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February 13, 2007

*Via Hand Delivery*

Hon. Dennis P. Flood, Mayor  
and Members of the Village Board of Trustees  
Village of Irvington  
85 Main Street  
Irvington, New York 10533

**Re: *Petition for the Creation of a Mixed-Use District and Zoning Map  
Amendment***

Dear Mayor Flood and Members of the Board:

As you are aware, this firm represents Bridge Street Properties, LLC (“Bridge Street”), an organization dedicated to revitalizing the Village of Irvington waterfront through adaptive re-use and appropriately designed mixed-use development. Bridge Street owns five parcels of property totaling 9.06 acres along the waterfront, and has spent the last ten years creating a thriving office community in buildings that once housed industrial uses, and whose historic character has been carefully preserved.

Bridge Street is now seeking further to enhance the Village waterfront and economy in accordance with the updated Village Comprehensive Plan through the mixed-use development of the approximately three-acre parcel that is currently a parking lot. The attached Verified Petition (the “Petition”) proposes both the creation of a new zone, the Mixed-Use District, and a Zoning Map amendment to place that three-acre parcel into this new zoning district. It is Bridge Street’s belief that the proposed rezoning and mixed-use development include numerous public benefits, as discussed further in the Petition.

The Petition and proposed zone text amendment reflect the meaningful discussions that have occurred over the last three years with the Village Board of Trustees, other

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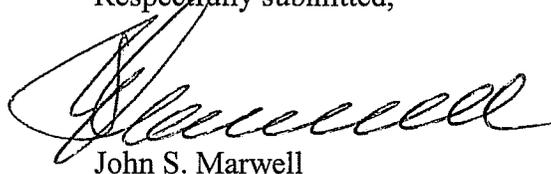
local officials and members of the public. Bridge Street's dedication to the Village of Irvington concerning this proposal is demonstrated not only by its continuing efforts actively to engage the public and Village officials in discussing their visions for the Village waterfront, but also in the way Bridge Street has listened to the community. In direct response to the comments and concerns of the Village Board and members of the public, Bridge Street has adapted its ideas, which are incorporated into the current proposal for the new MU Zoning District.

Bridge Street is appreciative of the Village Board's time and efforts over the last several years in providing constructive suggestions and believes that the Petition and attached proposed zone text amendment reflect the community's vision for the waterfront. The Petition is presented to the Village Board of Trustees with three years of thoughtful consideration behind it, and Bridge Street believes it to be in accordance with the Village's updated Comprehensive Plan and overall best interests.

We also enclose a "Zoning Diagram" for your Board's information, which illustrates the proposed MU Zoning District setback requirements as applied to the three-acre Bridge Street parcel.

We respectfully request that the Board place this matter on the agenda for consideration at its next meeting.

