

2/28/2019

NEW TERMINOLOGY TO INCLUDE IN CHAPTER 210 ARTICLE XVIII, TERMINOLOGY

ENTERTAINMENT USE- A business which provides entertainment such as arcade games, live music, dance, theater performances or other family friendly activities which are substantially similar to those listed.

PEDESTRIAN PATHWAY- A maintained path which is designed for passive recreation. A pathway may be constructed of crushed stone, concrete or similar material and must be maintained by the property owner. Materials shall be ADA compliant and capable of plowing or snow clearing.

ART WORKSHOP OR STUDIO - A studio or other space used by an artist for the development, display, and sale of art or the instruction in a personal artistic skill such as fine arts, crafts, dance, yoga and music. Said use shall not involve food preparation or mechanical equipment.

HEALTH AND FITNESS FACILITY- A building where active exercise and related activities are performed utilizing weight control or muscle-building equipment or apparatus for the purpose of physical fitness. A health fitness facility may also include, as accessory uses, services and activities provided in conjunction with a day spa, a daycare room, physical therapy activities, and refreshments.

MIXED USE DEVELOPMENT- A planned unit development that incorporates multiple kinds of land uses on a site or within a building. This mix can include commercial uses, retail uses, residential uses, and any other use deemed appropriate by the Village Board of Trustees. These uses shall not conflict with relation to noise pollution, air pollution, use of land or diminish the quality of life for tenants or residents within the development.

AIRMONT DOWNTOWN DISTRICT REGULATIONS

- A. **Purpose.** The Airmont Downtown District (ADD) is a planned unit development district to be utilized in accordance with the Village of Airmont Comprehensive Plan. The purpose of this district is to facilitate infill and economic development and provide residents and visitors to the Village of Airmont with a place to gather and enjoy a diversity and mix of modern uses including personal services, entertainment, restaurants and health clubs, educational or cultural institutions, and other similar forms of family entertainment, residential apartments, office space including art workshops or studios, local retail shopping and medical facilities. The outcome is expected to be a well -designed, mixed-use development which fits into the neighborhood character of the Village and promotes a downtown feel which facilitates an active streetscape and pedestrian realm, considers and respects environmental constraints, protects views of the Ramapo Mountains and incorporates pedestrian walkways, open space and attractive landscaping.

The Airmont Downtown District (ADD) is an unmapped, “floating” zone that is established only upon an applicant’s submission of a zoning petition and approval of the petition by the Airmont Village Board of Trustees (“BOT”). Approval of a zoning petition and ADD concept plan by the Village of Airmont Board of Trustees allows an applicant to apply for site plan approval of an ADD development in compliance with the standards set forth in this section of the Zoning Law and the final concept plan approved by the Village Board of Trustees.

- B. **Minimum Standards.** The following minimum standards must be met in order to qualify to submit an ADD zone petition to the BOT:

(1) **Location of ADD.** The proposed ADD may apply only to properties within the Village Center (VC) zoning district.

(2) **Minimum Size.** The minimum size of the parcel, or combination of parcels, encompassing the ADD shall be 8 gross acres. An application may apply to multiple parcels provided they are contiguous. Utility and transportation right-of-way shall be permitted to cross the parcel, and still render the parcel contiguous. Parcels under multiple ownership must provide a coordinated agreement and produce a plan which reflects a unified design in both form and function.

(a) The subject property may not be in violation of any Village, County or State codes at the time of the application. The property shall be up to date on all taxes due to any relevant municipality or municipal agency.

(3) **Utilities.** The proposed ADD shall be served by central water and sewer service.

- C. **Criteria for Approval.** In determining whether to approve a petition to zone to ADD the BOT shall consider the following criteria and determine to what extent a property or properties meets the standards stated in B above, whether the proposed ADD meets the criteria set forth in this

section, if the proposed ADD addresses the vision set forth within the Village of Airmont Comprehensive Plan, and whether the proposed development, on balance, benefits the Village of Airmont. The proposed ADD shall:

