VILLAGE OF IRVINGTON
REPORT AND RECOMMENDATIONS TO THE TRUSTEES
IRVINGTON LAND USE REVIEW COMMITTEE

Report of the Irvington Land Use Review Committee prepared with the assistance of Jonathan Barnett, Steven Kent Peterson & Associates and Manuel S. Emanuel Associates.

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I INTRODUCTION:

A. THE APPOINTMENT OF THE IRVINGTON LAND USE COMMITTEE

During the summer of 1986 the Trustees responded to a significant concern on the part of the Village residents which had been growing over a period of time. This concern centered around the rapid pace of growth and change in the Village and raised a number of extremely important questions: Could the character of the Village, the very qualities which were attracting the new development, be maintained as that very development took place? What were the effects that such rapid expansion was having, and would have, on the quality of life which existed in the Village at present, and what could the Village do to maintain and improve that quality of life in the future?

In response to these concerns, the Mayor appointed a Land Use Review Committee in July 1986, composed of the following members; each a long-time resident of the Village or School District.

David Wetherill - former Village Trustee, Chairman
Jan Blaire, Member - Environmental Conservation Board
Patrick J. Gilmartin
Jack Hurson - Village Trustee
Lewis A. Kaplan
Jerry Leitzes
Louis C. Lustenberger
Anne McCarthy
Patrick Natarelli
Wright Salisbury - Planning Board
Robert F. Vagt

B. THE COMMITTEE'S TASK

The Mayor's charge to the Committee, in his August 5, 1986 letter to the Chairman, was to report and make recommendations to the Board of Trustees on the growth management policies the Village should follow in the future. The Mayor said that, in his view, the basic questions to be addressed were:

1. Is the 1979 Comprehensive Land Use Plan still viable?

2. Are Village services satisfactory; will they be adequate to meet the demands of projected growth?

3. Are current zoning requirements in need of revision and change; if so, what amendments are required?

If the character of the Village could be adversely affected by future development not carried out in a manner which would preserve the health, safety and quality of life enjoyed by Irvington residents, the Mayor, and the Village residents at large, were anxious to identify issues and solutions as soon as possible. In particular, there existed in the Village a widely-held desire to ensure the preservation of the goals enunciated in the October, 1979, Irvington Comprehensive Land Use Plan, adopted by the Village Trustees on January 21, 1980.

The Committee believes most of those goals endorsed in the 1979 Plan remain valid today but their achievement is more threatened than it was at that time. Development has occurred well in excess of the rate anticipated by the Plan; and an explosive rise in land values continues to increase the pressure for additional building. The rapid pace of construction means that full development of the Village in accordance with existing zoning might take place far sooner than had been expected, limiting the time available to the Village to responsibly manage such growth, preserve that which cannot be replaced and effectively plan the expansion of the system of municipal services.

C. THE PROCESS

The Committee agreed that all meetings would be open to the public, except on the infrequent occasions when an executive session might become necessary.

From its initial meeting on August 7, 1986, the Committee held a total of 40 public meetings while arriving at the recommendations included in this report. The minutes of these meetings are available to the public and are on file in the Village Clerk's office and in the Village Library.

On September 1, 1986 the Board of Trustees placed a moratorium on building on all parcels of land five acres or larger for six months, to March 1, 1987. That moratorium has subsequently been extended by the Trustees at the request of the Committee, with a current expiration of December 1, 1987.

The Committee concluded early in its deliberations that the issues before it were sufficiently complex that it required assistance from professional consultants. The Committee, after interviews with various consulting firms, recommended to the Trustees that the firm of Jonathan Barnett, Steven Kent Peterson & Associates be retained in association with Manuel S. Emanuel Associates. Mr. Emanuel and his firm are very familiar with planning in Westchester County and have recently completed work on an innovative new zoning ordinance for North Salem. Jonathan Barnett and Steven Kent Peterson have extensive experience nationally in planning and environmental design.

The Trustees approved a contract with the consultants in December 1986. The work program for the consultants was a four-phase process. In the first phase, the consultants made current the technical information in the 1979 Comprehensive Plan report relating to traffic, Village finances and the school system. Then the consultants prepared maps and impact analyses showing what would likely happen if the Village were fully developed in accordance with the existing zoning. The consultants then showed the Committee similar projections for different levels of potential development, and the effect of using different techniques for managing growth and preserving the environment. Finally the consultants worked with the Committee to develop the specific recommendations in this report.

II THE COMMITTEE'S DELIBERATIONS: THE EFFECTS OF NEW DEVELOPMENT

In considering the Mayor's broad questions, the Committee found that it was necessary to examine a host of specific issues buried therein, such as the impact of new development on Village character, on the environment, on traffic, on Village services and on the School District. It required a review of the planning process which now exists, the administration of the subdivision ordinance, the roles of the Architectural Review Board, Environmental Conservation Board, Planning Board and Zoning Board of Appeals.

A. THE CHARACTER OF THE VILLAGE

The Committee began its task with a primary question: what draws new residents to Irvington? What unique physical characteristics does it possess that set it apart from other Westchester communities? What is its human character?

There are many answers, and a few are noted here.

On driving into the Village from any direction, the immediate impression is the tranquil atmosphere created by numerous green spaces. There are no garish strips of commercial development, but well-kept homes - diverse in architecture but blending together in the natural landscape.

As one example, along Broadway from Sunnyside Lane to Langdon Avenue there exists an impressive vista of homes, lawns, churches, Memorial Park, the Nevis property, stone walls dating back to Revolutionary times and towering trees, all combining to present an oasis of beauty.

The Village has Memorial Park and Matthiessen Park with its views of the Hudson, the Aqueduct - one of Irvington's most treasured resources - and access to the Nevis property owned by Columbia University. Irvingtonians are great walkers, and are fortunate to have the Aqueduct, in addition to several minor arteries, as a well-used pedestrian thoroughfare.

The Village woodlands, such as the land around the reservoir and Halsey Pond, represent another characteristic environment, often steeply sloping, with streams and rock ledges, and having heavy tree cover with many old trees - not unlike the landscapes portrayed by painters of the Hudson River School.

The heart of the Village is Main Street, with its unimpeded and breath-taking view of the Hudson flowing past below. The varied architecture of Main Street still has a harmonious character created by small buildings at or close to the building line on a steeply sloping street, with basically uniform height and no obstruction of the view of the Hudson.

An air of warmth and friendliness exists in Irvington that is lacking in many larger communities and in villages where people are not inclined to participate in community life. Residents are willing to devote the time and energy necessary to provide those vital services like the volunteer Ambulance Corps and Fire Department.

The community is still small enough for neighbors to know and greet each other by name. In many ways Irvington evokes the spirit of an earlier America. It may be nostalgic to foster that spirit, but this way of life is still highly desirable. There is a diversity of citizens comprising the retirees and the young, the affluent and moderate income, long-time residents able to trace their roots in the Village back through several generations, and the newer arrivals; and all have a stake in the future.

In summary, what we now possess is worthy of preserving. What we seek is to insure that new development takes place in a way that will preserve and enhance the character of the Village and the health, safety and welfare of its residents, protect environmentally sensitive areas, create new green spaces so that new development is as desirable as the old, and eventually to bring to the newcomers who will reside in this new housing a sense of community with the rest of the Village.

B PROJECTED NEW DEVELOPMENT IN ACCORDANCE WITH CURRENT REGULATIONS AND POLICIES

The Village of Irvington's existing Comprehensive Land Use Plan was prepared in 1979 by a team headed by the firm of Wallace, McHarg, Roberts and Todd and was adopted by the Village Trustees on January 21, 1980 as the Comprehensive Land Use Plan for Irvington.

As is necessary in any planning process, the Irvington Comprehensive Land Use Plan made some statistical predictions about future growth. As of January 1, 1976 the Westchester County Department of Planning estimated that there were 2,052 dwelling units in the Village; and the planning team calculated that the existing zoning permitted a total of 3,303 units, leaving an additional 1,251 units to be built. Of these, only 50 were projected to be built as "multi-family" dwellings, i.e., as other than detached, single-family homes. Based on the then current data, the growth rate assumption used in the Comprehensive Plan was that the Village would not be built out to this zoning capacity until the year 2035. This equates to an average of about 21 new dwelling units per year in the 59-year span 1976-2035. The total population predicted for the year 2035 was 8,588 residents.

The planners took care to point out that this projection might prove to be unrealistic. They noted that the County Planning Department was predicting a growth rate 52% more rapid, i.e., a rate of 32 new units per year between 1976 and 1995 to yield a total of 640 new units by 1995. By that year, the County Planning Department predicted, Irvington would have a total of 2,692 houses and apartments and a population of 7,000. By way of comparison, in July 1987 the County Planning Department's estimate was that on January 1, 1987 Irvington had a total of 2,510 dwelling units, indicating that a total of 458 new units -- or about 42 per year -- have been completed since January 1, 1976. On this basis, growth has been twice as fast as the Planners had been predicting.

After considering the development rate data currently available, the Committee has concluded that the assumption used in the Comprehensive Plan was in fact unrealistic. It believes that the conclusion is inescapable that build-out has occurred, and is continuing, at a rate far faster than was ever contemplated when the Comprehensive Plan was prepared. In addition, as noted below, the Committee's Consultants believe that additional dwellings which existing zoning would allow to be constructed is substantially higher than is assumed in the present Comprehensive Plan.

Among the factors supporting the Committee's conclusion are the following:

The United States Census taken in March 1980 found that there were 2,151 dwelling units in Irvington at that time. While this count is consistent with the earlier County Planning Department prediction that growth would occur at the rate of about 32 new units per year, for the years 1976-79, from 1980 through 1986 building permits have been issued in the Village of Irvington for an average of 84 new units per year, four times the development rate postulated in the Comprehensive Plan. While there is not necessarily a correlation between the number of building permits and the number of certificates of occupancy (i.e., completions) issued in a given year, recent County Planning Department statistics show that 56 certificates of occupancy were issued in Irvington in 1985, and another 113 were issued in 1986. The Fieldpoint development by itself has 95 condominium townhouse units plus 60 single-family detached houses. Moreover, it is now the previously undeveloped large sites that are being transferred to developers so future rapid growth rates are all but a certainty.

Taking the 1980 Census figure of 2,151 existing dwelling units as the starting place, if the rate of construction from January 1, 1980 on is assumed to be 34 new units per year then by the year 2013 the Village would reach the full build-out of 3,303 units contemplated by the existing Comprehensive Plan. This is some twenty-two years earlier than the date projected in the Plan. If the 1985 completion rate represents the norm, build-out will be accelerated to the year 2000, about 12 years from now. If the rate at which building permits were issued in the 1980-86 period is the measuring stick for the pace of building, the build-out assumed in the present Comprehensive Plan is reached sometime around 1994, about six years from now.

There have been serious consequences for the Village because development has taken place far faster than had been forecast. Inadequate space allocated for active and passive recreation, the effects of increased density, the dearth of sufficient parking areas, the significant increase in traffic -- all have contributed negatively to the quality of life. It is important to bear in mind, however, that it is not just the amount and speed of new building that is of major significance to the Village. Those who prepared the existing Comprehensive Plan put this important point succinctly:

> "The precise number of future dwellings and residents is not, however, the focus of the Comprehensive Plan. The primary concern with regard to land use has been focused on what types of dwelling units will be permitted and what regulations of development are required to achieve public goals. While level of population does affect a community's social, cultural, economic, man-made and natural environments, these resources will be more seriously affected by the number, type, mix and distribution of dwelling units and the quality of site

planning, design, and environmental management of the development sites. On this basis, the Comprehensive Plan makes few adjustments in the land uses permitted in the Village, but makes major revisions to the regulations which govern development for such uses." Comprehensive Land Use Plan, October, 1979, page 33.

As things turned out, when the authors of the Comprehensive Plan said that the Plan "makes" major revisions to the land use regulations of the Village, they were anticipating events which did not in fact occur. The technical studies in the Comprehensive Plan had concluded that the projected development of the Village could take place without unacceptable environmental and fiscal impacts on the Village if, and only if, a whole series of protective measures were taken. These measures included steps to secure land for active and passive recreation, to protect environmentally sensitive land, to protect unique scenic resources, and to protect historic buildings. Without these measures, the planners made clear, Irvington ran the risk of losing the environment that has made it so attractive to development in the first place. The reality, however, was that in order to implement the measures the Plan outlined, careful amendments of the pertinent Village ordinances were necessary. Drafts of such amendments were not part of the Comprehensive Plan when it was adopted by the Village Board of Trustees, and the bulk of the measures considered so vitally important by the Planners were never formally enacted.

The risks identified in the Comprehensive Plan are far greater today; growth has taken place without the implementation of many of the recommendations in the Plan; and the growth that has already taken place has foreclosed many of the options that were still available to the Village a few years ago.

The Committee asked the consultants to review the calculations given in the Plan for potential dwelling units under existing zoning, including the sites under three acres that were not counted in 1979 and assuming 125(1) new units in development to take place along the waterfront. According to this new projection there could be as many as 3,681 houses and apartments built in accordance with existing regulations, 11% more than the Comprehensive Plan assumed, bringing the potential population of the Village to some 9,007 people.

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(1) This number was derived solely for use in calculation. See p.9, Footnote 2.

TABLE 1 FOLLOWS THIS PAGE

TABLE 1

VILLAGE OF IRVINGTON
Projected Additional Dwelling Units (D.U.'s) with
at Build-out Based on Present Zoning

PARCEL	TOTAL ACRES	ZONING	POSSIBLE TOTAL # OF D.U.'s ALLOWED (1)	EXISTING D.U.'s ON SITE	POSSIBLE # OF NEW DWELLING UNITS (1
2. Unification Church	25.20	1F-10	90	1	89
4. Unification Church (formerly Sobars Estate)	3.21	1F-5	22	1	21
6. Scott	3.00	1F-40	3	1	2
7. Randall	10.00	1F-40	7	1	6
8. North Broadway Corp. (formerly Madison Corp.)	8.10	1F-10	29	0	29
9. Rubenzahl (formerly US Time Corp.)	4.58	1F-10	16	0	16
10. Abbott House	16.91	1F-20	32	0	32
11. Graves	4.80	1F-40	4	1	3
12. Russell	3.62	1F-40	3	1	2
14. Manney (formerly Khosarowshahi)	11.99	1F-40	11	1	10
16. Annie Poth House*	3.80	1F-10 & 40	6	1	5
17. F. Hoch	3.96	1F-40	4	1	3
18. Keeler	3.75	1F-40	3	1	2
19. Mar-Vera Corp. (formerly Bouldin)	4.50	1F-20	8	1	7
20. Irvington Assoc. (formerly Stearns)	41.61	1F-20 & 40	55	1	54
21. Nicodemus	3.62	1F-40	3	1	2
22. Jellinghaus	3.22	1F-40	3	1	2
23. Reibeisen Tax Service (formerly Obadal)	6.49	1F-40	6	1	5
24. Ju	5.43	1F-40	5	0	5
27. B.H. Kayden	12.64	1F-40	12	1	11
28. McAfee	6.26	1F-40	6	1	5
46. R & T Fatato	4.47	1F-20	10	1	9
47. V. Fatato	4.80	1F-20	9	1	8
48. Finkelstein	4.97	1F-20	10	1	9
49. Mar-Vera Corp.** (formerly Halsey)	25.90	1F-20 & 40	7	0	7
52. Kiernan/Lowe	4.44	1F-20	8	1	7
53. Griffin (formerly Murray)	10.50	1F-20	20	1	19
55. Hartz Mountain (formerly Pechet)	100.76	1F-40	100	0	100
58. Columbia Univ. (aka Nevis Estate)	68.16	1F-20	132	1	131
59. Rathman	1.09	1F-20	2	0	2
61. Cyrus Brooks Estate	18.00	1F-40	17	1	16
63. Padwee*	4.48	1F-40	8	1	7
64. Stevenson	4.12	1F-40	4	1	3
65. Stover	3.12	1F-40	3	1	2
66. Ardsley Country Club	51.90	1F-40	51	0	51
67. Dowd/Enders (formerly Schmelzel)	4.78	1F-20	9	1	8
68. Mercy College	29.50	1F-20	33	0	33
Single Family units all available sites less than three (3) acres	55.65	1F-5,10,20 & 40	82		82
SUBTOTAL (Single Family Units)	583.33		833	28	805
30. Foundation for Economic Education	8.12	MF	68	0	68
40. MF zoned area north of existing apartments	6.35	MF	48	15	33
Waterfront	26.42		125		125
TOTAL	624.22		1,074	43	1,031

(1) See Footnotes on Page 9
* A subdivision is already approved for these parcels
** This parcel is already partially developed

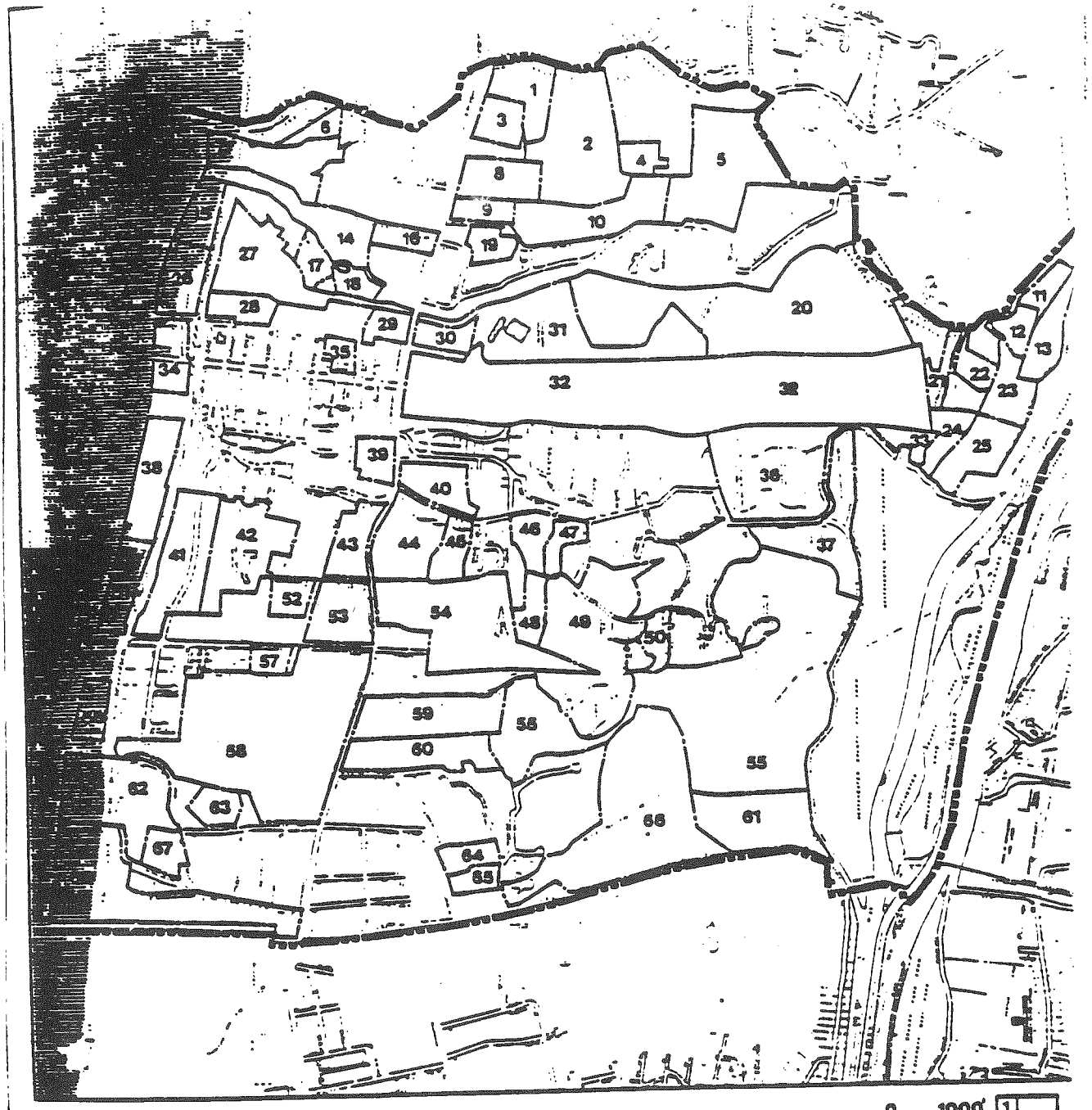
Footnote (1) - Table 1

The projections are based on assumptions with respect to what might be possible pursuant to 7-738 of the Village Law. In making projections to estimate what might happen to the Village if current policies were to continue without change, the Committee is not saying that each specific site is, in fact, entitled to this estimated level of development under current zoning.

It should also be understood that while some of the vacant land used in the statistical projections may not immediately be built on, sound planning requires an assumption that eventually all now-vacant land could be developed. For example, as many as 45 single-family houses might possibly be built on land now being used for offices (the North Broadway Corporation and Rubenzahl sites) if current development on these sites were removed, and as many as 51 single-family houses might possibly be built under current zoning on the Irvington portion of the Ardsley Country Club golf course. On the other hand, it has been assumed that land belonging to the School District would not be available for residential purposes, although it is zoned for residences, and there has been no attempt to estimate the potential effect of replacing structures in the B Zone that are not developed to their full residential capacity.

Footnote (2) - Table 1

Includes 125 units in waterfront development, a number derived solely for the purpose of calculation.



LAND OWNERSHIP PATTERNS

0 1000' 1 10 ACRES

10 NUMBERS REFER TO TABLE IN TEXT (Pg 8A)

SOURCES:
WMRT Field Survey, October
Irvington 1973 Tax Assessor
1976 Aerial Photographs
1970 Sanborn Maps of Irvingt

POPULATION As of January 1,		DWELLING UNITS One Family	Multi-Family	Total
1976	5,826*	950	1,101	2,051
1986	6,285**	1,326	1,308	2,634
FUTURE	9,007***	2,147	1,534	3,681

* Estimate based on 1970 and 1980 census data: between 1970 and 1980 the pouplation of the Village actually declined from 5,878 to 5,774, a difference of 104 persons.

** Estimated by Westchester County Planning Department-1986.

*** Assumes 2.3 persons per multi-family unit and 2.9 persons per single-family dwelling unit. If the estimate were based on 2.6 persons per unit, the projected population figure would be 9,186.

C. MAPPED EFFECTS OF EXISTING ZONING

The Committee asked its consultants to show on a map the probable configuration of the 1,047 (3,681 - 2,634) new houses and apartments that, under the statistical assumptions stated above, might be built in the Village. The consultants have tried to follow the best current development practice, and not construct an artificial "worst-case scenario".(1) The result is shown on the map, Projected Build-Out Plan per Existing Zoning, which should be compared with the map, Existing Conditions Map, December 1986. It further requested that a traffic study be undertaken to indicate the likely effect of this build-out on certain intersections.

The most conspicuous change in comparing these two maps is that Irvington would be a fully developed suburb. There would be a continuous pattern of houses and roads across land that is now open meadow or wooded hillside. The Nevis estate, where Columbia University has permitted public access, is private property that could be extensively developed. Much of the woodlands on the eastern side of the Village is subject to development. The land belonging to the Ardsley Country Club is also potentially developable. There is also considerable potential for infill development on smaller sites and through subdivision of existing house lots. The aggregate effect of all this development is to create a relatively uniform carpet of buildings across the whole Village.

1. Environmental Impact

The build-out of the Village as described in the map would represent a profound change in the natural ecology. The Village's characteristic terrain would be changed, with potential erosion of steep slopes and hillsides. The Harriman reservoir would be subect to contamination because of construction in the watershed. Wet-lands would be endangered, there would be changes in ground-water patterns, woodlands and meadows would be turned to lawns and houses, roads and driveways. While ecological change of this magnitude had taken place in suburbs that reached full development before 1970, it is now recognized as dangerous.

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(1) The 2,634 figure was derived by adding to the 2,151 dwellings existing in the Village in 1980 per the U.S. Census at the rate of 84 units per year for the 5.75 years between March 1980 and December 31, 1985. As discussed earlier in this Report, this assumed growth rate is based on building permits issued in that period. Accordingly, the actual number of dwelling units presently existing in the Village may be less than 2,634, in which case the projected density of final development in the Village if carried out in accordance with existing zoning could be even denser than is shown on the referenced map.

2. Loss of Recreation Land

The loss of open space that shows up when comparing the two maps is not only a change in the aesthetic character of the Village, and a negative environmental impact, but represents a serious deficiency in the quality of Village life. The Comprehensive Land Use Plan had documented that the Village in 1979 had less than half the active recreation land it might be expected to have according the standards like those of the National Recreation Association. Irvington today needs at least 20 acres of active recreation land to meet such standards. Another 24 acres of active recreation land would be needed to meet the demands of projected increased population, plus some 120 acres of passive recreation land. As the map demonstrates, the opportunity to meet these standards could be lost if there is no change in development policy.

3. Traffic Impacts

The traffic impact analysis (Appendix A) was based on new traffic counts taken at points selected to bring up-to-date the information in the Comprehensive Land Use Plan. Statistical projections were then made to see what level of increased traffic could be expected as a result of development in surrounding areas, even if there were no new development in Irvington. Then estimates were made of traffic that could be expected as a result of the projected new development in the Village. The most critical intersection, not unexpectedly, is the intersection of Broadway and Main Street. It currently operates at level of service "B" during the morning and afternoon peak period, with average delays in getting through the intersection of less than 13 seconds. In the year 2000, assuming no new development in Irvington, the level of service would remain "B" in the afternoon, but would deteriorate to "C" in the morning, meaning 22 second delays. If the full 1,047 units were to be developed in Irvington, traffic projections indicate that this intersection would fail: that is, there would be delays longer than 60 seconds. It would be possible to make adjustments to the traffic signals that would bring the level of service at the intersection up to "E",47 - 48 second delays at the morning and evening peak hours. There would be a proportionate impact on other streets and intersections.(1)

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(1) The Committee notes that traffic study methodology as presently in use measures only the ability of vehicles to move without delay or impediment. It does not address or try to describe the effect on residents of a particular street, or the change in quality of a neighborhood, that can result from an increase in traffic.

D. ADEQUACY OF VILLAGE SERVICES; ANTICIPATED EFFECTS OF DEVELOPMENT UNDER CURRENT REGULATIONS

The review of municipal services was conducted by means of interviews with those individuals responsible for the provision of such services, as well as by a study of the consequences of growth in municipalities with circumstances similar to Irvington. Clearly, such an evaluation included both objective and subjective criteria; and, the assessment of the effects of future development considered variables over which there is no effective control (i.e. continuation of certain county services, development of those portions of Irvington School District which are part of Tarrytown, size and composition of new households). The general conclusion reached by this Committee was that, while the level of services is currently acceptable, the growth which is contemplated under any reasonable set of assumptions will soon render them inadequate. The consequences could be harsh in terms of both quality of life and economics.

Therefore, the Committee also reviewed the potential economic effects of development on the Village budget. It asked its consultants to frame the financial consequences between a high and low assessment assumption for both the build-out under existing ordinance and regulation and the build-out pursuant to the amendments proposed by the Committee. These numbers are included as Appendix B. It is the Committee's belief that the most reasonable figures lie somewhere between the two assessment boundaries.

Even the most limited development program will generate significant additional operating and capital costs for the Village and School District, and the planning for these eventualities must begin now. However, the projections of these increases in operating and capital costs for the Village are less than the increase in revenues which result from development pursuant to the recommendations of this Committee.

A review of the major observations and recommendations follow.

1. <u>Police Department</u> - The police function is one which is not totally within the control of the Village, in that there are some services and facilities provided by the County. However, assuming a continuation of the current arrangements, the Village is in most respects meeting its obligation to provide police services. Irvington is perceived by residents as a "safe" place to live and this perception is a vital attribute of the "quality of life" in the Village.

One ancillary, but critical, position which has been filled intermittently within the police department, is that of a Youth Officer. With the changes in family structure and household composition, the need for the full-time services now of an individual whose sole responsibility is that of working with the youth to both deter and detect juvenile crime, is clearly apparent.

To date, increases in population have not resulted in proportionate increases in crime, other than mischief and vandalism. This Committee shares with both the Police Commissioner and Chief the belief that probably now, and certainly with any additional growth, there will need to be a minimal addition of at least one person per shift. That single action would require hiring five additional officers on a current base of eighteen officers. Recommended standards would also indicate a need for additional "management" supervision out on the streets (i.e. at least a sergeant on patrol). Thus, a relatively simple decision which would appear warranted by even modest growth, would result in a major change in staffing and funding requirements.

The more significant result of growth which can be seen in other similar municipalities, will occur when the currently dominant responsibilities of safety and traffic control and enforcement become secondary to crime detection and prevention. Such a change generally results in a radical increase in staffing requirements. While such a change is clearly much more difficult to predict than that of simple increases in manpower required by the relatively crime-free nature of the community today, it is a change which must be anticipated and planned for.

In summary, the current level of police services are adequate, with the one perceived need to be in the area of a Youth Officer. The need for additional manpower will certainly be required by even the most modest future growth. Significant growth in the future may well result in a change in the role which is currently played by the Police Department.

2. <u>Fire Department</u> - While the current level of protection and service provided by the Volunteer Fire Department is certainly adequate, there are two facts which are working to undermine the ability of the existing arrangements to deal with the needs of the Village. The first is that the number of alarms has, on average, increased each succeeding five-year

period over the last fifteen years. The most recent five-year period represented a 22% increase over the 1976-1980 time period, which itself was up 25% from the prior period. It is also worth noting that the type of fire requiring response has changed, from brush fires in open areas to emergencies involving residential buildings.

The second fact which negatively affects the Fire Department is that the number of individuals willing to volunteer has remained stable or declined over the last fifteen years. The type of person who has moved into the Village is restricted either by schedule or interest from participating as part of the Fire Department. This is not likely to change. It is also not a situation which is unique to Irvington; but, in many similarly situated municipalities, the pool of volunteers remains primarily those individuals who are employed by and live within the Village.

The implications for the future are clear. Absent some dramatic change, this Community will be facing the significant ongoing expense of funding a paid Department. While estimates of cost of such an exercise are hardly precise, a reasonable figure might be in the area of $1,200,000; and that is on a base Village budget for 1985-86 of $3.1 million. There are clearly interim steps, such as a mixture of paid and volunteer fire fighters, funding only one or two persons per shift as compared to the eight or nine envisioned in the aforementioned cost estimate.

There are several specific recommendations which this Committee would make with respect to fire safety in the Village. First of all, a program to encourage volunteer participation should begin immediately. This should focus not only on the existing shortage of firefighters as it affects the ability to effectively deal with fires, but also on the economic consequences of a continuation of this situation. Secondly, the building codes for the Village should be amended to include those features which retard the incidence of serious fires, such as sprinklers and fire resistent building materials. Finally, it is strongly recommended that at least on an informal basis, the Fire Department be included at some early stage in the planning process for new development. A consultant retained by the Fire Department issued a report in July of 1985, one of the major observations of which was "Regretfully, it appears there is little

opportunity for the Fire Department to participate in the process of reviewing plans for the many new developments. While the Department has no direct statutory responsibility to participate, information pertaining to construction materials, placement of building on site, topographical conditions, sizing of water mains and placement of hydrants are vitally important in preparing an appropriate strategy for future incidence."

3. Schools - The Irvington School District continues to develop a reputation for its quality program. While the per capita student costs are not inexpensive, the school system continues to be one of the attractions for people to move to Irvington. Any attempt to try to plan for the future is singularly complicated in this area by special factors relating to growth and to the District's ability to deal with growth.

   In trying to determine growth, projecting how much of the "average household" is comprised of school-aged children and of what age, has proven to be treacherous. Even more complex is the effort to determine the amount of development which will take place in that part of the Irvington School District which falls outside of the Village of Irvington. It includes tracts both large (such as the Pinsley tract) and small which lie in the Village of Tarrytown and are subject to development. No attempt has been made to assess this growth; and, therefore, the numbers included in this report make no allowance for an increase in the school-age population in the Tarrytown portion of the Irvington School District.

   The ability to deal with the growth on the part of the School District is also at variance with that of the Village. The School District has a broader tax base; and, its tax rate increases have been lower despite significant increase in overall expenditure by virtue of the commercial development along Route 119. These buildings have provided significant tax revenues but no children. However, for the last two years, the growth of this funding source has declined dramatically.

   The Committee's assessment of the effect of future growth was premised on its remaining an independent district (see attached Report of Long Range Planning Committee on Merger dated September, 1985, Appendix C) and assumed the continuation of the quality standards which the district has imposed upon itself having to do with class size, special classes for the

handicapped, the gifted and children with special needs, and specialty programs. Taking all these factors into account, the effect of growth projected in the two scenarios (N.B. Again, these numbers do not provide for any growth in Tarrytown) is such that even the most modest case would require capital expenditures of some magnitude. With the strong commitment which the district has to a three-school system, this would most likely take the form of an addition to an existing building.

In the short run there are steps which can be taken by the school district such as changing the allocation of classes by building (e.g. having the Middle School serve Grades 5-8, rather than 6-8) and some change in the utilization of existing space (see Report to the Board of Education dated 1987 on Space Utilization - attached as Appendix D). However, the qualified estimate by members of the Board of Education and the Administration of the School District is that 300-400 students could reasonably be accommodated by the existing facilities while maintaining the same program, while the estimates made by the consultants to the Committee for the increase in school-age population for just the Irvington portion of the school district range from 450 additional students under proposed build-out to 780 under existing build-out. These projections run counter to what had been forecast to be a declining and stable enrollment level as recently as four years ago (see May 1983 Report to Board of Education, Appendix E); but even the current population at the Dows Lane School rendered the prior notion of a declining school district population invalid. The resulting financial issue with respect to the schools is difficult to forecast. Build-out under existing ordinance would appear to clearly require capital outlays, while build-out as proposed is on the margin. The responsibility for dealing with this growth and its budgetary consequences lies outside of the direct control of the Village itself, but should certainly be done in conjunction with the overall efforts of the Village.

4. Other Services - There are other important services such as water, sanitation, and roads/traffic which affect both operating expenses as well as quality of life. They will all require expansion commensurate with growth. The Committee would especially note that the water supply question as it relates to utilization of the reservoir, adequacy of the system for effective fire control, etc., are issues with which the Village is and should continue to grapple.

III REASONING BEHIND AND RECOMMENDATIONS FOR AMENDING THE 1979 PLAN

The clear implications of continuing on the present course of development were unacceptable, as they ran contrary to the existing Plan, as well as the best interests and preferences of Village residents. Therefore, the Committee turned its focus to identifying those areas requiring attention and change in order to effect a reasonable build-out plan. These included issues such as the environment, the need for recreation space, and the review and approval process for new construction. The recommendations and statutory changes required for implementation are presented here as modifications to the existing Plan.

A. RESOURCE PROTECTION

In assessing the impact of future development it is most important to assess the management of the ways in which such development will take place. This issue encompasses those features which constitute an important part of the character of the Village, but it also deals with the health and safety of its residents.

One of the most important growth management issues before the Committee has been to insure the protection of environmentally sensitive areas identified as in need of protection in the Comprehensive Plan.

1. Reservoir Watershed

As the Village continues to use water from the Harriman Reservoir from time to time as part of its water supply, and is expected to continue to do so for the foreseeable future, it is important that no new residential development occurs within the watershed lands that drain into the Reservoir. All expert advice received by the Village is in agreement on this point, dating back to engineering studies done for the Village in the early 1970's, and the research findings in the Comprehensive Plan. It is possible to use watershed lands for active and

passive recreation and the access roads needed for park use. It will also be inevitable that portions of the Village road system must cross watershed land. However, in all such cases, special provisions should be made to prevent such contaminants as fertilizers from playing fields and motor oil from roads and parking lots from draining into the reservoir.

2. Freshwater Wetlands

Thirteen freshwater wetland areas within the Village were identified as a result of the environmental survey that was part of the 1979 study. The Comprehensive Land Use Plan of the Village states that these wetland areas should be protected from building and negative impacts of land uses within their drainage areas. There are also other wetland areas within the Village that should be identified and protected.

3. Steep Slopes

Development that requires disturbance of land sloping at an angle greater than 25% creates a serious risk of soil erosion and destruction of vegetation and the natural ecology. Land sloping at angles between 15% and 25% presents a lessor risk of disturbance but one that can still have serious ecological consequences. Areas of sloping land that are sensitive to disturbance were mapped as part of the 1979 Comprehensive Plan study as requiring protection if the areas in which they are located should be developed.

4. Land within the 100-Year Flood Plain

Creek beds within the Village that are subject to flooding were mapped in the 1979 Comprehensive Plan. Because this natural run-off system affects the drainage of the whole Village, disturbance of this system could have severe negative consequences for existing development as well as for the natural ecosystem.

The artificially created land west of the Railroad along the Hudson River that is also below the 100-Year Flood Plain presents a different type of development problem: meeting Federal regulations for development within 100-Year Flood Plains. It may be possible to meet these requirements by raising the land level or by placing only uses permitted in flood plains, such as parking, on the ground floor of any building in the flood plain.

5. Woodlands

The 1979 environmental inventory found a rich and extensive vegetative cover in Irvington with dense concentrations of woodlands and outstanding specimen trees. The Comprehensive Plan calls for the protection of specimen trees by ordinance (and a Tree Protection Ordinance has subsequently been enacted); states that all mature woodland associations should be protected as completely as possible; that streamside and wetland vegetation should be preserved and enhanced; and limitations should be imposed on the clearing of existing vegetation.

6. Scenic Resources

The Comprehensive Plan calls for the maintenance of the Village's existing attractive character by the preservation of historic development patterns such as existing vistas along Broadway, as well as by the preservation of such natural features as varied topography, vegetation, dramatic views of the Hudson, deeply-cut stream corridors, rock outcroppings and large tracts of land that have remained in natural woodlands.

B. IMPLEMENTATION TO DATE OF COMPREHENSIVE PLAN PROVISIONS FOR RESOURCE PROTECTION

Most of the recommendations of the Comprehensive Plan never were enacted as Village ordinances. There has been no legislation restricting construction in the watershed, on steep slopes, or in freshwater wetlands. The Tree Ordinance has provided only limited protection for woodlands. Hence, the Village, particularly the Planning Board, has been left with little choice but to use cluster development under Section 7-738 of the Village Law of the State of New York in its efforts to preserve environmentally sensitive lands and "to promote the most appropriate use of land . . . to preserve the natural and scenic qualities of open lands."

The theory of cluster development that underlies Section 7-738 is that open space and environmentally sensitive areas can be preserved by waiving restrictions of conventional zoning to allow dwelling units to be "clustered" in a small area, thus leaving the balance of the site as open space. A simple example perhaps is helpful in understanding the concept. Imagine a five acre site located in a 1F-20 (or 1/2-acre) zone, which requires that each single-family house be located on a 1/2-acre lot. Conventional development would result in approximately ten single-family houses, each on its own lot.(1) If the site also happened to contain an environmentally valuable resource -- a wetland or a splendid rock outcropping, for example -- that resource probably would be destroyed in order to permit development of the full ten houses theoretically permitted under conventional zoning. The theory of cluster zoning is that the community often would be better served if the usual zoning requirements -- for example, the requirement that each house in a 1F-20 zone be located on its own 1/2-acre lot -- were waived to permit putting the houses closer together on smaller lots in order to preserve the environmentally desirable area. So in our example, a municipality might allow ten houses to be built on 1/4-acres lots, thus putting all the houses on a total of two and one-half acres and leaving the remaining two and one-half acres, including the desirable environmental feature, as open space.

Section 7-738 of the Village Law permits villages to waive all provisions of their zoning ordinances and land

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(1) The number in fact might be less than ten. It might be necessary, for example, depending on the location and the character of the land, to build a road. After deducting the area of the road, it might be possible to subdivide the balance of the property into only eight or nine lots, each of which complied with the minimum lot size provision of the zoning ordinance.

subdivision regulations in order to permit cluster development in particular cases. The only restriction is that the number of dwelling units permitted in a cluster may not exceed the number that, in the judgment of the Planning Board, could be built if existing zoning and other applicable laws and regulations were complied with.

The Section 7-738 process has at least three drawbacks.

First, the determination of the number of dwelling units that could be built if existing zoning were complied with -- which sets the upper limits on the number of dwelling units permitted in the cluster development -- involves some troublesome questions. Developers frequently urge Planning Boards, and have urged the Irvington Planning Board, to compute the number of dwelling units that could be built under conventional zoning by assuming in essence that the entire parcel is completely flat and dry, and hence that it in fact could be developed like Levittown. This of course produces the maximum possible unit count for the developer. But it disregards the fact that natural features of the land -- lakes, ponds, steep grades and the like -- in practice often would greatly reduce the number of dwelling units that could be built if the land were developed in accordance with existing zoning and subdivision regulations. Hence, it can saddle the Village, and neighboring property owners, with more intensive development than otherwise would occur. And in any case it requires the Planning Board either to acquiesce in computing the maximum unit count on the developers' "flat and dry" or "billiard Table" approach or to fight on a case-by-case basis for a more realistic approach, hampered by the lack of any clear standards in Village legislation.

Second, a necessary consequence of clustering is that the density of development on the portions of a site on which the development occurs is higher, frequently much higher, than is permitted, absent Section 7-738 approval, in the zoning district in which the development occurs. This can produce developments adjacent to existing homes and neighborhoods that are very much out of character with the surrounding area, despite the fact that both the existing homes and the new development are in the same zoning district. For example, it can produce houses on 1/4-acre lots in a one-acre zone or attached town houses, eight to the acre, in a 1/4-acre zone.

Finally, Section 7-738 does not say that the developer is entitled to build the number of units which could be built if existing zoning were complied with. It fixes that number as the maximum, thus implying that the Planning Board can permit a smaller number. Nevertheless, Section 7-738 often has been assumed to create an entitlement. And this has a very serious adverse effect. It assumes that all land in a given building zone is entitled to be developed to the same extent, irrespective of its environmental characteristics; an owner of a ten-acre lake in a one-acre zone is entitled to build the same number of houses as an owner of a ten-acre potato field. Hence, while clustering permits a Village to save the lake, it can do so only by imposing additional density elsewhere in the Village.

We have now had an opportunity to evaluate how successfully the environmental policies of the Comprehensive Plan have been carried out under the cluster provisions of Section 7-738. We have concluded that Section 7-738 alone is grossly inadequate to enable the Village to accomplish its goals.

Fieldpoint affords a useful example of the respects in which Section 7-738 has produced less than optimum results. Fieldpoint lies on the old Rutter estate, a narrow parcel of about 100 acres bounded on the west by Braodway at the Main Street intersection and on the east by the Saw Mill River Parkway. The easternmost fifty acres lay in the watershed. The westernmost portion included a flat area at the head of Main Street which had been earmarked in the Comprehensive Land Use Plan as a desirable future park site as well as a very steep slope rising to a ridge with perhaps the most spectacular views of the Hudson in the Village. In dealing with the proposed subdivision, the Village was confronted with the need to preserve the watershed and the desirability of a park at the head of Main Street and protection of the steep slope and scenic values at the western end of the property.

The Planning Board and Trustees, consistent with the Comprehensive Land Use Plan, insisted that no development occur in the watershed. It of course was hampered in doing so by the fact that watershed portion of the property is zoned for one-acre single-family development

and that there were no existing laws prohibiting or restricting building in the watershed. The developer insisted that the quid pro quo for keeping development out of the watershed be permission to build the units otherwise permitted in the watershed under existing law at the western end of the property. This in fact is what happened, and the results are plain. The density at the western end of the property far exceeds that permitted by the existing zoning. There was no room to build the park contemplated by the Comprehensive Land Use Plan. And the scenic values on the high ridge on the property were largely destroyed by intense development of that part of the property.

This illustrates the limitations of Section 7-738. There was no legislation restricting watershed development, so the developer had an argument that it otherwise would not have had. There were no clear statutory standards for determining the maximum unit count for the entire development. There were no established statutory standards for protecting the scenic values of the high ridge line.

Considerations such as these have led us to the conclusion that the Village should adopt comprehensive legislation to deal with these problems. Specifically, we recommend adoption of a system of resource protection zoning that would provide reliable, objective means of computing maximum density based upon application of the Village's environmental protection policies to individual sites. We recommend also that the Village adopt legislation more specifically defining the manner in which cluster zoning may be employed in Irvington.(2)

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(2) We note that the Planning Board may restrict development to less than the maximum unit count permitted by the existing zoning (a) as a mitigating measure under the State Environmental Quality Review Act ("SEQRA") after evaluation of an Environmental Impact Statement and (b) under existing subdivision regulations. These options, however, require the Planning Board to make sometimes complex technical evaluations on a site-by-site basis. While these powers of course should continue to play a role, we believe that the more generally applicable system we propose is far simpler to apply and should take care of the vast majority of cases more easily and cheaply. Moreover, we suspect that adoption of resource protection zoning will eliminate or reduce the need for mitigation measures in many future cases.

C. PROPOSED RESOURCE PROTECTION ZONING

Based on pioneering work in Bucks County, Pennsylvania and Lake County, Illinois, the American Planning Association has published a model development ordinance which uses factors based on environmental protection to modify zoning densities. The principle behind this model is that land should be zoned on the basis of its carrying capacity for development in accordance with the need for environmental conservation, in addition to the more generalized bases for calculating zoned density such as access and availability of services. As a result, properties within the same zoning district might have different allowable densities, based on the environmental sensitivity of the land itself.

The method used in this model ordinance was to exclude completely from zoning calculations the most sensitive land, such as watershed and wetlands areas; and to multiply the land areas of steep slopes, intermittant drainageways and other areas that fell into categories of environmental protection by factors that would partially reduce the density attributable to these portions of the site. It was still anticipated that development would occur on the less sensitive areas of the site; the resource protection formulas simply make it less likely that the buildable areas of the site would be overloaded.

Resource protection factors to reduce zoning densities on sensitive sites have now been adopted in many communities.

Resource protection zoning forms part of the recently enacted master plan for North Salem, the first time that this methodology has been applied in Westchester County. The firm of Manuel S. Emanuel Associates has drawn up this portion of the North Salem plan and ordinance, and has worked out resource protection formulas appropriate to Westchester County in consultation with the County Planning Office.

These factors have been further modified to make them applicable to Irvington. The Committee has reviewed studies prepared by its consultants that show the projected effect of alternate resource protection formulas on individual parcels in Irvington. The Committee recommends that resource protection provisions relating to lakes, ponds, watercourses, wetlands, watershed lands, flood plains, steep slopes, and intermittant drainageways be added to the Irvington zoning ordinance in accordance with the draft zoning

revisions included in this report. Each category of resource-protected land identified in an individual submission is subject to a protection ratio ranging from .5 to 1.0. For example, land under water has a protection ratio of 1.0, meaning that no such land can be counted in density computations, land sloping at an inclination between 15% and 25% has a protection ratio of .5, meaning that only half such land can be included in the density calculations. The density computations for individual sites will thus reflect the kinds of constraints present in complying with subdivision and SEQRA regulations.

The full proposed zoning text is given in Appendix F.

D. IMPLEMENTING COMPREHENSIVE PLAN PROVISIONS FOR ACTIVE AND PASSIVE RECREATION, AND FOR TRAFFIC IMPROVEMENTS

1. Parks and Recreation Land

The Comprehensive Plan recognized that the Village parklands for active and passive recreational use were inadequate for the existing population and even less adequate for anticipated future growth. Indeed, the Planning Board reached a similar conclusion in 1974. The Comprehensive Plan suggested a number of locations suitable for active recreational facilities. But no legislation was enacted either to fix the locations of the proposed parks or to provide a systematic means for acquiring the land.

(a) Acquiring Park Land - State law now authorizes village planning boards to condition subdivision approval upon the dedication of part of the land in the subdivision for public recreational use or making a payment in lieu of donating land to a village trust fund earmarked for park land acquisition. Irvington's Subdivision Regulations long have permitted the Planning Board, when it thought it desirable, to take advantage of this provision of state law. There have been at least two difficulties in practice:

--First, although the Comprehensive Plan contained suggested locations for future parks, the Village never actually determined that any of those locations were to be acquired as parks.

--Second, the Planning Board's power to require the reservation of land for recreational purposes as part of the subdivision process to date has been discretionary. Since there has been no definitive plan identifying park land -- and in any case no legal requirement that the Planning Board acquire it -- opportunities for acquiring park land or money to be used for park land acquisition have been lost. This problem no doubt has been compounded by the lack of standards for protecting environmental resources, as all of the Village's desires with respect to any given development -- e.g., protection of the watershed, acquisition of park land, and so on -- have tended to become part of a broad negotiation with each developer on a case-by-case basis.