Respectfully submitted,

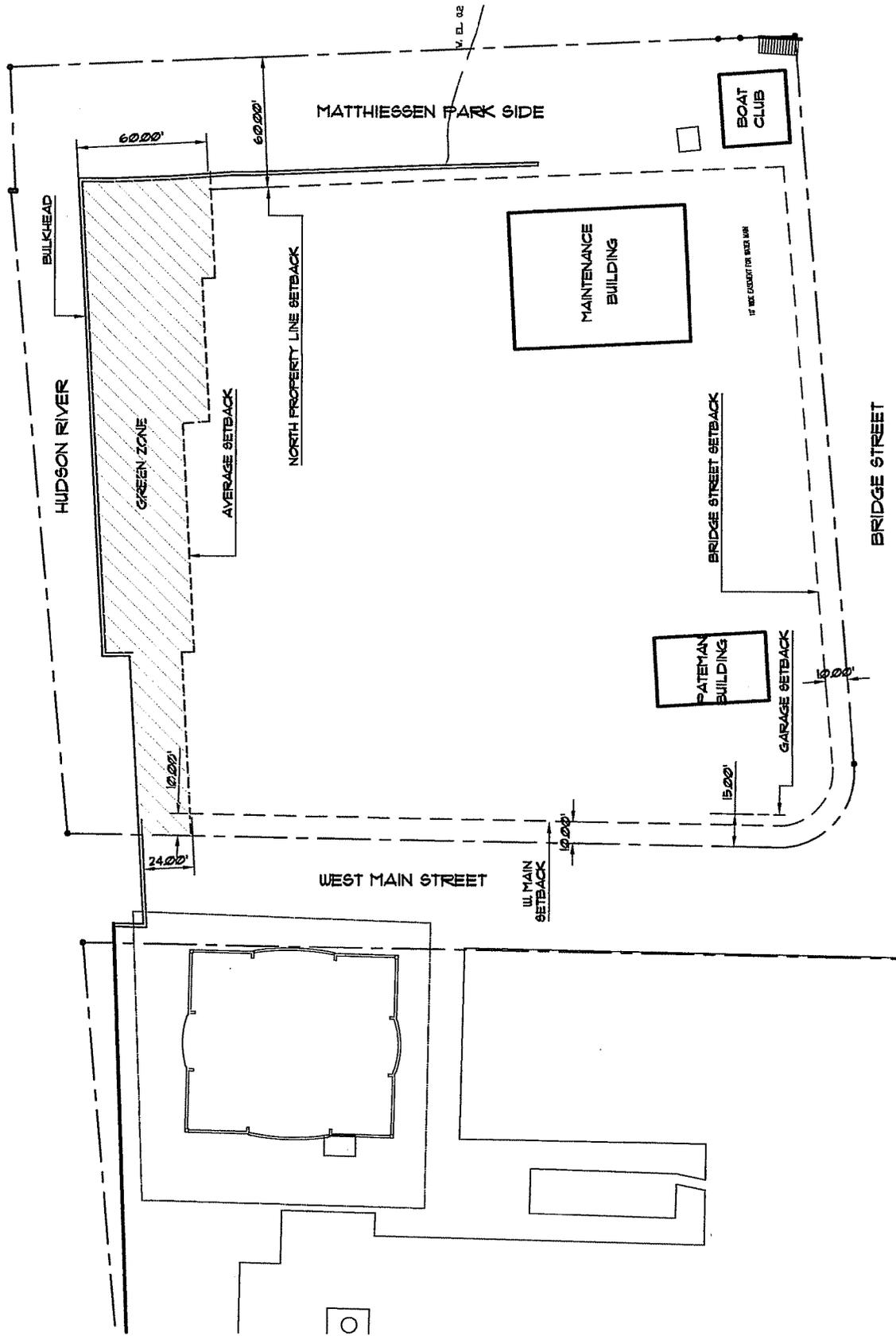


John S. Marwell

JSM/lp

Enclosures

c: Lino J. Sciarretta, Esq., Village Attorney (*via facsimile*)  
Jeffrey Reich (*via First Class Mail*)



N.T.S.

PETER GISOLFI ASSOCIATES  
FEBRUARY 12, 2001

IRVINGTON WATERFRONT

PROPOSED MU ZONE  
ZONING DIAGRAM

SK-1

**VILLAGE BOARD: VILLAGE OF IRVINGTON  
COUNTY OF WESTCHESTER: STATE OF NEW YORK**

-----X  
In the Application of

Bridge Street Properties, LLC

For an Amendment to the Zoning Ordinance and Zoning Map  
of the Village of Irvington pursuant to Section 224-99 of the  
Irvington Code

**VERIFIED  
PETITION**

-----X  
TO THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF IRVINGTON:

The Petitioner, Bridge Street Properties, LLC, by its attorneys Shamberg Marwell Davis & Hollis, P.C., 55 Smith Avenue, Mount Kisco, New York 10549, as and for its Verified Petition, alleges and states as follows:

**I. INTRODUCTION**

1. Bridge Street Properties, LLC (“Bridge Street”) is a limited liability company organized under the laws of the State of New York, with offices at One Bridge Street, Irvington, New York, and submits this Petition pursuant to Section 224-99 of the Village of Irvington Code. Bridge Street is the owner of certain real property located on the westerly side of the railroad right-of-way in the Village of Irvington (“the Village”), totaling approximately 9.06 acres and designated on Irvington Tax Assessment Maps as 55260904-03-0000/P4B, P102, P105, P107 and P109 (“the Bridge Street property”). The Bridge Street property is situated between Matthiessen Park to the north and Scenic Hudson Park to the south and is in the Industrial District “I” Zone.

2. In 2003, the Village revised its Comprehensive Plan with the intention of eliminating Industrial zoning within the Village, recognizing that industrial uses had all but ceased and are incompatible with the future development of the Village. The updated

Comprehensive Plan calls for an improved waterfront with greater public access and adaptive re-use of existing warehouse and manufacturing buildings. The current Industrial District, however, does not allow either residences or parking structures. Bridge Street was asked by the Village to prepare a proposed zoning district which would allow a reasonable development of the property while combining provisions of the I and B Zones, after the Village initially proposed to rezone the Bridge Street property from its present Industrial "I" zoning to Business "B" zoning. Indeed, the Bridge Street property remains one of the last areas to be rezoned where rezoning was recommended in the 2003 updates to the Village's Comprehensive Plan.

3. Bridge Street has been working with Village officials and residents since 2003 to determine the best option for the redevelopment of the approximately 3 acre parcel south of Matthiessen Park designated as parcel P105 on the Village Tax Assessment Maps, (the "Parcel"), approximately one-half of an acre of which is underwater and where a 251-space parking lot and approximately 3,000 square feet of commercial space currently exist on the 2.4 acres of dry land. Over the last ten years, Bridge Street has created a thriving office community on the property that once housed the Lord & Burnham manufacturing complex. Today, two of Lord & Burnham's original buildings totaling approximately 175,000 square feet are used for commercial purposes, making the Property a successful example of adaptive re-use of existing industrial buildings that are a part of the Village's history. In 2002, Bridge Street obtained Site Development Plan approval from the Village of Irvington Planning Board for an additional 25,000 square foot, 3-story commercial building which was built and is occupied, creating a total of approximately 200,000 square feet of commercial space, almost all of which is occupied by businesses for general office purposes.

