



September 18, 2015

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Via Hand Delivery

Hon. Brian Smith, Mayor
and Members of the Board of Trustees
Village of Irvington
85 Main Street
Irvington, New York 10533

**Re: Petition of DeNardo Capital Corp.
Clarifications to MF District Regulations**

Dear Mayor Smith and Village Trustees:

This firm represents DeNardo Capital Corporation (“Petitioner”), in connection with its Petition for a Zoning Text Amendment to update certain aspects of the Village’s MF District Regulations consistent with modern trends in attractive multifamily townhouse design. In response to several comments raised by your Board concerning the potential massing of a townhouse development, Petitioner has implemented several modifications to its conceptual redevelopment plan for the property located at 30-40 South Broadway (“Site”), as well as its proposed zoning text amendment. We look forward to meeting with your Board on September 21, 2015 to review these modifications. We are submitting this letter to highlight the changes to Petitioner’s proposal in preparation for this meeting.

As you will recall, when we last met with your Board in May, Petitioner proposed to amend the Village’s MF District Regulations to permit an “attached multifamily townhouse development” with a maximum building coverage of 30%. In connection with this proposed zoning text amendment, Petitioner presented a redevelopment concept for the Site that would result in a 29 unit townhouse community (consisting of 7 affirmatively furthering fair housing units (“AFFH”) and 22 market rate units), as well as a clubhouse and pool (“May 2015 Concept Plan”). The May 2015 Concept Plan included a proposal to locate 6 of the AFFH units on 40 South Broadway, and 1 AFFH unit on 30 South Broadway. The total building coverage for the May 2015 Concept Plan was 20.5%.

Petitioner is now proposing to reduce the total number of units to 27, consisting of 6 AFFH units and 21 market rate units. In order to promote a layout with more open space throughout the Site, Petitioner would replace the clubhouse and pool with a 2-unit cluster. In addition, the 4 AFFH units previously proposed to be built on 40 South Broadway would be integrated into the portion of the development at 30 South Broadway. The existing McConn-Stern residence on 40 South Broadway would be adaptively reused to support 2 AFFH units. With these modifications, the maximum number of attached units in any building would not exceed 3 (whereas Petitioner previously proposed to include multiple clusters of 4 to 5 attached units). This rearrangement preserves valuable green space between buildings, and a more attractive design for the proposed development.

The total building coverage of this modified redevelopment concept would be 18.5%. If the existing McConn-Stern Residence is not included in the calculation, the building coverage would be 17.93%. Accordingly, Petitioner has modified its proposed zoning text amendment by reducing the maximum building coverage for an “attached multifamily townhouse development” down to 20%.¹

Petitioner’s design team has prepared a multi-platform digital imaging visual assessment to assist your Board in evaluating whether a development complying with the proposed 20% building coverage limit would be consistent with the Village’s planning goals. We look forward to presenting this visual assessment during your Board’s September 21st meeting. We anticipate that it will establish that Petitioner’s proposed layout could be accomplished in an appropriate manner, while maintaining the character of the neighborhood in the vicinity of the Site.

In addition to the visual assessment, we are submitting the following items to review with your Board on September 21st:

- Modified Zoning Text Amendment. As described above, Petitioner has revised the language in the proposed legislation by reducing the permitted Building Coverage to 20%. Petitioner’s proposed modification is highlighted in red.
- Preliminary Site Plan No. 8, prepared by JMC Site Development Consultants (“JMC”). This Preliminary Site Plan reflects Petitioner’s modifications to its conceptual redevelopment plan for the Site as discussed above.

¹ Should your Board wish to tailor the regulation of building coverage in the zoning text amendment further, Petitioner would explore an 18% limit with an exception excluding from the calculation of building coverage the footprint of any existing residential building of local historic significance that will be adaptively reused so as to include AFFH units.

- JMC Letter re: Site Traffic Volumes and Estimated Number of School Children, dated September 16, 2015. At our last meeting, a member of your Board questioned whether adopting legislation that could permit a townhouse development at the Site would result in a significance increase in the Village's population of school-aged children, and/or peak hour traffic on local roads. Using generally accepted professional sources, JMC has concluded that permitting the addition of a 27 unit townhouse development in the Village would not result in significant adverse impacts to existing traffic conditions, nor would it result in a significant increase in students attending local schools. Specifically, based upon the Institute of Traffic Engineers (ITE) Trip Generation Manual, JMC estimates that a 27 unit townhouse development would add 18 vehicle trips during the morning peak hour to area roadways, and 21 vehicle trips during the evening peak hour. Similarly, based upon the Residential Demographic Multipliers for New York State, published by Rutgers University Center for Urban Policy Research, a 27 unit townhouse development similar in bedroom count to the concept proposed by Petitioner can be expected to yield 9-10 school aged children.
- Market Study, prepared by Hudson Property Advisors, LLC. Jon Bernz, MAI, Petitioner's real estate appraiser, has finalized the market analysis initially presented to your Board in May. As you may remember, Mr. Bernz was asked to evaluate trends in unit size for modern townhouse developments in the Rivertown market. In order to compete in this market, Petitioner's proposed townhouse development would need to be consistent with these market trends. Mr. Bernz's survey of the market indicates that the average size of a 2-bedroom townhouse is 2,320 square feet, and the average size of a 3-bedroom townhouse is 2,711 square feet. Mr. Bernz's written report containing the data utilized to support this conclusion is being submitted for your record.

We respectfully submit that with the addition of these materials your Board is in a position to render a determination of significance concerning the rezoning aspect of this matter pursuant to the New York State Environmental Quality Review Act ("SEQRA") in the form of a Negative Declaration. Petitioner and its design team are eager to conclude this stage of the Village's review so that it may pursue an application before the Planning Board. It is our hope that your Board will determine that amending the Zoning Code to foster the addition of a quality townhouse development with a substantial affordable housing component in the Village would not result in any significant adverse environmental impacts. We hope that this determination is made in October, so that shortly thereafter your Board can hold the requisite public hearing and adopt Petitioner's proposed zoning text amendment. At that point, site plan review would proceed before the Planning Board.

If you have any questions or require any further information before we meet on September 21, 2015, please do not hesitate to contact us.

Respectfully Submitted,

ZARIN & STEINMETZ

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Encs.

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