We believe these problems may readily be solved. We believe the Village can and should adopt a system that would identify desirable recreational lands for acquisition, direct the reservation or dedication of these lands when parcels on which they are situated come up for subdivision, and treat all subdividers equally by requiring that all either reserve or dedicate land or make payments in lieu thereof. The Village of course would remain free to acquire these lands by purchase or condemnation, as it is now, if it saw fit. The system we recommend would require acquisition if, and only if, land containing such areas were proposed to be subdivided.

(b) The Mechanism for Acquiring Park Land - The first step in this process is the enactment of a map as part of the Village's Official Map which shows all land the Village wishes to have reserved or dedicated to recreational use. ("Parks, Open Space and Pathway Map," Appendix I - Map 10). As a parcel containing any of the lands shown on this Plan comes up for subdivision approval, the Planning Board would be required to condition subdivision approval on the reservation or dedication of that land. If a proposed subdivision contained no land shown on the Public Open Space and Recreation Plan, the subdivider would be required to make a payment in lieu thereof to the Village Trust Fund, which the Village could use for park land acquisition as appropriate.

Of course, there have to be standards as to how much of a given proposed subdivision could be set aside for park purposes in this manner to ensure that everyone is treated equitably. The existing Irvington subdivision regulations permit the Planning Board to require that <u>up to</u> 10% be set aside. After reviewing the ordinances of other communities, we have concluded that 10% falls approximately in the middle of the range and that it is the appropriate

benchmark. We therefore recommend that it be the standard for the future.

This leaves three questions for resolution:

- What happens with respect to parcels less than 10% of which is required by the Parks, Open Space and Pathways Map?

- What happens with respect to parcels more than 10% of which is required by the Parks and Open Space Map?

- How should the amount of the payment in lieu of park land be determined?

  (i) Subdivisions With Less than 10% Park Land - The Parks, Open Space and Pathway Map shows that less than 10% of the area of most potential subdivisions will have to be reserved for parks. Often there will be no such land in a subdivision. Since it is only fair that all subdividers be treated equally, and since the Village needs money to finance the acquisition of park land beyond that obtained by this process, subdividers dedicating or reserving less than 10% of the area of their subdivisions would be compelled to contribute money to the Village Trust Fund in lieu of land, to the extent of the shortfall.

  (ii) Subdivisions With More than 10% Park Land - There are likely to be some cases in which more than 10% of the area of a proposed subdivision is required for park and recreational use. It is not fair to require subdividers of such property to make a disproportionate contribution to the Village's park acquisition needs. We therefore recommend an alternative mechanism for acquiring such lands.

  When such a subdivision comes before the Planning Board, we propose that the Planning Board first notify the Board of Trustees. The Board would have a fixed period in which, if it thought it desirable, it could buy or condemn part of the property so that the portion of the remaining land still required for parkland would not exceed 10%. The Board could use money from the Trust Fund for this purpose. In any case, however, the Village would not be obliged to buy or condemn the land. This would merely be an option it could exercise if it saw fit.

If the Village elected not to buy or condemn enough of the property to reduce the proportion required for park purposes to 10%, the Planning Board nevertheless would be required to insist that the subdivider reserve or dedicate all of the land shown on the Parks, Open Space and Pathways Map for park or recreational purposes. The subdivider would be compensated, however, by allowing him to build on the balance of the site the same number of dwelling units that could have been built if only 10% of the land had been set aside for parks and recreational purposes. This is an instance in which cluster development would be permitted in order to accomplish the Village's goal of acquiring adequate park lands.

In sum, the Village always would acquire land shown on the Parks, Open Space and Pathways Map, but no property owner ever would have to contribute more than 10% of the area without compensation.

(iii) Determination of Payment in Lieu of Land - Since developers would be required to contribute 10% of the area of subdivisions where that much acreage is shown on the Parks, Open Space and Pathways Map, subdividers of property with no acreage on the Plan would be required to contribute 10% of the fair market value of the property to the Village Trust Fund. In that way, all subdividers would be treated equally -- they would contribute either 10% of the land or the value of 10% of the land. In those cases where a subdivision included some land shown on the Parks, Open Space and Pathways Map, but less than 10%, the payment would be reduced to take account of the fact that the subdivider would be contributing some land, but less than 10% of the area of the property.

(c) Identification of Park and Recreation Land - We have given a good deal of attention to determining what lands in the Village should be targeted for acquisition for park and recreational use by this method. We have reviewed the recommendations of the Comprehensive Plan, met with the Village's director of recreation and the chairman of the Recreation Commission, and taken the advice of our own consultants. Our recommendations are set forth below on the Parks, Open Space and Pathways Map.

(i) We recommend that the areas immediately surrounding the High Reservoir, the rockfall, and the areas around Halsey Pond not already owned by the Village be acquired by this method for recreational use.

(ii) Substantial areas of the Nevis property along Broadway are ideally suited for active recreational use. Others are essential to preserving the character of the Village and for passive recreational use. We recommend acquisition of much of this property by this method.

(iii) We recommend the development of a series of pathways shown on the Parks, Open Space and Pathways Map to provide a system of walkways through the Village, linking many of the recreational areas.

(d) Protecting Village-Owned Lands - In recent years, the Village has acquired substantial tracts of undeveloped land for recreational use from developers through the process of case-by-case negotiation. These include parcels at Halsey Pond, the eastern end of Fieldpoint, and at the eastern end of the Stearns property, among others.

This land is vitally important to the character of the Village, and it is essential that they be protected against future development. While the present Village Board acquired this property for public purposes, there can be no assurance that a future Board will not destroy all the progress that has been made by selling this property for some other use, as the Village now is free to do so.

This risk can be largely eliminated. If the Village adopts legislation dedicating this land to the park and recreational use of the residents of the Village of Irvington, the Village could not thereafter sell the property without permission of the State Legislature. We recommend that Irvington adopt a Local Law dedicating these lands in this manner. (A copy of the proposed Local Law appears in Appendix G.)

2. Streets and Traffic

Both the character of the Village and the impact of traffic on the quality of life of its residents are affected by the road pattern. Through streets in residential areas bring traffic seeking to bypass main arteries via "short-cuts," and therefore bring noise, dirt, congestion and danger.

These considerations have led us to recommend that Broadway remain the only north-south artery through the Village. We have concluded also that the existing road pattern generally strikes the right balance between improved traffic flow and protection of the peace and quiet of our residential neighborhoods and therefore recommend a limited number of changes, which appear on the "New Street Plan", Appendix I, Map 9.

E. WATERFRONT REVITALIZATION

1. Background - In early 1986, the Board of Trustees retained Peter Gisolfi Associates to prepare a waterfront revitalization plan for the Village of Irvington. The waterfront development district includes all the land on the west side of the railroad tracks excluding Matthiessen Park and on the east side of the tracks, the municipal parking lot at the northeast corner of Astor Street and Main Street, the Burnham building and parking lot, as well as the village public works garage and parking area, all of which fronts on Astor Street. Mr. Gisolfi initially put forward two ideas. These two schemes proposed 224 dwelling units and 136 dwelling units respectively, as well as retail shops, restaurants, passive recreation area and the existing boat club. A third scheme, referred to hereafter as Scheme C, was submitted by Mr. Gisolfi on November 10, 1986, and proposed 150 dwelling units, retail shops, two restaurants, a public park and promenade, and other public improvements. Copies of these schemes are appended to this report as Appendix H.

   The members of the Land Use Committee met with Mr. Gisolfi and his associates during the course of its deliberations to review the proposals and supporting studies. The Committee's recommendations are based on those meetings, as well as other information developed by the Committee during its meetings.

2. Goals and Objectives -

   (a) The preservation of open space is the primary goal in the redevelopment of the waterfront.

   If it were found to be economically feasible, the Committee's preference would be to redevelop the entire waterfront for active and passive recreation uses. Obviously, there are major financial questions raised by such a proposal, e.g. how would the purchase price be financed; how would the required capital improvements be funded; and what would be the

impact on the Village's tax base of removing twenty acres of industrially developed property from the tax rolls? There are state and federal funding sources that could be tapped. In addition, the timing of development of other large parcels in the Village could create a funding source through the Committee's recommendation of money in lieu of land for recreation purposes. Time did not permit a thorough investigation of funding sources; however, if adequate monies were obtained from outside sources, the Committee would recommend the redevelopment of the waterfront into open space use. In any event, the revitalization of the waterfront should provide for the maximum amount of open space possible.

As stated in other sections of this report, Irvington does not have sufficient active recreation lands to meet its current or future population needs based on nationally recognized standards for recreation land. The waterfront revitalization should include active recreation areas.

One of Irvington's unique physical characteristics is its waterfront. Any development or redevelopment of the waterfront should create greater accessibility and use by Village residents of the waterfront. Pedestrian access should be required along the length of the waterfront and there should be a link between any new recreation areas along the waterfront and Matthiessen Park.

(b) Any development of the waterfront should maintain the existing character of the Village and Main Street area.

The density of the waterfront development should be compatible with surrounding Village densities and primarily residential. The overall style and design of the development should be harmonious with the existing architectural character of the Village and Main Street area in particular. The charm, character, scale and style of Main Street should be continued in the waterfront revitalization. Zoning requirements including height, bulk, setback and yards should be compatible with the surrounding residential/commercial development. High rise or extraordinarily massive buildings are out of character with the Village's development history and should be prohibited.

(c) Maintain and enhance vistas of the Hudson River from Main Street.

As expressed earlier in "The Character of Irvington" section of this report, one of the unique physical features of Irvington is its unimpeded and breath-taking view of the Hudson River from anywhere on Main Street. It is important that this view be maintained and preferably enhanced by the redevelopment of the waterfront. Height restrictions on any new development along the waterfront are required to prevent any new buildings from blocking the scenic views of the river of existing upland property owners.

3. Recommended Policies

(a) Land Use - The Committee's first choice for the waterfront land would be open space. If financing is unfeasible, then the Committee recommends a mixed-use development that is primarily residential and recreational with limited commercial/office use. The Committee strongly recommends that the revitalization of the waterfront area be undertaken as one project encompassing the area defined above. In this way, piecemeal redevelopment can be avoided and an overall compatible project will result.

Total residential density in the waterfront revitalization area should be in the 80-125 dwelling unit range. An active recreation area of at least four (4) acres is recommended for the southerly end of the waterfront area with parking for at least 25 cars. A continuous public pedestrian promenade at least 30 feet in width along the entire water's edge would link this new park with Matthiessen Park. Inland of the promenade, the Committee recommends that a road running the length of the waterfront be constructed to separate the open space from the residential/commercial area. A limited amount of commercial development is recommended for the waterfront district comprised of a restaurant and specialty shops and/or professional offices.

It is recommended that the redevelopment area of the waterfront include the Burnham office building and parking lot on the easterly side of the tracks for residential and commercial development. They would be included in the scale of development recommended above.

It is strongly recommended that the overall design and scale of the conceptual development outlined above carry through the feel, character and style of the existing village center creating an extension of the Village as opposed to another private enclave as has been done in some of the recent projects in the Village. Through its design and mixture of uses, the waterfront would become a vibrant center for various activities drawing residents to it.

The Trent Building and adjacent industrially-zoned land to its south require further study. It is recommended that this study by undertaken as soon as possible to enable the Village to plan for the revitalization of the entire industrial area.

(b) Parking and Traffic - The appended Gisolfi reports detail estimated peak hour traffic for all three proposed schemes, as well as the peak hour traffic from the existing waterfront development. While none of those reports were based on the 100-125 dwelling units being recommended by the Committee, the figures for Scheme B are the closest to the Committee's recommended development size. Estimates show a 50% reduction in the A.M. peak hour vehicle trips generated from the waterfront on Bridge Street due to (1) the eliminating of the worker and business related trips from existing waterfront activities, and (2) the provision for commuter drop-offs on the easterly side of the railroad tracks at the Main and Astor Streets intersection. As the November 10, 1986 Gisolfi trip generation counts illustrate, 57% of the A.M. peak hour trips on Bridge Street are commuter drop-offs. What can be surmised from the information provided by the Gisolfi reports is that the redevelopment of the waterfront from industrial to residential/commercial uses will eliminate the truck and worker traffic on Main Street, but will not have any effect on the commuter drop-off traffic on Main Street. It can be argued that the type of residential development being proposed on the waterfront will be very attractive to railroad commuters. The 1980 census reported that 25% of the individuals who live in Irvington and are employed use mass transit to get to work. Even if it were assumed that between 50 and 75% of the employed individuals living in the new waterfront development were using mass transit, there are likely to be some persons driving to work.

There are 1,047 new housing units projected for village build-out. Assuming 25% of those new village residents will also use mass transit for their commute, an additional 681 vehicle round trips to the train station during rush hour are estimated.

The P.M. peak hour vehicle trips are estimated to increase by 18% (103 existing peak hour trips versus 122 proposed peak hour trips). The development of a restaurant on the waterfront will also affect evening traffic patterns on Main Street with patrons arriving and departing later in the evening, causing increased traffic on Main Street during those hours.

With regard to parking, it is recommended that any waterfront development provide enough parking to meet the needs of its residents, their guests, shoppers, restaurant patrons, and park users. At least two enclosed off-street parking spaces per dwelling unit should be rquired for the residential development on the waterfront. As recommended in the Gisolfi plan, the Village should study further the possibility of using the existing public works garage site at the corner of Buckhout and Astor Streets for a commuter garage. The Committee supports this concept pending the findings related to the financing of such a structure and to finding a suitable site for the Department of Public Works garage.

(c) Infrastructure - The Committee recommends that all infrastructure (i.e. roads, water and sewer lines, pump stations, electrical and gas lines, sidewalks, street lighting, and bridges) be provided at the expense of the developer. If it is determined that a fire station or any other municipal facility is required on the waterfront as a result of its redevelopment, the Committee recommends that these capital costs also be borne by the developer and included in the approved site plan.

(d) Recreation Areas - The Committee recommends that a recreation area with a minimum of four (4) acres be provided and located at the southerly end of the waterfront development area. It is further recommended that the developer bear the costs for the site preparation including the provision of all necessary utility lines to the site, the final grading of the park and parking area, paving of the parking area and side walks and the provision of necessary lighting and curbing.

The Committee recommends that the pedestrian walkway be constructed by the developer according to Village specifications, with a minimum width of 30 feet. A boat launch area and boat club is recommended, but it

should not be credited against the 4 acre park requirement.

(e) Zoning - The Committee recommends that the existing industrial zone remain in place with its current permitted use until such time as the possibility of its acquisition as parkland is determined. If purchase is not possible, then the permitted use of this zone should be expanded to provide for the redevelopment of the entire waterfront area. This expanded use would require the development of the waterfront as a single entity and would specify design criteria (materials, architectural style, etc.), as well as traditional zoning requirements relating to height, bulk, coverage, setbacks, parking, open space, etc.

(f) Economic Impact - The Gisolfi reports of June 5 and November 10, 1986, provide preliminary cost/revenue analyses for each of the proposed schemes. All schemes provide positive tax revenue to the Village -- an important factor in considering the redevelopment of this area. In the Open Space section of this report, the Committee recommended a payment of money in lieu of land for parks. Depending upon the timing of the development of certain land parcels in the Village, it may be conceivable that the Village could accumulate the necessary funds to purchase the waterfront property. While the required series of events is unlikely, it does present an intriguing prospect. If the Village could find the financial wherewithall to purchase the waterfront revitalization land through the open space fund and/or other outside sources, it is recommended to do so.

F. PROTECTION OF SCENIC CORRIDORS

Three corridors have special importance to the quality of life in and ambiance of Irvington: (i) the tree-lined, spacious character of Broadway north and south of the Main Street intersection, (ii) the Croton Aqueduct, and (iii) the wooded, almost wilderness, feeling of Cyrus Field Road from the Irvington Reservoir to the Saw Mill River Parkway. The Committee strongly recommends that these be preserved, as significant change would substantially diminish an essential part of the character of the Village. In order to do so, we recommend that scenic buffers be created along all three to separate nearby development from the views seen by users of these corridors to the maximum feasible extent. As each of the three corridors differs from the others, the recommended treatment varies.

The proposed amendments to the Zoning Ordinance would create a Broadway Buffer consisting of a fifty foot area on each side of Broadway outside the Business District. Erection of buildings, removal of trees, and paving would be prohibited within the Buffer. (Appendix F, Section 28, proposed 47-36.3) In essence, the Broadway Buffer would be similar to a fifty foot setback requirement, but would prohibit not only buildings, but tree removal and parking within the area of the setback in order to preserve the character of Broadway.

We also propose the creation of new setback requirements to better protect the Croton Aqueduct. The proposed amendments to the Zoning Ordinance would prohibit the erection of any building within thirty feet of the Aqueduct or, to the extent existing law requires a greater setback, such larger distance. (Appendix F, Section 28, proposed 47-36.1) Variances from this setback requirement would be permitted only if the applicant agreet to install and maintain such landscaping to screen any new construction from the Aqueduct as the Zoning Board of Appeals sees fit as well as meeting other requirements for a zoning variance.

Finally, we recommend the creation of a Cyrus Field Road Buffer consisting of the area within seventy five feet of Cyrus Field Road essentially from the reservoir to the Saw Mill River Parkway. (Appendix F, Section 28, proposed 47-36.2) Building, removal of large trees, grading and paving of land within the seventy five foot corridor would be prohibited except to the extent necessary to install underground drainage and utilities. As in the case of the Broadway Buffer, this would essentially be a setback requirement with special controls to ensure that the area within the setback is not used in a manner inconsistent with the preservation of the present character of the drive along Cyrus Field Road.

G. PROPOSED CHANGES AS MAPPED

The foregoing changes (A through F) have been recorded in ten maps which are annexed to and made a part of this Report as Appendix I. The first three maps, in color, show how the Committee's recommendations will affect future building in the Village.

MAP #1, entitled "Existing Conditions Map, December, 1986" shows the buildings existing in the Village in December 1986. It also shows, as of that date, public recreation areas and footpaths, and the major treed areas, including park land. In sum, it is a schematic presentation of the Village as it exists today.

MAP #2, entitled "Projected Buildout Map per Existing Zoning" shows in red, the new buildings which might be erected if Irvington's present zoning were to be applied without any change in that zoning.(1) It assumes that certain presently undeveloped land, such as the Nevis area, would be developed in accordance with the zoning which now applies to these undeveloped parcels. This map is not intended to indicate where or how many buildings in fact could be built in accordance with existing zoning and should not be regarded as indicating the Committee's views as to what development would be legally permissible or desirable. Rather, it is an effort to depict an approximation of what buildout in accordance with existing zoning might look like. It further assumes that no new recreation or park areas would be created as part of the build-out.

MAP #3, entitled "Projected Build-Out Plan Per Land Use Committee Recommendations" shows, in red, the development which might occur if the Land Use Committee's Recommendations were adopted. It is referred to as a Build-Out "Plan" because it is intended to be part of the Village's Master Plan and to be followed to the same extent that the Plan is followed in determining the future course of construction. Map #3 does not add to any of the text found in this Report or in the Committee's proposed zoning and subdivision ordinances, but illustrates what building may occur, and where, if the Report and ordinances are adopted. Map #3 also shows, in addition to the projected build-out which would occur pursuant to the Committee's recommendations, the location of the additional recreation areas and footpaths which would be established if the Committee's recommendations were adopted. This map is not intended to show where or how many buildings could be erected in accordance with the proposed zoning and subdivision changes. Again, it is intended to demonstrate the general concept of the development which might occur were the Committee's recommendations adopted. These pathways and recreation areas are also depicted, separately, on the next two maps.

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(1) See Footnote on p. 11

MAP #4, entitled "Public Pathway Plan"(1) shows both proposed public pathways and existing scenic corridors. The proposed public pathways are extracted from Map #3 where they are combined with a depiction of build-out and parks, and are shown here separately for greater ease in identifying them. Map #4 also shows existing scenic corridors such as Broadway, Harriman Road and Main Street. Various provisions of the Committee's proposed zoning ordinances, such as the proposed set-back requirements for Broadway, should ensure the preservation of the scenic corridors illustrated on this map. In addition to proposed pathways, this map shows certain of the consultant's design concepts which are not intended to denote pathways. Reference should be made to Map #10 for the specific proposed pathways.

MAP #5, entitled "Public Open Space and Recreation Plan" shows the following features:

1. Footpaths, including both existing footpaths and the proposed pathways identified on Map #4.

2. Village-Owned Property.

3. Scenic Corridors, also identified on MAP #4.

4. Reservoirs, Ponds and Streams

5. Scenic and Historic Locations to be Preserved, which identifies the same locations already identified in the Wallace, McCarg study as worthy of preservation.

6. Public Open Space, Existing and Proposed, showing such existing open space as the public schools and adding thereto the additional open space which would result from adoption of the Committee's recommendations. This includes the rock fall nar Halsey Pond.

7. Existing Private Open Space, such as the Ardsley Country Club and the Churches.

8. Active Recreation, Existing and Proposed, showing the existing active recreation areas such as Memorial Field and the location of the additional active recreation areas proposed by the Committee.

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(1) Maps 4 and 5 reflect in two instances planning concepts which are used for illustrative purposes only: (1) the pathway system shown north of the reservoir and (2) portions of the pathway system shown east of Halsey Pond and south of the high reservoir. The parks, open space and pathways which the Committee specifically recommends be acquired in the subdivision process as described in Section III-D are shown in Map #10.

MAP #6, entitled "Land Use Policy Plan" shows the various uses to which the land in Irvington will be put in accordance with the Committee's recommendations; namely, (a) Public and Semi-Public use, (b) Commercial and Retail use, (c) Railroad use and (d) Park, Recreation and Open Space use. As to private use, Map #6 shows by different hatchmarks, the different densities which will occur in the different zoning areas of the Village. Dense hatchmarks denote the denser areas of 8 dwelling units per acre and the least dense hatchmarks, similarly denote the least dense areas of the Village, namely, the one dwelling unit per acre area (IF-40). As noted above, the Committee intends this map, and the other maps designated as "Plans," to be part of the Village's Master Plan.

MAP #7, entitled "Existing Zoning Map" shows the existing zoning in Irvington and is reproduced, without change, from the map contained in Chapter 47 of the present Village of Irvington Zoning Ordinance. It is included as a reference point for reading the next map, Map #8, which shows the zoning changes recommended by the Committee.

MAP #8, entitled "Proposed Zoning Map" shows, superimposed on Map #7, the following zoning changes recommended by the Committee:

1. Changing certain zoning in the Nevis area from IF-20 to IF-40.

2. Changing certain zoning in the Northeast area of the Village from IF-10 to IF-20.

3. Creating a Railroad Zone, along the present railroad right-of-way.

MAP #9, entitled "New Street Plan" shows the new streets proposed by the Committee to accommodate the Committee's recommended build-out. This new street map would become part of the already existing official street map of the Village of Irvington.(N.B. The Committee recommends that, if the land Northeast of the reservoir is subdivided and a road into that area becomes necessary, such road run from Cyrus Field Road in a Northwest direction and end in a cul-de-sac.)

MAP #10, entitled "Parks, Open Space and Pathways Map" is extracted from maps 3 through 5. It shows those areas designated for acquisition by the Village as parks, public open space and pathways as part of the subdivision process. (Section III-D) This map should become part of the Official Map of the Village.

IV PROPOSED AMENDMENTS TO THE DEVELOPMENT PROCESS AND REGULATIONS WHICH GOVERN IT

A. PROPOSED AVERAGE DENSITY PROVISIONS

We already have discussed the limited utility of cluster zoning under Section 7-738 of the Village Law as a means of protecting environmentally sensitive areas and other features worthy of preservation. Section IIIB. But cluster zoning under Section 7-738 also has other difficulties.

First, Section 7-738 provides too much latitude for inappropriate development. Its typical uses have been to permit the construction of (i) single family houses on lots smaller than the minimum lot size permitted in the district in exchange for open space and (ii) attached housing in single family residence districts. But the statute in fact permits waiver of all applicable zoning laws and subdivision regulations -- not just the minimum lot size. Hence, Section 7-738, unless restricted, would permit a great variety of other deviations from Village zoning and subdivision laws such as the erection of high- and mid-rise buildings, other construction exceeding height limitations, the construction of roads exceeding maximum permissible steepness, the intrusion of business uses into residential districts and so on.

Second, Section 7-738 creates some very practical administrative difficulties. Once it is employed to permit construction on undersized lots or the erection of attached dwellings in single family districts, the standards governing future development on the site are unclear, if any exist at all. For example, if the Village permits the construction of houses on 1/4 acre lots in 1/2 acre districts, what maximum coverage and minimum setback standards apply in the event the owner of such a house later wishes to erect an addition? Or if attached dwellings are built in a single family zone, what coverage and setback rules govern subsequent additions and alterations? The Planning Board has indicated that it has been concerned about these problems for some time.

We recommend that these problems be dealt with by the enactment of a new article in our Zoning Ordinance containing general standards applicable to all cluster development in the Village. (Appendix F, Section 30, proposed 40.20) The proposed article contains the following principal provisions:

1. Cluster zoning would permit variation only of minimum lot size, lot width, minimum yard sizes, setback and street frontage requirements. All other provisions of Village law, including building height, would continue in effect.

2. Cluster zoning could not be used to increase the number of units that may be built beyond that otherwise permitted.

3. There would be limits on the extent to which the minimum lot size, frontage and minimum yard sizes could be reduced for the development of single family houses on separate lots.

4. Standards would be adopted limiting coverage of sites within cluster developments.

B. LAND SUBDIVISION REGULATIONS

The Committee reviewed the Village's land subdivision regulations in detail and proposes the enactment of a local law amending the existing regulations. (Appendix J) The principal feature of the proposed amendment is the mechanism for identifying and acquiring necessary parkland, or money in lieu of parkland, as part of the subdivision process, a matter discussed elsewhere. Section IIID. There are two other changes of special note.

First, the Committee has concluded that developers often make various promises and commitments to the Planning Board concerning the manner in which property will be subdivided, developed and maintained during the course of obtaining subdivision approval. While the Planning Board often notes these commitments in its minutes and on subdivision plats, a more formal means of recording them is desirable in order to insure that future owners of property in a proposed subdivision will be bound by the developer's commitments where that is appropriate. For example, if a developer were to promise that he will maintain a pond located within a subdivision, it is desirable to insure that the obligation to maintain the pond will become an obligation of those who eventually buy the houses and apartments in the subdivision; the developer will not be around forever. Accordingly, the proposed local law contains a provision requiring that such agreements and commitments be set forth in approprate legal instruments and recorded against the affected property in order to protect the Village's interests. (Appendix J, Section 10, proposed 23-8)

Second, the proposed local law contains new and more stringent provisions for granting of variances from the subdivision regulations and for public notice of such applications. The Committee believes that the current regulations afford too much scope for allowing developers to depart from established principles.

C. SITE DEVELOPMENT PLAN REVIEW REQUIREMENTS

The Committee wishes to extend the Planning Board's discretionary authority to all significant development that takes place in the Village, in order to insure the highest quality of architectural and landscape design, the implementation of resource protection requirements and the application to individual sites of relevant requirements of the Master Plan.

The zoning provision the Committee proposes as the means to extend the Planning Board's authority in this way is Site Development Plan Review, which is similar to the process described in the more familiar term, Site Plan Review, but extends to the full three-dimensional design of the proposed development.

Under the proposed zoning provision,-the Planning Board would conduct a Site Development Plan Review for all subdivisions which create three or more lots and for which preliminary approval is sought after October 1, 1987. Also, except in cases associated with the construction of a single-family house on a separate lot, the Planning Board would conduct a Site Development Plan Review for the erection and alteration of buildings and for a proposed land use which would alter the natural environment.

The Site Development Plan Review would cover the complete three-dimensional design of each development, including the placement of all roads and driveways, the preservation and planting of all vegetation, and the location and configuration of all structures, to insure that: the highest quality of design is achieved; that resource protection provisions of this ordinance are carried out; that land required by the Master Plan or by the Subdivision Ordinance for recreation is dedicated or reserved; that unique environmental, scenic or historic resources identified in the Comprehensive plan are preserved; and that other provisions of Official Village Plan maps that apply to the site under review are fully incorporated in the design. The Planning Board's decisions would be based on a full understanding of the proposed architectural and landscape design character of a development, and the Planning Board would be able to require the highest standards of architectural and landscape design in any development.

Drawings and other materials required for submissions would be in accordance with requirements to be established by the Planning Board but, in general, should include a complete survey of the site as required for establishing resource protection requirements and schematic designs for proposed development. The determination whether or not an environmental impact statement is required should also take place before preliminary approval, and the statement, if required, should be completed before the Planning Board gives final approval.

The Planning Board should not give approval to any development that fails to preserve in their natural state all Wetlands, Lakes, Ponds and Watercourses.

The Planning Board should also insure that the minimum possible development takes place in areas of Steep Slopes, Mature Woodlands and Intermittent Drainageways, and none within the watershed of the Harriman Reservoir. The Planning Board should determine the most effective way in which recreation land can be provided for the Village in accordance with comprehensive plan provisions, and should insure the effectiveness of all provisions relating to the preservation of unique environmental, historic and scenic resources as described in the Master Plan.

The Planning Board could, at its discretion, grant final approval to portions of a development, if it is satisfied that the entire development will meet the requirements of this ordinance. It is the intent of these provisions that no construction of any element of a project that has been reviewed under this provision should begin construction without a final approval from the Planning Board, including individual houses on individual lots.

D. ROLE OF THE ARCHITECTURAL REVIEW BOARD

As the Committee is suggesting strengthening the role of the Planning Board to include review of three-dimensional design aspects of all subdivisions and planned developments, and adding review powers over all projects in the Multi-Family, Business, and Industrial Districts, the procedures of the Planning Board should include communication with the Board of Architectural Review before any approvals by the Planning Board are granted.

The Committee thus recommends that the Planning Board not give final approval to any development until both the Architectural Review Board and the Planning Board have reviewed completed, large-scale, dimensioned plans, elevations and other architectural drawings in sufficient detail to show the external appearance of any structures, and the materials of which they will be built. Such reviews would be made by the two Boards before any drawings are submitted to the Building Department for a Demolition Permit, Excavation Permit, or Building Permit.

In addition, the Committee recommends the repeal of all of Section 9-2 of the provisions setting forth powers of the Board of Architectural Review. This section, designed to prevent look-alike houses on adjacent subdivision lots, can be an active detriment to achieving coherent design in larger projects. The Board of Architectural Review should be allowed to exercise a more discretionary approach to design.

E. ROLE OF THE ENVIRONMENTAL CONSERVATION BOARD - RECOMMENDED WETLANDS ORDINANCE

Currently the Planning Board refers all development plans to the Environmental Conservation Board for its advice on whether the projected development will have a significiant environmental impact. Under S.E.Q.R.A., the "lead agency" which must decide whether a particular development has significant environmental consequences is the Planning Board. The Planning Board calls upon the E.C.B. for its expert assistance in making that decision. The Committee recommends that this practice continue.

The Committee also recommends that the E.C.B. be designated as the Village Agency responsible for keeping up to date the Village Plan inventory map of essential environmental, scenic and historic features.

The Committee recommends adoption of a Fresh Water Wetlands Protection and Drainage Ordinance in a form similar to that annexed hereto as an Appendix. Appendix K has been drafted by the Irvington Environmental Conservation Board and represents a thorough treatment of the wetlands issue as it pertains to Irvington. The Wetlands Ordinance will have to be redrafted in certain particulars to conform to the zoning ordinances being recommended by the Committee, but in their basic approaches, the Wetlands Ordinance and the zoning ordinances are compatible.

V CHANGES IN TEXT FOR INDIVIDUAL ZONES AND ZONING DISTRICT BOUNDARY CHANGES - PROPOSED ZONING MAP

A. INDUSTRIAL DISTRICT

To remove potential ambiguity, the Committee proposes to rewrite this section so that it is clear that the only permitted uses are manufacturing or warehousing, plus accessory office uses directly related to manufacturing or warehouse activities within the district.

As written, the text might be construed to permit other office and commercial uses permitted in the Business District.

B. PROPOSED RAILROAD DISTRICT

The Committee proposes this new zone to insure that the zoning of the Village is in conformity to the actual land use. Railway tracks, a station, platforms and equipment needed for the operation of a railroad would be the only permitted uses, and there should be a height limit for railway equipment and buildings. The objective is that building via air rights is prohibited. Further, the land included in the Railroad District should in no way be considered in conjunction with an adjacent parcel for purposes of meeting any regulatory requirements (e.g. minimum lot size, site capacity) for that adjoining property.

C. CHANGES AFFECTING BUSINESS ZONE

A unique feature of the Village is the business district and its centerpiece, Main Street. Main Street is one of the few streets in communities along the Hudson River that is perpendicular to the River and so affords a panoramic river view to those using it. In addition, the local businesses that line Main Street and its immediate environs furnish a core that gives the Village much of its charm. The Committee and its consultants concluded that it is essential to preserve the existing ambiance of the business district to the maximum extent possible.

In considering what elements, in addition to the existence of local business establishments housed in buildings of generally similar scale, give the Business Zone its individual character, a major factor identified was that in many stretches along Main Street the front elevations of the buildings are on the front lot line, giving the impression of a uniform architectural facade lining the street. The Committee identified as major threats to the character of the business district the possible intrusion of franchised-type fast-food establishments; the fact that residential uses as

permitted in the Business Zone by the existing ordinances could result over time in the business uses there being supplanted by purely residential development; and the possible demolition of buildings to create parking lots or the like. The Committee was particularly concerned about the possibility that the economics of residential development could result in the eventual elimination of Irvington's "downtown", and that buildings fronting on Main Street might be acquired and demolished and used as parking or storage lots while a larger parcel was assembled for eventual redevelopment.

Accordingly, among the amendments to the Zoning Ordinance being recommended by the Committee are provisions which would (1) restrict the location of new residential dwelling units in the Business Zone to the second and higher floors of those buildings in which the first floor is reserved for a business use permitted in the district, (2) prohibit the establishment anywhere in the Business Zone of drive-in type or fast-food restaurants, the latter being defined in such a way as to include only businesses that benefit from major advertising campaigns and (3) seek to preserve the general ambiance of Main Street by preventing the creation of any off-street parking spaces between the curb line and the facade of any building, and by preventing more than 20% of the area of any lot having frontage on Main Street from being used for parking spaces or as a vehicle storage area.

D. REMAPPING OF IF-10 ZONE TO IF-20 AS SHOWN ON ATTACHED MAP

All the land east of Broadway is zoned IF-20 or higher, except for two small multi-family zones at either end of the Village, a IF-10 and multi-family zone directly opposite the Village center, and 2F, IF-5 and IF-10 zones along East Sunnyside Lane. In considering: the wooded, rolling nature of the terrain; the negative effects of increasing traffic on a narrow, twisting roadway (E.Sunnyside Lane) which is hazardous to negotiate even now; and the general pattern of density decreasing with distance from the center of the Village, it is more appropriate to associate the land area with the adjacent IF-20 zone, than to have it remain IF-10. The Committee has reviewed studies prepared by its consultants and has concluded that such a change will result in development more in keeping with the character of the area.

E. REMAPPING PART OF IF-20 ZONE WEST OF BROADWAY AND SOUTH OF THE VILLAGE CENTER TO IF-40 AS SHOWN ON ATTACHED MAP

The historical character of development in this area has been large estates and homes on large lots similar in character to the Matthiessen Park district which is in an analogous position in relation to the Village center. The Committee has reviewed studies prepared by its consultants and has concluded that the IF-40 zoning will insure development that is more in keeping with the historic character of the Village, and more appropriate in terms of the over-all logic of the zoning map.

VI RECOMMENDATIONS ON PROCEDURE AND ENFORCEMENT FOR PLANNING BOARD AND OTHER APPROVALS

There are three administrative areas where the Committee feels that the Village could make improvements: (1) in making it easier for the public to observe the proceedings of the various Boards that consider development issues, and to make comments at Board meetings; (2) in increasing the co-ordination of Village staff and providing staff assistance to Boards, particularly the Planning Board; (3) in strengthening the Village's enforcement mechanisms, to make sure that projects approved by the Village are carried out as approved.

A. PUBLIC PARTICIPATION

The Committee suggests that public notice procedures be improved by making the Enterprise a journal of record, by posting agendas well in advance of meetings at the Public Library and other suitable locations, and by circulating agendas to citizens who are willing to pay for the mailing costs. Property owners who would be directly affected by actions taken by a Board, such as adjacent or immediately neighboring owners, should be notified as part of the procedures of all Village boards.

Drawings and other information describing significant proposals should be available for public inspection at the Library at the same time as such proposals are listed on an agenda.

Boards should make opportunities for public observation and participation the controlling factor in schedules, and not hold informal discussions about items that have not been the subject of public notice, or keep continuing items to the point that a member of the public would have no way of knowing whether or not an item would be discussed at a particular meeting. Each board should set a number of continuances or postponements, beyond which an item would have to be reconsidered as if being presented for the first time.

Such participation by the public in this most important process is vital to ensuring that development takes place consistent with the long term best interests of the Village. To that end, the opportunity for public awareness and involvement has been incorporated into the changes proposed by the Committee.

B. CLERICAL AND PROFESSIONAL SUPPORT FOR BOARDS

The rapid pace of growth and change in Irvington has put a far greater burden on those who serve on Village boards than was ever the case in the past. The Committee believes that these citizens, who are already giving so much of their time, should have the assistance of clerical staff, who can ease the burdens of keeping minutes, preparing agendas, circulating notices, and so on. Boards, particularly the Planning Board, should also have professional assistance available to them, at least while the current pace of development continues.

As suggested in the February 5, 1987 memorandum from the Chairman of the Planning Board to this Committee, the Committee recommends that a paid professional consultant be hired to assist the Planning Board, including helping the Board monitor reports on construction changes as described below. The Trustees should review the fee structure, which is modest relative to other municipalities, to help defray this cost.

C. ENFORCEMENT

At present the Superintendent of Public Works inspects a development during construction to check such elements as road placement, site grading, and provision of water and sewer services. The Building Inspector inspects buildings at certain stages during their construction. There is no mechanism for periodic reports by these officials to the Planning Board during construction of a development or individual building, or at any other time.

The Committee recommends establishing a procedure by which the Superintendent of Public Works and the Building Inspector make written progress reports to the Planning Board and refer any requests by developers to alter plans by more than certain stated minimums. The Planning Board will approve or disapprove the proposed change. The Village employees should also transmit to the Planning Board, monthly, a written list of all deviations from approved plans, however minor.

In addition, the Committee recommends that both the Superintendent of Public Works and the Building Inspector attend all meetings of the Planning Board and report on the progress of all work under construction.

Village ordinances currently require the Building Inspector to report every quarter to the Trustees or the Planning Board the number of building permits or certificates of occupancy issued during that quarter. As far as the Committee has been able to determine, the practice of making such reports has lapsed. This is vital information for planning, and these reports should be made, as required by law.

As-built drawings of site plans and buildings should be filed for all approved projects, prepared for the developer by a registered architect or professional engineer, who should certify to the Village that all aspects of the approved plans have been constructed as approved. The Superintendent of Public Works and the Building Inspector shall review all new development and the as-built drawings for compliance with approvals. Certificates of occupancy for any part of a development should not be granted unless the entire development is in full compliance with planning approvals at that time.

The Committee recommends that the Trustees periodically review the amount of fees charged for approvals, applications and penalties associated with development to determine their adequacy. Fines and penalties for zoning violations and breaches of agreements concerning new development should be increased.

Application fees for subdivision/site plan approval applications should be raised and applicants for substantial developments should be required to bear or defray the Village's cost for professional help in reviewing their applications.

VII IMPACT ON VILLAGE OF DEVELOPMENT IN ACCORDANCE WITH PROPOSED NEW REGULATIONS

The map, Projected Build-Out Plan per Land Use Committee's Recommendations should be compared to the maps showing the existing physical development of the Village and the projection of development in accordance with existing regulations.

Table 2 below shows the estimated potential development on individual sites under changed development regulations proposed by the Committee. There would be a total, theoretical reduction of 381 units as a result of resource protection, recreation land reservations, and remapping. 355 Of the units estimated to be eliminated would be in single-family zones and 26 in multi-family zones.

In the event of waterfront rezoning, the net effect of all proposals would be to provide Irvington the potential for 666 new dwelling units, of which 200 would be multi-family and 466 single-family.

The total potential number of units in the Village would be 3,300, essentially the same as the potential build-out of 3,303 units projected in the Comprehensive Plan.

At recent rates of growth, this level of development could be reached in 12 years.

A. CHANGES IN THE VILLAGE CHARACTER

While new development will obviously mean some change in the Village's character, development in accordance with the Committee's recommendations will conserve some of the most characteristic elements of the Village, notably the wooded landscape along Cyrus Field Road, the landscape setting of the Rock Fall, and the meadow on the Nevis property. The open space along Broadway would be preserved, and there would continue to be a variety of different neighborhoods within the Village, rather than the uniform carpet of development likely if current development regulations and policies are not changed. If new development can conform to the recommendations in this Report, the Committee believes that Irvington can be developed to this level of density without loss of its essential character.

TABLE 2

VILLAGE OF IRVINGTON
Projected Additional Dwelling Units (D.U.'s) with
Reservation of Resource Protection Land
and 10% Deduction for Open Space
and Rezoning Selected Parcels

PARCEL	TOTAL ACRES	ZONING	RESOURCE PROTECTION ACRES (NET)	NET BUILDABLE ACRES (LESS 10%)	POSSIBLE TOTAL # OF D.U.'s ALLOWED(1)	EXISTING D.U.'s ON SITE	POSSIBL # OF NE DWELLIN UNITS(1
2. Unification Church	25.20	1F-20**	10.05	13.63	27	1	26
4. Unification Church (formerly Sobars Estate)	3.21	1F-5	1.36	1.67	12	1	11
6. Scott	3.00	1F-40	0.29	2.73	3	1	2
7. Randall	10.00	1F-40	4.19	5.23	6	1	5
8. North Broadway Corp. (formerly Madison Corp.)	8.10	1F-20**	3.80	3.87	7	0	7
9. Rubenzahl (formerly US Time Corp.)	4.58	1F-20**	1.35	2.91	5	0	5
10. Abbott House	16.91	1F-20	6.18	9.66	18	0	18
11. Graves	4.80	1F-40	2.98	1.64	2	1	1
12. Russell	3.62	1F-40	1.53	1.88	2	1	1
14. Manney (formerly Khosarowshahi)	11.99	1F-40	2.99	8.10	9	1	8
16. Annie Poth House*	3.80	1F-10 & 40	0.38	3.08	6	1	5
17. F. Hoch	3.96	1F-40	0.44	3.17	3	1	2
18. Keeler	3.75	1F-40	0.63	2.81	3	1	2
19. Mar-Vera Corp. (formerly Bouldin)	4.50	1F-20	2.13	2.15	5	1	4
20. Irvington Assoc. (formerly Stearns)	41.61	1F-20 & 40	26.43	13.66	27	1	26
21. Nicodemus	3.62	1F-40	3.62	0.00	1	1	0
22. Jellinghaus	3.22	1F-40	0.60	2.36	2	1	1
23. Reibeisen Tax Service (formerly Obadal)	6.49	1F-40	3.03	3.12	3	1	2
24. Ju	5.43	1F-40	2.95	2.23	2	0	2
27. B.H. Kayden	12.64	1F-40	1.57	9.96	10	1	9
28. McAfee	6.26	1F-40	0.97	4.76	4	1	3
46. R & T Fatato	4.47	1F-20	1.96	2.26	4	1	3
47. V. Fatato	4.80	1F-20	1.29	3.16	6	1	5
48. Finkelstein	4.97	1F-20	2.36	2.35	4	1	3
49. Mar-Vera Corp.*** (formerly Halsey)	25.90	1F-20 & 40	0.00	25.90	7	0	7
52. Kiernan/Lowe	4.44	1F-20	0.00	4.44	8	1	7
53. Griffin (formerly Murray)	10.50	1F-40**	3.05	6.70	6	1	5
55. Hartz Mountain (formerly Pechet)	100.76	1F-40	37.23	57.18	56	0	56
58. Columbia Univ. (aka Nevis Estate)	68.16	1F-40	5.25	56.65	56	1	55
59. Rathman	1.09	1F-20	0.00	0.98	1	0	1
61. Cyrus Brooks Estate	18.00	1F-40	10.38	6.86	6	1	5
63. Padwee*	4.48	1F-40	0.00	4.48	8	1	7
64. Stevenson	4.12	1F-40	0.74	3.04	3	1	2
65. Stover	3.12	1F-40	0.73	2.15	2	1	1
66. Ardsley Country Club	51.90	1F-40	16.03	32.28	32	0	32
67. Dowd/Enders (formerly Schmelzel)	4.78	1F-40**	0.35	3.99	4	1	3
68. Mercy College	29.50	1F-40**	13.60	14.31	14	0	14
Single Family units all available sites less than three (3) acres	55.65	1F-5, 10 20 & 40			82		82
SUBTOTAL (Single Family Units)	583.33		170.44	325.35	456	28	428
30. Foundation for Economic Education	8.12	MF	1.31	6.13	53	0	53
40. MF zoned area north of existing apartments	6.35	MF	1.53	4.34	37	15	22
Waterfront	26.42				125(1)		125
TOTAL	624.22		173.28	335.82	671	43	628

(1) See Footnotes on Page 9
* A subdivision is already approved for these parcels
** Upzoned Parcels
*** This parcel is already partially developed

B. ENVIRONMENTAL IMPACT

Through resource protection zoning, environmentally sensitive land should be conserved in its existing state. The conservation of steep slopes should prevent soil erosion; conservation of mature woodlands, drainageways, and wetlands will help conserve the natural ecology. Through resource protection, rural elements of the Village, which are a big part of its attraction, will be preserved.

C. RECREATION LAND

As discussed in this Report, it should be possible not only to conserve more open space and recreation land for the Village but to design open space, recreation lands and pathways into a public open space plan, a green framework for the Village. The active recreation lands identified on these maps should provide adequate recreation land for the Village at projected levels of population.

D. TRAFFIC IMPACTS

Although traffic will increase as the result of new development, at the level of development shown, traffic should be more manageable than if build-out in accordance with existing policies and regulations were to occur.

E. FISCAL IMPACTS ON VILLAGE

As development continues, there will be an increase in the demands on Village services. However, the level of growth envisioned by the recommended Plan should provide sufficient revenue growth to accommodate these needs.

VIII CONCLUSION: RESPONSE TO THE MAYOR'S CHARGE TO THE COMMITTEE

1. The goals contained in the Comprehensive Land Use Plan drawn for the Village in 1979 remain valid; but, because of the unanticipated speed of Village growth, the vast increase in land values, and the failure to enact certain of the Plan provisions into Village ordinances, the 1979 Plan has been an insufficiently effective tool for the development decisions made in the Village. The Committee believes that the more explicit official maps it is proposing, plus the new zoning and subdivision provisions and other changes it is recommending, will make the Comprehensive Plan the effective development guide for the Village it was originally intended to be.

2. The fiscal base for Village services should continue to be adequate for new development provided the Village can stay within the build-out projections of the Comprehensive Plan by adopting the measures outlined in this report.

It is more difficult to relate Village policies to the adequacy of the School system because a third of the Irvington School District is outside the Village. Were the projections which provide the basis for this report accurate, capital spending of some magnitude would be required.

In both of these areas, planning must begin now, as the service-delivery needs and their fiscal implications are of such magnitude.

3. The Committee has concluded that current zoning and subdivision requirements are in need of revision and Appendices F and J of this report provides draft texts of the changes that the Committee recommends.

The Committee firmly believes that these measures it recommends strike the proper balance between change and preservation. They provide for reasonable development, carried out in a manner which does not sacrifice the quality of life so important to the current and future residents of Irvington. As we have learned over the course of eighteen months, the issues are numerous and complex; but we have also come to realize that there is no more important agenda facing this Village. We endorse these proposals and commend them to you for careful review and timely action.

####

MEMORANDUM

To: Village of Irvington Land Use Committee

From: Manuel S. Emanuel Associates, Inc.
Community Planning and Development Consultants

Date: February 11, 1987

Re: Traffic Analysis - Preliminary Report

As part of our continuing work for the Land Use Committee, a traffic analysis has been completed. The purpose of the analysis is threefold: 1) obtain current traffic counts, 2) determine the increase in traffic that is expected to occur without further development in the Village, 3) estimate the increase in traffic that could result from additional development in the Village. The findings of the traffic analysis are summarized below and are followed by an explanation of the methodology and assumptions of the study.

