

Appendix A  
Correspondence

**TIM  
MILLER  
ASSOCIATES, INC.**

---

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax [www.timmillerassociates.com](http://www.timmillerassociates.com)

November 30, 2006

US Fish and Wildlife Service ,  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045

**Re: Town of Clarkstown Active Adult Zoning Text Amendment**

Dear Sir or Madam:

Tim Miller Associates is preparing a Draft Generic Environmental Impact Statement (DGEIS) to analyze the potential effects of a zoning text amendment which would create an Active Adult Floating Zone on parcels of 3 acres or more in designated zones within the Town. Included in the text of the law, certain zones are excluded from being eligible. The excluded zones represent the areas of less dense development Town-wide. I have enclosed a map of the Town of Clarkstown which shows the excluded areas and the eligible host zones.

The DGEIS will evaluate the Town wide impacts on a broad-base generic level. Prior to any development a full environmental assessment will be performed on a site specific basis.

Please provide us with a determination as to whether your records indicate the potential presence of a federally-listed plant or animal species. Please notify this office by letter of any such resources in the Town of Clarkstown.

Thank you for your prompt assistance in this matter. Please call me at (845) 265-4400 should you have any questions or need additional information.

Sincerely,



Ann Cutignola  
Associate Planner  
TIM MILLER ASSOCIATES, INC.

enclosure

**TIM  
MILLER  
ASSOCIATES, INC.**

-----  
*10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com*

November 30, 2006

Ms. Betty Ketcham  
NYS Department of Environmental Conservation  
Division of Fish, Wildlife, and Marine Resources  
New York Natural Heritage Program  
625 Broadway, 5th Floor  
Albany, NY 12233-4757

**Re: Town of Clarkstown Active Adult Zoning Text Amendment**

Dear Ms. Ketcham:

Tim Miller Associates is preparing a Draft Generic Environmental Impact Statement (DGEIS) to analyze the potential effects of a zoning text amendment which would create an Active Adult Floating Zone on parcels of 3 acres or more in designated zones within the Town. Included in the text of the law, certain zones are excluded from being eligible. The excluded zones represent the areas of less dense development Town-wide. I have enclosed a map of the Town of Clarkstown which shows the excluded areas and the eligible host zones.

The DGEIS will evaluate the Town wide impacts on a broad-base generic level. Prior to any development a full environmental assessment will be performed on a site specific basis.

We would like to know if your records show areas of a high sensitivity within the Town of Clarkstown for the presence of any rare or endangered plant or animal species or significant wildlife habitat communities. Please notify this office by letter of any such resources that may be affected by future development within the Town.

Thank you for your prompt assistance in this matter. Please call me at (845) 265-4400 should you have any questions or need additional information.

Sincerely,



Ann Cutignola  
Associate Planner  
TIM MILLER ASSOCIATES, INC.

enclosure

**TIM  
MILLER  
ASSOCIATES, INC.**

-----  
*10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com*

November 30, 2006

Ms. Ruth L. Pierpont  
NYS Office of Parks, Recreation, and Historic Preservation  
Historic Preservation Field Services Bureau  
Peebles Island Resource Center, PO Box 189  
Waterford, NY 12188-0189

**Re: Town of Clarkstown Active Adult Zoning Text Amendment**

Dear Ms. Pierpont:

Tim Miller Associates is preparing a Draft Generic Environmental Impact Statement (DGEIS) to analyze the potential effects of a zoning text amendment which would create an Active Adult Floating Zone on parcels of 3 acres or more in designated zones within the Town. Included in the text of the law, certain zones are excluded from being eligible. The excluded zones represent the areas of less dense development Town-wide. I have enclosed a map of the Town of Clarkstown which shows the excluded areas and the eligible host zones.

The DGEIS will evaluate the Town-wide impacts on a broad-base generic level. Prior to any development of a particular site a full environmental assessment will be performed on a site specific basis.

We would like to know if your records indicate areas of a high sensitivity within the Town of Clarkstown for potential historic properties or if there are any known or documented archaeological or historical resources within the Town. I would greatly appreciate if you would notify us in writing of any such findings.