4. Bridge Street has worked diligently to develop the best solution for the 3 acre parcel that would further the Village's Comprehensive Plan and gain community support. In doing so, Bridge Street has consulted with residents, the Board of Trustees, School Board members, and real estate agents to discuss what it and others envision for the Parcel, including a public meeting held at the public library in June of 2005 where Bridge Street presented its vision for the mixed-use development of the site. Additionally, in June of 2006, the Village Board hosted a community discussion on the Village of Irvington Waterfront and asked participants to focus on the 3 acre Bridge Street Parcel, approximately 2.4 acres of which is an asphalt parking lot (the remaining being under water). Public comment from the Village discussion included, among others, dislike for the current asphalt parking lot in terms of aesthetics and environmental impacts, and the lack of public access to the waterfront. Additionally, participants wished to see the preservation of the historic character of the area by continuing the style and character of Main Street, as well as the creation of a destination point on the waterfront.

5. Both the Village and Bridge Street are extremely aware of the prominent position that the Bridge Street property occupies on the Irvington waterfront. As demonstrated below, the property is currently developed with approximately 200,000 square feet of commercial space, approximately 175,000 square feet of which is adaptive re-use of former manufacturing buildings, while the remaining 25,000 square feet was built to mirror the historic character of the existing buildings, and a 251-space asphalt parking lot. Bridge Street has spent the last ten years creating a successful office community along the waterfront, and has carefully preserved the character of the former industrial buildings. The result is a unique improvement to the Irvington waterfront and economy that demonstrates Bridge Street's dedication to an appropriately

designed and revitalized waterfront.

6. This petition supports and justifies the creation of a new zone - the Mixed-Use District "MU" Zone - to replace the existing Industrial District in accordance with the updated Comprehensive Plan, and for Bridge Street's 3 acre Parcel to be placed in that Zone. The objectives of the MU district would be to revitalize the Village's waterfront as a prime resource for development and recreation by creating an attractive environment consisting of both residential and commercial uses that is consistent with the architecture and pattern of land use along Main Street, while providing direct public access to the waterfront in the form of a pedestrian walkway between Scenic Hudson Park and West Main Street, and from West Main Street to the northwestern portion of the property. Mixed use zones typically promote the well-being of residents by encouraging physical activity, alternative transportation and greater social interaction. As demonstrated further herein, a rezoning is required to best achieve the goals of the updated Comprehensive Plan as well as the goals of the proposed mixed use development as described below. Furthermore, as shown below, Bridge Street believes that potential on-site and off-site impacts will be minimal and can be addressed through both design and mitigation measures.

7. The petition, requested rezoning and Zoning Map amendment are supported by numerous Village benefits, including: revitalizing the waterfront with residences; increasing tax revenues for the Village and the schools; significantly improving existing roads and sidewalks, providing additional parking near the train station; providing parking open to the public on the weekends for the users of Matthiessen Park; providing public access in the form of a public promenade along the waterfront; and constructing a low-density, attractive, development that is

architecturally consistent with the downtown and creates a cleaner, revitalized riverfront in accordance with Irvington's Comprehensive Plan and completing a model for all Hudson River municipalities.

8. Bridge Street believes that the above constitute compelling reasons to rezone the Parcel and these reasons will be explained in further detail herein. This petition is consistent with input and direction received from Village officials and residents. We submit our proposed Mixed Use District believing that the MU District will provide numerous benefits to the Village while mitigating any potential negative impacts.

## **II. HISTORICAL USE OF SITE**

9. Irvington's waterfront was once a manufacturing center, with the Bridge Street property serving as an important source of economic support to the Village. The Bridge Street property was once the production center of Lord & Burnham, the noted American greenhouse manufacturers and builders of major public conservatories in the United States. Today, with industrial uses no longer present along the Village waterfront, the character of two buildings that once housed Lord & Burnham production activities and date to the early 1900's have been largely preserved and with the addition of modern technology currently provide approximately 175,000 square feet of commercial office space to a variety of businesses. The Bridge Street property serves as an excellent example of the type of adaptive re-use along the waterfront that is called for in the Village's updated Comprehensive Plan.

## **III. EXISTING CONDITIONS & FACTORS INFLUENCING DEVELOPMENT**

10. The primary land uses along the Irvington waterfront today are recreational and

commercial. The Bridge Street property totals approximately 9.06 acres and includes five parcels within the Industrial District. The property is situated between Matthiessen Park to the north and Scenic Hudson Park to the south. The Bridge Street property is currently developed with approximately 200,000 square feet of commercial space that is leased to numerous businesses.

11. The 3 acre Parcel is currently within the Industrial District, which prohibits all types of residential uses as well as parking structures, except upon grant of special permit by the Board of Trustees for multi-family housing on the east side of the Railroad District only. *See* Village of Irvington Zoning Code § 224-39(E).

12. The 2003 update to the Village Comprehensive Plan proposed the elimination of the Industrial District, finding that there is no industrial activity presently underway and that the primary land uses along the waterfront are recreational and commercial. Furthermore, the Comprehensive Plan specifically states that industrial uses are incompatible with the development of the Village and the vision set forth in the Plan. Moreover, the Future Land Use Plan, which provides a guide for future growth and conservation in the Village, calls for “Mixed Land Use” of the industrially-zoned districts.