CURRENT TRAFFIC VOLUMES

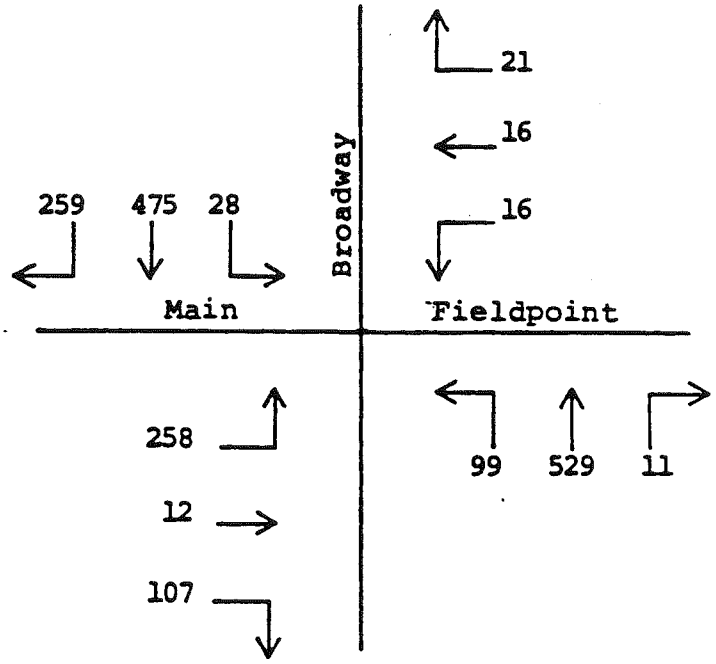
To determine the existing amount of traffic, our traffic associate, Robert Leonetti, performed manual turning movement traffic counts, over a 12-hour continuous period at the intersection of Broadway and Main Street on Thursday, February 5, 1987.

A review of the data collected indicates that during the morning and afternoon peak traffic hours 55 percent of the traffic on Broadway is northbound, while 45 percent is southbound. This 55/45 split is a little unusual in that morning and afternoon peak hour trip patterns generally reverse themselves (i.e., a 70/30 split in the morning and a 30/70 split in the afternoon). During the morning peak hour (7:30 a.m.-8:30 p.m.) 808 vehicles are travelling northbound on Broadway at Main Street, and 598 vehicles are travelling southbound on Broadway at Main Street. Also, during this time period, 374 vehicles are travelling westbound on Main Street. In the afternoon peak hour (4:45 p.m.-5:45 p.m.) the numbers are similar; 788 vehicles are travelling northbound on Broadway, 609 are travelling southbound on Brodway and 315 vehicles are travelling westbound on Main Street (see Figure 1).

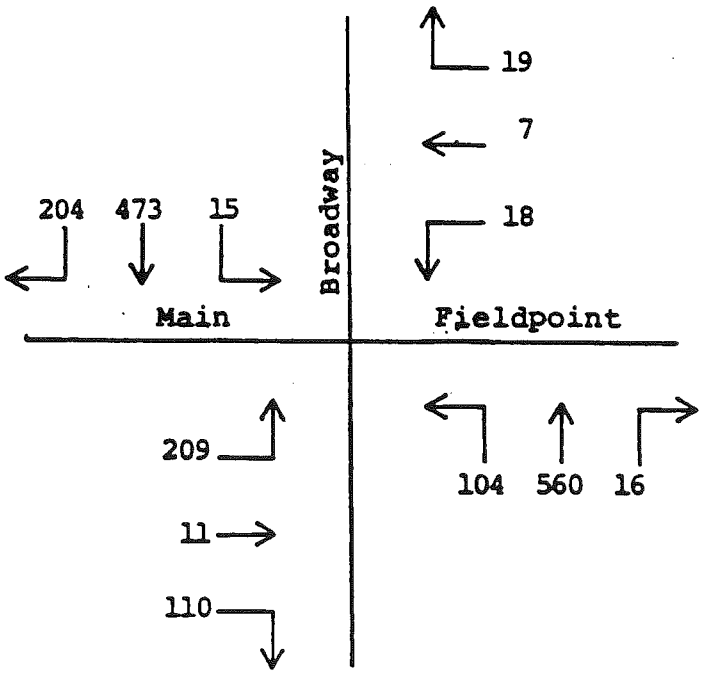
FIGURE 1

1987 TRAFFIC VOLUMES

VILLAGE OF IRVINGTON



A. M. Peak Hour
(7:30 - 8:30)



P. M. Peak Hour
(4:45 - 5:45)

NORTH

TEACHER

Fewer teachers would have to teach out of subject area.

Offers a larger group of peers within which teachers can interact and from which they can obtain professional stimulation.

With fewer students, the teachers are more likely to relate to students as individuals.

FINANCIAL

Allows enough resources to fully meet the needs of all groups within the school.

Reduction of financial pressure to eliminate tracking.

The above two accrue from the economies of scale of a larger district (reduces the force of the cost-per-student argument).

The tax disparities amongst districts do not benefit Irvington.

Irvington presently has a faster growing tax base than the other two districts.

* * * * * * * *

It will continue to be the Board of Education's function over the next several years to weigh the educational and financial issues of merger. Further, it is critical that the community become aware of the issues facing the Irvington School District so that a political consensus can be developed that will allow the district to pursue a coherent direction that is acceptable to the majority of the community.

It is our perception that merger will never be a closed issue and that student enrollment would indicate a need to continue and perhaps expand the district's initial efforts to share services. Consequently, we recommend that:

1. Every effort be made to encourage public discussion of the issues of merger and small schools.

2. The three school districts develop ways of collecting and categorizing data, especially statistics. Evaluation of districts is difficult when base data is measured in different ways and under different titles. The Committee believes that even if merger did not occur, the three districts would probably share services. A great deal of manpower would probably be wasted if the same record-keeping procedures were not utilized by each district.

3. The three Boards continue to monitor each other's discussions and find a way to have regular dialogue.

4. Any considerations of merger be done through a five-year window; it is probable it would take that long to accomplish.

5. Merger should remain as a potential alternative in people's minds.

CURRICULUM

It is the ability to offer a varied curriculum of considerable depth and significant scheduling flexibility that is most supportive of merger. Merger may reduce scheduling and enrollment constraints on design of educational programs. It would likely eliminate a particularly severe problem: reduction in student population and emphasis on specialized courses designed for each end of the student population spectrum will likely shrink the number of courses offered to the middle. Moreover, merger offers the ability to combine in one system the particularly strong programs offered by each of the three school districts and thereby make them available to children in all three villages.

From the December 14, 1984 memorandum of Richard A. Hajek, Principal, ("Memo") one can appreciate the impact that the size of the current and 1986-89 projected high school population has on educational value judgments in curriculum design at Irvington High School. According to that Memorandum, scheduling difficulties impact the design of a full educational program even within the mandates of the Regents Action Plan adopted on November 16, 1984.

No one believes that Irvington will not be able to offer a program that not only satisfies but exceeds the Board of Regents requirements; moreover, scheduling difficulties may have a benefit in requiring educators to examine closely the desirability of course offerings. Yet,

> "(t)he bottom line regarding scheduling is that small high schools are much more difficult to schedule than large high schools for a variety of reasons. In other words, small enrollments in a comprehensive program cause student scheduling conflicts and impose constraints on master schedule building which may affect the implementation of an educational philosophy of program." Memo pp.3-4.

The impact on other values can be seen from the Memo's attribution to teacher contractual seniority and flexibility requirements as adding to scheduling concerns.

Merger would serve to minimize these problems. The increased student population would support not only a wide choice of courses but serve sharply to reduce singleton offerings and the need for teachers to teach courses outside their specialities. It would also serve largely to eliminate sharing-of-staff problems and enable the preservation of intermediate schools.

Similarly, merger would reduce, if not eliminate, the pressure on the middle that will be seen as these three upwardly mobile communities attempt to satisfy the need to educate students at both ends of the student spectrum. Merger will likely enable those students who desire advanced placement and honors courses to take them, those students who require remedial or vocational education to obtain it, and those students who need a fundamental education to be prepared for the higher education they desire.

In so constructing a curriculum, moreover, added strength may be garnered through utilization of the particular courses in which each community already excels. A combined curriculum might offer a three-tiered set of courses in English, mathematics, science and history, with the English courses supplemented by the Syracuse University Project Advance writing program from Irvington and modern fiction and children's literature courses from Hastings. A four-year foreign language program in French and Spanish could be expanded to include a fifth year as is offered in Dobbs Ferry, several years of Latin as is offered in Irvington and the two years of Italian given in Dobbs Ferry.

Other instructional offerings could similarly be expanded. For example, the Dobbs Ferry courses in voice, music theory and literature, and individual study in guitar and theater could expand the choral, band and orchestra programs offered at Irvington and Hastings. Dobbs Ferry students could, conversely, have the benefit of the Learning Resource Center courses at Irvington and Hastings.

To this is to be added the values of exposure to a broader student body. The educational process contemplates learning not only through student-teacher interchange, but also through interchange among students. Irvington students would benefit from being exposed to students of a broader diversity which they will later encounter in higher education and the workplace.

* * * * * * * *

STUDENT PROFILE

In attempting to develop student profiles for the three districts for purposes of evaluation and comparison, it has been our aim to limit our examination to areas where measurable data are available (even though the data were usually measured by different criteria and/or terms of definition). We further limited that examination to the high school population of the three districts, since a change in the present organiztion of any of the districts would have the greatest impact on that segment of the school population.

From the outset, however, certain generalizations could be made about the three school communities: they are all roughly the same size; they share a certain homogeneity; and yet, each has a clear and well-defined sense of community and identity. Clearly, the last factor has proven to be one of the great strengths of each district, while creating one of the more formidable barriers to any form of reorganization.

All three high schools maintain the same grades 9-12 configuration, but only Irvington High functions as a discrete operating unit. Senior class enrollments this year range from a low of 80 in Dobbs Ferry to 126 in Hastings, with Irvington slightly lower at 121. Virtually 100 percent of the students in all three districts pass the Regents Competency Tests, and the drop-out rate ranges between one and two percent in the three high schools.

Comparisons made relating to the SAT's are as follows:

	Dobbs Ferry	Hastings	Irvington
Percentage of Students Taking SAT's	71.6	87.0	94.0
SAT Verbal Mean Scores	449	512	476
SAT Math Mean Scores	509	531	530

A comparison of the number of students enrolled in advanced placement courses in each of the three districts is somewhat difficult to make because of an apparent dissimilarity in definition. (There appear to be different ways of classifying A.P., accelerated and honors courses in the three districts). Never-the-less, a breakdown on the A.P. courses and numbers of students in each, as supplied by their respective district, is as follows:

Dobbs Ferry

Course	Number of Students Enrolled
Biology	15
English	13
Calculus	18
French	2
Art	2
Social Studies 12	10
Social Studies 11	16

Hastings

English 12	34
English 11	33
American History	27
European History	17
French	13
Spanish	7
Calculus	21

Irvington

Calculus	20
English	16
Biology	16

A non-academic area where district student profiles bear examination is in inter-scholastic sports, where each of our communities has enjoyed a continuous history of participation and has maintained a high profile. This year all three high schools offer a wide variety of sports for boys and girls, and each indicates a high level of participation. Again, it is virtually impossible to compare data on percentages of participation for the three districts because of different methods of reporting (e.g., Hastings reported percentages of participation as: Fall - 62%; Winter - 18%; and Spring - 41%; while Dobbs Ferry provided a single figure of 25% and Irvington's single reported figure is 46%). With some variations,

however, up to and including this year each of the three schools has been able to field a team in all major sports. Because of declining enrollment, however, such sports as football and field hockey are in jeopardy within less than five years in all three, and the wrestling programs in Dobbs Ferry and Hastings have already declined to a point necessitating discussions between those two administrations on combining their wrestling programs for the 1985-86 school year and beyond.

Simply judging by enrollment projections and numbers of students presently participating in the various sports, if there are no major reorganizations between or among the three districts within the next five years, major innovations in the athletic programs will be required both to enable students to participate in a variety of sports programs and to field teams for interscholastic competition.

To carry those projections into another area of student life, although hard data are lacking relating to extracurricular activities, it is apparent that as school enrollments decline and the total number of teachers is reduced, so too will extracurricular activities be reduced in each of the three districts in coming years. Again, innovative measures will be required if we hope to continue to offer students activities which will enrich their educational experience and broaden their perspectives within the confines of our small community.

* * * * * * * *

Teaching Staff

In an effort to evaluate the impact of merger on the teaching staff we attempted to obtain data in the following areas:

1. Seniority Lists
2. Percentage of Teachers at Different Steps
3. Salary Schedules
4. Age of Staff (To Determine Possible Retirement)
5. Retirement Incentives Provided by the Districts
6. Student/Teacher Ratios

Examinations of 1983-84 seniority lists indicated that Irvington's much younger staff would be impacted the most (See Appendix A). Assuming 1990 as the earliest possible year for merger, the relative seniority of the staffs gives a different perspective. By 1990, approximately 30% of the staff at Dobbs Ferry and Hastings will have reached the age of 55, while only 23% of Irvington's staff will have reached the age of 55. No one can predict how many teachers will take advantage of early retirement incentives available in all three districts, but it seems that by then the tenure discrepancies in the districts will have evened out and cuts would be more equitably divided.

Another difficulty arises from the fact that 80% of Hastings' and Dobbs Ferry's teachers are in the general tenure area, while only about 30% of Irvington's teachers fall into that category.* If cutbacks due to merger reach into the general tenure area in any school, teachers might be excessed which would harm a program in a specific subject area. This problem will diminish over time, but it is one which for the near future will remain a potentially difficult one.

Our attempts to assess the effects of merger on Irvington's secondary teaching staff have been frustrated by the difficulties of estimating retirements, the departmental needs of a merged school district and the vagaries of the seniority system.

Hastings and Dobbs Ferry have developed an estimate of staffing decreases for a 1990-1991 merged system, based on Bishop Report numbers and assuming present program, as follows:

	Hastings	Dobbs Ferry	Merged	Change
6 - 8	18.6	18.8	36.2	-1.2
9 - 12	24.2	23.5	41.3	-6.4
Totals	42.8	42.3	77.5	-7.6

Total decrease 7.6 teachers.

Total cost of 7.6 teachers at assumed salary of $30,000:

- Salary	-	$228,000
- Benefits (40%)	-	91,200
		$319,200

These numbers are over and above decreases necessitated before 1990 due to declining enrollment. We have extended those figures to estimate a reduction of 10 teachers in a three-way merger.

Salaries

It should be noted briefly that Irvington's salary scale is higher than Dobbs Ferry's. Hastings' salary schedule was not supplied. This discrepancy would have to be negotiated.

Teacher-Pupil Ratio

Irvington at present has a seondary-level teacher-pupil ratio of 1:11. Dobbs Ferry and Hastings have a ratio closer to 1:7 at this time. This seems like a large difference, and may be a function of different ways of counting, but it also is something to be faced.

*Those hired before 1974 are in a general tenure area. Those hired after 1974 are tenured in specific tenure areas.

Educational Implications

Perhaps more to the point is not the issue of numbers and money, but whether merger would improve the quality of education. Since this area is even more nebulous than the "numbers" issue, we will simply lay out some of the arguments which have emerged in the Hastings-Dobbs Ferry proposed merger.

Advantages of Merger

1. Teachers could concentrate on their areas of expertise, whereas in a very small school the difficulties of scheduling may require some teachers to take on subjects in which they are neither certified nor as well-trained. This could be detrimental both to students and to teacher morale.

2. Increased diversity of teacher expertise and interests: This could affect not only classroom teaching but also extra-curricular activities.

3. Professional stimulation from a larger faculty: This is based on the assumption that faculty members would benefit from contact with a greater number of people, with varied talents, interestsand approaches to education.

Advantages of a Small School

1. Each district could keep its own staff, a known quantity, rather than having its students taught by people it did not hire and whose abilities and qualifications are not known.

2. The most important issue which has been mentioned is the intimate contact which can occur between teacher and student in a small school, and which might be diluted in a larger setting. Teachers in a small school, such as ours, can interact more directly with students because they are more likely to know them as individuals.

APPENDIX A
"HYPOTHETICAL 1984 MERGER OF IRVINGTON DOBBS FERRY AND HASTINGS - PROBABLE STAFF CUTS SECONDARY LEVEL"

Dept.	English	Soc. St.	Math	Science	For. Lang.	Music	Art	Phys. Ed.	Lib.	Spec. Ed.	Guid-ance	I.A.	(1) Psychol.	Bus.	Home Ec.	(2) Speech
If 1 Cut	DF	H	DF	I(HS)	I(MS)	I(Inst)	DF	I	H	DF	I	I	I	DF	DF	I
" 2 "	DF	I(HS)	H	I(HS)	I(MS)	H	I(MS)	I	I(HS)	DF	I	H	H	I	I	DF
" 3 "	I(MS)	I(MS)	I	I(MS)	I(HS)	DF(Inst)	I(HS)	I	DF(MS)	H	I	H	H	H	H	-
" 4 "	I(MS)	I(HS)	I(MS)	I(HS)	DF	H	H	I	H	I	H	DF	-	H	-	-
" 5 "	I(HS)	I(HS)	I(HS)	I(HS)	H	DF(Elem) (New)	I (Elem)	DF	-	I	DF	-	-	I	-	-
" 6 "	I(HS)	DF	I(MS)	DF(HS)	H	HS(HS) (Chor)	H	DF	-	H	H	-	-	-	-	-

Notes:

Brackets used when teachers had the same starting date. Exact ranking would have to be determined.

(1) Dobbs Ferry has no psychologist listed.

(2) Hastings has no speech teachers listed.

(3) Reading and Health not listed because the schools list them in different ways.

Tentative Conclusions:

If	1	cut	made	in	each	department,	Irvington	loses	8,	Dobbs Ferry	6,	and	Hastings	2
"	2	cuts	"	"	"	"	"	"	9	"	"	3	"	"	4
"	3	"	"	"	"	"	"	"	8	"	"	2	"	"	5
"	4	"	"	"	"	"	"	"	6	"	"	2	"	"	5
"	5	"	"	"	"	"	"	"	7	"	"	2	"	"	1
"	6	"	"	"	"	"	"	"	3	"	"	3	"	"	4
								Total	41			18			21

FINANCIAL REPORT

A financial analysis was undertaken to estimate the financial impact of a three-district merger/consolidation to include Irvington, Hastings and Dobbs Ferry. The financial analysis utilized historical financial data and statistics, and is intended as a first-step analysis. Prior to the making of a final decision on any merger, a detailed financial feasibility study should be conducted by a firm of independent accountants reviewing the revenues and expenses on a line-by-line basis, together with interviews of the officials of the three districts.

Before developing models of merger, the committee examined the consolidated expenditures of the three districts. Exhibit One provides an analysis of the cost per pupil on a district-by-district basis. On this basis, the cost per pupil for Irvington is 6% higher than the average for the three districts. Furthermore, this pattern prevails for all categories of expenditures (general support, instruction, transportation and debt service). Exhibit One also shows that in order for Irvington to break even on a tax rate basis, a savings of $3,630,000 in 1984 dollars would have to be achieved by the merged district.

In order to estimate the financial effect of a merged/consolidated school district, two scenarios (Models I and II) were employed. These are set forth in Exhibit II. Model I is based on a configuration consisting of one high school, two middle schools, and three elementary schools. Model II is based on a configuration of one high school, one middle school, and three elementary schools. Currently among the three districts there are three high schools, three middle schools, and three elementary schools. Using these models, assumptions were developed for potential reductions in expenditures. As a base line, 1984 data was utilized; and no attempt was made to adjust figures according to inflation rates.

In the area of general support, a single percentage was developed for both models. General support services (central administration, business office, etc.) would probably represent the largest area of savings were a merger to occur. Savings were not estimated to be two-thirds (or a simple elimination of two central office structures) but rather fifty percent. The difference in these two figures represents the need to have a broader central office staff (assistant superintendents, etc.) to deal with the needs of a larger district.

A reduction of 8.9 percent in instructional items, primarily teachers' salaries, was applied to both models. This figure was obtained from the Bishop Report. An estimate of specific reductions was made for pupil services, including a reduction of three guidance positions, one school nurse and one psychologist.

The percentages to be saved in building-related expenses (maintenance, custodial help, heat, etc.) were derived by taking a ratio of the buildings in our models to the present configurations. A savings of 33 percent was estimated for Model I and 44 percent for Model II. No savings were anticipated for debt service and transportation.

Our assumptions were quite generalized. On this preliminary basis, the estimated savings that can be achieved are as follows:

Model I - $2,867,000 or 12.1%

Model II - $3,274,000 or 13.8%

If a more detailed discussion of merger is to be pursued, an extensive line-by-line analysis should be done.

CONSOLIDATED STATEMENT OF G.F. REVENUES & EXPENDITURES
1983-1984
(DOLLARS IN 000)

	IRVINGTON	HASTINGS	DOBBS FERRY	TOTAL
REVENUES				
Local Sources				
Real Property Taxes	7019	5641	5014	17674
Charges for Services	50	126	486	662
Use of Money & Property	194	197	84	475
Sale of Property & Comp. for Loss	0	0	2	2
Misc.	22	0	20	42
Interfund Revenues	0	7	0	7
State Sources				
Basic Formula	1189	1613	1034	3836
BOCES	103	111	140	354
Textbooks	20	13	24	57
All Other Aid	9	1	63	73
Building Aid, HS	0	0	0	0
Interfund Transfers	0	0	0	0
TOTAL REVENUES	8606	7709	6867	23182
EXPENDITURES				
General Support				
Board of Education	19	15	7	41
Central Administration	95	81	85	261
Finance	122	188	149	459
Staff	36	15	47	98
Central Services	964	868	602	2434
Special Items	72	91	134	297
	1308	1258	1024	3590
Instruction				
Instruction, Adminstration & Improve.	262	208	208	678
Teaching, Regular School	3617	2944	2730	9291
Special Apportionment Programs	522	525	650	1697
Teaching, Special Schools	11	37	34	82
Instructional Media	194	149	156	499
Pupil Services	420	452	400	1272
	5026	4315	4178	13519
Transportation				
Pupil Transportation	431	254	234	919
Community Services	29	35	3	67
Employee Benefits	1691	1554	1273	4518
Interfund Transfers	25	386	44	455
	2176	2229	1554	5959
Principal	180	0	180	360
Interest	94	0	155	249
	274	0	335	609
TOTAL EXPENDITURES	8784	7802	7091	23677
EXCESS OF REVENUES (EXPENDIT)	-178	-93	-224	-495

EXHIBIT I

irv84

CONSOLIDATED STATEMENT OF G.F. EXPENDITURES
1983-1984
(DOLLARS IN 000)

EXPENDITURES	IRVINGTON	HASTINGS	DOBBS FERRY	TOTAL
General Support				
Board of Education	19	15	7	41
Central Administration	95	81	85	261
Finance	122	188	149	459
Staff	36	15	47	98
Central Services	964	868	602	2434
Special Items	72	91	134	297
	1308	1258	1024	3590
Cost per Pupil.....	1154	1114	1053	1110
% from average.....	1.04	1.00	0.95	1.00
Instruction				
Instruction, Administration & Improvm.	262	200	200	678
Teaching, Regular School	3617	2944	2730	9291
Special Apportionment Programs	522	525	650	1697
Teaching, Special Schools	11	37	34	82
Instructional Media	194	149	156	499
Pupil Services	420	452	400	1272
	5026	4315	4178	13519
Cost per Pupil.....	4436	3822	4298	4180
% from average.....	1.06	0.91	1.03	1.00
Transportation				
Pupil Transportation	431	254	234	919
Community Services	29	35	3	67
Employee Benefits	1691	1554	1273	4518
Interfund Transfers	25	386	44	455
	2176	2229	1554	5959
Cost per Pupil.....	1921	1974	1599	1843
% from average.....	1.04	1.07	0.87	1.00
Debt Service				
Principal	180	0	180	360
Interest	94	0	155	249
	274	0	335	609
Cost per Pupil.....	83	0	159	77
% from average.....	1.00	0.00	2.07	1.00
TOTAL EXPENDITURES	8784	7802	7091	23677
ENROLLMENT	1133	1129	972	3234
Cost per Pupil.....	7753	6911	7295	7321
% from average.....	1.06	0.94	1.00	1.00
1983-84 True Value Tax Rate	25.70	34.61	38.75	30.35
% from average.....	0.85	1.14	1.01	1.00
Ratio of Expenditures to Tax Rate	341790	225426	230682	265939
BREAKEVEN INCREMENT	-3630	3328	309	0

Source: Audited Financial Statements and Gannett Westchester Newspapers.

irv84

MODEL 1

I.H.D.
CONSOLIDATED STATEMENT OF G.F. EXPENDITURES
1983-1984
(DOLLARS IN 000)

EXPENDITURES	IRVINGTON	HASTINGS	DOBBS FERRY	TOTAL	ADJUSTMENTS	ADJUSTED TOTALS	% DECREASE
General Support							
Board of Education	19	15	7	41	0	41	0.00
Central Administration	95	81	85	261	131	131	0.50
Finance	122	188	149	459	230	230	0.50
Staff	36	15	47	98	49	49	0.50
Central Services	964	868	602	2434	803	1631	0.33
Special Items	72	91	134	297	149	149	0.50
	1308	1258	1024	3590	1361	2229	0.38
Instruction							
Instruction, Adminstration & Improve.	262	208	208	678	224	454	0.33
Teaching, Regular School (note 1)	3617	2944	2730	9291	827	8464	0.09
Special Apportionment Programs	522	525	650	1697	151	1546	0.09
Teaching, Special Schools	11	37	34	82	27	55	0.33
Instructional Media	194	149	156	499	165	334	0.33
Pupil Services (note 2)	420	452	400	1272	113	1159	0.09
	5026	4315	4178	13519	1507	12012	0.11
Transportation							
Pupil Transportation	431	254	234	919		919	0.00
Community Services	29	35	3	67		67	0.00
Employee Benefits	1691	1554	1273	4518		4518	0.00
Interfund Transfers	25	386	44	455		455	0.00
	2176	2229	1554	5959	0	5959	0.00
Debt Service							
Principal	180	0	180	360		360	0.00
Interest	94	0	155	249		249	0.00
	274	0	335	609	0	609	0.00
TOTAL EXPENDITURES	8784	7802	7091	23677	2867	20810	0.12

Source: Audited Financial Statements and Gannett Westchester Newspapers.

irv84

MODEL 2

I.H.D.
CONSOLIDATED STATEMENT OF G.F. EXPENDITURES
1983-1984
(DOLLARS IN 000)

EXPENDITURES	IRVINGTON	HASTINGS	DOBBS FERRY	TOTAL	ADJUSTMENTS	ADJUSTED TOTALS	% DECREASE
General Support							
Board of Education	19	15	7	41	0	41	0.00
Central Administration	55	81	85	261	131	131	0.50
Finance	122	188	149	459	230	230	0.50
Staff	36	15	47	98	49	49	0.50
Central Services	964	868	602	2434	1071	1363	0.44
Special Items	72	91	134	297	149	149	0.50
	1308	1258	1024	3590	1628	1962	0.45
Instruction							
Instruction, Adminstration & Improve.	262	298	208	678	298	380	0.44
Teaching, Regular School (note 1)	3617	2944	2730	9291	827	8464	0.09
Special Apportionment Programs	522	525	650	1697	151	1546	0.09
Teaching, Special Schools	11	37	34	82	36	46	0.44
Instructional Media	194	149	156	499	220	279	0.44
Pupil Services (note 2)	420	452	400	1272	113	1159	0.09
	5026	4315	4178	13519	1645	11874	0.12
Transportation							
Pupil Transportation	431	254	234	919		919	0.00
Community Services	29	35	3	67		67	0.00
Employee Benefits	1691	1554	1273	4518		4518	0.00
Interfund Transfers	25	386	44	455		455	0.00
	2176	2229	1554	5959	0	5959	0.00
Debt Service							
Principal	180	0	180	360		360	0.00
Interest	94	0	155	249		249	0.00
	274	0	335	609	0	609	0.00
TOTAL EXPENDITURES	8784	7802	7091	23677	3274	20403	0.14

Source: Audited Financial Statements and Gannett Westchester Newspapers.

IRVINGTON, HASTINGS & DOBBS FERRY
CONSOLIDATED STATEMENT OF GENERAL FUND EXPENDITURES
1983-1984

Footnote Disclosures:

Note 1. Teaching salaries were assumed to decrease by 8.9% consistent with the reduction anticipated in the reduction anticipated in the Bishop Report.

Note 2. Expenditures in Pupil Services were reduced by 5 FTEs consisting of three guidance positions, one school nurse, and one psychologist.

irvington public schools

facilities study

march 12, 1987

FIGURE 2

1987

NORTH BROADWAY TRAFFIC VOLUME

VILLAGE OF IRVINGTON

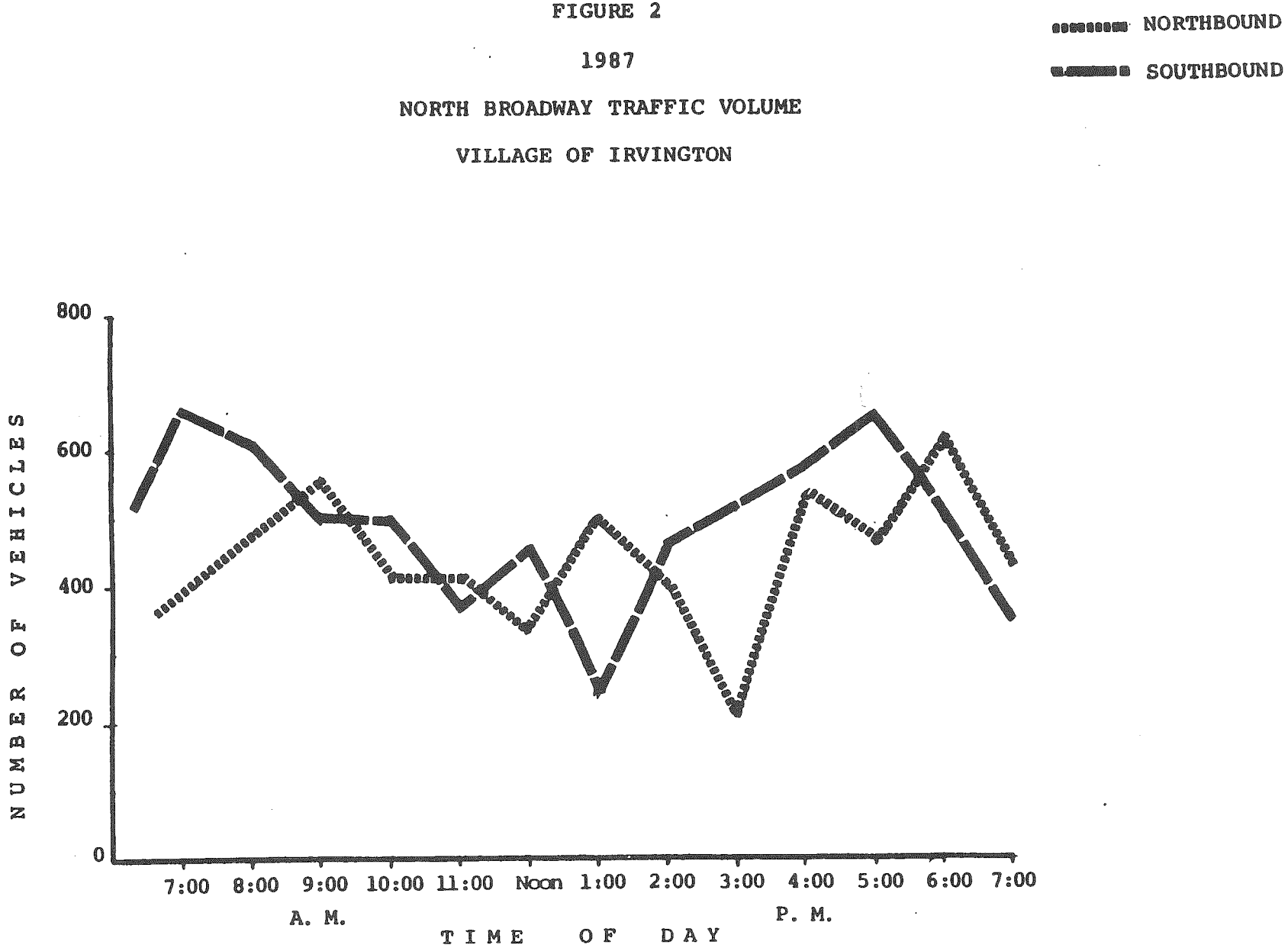


Figure 2 illustrates the current volume of traffic on Broadway for a twelve hour period (7:00 a.m.-7:00 p.m.). This figure shows that the northbound and southbound traffic is similar for the morning and afternoon peak traffic hours, while the noon-time direction of traffic appears to reverse itself.

INTERSECTION CAPACITY - EXISTING AND NO-BUILD

In order to determine what effect development will have on the key intersection of Broadway and Main Street it was necessary to evaluate the current capacity of the intersection. Roadway operating conditions are expressed in Levels of Service (LOS) and vehicular time delays, with a LOS "A" representing little or no traffic delays (0-10 seconds) and a LOS "F" representing a poor traffic condition with delays in excess of 60 seconds. When a roadway reaches a LOS "F," it is considered to fail. A LOS "C" is considered as a design standard when average delays will not exceed 25 seconds. The observation was made during the study that all of the Village's intersections, other than Main and Broadway, were operating at satisfactory Levels of Service with delays less than that which is experienced at Main and Broadway. Even with future development the intersections of Broadway and Sunnyside Lane and Broadway and Harriman will continue to operate at satisfactory Levels of Service.

Currently the intersection of Broadway and Main Street is operating at a LOS "B" during the morning and afternoon peak period, with average delays of less than 13 seconds. In the year 2000, assuming no additional development occurs, the same intersection is anticipated to operate at a LOS "C" in the morning, with 22 second delays and LOS "B" in the afternoon, with 15 second delays. The decrease in the Level of Service is the result of the normal additional traffic that is expected to occur in the area according to the State Department of Transportation (NYSDOT).

INTERSECTION CAPACITY - SCENARIOS A, B AND C

The next step in the analysis was to determine the impact that additional development could have on Broadway and Main Streets. The analysis was completed for the same three development scenarios that were used in the fiscal impact analysis, with the addition of waterfront development. Scenario A is the maximum amount of development that could occur according to how the village's developable land is currently zoned, in short, the zoned capacity of the land. Scenario B is the zoned capacity of the land with a 10 percent open space reduction for parcels 30 acres or larger. Scenario C is also based on current zoning but development is limited due to resource protection land.

For all three development scenarios the Level of Service for the Main Street and Broadway intersection would fail (LOS "F"). This means that a driver would not get through the intersection on one light cycle and would experience delays of 60 seconds or more, while currently a driver experiences delays of no more than 15 seconds. If adjustments were made to the intersection's signal phasing and timing the Levels of Service can be noticeably improved. The equipment for these improvements already exist and would only need to be implemented. With these improvements, the LOS for Scenario A would be "E" in the morning peak hour, with 47 second delays, and "E" in the afternoon peak hour, with 48 second delays. The LOS for Scenario B would be "E" for both peak hours, with 43 second delays in the morning and 46 second delays in the afternoon. For Scenario C the LOS could be improved to "D" for both morning and afternoon peak hours, with 37 second delays, and 36 second delays, respectively. The table below summarizes the Levels of Service for the Main Street and Broadway intersection. The amount of traffic generated by each development scenario is included in Appendices A, B and C. Appendix D is an illustration of what Levels of Service "A-F" look like. It is clear from this analysis that future development could have a substantial impact on the Village's road system, particularly the intersection of Main Street and Broadway.

BROADWAY AND MAIN STREET
LEVEL OF SERVICE SUMMARY
Village of Irvington
(Peak Hours)

	Morning		Afternoon	
	Delay in Seconds	Level of Service	Delay in Seconds	Level of Service
EXISTING (1987)	12.1	B	11.2	B
YEAR 2000 (NO-BUILD)	21.8	C	14.5	B
SCENARIO A + YEAR 2000	47.2	E	48.5	E
SCENARIO B + YEAR 2000	42.5	E	46.5	E
SCENARIO C + YEAR 2000	37.1	D	36.3	D

TRAFFIC ANALYSIS METHODOLOGY

The first task of the traffic analysis was to determine the existing volume of traffic at Broadway and Main Streets. As stated before, these volumes were determined by an actual 12 hour count taken February 5, 1987. These traffic volumes were increased by 5 percent, according to a NYSDOT standard, so the numbers would reflect the traffic volume for an average weekday at any time during the year. All of the turning movements illustrated in Figure 1 are based on the actual turning movements observed for the intersection with the 5 percent adjustment based on DOT standards.

The second task was to use these volumes to determine the current Level of Service for Broadway and Main Street. The method utilized for conducting a capacity analysis is identified in the "1985 Highway Capacity Manual, Report 209," published by the Transportation Research Board. Again, other intersections, namely Broadway and Harriman and Broadway and Sunnyside, functioned at a Level of Service "A" and were not included in further analysis. The Level of Service is based on the roadway width, traffic volume, the traffic signal cycle and the vehicular delays encountered at the intersection. These calculations resulted in the existing Levels of Service for the intersection. The resulting Levels of Service were then re-evaluated assuming that an exclusive left-turn signal is activated on Broadway, and the the signal light time phasing is adjusted.

The third task was to estimate the capacity of the intersection, assuming no additional growth in the Village, but including the expected annual growth rate in traffic for the region. This annual growth figure is determined by the NYSDOT, and for all areas in Westchester County south of I-287 the annual growth rate is 1 percent. Thus, the growth in traffic that is expected to occur by the year 2000, without any additional growth, is 13 percent. A capacity analysis for the Broadway and Main Street intersection was then performed to determine the Level of Service for the year 2000.

The fourth task was to determine the impact that future development could have on the Village's road system. To do this it was necessary to calculate the amount of traffic that would be generated by each of the development scenarios (see Appendices A, B and C). This additional traffic was then distributed to Broadway, according to the 55 percent northbound and 45 percent southbound ratio that is currently occurring on the road. The traffic generated by Scenario A was then added to the 13 percent expected growth rate for the area, and then a capacity analysis was completed for the Broadway and Main Street intersection. This was repeated for Scenarios B and C.

APPENDIX A

SCENARIO A

VILLAGE OF IRVINGTON
Comparative Trip Generation

PARCEL	# OF D.U.	(AVERAGE) A.M. PEAK HOURS IN	OUT	TOTAL	(AVERAGE) P.M. PEAK HOURS IN	OUT	TOTAL	(MAXIMUM) A.M. PEAK HOURS IN	OUT	TOTAL	(MAXIMUM) P.M. PEAK HOURS IN	OUT	TOTAL
2. Unif. Church	89	18.69	48.95	67.64	56.07	32.93	89	53.4	151.3	204.7	160.2	106.8	267
4. Sobars	21	4.41	11.55	15.96	13.23	7.77	21	12.6	35.7	48.3	37.8	25.2	63
8. N. Bwy. Cp.	29	6.09	15.95	22.04	18.27	10.73	29	17.4	49.3	66.7	52.2	34.8	87
9. Rubenzahl	16	3.36	8.8	12.16	10.08	5.92	16	9.6	27.2	36.8	28.8	19.2	48
10. Abbott Hse.	32	6.72	17.6	24.32	20.16	11.84	32	19.2	54.4	73.6	57.6	38.4	96
20. Irv. Assoc.	54	11.34	29.7	41.04	34.02	19.98	54	32.4	91.8	124.2	97.2	64.8	162
27. B.H. Kayden	16	3.36	8.8	12.16	10.08	5.92	16	9.6	27.2	36.8	28.8	19.2	48
53. Griffin	19	3.99	10.45	14.44	11.97	7.03	19	11.4	32.3	43.7	34.2	22.8	57
55. Hartz Mtn.	100	21	55	76	63	37	100	60	170	230	180	120	300
58. Columbia U.	132	27.72	72.6	100.32	83.16	48.84	132	79.2	224.4	303.6	237.6	158.4	396
61. Cyrus Brks.	16	3.36	8.8	12.16	10.08	5.92	16	9.6	27.2	36.8	28.8	19.2	48
66. Ardsley C.C	51	10.71	28.05	38.76	32.13	18.87	51	30.6	86.7	117.3	91.8	61.2	153
68. Mercy Coll.	33	6.93	18.15	25.08	20.79	12.21	33	19.8	56.1	75.9	59.4	39.6	99
Waterfront	150	15	60	75	60	30	90	45	105	135	90	60	135
All other Single Family Parcels	214	44.94	117.7	162.64	134.82	79.18	214	128.4	363.8	492.2	385.2	256.8	642
All other Multi-Family Parcels	101	10.1	40.4	50.5	40.4	20.2	60.6	30.3	70.7	90.9	60.6	40.4	90.9
TOTAL	1073	197.72	552.5	750.22	618.26	354.34	972.6	568.5	1573.1	2116.5	1630.2	1086.8	2691.9

APPENDIX B

SCENARIO B

VILLAGE OF IRVINGTON
Comparative Trip Generation

PARCEL	# OF D.U.	(AVERAGE) A.M. PEAK HOURS IN	OUT	TOTAL	(AVERAGE) P.M. PEAK HOURS IN	OUT	TOTAL	(MAXIMUM) A.M. PEAK HOURS IN	OUT	TOTAL	(MAXIMUM) P.M. PEAK HOURS IN	OUT	TOTAL
2. Unif. Church	89	18.69	48.95	67.64	56.07	32.93	89	53.4	151.3	204.7	160.2	106.8	267
4. Sobars	21	4.41	11.55	15.96	13.23	7.77	21	12.6	35.7	48.3	37.8	25.2	63
8. N. Bwy. Cp.	29	6.09	15.95	22.04	18.27	10.73	29	17.4	49.3	66.7	52.2	34.8	87
9. Rubenzahl	16	3.36	8.8	12.16	10.08	5.92	16	9.6	27.2	36.8	28.8	19.2	48
10. Abbott Hse.	32	6.72	17.6	24.32	20.16	11.84	32	19.2	54.4	73.6	57.6	38.4	96
20. Irv. Assoc.	49	10.29	26.95	37.24	30.87	18.13	49	29.4	83.3	112.7	88.2	58.8	147
27. B.H. Kayden	16	3.36	8.8	12.16	10.08	5.92	16	9.6	27.2	36.8	28.8	19.2	48
53. Griffin	19	3.99	10.45	14.44	11.97	7.03	19	11.4	32.3	43.7	34.2	22.8	57
55. Hartz Mtn.	90	18.9	49.5	68.4	56.7	33.3	90	54	153	207	162	108	270
58. Columbia U.	118	24.78	64.9	89.68	74.34	43.66	118	70.8	200.6	271.4	212.4	141.6	354
61. Cyrus Brks.	16	3.36	8.8	12.16	10.08	5.92	16	9.6	27.2	36.8	28.8	19.2	48
66. Ardsley C.C	47	9.87	25.85	35.72	29.61	17.39	47	28.2	79.9	108.1	84.6	56.4	141
68. Mercy Coll.	33	6.93	18.15	25.08	20.79	12.21	33	19.8	56.1	75.9	59.4	39.6	99
Waterfront	150	15	60	75	60	30	90	45	105	135	90	60	135
All other Single Family Parcels	214	44.94	117.7	162.64	134.82	79.18	214	128.4	363.8	492.2	385.2	256.8	642
All other Multi-Family Parcels	101	10.1	40.4	50.5	40.4	20.2	60.6	30.3	70.7	90.9	60.6	40.4	90.9
TOTAL	1040	190.79	534.35	725.14	597.47	342.13	939.6	548.7	1517	2040.6	1570.8	1047.2	2592.9

APPENDIX C

SCENARIO C

VILLAGE OF IRVINGTON
Comparative Trip Generation

PARCEL	# OF D.U.	(AVERAGE) A.M. PEAK HOURS IN	OUT	TOTAL	(AVERAGE) P.M. PEAK HOURS IN	OUT	TOTAL	(MAXIMUM) A.M. PEAK HOURS IN	OUT	TOTAL	(MAXIMUM) P.M. PEAK HOURS IN	OUT	TOTAL
2. Unif. Church	54	11.34	29.7	41.04	34.02	19.98	54	32.4	91.8	124.2	97.2	64.8	162
4. Sobars	12	2.52	6.6	9.12	7.56	4.44	12	7.2	20.4	27.6	21.6	14.4	36
8. N. Bwy. Cp.	15	3.15	8.25	11.4	9.45	5.55	15	9	25.5	34.5	27	18	45
9. Rubenzahl	11	2.31	6.05	8.36	6.93	4.07	11	6.6	18.7	25.3	19.8	13.2	33
10. Abbott Hse.	20	4.2	11	15.2	12.6	7.4	20	12	34	46	36	24	60
20. Irv. Assoc.	31	6.51	17.05	23.56	19.53	11.47	31	18.6	52.7	71.3	55.8	37.2	93
27. B.H. Kayden	13	2.73	7.15	9.88	8.19	4.81	13	7.8	22.1	29.9	23.4	15.6	39
53. Griffin	14	2.94	7.7	10.64	8.82	5.18	14	8.4	23.8	32.2	25.2	16.8	42
55. Hartz Mtn.	69	14.49	37.95	52.44	43.47	25.53	69	41.4	117.3	158.7	124.2	82.8	207
58. Columbia U.	117	24.57	64.35	88.92	73.71	43.29	117	70.2	198.9	269.1	210.6	140.4	351
61. Cyrus Brks.	7	1.47	3.85	5.32	4.41	2.59	7	4.2	11.9	16.1	12.6	8.4	21
66. Ardsley C.C	37	7.77	20.35	28.12	23.31	13.69	37	22.2	62.9	85.1	66.6	44.4	111
68. Mercy Coll.	30	6.3	16.5	22.8	18.9	11.1	30	18	51	69	54	36	90
Waterfront	150	15	60	75	60	30	90	45	105	135	90	60	135
All other Single Family Parcels	213	44.73	117.15	161.88	134.19	78.81	213	127.8	362.1	489.9	383.4	255.6	639
All other Multi-Family Parcels	101	10.1	40.4	50.5	40.4	20.2	60.6	30.3	70.7	90.9	60.6	40.4	90.9
TOTAL	894	160.13	454.05	614.18	505.49	288.11	793.6	461.1	1268.8	1704.8	1308	872	2154.9

APPENDIX D

16.2. Level of service A as viewed looking up stream on al freeway indicating no physical restrictions on operating . SOURCE: Illinois Department of Transportation.

Figure 16.5. Level of service D as viewed looking up stream on a typical freeway indicating approaching unstable flow, little freedom to maneuver, and condition tolerable for short periods. SOURCE: Illinois Department of Transportation.

re 16.3. Level of service B as viewed looking up stream on ical freeway indicating stable flow with few restrictions on ating speed. SOURCE: Illinois Department of Transportation.

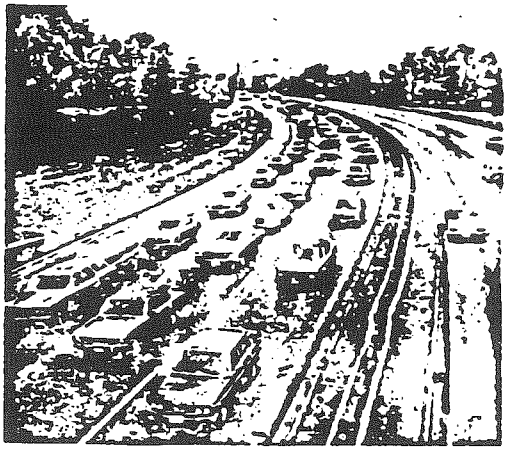


Figure 16.6. Level of service E as viewed looking up stream on a typical freeway indicating unstable flow, lower operating speeds than level D and some momentary stoppages. SOURCE: Illinois Department of Transportation.

ure 16.4. Level of service C as viewed looking up stream on pical freeway indicating stable flow, higher volume, and more ictions on speed and lane changing. SOURCE: Illinois Department of Transportation.

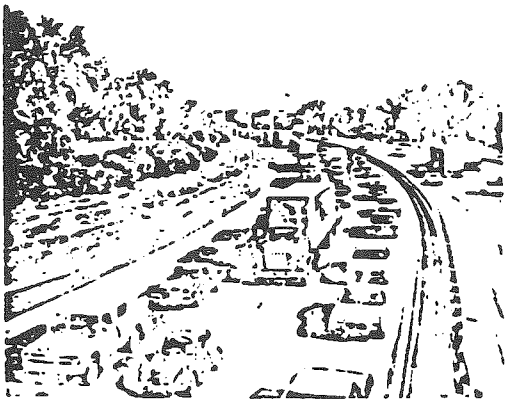


Figure 16.7. Level of service F as viewed looking up stream on a typical freeway indicating forced flow operation at low speeds where the highway acts as a storage area and there are many stoppages. SOURCE: Illinois Department of Transportation.

