

APPENDIX F

Chapter 210. ZONING

Article V. Town Center District Regulations

§ 210-30. Historic Revitalization Development (HRDD) District.

- A. District purpose. This district applies to the former New York State Psychiatric Center on Route 9 in the Fairview section of the Town near the boundary with the Town of Hyde Park. Until such time as an application for a ~~master~~-development master plan has been approved by the Town Board as set forth in this section, no permits for the use of the property, or for construction, reconstruction, or site work, shall be issued, except as set forth in Subdivisions C and D following. This district serves the following specific purposes:
- (1) Promote the preservation and adaptive reuse of landmark structures in historic districts and historically significant open spaces- where feasible.
 - (2) Promote the preservation of open space by clustering of dwellings units and concentrating mixed development within a "new urban" design plan- an integrated design plan creating residential areas and accessible neighborhood commercial centers and recreational spaces.
 - (3) Promote a mix of commercial and residential uses within a planned community environment- where building bulk and architecture, as well as the location of use types, complement each other and harmonize with open spaces and the surrounding landscape.
 - (4) Promote pedestrian activity through a safe and walkable environment and establish, where appropriate, sidewalk connections to adjacent residential neighborhoods- an integrated circulation network of streets, sidewalks and other pathways linking the residential, commercial and recreational areas in the HRDD.
- B. Permitted uses within ~~a national landmark building and contributing area, and designated or eligible federal historic districts~~ the HRDD shall be as follows, with the type, size, height and location of all uses subject to approval of a development master plan by the Town Board, and site plan review and approval by the Planning Board:
- (1) Art galleries, workshops or retail shops associated with arts, crafts or fine arts.
 - (2) Artists' live-work facilities.
 - (3) Bars, taverns.
 - (4) Building materials sales and storage (screened) subject to § 210-59 of this Chapter.
 - (5) Business parks, subject to § 210-60 of this Chapter.
 - (6) Clinics.
 - (7) Health clubs; ~~indoor~~
 - (8) Indoor recreation facilities; and outdoor recreation facilities- subject to § 210-97 and § 210-98 of this Chapter.
 - (5) ~~(9)~~ Hotels and motels subject to § 210-75 of this Chapter, inns subject to § 210-77 of this Chapter, and bed and breakfast establishments subject to § 210-55 of this Chapter.

- (10) Laundromats, dry cleaners.
- (11) Libraries.
- (12) Nurseries, greenhouses and vegetable stands.
- (13) Offices, including professional and medical offices.
- (14) Personal service businesses.
- (15) Public or semipublic uses such as live theaters, concert halls, museums or meeting rooms suitable for social, civic, cultural or educational activities.
- (16) Places of religious worship subject to § 210-95 of this Chapter.
- (17) Residential housing, which may be ~~owner-occupied~~, provided for sale or rental, or a combination thereof, and, if provided for sale, ~~to~~may be owned in fee simple, condominium, or cooperative ownership, which housing may include any of the following, or any combination thereof:

 - (a) Dwellings, single-family.
 - (b) Dwellings, two-family.
 - (c) Dwellings, ~~multiple family~~multifamily.
 - (d) ~~Flats, studios, and residential apartment units located in multiple family dwellings, or in mixed-use buildings.~~
 - ~~(e)~~ Combination building: a building containing a combination of two or more dwelling unit types, ~~which may include any of the following: single family attached, flats, or two-story apartments~~, any of which may be arranged beside, above, or under other unit types.
 - (f) Mixed-use building: a building that combines one or more dwelling unit types, ~~which may include, without limitation, single family attached, flats, or two-story apartments~~, any or which may be arranged beside, above, or under ~~each~~ other unit types or in combination with other, nonresidential, uses, including, without limitation, ~~residential flats or townhouses over or within buildings partially devoted to~~ retail, commercial, small-scale light industrial, or other nonresidential ~~uses~~uses, as regulated herein.