13. The petitioner desires to maintain and enhance the waterfront property as a community resource in Irvington while providing additional housing and commercial opportunities of a nature and density that are appropriate for the specific area. A team of architects has been working for over three years on the Parcel south of Matthiessen Park to create a revitalized waterfront design that produces a natural extension of the Main Street character. The petitioner proposes adding 19 residential units organized in clusters around a central courtyard and approximately 4,000 square feet of retail, service, or other non-residential use

space to the 3 acre Parcel, with minimal river view-shed impact. The petitioner also proposes to provide a public promenade with landscaping along the waterfront connecting West Main Street and Scenic Hudson Park, and from West Main Street to the northwestern point of the property, and a parking structure that will blend into the existing landscape and provide approximately the same amount of parking as the existing 251-space parking lot to meet the needs of the mixed-uses of the entire 9.06 acre privately owned waterfront property.

14. The proposed rezoning would increase the valuation of this parcel and result in more taxes being generated for the Village by an estimated \$600,000 annually.

15. The petitioner believes that the benefits to the Village of the mixed-use rezoning of the Bridge Street Parcel south of Matthiessen Park would include:

- (a) Revitalizing the waterfront with low-density residences that are compatible with the pattern and style of housing along Main Street;
- (b) Increasing tax revenues for the Village and the schools;
- (c) Significantly improving existing roads and sidewalks by way of a \$1.5 million West Main Street and Railroad Way rehabilitation project providing much improved access to both Scenic Hudson and Matthiessen Parks;
- (d) Providing public parking on the evenings and weekends for the users of Matthiessen Park;
- (e) Providing a public waterfront promenade connecting West Main Street to the Scenic Hudson Park, and from West Main Street to the northwestern point of the property;
- (f) Creating a destination point of different land uses and completing Irvington's waterfront as a model for all Hudson River municipalities

#### **IV. DESCRIPTION OF PROPOSED PLAN**

16. The proposed development provides for a mix of residential and commercial uses,

in addition to the commercial use that already exists on the other parcels of the Bridge Street property in the form of business offices. An illustrative rendering prepared by Peter Gisolfi Associates is attached hereto as **Exhibit A**.

17. Nineteen residential units are proposed for the Parcel's 2.4 acres of dry land in the form of "Georgetown-style" brick town houses with built-in garages on the ground level. The residences will be placed in five clustered groupings around an open center courtyard. The townhouses will be in harmony with the type of housing found along Main Street and the petitioner believes that the result would be aesthetically pleasing to the public, especially in comparison with the existing asphalt parking lot. The courtyard will be approximately 10,000 square feet and will be appropriately landscaped. Trees will also be added to increase the overall attractiveness of the site. The townhouses will be bordered to the south by the existing commercial buildings on the other portions of the Bridge Street property, and to the north by the Irvington Boat Club and Matthiessen Park.

18. The proposed commercial uses, representing approximately 4,000 square feet of the proposed development, will be located in one of the five clustered buildings on the ground level facing West Main Street with six residences located above. The commercial uses may include any or all of the following: retail; service establishments furnishing services other than those of a personal service nature; business and professional offices; restaurants, art galleries, and fitness clubs. The building housing the mix of commercial and residential uses will be bordered by the existing commercial buildings to the south and the courtyard to the north. Parking for the non-residential uses will be provided in the proposed on-site parking structure that will also serve as public parking on the weekends and in the evenings for users of Matthiessen Park.

19. The proposed parking structure will be located on the east side of the Parcel, bordered by Bridge Street/Metro-North Railroad and West Main Street. The parking structure will provide approximately the same amount of parking that exists on the current parking lot, but is designed to notch into the existing grade so as to conceal a portion of the structure. The parking will serve the needs of the commercial uses of the Bridge Street Property and will also serve as public parking on weekends and evenings for users of Matthiessen Park.

20. Additionally, no changes are proposed to the Irvington Boat Club, which would border the residential units to the north. Bridge Street currently leases the land to the Boat Club.

21. Based on the scale of the proposed mixed-use development project, the environmental impacts are anticipated to be few. A brief description of these issues follows.

(a) *Views to the Hudson River:* The proposed mixed-use development would comply with the Village Viewshed Protection Ordinance so as to have minimal impact on views of the Hudson River from Main Street and Matthiessen Park. There will also be minimum impact on the views of the Hudson River from Matthiessen Park as a result of the proposed development. Park goers will see no less of a view from the farthest edge of the park, while there will be 1.4 percent less of a view from a middle vantage point in the park, and 5 percent less of a view at the entrance to the park.

(b) *Views to Property from Off-Site:* The petitioner believes that the views of the proposed development from off-site will be aesthetically pleasing, especially in comparison with the views of the existing parking lot, and that the proposed project will add to the overall look and character of Main Street. Trees and other landscaping will be added to the perimeter of the site, as well as the courtyard, to provide some screening of the townhouses and add to the

overall attractiveness of the site and public promenade. The townhouses would be bordered to the south by the existing commercial buildings on the property, and to the north by the Irvington Boat Club and Matthiessen Park.