IRVINGTON - DEVELOPABLE LAND
PHYSICAL IMPACT ANALYSIS

Table I[A]

	ACRES	# OF DWELL UNITS (DU)	POPULATION	SCHOOL POPULATION K-6	6-9	9-12	TOTAL SCHOOL	RECREATION NEEDS Active 10ac./1000	Open Space 50ac./1000
OPTION 1*									
SINGLE FAMILY	583.33	805	2335	428	145	109	682	23.35	116.75
MULTI-FAMILY	14.47	101	232	23	9	6	39	2.32	11.60
WATERFRONT	26.42	125	288	29	11	8	48	2.88	14.40
TOTAL	624.22	1031	2854	480	165	123	768	28.55	142.75

	ACRES	# OF DWELL UNITS (DU)	POPULATION	SCHOOL POPULATION K-6	6-9	9-12	TOTAL SCHOOL	RECREATION NEEDS Active 10ac./1000	Open Space 50ac./1000
OPTION 2**									
SINGLE FAMILY	583.33	805	2093	428	145	109	682	20.93	104.65
MULTI-FAMILY	14.47	101	263	23	9	6	39	2.63	13.15
WATERFRONT	26.42	125	325	29	11	8	48	3.25	16.25
TOTAL	624.22	1031	2681	480	165	123	768	26.81	134.05

*OPTION 1: Assumes 2.9 person/single family dwelling unit and
2.3 persons/multi- family dwelling unit (including waterfront)
Option 1 is based on 1980 Census data for Irvington

**OPTION 2: Assumes that average household size in Irvington
is 2.6 persons/dwelling unit
Option 2 is based on Westchester County Planning Department data
for Irvington (1985)

IRVINGTON - DEVELOPABLE LAND
FISCAL IMPACT ANALYSIS
EXPENDITURES GENERATED

Table II[A]

	# OF DU	POPULATION Residents	POPULATION Students	Annual Expenditures Per Capita/ Municipal	Total Annual Expenditures/ Municipal
SINGLE FAMILY	805	2335	682	$516.00	$1204860.00
MULTI-FAMILY	101	232	39	$516.00	$119712.00
WATERFRONT	125	288	48	$516.00	$148608.00
TOTAL	1031	2855	769		$1473180.00

NOTE: Analysis assumes 95% of municipal expenditures are attributed to residential land uses.

IRVINGTON - DEVELOPABLE LAND
FISCAL IMPACT ANALYSIS
REVENUE GENERATED

Table III[A]

	# OF DU	TOTAL ASSESSED VALUATION	MUNICIPAL TAX RATE PER $1000 ASSESSED VAL.	TOTAL ANNUAL MUNICIPAL REVENUE
HIGH OPTION				
SINGLE FAMILY	805	$68489400.00	$71.44	$4892882.74
MULTI-FAMILY	101	$5370675.00	$71.44	$383681.02
WATERFRONT	125	$6646875.00	$71.44	$474852.75
TOTAL	1031	$80506950.00		$5751416.51
LOW OPTION				
SINGLE FAMILY	805	$34244700.00	$71.44	$2446441.37
MULTI-FAMILY	101	$3222405.00	$71.44	$230208.61
WATERFRONT	125	$3988125.00	$71.44	$284911.65
TOTAL	1031	$41455230.00		$2961561.63

HIGH OPTION - Assumes the assessed valuation for a single family home is $85,080 ($400,000 market value) and the assessed valuation for a multi-family unit is $53,175 ($250,000 market value)

LOW OPTION - Assumes the assessed valuation for a single family home is $42,540 ($200,000 market value) and the assessed valuation for a multi-family unit is $31,905 ($150,000 market value)

IRVINGTON - DEVELOPABLE LAND
FISCAL IMPACT ANALYSIS
REVENUES - EXPENDITURES

A
Table IV

	# OF DU	Total Annual Municipal Expenditures	Total Annual Municipal Revenue	Municipal Revenue - Expenditures
LOW OPTION				
SINGLE FAMILY	805	$1204860.00	$2446441.37	$1241581.37
MULTI-FAMILY	101	$119712.00	$230208.61	$110496.61
WATERFRONT	125	$148608.00	$284911.65	$136303.65
TOTAL	1031	$1473180.00	$2961561.63	$1488381.63
HIGH OPTION				
SINGLE FAMILY	805	$1204860.00	$4892882.74	$3688022.74
MULTI-FAMILY	101	$119712.00	$383681.02	$263969.02
WATERFRONT	125	$148608.00	$474852.75	$326244.75
TOTAL	1031	$1473180.00	$5751416.51	$4278236.51

LOW OPTION - Assumes the assessed valuation for a single family home is $42,540 ($200,000 market value) and the assessed valuation for a multi-family unit is $31,905 ($150,000 market value)

HIGH OPTION - Assumes the assessed valuation for a single family home is $85,080 ($400,000 market value) and the assessed valuation for a multi-family unit is $53,175 ($250,000 market value)

IRVINGTON - DEVELOPABLE LAND
PHYSICAL IMPACT ANALYSIS

Table I

	ACRES	# OF DWELL UNITS (DU)	POPULATION	SCHOOL POPULATION K-6	6-9	9-12	TOTAL SCHOOL	RECREATION NEEDS Active 10ac./1000	Open Space 50ac./1000
OPTION 1*									
SINGLE FAMILY	583.33	428	1241	228	77	58	363	12.41	62.05
MULTI-FAMILY	14.47	75	173	17	7	5	29	1.73	8.65
WATERFRONT	26.42	125	288	29	11	8	48	2.88	14.40
TOTAL	624.22	628	1701	274	95	70	439	17.02	85.10

	ACRES	# OF DWELL UNITS (DU)	POPULATION	SCHOOL POPULATION K-6	6-9	9-12	TOTAL SCHOOL	RECREATION NEEDS Active 10ac./1000	Open Space 50ac./1000
OPTION 2**									
SINGLE FAMILY	583.33	428	1113	228	77	58	363	11.13	55.65
MULTI-FAMILY	14.47	75	195	17	7	5	29	1.95	9.75
WATERFRONT	26.42	125	325	29	11	8	48	3.25	16.25
TOTAL	624.22	628	1633	274	95	70	439	16.33	81.65

*OPTION 1: Assumes 2.9 persons/single family dwelling unit and
2 .3 persons/multi-family dwelling unit (including waterfront)
Option 1 is based on 1980 Census data for Irvington

**OPTION 2: Assumes that the average household size in Irvington
is 2.6 persons/dwelling unit
Option 2 is based on Westchester County Planning Department data
for Irvington (1985)

IRVINGTON - DEVELOPABLE LAND
FISCAL IMPACT ANALYSIS
EXPENDITURES GENERATED

Table II[B]

	# OF DU	POPULATION Residents	POPULATION Students	Annual Expenditures Per Capita/ Municipal	Total Annual Expenditures/ Municipal
SINGLE FAMILY	428	1241	363	$516.00	$640356.00
MULTI-FAMILY	75	173	29	$516.00	$89268.00
WATERFRONT	125	288	48	$516.00	$148608.00
TOTAL	628	1702	440		$878232.00

NOTE: Analysis assumes 95% of municipal expenditures are attributed to residential land uses.

IRVINGTON - DEVELOPABLE LAND
FISCAL IMPACT ANALYSIS
REVENUE GENERATED

Table III[B]

	# OF DU	TOTAL ASSESSED VALUATION	MUNICIPAL TAX RATE PER $1000 ASSESSED VAL.	TOTAL ANNUAL MUNICIPAL REVENUE
HIGH OPTION				
SINGLE FAMILY	428	$36414240.00	$71.44	$2601433.31
MULTI-FAMILY	75	$3988125.00	$71.44	$284911.65
WATERFRONT	125	$6646875.00	$71.44	$474852.75
TOTAL	628	$47049240.00		$3361197.71
LOW OPTION				
SINGLE FAMILY	428	$18207120.00	$71.44	$1300716.65
MULTI-FAMILY	75	$2392875.00	$71.44	$170946.99
WATERFRONT	125	$3988125.00	$71.44	$284911.65
TOTAL	628	$24588120.00		$1756575.29

HIGH OPTION - Assumes the assessed valuation for a single family home is $85,080 ($400,000 market value) and the assessed valuation for a multi-family unit is $53,175 ($250,000 market value)

LOW OPTION - Assumes the assessed valuation for a single family home is $42,540 ($200,000 market value) and the assessed valuation for a multi-family unit is $31,905 ($150,000 market value)

IRVINGTON - DEVELOPABLE LAND
FISCAL IMPACT ANALYSIS
REVENUES - EXPENDITURES

Table IV B

	# OF DU	Total Annual Municipal Expenditures	Total Annual Municipal Revenue	Municipal Revenue - Expenditures
LOW OPTION				
SINGLE FAMILY	428	$640356.00	$1300716.65	$660360.65
MULTI-FAMILY	75	$89268.00	$170946.99	$81678.99
WATERFRONT	125	$148608.00	$284911.65	$136303.65
TOTAL	628	$878232.00	$1756575.29	$878343.29
HIGH OPTION				
SINGLE FAMILY	428	$640356.00	$2601433.31	$1961077.31
MULTI-FAMILY	75	$89268.00	$284911.65	$195643.65
WATERFRONT	125	$148608.00	$474852.75	$326244.75
TOTAL	628	$878232.00	$3361197.71	$2482965.71

LOW OPTION - Assumes the assessed valuation for a single family home is $42,540 ($200,000 market value) and the assessed valuation for a multi-family unit is $31,905 ($150,000 market value)

HIGH OPTION - Assumes the assessed valuation for a single family home is $85,080 ($400,000 market value) and the assessed valuation for a multi-family unit is $53,175 ($250,000 market value)

REPORT OF THE

LONG RANGE PLANNING COMMITTEE

ON

MERGER

SEPTEMBER, 1985

INTRODUCTION

The Long Range Planning Committee has been charged with monitoring the merger discussions between Dobbs Ferry and Hastings and with providing the Board with an update of the issues involved in merger. While every effort was made to gather pertinent information, this report is not intended to be comprehensive. For purposes of gathering information, each Committee member took one of four specific areas to examine. These are curriculum, student profiles, effects of merger on the secondary teaching staff and financial implications. Using this information, this report focuses on key areas identified by the Bishop and League of Women Voters' Reports on merger. We strongly recommend these reports to those unfamiliar with them.

The Irvington School District is at a crossroads that has been created by declining enrollment. Enrollment, as much as any other factor, has been a driving force in the configuration of the school district. As the high school enrollment drops to 300 or below and the total district enrollment to close to 1,000, Irvington must decide how it will define "quality education" for a smaller student body. In order to make responsible decisions, other alternatives must be clearly understood.

School District Reorganization is certainly not a topic newly open to discussion. At the State level, it has been an issue since 1812. In 1947 the State Education Department created a Master Plan for School District Reorganization. Under this plan, Irvington, Tarrytown and Pocantico Hills would have been merged. In 1956, this plan was amended and then essentially dropped, as the merger of the Tarrytowns and the baby boom occurred. Declining enrollment has placed new pressures on districts to consider merger.

The School Board was rather open in its charge to the Committee. Our first task was to define what merger we were evaluating. The State has suggested a merger with Tarrytown. Mergers with Ardsley, Dobbs Ferry or Hastings, or any combination of those districts, are also reasonable possibilities. Because Hastings and Dobbs Ferry were actively discussing merger, the Committee restricted its discussion to a possible tri-village merger of Irvington, Hastings and Dobbs Ferry on a K-12 basis. Such a merged district would include an elementary school in each community, a central high school and one or two middle schools.

Recent elections have made it clear that further discussions of merger between Hastings and Dobbs Ferry are foreclosed for the near future. Despite these events, the Committee believes the issues examined are applicable to any merger and provide a useful background to discussions of this district's future. The merger defeats in Hastings/Dobbs Ferry and Rye/Rye Neck underscore several key factors, among them whether financial savings and progam enhancements would offset the benefits a community perceives itself as "giving up" in a merger. Because it is so hard to specifically pinpoint savings and improvements, particularly over the long run, it is difficult to mount compelling arguments. In none of these communities has anyone suggested a serious diminution of program. It would appear that these communities currently believe they have the will and means to support the expense of a comprehensive, very small, high school.

A second significant factor was the issue of identity and local control. Even though in Hastings and Dobbs Ferry there was no discussion of merger of the elementary schools, there was some feeling that merger would result in those schools becoming vulnerable. For this reason, for some, the idea of a central high school was appealing. The complications created by a centralized high school,(i.e., the necessity of creating a new school district, lack of incentive aid, curriculum coordination, three Boards of Education involved together) led the School Boards of Hastings and Dobbs Ferry to consider K-12 merger.

Finally, and perhaps the most difficult issue to deal with in both merger defeats,was the perceived differences between the school districts. While the reality is that the districts are probably more similar than different, the heat of emotion tends to focus on and accentuate the differences. Unless the districts considering merger can confront and deal with this problem, the forces against merger will probably remain dominant.

* * * * * * * *

In summary, we have listed the factors in support of each side of the question of merger. They are as follows:

MERGER	NON-MERGER
CURRICULUM	
Students could benefit from the special strength programs of each district.	With smaller groups a district is forced to focus and prioritize educational choices.
Larger classes would reduce the pressures a tracked curriculum imposes on the development of a master schedule.	The breadth of course offerings is not as important as the ability to provide a solid core curriculum.
Reduce the incidents of insufficient enrollment to support a particular course offering.	
Easier to maintain the breadth of program recommended as well as mandated by the State Education Dept.	
STUDENT	
Allows an exposure to a broader cross-section of people and ways of thinking.	Broader range of students is drawn into activities because participation is needed.
Maintenance of sports and extra-curricular programs because of sufficient population.	Students who are talented, but shy, are more likely to be drawn out.

IRVINGTON PUBLIC SCHOOLS
FACILITIES STUDY

ANDERSON LA ROCCA ANDERSON
Architects & Planners
22 Purchase Street
Rye New York 10580

March 12, 1987

IRVINGTON
FACILITIES STUDY

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B. Floor Plans 3

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INTRODUCTION

The purpose of this study is to provide a decision-making tool for determining the possibility of locating additional classroom space within the existing facilities of the Dows Lane Elementary and Irvington Middle Schools. This investigation sets forth conceptual solutions to meet the space requirements of the present instructional programs as well.

The particular individual spatial needs of each school have been outlined in the following sketch plans, based on existing program requirements and information obtained from the school's principals, teachers and staff. Districtwide needs, such as upgrading of facilities to meet handicapped requirements, affect each school in different ways. However, it must be noted that the scope of this report does not address this issue.

Although the administration and staff of each school have identified and emphasized their needs, the district may assign their own priorities, both within the school and among the schools.

The proposed replanning is based on experience with similar conditions, logical planning concepts and state of the art solutions and standards. It must be emphasized that these are conceptual plans with ideal situations for planning purposes. Cost considerations and the practical limitations of the existing building may not make the ideal situation feasible.

As a next step, this material should be reviewed and discussed by the board, administration and building staff. The architect can provide explanations as required. When the scope of work has been determined, the conceptual level of this study phase can be developed into the actual design solutions and then drawings and specifications suitable for approvals and eventually construction can be produced.

In addition to the analysis of space utilization, this report also includes a technical study of the present condition and effectiveness of the middle school boiler plus the question of ceiling heights related to the heating system.

DOWS LANE ELEMENTARY SCHOOL

The proposed space changes address the requirement of determining the maximum number of classrooms which might be obtained by the reconfiguration of internal spaces. Along with this consideration, attention is given to other concerns expressed by the school personnel which are outlined as follows:

a. Art Room - better-functioning space and natural lighting

b. Music Practice Room - increase size

c. Kindergarten classrooms - centralize

d. Mobile Science Program - provide department office space

e. Special Program spaces - easier accessibility to present location in administration area

The following list compares the existing number of classroom and special program spaces to the proposed space allocation on which this planning study is based. It should be noted at this time that some spaces presently being used for special programs are inappropriate in design and/or location, or are shared spaces which, for a variety of reasons, limit effectiveness of the programs. The programs have therefore been scheduled for relocation.

AREAS	EXISTING	PROPOSED SCHEME #1	PROPOSED SCHEME #2
Classrooms:	26	27	27
*Special Programs: ESL Speech Writing to Read Remedial Reading Science Dept. Office	5	7	6

The enclosed plans represent existing interior space configuration with proposed spaces superimposed directly over present conditions. In some cases partitions will need to be removed and/or installed in order to accommodate the function of the new occupant.

KEY:

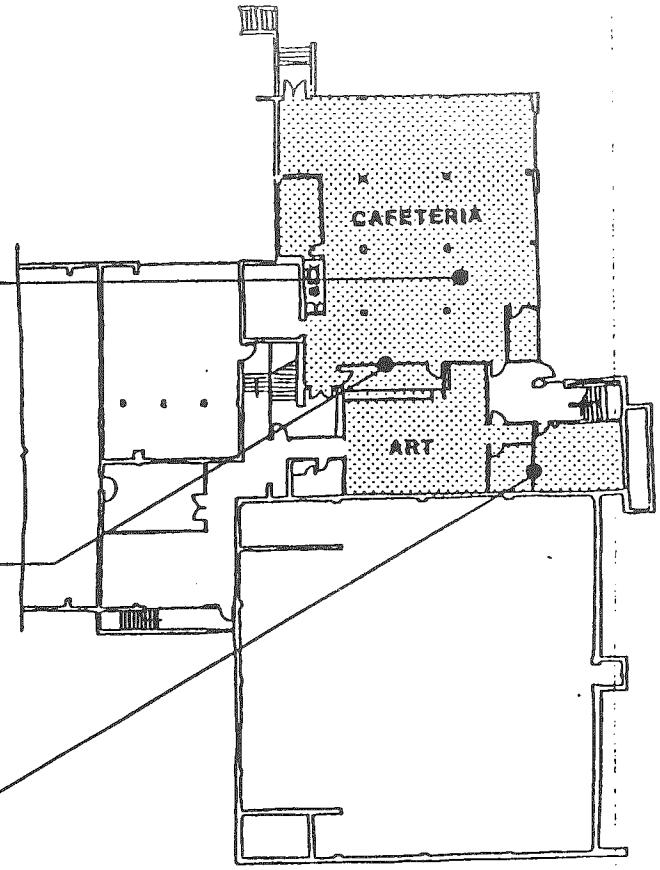
Existing spaces relocated and/or redesigned.

Existing spaces to remain unchanged.

PROPOSED
ART ROOM
Environment requires natural lighting

PROPOSED
CAFETERIA
Redesign to include space presently occupied by the art room

PROPOSED
MUSIC PRACTICE ROOM
Redesign spaces, provide acoustical treatment on all surfaces



GROUND FLOOR

MARCH 12, 1987

DOWS LANE ELEMENTARY SCHOOL

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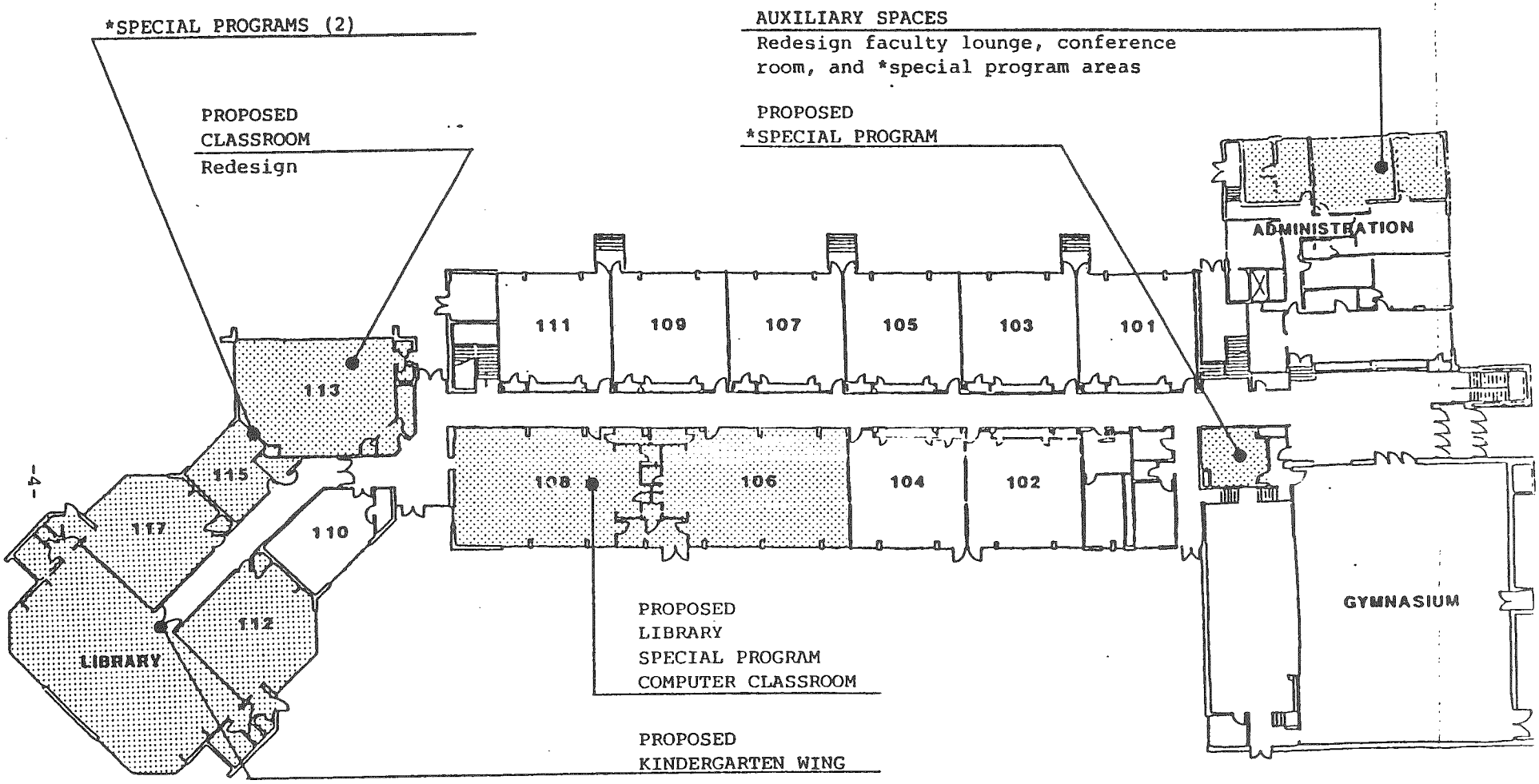

SCHEME NO. 1

FIRST FLOOR

MARCH 12, 1987

DOWS LANE ELEMENTARY SCHOOL

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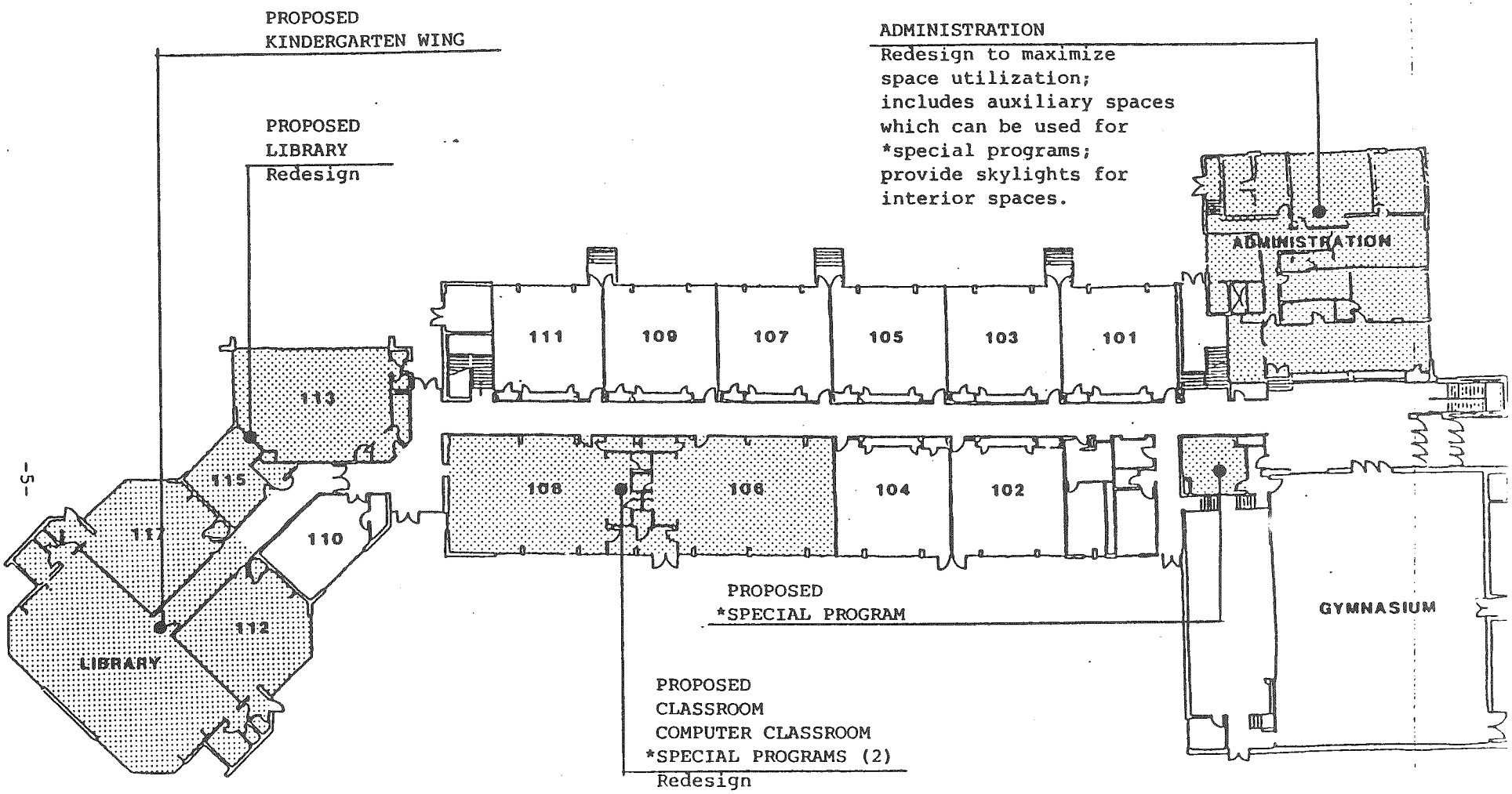

SCHEME NO. 2

FIRST FLOOR

MARCH 12, 1987

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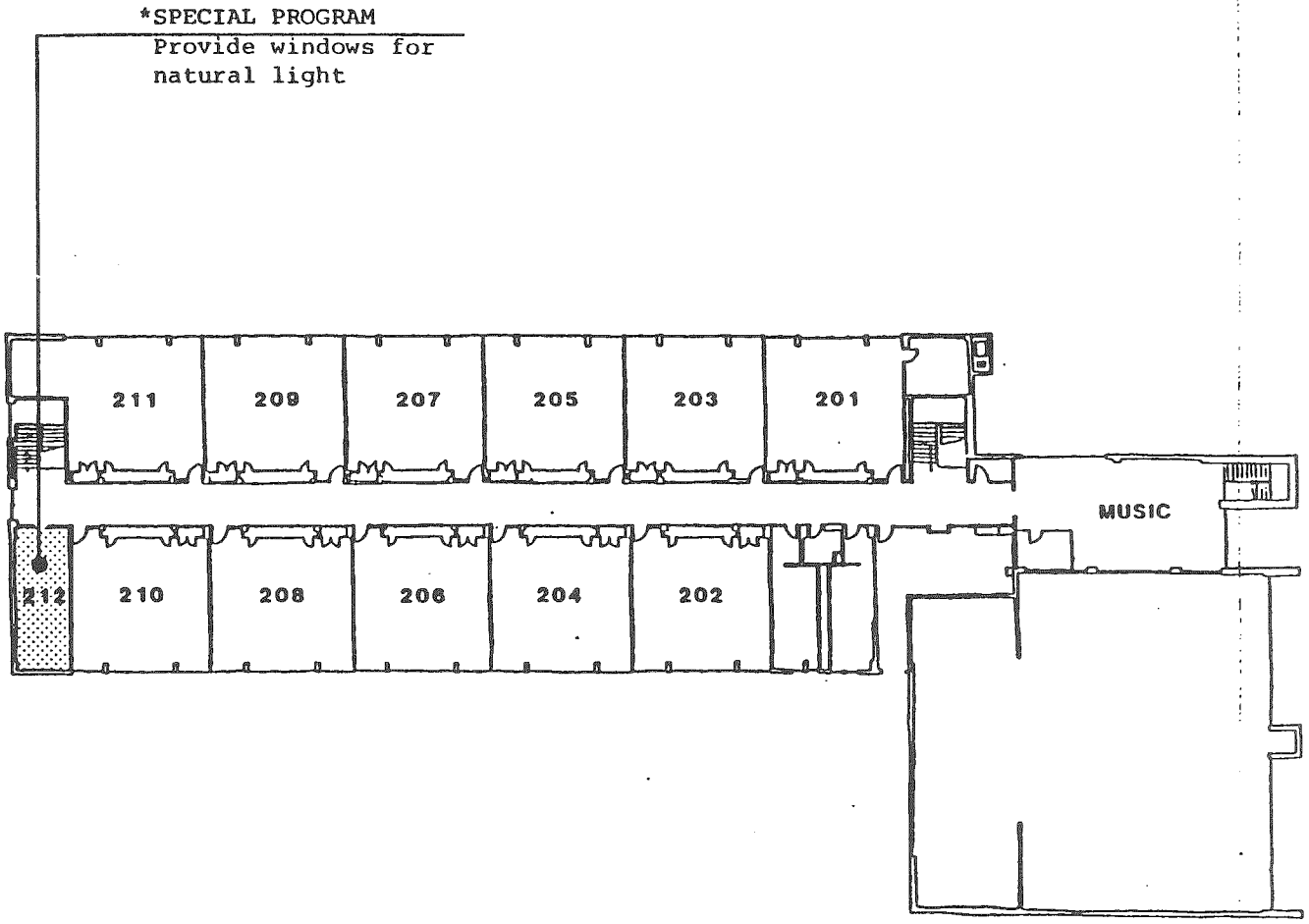

SECOND FLOOR

MARCH 12, 1987

DOWS LANE ELEMENTARY SCHOOL

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IRVINGTON MIDDLE SCHOOL

The Irvington Middle School was originally designed and used as a facility for kindergarten through 12th grades. In 1955 Dows Lane Elementary School was built to house grades 1-4 and a new high school was constructed in 1965. The school building then went through a lengthy period of transition as to services and grade levels provided until 1979 when it was converted to its present use. Generally, existing classrooms are below the present standards of 770 square feet. Where new classrooms have been developed from other spaces, they meet present code requirements.

In addition to creating classroom spaces, the proposed plan also addresses other concerns as expressed by the administration and staff. These items include:

a. 8th Grade Science Lab - crowded conditions

b. Computer Lab - separate room to accommodate 5-10 students

c. Psychologist's Office - private office space

d. Band - lockable storage room for instruments

e. Centralized Administration area - adjacent to Nurse's Office, Conference Room/Faculty Lounge

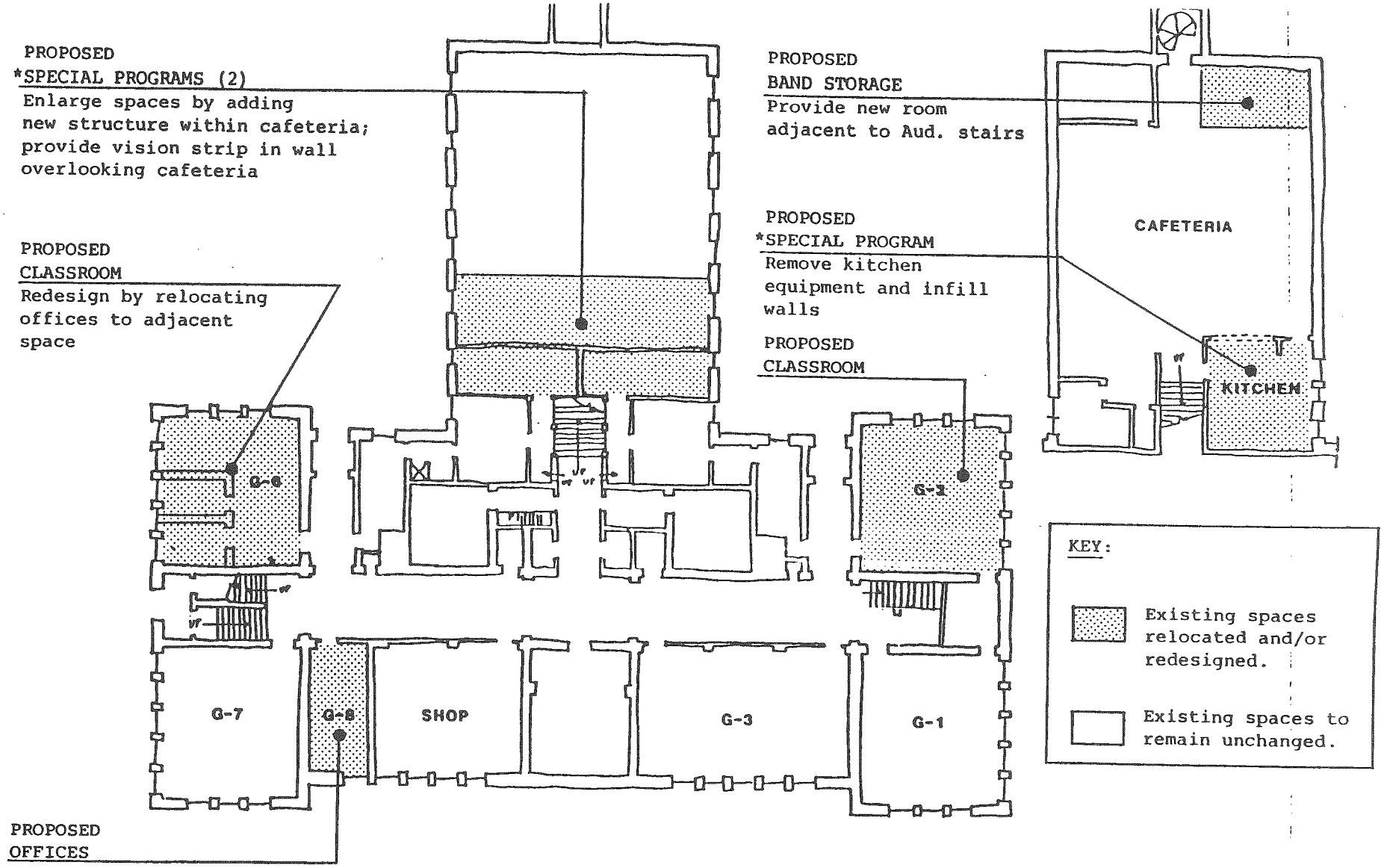
f. Gymnasium - new enclosed storage space for gymnastic/wrestling mats

g. Weight Room/Gym - accommodation for better student supervision

The following list compares the existing number of classroom and special program spaces to the proposed space allocation on which this planning study is based. It should be noted at this time that some spaces presently being used for special programs are inappropriate in design and/or location, or are shared spaces which, for a variety of reasons, limit the effectiveness of the programs. Therefore, the programs have been assigned new locations.

AREAS	EXISTING	PROPOSED
Classrooms:	17	19
* Special Programs: ESL Computer Lab Remedial Instruction English Study Skills Psychologist's Office	5	8

The enclosed plans represent existing interior space configuration with proposed spaces superimposed directly over present conditions. In some cases partitions will need to be removed and/or installed in order to accommodate the function of the new occupant.



GROUND FLOOR PLAN

MARCH 12, 1987

IRVINGTON MIDDLE SCHOOL

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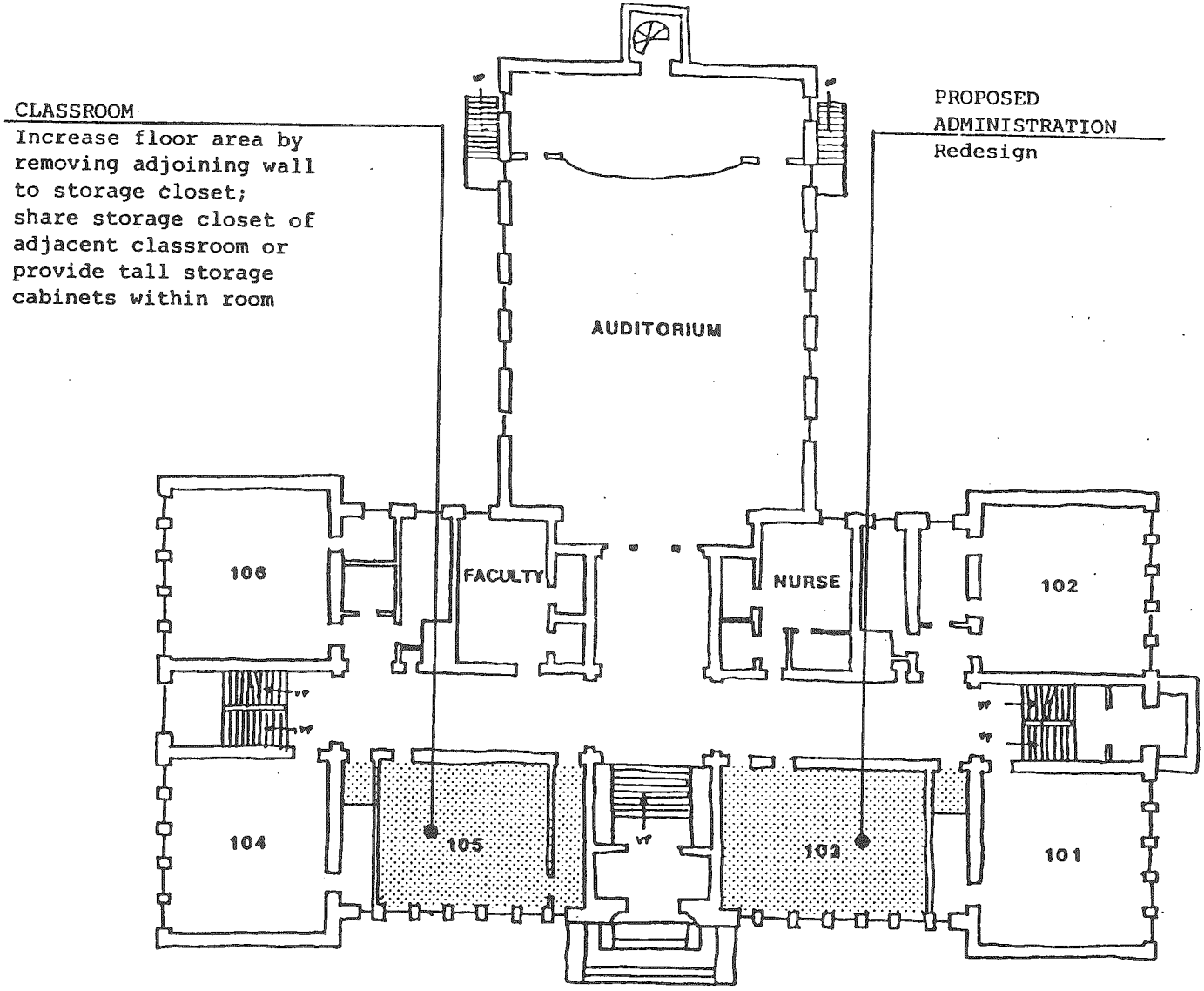

FIRST FLOOR PLAN

MARCH 12, 1987

IRVINGTON MIDDLE SCHOOL

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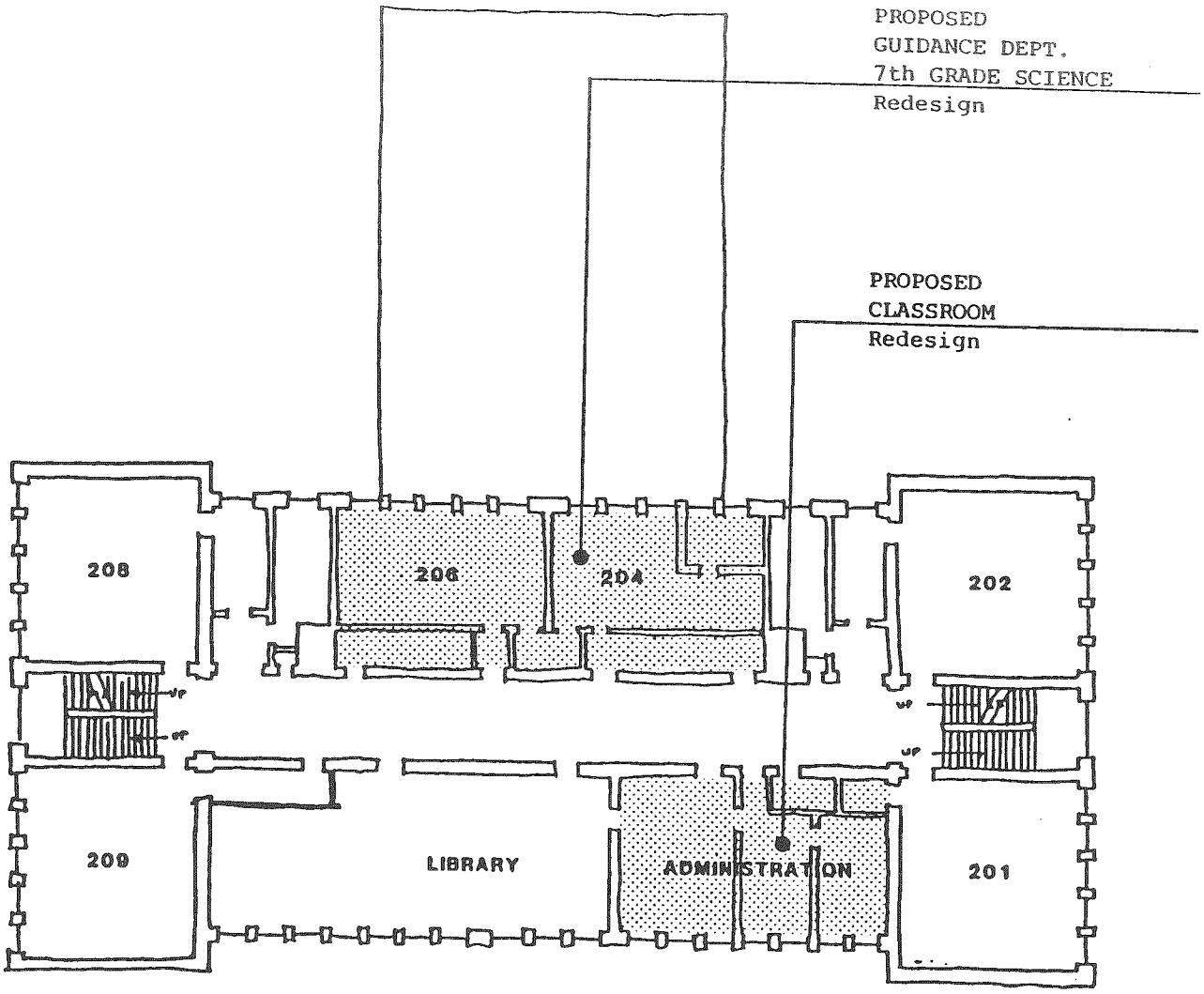

SECOND FLOOR PLAN

MARCH 12, 1987

IRVINGTON MIDDLE SCHOOL

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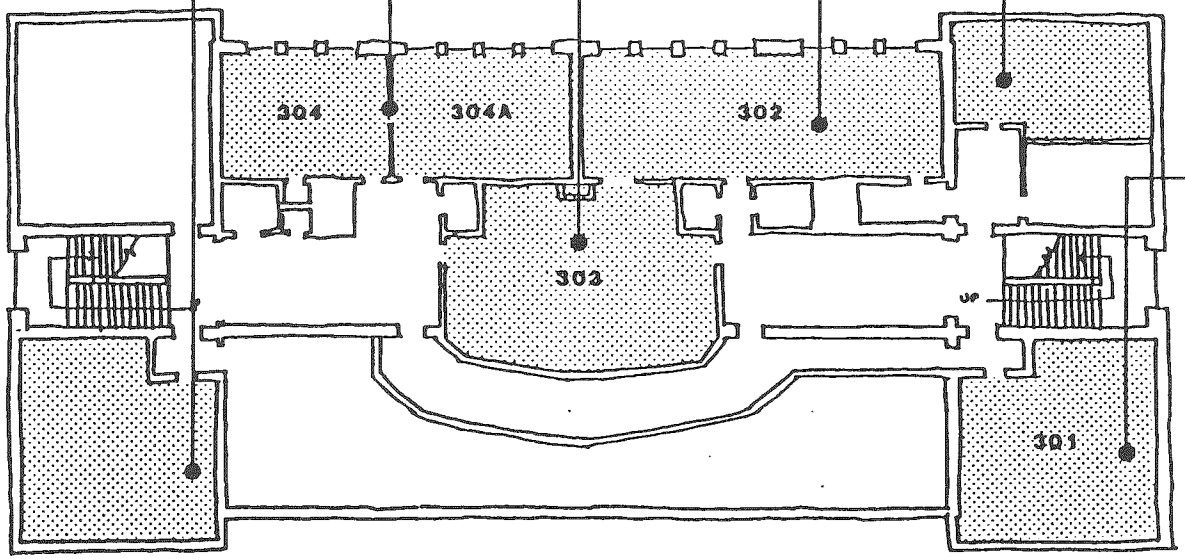
PROPOSED
*SPECIAL PROGRAMS (2)

PROPOSED
8th GRADE SCIENCE
Relocated to more functional space; reinstall skylight for natural lighting

PROPOSED
*SPECIAL PROGRAM
Provide dormer windows for natural light; provide heating and upgrade electrical systems

PROPOSED
MUSIC
Relocated adjacent to usable storage space

PROPOSED
MUSIC STORAGE
Provide climate control



PROPOSED
*SPECIAL PROGRAM
Provide dormer windows for natural light; upgrade heating and electrical systems

THIRD FLOOR PLAN

MARCH 12, 1987

IRVINGTON MIDDLE SCHOOL

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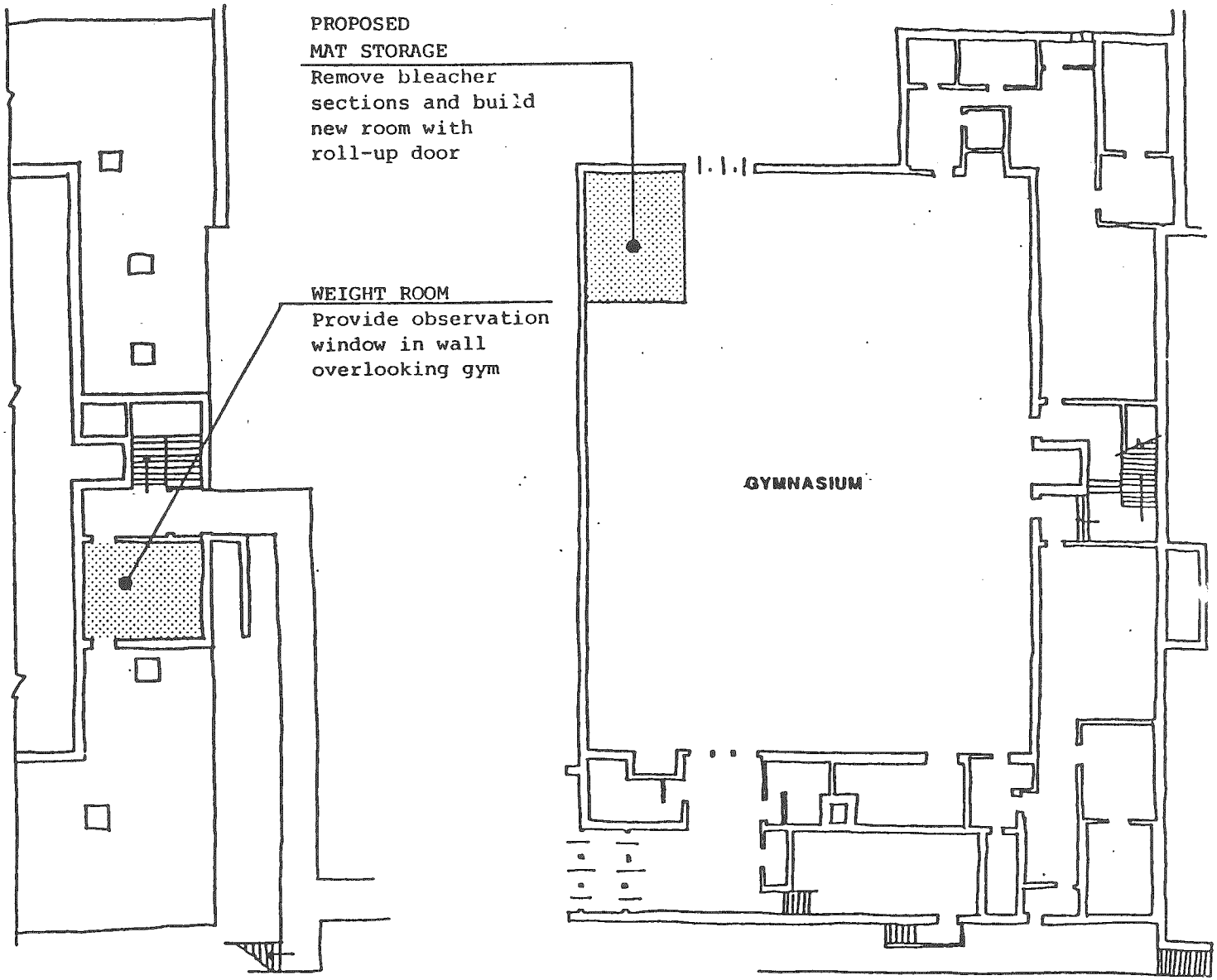

SECOND FLOOR

FIRST FLOOR

PHYSICAL EDUCATION BUILDING

MARCH 12, 1987

IRVINGTON MIDDLE SCHOOL

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REPORT OF PRELIMINARY SURVEY AND RECOMMENDATIONS FOR:

BOILER AND HEATING SYSTEM
IRVINGTON MIDDLE SCHOOL
IRVINGTON, NEW YORK

INTRODUCTION AND SUMMARY

A. We visited the School and made a Preliminary Survey of the building's boilers and heating system and reviewed system's performance and problems with Fred Beardsley, Superintendent of Buildings and Grounds, and Scott Brokaw, Acting Head Custodian.

