Village of Irvington Proposed Zone Change

Planning Analysis

Prepared for:

Village of Irvington Board of Trustees
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TABLE OF CONTENTS

Section **Page**

INTRODUCTION

Purpose of Study……..1

Project Study Area……1

EXISTING CONDITIONS

Existing Land Use ……1

Existing Zoning……1

Environmental Considerations ……3

Utilities ……4

RELEVANT RECOMMENDATIONS OF THE VILLAGE'S COMPREHENSIVE PLAN……5

PROPOSAL

Proposed Zoning……5

Build Out Analysis……6

RECOMMENDATIONS……8

NEXT STEPS……8

INTRODUCTION

Purpose of Study

The purpose of this analysis is to assess the implications and appropriateness of a zoning change contemplated by the Village and to determine if such a change is consistent with the Village's Comprehensive Plan, surrounding land uses and existing uses within the study area. The analysis also addresses whether such a change can be supported from a policy and environmental perspective. The study area currently contains land zoned 1F-20, 1F-10 and 1F-5 and the proposal is to rezone all of the study area to the 1F-40 residential zoning district.

Project Study Area

The Study Area generally consists of land north of Strawberry Lane and Riverview Road , east of Broadway and west of the intersection of Riverview Road with Riverview Court. This Study Area is mapped on Figure 1. The acreage of the study area is approximately 77.4 total acres.

