

VILLAGE OF IRVINGTON BOARD OF TRUSTEES
VILLAGE OF IRVINGTON, WESTCHESTER COUNTY,
STATE OF NEW YORK

In the Application of

ASTORBUCK PROPERTIES, LLC

For an Amendment to the Zoning Map of
the Village of Irvington Pursuant to
Section 224-99 of the Irvington Code

VERIFIED PETITION

Petitioner, ASTORBUCK PROPERTIES, LLC ("Petitioner"), respectfully alleges, as follows:

1. The Petitioner is a limited liability company organized under the laws of the State of New York, with offices at 50 South Buckhout Street, Irvington, New York 10533. Petitioner submits this Petition pursuant to Section 224-99 of the Village of Irvington Code ("Village Code") on behalf of its subsidiary companies who own certain real property known as 2 Astor Street, and the adjoining property known as 50 South Buckhout Street (collectively the "Site"). The Site is located on the eastern side of Astor Street, and the western side of South Buckhout Street in the Village of Irvington (the "Village").

2. Unfortunately, the existing on-Site and nearby parking is woefully inadequate to service the existing tenants in the Stanford White Building. There are approximately seventy (70) parking spaces to service the Building's 125,000 square feet of available commercial space. At the request of the Village, Petitioner secured sixty (60) off-Site parking permits from Metro North. Although useful, these year-to-year leases are not sufficient to serve the Site's parking demand. In addition, the leases are subject to revocation or non-renewal after a year should Metro North ever need the spaces.

3. Petitioner, therefore, seeks the ability to increase the available on-Site parking on a permanent basis.

4. The problem Petitioner faces is that the Site is located in two zoning

Districts: the Business (B) District; and the IF-5 Residential District. Although there is ample space on the portion of the Site located within the IF-5 District to develop parking, parking for business uses is not a permitted use in this zone. See Village of Irvington Zoning Code § 224-8. Thus, this "split-zoning" currently precludes Petitioner from constructing a parking lot on the Site's available space to service office tenants in the Business-zoned buildings on-Site.

5. Petitioner, therefore, respectfully submits this Petition to amend the Village Zoning Map to re-zone a portion of the Site, and a single Village-owned adjacent parcel, and incorporate this area into the Business District.

6. The Site consists of two adjacent properties, both owned by Petitioner's subsidiaries: (i) 2 South Astor Street, where Petitioner seeks to develop parking ("2 Astor"); and (ii) 50 South Buckhout Street, upon which the Stanford White Building is located ("50 Buckhout"). In order to access the proposed parking levels, Petitioner would also seek to utilize an undeveloped 2,700 square foot lot owned by the Village which abuts 2 Astor to the north ("Village Parcel"). Use of the Village Parcel would be pursuant to an easement or acquisition of the parcel.

7. 2 Astor consists of approximately .80 acres with the designation on the Irvington Tax Assessment Map ("Tax Map") as volume 2, sheet 07A, block 230 identified as Lots 1 through 6 (account number 2310650), and Lots 16 through 24 (account number 2312850) on map number 2921. The western-most portion of 2 Astor, situated on Lots 1 through 6, contains a three-story, 27,000 square foot vacant structure. These Lots are located in the Business (B) District.

8. Lots 16 through 24, which abut South Buckhout Street, are currently unimproved and overgrown. The adjoining Village Parcel is identified as Lot 25 on the Tax Map. Lots 16 through 24, and the Village Parcel, are located in the IF-5 District.

9. A survey of the Site delineating its existing "split-zoning" is annexed hereto

as Exhibit "A."

10. Petitioner proposes to utilize the existing grade on 2 Astor to develop an uncovered parking lot ("Project"). As currently planned, the Project would create approximately forty-three (43) new parking spaces on-Site. Access to this parking lot would be achieved from the existing driveway at 50 South Buckhout and egress would be into the existing parking lot at his location. This layout would require use of the Village Parcel to gain access to the parking lot. The Proposed Parking Plans, which illustrate these aspects of the Project, are annexed hereto as Exhibit "B."

11. The topographic grade on 2 Astor slopes significantly downward and away from street level. This grade allows Petitioner to position the parking lot below the street grade of South Buckhout Street, and out of sight from neighboring properties. In addition to locating the parking spaces below the street, Petitioner would landscape the streetscape on South Buckhout so as to further screen the view of vehicles parked below.

12. Petitioner has prepared Elevation Profiles and Streetscape Renderings illustrating the views created, which are annexed hereto as Exhibit "C."