B. The Main Building is heated by two (2) oil fired cast iron hot water boilers, located in a Basement Boiler Room. A separate boiler and storage tank provides domestic hot water. The Gymnasium Addition has a separate heating plant. The two (2) heating boilers are in serviceable condition, with the estimated ages being 30 +/-years for one (1) and 15 +/-years for the other. The remaining useful life can not be predicted, however, 30 to 40 years can be expected for boilers of this type. The fuel for all boilers is #2 oil with a new fiberglass tank presently being installed.

C. Distribution is by a forced circulation two-pipe hot water system, with numerous zone circulators. Heating terminal equipment consists of finned tube radiation, cast iron radiators and unit heaters.

D. No mechanical ventilation systems exist. This violates current and past codes. The range hood installation does not comply with current code requirements, however, it is not presently used and future plans call for its removal.

E. Automatic temperature controls are minimal, with no individual room thermostats or night setback. Thermostats are not protected from unauthorized use or damage.

F. New windows have recently been installed throughout the building and have reduced past heating problems.

G. The installation of lower suspend ceilings will not significantly reduce the heating load and may worsen the ventilation performance.

H. The following could be done to improve the heating efficiency and performance:

1. Replace burner on one of the boilers.

2. Interconnect the two boilers and revise the circulator connections.

3. Install a separate oil-fired domestic hot water heater.

4. Provide hot water outdoor reset controls.

5. Improve radiation enclosures.

6. Provide mechanical ventilation for all occupied spaces.

7. Provide setback thermostats.

8. Provide individual room controls.

Which and to what extent these recommendations are implemented is subject to further study and overall plans for the Building.

EXISTING FACILITIES

A. Boilers:

1. Two (2) oil-fired cast iron hot water boilers serve the heating for the Main Building.

2. The boiler serving the Northwest portion of the Building is a Burnham, with a Carlin Oil Burner. No data available as to model, estimated net capacity is 2,000,000 Btu/Hr, based on burner size. The estimated age of this boiler is 30 +/- years, with the burner being a later replacement.

3. The boiler serving the Southeast portion of the Building is a H. B. Smith Model 350-10 with an Industrial Combustion Oil Burner. The net capacity of this boiler is 1,600,000 Btu/Hr. The estimated age of this boilers and burner is 15 +/- years.

4. A small H. B. Smith Model #17 oil-fired cast iron boiler, with a Beckett Oil Burner supplies heat for the domestic hot water system. System has a horizontal storage tank of approximately 300 gallon capacity. The estimated age of this boiler is 40 + years with the burner being a later replacement.

5. A boiler in a separate Boiler Room in the Gymnasium Addition provides heat for that portion of the Building. This boiler was not checked.

B. Fuel:

1. Fuel for all of the boilers is #2 oil.

2. The present underground storage tank is leaking, allowing water to enter the tank. This has caused numerous burner problems in the past. The tank was recently pumped out to remove the water. There have been no problems since then. A new 8,000 gallon double wall fiberglass tank is on the site awaiting installation.

C. Distribution:

1. The Building is served by a two-pipe forced hot water

distribution piping system, utilizing thread steel pipe.

2. The Northwest boiler (Burnham), has five (5) circulators, four (4) of which serve the Classrooms and one (1) which has the power disconnected.

3. The Southeast boiler (H. B. Smith) has three (3) circulators and connections for a fourth which has been removed. The three (3) circulators serve the:

   Cafeteria/Auditorium
   Office Area/Library
   Classrooms

4. There is no interconnection of the distribution system between the two boilers.

D. Heating Terminals:

1. The Classrooms have 2-row 3-1/4" x 3-1/4" finned tube radiation with expanded metal covers. In some areas, shelves and/or counters have been constructed over the top of the radiation without any grilles being provided.

2. The Library is similar to the Classroom, except for 1-row radiation.

3. The Auditorium has free-standing cast iron radiators.

4. The Cafeteria has pipe coils under the windows, large pipe coils on the North Wall, two (2) small free-standing cast iron radiators and two (2) ceiling mounted vertical throw unit heaters.

5. The Corridors, Nurse's Office, Entries, Stairs and Toiler Rooms have free-standing cast iron radiators.

E. Ventilation:

1. Except for a window exhaust fan and a small inactive range hood exhaust fan in the Cafeteria, there are no ventilating systems for the Buildings.

2. The Classrooms and other spaces were provided with what appears to be a gravity ventilating system with high and low registers. These are presently all safed off with sheet metal plates.

F. Controls:

1. Each of the circulators is controlled by a room thermostat.

2. The thermostats have no guards or concealed settings and may be adjusted by anyone.

3. The thermostat serving the Cafeteria/Auditorium and one of the Classroom zones are simple 24 hour clock type having a night setback. The other thermostats are single setting type.

4. The accuracy of the thermostats is questionable. The Custodian indicated that he sets the thermostats at 58 to 60 degrees F in order to maintain the spaces at 70 degrees F.

G. Building:

1. New windows have been installed throughout the Buildings, with double glazing used on the North and East exposures and storm windows on the South and West exposures. Insulating panels were provided in the top section of many of the windows.

2. The walls are heavy masonry with no insulation evident.

3. The ceilings in the Classrooms on all floors except the lower level are high with no suspended ceilings.

DISCUSSION

A. Boilers:

1. From a visual inspection the boilers appear to be in serviceable condition. No leaks are visible and the insulation is intact. While it is impossible to predict the remaining useful life, boilers of this type can be expected to last 30 to 40 years. This would indicate that the small domestic hot water boiler is past its expected life, the Northwest boiler (Burnham) is approaching the end of its expected life and the Southeast boiler (H. B. Smith), is midway in its expected life.

2. Current boilers of this type (cast iron), are of similar construction and do not have significantly greater efficiency. The major improvements in efficiency have been the result of improved burners. The burner on the Northwest boiler (Burnham) is of current design, the efficiency of the Southeast boiler (H. B. Smith) could be improved by replacement of the burner.

3. The efficiency of the domestic hot water system could be improved by replacement with a separate oil fired hot water heater. The present system is oversized for current needs.

4. The reliability and efficiency of the heating system could be improved if the two (2) heating boilers were interconnected. This would permit either boiler to

provide partial heat to any section of the Building if one (1) boiler were inoperative, and allow one (1) boiler to heat the entire Building during periods of mild temperature. Since the boilers are physically separated within the Boiler Room, and the individual circulators are in various ways, extensive repiping within the Boiler Room would be required to interconnect the two (2) boilers.

5. Full determination of the circulators zones and the areas which had been served by the removed and inoperative circulators has not been made. Possible improvements could be made to match the zoning to the Buildings occupancy and exposure requirements.

6. The addition of a hot water reset control system would improve the systems performance and efficiency. This system would vary the water temperature supplied to the system in response to outdoor temperature. Again due to physical separation and numerous circulator connection, extensive repiping would be required.

B. Heating Terminals:

1. The Classroom radiation appears adequate to heat the spaces if the system worked properly.

2. The expanded metal covers do not produce the highest output possible from the radiation since the convective component is minimal with an open front. A solid front enclosure with open bottom inlet and a top grille would create a "chimney effect".

3. Where shelves or counters have been installed over the radiation, output could be improved by installing top grilles.

4. A final determination as to the radiation would be subject to possible Architectural changes within the rooms.

5. A full review of the distribution system should be made to determine the extent to which finned tube radiation and cast iron radiators are mixed on the same zone. The finned tube radiation heats up and cools down quickly, whereas the cast iron radiators heat up and cool down slowly. The mixing of these two (2) types on the same zones without individual controls results in uneven heating.

C. Ventilation:

1. The absence of any ventilating systems violates current and past codes for School Buildings.

2. Minimal ventilation could be provided in the Classrooms by the individual exhaust fans or an exhaust system. In the Auditorium and Cafeteria, it may be possible to reuse some of the old gravity duct system to supply air and to provide supplemental exhaust.

D. Controls:

1. With a limited of circulator zone thermostats, it is virtually impossible to satisfy the temperature requirement in each of the rooms which are on the same zone, yet have different occupancies, exposure and usage.

2. The absence of guards on the thermostats permits tampering, damage and unauthorized setting of temperatures.

3. Replacement of the existing thermostats with seven-day setback type unit, would allow lower temperatures to be maintained at night and during the weekend.

E. Building:

1. The installation of new windows appears to have reduced the under heating problems and are reported to have resulted in substantial energy savings.

2. Unless major Architectural changes involving the exterior walls are made, it would not be cost efficient to add insulation.

3. The Attic Roof insulation required further study.

4. Installation of lower suspended ceilings will not have a significant effect on fuel consumption and with present lack of ventilation in the Buildings, it will decrease spaces index of ventilation.

RECOMMENDATIONS

A. The following outline of Recommendations is based on our Preliminary Review of the Buildings heating system and the assumption that the Building will continue in its current use without major modifications. A detailed Study is required to determine full effect on system, inter-relationship of the Recommendations, cost effectiveness, overall Building plans, and exact methods to implement:

1. Replace burner on the Southeast boiler to improve efficiency.

2. Provide a separate oil-fired hot water heater sized for current requirements, to improve reliability and reduce fuel consumption.

3. Interconnect the two (2) boilers.

4. Revise the current circulator connections or provide one (2) large circulator for the Building with individual zone valves. This would be required if the two (2) boilers are interconnected.

5. Provide outdoor reset controls to help "Fine-tune" the controls and reduce fuel consumption.

6. Improve the radiation enclosures to obtain full output.

7. Separate or replace the cast iron radiators, so as to have all of the same type on a zone.

8. Provide mechanical ventilation for all spaces of Student occupancy, to comply with code requirements.

9. Provide seven-day setback thermostat with guards to reduce energy consumption.

10. Provide individual room controls consisting of motorized valve and thermostat, to improve comfort.

11. Insulate Attic/Roof if determined to be effective.

REPORT BY:

LONG RANGE PLANNING COMMITTEE

MAY, 1983

LONG RANGE PLANNING COMMITTEE REPORT (1983)

The Long Range Planning Committee's charge for this year was twofold. We were asked to update the 5-year pupil enrollment estimates based on the model developed in the 1981-82 school year and also to update the 5-year budget forecasts developed in the 1980-81 school year. In the process of updating these models, we refined some of the techniques and methodology.

The results of those changes and the methods and materials used to obtain the results are included in this report.

Elaine Margolis, Chair
Ruth Berelson
Daniel Gold
Kathleen Downey
Rosemary Coralian
Karen Schatzel
Dr. Yung Wong - Board Liaison
Dr. W. Daniel Morgan - Business Administrator

UPDATED STUDENT ENROLLMENT PROJECTIONS (1983-1988)

The New Enrollment Model

The 1982 report on enrollment projections used three models; Constant K, based on October kindergarten enrollment; Variable K based on projections of students from new construction in the district, and Increasing K, based on trends from school census data.

This committee has made enrollment projections using only one model, based on a combination of refined school census data and updated new construction figures. The Increasing K model was not used at all because the data did not support an increasing kindergarten enrollment.

The base for the model was set at 52 for the 1983-84 year rather than 63 as previously predicted. The base K figure of 52 was arrived at by considering nursery school and current Dows Lane enrollment for September.

The attached table summarizes the findings. Appendix I and II are research materials prepared by committee members.

ENROLLMENT PROJECTIONS

YEAR	K	GRADE 1	GRADE 2	GRADE 3	GRADE 4	GRADE 5
1979-80	73	63	65	78	115	97
1980-81	63	78	64	61	78	121
1981-82	63	69	77	61	66	81
1982-83	65	65	68	81	66	64
1983-84	52	69	65	67	85	68
1984-85	52 + 2	55 + 3 = 58	69 + 3 = 72	64 + 3 = 67	70 + 2 = 72	87 + 2 = 89
1985-86	52 + 2	58 + 2 = 60	55 + 2 = 57	68 + 2 = 70	66 + 2 = 68	72 + 2 = 74
1986-87	52 + 5	58 + 6 = 64	57 + 6 = 63	54 + 6 = 60	71 + 6 = 77	68 + 6 = 74
1987-88	52 + 5	61 + 6 = 67	57 + 6 = 63	56 + 6 = 62	57 + 6 = 63	73 + 6 = 79

	GRADE 6	GRADE 7	GRADE 8	GRADE 9	GRADE 10	GRADE 11	GRADE 12	SUBTOTAL				
	108	135	120	125	161	147	142	1429				
	99	109	131	137	124	164	142	1369				
	128	93	109	122	133	119	159	1280				
	85	127	88	112	120	131	117	1189				
								K-12 Enroll Projtns.		Move in Students		Total
83/4	67	83	123	91	110	119	127	1126	+	0	=	1126
84/5	71 + 2 = 73	65 + 2 = 67	81 + 2 = 83	128 + 2 = 130	89 + 2 = 91	109 + 2 = 111	115 + 2 = 117	1057	+	27	=	1084
85/6	91 + 2 = 93	69 + 2 = 71	64 + 2 = 66	84 + 2 = 86	125 + 2 = 127	88 + 2 = 90	106 + 2 = 108	1000	+	24	=	1024
86/7	75 + 6 = 81	89 + 6 = 95	67 + 6 = 73	66 + 6 = 72	82 + 6 = 88	124 + 6 = 130	86 + 6 = 92	954	+	72	=	1026
87/88	71 + 6 = 77	73 + 6 = 79	87 + 6 = 93	70 + 6 = 76	65 + 6 = 71	81 + 6 = 87	120 + 6 = 126	928	+	72	=	1000

APPENDIX 1

PROJECTED YIELD OF SCHOOL-AGED CHILDREN FROM UNBUILT AND UNOCCUPIED DEVELOPMENTS

	9/84-8/85	9/85-8/86	9/86-8/87
TOTAL UNITS	28	77	208
TOTAL PUPILS	32	28	122
TOTAL PUBLIC SCHOOL PUPILS*	27	24	104 ***

PROPOSED DEVELOPMENTS	9/84-8/85				9/85-8/86				9/86-8/87				PROJ. TOTAL
	CON	SF	TH	TOT	CON	SF	TH	TOT	CON	SF	TH	TOT	
BUTTERWOOD OFF BEECHWOOD		11		11									11
HALSEY-PARK ROAD		13**		13		12**	14	26					39
BUTTER-E. MAIN STREET					51			51	44	63		107	158
ROCKHOLM-E. OF HIGH SCHOOL									50	13		63	63
YESHIVA											38	38	38
ILINKA-END OF HAMILTON		4		4									4
TOTALS		28		28	51	12	14	77	94	76	38	208	313
#PUPILS PER UNIT	.10	1.14	.66		.10	1.14	.66		.10	1.14	.66		
# PUPILS		32		32	5	14	9	28	10	87	25	122	182
# PUBLIC SCHOOL PUPILS *		27				24			104				155

* 85% of school district pupils attend public schools--15% attend private schools

** exact breakdown unable to be determined

*** This figure was spread over 2 years in figuring enrollment predictions because of the unlikelyhood of every construction being finished by 1986-87

APPENDIX 2

PERCENTAGE OF KINDERGARTEN CHILDREN AT DOWS LANE WHO ATTENDED NURSERY SCHOOL

KINDERGARTEN YEAR	ACTUAL PRESENT GRADE	STUDENT ENROLLMENT	ATTENDED NURSERY SCHOOL	PERCENTAGE
1979/80	3rd	81	49	60%
1980/81	2nd	68	45	66%
1981/82	1st	66	52	79%
1982/83	K	65	52	80%

APPENDIX 2

PRESENT LOCAL PUBLIC SCHOOL ENROLLMENT AND PROGRAMS OFFERED:

NURSERY SCHOOL	DISTRICT -ENROLLMENT	AGE	CO-OP	NON CO-OP	FULL DAY	HALF DAY	DAYS PER WEEK
Good Shepherd	20	4s	X			X	4
*Starting Sept.1983		4s		X		X	5
		3s	X			X	3
Mt. Mercy	4	4s		X		X	5
		3s		X		X	5
Home	2	4s		X	Parents choice of ½		5
		3s		X	or full day		5
Alcott	4	4s		X	Parents choice of ½		3to 5
		3s & 2s		X	or full day early and late pick-ups for working parents		
Tarrytown Co-op	0	4s	X			X	5
		3s	X			X	3 to 4
Transfiguration	2	4s		X		X	4
New Rochelle Academy	0	4s		X	1st ½ year -½day		5
		3s & 2s		X	2nd half year-full day		5
Tree House	0	4s		X		X	5
		3s		X		X	5
Immaculate Conception	9	4s		X		X	5

*Special arrangements- Kindergarten children who go half day at another school may come to Tree House for the 2nd half day. Afternoon sessions on Monday, Tuesday, and Wednesday.

* This Pre-K program was started for the 1982/83 school year.

TOTAL - 41 children eligible for 1983/84 Kindergarten class.

*Nursery Schools are adjusting to working parents in many cases

APPENDIX 2

Percentage of children who come to us from the BOCES Projections

YEAR	BOCES KINDERGARTEN PROJECTIONS	ACTUAL KINDERGARTEN ENROLLMENT
1980/81	86	66

$\frac{66}{86}$ 77% of BOCES projection became the actual enrollment figure.

- -

1981/82	111	63

$\frac{63}{111}$ 57% of BOCES projection became actual enrollment figure.

- -

1982/83	96	65

$\frac{65}{96}$ 68% of BOCES projection became actual enrollment figure.

- -

FIVE YEAR BUDGET PROJECTION

REPORT BY:

LONG RANGE PLANNING COMMITTEE

MAY, 1983

FIVE YEAR BUDGET PROJECTION

The Long Range Planning Committee has done a five year budget projection using the school year 1982/83 as a base.

METHODOLOGY

The 1982/83 budget has been divided into a variable cost component and a fixed cost component. This breakout is based on work done by the Long Range Planning Committee in 1982.

The variable cost per student for 1982/83 has been established at $2600/student. With a total school enrollment (excluding special education children) of 1189, the total variable cost is $2600/student x 1189 students or $3.091M, leaves a fixed cost component of $4.909M.

To establish a 1983/84 rate, a 10% cost increase factor is applied. This factor takes into account the total yearly cost increases to the school district including inflationary costs, faculty salaries, hospitalization, pension costs, etc.

The variable cost per student (2600 in 1982/83) is increased at this 10% rate, yielding $2860/student rate in 1983/84. The total expected enrollment of 1139 students is multiplied by the variable cost rate, yielding a total variable cost of $3.258M.

The fixed cost component is also increased by 10% to yield a fixed cost of $5.40M in 1983/84.

Total costs in 1983/84 is, therefore, $8.658M.

With an assessed valuation of $75.9M as is currently forecast, the tax rate would be $92.99/thousand or 9.5% higher than the 1982/83 rate.

Each subsequent years' fixed and variable costs are increased by 10% to calculate total costs.

Two models for assessed valuation are shown- one increases assessed value by $2M/year, the other by $4M/year.

District income which is composed of state aid, interest, tuition, and other income sources is assumed to be constant at $1.6M/year.

A zero fund balance is assumed for every year after 1982/83.

OBSERVATIONS

The methodology used in this budget model comes very close to the proposed school budget for 1983/84: $8.658M total costs in the model vs. $8.664M as proposed from the school board. The model shows a tax rate increase of 9.5% for 1983/84 vs. 8.9% from the proposed school budget. The closeness of the figures lends credibility to the model and can, therefore, provide guidance to long range school budget policy.

Over the past five years, assessed valuation has increased at approximately $2M/year. The model that uses a $2M/year increase in assessed valuation shows that over the next five years, total costs will increase at about 8% per year and the tax rate would increase at 7-8% per year.

If assessed value went up at $4M/year, then the tax rate would increase at 5-6% per year.

IRVINGTON SCHOOL DISTRICT

FORECAST OF TAX RATES

MODEL 1: ASSUME ASSESSABLES INC. BY $ 2M/YR.

YEAR	STUDENT ENROLLMENT	ASSESSED VALUE (MILLIONS)	DISTRICT INCOME (MILLIONS)	FUND BALANCE	COST INCR. FACTOR	VARIABLE COST/STUDENT	TOTAL VAR. COST	FIXED COSTS	TOTAL COSTS	TAXES NEEDED	TAX RATE	PERCENT INCREASE
82/83	1189	73.3	1.60	0.2	10%	2600	3.091	4.909	8.000	6.200	84.96	--
83/84	1139	75.9	1.60	--	10%	2860	3.258	5.400	8.658	7.058	92.99	9.5%
84/85	1082	77.9	1.60	--	10%	3146	3.404	5.940	9.344	7.744	99.41	6.9%
85/86	1036	79.9	1.60	--	10%	3461	3.586	6.534	10.120	8.520	106.63	7.3%
86/87	999	81.9	1.60	--	10%	3807	3.803	7.187	10.990	9.390	114.65	7.5%
87/88	982	83.9	1.60	--	10%	4188	4.113	7.906	12.019	10.419	124.18	8.3%

IRVINGTON SCHOOL DISTRICT

FORECAST OF TAX RATES

MODEL 2: ASSUME ASSESSABLES INC. BY $ 4M/YR.

YEAR	STUDENT ENROLLMENT	ASSESSED VALUE (MILLIONS)	DISTRICT INCOME (MILLIONS)	FUND BALANCE	COST INCR. FACTOR	VARIABLE COST/STUDENT	TOTAL VAR. COST	FIXED COSTS	TOTAL COSTS	TAXES NEEDED	TAX RATE	PERCENT INCREASE
82/83	1189	73.3	1.6	0.2	10%	2600	3.091	4.909	8.000	6.200	84.96	--
83/84	1139	75.9	1.6	--	10%	2860	3.258	5.400	8.658	7.058	92.99	9.5%
84/85	1082	79.9	1.6	--	10%	3146	3.404	5.940	9.344	7.744	96.92	4.2%
85/86	1036	83.9	1.6	--	10%	3461	3.586	6.534	10.120	8.520	101.55	4.8%
86/87	999	87.9	1.6	--	10%	3807	3.803	7.187	10.990	9.390	106.83	5.2%
87/88	982	91.9	1.6	--	10%	4188	4.113	7.906	12.019	10.419	113.37	6.1%

PROPOSED LOCAL LAW AMENDING ZONING ORDINANCE

A local law amending The 1958 Village of Irvington Zoning Ordinance, as amended (title 47 of the Irvington Code, as amended);

Be it enacted by the Village Board of the Village of Irvington as follows:

1. Legislative Intent and Findings of Fact

The Board of Trustees makes the following findings of fact:

(a) The Village of Irvington has experienced substantial growth in recent years.

(b) The growth of the Village has been much faster than was anticipated when the Village last undertook a comprehensive review of its land use policies and ordinances.

(c) The rate, extent and nature of recent development have given the Village an improved base of knowledge and experience against which to evaluate its existing land use policies and ordinances.

(d) The land available to the Village for both active and passive recreational purposes is inadequate for its current and projected needs.

(e) Unless better regulated, additional growth and construction threaten seriously to impair the character of the Village and to have adverse effects upon the environment.

(f) Public access to and participation in the formulation of land use policies and the making of particular land use decisions could be improved substantially.

Accordingly, the Board of Trustees has determined to amend the existing Zoning Ordinance of the Village of Irvington in order to:

(1) promote the health, safety and general welfare of the community;

(2) improve regulation, control and restriction of the type, intensity, density and location of land and building use in relation to but not limited to matters such as height and size of buildings, the percentage of the land that may be occupied, the size of lots, the density of population, and the limits and use of buildings, structures and land for trade, industry, residence or other purpose or factors;

(3) provide means of protecting the natural environment of the Village while permitting responsible additional development;

(4) provide means of ensuring greater public control over the character of future development in the Village in order to ensure that such future development is in harmony with the character of the Village;

(5) improve means available to Village boards and officials for protecting the public interest in connection with future development;

(6) provide means of ensuring that the Village's needs for recreational land are met; and

(7) improve public access to and opportunities for public participation in future land use decision-making processes.

2. Section 47-2 is amended to read as follows:

The Village of Irvington is hereby divided into the following zoning districts:

One-Family Residence District	1F-40
One-Family Residence District	1F-20
One-Family Residence District	1F-10
One-Family Residence District	1F-5
Two-Family Residence District	2F
Multifamily Residence District	MF
Business District	B
Industrial District	I
Planned Unit Residential Development . . .	PURD
Railroad	R

3. The first sentence of Section 47-3 is amended to read as follows:

The boundaries of the said districts are hereby established as shown on the "Zoning Map, Village of Irvington," dated [insert], 1987, which accompanies, and which, with all explanatory matter thereon, is hereby adopted and made a part of this ordinance.

4. Section 47-5, subdivision A, is hereby amended to read as follows:

Except as permitted by Section 47-41, no building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements and/or restrictions specified in this ordinance for the district in which such building or land is located.

5. Sections 47-6, subdivision D, 47-10, 47-15, subdivision E, 47-17, 47-19, subdivisions B and C, 47-20, 47-23, subdivision B, 47-42, subdivision C, and 47-43, subdivision B are hereby amended by deleting the phrase "Board of Appeals" and substituting therefor the phrase "Planning Board," and Section 47-43, subdivision B, is amended by deleting the phrase "Article VI" and substituting therefor the phrase "Article VIII."

6. Section 47-6, subdivision E, is hereby amended to read as follows:

E. Considerations in granting special permits.

(1) No special permit shall be authorized by the Planning Board except upon findings by the Planning Board that:

(a) the use of the said premises shall not cause injury, offense, annoyance or disturbance to any of the surrounding properties or to their owners and occupants;

(b) the use of said premises shall be consistent with the Comprehensive Land Use Plan;

(c) all proposed structures, equipment and material shall be readily accessible for fire and police protection;

(d) the proposed use shall be of such location, size and character that it will be in harmony with the existing and future development of the district in which it is proposed to be situated and will not be detrimental to the development or use of adjacent properties in accordance with the zoning classification of such properties;

(e) in the case of any use located in or adjacent to a residential district:

(1) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

(2) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

(f) in the case of any use proposed in the area described in Section 47-6, subdivision C, that the proposed use will preserve stone walls and mature trees along Broadway, that all principal and accessory structures (including but not limited to on-site parking) will be set back at least seventy-five (75) feet from Broadway, and that the proposed use will better preserve the scenic quality of the area as viewed from Broadway than would residential development of the site.

(2) In considering and authorizing issuance of a special permit, the Planning Board may attach such conditions and safeguards and required such assurances from the applicant as a precondition to the said permit as in its opinion will further the general purpose and intent of this ordinance and the Comprehensive Land Use Plan and be in harmony therewith.

7. Section 47-11 is hereby amended to read as follows:

Except as provided in Section 47-6D hereof, the sum of all areas covered by all principal and accessory buildings in one-family residence districts shall not exceed the following:

District	Maximum Coverage
1F-40	6,000 square feet plus 5% of amount by which the Net Buildable Site Area of the lot exceeds 40,000 square feet
1F-20	4,000 square feet plus 10% of the amount by which the Net Buildable Site Area of the lot exceeds 20,000 square feet
1F-10	2,500 square feet plus 15% of the amount by which the Net Buildable Site Area of the lot exceeds 10,000 square feet
1F-5	1,500 square feet plus 20% of the amount by which the Net Buildable Site Area of the lot exceeds 5,000 square feet

8. A new Article III, part 3B is enacted to read as follows:

Part 3B

Regulations Applicable to All Residence and PURD Districts

§ 47-24.20 Height.

Except as provided in Section 47-6, subdivision D, hereof and otherwise in this paragraph, no building shall be erected to a height in excess of thirty-five (35) feet, nor shall the number of stories at any point along the periphery of any building exceed two and one-half. Chimneys shall be exempt from the provisions of this paragraph provided they occupy not more than five percent (5%) of the roof area of the building and project no more than five (5) feet above the highest point of the building. Sanitary sewer vent pipes shall be exempt from the provisions of this paragraph provided they occupy not more than one half of one percent (0.5%) of the roof area of the building and project no more

than eighteen (18) inches above the highest point of the building.

§ 47-24.21. Outdoor Lighting.

Lights used to illuminate the grounds or the exterior of any residence or recreational facility accessory thereto (including without limitation swimming pools, tennis courts, and paddleball courts) shall be so arranged and shaded as to reflect light away from adjoining premises and to minimize glare. Lights used to illuminate recreational facilities accessory to residences shall not be operated between the hours of 11 p.m. and 7 a.m.

9. Sections 47-7, 47-16 and 47-24 are hereby repealed.

10. Section 47-24.1 is hereby amended to read as follows:

The provisions of this Part 3A shall apply solely to parcels of land thirty (30) acres or more fronting on the east side of South Broadway between Harriman Road and East Clinton Avenue, located entirely within One Family Residence Districts 1F-20 and 1F-40, and with respect to which the Planning Board granted final site plan approval hereunder prior to January 1, 1987. No new PURD applications will be considered or acted upon.

11. Section 47-24.3 is hereby repealed.

12. The first sentence of Section 47-25, subdivision A(14), is hereby amended to read as follows:

(14) Dwelling units, provided that the following additional requirements are met:

13. Section 47-25, subdivision A(14)(b), is hereby amended to read as follows:

(b) Location. Such dwelling units may be located only on the second and any permissible higher story over retail, personal service and service establishments, as listed in Subdivision A(1), (2) and (5) above, located at curb level.

14. Section 47-25, subdivision C, is hereby amended by adding the following thereto:

(3) The use of premises for the operation of (a) any Fast Food Establishment or (b) any restaurant, or food service business, providing curb, drive-through, or window counter service, or having more than one-half parking space for each seat therein.

15. Section 47-25, subdivision C, is hereby amended to add additional paragraphs (3) and (4) to read as follows:

(3) No parking space or vehicle storage area shall be situated between the curb line of Main Street and the facade of any building fronting, facing or abutting Main Street.

(4) No more than twenty (20) percent of the area of any lot having frontage on Main Street may be used for parking spaces or vehicle storage areas.

16. Section 47-26 is hereby repealed.

17. Sections 47-28, subdivision A, and 47-32, subdivision A, are hereby amended by deleting the phrase "above the curb level" in each.

18. Sections 47-28, subdivision C, and 47-32, subdivision B, are hereby amended to read as follows:

Chimneys, ventilators and skylights shall be exempt from the provisions of this section provided they occupy not more than five percent (5%) of the roof area of the building and project no more than five (5) feet above the highest point of the building. Sanitary sewer vent pipes shall be exempt from the provisions of this paragraph provided they occupy not more than one half of one percent (0.5%) of the roof area of the building and project no more than eighteen (18) inches above the highest point of the building.

19. The introductory sentence of Section 47-29 is hereby amended to read as follows:

Any land or building may be used only for any manufacturing or warehousing use not otherwise prohibited by law, and for office purposes incidental to manufacturing or warehousing uses on the premises or in other buildings within the Industrial District, except the following:

20. Section 47-29 is hereby amended by repealing subdivision E.

21. The first sentence of Section 47-30 is hereby repealed.

22. The first sentence of Section 47-33 is hereby amended to read as follows:

Signs, excluding billboards, shall be permitted in the Business and Industrial Districts only as follows:

23. Part 5A, including Sections 47-34.1 through 47-34.9, is hereby repealed.

24. Section 47-34 is hereby amended to read as follows:

All buildings in the Industrial District shall provide at least one parking space for each 500 square feet on the first floor and at least one parking space for each 375 square feet on the second and any higher floor.

25. In Article III, part 5 A is enacted, reading as follows:

Part 5 A

Railroad District

§ 47-34.10. Purpose.

The purpose of the railroad district is to insure that the railroad right of way and immediately adjacent areas are used in a manner consistent with the Comprehensive Land Use Plan and to prevent obstruction of views of and access to the Hudson River.

§ 47-34.11 Permitted Uses.

Any land may be used only for railway tracks, the operation of railway trains and equipment thereon, and platforms, stations and equipment necessary for the operation of the railway.

§ 47-34.12. Height.

No part of any building or structure shall be erected to a height greater than two stories and basement, nor shall such height exceed twenty-two (22) feet.

26. Articles IV through XI are renumbered as articles VI through XIII.

27. A new article IV is enacted, reading as follows:

ARTICLE IV

Resource Protection

§ 47-35.1. Applicability.

The provisions of this article shall apply to all land in the Village of Irvington.

§ 47-35.2. Purposes.

In order to insure protection of the natural environment and the scenic and environmental resources of the Village in accordance with the Comprehensive Land Use Plan, to protect the potability of water collected in the Village Reservoir both for present and possible future needs, and to minimize adverse environmental impacts in the future development of the Village, the procedures set forth in this Article shall be used to determine the Site Capacity for all proposed development. The Site Capacity calculation provides a mechanism for subtracting from the Base Site Area portions of a site necessary to protect the natural environment and scenic and environmental resources.

§ 47-35.3. Definitions.

The following definitions apply throughout this Zoning Ordinance:

(a) Acre. Forty-three thousand five hundred sixty (43,560) square feet.

(b) Base Site Area. An area calculated pursuant to Section 47-35.5.

(c) Density Factor. An intensity measure expressed in terms of a number of dwelling units per net buildable acre. The Density Factors for each residence district are as follows:

1F-40	0.91
1F-20	1.87
1F-10	3.79
1F-5	7.75
MF	8.00
2F	16.00
B	16.00

(d) Drainageway. Minor watercourses defined by the presence of intermittent or perennial streams including (1) land, except where designated as flood plain, within sixty-five (65) feet of the center line of any intermittent or perennial stream, and (2) any natural or artificial trench, ditch, swale or similar depression into which surface water may flow that has been designated a drainageway by the Environmental Conservation Board of the Village of Irvington.

(e) Floodplain. An area of natural land contiguous with a lake, stream, or streambed the elevation of which is greater than the normal waterpool elevation but equal to or lower than the projected 100-year floodplain elevation, except land areas created artificially by platforms or fill prior to the effective date of this amendment.

(f) Lakes and Ponds. Natural or artificial bodies of water that retain water all year. A lake is a body of water of two (2) or more acres. A pond is a body of water of less than two (2) acres. Artificial lakes and ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.

(g) Net Buildable Site Area. An area calculated as follows:

Base Site Area		_____	acres
Less:			
Resource Protection Land	-	_____	acres
Land reserved for recreational use pursuant to Section 23-17 of this Code	-	_____	acres
Equals Net Buildable Site Area		_____	acres

(h) Watercourse. A stream or river that flows all year and is identified on local maps and surveys.

(i) Watershed Land. All land within the area identified as the Reservoir Watershed on the Surface Hydrology Map TR No. 2. Watershed Land shall include all land between the edge of the surface of the Irvington Reservoir and the ridge lines or drainage divides that surround the Irvington Reservoir.

(j) Wetlands. Lands and submerged lands where standing water is retained for all or a portion of the year, commonly called marshes, swamps, sloughs, bogs and flats, including (1) any area which contains aquatic or semi-aquatic vegetation which depends upon seasonal or permanent flooding, or sufficiently waterlogged soils, to give it a competitive advantage over other vegetation, (2) lands and submerged lands containing remnants of any vegetation that is not aquatic or semi-aquatic that has died as a result of wet conditions over a period of time, provided that such wet conditions are expected to persist or recur indefinitely barring human intervention, (3) lands and water substantially enclosed by aquatic or semi-aquatic or dead vegetation as described in this paragraph the regulation of which is necessary to preserve the areas of aquatic and semi-aquatic or dead vegetation, and (4) the water overlying the areas set forth in this paragraph.

(k) Mature Woodland. An area of plant material covering one (1) acre or more and consisting of thirty (30) percent or more canopy trees having a sixteen (16) inch or greater caliper, or any grove consisting of eight (8) or more trees having an eighteen (18) inch or greater caliper.

(l) 25% Slope. Land area where the inclination of the land's surface from the horizontal is twenty-tive (25) percent or greater. Slope is determined from on-site topographic surveys prepared with a two-foot contour interval.

(m) 15% Slope. Land area where the inclination of the land's surface from the horizontal is fifteen (15) percent or greater. Slope is determined from on-site topographic surveys prepared with a two-foot contour interval.

(n) Site Capacity. The product of a calculation made in accordance with this Article. Site Capacity is expressed in dwelling units in all residence districts, in terms of Floor Area in the industrial district, and in terms of dwelling units and Floor Area in the business district.

(o) Impervious Surface Ratio. The total area of all impervious surfaces on a site divided by Net Buildable Site Area.

(p) Floor Area. The sum of gross horizontal areas of the several floors of the building or buildings on a lot, site or parcel measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, excluding roof areas and cellar areas used only for incidental storage or for the operation and maintenance of the building.

§ 47-35.4. Determination of Site Capacity by Planning Board.

A. In addition to such other requirements as are or may hereafter be imposed by this ordinance or other provisions of law, an applicant for subdivision or Site Development Plan approval and, in the case of lots for which no subdivision or Site Development Plan approval is required, applicants for building permits, shall apply to the Planning Board for a determination of the Base Site Area, the Resource Protection Land, and the Site Capacity of the parcel with respect to which such approval or permit is desire. Such application shall be accompanied by an accurate survey of the parcel which shall show the boundaries and areas of portions of the parcel consisting of each of the following features:

(a) Lakes, ponds and watercourses.

(b) Watershed

(c) Wetlands

(d) Floodplains

(e) 25% Slopes.

(f) 15% Slopes.

(g) Intermittent Drainageways

The survey shall indicate the boundaries and areas of portions of the parcel where two or more of the foregoing features overlap.

B. An applicant for a building permit for a residence containing a single dwelling unit to be built on a single lot for which no subdivision or Site Development Plan approval is required may apply to the Planning Board for a determination of the Base Site Area, the Resource Protection Land and the Site Capacity of the parcel without submitting a survey. In such event the Planning Board may, but is not required to, make such determination without a survey. In the event the applicant so requests and the Planning Board agrees to do so, the Planning Board shall make the determinations using visual inspection of the parcel in lieu of a survey, but the applicant shall be conclusively bound by such determinations unless he or she thereafter submits a survey to the Planning Board and seeks reconsideration of the prior determinations on the basis of the survey.

C. The Planning Board shall determine the Base Site Area, the Resource Protection Land, Net Buildable Site Area, Site Capacity in accordance with this part prior to or contemporaneous with the issuance of Site Development Plan or subdivision approval with respect to all or part thereof.

D. In all districts with respect to which this Article requires a determination of Site Capacity, no building permit may be issued for the construction of any (i) dwelling unit or other improvement which, together with other dwelling units and/or improvements on a parcel, would exceed the Site Capacity for said parcel determined by the Planning Board, and (ii) building, dwelling unit or other improvement on any parcel for which the Site Capacity has not been determined in accordance with this Article.

E. The Planning Board shall record on the original of each approved subdivision plat the Base Site Area, the Resource Protection Land, the Net Buildable Area and the Site Capacity of the aggregate land within the subdivision and shall endorse on the plat the following statement:

> "No building permit will be issued for the construction of any dwelling unit, building or other improvement which, together with other dwelling

units, buildings and improvements that are or hereafter may be built on the land included in this subdivision, would exceed the Site Capacity set forth on this plat."

F. The Protection Ratios for the resource protection features shall be as follows:

(a) Lakes, ponds, watercourses, watershed land, wetlands, and floodplains: 1.00

(b) 25% Slopes: 0.75

(c) 15% Slopes: 0.50

§ 47-35.5. Calculation of Base Site Area.

The Base Site Area shall be computed in accordance with the following formula:

A.	Gross site area as determined by actual on-site survey	_____ acres
B.	Subtract land constituting existing roads and within ultimate rights of way of existing roads, rights of way of overhead easements, and easements of access	-_____ acres
C.	Subtract land which, in a previously approved subdivision encompassing the same land, as all or part of the same parcel, was reserved for resource reasons (e.g., wetlands or recreation lands)	-_____ acres
D.	Equals Base Site Area	=_____ acres

§ 47-35.6. Calculation of Resource Protection Land

A. Subject to subdivision B of this section, the Resource Protection Land on a parcel is equal to the sum of the products of the area containing each resource protection feature and the Protection Ratio for said feature and shall be calculated by the following formula:

Resource	Ratio	x	Acres in Resource	=		
Lakes, ponds, watercourses	1.00		_____	=	_____	acres
Watershed	1.00		_____	=	_____	acres
Wetlands	1.00		_____	=	_____	acres
Floodplains	1.00		_____	=	_____	acres
25% Slopes	0.75		_____	=	_____	acres
15% Slopes	0.50		_____	=	_____	acres
Intermittent drainageways	0.50		_____	=	_____	acres
Land with unusual geological features worthy of preservation (e.g., rockfall, promontories, etc.)	0.75		_____	=	_____	acres
Total land in resource		=	_____			
Resource Protection Land				=	_____	acres

B. Where a given portion of a parcel contains two or more resource protection features, the Protection Ratio applicable to that portion shall be the highest Protection Ratio for any of the applicable resource protection features.

C. In determining the Resource Protection Land, the Planning Board may refer to the Comprehensive Land Use Plan and its predecessors, the applicant's survey, and any other data available to it, and may employ and rely on surveyors and other professional advisers as it deems appropriate, subject to budgetary limitations. The burden of establishing the Site Capacity, however, shall be on the applicant, and the Planning Board may decline to determine the Site Capacity if the applicant fails to provide information reasonably requested by the Planning Board for that purpose.

§ 47-35.7. Determination of Site Capacity in Residence Districts.

The Site Capacity in residence districts shall be the Net Buildable Site Area multiplied by the Density Factor for the zoning district in which the site is located rounded down to the next lower whole number.

§ 47-35.8. Determination of Site Capacity in Industrial and Business Districts.

A. The Site Capacity in the Industrial District shall be 1.4 times the Net Buildable Site Area.

B. The Site Capacity in the Business District shall be a maximum number of dwelling units equal to the Net Buildable Site Area multiplied by the Density Factor for the Business District and a maximum Floor Area equal to 1.4 times the Net Buildable Site Area.

§ 47-35.9. Sites in Two or More Districts.

Section 47-4C notwithstanding, the Site Capacity shall be determined separately with respect to each portion of a parcel falling into a different zoning district.

§ 47-35.10. Limitations on Impervious Surface Ratio in Business, Industrial and Railroad Districts.

The maximum permissible Impervious Surface Ratio shall be as follows in the Business, Industrial and Railroad Districts:

B	.80
I	.85
R	.10

28. Part 6 is hereby amended by adding new Sections 47-36.1, 36.2 and 36.3 to read as follows:

§ 47-36.1. Location of Buildings Near the Aqueduct.

No building or part thereof shall be erected nearer than thirty (30) feet to any boundary line of the property on which the Croton Aqueduct is located or such greater distance as may be prescribed by Section 47-9, Subdivision A. No

variance from the provisions of this section may be granted unless (a) the requirements of Section 47-47 are satisfied and (b) as a condition of such variance, the applicant and his or her successors in interest are required to install and maintain such plantings and landscaping as, in the judgment of the Zoning Board of Appeal, shall be necessary to screen the building or other structure from the view of persons who may use the Aqueduct.

§ 47-36.2. Cyrus Field Road Buffer.

A. The area located within seventy-five (75) feet of the street line of that portion of Cyrus Field Road beginning adjacent to lands now or formerly property of Stewart and continuing to the southern terminus of Cyrus Field Road shall be designated the Cyrus Field Road Buffer and shall be governed by the provisions of this section to the extent they are more restrictive than other applicable provisions of this Zoning Ordinance.

B. The following shall be prohibited in the Cyrus Field Road Buffer:

(1) The erection of any building, accessory building, wall, or parking space or portion of any of the foregoing;

(2) The removal of any trees having a six (6) inch or greater caliper;

(3) Grading, filling or other alteration of the natural contours of the land except to the extent necessary to install and maintain subsurface drainage and utilities pursuant to an approved Site Develpment Plan and provided that the site is restored as nearly as possible to its preexisting condition;

(4) Paving of any part of the land;

provided, however, that nothing herein shall prevent the construction of any street shown on a subdivision plat approved by the Planning Board after the effective date of this section.

§ 47-36.3. Broadway Buffer.

A. The area located outside the Business District and within fifty (50) feet of the street line of Broadway shall be designated the Broadway Buffer and shall be governed by the provisions of this section to the extent they are more

restrictive than other applicable provisions of this Zoning Ordinance.

B. The following shall be prohibited in the Broadway Buffer:

(1) The erection of any building, accessory building, or parking space or portion of any of the foregoing;

(2) The removal of any trees;

(3) The paving of any portion of the land;

provided, however, that nothing herein shall prevent the construction of

(a) any street shown on a subdivision plat or

(b) any driveway shown on a Site Development Plan

approved by the Planning Board after the effective date of this section.

29. The second sentence of section 47-39 is hereby amended by deleting the phrase "not exceeding a total of six (6) months" and substituting therefor the phrase "the aggregate of all such extensions not to exceed a total of twelve (12) months."

30. A new part 7 is hereby enacted, to read as follows:

Part 7

Site Development Plan Approval

§ 47-40.1. Site Development Plan Approval.

Site Development Approval by the Planning Board shall be required for:

(a) The erection, enlargement, rehabilitation, conversion, change of use, or reuse of all buildings other than the erection of one single-family house constructed on one separate lot which lot was created by a subdivision approved prior to October 1, 1987.

(b) All subdivisions for which preliminary approval was not obtained prior to October 1, 1987 which would result in the creation of three or more lots.

(c) All uses of land involving or requiring any construction or alteration of the natural environment except uses associated with the contruction of a single family house on a separate lot which lot was created by a subdivision approved prior to October 1, 1987.

§ 47-40.2. Building Permits and Certificates of Occupancy.

No building permit may be issued for any building or use within the purview of this part until an approved Site Development Plan permitting such building or use has been secured by the applicant and presented to the Building Inspector. No certificate of occupancy may be issued for any building or use of land within the purview of this section unless the building is constructed or used, or the land is developed or used, in conformity with an approved Site Development Plan or amendment thereof.

§ 47-40.3. Pre-submission.

Prior to the submission of a formal Site Development Plan application, the applicant shall meet in person with the Planning Board or its designated representative to discuss the proposed Site Development Plan to facilitate the filing and consideration of a complete application.

§ 47-40.4. Required Submissions.

The applicant for approval of a Site Development Plan or an amendment thereto shall submit twelve (12) copies of the information enumerated below to the Planning Board together with a letter of application or such application form as the Planning Board may prescribe by regulation. All maps must be at a scale of not more than thirty (30) feet to the inch or such other scale as the Planning Board may prescribe. The information to be submitted, which in total and together with such additional information as the Planning Board may require constitutes a Site Development Plan application and, upon approval, a Site Development Plan, is as follows:

(1) Legal data:

(1.1) The names and mailing addresses of all owners of record of the property for which site development approval is sought, together with the lot, block and section number of the property.

(1.2) The lot, block and section numbers of each parcel of Affected Property and the names of the Affected Property Owner of each.

