

BOARD OF TRUSTEES: VILLAGE OF CROTON-ON-HUDSON
COUNTY OF WESTCHESTER: STATE OF NEW YORK

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In the Application of

1 HMB PROPERTY OWNER, LLC

For an Amendment to Sections 230-18(C)(9) and 230-37(B)
of the Zoning Law of the Village of Croton-on Hudson
pursuant to Section 230-180 of the Zoning Law.

PETITION

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TO THE BOARD OF TRUSTEES OF THE VILLAGE OF CROTON-ON-HUDSON:

The Petitioner, 1 HMB PROPERTY OWNER, LLC, by its attorneys, Zarin & Steinmetz
LLP, 81 Main Street, Suite 415, White Plains, New York 10601, as and for its Petition, alleges and
states as follows:

A. DESCRIPTION OF PETITIONER AND PROPERTY

1. 1 HMB PROPERTY OWNER, LLC (“Petitioner”) is a limited liability company organized under the laws of the State of Delaware.
2. Petitioner is the owner of the property known as 1 Half Moon Bay Drive in the Village of Croton-on-Hudson (Tax Map ID # 78.12-4-1) (“Property”). Attached as **Exhibit A** is a Location Map and attached as **Exhibit B** is an aerial photograph of the Property. The Property is currently improved with an approximately 120,000 s.f. building, which is currently used as a tire storage and logistics warehouse.
3. The Property is approximately 5.66 acres and is located in the Light Industrial (“LI”) zoning district and the Waterfront Revitalization Area, approximately $\frac{3}{4}$ mile north from the Croton-Harmon Metro-North Train Station (the “Train Station”). Attached hereto as **Exhibit C** is a copy of the relevant portion of the Zoning Map delineating the zoning of the Property and the surrounding area.

4. Due to the Property's close proximity to the Train Station, Petitioner is seeking to establish a transit-oriented development, consisting of a 280-unit multi-family residential building and associated parking, a pool, and other amenities, at the Property (the "Project").

B. CURRENT ZONING AND PROPOSED ZONING TEXT AMENDMENT

5. Currently, transit-oriented developments consisting of mixed use or multi-family residential buildings are permitted in the LI zoning district as a special permit use "only on lots located fronting on Croton Point Avenue on the west side of Route 9 and within 1,500 feet of the Metro-North Croton-Harmon Train Station." *See* Zoning Law, § 230-18(C)(9). Moreover, transit-oriented developments in the LI zoning district are subject to specific bulk and area requirements. *See id.*, § 230-37(B).

6. The purpose of this Petition is to amend the text of Sections 230-18(C)(9) and 230-37(B) of the Village of Croton-on-Hudson Zoning Law (the "Zoning Amendments"). Specifically, Petitioner seeks to amend Section 230-18(C)(9) to remove the requirement that transit-oriented development must have frontage on Croton Point Avenue and to modify the distance requirement from within 1,500 feet to within one mile of the Metro-North Croton-Harmon Train Station. Additionally, Petitioner seeks to amend Section 230-37(B) to permit 3-bedroom units and to modify the maximum permitted height from 5 stories to 6 stories, where the 6th story does not exceed 5% of the total habitable floor area and where the units form a contiguous block of which the longer linear area of the block is oriented east-west. These Zoning Amendments will permit the Petitioner to establish its proposed transit-oriented development of a multi-family residential building with a mix of bedroom sizes ranging from studio to 3-bedroom and with a small portion of the building reaching a 6th story which, again, will not exceed 5% of the total habitable floor area, at the Property.

7. Transit-oriented development of a multi-family residential use within one mile of the Train Station is consistent with the purpose of transit-oriented development within this area of the LI zoning district. In or about November 2022, the Village Board of Trustees adopted an amendment to the Zoning Law to allow transit-oriented development of mixed-use and multi-family residential buildings in certain areas within the LI zoning district. *See* Local Law 14 of 2022, attached hereto as **Exhibit D**. This amendment in and of itself is indicative of a finding that multi-family residential uses are consistent with the evolving nature of the LI zoning district. However, the Project site is not included within the radius extending from the Train Station that was established by this Local Law, nor does it front Croton Point Avenue. *See id.*, § 1. Petitioner submits that extending this radius as proposed in the instant Petition promotes transit-oriented development because extensive pedestrian and bicycle connections allow for easy accessibility to the Train Station from locations within one mile of the Train Station.

