

**TOWN OF CLARKSTOWN
ACTIVE ADULT RESIDENTIAL ZONING TEXT AMENDMENT
FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
(FGEIS)**

Proposed Action: Adoption of a Zoning Local Law Amendment to create an
Active Adult Residential Floating Zone

For the
TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK

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Written Comments Will be Accepted for 10 Days following the Acceptance Date

March 27, 2007

**Town of Clarkstown Active Adult Zoning Amendment
Draft Generic Environmental Impact Statement**

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1.0 INTRODUCTION

This FINAL Generic Environmental Impact Statement (FGEIS) has been prepared in response to comments received at a public hearing for the Active Adult Residential Floating Zone DGEIS, held on March 6, 2007, as well as written comments received, during the comment period following the close of the Public Hearing (March 16, 2007). This correspondence is included in Appendix A - Hearing Minutes & Public Comment Letters. The Final EIS has been prepared to present and evaluate the potential environmental impacts associated with the proposed AAR Floating Zone Amendment. This Final EIS has been prepared in accordance with the State Environmental Quality Review Act (SEQRA) and Part 617 of the implementing regulations.

The Town of Clarkstown is considering a "Zone Amendment" that would provide housing to accommodate a range of independent living accommodations for active adults and would create housing or provide financial resources to assist income eligible active adults to obtain or retain housing. The Town of Clarkstown recognizes that the senior citizen population is largely comprised of individuals with limited or fixed incomes who, given present market conditions, find it increasingly difficult to acquire and/or maintain a single family home. The Active Adult Residential (AAR) zone is intended to require the provision of affordable housing as a portion of age-restricted housing development in the community, and to implement the affordable housing goals, policies and objectives set forth in the Town's Comprehensive Plan.

The AAR zone is a floating zone, unmapped at initial adoption, and created by amendment to the Town's zoning map through exercise of the Town Board of the procedures set forth in the law.

The AAR Zone is intended to address a range of housing needs by encouraging a range of housing types, locations and sizes. This zone is intended for areas of the Town where local services necessary to support active adults are immediately available. It is the intent that clustering be considered when designing complexes so as to minimize the impact on the environment. A proposed active adult community must be compatible with the existing scale of development nearby and be consistent with the recommendations of the Housing Advisory Board report and the Town Development Plan as adopted by the Clarkstown Planning Board on August 16, 1966, and the Comprehensive Plan Update as adopted by the Planning Board and Ad-Hoc Committee on June 30, 1999, and adopted by the Town Board on September 28, 1999. This local law is enacted in accordance with the provisions of §261-b and §272-a of the Town Law of the State of New York.

Changes to the Proposed AAR Zone Amendment as a Result of Public Comment

At the public hearings held in connection with the proposed local law and the Draft Generic Environmental Impact Statement, several concerns were raised including, among others, concern regarding occupancy of three bedroom units by individuals under age 55, and concern regarding the fact that the 800 unit cap could be changed by a simple majority resolution. In response to these concerns, the local law was revised to:

- ♦1) limit the number of three bedroom units to no more than 15% of the total 800; and
- ♦2) require a public hearing and a super-majority vote in order to increase the 800 unit cap.

2.0 PROJECT DESCRIPTION COMMENTS AND RESPONSES

Comment 2.0-1 (Letter #1, Rockland County Department of Planning, March 13, 2007):

The legend for Figure 2-2 does not correlate with the colors shown on the map itself. The map shows parcels shaded blue, green, black and gray while the legend shows green, black and gray. This discrepancy should be corrected.

Response 2.0-1: The map legend has been corrected, amended maps are included at the end of the FEIS.

Comment 2.0-2 (Letter #1, Rockland County Department of Planning, March 13, 2007):

On Page 3.4-2, first paragraph references Table 2.1-1, however there is no Table 2.1-1, only Tables 2-1 and 2-2. This discrepancy must be corrected.

Response 2.0-2: The correct references are Tables 2-1 and 2-2.

Comment 2.0-3 (Letter #3, Penny Leonard, March 15, 2007): Most of the proposed housing will not meet the needs of senior citizens on limited incomes, nor will it meet the needs of young adults, particularly those who volunteer as fire fighters or ambulance workers. Considering the up to 100% density bonuses proposed it would be financially feasible for ALL of the new housing to be targeted for those individuals.

Response 2.0-3: In addition to the affordable units to be built, projects developed at the higher densities are anticipated to be relatively affordable compared to the single family housing market in the Town of Clarkstown. Construction of two bedroom units, up to 2,500 square feet, are expected to start in the low to mid three hundred thousand dollar range. The average selling price for a single family home in Clarkstown today is well over \$500,000.

Comment 2.0-4 (Letter #3, Penny Leonard, March 15, 2007): The results of the senior survey showed that the majority of Clarkstown seniors just want to remain in their own homes. Those who would consider moving within Clarkstown indicated that they would be willing to pay no more that \$150,000 for a new home. Despite inflation, this number is unlikely to have changed since most retired seniors are on fixed incomes that have not increased much, if at all, since the survey was completed.

Response 2.0-4: The survey also stated, for the residents who would like to stay in their own home, they would eventually leave, due to the burden of home maintenance and property taxes. When they choose to leave, they will be looking for senior citizen housing to accommodate their needs. There has been a significant increase in the sales price of the house which they would be selling since 1999, resulting in the potential for a larger down payment.

Comment 2.0-5 (Letter #3, Penny Leonard, March 15, 2007): Segmenting SEQRA into multiple environmental impact statements is a way to cloud the issue and minimize the environmental impacts that AAR will really have on our community. Likewise, the plan to first approve 800 units and the next 800+ units is an orchestrated plan to hide the real problems that will be caused by AAR zoning.

Response 2.0-5: The law strictly limits the number of units to be built to 800 units. There is no intention by the Town Board to build 1600 units. The reference in the DEIS to 1,687 units, pertained to the land available which would be eligible for AAR zone

designation. It is unlikely that all of the eligible parcels would make application for AAR development. Several of the parcels already are before the planning board for as-of-right development. Once the 800 unit limit is reached no additional units can be built without an amendment to the law.

Comment 2.0-6 (Letter #3, Penny Leonard, March 15, 2007): The first objective listed; "To provide affordable housing for those senior citizens living on fixed or limited incomes in order to give such residents the *opportunity to remain in the community close to family and friends*" will not be met by the AAR zoning. (Residents on the Middlewood list will not be *able to afford the new housing. Residents who own their own homes will probably not qualify to buy the affordable units, and the other units -- when one considers common charges and higher taxes for new construction -- will be more costly than the seniors staying in their present homes.*

The density bonuses are outrageously high in comparison to the "affordable" units that will result. The density bonuses will be gigantic gifts to builders.

Response 2.0-6: *As stated, the objective of the affordable housing is to accommodate senior citizens on a fixed or limited income. The remainder of the units are expected to provide diversity in the housing stock of the Town and be relatively affordable to the general population of senior citizens.*

Comment 2.0-7 (Letter #3, Penny Leonard, March 15, 2007): It appears that between 100 and 150 acres of commercially zoned land may be used for AAR purposes. The potential loss of jobs is not evaluated. The differences between residents who might have those jobs is not evaluated in terms of prosperity, energy saved by not having to drive long distances to work, air quality preserved by fewer vehicles driving long distances, etc.

Response 2.0-7: *Jobs will only be generated by the non-residential properties at a point when they are developed. The market for office space in this area is soft and has been for some time. At some point in the future, if these properties were to be developed, at a ratio of 2.5 jobs per 1,000 square foot, approximately 4,246 jobs could be anticipated based upon the projected 1,698,500 square foot of office and/or commercial space available. The nature of the jobs created would determine the origin/destination of employees. It cannot be assumed that all the employees would be local traffic.*

Construction of AAR residential development on a portion of the commercially zoned land may stimulate growth of services related specifically to Active Adult needs, i.e. Medical facilities, recreation establishments etc.

3.1 GEOLOGY, TOPOGRAPHY AND SOILS COMMENTS AND RESPONSES

Comment 3.1-1 (Letter #3, Penny Leonard, March 15, 2007): Disturbance to slopes always results in soil erosion and sediment impacts. It is impossible to eliminate the off-site impacts. The DGEIS only speaks to minimizing them; therefore, it is known now that Clarkstown will suffer drainage problems from the construction -- particularly due to the denser construction and additional land coverage being allowed on the sites that slope.

Response 3.1-1: Development under the AAR zoning will be regulated in a similar manner to the as-of-right development which could occur on any given parcel. Deductions will be made for areas of steep slope and wetlands in exactly the same manner as for development without the AAR zoning.

Construction anticipated as a result of 100 percent density bonuses may result in twice as many units, however the 2,500 square foot maximum is half the size of a typical new 5,000 square foot single family home, thus resulting in the same amount of building coverage.

An approved Storm Water Pollution Prevention Plan will be required for each project as part of the site plan application and any potential drainage problems will need to be fully mitigated prior to site plan approval.

3.2 WATER RESOURCES COMMENTS AND RESPONSES

Comment 3.2-1 (Letter #3, Penny Leonard, March 15, 2007): The existing water supply is often inadequate and use-restricted during periods of drought. Certain uses are even prohibited during those times. Even with the additional Letchworth reservoirs taken into consideration, can any expert say that the AAR construction won't exacerbate the need for more restrictions in the future? Will present Clarkstown residents have to step up their water conservation efforts to allow for the new residents? Does the Rockland County Health Department confirm that the water supply is adequate?

Response 3.2-1: *Population projections indicate that projects build under the AAR zone amendment will have reduced population when compared with typical single family development, thus will use less water, not more. United Water NY has instituted a detailed monitoring program for new developments coming on line, and will only give approval once it had been determined there is both sufficient water supply and water pressure for a specific project. As of the end of 2006, United Water projects 1.2282 million gallons per day (mgd) are available for new development projects. If all 800 units were to be developed, with 1.8 persons per unit, consuming 75 gallon of water per day, the result would be 108,000 gallons of water per day, which equates to 0.108 mgd.*

The Rockland County Department of Health has the final approval over the water connection. The County Department of Health will review each project on a site specific basis prior to site plan approval.

3.3 ECOLOGY COMMENTS AND RESPONSES

No comments were recieved on this chapter.

3.4 LAND USE AND ZONING COMMENTS AND RESPONSES

Comment 3.4-1 (Oral Comment #2, Public Hearing, Rosalyne Zuker, New City, March 6, 2007): Spoke in support of proposal. She doesn't care how many bedrooms there are, but stated that it has taken too long to get these AAR residences.

Response 3.4-1: Comment noted.

Comment 3.4-2 (Oral Comment #4, Public Hearing, Martin Bernstein, New City, March 6, 2007): Spoke against the proposal considering 55 as senior housing. Thinks it should be 65.

Response 3.4-2: At the public hearings on DGEIS the opinion that the AAR zone should be limited to individuals aged 65 and over was expressed. The Fair Housing Act exempts age restricted active adult communities provided certain criteria are met. For an "age-restricted community" to qualify under this exemption, it must have eighty (80%) percent of its units occupied by at least one person whom is fifty five (55) years or older, the community must publish and strictly adhere to policies and procedures that demonstrate the intent required under Section 3607 (i.e., intent to restrict housing to individuals over age 55), and the community must comply with the rules issued by the federal and state officials for verification of occupancy. The Act also exempts communities which are 100% occupied by individuals aged 65 and over. Given the need for active adult communities within the Town, and recognizing the fact that in some cases, at least one spouse may not meet the age requirement, the Town opted to impose the less stringent 55 and over standard.

Comment 3.4-3 (Oral Comment #6, Public Hearing, Sasha Bunchuck, Orange County, March 6, 2007): Had questions regarding how many units could be built and their possible

Response 3.4-3: The Law provides for a maximum of 800 units. There are eligible properties located in throughout the Town.

Comment 3.4-4 (Oral Comment #8, Public Hearing, Geri Levy, Executive Director, Rockland Housing Action Coalition, March 6, 2007): I am excited the Town Board is going forward with this.

Response 3.4-4: Comment noted

Comment 3.4-5 (Oral Comment #9, Public Hearing, Penny Leonard, Congers, March 6, 2007): It should be called Senior Housing, not Active Adult. There should be some kind of limit as to how many people can live in the unit. This is down zoning by a fancy name.

Response 3.4-5: The units are limited in size to 2,500 square foot, and are predominantly 2 bedroom units. Up to 15% of the units may have a third bedroom to provide for a caregiver or extra space in the unit.