- (1) Demonstrate that the development will introduce a mix of uses, or multiple primary uses, that provides local employment opportunities, enhances the Village's tax ratable base, and serves the needs of the local community as per the Village of Airmont Comprehensive Plan;
- (2) Promote exemplary architecture and building design consistent with that existing in and around the Village of Airmont, and consistent with the design guidelines discussed in part F of this section;
- (3) Promote energy-saving and building techniques, such as Leadership in Energy and Environmental Design standards (LEED), Energy Star, or similar techniques;
- (4) Incorporate an ecologically functioning landscape which may be both aesthetically pleasing and serve a functional purpose such as mitigating stormwater flow through rain garden design or providing pollinator habitat;
- (5) Buildings are designed with multiple smaller footprints which are arranged generally in groups of two or three buildings, sharing access roads, parking areas and pedestrian walkways;
- (6) Physically links the ADD to the Village by creation of pedestrian and bicycle accessways and through site design, and provides amenities such as benches and bicycle racks;
- (7) Provides public access to social gathering spaces such as pedestrian plazas, courtyards or neighborhood greens;
- (8) Minimizes parking which is visible from the road, and promotes shared parking;
- (9) Can be served adequately by the Village and other community facilities and services that serve the Village, including ambulance, fire, police, highway, and other services, and will not place undue demand on same, and provides for the construction or improvement of public facilities, services or utilities if necessary to meet demand.

D. Additional Criteria for Approval. The applicant shall include no less than four (4) of the following seven (7) elements in the concept plan. The applicant shall consult with the BOT with regard to priority elements for the Village.

- (1) Inclusion of a minimum of 10 % of residential units for affordable housing based upon 80% of the Area Median Income for Rockland County at the time of site plan approval;

(2) Dedication of 10% of the site as public open space which may accommodate public events such as farmers markets, Village-wide events, concerts and similar activities. The space should remain a functional and accessible social space and open to the public when organized events are not in occurrence.

(a) The applicant shall submit a narrative indicating how this space will be managed.

(b) The applicant may wish to enter into a development or Public Private Partnership agreement with the Village to ensure public access and maintenance of the site.

(3) Linking the site to the Suffern Train Station through a shuttle service or jitney which shall be dedicated to the Village and include operational funds;

(4) Inclusion of electric vehicle charging stations

(5) Capture of renewable energy such as solar arrays or geothermal heat transfer which may support the energy consumption on site.

(6) A sheltered parking structure or underground parking not to exceed the maximum building height permitted in section F (1) and not to be located fronting to a State, County or Village road.

(7) No less than two design elements which highlight natural features. For example, these design elements may include but are not limited to:

(a) Showcasing natural features through educational signage or trails, daylighting streams, preserving wooded land or existing wetlands, compensatory wetland mitigation, locating green infrastructure such as rain gardens or bioswales in public spaces.

(b) The Village Planner and Engineer shall opine on proposed design elements not listed above as to whether they support the goals of the Village and the intent of this requirement.

E. **Uses.** An ADD may allow the following nonresidential uses: retail, restaurants, personal service establishments, professional offices (including municipal offices), community spaces, health and fitness facilities, entertainment uses, art workshop or studios and medical or dental offices. The uses allowed in the ADD shall be authorized by the BOT, which in its discretion, may reject any use it determines does not meet the intent of the zone, or approve uses not listed which do meet the intent of the zone. Uses authorized by the BOT upon review of the zoning petition shall be included in the zoning language and reviewed from time to time. Multiple family residences shall be a permitted use only if combined with other uses according to the design requirements and regulations set forth in this section.

(1) Residential Units. All residential units in the Airmont Downtown District shall be located above a non-residential first floor. The BOT may waive this requirement subject to full satisfaction of part C and D, criteria for approval, as regulated herein. In no case shall residential units be located on the first floor in buildings within 50 feet of the maximum front setback.

(a) In no case shall the number of residential units exceed 20 units per acre.

[1] Land to be dedicated to a municipal or state entity; and land located within an easement or buffer that precludes development shall not be deducted when calculating acreage.

(b) No unit shall contain more than two (2) bedrooms or exceed a gross floor area of 950 square feet. In accordance with the Comprehensive Plan, the units shall be designed primarily to promote housing for young professionals and seniors.

(2) Retail or commercial establishments are limited to the first floor of the building.

