

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

----- X
In the Application of: :

DeNARDO CAPITAL CORPORATION :

VERIFIED PETITION

For an Amendment to the Zoning Ordinance of the
Village of Irvington Pursuant to Section 224-99 of the
Irvington Code. :

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Petitioner, DeNARDO CAPITAL CORPORATION (“Petitioner”), by its attorneys Zarin & Steinmetz, respectfully petitions the Village Board of Trustees (“Village Board”) of the Village of Irvington, New York (“Village”) as follows:

Summary Of Petition

1. This is a Petition proposing an amendment to the Village Zoning Code: (i) recognizing that an “attached multifamily townhouse development” consisting of multiple buildings containing attached dwelling units are a permitted use in the Village’s Multifamily Residence District (“MF District”); (ii) clarifying how bulk and area regulations apply to such developments; and (iii) modifying regulations pertaining to building coverage and building separation for such developments in order to better reflect the existing pattern of multifamily residential development in the Village as well as its future housing needs, such as increased opportunities for affordable housing. The purpose of this amendment would be to provide greater flexibility in the design and layout of multifamily housing in the MF District within the existing density parameters contained in the Village’s Resource Protection Ordinance.

2. Specifically, Petitioner requests that the Village Board adopt an amendment to Section 224-17 of the Village Code acknowledging that an “attached multifamily townhouse development” is a permitted use in the MF District. The amendment would make clear that a

property containing such use could be subdivided such that all townhouse units are owned in fee simple by separate owners, and all common areas located on the property would be located on a single lot owned and maintained by a Homeowners' Association ("HOA"). Currently, the MF District requires that all buildings containing "Two-family dwellings" and/or "three-or-more family dwellings" be held in single ownership "throughout the life of the building." See Village Zoning Code §§ 224-17(B) & (C). This language, if strictly construed, would prohibit a fee-simple/HOA multifamily development. We submit that this is an undesirable consequence of the existing language in the MF District Regulations since the Village would generate more tax revenue from a multifamily development consisting of numerous units each owned in fee simple, rather than a single ownership building containing rental or condominium units. Petitioner's proposed zoning text amendment would clarify that the fee-simple/HOA townhouse development ownership structure is permitted in the MF District.

3. Similarly, the existing MF District Regulations are unclear as to how area requirements are applied to a townhouse development where each dwelling unit is located on a subdivided lot held in separate ownership. The MF District side yard requirements, for example, mandate that a side yard of at least 50 feet is maintained between lots in the MF District. See id. § 224-19(A). Applying this requirement to each individual lot in a townhouse development would effectively prohibit attached fee-simple units. We submit that this is also an undesirable consequence of the existing language in the MF District Regulations since it is a major impediment to townhouse development. Petitioner's proposed zoning text amendment would clarify that the MF District area regulations, including set back, buffer and building coverage requirements, are applied to the entire building envelope containing the townhouse development, rather than each individual townhouse lot.

4. Petitioner also seeks to modify the applicable building coverage and building separation requirements for townhouse developments to better reflect contemporary trends in housing construction and layout. Presently, the building coverage for multifamily developments in the MF District is limited to 10% of the lot area. See Village Zoning Code § 224-20(B). In addition, each building on a multifamily lot (whether principal or accessory) must be separated by at least 60 feet. See id. § 224-21. In order to comply with the 10% coverage / 60 foot building separation scheme, a property owner seeking to develop a multifamily community would either have to build a tall and monolithic apartment complex, or a small number of multifamily buildings spread over a property. Neither option is consistent with contemporary housing design.

5. Nor is this zoning scheme consistent with the pattern of multifamily development in the Village. Approximate takeoffs based on aerial photography of multifamily developments in the Village indicates that no multifamily community in the MF District complies with the 10% building coverage and/or 60 foot separation distance scheme. (See Survey of Multifamily Developments in Village, annexed hereto as Exhibit “A”). There are 7 multifamily communities located on properties within the MF District. *All* of these communities consist of buildings (as such term is defined in the Zoning Code) covering over 20% of their respective lots. In fact, many contain in excess of 30% building coverage, including at least one community with 39% building coverage. (See id.). The distance between or separation of buildings in all of these communities also does not comply with the MF District regulations. The aerial photographs contained in Exhibit “A” show many buildings separated by less than 10 feet on these properties. (See id.).

6. Petitioner proposes that the Village Board address these inconsistencies between the MF District Regulations and the pattern of multifamily development in the Village by increasing the building coverage requirement for townhouse developments from 10% to 30%, and reducing the building separation requirement from 60 feet to 15 feet. These modifications would better reflect the existing pattern of multifamily development illustrated in Exhibit “A.”

7. Finally, Petitioner proposes to use the Village’s Resource Protection Ordinance to control the density of any “attached multifamily townhouse development.” As the Village Board is aware, the Resource Protection Ordinance utilizes a calculation where various natural, scenic and other resources are subtracted from the base lot area to yield its “site capacity” expressed in number of permitted dwelling units for residential districts. (See id.). In some instances, the existing building coverage and building separation scheme under the current MF District Regulations restricts the number of achievable units to well below the density deemed appropriate under the Resource Protection Ordinance. Utilizing the site capacity calculation to govern density would avoid this potential conflict. In addition, any additional units permitted under the site capacity calculation would potentially facilitate various Village housing initiatives, such as increasing affordable housing options through requiring that a percentage of units in multifamily developments qualify as “fair and affordable housing units.” (See id. Article XXVIII (“Fair and Affordable Housing” Ordinance)).

8. Petitioner recently became aware of the aforementioned impediments to townhouse development in the MF District. Petitioner is the owner of the approximately 4.6 acre property located at 30 South Broadway in the Village, identified on the Tax Map of the Town of Greenburgh, Village of Irvington, as Section 2.90, Block 44, Lot 21, commonly known as the former Foundation for Economic Education site (“FEE Parcel”). Petitioner is also the

contract-vendee of the approximately 1.2 acre property located immediately adjacent to the FEE Parcel, Tax Map of the Town of Greenburgh, Village of Irvington, as Section 2.90, Block 44, Lot 20 (“Lower Parcel,” and together with the FEE Parcel, the “Site”). The Site is located in the Village’s MF District, along the west side of South Broadway.

