

VILLAGE OF IRVINGTON  
NEW YORK



*Washington Irving*

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April 18, 2013

James E. Johnson, Esq.  
Debevoise & Plimpton LLP  
919 Third Ave.  
New York, NY 10022

Re: United States *ex rel* Anti-Discrimination Center of  
Metro New York, Inc. v. Westchester County, New York

Dear Mr. Johnson:

I am in receipt of your letter dated March 21, 2013 wherein you provided an analysis of the Village of Irvington's zoning code. The Trustees and I have fully reviewed your letter and offer the following input.

I must first say that I am pleased that your analysis concluded that there are only minor restrictive zoning practices contained within our code. Although progress has been slow due to the lack of developable sites, I am proud that our community has, for many years, recognized the need for fair and affordable housing and there has always been a willingness to create additional affordable housing opportunities whenever possible. To highlight this, the Board of Trustees, in its priorities for the 2012/13 fiscal year, clearly stated its support for affordable housing. Here is an excerpt from those priorities:

*Making housing available to seniors and moderate income individuals and families is crucial to making Irvington a diverse and vibrant community. The lack of available and affordable housing is a systemic problem in this County and throughout our region. We will encourage support for affordable housing from within our community and we will support these grassroots efforts by implementing robust legislation to promote meaningful development of affordable housing in the Village.*

In October 2012, we brought together a very energetic group of residents to form a Housing Committee, charged with working on furthering fair housing within our community. I expect that Committee to be a great advocate for fair and affordable housing for years to come.

In February 2012, the Board of Trustees adopted a zoning amendment incorporating the provisions of the model affordable housing zoning ordinance, making Irvington one of a small handful of communities to do so. However, we fully recognize that the adoption of the model ordinance was not the final solution here in Irvington. As you correctly pointed out, the inclusionary zoning provision is unlikely to produce enough units to address the need identified in the Affordable Housing Allocation Plan. But, we are highly confident that our Housing

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Committee, supported by the Village government, will help us create and implement "robust legislation" as we indicated in our priority statement.

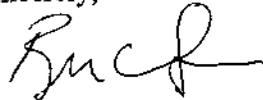
You identified that the bedroom limitation contained in the Planned Unit Residential Development District ("PURD") is a restrictive practice. This provision in our code was adopted nearly 25 years ago and has not been updated since. It was only applicable to certain large parcels that had site plan approval from the Planning Board prior to January 1, 1987. As indicated in that article, "No new PURD applications will be considered or acted upon". I respectfully suggest that this provision should not be viewed as a restrictive practice as it has not been applicable since 1987.

Regarding the current accessory unit provision, our Housing Committee already identified, on its own, that a more robust provision could have a positive impact on the availability of affordable units. The Housing Committee has already begun the research necessary to improve upon that provision.

In summary, although the Village of Irvington was not party to the settlement between the Department of Housing and Urban Development and Westchester County and, thus, does not have specific obligations pursuant to the settlement, we have nonetheless been proactive in adopting provisions of the model affordable housing zoning ordinance and forming a Housing Committee. The Village and the Housing Committee have been working actively to identify potential opportunities and recommend more robust legislation. These steps have already shown great promise. In recent weeks, the County has looked at a site we have identified for a possible fair and affordable housing project and we introduced a developer to the County that is eager to develop such housing in the Village. Unfortunately, as you point out, Irvington has very little developable land, but we fully expect that the Housing Committee's work will enhance our progress. We have passed on your letter to the Committee so that we may further consider your recommendations.

Again, my colleagues and I thank you for taking the time to analyze our zoning and we look forward to meeting the goals that we have set as a community, along with the significant needs of the region.

Sincerely,



Brian C. Smith  
Mayor

cc: Board of Trustees  
Barry Graubart, Chairman, Housing Committee  
Lawrence S. Schopfer, Village Administrator