(c) *Traffic:* Minimal impact on local traffic is anticipated to be generated as a result of the mixed-use development of the Parcel. The proposed townhouses are low in density and homeowners commuting to work in Manhattan will be in very short walking distance to the train station.

(d) *Schools:* Minimal impacts are expected on local school districts due to the low-density housing that is proposed. Increased school tax revenue, however, is expected to be generated from the proposed project.

(e) *Site Disturbance:* The Parcel is currently an impervious surface in the form of a 251-space asphalt parking lot. The proposed project would actually reduce the amount of impervious surface coverage by approximately 20% and would be a mitigation measure in and of itself as to the conditions that currently exist. The proposed project would add vegetation and greenspace to the site where none currently exists.

22. *Conclusion:* Bridge Street has carefully considered the impacts and benefits that would be associated with the re-development of this 3-acre Parcel, approximately 2.4 acres of which is a parking lot and approximately one-half of an acre of which is under water, and believes that the proposed development would be desirable for the Irvington waterfront and would provide many public benefits. Bridge Street anticipates further study of the impacts and benefits during the environmental review process with input from the Village and other interested parties.

## **V. ZONING: CURRENT ZONE VERSUS NEW ZONE**

23. Bridge Street has proposed the creation of the Mixed-Use “MU” District and its application to the Parcel because it believes that the MU District would allow for the creation of the best site plan for the Parcel that would further the objectives of the Village’s Comprehensive Plan and provide numerous benefits to the Village as described herein, including the creation of a public promenade along the waterfront and the extension of the Main Street character down to the waterfront to complete Main Street as a public place. The petitioner believes that the MU District is the best option for the site in light of its industrial history and potential as of right industrial development and its waterfront location. Bridge Street believes that the MU District will become a model for other waterfront municipalities that wish to see adaptive re-use and revitalization of their waterfront property.

24. The Industrial District was determined to be incompatible with the Village’s future development as envisioned in Irvington’s recently updated Comprehensive Plan. There are almost no industrial uses remaining in the Village and yet the Bridge Street Property, representing what is very important and limited waterfront property, remains Industrial in its zoning. Industrial zoning does not allow for public access to the waterfront, residential uses or parking structures and is not practical for the Village’s future.

25. The process of creating the new, proposed zone was shaped by many factors and was driven largely by the desire to extend the character and type of development found along Main Street in a way that would encourage a greater public use and enjoyment of the waterfront while providing additional residences and revitalizing the former industrial areas of the Village.

## **VI. PROPOSED ZONE TEXT AMENDMENTS**

26. In order for the Bridge Street proposal to be feasible, it is necessary that certain regulations regarding density, permitted land uses, and bulk and dimensional criteria be adopted by the Village Board which would permit such mixed-use development.

27. The current Village of Irvington Zoning Code does not allow for the mix of uses of the type proposed. It is respectfully requested that the Village Board adopt zone text amendments to the Zoning Code that create an MU District. Specifically, Bridge Street requests that sections be added so as to provide a variety of mixed uses in the MU District, approximate bulk and area requirements and to provide the necessary density. Attached hereto as **Exhibit "B"** is the proposed zone text amendment to create the MU District and establish standards for site plan applications within the district.

## **VII. SEORA PROCESS**

28. In accordance with the SEQRA regulations, the proposed rezoning is an Unlisted Action, as it does not meet Type 1 Action thresholds.

29. A Short Environmental Assessment Form (Part 1) is attached hereto as **Exhibit "C."**

## **VIII. REQUESTED RELIEF**

30. In order to accommodate the proposed project, Petitioner respectfully requests that the Village Board of Trustees take the following actions:

- (a) Accept this Petition and schedule a public hearing as soon as possible;
- (b) Declare its intention to serve as Lead Agency pursuant to the State Environmental Quality Review Act ("SEQRA") N. Y. ENVTL. CONSERV.

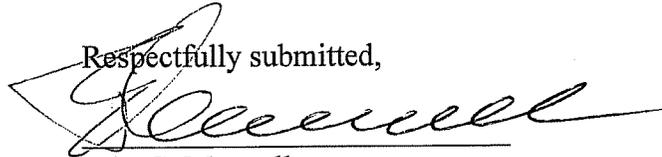
LAW § 8-0101 *et seq.* (McKinney 2007), and adopt a Negative Declaration pursuant to SEQRA;

- (c) Adopt the Zoning Code amendments attached hereto as **Exhibit "B"** to create a Mixed-Use "MU" District; and
- (d) Amend the Zoning Map to include the 3 acre Bridge Street Parcel in that "MU" District, to replace the outdated Industrial District, in accordance with the updated Comprehensive Plan, and to facilitate the mixed-use redevelopment of the Village waterfront.

**WHEREFORE**, it is respectfully requested the instant matter be placed on the next available agenda of the Village Board and be referred to the Planning Board for formal recommendation and that the relief sought herein be, in all respects, granted.