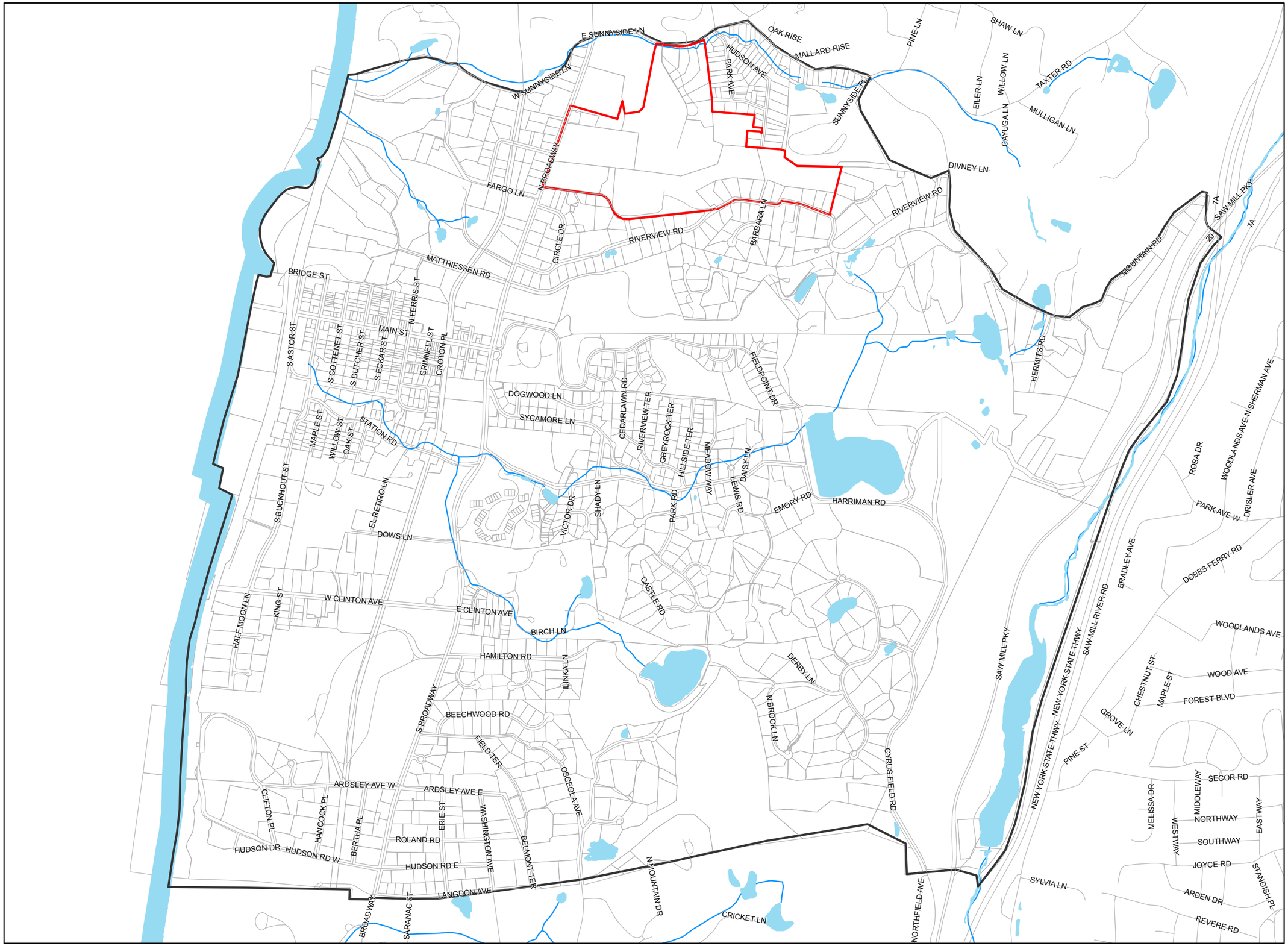
EXISTING CONDITIONS

Existing Land Use

The Study Area has two large current and former institutional uses: the former Abbott House site, which occupies 17.31 acres previously functioned as a school with dormitories, administration buildings and other accessory buildings currently remaining unused on three parcels and the Holy Spirit Association or Moon property, which consists of several parcels north of the Abbott House encompassing just over 26 acres. The Moon property contains an estate house and place of worship as well as, a number of vacant subdivided parcels.

Also within the study area are three office buildings fronting on Broadway with large setbacks and single family residences located on the north side of Riverview Road east of its intersection with Strawberry Lane. These residences are on lots ranging from just under an acre to 0.24 acres (10,454 square feet). This smallest lot is currently undersized for the existing zone. A public park is located at the eastern end of the study area. See Figure 2: Existing Land Use.

Surrounding land uses include a Co-Op multi-family building north of the area on Broadway and single family homes along the north and south sides of Riverview Road, Circle Drive, and along the Barbara Lane and Janet Terrace cul-de-sacs. Additional single family residences zoned 1F-20 are located on the west side of Broadway directly across from the Study Area.