9. Petitioner believes that the Site presents a viable and important opportunity for residential redevelopment with luxury townhomes, including a significant affordable housing component in accordance with the Westchester County AFFH Marketing Plan. The permitted density of such redevelopment under the Resource Protection Ordinance would be approximately 30 units. Given the size of the Site, an attractive, functional and environmentally sensitive layout can be designed and implemented, while preserving a substantial portion of the Site as open space and buffer area. Petitioner initially estimates that as many as 7 affordable units could be included in a redevelopment of this nature.

10. Pursuing such redevelopment would be consistent with the Village’s articulated planning goals for the Site. In its 2003 Comprehensive Plan, the Village identified “semi-detached (townhouses), and multi-family units” as appropriate housing types for the Site. (See Village 2003 Comprehensive Plan (“Comprehensive Plan”) at 30). Moreover, the Village identified increasing opportunities for the development of “below-market rate housing” as an important planning goal. (See id., at 33). Petitioner is aware that growing the stock of affordable housing in the Irvington has become increasingly more important to the Village in recent years.

11. Prior to pursuing any development at the Site, however, Petitioner requests that the zoning issues identified above be addressed by the Village Board. Petitioner submits that the Board should make clear that fee-simple/HOA townhouse developments are permitted in the

MF District. Such clarification should also ensure that any fee-simple/HOA townhouse development can be carried out in an appropriate, economically viable manner consistent with the Village's multifamily development patterns and identified future housing needs. Petitioner's proposed zoning modifications would not result in a substantial increase in the potential multifamily dwelling density in the Village. Indeed, adjusting the building coverage and building separation controls would actually bring the MF District regulations into conformance with existing conditions that predominate this type of development in the Village. It would also encourage a more diverse housing stock for the Village's residents, including additional opportunities for affordable units. To the extent that any additional density would be allowed, the Village's Resource Protection Ordinance would still control the ultimate number of units permitted on any site. Petitioner, therefore, respectfully submits that adopting a zoning text amendment would be a worthwhile endeavor for the Village Board.

12. Accordingly, for the reasons set forth herein, Petitioner respectfully requests that the Village Board accept this Petition and revise the MF District Regulations as reflected in the proposed zoning text amendment annexed hereto as Exhibit "B" ("Text Amendment").

The Petitioner

13. Petitioner is a domestic corporation organized under the laws of the State of New York, with its principal office located at 116 Main Street, Irvington, New York.

14. Petitioner is the owner of the FEE Parcel.

15. Petitioner is also the contract-vendee of the Lower Parcel.

16. The Lower Parcel is owned by The Theodore L. and Rita McConn Stern Family Trust ("Seller").

**The Text Amendment Is Consistent With The
Village's Planning Goals And Pattern Of Development**

17. Significantly, the clarifications and modifications to the MF District regulations reflected in the Text Amendment would facilitate the Village's goal in the 2003 Comprehensive Plan to update existing zoning provisions so that new housing "mesh[es] with the established settlement character" of the Village. (See Comprehensive Plan, at 27). As shown in Exhibit "A" annexed hereto, the "established settlement character" of multifamily development in the Village is not reflected in the existing MF District Regulations. No multifamily development in the MF District complies with the 10% building coverage limit. Building coverage in the MF District actually ranges from approximately 20.2% at Woodbrook Gardens, to approximately 39.4% at Irvington Estates. In fact, out of the 7 multifamily developments in the MF District, 3 exceed 30% building coverage. (See Exhibit "A," annexed hereto).

18. Nor do most of these communities comply with the 60 foot building separation requirement in the MF District. The aerial photographs included in Exhibit "A" demonstrate that the majority of these developments consist of a series of separate buildings grouped together in very tight configurations where individual buildings on these lots are located within close proximity of each other. (See *id.*).

19. This "established settlement character" of greater building coverage and less separation is also exhibited by several multifamily developments outside of the MF District. Annexed hereto as Exhibit "C" are estimated coverage calculations for properties in the Village's other (non-multifamily) residential districts containing multifamily communities. The building coverages for the majority of these communities exceed 10%, ranging from approximately 17.6% (Harriman Keep) to approximately 26.6% (Field Point 2). Similarly, most

buildings in these multifamily communities are also located within close proximity to each other, and are well under 60 feet apart. (See Exhibit “C”).

20. Thus, the Text Amendment would ensure that the MF District Regulations permit multifamily developments which “mesh with” the pattern of development exhibited by these multifamily communities in the Village. (See Comprehensive Plan, at 27).

21. Another planning initiative identified in the Comprehensive Plan is to “encourage below-market-rate-housing by, for example, increasing allowable density within specific parameters for [such] housing.” (See id., at 9). Current MF District Regulations do not foster this goal effectively. As explained above, the existing zoning scheme does not contain the necessary design flexibility to construct an attractive townhouse development with sufficient density to permit including a sizable affordable housing component in an economically viable manner.

22. Nor does the Village’s “Cluster development” Ordinance achieve such flexibility when the MF District Regulations are applied. The Cluster development ordinance requires that the density of any development not exceed “that permitted in a conventional subdivision” of the subject property. See Village Code § 224-88(D)(1). In the MF District, the lot requirements for “two-or-more-family dwellings” require at least 5,000 square feet for each dwelling unit. See id. § 224-18. A conventional subdivision meeting this requirement with all necessary roads, accessory buildings, setbacks and buffers would yield a development with very limited density.

23. Petitioner’s proposed modifications to the building coverage and building separation requirements in the MF District would facilitate the Village’s affordable housing initiatives by permitting a larger area within which to build additional dwelling units on some lots in the MF District. The additional units which may be constructed would, in turn, increase

the number of required (or volunteered, as the case may be) Fair and Affordable Housing Units under the Village Zoning Code. (See Comprehensive Plan, at 9). In order to ensure that any additional density permitted under the modifications do not exceed levels deemed appropriate under the Village Zoning Code, Petitioner proposes to use the Resource Protection Ordinance to impose a cap on the number of permitted units in any attached multifamily townhouse development. The site capacity calculation would serve as one of the “specific parameters” identified by the Village as necessary to control density while simultaneously encouraging opportunities to increase affordable housing in the Village. (See id.).

24. Utilizing these methods to achieve the Village’s articulated planning goals and housing initiatives support adopting the Text Amendment. The Village Board would be clarifying several notable discrepancies and impediments in the Zoning Code so as to allow future housing proposals in the MF District to “mesh” with the existing multifamily development character in the Village, and provide more opportunities for affordable housing in Irvington. These adjustments, therefore, would be a legitimate use of the Village Board’s legislative authority to further the Village’s “well-considered plan for the development of the community.” See Asian Americans for Equal. v. Koch, 72 N.Y.2d 121, 531 N.Y.S.2d 782, 787-88 (1988); see also Hart v. Town Bd. of the Town of Huntington, 114 A.D.3d 680, 980 N.Y.S.2d 128, 131-32 (2d Dep’t 2014) (upholding rezoning allowing for higher density residential developments as furthering Town’s adopted planning goals to diversify its housing stock and provide affordable housing opportunities for its residents).