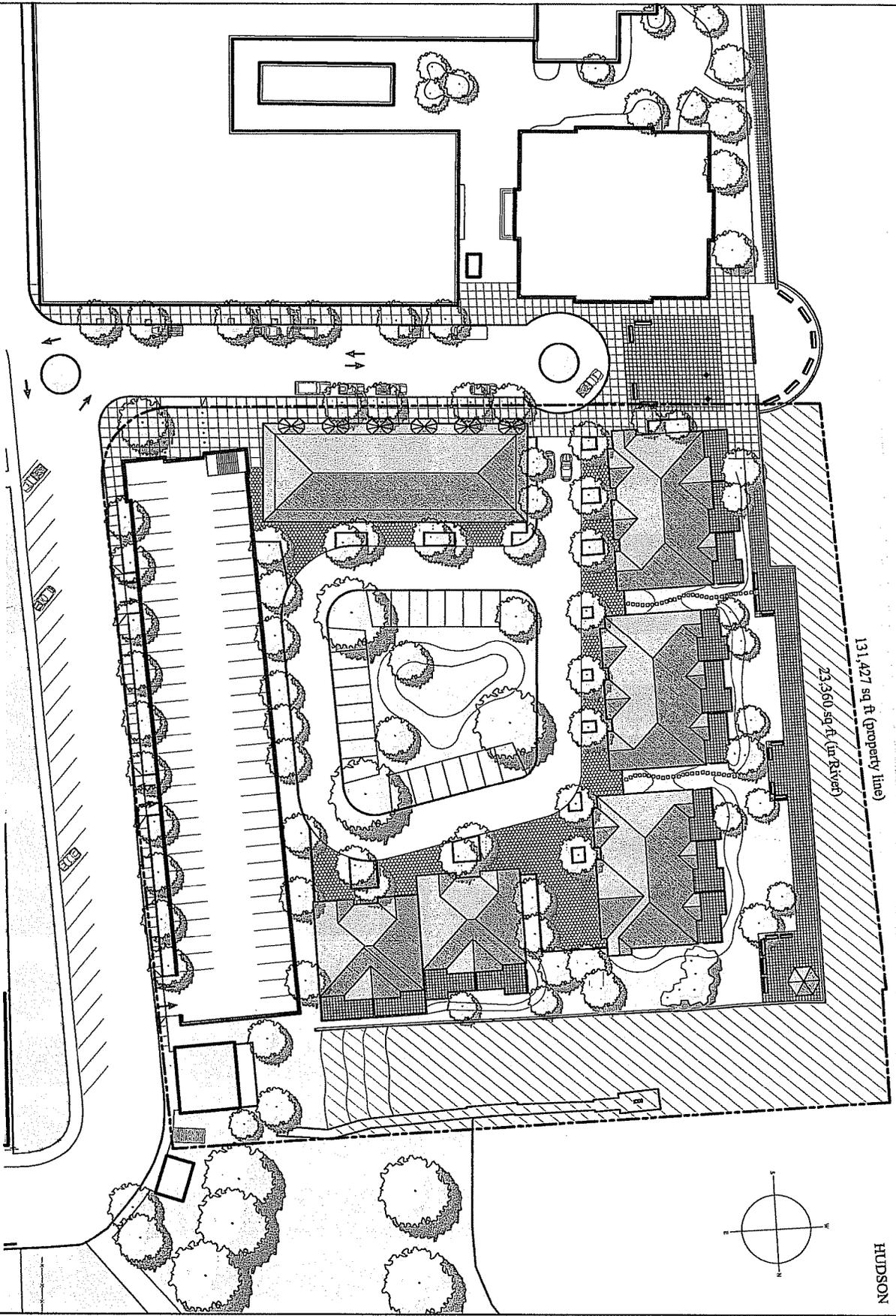
Dated: February 13, 2007  
Mount Kisco, New York

Respectfully submitted,



John S. Marwell  
SHAMBERG MARWELL DAVIS & HOLLIS, P. C.  
Attorneys for Petitioners  
55 Smith Avenue  
Mount Kisco, New York 10659  
(914) 666-5600





131,427 sq. ft. (property line)

23,360 sq. ft. (in River)

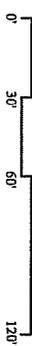
HUDSON

Total Site Area = 131,427 sf (3.017 acres)  
 Site Area Under Water = 23,360 sf (0.536 acres)  
 Total Dry Lot Area = 108,067 sf (2.48 acres)

# Irvington Waterfront

PETER GISOLFI ASSOCIATES  
 Architects • Landscape Architects • Interior Architects

FEBRUARY 13, 2007



ARTICLE X  
Mixed Use District (MU)

**§ 224-39. Purpose and intent.**

The Mixed Use District MU is intended to provide for the use of former industrially-zoned properties located on the Hudson River waterfront north of West Main Street in a manner which maintains the continued vitality of these properties, which is harmonious with the surrounding zoning districts and development, which has no adverse effect on the health and vitality of the Main Street area of the Village, and which accomplishes the objectives of the Village's Comprehensive Plan, most notably view-shed protection and public access to the waterfront.