(a) Restaurants as defined in §210-174 are permitted on the first floor only. Fast-Food Restaurants as defined in §210-175 and regulated in §210-107 are permitted however, drive through or drive-up window associated with a fast-food use is prohibited as this use does not support the intent of the zoning district.

(b) Office, local office-business uses or art workshops and studios are permitted on the second floor subject to BOT Approval.

(c) Health and fitness and entertainment uses may occupy up to two stories, contingent upon the use occupying an equal or greater area of ground floor space.

(3) Accessory uses. Accessory uses may include parking, loading, common recreation space, social gathering spaces, outdoor eating and other uses that the BOT, in its discretion, deems is clearly incidental and accessory to the ADD.

(a) Processing and servicing of goods shall be conducted entirely within fully enclosed structures except as otherwise permitted by the Planning Board.

(b) Outdoor retail displays may be permitted by the Planning Board per the requirements of §210-21E (3)

(c) Outdoor seating for restaurants is encouraged and shall be regulated per the requirements of §210-115.

(4) Upon approval of the ADD zone, all uses approved by the BOT shall be permitted uses. Any subsequent change in use shall be subject to §210-72 of the Zoning Code. In the

event that the Building Inspector determines the plan requires site plan review, a parking needs analysis shall be conducted.

- (5) All uses shall be conducted within entirely enclosed buildings, except where otherwise indicated or where customarily such uses are conducted out of doors. The conduct of such uses shall not be allowed within any required front setback. Outdoor repair and maintenance of vehicles or equipment is prohibited.

- (a) Any sound generated by permitted uses listed in this section shall not be audible to those outside the business in which the use occurs and shall be held accountable to the regulations within §210-86(B).

- (6) Business hours, pickups, deliveries, and garbage pickups shall be limited to the hours determined by the Planning Board during site plan review, but in no case shall businesses located within the Airmont Downtown District be open between 11:00 p.m. and 6:00 a.m.

- (a) The Planning Board may, during the site plan approval process, modify the hours of operation outlined above if, in its discretion, the Planning Board determines that a business shows a necessity, hardship or overwhelming need to be open during the hours of 11:00 p.m. through 6:00 a.m. and shall not negatively impact the health, safety and welfare of ADD occupants or adjoining uses.

F. Supplemental Bulk Requirements.

- (1) Building Height.

- (a) Buildings which include structured parking are permitted to reach a height of 10 feet above the maximum height permitted in the ADD per the associated bulk table, except as indicated in part F(1)(b) below.

- (b) Buildings adjacent to Route 59 shall be limited to 35 feet or demonstrate a step-back design to reach 45 feet.

- (2) No individual building may exceed a footprint of 30,000 square feet.

- (3) Parking. Shared parking among uses is encouraged; however a parking needs analysis shall accompany a site plan.

- (a) All resident parking in excess of 1.5 space per apartment shall be unreserved and available for shared parking use. This surplus will count toward parking for other uses.

Use	Space per unit
1 bedroom	1
Studio	1
2- bedroom	1.5
Use	1 Space per ___square feet
Local convenience commercial, retail	300
Medical or dental office	150
Office	250
Restaurant	1 space per 3 seats 1 space per 2 employees
The Planning Board shall reference §210-56 for guidance on uses not listed herein.	

G. Design guidelines. A major objective of the Airmont Downtown District is to achieve a physically integrated mixed-use development which facilitates social interaction and will enhance Airmont's sense of place. This requires an emphasis on the clear expression of building elements, such as glass storefronts, and other architectural details, to convey an appropriate scale for pedestrians. The site plan shall show buildings connected primarily by pedestrian links and secondarily by safe vehicular circulation. Landscaping, sitting areas, and buffers from the major roadways shall be major components of development in this district. During site plan review, the Planning Board shall refer the ADD development plan to the Architectural Review Committee for comment with regard to the requirements of this section. The following design considerations shall be incorporated into plans within the district:

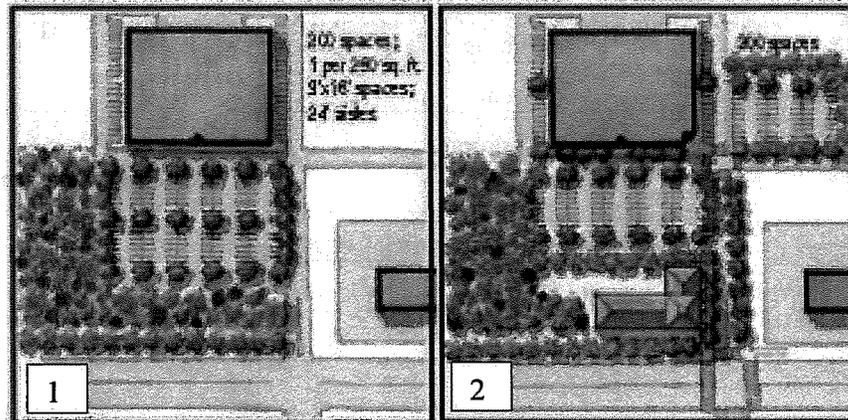
(1) Signs. Any illuminated sign shall not be visible from a local road (as shown on the Official Map) in a residence district. All signs shall conform to Chapter 210 Article VIII, Signs.

(2) Parking Lots and Landscaping.

(a) Parking Configuration. No more than two rows of parking spaces may be located between the required front yard and any building fronting the road.

(b) Lots of 100 or more parking spaces shall be divided between buildings, and located to the side or behind buildings to screen excess parking from view.

(c) Parking lots shall provide visible pedestrian-only routes for access to adjacent buildings.



Panel 1 shows parking spaces which are not distributed where panel 2 shows the preferred distribution of parking spaces

Source: "Dutchess County Greenway Guide" March 2000.

(3) Residential Buffer. A screened buffer of 75 feet shall be provided between the ADD and any lot in a residence district.

(4) Landscaping and screening. Development in the ADD shall be buffered by a landscaped area with a minimum depth of 20 feet to include both trees and shrubs to screen from roads and adjacent uses.

(a) Continuous landscaping treatment along any street frontage with street trees and low plantings is required. This may include the planting of trees, shrubs, stone walls and other effective landscaping schemes.

[1] Designs which promote active use of this space by pedestrians is encouraged.

(b) The construction of attractively landscaped parking areas, with a significant number of shade trees and surrounded by low hedges, stone walls or attractive fencing is required:

[1] Divide parking rows with planting strips and tree islands, averaging one (1) tree to every ten (10) parking spaces.

[2] At least 15 percent of a parking lot containing more than 50 spaces must be landscaped with trees and other plants.

(c) All areas of the site that are not used for buildings, parking, vehicular rights of way and pedestrian use areas, must be landscaped with vegetative ground cover, trees or other plants, or retain the natural vegetation already existing on site.

(5) Vehicular and Pedestrian Circulation.

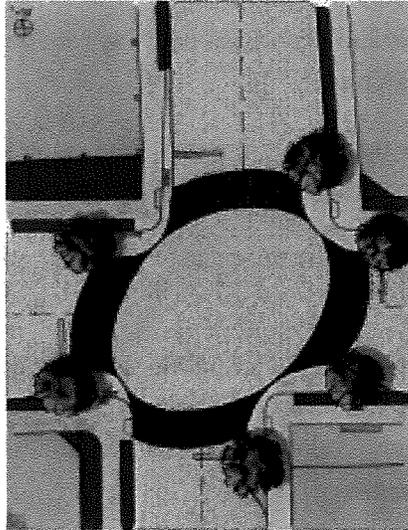
- (a) Development shall be linked by internal vehicular drives to reduce vehicular traffic movements on Route 59 or adjoining sites. Circulation aisles and parking areas shall be designed to fully accommodate vehicles on the property, so that entering traffic does not back up onto any public street or portion thereof.

[1] Internal sidewalks and pedestrian pathways shall connect to Village-Planned pedestrian routes.

- (b) These drives shall utilize traffic calming methods and design considerations to ensure safe movement for internal circulation.