Comment 3.4-6 (Oral Comment #10, Public Hearing, Co. Maloney, March 6, 2007): The longer we talk about this, we're not going to go anywhere. We'll never have affordable housing.

Response 3.4-6: The Town Board is making every attempt to move this AAR Zone amendment along while still conducting the proper review of the proposed law.

Comment 3.4-7 (Oral Comment #11, Public Hearing, Helen Mondschein, New City, March 6, 2007): To preclude three bedroom units is not a safe assumption. Middlewood is Section 8 and precludes a lot of people.

Response 3.4-7: Up to 15% of the units in any project may have a third bedroom.

Comment 3.4-8 (Oral Comment # 12, Public Hearing, Helen Monschein, New City, March 6, 2007): You must consider making it elevator accessible.

Response 3.4-8: *The law stipulates that accommodations for the special needs of an elderly population must be included in the project design, including elevators.*

Comment 3.4-9 (Letter #1, Rockland County Department of Planning, March 13, 2007): Under Section 3.4.2 Existing Zoning, a listing is provided of all of the zoning categories within the Town of Clarkstown. Several zoning districts are missing from the list, including RS, MF-1, MF-2 and MF-3. These should be added as appropriate..

Response 3.4-9: *A description of RS is included on page 3.4-6 of the DEIS. The description of MF-1, MF-2 and MF-3 is included on page 3.4-7 of the DEIS.*

Comment 3.4-10 (Letter #1, Rockland County Department of Planning, March 13, 2007): The legend for Figure 3.4-2, AAR Zone Eligible Parcels, does not correlate with the colors shown on the map itself. The map shows parcels shaded blue, green, black and gray while the legend shows green, black and gray. This discrepancy should be corrected.

Response 3.4-10: *The map legend shall be corrected on an amended map included at the end of this FEIS.*

Comment 3.4-11 (Letter #3, Penny Leonard, March 15, 2007): The purposes of existing zoning designations should be reviewed by the Town Board. Those that describe allowing businesses are valid, and the businesses are needed. If the intention is to not let business properties be developed for AAR, they should be removed NOW from consideration, instead of keeping them in and talking about all the individual hearings.

Response 3.4-11: *The zone petition process necessary to request an AAR zoning designation will the allow the Town Board ample opportunity to review each project, and weigh the merits against the impacts, on a site specific basis.*

Comment 3.4-12 (Letter #3, Penny Leonard, March 15, 2007): A demographic multiplier of 1.8 was used to project the population that will supposedly reside in the senior residential units permitted ***under*** AAR, Where did that multiplier come from? The units allowed under Clarkstown's AAR can be up to 2,500 square feet. Surely, a 1.8 multiplier does not accurately correlate to units of that size.

Response 3.4-12: *Surveys of typical units of active adult residential developments in the surrounding area indicate the 1.8 multiplier is accurate.*

Comment 3.4-13 (Letter #4, Congers Civic Association, Gerry O'Rourke, March 14, 2007): Since a committee has been established to update the Comprehensive Plan, adoption of this regulation should be held and considered in conjunction with that overall update.

Hamlet meetings involving the update will allow a closer review and understanding of this plan by those residents in the most affected residential zones. Density bonuses should not be an automatic 100 percent, and if assigned, perhaps considered on more of a graduated scale.

Response 3.4-13: *The AAR zone is a floating zone. As part of the pending Comprehensive Plan Update, recommendations can be made with regard to areas in the Town which are ideal for this type of use. Density Bonuses are not automatic and shall only be granted, as appropriate to the site, and as an incentive to provide affordable housing.*

The concept of incentive zoning is authorized pursuant to Section 261-b of Town Law. The law defines "Incentive Zoning" as a "system by which specific incentives or bonuses are granted, pursuant to this section, on condition that specific physical, social or cultural benefits or amenities would inure to the community." The law requires that "[t]he system of zoning incentives or bonuses shall be in accordance with a comprehensive plan." The Town, through its comprehensive planning process, identified a need for "affordable" senior housing for Clarkstown residents. Unlike low-income housing, "affordable" in the context of the AAR zone means affordable to an individual or family earning 80% or less than the Rockland County median income. In order to satisfy this need, the Town utilized the incentive zoning provisions of Section 261-b to grant a density bonus to the developer of such housing in return for the developer providing affordable units at below market value rates.

Comment 3.4-14 (Letter #4, Congers Civic Association, Gerry O'Rourke, March 14, 2007): Delete the possibility of Industrial Zoned land from being re-zoned for AAR. Permitting this runs completely counter to the objective of bringing job creating facilities to Clarkstown, as hoped for with the recently-designated Empire Zones. If industrial land remains dormant in the future, and some form of this concept is set in place, such designation could always be added at a later date.

Response 3.4-14: *One of the benefits of a floating zone is that the Town Board will have ample time to assess a site specific scenario and determine if the land is best left zoned as-of-right or is a candidate for an AAR zone petition to be granted. Consideration of the Empire Zone designation of a specific parcel will need to be carefully evaluated by the Town Board at the time of site specific application for the AAR Zone designation.*

Comment 3.4-15 (Letter #5, Little Tor Neighborhood Association, Peter Vitro, March 14, 2007): Therefore, it is safe to say that New City has done its fair share in supporting this type of housing and that the rest of the burden should be equally shared by the other towns and villages in Clarkstown.

Response 3.4-15: *New City is a hamlet center with the necessary services to support Active Adult Residential development. Parcels which meet the eligibility criteria for AAR zone designation are located throughout the town and are not concentrated in the New City area.*

Comment 3.4-16 (Letter #5, Little Tor Neighborhood Association, Peter Vitro, March 14, 2007): The notion that a fifty-five year old and older tenant would walk to a civic area and not need a car is ludicrous. Most families in this age group have two cars. All one has to do is look at this type of housing in other communities and you will see that every parking space is filled and at times there is not enough to go around.

Response 3.4-16: The objective is to locate the AAR developments in an area where a car is not an absolute necessity, and where mass transit would be an alternative if needed by any individual resident. In comparing the parking requirements of the AAR zone with those of single family the AAR zone actually requires more parking (2 per unit plus guest parking). In the case of AAR multifamily housing, the parking requirement is slightly less than non restricted multifamily due to the increased likelihood of single person ownership, couples sharing an car, or reliance on mass transit in active adult residences versus multifamily housing not restricted to seniors.

Comment 3.4-17 (Letter #5, Little Tor Neighborhood Association, Peter Vitro, March 14, 2007): Three bedroom units are not truly consistent with the needs of our senior citizen.

Response 3.4-17: The law has been modified to restrict three bedroom units to no more than 15% of the units.

Comment 3.4-18 (Letter #5, Little Tor Neighborhood Association, Peter Vitro, March 14, 2007): What is the protocol if someone takes up residence in one of these units who should not be there?

Response 3.4-18: The units are deed restricted and enforcement of this stipulation will be up to the management agency.

Comment 3.4-19 (Letter #5, Little Tor Neighborhood Association, Peter Vitro, March 14, 2007): Our Association does acknowledge that there is a need for senior housing but that it must be done right and respect the needs of not only of the Seniors but also the neighborhoods that will be affected buy such a proposal.

Response 3.4-19: Comment Noted.

Comment 3.4-20 (Phone Message, Mary Ellen Sher, March 14, 2007): Very much in favor of Zoning for Active Adults.

Response 3.4-20: Comment Noted.

Comment 3.4-21 (Phone Message, Rosalyn Zucker, March 14, 2007): Very much in favor of Active Adult Zoning, long overdue.

Response 3.4-21: Comment Noted.

Comment 3.4-22 (Letter #7, Patrick Healey, March 16, 2007): In 2003 Nanuet residents presented a 220-signature petition to the Board, asking that the Town preserve the balance of the north side of Convent Road as "Open Space". The owner has refused to sell to Clarkstown thus far.

Response 3.4-22: *It is the property owners right to retain ownership of private property. The Town of Clarkstown has a policy prohibiting the taking of private property (eminent domain) for the purpose of acquiring open space.*

Comment 3.4-23 (Letter #7, Patrick Healey, March 16, 2007): AAR should only be considered in MF residential zones. In fact, homeowners in R-15 and R-22 zones are being particularly discriminated against, as the fortunate homeowners in and near R-40, R-80, and R-160 zones are not eligible to be down zoned under the latest AAR draft.

Response 3.4-23: *It is the intention of the Town Board to insure any project proposed for AAR development be consistent with the surrounding neighborhood. AAR patio homes would be consistent with the character of an R-15 neighborhood. Projects may also include a variety of housing types, such that a transition zone of patio homes may be directly adjacent to a single family neighborhood, and multifamily units may be located farther away or with adequate buffering to the adjoining neighborhood.*

Comment 3.4-24 (Letter #8, Bergstol Enterprises, Bruce Katonah, March 14, 2007): *After reviewing the proposed zoning criteria, we believe the following tax designation parcels are eligible and should be included in the AAR zoning amendment:*

- ◆ 35.19-2-17
- ◆ 35.19-2.18
- ◆ 35.19-2-19
- ◆ 35.19-2-13
- ◆ 35.19-2-20
- ◆ 44.07-2-10
- ◆ All of Old Orchard Lane

Response 3.4-24: *As indicated in Section 2.5.2, the County of Rockland's GIS data was used as the basis for preparing Figure 3.4-2 AAR Zone Eligible parcels. At the time the mapping was prepared, the parcels listed above did not appear in the same ownership and were therefore not included as eligible. If in fact these parcels are presently in the same ownership and abut a residential zone, we believe they would qualify for AAR zone designation. We have not, however, independently verified the information set forth in the letter.*

The total land area of these parcels is 19 acres, and all the properties are zoned LIO. Utilizing the criteria outlined in the DEIS, (Square feet x .65 x.4 FAR) indicates a total of 215,000 square feet of office/commercial space could be built on these parcels. Similar to the other non-residential parcels, parcels granted the AAR zoning designation would no longer be available for non-residential development per the current zoning designations.

3.5 SOCIOECONOMIC COMMENTS AND RESPONSES

Comment 3.5-1 (Oral Comment #5, Public Hearing, Rudy Damonti, Clarkstown Senior Citizen Director, March 6, 2007): There are 100 people on the waiting list just for Millwood.

Response 3.5-1: Comment noted.

Comment 3.5-2 (Oral Comment #7, Public Hearing, Chris Trevisani, Baker Residential, March 6, 2007): Discussed what the units would look like, the costs involved, and the revenues, in particular the affordability. Stated they would be in the low \$300,000's, with affordable units at \$220,000.

Response 3.5-2: Comment noted.

Comment 3.5-3 (Letter #1, Rockland County Department of Planning, Rudy Damonti, Clarkstown Senior Citizen Director, March 13, 2007): The DGEIS states on pages 1-15 and 3.6-5 that there will be minimal to no school age children introduced by the AAR development. Though we agree that the actual developments within the AAR overlay zones will not increase the number of school age children, what is often overlooked is the fact that the AAR residents used to live within other residential neighborhoods that will now likely be sold to someone who does have school age children, thereby potentially increasing the number of children within the Town of Clarkstown. The overall impact should be assessed, not just the impact to areas with the AAR overlay district.

Response 3.5-3: These homes could be potentially sold with or without the passage of the AAR zone amendment. Construction of all 800 units of AAR residences is anticipated to occur over at least 5 years, thus minimizing the demographic impacts.

Comment 3.5-4 (Letter #3, Penny Leonard, March 15, 2007): Since the AAR proposal does not place a cap on the prices of homes in that district, there really is no proof that seniors will find the AAR homes any more affordable than -- or even as affordable as-- their present housing.

Response 3.5-4: The AAR units are limited to 2,500 square foot in size. The size of the unit relates directly to the market price of a unit. In addition to building a moderately sized unit, which is expected to provide diversity in the Town of Clarkstown housing market, the units are to be constructed with the special needs of senior citizens in mind, a minimum of steps, accessibility, handrails, etc. These developments are also anticipated to provide a comfortable social environment for senior citizens. The degree to which a proposed project meets these criteria will be factored into the Town Board's decision to grant or deny the AAR zone petition on any particular application.

Comment 3.5-5 (Letter #3, Penny Leonard, March 15, 2007): Unless, the AAR proposal is changed from allowing three-bedroom units, it is inaccurate to assume that "A typical age-restricted dwelling unit will have two bedrooms" and 1.8 persons,"

Additionally, to base the DGEIS on 800 units of AAR housing, when actually 1,687 units are contemplated to eventually be approved, is disingenuous. It is a way to segment the environmental impacts of the AAR zoning so that it appears less disastrous to the town. If the Town Board wants to limit the total number of units to 800, then there should be no provision to increase that

number at a later date, Likewise, if the Town Board wants to eventually allow 1,687 units, the DGEIS should use that number to accurately reflect the total impacts on the town.

