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June 28, 2022

VIA E-MAIL (wrosinski@townoflloyd.com) AND HAND DELIVERY (8 copies)

Town of Lloyd Town Board
Town Hall
12 Church Street
Highland, New York 12528

Attn: Supervisor Plavchak and Town Council Members

RE: The Village in the Hudson Valley, LLC ("The Village")
Proposed Planned Residential Retirement District
Our File No.: 14862-65453

Dear Mr. Plavchak and Members of the Town Board:

Pursuant to recently enacted §100-23.2, The Village is seeking the establishment of a Planned Residential Retirement District (PRRD) in order to construct a Life Plan Community. The proposed Life Plan Community consists of independent housing for seniors aged 62 years or older¹ within a gated neighborhood with ancillary recreational amenities; and an Assisted Living Facility with Adult Day-Care that has already obtained conditional approval from the Planning Board (collectively the "Project"). As part of that conditional approval for the ALF, the Planning Board

¹ As per Section 100-23.2.A(4), residency in this senior housing community will be restricted to eligible persons set forth in Section 100-23.2.A(3) by way of restrictive covenants recorded against the subject property in the Ulster County property records, specific rules and regulations established for the community as well as quarterly certifications in accordance with Section 100-23.2.A(5).

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issued a Negative Declaration under SEQRA on April 22, 2021. That SEQRA review included the ALF itself, as well as a conceptual review of a potential PRRD.

The Project will be situated on the west side of State Route 9W just north of Mayer Drive on approximately 57.07 acres (the "Property"). The Property currently consist of two (2) main tax parcels with Mark Sanderson having control over each entity. The Project will also involve a lot line change with two (2) other adjoining parcels also controlled by Mark Sanderson.²

Most of the Property is currently zoned R ½ where independent residential uses are permitted as of right and Assisted Living Facilities (and Adult Daycares) are permitted via a special use permit and site plan approval from the Planning Board. However, the current R ½ Zoning District does not accommodate this special senior housing and health care centered development. As stated in the PRRD regulations, the PRRD is intended to "encourage flexibility and innovation in residential development and related services for persons 62 years of age or older. . .". The Town Board's adoption of the PRRD regulations to this Property will enable such a design for the areas' senior population at a reasonable price.

On November 9, 2021, we submitted a Pre-application consultation request as required by §100-23.2.B. Thereafter, the Town formed a Pre-application Committee ("PAC"), which reviewed our submission. On January 26, 2022, the PAC memorialized its analysis and issued its recommendations to the Town Board (the "PAC Memo"). A copy of the PAC Memo is attached. It should be noted that in many instances, the PAC concurred with our draft analysis showing compliance with the PRRD regulations as well as the Planning Board's prior findings under SEQRA and for the special use permit, associated with the ALF approvals.

Pursuant to §100-23.2B.(3), we are now making a formal application to the Town Board. We have enclosed the following:

- (1) A copy of the PAC Memo;
- (2) Conceptual plans of the proposed Project prepared by the LRC Group, dated June 24, 2022, which include the following drawings,
 - (a) Overall Site Plan,
 - (b) Overall Grading Plan,
 - (c) Overall Utility Plan- Water & Sewer,
 - (d) Overall Landscape Plan,
 - (e) Landscape Plan Unit Prototypes;
- (3) Architectural renderings prepared by Liscum McCormack VanVoorhis;
- (4) Based upon the size of proposed PRRD we believe the PRRD application fee is \$23,700 (to be confirmed).³ Since Mr. Sanderson already submitted a \$69,000 application fee

² For a list of all the properties involved as well as the ownership information for each property please see attached Exhibit A.

³ According to the fee schedule, zoning changes for Planned Developments are \$2,500 plus \$500 per acre. Here, the entire property is 57.07 acres, but 14.67 acres has already been approved for use as an ALF. Thus, so to not

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with the original project under the old CCRC zoning regulations, the Town should issue a credit of \$23,700 to Mr. Sanderson⁴; and

- (5) A check in the amount of twenty thousand dollars (\$20,000) made payable to the Town of Lloyd (representing an escrow deposit to establish an additional escrow account) has just been requested by the Town and will be forwarded to the Town immediately upon receipt.⁵

Finally, below is a detailed narrative description of the Project with an explanation on how the Project conforms with each, and every, PRRD requirement. It should first be noted that the proposed unit count has increased since the PAC's review and issuance of the PAC Memo. The main reason is because the applicant is now showing compliance with the Town's Affordable Housing regulations as per the PAC's recommendation. As explained below, for every Affordable Housing unit provided, the applicant is entitled to an additional market rate housing unit.