- (6) Curb cuts shall be limited to the minimum required as per a traffic study in order to reduce conflicts on adjacent roadways.
- (7) Access lanes for a jitney bus, fire trucks and other public safety vehicles may be incorporated into the pedestrian paths and are encouraged to incorporate a “grass-crete”/ cellular grass paving system, permeable pavers, or similar treatment to avoid the appearance of excessive or monotonous pavement.
 - (a) Pedestrian pathways or sidewalks shall be designed to be visible, safe and easily accessible, and shall be prioritized over vehicular access.
 - (b) Sidewalks are required in any ADD development along County and State roads and shall be a minimum of 5 feet wide.
- (8) Sidewalks shall be composed of durable materials such as concrete and be ADA accessible.
 - (a) Sidewalks shall be separated by at least three (3) feet from any internal or public roadways by a landscaped verge.
 - (b) Sidewalks or pedestrian pathways within the ADD development shall facilitate pedestrian movement between buildings, through and from parking lots or to provide passive recreational interest in the site. These shall be clearly marked through the use of paint, contrasting materials, stamped concrete, crushed stone, pavers or landscaping.
 - (c) Pedestrian pathways should incorporate small seating/passive recreational areas, use landscape elements to establish transitional areas between the public and private realm, and between commercial and residential uses, and incorporate trees or planters at a minimum every 40 feet.
- (9) Crosswalks. Crosswalks shall be as short as possible, with small corner radii.
 - (a) Crosswalks shall be between 8 and 10 feet wide, well lit, and clearly marked with bar stripes or a textured surface such as brick pavers, stamped concrete or similar contrasting material.

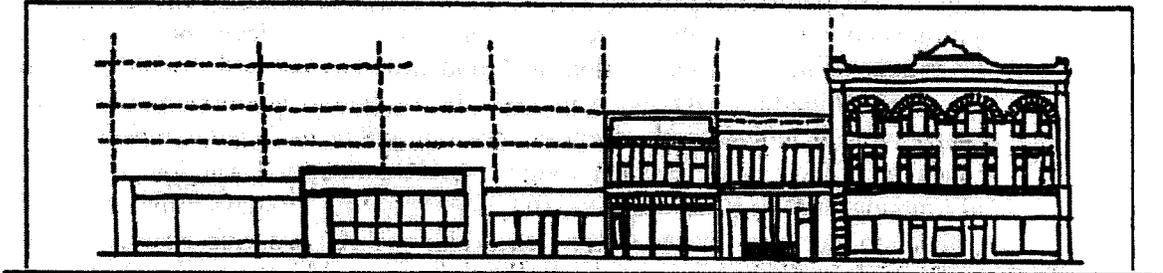
- (b) Flaring sidewalks beyond curbs at intersections is encouraged for internal private drives only, to draw attention to pedestrians and provide a safe place for pedestrians to stand. Low profile landscape plantings such as grasses or flowers in these areas are encouraged.



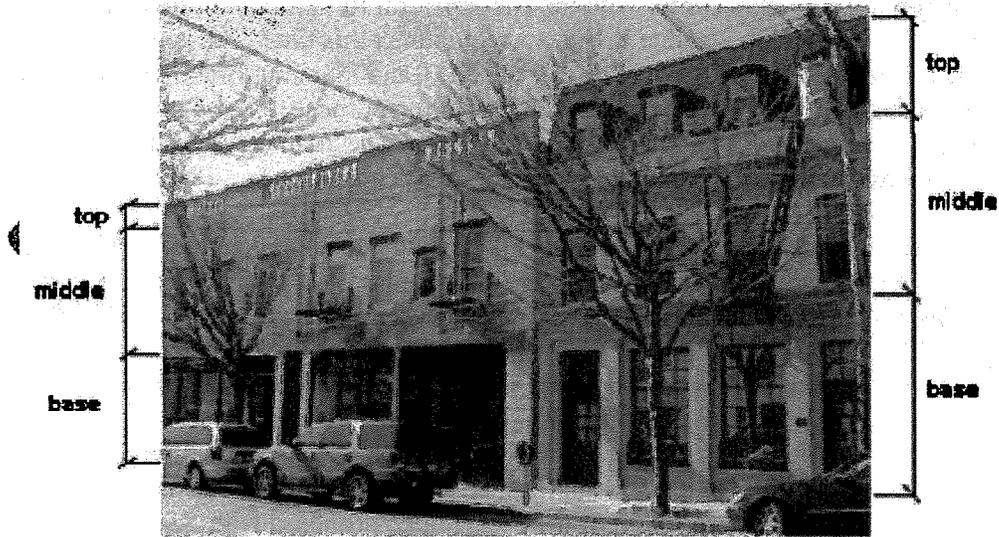
Flared sidewalks and visible crosswalks
Source: Dutchess County Greenway Guide, March 2000