(1.3) Data sufficient to show the location of the property in relation to existing school, zoning and special district boundaries.

(1.4) Boundaries of the property to be developed, building and setback lines, if different from those required in the Zoning Ordinance, and lines of existing streets, lots, reservations, easements and areas dedicated to public use. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest ten (10) seconds or closer if deemed necessary by the Planning Board.

(1.5) A copy of any covenants, deed restrictions, or prior subdivision plats that cover all or any part of the property.

(1.6) In the event the applicant is not the owner of record of the property, all documents evidencing the applicant's interest therein including but not limited to any option to purchase or contract of sale, provided, however, that such an applicant may delete the purchase price and the price of any option to purchase unless the Planning Board otherwise requires.

(1.7) A certification by a licensed architect or professional engineer stating that the proposed development would comply with all Village zoning, subdivision and building codes, ordinances and regulations or specifically noting each proposed variation therefrom.

(2) Existing buildings and facilities.

(2.1) Location and dimensions of existing buildings.

(2.2) Location of existing water mains, culverts, drains, sewers, wells and septic systems on the property with pipe sizes, grades and directions of flow.

(3) Topographic data.

(3.1) Existing contours with intervals of two (2) feet or less, referred to a datum satisfactory to the Planning Board. All topographic maps shall be certified by a licensed surveyor and shall show the relation of the proposed structure(s) and means of access and egress thereto.

(3.2) Location of existing water courses, marshes, wooded areas, rock outcrops, single trees with a diameter of eight (8) inches or more measured three (3) feet above the base of the trunk, and other significant existing features.

(3.3) Such other information as is required by Section 47-35.4 or the rules and regulations of the Planning Board.

(4) Development Data.

(4.1) Title of development, name and address of record and beneficial owners, engineer, architect, land planner or surveyor preparing the Site Development Plan.

(4.2) The proposed use or uses of land and buildings and proposed location and design of buildings, including proposed grades, site plans, floor plans, elevations, facades and other architectural features including typical elevations drawn to scale and samples of all materials to be used on the facades of any proposed building or structure including but not limited to walls, doors, windows and roofs.

(4.3) All proposed lots, easements, and public and community areas.

(4.4) All proposed streets with (a) profiles indicating grading and (b) cross-sections showing width of readway, location and width of sidewalk, and location and size of utility lines, light poles and other street furniture. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest ten (10) seconds or closer if deemed necessary by the Planning Board.

(4.5) All means of vehicular access and egress to and from the site onto adjacent streets.

(4.6) The location and design of any off-street parking areas or loading areas, including the proposed surfacing of same.

(4.7) The location and design of any refuse storage or collection areas.

(4.8) The location of all proposed water lines, valves and hydrants and of all sewer lines or alternative means of water supply or sewage disposal and treatment showing pipe sizes, grades, direction of flow and manhole inverts.

(4.9) The proposed location, direction, power and time of operation of proposed outdoor lighting.

(4.10) The proposed screening and landscaping, including a planting plan prepared by a qualified landscape architect or architect.

(4.11) The location, height and design of all proposed walls and fences, including the proposed materials therefor.

(4.12) Proposed storm water drainage system including culverts, catch basins with invert elevations, pipes and the size, material and direction of flow thereof.

(4.13) When deemed appropriate by the Planning Board, including but not limited to major site plans or other special or unique development projects or proposals, the applicant may be required to submit whatever data or information the Planning Board deems relevant and appropriate, such as but not limited to supplemental information pertaining to any of the matters listed in this section, three-dimensional models and renderings of the proposed development or portions thereof, and engineering, environmental and architectural data.

(4.14) On sites of ten (10) acres or more, a film positive print of a recent aerial photograph of the site, at the same scale as the map showing proposed lots, easements, and public and community areas.

(5) Proof of public notice.

(5.1) The applicant shall submit with his application an affidavit stating that written notice of the application containing the information set forth in Section 47-40.4(5) has been given by certified mail to all Affected Property Owners with respect to the property for which site development plan approval or an amendment thereto is sought.

(5.2) In the case of applications for Site Development Plan approval, or to amend previously approved Site Development Plans, with respect to (a) sites larger than five acres and (b) property abutting Broadway, Main Street, the Hudson River, Harriman Road or Cyrus Field Road, the applicant also shall submit with his application an affidavit stating that notice of the application containing the information set forth in Section 47-40.4(5) has been published at least twice in the official newspaper(s) of the Village.

(5.3) The notices required by this subsection shall contain the following information:

(5.3.1) The name of each record and beneficial owner of the property for which Site Development Plan approval is sought.

(5.3.2) A description by reference to local street names and abutting property owners sufficient to enable the reader to ascertain the location of the property.

(5.3.3) A brief description of the proposed Site Development Plan or amendment including but not limited to the nature of the proposed use and the number of dwelling units proposed or, in the case of developments including or consisting of nonresidential uses, the total square footage of proposed buildings, and, in the case of an amendment, a description of the proposed change in the previously approved Site Development Plan.

(5.3.4) Advice that the application may be examined by the public at the office of the Village Clerk and in the Irvington Public Library and the hours during which such examination may take place.

(5.4) The affidavits required by subsections 5.2 and 5.3 of this section shall demonstrate that the required mailing and, where publication is required, that the required publication took place. The Planning Board may not consider any application for Site Development Plan approval or any amendment thereto, and may not determine that any such application is complete, prior to the satisfaction of the notice requirements of this section.

(6) The applicant shall file one copy of the entire Site Development Plan application, including all maps and drawings, with each of the Village Clerk and the Irvington Public Library not less than twenty-seven (27) days prior to the hearing required by Section 47-40.5(A). Any amendments

or changes thereto shall be so filed within two days after their submission to the Planning Board.

§ 47-40.5. Duties of the Planning Board.

(A) The Planning Board shall review the proposed Plan or amendment and shall determine whether the application is complete promptly after its receipt. If it is incomplete, or if the Planning Board requests additional information pursuant to Section 47-40.4(4.13), it shall so advise the applicant. The application shall be deemed to be officially submitted upon the Planning Board's determination that a complete application for Site Development Plan approval has been submitted. The Planning Board shall fix a time not less than thirty nor more than forty-five days from the date upon which the application is officially submitted for the hearing of any matter referred to under this section and shall give public notice thereof by the publication in the official newspaper(s) of the Village at least twice, the latest of which notices shall be published not later than fourteen days prior to the hearing date.

(B) The applicant shall give written notice by certified mail of the date, time and place of the scheduled hearing to all Affected Property Owners. Such notice shall be mailed not less than twenty-one days prior to the date of the hearing or continuation thereof. The applicant shall file with the Planning Board at or before the hearing an affidavit evidencing compliance with the provisions of this subdivision, absent which no hearing or continuation thereof may be held. In the event the hearing is continued to another date more than once, the applicant shall give written notice of the second and all subsequent continued dates to all Affected Property Owners by certified mail of the date, time and place of such continued hearings and shall file with the Planning Board at or before each such continued hearing an affidavit evidencing compliance with the provisions of this subdivision, absent which no continuation of the hearing may be held.

(C) The Planning Board shall decide the application after such hearing and within sixty days after the application is officially submitted, provided, however, that the time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Planning Board shall

immediately be filed in the office of the Village Clerk and a copy thereof mailed to the applicant.

(D) The Planning Board is hereby empowered to conduct field inspections of any site for which it has received or approved any application for Site Development Plan approval or amendment thereto to review site conditions and as-built development. It may require minor modifications to parking, landscaping, signs, drainage, access, paving and other similar requirements and site plan details as may in its judgment be necessary in the interest of safety, convenience, enjoyment of peace and quiet of adjacent neighbors and aesthetics. All elements of an approved Site Development Plan or other permit approval including landscaping shall be maintained in a neat, healthy and viable condition as a prerequisite of an approved Certificate of Occupancy.

§ 47-40.6. Waiver of Required Information.

Upon express written findings by the Planning Board that, due to special conditions peculiar to a site, certain of the information normally required as part of the Site Development Plan application is inappropriate or unnecessary, or that strict compliance with said requirements may cause extraordinary and unnecessary hardship, the Board may vary or waive the provision of such information, provided that such variance or waiver will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of the Site Development Plan submission, Official Map, Comprehensive Land Use Plan or this Local Law.

§ 47-40.7. Standards for Site Development Plan Approval.

(A) In acting on applications for Site Development Plan approval and amendments thereto, the Planning Board shall be guided by this section.

(B) The Planning Board shall take into consideration the requirements of this Local Law, the Village Comprehensive Land Use Plan, the Official Map, and such other enactments as reflect the land use policies of the Village. It shall submit each application to the Environmental Conservation Board and the Architectural Review Board and, in the case of proposed developments of five or more dwelling units, to the heads of each village department, within five days of receipt of the completed application for their comments and shall

consider the comments and recommendations of all agencies to which referral is mandated by law or by election of the Planning Board.

(C) The Planning Board shall be guided by the following site plan design and development principles in acting on applications:

(1) The proposed location of main and accessory buildings on the site and their architectural relationships to one another, traffic circulation within the site, height and bulk of buildings, provision of utilities such as water, sewer, power, and telephone, disposition or disposal of solid and fluid waste, provision of off-street parking space, provision of buffer areas and other open spaces on the site, and display of signs and external lighting shall be such that any development will adequately handle pedestrian and vehicular traffic within the site and in relation to the street system adjoining, and will harmoniously and satisfactorily fit in with contiguous land and buildings and adjacent neighborhoods. The Planning Board shall also consider drainage, road alignment and other engineering aspects of the proposed site development plan with the assistance of such consultants as it may deem necessary or appropriate, subject to budgetary limitations.

(2) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it shall be such that it will be in harmony with the appropriate and orderly development of the district in which the site is located.

(3) Buildings or structures should be designed to relate harmoniously to surrounding buildings and the natural environment. Where buildings or structures are part of a present or future group or complex, they shall be designed as part of an ensemble that will have a unity of character, scale, materials and architectural expression. The relationships of forms and the texture and color of materials shall be harmonious, streets and spaces shall be well-proportioned and the scale of development appropriate to its context.

(4) Scenic vistas, unusual geologic features, mature woodlands, and historic sites and structures shall be preserved to the maximum possible extent.

(5) Stone walls and mature trees adjacent to Broadway, Cyrus Field Road, Mountain Road and Sunnyside Lane shall be preserved.

(6) All playgrounds, parking and service areas shall be reasonably screened from the view of adjacent properties and streets at all seasons of the year.

(7) The Site Development Plan shall conform with such portions of the Comprehensive Land Use Plan of the Village of Irvington as may exist from time to time.

(8) In applicable cases, a drainage system and layout which would afford the best solution to any drainage problems shall be provided.

(9) Portions of sites for which the Protection Ratio is 1.00 shall not be built upon except to the extent that improvements incidental to active and passive recreational use of the land (including athletic fields, trails and pathways) may be convenient or appropriate, provided, however, that roads may be constructed thereon if the Planning Board finds that such roads are necessary for the development of the property or the Village.

(10) The Planning Board shall minimize building on portions of sites for which Protection Ratios are 0.50 to and including 0.75.

(11) Nothing in this Part 7 shall permit the Planning Board to vary or modify any of the provisions of the Zoning Ordinance or Land Subdivision Regulations of the Village.

(D) The Planning Board may condition the approval of a Site Development Plan upon the compliance by the owner, or the owner and its successors in interest, with such conditions as the Planning Board may deem appropriate to accomplish the purposes of this Ordinance and the Land Subdivision Regulations of the Village and to further the health, safety and welfare of the Village and its residents. Such conditions may include, but shall not be limited to, provision for the development, landscaping and maintenance of the site and buildings and landscaping thereon and the provision of refuse collection, transportation and other services thereto. In the event such conditions are imposed, (i) they shall be recorded in the minutes of the Planning Board and (ii) no building permit shall be issued until the owner or its successor or successors in interest shall execute a written

instrument agreeing to satisfy all such conditions and such instrument shall have been recorded in the land records of the County Clerk. Such written instrument shall be in such form as:

(1) to bind each subsequent grantee of each lot or the site individually affected by such promises and undertakings;

(2) to bind all subsequent grantees of all lots on the site as joint obligors of all obligations relating to the site as a whole;

(3) is sufficient to record in the land records of the County Clerk against all affected lots; and

(4) is satisfactory to the Planning Board and the Village Attorney.

The Planning Board shall ensure that all such instruments shall be recorded.

(E) A phased schedule for construction and completion of each particular Site Development Plan approved, which schedule shall not exceed four years from the date of the record of Planning Board approval to the date of final phase review, shall be included in any Planning Board approval, said phased schedule to be completed prior to the issuance of a final certificate of occupancy. The Planning Board may extend said completion period for up to one year for good cause. The applicant shall be responsible for obtaining certificates of occupancy for all uses and structures shown on the Site Development Plan for which a certificate of occupancy is required within said time period. Should the time period for obtaining the final certificate of occupancy be exceeded, the Site Development Plan approval shall be considered null and void and any building permits or temporary certificates of occupany or partial certificates of occupancy shall be revoked without prejudice to the right of the applicant or his successors to reapply for Site Development Plan approval.

§ 47-40.8. Appeals.

Any person aggrieved by any decision of the Planning Board or any officer, department, board or bureau of the Village, may apply to the Supreme Court for review thereof by a proceeding under Article 78 of the Civil Practice Law and Rules. The following shall be deemed aggrieved by any decision of the

Planning Board under this Part in addition to such other persons as may otherwise be deemed aggrieved by law:

(1) With respect to the approval of any Site Development Plan or amendment thereto, all Affected Property Owners.

(2) With respect to the approval of any Site Development Plan or amendment thereto affecting a site of four or more acres in a residential district, any resident of the Village who resides within two thousand feet of the site.

(3) With respect to the approval of any Site Development Plan or amendment thereto affecting a site of two or more acres in a residential district, any resident of the Village who resides within one thousand feet of the site.

(4) With respect to the approval of any Site Development Plan or amendment thereto affecting a site with a Site Capacity of twenty five or more dwelling units in a residential district, any resident of the Village.

(5) With respect to the approval of any Site Development Plan or amendment thereto affecting a site abutting Main Street, the Hudson River, the western boundary of the railroad district, or the eastern boundary of the railroad district between Bridge Street on the north and a line formed by projecting the center line of Station Road at South Buckhout Street west to the Hudson River, any resident of the Village.

§ 47-40.9. Fees.

(1) It shall be a requirement of Planning Board consideration of any proposed Site Development Plan or amendment thereto that a fee be paid to the Village Clerk upon the filing of the application in an amount and manner as may be established by the Board of Trustees.

(2) In addition, fees shall be required for the services of any and all Village employees and/or consultants and/or independent contractors for providing professional assistance to the Village and for the inspection of any one or more of the following:

(a) rough grading

(b) drainage improvements

(c) public and private roads, driveways and walks

(d) water and sewer lines and, where applicable, septic systems

(e) site lighting and landscaping.

Such fees are to be in the sum of [to be inserted]

§ 47-40.10. Consistency with Site Development Plan and Filing of As-Built Plans.

All structures and developments approved by the Planning Board shall be constructed, developed and maintained in accordance with the plans approved. If, after approval, it becomes necessary to modify or amend an approved Site Development Plan, it shall be resubmitted to the Planning Board for approval prior to issuance of a Certificate of Occupancy. As a condition to the issuance of any certificate of occupancy with respect to all or any part of a development of a site for which Site Development Plan approval was required, the applicant or his successor shall submit as-built plans of the development certified by a licensed architect or professional engineer to the Building Inspector, which plans shall be filed and maintained in the records of the Planning Board and the Building Inspector. The licensed architect or professional engineer shall certify that the buildings and site development complies with all Village zoning, subdivision and building codes and with the Site Development Plan approval granted by the Planning Board where applicable. The as-built plans shall be sufficient to show, in addition to such other matters as the Planning Board by regulation may require, the following:

(1) The location and dimensions of all utility, drainage, water and sewer lines and connections.

(2) The location and dimensions of all septic tanks and fields.

(3) The location, dimensions, and grades of all private and public roads.

(4) The location, dimensions and height of all structures.

§ 47-40.11. Performance and Maintenance Bonds.

A Certificate of Occupancy shall not be issued until all improvements have been completed on a particular Site Development Plan. In phased development or in other instances where the Planning Board wishes to assure ultimate completion of future improvements, the Planning Board may require and establish a bonding procedure pursuant or similar to Section 7-730 of the Village Law. Said bonding procedure shall be applicable to all elements of the Site Development Plan considered by the Planning Board to be integral to the principal use of the site, such as but not limited to streets, utilities, sidewalks, parking, access, lighting and landscaping.

30. A new Article V is enacted, to read as follows:

ARTICLE V

Average Density

§ 47-40.20. Average Density or Cluster Development.

A. The Board of Trustees may authorize the Planning Board to modify applicable provisions of the local laws, whether pursuant to Section 7-738 of the Village Law or otherwise, only if the following requirements are met:

(a) This procedure may be used to modify only the minimum lot area; lot width; front, side and rear yard; setback; and street frontage requirements. This procedure may not be used to modify any other requirements of Village law.

(b) The Planning Board may not permit the construction of a number of dwelling units exceeding the Site Capacity of the entire parcel computed in accordance with Article IV, Part 6.

(c) In the event the application of this procedure results in a plat showing lands available for park, recreation, open space or other municipal purposes, then the Planning Board, as a condition of final plat approval, may establish such conditions as to the ownership, use and maintenance of such lands as it deems necessary to assure the

preservation of such lands for their intended purposes. All such conditions shall be approved by the Board of Trustees prior to plat approval by the Planning Board.

(d) Open space land created as part of the application of this article to a subdivision plat, and which is not required or permitted to be accepted for dedication to the Village of Irvington, shall be in a form of common ownership, which form and content shall be subject to the approval of the Village Board of Trustees and which shall ensure that the owner of each and every subdivided lot and his or her successors in interest shall remain liable for the taxes, operation and maintenance of the open space land.

B. In modifying applicable provisions of the local laws, whether pursuant to Section 7-738 of the Village Law or otherwise, the Planning Board shall determine the minimum lot area; lot width; front, side and rear yard; setback; and street frontage requirements applicable to each lot in the affected subdivision or, if no subdivision is involved, the entire site in order to govern future development of each lot or site, provided, however, that in the case of subdivisions the lot area, width and depth, and yards may not be less than those set forth in the following table:

District in Which Site is Located	Minimum Lot Area (sq. feet)	Minimum Lot (ft.) Width	Depth	Minimum Yards (ft.) Front	Side	Rear
1F-40	20,000	100	125	35	15	35
1F-20	10,000	85	100	30	15	30
1F-10	7,500	60	100	30	10	30

In the case of subdivisions, such determinations shall be recorded on the final subdivision plat and, in the case of sites for which no subdivision approval is required, in the decision of the Planning Board granting Site Development Plan approval.

C. Coverage.

(1) In the case of lots in subdivisions subject to this Article, the sum of all areas covered by all principal and accessory buildings on a lot shall not exceed the limits set forth below:

Net Buildable Site Area of Lot	Maximum Coverage
40,000 square feet or more	6,000 square feet plus 5% of the amount by which the Net Buildable Site Area exceeds 40,000 square feet
20,000 to 39,999 square feet	4,000 square feet plus 10% of the amount by which the Net Buildable Site Area exceeds 20,000 square feet
10,000 to 19,999 square feet	2,500 square feet plus 15% of the amount by which the Net Buildable Site Area exceeds 10,000 square feet
5,000 to 9,999 square feet	1,500 square feet plus 20% of the amount by which the Net Buildable Site Area exceeds 5,000 square feet

(2) In the case of developments subject to this Article but not involving subdivision, the sum of all areas covered by all principal and accessory buildings shall not exceed the limits set forth below:

Net Buildable Site Area of Development	Maximum Coverage
40,000 square feet or more	6,000 square feet plus 5% of the amount by which the Net Buildable Site Area exceeds 40,000 square feet

20,000 to 39,999 square feet	4,000 square feet plus 10% of the amount by which the Net Buildable Site Area exceeds 20,000 square feet
10,000 to 19,999 square feet	2,500 square feet plus 15% of the amount by which the Net Buildable Site Area exceeds 10,000 square feet
5,000 to 9,999 square feet	1,500 square feet plus 20% of the amount by which the Net Buildable Site Area exceeds 5,000 square feet

31. Section 47-42, subdivisions A through D, are hereby amended to read as follows:

A. No building or structure, and no road or site improvement for which Site Development Plan approval is required by Article III, Part 7 of this title, shall be erected or structurally altered without a building permit duly issued upon application to the Building Inspector.

B. Every application for a building permit shall be deemed to be an application for a certificate of occupancy to be accompanied by such fee as may be required otherwise, and by:

(1) In the case of applications with respect to construction for which Site Development Plan approval is required by Article III, Part 7 of this title, the complete Site Development Plan evidencing approval thereof by the Planning Board.

(2) In the case of applications with respect to construction for which Site Development Plan approval is not required:

(a) The actual shape, dimensions, radii, angles and area of the lot on which the building is proposed to be erected, or of the lot on which it is situated, if an existing building;

(b) The block and lot numbers as they appear on the official village tax map;

(c) The exact size and locations on the lot of the proposed buildings or alteration of an existing building and of other existing buildings on the same lot;

(d) The dimensions of all yards in relation to the subject building and the distances between such building and any other existing building on the same lot;

(e) The existing and intended use of all buildings, existing or proposed, the use of land and the number of dwelling units the building is designed to accommodate; and

(f) Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this ordinance.

Applications for the construction of new buildings shall be accompanied by an accurate survey.

C. No building permit shall be issued for a building to be used for any use in any district where such use is allowed by special permit of the Planning Board unless and until such special permit has been duly issued by the said Board.

D. The application and all supporting documentation shall be made in quadruplicate. On the issuance of a building permit, the Building Inspector shall return one (1) copy of all documents filed to the applicant.

32. The second sentence of Section 47-43, subdivision C, is hereby amended to read as follows:

Such certificate shall be issued within ten (10) days after receipt of such application, but only providing all requirements of all applicable codes and ordinances (including but not limited to Section 47-40.10 of the Zoning Ordinance) have been complied with, that all conditions imposed upon the applicant or his or her predecessors in interest by the Planning Board have been satisfied, and that the building permit or permits for the construction

with respect to which the certificate is sought have not expired.

33. Section 47-43, subdivision D, is hereby amended to read as follows:

If the proposed use is in conformity with the provisions of this ordinance and of all other applicable laws and ordinances, and if all conditions imposed upon the applicant or his or her predecessors in interest by the Planning Board have been satisfied, a certificate of occupancy for the use of vacant land or for a change of use of a nonconforming use, shall be issued by the Building Inspector within ten (10) days after receipt of a written application therefor.

34. Section 47-43 is hereby amended by relettering subdivisions E through I as subdivisions F through J, respectively, and by inserting therein a new subdivision D to read as follows:

D. The Planning Board may require that copies of any or all applications for certificates of occupancy be submitted to it prior to the issuance of such certificate. The time within which the Building Inspector shall act upon such applications shall be forty (40) days notwithstanding the provisions of subdivisions C and D.

35. Section 47-47 is hereby amended by repealing subdivision B and relettering subdivision C as subdivision B.

36. Section 47-48, subdivision A, is hereby amended to read as follows:

A public hearing shall be held by said Board on every appeal and application made to it. A notice of such hearing and of the substance of the appeal or application shall be given by publication in the official newspaper(s) of the village at least fifteen (15) days before the date of such hearing, except that at least thirty (30) days notice shall be given of any hearing scheduled to be held during the months of June, July and August. The applicant shall be required to notify all Affected Property Owners by registered mail, certified mail, or by personal service of such notice on the property owners, evidenced by their signature as acknowledgement of receipt of such notice on a form supplied or similar to one supplied by the Village Clerk. Said

notice shall describe the substance of the appeal or application; advise the recipient of the date, time and place of the hearing; and shall advise the recipient that copies of the application or appeal and all papers filed with the Board by the applicant or appellant with respect thereto will be furnished to the recipient by the applicant or appellant upon request. On or before the date of the public hearing, the applicant or appellant shall file with the Board a verified statement evidencing compliance with the notice provisions of this subidivision. Should the Board deem it advisable, it may require the notification of property owners within a distance of up to 500 feet of the subject property.

37. Section 47-48 is hereby amended by adding thereto a new subdivision I, to read as follows:

I. The Board may decide an application or appeal at the hearing of which public notice is given in accordance with subdivision A of this section, reserve decision thereon, or continue the application or appeal to a subsequent occasion. In the event an application or appeal is continued to a subsequent meeting, hearing or occasion more than once, notice of the second and all subsequent continued meetings, hearings or occasions must be given in the manner prescribed in subdivision A.

38. The definition of Height in section 47-52 is hereby amended to read as follows:

Height - The vertical distance from the lowest elevation of the finished grade along any wall of a building or structure to the highest point of the building or structure, provided that if the finished grade is higher than the grade prior to construction, filling or grading, height shall be the vertical distance from the lowest elevation of the grade prior to said construction, filling or grading to the highest point of the building or structure. Except as specifically excluded elsewhere in this Zoning Ordinance, all structures affixed to a building or structure (including without limitation chimneys, solar collectors, towers, tanks, mechanical equipment, elevator hoist housings and decorative elements) shall be regarded as part of the building or structure for purposes of determining its height, provided, however, that antennae weighing less than fifty (50) pounds for the reception of audio and video broadcasts directly

from transmitters located on the surface of the earth shall not be included in determining height except to the extent that they extend more than five feet above the highest point on the roof.

39. Section 47-52 is hereby amended by adding new definitions thereto to read as follows:

Affected Property - Property located in whole or in part within two hundred (200) feet of any boundary of a lot, site or parcel for which subdivision or site development plan approval or a zoning variance is sought.

Affected Property Owner - The record owner of a parcel which is Affected Property.

40. Section 47-52 is hereby amended by deleting the definition of "Story" and adding a new definition of "Story" to read as follows:

Story - That portion of a building included between a floor and the floor or roof next above it. A cellar is not to be counted as a story unless the ceiling height exceeds four feet above the lowest elevation of the grade prior to construction of the building or filling or grading with respect thereto or unless more than 20 percent of the cellar is for living purposes.

41. Section 47-52 is hereby amended by adding thereto a new definition to read as follows:

Fast-Food Establishment - A restaurant, or food service business, selling prepared or ready-to-eat food and beverages (a) for which business the owner, any affiliate of the owner, or any franchisor or licensor engages in (i) broadcast television advertising or (ii) advertising on more than one radio station or (b) under a trademark, tradename or servicemark which is advertised or promoted in four or more counties of the State of New York or two or more states.

42. A new Article XIV is enacted, to read as follows:

ARTICLE XIV

Rules and Regulations

§ 47-60. Establishment of Rules and Regulations

A. The Board of Trustees, Planning Board, Zoning Board of Appeals, Architectural Review Board, Environmental Conservation Board, and any other agency or board affected by this local law or the Zoning Ordinance may adopt rules and regulations to carry out its functions hereunder subject to the provisions hereinafter set forth.

B. The proposed rules or regulations shall first be promulgated by the board or agency and thereafter transmitted to the Village Clerk who shall place them on a Village Board of Trustees agenda within sixty (60) days after receipt.

C. Unless the Board of Trustees within sixty (60) days thereafter disapproves, modifies or alters the proposed rule or regulation, the proposed rule or regulation shall become a rule or regulation of the promulgating board or agency.

D. The Board of Trustees may amend or rescind any rule or regulation promulgated hereunder at any time.

E. Violation of any rule or regulation promulgated hereunder shall be a violation of the Zoning Ordinance.

43. Should any part of this local law be held by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

44. This local law shall be effective immediately upon its being adopted by the Board of Trustees of the Village of Irvington and any necessary publication having taken place.

PROPOSED LOCAL LAW DEDICATING CERTAIN
VILLAGE-OWNED LANDS TO PARK AND RECREATIONAL USE OF RESIDENTS

A local law dedicating certain Village-owned lands for park and recreational purposes of residents;

Be it enacted by the Village Board of the Village of Irvington as follows:

The following lands owned by the Village of Irvington are hereby dedicated to the park or recreational use of the residents of the Village of Irvington:

1. Matthiesen Park, more particularly described in Schedule 1 annexed hereto and made a part hereof.

2. Memorial Park, more particularly described in Schedule 2 annexed hereto and made a part hereof.

3. Halsey Pond Park, more particularly described in Schedule 3 annexed hereto and made a part hereof.

4. The Village-owned land contiguous to the Irvington Reservoir, more particularly described in Schedule 4 annexed hereto and made a part hereof, provided, however, that nothing herein shall prevent the Village from using such land as it may deem appropriate for purposes necessary or convenient to providing water supply to the Village.

5. The Village-owned land contiguous to the development currently known as The Legend of Irvington, more particularly described in Schedule 5 annexed hereto and made a part hereof.

6. Hastings Memorial Park at Harriman Road and Parkside Lane, more particularly described in Schedule 6 annexed hereto and made a part hereof.

[Note: The schedules should contain the legal descriptions of the parcels in question in metes and bounds and can be obtained from the deeds by which the Village acquired title to the property.]

IRVINGTON WATERFRONT PLAN

June 5, 1986

ANALYSIS OF ALTERNATE ANNUAL COSTS AND TAX REVENUES
FOR THE VILLAGE AND SCHOOL DISTRICT

SUMMARY

	Assessed Value	School	Village
GROSS TAX REVENUE			
Existing Use	$1,224,200	$127,797	$ 80,075
Scheme A	$5,516,000	$575,829	$360,802
Scheme B	$3,900,000	$407,130	$255,099
COSTS			
Existing		--------	--------
Scheme A		$150,000	$112,585
Scheme B		$200,000	$ 90,468
NET TAX REVENUE			
Existing		$127,797	$ 80,075
Scheme A		$426,000	$248,000
Scheme B		$207,000	$165,000

566 Warburton Avenue
Hastings on Hudson NY 10706
914 478 3677

Architects
Landscape Architects
Interior Architects

IRVINGTON WATERFRONT PLAN

SCHEME A

Description

Dwelling Units (D.U.): 224
Density: 11.0 D.U./acre (on 20.35 acres total)
Coverage: 21% of total site
Maximum building height: 3 stories
Bedroom Count: 430
Estimated population: 467
Mix of units: 3 Bedrooms: 25%
2 Bedrooms: 64%
1 Bedroom: 11%
Estimated number of school students: 50

Assessed Value	Assessed Value Per Unit	Extension
1 year 56 Townhouses (3 Bedrooms & Den)	$30,000	$1,680,000
20 Duplex over shops (2 Bedrooms & Den)	18,000	360,000
74 Duplex over flats (2 Bedrooms & Den)	24,000	1,776,000
2 ear 24 Flats (1 Bedroom)	15,000	360,000
50 Flats (2 Bedrooms)	18,000	900,000
20 Shops (1000 sq. ft. each)	14,000	280,000
2 Restaurants (200 seats)	80,000	160,000
TOTAL		$5,516,000

Tax Revenue - 1985 Rates

School District (Rate: $104.3925):	$575,829.00
Village (Rate: $65.41)	360,802.00

'85
-0 3700.000

IRVINGTON WATERFRONT PLAN

SCHEME B

2.7
136 358
272

Description

Dwelling Units (D.U.): 136
Density: 6.7 D.U./acre (on 20.35 acres total)
Coverage: 17% of total site
Maximum Building height: 3 stories
Bedroom Count: 352
Estimated Population: 358
Mix of Units: 3 Bedrooms: 68%
2 Bedrooms: 23%
1 Bedroom: 9%
Estimated number of school students: 67 probably high

Assessed Value	Assessed Value Per Unit	Extension
92 Townhouses (3 Bedrooms & Den)	$30,000	$2,760,000
20 Duplex over shops (2 Bedrooms and Den)	18,000	360,000
12 Duplex over flats (2 Bedrooms and Den)	20,000	240,000
12 Flats (1 Bedroom)	15,000	180,000
20 Shops (1000 sq. ft. ea.)	14,000	280,000
1 Restaurant (200 seats)	80,000	80,000
TOTAL		$3,900,000

Tax Revenue - 1985 Rates

School District (rate: $104.3925):	$407,130.00
Village (rate: $65.41):	255,099.00

IRVINGTON WATERFRONT PLAN

NO ADDITIONAL ANNUAL COSTS TO VILLAGE OF IRVINGTON

Election Expenses
Police and Traffic
Fire
Ambulance
Animal Control
* Library
* Village Pool
Water
Legislative
Judicial
Executive
Auditing
Clerk-Treasurer
Law
Engineer
Shared Services - Town Hall
Central Garage
Central Storeroom
Special Items
Parking
Civil Defense
Health
Jobs for Youth
Historian
Celebration
Town Hall Theater
Interfund Transfers
Debt Service
Home and Community Services

* Library is currently undersized. Village pool does not exist. Extra Village revenue from this project may help defray these potential capital expenses.

ADDITIONAL ANNUAL COSTS TO VILLAGE OF IRVINGTON

	Scheme A	Scheme B
Assessing Allocation	$ 1,000	$ 1,000
Zoning and Planning (for 5 yrs.)	10,000	10,000
Inspection	6,000	6,000
Publicity	200	400
Recreation	5,200	7,000
Refuse		
a) Carting	3,000	2,000
b) 1 crew/1 day/week	21,000	10,500
Parks Maintenance		
a) 1 Employee	22,000	22,000
b) Contractual	6,000	6,000
Employee Benefits - 2 employees	16,000	16,000
Streets and Storm Drains	16,230	6,765
Shade Trees	257	107
Sewers	500	400
Street Lighting	3,638	1,516
Snow Removal	1,560	780
TOTAL	$112,585	$ 90,500

IRVINGTON WATERFRONT PLAN

June 5, 1986

COMPARATIVE TRIP GENERATION

Frederick P. Clark Associates, Consultants
Rye, New York

ALTERNATIVE	AM PEAK HOUR VEHICLES			PM PEAK HOUR VOLUMES		
	In	Out	Total	In	Out	Total
Existing Development	87	52	139	22	81	103
Plan A	46	83	129	123	75	198
Plan B	25	45	70	77	45	122

Plan A - 2 restaurants, 250 seats total
223 residential units
22,000 square feet retail
passive park
existing boat club

Plan B - 120 residential units
restaurant, 100 seats
22,000 square feet retail
passive park
existing boat club

566 Warburton Avenue
Hastings on Hudson NY 10706
914 478 3677

Architects
Landscape Architects
Interior Architects

Scheme "C"

IRVINGTON WATERFRONT PLAN

November 10, 1986

ANALYSIS OF EXISTING AND PROPOSED ANNUAL COSTS AND TAX REVENUES FOR THE VILLAGE AND SCHOOL DISTRICT

SUMMARY

	Assessed Value	School	Village
GROSS TAX REVENUE			
Existing Use	$1,224,200	$127,797	$ 80,075
Proposed Scheme	$4,700,000	$490,645	$307,427
COSTS			
Existing		--------	--------
Proposed Scheme		$150,000	$106,585
NET TAX REVENUE			
Existing		$127,797	$ 80,075
Proposed Scheme		$340,645	$200,842

566 Warburton Avenue
Hastings on Hudson NY 10706
914 478 3677

Architects
Landscape Architects
Interior Architects

Scheme C

IRVINGTON WATERFRONT PLAN

PROPOSED SCHEME

Description

Dwelling Units (D.U.): 150
130 Townhouses, 3 bedrooms/den/garage
20 Duplex apartments, 2 bedrooms/den
Commercial: 20 Retail shops (20,000 SF)
2 Restaurants (6,000 SF ea.)
Public: Firestation
Maximum building height: 3 stories
Coverage: 21% of total site
Public Parkland: 2.47
Public Promenade: full length of riverfront = 3 acres
Pedestrian bridges: 3
Public street system includes extension of Main Street, tree planting, street lights.
New train station platforms

Assessed Value	Assessed Value Per Unit	Extension
130 Townhouses (3 Bedrooms & Den)	$30,000	$3,900,000
20 Duplex over shops (2 Bedrooms & Den)	18,000	360,000
20 Shops (1000 sq. ft. each)	14,000	280,000
2 Restaurants (200 seats)	80,000	160,000
TOTAL		$4,700,000

Tax Revenue - 1985 Rates

School District (Rate: $104.3925):	$490,645.00
Village (Rate: $65.41)	307,427.00

IRVINGTON WATERFRONT PLAN

NO ADDITIONAL ANNUAL COSTS TO VILLAGE OF IRVINGTON

Election Expenses
Police and Traffic
Fire
Ambulance
Animal Control
Library
Village Pool
Water
Legislative
Judicial
Executive
Auditing
Clerk-Treasurer
Law
Engineer
Shared Services - Town Hall
Central Garage
Central Storeroom
Special Items
Parking
Civil Defense
Health
Jobs for Youth
Historian
Celebration
Town Hall Theater
Interfund Transfers
Debt Service
Home and Community Services

Library is currently undersized. Village pool does not exist. Extra Village revenue from this project may help defray these potential capital expenses.

ADDITIONAL ANNUAL COSTS TO VILLAGE OF IRVINGTON

	Proposed Scheme
Assessing Allocation	$ 1,000
Zoning and Planning (for 5 yrs.)	10,000
Inspection	6,000
Publicity	200
Recreation	5,200
Refuse	
a) Carting	3,000
b) 1 crew/1 day/week	15,000
Parks Maintenance	
a) 1 Employee	22,000
b) Contractual	6,000
Employee Benefits - 2 employees	16,000
Streets and Storm Drains	16,230
Shade Trees	257
Sewers	500
Street Lighting	3,638
Snow Removal	1,560
TOTAL	$106,585

IRVINGTON WATERFRONT PLAN

November 10, 1986

COMPARATIVE TRIP GENERATION

Bridge Street

	AM PEAK HOUR VEHICLES			PM PEAK HOUR VOLUMES		
	In	Out	Total	In	Out	Total
Existing Development	109	62	171*	22	81	103
Proposed Plan	31	67	98	98	64	162

Proposed Plan - 2 restaurants, 250 seats total
150 residential units
20,000 square feet retail
passive park
existing boat club

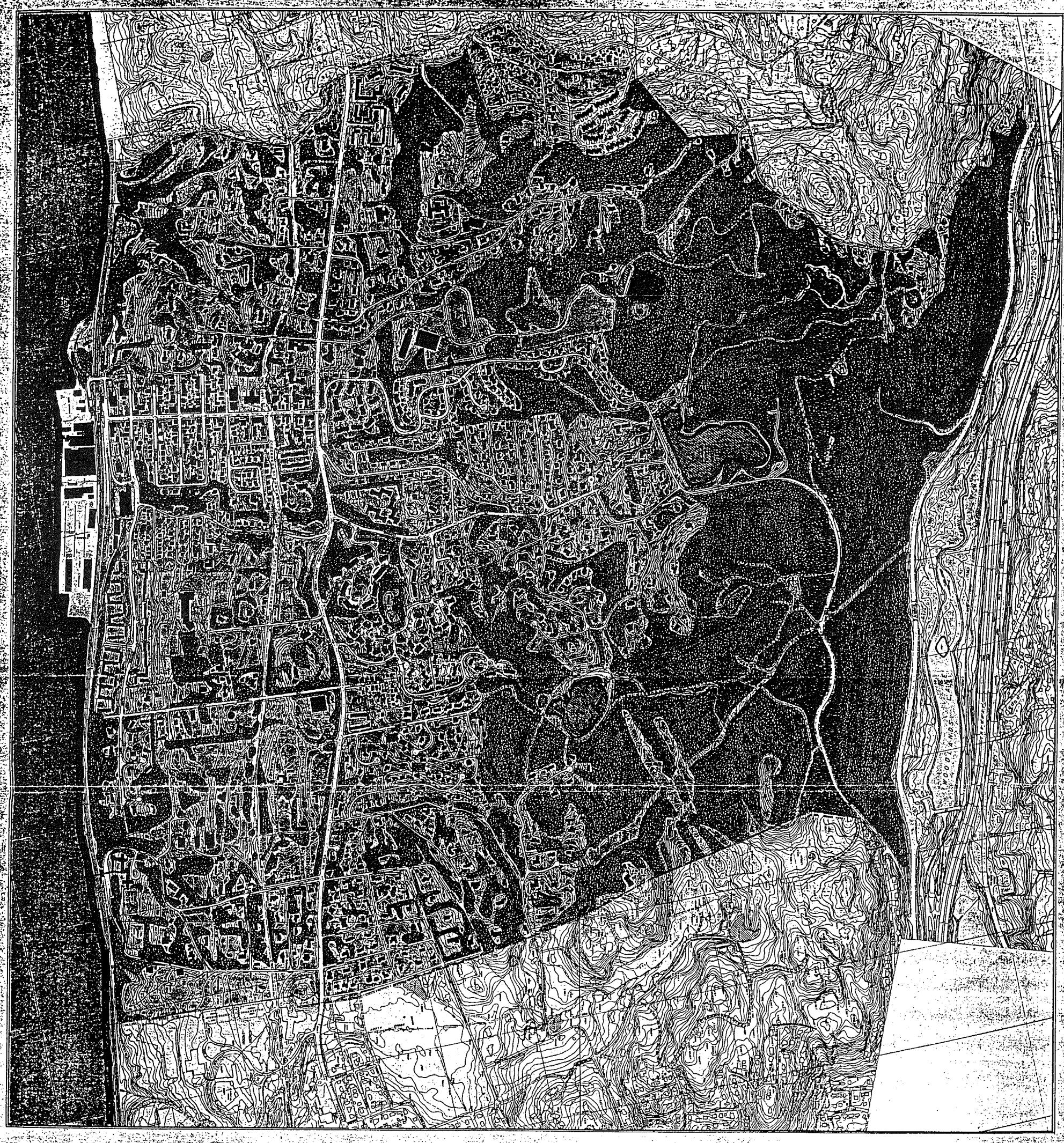
*Total drop-offs 49 (98 trips)

566 Warburton Avenue
Hastings on Hudson NY 10706
914 478 3677

Architects
Landscape Architects
Interior Architects

EXISTING CONDITIONS MAP, DECEMBER 1986

No. 1



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PLANNING STUDY FOR THE VILLAGE OF IRVINGTON, NEW YORK

0 250 500 1000 2000

EXISTING DEVELOPMENT

NEW DEVELOPMENT

PUBLIC RECREATION & FOOTPATHS

MAJOR TREED AREAS INCLUDING PARKLAND

•Jonathan Barnett, Steven Kent Peterson & Associates•
158 Crosby Street, New York, New York 10012
(212) 254 - 6093
&
•Manuel S. Emanuel Associates Inc.•
P.O. Box 832, Nyack, New York 10960
(914) 358 - 7820

PROJECTED BUILD-OUT MAP: EXISTING ZONING

No. 2

PLANNING STUDY FOR THE VILLAGE OF IRVINGTON, NEW YORK

EXISTING DEVELOPMENT

NEW DEVELOPMENT

PUBLIC RECREATION & FOOTPATHS

MAJOR TREED AREAS INCLUDING PARKLAND

Jonathan Barnett, Steven Keni Peterson & Associates
158 Crosby Street, New York, New York 10012
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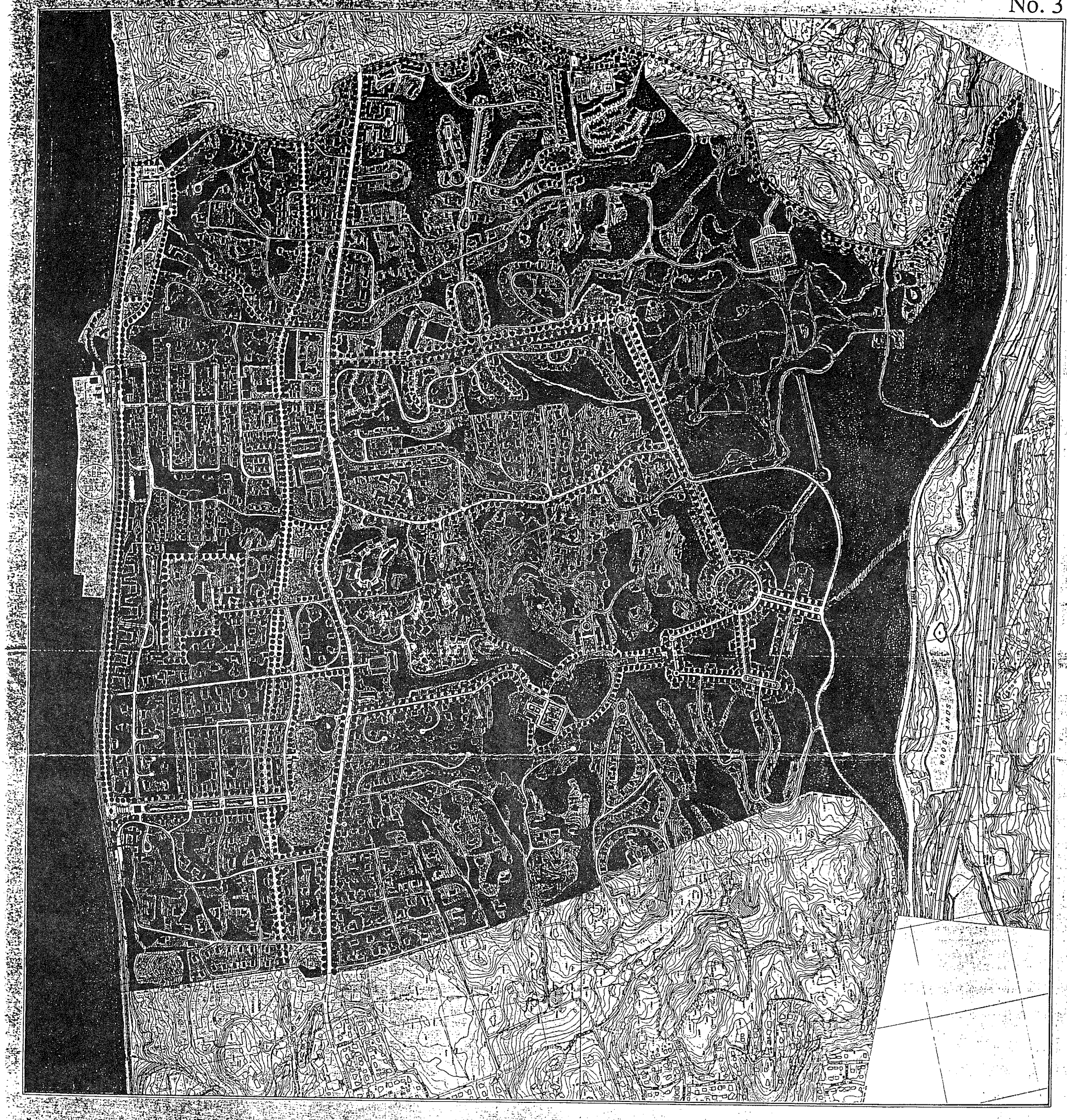
914 - 358 - 7820

PROJECTED BUILD-OUT PLAN PER LAND USE COMMITTEE'S RECOMMENDATIONS No. 3



PLANNING STUDY FOR THE VILLAGE OF IRVINGTON, NEW YORK

300 0 300 600 1200

- EXISTING DEVELOPMENT
- NEW DEVELOPMENT
- PUBLIC RECREATION & FOOTPATHS
- MAJOR TREED AREAS INCLUDING PARKLAND

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158 Crosby Street, New York, New York 10012
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&