SEQRA

25. Pursuant to the New York State Environmental Quality Review Act (“SEQRA”), Petitioner is submitting under separate cover a short Environmental Assessment Form (“EAF”),

prepared by Petitioner's engineering and planning consultant, John Meyer Consulting. In accordance with SEQRA and its implementing regulations, adopting the proposed Text Amendment is an Unlisted Action, as it does not meet Type I Action thresholds. As the only agency with approval authority over the proposed Text Amendment, the Village Board should serve as the Lead Agency in this matter.

26. Petitioner respectfully submits that a focused SEQRA review will prove that adopting the proposed Text Amendment would not result in any significant adverse environmental impacts. As a legislative action that would not commit the Village "to approve any application made under such amendments or to follow any course of future decisions," the Village Board's inquiry under SEQRA should focus specifically on whether the proposed modifications to the MF District would open the door for development that is inconsistent with the pattern of development in Irvington, or its future planning goals. See People for Westpride, Inc. v. Bd. of Estimate of the City of New York, 165 A.D.2d 555, 568 N.Y.S.2d 732, 734 (1st Dep't 1991) (upholding Negative Declaration issued for New York City zoning amendments, despite claims of illegal segmentation by opponents of the Trump City project alleging that the amendments were "intended to facilitate the development of the Trump City site"). As stated above, and as Petitioner maintains will be established through more detailed assessments during the SEQRA review, the adjustments to the MF District Regulations proposed in the Text Amendment would not change such pattern in the MF District.

27. Any specific development proposals submitted after the Village Board enacts the proposed legislation contained in the Text Amendment would be subject to comprehensive evaluations of potential aesthetic, stormwater management, traffic and other impacts occurring during site-specific SEQRA and Site Plan Application reviews. To the extent that the Village

Board believes evaluating potential site-specific post-legislative enactment development is required at this juncture, only “a generalized discussion of possible environmental impacts” of such development is necessary. See Vill. of Tarrytown v. Planning Bd. of Sleepy Hollow, 292 A.D.2d 617, 741 N.Y.S.2d 44, 49 (2d Dep’t 2002) (citation omitted); cf. NYSDEC The SEQR Handbook, (3d Ed., 2010), at 184 (recognizing that in instances where a zoning petition is proposed to conform a site to changing uses in the surrounding area, it is appropriate for the lead agency to “conceptually review” potential site-specific impacts until a “present plan to develop” the site is prepared). This is the case because the proposed legislation would “not change the environmental standard which must be satisfied before any specific project is approved.” People for Westpride, Inc., 568 N.Y.S.2d at 734.

28. At this point, a “generalized discussion” of site-specific issues should be limited to identifying the full residential build out potential of the area subject to the Zoning Amendment, and evaluating whether such build out would: (1) “conflict with existing uses” in the area; (2) substantially deviate from existing “building bulk form, size, scale, street patterns, setbacks, streetscape elements;” (3) substantially change “natural features or . . . a visual feature” in the Village; (4) result in “substantial changes to historic resources;” (5) result in “significant socioeconomic impacts;” and (6) result in any “substantial changes to traffic” conditions. See Chinese Staff & Workers' Ass'n v. Burden, 88 A.D.3d 425, 932 N.Y.S.2d 1, 7 (1st Dep’t 2011), aff'd, 19 N.Y.3d 922, 973 N.E.2d 1277 (2012) (upholding Negative Declaration issued by New York City Planning Department evaluating zoning amendments intended to “preserve existing neighborhood character and scale by placing height limits throughout, [as well as] creat[ing] opportunities and incentives for affordable housing”).

29. Here, clarifying the parameters of townhouse developments including increasing the allowable building coverage to 30%, and decreasing required building separation requirements to 15 feet, would not result in any significant expansion of the development potential in the MF District. As will be demonstrated during the SEQRA review, the 7 existing multifamily communities in the MF District would gain little, if any, additional buildable area. The minimal number of potential units which could be added would not alter the existing community character, or any of the other factors to be assessed in a “generalized discussion” concerning the build-out potential created by the Text Amendment. See id., 932 N.Y.S.2d at 7.

30. In the context of potential development at Petitioner’s Site, the Text Amendment would not create any entitlements which would negatively impact the existing character of the Village’s MF District. The Text Amendment, we submit, would facilitate the Village’s vision for future development at the Site to include “semi-detached units (townhouses), and multifamily units, or any mix thereof” at a density “as determined in accordance with the Village’s Resource Protection Ordinance.” (See Comprehensive Plan, at 30). Ultimately, any multifamily development at the Site would still be capped by the Resource Protection Ordinance as envisioned by the Comprehensive Plan. The potential additional units permitted by virtue of the Text Amendment would create opportunities for affordable housing.

31. These factors support a conclusion that adopting the Text Amendment would not result in any significant adverse environmental impacts. Such record would justify completing the SEQRA process by issuing a Negative Declaration. See, e.g., Chinese Staff and Workers’ Ass’n. v. Burden, 932 N.Y.S.2d at 7. That determination need not be made until the Village Board, with the advice and assistance of the Planning Board, as well as the Village’s professional staff and consultants, completes the review and analysis of this Petition.

Requested Relief

32. In furtherance of this Action, Petitioner respectfully requests that the Village Board of Trustees take the following legislative steps:

- (a) accept this Petition;
- (b) commence environmental review pursuant to SEQRA;
- (c) designate its intent to serve as Lead Agency for the SEQRA review of these specific legislative proposals;
- (d) refer the Text Amendment to the Village of Irvington Planning Board and the Westchester County Department of Planning for review and recommendations pursuant to Article XX of the Village Code;
- (e) schedule, notice and conduct a public hearing on the Text Amendment as soon as possible; and
- (f) issue a Negative Declaration pursuant to SEQRA, and adopt the Text Amendment.