- ~~(6) Hotels, motels, conference centers, banquet facilities, inns, bed & breakfast establishments.~~
- ~~(7) Libraries.~~
- ~~(8) Mixed-use buildings, containing combinations of two or more of the residential, commercial and small-scale light industrial uses permitted in the HRDD.~~
- ~~(9) Offices, business offices, professional offices.~~
- ~~(10) Personal service~~
- (18) Restaurants subject to the provisions of §210-101 and § 210-102 of this Chapter, as well as such other conditions the Town Board may impose.
- (19) Retail businesses, ~~no drive-in~~including banks (with or without drive-through.

- ~~(11) Public or semipublic uses such as live theaters, concert halls, arts cinemas (not exceeding 400 seats), museums or meeting rooms suitable for social, civic, cultural or educational activities; places of religious worship.~~
- ~~(12) Restaurants, no drive-in or) and pharmacies (with or without drive-through).~~
- ~~(13) Retail uses providing goods and services primarily to the immediate neighborhood, including bakeries, banks, delicatessens, and personal services, no drive-in or drive-through.~~
- ~~(14)~~(20) School-age child or elderly day-care facilities, subject to § 210-65 of this Chapter.
- ~~(15)~~21 Schools, nursery schools.
- ~~(16)~~22 Service businesses, ~~no drive-in or drive-through.~~
- ~~(17) Solely within buildings existing on the date of adoption of this chapter, and not exceeding a footprint of 25,000 square feet, or a total floor area of 50,000 square feet, the following small-scale light industrial uses, provided that no permanent outdoor storage shall be permitted, as determined by the Town Board, and appropriate screening is provided:~~
 - ~~(a) Cabinet or woodworking shops or similar crafting work with metal, stone, textile, clothes or ceramics, as approved by the Town Board.~~
 - ~~(b) Nonprocessing storage facilities.~~
 - ~~(c) Printing and publishing.~~
- ~~(18)~~(23) Supermarkets.
- (24) Movie theaters.
- (25) Light industrial uses.
- (26) Motor vehicle service facility.
- (27) Mixed-use buildings containing two or more permitted residential and commercial uses.
- (28) Other uses as approved by the Town Board as part of a development master plan.
- ~~C. Permitted~~(29) Customary accessory uses in areas of the HRDD outside the national landmark building, and contributing area, and designated or eligible state and/or federal historic district shall be as follows, subject to approval of a development master plan by the Town Board and site plan review and approval by the Planning Board:
 - ~~(1) All uses specified in Subsection B above, as provided therein.~~
 - ~~(2) Building materials sales and storage (screened).~~
 - ~~(3) Business parks, subject to § 210-60.~~
 - ~~(4) Catalog showrooms, clothing stores.~~
 - ~~(5) Clinics.~~
 - ~~(6) Restaurants.~~
 - ~~(7) Supermarkets.~~
 - ~~(8) Laundromats, dry cleaners.~~

- ~~(9) Nurseries, greenhouses and vegetable stands.~~
- ~~(10) Personal service businesses.~~
- ~~(11) Retail businesses.~~
- ~~(12) Service businesses.~~
- ~~(13) Theaters.~~
- ~~(14) Small scale light industrial~~ other accessory uses as approved by the Town Board as part of a development master plan, ~~having a similar impact to those allowed in Subsection C above, provided that: (1) no individual building housing such a use has a footprint greater than 25,000 square feet, and (2) that the maximum floor area per said building does not exceed 50,000 square feet; and (3) no permanent outdoor storage shall be permitted, as determined by the Town Board, and appropriate screening is provided.~~
- ~~(15) Accessory uses as approved by the Town Board as part of a development master plan.~~

DC. Development master plan required. Due to the unique nature of redevelopment of the HRDD ~~property, except as set forth in this Subsection C, there are~~ no minimum or maximum height, area and bulk requirements ~~have been applied through this chapter in the HRDD.~~ As a result, no application for site plan, special use permit, subdivision, or variance approval for any development project in the HRDD shall be reviewed or approved until a development master plan has been approved by the Town Board in accordance with the procedures set forth herein and in § 210-66 of this chapter ~~Chapter~~. In addition, with the exception of repairs and ordinary building maintenance, subject to obtaining permits for such work, and with the further exception of demolition as permitted or authorized pursuant to the Town Code, no building permit or certificate of occupancy shall be issued for any development project in the HRDD until a development master plan has been approved by the Town Board in accordance with the procedures set forth herein and in § 210-66 of this chapter. ~~Chapter~~.

