



MEMORANDUM

To: Town Board

From: Lenny Auchmoody, John Litts and Scott McCarthy

Re: The Village in the Hudson Valley, LLC PRRD Submission

Date: January 26, 2022

In November 2019, The Village in the Hudson Valley, LLC (the “Villages”) sought preapplication consultation with respect to its proposed Planned Residential Retirement Development proposal (the “PRRD”) for approximately 57.07 acres of land situated on the west side of NYS Route 9W north of Mayer Drive (the “Property”). Specifically, the PRRD would include approximately 178 independent living units for persons 62 years of age and older, an Assisted Living Facility that provides assisted living, health and memory care services and adult day-care services, as well as extensive recreation and other amenities for PRRD residents.

The Planning Board previously approved a Special Use Permit and Site Plan for the Assisted Living Facility, which will be part of the PRRD. Through its SEQRA review, the Planning Board considered substantial environmental information provided by the Villages, as well as review comments from its consultants and comments from board members regarding both the Assisted Living Facility and, at that point, a conceptual PRRD.

Town review of proposed Planned Residential Retirement Developments pursuant to the Zoning Code requires, as an initial step, preapplication consultation between the applicant and a committee appointed by the Town Board. To this end, the Town Board designated us as the members of the committee representing our respective boards (the “Committee”) for the purpose of providing feedback to the applicant and the Town Board for consideration.

We met on December 8th and 14th to review the proposed PRRD. As required by the Zoning Code, the focus of our review was to consider the proposal in relation to the considerations the Code provides for evaluating such proposals set forth in Zoning Code § 100-23.2(A)(6). Based on our review, we provide the following findings and recommendations:

Consideration: The need for the proposed land use in the proposed location.

Finding: There is a demonstrated need for independent housing and assisted living, health and memory care services for persons 62 and older in the Town of Lloyd. The Committee concurs with the Villages that the number of persons aged 55 and older is increasing in the Town of Lloyd. The Town's 2013 Comprehensive Plan recognized this and the associated need for housing and services for this growing population. In this context, the proposed PRRD would support the Town's goals by providing independent housing and assisted living, health and memory care services for the Town's aging population. The location of the proposed PRRD is appropriate given the location of the Assisted Living Facility adjacent to the NYS Route 9W commercial corridor and the independent living housing units in a neighborhood setting near existing residential uses.

Considerations: The availability and adequacy of municipal water and sewer service.

Findings: Both the Highland Water District and the Highland Sewer District have sufficient capacity to service the PRRD. The costs to extend services to the Property will be borne, in their entirety, by the Villages.

Consideration: The availability and adequacy of transportation systems, including the impact on the road network.

Finding: The Committee finds that the traffic studies performed for the Planning Board's SEQRA review, together with the Planning Board and its consultants review of those studies, provide a thorough analysis of the existing transportation systems and support a finding that traffic impacts from the PRRD will be minimized through mitigation measures. In particular, the proposed traffic light at Mayer Drive and Route 9W will increase overall safety and reduce traffic impacts from the PRRD, as the left turn out of Mayer Drive onto Route 9W (heading north) is currently illegal and very unsafe. The Committee stressed the importance of coordinating the timing of the new light with the light at Argent Drive to traffic flow.

Within the site, the roadways will be entirely owned and maintained by the Villages and are designed in compliance with the Town Code and the Uniform Code. No public dedication of roads is proposed as part of the PRRD proposal.

Emergency access to the PRRD will exist on Apple Lane and through the Highland Self Storage facility on Route 9W. There will be no public passage through those emergency access routes.

Consideration: The pedestrian circulation and open space in relation to structures.

Finding: The Committee finds that pedestrian circulation will be sufficient and safe within the PRRD and will provide new off-site connections for PRRD residents and nearby residential properties. The sidewalks within the PRRD are designed to be universally accessible for residents. The proposed sidewalk which will travel down Mayer Drive will provide PRRD residents and the residents of the Hudson Hills subdivision pedestrian access to the shopping plaza on the east side of Route 9W. There is also a sidewalk proposed which will run north along Route 9W, connecting Hudson Hills and the project with Tillson Ave, further allowing

access to the Hudson Valley Rail Trail and the businesses along Route 9W in the Gateway Zone and the Hamlet. The Committee further finds that the neighborhood design of the individual living units provides sufficient open space in relation to structures and that buffers around the PRRD on the Property provide open space and screening for the development.