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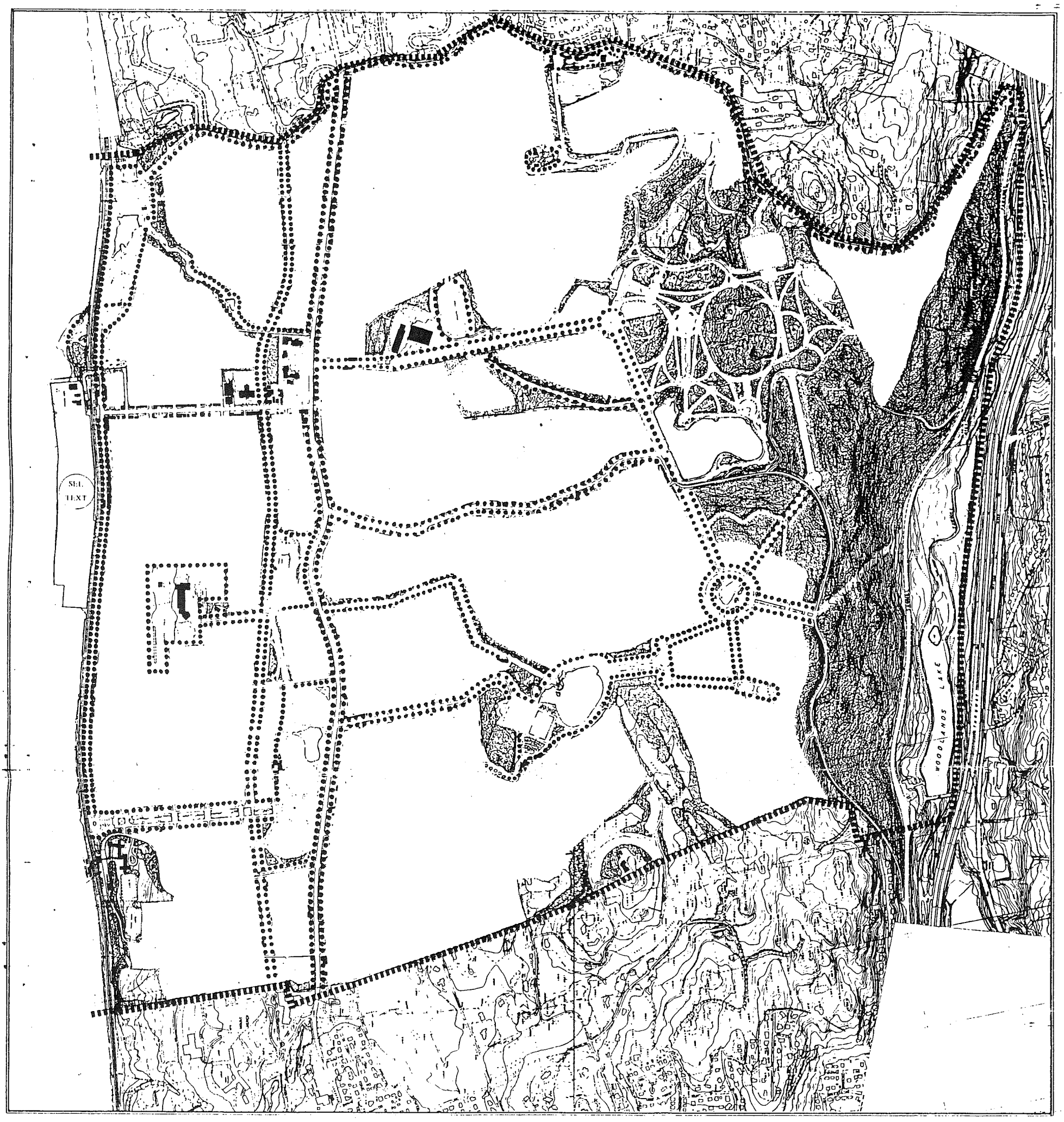
PUBLIC PATHWAY PLAN

No. 4



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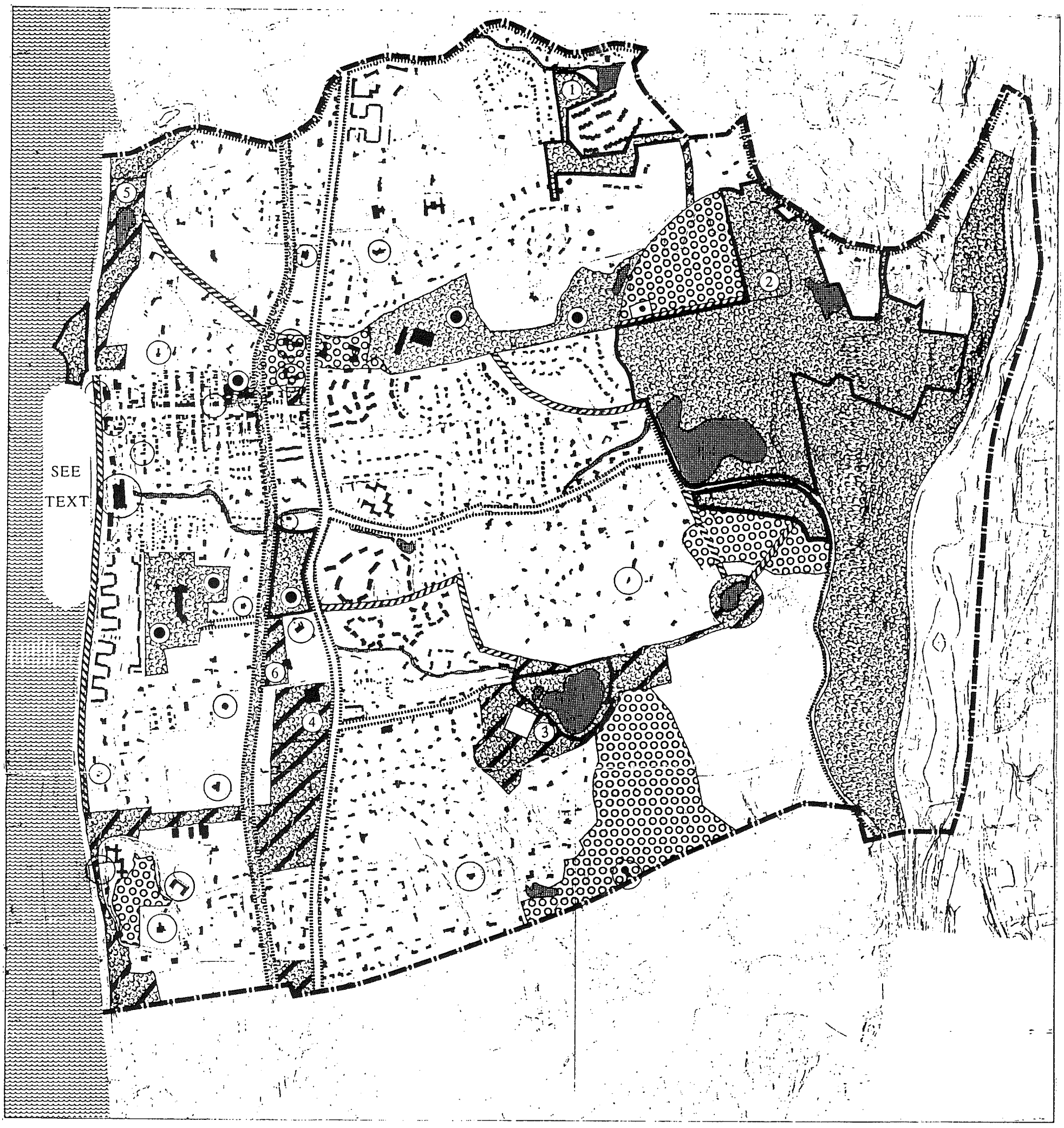
PUBLIC OPEN SPACE AND RECREATION PLAN

No. 5



PUBLIC OPEN SPACE AND RECREATION PLAN

FOOTPATHS

VILLAGE OWNED PROPERTY

RESERVOIRS, PONDS & STREAMS

SCENIC CORRIDORS
[Special Landscape Treatment]

SCENIC & HISTORIC LOCATIONS
[To Be Preserved]

PUBLIC OPEN SPACE
–Existing & Proposed

EXISTING PRIVATE
OPEN SPACE

ACTIVE RECREATION
–Existing & Proposed

PROPOSED ACTIVE RECREATION SITES

No.	NAME	No. ACRES (Approximate)
1.	LEGEND OF IRVINGTON (Village owned)	6.6
2.	NORTH OF IRVINGTON RESERVOIR (Village owned)	4.6
3.	HALSEY POND	1.2
4.	COLUMBIA PROPERTY	17.4
5.	RANDALL PROPERTY	1.0
6.	GRIFFIN PROPERTY	1.0
TOTAL		30.8 ACRES

PLANNING STUDY FOR THE VILLAGE OF IRVINGTON, NEW YORK

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LAND USE POLICY PLAN

- PUBLIC; SEMI-PUBLIC
- COMMERCIAL / RETAIL
- RAILROAD
- PARK, RECREATION and OPEN SPACE
- 8 D.U.'s*/acre [MF, 2F, 1F-5]
- 4 D.U.'s/acre [1F-10]
- 2 D.U.'s/acre [1F-20]
- 1 D.U.'s/acre [1F-40]

PLANNING STUDY FOR THE VILLAGE OF IRVINGTON, NEW YORK

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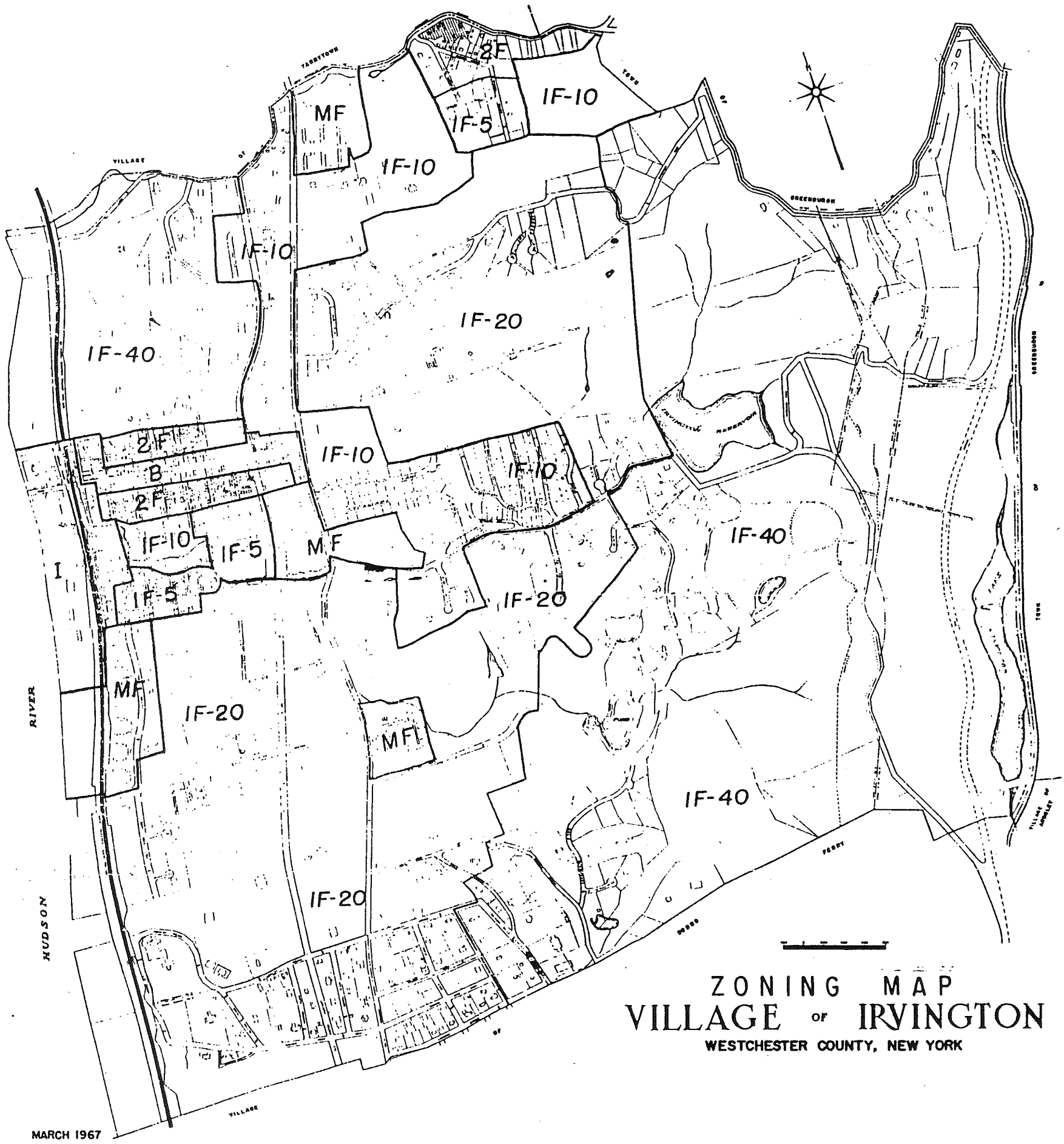
EXISTING ZONING MAP

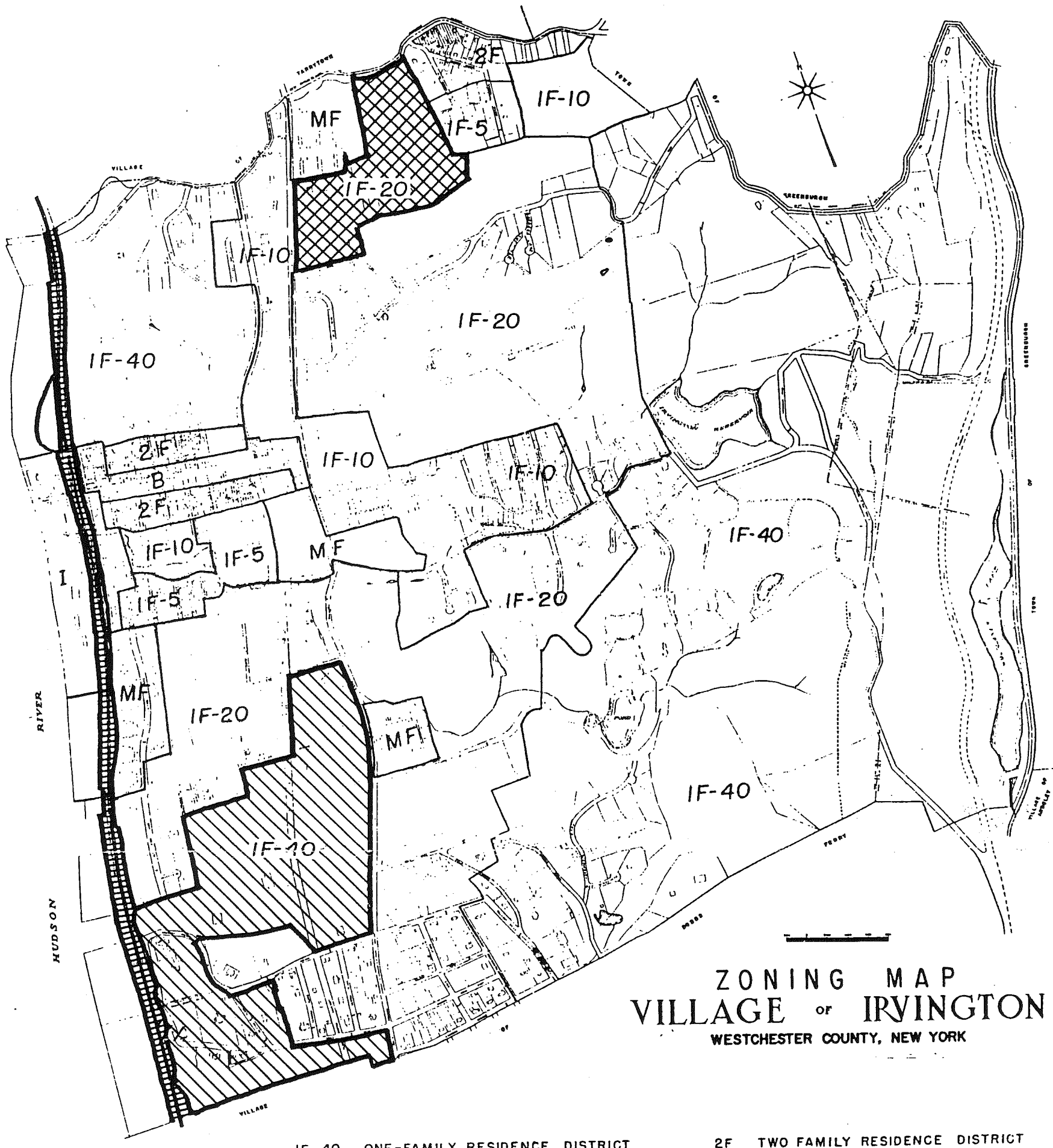
No. 7



IF-40	ONE-FAMILY RESIDENCE DISTRICT	2F	TWO FAMILY RESIDENCE DISTRICT
IF-20	ONE-FAMILY RESIDENCE DISTRICT	MF	MULTI FAMILY RESIDENCE DISTRICT
IF-10	ONE-FAMILY RESIDENCE DISTRICT	B	BUSINESS DISTRICT
IF-5	ONE-FAMILY RESIDENCE DISTRICT	I	INDUSTRIAL DISTRICT

PROPOSED ZONING MAP

No. 8

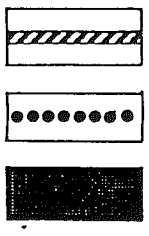


IF-40	ONE-FAMILY RESIDENCE DISTRICT	2F	TWO FAMILY RESIDENCE DISTRICT
IF-20	ONE-FAMILY RESIDENCE DISTRICT	MF	MULTI FAMILY RESIDENCE DISTRICT
IF-10	ONE-FAMILY RESIDENCE DISTRICT	B	BUSINESS DISTRICT
IF-5	ONE-FAMILY RESIDENCE DISTRICT	I	INDUSTRIAL DISTRICT

PROPOSED REZONED AREAS

- 1F-40
- 1F-20
- RR RAILROAD

NEW STREET PLAN



PROPOSED ROADS [Already Approved]

PROPOSED ROADS [Approval Pending]

PROPOSED PARKING AREAS [Approval Pending]
(Not To Scale – illustrative only)

Jonathan Barnett, Steven Kent Peterson & Associates
158 Crosby Street, New York, New York 10012
212 - 245 - 6093

&

Manuel S. Emanuel Associates Inc.
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914 - 358 - 7820

PARKS, OPEN SPACE AND PATHWAYS MAP

No. 10

PLANNING STUDY FOR THE VILLAGE OF IRVINGTON, NEW YORK

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FOOTPATHS 15 FT. WIDE

PROPOSED PUBLIC OPEN SPACE

PROPOSED LOCAL LAW AMENDING LAND SUBDIVISION REGULATIONS

A local law amending the Village of Irvington Land Subdivision Regulations, as amended (title 23 of the Irvington Code, as amended).

Be it enacted by the Village Board of the Village of Irvington as follows:

1. Section 23-1 is amended to read as follows:

By authority of the resolution by the Board of Trustees of the Village of Irvington on the 19th day of November 1928, pursuant to the provisions of Article 6-A of the Village Law (chapter 64 of the Consolidated Laws of New York), and pursuant to Article 7 of the Village Law, which became effective September 1, 1973, as amended, and the Municipal Home Rule Law, the Planning Board has the power and authority to approve plats for subdivisions pursuant to the provisions of this title.

2. Section 23-2 is amended to read as follows:

It is declared to be the policy of the Village Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient, and economical development of the Village. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper provision shall be made for drainage, water, sewerage and other needed improvements; that proper provision be made for protecting the environment, the watershed, scenic views, and natural resources of the Village in order to further the healthy, safety and welfare of its inhabitants; that the proposed streets shall compose a convenient system conforming to the Official Map and shall be properly related to the proposals shown on such portions of the Village's Comprehensive Land Use Plan as may be in existence at any time and shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection and to provide access to fire-fighting equipment to buildings; and that open spaces for parks and recreational use shall be reserved or dedicated for public use.

3. Section 23-3 is amended to read as follows:

Should any of the provisions of the Land Subdivision Regulations conflict with any provision of the Village Law, the relevant provisions of the Village Law shall apply except to the extent that conflicting provisions of these regulations were enacted by virtue of local laws pursuant to the Municipal Home Rule Law, in which case the provisions of these regulations shall apply notwithstanding any conflict with the provisions of the Village Law.

4. Articles II through VIII are renumbered as Articles III through IX, respectively, and a new Article II is enacted, to read as follows:

ARTICLE II

Parks, Open Space and Pathway Map

§ 23-4.1. Parks, Open Space and Pathway Map.

The boundaries of parks and open space intended for the recreational use of residents of the Village of Irvington and the preservation of the environment of the Village, including both parks and open space currently owned by the Village and areas intended for future recreational use, are hereby established as shown on the "Parks, Open Space and Pathway Map, Village of Irvington," dated [insert date], 1987 (hereinafter referred to as the "Parks and Open Space Map"), which accompanies, and which, with all explanatory matter thereon, is hereby adopted and made a part of these regulations. Said map, indicating the latest amendments, shall be kept up to date in the office of the Village Clerk for the use and benefit of the public. The Parks and Open Space Map is a part of the Official Map of the Village of Irvington.

§ 23-4.2. Boundaries.

In determining the boundaries of parks and open space shown on the Parks and Open Space Map, the rules set forth in Section 47-4 of the Irvington Code shall apply.

5. A new Section 23-5A is enacted, to read as follows:

§ 23-5A. Preliminary Layout for Subdivisions Requiring Site Development Plan Approval.

A. Applicability. The procedures set forth in this Section 23-5A shall govern all applications for the approval of preliminary layouts for proposed subdivisions the development of which requires Site Development Plan Approval pursuant to Article III, Part 7, of the Zoning Ordinance.

B. Presubmission. Prior to preparing a preliminary layout, the applicant shall discuss with the Planning Board, or its representative, the requirements for street improvements, drainage, sewerage, water, fire protection, and similar matters, as well as the availability of existing services. Such discussion shall take place at the same time as the presubmission discussion required by Section 47-40.3 of the Zoning Ordinance. The subdivider shall also discuss the proposal with the County Health Department which must eventually approve any final subdivision plat, and with any other federal, state, county or other authorities whose approval of the final plat or any portion thereof may be required prior to the preparation of the preliminary layout.

C. Application. The applicant shall file an application for Site Development Plan approval pursuant to Article III, Part 7, of the Zoning Ordinance, and shall specifically note thereon that the applicant also is applying for approval of a preliminary layout for the proposed subdivision. The application for Site Development Plan approval shall serve also as the application for approval of the preliminary layout for the proposed subdivision. The preliminary layout shall be deemed to have been officially submitted when the Planning Board determines that a complete Site Development Plan approval application has been submitted.

D. Public Hearing. The public hearing required by Section 47-40.5 shall constitute a public hearing on the preliminary layout as well as the Site Development Plan approval application.

E. Study of Layout. The Planning Board shall carefully study the practicability of the preliminary layout, taking into consideration the factors set forth in Section 47-40.7 of the Zoning Ordinance.

F. Conditional Approval of the Preliminary Layout.

(1) After the public hearing and within sixty (60) days after the application for approval of the preliminary layout is deemed to have been officially submitted, the Planning Board shall take action to conditionally approve, with or without modifications or conditions, or disapprove such preliminary layout, and the ground of any modification or condition required or the ground for disapproval shall be stated upon the records of the Board.

(2) The action of the Board shall be noted on four copies of the preliminary layout, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy retained by the Board, one copy filed with the Village Clerk, and one copy placed in the Irvington Public Library.

(3) Conditional approval of a preliminary layout shall not constitute approval of the plat. Rather, it shall be deemed an expression of approval of the design submitted as a guide to the preparation of the plant which will be submitted for approval of the Board and for recording upon fulfillment of the requirements of these regulations and the conditions of any conditional approval.

6. The title and subdivisions A through E of Section 23-6 are hereby repealed and the following enacted in their place:

§ 23-6. Preliminary Layout for Other Subdivisions.

A. Applicability. The procedures set forth in this Section 23-6 shall govern all applications for approval of proposed preliminary layouts for proposed subdivisions the development of which do not require Site Development Plan approval pursuant to Article III, Part 7, of the Zoning Ordinance.

B. Application. Prior to the filing of an application for the approval of a subdivision plat, the subdivider shall file an application for the consideration of a preliminary layout of the proposed subdivision in the form described in Article V hereof. The preliminary layout shall in all respects comply with the requirements set forth in said Article V, and with the provisions of Sections 7-728 and 7-730 of the Village Law, except where a variation may be specifically authorized by the Planning Board pursuant to Article VIII hereof. The application shall be accompanied by

a fee of [to be inserted]. The applicant shall file copies of the application, the preliminary layout, and all maps, drawings, and other documents submitted to the Planning Board in connection therewith with the Village Clerk and the Irvington Public Library no later than two days after each of said documents is submitted to the Planning Board.

C. Date for Preliminary Consideration. Upon receipt of an application for the consideration of a preliminary layout, the Planning Board shall determine whether the application is complete and notify the subdivider of any deficiencies in the provision of required information. The preliminary layout shall be deemed to have been officially submitted at the time the Planning Board determines the application is complete. At the time the Planning Board determines that the application is complete, it shall set a date, time and place for discussion of the preliminary layout with the subdivider, which shall occur at a public meeting of the Planning Board which shall take place not less than thirty (30) nor more than forty-five (45) days after the application is officially submitted. At or before the public meeting at which the discussion of the preliminary layout is scheduled to occur, the subdivider shall file with the Planning Board an affidavit attesting he or she has caused each Affected Property Owner to be notified by certified mail of the nature of the application; the date, time and place of the Planning Board meeting at which discussion of the preliminary layout is scheduled to occur; of the availability of copies of the application for public inspection in the office of the Village Clerk and the Public Library, and that said notice was mailed not less than twenty-one days before the scheduled Planning Board meeting. In the case of an application for approval of a subdivision into four or more lots, or in which four or more dwelling units could be built, or in which any building with a Floor Area (as defined in Section 47-35.3(p) of the Irvington Code) exceeding 8,000 square feet could be erected as of right, the subdivider also shall be required to publish notice of the application in the official newspaper(s) of the Village at least twice and to give written notice by certified mail to all record owners of land within 500 feet of the proposed subdivision, said notice and mailing to be completed not less than twenty-one days in advance of the Planning Board meeting at which the preliminary layout is scheduled for discussion.

D. Consideration of Preliminary Layout. The applicant or his duly authorized representative shall attend the Planning Board meeting at which the preliminary layout is scheduled for discussion. The Planning Board shall carefully study the practicability of the preliminary layout, taking

into consideration the requirements of the community, the Comprehensive Land Use Plan, the Village's land use policies, and the best use of the land being subdivided. Members of the public shall be given the opportunity to comment on the preliminary layout.

7. Section 23-6, subdivision F, is hereby relettered as subdivision E.

8. Section 23-7, subdivisions B and C, are hereby amended to read as follows:

B. Filing of Application. Applicants submitting proposed subdivision plats for the approval of the Planning Board shall provide the Secretary or Clerk of the Board with one original and at least five prints of the application and required surveys plans and date, and shall file at least one copy thereof with each of the Village Clerk and the Irvington Public Library.

C. When Officially Submitted. The application for approval of the subdivision plat shall be deemed to be officially submitted only when the Planning Board determines at a regular meeting of the Planning Board that the application and all the required surveys, plans and data have been filed as required by Section 23-7, subdivision B, and all required consents and approvals described in Article V hereof are provided with the application.

9. Section 23-7, subdivision E, is hereby amended to read as follows:

E. Public Hearing. Before the Planning Board will act on any subdivision plat, it will hold a public hearing thereon as provided in this Section.

(1) At the time the application for approval of the subdivision plat is deemed to be officially submitted, the Planning Board shall fix a date, time and place for the public hearing thereon which shall be not less than thirty (30) nor more than forty-five (45) days after the application is deemed to be officially submitted.

(2) At or before the public hearing, the applicant shall file with the Planning Board an affidavit attesting he or she has caused each Affected Property Owner to be notified

by certified mail of the nature of the application; the date, time and place of the Planning Board meeting at which discussion of the preliminary layout is scheduled to occur; of the availability of copies of the application for public inspection in the office of the Village Clerk and the Public Library, and that said notice was mailed not less than twenty-one days before the scheduled Planning Board meeting. In the case of an application for approval of a subdivision into four or more lots, or in which four or more dwelling units could be built, or in which any building with a Floor Area (as defined in Section 47-35.3(p) of the Irvington Code) exceeding 8,000 square feet could be erected as of right, the subdivider also shall be required to publish notice of the application in the official newspaper(s) of the Village at least twice and to give written notice by certified mail to all record owners of land within 500 feet of the proposed subdivision, said notice and mailing to be completed not less than twenty-one days in advance of the the public hearing.

10. Section 23-8 is hereby amended by relettering subdivisions A and B as subdivisions B and C, respectively, and by adding a new subdivision A, to read as follows:

A. Agreements. All promises and undertakings made to the Village or the Planning Board in connection with subdivision approval which would affect the manner in which subdivided lands will be developed, serviced and maintained (including but not limited to undertakings to provide private refuse collection, transportation or other services; to maintain structures, plantings or open space within the subdivision; to dredge or otherwise care for lakes and ponds; and to replace trees, plantings, walls or other structures that may die, be destroyed or fall into a state of disrepair) shall be recorded in written instruments executed by or on behalf of the subdivider and shall be in such form as:

(1) to bind each subsequent grantee of each lot individually affected by such promises and undertakings;

(2) to bind all subsequent grantees of all lots in the subdivision as joint obligors of all obligations relating to the subdivision as a whole;

(3) is sufficient to record in the land records of the County Clerk against all affected lots; and

(4) is satisfactory to the Planning Board and the Village Attorney.

The Planning Board shall ensure that all such instruments shall be recorded against the entire subdivision or each affected lot, as may be appropriate, prior to the sale of any lot by the subdivider. In addition, at the time an approved subdivision plat is signed on behalf of the Planning Board, the Planning Board shall note on the face of the plat that all or specifically enumerated lots shown on the plat are subject to obligations set forth in one or more written instruments executed on behalf of the subdivider in favor of the Village of Irvington and shall set forth the date of each such instrument.

11. Section 23-11 is hereby amended to read as follows:

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth in this article, which are minimum requirements and shall be varied only as permitted by Section 23-22.

12. Section 23-12, subdivision B, is hereby amended to read as follows:

Conformity To Official Map and Village Plan. Subdivisions shall conform to the Official Map of the Village and to such portions of the Village Plan as may be in existence from time to time.

13. Section 23-13, subdivision F, is hereby repealed, and subdivisions G through N are hereby relettered F through M, respectively.

14. Section 23-16, subdivision F, is hereby amended to read as follows:

No lot shall be created or subdivision approval granted which:

(a) creates any lot that fails to conform in all respects to the requirements of the Zoning Ordinance, or

(b) creates any lot on which the sum of all areas thereon covered by all principal and accessory buildings exceeds the maximum permitted by Section 47-11 of the Zoning Ordinance.

15. Section 23-17 is hereby amended to read as follows:

A. Dedication and Reservation of Parks and Open Space. Each subdivision shall dedicate or reserve land suitable for the recreational and park use of the residents of the Village of Irvington, or make a payment in lieu thereof, to the Village Recreation Site Acquisition and Improvement Fund.

B. Parks and Open Space Shown on Parks and Open Space Map. Where a proposed park, playground, pathway or other public use or open space shown on the Parks and Open Space Map is located in whole or in part in a subdivision, the Planning Board shall require the dedication or reservation of such area for public use, provided that the Planning Board may neither require, nor accept, dedication of such area to the Village without the consent of the Board of Trustees.

C. In the event the Planning Board is obligated, pursuant to this Article, to require the dedication or reservation of Subdivision Park Land aggregating more than ten (10) percent of the Gross Buildable Site Area of the subdivision, the Planning Board first shall so advise the Board of Trustees. The Board of Trustees then shall determine whether the Village will purchase or condemn all or any portion of the proposed subdivision shown on the Parks and Open Space Map as a proposed park, playground, pathway or other open space so as to reduce the proportion of the subdivision required for such purposes to ten (10) percent of the Gross Buildable Site Area of the remaining subdivision.

In the event the Board of Trustees within sixty (60) days of the notice from the Planning Board determines not to purchase or condemn such quantity in its entirety, the Planning Board nevertheless shall require the dedication or reservation of all lands in the subdivision shown on the Parks and Open Space Map as proposed park, playground, pathway or other open space which has not been so purchased or condemned but the Site Capacity of the balance of the portion of the site not required to be so dedicated or reserved shall then be determined in accordance with the following formula:

$$M = SC \text{ of } A + SC \text{ of } B$$

where

A = the land being subdivided, exclusive of Subdivision Park Land

M = the maximum number of dwelling units and/or Floor Area permissible in A

SC = Site Capacity determined in accordance with Article III of the Zoning Ordinance and without regard to this Section 23-17

B = the amount of land area, expressed in acres or fractions thereof, by which the Subdivision Park Land actually reserved or dedicated, exclusive of areas thereof purchased or condemned by the Village, is greater than ten percent (10%) of the Gross Buildable Site Area of the land being subdivided, exclusive of any portion thereof purchased or condemned by the Village, but before deduction of the area of other Park Land.

In determining the Site Capacity of B, the Planning Board shall determine the Site Capacity of all Subdivision Park Land in the proposed subdivision, exclusive of any portion purchased or condemned by the Village, and then shall allocate such Site Capacity between the portion of Subdivision Park Land which is less than or equal to ten percent (10%) of the Gross Buildable Site Area and the portion which exceeds ten percent (10%) of the Gross Buildable Site Area in proportion to their respective fractions of the total Subdivision Park Land in the proposed subdivision, exclusive of any portion thereof purchased or condemned by the Village.

D. If additional Site Capacity is added to a subdivision pursuant to subdivision C of this section, the Planning Board, without recourse to the Board of Trustees, may vary the minimum lot area; lot width; front, side and rear yard; setback; and street frontage requirements of the Zoning Ordinance to the minimum extent necessary to accommodate the added Site Capacity.

E. In the event the Planning Board requires the reservation or dedication of less than ten (10) percent of the Gross Buildable Site Area for such public purposes, the subdivider, as a condition of plat approval, shall pay to Village Recreation Site Acquisition and Improvement Fund a sum determined in accordance with the following formula:

$$\text{Payment} = \text{(Fair market value (of entire site))} \times \frac{\text{(10\% of Gross Buildable Site Area)} - \text{(Acres of Reserved Land)}}{\text{Gross Buildable Site Area}}$$

F. Determination of Fair Market Value. In determining the fair market value of a site for purposes of this section, only the value of the undeveloped portions of the site shall be considered. The developed portions of the site shall be those portions on which buildings exist at the time the subdivision application is made which are expected to remain for at least five years and the lot or lots on which such existing buildings will be situated after the subdivision is approved. The fair market value shall be determined by the Planning Board, which may employ appraisers or other professionals to assist it, subject to budgetary limitations, on the basis of (i) a sale between a willing seller and a willing and financially sound buyer in which no financing provided by the seller is required, (ii) the only encumbrances are encumbrances existing of record before the subdivision application was filed (but excluding any encumbrances which the Planning Board shall determine were recorded in whole or in part for the purpose of reducing the payment which otherwise would be required pursuant to this Section 23-17), and (iii) the sale price is established immediately after the Planning Board has granted final subdivision approval. In no case, however, shall the payment in lieu of dedication of park or open space be less than $5,000 for each dwelling unit of Site Capacity or, for subdivisions in which the Site Capacity is not determined in dwelling units, [insert dollar amount] per [insert unit].

G. In the event any parcel of land in the Village which is not a lot in a previously improved subdivision is conveyed after July 1, 1987 without a subdivision plat having been approved therefor by the Planning Board, the Planning Board shall disregard said conveyance for purposes of determining whether the Subdivision Park Land exceeds ten (10) percent of the Gross Buildable Site Area, but shall make that determination with regard to the entire parcel of which the piece so conveyed was a part prior to the conveyance. If the Subdivision Park Land exceeds ten (10) percent of the Gross Buildable Site Area of the entire pre-conveyance parcel, the Added Site Capacity shall be computed pursuant to subdivision C of this section for the entire pre-conveyance parcel and allocated between or among the post-conveyance parcels in proportion to their respective Net Buildable Site Areas. If the Subdivision Park Land is less than ten (10) percent of the Gross Buildable Site Area of the entire pre-conveyance

parcel, the payment in lieu of reservation or dedication of land shall be computed pursuant to subdivision E of this section for the entire pre-conveyance parcel and allocated between or among the post-conveyance parcels in proportion to their respective Net Buildable Site Areas.

H. Preservation of Natural Features. The Planning Board shall, to the maximum possible extent, require the preservation of all natural features which add value to residential developments and to the community or which contribute to preservation of the character of the Village, including without limitation Mature Woodlands as defined in Section 47-35.3(k), watercourses and falls, beaches, historic sites and structures and similar irreplaceable assets.

I. Street Trees. Street trees shall be located and planted wherever required by the Planning Board, and the trees shall be of sizes and types prescribed by it. The Planning Board shall ensure that the character of tree-lined streets in the Village shall be maintained by preservation of existing trees and such additional and replacement plantings as may be required.

16. Section 23-21 is hereby amended by deleting the first sentence thereof and inserting the following in its place:

> All terms defined in the Zoning Ordinance, title 47 of the Irvington Code, shall have the same meanings for purposes of these regulations. Certain additional words and terms used herein are defined as follows:

17. Section 23-21 is hereby amended by deleting the definition of "Village Development Plan or Village Plan" and substituting therefor the following:

> The Comprehensive Land Use Plan for the Village of Irvington, adopted by the Board of Trustees on [insert date], 1980, as modified by the Report of the Irvington Land Use Review Committee, adopted by the Board of Trustees on [insert date], and any amendments thereto.

18. Section 23-21 is hereby amended by adding thereto the following definitions:

Gross Buildable Site Area	Base Site Area minus Resource Protection Land,

	both as determined in accordance with Article III of the Zoning Ordinance
Subdivision Park Land	The area within a proposed subdivision that is shown on the Parks and Open Space Map as parks, playgrounds, pathways or other public use or open space intended for the recreational use of residents of the Village of Irvington

19. The title of Article VIII is amended to read "Variances and Appeals," and Section 23-22 is amended to read as follows:

A. Where the Board makes express written findings that extraordinary and unnecessary hardships will result from strict compliance with substantive portions of these regulations adopted after the acquisition of the land by the applicant and that the proposed variation from strict compliance with such portions of the regulations will not materially impair the accomplishment of the intent and purposes of the Village Plan, the Zoning Ordinance, the Official Map, or these regulations and will not unreasonably interfere with the health, safety and welfare of the Village or the reasonable expectations of neighboring property owners, it may vary such portions of the regulations in individual cases, provided however, that the Board may not permit any variation in the procedural provisions of these regulations or with respect to the provisions of Section 23-17, and provided further that the procedures specified in subdivision B of this Section must be followed with respect to all applications for variances.

B. No variation from these regulations may be permitted except in accordance with the provisions of this subdivision.

(1) Each applicant for a variance from these regulations shall file with the Planning Board an application specifying the precise nature of the variance sought and demonstrating that the applicant will be subjected to extraordinary and unnecessary hardship as a result of substantive portions of these regulations adopted after the acquisition

of the land by the applicant. In the event the claimed hardship is economic, the applicant shall submit as part of the application evidence of the price for which the property was acquired, the cost of all improvements made thereto, the current value of the property assuming the requested variance is granted, and the current value of the property assuming the variance is denied.

(2) The original and five copies of the application shall be filed with the Clerk or Secretary of the Planning Board. At least one copy shall be filed with each of the Village Clerk and the Irvington Public Library.

(3) The Planning Board may require the applicant to supply additional information pertinent to its duties. The failure to provide such information shall be sufficient grounds to deny the application.

(4) The application shall be deemed to be officially submitted when the Planning Board determines that a complete application, including such additional information as the Planning Board may request, has been submitted.

(5) Upon the official submission of an application, the Planning Board shall fix a date, time and place for a public hearing, which shall be not less than thirty nor more than forty-five days after the application is deemed officially submitted.

(6) At or before the public hearing, the applicant shall file with the Planning Board an affidavit attesting he or she has caused each Affected Property Owner to be notified by certified mail of the nature of the application; the date, time and place of the Planning Board meeting at which discussion of the application is scheduled to occur; of the availability of copies of the application for public inspection in the office of the Village Clerk and the Public Library, and that said notice was mailed not less than twenty-one days before the scheduled Planning Board meeting. In the case of an application for a variance with respect to a subdivision into three or more lots, or in which three or more dwelling units could be built, or in which any building with a Floor Area (as defined in Section 47-35.3(p) of the Irvington Code) exceeding 5,000 square feet could be erected as of right, the applicant also shall be required to publish notice of the application in the official newspaper(s) of the Village at least twice and to give written notice by certified mail to all record owners of land within 500 feet of the proposed subdivision, said notice and mailing to be completed not less

than twenty-one days in advance of the public hearing. Absent the filing of an affidavit demonstrating compliance with these notice provisions, no public hearing may be held.

(7) The Planning Board shall decide such application with sixty (60) days after it is deemed to be officially submitted.

(8) The burden of proving that a variance is warranted in accordance with this Section is on the applicant, who shall be required to sustain that burden by clear and convincing evidence.

C. In granting variances, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

20. Section 23-23 is renumbered Section 23-24 and a new Section 23-23 is hereby enacted, to read as follows:

§ 23.23. Appeals.

Any person aggrieved by any decision of the Planning Board under these regulations may apply to the Supreme Court for review thereof by a proceeding under Article 78 of the Civil Practice Law and Rules. The following shall be deemed aggrieved by any decision of the Planning Board under these regulations in addition to such other persons as may otherwise be deemed aggrieved by law:

(1) With respect to the approval of any subdivision or variance, all Affected Property Owners.

(2) With respect to the approval of any subdivision or variance affecting a site of four or more acres in a residential district, any resident of the Village who resides within two thousand feet of the site.

(3) With respect to the approval of any subdivision or variance affecting a site of two or more acres in a residential district, any resident of the Village who resides within one thousand feet of the site.

(4) With respect to the approval of any subdivision or variance affecting a site with a Site Capacity of twenty-five or more dwelling units in a residential district, any resident of the Village.

(5) With respect to the approval of any subdivision or variance affecting a site abutting Main Street, the Hudson River, the west side of the railroad district, or the east side of the railroad district between Bridge Street on the north and a line formed by projecting the center line of Station Road at South Buckhout Street west to the Hudson River, any resident of the Village.

DRAFT

VILLAGE OF IRVINGTON

LOCAL LAW NO. __

FRESHWATER WETLANDS PROTECTION AND DRAINAGE LAW

SECTION 1. LEGISLATIVE FINDINGS AND INTENT

A. FINDINGS.

1. The Village Board of the Village of Irvington finds that growth of population and attendant residential and commercial development and increasing demands upon the natural resources have the potential of encroaching upon, despoiling, polluting or eliminating many of the ponds, lakes, reservoirs, natural drainage systems and wetlands of the Village which, if preserved, constitute important physical, economic, social, historic, archaeologic, aesthetic and recreational assets to present and future residents of the Village and provide beneficial functions, including natural flood and stormwater control, groundwater recharge, natural pollution treatment, erosion and sediment control, wildlife habitat creation, recreation and open space enhancement, and educational opportunities.

2. Wetlands protection is a matter of concern to the entire Village and the establishment of regulatory and conservation practices for these areas serves to protect the Village by insuring review and regulation of any activity on wetlands that might adversely affect the health, safety and welfare of the residents of the Village.

3. Wetlands in the Village and other areas form an ecosystem which is not confined to any one property owner or neighborhood. Experience has demonstrated that effective wetlands protection requires uniformity of approach to preservation and conservation efforts throughout the Village

4. Loss of wetlands can cause or aggravate flooding, erosion, diminution of water supply for drinking and waste treatment and may pose a threat to the health, safety and welfare of the residents of the Village and the surrounding region.

5. The State of New York has enacted legislation entitled "The Freshwater Wetlands Act," Art. 24, N.Y. Environmental Conservation Law, which authorizes local governments to establish their own procedures for the protection and regulation of wetlands located within their jurisdiction and the New York State Department of Environmental

Conservation has promulgated regulations set forth in Part 665 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR Part 655) for the adoption by local governments of the authority contained in The Freshwater Wetlands Act.

6. This chapter is enacted pursuant to The Freshwater Wetlands Act and all applicable laws, rules and regulations of the State of New York and nothing herein shall be deemed to conflict with any such laws, rules and regulations.

B. INTENT. It is the intent of this legislation to protect the public interest, general health, safety and economic welfare of the residents of the Village by providing for the protection, preservation, proper maintenance and use of its ponds, lakes, reservoirs, natural drainage systems and wetlands to benefit the Village and surrounding region by (1) providing drainage and flood control through hydrologic absorption, natural storage and flood conveyance; (2) protecting subsurface water resources, watersheds and groundwater recharge systems; (3) providing a suitable living, breeding, nesting and feeding environment for many forms of wildlife, including wildfowl, shorebirds, and rare, endangered and threatened species; (4) treating pollution through biological degradation and chemical oxidation; (5) controlling erosion by providing sedimentation areas and filter basins for the absorption of silt and other organic matter; (6) preserving sources of nutrients in freshwater food cycles; (7) preserving nursery grounds and sanctuaries for freshwater fish; (8) providing recreation areas for fishing, hiking, birdwatching, photography and other uses; (9) maintaining educational and research resources, and (10) preserving natural habitats and open spaces for their economic, aesthetic, recreational and other public uses and values.

SECTION 2. DEFINITIONS.

A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future and the plural includes the singular. The word "shall" is intended to be mandatory.

B. As used in this chapter, the following terms, phrases or words shall have the meanings indicated:

1. ADMINISTRATIVE PERMIT: A permit issued by the Village Engineer for activities in Wetlands that are limited in scope and limited in potential impact as determined in this chapter.

2. APPLICANT: Any individual, or individuals, firm, partnership, association, corporation, company, organization or other legal entity of any kind including municipal corporations, governmental agencies or subdivisions thereof having a request for an Administrative Permit before an Approval Authority.

3. APPROVAL AUTHORITY: The administrative board or public official empowered to grant or deny an Administrative Permit under this chapter, to require the posting of bonds as necessary and to revoke or suspend such a permit where lack of compliance with the permit is established. The Approval Authority shall be:

(a) The Planning Board for permit applications relating to activities that would also require subdivision approval by the Planning Board, and

(b) The Village Engineer for all other Wetlands activities requiring an Administrative Permit as specified in this chapter.

4. CLEAR CUTTING: The cutting of more than one-half of the existing living trees measuring more than six (6) inches in diameter at a height of five (5) feet within a specified area.

5. CONTROLLED AREA: An additional buffer area surrounding a Wetland that is also subject to the regulations for Wetlands as defined in this chapter. The size of a Controlled Area shall be determined as follows:

(a) The Controlled Area for all Wetlands shall extend 200 feet away from the edge of the Wetland unless a modification is granted as set forth herein. A Controlled Area may be reduced to less than 200 feet only when hydrologic soils information is presented as part of the Application for Permit. In such cases, the Controlled Area is defined as follows based on the Hydrologic Soils Group of the Wetlands area adjacent to the Controlled Area over which the Controlled Area is measured:

Hydrologic Soil Group	Minimum Activity Setback
A	100 feet
B	133 feet
C	166 feet
D or unclassified	200 feet

When two or more soil groups are encountered, the more restrictive definition based on Hydrologic Soils Group prevails.

(b) The Controlled Area of Natural Drainage Systems shall include all adjacent surface for 200 feet as measured from the bank of the water course or having an elevation of less than three feet above the normal water line, whichever is greater.

(c) The Controlled Area of a Wetland or Natural Drainage Area shall be greater than the areas specified in subparagraphs (a) and (b) above whenever necessary to protect and preserve the benefit of a Wetland as set forth in Section 1-B above.

6. DAMS AND WATER CONTROL MEASURES AND DEVICES: Barriers used to obstruct the flow of water or to raise, or lower, or maintain the level of water in ponds, lakes, natural drainage systems, and Wetlands.

7. DEPOSIT: To fill, place, eject or dump any liquid, solid or gaseous Material or the act thereof, but not including stormwater.

8. ENVIRONMENTAL CONSERVATION BOARD: The duly appointed Environmental Conservation Board of the Village of Irvington as established pursuant to Chapter 12 of the Irvington Village Code.

9. FRESHWATER WETLANDS MAP: The final Freshwater Wetlands Map promulgated by the New York State Department of Environmental Conservation, pursuant to 6 NYCRR sec. 663.2(P), as may be amended from time to time.

10. GARDENING: The raising of plants, vegetables, berries, etc. for the use of the homeowner, when such endeavor is not for the purpose of economic gain.

11. HYDROLOGIC SOILS GROUPS (HSG): A system of grouping soils according to the water infiltration and transmission rate characteristics when the soil is thoroughly wetted as established and assigned by the Westchester County Soil and Water Conservation District soil survey, or by percolation tests accepted by the Village Engineer, as classified below:

(a) Group A - Deep, well to excessively drained sand or gravels with high infiltration and transmission rates.

(b) Group B - Deep to moderately deep, moderately well to well drained, moderately fine to moderately coarse-textured soils with moderate infiltration and transmission rates.

(c) Group C - Deep to shallow, somewhat poorly to well drained, fine to moderately coarse-textured soils with a layer that impedes downward movement of water. (Includes extremely stony types of soils in Group B.) Infiltration and transmission rates are slow.

(d) Group D - soils with one or more of the following: Fine or very fine textures with high shrink-swell potential; a permanent or long duration high water table; shallow to nearly impervious material. (Extremely rocky or stony types of soils in Group C.) Infiltration and transmission rates are very slow.

