

VILLAGE OF AIRMONT

LOCAL LAW v-A1 OF 2025

A LOCAL LAW TO AMEND CHAPTER 210, ARTICLE XIII (NONCONFORMING USES, BUILDINGS, STRUCTURES OR LOTS)

BE IT ENACTED by the Village Board of Trustees of the Village of Airmont (“Village Board”) as follows:

Section 1. Legislative Intent.

It is the intent of this Local Law to ensure efficiency of the Village Code to promote the health, safety and welfare of the Village, its citizens, and land in the Village, as well as to promote consistency of the Village Code with other municipalities in the vicinity of Airmont. The Village seeks to amend the Village Code to maintain the appropriate effectiveness of the Village to facilitate development with respect to disturbance of land within the Village.

Section 2. Authority.

This Local Law is adopted pursuant to the authority in Municipal Home Rule Law § 10.

Section 3. Amendment. Chapter 210-132 is hereby renamed as follows:

§ 210-132. Nonconforming buildings, structures or lots.

D. Noncomplying Lots

1. A residential lot, 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. ~~For all~~ 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.

§ 210-133. **Additional Considerations.**

A. Repair and alterations. Normal maintenance and repair of a building or structure is permitted if it does not extend the nonconforming use. No extension, alteration or enlargement shall be made ~~in~~ 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 of this section.

D. "Permitted extension or enlargement" shall mean:

(1) 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 which is located on a noncomplying lot, 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.

Section 4. State Environmental Quality Review Act.

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

Section 5. Severability.

If any clause, sentence, paragraph, word, section or other part of this Local Law, or the application thereof to any person, entity, or circumstance, shall be determined by any court or tribunal of

competent jurisdiction to be unconstitutional, illegal, invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining provisions of this Local Law or the application thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or other part thereof directly involved in the controversy in which such determination shall have been rendered and the remaining provisions of this Local Law shall not be impaired thereby and such determination. The Village Board of the Village of Airmont hereby declares that it would have passed this Local Law or the remaining provisions thereof had such invalid provision or the application thereof been apparent at the time of enactment.

Section 6. **Code Preparation.**

The Village 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 7. **Effective Date.**

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