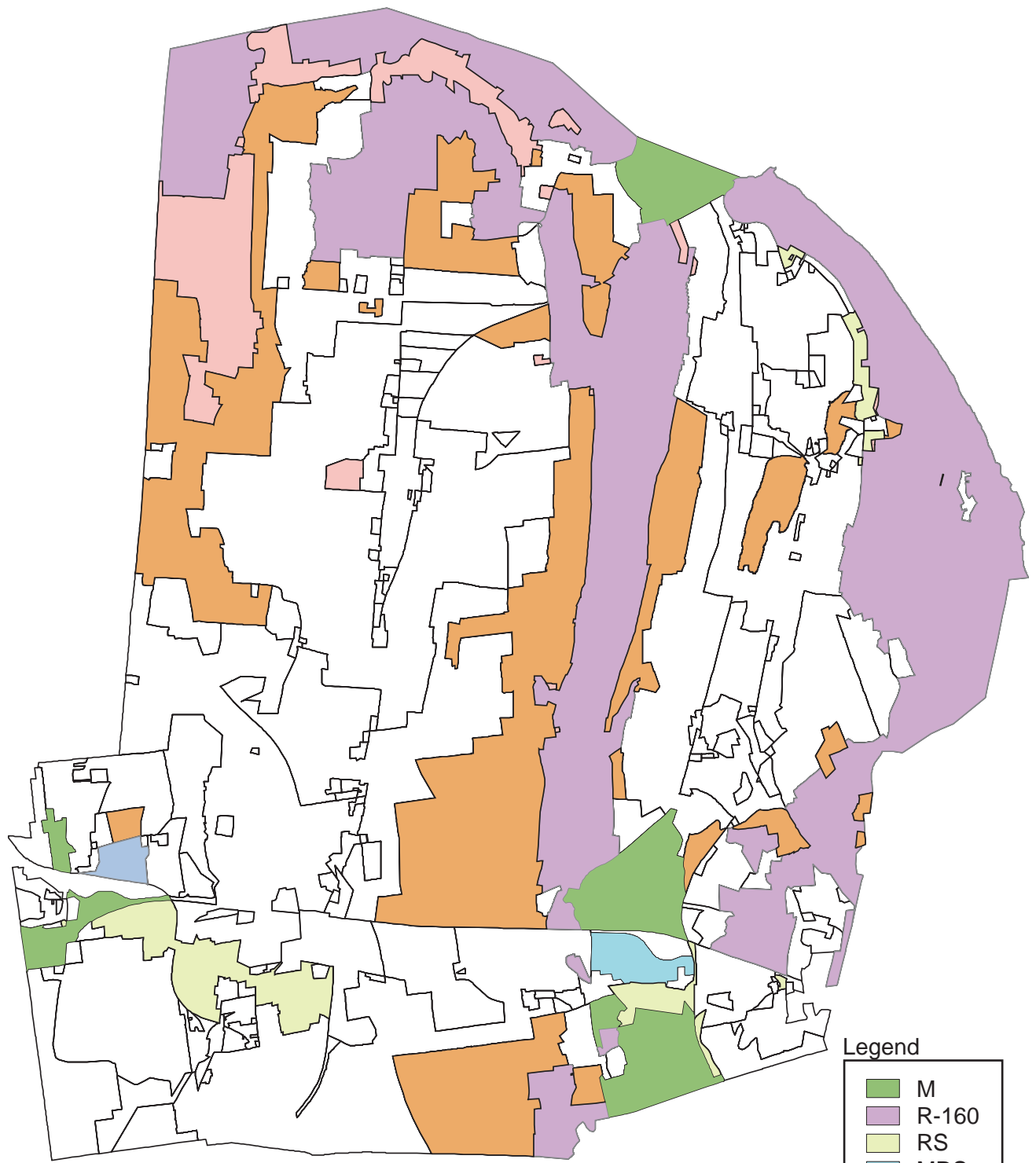
Thank you for your prompt assistance in this matter. Please call me at (845) 265-4400 should you have any questions or need additional information.

Sincerely,



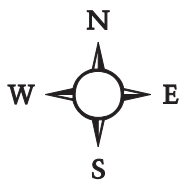
Ann Cutignola  
Associate Planner  
TIM MILLER ASSOCIATES, INC.

enclosure

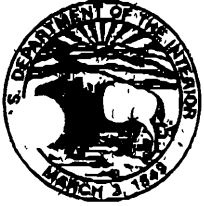


Legend

<span style="color: green;">■</span>	M
<span style="color: purple;">■</span>	R-160
<span style="color: lightgreen;">■</span>	RS
<span style="color: lightblue;">■</span>	MRS
<span style="color: orange;">■</span>	R-40
<span style="color: pink;">■</span>	R-80
<span style="color: blue;">■</span>	PED