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

Dated: February 26, 2015
White Plains, New York

ZARIN & STEINMETZ

By: _____


David S. Steinmetz, Esq.
David J. Cooper, Esq.
Attorneys for the Petitioner
81 Main Street, Suite 415
White Plains, NY 10601
(914) 682-7800

VERIFICATION

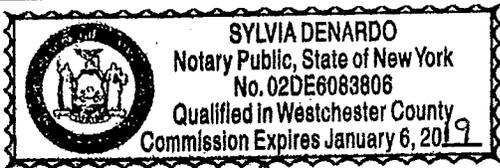
STATE OF New York)
)
COUNTY OF Westchester)

s.s.:

Joseph DeNardo hereby deposes and says that he/she is the Managing Owner of DeNardo Capital Corporation, which is the Petitioner in this proceeding, and says that the foregoing Petition is true to his/her own knowledge, except as to those matters therein stated to be alleged on information and belief and as to those matters he/she believes them to be true.

Joseph DeNardo
Name:

Sworn to before me this 25th day of February, 2015

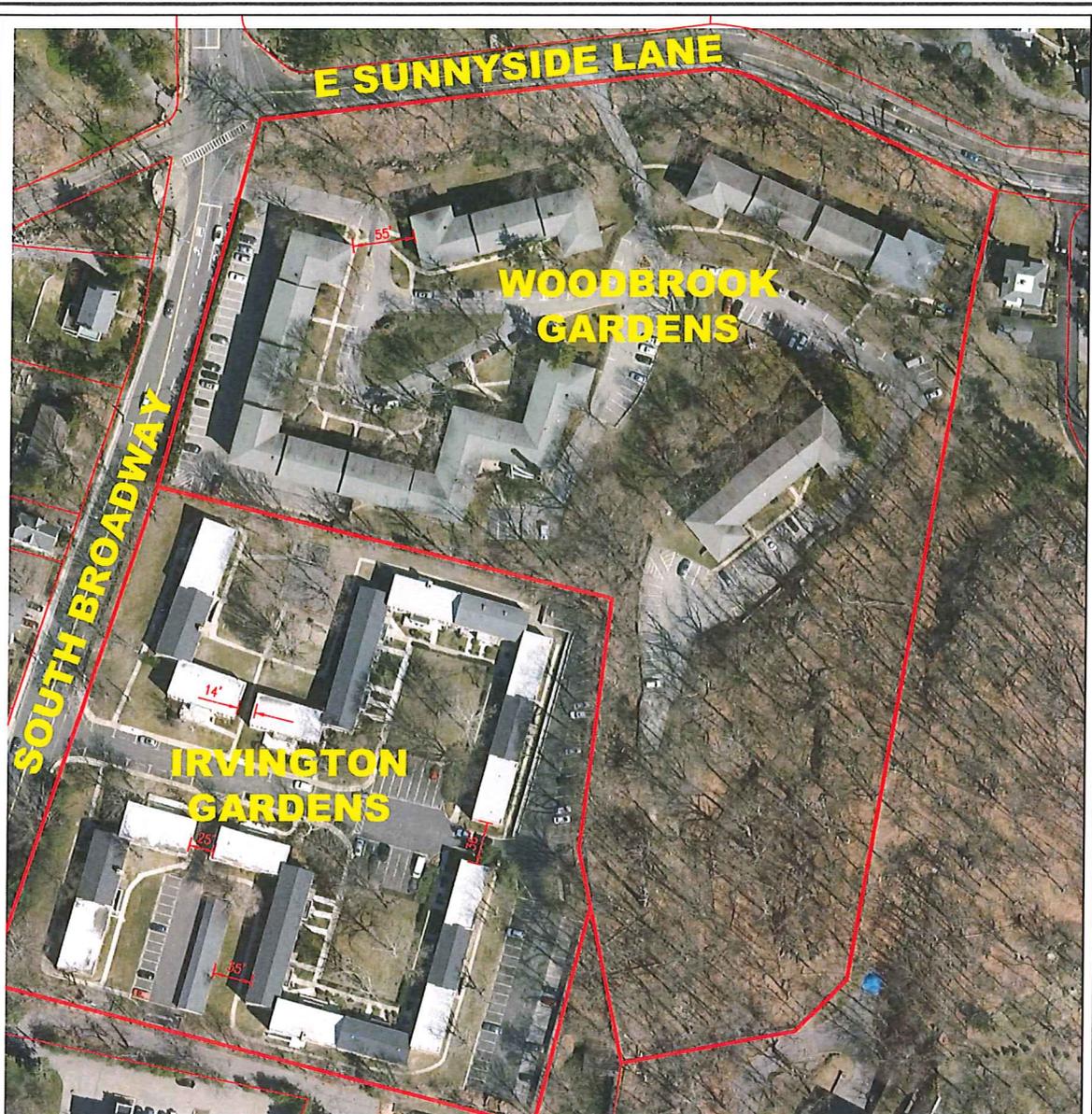


Notary Public
Sylvia Denardo

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EXHIBIT A



COVERAGE CALCULATION	
PROJECT: WOODBROOK GARDENS ZONING DISTRICT: MULTIFAMILY (MF)	
DESCRIPTION	AREA (S.F.)
BUILDING	47,074
SIDEWALKS	6,100
PARKING SPACES	23,328
TOTAL COVERAGE	76,502
SITE AREA = 378,698 S.F. (8.69 ACRES)	
76,502 / 378,698 S.F. = 20.2 % COVERAGE	

