

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

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In the Application of: :  
  
303 SOUTH BROADWAY : **VERIFIED PETITION**  
BUILDING COMPANY LLC : **FOR ZONING**  
: **TEXT AMENDMENT**  
  
For an Amendment to the Zoning Law of the :  
Village of Tarrytown Pursuant to Section 1-9 :  
of the Code of the Village of Tarrytown :  
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Petitioner **303 SOUTH BROADWAY BUILDING COMPANY LLC**

(“Petitioner”), by its attorneys Zarin & Steinmetz LLP, respectfully petitions the Board of Trustees (“BOT”) of the Village of Tarrytown (“Village”) as follows:

**Summary Of Rezoning Petition**

1. This Petition seeks an amendment of the Village’s Local Zoning Law (“Zoning Law”) to allow multifamily residential housing on certain properties located in the OB (Office Building) Zoning District, and to establish dimensional standards for such use.
2. The declining market demand for office space, which accelerated as a result of the pandemic, has brought about a pressing need to repurpose underperforming office buildings in Westchester (and throughout the country).
3. Petitioner is the long-standing owner of 303 South Broadway, an approximately 7.4-acre site in the OB District (“Property,” designated on the Tax Map as 1.100-65-2). The existing office building on the Property currently has an approximately **43%** vacancy rate, with a potential for another **13.8%** within the next year. It is time to reimagine this building to meet current market demand and realize the Property’s full potential – for the benefit of Petitioner, as well as for the Village of Tarrytown.

4. The rezoning would allow Petitioner to advance its plan to *adaptively reuse* the existing office building for residential housing for young professionals, families, and empty nesters (“Project”). There would be a mix of studios and 1-, 2- and 3-bedroom units in a 5-story building (5 stories along Broadway; 6 stories in the rear due to the existing lower plaza level). This unit mix would provide new housing opportunities for a variety of income levels and a diversity of household sizes.

5. Petitioner refers the BOT to the enclosed materials illustrating the initial conceptual plans for the Project (“Concept Plans”), prepared by Petitioner’s Development Team: Perkins Eastman (architecture and site design), JMC (engineering and planning), and MPFP (landscape architecture and urban design). These materials – which include visual analyses demonstrating that the Project would *not* cause significant adverse visual impacts – will continue to evolve based on discussions with the BOT, the Planning Board and Village Staff. Petitioner is committed to working cooperatively with the BOT and its neighbors to repurpose this underperforming office site in an attractive and beneficial fashion.

6. Critically, the Project would be consistent with the overall height and scale of the existing 4-story building on the Property (as well as the 6-story building across the street).

7. In order to achieve the density necessary (approximately 220-240 units) to allow a reasonable economic return on the Project (and all the environmental benefits that come with adaptive reuse), Petitioner would add a stepped 5<sup>th</sup> floor that *does not exceed* the height of the already existing and visible mechanical equipment room. This additional stepped floor would also be set back farther from Route 9 to soften views and create space for terraces.

8. Restricting the height in this manner would allow the existing tree canopy to provide adequate screening of the additional stepped floor from the few apartments located on

the 6<sup>th</sup> story in the residential building across the street at 300 Broadway (Tappan Manour Condominium).

9. The proposed residential use would also be in harmony with other surrounding residential uses along this stretch of Route 9: Tappan Manour Condominium, The Quay, and Tappan Landing.

10. The Project would also help address the shortage of attainable, multi-family housing in the area. This issue has received much attention recently due to Governor Hochul's housing proposal. Putting aside the details of the Governor's plan and what may ultimately come of it, there is no denying the market need in the Village for attainable housing for young professionals, families, and empty nesters who are not ready for senior living but want to downsize and remain in Westchester. While a lot of the discourse has focused on areas near train stations, the Project presents a unique opportunity for adaptive reuse in another area of the Village with close and easy access to 287 and other major parkways, while providing a shuttle to the train for its tenants.

11. Moreover, Petitioner's proposal to adaptively reuse the existing building results in several environmental benefits. The reuse of the existing structure saves construction emissions and landfill waste that would otherwise result from a tear down and rebuild. The Project would also include a new façade, which will yield significant energy efficiencies as compared to the existing 1980s-era façade. There are other sustainable design features that would be included and elaborated upon during the review process.