Village of Irvington New York

Study Area

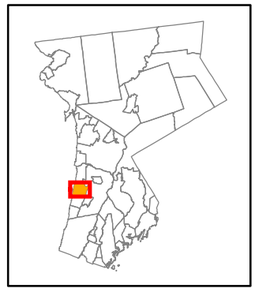
1F-40 Zoning Analysis

Legend

- Study Area
- Village Boundary
- Parcels
- Waterbodies
- Roads

Data Sources:
Westchester County GIS, Irvington GIS

Locus Map



N W E S

0 500 1,000 Feet

Map Number

1

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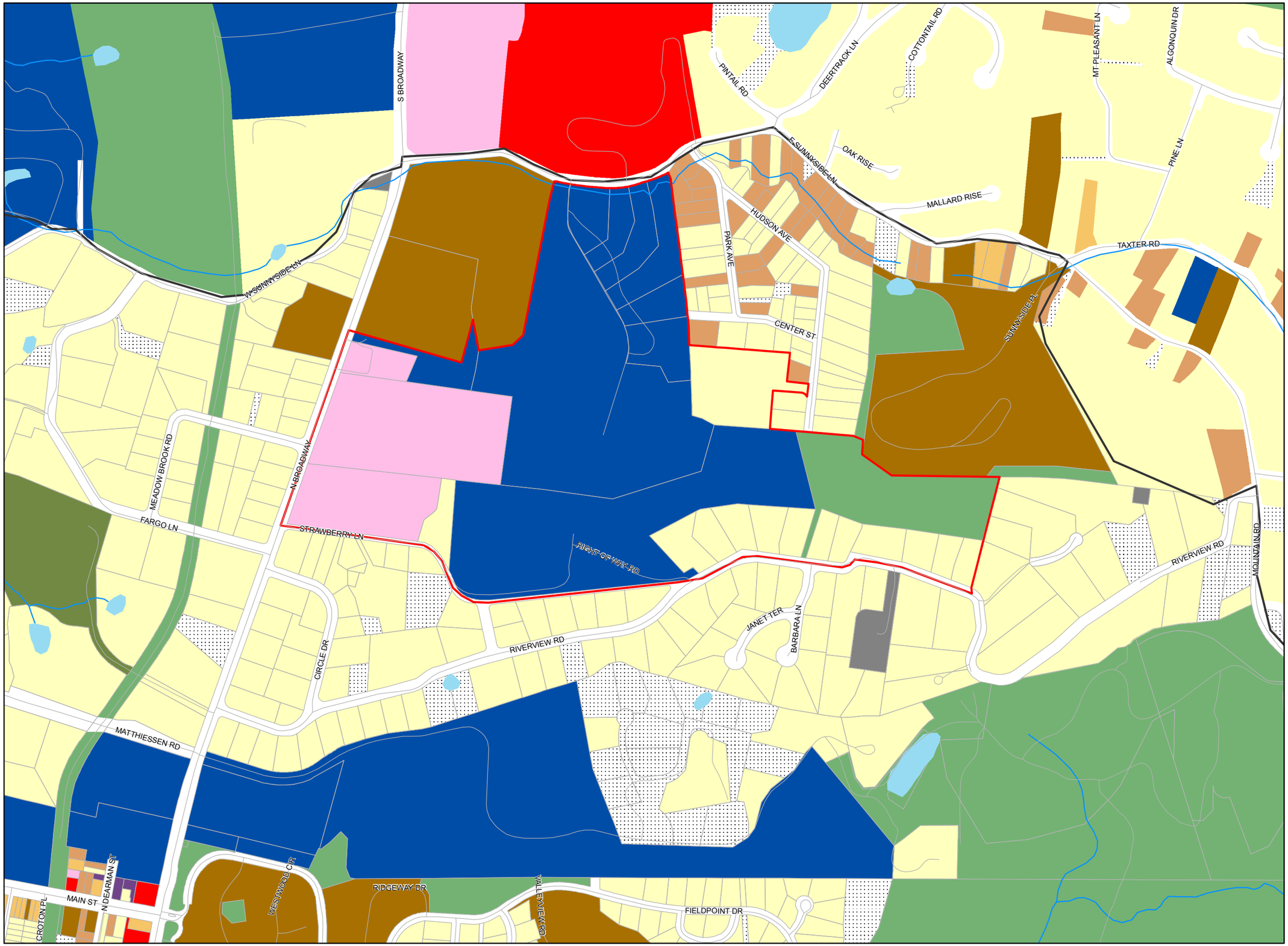
Village of Irvington
New York

Existing Land Use

1F-40 Zoning Analysis



Legend

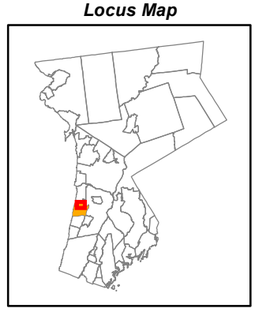
- Parcels
- Study Area
- Village Boundary
- Roads

Existing Land Use

- Single Family Residential
- Two Family Residential
- Multi-Family Residential
- Commercial
- Mixed-Use
- Office
- Parks, Recreation & Open Space
- Estate Residential
- Agriculture
- Public/Quasi-Public
- Industrial
- Utilities/Transportation
- Vacant
- Waterbodies

Data Sources:
Westchester County GIS, Irvington GIS

Locus Map



N W E S

0 250 500 Feet

Map Number

2

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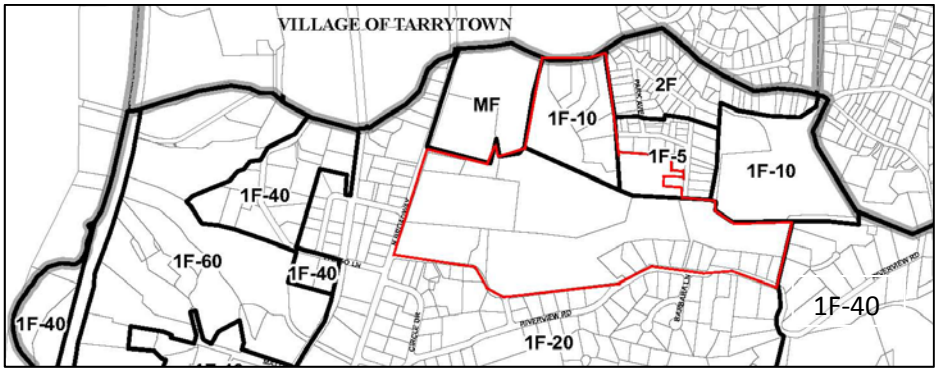
Existing Zoning

As shown in the adjacent figure, the majority of the Study Area (at right, outlined in red) is currently zoned 1F-20 with smaller areas zoned 1F-10 and 1F-5. Based on the existing 1F-20 zoning regulations, single family homes are permitted on lots of at least 20,000 square feet. The yard and coverage requirements in the 1F-20 zoning district are as follows:



Existing Zoning Districts in the vicinity of the study area, with study area shown in red.