Response 3.5-5: *The law has been modified to limit the number of units with three bedroom units to 15% of the total number of units.*

Discussion of an anticipated 1,687 AAR units is taking the words of the DEIS out of context. As already stated, this is not the Town Board's intent and comments to this effect are erroneous.

Comment 3.5-6 (Letter #3, Penny Leonard, March 15, 2007): The DGEIS fails to properly compare the population projected under the current zoning to the population projected if 800 units of AAR housing are constructed:

The DGEIS unfairly compares the population potential of the 800 AAR units (1,440 persons) to the population of the 614 allowed-by-right units (2,228 persons) and concludes that the implementation of the AAR zone would likely create a "reduction in the total population that would otherwise be introduced as a result of new non-age restricted, single family detached housing." The actual reduction in population would be totals 788 persons.

The problem with this comparison is that it does not take into consideration which or how many parcels of land are used for the AAR units. Nor does it take into account that fewer than 800 units might actually get built. if, for example, only 557 units (1002 persons) get built on non-residential land, there would still be 605 units (2,196 persons) allowed by right on the remaining residential properties.

No matter how many of the 800 new AAR units get constructed on nonresidential land, any analysis must still take into consideration any remaining residential housing potential on residentially zoned lands that still exists by right. And those numbers in terms of units and population must be added to the 800 units and to the 1,440 persons.

Response 3.5-6: *The DEIS acknowledges there is no way to determine in advance which of the properties which meet the eligibility criteria will make application and be approved for AAR development. On page 3.4-9, the DEIS also states, "For properties which are zoned non-residential but abut eligible residentially zoned properties, the population impact represents a 100 % increase in population, however there is a significant decrease in the traffic impacts of these properties."*

The DEIS clearly indicates that on properties which are residentially zoned, the effect of the AAR zone designation would be a population decrease.

Comment 3.5-6 (Letter #3, Penny Leonard, March 15, 2007): Since the senior survey from the housing study shows that the overwhelming majority of Clarkstown seniors just want to remain in their own homes and do not plan to move away from the town, it is a mistaken assumption to say, "It should be noted that active adults who sell their single family residences would likely do so because they desire to make a lifestyle and economic change - this would happen regardless of whether or not active adult housing is located in Clarkstown,"

The DGEIS projects that the "affordable" AAR units will sell for \$220,000, and that it would require a down payment of 50% or more. Perhaps those on the Middlewood list should be surveyed to see if they can afford this amount, plus the monthly mortgage payment, common charges, and property taxes.

Response 3.5-6: *Although the first thought of many senior citizens is to remain in their own home, there are many circumstances which render this choice impractical. It is a legitimate assumption to say " Active adults who sell their single family residences would likely do so because they desire to make a lifestyle and economic change - this would happen regardless of whether or not active adult housing is located in Clarkstown,"*

Comment 3.5-7 (Letter #3, Penny Leonard, March 15, 2007): The memorandum from Rose Noonan that is dated June 20, 2006, notes: "if the goal of the municipality is to ensure that legislation will yield affordable units, then either on or off-site development is preferable to realize units versus a buyout fee. (Therefore, one might conclude that there should be no buyout offers allowed under **AAR.**)

Response 3.5-7: *It is the Town Board's intention to have the affordable housing units constructed to be utilized by the Clarkstown residents, however, the Town Board felt it prudent to provide for the possibility of a buyout under certain circumstances, thus incorporated this clause into the law. The monies collected from the buyout option will in turn be utilized to construct affordable housing at an alternative location.*

Comment 3.5-8 (Letter #3, Penny Leonard, March 15, 2007): In the Clarkstown draft 100% of the density bonus units must be affordable." (Therefore, it appears that percentage of affordable units has been greatly reduced under the current AAR proposal.

Response 3.5-8: *The AAR zone is an incentive zone designed to give an incentive to the builder to meet the needs of the community while still constructing an economically feasible project. The current AAR zone has been structured to serve the greater good of the community.*

Comment 3.5-9 (Letter #5, Little Tor Neighborhood Association, Peter Vitro, March 14, 2007): Will this type of zoning only fill the needs of Clarkstown residents and if so how will this affect the tax burden of the property owners in the Town? People who want to down zone and move into this type of housing will more than likely sell their homes to young families with school aged children thus placing a burden on the school district which is a sure guarantee of higher school taxes. The responsibility for added school tax burdens is not only the responsibility of the School District but also that of the Town and how it plans these projects.

Response 3.5-9: *The Town Board anticipates that construction of the full 800 units will occur over a period of five to seven years, thus minimizing the impact of single family home resale's to the school district at any one time. The repurchased single family home will continue to pay tax revenue to the school district, in addition to the tax revenue generated by the active adult community without any additional burden to the school district. The single family homes are for sale as of right whether the AAR zone is implemented or not. If the owners are forced to move due to taxes or the inability to continue to maintain their home, without the AAR zone, this population will move elsewhere and contribute no further tax revenue to the school district.*

3.6 COMMUNITY SERVICE COMMENTS AND RESPONSES

Comment 3.6-1 (Letter #1, Rockland County Department of Planning, March 13, 2007): On Figure 3.6-1, there are several corrections that need to be made. The Congers Fire Station is shown in red instead of orange. The Nyack Community Ambulance is shown in green instead of as yellow. There is no police substation shown for either the Nanuet Mall or the Palisades Center Mall. There is also no fire station shown at the Palisades Center Mall on Route 59. These should be corrected.

Response 3.6-1: *The Community Services map will be amended to reflect the corrections listed above. Amended maps are included at the end of the FEIS.*

Comment 3.6-2 (Letter #2, Rockland County Sewer District, Joseph La Fiandra, March 16, 2007): The sanitary sewers from the thirty-one (31) parcels eligible for Active Adult Residential (AAR) development would connect to the District's sewer system.

Response 3.6-2: *Comment Noted*

Comment 3.6-3 (Letter #2, Rockland County Sewer District, Joseph La Fiandra, March 16, 2007): For development in excess of maximum density (i.e., for the "maximum density bonus"), the District will require an impact fee, in accordance with the Rockland County Sewer Use Law as last amended in 2006. Impact fees enable the District to invest in fixture sanitary sewer improvement projects.

Response 3.6-3: *Comment Noted*

Comment 3.6-4 (Letter #2, Rockland County Sewer District, Joseph La Fiandra, March 16, 2007): Approval of the AAR zoning law amendment will result in additional sewer units for which potential developers must pay an impact fee to Rockland County Sewer District No. 1. The impact fee is currently one thousand eight hundred fifty dollars (\$1,850) per additional unit, or as established by resolution of the Board of Sewer Commissioners.

Response 3.6-4: *Comment Noted*

3.7 TRAFFIC AND TRANSPORTATION COMMENTS AND RESPONSES

Comment 3.7-1 (Oral Comment #1, Public Hearing, Warren Kossin, New City, March 6, 2007): If adult children can live in the AAR residences, it will generate more traffic.

Response 3.7-1: The law has been revised to stipulate no more than 15% of the units will contain a third bedroom, thus reducing the potential for additional persons to occupy the units.

Comment 3.7-2 (Oral Comment #3, Public Hearing, David Mack, Valley Cottage, March 6, 2007): I live in Mountainview Condos with 700 units and we never have traffic problems. I hope to live long enough to move into the AAR Zone.

Response 3.7-2: Comment noted.

Comment 3.7-3 (Oral Comment #3, Public Hearing, David Mack, Valley Cottage, March 6, 2007): On page 1-16, two tables are referenced for the discussion on Trip Generation and Distribution, tables 3.7-7 and 3.7-8. However, further back in the text, on page 3.7-6, there are two tables shown, but they are labeled as tables 3.7-1 and 3.7-2.

Response 3.7-3: The correct designation is Tables 3.7-1 and 3.7-2.

Comment 3.7-4 (Letter #3, Penny Leonard, March 15, 2007): The traffic impacts are likewise based on the 1.8 multiplier. Yet there is no evidence that that figure comes from similarly situated units of such a large size. That makes the projection invalid, as is the estimated example of traffic from a 30-acre LIO parcel. That number is inflated and does not reflect accurately on today's industrial uses that employ fewer people due to modern technology.

Response 3.7-4: The Traffic impacts are not based upon population multipliers, but instead are based upon the most current Trip Generation, Institute of Transportation Engineers, 7th edition, Washington, DC, 2003. This reference book is the latest industry standard and is continually updated with ongoing studies of trip generation by various land use categories.

Comment 3.7-5 (Oral Comment #3, Public Hearing, David Mack, Valley Cottage, March 6, 2007): On page 1-16, two tables are referenced for the discussion on Trip Generation and Distribution, tables 3.7-7 and 3.7-8. However, further back in the text, on page 3.7-6, there are two tables shown, but they are labeled as tables 3.7-1 and 3.7-2.

Response 3.7-5: The correct designation is Tables 3.7-1 and 3.7-2.

Appendix A

Public Hearing Minutes and
Public Comment Letters

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

03/6/2007

7:31 P.M.

Present: Supervisor Alexander J. Gromack
Council Members John Maloney, Ralph Mandia, Shirley Lasker, & Catherine Nowicki
Amy Mele, Town Attorney
David Carlucci, Town Clerk

Public Hearing re: DGEIS (Draft Generic Environmental Impact Statement) with respect to proposed local law to amend Local Law No. 2-1974 as amended, to create AAR (Active Adult Residential) Zoning District.

On motion of Co. Maloney, seconded by Co. Lasker, opened 7:31 pm. On motion of Co. Nowicki, seconded by Co. Maloney the public hearing was closed, time: 9:15 pm. RESOLUTION NO. (118-2007) unanimously adopted.

Amy Mele- Town Attorney
Gave an overview of the proposal.

Ann Cutignola- Representative of Tim Miller Associates [Prepared Draft Generic Environmental Impact Statement (DGEIS) WITH RESPECT TO AAR Zoning District]
Provided an overview of the DGEIS via a power point presentation, (on file with Town Clerk

Supervisor Gromack
Gave an overview of the proposal. The proposed local law will be voted on March 20, 2007 at the next public hearing.

Warren Kossin- New City
Many of his friends have moved because they can not afford to live in Clarkstown. Many times, adult children move home [with their parents], especially with two and three bedrooms. If adult children can live in the AAR residences, it will generate more traffic. Why are three bedrooms allowed? We don't need three bedroom homes. Seniors can't afford it. Spoke in support of one and two bedroom homes. Co. Mandia replied that the third room can be for caregivers or dens.

Rosalyn Zuker - New City
Spoke in support of proposal. She doesn't care how many bedrooms there are, but stated that it has taken too long to get these AAR residences. She wishes to take advantage of them without further delay.

Supervisor Gromack
Your candor is refreshing, and I too like to get things done. When I became the Supervisor, we moved this proposal forward. It's a long process and we need to make sure that everything is done right. We are only a month away from the final adoption.

Amy Mele- Town Attorney
Said why the process takes so long and spoke about statutory deadlines.

David Mack- Valley Cottage
Better late than never. I've lived 50 of my 81 years in the county. I live in Mountainview Condos with 700 units and we never had traffic problems. I hope I live long enough to move into the AAR Zone.

Martin Bernstein- New City
Spoke against the proposal considering 55 as senior housing. Thinks it should be 65 years old.

Rudy Damonti- Clarkstown Senior Citizen Director
There are 100 people on the waiting list just for Middlewood.

Irwin Kolodny- New City

How do you get your name on the list?

Co. Mandia-

Rudy Damonti is our Senior Coordinator. He is keeping the list. The builders might have the courtesy to call you. This proposal is for Active Adult Housing with a cap on 800 units and at least 20% affordable.

Sasha Bunchuck- Orange County

Had questions regarding how many units could be built and their possible locations.

Chris Trevisani- Baker Residential (proposed builder)

Spoke in strong support of the law and that it would be a great benefit to the town. Discussed what the units would look like, the costs involved, and the revenues, in particular, the affordability. Stated they would be in the low \$300,000's, with affordable units at \$220,000.

Gerry O'Rourke- Congers

How do you qualify for affordable units? Town Attorney Amy Mele answered that the income must not exceed 80% of the Rockland County Median Income. Chris Trevisani added that the affordable will be granted by bonds in the \$220,000 range.

Geri Levy- Executive Director, Rockland Housing Action Coalition

I am excited the Town Board is going forward with this.