12. The new housing would provide other substantial benefits to the Village. The Project would generate significant new tax revenues (and fees) by realizing the Property's full

economic potential. The residential units would also serve as a source of sustained patronage of local businesses in the Village.

13. Additionally, the Project proposes an on-site shaded landscaped pathway to connect to the future RiverWalk extension currently in the planning stages. The Project would also eliminate a portion of the large existing impervious asphalt parking lot and replace it with attractive landscaping, amenities, and green open space.

14. Petitioner acknowledges that a key part of any potential rezoning and conversion of the existing office use will require a holistic study of the potential “cumulative impacts” if other OB sites similarly seek a change to residential use. This and all potential significant adverse environmental impacts (including traffic and visual) would be evaluated, and appropriate mitigation proposed, through the SEQRA process. A Long Environmental Assessment Form Part I, with supporting studies, will be submitted following an initial discussion with the BOT and determination of Lead Agency.

15. The exact manner by which the Zoning Law would be amended to achieve these changes (“Zoning Amendment”), and facilitate the residential Project described in this Petition, would also be discussed during the BOT’s review process (Petitioner is contemplating suggesting a new overlay zone). The adaptive reuse nature of the Project could figure prominently in the Zoning Amendment, including with respect to permissible density and height. That may well differentiate this application from others the Village may be asked to entertain.

16. Accordingly, for the reasons set forth in this Petition and accompanying materials, Petitioner respectfully requests that the BOT accept this Petition, and commence the requisite environmental, planning, and legislative review procedures in connection with the BOT’s

consideration and ultimate adoption of the Zoning Amendment, and the Planning Board’s review and approval of the Site Development Plan and other related approvals/permits.

**Petitioner**

17. Petitioner 303 South Broadway Building Company LLC, together with its affiliated entities, including AmTrust Realty Corp. (“AmTrust Realty”), owns 12 million square feet of commercial properties across the United States.

18. Petitioner is organized under the laws of the State of Delaware and has its corporate headquarters located at 250 Broadway, New York, NY 10007.

19. Petitioner has owned the Property since December 1997.

20. AmTrust Realty was founded in 1993. Known for its long-term ownership, successful development and repositioning of its assets, and commitment to tenants, AmTrust Realty is the landlord to the City of New York, the New York City Housing Authority, and the State of New York, among other notable tenants. It is also the developer of The Amberly – a 33-story luxury residential and retail property in Brooklyn, New York.

21. The BOT is invited to visit AmTrust’s website for more information: [amtrustre.com](http://amtrustre.com).

**Proposed Project**

22. As described above and shown on the Concept Plans, Petitioner proposes to adaptively reuse the existing, underperforming H-shaped office building on the Property for residential use (in conjunction with the Zoning Amendment).

23. The Concept Plans show:

- Comparison of existing and proposed conditions
- Photos and Topography of the Property and other nearby sites
- Floor Plans and Building Massing

- Visual Analyses (showing no adverse impact to apartments on the 6<sup>th</sup> story at 300 Broadway)
- Façade treatment

24. The proposed residential use is consistent with the R-7.5 zoning adjacent to the Property to the north (The Quay), and the M-3 multifamily residential zone on the east side of Broadway (300 Broadway). The proposed use is also compatible with the neighborhood shopping zoning at the corner of Broadway and Route 119 (CVS shopping center).

25. The approximately 220-240 rental units (the Project's design is ongoing) would be serviced by surface parking. The proposed Zoning Amendment would contain an appropriate parking requirement that reflects the type of housing proposed, the Property's location, and the Project's inclusion of a shuttle to the train station. Petitioner is confident that its residential tenants would not need all the existing parking that serves the office tenants, and that a portion of the existing asphalt parking lot can and would be transformed to attractive green and amenity space as shown on the Concept Site Plan.

26. Petitioner has also spent considerable time and resources with its architects from Perkins Eastman to conceptually design the Project in a manner that would fit within the Village's existing architecture. Petitioner is sensitive to ensuring that the Project would be well-received by its neighbors. Petitioner will continue to focus on consistency with community character as its design proceeds.