30 SOUTH BROADWAY **MULTIFAMILY DEVELOPMENT** IRVINGTON, NEW YORK, 10533

WOODBROOK GARDENS

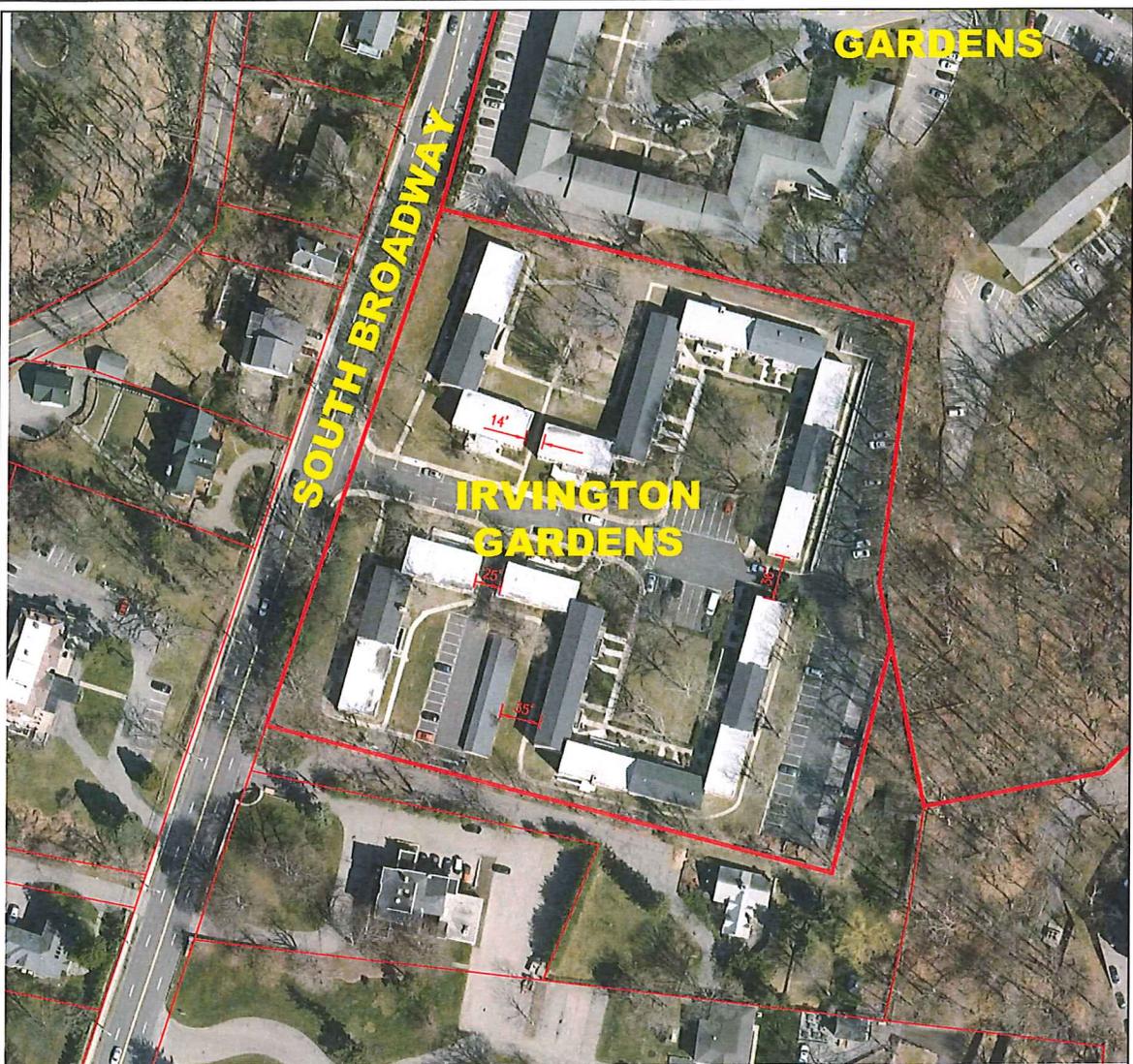
DATE: 02/26/2015 JMC PROJECT: 14059

FIGURE: 5 SCALE: N.T.S.



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COVERAGE CALCULATION

**PROJECT: IRVINGTON GARDENS
ZONING DISTRICT: MULTIFAMILY (MF)**

DESCRIPTION	AREA (S.F.)
BUILDING	41,904
SIDEWALKS	17,324
PARKING SPACES	10,530
RESIDENTIAL PATIO	2,150
TOTAL COVERAGE	71,908

SITE AREA = 221,134 S.F. (5.08 ACRES)
71,9080 / 221,134 S.F. = 32.5 % COVERAGE

30 SOUTH BROADWAY **MULTIFAMILY DEVELOPMENT** IRVINGTON, NEW YORK, 10533

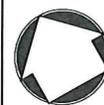
IRVINGTON GARDENS

DATE: 02/26/2015

JMC PROJECT: 14059

FIGURE: 4

SCALE: N.T.S.



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COVERAGE CALCULATION	
PROJECT: IRVINGTON ESTATES ZONING DISTRICT: MULTI-FAMILY RESIDENCE (MF)	
DESCRIPTION	AREA (S.F.)
BUILDING	20,124
SIDEWALKS	5,790
PARKING SPACES	10,872
BASKETBALL COURT	1,815
TOTAL COVERAGE	38,601
SITE AREA = 98,010 S.F. (2.25 ACRES)	
38,601 / 98,010 S.F. = 39.4 % COVERAGE	

30 SOUTH BROADWAY	MULTIFAMILY DEVELOPMENT	IRVINGTON, NEW YORK, 10533
IRVINGTON ESTATES		
DATE: 02/28/2015	JMC PROJECT: 14059	
FIGURE: 1	SCALE: N.T.S.	



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COVERAGE CALCULATION	
PROJECT: CEDARLAWN APARTMENTS ZONING DISTRICT: MULTIFAMILY (MF)	
DESCRIPTION	AREA (S.F.)
BUILDING	45,349
SIDEWALKS	6,804
PARKING SPACES	19,116
TOTAL COVERAGE	71,269
SITE AREA = 315,391 S.F. (7.24 ACRES)	
71,269 / 315,391 S.F. = 22.6 % COVERAGE	