(1) Maximum residential density.

- ~~(a) Except as provided for under the bonus incentive provisions below, no more than 300~~ The maximum residential units density shall be 750 residential units ~~permitted within the HRDD property.~~
- ~~(b) As an incentive to facilitate and enhance the preservation and protection of open space and existing historic structures, an additional 150 residential units shall be permitted within the HRDD property, provided:~~
 - ~~[1] The approved master development plan preserves as permanent open space that portion of the HRDD property known as the "great lawn" consisting of approximately 18 acres of contiguous open space located generally to the west of the main historic building complex; and~~
 - ~~[2] The approved master development plan preserves for adaptive reuse the remaining portion of the national landmark building consisting of ±269,099 square feet.~~

- ~~(c) As an incentive to provide greater nonretail commercial square footage within the property, an additional 100 residential units shall be permitted within the HRDD property, provided:~~
- ~~[1] The approved master development plan provides for the construction of a minimum of 100,000 square feet of office space.~~
- ~~(d) Under no circumstances shall more than 750 residential units be permitted within the HRDD property. Approval for any residential units beyond 550 shall be at the sole discretion of the Town Board after consideration of the Planning Board's recommendation.~~
- ~~(e) The preservation and adaptive reuse of the historic structure and provision of the minimum square footage for office space shall be phased in accordance with a phasing plan approved by the Town Board.~~
- (2) Maximum nonresidential development density. The maximum nonresidential development density shall be 350,000 square feet. In the event that the 80,000 square foot "Main/Administrative Building" of the former New York State Psychiatric Center is adaptively reused as a hotel, this maximum nonresidential development density may be increased to 430,000 square feet solely to accommodate such reuse. Approval for any nonresidential density beyond ~~350~~430,000 square feet shall be at the sole discretion of the Town Board as part of the development master plan after consideration of the Planning Board's recommendation.
- (3) Area and bulk requirements. Area and bulk requirements for both residential and nonresidential uses (principal and accessory), including minimum lot area, minimum yards, minimum setbacks, building height, and other bulk and lot standards such as buffers, shall be determined and approved by the Town Board in its sole discretion as part of the development master plan after consideration of the Planning Board's recommendation.
- (4) In considering the ~~master~~ development master plan application, the Town Board shall determine whether the application meets is consistent with the criteria purposes of the HRDD set forth in Subsection A above, as well as the design standards for approval of a development master plan and shall also set forth in Subsection D below. The Town Board shall establish any conditions of approval. ~~The Town Board shall also establish its consistent with the purposes of the HRDD and design standards, including~~ requirements with respect to land use intensity and/or dwelling unit density, building height, lot and bulk standards, signage standards, and the land uses that will be permitted, including any accessory uses. ~~In considering the application, the Town Board shall determine whether the application meets the criteria for approval of a development master plan and shall also establish any~~ Such conditions of approval. ~~Conditions of approval~~ may include, without limitation:
- (a) Restrictions on the quantity, type and location of each permitted land use, as well as the size and height of the building in which any use will be located;
- (b) Responsibility for implementation of on-site and off-site infrastructure improvements demonstrated as necessary to service the ~~master~~planned development ~~plan project;~~

- (c) Provisions for the permanent preservation, and maintenance of required open spaces and buildings or sites of significant historical and/or archaeological value;
 - (d) The establishment of standards, including design, performance and/or bulk standards, as determined appropriate by the Town Board, to govern the future approval by the Planning Board of detailed subdivisions and/or site plans ~~for individual sections of the proposed development by the Planning Board; as set forth in Subsection C (7) below;~~
 - (e) Requirements related to the phasing, timing and/or sequencing of the proposed development and related improvements; and
 - (f) Any other items relating to the health, safety and general welfare of the public.
- (5) ~~Pursuant to~~ To facilitate the approval ~~or conditional approval~~ of a development master plan, the Town Board may enter into a development agreement or memorandum of understanding with the applicant. The purpose of such development agreement or memorandum of understanding shall be to establish, in writing and for the benefit of both parties, the specific parameters of the approval which ~~has been~~ may be granted by the Town Board ~~and upon which the applicant may rely in proceeding to arrange the financing and construction of the planned development,~~ including any public improvements and/or land dedications required in connection therewith, and which the applicant may use to plan the financing and construction of the planned development.