Penny Leonard- Congers

Spoke against the amendment and concerned that there won't be enough affordable units. Asked if it goes by income or assets? The Town Attorney advised that it is based on 80% of the Rockland County Median Income, which is about \$60,000.

It should be called Senior Housing, not Active Adult. There should be some kind of limit as to how many people can live in the unit. This is downzoning by a fancy name.

Co. Maloney

You've got to be in it to win it. If you have 80 houses and 80 people are happy, fine. People have been living in Clarkstown for 40 or 50 years. The longer we talk about this, we're not going to go anywhere. We'll never have affordable housing.

Helen Mondschein- New City

I've lived in Clarkstown 40 years. To preclude three bedroom units is not a safe assumption. Middlewood is Section 8 and precludes a lot of people. You must consider making it elevator accessible.

There being no one wishing to be further heard, on motion of Co. Nowicki, seconded by Co. Maloney, and unanimously adopted, the public hearing was closed 9:15 P.M.

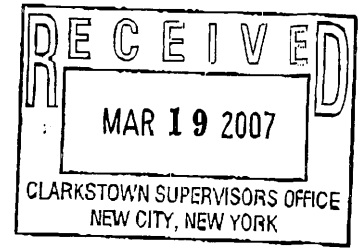
Respectfully submitted,

David Carlucci
Town Clerk



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
50 Sanatorium Road
Pomona, New York 10970
(845) 364-3434
Fax. (845) 364-3435



#4

C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE R. MILLER
Deputy Commissioner

March 13, 2007

Town of Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

Re: Adult Residential Zoning Text Amendment DGEIS

Dear Town of Clarkstown Town Board,

As an ongoing interested party for the State Environmental Quality Review Act (SEQRA) process, our department has reviewed the Draft Generic Environmental Impact Statement (DGEIS) for the proposed Active Adult Residence (AAR) Zoning District. This letter contains our review of the DGEIS for the proposed project under the SEQRA. A General Municipal Law review has already been completed on December 13, 2006.

1. The DGEIS states on pages 1-15 and 3.6-5 that there will be minimal to no school age children introduced by the AAR development. Though we agree that the actual developments within the AAR overlay zones will not increase the number of school age children, what is often overlooked is the fact that the AAR residents used to live within other residential neighborhoods that will now likely be sold to someone who does have school age children, thereby potentially increasing the number of children within the Town of Clarkstown. The overall impact should be assessed, not just the impact to areas with the AAR overlay district.
2. On page 1-16, two tables are referenced for the discussion on Trip Generation and Distribution, tables 3.7-7 and 3.7-8. However, further back in the text, on page 3.7-6, there are two tables shown, but they are labeled as tables 3.7-1 and 3.7-2. Either the reference to the tables on page 1-16 is incorrect, the tables themselves are misnumbered, or there are tables missing from the document. This discrepancy must be corrected.

3. The legend for Figure 2-2 does not correlate with the colors shown on the map itself. The map shows parcels shaded blue, green, black and gray while the legend shows green, black and gray. This discrepancy should be corrected.
4. Page 3.4-2, first paragraph references Table 2.1-1, however there is no Table 2.1-1, only Tables 2-1 and 2-2. This discrepancy must be corrected.
5. Under Section 3.4.2 Existing Zoning, a listing is provided of all of the zoning categories within the Town of Clarkstown. Several zoning districts are missing from the list, including RS, MF-1, MF-2 and MF-3. These should be added as appropriate.
6. The legend for Figure 3.4-2, AAR Zone Eligible Parcels, does not correlate with the colors shown on the map itself. The map shows parcels shaded blue, green, black and gray while the legend shows green, black and gray. This discrepancy should be corrected.
7. On Figure 3.6-1, there are several corrections that need to be made. The Congers Fire Station is shown in red instead of orange. The Nyack Community Ambulance is shown in green instead of as yellow. There is no police substation shown for either the Nanuet Mall or the Palisades Center Mall. There is also no fire station shown at the Palisades Center Mall on Route 59. These should be corrected.

Thank you for the opportunity to review and comment on the DEIS for this project. If you require additional information please contact the Rockland County Department of Planning at (845)-364-3434.



Salvatore Corallo
Commissioner of Planning

cc: Supervisor Alexander Gromack, Clarkstown
RC Executive Office
RC Drainage Agency
RC Department of Health
RC Department of Highways
RC Sewer District # 1
RC Department of Environmental Resources
RC Office of Fire and Emergency Services
United States Army Corps. of Engineers
New York State Department of Transportation
New York State Department of Environmental Conservation
Palisades Interstate Park Commission
Villages of Nyack, South Nyack, Spring Valley, Upper Nyack

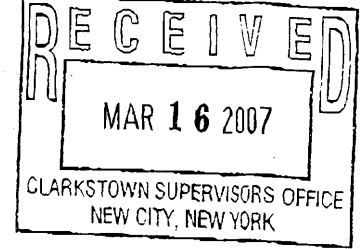


COUNTY OF ROCKLAND

SEWER DISTRICT NO. 1

4 Route 340
Orangeburg, New York 10962
(845) 365-6111
Fax. (845) 365-6686

C. SCOTT VANDERHOEF
County Executive



#2

JULIUS GRAIFMAN
Chairman
CHRISTOPHER P. ST.LAWRENCE
Vice-Chairman
DIANNE T. PHILIPPS, P.E.
Executive Director

March 16, 2007

VIA FACSIMILE

The Honorable Alexander J. Gromack
Clarkstown Town Hall
10 Maple Avenue
New City, NY 10956

Re: Active Adult Residential Zoning Text Amendment

Dear Supervisor Gromack:

Our office has received and reviewed a Draft Generic Environmental Impact Statement (DGEIS) dated February 13, 2007, which Tim Miller Associates prepared for the above referenced zoning amendment. We thank you for the opportunity to comment on the DGEIS. Our comments are as follows:

1. The sanitary sewers from the thirty-one (31) parcels eligible for Active Adult Residential (AAR) development would connect to the District's sewer system.
2. For development in excess of maximum density (i.e., for the "maximum density bonus"), the District will require an impact fee, in accordance with the Rockland County Sewer Use Law as last amended in 2006. Impact fees enable the District to invest in future sanitary sewer improvement projects.
3. Approval of the AAR zoning law amendment will result in additional sewer units for which potential developers must pay an impact fee to Rockland County Sewer District No. 1. The impact fee is currently one thousand eight hundred fifty dollars (\$1,850.00) per additional unit, or as established by resolution of the Board of Sewer Commissioners.

Please inform us of all developments in this zoning law amendment. If you have any questions, please contact this office at 845-365-6111.

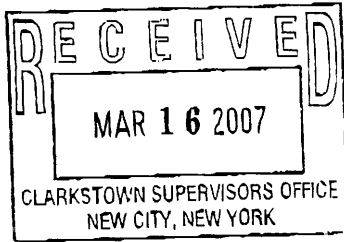
Very truly yours,

Joseph LaFiandra
Engineer II

cc: D. Philipps M. Saber G. Hurban

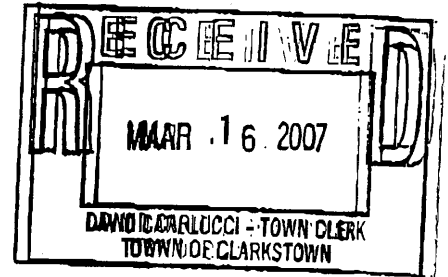
File: Town of Clarkstown Zoning
Reader

#3



7 North Conger Avenue
Congers, NY 10920
March 15, 2007

Supervisor Alexander J. Gromack.
c/o Town Clerk David Carlucci
Town of Clarkstown
10 Maple Avenue
New City, NY 10956



Dear Supervisor Gromack:

This letter is in response to the DGEIS prepared for the AAR zoning proposal. I realize that it may be past the official deadline; nevertheless, I hope you and the other Town Board members will take my comments into consideration when you vote.

I have to tell you that I have been puzzling over the proposal for several weeks. I keep trying to figure out why you are so supportive of it. The quality of life in Clarkstown deteriorates as the town gets increasingly crowded. Everyone reminisces about how nice it was when they moved here -- before everything got so congested. Regardless, now you are about to make everything even more congested, and the seniors on the Middlewood list and the volunteers still won't have a place to live.

Anyway, my comments follow. I don't really expect that they will change your mind. I'm making this effort just so that I can sleep at night knowing that I tried to stop you from making a huge mistake.

Sincerely,

Penny Leonard

CC: Councilmen Maloney c/o Town Clerk David Carlucci
Councilman Mandia c/o Town Clerk David Carlucci
Councilwoman Lasker c/o Town Clerk David Carlucci
Councilwoman Nowicki c/o Town Clerk David Carlucci

Comments on the Town of Clarkstown's
Active Adult Residential (AAR) Zoning Text Amendment
Draft Generic Environmental Impact Statement

2.1.1 Background - AAR Floating Zone

Most of the proposed housing will not meet the needs of senior citizens on limited incomes, nor will it meet the needs of young adults, particularly those who volunteer as fire fighters or ambulance workers. Considering the up to 100% density bonuses proposed it would be financially feasible for ALL of the new housing to be targeted for those individuals. They are the ones who were surveyed by Clarkstown's Citizens' Advisory Board for Housing; they are the ones who are being forgotten now.

2.1.2 Background - Citizens Advisory Board

The results of the senior survey showed that the majority of Clarkstown seniors just want to remain in their own homes. Those who would consider moving within Clarkstown indicated that they would be willing to pay no more than \$150,000 for a new home. Despite inflation, this number is unlikely to have changed since most retired seniors are on fixed incomes that have not increased much, if at all, since the survey was completed.

2.1.3 SEQRA

Segmenting SEQRA into multiple environmental impact statements is a way to cloud the issue and minimize the environmental impacts that AAR will really have on our community. Likewise, the plan to first approve 800 units and the next 800+ units is an orchestrated plan to hide the real problems that will be caused by AAR zoning.

2.3 Proposed Action

The first objective listed: "To provide affordable housing for those senior citizens living on fixed or limited incomes in order to give such residents the opportunity to remain in the community close to family and friends" will not be met by the AAR zoning. (Residents on the Middlewood list will not be able to afford the new housing. Residents who own their own homes will probably not qualify to buy the affordable units, and the other units -- when one considers common charges and higher taxes for new construction -- will be more costly than the seniors staying in their present homes.

The density bonuses are outrageously high in comparison to the "affordable" units that will result. The density bonuses will be gigantic gifts to builders.

2.5.2 Parcels Eligible or AAR

It appears that between 100 and 150 acres of commercially zoned land may be used for AAR purposes. The potential loss of jobs is not evaluated. The differences between residents who might have those jobs is not evaluated in terms of prosperity, energy saved by not having to drive long distances to work, air quality preserved by fewer vehicles driving long distances, etc.

3.1.2 Geology - Topography

Disturbance to slopes always results in soil erosion and sediment impacts. It is impossible to eliminate the off-site impacts. The DGEIS only speaks to minimizing them; therefore, it is known now that Clarkstown will suffer drainage problems from the construction -- particularly due to the denser construction and additional land coverage being allowed on the sites that slope.

3.2.1 Existing Conditions - Water Supply

The existing water supply is often inadequate and use-restricted during periods of drought. Certain uses are even prohibited during those times. Even with the additional Letchworth reservoirs taken into consideration, can any expert say that the AAR construction won't exacerbate the need for more restrictions in the future? Will present Clarkstown residents have to step up their water-conservation efforts to allow for the new residents? Does the Rockland County Health Department confirm that the water supply is adequate? It appears that all conclusions are based on one phone conversation with one United Water representative.

3.4.2 Zoning

The purposes of existing zoning designations should be reviewed by the Town Board. Those that describe allowing businesses are valid, and the businesses are needed. If the intention is to not let business properties be developed for AAR, they should be removed NOW from consideration, instead of keeping them in and talking about all the individual hearings.

3.4.4 Change in Development - Potential Impacts

A demographic multiplier of 1.8 was used to project the population that will supposedly reside in the senior residential units permitted under AAR. Where did that multiplier come from? The units allowed under Clarkstown's AAR can be up to 2,500 square feet. Surely, a 1.8 multiplier does not accurately correlate to units of that size.

The traffic impacts are likewise based on the 1.8 multiplier. Yet there is no evidence that that figure comes from similarly situated units of such a large size. That makes the projection invalid, as is the estimated example of traffic from a 30-acre LIO parcel. That number is inflated and does not reflect accurately on today's industrial uses that employ fewer people due to modern technology.