8. The proposed transit-oriented development is not only appropriate, but logical, at the Property's location. The Property is located within $\frac{3}{4}$ mile of the Train Station and has extensive pedestrian and bicycle connections to the nearby commercial area and to the Train Station, Half Moon Bay Marina, Senasqua Park, Croton Point Park, and the Riverwalk. The Property's prime location in a walkable neighborhood with easy access to the Train Station makes it optimal for transit-oriented development of multi-family housing.

C. SURROUNDING ZONING AND DEVELOPMENT

9. Located to the immediate south of the Property is a continuation of the LI zoning district with the vast majority of the remainder of the properties in this district being owned and/or operated by the Metropolitan Transportation Authority and used for Metro-North operations, including the Train Station, which is located within one mile of the Property.

10. Located to the immediate southwest of the Property, on the opposite side of the rail lines, is the Waterfront Development District, in which the Half Moon Bay Marina and Half Moon Bay Condominium Development are located. The marina includes 173 boat slips and provides docking and related services to the community seeking to enjoy the Village's Hudson River resources from April to November each year. The condominium development is a townhouse community consisting of condominiums, pools, clubhouses, and tennis courts. The character of the Half Moon Bay Condominium Development, a multi-family housing use that touts extensive onsite amenities and connectivity to the surrounding area, is similar to that which the Petitioner is proposing for its Project.

11. The area located to the immediate north and northwest of the Property is primarily occupied by the Metro-North Railroad and NYS Route 9. However, there is a pedestrian connection from the Property to the Riverwalk and Senasqua Park, which is approximately 400 feet north of the Property, as well as to other parks and attractions along the Hudson River.

12. To the east of the Property, on the opposite side of Route 9, is a commercial area consisting of a variety of restaurants, a supermarket, pharmacy, and other businesses – all within a ½ mile of the Property. There are also bus stops that, in addition to the Train Station, will connect residents of the Project to other parts of Westchester County. Importantly, this commercial area is already connected to the Property by an existing sidewalk system.

13. To the west of the Property are the Metro-North rail lines, Elliott Way, and, finally, the Hudson River. The Riverwalk runs along the Hudson River, providing a scenic pedestrian walkway connecting Senasqua Park, the Half Moon Bay marina, and Croton Point Park.

14. As such, the surrounding area is full of uses that are similar or complementary to the Petitioner's proposed multi-family residential use. Accordingly, the Zoning Amendments that

will allow Petitioner to establish its transit-oriented development of a multi-family residential building will be in harmony with – and will not have a detrimental effect on – the surrounding area.

D. PROPOSED USE

15. Petitioner proposes to use the Property for transit-oriented development of a multi-family residential building. The Project includes construction of an approximately 342,000-s.f. building and related structured and surface parking to accommodate the required number of parking spaces. The building will have approximately 295,000 s.f. of habitable floor area across 280 units, consisting of a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units. Additionally, there will be a plethora of both indoor and outdoor amenity spaces, with the outdoor space to include a pool.

16. Ten percent of the proposed residential units will be Affirmatively Furthering Fair Housing (“AFFH”) units. These units will be integrated into the design of the development and will not be distinguishable from the market rate units from the outside or building exteriors. Further, the AFFH units will be provided in the same proportion as the proposed studio, one-, two-, and three-bedroom units.

17. The Project will not only add to the Village’s housing stock, but will also introduce a diverse housing option distinct from the predominance of single-family homes in the Village. It will provide increased housing options for new residents moving into the Croton-on-Hudson community and current residents seeking to remain in the community, who are seeking newly built housing with state-of-the-art amenities. The Project will offer a secure, convenient lifestyle with comprehensive maintenance and services to both current and future Crotonites who want to move

to a vibrant, fully managed waterfront property that offers far more hassle-free living than a single-family home.

18. The Project will benefit from its proximity to the Train Station and local commercial and recreational areas. Residents of the Project will have easy access to public transit for both local and regional travel, local parks, the Riverwalk, and a variety of local restaurants, supermarkets, and other businesses – all within walking distance. The Petitioner also proposes a shuttle for residents of the Project to and from the Train Station to further simplify access to the Train Station and the surrounding region.