**§ 224-40. Use regulations.**

- A. No building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:
- (1) Retail stores and banks, whose floor area shall not exceed 5% of the permitted gross floor area of all buildings on a lot.
  - (2) Service establishments furnishing services other than of a personal service nature (such as hairdressers, tailors and shoe repair shops)
  - (3) Business, administrative or professional offices.
  - (4) Restaurants, art galleries and fitness clubs.
  - (5) Public utility installations needed to serve the Village or the neighborhood, subject to a determination by the Board of Appeals that no other reasonable location in a less restricted district can be used for the purpose contemplated and subject, further, to such conditions as said Board may deem to be appropriate for the protection of adjoining uses and of the character of the district. Wireless telecommunication services facilities shall also be subject to Article XXI of Chapter 224, Zoning, of the Village Code.
  - (6) Signs, excluding billboards, awnings and canopies, provided that such signs shall be limited as follows:
    - (a) No more than one such sign shall be permitted for each tenant on the premises, unless for directional or directory purposes.

- (b) The aggregate area of all signs on any wall shall be not greater than one square foot for each horizontal linear foot of said wall or 100 square feet, whichever is less.
  - (c) Such sign or signs shall be applied to the face of the building and shall not project more than six inches beyond the face thereof. No part of any sign, including any illuminating devices, shall project laterally beyond the walls or roof of the building.
  - (d) No sign shall exceed two feet in height.
  - (e) No sign shall contain any lettering more than 18 inches in height.
  - (f) Flashing, moving, changing or intermittently illuminated signs or advertising devices are prohibited.
  - (g) Temporary signs made of cardboard, paper, canvas or similar impermanent materials placed on the outside of any building are prohibited.
  - (h) A lawfully existing nonconforming sign, when once removed, shall be replaced only with a sign conforming to these regulations.
- (7) Accessory buildings and accessory uses customarily incidental to a permitted use.
- (8) Dwelling units, upon grant of a Special Permit by the Board of Trustees in accordance with the procedures specified in § 224-8F of this chapter. Further, the following additional requirements shall be met:
- (a) Density. The number of dwelling units may not exceed one per 5,000 square feet of dry-land area of the lot, calculated from the mean high-water line or bulkhead.
  - (b) Floodplain. Such dwelling units may be located only above the one hundred-year floodplain.
  - (c) Residential floor area as a percentage of gross floor area. The gross floor area of the dwelling units shall not exceed 60% of the permitted gross floor area of all buildings and structures (including parking structures) on a lot.

- (9) Awnings and canopies, subject to the conditions and procedures in Article IX, Business District.
- B. Viewshed protection. As stated in the Village's Comprehensive Plan, the panoramic view of the Hudson River from Main Street and other places contributes to the beauty and character of the Village and should be preserved. Therefore, in order to foster the purpose and intent of the MU District and to implement objectives of the Comprehensive Plan relating to viewshed protection, all development proposed in the MU District shall be sited so as to result in minimum impact upon the viewsheds from Main Street and from Matthiessen Park.
- C. Public access. As stated in the Village's Comprehensive Plan, improving pedestrian access to the Hudson River waterfront is an important objective of the Village. Therefore, in order to foster the purpose and intent of the MU district and to implement objectives of the Village's Comprehensive Plan relating to waterfront access, all plans for future development shall show a dry-land right-of-way or easement for the enjoyment of the public, which easement shall be not less than 9 feet and not more than 12 feet in width traversing the entire length of the western waterfront side of the site. To the maximum extent practicable, said right-of-way or easement shall be integrated so as to create linkages with existing and anticipated public pedestrian systems on adjacent lands.
- D. With the exception of restaurants, all permitted uses, whether principal or accessory, shall be carried on in buildings fully enclosed on all sides.
- E. The following uses shall also be prohibited:
- (1) Any use which is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes, vibration or radiation or which presents a hazard to public health, safety or welfare.
  - (2) The use of premises for the operation of any fast-food establishment or any restaurant or food service business providing curb, drive-through or window-counter service or having more than ½ parking space for each seat therein. Notwithstanding the immediately prior sentence and Subsection D above, the Village Board of Trustees may permit small, seasonal sandwich/snack bars with window-counter service intended for park and waterfront users.
- F. Parking.
- (1) On-site parking spaces shall be provided as follows, in addition, if applicable, to the requirements of § 224-55:

- (a) Two parking spaces per dwelling unit.
  - (b) One space per 300 square feet of retail store or service establishment, restaurant, art gallery, or fitness club.
  - (c) One space per 200 square feet of medical, dental and all other office space.
  - (d) For all other principal uses permitted in the Mixed Use District other than those listed in Subsections A(1), (2) and (8) above, one parking space for each 500 square feet on the first floor and one space for each 375 square feet on the second and any higher floor.
- (2) Parking structures shall be permitted only upon grant of a special permit by the Board of Trustees in accordance with the procedures specified in 228-8F of this Chapter.

G. Loading. Loading spaces shall be provided as follows:

- (1) All office space: none required for floor space up through 25,000 square feet; one space for floor space exceeding 25,000 square feet up through 50,000 square feet, plus one space for each 25,000 square feet, or any portion thereof, thereafter.
- (2) Retail: none required for floor space up through 8,000 square feet; one space for floor space exceeding 8,000 square feet, up through 20,000 square feet, plus one space for each 20,000 square feet, or any portion thereof, thereafter.