Again seniors with limited incomes are referenced. Since the AAR proposal does not place a cap on the prices of homes in that district, there really is no proof that seniors will find the AAR homes any more affordable than -- or even as affordable as -- their present housing. The DGEIS should show some proof of that.

3.5.2 Potential Impacts

Unless, the AAR proposal is changed from allowing three-bedroom units, it is inaccurate to assume that "A typical age-restricted dwelling unit will have two bedrooms" and 1.8 persons."

Additionally, to base the DGEIS on 800 units of AAR housing, when actually 1,687 units are contemplated to eventually be approved, is disingenuous. It is a way to segment the environmental impacts of the AAR zoning so that it appears less disastrous to the town. If the Town Board wants to limit the total number of units to 800, then there should be no provision to increase that number at a later date. Likewise, if the Town Board wants to eventually allow 1,687 units, the DGEIS should use that number to accurately reflect the total impacts on the town.

The DGEIS fails to properly compare the population projected under the current zoning to the population projected if 800 units of AAR housing are constructed:

The DGEIS unfairly compares the population potential of the 800 AAR units (1,440 persons) to the population of the 614 allowed-by-right units (2,228 persons) and concludes that the implementation of the AAR zone would likely create a "reduction in the total population that would otherwise be introduced as a result of new non-age restricted, single-family detached housing." The actual reduction in population would be totals 788 persons.

The problem with this comparison is that it does not take into consideration which or how many parcels of land are used for the AAR units. Nor does it take into account that fewer than 800 units might actually get built.

If, for example, only 557 units (1002 persons) get built on non-residential land, there would still be 605 units (2,196 persons) allowed by right on the remaining residential properties. THAT WOULD RESULT IN AN INCREASE IN POPULATION OF 970 PERSONS.

No matter how many of the 800 new AAR units get constructed on non-residential land, any analysis must still take into consideration any remaining residential housing potential on residentially zoned lands that still exists by right. And those numbers in terms of units and population must be added to the 800 units and to the 1,440 persons.

3.5.2 Potential Impacts - Affordable Housing Impacts

Since the senior survey from the housing study shows that the overwhelming majority of Clarkstown seniors just want to remain in their own homes and do not plan to move away from the town, it is a mistaken assumption to say, "It should be noted that active adults who sell their single family residences would likely do so because they desire to make a lifestyle and economic change - this would happen regardless of whether or not active adult housing is located in Clarkstown."

The DGEIS projects that the "affordable" AAR units will sell for \$220,000, and that it would require a down payment of 50% or more. Perhaps those on the Middlewood list should be surveyed to see if they can afford this amount, plus the monthly mortgage payment, common charges, and property taxes.

The additional fire and ambulance calls that would result from the AAR proposal are questionable because the estimates do not seem to take into account the age of the residents nor the faulty population calculations pointed out above.

Appendix E

The memorandum from Rose Noonan that is dated June 20, 2006, notes two things of particular interest:

1. "if the goal of the municipality is to ensure that legislation will yield affordable units, then either on or off-site development is preferable to realize units versus a buyout fee. (Therefore, one might conclude that there should be no buyout offers allowed under AAR.)"

2. "in the Clarkstown draft 100% of the density bonus units must be affordable." (Therefore, it appears that percentage of affordable units has been greatly reduced under the current AAR proposal.)

Additionally, the DGEIS does not take into account many of the ways it contradicts the recommendations of the Citizens' Advisory Board's Final Report:

A 50% density bonus (not 100%)

No housing in non-residential zones

Density bonus should be considered only on parcels larger than 15 acres in size, with the total number of units limited to 100 maximum per site

Etc.

Etc.

Etc.

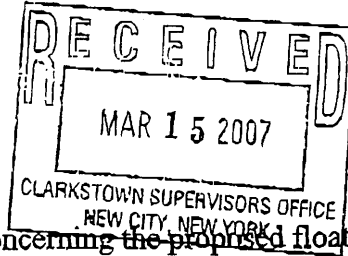
Congers Civic Association, Inc.

P.O. Box 10 Congers, New York 10920

#4

March 14, 2007

Hon Alexander Gromack
Supervisor
Town of Clarkstown
10 Maple Ave.
New City NY 10956



Thank you for the opportunity to submit comments concerning the proposed floating zone designation for Active Adult Housing.

Since reference has been made to the 1999 Comprehensive Plan, I think it is important to point out that the final plan did not recommend increasing densities, or re-zoning properties coded Industrial such as LIO, LO, PO, for housing.

I offer the following comments.

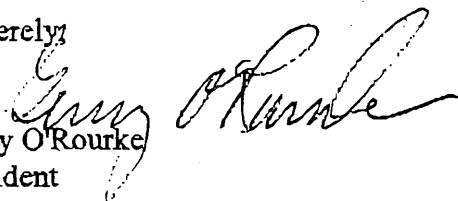
- I. Since a committee has been established to update the Comprehensive Plan, adoption of this regulation should be held and considered in conjunction with that overall update.

I stress this, since hamlet meetings involving the update will allow a closer review and understanding of this plan by those residents in the most affected residential zones. Density bonuses should not be an automatic 100 percent, and if assigned, perhaps considered on more of a graduated scale.

- II. Delete the possibility of Industrial Zoned land from being re-zoned for AAR. Permitting this runs completely counter to the objective of bringing job creating facilities to Clarkstown, as hoped for with the recently designated Empire Zones. If industrial land remains dormant in the future, and some form of this concept is set in place, such designation could always be added at a later date.

Thank you in advance for your consideration.

Sincerely,


Gerry O'Rourke
President

Cc Paula Tobin for distribution to Town Council members

#5

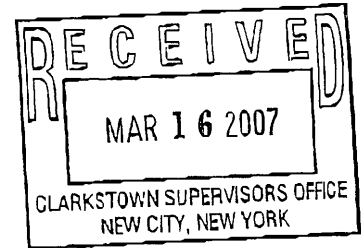
LITTLE TOR NEIGHBORHOOD ASSOCIATION

"A Community To Be Proud Of"

34 Twin Elms Lane, New City N.Y. 10956 (845) 638-4317

March 14, 2007

Honorable Alex Gromack
Town Supervisor
10 Maple Avenue
New City, N.Y. 10956



Dear Alex,

I was so glad to see that the New City Vision Plan presentation went so well. It was proof positive that the Town and its residents can work together to achieve a common goal. I would also like to commend you on the leadership you displayed in getting this dream in motion and turning it into a reality.

The purpose of this communication is to state our concerns about another issue at hand, which is the proposed Active Adult Residence Zone.

In the past we have made our position known that the rights of the residents in our association must be respected. We do not deny that there is a need for this type of housing but we feel that single family zoned neighborhoods should not be destroyed by high density and over kill. We have invested our life savings along with our sweat and blood into our neighborhoods and demand that the quality of life that we have been accustomed to not be taken away from us. As of this date, New City plays host to the assisted living Sunrise House located on North Main Street and the Squadron Gardens Senior Housing Complex on Squadron Boulevard. It is only a matter of time before the Vanderbilt Grande fifty five and older luxury condominium complex is approved. Therefore, it is safe to say that New City has done its fair share in supporting this type of housing and that the rest of the burden should be equally shared by the other towns and villages in Clarkstown.

There are also many issues that have not been fully addressed with respect to this plan and need to be fully researched and corrected before we even think of going through with this type of zoning. We cannot introduce anymore density into our already congested civic centers. Most of the fifty five and over complexes in other states that we are so quick to compare these plans to, were built in planned communities which have a glut of undeveloped property. Clarkstown has neither unless we consider R40 and R80 zones also. Frankly that would be a better way to go. The notion that a fifty-five year old and older tenant would walk to a civic area and not need a car is ludicrous. Most families in this age group have two cars. All one has to do is look at this type of housing in other communities and you will see that every parking space is filled and at times there is not enough to go around.

When one reads the newspapers and sees the requests that three bedroom units be supplied in the luxury condo units also rings a bell. Does this really address what the Town is looking to do or are there ulterior motives? This is not truly consistent with the needs of our senior citizen, which has been expressed by many seniors and does not serve the intent of senior housing. We also view this as an invitation to abuse

What is the protocol if someone takes up residence in one of these units who should not be there? As it stands now, there is no concrete plan to deal with this type of incident. We need well thought out and enforceable codes with no loop holes. We need courts that are willing to prosecute these abuses and heavy fines that will deter them.

LITTLE TOR NEIGHBORHOOD ASSOCIATION

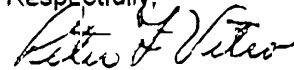
"A Community To Be Proud Of"

34 Twin Elms Lane, New City N.Y. 10956 (845) 638-4317

Will this type of zoning only fill the needs of Clarkstown residents and if so how will this affect the tax burden of the property owners in the Town? People who want to down zone and move into this type of housing will more than likely sell their homes to young families with school aged children thus placing a burden on the school district which is a sure guarantee of higher school taxes. The responsibility for added school tax burdens is not only the responsibility of the School District but also that of the Town and how it plans these projects.

In closing I would like it to be known again that our Association does acknowledge that there is a need for senior housing but that it must be done right and respect the needs of not only of the Seniors but also the neighborhoods that will be affected by such a proposal.

Respectfully,



Peter F. Vitro

President

Little Tor "Neighborhood" Association

 **COPY**



0612 F
AJG

#6

**TOWN OF CLARKSTOWN
OFFICE OF THE SUPERVISOR
FAX TRANSMISSION COVER SHEET**

Date: March 20, 2007
To: Tim Miller
Fax No: 845-265-4418
From: Alexander J. Gromack, Supervisor
Re: AAR Zoning Proposal
of pages (including this cover sheet): 2

Attached for your review, please find copies of two messages taken by this office on March 14, 2007:

- Mary Ellen Sher (638-0894)
- Rosalyne & Maynard Zukor, 3 Mandon Terrace, New City

AJG:jw

PHONE CALL

FOR Alex DATE 3/14 TIME 12 A.M. P.M.

M Mary Ellen Shes

OF _____

PHONE FAX MOBILE 638-0894

MESSAGE for responses to article in today's paper
VERY much in favor of opening for active adults

SIGNED _____

TOPS FORM 4003

PHONED
RETURNED YOUR CALL
PLEASE CALL
WILL CALL AGAIN
WANTS TO SEE YOU
WANTS TO SEE YOU

IMPORTANT MESSAGE

12:21
3/14/07

FOR Roslyne + Maynard Zucker DATE _____ TIME _____ A.M. P.M.

M 3 Mandon Terrace

OF New City

PHONE FAX MOBILE _____

MESSAGE very much in favor of Active Adult zone - "long overdue"

SIGNED LL

TOPS FORM 4006

PHONED
RETURNED YOUR CALL
PLEASE CALL
WILL CALL AGAIN
WANTS TO SEE YOU
WANTS TO SEE YOU

#7

Mr. Patrick J. Healy, Jr.
149 Prospect Street
Nanuet, NY 10954
(845)-627-8229

March 16, 2007

Sent via fax #634-5456

The Hon. Alexander Gromack
Clarkstown Supervisor
Town Hall
10 Maple Avenue
New City, NY 10965

cc: Town Board Members ✓
Mr. J. Simoes, Town Planner ✓
Planning Board Members
Nanuet Civic Association / Residents

Re: Proposed Active Adult Residence Ordinance ("AAR")

Dear Supervisor Gromack:

I contacted you in my February 13, 2006 letter (copy attached) regarding my serious concerns regarding the above-referenced multi-family housing proposal. At your suggestion, I spoke with J. Simoes, Town Planner, about why I felt that this draft proposal was a very bad idea for Clarkstown. I also spoke out against AAR at the first Planning Board Hearing on March 22, 2006.

When deciding where to purchase a home, I, like others, took into consideration many factors. Zoning was one of the most important key factors. I purchased my home in 1989 in a quiet, R-15 single-family residential neighborhood in Nanuet, because I knew that the adjoining neighborhoods and area were also zoned R-15, or R-22. I specifically chose NOT to live near a commercial area, or a large multifamily complex, thinking that Clarkstown's zoning laws stood for something. I should have known better. Despite widespread neighborhood opposition, the Town Board downzoned by "special permit" in the Senior Housing code the North side of Convent Road in 2001 to allow the construction of the massive 106-unit multifamily Seton Village complex on R-15 land, on already congested Convent Road. The previous Supervisor's promised tree buffer between the facility and existing residents was disregarded by the developer, and Clarkstown caved into them. As a result, hundreds more large trees were lost, and 2 major floods in our neighborhood quickly resulted. In 2003, Nanuet residents presented a 220-signature petition to the Board, asking that the Town preserve the balance of the north side of Convent Road as "Open Space". The owner has refused to sell to Clarkstown thus far.

AAR IS EVEN MORE UNFAIR to single-family homeowners than the Town's existing Senior Housing code that Seton was approved and constructed under. At least the Senior Housing code limits the total number of units to 106 per parcel. AAR does not even stop development at this large limit. Further, the Senior Housing "special permit" REQUIRES a distance of 1,500 feet between senior complexes. AAR does not. While I know that AAR is to be considered a "floating zone", all it would take is 3 Town Board votes at any given time to further change our community. If passed, we will have to once again bear the brunt of even more down-zoning of single-family residential parcels, to accommodate the construction of large, three-story multifamily complexes. No matter what kind of so-called "safe-guards" you are trying to include to mitigate the impact, these large "mini-city" behemoths are completely out of character in any R-Zones. I ought to know. I live right next to one that is not allowed to build any more multifamily housing at this site now. But you could open the door wide open for them to apply to expand building even further if AAR is passed. This would be a big mistake. By passing this ordinance, the Town would be opening a Pandora's Box. Once on the books, history tells us

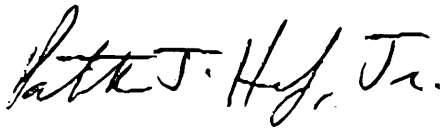
that the developers will come right in and pressure the Town to build as much as they can for their maximum land utilization and advantage, not caring one bit about existing residents.

Existing tax-paying residents deserve better than this from our elected officials. AAR should only be considered in MF residential zones. In fact, homeowners in R-15 and R-22 zones are being particularly discriminated against, as the fortunate homeowners in and near R-40, R-80, and R-160 zones are not eligible to be downzoned under the latest AAR draft. This, in and of itself, is outrageous!

If there is not enough land in MF zones to accommodate AAR, then please scrap this immediately. You cannot put all the burden on single-family homeowners time after time. Please finally learn from the past. I urge you in the strongest possible terms to vote "NO"!

I thank you for your assistance in this matter.

Sincerely,



Patrick J. Healy, Jr.

#8

1

Mr. Patrick J. Healy, Jr.
149 Prospect Street
Nanuet, NY 10954
(845)-627-8229

February 13, 2006

Sent via fax #634-5456 & regular mail

The Hon. Alexander Gromack
Clarkstown Supervisor
Town Hall
10 Maple Avenue
New City, NY 10965

cc: Town Board Members
Mr. J. Simoes, Town Planner
Planning Board Members
Town Attorney
Nanuet Civic Association / Residents

Re: Proposed Active Adult Residence Ordinance ("AAR")

Dear Supervisor Gromack:

I spoke with you after the conclusion of the Town Board meeting on July 26, 2005. Concerning the proposed Senior Independent Living ("SIL" law), *you stated to me that due to "a lot of opposition from Clarkstown residents", the Town Board would NOT be adopting this harmful law that would allow even more downzoning and result in the construction of even more multifamily complexes in single-family residential zones, such as R-15.* You stated that the Town would possibly consider adopting SIL in existing multifamily or some commercial zones, which would not alter the character of single-family neighborhoods. *As a single-family homeowner and 40-year Nanuet resident that already has the massive 106-unit Seton Village complex right behind my backyard on single-family R-15 land, I felt some relief that you stated as Town Supervisor that residential zones were NOT going to be considered for this ordinance.*

As I stated then, the fact is that the comprehensive Fall 2002 Clarkstown Senior Housing study *overwhelmingly concluded through surveys, analysis, and direct senior commentary that Clarkstown seniors want to stay in their own homes, and do NOT want to live in senior housing complexes.* In addition, Clarkstown, (especially Nanuet) already has numerous senior and other multifamily complexes, and is way overbuilt already, resulting in gridlock traffic, clogged, dangerous roads, air pollution, and severe flooding. Out of the 6,900 existing multifamily units in all of Clarkstown, a staggering 3,500 (51%) are shoehorned into tiny Nanuet.

Having cited our July conversation and the above, I was extremely surprised when I called and spoke with Jose Simoes on February 6th concerning the particulars of the evolving new AAR draft proposal at this point. *In particular, I was shocked to learn the following about this draft:*

0 Eligible Zones: Despite your discussion with me about SIL in July to the contrary, all Residential Zones, with the exception of R-160 and R-180, are currently INCLUDED for eligibility in this AAR draft. This is even worse for existing homeowners and more far-reaching than the SIL wording, and needs to be rescinded immediately, as it would cause even more overbuilding and damage to our Town. Please stick to what you stated earlier to me concerning SIL: Restrict AAR to either multifamily or some commercial zones for possible eligibility only.

0 Distance Requirement Between AAR Complexes/Floating Zones: Clarkstown's current existing Senior Housing Law requires a "special permit", that in turn, REQUIRES a distance of 1,500 feet between senior housing complexes. Even Requirement Item #6 of the SIL draft in the

June 23, 2005 letter from Shirley Thormann to The Town Board (att'd) states: "Establishing a distance of 1,500 feet between floating zones as is the case with the existing senior citizen special permit requirements". Mr. Simoes told me that as of right now, there is NO 1,500 foot distance requirement in the "AAR" wording, and he didn't know why this wasn't 'moved over' to be consistent with the current senior housing law, as it was with SIL. *Was this just an oversight? I certainly hope so!*

I can't stress the importance of this enough. A distance of AT LEAST 1,500 FEET (Preferably 2,000 FEET) MUST BE included in this ordinance requirement. Otherwise, you easily have the potential for even more massive multifamily buildings to be added to existing complexes at the same sites (such as Seton Village in Nanuet). Or, this could lead to applicants with enough land to "string several large complexes together", and further erode our quality of life here. The 1,500 foot distance wording MUST be included as a part of this ordinance to safeguard existing residents! Please reinsert it! Thank you!

0 Maximum Number of Units on Property Site: Once again, Clarkstown's long-standing existing Senior Housing Law allows for NO MORE than 106 units on a property site. This is important to limit multifamily development, and 106 units is already generous enough to developers, and much more than is needed. Even Requirement Item #11 of the SIL draft from Planning Chairwoman Thormann's June 2005 letter to the Town Board (att'd) recognizes this by stating: "Revising the maximum number of units on a property from 100 to 106 (to be consistent with senior citizen special permit criteria)." Was not including this wording in the "AAR" draft an oversight also? Again, please make sure that the 106 units is re-inserted back into the AAR wording, and remains the maximum number of units to be constructed one one site. If this crucial 106-unit limit is NOT included, the possibility of developers destroying what is left of our quiet neighborhoods is an absolute certainty!

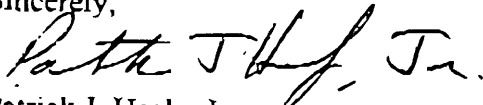
Mr. Gromack, we already have the troublesome multifamily Spring Valley Rest Home, St. Agatha's (soon to be preserved), Camp Venture, and then the large 106-unit Seton Village clear-cut of trees all built on busy, winding Convent Road in a single-family residential area. This is next to the flood-prone Pascack Brook. This is enough! We are already fed up with being oversaturated with multifamily housing in this area, and can't digest any more!

You cannot adopt a weak ordinance like AAR in its present state, that is missing even the basic key limits outlined above. If you do, you open the door to developers who will take advantage of us, and will build all they can at the expense of existing tax-paying residents, and ruin what is left of our community.

Mr. Gromack, I was very disappointed to hear about what has happened with the main provisions of this proposal in light of our earlier conversation in July. Could you please call me to discuss this important topic, and relay these concerns to both the Town Board and Planning Board members, each of whom I will be calling?

I thank you for your assistance in this matter.

Sincerely,


Patrick J. Healy, Jr.



Tel. 845-638-4545
Fax. 845-638-4606

March 14, 2007

Hon. Alexander J. Gromock
Supervisor
Town of Clarkstown
10 Maple Avenue
New City, NY 10956

VIA FACSIMILE & 1st Class mail

**Re: Proposed Comments to AAR Zone Amendment
Inclusion of Additional Parcels In Proposed
AAR Zoning Amendment**

Dear Supervisor Gromack,

After reviewing the proposed zoning criteria, we believe the following tax designation parcels are eligible and should be included in the AAR Zoning amendment:

- 35.19-2-17
- 35.19-2-18
- 35.19-2-19
- 35.19-2-13
- 35.19-2-20
- 44.07-2-10
- All of Old Orchard Lane

Sincerely,



Bruce R. Katona, AICP
Director of Development

Cc: Eric Bergstol
Kenneth Bergstol
Mark Unger
Ann Cutignola – Tim Miller Associates – VIA FACSIMILE

Appendix B

AAR Zone Amendment Law
Revised 3/9/2007

PROPOSED LOCAL LAW NO. _____ 2007

A LOCAL LAW AMENDING LOCAL LAW NO. 2-1974 AS AMENDED
CREATION OF THE AAR (Active Adult Residential) ZONING DISTRICT

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN as follows:

SECTION 1. AMEND SECTION 290-3 Definitions by adding the following:

“ACTIVE ADULT RESIDENTIAL COMMUNITY” – A building or buildings containing dwelling units specifically designed for and limited to residents aged 55 and older.

“ACTIVE ADULT”- For purposes of the AAR zoning district, the term shall mean an individual age 55 or older.

“ACTIVE ADULT HOUSEHOLD” – a household in which at least one member residing or proposing to reside in a reserved dwelling unit has attained the age of 55 years or more on the date that such household initially occupies the dwelling unit.

“AFFORDABLE UNITS” – shall mean units offered at a sales price at which Income Eligible individuals and households can qualify for the purchase, calculated on the basis on underwriting standards of mortgage financing available for the development. For rental units, Affordable Units shall mean units offered at a monthly rental price equal to or less than one-third of the monthly income of an Income Eligible individual.

“CLARKSTOWN RESIDENT” – a person who currently lives in the Town of Clarkstown, New York, with the intent to make the Town of Clarkstown his or her fixed, sole and permanent residence. An individual who lives in a house, a home, an apartment, a room or other similar place in the Town of Clarkstown continuously for at least three (3) years shall be considered "presumptive evidence" that he or she is a resident of the Town of Clarkstown.

“DENSITY BONUS” – for the purposes of the AAR zoning district, shall be equal to a percentage density increase over the otherwise allowable Maximum Residential Density.

“DENSITY BONUS HOUSING AGREEMENT” –a legally binding agreement between a developer and the Town of Clarkstown to ensure that the requirements of the AAR Zone are satisfied. The agreement shall establish, among other things, the number of Density Bonus Units, their size, location, terms and conditions of affordability, production schedule and restrictions on resale.

“DENSITY BONUS UNITS” –those residential units granted pursuant to special permit which otherwise exceed the Maximum Residential Density for the development site.

“FORMER CLARKSTOWN RESIDENT” – a person who met the definition of Clarkstown Resident within the past three years.

“INCOME ELIGIBLE” – For purposes of the AAR zoning district, the term shall mean those individuals and households with an income that does not exceed 80% of the Rockland County Median Income.

“MAXIMUM RESIDENTIAL DENSITY” –the maximum number of residential units permitted by the Town of Clarkstown Zoning Local Law at the time of application, based on the number of units that could be generated from a standard subdivision map, not including any Density Bonus Units which may be allowable under this chapter. For non-residential zones, the Maximum Residential Density shall be calculated by applying the zoning district of abutting residential parcels, and calculating a theoretical unit count based upon a standard subdivision map. For non-residential parcels that abut more than one residentially zoned parcel, the Maximum Residential Density shall be calculated by applying the zoning district of the residential parcel with the greatest percentage of property abutting the subject property.

“MULTI-UNIT COMPLEX” – a building containing three or more dwelling units, including units that are located one over the other.

“OPTIONAL MONETARY CONTRIBUTION” –a monetary contribution by the applicant to the Clarkstown Affordable Housing Trust Fund in lieu of providing Affordable Units in exchange for a Density Bonus.

“PATIO HOME - DETACHED” – a single-family dwelling on a separate lot with open space setbacks on three sides.

PATIO HOME – SEMI-ATTACHED” – a single-family dwelling on a separate lot having one party wall and one side yard.

“ROCKLAND COUNTY MEDIAN INCOME” –the Rockland County median income for a family of a certain size as determined annually by the United States Department of Housing and Urban Development.