27. Petitioner's landscape architect has designed a shaded landscaped pathway to connect to the potential RiverWalk extension currently in the planning stages to improve pedestrian connectivity and walkability in the area. It is shown on the Concept Site Plan (from the north west corner of the Property to near the location of the bike path plaza).

28. The BOT is referred to the referenced Concept Plans. Petitioner looks forward to presenting these Plans and explaining their genesis to the BOT at an upcoming meeting.

**Consistency With Comprehensive Plan**

29. Petitioner’s proposal would be in furtherance of several planning and land use objectives identified in the Village’s 2018 Comprehensive Plan, including with respect to new housing and adaptive reuse.

30. The Comprehensive Plan recognizes that “[n]ew developments can contribute to enlarging the overall housing pool and have the potential to introduce new housing typologies that can better serve the existing residential population.” (p. 70).

31. The Comprehensive Plan further states that underutilized parcels in the Route 119 corridor (close to the Property) present “an opportunity to imagine a variety of new developments integrated with transit that serve residents of all family sizes and income levels.” (p. 71).

32. In addition, the Comprehensive Plan declares that adaptive reuse is an important and environmentally sensitive strategy for property owners to adjust to changing market demands. The Plan defines adaptive reuse as: “Modifying buildings for new uses while retaining their historic features. Renovation of existing buildings can provide an environmentally friendly alternative to new construction, and provides the opportunity to create more efficient buildings.” (p. 172).

33. The Comprehensive Plan similarly states that “[i]n the Office Building and Mixed Use districts, it is a priority to adapt to each successive era – at the present, the decline of corporation headquarters and the growth of the healthcare and technology sectors.” (p. 40).

34. Here, the Project would adaptively reuse the existing office building to respond to the changing market demand for less office space and more market-driven housing. By

repurposing the existing building, the Project would retain the established physical character of the Property – its well-known “H-shape” and the surface parking lots – while noticeably enhancing its exterior appearance with a new façade.

### **SEQRA**

35. Pursuant to the New York State Environmental Quality Review Act (“SEQRA”), Petitioner is submitting a Short Environmental Assessment Form (“EAF”).

36. Petitioner acknowledges that it will need to supplement the Short EAF shortly with a Long EAF and supporting technical studies relating to cumulative impacts, traffic, visual and other potential impact areas during the review process as determined by the Lead Agency.

### **Requested Relief**

37. Petitioner respectfully requests that the BOT take the following administrative and legislative steps: (a) accept this Petition; (b) place this Petition on the BOT’s April 26, 2023 Work Session Agenda (or another upcoming meeting) for an initial presentation; (c) circulate the Petition and other materials so that a Lead Agency can be designated for a coordinated environmental review of the subject action under SEQRA; (d) refer the Zoning Amendment to the Planning Board for its recommendations; (e) refer the Zoning Amendment to the Westchester County Department of Planning for its recommendations; (f) schedule, notice, and conduct a Public Hearing on the Zoning Amendment; (g) adopt the Zoning Amendment; and (h) permit the Planning Board to simultaneously review an application for Site Development Plan approval (and other related applications) authorizing the development of the Property with the Project.

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

Dated: April 3, 2023  
White Plains, New York

ZARIN & STEINMETZ LLP

By: David Steinmetz

David Steinmetz  
Brad Schwartz  
*Attorneys for Petitioner*  
81 Main Street, Suite 415  
White Plains, NY 10601  
(914) 682-7800

**VERIFICATION**

STATE OF NEW YORK            )  
  )  
COUNTY OF NEW YORK        )

ss:

Jonathan Bennett, hereby deposes and says that he is the President of AMTRUST REALTY CORP., which is the Petitioner in this proceeding, as agent for 303 South Broadway Building Company LLC (the property owner), and says that the foregoing Petition is true to his own knowledge, except as to those matters therein stated to be alleged on information and belief and as to those matters he believes them to be true.



\_\_\_\_\_  
Jonathan Bennett, President

Sworn to before me this  
\_\_3\_\_ day of April 2023

  
\_\_\_\_\_  
Notary Public

BRIDGET R KILLIAN  
Notary Public - State of New York  
NO. 01K16416256  
Qualified in New York County  
My Commission Expires Apr 12, 2025