The Proposed Project

Life Plan Community

The Life Plan Community is for active seniors, 62 years of age or older, who can live independently without assistance with their daily living activities. Approximately one hundred and ninety-seven (197) independent housing cottages will be offered to the independent living seniors. These independent units will consist of approximately mostly single-family homes and some duplex homes (two units per duplex). Each independent living cottage unit will be approximately 1,000 to 1,400 square feet in size and contain its own driveway with attached carport. There will be at least ten (10) feet of separation between each cottage. In the epicenter of this Life Plan Community there will be a one-story clubhouse approximately 8,000 square feet in size with an outdoor deck overlooking the Hudson River. There will also be community gardens with an outdoor pool with off-street parking.

However, this Life Plan Community offers more than just housing, it offers an opportunity-rich environment providing its residents with programs, services, amenities and healthcare that support physical health, a sense of community and social engagement. Its underlying goals are to improve the quality of its residents' lives, while helping them to age in the best possible way.

pay two application fees for the same building, we have subtracted the 14.67 acres from the total size of the PRRD Property.

⁴ It is our understanding the Town issued a \$24,600 credit for Mr. Sanderson's ALF only application back in August of 2020. Thus, there is still \$44,400 remaining associated with the original \$69,000 application fee.

⁵ As of June 1, 2022, my client has approximately \$9,600 in its Planning Board escrow account. He has also recently established a construction escrow account that was created on April 1, 2022 via a \$20,000 check.

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The following services and amenities will be available to the residents of the Life Plan Community: (a) restaurant style dining services with a variety of meal plans, (b) weekly housekeeping services and special cleaning programs, (c) recreational activities including horseshoes, pickle ball, tennis courts and covered bocce ball courts, and walking paths (d) a swimming pool, (e) access to the Clubhouse for events, ceramics, library, pool tables, a cardroom and a kitchen, exercise room and a media/movie auditorium with full stage and (f) transportation services. This will all be within a gated community controlled at a gatehouse with security personnel 24/7. In addition, there will be an on-site manager with a separate office building as well as separate utility/maintenance building to service the community.

It is well documented that the residents of Life Plan Communities reported more physical activity, increased personal connections, higher frequency of volunteering, more optimism, greater life purpose, less loneliness and more positive perceptions of aging. More importantly, Life Plan Community residents self-reported more healthy behaviors, better health, fewer chronic conditions, better mood, better memory and greater satisfaction with life.⁶

Finally, there will be a maintenance garage, with a 3,200 sq. ft. footprint, located in the northeast corner of the Property; and a 2,000 square foot administration building behind the ALF.

Assisted Living Facility

The Assisted Living Facility (ALF) has already been conditionally approved by the Planning Board. The ALF will contain approximately 119 beds. It will have access directly from Route 9W as well as Mayer Drive via the proposed Health Care Center Lane; and includes an interior driveway connecting the front parking entrance area by 9W to Health Care Center Lane. The ALF will provide a range of personal care and supervision for those residents that are in need of assistance with their daily living activities, including the management of their personal affairs, medical care, assistance with bathing and toileting, case management and medication management.

Within the ALF there will be different levels of care. There will be approximately 36 general beds, 53 Adult Home beds and 30 Memory Care beds. The ALF's memory care beds will be licensed as a Special Needs Assisted Living Residence that will be authorized to provide memory care services for those residents suffering from dementia or any other form of cognitive impairment.

⁶ See January 2019 Report by the Mather Lifeways Institute

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The ALF will include the following services: (a) a 24-hour monitoring, (b) three meals and snacks per day, (c) transportation services, (d) case management services, (e) social and recreational activities, (f) cleaning services, (g) laundry services, (h) personal storage space, (i) full dining room and snack lounge areas, (j) large commercial kitchen, (k) lounges and congregation areas, and (l) gardens with benches. Finally, the ALF will also house an adult-day care center, which like the ALF, is also permitted via site review and special use permit approval.