12. MATERIAL: Substances including but not limited to soil, silt, gravel, rock, sand, clay, peat, mud, debris and refuse, any organic or inorganic compound, chemical agent, or matter (excluding pesticides, herbicides, algaecides and agricultural or radioactive wastes to the extent that same are exempt or regulated exclusively by the State of New York), sewage, sewage sludge or effluent, and industrial or municipal solid waste.

13. NATURAL DRAINAGE SYSTEMS: Rivers, streams, creeks and brooks which contain running water at least six (6) months a year.

14. PERMIT: The form of approval required by this chapter of the conduct of a regulated activity within any area of the Village defined as a Wetlands Controlled Area.

15. PERSON: See Applicant.

16. PLANNING BOARD: The duly appointed Planning Board of the Village of Irvington as established pursuant to Section 7-718 of the New York Village Law.

17. POLLUTION: The presence in the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property.

18. REMOVE: To dig, dredge, suck, bulldoze, dragline, blast or otherwise excavate or regard or the act thereof.

19. STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA): The law codified as Article 8 of the New York Environmental Conservation Law providing for environmental quality review of actions which may have a significant effect on the environment.

20. VILLAGE BOARD: The duly elected Village Board of the Village of Irvington.

21. VILLAGE CLERK: Any person employed by the Village of Irvington as the Village Clerk.

22. VILLAGE ENGINEER: Any person employed by the Village of Irvington as the Village Engineer.

23. VILLAGE OF IRVINGTON TOPOGRAPHY AND SURFACE HYDROLOGY MAP: The Village of Irvington Wetlands and Drainage Map dated _____, 1987 prepared by Frederick P. Clark Associates, adopted by the Village Board and as from time to time updated, that shows the approximate locations of areas defined as Wetlands.

24. WETLANDS: Those areas shown on the Village of Irvington Topography and Surface Hydrology Map. Finite boundaries of Wetlands will be established when necessary or requested by the Wetland owner, the applicant, the Approval Authority, or the Commissioner of the New York State Department of Environmental Conservation following appropriate field survey work by qualified individuals including, but not limited to, representatives from the Westchester County Soil and Water Conservation District, and the Environmental Conservation Board and acceptance by the Approval Authority. Wetlands include, without limitation, all ponds, lakes and reservoirs and those geographical areas of one-quarter acre or more characterized by any or all of the following:

a. Marshes, swamps, bogs, or other areas of permanent water retention fed by springs or natural drainage systems.

b. All natural drainage systems including rivers, streams and brooks which contain running water at least any six (6) months of the year and the overflow lands of any watercourse.

c. All areas designated on the most recent Freshwater Wetlands Map.

d. Soil types that are poorly drained, very poorly drained, alluvial or flood plain soils as defined by the United States Department of Agriculture Soil Conservation Service and the Westchester County Soil and Water Conservation District including but not limited to the following classifications:

25 Sun silt loam (includes formerly 291 Alden)
27 Sun extremely stony silt loam
28 Fredon loam

35 Raynham silt loam (formerly Wallington)
100 Rippowam silt loam
101 Carlisle muck
103 Freshwater marsh
108 Udorthents wet substratum
251 Ridgebury loam (formerly Massena)
252 Ridgebury very stony loam
311 Fluvaquents (formerly Cohoctah; includes formerly 100 Rippowam and 31 Rumney)
1011 Palms muck
1251 Leicester loam (formerly 26 Leicester)
1252 Leicester very stony loam

e. Lands and submerged lands supporting a prevalence of aquatic or semi-aquatic vegetation of the following vegetative types as listed in the New York Freshwater Wetlands Act (New York Environmental Law 24-0107):

(1) Wetland trees, which depend upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other trees;

(2) Wetland shrubs, which depend upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other shrubs;

(3) Emergent vegetation;

(4) Rooted or floating-leaved vegetation;

(5) Free-floating vegetation;

(6) Wet meadow vegetation, which depends upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other open land vegetation;

(7) Bog mat vegetation; and

(8) Submergent vegetation.

SECTION 3. AMENDMENTS.

This chapter may be amended by the Village Board after due notice and public hearing.

SECTION 4. PROHIBITED, REGULATED AND PERMITTED ACTIVITIES.

A. PROHIBITED ACTIVITIES.

It shall be unlawful to place or deposit debris, animal wastes, chemical wastes, sewage effluent, or to introduce influence of sufficiently high thermal content as to cause deleterious ecological effect in any Wetland or Controlled Area.

B. REGULATED ACTIVITIES WHICH REQUIRE A PERMIT.

It shall be unlawful, in the absence of a specific written Permit issued by the Approval Authority, to do any of the following activities in any Wetland or Controlled Area:

1. Place or construct any building, structure, road, driveway, dam, water control device, pilings, bridge, tennis court, swimming pool, deck, dock or well.

2. Drain, dredge, excavate, alter or remove any Material, except debris and refuse.

3. Dump, fill or deposit any Material, directly or indirectly, in amounts greater than seven (7) cubic years in a one (1) year period.

4. Introduce any form of pollution, including but not limited to the installation of a septic tank, the running of a sewer outfall, or the discharge of sewage treatment effluent or other liquid wastes into, or so as to drain into, a Wetland or Controlled Area.

5. Alter the natural features or contours, drainage conditions, waterways, or velocity, volume, temperature or direction of any water body, marsh or swamp in a Wetland or Controlled Area.

6. Install any service lines, cable, conduits or pipes.

7. Clear cutting.

8. Cut down or remove any living tree measuring more than eight (8) inches in diameter at a height of five (5) feet.

9. Graze horses or other animals.

10. Store manure.

11. Deposit, apply, introduce or add any algaecide, herbicide or other growth-regulating agent, either aqueous or non-aqueous, or other organic or inorganic chemicals, including fertilizers, unless such activities have been properly licensed or permitted by the appropriate state agency or agencies having jurisdiction over such activities and copies of any such license or permit have been filed with the Village Clerk prior to undertaking such activities.

12. Conduct any other activity which is likely to impair, other than to an insignificant degree, any function or benefit of a Wetland as set forth in Section 1-B of this chapter.

C. REGULATED ACTIVITIES WHICH REQUIRE AN ADMINISTRATIVE PERMIT.

The following activities are determined by this chapter to be administrative actions limited in scope and limited in potential impact. The Approval Authority for these activities shall be the Village Engineer who will authorize, if appropriate, the issuance of an Administrative Permit to conduct the proposed activity within a Wetland or Controlled Area. The Village Engineer may set reasonable conditions as part of any such approval of the proposed activity or, at his discretion, refer any Administrative Permit application to the Planning Board for its review and action. Activities within Wetlands or Controlled Areas for which an Administrative Permit is required are:

1. Deposition or removal of Material from a Wetland or Controlled Area where the quantity of Material to be deposited or removed is not in excess of seven (7) cubic years in a one (1) year period.

2. Construction of driveways when the length of a crossing or intrusion in a Wetland or Controlled Area is less than fifty (50) feet or where a single culvert of less than twenty-five (25) feet in length and eighteen (18) inches in width is required.

3. The application of non-polluting chemicals and dyes for the purpose of detecting problems in the maintenance of a Wetland or Controlled Area.

4. Gardening.

5. Other activities that do not require subdivision, site plan or other special permit approval and which involve less than seven (7) cubic years of earthwork and which cost less than twenty-five hundred ($2,500) dollars.

D. ACTIVITIES PERMITTED BY RIGHT.

The following acts are permitted by right within a Wetland or Controlled Area without Permit, provided they do not constitute a pollution or erosion hazard or interfere with proper drainage or adversely affect reasonable water use by others. Such permitted activities must conform to the Village of Irvington Zoning Ordinance and any and all other applicable laws, statutes and ordiances.

1. Normal ground maintenance including mowing, trimming of vegetation and removal of dead or diseased vegetation around a residence.

2. Repair of walkways and walls.

3. Decorative landscaping and planting, excluding those items regulated in Section 4-B which regulates the use of organic or inorganic chemicals, including fertilizers.

4. Operation and maintenance of existing dams nd water control devices in lakes, excluding the adjustment of water elevations over eighteen (18) inches in height for periods of less than one (1) week after which the water level is returned to its previous level.

5. The activities of farmers as defined in 6 NYCRR § 665.2(C).

6. In the case of emergency, activities immediately necessary to protect the health or safety of any person or to prevent or alleviate property damage, provided the Village Engineer is notified as soon as reasonably possible, but not later than forty-eight (48) hours after the commencement of such activities.

7. The depositing or removal of the natural products of Wetlands through recreational or commercial fishing, aquiculture, hunting or trapping where otherwise legally permitted.

SECTION 5. STANDARDS FOR PERMIT DECISIONS.

A. CONSIDERATION.

In granting or denying a permit or granting a permit with conditions, the Approval Authority shall consider the following:

1. All evidence offered at or before any public hearing;

2. Any reports from other commissions and/or federal county, state or town agencies;

3. Additional information requested by the Approval Authority;

4. All relevant facts and circumstances, including but into limited to the following:

a. The environmental impact of the proposed action;

b. The alternatives to the proposed action;

c. Whether the proposed action will have a deleterious effect on the general health, safety or economic and general welfare of the residents of Irvington or its neighboring communities;

d. Whether the proposed action will have adequate safeguards for the protection and preservation of the environment and proper maintenance of any affected ponds or Controlled Areas, including lakes, reservoirs, natural drainage systems and Wetlands, and the natural functions of and the benefits derived from such areas;

e. Whether the proposed action has been planned, designed or constructed so as to create minimal disturbance; to prevent or mitigate damage from erosion, turbidity or siltation; to preserve the natural flora and fauna, and their habitat; to protect against flood and pollution of the Wetland or Controlled Area affected, and to protect any other benefits of wetland as set forth in Section 1-B, and is the best alternative available for the proposed action;

f. Whether the proposed action will have adequate safeguards employing the best available technology to protect the potable fresh surface and ground water supplies of the Village from drought, pollution, overuse and other forms of misuse.

g. Whether there is a practicable alternative site for the proposed activity in an area of the subject property which is not a freshwater wetland;

h. Whether the proposed action is in compliance with the standards set forth in NYCRR Part 665.7e. and 665.7g.; and

(i) The extent to which the exercise of property rights and the public benefit derived from such use may or may not outweigh or justify the possible degradation of the inland Wetland or water course, the interference with the exercise of

other property rights, and the impairment or endangerment of public health, safety or welfare.

B. FINDINGS.

1. No permit shall be issued by the Approval Authority pursuant to this chapter unless the Approval Authority shall find that:

a. The proposed regulated activity is consistent with the intent of this chapter to preserve, protect and conserve Wetland functions and the benefits they provide, to prevent the despoliation and destruction of Wetlands and to regulate the development of such Wetlands in order to secure the natural benefits of Wetlands consistent with the general welfare and development of the Village.

b. The proposed regulated activity is consistent with the land use regulations governing Wetlands applicable in the Village of Irvington pursuant to Section 665.7 of the New York State Freshwater Wetland Regulations.

c. The proposed regulated activity is compatible with the public health and welfare.

d. There is no practicable alternative for the proposed regulated activity on a site that is not a freshwater Wetland.

e. The proposed regulated activity must minimize degradation to, or loss of, any part of the Wetland or its adjacent area and minimize any adverse impacts on the functions and benefits that said Wetland provides.

f. The proposed activities are in compliance with the standards set forth in NYCRR Part 665.7(e) and 665.7(g).

SECTION 6. PERMIT PROCEDURE.

A. APPLICATION FOR PERMIT. Application forms for a Permit or Administrative Permit under this chapter shall be obtained from the Village Clerk, and contain the following information:

1. Name, post office address and telephone number of Applicant and owner.

2. Street address and tax map designation of property covered by the application.

3. Statement with consent from owner for any agent making application.

4. List of adjacent and nearby property owners and property owners within one hundred (100) feet upstream and five hundred (500) feet downstream by the proposed action.

5. A detailed statement of the proposed activity and purpose thereof.

6. A map showing the Wetland and/or Controlled Area affected, and the location, extent and nature of the proposed activity.

7. Plans for the proposed activity shall be submitted drawn to a scale of not less than one inch equals fifty feet (unless otherwise specified by the engineer or landscape architect or other qualified professional). Plans shall show the following (the Approval Authority may determine that less detailed plans are required, particularly in the case of proposed activities that qualify for consideration under an Administrative Permit):

a. Location of construction or area proposed to be disturbed and its relation to property lines, buildings, roads and watercourses within two hundred fifty (250) feet.

b. Estimated quantities of Material of excavation or fill.

c. Location of any well and depth thereof and any sewage or wastewater disposal system within one hundred (100) feet of the area to be disturbed in the Wetland or Controlled Area.

d. Existing and adjusted contours at two, five or ten foot intervals as determined by the Approval Authority in the area to be disturbed in the Wetland or Controlled Area and to a distance of one hundred (100) feet beyond.

e. Details of any drainage system proposed, both for the conduct of the work and after completion thereof, and measures proposed to control erosion and siltation both during and after the work.

f. Where creation of a lake or pond is proposed, details of the construction of any dams, embankments and outlets or other water control devices, and of deposition of the spoil material.

g. Other details as may be determined to be necessary by the Approval Authority. The Approval Authority shall notify the applicant within sixty (60) days of receipt of an application of such additional information as is necessary.

6. Applications affecting the water retention capacity, water flow or other drainage characteristics of any pond, lake, reservoir, Natural Drainage System or Wetland shall include a statement of the impact of the project on upstream and downstream areas giving appropriate consideration to flood or drought levels of water courses and amounts of rainfall.

7. Copies of all applicable county, state or federal permits or permit applications that are required for such work or improvement, unless such permits are conditioned upon obtaining a Permit under this chapter.

8. An application fee and engineering and inspection fee in amounts set forth in a fee schedule established by resolution of the Village Board.

B. REFERRAL OF APPLICATION.

The Village Clerk upon receipt of an application prepared in accordance with Subsection A above, shall forward one copy of the application and supporting plans and documentation to the Environmental Conservation Board, one copy to the Village Engineer and two copies to the appropriate Approval Authority for such activity. One copy shall be maintained in a Central Wetland File in the Village Clerk's Office available for public review. The Environmental Conservation Board shall review the application and shall file with the Approval Authority a written report with its comments and recommendations concerning the application. Such report shall evaluate the proposed operation or project in terms of the findings, intent and standards of this chapter.

C. PUBLIC HEARING AND NOTICE.

1. For permit applications to the Planning Board, no sooner than thirty (30) days and not later than sixty (60) days after receipt of such complete application, the Approval Authority should hold a public hearing on such application, public notice of which shall be given at least ten (10) days prior to the date set for such hearing in a newspaper having general circulation in the Village. All owners of record of the contiguous land including across public right-of-ways to water rights shall be mailed notice of the hearing at least five (5) days prior thereto. All applications, maps and documents relating thereto shall be available for public inspection at the offices of the Approval Authority and Village

Clerk. At such hearing any person or persons having an interest may appear and be heard.

2. To the extent practicable, such hearing shall be incorporated with any other public hearing required by the Village in connection with the activity for which approval is sought.

D. BURDEN OF PROOF.

The Applicant shall have the burden of proof in demonstrating that the proposed activity is not adverse to the general health, safety or economic and general welfare of the residents of Irvington or its neighboring communities, not that it will not degrade the environment or result in any of the adverse impacts set forth in Section 1, or that the Applicant will otherwise suffer undue hardship if a permit is not issued.

E. ACTION BY THE APPROVAL AUTHORITY.

1. In the absence of other necessary approvals by the Approval Authority and following the receipt of the report of the Environmental Conservation Board, the Approval Authority shall, within the earlier of seventy-five (75) days thereafter or forty-five (45) days of the date of the closing of any public hearing held pursuant to Subsection C above, render a decision to approve, deny or approve with modifications the application, giving due consideration to the findings and recommendations of the Environmental Conservation Board, the record of the public hearing, and the findings, intent, standards and public policy of this chapter. When other approvals by the Approval Authority are necessary, the more lenient time schedule should be followed.

2. In approving any application, the Approval Authority may impose such conditions or limitations as it determines necessary to insure compliance with the findings, intent, standards and public policy of this chapter. The Approval Authority shall state upon the record findings and reasons for all approvals or denials taken. The Approval Authority may extend the time limitations for rendering of a decision to the extent necessary to obtain wetland boundary or classification decisions from the New York State Department of Environmental Conservation, provided, however that a decision shall be rendered no later than forty-five (45) days from the receipt by the Approval Authority of such information.

2. Following action by the Approval Authority to approve, deny or approve with modification any application, a Wetlands Permit Form shall be issued by the Approval Authority to the Applicant as it was so decided and filed with the Village Clerk. Said Permit Form shall record:

a. The assigned application calendar number.

b. Name, address and telephone number of the Applicant.

c. Name, address and telephone number of property owner (if different from applicant).

d. Address and tax map designation of property.

e. Date of final action by the Approving Authority on application.

Additionally, if the permit application was approved, the Permit Form shall record:

f. All conditions placed on the regulated activity.

g. Date by which work is to be completed.

h. Expiration date of permit.

If denied, the Permit Form shall record:

i. An explanation as to the reason for denial.

3. Where the time period for decision of the Approval Authority in the course of its normal activity is specified by law, rule or regulation, the time period for decision under this chapter shall be limited by the same law, rule or regulation unless otherwise specified in this chapter.

F. EXPIRATION OF PERMIT.

1. All permits, unless otherwise specified, shall expire upon completion of the acts specified and, unless otherwise indicated, shall be void after a period of one (1) year. Permits may be transferred to new legal owners of the affected property so long as the conditions and plans as approved remain unchanged. Notice of such transfer of permit must be filed with the Village Clerk within thirty (30) days of the transfer.

2. The Approval Authority or the Village Engineer may suspend or revoke a permit by the issuance of a stop work order if it finds that the Applicant has not complied with any of the conditions or limitations set forth in the Permit Form or has exceeded the scope of the activity as set forth in the application. The Approval Authority may suspend the Permit if the Applicant fails to comply with the terms and conditions set forth in the application and Permit Form.

G. PERFORMANCE BOND AND INSURANCE.

1. The Approval Authority may require posting of a performance bond or collateral as a condition of approval, the amount and surety of such bond or collateral to be approved by the Village Board. Such bond is intended to insure the proper completion of the proposed activity in accordance with the approved plans, the restoration of the area to its natural condition as far as practicable and protection of adjoining property owners from damage resulting therefrom. It shall remain in effect until the Village Engineer certifies that the work has been completed in compliance with the terms of the permit and the bond is released by the Village Board or a substitute bond is provided and approved by the Village Board.

2. Furthermore, the Applicant may be required to certify that it has insurance against liability which might result form the proposed operation or use covering any and all damages which might occur in an amount to be determined by the Approval Authority commensurate with the projected operation.

H. INSPECTION. Work conducted under a permit shall be open to inspection at any reasonable time, including weekends and holidays by the Village Engineer, the Building Inspector or by members of the Board, Environmental Conservation Board, the Approval Authority or their designated representatives. The information gathered at these inspections can be used as the basis for a suspension or revocation of the permit.

I. OTHER PERMITS. Conformance to this chapter does not eliminate the necessity of any Applicant to obtain the approval or permits required by any other agencies prior to construction in accordance with the permit. Obtaining such approval or permits is the responsibility of the Applicant. No operations shall be initiated until such approvals or permits have been issued.

J. INFORMATION FOR FIRE DEPARTMENT. Upon the completion of any new lake, pond or other source of water suitable for fire fighting, the Approval Authority shall forward a vicinity sketch and information as to the size, access ways and estimated water volume of such body of water to the fire department of the fire district serving the affected premises.

K. DISCRETIONARY WAIVER. For those wetlands not shown on the State Freshwater Wetlands Map, the Water Authority may waive the specified requirements in any individual case where, in the judgment of the Approval Authority, such waiver is in the public interest. Such waiver must appear on the

records of the Approval Authority, together with the reasons therefor. No waivers shall be granted which will have the effect of nullifying the intent and purpose of these regulations or other applicable Village, State or Federal regulations. In granting any waiver, the Approval Authority shall attach such conditions as are necessary, in its judgment, to secure substantially the objectives of the standards or requirements waived.

SECTION 7. APPEAL AND JUDICIAL REVIEW.

A. Any person or agency aggrieved by the action of the Village Engineer as the Approval Authority herein may take an appeal to the Village Board within twenty (20) days from the filing of said decision with the Village Clerk. Upon receipt of the notice of appeal, the Village Board shall refer a copy of the appeal to the Approval Authority and set a time within twenty-five (25) days thereafter when a hearing on such appeal will be conducted.

B. The filing of an appeal shall automatically effect a stay of the proceedings before the Approving Authority and such stay shall remain in effect until the appeal has been resolved on the merits or terminated.

C. Any decision or order of the Approval Authority made pursuant to or within the scope of this chapter may be reviewed at the instance of any person aggrieved by the action in accordance with Article 78 of the New York Civil Practice Law and Rules.

D. In the event that the court finds the action reviewed constitutes a taking without just compensation, and the land so regulated merits protection under this article, the court may, at the election of the Village Board, either (i) set aside the order or (ii) require the Village Board to proceed by condemnation to acquire the Wetlands or such less than fee rights therein as have been taken.

SECTION 8. PENALTIES, ENFORCEMENT AND CORRECTIVE ACTION.

A. ADMINISTRATIVE SANCTIONS.

1. The Village Engineer shall be the official responsible for administering and enforcing this chapter.

2. Any person violating any provision of this chapter or conditions duly imposed under a Permit, or any person who owns property on which the violation occurs, shall be served by or at the direction of the Village Engineer with a written notice stating the nature of the violation and

providing a specific time (which may be immediate) within which the violation shall cease and for the satisfactory correction thereof.

3. Any person violating any provision of this chapter of the terms and conditions of any permit granted hereunder, or any person who owns property on which the violation occurs, shall be liable to the Village of Irvington for any expense, loss or damage incurred by the Town by reason of such violation.

4. Any person violating any provision of this chapter, or any person who owns property on which the violation occurs, shall be liable to the Village of Irvington for a civil penalty not to exceed three thousand dollars ($3,000.00) for every such violation, to be assessed by the Village Board, after a hearing or opportunity to be heard before the Board upon due notice and with the rights to specification of the charges and representation by counsel at such hearing. Each violation shall be a separate and distinct offense and in he case of a continuing violation, each days continuance thereof shall be deemed a separate asnd distinct offense.

5. The Village Board shall have the power, following a hearing, to direct the violator to cease his violation of this chapter and satisfactorily to restore the affected Wetland or Controlled Area to its condition prior to the violation or otherwise to satisfy the terms and conditions of the Permit.

6. Any civil penalty or order issued by the Village Board shall be reviewable pursuant to Article 78 of Civil Practice Law and Rules.

7. The Village Board may use all or part of any performance bond to complete, restore or otherwise improve the Wetlands.

8. A violation of this chapter may also result in, the suspension of any review by appropriate Village authorities of any application by the violator, or by any person who owns the property on which the violation occurred, in which event such reviews will not be resumed until all violations are corrected or resolved to the satisfaction of the Approval Authority.

B. CRIMINAL SANCTIONS.

1. In addition to any civil fine, any person who violates any order of the Approval Authority regulating Wetlands may, in for the first offense, be guilty of a violation punishable by a fine of not less than five hundred

dollars ($500.00) nor more than one thousand dollars ($1,000.00).

2. For a second and each subsequent offense, such person shall be guilty of a misdemeanor punishable by a fine of not less than one thousand dollars ($1,000.00) nor more than two thousand dollars ($2,000.00) or a term of imprisonment of not less than fifteen (15) days or more than six (6) months or both. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct offense. Instead of these punishments, any violator may be punished by being ordered by the court to restore the affected area to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the Village Engineer.

3. The Village Board or its designee shall prosecute persons alleged to have violated the provisions of this chapter and shall seek equitable relief to restrain any violation or threatened violation of its provisions.

4. Notwithstanding the penalties hereinabove provided, the Village may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this chapter or the conditions of any permit granted hereunder.

C. ADDITIONAL PROVISIONS. The foregoing provisions for the enforcement of this chapter are not exclusive but are in addition to any and all rights and remedies of the Village at law or in equity to restrain violations or threatened violations of this chapter and to obtain damages therefor.

SECTION 9. EXISTING OR PRIOR OPERATIONS OR PROJECTS.

The permit requirements of this chapter shall not apply to activities permitted under a subdivision or site development plan approved prior to the effective date of this chapter, provided that actual physical improvement or site development has actually commenced prior to said effective date.

SECTION 10. SEVERABILITY.

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 11. CONFLICTING LAWS.

If any provision of this local law shall be in conflict with any other local law or ordinance of the Village, or any law of the State of New York, or political subdivisions thereof, the provisions of the more restrictive law shall apply.

SECTION 12. EFFECTIVE DATE.

This chapter shall take effect immediately upon its filing with the New York Secretary of State.

DRAFT

VILLAGE OF IRVINGTON

LOCAL LAW NO. __

FRESHWATER WETLANDS PROTECTION AND DRAINAGE LAW

SECTION 1. LEGISLATIVE FINDINGS AND INTENT

A. FINDINGS.

1. The Village Board of the Village of Irvington finds that growth of population and attendant residential and commercial development and increasing demands upon the natural resources have the potential of encroaching upon, despoiling, polluting or eliminating many of the ponds, lakes, reservoirs, natural drainage systems and wetlands of the Village which, if preserved, constitute important physical, economic, social, historic, archaeologic, aesthetic and recreational assets to present and future residents of the Village and provide beneficial functions, including natural flood and stormwater control, groundwater recharge, natural pollution treatment, erosion and sediment control, wildlife habitat creation, recreation and open space enhancement, and educational opportunities.

2. Wetlands protection is a matter of concern to the entire Village and the establishment of regulatory and conservation practices for these areas serves to protect the Village by insuring review and regulation of any activity on wetlands that might adversely affect the health, safety and welfare of the residents of the Village.

3. Wetlands in the Village and other areas form an ecosystem which is not confined to any one property owner or neighborhood. Experience has demonstrated that effective wetlands protection requires uniformity of approach to preservation and conservation efforts throughout the Village

4. Loss of wetlands can cause or aggravate flooding, erosion, diminution of water supply for drinking and waste treatment and may pose a threat to the health, safety and welfare of the residents of the Village and the surrounding region.

5. The State of New York has enacted legislation entitled "The Freshwater Wetlands Act," Art. 24, N.Y. Environmental Conservation Law, which authorizes local governments to establish their own procedures for the protection and regulation of wetlands located within their jurisdiction and the New York State Department of Environmental

Conservation has promulgated regulations set forth in Part 665 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR Part 655) for the adoption by local governments of the authority contained in The Freshwater Wetlands Act.

6. This chapter is enacted pursuant to The Freshwater Wetlands Act and all applicable laws, rules and regulations of the State of New York and nothing herein shall be deemed to conflict with any such laws, rules and regulations.

B. INTENT. It is the intent of this legislation to protect the public interest, general health, safety and economic welfare of the residents of the Village by providing for the protection, preservation, proper maintenance and use of its ponds, lakes, reservoirs, natural drainage systems and wetlands to benefit the Village and surrounding region by (1) providing drainage and flood control through hydrologic absorption, natural storage and flood conveyance; (2) protecting subsurface water resources, watersheds and groundwater recharge systems; (3) providing a suitable living, breeding, nesting and feeding environment for many forms of wildlife, including wildfowl, shorebirds, and rare, endangered and threatened species; (4) treating pollution through biological degradation and chemical oxidation; (5) controlling erosion by providing sedimentation areas and filter basins for the absorption of silt and other organic matter; (6) preserving sources of nutrients in freshwater food cycles; (7) preserving nursery grounds and sanctuaries for freshwater fish; (8) providing recreation areas for fishing, hiking, birdwatching, photography and other uses; (9) maintaining educational and research resources, and (10) preserving natural habitats and open spaces for their economic, aesthetic, recreational and other public uses and values.

SECTION 2. DEFINITIONS.

A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future and the plural includes the singular. The word "shall" is intended to be mandatory.

B. As used in this chapter, the following terms, phrases or words shall have the meanings indicated:

1. ADMINISTRATIVE PERMIT: A permit issued by the Village Engineer for activities in Wetlands that are limited in scope and limited in potential impact as determined in this chapter.

2. APPLICANT: Any individual, or individuals, firm, partnership, association, corporation, company, organization or other legal entity of any kind including municipal corporations, governmental agencies or subdivisions thereof having a request for an Administrative Permit before an Approval Authority.

3. APPROVAL AUTHORITY: The administrative board or public official empowered to grant or deny an Administrative Permit under this chapter, to require the posting of bonds as necessary and to revoke or suspend such a permit where lack of compliance with the permit is established. The Approval Authority shall be:

(a) The Planning Board for permit applications relating to activities that would also require subdivision approval by the Planning Board, and

(b) The Village Engineer for all other Wetlands activities requiring an Administrative Permit as specified in this chapter.

4. CLEAR CUTTING: The cutting of more than one-half of the existing living trees measuring more than six (6) inches in diameter at a height of five (5) feet within a specified area.

5. CONTROLLED AREA: An additional buffer area surrounding a Wetland that is also subject to the regulations for Wetlands as defined in this chapter. The size of a Controlled Area shall be determined as follows:

(a) The Controlled Area for all Wetlands shall extend 200 feet away from the edge of the Wetland unless a modification is granted as set forth herein. A Controlled Area may be reduced to less than 200 feet only when hydrologic soils information is presented as part of the Application for Permit. In such cases, the Controlled Area is defined as follows based on the Hydrologic Soils Group of the Wetlands area adjacent to the Controlled Area over which the Controlled Area is measured:

Hydrologic Soil Group	Minimum Activity Setback
A	100 feet
B	133 feet
C	166 feet
D or unclassified	200 feet

When two or more soil groups are encountered, the more restrictive definition based on Hydrologic Soils Group prevails.

(b) The Controlled Area of Natural Drainage Systems shall include all adjacent surface for 200 feet as measured from the bank of the water course or having an elevation of less than three feet above the normal water line, whichever is greater.

(c) The Controlled Area of a Wetland or Natural Drainage Area shall be greater than the areas specified in subparagraphs (a) and (b) above whenever necessary to protect and preserve the benefit of a Wetland as set forth in Section 1-B above.

6. DAMS AND WATER CONTROL MEASURES AND DEVICES: Barriers used to obstruct the flow of water or to raise, or lower, or maintain the level of water in ponds, lakes, natural drainage systems, and Wetlands.

7. DEPOSIT: To fill, place, eject or dump any liquid, solid or gaseous Material or the act thereof, but not including stormwater.

8. ENVIRONMENTAL CONSERVATION BOARD: The duly appointed Environmental Conservation Board of the Village of Irvington as established pursuant to Chapter 12 of the Irvington Village Code.

9. FRESHWATER WETLANDS MAP: The final Freshwater Wetlands Map promulgated by the New York State Department of Environmental Conservation, pursuant to 6 NYCRR sec. 663.2(P), as may be amended from time to time.

10. GARDENING: The raising of plants, vegetables, berries, etc. for the use of the homeowner, when such endeavor is not for the purpose of economic gain.

11. HYDROLOGIC SOILS GROUPS (HSG): A system of grouping soils according to the water infiltration and transmission rate characteristics when the soil is thoroughly wetted as established and assigned by the Westchester County Soil and Water Conservation District soil survey, or by percolation tests accepted by the Village Engineer, as classified below:

(a) Group A - Deep, well to excessively drained sand or gravels with high infiltration and transmission rates.

(b) Group B - Deep to moderately deep, moderately well to well drained, moderately fine to moderately coarse-textured soils with moderate infiltration and transmission rates.

(c) Group C - Deep to shallow, somewhat poorly to well drained, fine to moderately coarse-textured soils with a layer that impedes downward movement of water. (Includes extremely stony types of soils in Group B.) Infiltration and transmission rates are slow.

(d) Group D - soils with one or more of the following: Fine or very fine textures with high shrink-swell potential; a permanent or long duration high water table; shallow to nearly impervious material. (Extremely rocky or stony types of soils in Group C.) Infiltration and transmission rates are very slow.

12. MATERIAL: Substances including but not limited to soil, silt, gravel, rock, sand, clay, peat, mud, debris and refuse, any organic or inorganic compound, chemical agent, or matter (excluding pesticides, herbicides, algaecides and agricultural or radioactive wastes to the extent that same are exempt or regulated exclusively by the State of New York), sewage, sewage sludge or effluent, and industrial or municipal solid waste.

13. NATURAL DRAINAGE SYSTEMS: Rivers, streams, creeks and brooks which contain running water at least six (6) months a year.

14. PERMIT: The form of approval required by this chapter of the conduct of a regulated activity within any area of the Village defined as a Wetlands Controlled Area.

15. PERSON: See Applicant.

16. PLANNING BOARD: The duly appointed Planning Board of the Village of Irvington as established pursuant to Section 7-718 of the New York Village Law.

17. POLLUTION: The presence in the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property.

18. REMOVE: To dig, dredge, suck, bulldoze, dragline, blast or otherwise excavate or regard or the act thereof.

19. STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA): The law codified as Article 8 of the New York Environmental Conservation Law providing for environmental quality review of actions which may have a significant effect on the environment.

20. VILLAGE BOARD: The duly elected Village Board of the Village of Irvington.

21. VILLAGE CLERK: Any person employed by the Village of Irvington as the Village Clerk.

22. VILLAGE ENGINEER: Any person employed by the Village of Irvington as the Village Engineer.

23. VILLAGE OF IRVINGTON TOPOGRAPHY AND SURFACE HYDROLOGY MAP: The Village of Irvington Wetlands and Drainage Map dated _____, 1987 prepared by Frederick P. Clark Associates, adopted by the Village Board and as from time to time updated, that shows the approximate locations of areas defined as Wetlands.

24. WETLANDS: Those areas shown on the Village of Irvington Topography and Surface Hydrology Map. Finite boundaries of Wetlands will be established when necessary or requested by the Wetland owner, the applicant, the Approval Authority, or the Commissioner of the New York State Department of Environmental Conservation following appropriate field survey work by qualified individuals including, but not limited to, representatives from the Westchester County Soil and Water Conservation District, and the Environmental Conservation Board and acceptance by the Approval Authority. Wetlands include, without limitation, all ponds, lakes and reservoirs and those geographical areas of one-quarter acre or more characterized by any or all of the following:

a. Marshes, swamps, bogs, or other areas of permanent water retention fed by springs or natural drainage systems.

b. All natural drainage systems including rivers, streams and brooks which contain running water at least any six (6) months of the year and the overflow lands of any watercourse.

c. All areas designated on the most recent Freshwater Wetlands Map.

d. Soil types that are poorly drained, very poorly drained, alluvial or flood plain soils as defined by the United States Department of Agriculture Soil Conservation Service and the Westchester County Soil and Water Conservation District including but not limited to the following classifications:

25 Sun silt loam (includes formerly 291 Alden)
27 Sun extremely stony silt loam
28 Fredon loam

35 Raynham silt loam (formerly Wallington)
100 Rippowam silt loam
101 Carlisle muck
103 Freshwater marsh
108 Udorthents wet substratum
251 Ridgebury loam (formerly Massena)
252 Ridgebury very stony loam
311 Fluvaquents (formerly Cohoctah; includes formerly 100 Rippowam and 31 Rumney)
1011 Palms muck
1251 Leicester loam (formerly 26 Leicester)
1252 Leicester very stony loam

e. Lands and submerged lands supporting a prevalence of aquatic or semi-aquatic vegetation of the following vegetative types as listed in the New York Freshwater Wetlands Act (New York Environmental Law 24-0107):

(1) Wetland trees, which depend upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other trees;

(2) Wetland shrubs, which depend upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other shrubs;

(3) Emergent vegetation;

(4) Rooted or floating-leaved vegetation;

(5) Free-floating vegetation;

(6) Wet meadow vegetation, which depends upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other open land vegetation;

(7) Bog mat vegetation; and

(8) Submergent vegetation.

SECTION 3. AMENDMENTS.

This chapter may be amended by the Village Board after due notice and public hearing.

SECTION 4. PROHIBITED, REGULATED AND PERMITTED ACTIVITIES.

A. PROHIBITED ACTIVITIES.

It shall be unlawful to place or deposit debris, animal wastes, chemical wastes, sewage effluent, or to introduce influence of sufficiently high thermal content as to cause deleterious ecological effect in any Wetland or Controlled Area.

B. REGULATED ACTIVITIES WHICH REQUIRE A PERMIT.

It shall be unlawful, in the absence of a specific written Permit issued by the Approval Authority, to do any of the following activities in any Wetland or Controlled Area:

1. Place or construct any building, structure, road, driveway, dam, water control device, pilings, bridge, tennis court, swimming pool, deck, dock or well.

2. Drain, dredge, excavate, alter or remove any Material, except debris and refuse.

3. Dump, fill or deposit any Material, directly or indirectly, in amounts greater than seven (7) cubic years in a one (1) year period.

4. Introduce any form of pollution, including but not limited to the installation of a septic tank, the running of a sewer outfall, or the discharge of sewage treatment effluent or other liquid wastes into, or so as to drain into, a Wetland or Controlled Area.

5. Alter the natural features or contours, drainage conditions, waterways, or velocity, volume, temperature or direction of any water body, marsh or swamp in a Wetland or Controlled Area.

6. Install any service lines, cable, conduits or pipes.

7. Clear cutting.

8. Cut down or remove any living tree measuring more than eight (8) inches in diameter at a height of five (5) feet.

9. Graze horses or other animals.

10. Store manure.

11. Deposit, apply, introduce or add any algaecide, herbicide or other growth-regulating agent, either aqueous or non-aqueous, or other organic or inorganic chemicals, including fertilizers, unless such activities have been properly licensed or permitted by the appropriate state agency or agencies having jurisdiction over such activities and copies of any such license or permit have been filed with the Village Clerk prior to undertaking such activities.

12. Conduct any other activity which is likely to impair, other than to an insignificant degree, any function or benefit of a Wetland as set forth in Section 1-B of this chapter.

C. REGULATED ACTIVITIES WHICH REQUIRE AN ADMINISTRATIVE PERMIT.

The following activities are determined by this chapter to be administrative actions limited in scope and limited in potential impact. The Approval Authority for these activities shall be the Village Engineer who will authorize, if appropriate, the issuance of an Administrative Permit to conduct the proposed activity within a Wetland or Controlled Area. The Village Engineer may set reasonable conditions as part of any such approval of the proposed activity or, at his discretion, refer any Administrative Permit application to the Planning Board for its review and action. Activities within Wetlands or Controlled Areas for which an Administrative Permit is required are:

1. Deposition or removal of Material from a Wetland or Controlled Area where the quantity of Material to be deposited or removed is not in excess of seven (7) cubic years in a one (1) year period.

2. Construction of driveways when the length of a crossing or intrusion in a Wetland or Controlled Area is less than fifty (50) feet or where a single culvert of less than twenty-five (25) feet in length and eighteen (18) inches in width is required.

3. The application of non-polluting chemicals and dyes for the purpose of detecting problems in the maintenance of a Wetland or Controlled Area.

4. Gardening.

5. Other activities that do not require subdivision, site plan or other special permit approval and which involve less than seven (7) cubic years of earthwork and which cost less than twenty-five hundred ($2,500) dollars.

D. ACTIVITIES PERMITTED BY RIGHT.

The following acts are permitted by right within a Wetland or Controlled Area without Permit, provided they do not constitute a pollution or erosion hazard or interfere with proper drainage or adversely affect reasonable water use by others. Such permitted activities must conform to the Village of Irvington Zoning Ordinance and any and all other applicable laws, statutes and ordiances.

1. Normal ground maintenance including mowing, trimming of vegetation and removal of dead or diseased vegetation around a residence.

2. Repair of walkways and walls.

3. Decorative landscaping and planting, excluding those items regulated in Section 4-B which regulates the use of organic or inorganic chemicals, including fertilizers.

4. Operation and maintenance of existing dams nd water control devices in lakes, excluding the adjustment of water elevations over eighteen (18) inches in height for periods of less than one (1) week after which the water level is returned to its previous level.

5. The activities of farmers as defined in 6 NYCRR § 665.2(C).

6. In the case of emergency, activities immediately necessary to protect the health or safety of any person or to prevent or alleviate property damage, provided the Village Engineer is notified as soon as reasonably possible, but not later than forty-eight (48) hours after the commencement of such activities.

7. The depositing or removal of the natural products of Wetlands through recreational or commercial fishing, aquiculture, hunting or trapping where otherwise legally permitted.

SECTION 5. STANDARDS FOR PERMIT DECISIONS.

A. CONSIDERATION.

In granting or denying a permit or granting a permit with conditions, the Approval Authority shall consider the following:

1. All evidence offered at or before any public hearing;

2. Any reports from other commissions and/or federal county, state or town agencies;

3. Additional information requested by the Approval Authority;

4. All relevant facts and circumstances, including but into limited to the following:

a. The environmental impact of the proposed action;

b. The alternatives to the proposed action;

c. Whether the proposed action will have a deleterious effect on the general health, safety or economic and general welfare of the residents of Irvington or its neighboring communities;

d. Whether the proposed action will have adequate safeguards for the protection and preservation of the environment and proper maintenance of any affected ponds or Controlled Areas, including lakes, reservoirs, natural drainage systems and Wetlands, and the natural functions of and the benefits derived from such areas;

e. Whether the proposed action has been planned, designed or constructed so as to create minimal disturbance; to prevent or mitigate damage from erosion, turbidity or siltation; to preserve the natural flora and fauna, and their habitat; to protect against flood and pollution of the Wetland or Controlled Area affected, and to protect any other benefits of wetland as set forth in Section 1-B, and is the best alternative available for the proposed action;

f. Whether the proposed action will have adequate safeguards employing the best available technology to protect the potable fresh surface and ground water supplies of the Village from drought, pollution, overuse and other forms of misuse.

g. Whether there is a practicable alternative site for the proposed activity in an area of the subject property which is not a freshwater wetland;

h. Whether the proposed action is in compliance with the standards set forth in NYCRR Part 665.7e. and 665.7g.; and

(i) The extent to which the exercise of property rights and the public benefit derived from such use may or may not outweigh or justify the possible degradation of the inland Wetland or water course, the interference with the exercise of

other property rights, and the impairment or endangerment of public health, safety or welfare.

B. FINDINGS.

1. No permit shall be issued by the Approval Authority pursuant to this chapter unless the Approval Authority shall find that:

a. The proposed regulated activity is consistent with the intent of this chapter to preserve, protect and conserve Wetland functions and the benefits they provide, to prevent the despoliation and destruction of Wetlands and to regulate the development of such Wetlands in order to secure the natural benefits of Wetlands consistent with the general welfare and development of the Village.

b. The proposed regulated activity is consistent with the land use regulations governing Wetlands applicable in the Village of Irvington pursuant to Section 665.7 of the New York State Freshwater Wetland Regulations.

c. The proposed regulated activity is compatible with the public health and welfare.

d. There is no practicable alternative for the proposed regulated activity on a site that is not a freshwater Wetland.

e. The proposed regulated activity must minimize degradation to, or loss of, any part of the Wetland or its adjacent area and minimize any adverse impacts on the functions and benefits that said Wetland provides.

f. The proposed activities are in compliance with the standards set forth in NYCRR Part 665.7(e) and 665.7(g).

SECTION 6. PERMIT PROCEDURE.

A. APPLICATION FOR PERMIT. Application forms for a Permit or Administrative Permit under this chapter shall be obtained from the Village Clerk, and contain the following information:

1. Name, post office address and telephone number of Applicant and owner.

2. Street address and tax map designation of property covered by the application.

3. Statement with consent from owner for any agent making application.

4. List of adjacent and nearby property owners and property owners within one hundred (100) feet upstream and five hundred (500) feet downstream by the proposed action.

5. A detailed statement of the proposed activity and purpose thereof.

6. A map showing the Wetland and/or Controlled Area affected, and the location, extent and nature of the proposed activity.

7. Plans for the proposed activity shall be submitted drawn to a scale of not less than one inch equals fifty feet (unless otherwise specified by the engineer or landscape architect or other qualified professional). Plans shall show the following (the Approval Authority may determine that less detailed plans are required, particularly in the case of proposed activities that qualify for consideration under an Administrative Permit):

a. Location of construction or area proposed to be disturbed and its relation to property lines, buildings, roads and watercourses within two hundred fifty (250) feet.

b. Estimated quantities of Material of excavation or fill.

c. Location of any well and depth thereof and any sewage or wastewater disposal system within one hundred (100) feet of the area to be disturbed in the Wetland or Controlled Area.

d. Existing and adjusted contours at two, five or ten foot intervals as determined by the Approval Authority in the area to be disturbed in the Wetland or Controlled Area and to a distance of one hundred (100) feet beyond.

e. Details of any drainage system proposed, both for the conduct of the work and after completion thereof, and measures proposed to control erosion and siltation both during and after the work.

f. Where creation of a lake or pond is proposed, details of the construction of any dams, embankments and outlets or other water control devices, and of deposition of the spoil material.

g. Other details as may be determined to be necessary by the Approval Authority. The Approval Authority shall notify the applicant within sixty (60) days of receipt of an application of such additional information as is necessary.

6. Applications affecting the water retention capacity, water flow or other drainage characteristics of any pond, lake, reservoir, Natural Drainage System or Wetland shall include a statement of the impact of the project on upstream and downstream areas giving appropriate consideration to flood or drought levels of water courses and amounts of rainfall.

7. Copies of all applicable county, state or federal permits or permit applications that are required for such work or improvement, unless such permits are conditioned upon obtaining a Permit under this chapter.

8. An application fee and engineering and inspection fee in amounts set forth in a fee schedule established by resolution of the Village Board.

B. REFERRAL OF APPLICATION.

The Village Clerk upon receipt of an application prepared in accordance with Subsection A above, shall forward one copy of the application and supporting plans and documentation to the Environmental Conservation Board, one copy to the Village Engineer and two copies to the appropriate Approval Authority for such activity. One copy shall be maintained in a Central Wetland File in the Village Clerk's Office available for public review. The Environmental Conservation Board shall review the application and shall file with the Approval Authority a written report with its comments and recommendations concerning the application. Such report shall evaluate the proposed operation or project in terms of the findings, intent and standards of this chapter.

C. PUBLIC HEARING AND NOTICE.

1. For permit applications to the Planning Board, no sooner than thirty (30) days and not later than sixty (60) days after receipt of such complete application, the Approval Authority should hold a public hearing on such application, public notice of which shall be given at least ten (10) days prior to the date set for such hearing in a newspaper having general circulation in the Village. All owners of record of the contiguous land including across public right-of-ways to water rights shall be mailed notice of the hearing at least five (5) days prior thereto. All applications, maps and documents relating thereto shall be available for public inspection at the offices of the Approval Authority and Village

Clerk. At such hearing any person or persons having an interest may appear and be heard.

2. To the extent practicable, such hearing shall be incorporated with any other public hearing required by the Village in connection with the activity for which approval is sought.

D. BURDEN OF PROOF.

The Applicant shall have the burden of proof in demonstrating that the proposed activity is not adverse to the general health, safety or economic and general welfare of the residents of Irvington or its neighboring communities, not that it will not degrade the environment or result in any of the adverse impacts set forth in Section 1, or that the Applicant will otherwise suffer undue hardship if a permit is not issued.

E. ACTION BY THE APPROVAL AUTHORITY.

1. In the absence of other necessary approvals by the Approval Authority and following the receipt of the report of the Environmental Conservation Board, the Approval Authority shall, within the earlier of seventy-five (75) days thereafter or forty-five (45) days of the date of the closing of any public hearing held pursuant to Subsection C above, render a decision to approve, deny or approve with modifications the application, giving due consideration to the findings and recommendations of the Environmental Conservation Board, the record of the public hearing, and the findings, intent, standards and public policy of this chapter. When other approvals by the Approval Authority are necessary, the more lenient time schedule should be followed.

2. In approving any application, the Approval Authority may impose such conditions or limitations as it determines necessary to insure compliance with the findings, intent, standards and public policy of this chapter. The Approval Authority shall state upon the record findings and reasons for all approvals or denials taken. The Approval Authority may extend the time limitations for rendering of a decision to the extent necessary to obtain wetland boundary or classification decisions from the New York State Department of Environmental Conservation, provided, however that a decision shall be rendered no later than forty-five (45) days from the receipt by the Approval Authority of such information.

2. Following action by the Approval Authority to approve, deny or approve with modification any application, a Wetlands Permit Form shall be issued by the Approval Authority to the Applicant as it was so decided and filed with the Village Clerk. Said Permit Form shall record: