there are currently 5 properties classified as B Zone or Business Transition(BT). B Zoned properties located within nonresidential districts with frontage on and direct access to state highways are designated as Business Transitional(BT). In order for another property to become designated as B or BT Zone, the Village Board of Trustees must be petitioned for an amendment to the Village's Zoning Map. Prior to such a petition being filed, an application must first be made to the Planning Board. The Village Code at Chapter 220-5.B outlines the application process. The following specific detailed backup is to accompany an application to the Planning Board:

- *Site plan showing total acreage involved, dimensions and place of buildings, contours of the ground elevation at not more than five-foot intervals, arrangement of proposed streets and driveways, layout of off-street parking and loading areas with their capacity, stormwater drainage system, sewage disposal system, water supply system and landscaping plan.*

- *Gradients of all streets and driveways.*
- *Grading plan for the entire tract.*
- *Preliminary floor plans, sections, and elevations of all proposed buildings.*
- *Detailed statement of the uses to which all proposed buildings and open lands are to be devoted, with estimate of the number of employees to be employed at any one time, and statement as to whether more than one shift is to be used.*
- *Evidence that the applicant has clear title in fee simple to the entire tract of land, or alternatively that applicant has executed a formal contract to purchase such tract, contingent only upon its being rezoned to the Planned Office Building and Laboratory B District.*
- *Applicants covenant in proper form for recording, and to run with the land, that if the application is granted and the Zoning Chapter and Zoning Map are amended pursuant thereto by the Board of Trustees, any application for a building permit subsequently filed with respect to such tract shall comply substantially with the information contained in such application for the change of zone.*

Within 45 days after an application has been filed, the Planning Board shall hold a public hearing on the matter and related information specified above. During the course of deliberations, the Planning Board shall give due weight and consideration to the following:

- *Reports of the Village Engineer & Fire Chief.*
- *Estimate of traffic generated by the proposed development during peak hours, and capacity of existing streets and highways to accommodate such traffic, as a surcharge upon existing and prospective traffic volumes from other generators, and report of Chief of Police with respect thereto.*
- *The sufficiency of street frontage of the tract for the purpose of providing adequate entrances and exits, adequacy of access and driveways and provision for interior circulation of vehicles and pedestrians.*
- *The quality of architectural features of building design which are subject to public view from any public place; and their attractiveness and harmony of style and appearance, and the functional plans of individual buildings and their relationship to other buildings in the same ownership.*
- *The appropriateness of the landscaping plan and the attention given to conservation of existing trees.*
- *The adequacy of parking areas and the landscaping thereof.*

Within 60 days after the application has been filed, the Planning Board shall make a written recommendation to the Village Board of Trustees with respect thereto.

B Zone properties are further limited by the Village Code as to use, height, building area, loading, parking units and building coverage.

The Village Board of Trustees, within 45 days after receipt of the recommendation by the Planning Board, shall hold a public hearing. If, after such public hearing, the Board of Trustees determines that the application shall be granted, the zoning chapter and the Zoning Map shall be amended classifying said property as Planned Office Building and Research Laboratory B District.

While office and research laboratory space are permitted uses, the occupancy of the property by multiple office tenants is only allowable under Chapter 220-6L, subject to a special use permit. Permitted accessory uses in the B/BT Zone include private parking areas, signage, dwelling spaces for caretakers or other resident employees, residential guest facilities and maintenance shops. If a multiple tenancy is granted under a special use permit the building occupancies may include office, professional office and medical/dental office, provided however that the medical and dental offices do not exceed 30% of the total space in the building. Attachment 3 of Chapter 220 of the Village code outlines the current permitted principal and accessory uses and is attached for reference([Exhibit B](#)).

Chapter 220 – Attachment 4([Exhibit C](#)) outlines the minimum lot size, setbacks, height and lot coverage. Below are the regulations contained in the schedule limiting use:

- *Area in Square Feet* – 400,000 SF (9.18 acres)
- *Lot width at minimum front yard setback* – 100'
- *Percentage of lot coverage(principal and accessory combined)* – 10%
- *Front Yard Setback* – 100'
- *Rear Yard Setback* – 100'
- *One Side Yard* – 100'
- *Two Side Yards combined* – 200'
- *Maximum Height* – 60' (40' in the BT zone)
- *Maximum Number of Stories* – None specified
- *Minimum average living area(for accessory use)* – 750 Square Feet

It should be noted that the maximum height may be increased 1 foot for each 3 additional feet the building is set back from all lot lines, provided however that in no case shall a building's height be greater than 75 feet.

In addition, the sum of the combined total gross floor areas of all floors in principal and accessory buildings shall not exceed 40% of the total lot area.

Loading and parking locations/requirements are also specified in the code.

The following shall apply to Business Transitional properties:

- *If at least 20% of the minimum lot size(400,000 square feet) is comprised of nonresidential districts, that portion of the site comprising of the minimum lot size and having frontage and access to a state highway may be developed at a maximum intensity of 20% coverage.*
- *Any additional lands on site in excess of the minimum lot size shall be developed at an intensity no greater than 10% coverage.*
- *Sum of the combined total gross floor area of principal and accessory buildings not to exceed 25% of the lot area.*
- *Maximum height is reduced to 40 feet to reduce bulk factors.*

Current Zoned B/BT Properties

As of this date there are 5 properties designated as B or BT Zone:

- 600 Albany Post Road – A 9.4 acre parcel designated B Zone with frontage on Route 9, a New York State roadway. The site currently contains approximately 49,000 square feet of office/research space. It was previously occupied by American Airlines and then by Sony Corp. It has most recently been utilized as computer server space. The site is bordered by the R12B, R20A and R60A zones. At the committee's March 2, 2017 meeting a presenter stated that he has a "binding letter of intent" with the seller and that he wishes to develop the property into a "self-storage warehouse" use.
- 345 Scarborough Road – This property is broken down into 2 parcels. One is a 67.9 acre parcel and the other is a 25.7 acre parcel. The majority of the land is located in the B zone however both parcels have portions in the R60A and R20A zones. The adjacent zones are the R80A, R60A, R40A and R20B. It is located on a local arterial road with a short and direct path to a New York State(Route 9) and Westchester County roadway(Pleasantville Road). This property is situated within the "Scarborough Corridor" area which recently underwent a study and subsequent up zoning. While currently vacant, the building on site was previously occupied by Philips North American until they vacated the space in late 2016. The property is presently being marketed for sale by CBRE and contains approximately 180,000 square feet of office/research space.
- 320 Old Briarcliff Road – This property is broken into 2 parcels. One is a 10.3 acre lot and the other contains 6.4 acres. Both lots are designated as B Zone. The property is owned by Emigrant bank but has been unoccupied for more than 10 years. It is situated on a local arterial road and very close to a Westchester County road(Pleasantville Road). The surrounding zoning districts are the R20B, R30M and R60A zones. The site is developed with approximately 56,000 square feet of office/research space. At the December 6, 2016 meeting a preliminary plan was presented by a developer to construct 150 high end residential rental units targeted to millennials and/or locals residents looking to downsize but remain in the Village.
- 555 Pleasantville Road – A 10.7 acre parcel designated as B Zone and with frontage on a Westchester County Road(Pleasantville Road). It is currently used as a multi-tenant office occupancy that was granted as part of a special use application. It is surrounded by the R20B residential zone and is reportedly 60% occupied. The site features approximately 107,000 square feet of office space in multiple buildings and includes the Frank B. Hall Building, one of Briarcliff's original structures.
- 333 Albany Post Road – A 10.9 acre site designated as BT Zone. It is located on Route 9, a New York State owned roadway and surrounded by the B2, R30A and RT4B zones. The site was previously wholly occupied by Wustof, a knife manufacturer but has since been converted into computer server space. There is approximately 66,000 square feet of building space on site.

The Village of Briarcliff Manor Zoning Map as well as maps from the Westchester County GIS system showing each property, its surrounding zones and any steep slopes are attached([Exhibit D](#)).

Meetings of the Committee

The advisory Committee has held a total of 5 meetings on the following dates:

- November 16, 2016
- December 6, 2016
- January 12, 2017
- March 2, 2017
- April 13, 2017

Agendas from these meetings are attached for your use and reference([Exhibit E](#)). At these meetings, the Committee received input from several parties including the Village Engineer, Village Attorney and Planning Consultant. In addition, at each meeting the Committee opened the floor to speakers and heard from prospective developers, architects, attorneys, residents and real estate brokers. All meetings were open to the public and video recorded. Speakers statements and input were discussed and have been taken into consideration when formulating the recommendations.

There was consensus among the presenters that the demand for properties with the limited uses of office and laboratory is very low to non-existent in Westchester County at the present time. The presenters also felt that this was not likely to change in the near to mid-term. Similar properties in other communities are currently being re-purposed for other commercial uses, residential units, or a mix thereof. The demand for residential rental, particularly in the higher end market currently has very strong conditions as do appropriate and well located commercial uses.

Briarcliff Manor's 2007 Comprehensive Plan

The 2007 comprehensive plan of the Village of Briarcliff Manor was used as a resource. In its pertinent sections the plan states the following:

- Section 3.2.1 – Open space - Regarding large tracts that could be developed as residential(345 Scarborough Road is specifically mentioned) the plan suggests conservation developments should be encouraged.

“Visual impacts should be considered by the Planning Board when reviewing development applications for all properties. Legislative measures can be adopted or modified to mitigate the visual impacts of development ie: up-zoning, increased setbacks, lessened building height and bulk, greater wetlands and slope protection and landscaping/screening requirements.”

- Section 3.3 – Housing

“Goal: Provide a range of housing styles and alternatives to meet the needs of a varied and diverse population.”

“Action Items:

- A. Allow low-rise buildings or townhouses in the Village’s commercial areas to accommodate the needs of the following: 1) Senior Citizens 2) Start-up families 3) Local Employees.*
- B. Establish design guidelines regarding size, accessibility and density, to ensure these desired housing needs are met at a scale that is compatible with the overall design of the neighborhood.”*

- Section 3.4 – Business Districts

“Goal: Increase our commercial tax base”

“Encourage businesses and offices in campus settings”

“Review and update B district requirements including lot coverage, building height, setbacks and landscape buffers.”

- Appendix A – Office and Business Areas

“Office and business areas, including stand alone offices, offices on North State Road and Route 9 and laboratories should remain as zoned, with the addition of commercial design controls aimed at new construction and major renovation.”

“Businesses are important contributors to the Village’s municipal tax”

“The businesses are well located – while Philips Laboratories, the property formerly known as Mearl and the Briarcliff Corporate campus are located in residential areas, they are close to arterials that take employee traffic directly out of the local street network.”

“This plan recommends that when the Mearl site is redeveloped and plans are submitted for full occupation of the site, the Village should examine the traffic implications on nearby intersections”

Areas of Impact and Concern

- B Zone – The Committee recommends that the B Zone should remain and be revised to better accommodate the current and anticipated market conditions. It may however need to be retitled to accurately reflect any new zoning changes. It is in the best interest of the Village to retain its current minimal commercial tax base and encourage additional appropriate commercial development. A healthy commercial tax base reduces the tax burden on the residents of the Village. This Committee does recognize that the current permitted uses outlined in the zoning code for the B Zone are functionally obsolete. For this zone to become a fruitful asset to the Village once again the zoning code should be revised including to allow for other appropriate uses. Due weight and consideration should be given to the approval of any other uses and the potential impacts they might have on the surrounding properties and community as a whole. When considering an application for a property located within the B Zone the Board of Trustees should have a clear understanding of what the proposed development will look like and any potential impacts thereof. If a proposed use is more intensive than the current use, the Board should strongly consider denial unless such mitigating factors are taken by the developer that vastly outweigh the additional impacts on the Village infrastructure. Any use or proposal which will drastically change the character of the Village as a whole should be denied. The current application process for entry into the B Zone should be updated to reflect new regulations and allow for more ample time to consider all aspects of an application. The schedule limiting use should also be revised to address specifics of other potential uses and modify the setbacks, height, coverage, etc as the Board feels appropriate based upon the Committee’s concerns. The Board should be cognizant of and address the possibility that other properties that meet the minimum criteria may look to apply to become part of the B zone as a result of these revisions. Should a significant number of additional properties become designated as B Zone this could have an

adverse impact on the overall character of the Village. Proper measures should be taken by the Board to prevent the overdevelopment of large open tracts of land in the Village and the over prevalence of one type of use.

- *Commercial Tax base* – There is strong concern among the Committee members regarding the current ratio of commercial to residential properties in the Village. Based on a zoning district analysis provided by the Village Engineer and Planning Consultant([Exhibit F](#)), Briarcliff Manor's acreage consists of 93.6% residentially zoned properties, 5.4% business zoned and 0.9% multi-family zoned. The 5 properties in the B/BT zone account for almost 60% of the total business zoned acreage in the Village and 3.2% of the total acreage within the Village. It is critical for any community to have a healthy mix of commercial to residential tax payers to avoid overburdening the residents of the Village with municipal costs. Any imbalance has the potential to cause a decrease in desirability and thus adversely affect pricing of properties located within the Village. Commercial development in a location and of a type appropriate, should not only be considered, but encouraged by the Board. Any potential negative impacts of any development should be considered and mitigated accordingly so as to not have adverse impacts on neighboring properties or the Village as a whole.
- *Site Location* – The Committee notes that although all of these properties have similar zoning they are located throughout the Village. Some are located in residential areas while others are located on busy state or county roads. The factors regarding each site's location should be taken into account when any particular use is being considered. As an example, a shopping center or supermarket would not be an appropriate use on Old Briarcliff Road but would be fitting on Albany Post Road. Accordingly, the Committee recommends that properties located on state or county roads be highly encouraged to be developed with commercial uses. Properties located in residential zones should be developed in harmony with the surrounding properties and advance the Village's stated goals. Appropriate commercial uses should be encouraged even in these residential zones assuming there would not be an adverse effect on the surrounding properties. Where appropriate a mixed-use development concept would allow the Village to retain some of its limited commercial base. The commercial tax base ultimately reduces the tax impact on residential taxpayers with minimal impact on Village resources. The Committee did not review the original applications for entry into the B Zone for these properties but strongly encourages the Board to review these submissions. They may contain insightful information for the Board to make a more informed decision and provide for background into the original approval process and considerations.
- *Other Uses* – The Committee recommends that other uses be permitted within the B zone in addition to the current permitted uses. Any new uses should be granted under a special use permit or other similar measure that would afford a high level of review and consideration of all pertinent details and potential impacts. The Board could also consider using the process outlined for entry into the B zone as a comprehensive method of review for a proposed use. That process would need to be slightly revised to represent the application process being undertaken and potential uses but does represent a relatively thorough and complete review of an application submission. The Board of Trustees should have the ability and flexibility to ensure a use is appropriate for a proposed location and will not have a significant negative impact on the surrounding properties/infrastructure, even if the Planning Board issues a positive recommendation. As stated above, due to the sporadic locations of the current B/BT zoned properties, one use may be a better fit for a particular site than another. In the case where a use

is appropriate and aligned with the Village's interests it should be encouraged and flexibility granted in pertinent zoning aspects. Commercial uses, of appropriate size, type and location, should be highly encouraged within the B Zone. The Committee recommends the following additional uses be considered by special use permit or other method the Board deems will allow a sufficient level of impact review:

- Multi-Tenant Office – potentially allow this as a permitted use.
- Biomedical Office – potentially allow this as a permitted use.
- Retail/Shopping Center
- Medical/Dental Space
- Hotels
- Warehouse including Self-Storage Facilities
- Manufacturing – of appropriate type.
- Mixed use developments – encourage in residential areas to retain commercial tax base.
- Single Family Residential – with cluster development encouraged.
- Multi-Family Residential – with an appropriate scale and density.
- Other uses the Board deems appropriate

- Village Infrastructure – Any new development will place an additional strain on existing municipal resources. A use that might be granted under a special use permit or other review method should be essentially self-sustaining and not place any additional burden on the Village infrastructure or residents. The Committee did not analyze the capacities of all current infrastructure and the demand that the potential development of these sites would place on them. The Board should carefully analyze all aspects of pertinent municipal resources/infrastructure and the impacts thereof when considering an application for a special use permit. The Board should also strongly consider mitigating measures a developer may be willing to take to ease the burden on infrastructure assets and assist the Village in accomplishing its stated goals. Whenever practical, as part of the approval process the Village should consider mandating that any new development be wholly responsible for their own services and the costs associated thereof. Mechanisms to ensure long term compliance, even if the property changes hands, should be implemented.
 - Traffic/Road – Studies should be undertaken by any developer regarding the current strain on local roadways and intersections. Should any roadway or signal improvements be deemed necessary by the Board, the costs of such should be entirely borne by the developer. The Village should also enact such measures to ensure that any traffic studies submitted are true and accurate and not skewed to protect the interests of the developer who has hired them.
 - Water/Sanitary/Drainage – The capacity of these systems must be analyzed based upon the proposed scale of potential development. Any upgrades or improvements deemed required as a result of the development should be borne by the developer. Future maintenance of said infrastructure should also be undertaken by the property owner when and where feasible. Measures such as a maintenance bond to ensure compliance should be mandated by the Board. The Village should independently review and analyze any data submitted by a property owner's representative.
 - Department of Public Works – Any new development will generate an additional need for Department of Public Works resources. The Board should mandate that the cost and responsibility for refuse removal, recycling, snow clearing, interior road maintenance and

other such items be undertaken by the developer. Timing and frequency of such pickups should be clearly outlined in any approval so a nuisance is not created for neighbors by trucks coming early in the morning or trash piling up due to infrequent pickups. A mechanism to ensure long term compliance should also be implemented.

- Recreation – An analysis of the current usage and capacity of the Village pool, fields, playgrounds and other recreational amenities should be undertaken and compared to the projected increase in use due to any particular development application. Where appropriate, measures to mitigate this increased use should be implemented such as providing these recreational services onsite. Any amenities onsite should be open to the public use and benefit so as to provide additional benefits to current Village residents. These amenities could include ball fields, playgrounds and the such. As part of any approval the Board should mandate that the maintenance of such be borne by the property owner. To ensure such maintenance in the future the Board should require a maintenance bond or other measure that would protect the Village's interests and the taxpayers. The Village should strongly consider instituting a recreational fee for each new living unit created similar to when a new building lot is created. The fee amount should be less than that of a single-family home as the impact of such will typically be lower. However, if a property is able to provide public recreation there should be a mechanism for the Board to reduce or waive such fee. Any reduction or elimination of such fee on a particular application should be commensurate in dollar value to the level of improvements being provided for public use and benefit.
- Police/Fire/Emergency Medical Services – An analysis of current services and capacities of police, fire and EMS should be undertaken. The impact of potential development with regards to the above should be considered and mitigated. If due to a specific use, the Board anticipates a large strain on any of these services, mitigating factors should be implemented. This could include requiring a development that specializes in housing for elderly individuals to retain the services of a private Emergency Medical Service to accommodate their residents. Long term compliance mechanisms need to be developed and implemented by the Board. At a minimum measures should be taken to reduce an increased strain on these services (especially volunteer) and should be used specific when granting an application. Up to date fire protection should be stressed on all types of developments and steps should be taken to mitigate false alarms such as a substantial monetary fine for abuse of services. In considering design and layout of any buildings and roadways input should be considered from the appropriate departments.
- Scarborough Train Station Parking – The parking lot at the Scarborough train station is also a Village asset which should be considered. Additional residents moving into the Village will place an additional strain on parking at the train station. The current and projected usage should be taken into account when potential development is being analyzed. The Board should consider mandating a jitney to and from the station or other such mitigation measures to prevent a strain on parking resources. Any such mitigation should be of appropriate timing and quantity and mechanisms to correct any deficiency should be provided by the Board.
- Assemblages – The Board should strongly consider amending the code to only allow for properties that existed with the required minimum lot area as of this date to be considered for entry into the B Zone. This will prevent the future assemblage of lots which would then meet the minimum

lot size for the B Zone. By doing this the Board will have a clear and firm picture of which future properties may wish to apply to the B Zone and the potential total impact of any code modifications they may make. A list of properties that currently meet the minimum required acreage for the B Zone as well as a location map are attached([Exhibit G](#)).

- *Significant Development Impact* - It is critical to note that these properties represent a large amount of developable acreage and that the development of such could have a drastic impact on the community as a whole. These sites by nature are large and thus could support a significant amount of square footage. Should these and other qualifying properties be developed it has the potential to drastically change the character and nature of the Village. Large wooded tracts could easily disappear from the Village landscape and be replaced with sprawling commercial or residential developments. The Board should be aware of such and the Committee recommends the Board take appropriate actions to prevent a significant change to the presentation and character of the Village.
- *Retain Open Space* – The Board should put in place measures to retain open space as well as the appearance that a site remains open and undeveloped. This can be accomplished by encouraging cluster type development and/or mandating that a certain percentage of the site remain undeveloped. This Committee recommends mandating at least 10% of the total site acreage be dedicated for open space. These open spaces will best benefit the Village when they can produce a public amenity such as ball fields, playgrounds or a park. The cost of maintaining these spaces should be borne by the developer and the Village should undertake such measures to ensure maintenance is up to date by requiring a bond or other such measure they feel is appropriate. Even if these open spaces are not used as recreation the Board should still mandate that they remain natural so the view and feel of the property does not drastically change. The Board should also take such measures to ensure that any new development does not significantly change the view of the property from public right of ways. This could include requiring features that currently screen views such as trees or walls remain as part of any approval or that new screening be installed.
- *Encouragement of Desirable Uses* – The Board should be afforded flexibility with regards to the zoning schedule limiting the use of the property when and where appropriate. If a use is proposed that is in line with the Village's desire for a particular site then flexibility in terms of density, setbacks, lot coverage, and others should be considered. Where a use that is proposed is not in line with the Village's vision for a particular site no flexibility should be granted. While this flexibility in the code should be enabled, it should also provide a maximum limit as future Boards will not have the same level of research and background on the matter that the current Board will have in implementing these changes. A use that is unique in nature and will supply services not currently provided in Briarcliff Manor should also be encouraged.
- *Multi-family Residential Development* – The Committee has spent a significant amount of time discussing a residential component to the B zone in appropriate locations and density levels. The Committee recommends allowing for multi-family residential uses in locations where the surrounding properties are residential and said property is not located on or very close to a New York State or Westchester County Road. The Board should carefully revise the schedule limiting use as it relates to residential development. One of the considerations the Committee has discussed is whether townhouse or apartment style are more appropriate. The conclusion is that it should depend on the site and take into account the other concerns the Committee has stated in this report. Also discussed was whether rental or for sale units should be encouraged which the

Committee believes the market will ultimately dictate. The largest and most important item that was discussed relating to multi-family development is the density. In an effort to ensure new development is in harmony with surrounding districts the Committee is proposing a density calculation based on the percentage of perimeter lot line that borders other districts in the Village. For example, if a B zoned property has 1,000 linear feet of perimeter lot line and 500' adjoin the R40A and 500' adjoin the R60A zone, the densities of the R40A and R60A zone should be equally weighted to determine the density of the site. If a property solely abuts the R20A Zone, then the density of the R20A should be wholly applied to the site. See attached B District sample density calculations provided by the Planning Consultant based on this method([Exhibit H](#)). This formula will ensure that each property is independently analyzed and developed in accordance with the surrounding zoning districts and will prevent overdevelopment or the appearance of such. There should be flexibility with regards to the density allowed at a site if the developer is willing to incorporate a significant commercial aspect to the development and advance the Village's other stated goals. Regardless of any commercial aspect or other measures undertaken the Committee recommends the Board set a maximum residential density of 2 times that of the calculated density. A maximum is important to preclude a future board who does not have the benefit of the research and discussion that has been conducted from allowing a property to become overdeveloped and thus negatively impacting the Village and its resources. The method of density calculation with regards to usable acreage on a property should also be considered. As an example if a 20 acre site has 15 acres of undevelopable land(stEEP slopes, wetlands, etc) the result would inevitably be a large number of units in a relatively small area of a property. The Board should enact legislation that will prevent such a situation which would result in a property being viewed as overdeveloped. One such measure the Board could take would be to calculate the density of undevelopable land at a lower density than that of usable land. The Board should also be severely cautious of having too many properties in the Village being developed into large multi-family developments as this would significantly change the character of the Village. It is the Committee's opinion that too many multi-family developments will have a severe negative impact on Briarcliff Manor and its residents. The Board should take measures to ensure a proper mix property uses in the Village and that no one use becomes overly prevalent. The Committee recommends that the Board also consider flexibility if a proposed development will provide housing for local employees, volunteers and the like.

- Historic/Significant features, steep slopes and preservation – A natural part of any development involves a change to the current site conditions of a property. The Committee recommends that any historic or locally significant features on any given property be preserved as part of any development approval. Any encroachment on steep slopes should be discouraged unless absolutely critical to the development of the site. As previously stated the preservation of current public views, especially of wooded or undeveloped property should be retained so as to not change the perceived character of a property or the Village as a whole.
- Schedule Limiting Use – While the Committee is not tasked with making specific recommendations limiting the use of each property in the B Zone there are several items which the Board should examine and revise. Most notably is the maximum allowable height. Currently the zoning would allow for a building height of 60' with an additional height of one foot for each three additional feet being provided as setback from all lot lines, up to a maximum of 75 feet. The Committee feels that a building of this height would not be fitting with the character of the Village. This height(for all uses) should be reduced to be more in line with other regulations within the Village which typically have a maximum height of 30-35'. In the case where there is an existing

building that is above any new maximum height the Board enacts, such building should be grandfathered in.

- *B Zone Regulation Application/Review Revisions* – The current code should be revised to be more in line with current regulations and approval processes, such as but not limited to SEQRA. The Board should consider using the application submission guidelines for entry into the B Zone as a review method for applications of other potential uses. Any other documents the Board would require to be submitted should be added to the list and those which do not apply should be removed. The outlined documents do provide a relatively comprehensive amount of data for analysis and would show that an applicant is serious about moving forward with such use. The review and response times for the Planning Board and Board of Trustees should also be revised to allow for an enhanced review of all pertinent documents. The current regulations regarding the application for entry into the B Zone do not allow for enough time for the Planning Board and Board of Trustees to consider all aspects and impacts of such large developments. Additional levels of review and consideration should be added to the code and obsolete portions of the code should be removed or revised accordingly.

Specific Recommendations

In summary of this report, below is a list of itemized specific action items the Committee is recommending to the Board of Trustees:

- Allow for additional specified uses in the B Zone through special use permit or other comprehensive review method.
- Revise the schedule limiting use to address these new uses.
- Revise the review/submission process of the B Zone to allow more ample process time as well as to be more in line with current regulations including SEQRA.
- Reduce the maximum allowable building height to 35' regardless of setbacks. Grandfather existing structures that do not conform.
- Grow the commercial tax base. Encourage appropriate commercial uses to retain the minimal existing commercial tax base. Ensure a healthy long term mix of commercial to residential taxpayers in the Village.
- Allow for mixed use developments or residential in appropriate locations and intensity.
- Ensure new developments are self-sustaining(responsible for their own services) and will not place a strain on municipal resources/infrastructure. If a particular resource will be strained due to a specific use mitigating measures should be mandated.
- Protect the quality of life for residents of the Village.
- Enact policies that will ensure a good mix of uses throughout the Village while taking into consideration any undeveloped parcels which may not be currently designated B Zone.
- Look for opportunities to provide onsite recreational services through the approval/development process that would be available and provide benefit to Village residents.

- Implement a maintenance and/or performance bond requirement or other mechanism to ensure long term compliance with Village mandates and approvals, even if ownership changes.
- Institute a recreational fee for the creation of new living units – recommended at \$5,000 per unit. Allow for a reduction or elimination of this fee if a developer is providing an amenity to the Village of comparable or greater dollar value.
- Mandate at least 10% of the lot area of any site be preserved for open space and maintained by the property owner.
- Ensure public views of properties remain relatively unchanged by requiring existing screening/features to remain in place and/or new screening to be added.
- Preserve historic/locally important features or structures.
- Protect natural resources such as steep slopes, trees and other features.
- Prevent future assemblages of property from being designated B Zone.
- Preserve the overall character and appearance of the Village and ensure large wooded tracts remain as a prominent feature of the Village landscape.
- Allow for flexibility with regards to the schedule limiting use to encourage uses that are in line with the Village's goals for well-located sites/uses. Set limits on how much flexibility can be granted by the Board.
- Ensure any residential uses are developed in harmony with surrounding districts. Implement a perimeter lot line calculation method to determine residential density for a particular site. Allow for flexibility in density if the developer is willing to incorporate a significant commercial aspect to the development and is enhancing the Village's goals. Set an upper limit of 2 times the calculated density to prevent future overdevelopment. Consider a lower density calculation for undevelopable land(stEEP SLOPES, wetlands) to ensure a property does not appear overdeveloped.
- Recognize and analyze the impact any changes that are made could have on the entire Village and ensure said changes do not negatively impact the Village as a whole or change its nature/character.

Resources to Review

The Committee strongly encourages the Board to review and consider the following resources:

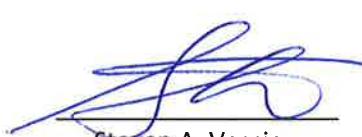
- Village of Briarcliff Manor 2007 Comprehensive Plan
- Scarborough Corridor Study
- Applications for entry into the B Zone and the related resolutions
- Capacities of all municipal resources/infrastructure and the impact of potential development

Conclusion

The Committee acknowledges that the current regulations of Chapter 220-5 are outdated and obsolete. The uses currently permitted allow for little to no attraction to these sites and minimal development and use. The Committee recommends allowing for other uses, with a high

level of scrutiny and analysis being undertaken before any approval is granted. The specific site location should be taken into account as well as the Village's need to grow its commercial tax base. Mixed use and residential developments of appropriate type and density are also in alignment with the comprehensive plan and Village's stated goals. The Board should be cognizant of the substantial impact developing such a large amount of acreage could have on the Village. Mitigating factors should be strongly considered during the analysis of any use and the impacts on Village assets should be given due consideration. Uses that assist the Village in accomplishing their stated goals should be encouraged while uses that are not fully appropriate for a particular site or the Village as a whole should be denied. The Board should remain guarded when considering any new application for a property to become part of the B Zone and should enact legislation that allows for an in-depth review of a proposed use similar to when a property is considered for entry. In all aspects, the Board should consider the character of Briarcliff Manor and ensure developments are in line with the character and nature of the Village that Walter Law envisioned.

Respectfully Submitted,



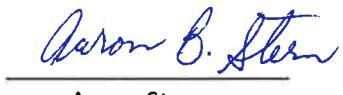
Steven A. Vescio
Chairman



Steve Elkes
Member



Michael Gioscia
Member



Aaron Stern
Member



Sabine Werner
Member



Mark Wilson
Board of Trustees Liaison

Village of Briarcliff Manor, NY
Friday, January 27, 2017

Chapter 220. Zoning

§ 220-5. Planned Office Building and Laboratory B District.

- A. Statement of purpose. This chapter recognizes that it is necessary to the orderly economic development of the Village of Briarcliff Manor to encourage the use of property for office buildings of a proprietary character occupied by a single owner or tenant, and research laboratory buildings similarly occupied, erected in accordance with suitable standards, and at appropriate locations and supported by accessory uses considered appropriate.
- B. Procedure on applications.
 - (1) Before any petition shall be taken up for consideration by the Board of Trustees for an amendment to the Zoning Map, Village of Briarcliff Manor, New York, October 29, 1953, as amended, for the purpose of placing any lot or tract of land in a Planned Office Building and Laboratory B District, the applicant or his agent shall first file an application with the Planning Board, which application shall include, to the extent deemed appropriate by the Planning Board:
 - (a) Site plan showing total acreage involved, dimensions and place of buildings, contours of the ground elevation at not more than five-foot intervals, arrangement of proposed streets and driveways, layout of off-street parking and loading areas with their capacity stormwater drainage system, sewage disposal system, water supply system and landscaping plan.
 - (b) Gradients of all streets and driveways.
 - (c) Grading plan for the entire tract.
 - (d) Preliminary floor plans, sections, and elevations of all proposed buildings.
 - (e) Detailed statement of the uses to which all proposed buildings and open lands are to be devoted, with estimate of the number of employees to be employed at any one time, and statement as to whether more than one shift is to be used.
 - (f) Evidence that the applicant has clear title in fee simple to the entire tract of land, or alternately that applicant has executed a formal contract to purchase such tract, contingent only upon its being rezoned to the Planned Office Building and Laboratory B District.
 - (g) Applicant's covenant in proper form for recording, and to run with the land, that if the application is granted and the Zoning Chapter and Zoning Map are amended pursuant thereto by the Board of Trustees, any application for a building permit subsequently filed with respect to such tract shall comply substantially with the information contained in such application for the change of zone.
 - (2) Within 45 days after an application has been filed, the Planning Board shall, after notice given in the manner provided by law, hold a public hearing on such application and related documents described in Subsection **B(1)** above.
 - (3) In its deliberations on such application, the Planning Board shall give due weight and consideration to the following:
 - (a) Reports of the Village Engineer and Fire Chief.

- (b) Estimate of traffic generated by the proposed development during peak hours, and capacity of existing streets and highways to accommodate such traffic, as a surcharge upon existing and prospective traffic volumes from other generators, and report of Chief of Police with respect thereto.
- (c) The sufficiency of the street frontage of the tract for the purpose of providing adequate entrances and exits, adequacy of access and driveways and provision for interior circulation of vehicles and pedestrians.
- (d) The quality of the architectural features of building design which are subject to public view from any public place; and their attractiveness and harmony of style and appearance, and the functional plans of individual buildings and their relationship to other buildings in the same ownership.
- (e) The appropriateness of the landscaping plan and the attention given to conservation of existing trees.
- (f) The adequacy of parking areas and the landscaping thereof.

(4) Within 60 days after an application has been filed, the Planned Board shall make written recommendation to the Village Board of Trustees with respect thereto.

(5) Within 45 days after receipt of the recommendation from the Planning Board, the Board of Trustees shall, after notice given in the manner provided by law, hold a public hearing with respect to the application. If after such public hearing, the Board of Trustees determines that the application shall be granted, it shall thereupon amend the Zoning Chapter and the Zoning Map which is a part thereof by classifying the tract covered by the said application as a Planned Office Building and Research Laboratory B District.

C. Supplemental provisions and regulations.

- (1) Use.
 - (a) No research laboratory shall be permitted which may be expected to cause offensive noises, gases, fumes, odors or vibrations beyond the boundaries of its tract; nor to involve any operation which presents a hazard to the general public; nor to discharge waste products of a character creating a nuisance.
 - (b) No animal quarters other than in the principal building or a fully enclosed accessory building shall be permitted.
 - (c) On sites entirely or partly within an existing nonresidential district and having frontage on and direct access to state highways, designated Business Transitional (BT) as provided in Subsection **C(6)** below, substantial portions of the floor area may be used for warehouse and storage purposes in the interest of controlling the generation of traffic. The establishment of said warehouse or storage use as a principal or accessory use shall be subject to a finding by the Planning Board that said use can be accommodated in a safe and aesthetically satisfactory manner.

[Amended 12-19-2002 by L.L. No. 4-2002]
- (d) No personal care, medical or dental office shall be permitted, except as otherwise set forth in § **220-6** and the related Schedule Limiting the Use of Buildings^[1]; provided, however, that medical research laboratory use shall not be prohibited.

[Added 3-21-1996 by L.L. No. 4-1996; amended 1-19-2006 by L.L. No. 3-2006]

[1] *Editor's Note: Said schedule is included at the end of this chapter.*

- (2) Height. Notwithstanding the maximum height limitations contained in the schedule, the building height may be increased one foot for each three additional feet that it is set back from all lot lines; provided, however, that in no case shall such building exceed 75 feet in height.
- (3) Building area. The sum of the combined total gross floor areas of all floors in principal and accessory buildings shall not exceed 40% of the lot area.

- (4) Loading. Access for trucks and service vehicles shall include loading bays adjacent to or within buildings, which bays shall not be located within parking lots for passenger vehicles or within the required minimum front yard. The minimum dimensions of a loading bay shall be 10 feet in width by 30 feet in depth and 14 feet in height.
- (5) Parking units. Parking units may not be located within the minimum front yard. The side and rear yards may be used for parking units except that no parking unit may be located wholly or partly within 50 feet from any property line. Parking areas shall be landscaped attractively with trees and shrubbery along their boundaries and between rows of parking units, when appropriate, and shall be screened by trees and shrubbery from adjacent properties.
- (6) Building coverage. Notwithstanding other provisions in this § **220-5** regulating Planned Office Building and Laboratory B District development and the standards for said district listed in § **220-5**, sites which qualify for Planned Office Building and Laboratory B District use and which lie wholly or in part within a nonresidential district or districts shall be designated Business Transitional (BT) and permitted a building coverage as follows:
 - (a) If at least 20% of the minimum lot size (400,000 square feet) listed in Column 4 of the schedule^[2] is comprised of nonresidential district(s), that portion of the site comprising the minimum lot size and located having frontage and access to a state highway, may be developed at a maximum intensity of 20% coverage of the minimum lot size.

^[2] *Editor's Note: The schedule is included at the end of this chapter.*
 - (b) Any additional lands on the site in excess of the minimum lot size shall be developed at an intensity no greater than 10% coverage.
 - (c) The sum of the combined total gross floor areas of all floors in principal and accessory buildings shall not exceed 25% of the lot area, so as to reduce building bulk and related traffic and functional ramifications.
 - (d) The maximum building height shall be reduced from that allowed in the B District to a maximum potential height of 40 feet, also so as to reduce bulk factors.

ZONING

220 Attachment 3

Village of Briarcliff Manor Schedule Limiting the Use of Buildings and Land and the Location, Arrangement and Size of Buildings

[Amended 3-21-1996 by L.L. No. 4-1996; 5-15-1997 by L.L. No. 2-1997; 3-3-2005 by L.L. No. 1-2005;
1-19-1996 by L.L. No. 3-2006; 2-19-2009 by L.L. No. 3-2009; 10-20-2010 by L.L. No. 4-2010; 1-20-2011 by L.L. No. 1-2011; 3-16-2011 by L.L. No. 2-2011]

1 Class of District and Symbol	2 Permitted Principal Uses	3 Permitted Accessory Uses
Planned Office Building and Laboratory B and Business Transitional BT	<p>The following are the only principal uses permitted in respective districts designated to the left thereof:</p> <ol style="list-style-type: none"> 1. Office building or buildings conforming with the meaning given in the definition of "office building" in § 220-2, in one ownership or tenancy, or owned or tenanted by separate subsidiaries of the same corporation. 2. Research laboratory conforming with the meaning given in the definition of "research laboratory" in § 220-2 of this chapter, and with the supplemental provisions and regulations contained in § 220-5C(1) hereof. 3. Multiple tenant office use under § 220-6L subject to special permit use approval. 4. Wireless telecommunication services facility, subject to special permit approval by the Planning Board pursuant to the special requirements of § 220-6J(13). 	<p>The following are the only accessory uses permitted in the respective districts designated to the left thereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts:</p> <ol style="list-style-type: none"> 1. Private garage or private parking area, and off-street loading units, pursuant to the applicable provisions of § 220-12. 2. Signs. Maximum area of 12 square feet at each entrance to the premises and not closer than 20 feet to the street line. Provisions for lighting shall be the same as in General Business B2 Districts. 3. Multiple-tenant use under § 220-6L subject to special permit use approval for the building(s), which building(s) may include office, professional office, and medical and dental office, provided that the medical and dental offices do not exceed 30% of the available space within the building(s). 4. Dwelling spaces for caretakers or other resident employees, watchmen and their families. 5. Residential guest facilities, commensurate with the reasonable requirements for transient visitors to principal office buildings or research laboratories. 6. Maintenance shops, gate houses, enclosed storage facilities, transformer stations, and buildings housing mechanical equipment.
Retail Business B1	<p>The following are the only principal uses permitted in respective districts designated to the left thereof:</p> <ol style="list-style-type: none"> 1. A fully enclosed structure containing retail, personal service or restaurant, performance of customary personal service or services clearly incident to retail sales, primarily for the convenience of the inhabitants of the Village and the immediate locality; provided, however, that no fabricating or assembling shall be permitted which would be offensive, obnoxious, or detrimental by reason of vibration, dust, fumes, odor, noise, lights or traffic generation and resultant congestion, and provided further, however, that no such retail establishment, or a designed group of establishments, shall be permitted to have a floor area used for merchandising or personal service in excess of that which, under this chapter, requires 100 off-street parking spaces, unless a special use permit therefor is approved 	<p>The following are the only accessory uses permitted in the respective districts designated to the left thereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts:</p> <ol style="list-style-type: none"> (b) One or more signs for each building establishment, relating solely to the business or profession conducted on the premises and not exceeding in aggregate area 1 1/2 square feet per foot of lineal frontage of the façade of the particular business establishment in or on which it is located; the preceding limitation shall include all signs located inside of a building or structure within six feet of a show window or entrance, that are arranged and intended to be visible from the exterior of the building or structure, but shall not apply to temporary paper signs attached to store windows for a period of not more than seven days as commonly used in the conduct of a retail business; provided, however, that such temporary paper signs shall not be illuminated by lighting devices. (c) Exterior signs shall not project above the highest level of the vertical wall of the

BRIARCLIFF MANOR CODE

1 Class of District and Symbol	2 Permitted Principal Uses	3 Permitted Accessory Uses
Retail Business B1 (Continued)	<p>by the Board of Trustees, pursuant to § 220-6K(4), allowing any such floor area in excess of such 100 off-street parking space requirement.</p> <ol style="list-style-type: none"> 2. Business, banking or professional office or studio, telephone exchange or school conducted for gain. 3. Restaurant, club, café, lodging house or other place for the sale of food or beverages to be consumed on the premises, but not including a lunchwagon, diner, dining car or similar refreshment place or stand with open air or outside counter or curb service, but this prohibition shall not prevent an establishment otherwise complying with this section from serving meals at tables on a porch or terrace attached to and constituting a part of the principal building. 4. Theater, motion picture theater, assembly hall, mortuary or funeral home. 5. Self-service or hand laundries. 6. Outdoor display and sale of merchandise by religious, charitable or service organizations not operated for gain upon application to the Board of Trustees which may grant a special permit for a period not exceeding 30 days subject to such reasonable conditions as the Board of Trustees may see fit to impose. 7. Wireless telecommunication services facility, subject to special permit approval by the Planning Board pursuant to the special requirements of § 220-7J(13). 	<p>building façade on which they are located, and shall not project more than 12 inches from the front, rear, or side wall of any building. If illuminated, such sign shall emit only steady white light of constant intensity or shall be illuminated by a steady white light from front or back. Such illuminated signs shall not be operated between the hours of 9:00 p.m. and 8:00 a.m. except that when the establishment is open to the public after 9:00 p.m. such business shall be permitted to operate such signs until the hour of closing.</p> <ol style="list-style-type: none"> 2. All uses, including storage of materials, equipment and products for sale or otherwise shall be within enclosed buildings, except sidewalk cafes and sidewalk vending shall be permitted as provided for in Chapter 186, Article IV. 3. Dish antennas, two feet or less in diameter, as permitted in Residence Districts.
Retail Business and Residential B1A	<p>The following are the only principal uses permitted in respective districts designated to the left thereof.</p> <ol style="list-style-type: none"> 1. Any principal use permitted in a retail business district and subject to the same requirements. 2. Multifamily dwellings: (i) provided that the overall residential portion of the building does not exceed [a] 80% of the gross floor area of the building or group of buildings or [b] if all of the dwelling units in the multifamily dwellings are affordable AFFH units, 85% of the gross floor area of the building or group of buildings, and (ii) provided that no ground floor dwelling units shall front on any public right-of-way. 	<p>The following are the only accessory uses permitted in the respective districts designated to the left thereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts.</p> <ol style="list-style-type: none"> 1. Any accessory use permitted in a retail business district and subject to the same conditions.
General Business B2	<p>The following are the only principal uses permitted in respective districts designated to the left thereof.</p> <ol style="list-style-type: none"> 1. Any principal use permitted in a retail business district and subject to the same requirements. 2. Any use for which a special permit is required in any other district. 3. Motor vehicle sales room, repair shop, gasoline filling station or public garage, but no display of vehicles for sale or for hire shall be permitted outdoors. 4. Experimental laboratory, printing plant, shop for making or assembling articles, provided no machinery or process is used which emits dust, smoke, odor, fumes, noise, or vibration or nuisance 	<p>The following are the only accessory uses permitted in the respective districts designated to the left thereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts.</p> <ol style="list-style-type: none"> 1. Any accessory use permitted in a retail business district and subject to the same conditions, except sidewalk cafes and sidewalk vending as provided for in Chapter 186, Article IV, shall not be permitted. 2. Outdoor storage of lumber, building materials and coal. 3. Underground storage of motor vehicle fuels. Storage of other combustibles for sale, not exceeding 500 gallons in all for liquid combustibles or liquid fuels, subject to the approval of the Fire Chief with respect to amount, placement, precautions taken against fire and explosion, methods of handling and any other matters having to do with the extent of the hazard connected therewith.

ZONING

1	2	3
Class of District and Symbol	Permitted Principal Uses	Permitted Accessory Uses
General Business B2 (Continued)	<p>5. Wholesale business, including indoor storage of building materials, cold storage plant, ice plant, ice cream plant or bakery.</p> <p>6. Greenhouses and the raising or selling of nursery products on four acres or more of land, provided such nursery products are grown on the premises.</p> <p>7. The preceding notwithstanding causes other, the following uses or activities are specifically prohibited:</p> <p>(a) The slaughtering or processing of animals or fish, including the component parts thereof, or the manufacture of any commodity the principal ingredient of which is animal or fish matter, provided that nothing herein contained shall be construed to prevent the sale of animals or fish as food stuff or the preparation therefrom of food products for sale at retail on the premises.</p> <p>(b) The manufacture of heavy chemicals (such as, but not limited to, acids or other corrosives, ammonia and caustic soda); the manufacture of basic or semi-finished chemicals (such as, but not limited to, cellulose products, resins, dye-stuffs, glues, vegetable, animal or mineral fats or oils, explosives, soaps and detergents, fertilizers, combustible gases and asphalt and tar products); the manufacture or production of cement or plaster and their constituents, matches, paints, linoleum, oil-cloth, rubber and rubber products.</p> <p>(c) Any other similar use or purpose which will create waste gases or liquids or conditions of hazard, smoke, fumes, noise, vibration, odor or dust and thus tend to be detrimental to the quiet, peace, comfort, convenience, safety or general welfare of the community.</p> <p>(d) Junkyards, storage or baling of scrap paper, rags or metal, auto wrecking and house trailers.</p> <p>(e) The maintenance, storage, or repair of garbage or refuse collection vehicles of any type or weight used in the operation of a refuse or garbage collection and carting business or any other similar use or purpose.</p> <p>8. Single-family residence and/or multifamily dwelling are prohibited.</p>	<p>4. Storage of liquefied petroleum gases is permitted but only in charged containers, not filled on the premises but stored, warehoused or handled for resale in container capacities suitable for delivery to consumers or in delivery tank trucks of not more than 1,300 gallons capacity. Storage of such gases in charged containers shall not total more than 15,000 gallons (65,000 pounds) kept on the premises of any establishment at any one time. All such containers and installations shall conform to the applicable standards and specifications of the National Board of Fire Underwriters.</p> <p>5. Dwelling unit and/or multifamily dwelling are prohibited.</p> <p>6. No outdoor storage shall exceed 25% of the lot area devoted to the permitted principal use. Such outside storage shall be screened from general off-site view with evergreen landscaping, fencing and/or structures in accordance with and subject to additional requirements which may be established by the Planning Board in site plan review and approval. Said storage area shall not be closer to any lot line than the front yard setback requirement of a principal use in the B-2 District. Maximum fence height shall be limited to 12 feet and storage at any point within the storage area shall not be greater than one foot less than the height of the fence. In an effort to minimize any adverse impact of said storage area upon adjacent land and development, the Planning Board may increase, but not decrease the restrictiveness of these requirements and may designate the specific location of the storage area on the lot.</p> <p>7. All uses, including storage of materials, equipment and products for sale or otherwise, except as otherwise set forth in this Schedule of Permitted Accessory Uses for the B2 District, shall be within enclosed buildings, except that the temporary outdoor display of merchandise for sale may receive site plan approval by the Planning Board, provided that such merchandise is kept within a fully enclosed building overnight and that the outdoor display area does not exceed 10% of the gross interior floor space of such establishment.</p>

ZONING

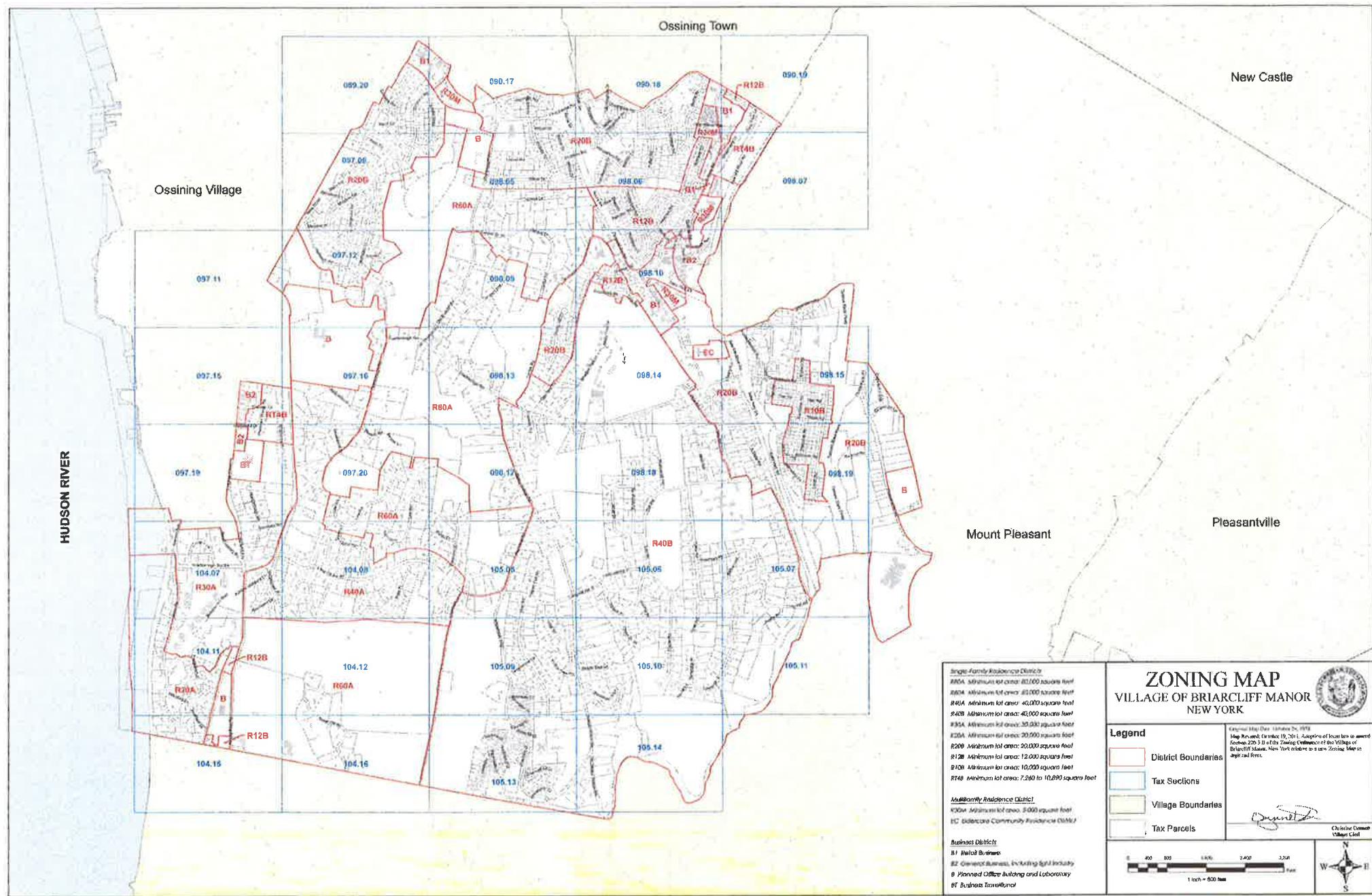
220 Attachment 4

Village of Briarcliff Manor
Schedule Limiting the Use of Buildings and Land and the
Location, Arrangement and Size of Buildings
[Amended 1-20-2011 by L.L. No. 1-2011; 3-16-2011 by L.L. No. 2-2011]

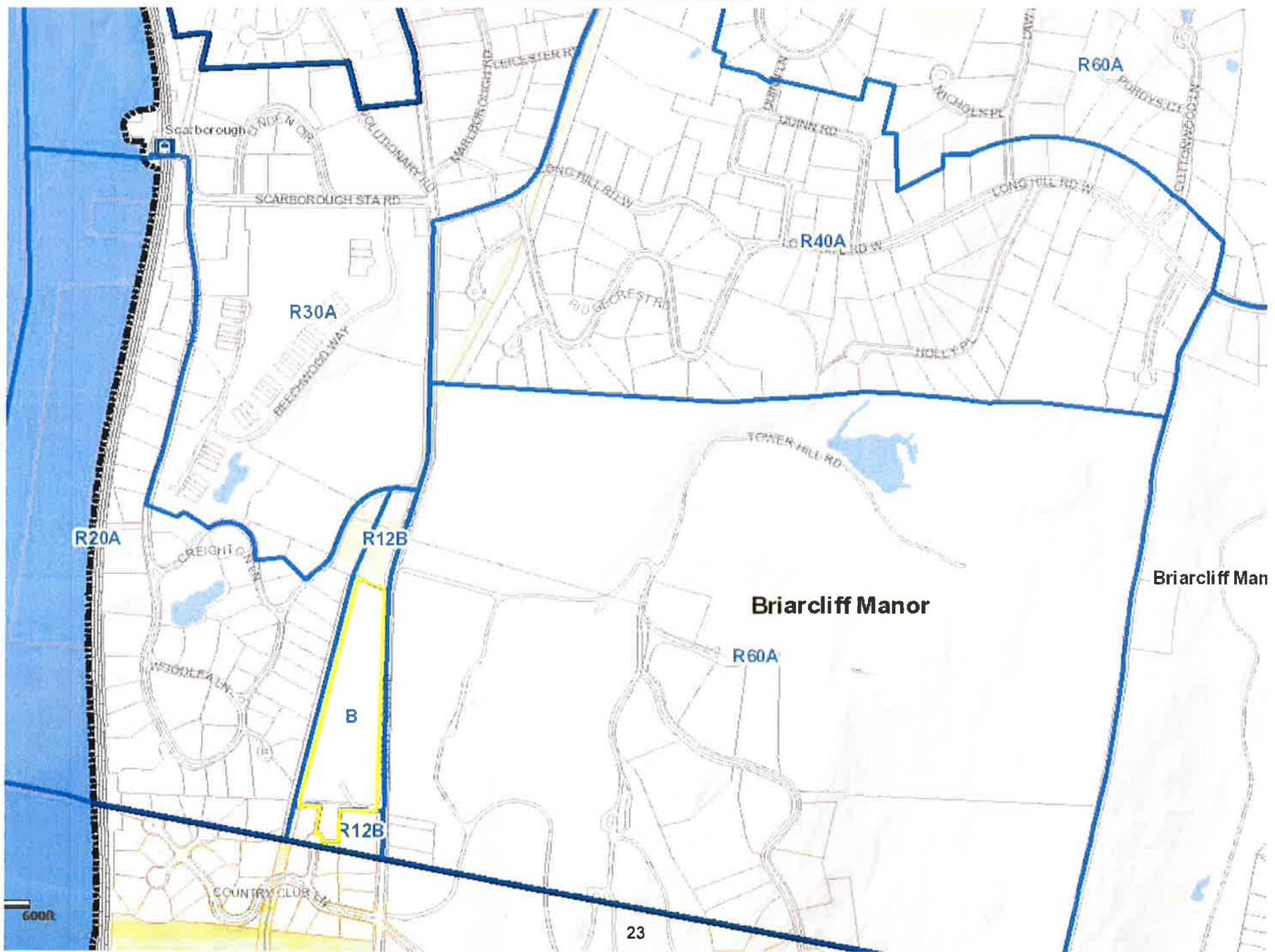
1	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24		
Lot Limitations												Building Limitations										Minimum Average Livable Floor Area per Dwelling Unit See § 220-12. Required off-street parking and loading	
Key	Minimum Size of Lot		Maximum Percent of Lot to be Occupied		Minimum Yard Dimensions in Feet From Lot Lines to Principal Building				Minimum Distance in Feet From Accessory Building To				Maximum Height		Principal Building		Accessory Building		Minimum Gross Area of Ground Floor in Square Feet				Minimum Average Livable Floor Area per Dwelling Unit See § 220-12. Required off-street parking and loading
	Area in Square Feet	Lot Width in Feet at Minimum Front Yard Setback	Principal Building	Accessory Building	Front Yard	One Side Yard	Two Side Yards Combined	Rear Yard	Principal Building if Not Connected With It	Street Line	Side Lot Line	Rear Lot Line	In Stories	In Feet	For Sloping Roof	For Flat Roof	For 1 Story Building	For 1 1/2 Story Building	For 2 or 2 1/2 Story Building				
	B	400,000	100	10%	(combined)	100	100	200	100	—	100	100	100	—	60	60	60	—	—	—	750 ¹		
BT	400,000	100	20%	of minimum lot size – 10% of remainder (combined)	100	100	200	100	—	100	100	100	—	40	40	40	—	—	—	—	750 ¹		
B1 and B2	4,000 per building	40 per building	25%		10	—	—	—	1	2	2	2	2	30	2	2	—	—	—	—	—		
B1A	4,000 per building	40 per building	25%		10	—	—	—	2	2	2	2	2	30	2	2	—	—	—	—	750		

Notes:

¹ If dwelling spaces are provided for resident employees and their families.² No accessory buildings permitted.³ If the building is mixed-use and all of the dwelling units in the building are affordable AFFH units, however, then the maximum number of stories shall be three.



600 Albany Post Road - Surrounding Zoning

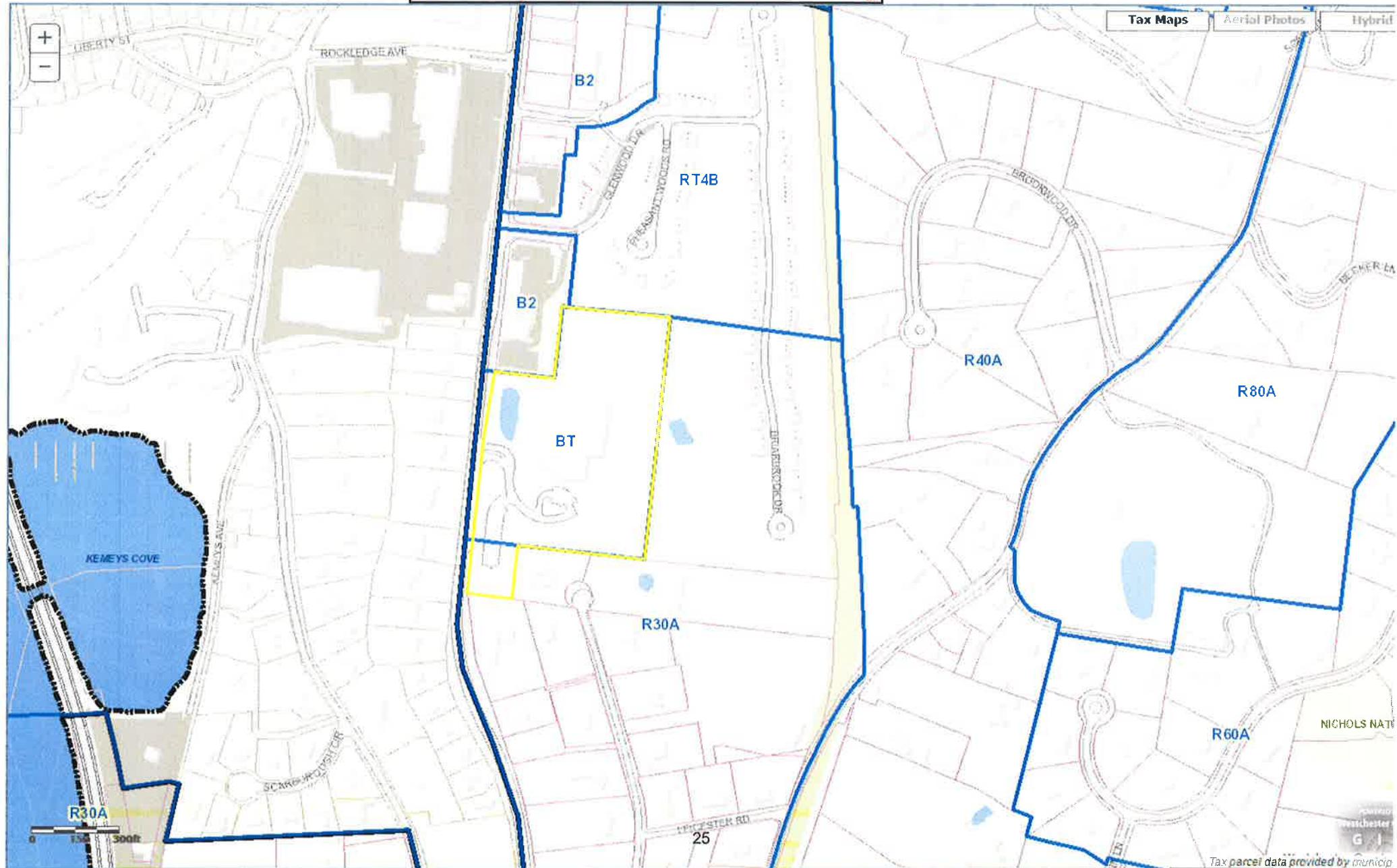


600 Albany Post Road - Steep Slopes



Exhibit D

333 Albany Post Road - Surrounding Zoning



Tax parcel data provided by municipality

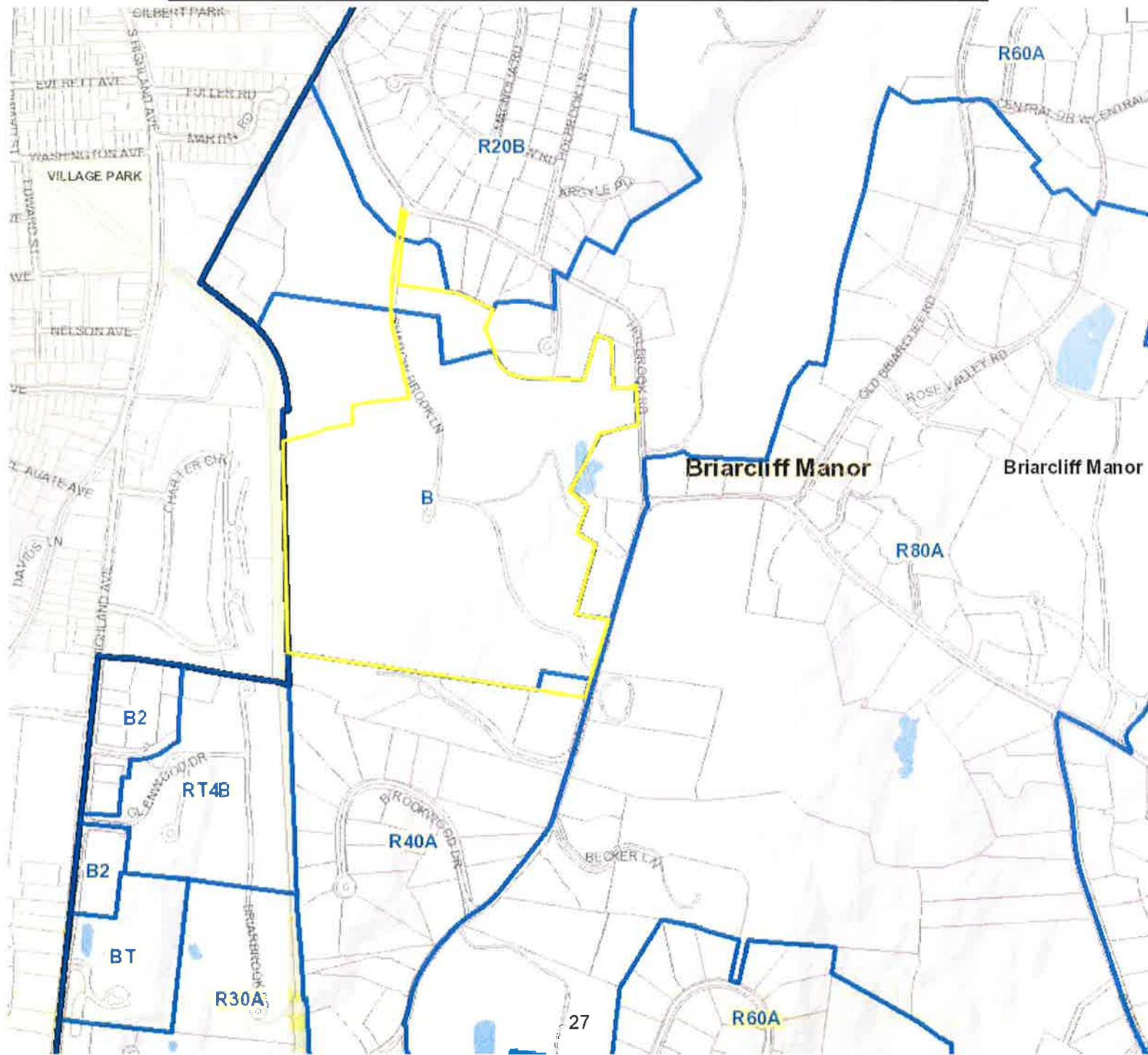
Exhibit D

333 Albany Post Road - Steep Slopes



Exhibit D

345 Scarborough Road - 67.9 Acre Parcel - Surrounding Zoning



345 Scarborough Road - 25.7 Acre Parcel - Surrounding Zoning

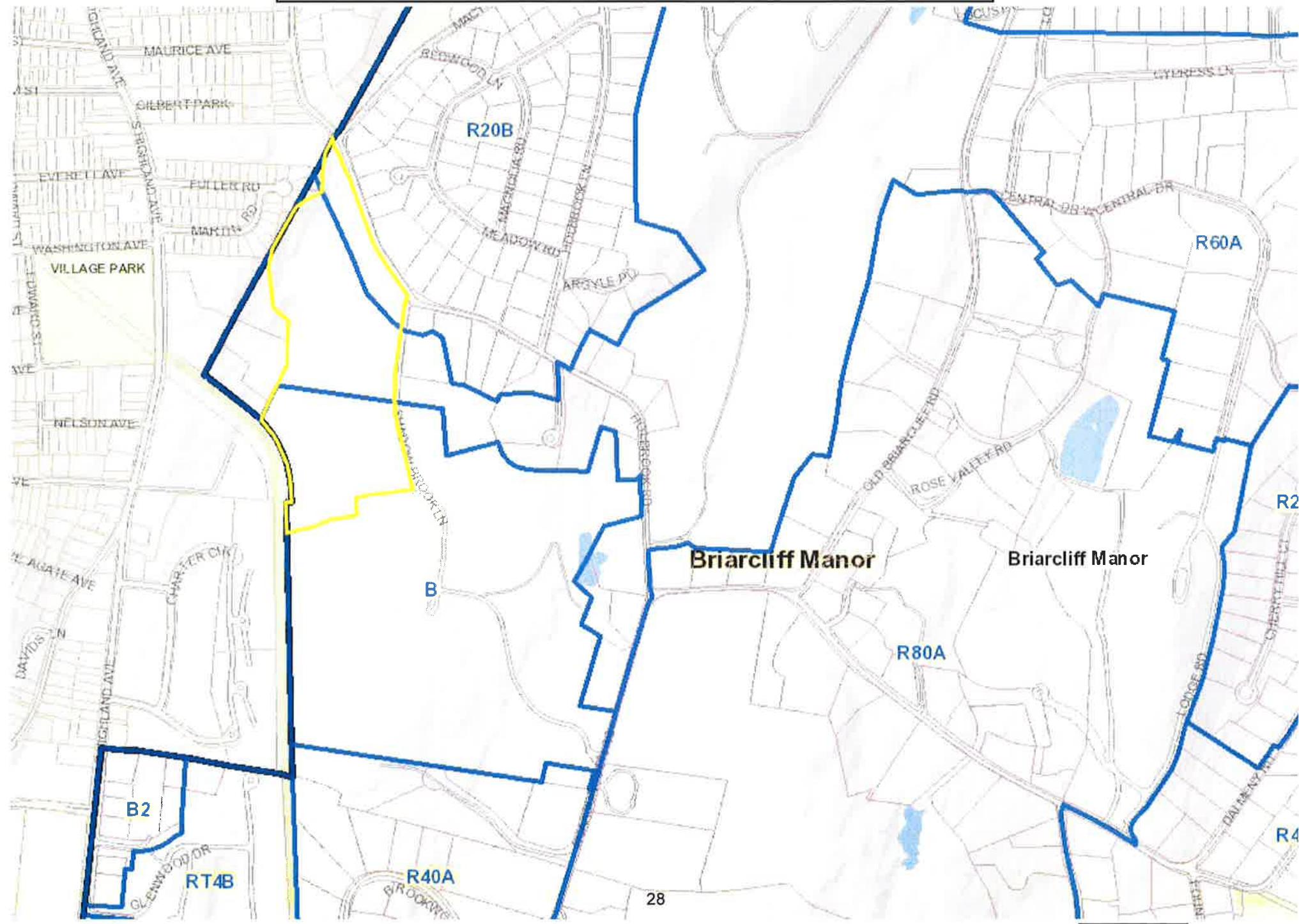
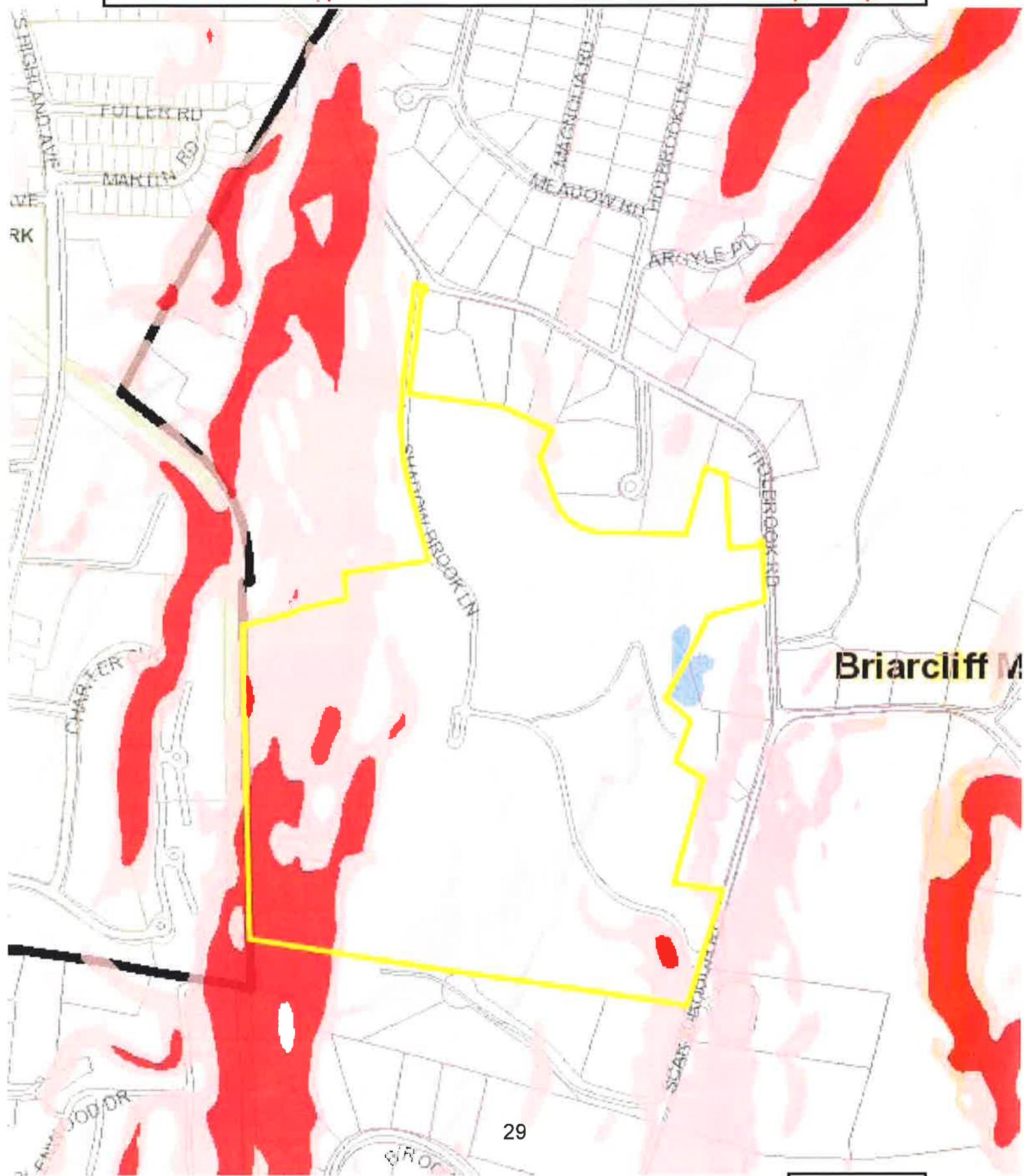


Exhibit D

345 Scarborough Road - 67.9 Acre Parcel - Steep Slopes



345 Scarborough Road - 25.7 Acre Parcel - Steep Slopes

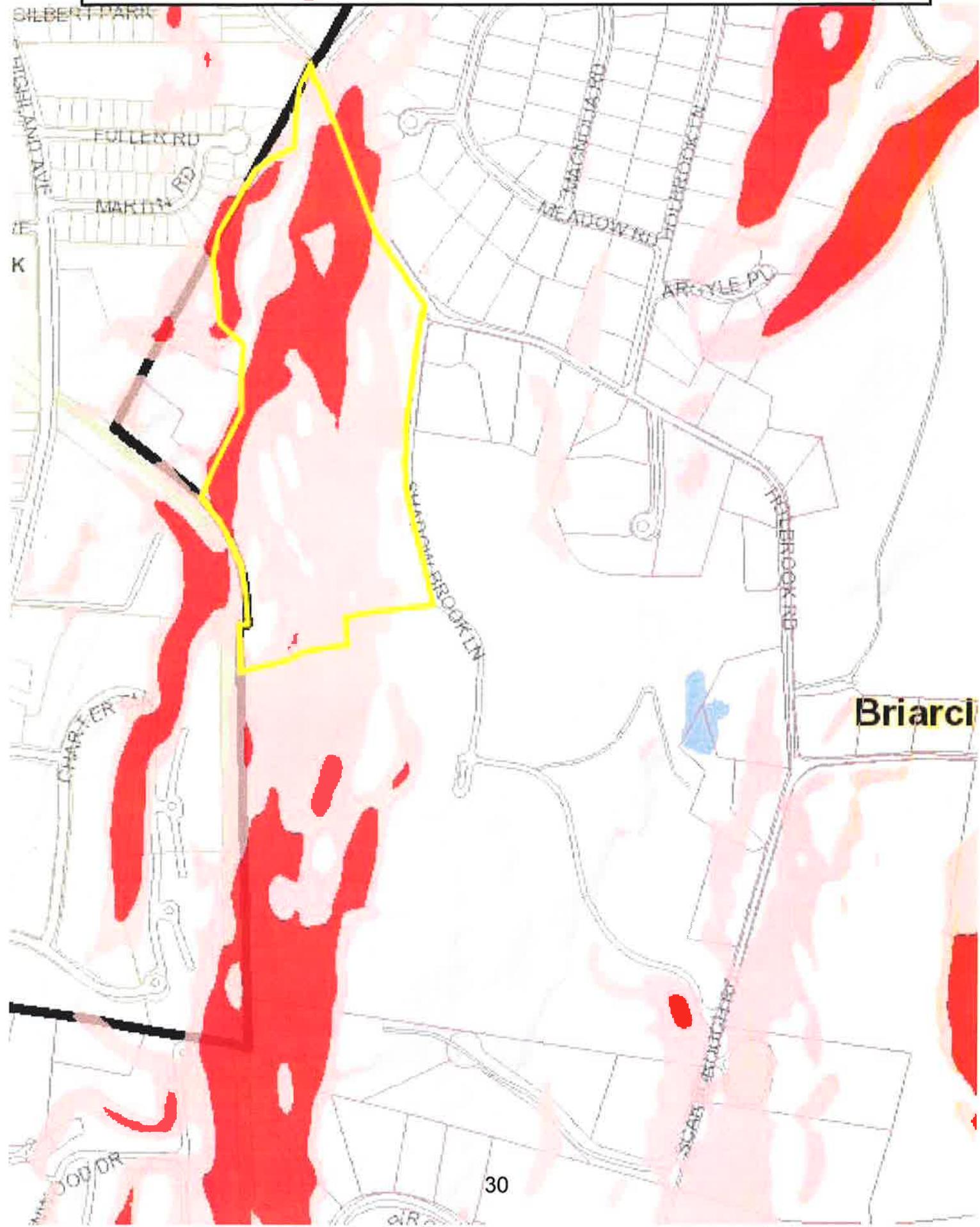


Exhibit D

320 Old Briarcliff Road - Surrounding Zoning

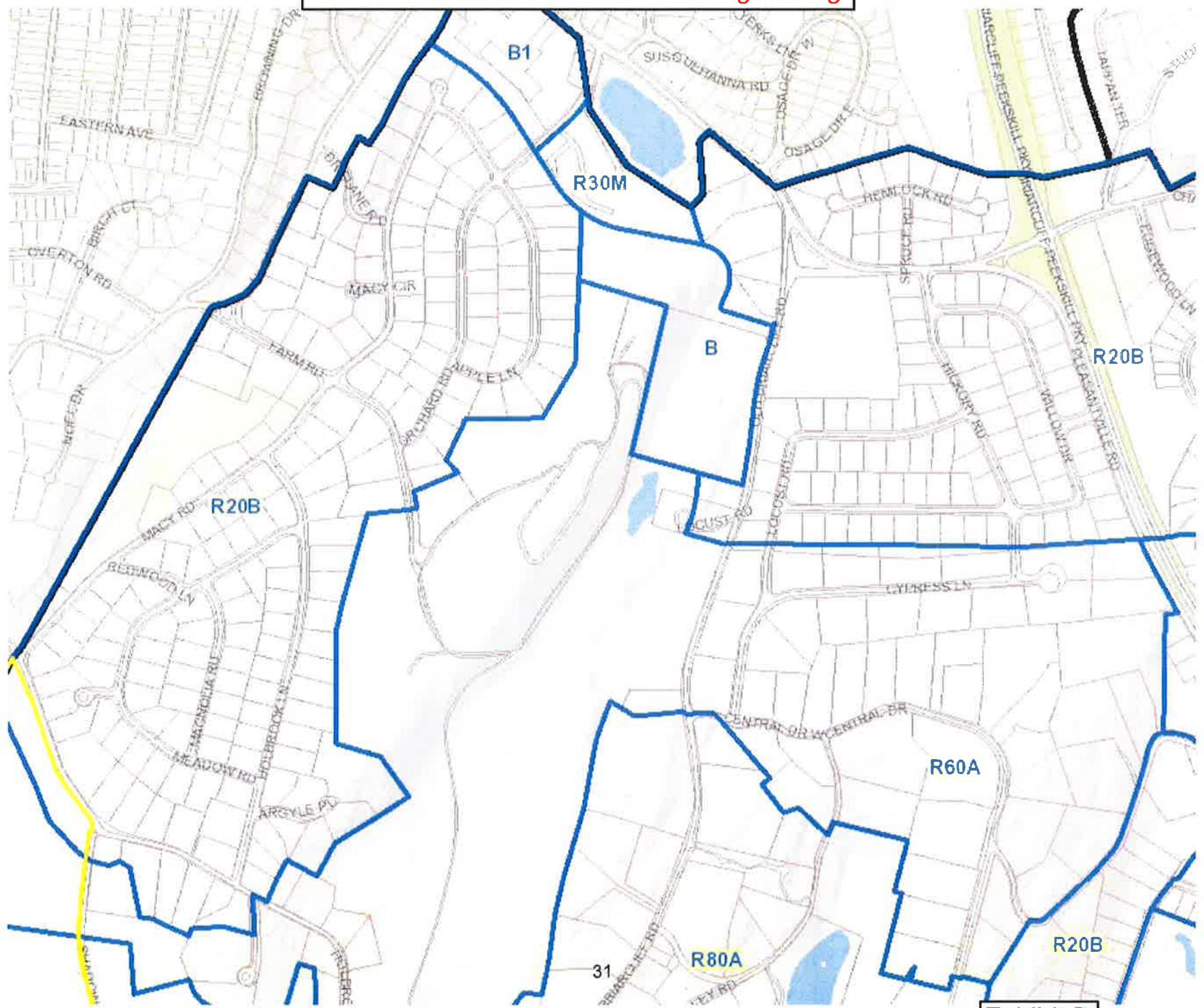


Exhibit D

320 Old Briarcliff Road - 6.4 Acre Parcel - Steep Slopes

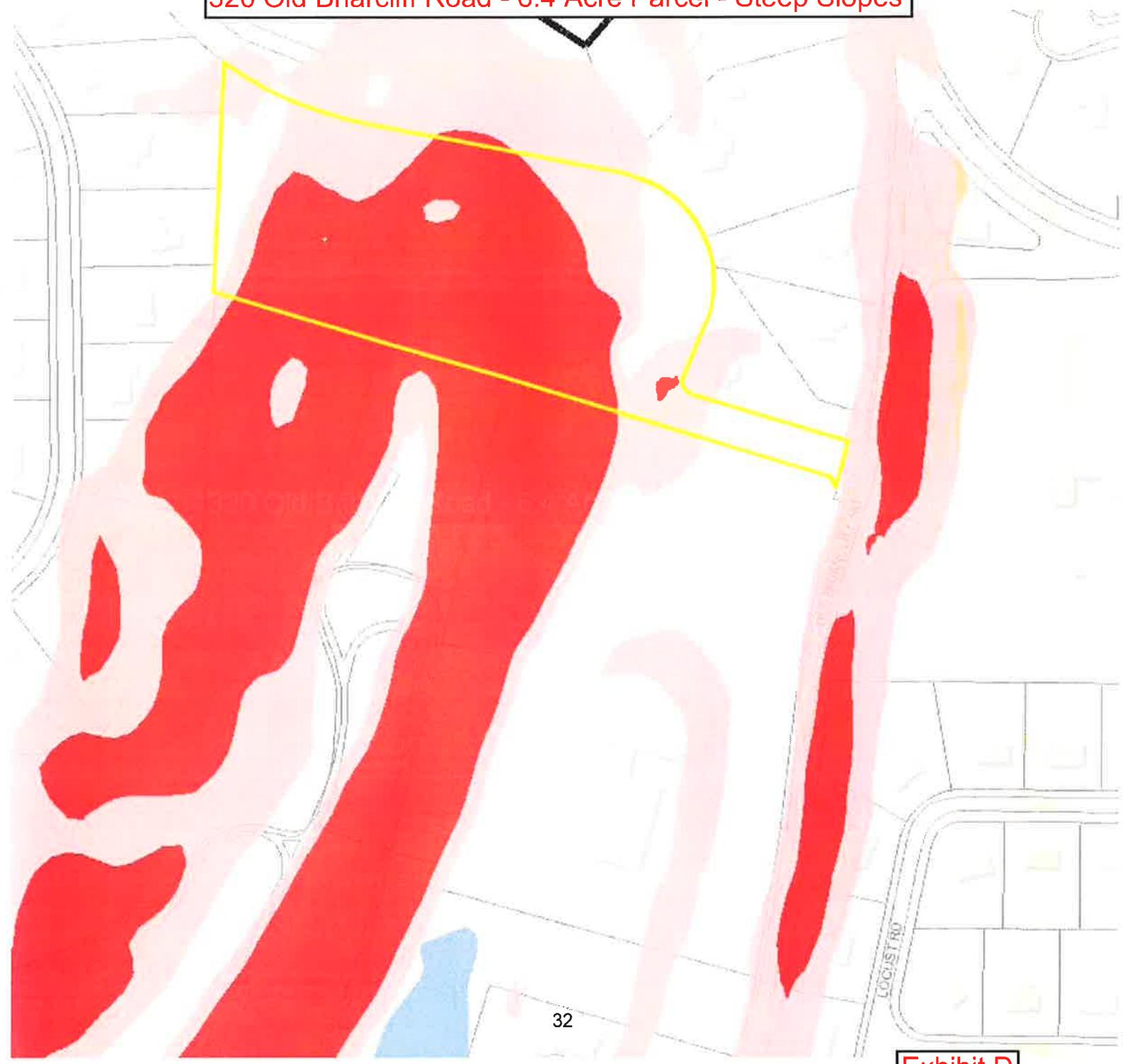


Exhibit D

320 Old Briarcliff Road -10.3 Acre Parcel Steep Slopes

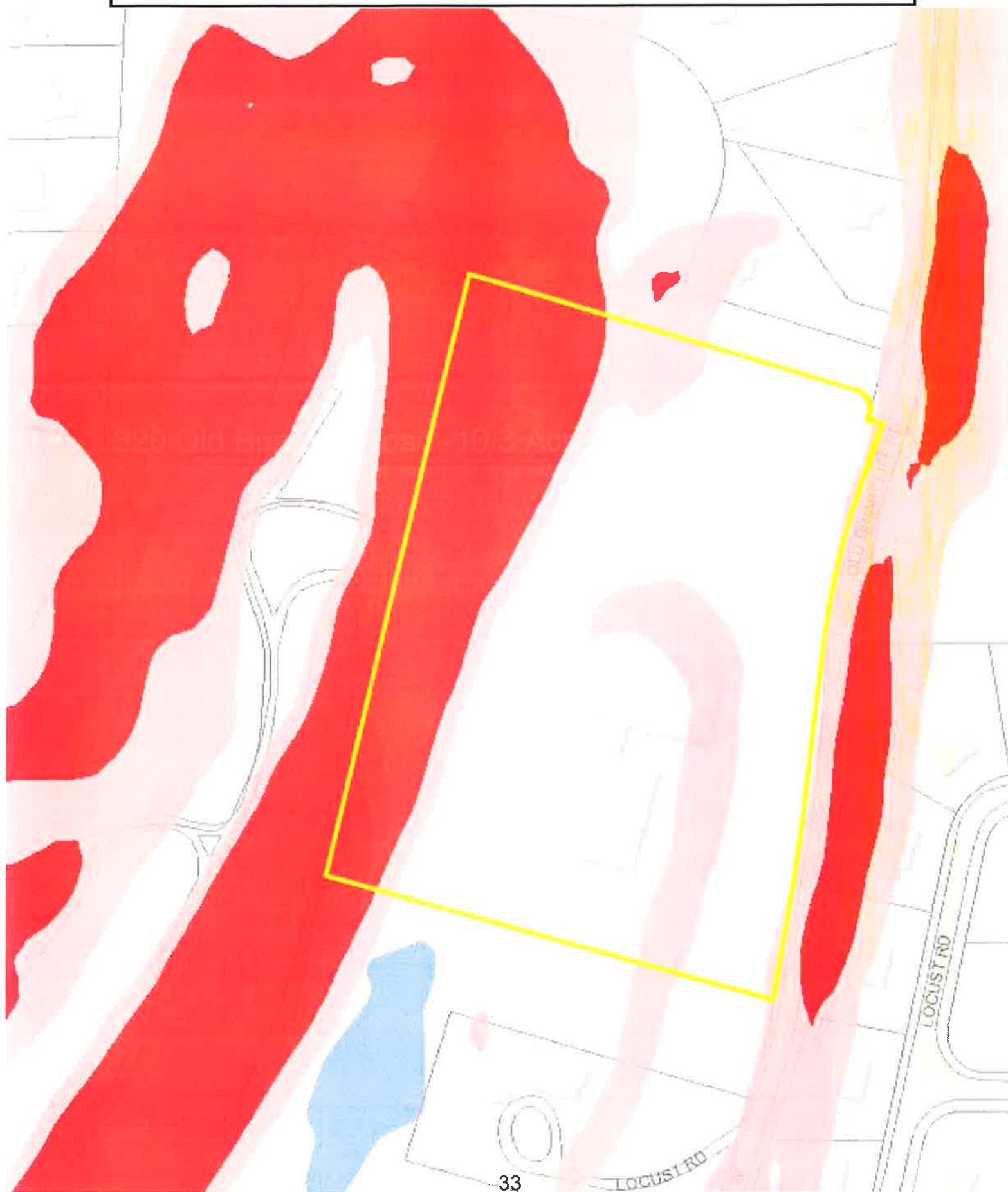


Exhibit D

555 Pleasantville Road - Surrounding Zoning

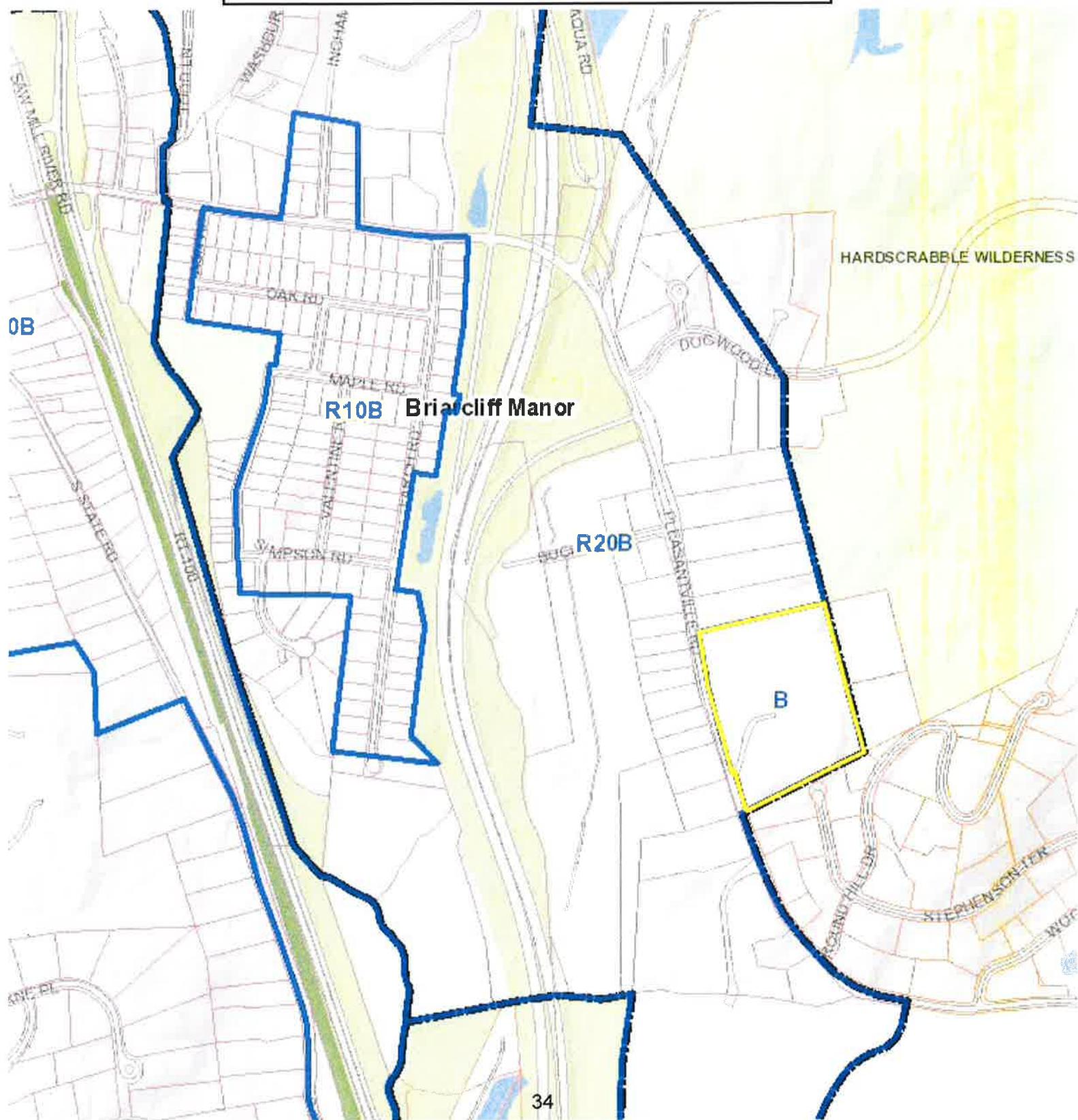


Exhibit D

555 Pleasantville Road - Steep Slopes

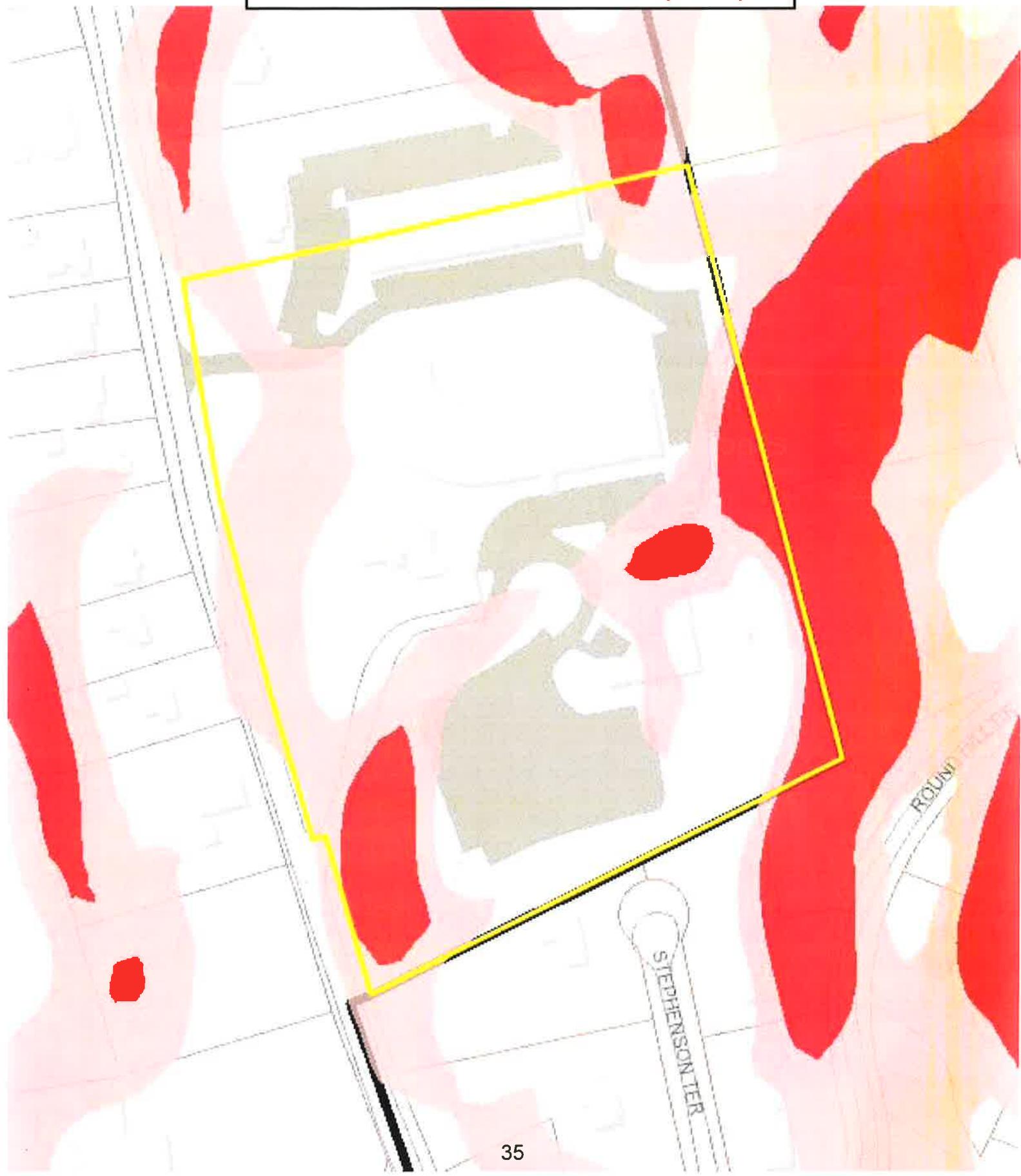


Exhibit D

Comprehensive Plan B Zone Addendum Committee

Meeting of November 15, 2016 – 7:30 PM – Village Hall Court Room

Members:

- Steven Vescio – Chairman
- Steve Elkes - Member
- Michael Gioscia – Member
- Sabine Werner – Member
- Mark Wilson, Board of Trustees Liaison

Attending:

- Lori A. Sullivan, Mayor – Ex Officio
- Philip Zegarelli, Village Manager; David Turiano, PE, Building Inspector; Dan Pozin, Esq., Special Village Counsel; and, Sarah Yakel, BFJ- Consultant

Introductions and Opening Statement:

Mission Statement:

To analyze the current B Zone regulations as well as current market conditions and formulate revision recommendations for the Village Board of Trustees to enable this zone to be more attractive to the open market while enhancing the goals of the comprehensive plan.