The Project's Compliance with the PRRD's General Intent & Purposes

As per the PRRD's general purpose, the PRRD is intended to encourage flexibility and innovation in residential development and related services for persons 62 years of age and over. See, §100-23.2.A(1). As described above, this Project is extremely important and will enhance the quality of life for the Town's large, aging, "baby-boomer" generation by not only providing affordable, long term housing needs; but also, offering numerous recreational and health related amenities. The Project will provide seniors with various types of senior housing with different degrees of care, allowing these residents to age in place.

Besides the general intent and purposes of the PRRD, the Project complies with all the requirements noted in §100-23.2.A(1) of the PRRD:

Sewer/Water: The Project will be served by the Highland Water and Highland Sewer District's existing infrastructure. According to a report prepared by CPL in March of 2021, both districts have the capacity to serve the Project. Any on-site extensions of existing water and sewer lines, or off-site upgrades needed because of the Project, will be at the applicant's costs and can indirectly benefit existing and future users.

Access: The PRRD has direct access to a state highway with its proposed entrance and exit directly on State Route 9W. In addition, the site will contain an internal driveway that connects the front parking area by the entrance/exit to 9W, with the proposed Health Care Center Lane. Health Care Center Lane will traverse from Mayer Drive and leads to the private roads within the Life Plan Community.

Proposed Primary and Accessory Uses: As also noted above, the Project consists of a combination of proposed uses that include various types of housing for seniors to allow them to age in place. These types of housing include independent living cottages, as well as different degrees of care offered within the ALF. Also, the Project includes an adult-day care. All of these proposed uses are related to the overall health and well-being of the senior residents.

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Affordable Housing: The Town's Affordable Housing regulations also contains a density bonus provision that allows one additional market rate unit for each affordable housing unit required. Here, the applicant is required to provide 18 affordable housing units. Thus, it is also permitted an additional 18 market rate units above what is permitted by the zoning code. As per the PAC Memo, the PAC preferred compliance with the Town's affordable housing regulations. Thus, the applicant has revised the concept plan since the pre-application submission to include the requisite affordable housing. The total unit count (both affordable and market rate) is now 197 cottages.

Traditional Neighborhood Design: The Project is designed with a traditional village neighborhood sensibility. The proposed independent cottages will be clustered and contain sidewalks and walking paths throughout the Life Plan Community. All sidewalks on site will be sloped at 5% or less. The intersection of Mayer Drive and State Route 9W will be improved with a traffic light and crosswalk across 9W so that pedestrians from either the Life Plan Community or the Hudson Hills Subdivision can safely access the shopping plaza on the opposite side of 9W. Plus, the Project includes a sidewalk up the west side of 9W to connect those same residents to hiking/walking trails on the north side of the Mid-Hudson Bridge.

Protecting the Natural Environment: The Project meets the goals of protecting and embracing the natural environment. Over 1/3 of the site, or approximately 23.2 acres will be designated open space areas that encase the development. This includes a dense vegetative buffer between the Project and the residents residing along Mayer Drive and Apple Lane, as well as preservation of land around the Twaalfskill Creek by Route 44/55. There will be no impacts to any federal or state designated wetlands, nor is there any development within a floodplain. There will be no impact to groundwater supplies since the Project will be utilizing the existing municipal water and sewer services (no proposed wells or septic systems). In addition, the site will contain landscaped stormwater retention ponds along with other related stormwater control measures to control drainage and run-off in compliance with the New York State DEC regulations. Overall, the applicant's landscaping plan is currently proposing approximately 300 trees and shrubs to be planted. Finally, the applicant has conducted a Threatened and Endangered Species Habitat Assessment with an update, which concludes that the Project will not have any significant adverse impact on plants or animals.

Compatible Blending and Potential Land Use Conflicts: The Project is consistent with the commercial character of the area around NYS Route 9W. The Property is bounded by commercial businesses to the east, residential/vacant properties south and west, and a mix of manufacturing and vacant land to the north. Immediately to the south, there is an existing residential development with approximately 175 single family homes. We believe most of these dwelling units contain at

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least three (3) bedrooms totaling around 525 bedrooms. In contrast, the Life Plan Community will only consist of two (2) bedroom units, or one (1) bedroom units with a den. In my client's experience, only about 50% of the residents in the cottages pick the two (2) bedroom units. Thus, the cottages would most likely yield 296 bedrooms. Thus, even if all the existing homes within Hudson Hills Subdivision were only two (2) bedroom dwellings, the potential age restricted development is consistent with existing residential communities within the area. The surrounding existing development also includes existing medical offices and a self-storage facility directly to the north on the same side as 9W as well as a very large commercial shopping plaza directly across the 9W with approximately 700 parking spaces and approximately 135,600 square feet footprint of commercial space.