- (10) Site and Architectural Design. Development within the ADD shall be designed with multiple structures or to give the appearance that they are in multiple structures. Buildings shall fit with the context of surrounding buildings, and complement each other in terms of circulation, architectural design and materials and visibility on a landscape scale.
- (11) Site Design. No single non-residential building shall occupy a footprint of more than 30,000 square feet.
- (a) Site design shall consider all elements of circulation, landscaping, parking lots and pedestrian considerations as outlined in part F of this section.
- (12) Parking structures shall be designed to minimize visual impact, and with materials which complement the buildings within the development.
- (13) Architectural Design. In keeping with the desired pedestrian scale, developments with facades over 50 feet in horizontal length should be designed to visually reduce the scale and mass of the building by architecturally dividing and/or providing projecting or recessing architectural features to the facade to break up the flat plane of the building per point 14 and 15 of this section
- (a) Non-residential buildings shall have multiple pedestrian entrances located on facades facing public-access areas.

- (14) Multistory buildings shall be designed to extend the horizontal alignment of key architectural details such as window openings, caps and cornices with neighboring buildings:



- (15) Buildings shall be designed to have a clear base, middle and top, with horizontal elements separating each. The first floor is encouraged to contain storefront windows which creates a "pedestrian scale".



Clear expression of building elements

H. Rezoning Procedure. The following procedures shall be followed in the approval of an ADD:

(1) **Pre-application meeting.** The Applicant shall request a pre-application meeting with the Village Board of Trustees to discuss the Applicant's proposal. A concept plan shall be submitted which shall include the information set forth in part B through C of this section. The purpose of this meeting will be to solicit preliminary non-binding comments of the BOT with regard to the consistency of the development proposal with the criteria set forth in these sections and to identify any issues that would need to be addressed during the ADD review process. In addition to submission of a concept plan, a narrative indicating how the proposal meets or will be designed to meet the minimum standards set forth in sections D through F shall be submitted. The foregoing information shall be received by the BOT at least thirty (30) days prior to the pre-application meeting at which the proposal shall be discussed. Subsequent to issuance of the BOT's non-binding comments, the Applicant may submit a formal application to the Planning Board.

(2) **Submission of the ADD zone petition.** Following the pre-submission application, the applicant shall petition the BOT for the Airmont Downtown District in accordance with the procedures set forth in Article XVII, Amendments, of this Zoning Law. The Planning Board will first review the concept sketch plan per the requirements in this section and refer the application with comments to the BOT for consideration of ADD rezoning. The Planning Board may confer with the Architectural Review Committee on the architectural design detailed in the concept plan at this time. The petition for the district shall be in a form sufficient to enable the BOT and Planning Board to evaluate the applicant's proposal and its consistency with the purpose, criteria, minimum standards and general design standards expressed herein. The zone petition shall be accompanied by the following which shall represent the Applicant's Concept Plan:

- (a) A written description of the purpose of the development and to what extent it meets the purposes, and criteria and standards set forth in sections A through E.
- (b) A metes and bounds description and survey of the proposed ADD certified by a licensed land surveyor.
- (c) A conceptual site/subdivision plan showing a proposed layout with:
 - [1] Delineation of the proposed uses on the property;
 - [2] Elements required for consideration as outlined within this section
 - [3] Delineation and approximate acreage of any protected open space areas and description of the uses, if any, proposed within said areas, together with proposals for the ownership, maintenance and protection of the open space;
 - [4] Delineation of all proposed uses and a description of ownership and proposed access, whether public or private;
 - [5] A location map, showing generally the land use and ownership of abutting lands within five hundred (500) feet of the property line;
 - [6] Description and preliminary mapping of the water and sewer system. The proposed capacity and maintenance of said system shall be specifically described;