Minimum Lot Width: 100 feet

Minimum Lot Depth: 125 feet

Minimum Front Yard: 35 feet

Minimum Side Yard: 15 feet

Minimum Rear Yard: 35 feet

Maximum Building[1] Coverage: 16% of the first 20,000 square feet, plus 6% of the amount by which the area of the lot exceeds 20,000 square feet

In addition to single family homes, properties in the 1F-20 zone with at least 1,000 feet of frontage on the eastern side of Broadway, consisting of at least 480,000 (approximately 11 acres) may be developed with office buildings of a proprietary character occupied by a single owner or tenant and research laboratory building similarly occupied (with conditions). It should be noted that the existing office buildings along Broadway are on lots which do not meet this minimum lot area requirement for the existing 1F-20 zone.

The northern portion of the study area, essentially consisting of the Moon property and extending north to the Village line is currently zoned 1F-10 with a small portion of the study area zoned 1F-5. Single family homes are permitted by the 1F-10 zoning district on lots of at least 10,000 square feet with minimum lot width of 85 feet and minimum depth of 100 feet, and in the 1F-5 zoning district on lots containing at least 5,000 square feet with a minimum lot width of 50 feet and minimum depth of 100 feet. The existing lots comprising the Moon

[1] As per the Village Zoning Code, the term 'Building' includes all above ground materials or construction including signs, fences, walls, swimming pools, antennas and porches. According to the building inspector's interpretation this also includes all paved areas excluding residential driveways.

property all exceed the 40,000 square foot minimum lot size requirement for the proposed zoning.

In addition to single family residences as stated above, below-market-rate, affordable housing is permitted in the 1F-10 zoning district by special permit of the Village Board of Trustees subject to 224-8.D.(6).

Uses allowed in all single family residential zones, subject to Special Permit by the Planning Board, include Places of Worship including parish houses, schools, public libraries, museums, art galleries, community centers, annual membership clubs, agricultural or horticultural buildings and private parks or playgrounds.

Cluster subdivisions are permitted in this and all residential zoning districts subject to a determination by the Planning Board that clustering would better preserve open space and preservation of neighborhood character.

Land to the east of the study area is zoned 1F-40 while land surrounding the study area along the Village's northern border with Tarrytown is zoned 1F-10, 1F-5, 2F and Multi-family (MF).

Environmental Considerations

The study area contains multiple areas with steeply sloped land with slopes as high as 25% in some areas. (See Figure 3: Slopes) Slopes create the potential for erosion and challenges with respect to stormwater management. Based on the required calculation of resource protection land within the Village's zoning code (§224-83), 75% of land containing slopes of 25% or greater and 50% of land containing slopes of 15 -24% are considered "resource protection land" which is subtracted in the calculation of a parcel's Net Lot Area.