In the current R ½ zone, single family dwellings are permitted as of right. The proposed duplexes (two-family), ALF and adult day care center are all permitted via special use permit approval. The inclusion of a use in the zoning law as a special use permit is tantamount to a legislative finding that the permitted use is in harmony with the community's general zoning plan and will not adversely affect the neighborhood.

Plus, Project buildings are designed to be architecturally consistent with the vernacular styles of the community. The ALF building itself will utilize the existing grades onsite to visually screen the massing of it. The proposed ALF is only two (2) stories and has been designed so that it is built into the existing hillside. The average height of the ALF will be less than thirty (30) feet. The accessory primary care center will be one story. Stonewalls and landscaping on the Property as well as other architectural details are proposed to help soften and minimize the mass and scale of the ALF.

Traffic Congestion: The applicant has conducted a Traffic Impact Study ("TIS"), which analyzed the potential cumulative impacts of adding Project-generated traffic to a background volume of existing traffic and traffic from other reasonably anticipated development projects in the study area. In addition, the TIS analysis accounts for normal increases in background traffic and other unforeseen traffic growth as well as consideration of traffic from other anticipated area development.

The Level of Service (LOS) analysis indicates that the US Route 9W/Argent Drive and US Route 9W/Mayer Drive intersections and the two site driveways will operate at acceptable levels of service with the proposed improvements. To date, the traffic improvements include the installation of a new traffic light at the intersection of Mayer Drive and State Route 9W. This proposed traffic light will provide a significant public safety benefit to the residents of the Hudson Hills neighborhood since it will eliminate the treacherous unsignalized left turns currently taking place out of Mayer Drive to State Route 9W northbound. The new traffic signal can operate as a

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couplet with the existing traffic signal on State Route 9W and Argent Drive. As determined in the 2020 findings in the updated TIS, the overall level of service for the intersection of US Route 9W/Mayer Drive during AM and PM peak hours will be at a LOS B as a result of the current proposal with the traffic improvements. The LOS for turns from Mayer Drive onto Route 9W will improve from LOS F to LOS D in the AM and PM Peak Hours, with the left turns onto Route 9W being much safer because of the traffic light. The New York State Department of Transportation has already conceptually approved the Applicant's proposed upgrades and improvements along Route 9W.

Potential Impacts on Proposed Public Facilities: Upon completion, the Town's assessor has preliminarily indicated that the Project will generate substantial tax revenue. All of these potential rateables come with minimal burden on the community. There will be no school aged children associated with the Project, thus no increase in school enrollment. All of the proposed cottages and beds associated with the ALF will be accessed via internal private roads maintained by the developer. Plus, the applicant has offered to own and maintain any proposed on-site sewer and water infrastructure improvements associated with the Project. Also, given all the on-site recreational amenities offered to the seniors, there will be little to no impact on the Town's current recreation facilities.

Compliance with all the Specific Factors to Consider Before Establishing a PRRD

In addition to meeting the purpose and general description requirements in §100-23.2.A(1), the Project complies with all the specific factors the Town Board must consider before establishing a new PRRD. Below, we will discuss the specific criteria set forth in §100-23.2.A(6) (much of which overlaps with the criteria in §100-23.2.A(1) analyzed above).

The Need for the Proposed Land Use in the Proposed Location: Section 2.1.3 of the Town's Comprehensive Plan⁷ notes that population for people aged fifty (50) and above are trending upward. In the 50-54 and 60-64 age group, the increase of percentage was close to 68% of the total population. The Town's Comprehensive Plan also notes that that population age of 65 and older is expected to more than double between 2012 and 2060 nationally from 43.1 million to 92 million.

On a local level, the Hudson Valley Patterns for Progress, a Newburgh based think tank, suggests that adults 55 years of age and older are projected to comprise 35% of the region's population by 2030, a 17% increase from 2017. Adults 75 years of age and older will make up

⁷ Town of Lloyd Comprehensive Plan August 11, 2013, Updated October 28, 2013.

