

VILLAGE OF AIRMONT

LOCAL LAW NO. _____ OF 2026

**LOCAL LAW TO AMEND VILLAGE CODE AT CHAPTER 210, ARTICLE XIII
(NONCONFORMING USES, BUILDINGS OR LOTS)**

BE IT ENACTED by the Village Board of the Village of Airmont, Rockland County, New York (“Village Board”) as follows:

Section 1. Legislative Intent.

It is the intent of this Local Law to amend the Village Zoning Code at Chapter 210, Article XIII to creates an issue for a legally existing vacant lot or a fully proposed building to provide specific requirements for developing these lots.

Section 2. Authority.

This Local Law is adopted pursuant to Section 10 of the New York State Municipal Home Rule Law.

Section 3. Amendments to Chapter 210.

§ 210-131. Applicability.

This article applies to lots, **vacant lots**, buildings, structures and nonbuilding uses in existence on the effective date of this chapter **and to proposed development of qualifying noncomplying lots and the reconstruction, alteration or enlargement of qualifying buildings or structures, as permitted under this article**. The lawful use of any such premises or uses existing on the effective date of this chapter may be continued although neither such use conforms nor the bulk of the same complies with the requirements, except as hereinafter follows.

§ 210-132. Nonconforming buildings, structures or lots. [Amended 3-3-2025 by L.L. No. 1-2025]

- A. Buildings or structures used exclusively for residential purposes. Any one- or two-family residential building or structure, or building accessory thereto, **subject to this article and** made noncomplying as to bulk by this chapter or any amendment thereof, shall be permitted to comply with the yard and setback requirements as specified for the highest residential district having the same or less lot width. In no event, however, shall the yard and setback requirements of any lot be less than the requirements for the R-15 District. No front setback may in any event be closer to the designated street line than the existing established setback. For any existing building or structure on a lot having less than a one-hundred-foot lot width, the minimum standards will be the same as those specified in Subsection D of this section.

- B. Nonresidential buildings or structures or mixed use residential and nonresidential structures. Normal maintenance and repair, structural alteration in, or reconstruction or enlargement of, a building or structure **and to proposed development of qualifying noncomplying lots and the reconstruction, alteration or enlargement of qualifying buildings or structures, as permitted under this article.** with noncomplying bulk is permitted if the same does not increase the degree of or create any new noncomplying bulk in such building or structure.
- C. Two or more adjoining noncomplying subdivision lots, regardless of ownership, in a subdivision approved by the Airmont (or previously Town of Ramapo) Planning Board shall have three years from the date of filing with the office of the County Clerk to obtain a building permit. Two or more adjoining noncomplying lots in a subdivision approved by the Planning Board and filed with the office of the County Clerk more than three years prior to the effective date of this chapter, or meeting the equivalent requirement of the Town of Ramapo for the three-year period prior to the enactment of this chapter, and in the same ownership, shall not be eligible to receive a building permit. Said subdivision or part thereof shall be resubmitted to the Village Planning Board for approval in accordance with the applicable provisions of this chapter. Any lot in a subdivision approved by the Village Planning Board after the effective date of this chapter, but which is made noncomplying as to bulk by any future amendments of this chapter, shall have three years from the date of filing to obtain a building permit. Noncomplying lots.
- D. Noncomplying lots.
 - (1) A residential lot, **vacant or improved**, separated from any other land in the same ownership and noncomplying as to bulk, whether or not located in and part of a subdivision plat approved by the Planning Board and filed in the office of the County Clerk, and which has a minimum lot width of 100 feet, may be used for a one-family detached residence, provided that such use shall comply with the bulk requirements as specified in the highest residential district having the same or less lot width. Residential lots having less than 100 feet of lot width may also be developed with a one-family detached residence with the following minimum requirements:
 - (a) The minimum width of one required side setback shall be 20 feet for lots in the RR-50, R-40 and R-35 Districts; 15 feet for lots in the R-25 District; and 10 feet for lots in the R-15 District.
 - (b) The total width of both required side setbacks may be reduced nine inches for each foot that the lot width is less than that specified in the bulk table.
 - (c) The minimum front and rear setbacks shall be 30 feet.
 - (d) The minimum lot width and lot frontage shall be 75 feet.
 - (e) The maximum building height shall be 25 feet.
- E. A lot shall not be considered noncomplying with respect to the front setback or front yard requirements of this chapter if said condition is the result of a street right-of-

way widening reservation or dedication, whether in fee or easement, required by the Planning Board at the time of subdivision or site development plan approval.