13. Petitioner is proposing the Map Change to incorporate a small portion of the IF-5 Residential District into the abutting Business District on the Site. The Map Change would re-designate Lots 16 through 24 on 2 Astor, as well as the Village Parcel, as part of the Business District. The small portion to be incorporated into the Business District is shaded in red on the Survey annexed hereto as Exhibit "D."

14. Petitioner submits that this minor modification to the Irvington Zoning Map will not alter the character of the surrounding neighborhood, and will be consistent with the Comprehensive Plan. The Lots on 2 Astor subject to the Map Change are in single ownership with, and adjoin, Lots 1 through 6 on the Site, which have frontage on South Astor Street. The adjacent 50 Buckhout parcel has been supporting commercial uses since 1895. Rezoning less than a half (1/2) acre of undeveloped property on 2 Astor would not substantially alter the character of

this neighborhood.

15. Moreover, Petitioner's intent is to attract employment opportunities and daytime patrons for local business. This intent is consistent with the policy of the Village's Comprehensive Plan to "create a more cohesive center" of municipal and business activity by developing a "vital, diverse, and historic Main Street and waterfront area contributing to the quality of life for all residents." 2003 Village of Irvington Comprehensive Plan, Introduction, 11.

16. Finally, Petitioner maintains that improving the commercial viability of the Stanford White Building, as well as the overall Site, would increase the property values of adjacent land owners.

17. Attempting to achieve a balance between functionality and aesthetics, Petitioner's design team has identified the following planning issues regarding the potential impacts of the Map Change. Petitioner is committed to working with the Village and the community to address these matters, as well as any other issues the Village deems necessary:

- i. Traffic and Parking: Petitioner has hired Adler Consulting, PLLC, as the traffic consultant on the Project to perform an extensive study on its impacts on parking and traffic conditions in the Business District and the surrounding residential neighborhood. The scope of this study will be set by the Village reviewing agencies, to ensure that traffic operating conditions on Main Street and the surrounding streets will not be significantly affected. Petitioner is committed to ensuring that the Map Change, as well as the related Site Plan Application to develop the Project, would function in a convenient manner for its tenants and neighbors.
- ii. Views to the Hudson River: Petitioner is committed to preserving the views of neighboring residences and preserving the streetscape along the South Buckhout Street. Currently, 2 Astor is overgrown and unmaintained. This growth blocks much of the view to the Hudson River. Petitioner's plan to construct the parking below street grade presents the opportunity to restore some of the viewshed blocked by this overgrowth. Petitioner

would work with the Village to design the parking and the streetscape on South Buckhout to maintain views of the Hudson River, to the maximum extent practical.

- iii. Stormwater: Petitioner has hired Steven A. Costa, P.E., to assess and design the stormwater retention systems on the Site. Petitioner is looking into utilizing alternative stormwater management techniques, such as the use of pervious pavers, to limit the amount of runoff generated by the Project.
- iv. Future Development Impacts of the Map Change: Petitioner, upon information and belief, maintains that incorporating Lots 16 through 24 and the Village Parcel into the Business District would not lead to potential future "overdevelopment" of the Site. The Site's topography and the zoning constraints within the Business District prevent any structures other than a parking facility from being constructed on these Lots. Petitioner recognizes that the Village must assess the full build out potential of these Lots if it approves the Map Change. Petitioner would submit an assessment establishing that the existing bulk and density requirements in the Business District would preclude the development of any new, large commercial structures on the Lots if the Map Change were to be approved.

18. In accordance with the New York State Environmental Quality Review Act ("SEQRA"), the proposed rezoning is an Unlisted Action, as it does not meet the Type I Action thresholds. Accordingly, a Full Environmental Assessment Form Part 1 is annexed hereto as Exhibit "E."

19. In order to accommodate the proposed Project, Petitioner respectfully requests that the Village Board of Trustees, pursuant to Article XX of the Village Code, take the following actions:

- (a) Accept this Petition and refer this matter to the to the Village of Irvington Planning Board for formal recommendation pursuant to Article XX of the Village Code; and
- (b) Declare its intent to serve as Lead Agency under a coordinated review for SEQRA purposes;

(c) Schedule, notice and conduct a public hearing on the Petition as soonas possible; and

(d) Resolve to adopt the Map Change as shown on the Survey annexed hereto as Exhibit "D."

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

Dated: June 13, 2014
Irvington, New York

Respectfully Submitted,

Astorbuck Properties LLC

By: 

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Irvington NY 10533