10% of the regional residents and the median age in six out of the seven Mid-Hudson Valleys will surpasses state and local averages.

Locally, the applicant conducted its own market study and it concluded the Project's Life Plan Community and ALF will satisfy a significant unmet need for the services they both provide. The boundaries of the market area, in which the proposed Life Plan Community and ALF will be located, are defined by 30 minutes driving time to and from the Project Site. Demographic research reveals that there are 46,625 seniors, 65 years of age and older, residing within the referenced market area. In this same area, there are 15 facilities with a total of 1,108 beds. If we assume a double occupancy in 50% of the 197 Life Plan Community housing units, the result will be approximately 296 Life Plan Community residents. When the 119 ALF beds are added, there will be 415 beds in the Village of Hudson Valley Project added to the existing beds, which, when added to the existing 1,108 beds, adds up to a total supply of 1,523 beds in the referenced market area. All of these beds constitute only 3% of the existing demand. The result is, therefore, a significant unmet need for around 97% of the existing seniors residing within the referenced market area.

The proposed planned senior housing project can properly address the needs of the area's aging population. Many senior developments are not just about the housing, but about building a community where seniors can age in place and transition easily from living independently without assistance with their daily activities; to an ALF for seniors who are, by reason of limitations associated with age, physical or mental disabilities, or other factors, unable to live independently. Each component must work together with associated medical offices as well as other recreational and social amenities to create a special senior community. In order to achieve this goal, certain amounts of independent units and assisted living units must be offered.

As stated in Section 3.2 of the Town's Comprehensive Plan, Lloyd has a responsibility, as well as economic need, to provide the opportunity for development of housing for all its residents, including the elderly.

Availability and Adequacy of Municipal Water/Sewer Service: As per the reports prepared by CPL, the existing facilities for both the Highland Water District and Highland Sewer District contain enough capacity to service the Project. The applicant will be responsible for extending some water and sewer lines on-site to service the subject Property. In addition, the applicant may need to upgrade some of the Town's existing off-site water facilities to address potential water pressure concerns with respect to the cottages in the back portion of the Property (as well as some off-site sewer line repairs north of the Property). Overall, both existing water and sewer facilities are available and adequate to service the Project.

Availability and Adequacy of Transportation Systems: See above and the TIS with updates, for an in-depth analysis of how the existing transportation systems, along with the proposed improvements, will not be negatively impacted. The proposed traffic light at Mayer Drive and 9W (working as a couplet with the existing traffic signal on State Route 9W and Argent Drive) will provide a significant public safety benefit to the residents of the Hudson Hills neighborhood since it will eliminate the treacherous unsignalized left turns currently taking place out of Mayer Drive to State Route 9W northbound. The overall level of service for the intersection of US Route 9W/Mayer Drive during AM and PM peak hours will be at a LOS B as a result of the current proposal with the traffic improvements. The updated TIS, reveals that the LOS for turns from Mayer Drive onto Route 9W will improve from LOS F to LOS D in the AM and PM Peak Hours, with the left turns onto Route 9W being much safer because of the traffic light. As noted above, the NYSDOT has already conceptually approved these proposed improvements.

Within the Property, both proposed Health Care Center Lane and the private roads providing access to the individual cottages will comply with the relevant road specifications for Private Roads in §89-18.C, Table II of the Town's separate regulations on streets and sidewalks. The applicant may need a waiver from the Planning Board for the proposed horizontal and vertical curves associated with the private roads. However, neither of these waivers will compromise the safety of the proposed private roads. As per §100-23.2.J(1), the exact road specifications can be altered by the Planning Board in coordination with the Town's Highway Superintendent as part of the site plan review process.

Finally, in addition to the direct access from State Route 9W and the proposed access from Mayer Drive to Health Care Center Lane, the Project will contain two other emergency access only points in compliance with State and Town requirements. One emergency access only entrance will be located at the end of Apple Lane, with a small portion of the emergency access traversing the property at 11 Apple Lane. The other emergency only access road will be located behind the existing self-storage facility and connect with the northern portion of the Project. Mark Sanderson currently controls the entities that own 11 Apple Lane and the existing self-storage facility. Thus, he could also execute and record the necessary easements to ensure that those emergency access only rights run perpetually with the land in favor of the Town.