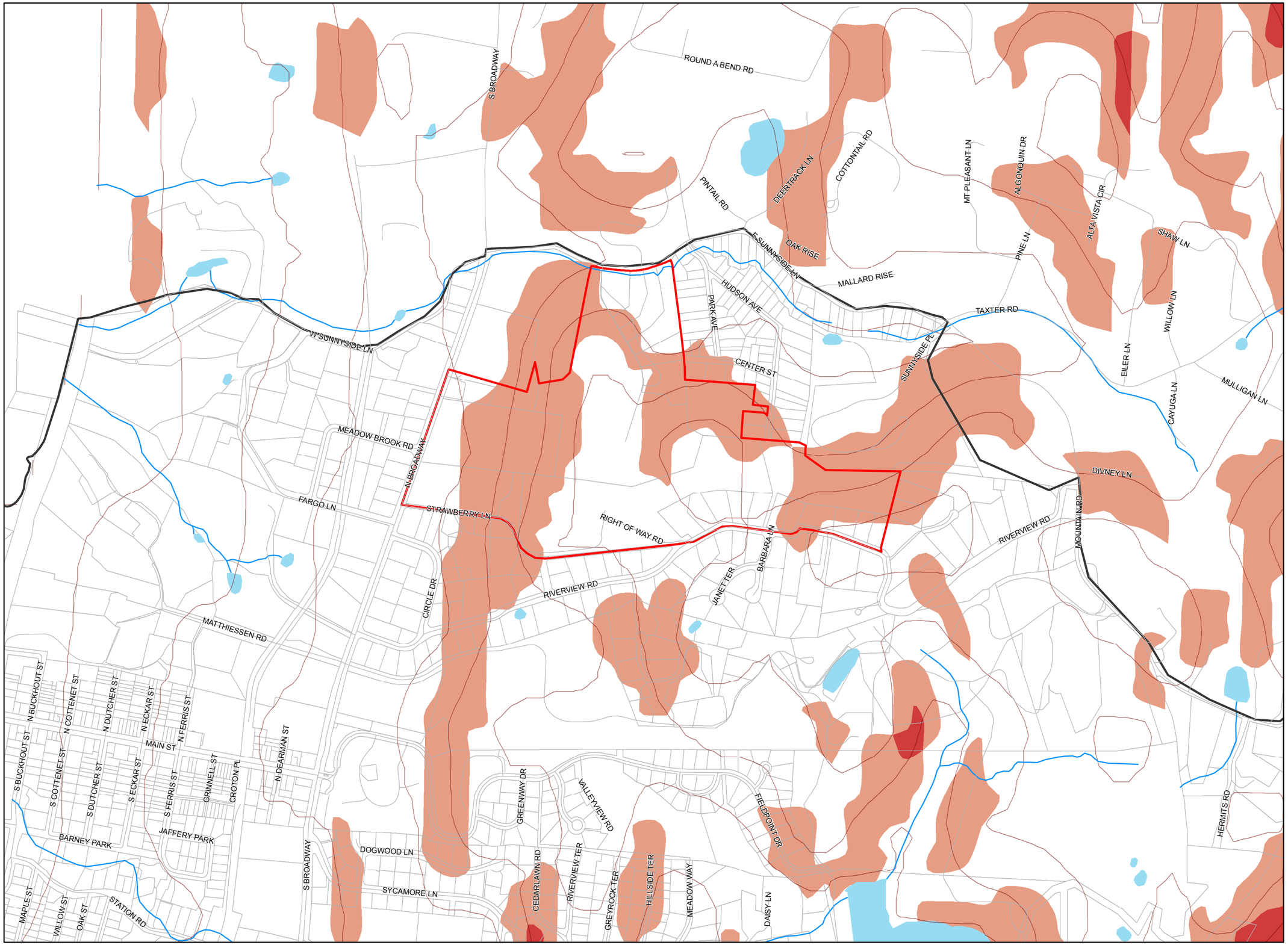
According to the USDA Natural Resources Conservation Service Soil Survey, major soil types of the study area include Charlton Loam (ChC), Charlton- Chatfield Complex (CrC) and Chatfield-Charlton Complex (CsD) which are all similarly rocky, deep, well drained soils. These soils, generally, do not present serious challenges to construction.

The Study Area does not contain any wetland areas. However, a tributary of the Hudson River runs along the south side of E. Sunnyside Lane within the Study Area (See Figure 4: Water Resources). This is a NYS DEC regulated stream. The 100 year flood zone associated with this stream also impacts the Study Area, particularly the Moon properties. Based on Village zoning regulations, an applicant proposing development of land impacted by a flood zone must calculate its net developable lot area using the resource protection formula as described in Section 224-83 of the Village Zoning Code. The total amount of land within the flood zone is 74,348 square feet based on County GIS and our calculations. None of the land within the 100 year flood zone can be used towards lot area calculation.

Village of Irvington New York

Slopes

1F-40 Zoning Analysis

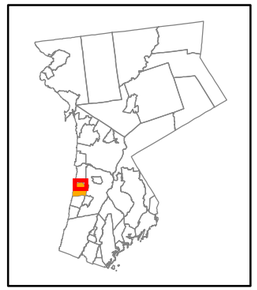


Legend

- Study Area
- Village Boundary
- Parcels
- Steep Slopes 15-25%
- Steep Slopes >25%
- 50 Foot Contours
- Roads

Data Sources:
Slopes & Contours - USGS
Parcels, Boundaries, Roads - Westchester County GIS, Irvington GIS

Locus Map



N W E S

0 250 500 Feet

Map Number

3

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Utilities

Public Water and sewer currently service the entire Study Area. No problems or issues with these systems have been reported in this area to the best of our knowledge. This rezoning proposal has the potential to reduce future demand on water and sewer systems.

