

**LOCAL LAW #10 OF 2017**  
**AMENDING ARTICLE XI (RAILROAD DISTRICT) OF THE ZONING CODE**  
*(revised 11/30/17)*

Be it enacted by the Board of Trustees of the Village of Irvington that Chapter 224, Zoning, of the Irvington Code is amended as follows:

Section 1: Section 224-3 (Definitions) is hereby amended by adding the following new definition:

LIMITED-SERVICE CARRY-OUT RESTAURANT – An establishment primarily engaged in the on-site preparation and retail sale of “carry-out” food and beverage products from a counter-type installation for consumption off the premises but which may also include the incidental sale of ready-to-consume food and beverages for consumption on the premises. Such establishments shall be limited to specialty delicatessens, coffee shops, ice cream shops and bakeries, but exclude “restaurants” and “formula/fast-food establishments”, as defined in this chapter.

Section 2: Section 224-45 (Purpose of Railroad District) is hereby amended to read as follows (new language in *italics*):

The purpose of the Railroad District is to ensure that the railroad right-of-way and immediately adjacent areas are used in a manner consistent with the Comprehensive Land Use Plan and to prevent obstruction of views of and access to the Hudson River. *Additionally, the regulations for the Railroad District are intended to preserve the exterior appearance of the existing railroad station buildings by allowing for the adaptive reuse of the buildings so that their economic viability will enable the buildings' preservation.*

Section 3: Section 224-46 (Permitted uses; use regulations) is hereby amended by adding a news subsection C, to read as follows:

C. For the Ardsley-on-Hudson train station building, and upon the granting of a special permit by the Planning Board in accordance with § 224-8F and G of this chapter, the following is allowed:

- (1) Permitted uses:
  - (a) Retail stores.
  - (b) Banks.

- (c) United States Post Office.
  - (d) Business, administrative or professional offices.
  - (e) Personal service stores, such as but not limited to barber shops, beauty parlors and tailors.
  - (e) Service establishments furnishing services other than of a personal nature, but not including automobile service.
  - (f) Limited service carry-out restaurants.
  - (g) Outlets and pickup stations for laundries and cleaning establishments, excluding on-site washing or cleaning of wearing apparel or household effects.
  - (h) Accessory uses customarily incidental to a permitted use, but no accessory buildings.
  - (i) Signs, but only in accordance with Article XXIX of this chapter, and consistent with the residential neighborhood and the historic character of the train station building.
- (2) The following uses shall be prohibited:
- (a) Any use that is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes or radiation or that presents a hazard to public health or safety.
  - (b) The use of premises for the operation of any formula/fast-food establishment or any restaurant or food service business providing curb or drive-through service.
  - (c) Any use that includes curb or drive-through service.
- (3) Use regulations.
- (a) The Planning Board shall require that no special permit be issued until the Planning Board is satisfied that:
    - [1] The proposed use will preserve the exterior of the former train station in its entirety and will not require any changes to the exterior of the building other than signs permitted under this chapter, and other than changes that

- will restore the exterior to its original historic character;
  - [2] The proposed use will have a minimal vehicular impact on the surrounding area; and
  - [3] There is adequate off-street parking for the proposed use; and
  - [4] Adequate provision is made for the storage and collection of garbage and recyclables.
- (b) Except for outdoor seating permitted pursuant to § 224-46C(4), all permitted uses shall be carried on in buildings fully enclosed on all sides.
- (c) Parking.
- [1] Parking spaces available to the applicant shall be provided as follows, in addition, if applicable, to the requirements of § 224-55:
    - [a] One space per 100 square feet of medical and dental office space.
    - [b] One space per 150 square feet of any retail store, bank, personal service store, or service establishment.
    - [c] One space per 200 square feet of office space other than medical or dental.
    - [d] One space per post office.
  - [2] Whenever the total calculations for a use produce a fractional space, a full parking space shall be provided.
  - [3] Decks and/or elevated parking structures, or any variation thereof, are prohibited.
- (d) The Planning Board may impose certain conditions on the special permit as it deems appropriate, including requiring renewal of the permit after a certain time period.
- (4) Outdoor seating. The Village Administrator is authorized to issue a revocable

permit for outdoor seating on the property of a permitted limited-service carry-out restaurant or food retail use, subject to the following requirements:

- (a) The permit shall expire on December 31 of the calendar year in which it is issued. It may be renewed annually, subject to the conditions of this subsection.
- (b) An application for outdoor seating shall state the name and address, phone number and e-mail address of the applicant, and the proposed hours of operation of the outdoor seating. If the applicant is not the owner of the premises to which the outdoor seating is accessory, (s)he must provide proof of the property owner's consent to the outdoor seating.
- (c) The applicant must submit, prior to issuance of the permit, a certificate of general liability insurance, covering the outdoor seating area, with a minimum liability limit of \$1,000,000 per occurrence.
- (d) The outdoor seating area shall be conducted only as accessory to a lawfully operating food establishment, and by the entity that operates the establishment.
- (e) The Village Administrator shall grant or deny an application for a permit under this article within 30 days after submission of all the required information and documents, and upon payment of the fee. The permit may include any conditions that the Village Administrator deems to be reasonable and necessary to protect the health, safety and welfare of the public.
- (f) The outdoor seating area must be located immediately adjacent to the west side of the train station building and may not extend beyond the boundaries of the Railroad District.
- (g) No outdoor seating area may be used other than between 8:00 a.m. and 8:00 p.m. on Sunday through Saturday, nor may it be used when the establishment to which it is accessory is not open.
- (h) All food and beverages served at the outdoor seating area shall be prepared or sold within the existing food establishment.
- (i) The outdoor seating area shall be kept neat and clean at all times.
- (j) No outdoor lighting may be used on or for the outdoor seating area except for low-level tabletop lighting.

- (k) No live or mechanical music may be operated or used within or for the outdoor seating area.
- (l) Upon learning that any permittee operating an outdoor seating area has violated any provision of this subsection or the terms and conditions of an outdoor seating area permit or has engaged in any practice that constitutes a danger to the health or safety of any patron or pedestrian, the Village Administrator shall give notice to the permittee to correct such violation or cease such practice within 24 hours. If the permittee fails to comply with such notice, the Village Administrator may suspend the permit for a period not in excess of 30 days, during which time the permittee shall be entitled to a hearing before the Village Administrator, at which the permittee may be represented by counsel, to present evidence in his or her behalf and confront the evidence against the permittee. Within 48 hours after the hearing is closed, the Village Administrator must either revoke the permit or reinstate the permit. In reinstating the permit, the Village Administrator may impose additional conditions related to the violation or improper practice that has been found. If the permittee does not request a hearing, the permit shall be permanently revoked.

Section 4: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 5: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.