Pedestrian Circulation and Open Space: Sidewalks will traverse the entire Life Plan Community where the independent cottages will be located. In addition, there will be recreational walking paths. More importantly, as noted above, the Project also includes a proposed sidewalk down Mayer Drive to the intersection of Mayer Drive and State Route 9W. This intersection will

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be improved with a traffic light and crosswalk over 9W so that pedestrians from either the Life Plan Community or the Hudson Hills Subdivision can safely access the shopping plaza on the opposite side of 9W. Plus, the Project includes a sidewalk heading north along the west side of 9W that extends to Tillson Avenue.

Over 1/3 of the subject property will be preserved as open space, including areas along Mayer Drive and Apple Lane as well as a large area around Twaalfskill Creek by Route 44/55. The open space will total approximately 23.2 acres. The ALF is approximately 150 feet from the nearest residential dwelling on Mayer Drive (through the dense vegetative buffer). On the north side, the ALF is over 160 feet from the existing medical office buildings.

The cottages themselves will be at least ten (10) feet apart. The nearest proposed cottage to the ALF is approximately 160 feet. The cottages will be at least 180 feet from the nearest residential home on Apple Lane. Thus, the buildings within the Project are properly spaced from each other and buildings on adjacent properties.

The Character of the Neighborhood: As noted above, the Project is consistent with both the existing residential and commercial character of the area around NYS Route 9W. The Project's scale and scope of development is similar to existing development in the area. The ALF will utilize the existing grades onsite to visually screen the massing of it. The proposed ALF is only two (2) stories and has been designed so that it is built into the existing hillside. The average height of the ALF will be less than thirty (30) feet. Stonewalls and extensive landscaping on the Property, as well as other architectural details, are proposed to help soften and minimize the mass and scale of the ALF. In addition, in contrast to the existing shopping plaza across the street, most of the parking for the ALF was shifted behind the building and not visible from Mayer Drive or 9W.

In addition, all utilities (electric, cable, telephone) will be underground and all dumpsters will be enclosed and permanently screened. Streetlights shall be provided where practicable and for safety reasons and will be shielded to avoid glare and spillage.

The Height and Bulk of Building in relation to other Structures in the vicinity:

The Project complies with all the height and bulk requirements of the PRRD. Please see the Concept Plan included with this submission with bulk zoning tables and notes confirming compliance with the PRRD regulations.

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The Project complies with the PRRD's off-street parking regulations for the independent dwelling units, which is basically 1.5 spaces per unit for a required total of 296 off-street parking spaces for the Life Plan Community. See, §100-23.2L(1)(a) and (2). Given the driveway and carport for each independent living unit which should hold approximately two (2) cars, as well as the approximately twenty-eight (28) off-street parking spaces surrounding the Clubhouse and eighteen (18) off-street parking spaces by the tennis, bocci and pickle ball courts, there is more than ample parking for the Life Plan Community as they total 525 off-street parking spaces.

As for the ALF and accessory uses, the PRRD regulations require one space per two adult homes, enriched housing or assisted living rooms within the ALF and one space per six memory care units within the ALF. See § 100-23.2.L(1)(b) & (c). In addition, the PRRD regulations require one space per employee on the maximum shift. See § 100-23.2.L(3). At this point, of the 119 beds within the ALF, there will be approximately 89 general Assisted Living Facility beds and Adult Home beds; and 30 memory care beds. In addition, between the ALF and the Adult Day-Care, there will be a maximum of twenty-eight (28) employees per shift. Thus, seventy-eight (78) off-street parking spaces are required, and one hundred and twenty-five (125) are currently shown.

The height of the proposed buildings will not differ from other structures in the vicinity. The cottages will only be approximately 16 feet tall, consistent with and even less than, most existing single-family homes in the nearby Hudson Hills subdivision. The proposed ALF is only two (2) stories and has been designed so that it is built into the existing hillside. The average height of the ALF itself will be less than thirty (30) feet. Other existing commercial structures in the area (shopping center, self-storage facility and existing office buildings) are 1-2 stories tall and of similar height. But unlike the existing structures, the ALF will utilize the existing grades onsite to visually screen the massing of it. In addition, stonewalls and extensive landscaping on the Property, as well as other architectural details, are proposed to help soften and minimize the mass and scale of the ALF. Finally, the ALF will be set back approximately 145 feet from Route 9W, further minimizing any height concerns.