~~E-(6)~~ The Town Board and the Planning Board may conduct joint meetings to facilitate development master plan review.

~~(7)~~ Development master plan and site plan review required. The applicant shall submit a conceptual development master plan for the HRDD, which shall be reviewed and approved by the Town Board in accordance with § 210-66 of this Chapter, and refined during the review process, and which shall upon approval be the development master plan for the HRDD. After Town Board approval of the Development Master Plan, the planned development and land in the HRDD may be divided for purposes of, among other things, sale, leasing and other transfers, mortgaging, and financing, into separate development sites that contain any one or more of the approved uses and buildings, and each such development site may be the subject of individual site plan review and approval by the Planning Board, provided that: (i) all uses shall only be developed in accordance with any phasing plan approved by the Town Board as part of an approved development master plan; and (ii) prior to commencing construction of any development site or phase of the development, all demolition required to perform the development of such site or phase must be completed, and all State designated landfills on the portion of the land to be developed shall be closed, and remediated in accordance with all applicable federal, state and local requirements. Any development master plan approval shall include conditions requiring that the applicant provide assurances, where appropriate as determined by the Town and the applicant in any applicable agreements, or other understandings, that demolition will be completed in a timely and complete manner. Each separate site plan shall conform to the site plan design standards set forth in § 210-152 of this Chapter, except as provided in this § 210-30. Prior to issuing any site plan approval(s), the Planning Board shall certify that the

proposed site plan conforms to all conditions of the development master plan approval by the Town Board. The area, bulk and other dimensional requirements of the of the HRDD set forth in this § 210-30 and established by the Town Board as part of the approved development master plan shall apply to the entire land area of the HRDD as a whole, whether or not the HRDD is or will remain in one ownership, and shall not apply to individual or subdivided development sites and parcels.

D. Design standards for the ~~HRD-District~~HRDD shall be as follows:

(1) Comprehensive design. The ~~HRD-District~~HRDD allows flexibility to encourage innovative site planning and design. The planning process shall begin with an overall conceptual development ~~plan (i.e., the development-~~master plan) for the entire HRDD ~~tract~~. This conceptual development master plan will address overall design, appropriate treatment for various land uses, and plans for ingress, egress, internal traffic circulation and utility service: consistent with the purposes of the HRDD set forth in Subsection A above. With respect to each building proposed in the conceptual development master plan, the applicant shall set forth the proposed use or uses of such building designated in terms of one or more of the use categories permitted in Subsection B above. Where portions of the proposed development are located in different geographic or topographic areas, the conceptual development master plan shall describe the ranges of uses in each distinct area, and how such areas will be separated or connected, as the case may be. ~~After approval of the conceptual development plan, the redevelopment of the HRD-District may be divided into HRDD sections that contain various land use elements (e.g., commercial, residential, small-scale light industrial, etc.), and each HRDD section will be the subject of individual site plans and review.~~

(2) Design standards applicable to all buildings and uses.

~~(a) Uses proposed~~In addition to the design standards for property abutting land developed for or zoned for residential use shall include a one-hundred-foot setback from the adjoining district. The setback shall be landscaped to a depth of not less than 25 feet in a location as approved by the Town Board. The landscaping shall consist of a mixture of evergreen and deciduous plantings. In approving a development master plan, plans set forth in § 210-66 of this Chapter, the following standards shall apply to all buildings and uses in the Town Board shall use its discretion to establish appropriate landscape buffer setbacks for redevelopment projects involving the adaptive reuse or the redevelopment of existing structures and previously disturbed land areas.-HRDD.

(a) Area and bulk requirements, including buffers, shall be as determined as set forth in Subsection C (3) set forth above.

(b) Architectural elements shall be used to provide visual interest and promote integration of design elements.

(c) Groups of related buildings shall be designed to present a visually attractive appearance in terms of combination and juxtaposition of architectural style and massing of buildings.