- [7] Identification of any environmental features located on the site;
 - [8] The approximate location and dimensions of proposed principal and accessory buildings on site and the relationship to one another and to other structures in the vicinity. Proposed bulk regulations to guide development of the floating district shall be submitted;
 - [9] Proposed safeguards to be provided to minimize possible detrimental effects of the proposed development on adjacent properties and the neighborhood in general, including proposed plans for landscaping, tree preservation and buffering to adjacent properties
 - [10] A preliminary drainage study;
 - [11] Approximate location of lands, if any, proposed to be dedicated to the Village;
 - [12] Other information, plans and details as may be required by the BOT and Planning Board to assess whether the proposed development will result in one or more of the public benefits set forth in Subsection B;
- (d) A description and examples of the architectural and green building design features and programs to be incorporated into the development. The submission shall include building elevations and floor plans.
 - (e) A description as to how the common elements, e.g., open space and recreational resources, are to be owned, operated and maintained.
 - (f) If the project is to be phased, a proposed Phasing Plan indicating the approximate phasing of land dedication, site development and infrastructure improvements both on and off site, including the general order of construction and estimated timing of each phase. The Phasing Plan shall also identify the sequence, and timing, for construction of all special community benefits and/or construction or improvement of public facilities, services and/or utilities. The BOT, at its discretion, may require that the project be phased.
 - (g) Evidence acceptable to the BOT and Planning Board to demonstrate the applicant's financial capacity to carry out the project and a description of previous experience with projects of a similar scale and magnitude.
 - (h) Such other documentation and information as may be required by the BOT and Planning Board to evaluate the ADD zone petition and concept plan.
 - (i) The applicant may, at this time, submit a complete Site Plan per Article IX, Site Development Plan Review in place of a Concept Plan.
- (3) SEQRA review. The ADD zone petition and Concept Plan or Site Plan shall not be deemed complete until such time as the Lead Agency issues a Negative SEQRA determination, a Draft Environmental Impact Statement ("DEIS") or Generic Environmental Impact Statement (GEIS) supplemental reports is accepted by the Lead Agency as complete for purposes of commencing public review. The following information, shall be provided by the applicant as part of the SEQRA review process, if the proposed concept plan exceeds the thresholds of those analyzed through the GEIS associated with the floating zone:
- (a) community services/fiscal impact study analyzing the demand that will be placed on community service providers and the costs associated with same. The study shall set forth specific methodology and assumptions upon which it is based. The Lead Agency shall review and consider the estimated community service costs, including municipal and school district capital and operating costs, and the tax revenues to be generated by the development to offset said costs.

- (b) A traffic impact study indicating the ability, in terms of geometry and capacity, of the internal and adjacent roadway network to accommodate traffic generated by the proposed development. The traffic study shall identify mitigation measures, as necessary, to ensure adequate and safe traffic flow.
 - (c) A noise and air quality analysis demonstrating that the project will not have a significant adverse impact on ambient noise or air quality.
 - (d) Calculations and preliminary plans illustrating on- and off-site improvements related to the design, construction and installation of a centralized system of wastewater treatment and water supply.
 - (e) A preliminary stormwater management plan, indicating methods to control stormwater runoff and methods to protect water quality of receiving water bodies.
 - (f) Such other information and data that the Lead Agency determines necessary for adequate SEQRA review of the proposed action.
- (4) **Public hearing.** The BOT shall hold one or more public hearings as required for the zone petition. The BOT may, in its discretion, combine the ADD zone petition public hearing with other required hearings, and the SEQRA hearings conducted by the Lead Agency.
- (5) **Planning Board report.** Subsequent to the completion of SEQRA, i.e., issuance of a Negative Declaration or issuance of a Findings Statement, but prior to any action taken by the BOT on the zone petition, the Planning Board shall also render a report with its comments related to its review of the concept plan that should be considered by the BOT prior to its decision making. Said report shall be issued within 45 days following completion of the SEQRA process.
- (6) **BOT zone decision.** Approval by the BOT of the ADD zoning is a legislative act. The BOT by resolution and in its sole discretion, may elect to consider, may elect not to consider, or may reject any request for an ADD rezoning at any time during the zone petition review process. Failure of the BOT to act on a zone petition shall be deemed a denial. The BOT, within 62 days after the close of the public hearing and after completion of the SEQRA process by the Lead Agency, including, if required, the issuance of SEQRA Findings, shall make its decision to: (i) approve; (ii) disapprove; or (iii) approve with conditions the ADD zoning. If the BOT disapproves the floating zone, it shall set forth its reasons for said determination in a written statement. However, the requirement of a written statement shall not be deemed to impair or affect the legislative nature of the BOT's decision-making powers. The timeframe within which the BOT may act may be extended upon mutual consent of the BOT and the Applicant. Failure to act within the time prescribed shall not result in default approval of the floating zone. If the BOT approves the floating zone, or approves the floating zone with conditions, it shall, in its Decision:
- (a) State that it has considered the criteria for decision-making set forth in part B of this section and state its finding as to what extent the proposed project meets these criteria and to what extent the project, on balance, benefits the Village of Airmont.
 - (b) Set forth or establish the maximum square footage buildout to be included in the floating zone.
 - (c) Establish all uses which shall be allowed in the floating zone.
 - (d) Establish the phasing plan as may be requested by the applicant or required by the BOT.