19. In turn, local businesses and the community itself will benefit from an influx of new residents to contribute to the local economy. The convenience of the Project to the surrounding area will encourage residents to frequently patronize nearby businesses, boosting local sales and fostering economic growth. The influx of new residents will bring increased demand for goods and services, leading to potential business expansion and job creation. Moreover, the presence of a vibrant, diverse population will enhance local culture and increase turnout at community events, festivals, and other cultural activities, enriching the social fabric of the area.

20. As the LI zoning district transitions from an industrial area to a more residential area (see discussion in Section E below), Petitioner's proposed use will present a fresh change to the community, and the Property itself, which has been occupied by a large industrial warehouse building for the past 50 years.

E. CONFORMITY WITH COMPREHENSIVE PLAN

21. The proposed Zoning Amendments are consistent with the Village of Croton-on-Hudson Comprehensive Plan, adopted by the Village of Croton-on-Hudson Board of Trustees on July 10, 2017 (“Comprehensive Plan”).

22. First, the Village has recognized that the Light Industrial district area is evolving away from its industrial nature. Once an active industry port for shipping and brick manufacturing, “[t]oday, the railroad continues to have a significant presence adjacent to the waterfront, but the other waterfront industries have disappeared.” *See* Comprehensive Plan, at 98. In place of the former industrial uses, “several projects have created new residential and recreational uses along the waterfront and reconnected this area with the rest of the Village.” *Id.* Now, “the land along the riverfront today is primarily characterized as residential, recreational, and vacant.” *See id.*, at 99.

23. As such, the Village has recognized that the LI zoning district has become an optimal location for development of residential uses. The Village has further encouraged development of residential uses in this area by amending the Zoning Law to permit transit-oriented development of multi-family residential buildings. *See* Local Law 14 of 2022, **Exhibit D**.

24. Moreover, the Village has recognized a need to incorporate more multi-family housing into the Village’s housing stock. While single-family homes dominate the Village’s housing stock, there is a need for different types of housing to accommodate the Village’s growing population of aging residents, who may want to downsize but remain in the community, and young couples looking to remain in Croton or those looking to move into the community. *See* Comprehensive Plan, at 65. As such, “[m]aintaining and creating lower cost, smaller-sized single or multi-family dwellings remains a priority in order to maintain the demographic diversity of the Village.” *Id.* Petitioner’s proposed Project certainly fits the bill. It will offer a variety of unit types

ranging from studios to 3-bedroom units at different price points. Moreover, as required, the Petitioner will designate 10% of the units in the building as affordable.

25. Finally, the Zoning Amendments will advance the Village's goals related to scenic resources. The Comprehensive Plan notes that scenic views of the Hudson River are currently impaired by industrial structures that have "dirty and deteriorated facades." *See id.* at 28. The Petitioner's team has designed an attractive building that blends into the natural landscape of the area, replacing the large metal industrial warehouse that has occupied the Property for the past 50 years. Compared to today, where the majority of the property consists of impermeable materials such as asphalt, concrete, and metal, the Petitioner's team will not only reduce impervious surface on the site, but will also add trees and green space to the Property, thereby benefiting the environment in addition to aesthetics.

26. Accordingly, the Zoning Amendments, and the proposed Project made possible by the Zoning Amendments if adopted, will be in conformance with the Village's Comprehensive Plan.

F. CONFORMITY WITH LOCAL WATERFRONT REVITALIZATION PROGRAM

27. The proposed Zoning Amendments are also consistent with the Village of Croton-on-Hudson's Local Waterfront Revitalization Program ("LWRP"), most recently revised and adopted in August 2023.

28. The Village has recognized that "several projects have created new residential and recreational uses along the waterfront, which has reconnected this area with the rest of the Village." *See* LWRP, at II-2. Thus, the development of residential uses in this area is vital to the Village's overall connectivity. The location of the Property being within walking distance of nearby commercial and recreational uses will connect the residents of the Project to local

businesses and resources. Moreover, the replacement of an industrial building with a residential building on the Property will likely draw more Village residents to the recreational uses in this area and will enhance residents' enjoyment of the waterfront area. Thus, the increased connectivity will benefit the community as a whole.

29. The Project is consistent with the LWRP's development policy to "restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses." *See* LWRP, at III-2. A residential use for the Property is certainly compatible with the surrounding area. As discussed in Section E, *supra*, the Village has recognized that the Light Industrial district area along the waterfront is evolving away from its industrial nature. The LWRP reiterates the findings in the Comprehensive Plan that "the railroad continues to have a significant presence adjacent to the waterfront, but the other waterfront industries have disappeared." *See id.*, at II-2. While the surrounding area is transitioning away from industrial uses, a new industrial use for the Property is not compatible with the area. The Property is better suited for the development of a multi-family residential building that will be accessible to the Train Station, as well as to nearby commercial and recreational areas.

30. Moreover, the Project will advance the LWRP's policy "to safeguard the vital economic, social and environmental interests of the State and of its citizens." *See id.*, at III-33. A residential use is indeed more suitable to this waterfront area than an industrial use that could pose significant noise, air, and water quality impacts to the surrounding area. Further, because the Project is accessible to transit, commercial, and recreational resources – all of which are located less than a mile from the Project site and within walking distance – there will be a decreased

dependence on vehicle travel. Additionally, the Project's addition of 280 residential units will help boost the local economy.

31. Finally, the Project will not impair or degrade viewsheds of the Hudson River. *See id.*, at III-51-52. The Project will replace the existing large, metal warehouse-style building that has occupied the Property for the past 50 years. The Petitioner proposes to construct an attractive residential building that will blend into the surrounding landscape. Such redevelopment of the Property will certainly improve current viewsheds of the Hudson River and surrounding waterfront area. Moreover, a LIDAR study completed by the Petitioner confirmed that the steep elevation to the east of the Property and the surrounding mature trees, which are taller than the proposed building, will prevent any potential visual impacts.

32. Accordingly, the proposed Zoning Amendments that will facilitate development of the Project, are consistent with the LWRP.

G. ENVIRONMENTAL REVIEW

33. This petition requests a zoning change to permit the construction of over 200 new residential units to be connected to existing public water and sewer systems; thus, the proposed action meets the minimum threshold for a Type I action pursuant to the State Environmental Quality Review Act ("SEQRA") and its associated regulations.

34. A Full Environmental Assessment Form is attached as **Exhibit E** and a Coastal Assessment Form is attached as **Exhibit F** to this Petition for the Village Board's review and consideration. The Petitioner will address all areas of environmental impact as the Project moves through the review and approval process. However, it is anticipated that no significant adverse impacts will result from the Project. Specifically, it is anticipated that the Project will only add 15-17 students to the school system. *See* Public School Children Analysis, prepared by BFJ Planning,

dated May 9, 2024, attached as **Exhibit G**. Thus, the additional tax revenue will vastly outweigh expenditures on additional students, resulting in a net benefit to local schools. In addition to the net benefit to the school system, the Village and surrounding Westchester County will experience economic benefits from the increased tax revenue as well as increased spending on goods and services. *See* Economic and Fiscal Impacts Assessment, prepared by Urbanomics, Inc., dated May 8, 2024, attached as **Exhibit H**. Additionally, Petitioner proposes to reduce existing impervious coverage on the Property by approximately 20% and to incorporate upgraded stormwater management techniques to reduce stormwater runoff. Moreover, a traffic study demonstrates that there will be no significant adverse traffic impacts when compared with traffic associated with the existing use. *See* Traffic Impact Study, prepared by DTS Provident Design Engineering, LLP, dated July 9, 2024, attached as **Exhibit I**. Finally, there will be no visual impacts, including because of existing tree coverage and steep topography in the area. Therefore, it is respectfully submitted that a negative declaration is appropriate given the information provided.

35. The Petitioner requests that at the first regularly scheduled meeting of the Board of Trustees where this Petition is heard, the Village Board declare its intent to be Lead Agency for the environmental review of this project and authorize the circulation of a notice of intent to all involved and interested agencies.

H. REQUESTED RELIEF

36. Petitioner respectfully requests that the Village Board, pursuant to Section 230-180 of the Zoning Law:

- a. Accept this Petition and refer the matter to the Village Planning Board for a formal report and recommendation consistent with Section 230-180(A)(1) of the Zoning Law;

- b. Refer the matter to any other board, agency, or official which the Village Board deems appropriate;
- c. Declare itself Lead Agency under SEQRA so that the SEQRA process may be commenced;
- d. Schedule, notice, and conduct a public hearing on the petition at the earliest possible date; and
- e. Resolve to adopt the Zoning Amendments annexed hereto as **Exhibit J**.

WHEREFORE, IT IS RESPECTFULLY requested that the instant matter be placed on the Village Board of Trustees' next available agenda, and that the relief sought herein be, in all respects, granted.

Dated: July 11, 2024
White Plains, New York

Respectfully submitted,

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