SECTION 2. AMEND SECTION 290-5 Establishment of Districts by adding the following zoning district: “AAR- ACTIVE ADULT RESIDENCE”

SECTION 3. AMEND SECTION 290-6 Purpose of Districts by adding the following amendment:

1. AAR- The purpose and intent of the AAR zone is to provide housing to accommodate a range of independent living accommodations for active adults and to create housing or provide financial resources to assist income eligible active adults to obtain or retain housing. The Town of Clarkstown recognizes that our senior citizen population is largely comprised of individuals with limited or fixed incomes who, given present market conditions, find it increasingly difficult to acquire and/or maintain a single family home. The AAR zone is intended to require the provision of affordable housing as a portion of age-restricted housing development in the community, and to implement the affordable housing goals, policies and objectives set forth in the Town's Comprehensive Plan. The AAR Zone is intended to address a range of housing needs by encouraging a range of housing types, locations and sizes. This zone is intended for areas of the Town where local services necessary to support active adults are immediately available. It is the intent that clustering be considered for complexes within the zone so as to minimize the impact on the environment. A proposed active adult community must be compatible with the existing scale of development nearby and be consistent with the recommendations of the Housing Advisory Board report and the Town Development Plan as adopted by the Clarkstown Planning Board on August 16, 1966, and the Comprehensive Plan update as adopted by the Planning Board and Ad-Hoc Committee on June 30, 1999, and adopted by the Town Board on September 28, 1999. This local law is enacted in accordance with the provisions of §261-b and § 272-a of the Town Law of the State of New York.

2. The specific objectives of this zone are:
 - a. To provide affordable housing for those senior citizens living on fixed or limited incomes in order to give such residents the opportunity to remain in the community close to family and friends;
 - b. To provide appropriate sites for the development of such housing in locations convenient to social and medical facilities, retail shops, public transportation and other necessary services;
 - c. To provide, within the boundary of the development, appropriate social, recreation and other facilities which will contribute to the independence and meaningful activity of senior citizens;
 - d. To provide for the safety and convenience of residents through site design and housing unit design requirements which consider the special physical constraints of the elderly and the physical characteristics of the design site;
 - e. To regulate the nature and density of senior citizen housing developments, their site layout and design, and their relationship to adjoining uses, so as to provide ample outdoor living and open space for residents and to minimize detrimental effects on the surrounding neighborhood and environment.

SECTION 4. AMEND SECTION ____ by adding the following amendment

§290 - ____ - ACTIVE ADULT RESIDENCE ZONE

1. General Provisions.

- a. The AAR zone is a floating zone, unmapped at initial adoption, and created by amendment to the Town's zoning map through exercise of the Town Board of the procedures set forth in this zoning local law. The Town Board has full discretion regarding any request by petition to the Town Board for mapping a site as AAR, subject to the provisions of the zoning local law.
- b. Any parcel that may be designated as AAR must be proximate to public transportation, shopping, community and commercial services.
- c. Properties that are developed for multi-family use at the time of adoption of this amendment are not eligible for redevelopment in the AAR zone.
- d. All zones shall be eligible hosts for the floating zone except: R-160, R-80, R-40, MRS, RS, PED and M, where the uses provided herein are prohibited. Joint applications for a zone change and AAR designation are prohibited. Only non-residential parcels which abut residential districts that are eligible hosts for the floating zone are eligible for floating zone designation.
- e. The total aggregate number of units allowable in AAR zones established pursuant to this section shall be no more than 800, of which no more than 15% shall constitute three bedroom units. The Town Board may, by resolution passed by a super-majority vote after a public hearing, increase the total aggregate number of units allowable in AAR zones.
- f. Only parcels which are three (3) acres or larger in net lot area, after deduction of areas with development limitations as per Section 290-21 D, shall be eligible for AAR zone designation. Assemblage of properties or parcels not in the same ownership at the time of adoption of this Local Law so as to meet minimum acreage requirements is prohibited.

2. Application Procedure.

- a. Application. Application for the establishment of an Active Adult Residence Zone by amendment of the Clarkstown Zoning Local Law shall be made, in the form of a written petition, to the Town Board. Application shall be made by the owner(s) of the land(s) to be included in the district or by a person or persons possessing written contract or option rights to purchase the lands. In the event that an application is made by a person or persons holding rights to purchase the lands, the application shall be accompanied by a statement signed by all owners of such land indicating concurrence. Upon submission of a complete application, the Town Board may refer the application to the Planning Board for recommendation. The Town Board may schedule an informational workshop to discuss the proposal at any point before or during the application process.

- b. Application materials. The applicant shall submit a preliminary plan in sufficient quantity as determined by the Town. The preliminary plan, to be complete, shall consist, at a minimum, of the following:
- i. Metes and bounds description of the proposed district;
 - ii. A survey of the parcel prepared and certified by a licensed land surveyor
 - iii. A proposed preliminary plan, drawn to scale, showing existing conditions of the parcel, including:
 - 1. The name and address of the owner of record and applicant, if different.
 - 2. The name of the person or firm preparing the map.
 - 3. The date, North arrow and scale.
 - 4. The names, addresses and Tax Map parcel numbers of owners of all parcels within 500 feet of the subject property; also, mailing labels for all property owners of parcels within 500 feet of the subject parcel(s).
 - 5. The acreage of the parcel and the County Tax Map number.
 - 6. The boundaries of the parcel plotted to scale.
 - 7. The location and width of existing and proposed state, county or Town highways or streets and rights-of-way abutting or within 200 feet of the parcel.
 - 8. The location and outline of existing structures both on the parcel and within 100 feet of the property line.
 - 9. The location of any existing storm or sanitary sewers, culverts, waterlines, hydrants, catch basins, manholes, etc., as well as other underground or aboveground utilities within or adjacent to the parcel.
 - 10. The existing zoning and location of zoning boundaries.
 - 11. The location and outline of existing water bodies, streams, marshes or wetland areas and their respective classification as determined by the appropriate governmental regulatory body.
 - 12. The approximate boundaries of any areas subject to flooding or storm water overflows.
 - 13. The location and outline of existing vegetation clusters (for a distance of 50 feet onto adjoining property).
 - 14. Freestanding trees with a caliper d.b.h. of 10 inches or greater located within the parcel.
 - 15. Existing contours at an interval of five feet (or less) and extending no less than 50 feet onto adjoining property.

16. The identification of any other significant natural feature.
 17. The approximate location and dimensions of principal and accessory buildings on the site, their relationship to one another and to other structures in the vicinity, as well as the number of dwelling units by housing type and size, plus a calculation of the density, in dwelling units per acre allowed per current zoning regulations. Any request for a Density Bonus shall also be specifically set forth, with the proposed Density Bonus Units identified.
 18. The approximate location and dimensions of vehicular traffic circulation features of the site, including proposed roadways, internal driveways, parking and loading areas and proposed access to the site.
 19. The approximate location and nature of pedestrian circulation systems, open space and outdoor recreation areas on the site.
 20. The proposed source of water supply and method of delivery to the site.
 21. A general plan for the collection and disposal of sanitary wastes from the site.
 22. A general storm water management plan and how it is to be connected to the drainage systems of adjoining land. If retention or detention basins are proposed, ownership information and maintenance responsibilities shall be noted.
 23. A preliminary site grading plan at intervals of five feet or less.
 24. Preliminary identification of areas which will be disturbed and areas which will remain undisturbed by project implementation.
- iv. A vicinity map showing the proposed use in relation to adjoining uses: grocery stores, community facilities, social service facilities, post offices, public transportation, medical facilities, pharmacies, religious institutions and proximity to other Active Adult Residences.
 - v. Preliminary floor plans and building elevations.
 - vi. A description of any subsidy program relied on in development of the project and proposed rents or selling prices within a reasonable range.

- vii. A statement as to the percentage, type, number of bedrooms and the location of Affordable Units.

3. Initial review.

- a. In its review of the application, the Town Board may, in lieu of rejection of the application, suggest such changes in the preliminary plans as are found to be necessary or desirable to meet the requirements of this section, to protect the established or permitted uses in the vicinity and to promote the orderly growth and sound development of the community. The Town Board may notify the applicant of such changes and may discuss the changes with the applicant. The suggestion of changes by the Town Board shall not constitute a waiver of its legislative discretion to reject or to deny the rezoning application. If it elects, the Town Board may delegate to the Planning Board, as part of its referral of the matter, this function of dialogue with the applicant on suggested modification to the preliminary plans.
- b. The applicant may submit revised preliminary plans incorporating the changes requested. If resubmission is not made within ninety (90) days of receipt of the Town Board's suggested changes, the application shall be deemed abandoned. Upon mutual consent of the Town Board and the applicant, the Town Board may extend the timeframe for resubmission for an additional ninety (90) days.
- c. Consistent with Section 290-33, the Town Board may refer the application to the Planning Board for its report and recommendation. The Planning Board shall make a recommendation on the application and shall report its findings to the Town Board on the merits of the preliminary plans unless the application is abandoned as provided in the preceding subsection. A favorable recommendation shall not constitute or imply an approval of any sort, nor shall it constitute a decision upon an action under the State Environmental Quality Review Act.

4. Environmental Review

- a. In order to minimize the potential environmental impact that could be associated with increased density, an applicant seeking a density bonus pursuant to Section 9 herein shall be required to show that the environmental impact of the proposed senior development will not be any greater than that of the as-of-right development under the existing zoning or that the applicant has incorporated appropriate mitigation measures into the project. In support of such a showing, the applicant may provide studies with respect to water supply, storm water management, traffic and energy consumption.

5. Criteria for rezoning to Active Adult Residence Zone. In making findings and in determining whether or not to recommend approval, the Town Board, or the Planning Board, as the case may be, shall consider, together with the intent and objectives of this article, and make written findings with respect to whether the proposed district and development meet the following criteria:
 - a. The proposed location in relation to similar developments nearby, whether by age restriction, income or density;
 - b. Site suitability in relation to safety of vehicular access, availability of public transportation, pedestrian access to off-site locations for retail services, medical care, or recreation;
 - c. Anticipated marketability in relation to similar developments in the Town, neighborhood factors, potential for occupancy by Town residents;
 - d. Compatibility with the neighborhood in which the floating zone is proposed, potential for separation from nearby uses, and environmental factors
 - e. The site shall be served by both public water and public sanitary sewer facilities, and said facilities shall be adequate to accommodate the additional demand placed upon them by the proposed development.
 - f. The site shall be well-drained, and storm water generated by development of the site shall not place an undue burden on existing facilities or contribute to downstream flooding.
 - g. The site shall be located in an area suitable for residential purposes and shall be reasonably free of objectionable conditions, such as odors, noise, dust, air pollution, high traffic volumes, incompatible land uses and other environmental constraints.
 - h. The site should be located within reasonable proximity to public transportation service, or, in the alternative, shuttle bus or other transportation service shall be available to the site.
 - i. The site shall be located such that access to the site can be obtained from a public street which meets current engineering standards of the Town with respect to roadway width and alignment, and acceptable sight distances can be developed at the site entry/exit and at intersections in the vicinity of the site.
 - j. The architectural style of the proposed development, exterior materials, finish and color shall be consistent with existing community and neighborhood character.
 - k. The site shall include appropriate amenities, such as recreational facilities, game rooms, meeting rooms, lounges and exercise rooms.
 - l. The development of the site shall not produce undue adverse effects on the surrounding neighborhood.
 - m. The extent to which quality affordable housing is made available to senior citizens, and whether the scope and design of the project will establish a worthwhile asset for this segment of the community and the community as a whole.

6. Town Board review.
 - a. Upon receipt of a recommendation from the Planning Board, the Town Board may schedule and hold a public hearing. Alternatively, the Town Board may reject the application.
 - b. Following completion of the public hearing, the Town Board may act to approve, approve with modification or conditions, or disapprove the rezoning application in the exercise of its sole legislative discretion. Approval shall result in amendment of the Zoning Map established by this chapter.
 - c. As a condition to approval, the Town Board shall, pursuant to Town Law Section 261-b(3)(d) and NYCRR Section 617.13, require the applicant to pay a fee to recover a proportionate share of the Town's cost, as lead agency, expended for the preparation of the generic environmental impact statement in connection with this local law. Such charge shall be added to any site-specific charge made pursuant to the provisions of Section 8-0109 of the Environmental Conservation Law.