RELEVANT RECOMMENDATIONS OF THE VILLAGE'S COMPREHENSIVE PLAN

The Village's 2003 Comprehensive Plan does not discuss specific recommendations for the Study Area, but it does list the land held by the Holy Spirit Association and a number of large privately owned properties as important land about which the Village has concerns about development pressures. The stated goal for these properties is to retain the open character of the sites and only allow development if it is consistent with the surrounding neighborhoods. Other properties discussed include Mercy College, the Foundation of Economic Education (FEE) site on Broadway, Hudson House, Ardsley Country Club and Columbia University's Nevis Labs . Ardsley County Club, Mercy College, Hudson House and Nevis Labs are zoned 1F-80 and REC to protect the open character of the sites. While the Holy Spirit Association and Abbott House lots, two of the larger sites listed at over 17 acres a piece, are zoned 1F-20 and 1F-10. These two properties and the relatively small FEE site are the only properties zoned for density higher than one unit per acre. The Comprehensive Plan concedes (on page 27) that the Village's land use regulations may require updating to ensure that, "…development and conservation advance and are consistent with public goals".

The Village's plan also places strong emphasis on preservation of community character and open space and environmental resources; recommending buffers between scenic and open spaces areas and new development (see page 10 of Comprehensive Plan). This relates to the study area because there is a park at the eastern end and Broadway is defined as a scenic corridor in the Plan to be protected.

Finally, the plan recommends (on page 33) that the Village should seek to increase opportunities for below market rate housing to be developed in the Village. This relates to the Study area because a portion of land zoned 1F-10 is proposed to be converted to 1F-40 and currently the 1F-10 zone is the only zone within the Village to permit below market rate housing. One specific recommendation of the Comprehensive Plan involves expanding the existing special permit provision permitting below market rate housing to other zoning districts. This recommendation could still be implemented to achieve this goal.

PROPOSAL

Proposed Zoning

The Village proposes to rezone the study area to 1F-40. This district requires a minimum lot area of 40, 000 square feet (approximately 1 acre) for single family residences . The yard and coverage requirements for the 1F-40 zoning district are as follows:

Minimum Lot Width: 150 feet

Minimum Lot Depth: 150 feet

Minimum Front Yard: 50 feet

Minimum Side Yard: 25 feet

Minimum Rear Yard: 40 feet

Maximum Building Coverage: 12% of the first 40,000 square feet, plus 4% of the amount by which the area of the lot exceeds 40,000 square feet

Also important is that offices are not permitted in the 1F-40 zone and therefore the existing offices within the Study Area would be made non-conforming uses (they are currently non complying in terms of lot area). This zone also does not permit affordable housing and therefore this rezoning would reduce the Village's available land for affordable housing. However, the other special permit uses discussed above as permitted in the existing zoning, which include Places of Worship, religious or other public or private schools, public libraries, museums, art galleries, communities centers, annual membership clubs, agricultural or horticultural buildings and private parks or playgrounds are permitted in the 1F-40 zoning district as well.

Build Out Analysis

This analysis is included to illustrate the approximate impact of the proposed zoning amendment on the development potential of the Study Area. It is not intended as a precise measure of development potential.

Single Family Residences

A simple calculation demonstrates that under the 1F-20 zoning approximately 32 single family dwelling units could be constructed on the Abbott House land while only approximately 16 could be constructed under the 1F-40. While 15% of the total lot area was subtracted to take roads and other site infrastructure into account, the existing parcel's relatively irregular shape and topography would likely present challenges with respect to access and road layout and therefore the total number of housing units would likely be less.

Using the same simple calculation[2], approximately 47 single family residences could be constructed under the 1F-40 regulations on the total residential land within the Study Area (all lots except the three offices fronting on Broadway and the park). These numbers represent the maximum that could be constructed and include a lot area reduction for land within the flood zone. Road access could also potentially impede development as the Hudson Avenue property has only narrow street access and access from Sunnyside Lane would have to traverse the stream and flood zone.