Agenda:

- Discuss current law and allowable uses/development: Sarah Yakel, BFJ Consultant to the VBM:
- Positives/Negatives of current law:
 - Traffic
 - Community
 - Schools
 - DPW/Village Resources
 - Fire/Police/EMS
 - Other
- Options for other uses/regulations:
- Positives/Negatives of proposed uses/regulations:
 - Traffic
 - Community
 - Schools
 - DPW/Village Resources
 - Fire/Police/EMS
 - Other
- Decision Elements/Criteria for Recommendation:
- Incentives for give backs to Village – Density/height waiver, etc.

Follow-Up / Set Future Session: TBD

Comprehensive Plan B Zone Addendum Committee

Meeting of December 6, 2016 – 7:30 PM – WJV Community Center

Members:

- Steven Vescio – Chairman
- Steve Elkes - Member
- Michael Gioscia – Member
- Sabine Werner – Member
- Mark Wilson, Board of Trustees Liaison

Attending:

- Lori A. Sullivan, Mayor – Ex Officio
- Philip Zegarelli, Village Manager; David Turiano, PE, Building Inspector; Dan Pozin, Esq., Special Village Counsel; and, Sarah Yakel, BFJ- Consultant

Introductions and Opening Statement:

Mission Statement:

To analyze the current B Zone regulations as well as current market conditions and formulate revision recommendations for the Village Board of Trustees to enable this zone to be more attractive to the open market while enhancing the goals of the comprehensive plan.