7. Limitations on Occupancy.
 - a. The occupancy of Active Adult Residential Communities shall be limited to:
 - i. Active Adults;
 - ii. Active Adult Households;
 - iii. an unrelated caregiver under the age of 55 if it is established that the presence of such a person is essential for the physical care of an Active Adult.
 - b. Persons under the age of 18 shall not be permitted to be permanent residents of dwelling units. For the purposes of this Section, a permanent resident shall mean any person who resides within the dwelling for more than three consecutive weeks, or has listed the residence as a dwelling for any purpose whatsoever, including but not limited to, enrollment in public or private schools.
 - c. Notwithstanding the foregoing, each Active Adult Residential Community may set aside one dwelling unit to be occupied by a superintendent or building manager, to which the limitations on occupancy set forth above shall not apply.

8. Time limit on validity of rezoning. Any rezoning permitted by this article shall be null and void and the zoning of the parcel shall revert back to its original zoning classification by a ministerial redesignation on the official Zoning Map by the Department of Environmental Control, when directed by the Town Board, unless actual construction, pursuant to a valid building permit, is commenced within two years from the date of final site plan approval.

9. Incentive Density Bonus. In granting an application for rezoning to an Active Adult Residence Zone, the Town Board may, in its discretion, grant up to the following maximum Density Bonuses:
- a. In R-22, R-15 and R-10 zones, the maximum Density Bonus is equal to 100% of the Maximum Residential Density, provided that 20% of the additional units permitted as a result of the Density Bonus shall constitute Affordable Units.
 - b. In MF-1, MF-2 and MF-3 zones, the maximum Density Bonus is equal to 20% of the Maximum Residential Density, provided that 25% of the additional units permitted as a result of the Density Bonus shall constitute Affordable Units.
 - c. For non-residential zones, the Maximum Residential Density shall be calculated by applying the zoning district of abutting residential parcels, and calculating a theoretical unit count based upon a standard subdivision map. For non-residential parcels that abut more than one residentially zoned parcel, the Maximum Residential Density shall be calculated by applying the zoning district of the residential parcel with the greatest percentage of property abutting the subject property. For non-residential zones abutting R-22, R-15 and R-10 zones, the maximum Density Bonus is equal to 100% of the Maximum Residential Density, provided that 20% of the additional units permitted as a result of the Density Bonus shall constitute Affordable Units. For non-residential zones abutting MF-1, MF-2 and MF-3 zones, the maximum Density Bonus is equal to 20% of the Maximum Residential Density, provided that 25% of the additional units permitted as a result of the Density Bonus shall constitute Affordable Units.
 - d. The Town Board may, in its discretion, grant less than the maximum Density Bonus with a corresponding pro-rata reduction in the number of required Affordable Units. For example, on an R-22, R-15, or R-10 residentially zoned parcel, the Town Board could grant a 50% Density Bonus and require that 10% of the additional units permitted as a result of the Density Bonus be Affordable Units. The Density Bonus shall be established on a case by case basis by the Town Board using comparisons of traffic, impervious surface, proposed numbers of affordable units, variety of housing types and any other development related factors the Town Board deems to be relevant, including, but not limited to, the surrounding residential zones.
 - e. The Town Board shall have the discretion to grant an additional Density Bonus of one unit for each additional Affordable Unit provided over the minimum required Affordable Units, up to a maximum of 15% over and above that provided for in Sections 9(a) and (b) above.
 - f. Active Adults applying for Affordable Units shall be selected on a first-come, first-served system utilizing the following categories of priority, in

order of preference. Within each category, priority shall be based on longevity of residence:

- i. Clarkstown Residents;
- ii. Parents and Children of Clarkstown Residents;
- iii. Former Clarkstown Residents;
- iv. Income Eligible Rockland County Residents;
- v. All others.

g. Affordable Units shall be dispersed throughout the complex when feasible. Upon a convincing showing that dispersing the units throughout the complex is not feasible, the Town Board may, in its discretion, allow the construction of the Affordable Units at another location on the parcel. Upon a convincing showing that the construction of Affordable Units is not feasible on-site, the Town Board may, in its discretion, allow the applicant to make an Optional Monetary Contribution in lieu of Affordable Units. The Optional Monetary Contribution shall be based upon the number of Affordable Units that should have been constructed according to the following schedule:

- i. Studio = \$40,000 per unit
- ii. One Bedroom = \$75,000 per unit
- iii. Two Bedroom = \$125,000 per unit
- iv. Three Bedroom = \$155,000 per unit

h. Affordable Units shall be indistinguishable in character and construction from other units with regards to size, standard fixtures and appliances, and amenities, and have the same rights and responsibilities of any other unit in the development, excepting the specific provisions of this Section. The ratio of studio, one bedroom, two bedroom and three bedroom Affordable Units shall be equal to the ratio for market rate units.

10. Establishment of the Town of Clarkstown Affordable Housing Trust Fund. Pursuant to the authority granted by Town Law §261-b, the Town hereby establishes an Affordable Housing Trust Fund, the purposes of which shall include:
- a. Funding of costs to be incurred by the Town in the administration and enforcement of the affordable housing program [established within this section] and including such activities with respect to affordable units established under this chapter, as well as funding of such future affordable housing programs as the Town may otherwise establish by legislation, order, or resolution;
 - b. Defraying consulting fee expenses incurred, or to be incurred, by the Town in the establishment of such affordable housing programs;
 - c. Defraying the cost of improvements to municipal infrastructure, including but not limited to roads, water, sewer, and drainage improvements, to the

extent such capital expenditures are incurred in order to promote the development of affordable housing;

- d. The deposit of payments proffered by project sponsors in mitigation, where deemed suitable and appropriate by the Town, of any private residential development proposal's failure to provide affordable housing; and
- e. Any other purpose authorized by state or local law in connection with the expansion or improvement of affordable housing opportunities within the Town, including but not limited to establishment, to the extent authorized by law, of a program of grants or loans to not-for-profit or for-profit entities.
- f. The Affordable Housing Trust Fund may be employed for deposit of the proceeds of public grants or loans to the Town of Clarkstown to promote affordable housing opportunities, administration and/or enforcement, as well as to accept private monetary contributions to the Town for that donative purpose or for purposes of voluntarily mitigating the potential socioeconomic and environmental impacts of not providing affordable housing in residential development proposals of significant scale and dimension, particularly where, through the device of rezoning or otherwise, the developer seeks to procure increased density of development by means other than pursuit of the affordable housing incentives set forth in this section.

11. Restriction on Sale and Subsequent Resale and Rental.

- a. Every purchaser or renter of an Affordable Unit shall certify, on a form prescribed by the Town, that such unit is the primary place of residence. Purchasers of affordable dwelling units shall not be permitted to lease said units to other parties, this being enforced by a deed restriction. No developer shall sell or rent any unit without first obtaining such verified certificate from the purchaser.
- b. The landowner and developer shall file a declaration at the time of subdivision or site plan approval identifying the units which are Affordable Units, and restricting their future sales price and rental price under the provisions of this Section. The declaration shall include a provision requiring that every deed for an Affordable Unit shall include the following paragraph to inform all future sellers and buyers or renters that this unit is an Affordable Unit subject to the provisions of this Section:

“This dwelling has for use by low/moderate income families pursuant to a special program under the Town of Clarkstown zoning local law. Its future sale (including resale) or rent must be to persons who qualify with the income requirements and at a price in accordance with the program. The Town of Clarkstown shall have a right of first refusal to approve or disapprove the subsequent sale or rental of this dwelling based upon the income of the proposed purchaser.”

- c. Affordable Units constructed or offered for sale in the AAR zone may be sold only after one year following the date of original sale. The sale price shall not exceed a price that equals the original purchase price plus the increase in the cost of living for the region as determined by the United States Department of Labors' consumer price index between the date of original purchase and the date of resale, plus a fair market value for improvements made to the unit.
 - d. The Town Board may, as a condition to approval of an application, require the applicant to contract with a qualified agency to administer, maintain and oversee Affordable Units.

- 12. Additional Requirements
 - a. Dwelling units shall be air-conditioned with individual thermostatic controls for heating and air-conditioning;
 - b. All dwelling units shall incorporate design features to the maximum extent practical which insure the safety and convenience of the residents, including, but not limited to, elevators, provision of grab-bars, non-scalding faucets, water impervious non-slip floors, flush thresholds and wheelchair accessible doorways.
 - c. Provisions for washers and dryers to be installed in individual dwelling units unless this provision is deemed impractical by the Planning Board.
 - d. If pets are permitted, specific pet walking areas designated and located so as to prevent nuisance and annoyance or health hazards to the residents and/or abutting property shall be provided.

- 13. Site Plans and Approvals.
 - a. The Planning Board shall review and conduct a public hearing on all applications for development in the AAR district in accordance with the provisions of this Chapter.
 - b. The Planning Board shall refer the site plan to the Architecture and Landscape Commission for recommendations prior to approval.
 - c. For all developments including Detached and Semi-Attached Patio Homes and Multi-Unit Complexes, the applicant shall set aside park and usable open space or may be required to pay a fee, as an alternative to reservation of land, as per §246-12(C).
 - d. Where not modified by this local law, all other conditions of the site plan approval and/or subdivision regulations of the Town shall apply, including but not limited to Chapter 246 and Chapter 254.

- 14. Severability. Should any section, paragraph, sentence, clause, word or provision of this chapter be declared void, invalid or unenforceable, for any reason, such decision shall not affect the remaining provisions of this chapter.

15. Effective Date. This local law shall become effective immediately upon filing with the Secretary of State.

SECTION 5. AMEND SECTION 290-20 Additional Bulk Regulations by adding the following paragraph:

G. Additional Regulations in AAR Districts shall be as follows:

(1) For Both Multi-Unit Complexes and Detached or Semi-Attached Patio Homes:

- (a) Minimum overall net lot area shall be 3 acres or 130,680 square feet.
- (b) Maximum density permitted as per § _____.
- (c) Maximum land coverage shall be seventy-five percent (75%). Pervious pavers, such as grasscrete, shall be used where possible, to minimize land coverage.
- (d) Minimum Front Lot Line for overall site shall be three-hundred (300) feet along a public road.
- (e) Maximum Floor Area Ratio shall be 1.00 (100%).
- (f) No stacking of cars permitted, except for one car parked in driveway in front of an enclosed garage.
- (g) Retaining walls. Height of retaining walls shall not exceed 4 feet. Distance between any two retaining walls shall not be less than the height of the retaining wall higher in elevation.
- (h) Distance between buildings. The distance between any two principal buildings shall not be less than the height of the tallest of the two buildings.
- (f) Bedrooms. No more than 3 bedrooms per unit.
- (g) Landscaping. A 20-foot landscaping buffer shall be provided along all lot lines to buffer the higher density use from adjacent uses.

(2) For Multi-Unit Complexes:

- (a) Required Yards. (This refers to the distance to exterior property lines of the overall sites.) Setbacks shall be required as follows: where any required yard

abuts any existing or proposed street, the yard shall be measured from the designated street line.

1. Front Yard – equal to or more than the height of the building
2. Side Yard equal to or more than the height of the building
3. Total both Side Yards – equal to or more than the sum of the front and side yard setbacks
4. Rear Yard - equal to or more than the height of the building

(b) Height. Maximum building height shall not exceed forty-five (45) feet or be greater than three (3) stories.

(c) No more than fifty (50) units shall be constructed within any single building. Buildings with multiple units and common entrances shall be connected by an enclosed walkway.

(d) Parking. 1.5 parking spaces per unit, plus 0.5 parking spaces per unit for visitor parking and community area. Parking areas of more than 50 spaces shall be divided into subareas of approximately 25 spaces with landscaping between subareas

(e) Canopies overhanging entrances shall have sufficient clearance for buses and paratransit vehicles.

(f) Patios and deck extensions shall be included as part of the yard requirements so as to avoid intrusions to the adjacent property.

(3) For Detached or Semi-Attached Patio Homes:

(a) Required Yards. (This refers to the distance to exterior property lines of the overall sites.) Setbacks shall be required as follows: (where any required yard abuts any existing or proposed street, the yard shall be measured from the designated street line

1. Front Yard – equal to or more than the height of the building
2. Side Yard equal to or more than the height of the building
3. Total both Side Yards – equal to or more than the sum of the front and side yard setbacks
4. Rear Yard - equal to or more than the height of the building

(b) Height. Maximum building height shall not exceed twenty-five feet.

(c) Parking. 2 parking spaces per unit, plus 0.5 parking spaces per unit for visitor parking and community area. Parking areas of more than 50 spaces shall be

divided into subareas of approximately 25 spaces with landscaping between subareas.

(d) Minimum and maximum square footage. Units shall be between 1,400 and 2,500 square feet.

(e) The first 400 square feet of an unenclosed roof front porch and garages shall not be counted towards maximum area or FAR.