(d) Shared parking facilities are encouraged where feasible. The Planning Board shall ensure that appropriate cross-easements for use and ingress and egress to

shared parking facilities are filed with the County Clerk as part of development site plan approval. Where appropriate, the Planning Board may allow on-street parking, provided the street width is adequate to safely accommodate on-street parking.

- (e) Building façade lines shall be varied to the extent practical to provide an interesting interplay of buildings and open spaces.
- (f) The layout of residential areas shall create neighborhoods areas of appropriate scale and design, providing entrance features, landscaping, pedestrian and vehicular circulation suitable to the type of housing provided ~~-, as well as any appropriate linkages to the commercial and recreational uses within the HRDD.~~ The Town Board shall find that the size, height and massing of any building, the number of residential units in each building and neighborhood area grouping of buildings is appropriate. The use of a mix of residential building and housing types is encouraged.
- (g) New buildings shall be designed with consideration of ~~their appearance from vantage points both within and outside of the HRD District. Form~~ form, scale and massing of new all adjacent buildings ~~shall not overpower the national landmark building or any other contributing building in the HRDD to ensure that the architecture and scale of all buildings harmonize with the integrated planned development and its surrounding landscape.~~
- (h) Residential neighborhoods and commercial/retail areas shall include pedestrian circulation and appropriate connection to the other elements of the HRDD, including ~~the shopping, commercial and recreation, and other support services that serve the residential component. uses.~~ Such a circulation system may include paved or unpaved walkways and bikeways of appropriate width to serve their intended function.
- (i) Appurtenances on buildings and auxiliary structures, such as mechanical equipment, water towers, carports, garages or storage buildings, shall receive architectural treatment consistent with that of principal buildings.
- (j) The Planning Board shall conduct an architectural review as part of site plan review.

F.E. Additional design standards for national landmark buildings and contributing buildings, and the historic Olmstead/Vaux landscape.

- (1) The portion of the development master plan which covers the national landmark “Main/Administrative Building” of the former New York State Psychiatric Center and its contributing area, or any designated or eligible state and/or federal historic districts, should include provisions for pedestrian activity, which may include plazas, sidewalks, and other walking paths and alleyways. The development master plan shall provide development that is sensitive to the national landmark building and contributing area as well as any designated or eligible state and/or federal historic districts.
- (2) The applicant shall prepare and submit to the Planning Board for approval as part of site plan review for any proposed development at or adjacent to the national landmark building and its contributing area, or any designated or eligible state and/or federal historic districts, including any new construction therein, should follow traditional

~~patterns of development, with prominent provisions for pedestrian activity, which may include village squares, sidewalks, and other walking paths and alleyways.~~

- ~~(2) The applicant shall prepare and submit to the Planning Board, for approval as part of site plan review for the appropriate section,~~ proposed design ~~guidelines~~specifications for architectural design elements, including scale, height, massing, architectural details, materials, and color for any aspects of the buildings visible from public streets, paths, or parks. Design guidelines shall also be submitted to ~~cover~~address landscape layout, location, and plant materials, and street and landscape lighting. The guidelines may provide for flexibility of design standards ~~in individual cases~~provided that ~~such flexibility does~~ not impair the implementation of the overall design concept. ~~The Planning Board may also require that the design guidelines address specified bulk, location, or parking design elements relating to the development.~~ The Planning Board may require that any ~~required~~ design guidelines be referred to as made part of ~~the recorded~~any homeowners' association (HOA) or condominium documents.
- (3) The applicant shall demonstrate to the Planning Board that the State Historic Preservation Officer (~~SHPO~~) and, where applicable, the National Park Service (~~NPS~~), have been consulted regarding any proposed exterior alteration of the national landmark building or a contributing building, ~~and regarding design guidelines for infill development in the eligible national register district.~~ or landscape.
- ~~(4) Site plan criteria. The site plan for a HRDD project shall conform to the site plan design standards as set forth in § 210-152 of this chapter.~~
- ~~(5)~~(4) Nothing herein shall be construed as to prevent the issuance of a building permit for repair of a building or structure so long as such repair is reviewed and approved by the Town of Poughkeepsie Building Department in advance of initiating any such work and does not result in the expansion of said building or structure, and the repair is necessary to prevent the deterioration of the building or structure or to prevent or remove an unsafe condition.