H. New construction shall comply with Chapter 124, Flood Damage Prevention, of this code, if applicable.

#### **§ 224-41. Lot requirements**

##### **A. Minimum Lot Size**

The minimum lot size shall be 3 acres as measured within the property line.

#### **§ 224-42. Yard requirements**

A. Along the Hudson River: the purpose of this setback is to establish an open green zone along the Hudson River.

- (1) The open green zone shall be at least 60 feet deep, measured in the west to east direction from the bulkhead nearest Matthiessen Park, and at least 24 feet deep, measured in the west to east direction from the bulkhead at the West Main Street property line.
  - (2) The average depth of the green zone shall not be less than 43 feet deep, measured in the west to east direction from the bulkhead.
  - (3) No structures shall be allowed inside the green zone, except for private terraces, open gazebos, bandstands, or similar open garden structures. Private terraces shall not encroach more than 16 ft from a building's edge into this zone.
  - (4) The open green zone shall be maintained as an open, landscaped area, where common walkways and landscape buffers are permitted.
- B. Along the northern property line: the minimum setback shall be 60 ft from the property line for buildings. No structures shall be allowed within this setback, but private terraces shall be permitted. Private terraces shall not encroach more than 16 ft from a building's edge into this zone.
- C. A minimum 10 foot setback shall be provided along Bridge Street. This setback area shall be maintained for public access and as an open, landscaped area. However, driveways serving as access to parking structures are permitted.
- D. Along West Main Street:
- 1) For any structure except parking garages, there shall be a minimum setback of 10 feet.
    - (a) Such setback area(s) shall be used for a combination of landscaping and sidewalks.
    - (b) Bow or bay windows located on the second or third floors of any structure along West Main Street shall be allowed to project a maximum of 36 inches into the 10 ft set back.
  - 2) Any parking garage structure shall be located at the easternmost edge of the zone and shall have a minimum set back of 15 ft from West Main Street and 10 ft from Bridge Street.
- E. Permitted structures within the setbacks shall be sited so as to result in minimum impact upon the view-sheds from Main Street and Matthiessen Park, and to provide adequate buffering from adjacent land uses.

**§ 224-43. Height, floor area ratio and coverage of buildings.**

**A. Height.**

Subject to other limitations contained in the Yard Requirements, above.

No part of any building shall be erected to a height greater than three stories nor shall such height exceed 35 feet from existing grade.

Bulkheads, facades, parapets and other like objects shall not project more than twelve inches off the facade of any building and at no time cross over the property line of the lot.

The height of a parking structure shall not exceed 28 feet from existing grade, as defined in §224-3. A mechanical and bulkhead area may extend for an additional 7 feet in height but for no more than 5% of the footprint of the parking structure or 600 square feet, whichever is less.

**B. Floor area ratio.**

For all structures, no building or structure shall be erected or enlarged in which the gross floor area shall exceed an FAR of 1.4 (based on the dry land area of the lot, calculated from the mean high water line or bulkhead). All levels of a parking structure, if any, shall be included in the calculation of FAR.

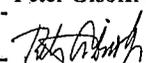
No parking structure shall exceed an FAR of 1.0 (based on the dry land area of the lot, calculated from the mean high water line or bulkhead).

**C. Coverage.**

The sum of all areas covered by all principal and accessory buildings shall not exceed 50% of the dry-land area of the lot, and the sum of all areas covered by all principal and accessory buildings, parking and driveways shall not exceed 80% of the dry-land area of the lot, calculated in both cases from the mean high-water line or bulkhead.

**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR Peter Gisolfi Associates for Bridge Street Properties	2. PROJECT NAME Petition to Create MU Zoning District and Amend Zoning Map	
3. PROJECT LOCATION: Municipality <u>Irvington, NY</u> County <u>Westchester</u>		
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) The parcel is bounded on the south by West Main Street, on the west by the Hudson River, on the north by the Hudson River and the Irvington Boat Club, and on the east by Bridge Street.		
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration		
6. DESCRIBE PROJECT BRIEFLY: The applicant is petitioning for an amendment to the Zoning Ordinance to create a new MU (mixed use) Zoning District and for an amendment to the Zoning Map to place the subject parcel into that Zoning District.		
7. AMOUNT OF LAND AFFECTED: Initially <u>3.0</u> acres    Ultimately _____ acres		
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly		
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: BUSINESS, PARKING		
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:		
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:		
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name:	<u>Peter Gisolfi Associates for Bridge Street Properties</u>	Date: <u>1/26/07</u>
Signature:	 <div style="font-size: small; text-align: center;">           Digitally signed by Peter Gisolfi            DN: cn=Peter Gisolfi, c=US, o=PETER GISOLFI ASSOCIATES,            email=pgisolfi@petergisolfiassociates.com            Date: 2007.02.06 18:04:17 -0500         </div>	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
 NO.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
 NO.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
 NO.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
 NO.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
 NO.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
 NO.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  
 NO.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?  
 Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

1/26/07

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