MULTIFAMILY DEVELOPMENT
30 SOUTH BROADWAY IRVINGTON, NEW YORK, 10533

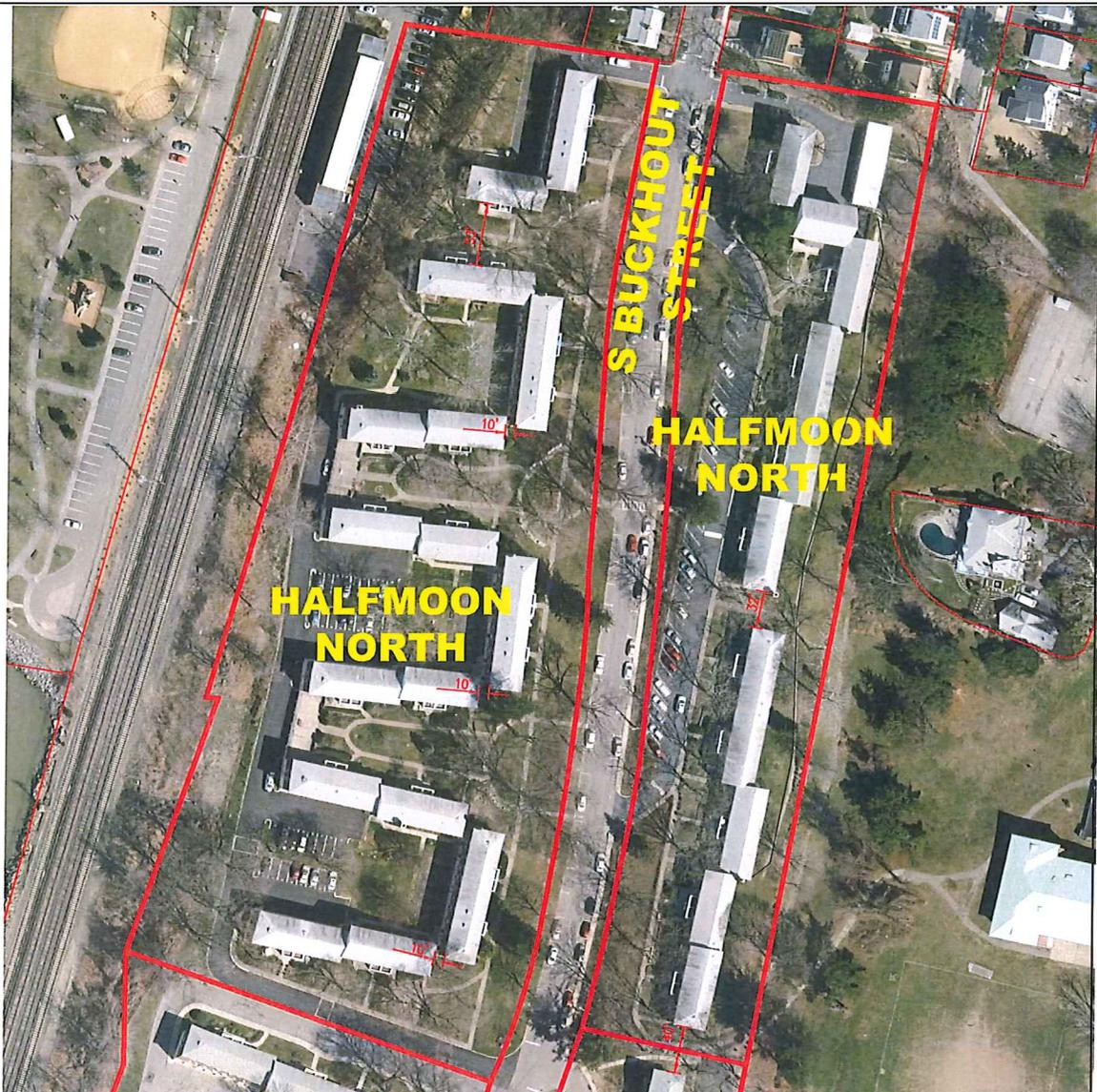
CEDARLAWN APARTMENTS
DATE: 02/26/2015 JMC PROJECT: 14059

FIGURE: 2 SCALE: N.T.S.



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COVERAGE CALCULATION	
PROJECT: HALFMOON NORTH ZONING DISTRICT: MULTIFAMILY (MF)	
DESCRIPTION	AREA (S.F.)
BUILDING	68,630
SIDEWALKS	14,536
PARKING SPACES	11,988
RESIDENTIAL PATIO	8,793
TOTAL COVERAGE	103,947
SITE AREA = 389,885 S.F. (8.95 ACRES)	
103,947 / 389,885 S.F. = 26.7 % COVERAGE	

30 SOUTH BROADWAY **MULTIFAMILY DEVELOPMENT** IRVINGTON, NEW YORK, 10533

HALFMOON NORTH

DATE: 02/26/2015 JMC PROJECT: 14059

FIGURE: 6 SCALE: N.T.S.



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COVERAGE CALCULATION	
PROJECT: HALFMOON SOUTH ZONING DISTRICT: MULTIFAMILY (MF)	
DESCRIPTION	AREA (S.F.)
BUILDING	57,421
SIDEWALKS	15,372
PARKING SPACES	8,424
RESIDENTIAL PATIO	9,226
TOTAL COVERAGE	90,443
SITE AREA = 316,548 S.F. (7.26 ACRES)	
90,443 / 316,548 S.F. = 28.6 % COVERAGE	

MULTIFAMILY DEVELOPMENT	
30 SOUTH BROADWAY	IRVINGTON, NEW YORK, 10533
HALFMOON SOUTH	
DATE: 02/26/2015	JMC PROJECT: 14059
FIGURE: 7	SCALE: N.T.S.



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COVERAGE CALCULATION	
PROJECT: HAMILTON GARDENS ZONING DISTRICT: MULTIFAMILY (MF)	
DESCRIPTION	AREA (S.F.)
BUILDING	15,437
SIDEWALKS	3,816
PARKING SPACES	5,670
TOTAL COVERAGE	24,923
SITE AREA = 65,524 S.F. (1.50 ACRES)	
24,923 / 65,524 S.F. = 38.0 % COVERAGE	

30 SOUTH BROADWAY **MULTIFAMILY DEVELOPMENT** IRVINGTON, NEW YORK, 10533

HAMILTON GARDENS

DATE: 02/26/2015 JMC PROJECT: 14059

FIGURE: 3 SCALE: N.T.S.



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EXHIBIT B

PROPOSED ZONING TEXT AMENDMENT

Article VI of the Village of Irvington Zoning Code shall be amended as follows:

Re-designate the lettering of the following Subsections in the following manner:

Change Subsection 224-17(D) to 224-17(E);

Change Subsection 224-17(E) to 224-17(F); and

Change Subsection 224-17(F) to 224-17(G).

Add a new Subsection 224-17(D) permitting an "Attached multifamily townhouse development" as follows:

- D. Attached multifamily townhouse development in a fee-simple HOA format where the subject property is subdivided such that each townhouse unit is located on an individual lot owned separately by a fee owner, and all common areas on the subject property are located on a single lot owned and maintained by a Homeowners Association. Notwithstanding anything to the contrary in this Chapter, such townhouse development shall be subject to the following regulations:
- (1) The number of dwelling units permitted in the townhouse development shall not exceed the site capacity for the subject property prior to subdivision computed in accordance with Article XV of the Village Zoning Code (Resource Protection).
 - (2) The minimum dimensions of a lot upon which an individual townhouse may be built shall be 16 feet wide by 60 feet deep.
 - (3) Each building on the subject property shall be separated from any other building by no less than 15 feet.
 - (4) The sum of all areas on the subject property covered by principal and accessory buildings (*i.e.*, Building Coverage) shall not exceed 30% of the gross area of the subject property.
 - (5) All yard and/or set back requirements applicable to the townhouse development shall be applied to the subject property as a whole, such that the building envelope containing the townhouse development shall comply with the yard requirements for three-or-more-family dwellings set forth in Section 224-19 of this Chapter, as well as any applicable buffers set forth in Section 224-51 of this Chapter.