[2] Total parcel square footage, minus 15% for infrastructure, divided by the minimum lot area requirement.

Non Residential Uses

Based on the 15% maximum building coverage for permitted non residential uses in residential zones, including Places of Worship, schools, libraries, museums, art galleries, community centers or annual membership clubs, approximately 113,103 square feet of coverage would be permitted. If (theoretically) 40% of that coverage is set aside for parking and access drives this leaves approximately 45,241 square feet[3] for primary and accessory buildings on a single floor (or twice as much in a two story building) which could be constructed subject to Special Permit of the Planning Board on the Abbott House Property. This would be the same under both the 1F-20 and 1F-40 zoning districts.

Again the irregular, narrow shape of this parcel would likely limit development based on the zoning requirement for a setback of at least three times the building height to any property line, particularly in the central portion of the lot where other residential lots are located between the Abbott House property and the road. However, if the existing structures are utilized (without expansion) they may be considered existing non conforming structures. This would require an interpretation from the Building Inspector or Zoning Board.

The entire Moon property consists of approximately 25 acres (not including the piece fronting on Broadway which is used solely for access). Using the same coverage and parking assumptions as above, reducing the total lot area for the flood zone, and assuming the existing mansion be removed for a new development, a 122,333 square foot footprint could be constructed[2]. This would also be the same under the 1F-40 zoning regulations.

The existing offices within the Study Area would be made non conforming uses as offices are not currently permitted within the proposed 1F-40 zoning district. The existing building footprints would not be able to be modified for office use without obtaining a variance. These buildings could be redeveloped with one of the permitted uses (Place of Worship, school, library, museum, art gallery, community center or annual membership club) but less overall developmental coverage would be permitted (15% total building coverage permitted by zoning). Given the location of the existing buildings on the lots, the topographical challenges and the required buffering of Broadway, it is unlikely that much additional space, if any could be constructed on the existing lots fronting on Broadway. Office uses would not be permitted on the Abbott House property because it does not have street frontage on Broadway.

The park was not considered developable for purposes of this study.

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[3] This is the total square footage that would be permitted in one or multiple buildings including all impervious surfaces, loading areas, outdoor hardscape, porches, patios or gazebos on one single floor.

RECOMMENDATIONS

We believe the Comprehensive Plan supports the rezoning of the study area parcels from their respective zoning designations to 1F-40, based on the reasons discussed above, including the recommendations for preserving the open space character of neighborhoods, particularly within the Broadway Corridor, as well as around parks and environmental resources. We also believe the zone change would likely reduce impacts to traffic and the existing steep slopes in the event the study area is redeveloped.

However, we recommend the area of the zone change be modified slightly so that residences along Riverview Road are not included because all but one of those homes would be made non conforming which would prevent any future home expansion without obtaining a variance.

We suggest the Village consider permitting offices in the 1F-40 zoning district by Special Permit of the Planning Board with lot size restrictions similar to those which apply to offices in residential districts between Main Street and Clinton Avenue to ensure the existing offices are not made non-conforming in order to encourage their retention. These criteria include a minimum lot size of four acres and 700 feet of street frontage along Broadway (See Section 224-8.D(4)). This would permit offices in other 1F-40 zoned areas of the Village but given the relatively large lot size requirement, we do not believe this would have any negative impacts.

This proposed zoning change will limit the number of permitted uses within the study area. If the Village wishes to attract a tax paying uses to this area they may wish to consider other uses which could be appropriate in this area. It is unlikely that buildings will remain vacant for the foreseeable future. Uses such as day care centers, medical research or outpatient diagnostic facilities could occupy existing buildings within the study area with little noise or impacts to the character of the community.

It is our opinion that the zone change would not require an amendment to the existing Comprehensive Plan.

NEXT STEPS

The next steps, if the Village Board determines based on this report the zone change is appropriate, would be to prepare a local law for these zone changes. Once this is prepared, the Board would need to conduct SEQR for this Action. This process would be initiated by the Village Board declaring itself Lead Agency for the SEQR review of the Action, classifying the Action and preparing an Environmental Assessment Form. We believe this Action would be considered an Unlisted Action under SEQR unless the Village choose to revise the zoning code

to allow offices and other uses in the 1F-40 zone which would cause the Action to be classified as a Type 1 Action under SEQR. A public hearing and a General Municipal Law (GML) review by the County Planning Board are also required prior to adoption of the zone change.