Agenda:

- Presentations by Property Owners, representatives, brokers
- Discussion of alternative uses and impacts of each
- Discussion of areas of concern/consideration
- Positives/Negatives of proposed uses/regulations:
 - Traffic
 - Community
 - Schools
 - DPW/Village Resources
 - Fire/Police/EMS
 - Other
- Incentives/Impacts for Village – Density/height waiver, etc. – Long Term

Follow-Up / Set Future Session: TBD

Comprehensive Plan B Zone Addendum Committee

Meeting of January 12, 2017 – 7:30 PM – WJV Community Center

Members:

- Steven Vescio – Chairman
- Steve Elkes - Member
- Michael Gioscia – Member
- Aaron Stern - Member
- Sabine Werner – Member
- Mark Wilson, Board of Trustees Liaison

Attending:

- Lori A. Sullivan, Mayor – Ex Officio
- Philip Zegarelli, Village Manager; David Turiano, PE, Building Inspector; Dan Pozin, Esq., Special Village Counsel; and, Sarah Yakel, BFJ- Consultant

Agenda:

- Introduction and Summary of previous meeting
- Presentations
 - Mark Lowen – Lenity Architecture – 600 Albany Post Rd
 - David Steinmetz, Esq – Zarin & Steinmetz – 600 Albany Post Road
- Discussion of areas of concern/consideration
- Discussion of uses and impacts
- Discussion of proposed revisions/impacts
- Incentives/Impacts for Village – Development criteria

Follow-Up / Set Future Session: TBD

Comprehensive Plan B Zone Addendum Committee

Meeting #4 – March 2, 2017 – 7:30 PM – WJV Community Center

Members:

- Steven Vescio – Chairman
- Steve Elkes - Member
- Michael Gioscia – Member
- Aaron Stern - Member
- Sabine Werner – Member
- Mark Wilson, Board of Trustees Liaison

Attending:

- Lori A. Sullivan, Mayor – Ex Officio
- Philip Zegarelli, Village Manager; David Turiano, PE, Building Inspector; Dan Pozin, Esq., Special Village Counsel; and, Sarah Yakel, BFJ- Consultant

Agenda:

- Introduction and Summary of previous meeting
- Presentations by interested parties
- Discussion of uses, impacts and proposed mitigating factors
- Discussion of specific recommendations

Next Meeting: APRIL 13, 2017

Comprehensive Plan B Zone Addendum Committee

Meeting #5 – April 13, 2017 – 7:30 PM – WJV Community Center

Members:

- Steven Vescio – Chairman
- Steve Elkes - Member
- Michael Gioscia – Member
- Aaron Stern - Member
- Sabine Werner – Member
- Mark Wilson, Board of Trustees Liaison

Attending:

- Lori A. Sullivan, Mayor – Ex Officio
- Philip Zegarelli, Village Manager; David Turiano, PE, Building Inspector; Dan Pozin, Esq., Special Village Counsel; and, Sarah Yakel, BFJ- Consultant

Agenda:

- Introduction and Summary of previous meeting
- Presentations by interested parties
- Discussion of uses, impacts and proposed mitigating factors
- Discussion of specific recommendations

Next Meeting: TBD

Village of Briarcliff Manor - Zoning Breakdown by District Updated by D.T.
1/23/17

District		Acreage	Percent of Total (%)	Permitted Maximum Units/Acre	Example
Business Districts					
B	Planned Office Building and Laboratory	113.1	2.9%	N/A	
B1	Retail Business	9.87	0.3%	N/A	
B1A	Retail Business and Residential	13.15	0.3%	22	Comestock
B2	General Business, including light industry	10.39	0.3%	N/A	
BT	Business Transitional	10.69	0.3%	N/A	Hudson Trading
CB1/CB1	Central Business District 1 and 2	54.01	1.4%	22*	
	<i>Sub-Total</i>	211.21	5.4%		
Multifamily Residence Districts					
R30M	Multifamily Residence District	30.29	0.8%	8.7 multifamily 3.6 singlefamily	Orchard Road Apartments, Copeley Court (Multifamily) Colby Lane, Olde Willow Way (Single Family)
EC	Eldercare Community Residence District	5.43	0.1%	25 persons/acre	Atria
	<i>Sub-Total</i>	35.72	0.9%		
Single-Family Residence Districts					
R80A	Minimum lot area: 80,000 square feet	316.29	8.2%	0.54	Scarborough Road Vic.
R60A	Minimum lot area: 60,000 square feet	673.7	17.4%	0.73	Law Road Vic.
R40A	Minimum lot area: 40,000 square feet	224.11	5.8%	1	Longhill Road E.
R40B	Minimum lot area: 40,000 square feet	1,192.19	30.7%	1	Longhill Road E., Rosecliff
R30A	Minimum lot area: 30,000 square feet	156.52	4.0%	1.45	Beechwood Way, Scarborough Station Vic.
R20A	Minimum lot area: 20,000 square feet	117.4	3.0%	2.2	Willow Rd., Fuller Rd., ect.
R20B	Minimum lot area: 20,000 square feet	776.03	20.0%	2.2	Willow Rd., Fuller Rd., ect.
R12B	Minimum lot area: 12,000 square feet	84.27	2.2%	3.63	Schrade Rd. Vic.
R10B	Minimum lot area: 10,000 square feet	45.62	1.2%	4.36	March Road Vic.
RT4B	Minimum lot area: 7,260 to 10,890 square feet	46.74	1.2%	4 Townhome 6 Townhome (w/bonus)	Wyndcrest, Scarborough Glen
	<i>Sub-Total</i>	3,632.87	93.6%		
	TOTAL	3,879.80	100.0%		

*There are currently no mixed-use projects located in the CB1 and CB2 Districts.

Village of Briarcliff Manor - Properties > 400,000 SF

ID	Address	ACRES	Zoning	Land Use Category	Land Use Sub-Category
1	620 Albany Post Rd	9.4	B	Commercial-Retail	Commercial
2	38 Beechwood Way	29.2	R30A	Common Land Homeowners Association	Common Land Homeowners Assoc.
3		14.7	R20B	Institutional and Public Assembly	Schools
4	620 Sleepy Hollow Rd	11.1	R40B	Institutional and Public Assembly	All Other Health Facilities
5	5 Cotswold Way	12.1	R80A	Institutional and Public Assembly	Health
6		35.1	R20A	Institutional and Public Assembly	Schools
7	235 Elm Rd	36.1	R40B	Institutional and Public Assembly	Colleges and Universities
8	Sleepy Hollow Rd	16.4	R40B	Institutional and Public Assembly	All Other Health Facilities
9	Albany Post Rd	12.1	R30A	Institutional and Public Assembly	Schools
10	5 School Rd	13.4	R20B	Institutional and Public Assembly	Community Services-Other
11	Lodge Rd	37.8	R80A	Institutional and Public Assembly	Health
12	508 Scarborough Rd	20.7	R80A	Low Density Residential	Estate
13	298 Scarborough Rd	44.7	R80A	Low Density Residential	Estate
14	Farm Rd	17.5	R60A	Low Density Residential	Estate
15	Rosecliff	89.8	R40B	Low Density Residential	Estate
16	Albany Post Rd	10.9	BT	Manufacturing, Industrial, Warehouse	Other Storage, Warehouse and Distribution Facilities
17	345 Scarborough Rd	67.9	B	Manufacturing, Industrial, Warehouse	Industrial
18		13.7	RT4B	Medium High Density Residential	Condominium
19	Briarbrook Dr	31.8	RT4B/R30A	Medium Low Density Residential	Condominium
20	555 Pleasantville Rd	10.7	B	Office and Research	Office Building
21	320 Old Briarcliff Rd	10.3	B	Office and Research	Office Building
22	Tower Hill Rd	30.1	R60A	Private Recreation	Private Golf County Clubs
23	Albany Post Rd	157.8	R60A	Private Recreation	Private Golf County Clubs
24	Albany Post Rd	59.1	R60A	Private Recreation	Private Golf County Clubs
25	100 Shadow Tree Ln	96.2	R40B	Private Recreation	Private Golf County Clubs
26	100 Shadow Tree Ln	18.9	R40B	Private Recreation	Private Golf County Clubs
27	100 Shadow Tree Ln	29.0	R40B	Private Recreation	Private Golf County Clubs
28	Long Hill Rd	30.9	R40B	Public Parks, Parkway Lands	City/Town/Village Public Parks and Recreation Areas
29	Pine Rd	38.6	R40B	Public Parks, Parkway Lands	City/Town/Village Public Parks and Recreation Areas
30	Sleepy Hollow Rd	57.3	R40B	Public Parks, Parkway Lands	City/Town/Village Public Parks and Recreation Areas
31		13.0	R20B	Public Parks, Parkway Lands	State Parkway Lands
32	Cottonwood Ln	13.5	R60A	Vacant/Undeveloped	Residential Vacant Land
33	Holbrook Rd	25.7	B/R60A	Vacant/Undeveloped	Residential Vacant Land
34	Aspinwall Rd	38.9	R80A/R60B	Vacant/Undeveloped	Residential Vacant Land
35	Holbrook Rd	78.6	R80A	Vacant/Undeveloped	Residential Vacant Land
36	Farm Rd	9.5	R60A	Vacant/Undeveloped	Residential Vacant Land
37	Long Hill Rd	16.9	R40A	Vacant/Undeveloped	Residential Vacant Land
38	Cedar Dr	11.2	R40B	Vacant/Undeveloped	Residential Vacant Land
39	Becker Ln	20.3	R80A	Vacant/Undeveloped	Residential Vacant Land

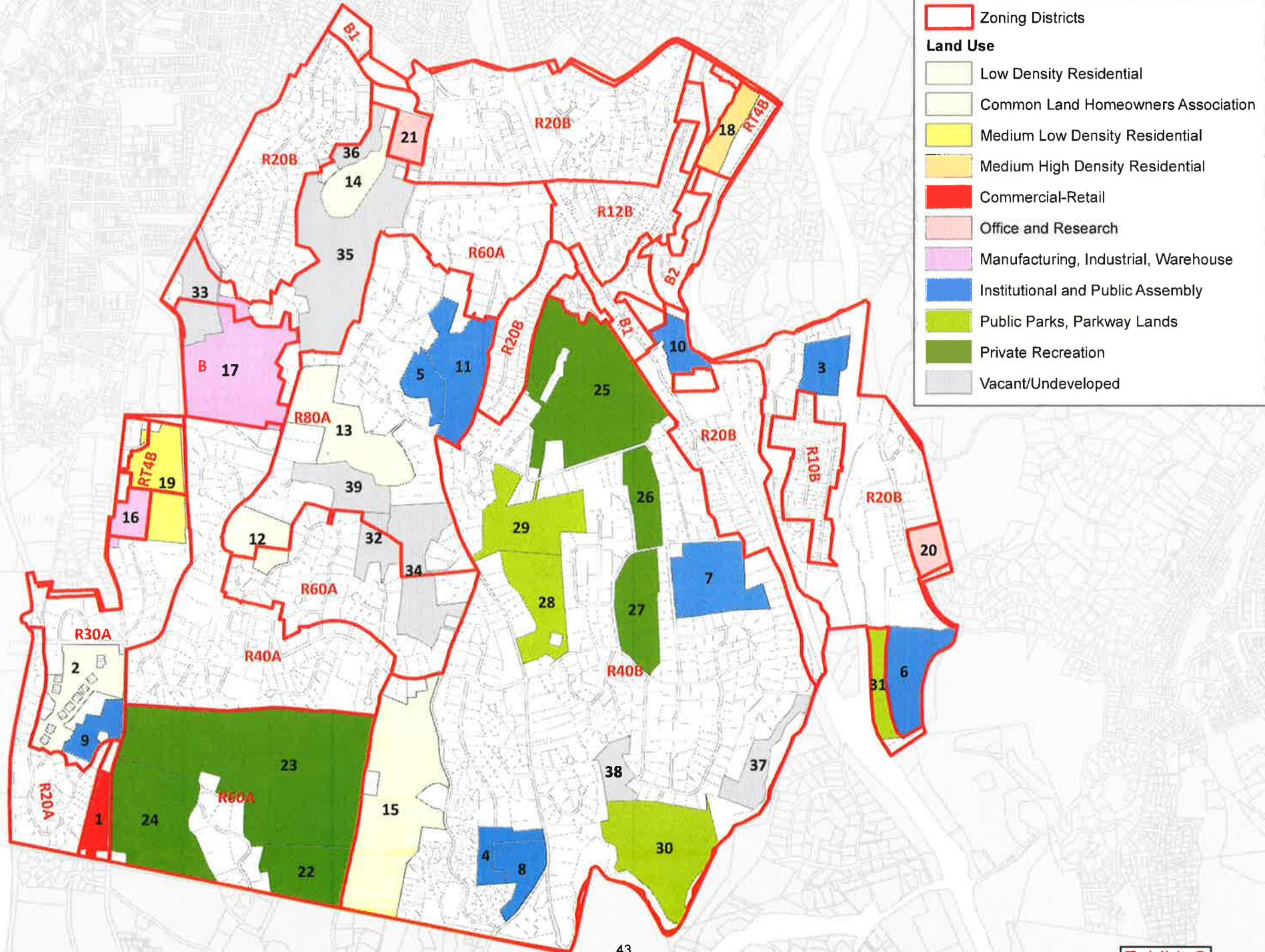


Exhibit G

**DRAFT B District Zoning Density
SUMMARY TABLE**

B District Parcels	Acreage	Base Density ¹ Units/Acre	Base Density (Units)	Max Density Units/Acre	Max Density (Units) ²
320 Old Briarcliff Road	16.77	2.66	45	5.32	89
345 Scarborough Road	74.33 (Within B Zone)	0.81	60	1.62	121
	15.5 (Within R60A)	0.73	11	N/A	11
	3.8 (Within R20B)	2.2	8	N/A	8
TOTAL			79		140
600 Albany Post Road	9.41	2.25	21	4.50	42
555 Pleasantville Road	10.7	2.2	24	4.40	47

Notes:

1. Base density is calculated by taking the proportion of the Project Site perimeter abutting each zoning district and applying the related density/acre for each Zoning District to the Project Site in that same proportion. The portion of a site abutting land outside of the Briarcliff Manor municipal boundary is not included in the calculation. (See attached density calculation worksheet)

2. Maximum density is based on a doubling of the base density.

Draft B Zone - Density Calculations Worksheet

320 Old Briarcliff	Zoning District	Density	Length of Perimeter (LF)	% of total	Base Density Units/AC	Base Density Units	Max Density Units/AC	Max Density Units
16.77	R30M	8.7	662	16%	1.40	23	2.79	47
	R20B	2.2	1,823	44%	0.97	16	1.95	33
	R60A	0.73	1,637	40%	0.29	5	0.58	10
TOTAL			4,122		2.66	45	5.32	89

345 Scarborough	Zoning District	Density	Length of Perimeter (LF)	% of total	Base Density Units/AC	Base Density Units	Max Density Units/AC	Max Density Units
74.33 (Within B Zone)	R40A	1.09	1,848	26%	0.28	21	0.57	42
	R60A	0.73	4,788	68%	0.49	37	0.99	73
	R80A	0.54	444	6%	0.03	3	0.07	5
SUB-TOTAL			7,080		0.81	60	1.62	121
15.5	R60A	0.73	N/A		0.73	11		11
3.8	R20B	2.2	N/A		2.2	8		8
TOTAL	93.63					80		140

600 Albany Post Road	Zoning District	Density (Units/AC)	Length of Perimeter (LF)	% of total	Base Density Units/AC	Base Density Units	Max Density Units/AC	Max Density Units
9.41	R12B	4.36	942	26%	1.15	11	2.30	22
	R20A	2.2	1,361	38%	0.84	8	1.68	16
	R60A	0.73	1,267	35%	0.26	2	0.52	5
TOTAL			3,570		2.25	21	4.50	42

555 Pleasantville Road	Zoning District	Density (Units/AC)	Length of Perimeter (LF)	% of total	Base Density Units/AC	Base Density Units	Max Density Units/AC	Max Density Units
10.7	R20B	2.2	N/A	100%	2.2	24	4.4	47