EXHIBIT C



COVERAGE CALCULATION	
PROJECT: HARRIMAN KEEP ZONING DISTRICT: ONE FAMILY RESIDENCE (1F-10)	
DESCRIPTION	AREA (S.F.)
BUILDING	19,998
SIDEWALKS	6,772
PARKING SPACES	4,575
RESIDENTIAL PATIO	3,536
TENNIS COURT	6,382
TOTAL COVERAGE	41,263
SITE AREA = 234,577 S.F. (5.38 ACRES)	
41,263 / 234,577 S.F. = 17.6 % COVERAGE	

30 SOUTH BROADWAY **MULTIFAMILY DEVELOPMENT** IRVINGTON, NEW YORK, 10533

HARRIMAN KEEP

DATE: 02/26/2015 JMC PROJECT: 14059

FIGURE: 8 SCALE: N.T.S.



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COVERAGE CALCULATION

PROJECT: RICHMOND HILL
ZONING DISTRICT: ONE FAMILY RESIDENCE (1F-20)

DESCRIPTION	AREA (S.F.)
BUILDING	63,847
SIDEWALKS	640
PARKING SPACES	13,536
POOL	924
POOL PATIO	765
RESIDENTIAL PATIO	15,330
TENNIS COURT	7,720
TOTAL COVERAGE	102,762

SITE AREA = 572,369 S.F. (13.14 ACRES)
 102,762 / 572,369 S.F. = 18.0 % COVERAGE

30 SOUTH BROADWAY **MULTIFAMILY DEVELOPMENT** IRVINGTON, NEW YORK, 10533

RICHMOND HILL

DATE: 02/26/2015

JMC PROJECT: 14059

FIGURE: 13

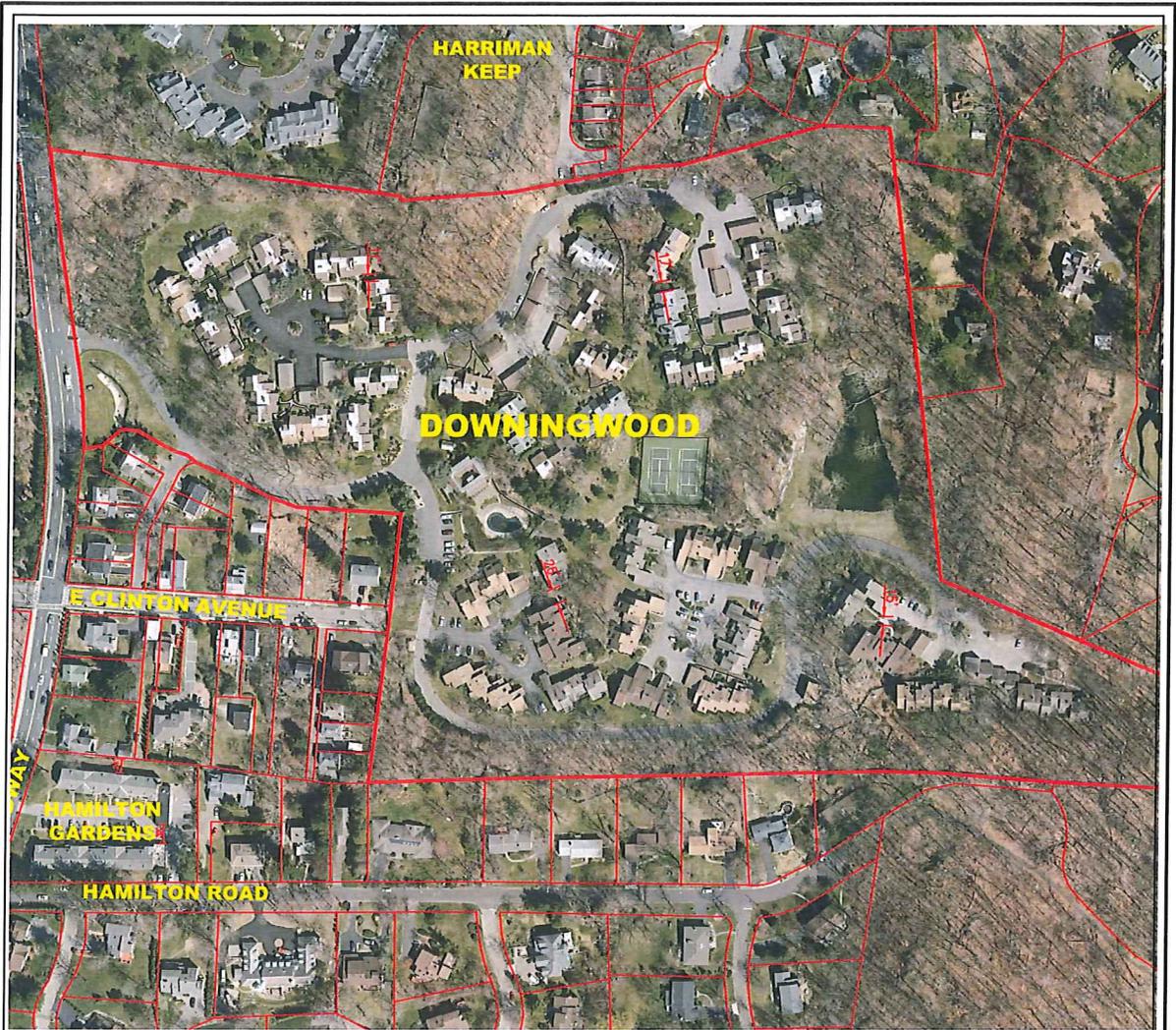
SCALE: N.T.S.