- (e) Prescribe such bulk regulations which will apply in the floating zone, including an identification of the provisions of the Zoning Law that shall be superseded.
 - (f) Address such other conditions and requirements which the Applicant must adhere to in the development of the floating zone.
 - (g) All of the above shall be deemed to be, upon approval, or approval with conditions of the floating zone petition, the " Final Concept Plan".
- (7) Development agreement. The BOT, and the Applicant (developer), shall enter into a written agreement, the purpose of which shall be to establish in writing and for the benefit of the parties, the specific parameters of the approval which has been granted by the BOT and upon which the Applicant may rely in proceeding with its development project.
- (8) Filing of documentation. Upon approval of the floating zone Petition, the Village Zoning Map shall be duly amended by the BOT. The map amendment shall be filed, as required, as local law with the New York State Department of State, and a copy shall be filed in the Rockland County Clerk's Office. In addition, the Final Master Plan shall be filed in the Office of the Village Clerk, together with the Zoning Map Amendment and Development Agreement. Where the regulations of the Zoning Law vary with the standards set forth in the Final Master Plan, the Final Concept Plan shall take precedence.
- (9) Site Plan. The zoning of the property as an ADD by the BOT does not create any vested rights in the property owner (Applicant). The Applicant shall be required, after zoning of the Airmont Downtown District, to make a complete application for Site Plan and/or Subdivision Approval for some or all of the zone. The submission of a complete application for Site Plan and/or Subdivision Approval may also be initiated concurrently with the zoning petition as stated in part H(2)(i) of this section.
- (a) The applicant shall pursue diligently preliminary subdivision plan and/or site plan approval. The ADD shall entitle the applicant to construct the development in accordance with the Final Concept Plan, subject to Planning Board site plan and/or subdivision approval. However, any significant changes to building location, sizes, building type, or changes which the Planning Board deems may have the potential to have a significant impact or represents a significant deviation from the plans upon which the zone is based shall be referred back to the BOT for its review and consideration. The BOT shall determine whether said changes require amendments to the Final Concept Plan.
 - (b) If a preliminary subdivision and/or site plan for either a phase or for the zone in its entirety is not submitted within one (1) year of the date the ADD is granted, the rezoning shall become null and void and the land which is the subject of the ADD shall revert to the underlying base zone unless the applicant requests an extension from the BOT. Prior to the expiration time period, the Applicant may request from the BOT up to two, one year extensions of time for the submission of a plan and shall state in writing the reasons for said extension. The BOT, in its discretion, may conduct a public hearing and may approve or deny the extension. In making its site plan and/or subdivision determination, the design standards set forth in Article VIII together with all standards set forth in the BOT's floating zone and Final Concept Plan approval shall be applied by the Planning Board.

**Village of Airmont
Table 12: ADD- Airmont Development District**

Uses	Minimum Lot Area	Lot Width (feet)	Front setback (feet)	Required Front yard (feet)	Side setback (feet)	Side yard (feet)	Rear setback (feet)	Rear yard (feet)	Street frontage	Height	Coverage	FAR
Mixed Use Development*	8 acres	350	30	(max) 20	40	20	20	30	250	45	75%	1.5

* Per ADD development regulations in § [redacted] and as defined in Chapter 210, Article XVIII of Village Code.