

Public Hearing  
May 21, 2014

The Town Board held a Public Hearing to hear public comments for/against a proposed Local Law to amend Town Code Chapter 175 by amending Town Code Section 175-8, "Zoning Maps," to change the zoning designation of certain property from "OC" to "HC, on the above date at 7:18 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York, 10516.

PRESENT

Richard Shea	Supervisor
John Van Tassel	Councilman
Dave Merandy	Councilman
Michael Leonard	Councilman

ABSENT

Nancy Montgomery            Councilwoman

Town Clerk Merando read the Public Notice.

Supervisor Shea stated that this change is from a request of the owner of the Countryside Motel. This would change the zoning district to "Highway Commercial", which it should have been from the start. His business fits in the Highway Commercial parameters better than the "Office Commercial." He further explained that the owner wants to have retail at that site; under the OC there is only a 10% area for that use as compared to 100% usage.

Supervisor Shea opened up the comment period to the Town Board members; Councilman Van Tassel noted for the record that that was a retail business prior to the new zoning.

There being no comments from the public, Councilman Leonard made a motion, seconded by Councilman Merandy to close the Public Hearing at 7:20 p.m.

Respectfully submitted by,

Tina M. Merando  
Town Clerk

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village

*(Select one.)*

of Town of Philipstown

Local Law No. \_\_\_\_\_ / \_\_\_\_\_ of the year 20<sup>14</sup>

A local law to amend Town Code Chapter 175 by amending Town Code Section 175 -8 "Zoning

*(Insert Title)*

Map" to change the zoning designation of certain property from "OC" to "HC."

Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

County  City  Town  Village

*(Select one.)*

of Philipstown as follows:

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

TOWN OF PHILIPSTOWN LOCAL LAW NO. / OF 2014

A LOCAL LAW TO AMEND TOWN CODE CHAPTER 175 BY AMENDING TOWN CODE SECTION 175-8 "ZONING MAPS" TO CHANGE THE ZONING DESIGNATION OF CERTAIN PROPERTY FROM "OC" TO "HC."

SECTION 1. INTENT and AUTHORITY

The intent of this local law is to amend the Town's Zoning Code in accordance with the Town Code of the Town of Philipstown, New York, Article X entitled "Amendments," to carry out the provisions of the Town's Comprehensive Plan in regard to certain zoning districts. This local law is adopted pursuant to the authority granted by the Municipal Home Rule Law of the State of New York and Article 16 of the Town Law of the State of New York.

SECTION 2. PURPOSE

The purpose of this local law is to amend the Town's Zoning Map to adjust the boundaries of the Office/Commercial/Industry Mixed-Use District ("OC") and the Highway Commercial District ("HC") to include within the HC District all that real property located at 3577-3585 U.S. Route 9, Cold Spring, New York, 10515.

SECTION 3. AMENDMENT OF CODE

Town Code §175-8 "Zoning Maps," is hereby amended to change the zoning designation from "OC" to "HC" of all that real property located at 3577-3585 U.S. Route 9, Cold Spring, New York, 10515, and identified on the Tax Map as Section 17., Block 1, Lot 71 (SBL 17.-1-71), consisting of approximately 3.34 acres bounded to its east by Albany Post Road, U.S. Route 9, and bounded to its west by Old Albany Post Road North, and bounded to its north by certain real property identified on the Tax Map as Section 17., Block 1, Lot 72.2 (SBL 17.-1-72.2), and bounded to its south by certain real property identified on the Tax Map as Section 17., Block 1, Lot 70 (SBL 17.-1-70), situated in the Town of Philipstown, Putnam County, State of New York.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the language directly involved in the controversy in which judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2014 of the (County)(City)(Town)(Village) of Town of Philipstown was duly passed by the Town Board on May 21, 2014, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

~~I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ 1 \_\_\_\_\_ above.~~

*[Signature]*  
Town Clerk  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: May 21, 2014