Consideration: The character of the neighborhood in which the PRRD is being proposed, including the safeguards provided to harmonize the proposed use with adjacent properties and with the neighborhood in general.

Finding: The Committee concurs with the Planning Board's SEQRA findings that the PRRD is conceptually compatible with surrounding neighborhood character. The neighborhood near the proposed project is both commercial and residential and the PRRD would fit well there, balancing both elements within its boundaries. Through careful site design, aggressive landscaping and modern, downward facing LED lighting, the impacts of the independent living units on neighboring residential uses can be substantially mitigated. Further, it is the Committee's understanding that since the Planning Board's SEQRA review of the conceptual PRRD, the Villages has endeavored to further reduce offsite visual impacts by moving some of the individual living units away from the steep slopes on the Property located above Route 9W, particularly behind the Self-Storage Facility, in order to reduce visual impacts from the Mid-Hudson Bridge ramps and Route 9W.

Consideration: The height and bulk of buildings and their relation to other structures in the vicinity.

Finding: The Committee finds that the buildings proposed within the PRRD all comply with the dimensional requirements of the Zoning Code, including for Planned Residential Retirement Developments under Zoning Code § 100-23.2. The Committee concurs with the Special Use Permit approval findings of the Planning Board with respect to the Assisted Living Facility, specifically:

“The scale and mass of the Project is consistent with and will be substantially more attractive than the large parking front-yard lots and sprawling shopping plaza directly across NYS Route 9W (consisting of over 700 off-street parking spaces and commercial and retail buildings with a footprint of approximately 135,600 square feet). By comparison, the Project entails one large building approximately 110,750 square feet in size that is two (2) stories in height and has been designed so that it is built into the existing hillside with a front portion and a back portion. The proposed building will comply with the Town's zoning requirement for height and the average height of the building will be less than thirty-five (35) feet. It will be set back from the front property line by 87 feet in conformance with the Zoning Code's 30-foot setback restriction. In addition, given the State's wide right of way for Route 9W, the proposed building will be set back even further from the edge of the Route 9W. The building style and colors, appearing as clapboard siding, are designed to be architecturally consistent with the vernacular styles of the community.

In the course of the Planning Board's review of the Project, the height of the back portion of the building was reduced by twenty-five feet and the proposed road has been moved further away from neighboring residential property owners to provide an additional buffer and area for enhanced vegetative screening. Also, in the Applicant's September 2nd submission, the length of the front portion of the building, along NYS Route 9W, has been reduced by 40 feet in deference to Planning Board concerns about the size of the building and to provide additional space for a waste disposal truck turnaround.

Stone walls are proposed to be constructed along NYS Route 9W to screen the limited amount of parking located in front of the building. Landscaping to partially screen and buffer visual impacts of the building and the stone wall, including trees, shrubs, ground cover plantings and ornamental grasses would be undertaken to comply with the Zoning Code and to soften and minimize the mass and scale of the Project."

Through the Planning Board's SEQRA review of the conceptual PRRD, the independent housing sections of the proposed project will be single story houses on paved and landscaped streets. The Committee finds that this neighborhood design and the buffers and screening around the PRRD will limit the impacts of the independent housing on nearby residential uses.

Consideration: Potential impacts on local government services.

Finding: The Committee finds that the PRRD will have minimal impacts on government services. The PRRD will produce substantial new revenue for the school district with no impact since the PRRD will only serve residents 62 years of age and older. Further, because the roads and other infrastructure elements within the PRRD will be privately owned, no expenses related to maintaining those elements will be borne by the Town of Lloyd, and the Town will benefit from increased water/sewer revenues. No exceptional, additional services beyond what might be expected in a residential development would be added for police, fire or ambulance services. Any such impacts will be more than offset by the substantial property tax revenue generated

Consideration: Potential impacts on environmental resources, including, but not limited to, wetlands, surface water, floodplains, and plant and wildlife communities.