§ 210-133. Additional considerations. [Amended 3-3-2025 by L.L. No. 1-2025]

- A. Repair and alterations. Normal maintenance and repair of a residential or nonresidential building or structure is permitted if it does not extend the nonconforming use. No extension, alteration or enlargement shall be made to a building or structure occupied by a nonconforming use, nor in a nonconforming building or nonbuilding use except:
 - (1) When required pursuant to an order of a court of competent jurisdiction.
 - (2) To adapt the building or structure to a conforming use.
 - (3) In a building or structure occupied by a nonconforming use or in a nonconforming building or nonbuilding use permitted to extend under Subsection D below of this section.
 - (4) In the case of a building which is located on a noncomplying lot, or noncomplying vacant lot, or proposed development of qualifying noncomplying lots and the reconstruction, alteration or enlargement of qualifying buildings or structures, as permitted under this article, complying with such minimum setbacks as required in § 210-132.D above, such structure may be expanded as long as the structure continues to comply with the established setbacks.
 - (5) When otherwise permitted under this article.
- B. Change of use. Any nonconforming use may be changed to any conforming use or, on application to and with the approval of the Board of Appeals, to any nonconforming use which the Board of Appeals deems to be more similar in character with the uses permitted in the district in which said change of use is proposed. Any nonconforming building, structure or nonbuilding use may be changed to a conforming use, regardless of whether the newly created conforming use is noncomplying as to bulk, subject to approval by the Board of Appeals, and subject to site development plan approval.
- C. Cessation of use. If active and continuous operations are not carried on in a nonconforming use during a continuous period of one year, the building or land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing. The time period set forth herein shall be tolled for any cessation of use pursuant to a court order.
 - (1) "Permitted extension or enlargement" shall mean: In the case of a nonconforming use in a building, the enlargement or extension of such use so as to create additional floor area within any existing building to any portion of the floor area therein not formerly used for such nonconforming use, except where such additional floor area was manifestly designed for such use at the time such use became nonconforming.

(2) In the case of a nonconforming nonbuilding use, the use of any additional land on which no substantial operations were previously conducted, provided that any such extension or enlargement is on the same lot occupied by the nonconforming use on the effective date of this chapter and subject to site development plan approval.

(3) In the case of a building **or proposed building** which is located **or proposed to be located** on a noncomplying lot, complying with such minimum setbacks as required in § 210-132D above, such structure may be **constructed or** expanded as long as the structure continues to comply with the established setbacks.

- D. Damage and destruction. A building or structure occupied by a nonconforming use or noncomplying as to bulk, damaged by fire or other causes to the extent of 75% of last full value as shown in the records located in the Town Assessor's office, excluding the assessed valuation of the land thereof, shall not be repaired or rebuilt except in conformity with the requirements of this chapter. Any building, structure or any part thereof occupied by a nonconforming use or noncomplying as to bulk, which is damaged to an extent less than 75% of last full value as shown in the records located in the Town Assessor's office, excluding the assessed valuation of the land, may be repaired, provided that a building permit is obtained within one year after such damage; otherwise such building, structure or part thereof shall thereafter be occupied only by a conforming use and shall comply with the bulk requirements of this chapter.
- E. Nonconforming open storage yards, outdoor display. Any nonconforming open storage yard or any outdoor display or storage of merchandise which is nonconforming may be continued for one year after the effective date of this chapter.
- F. Nonconforming industrial uses. In any residential district, any nonconforming industrial use may be continued for eight years after the effective date of adoption of this provision of the Airmont Zoning Code (the preceding effective zoning control) or 28 years after the initial establishment of such use or an addition thereto that adds 50% or more to the real value of such use, whichever is the longer period, provided that after the expiration of that period such nonconforming use shall then be terminated.
- G. Modification by Board of Appeals. If an application is made at least six months before the expiration of the period prescribed for termination of a nonconforming use or noncomplying bulk, and the Board of Appeals shall find that the period prescribed is unreasonable or inadequate for the amortization of the special value of the property resulting from such nonconforming use or noncomplying bulk, then the Board of Appeals may grant such an extension of the period prescribed as it shall deem to be reasonable and adequate for such amortization, provided that no such period of extension shall exceed 100% of the period prescribed and that such extension may be granted only once for any use.
- H. Continued use after termination date is a violation. The continuation of a

nonconforming use or noncomplying bulk after the termination date fixed for the same shall constitute a violation of this chapter.

- I. All other noncomplying or nonconforming buildings, structures and lots, shall meet all requirements of the New York State Uniform Fire Prevention and Building Code or successor standards adopted by New York State. Nothing contained in this article or chapter shall authorize or permit the use of any building, structure or lot, or use of land that has any violation or that fails to comply with any other requirement of this chapter.

Section 4. **Tables and Attachments.** The Village Planner is hereby directed to amend and update the table attachments in the Village Zoning Code to reflect the amendments to the District Regulations set forth in this Local Law.

Section 5. **State Environmental Quality Review Act.**

Pursuant to 6 NYCRR 617.4 (2), this Local Law is classified as a Type I action requiring review under the State Environmental Quality Review Act.

Section 6. **Severability.**

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. **Code Preparation**

The Village's Code preparation contractor is authorized, without further action of the Village Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this local law.

Section 8. **Effective date.**

This Local Law shall be effective immediately upon filing with the Secretary of State