As noted above, the cottages will only be approximately 1,000 to 1,400 square feet in size with no more than two (2) bedrooms per independent dwelling unit. Indeed, in my client's experience he believes only half of the senior residents will opt for the two (2) bedroom cottages. Currently, the single-family dwellings within the Hudson Hills Subdivision are approximately 2,000 to 3,000 square feet with, most likely, at least three (3) bedrooms per dwelling. Thus, the size and bedroom count from the cottages is much less than the existing residential development in the area. Plus, the density of the proposed Project not only complies with the PRRD's density

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requirements, but it is also much less than the existing Hudson Hills subdivision when you base it on the number of bedrooms.

As for the ALF and its accessory buildings, all of them comply with the fifty (50) foot front, side and rear setback from the property lines. As noted above, the ALF will be approximately 145 feet from 9W.

Potential Impacts to Local Government Services: As noted above, there will be no school-aged children associated with this senior housing Project. In addition, many aspects normally associated local government will be self-contained within the Project. For example, all proposed roads, including Health Care Center Lane and the internal roads servicing the cottages will be privately owned and maintained by the developer. In addition, the applicant has offered to own and maintain any proposed sewer and water infrastructure improvements associated with the Project. Plus, there are countless recreational amenities, such as pools, tennis courts, pickle ball surfaces and bocci ball courts to service the seniors' recreational needs.

Potential Impacts to Environmental Resources: As noted above, there will be limited impacts to the area environmental resources. The Project will be surrounded by approximately 23.2 acres of open space, including a dense vegetative buffer that is being preserved between the Project and the existing homes on Mayer Drive and Apple Lane. There will be no impacts to any federal or state designated wetlands, nor is there any development within a floodplain. Twaalfskill Creek and land around it will be undisturbed. Also, there will be no impact to groundwater supplies since the Project will be utilizing the existing municipal water and sewer services; thus, there will not be any proposed private wells or septic systems installed in the ground. Finally, the applicant has conducted a Threatened and Endangered Species Habitat Assessment with an update, which concludes that the Project will not have any significant adverse impact on plants or animals.

The General Ability of the Land to Support Proposed Development: Most earthwork will involve the excavation for subsurface features including building foundations, stormwater management systems, underground utilities and placement of fill to level building and parking areas. Following excavation for these features, backfilling and fill operations will bring the development area to the desired grade.

The Project will create a small impact on land, will occur on slopes that are 15% or greater within areas where bedrock is exposed or within five feet of the existing ground surface, and will include a construction project that will exceed one year of the receipt of all agency approvals.

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Any topsoil that cannot be reused for landscaping purposes and/or other unsuitable soils will be stockpiled and removed from the Property in accordance with the Site Plan.

In addition, erosion control measures will be implemented during construction to minimize the erosion of land. Construction for the installation of utilities, foundations and roads will occur on land where the depth to bedrock is exposed and where the water table is less than 3 feet, however, erosion of land as a result of this activity will be controlled and minimized through the implementation and maintenance of the sediment and erosion control measures required for the Project.

The Project will not involve any disturbance of wetlands, although a small tributary the Twaalfskill Creek is located at the western section of the site down slope from the proposed development on the opposite of the hill and approximately 330 feet from the nearest proposed cottage. No federal or state wetlands, nor designated floodplains will be disturbed either.

During and after construction of the Project, stormwater will be managed, treated and discharged in accordance with the requirements set forth in the New York State Department of Environmental Conservation ("NYSDEC") State Pollution Discharge Elimination System ("SPDES") general stormwater permit and the Project's Stormwater Pollution Prevention Plan ("SWPPP").

The Project's Site Plans and SWPPP are designed to comply with all applicable NYSDEC requirements for managing stormwater during and after construction. Further, during Project construction, erosion and sediment control, soil stabilization, dewatering and pollution prevention measures will be installed, implemented and maintained on the Site as set forth in the SWPPP to minimize the discharge of erosion of sediment and prevent a violation of the State's water quality standards. These measures are designed to limit erosion of land by controlling the flow of water until permanent stormwater control measures are installed and pervious surfaces are stabilized with vegetation and/or buildings and parking areas. Measures will include, but not be limited to installation of silt-fencing to control disturbed area; stockpiling soils and vegetative soil stabilization; seeding and mulching of all disturbed surfaces; dust control (as necessary); and ongoing inspection and maintenance of erosion control measures to ensure their effectiveness until all disturbed surfaces are stabilized.