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COVERAGE CALCULATION	
PROJECT: DOWNINGWOOD	
ZONING DISTRICT: ONE FAMILY RESIDENCE (1F-20)	
DESCRIPTION	AREA (S.F.)
BUILDING	188,564
SIDEWALKS	15,857
PARKING SPACES	17,658
POOL	1,459
POOL PATIO	3,398
RESIDENTIAL PATIO	25,580
TENNIS COURT	12,614
TOTAL COVERAGE	265,130
SITE AREA = 1,376,033 S.F. (31.59 ACRES)	
265,130 / 1,376,033 S.F. = 19.3 % COVERAGE	

MULTIFAMILY DEVELOPMENT
 30 SOUTH BROADWAY IRVINGTON, NEW YORK, 10533

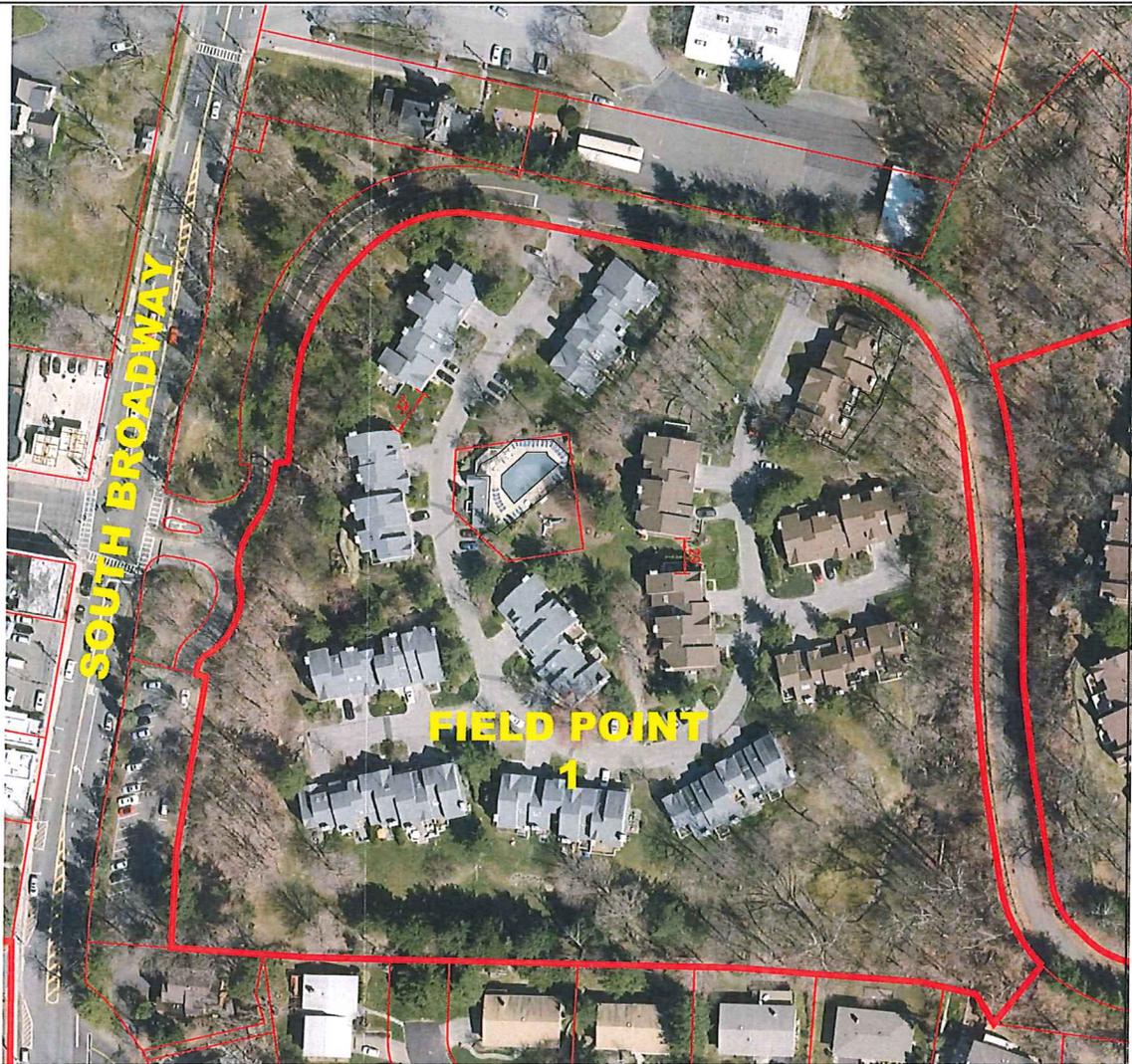
DOWNINGWOOD
 DATE: 02/26/2015 JMC PROJECT: 14059

FIGURE: 12 SCALE: N.T.S.



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COVERAGE CALCULATION	
PROJECT: FIELD POINT 1 ZONING DISTRICT: ONE FAMILY RESIDENCE (1F-10)	
DESCRIPTION	AREA (S.F.)
BUILDING	56,351
SIDEWALKS	2,600
PARKING SPACES	11,664
POOL	1,110
POOL PATIO	1,281
RESIDENTIAL PATIO	11,674
TOTAL COVERAGE	84,680
SITE AREA = 370,638 S.F. (8.51 ACRES) 84,680 / 370,638 S.F. = 22.8 % COVERAGE	

30 SOUTH BROADWAY **MULTIFAMILY DEVELOPMENT** IRVINGTON, NEW YORK, 10533

FIELD POINT 1

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FIGURE: 9 SCALE: N.T.S.



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COVERAGE CALCULATION	
PROJECT: FIELD POINT 2 ZONING DISTRICT: ONE FAMILY RESIDENCE (1F-20)	
DESCRIPTION	AREA (S.F.)
BUILDING	28,440
SIDEWALKS	4,400
PARKING SPACES	5,832
RESIDENTIAL PATIO	7,536
TOTAL COVERAGE	46,208
SITE AREA = 173,784 S.F. (3.99 ACRES)	
46,208 / 173,784 S.F. = 26.6 % COVERAGE	

30 SOUTH BROADWAY **MULTIFAMILY DEVELOPMENT** IRVINGTON, NEW YORK, 10533

FIELD POINT 2

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FIGURE: 10 SCALE: N.T.S.



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**FIELD POINT
3**

COVERAGE CALCULATION	
PROJECT: FIELD POINT 3	
ZONING DISTRICT: ONE FAMILY RESIDENCE (1F-10)	
DESCRIPTION	AREA (S.F.)
BUILDING	24,375
SIDEWALKS	4,250
PARKING SPACES	5,508
RESIDENTIAL PATIO	3,000
TOTAL COVERAGE	37,133
SITE AREA = 351,571 S.F. (8.07 ACRES)	
37,133 / 351,571 S.F. = 10.6 % COVERAGE	

MULTIFAMILY DEVELOPMENT
 30 SOUTH BROADWAY IRVINGTON, NEW YORK, 10533

FIELD POINT 3

DATE: 02/26/2015 JMC PROJECT: 14059

FIGURE: 11 SCALE: N.T.S.



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