Finding: The Committee finds that, based on the SEQRA review done by the Planning Board for the conceptual PRRD, impacts on environmental resources will be avoided or minimized and/or mitigated. As determined by the Planning Board in its SEQRA Negative Declaration:

"Potential impacts on plants or animals from the Proposed Action would be minimized by: (1) ensuring sufficient permanent protection of habitat on the western portion of the Project Site near Twaalfskill Creek; and (2) limiting the time of year for cutting trees on the Project Site to avoid protected bat species."

The Committee finds that the proposed open space between the PRRD and the portion of the Property near Twaalfskill Creek will also protect wetlands and surface water.

Consideration: The general ability of the land to support the proposed development as well as the stormwater management for the development, including such factors as slope, depth to bedrock, depth to water table and soil type.

Finding: The Committee finds that, based on the SEQRA review done by the Planning Board for the conceptual PRRD and subject to further, specific SEQRA review and Site Plan Review by the Planning Board, that the impacts of the PRRD on land will be adequately avoided or minimized and mitigated. Specifically, the Committee concurs with the Planning Board's determination and recommendation in its Negative Declaration that a detailed PRRD proposal that: "(1) avoids steep slopes to the maximum extent practicable; (2) provides adequate stormwater erosion control measures approved by NYSDEC and the Town; and (3) includes a construction schedule with limitations on time/days and duration, including weekly or more frequent inspections during construction" can ensure the ability of the Property to support the proposed PRRD.

Consideration: The potential for redevelopment of brownfield and other underutilized properties.

Finding: There are no brownfields on the site. The Committee finds that the Property includes former apple orchards and is underutilized and that its redevelopment will benefit the Town. In this regard, the Committee notes that the Town of Lloyd Comprehensive Plan also calls for mitigation of abandoned orchards (section 5.4.1). Based on the Planning Board's SEQRA review of the conceptual PRRD, the redevelopment of the Property will require a soil management plan to address potential impacts from residual soil contamination from the former apple orchard operations.

Consideration: Other factors as may be deemed appropriate by the Town Board.

Finding: The Committee finds that the Affordable Housing Regulations provided in Zoning Code § 100-36 apply to the independent living units in the proposed PRRD and that providing some affordable housing as part of the PRRD is desirable. In its consultation request, the Villages has indicated a preference for a waiver from the requirement, which the Town Board the authority to grant. The Committee recommends the inclusion of affordable independent housing units in the PRRD consistent with the Zoning Code, unless further justification of a waiver request is provided to the satisfaction of the Town Board.

BASED ON THE FOREGOING, THE COMMITTEE MAKES THE FOLLOWING RECOMMENDATIONS PURSUANT TO ZONING CODE § 100-23.2(B)(2):

- I. In its initial review of any application, the Town Board should consider the Planning Board's SEQRA Negative Declaration with respect to the conceptual PRRD, and the

Special Use Permit/Site Plan Review Approval and Special Use Permit Findings issued by the Planning Board.

- II. If the Town Board determines to review an application from the Villages for a proposed PRRD on the Property, the Planning Board should be the lead agency for purposes of SEQRA review of the application based on its prior review of a conceptual PRRD. The Committee believes that this will provide a more focused environmental review of potential impacts that will help to inform the Town Board's deliberations.
- III. Any referral of an application to the Planning Board for recommendations and SEQRA review should include any specific issues or concerns that the Town Board has identified through its initial review of the application and any waiver request, in particular with respect to affordable housing, made by the applicant. For the Town Board's consideration, the Committee has identified some specific issues including traffic mitigation, reduction of off-site visual impacts, avoiding steep slopes and the need for contaminated soil management in its Findings above. For efficiency of the Town's review of any application, any initial thoughts on density and the overall layout of the PRRD should also be provided.

Cc: The Village in the Hudson Valley, LLC