Post-construction stormwater management practices for the Project as set forth in the SWPPP are designed to conform to applicable requirements in the NYSDEC general stormwater permit, the standards provided by the New York State Stormwater Management Design Manual ("Design Manual"). The Project is designed, through the SWPPP, to provide for the installation, implementation and maintenance of permanent stormwater management practices to meet the

standards in the Design Manual so that discharges comply with the State's water quality and quantity standards.

Specifically, post-construction, the Project's stormwater management system will collect stormwater run-off from the Site through a series of catch basins and pipes and convey the water to various stormwater management facilities and green infrastructure practices including bio-retention areas, extended detention wetlands/ponds, vegetative dry swales, hydrodynamic separators, etc. Sediments and other contaminants in the run-off will be removed by or will settle out in these facilities before the treated stormwater will be released to the drainageway along the western property boundary. As required by the NYSDEC stormwater regulations, the peak rate of run-off from the Project Site will be the same or less than peak rate of run-off under the existing conditions.

The Project will create new impervious surface on the Property but only constitutes 18% of the entire site. The Project will permanently provide landscaping within the developed areas as well as approximately 23.2 acres of open space areas.

Potential for Redevelopment of Brownfield and other Underutilized Properties: The Property is not a designated brownfield site. However, parts of it consist of an abandoned apple orchard. Portions of the Property which were formally used for agricultural purposes contain elevated metals and pesticides as a result of the agricultural use; therefore, reducing their organic value for future farming. As part of the development, the applicant retained an expert to prepare a detailed plan to safely handle these contaminated areas during construction.

According to the Town's Comprehensive Plan, Section 5.4.1, the Comprehensive Plan encourages the elimination of abandoned orchards:

5.4.1 ABANDONED ORCHARDS

Measures must be taken to reduce the negative impact of abandoned orchards. In addition to diminishing the town's scenic beauty, if left untreated these properties can become infested and create a land use conflict with adjacent working farms and residential neighborhoods. Removal of abandoned trees, where possible, should be encouraged to help reduce the need for pesticides.

Other Factors, like Economic Growth: Construction of the Project is estimated to take 3-4 years and provide approximately 60-100 construction jobs during that time. When complete, approximately ninety-five (95) new full-time jobs will need to be filled. These jobs include, but are not limited to, physicians, health care managers, nurses, technicians, care-workers, maintenance workers and general office administration. It is estimated that the Project's full-time

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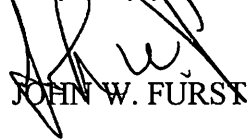
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jobs will bring approximately \$4 million dollars in annual wages to the Town. In addition to the direct job growth, the Project will also spur economic growth for the local neighborhood businesses in the area.

Conclusion

The Project complies with all the criteria and bulk/zoning requirements set forth in the PRRD. The applicant is not seeking any waivers from the Town Board. It is our understanding that the Town Board has forty (40) days to decide on whether it wants to refer this PRRD application to the Planning Board. We would like the Project referred to the Planning Board as soon as possible so we can re-engage the Planning Board on the SEQRA review. We would be happy to meet with the Town Board to formally present the Project.

Very truly yours,



JOHN W. FURST

JWF/jwf/2125088

Enclosures

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Pursuant to IRS Regulations, any tax advice contained in this communication or attachments is not intended to be used and cannot be used for purposes of avoiding penalties imposed by the Internal Revenue Code or promoting, marketing or recommending to another person any tax related matter.

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EXHIBIT A
LIST OF PROPERTIES AND OWNERSHIP OF EACH

#	Parcel ID:	ADDRESS:	OWNER:	ACRES/SIZE
1	Lot #1 of recently Filed Map 2022- 117	188 Vineyard Avenue	Cay of Heron LTD & Toloms Holdings LLC	38.26
2	Lot #2 od recently filed Map 2022- 117	Route 9W and Mayer Drive	Sixteen Acres LLC	14.67
3	Portion of 95-12-1-1	11 Apple Lane	The Village in The Hudson Valley LLC	0.53
4	Portion of 95.2-2-34.110	3659 Route 9W	Highland 9W Self Storage	8.6