**Excluded Properties**  
 Clarkstown SEQRA Review  
 Town of Clarkstown, Sullivan County, New York  
 Source: Town of Clarkstown GIS Data  
 Approx. Scale: 1 inch = 475 feet



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

New York Field Office  
3817 Luker Road  
Cortland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo>



Project Number: 70281

To: Ann Cutignola Date: 12-21-06

Regarding: Active Adult Zoning Text Amendment

Town/County: Clarkstown / Sullivan

We have received your request for information regarding occurrences of Federally-listed threatened and endangered species within the vicinity of the above-referenced project/property. Due to increasing workload and reduction of staff, we are no longer able to reply to endangered species list requests in a timely manner. In an effort to streamline project reviews, we are shifting the majority of species list requests to our website at <http://www.fws.gov/northeast/nyfo/es/section7.htm>. Please go to our website and print the appropriate portions of our county list of endangered, threatened, proposed, and candidate species, and the official list request response. Step-by-step instructions are found on our website.

As a reminder, Section 9 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) prohibits unauthorized taking\* of listed species and applies to Federal and non-Federal activities. Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires Federal agencies, in consultation with the U.S. Fish and Wildlife Service (Service), to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all Federal actions that may affect listed species. For projects not authorized, funded, or carried out by a Federal agency, consultation with the Service pursuant to Section 7(a)(2) of the ESA is not required. However, no person is authorized to "take"\* any listed species without appropriate authorizations from the Service. Therefore, we provide technical assistance to individuals and agencies to assist with project planning to avoid the potential for "take," or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. If you have any questions or require further assistance regarding threatened or endangered species, please contact the Endangered Species Program at (607) 753-9334. Please refer to the above document control number in any future correspondence.

Endangered Species Biologist: Sandra Doran

\*Under the Act and regulations, it is illegal for any person subject to the jurisdiction of the United States to *take* (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.

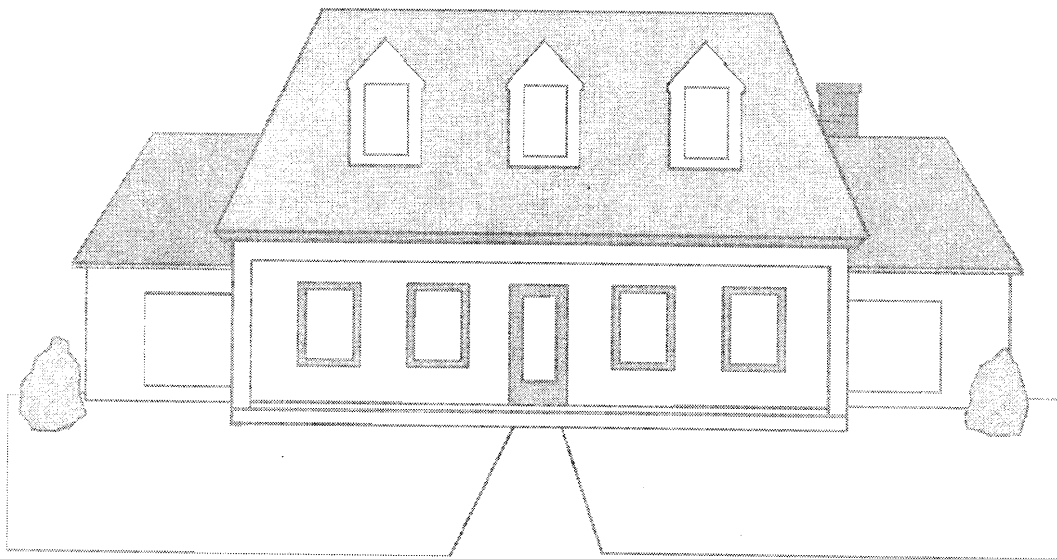
Appendix B

Citizens Advisory Board for Housing  
Final Report



# Citizens Advisory Board for Housing in the Town of Clarkstown

## FINAL REPORT



Cora I. Bodkin *Member*  
Jan Degenshein *Member*  
Joseph J. Donnan *Member*  
Robert Geneslaw *Town of Clarkstown Planning Consultant*  
George A. Hoehmann *Member*  
Richard J. Paris *Chairman of the Clarkstown Planning Board*  
Barry Schoenhaut *Member*  
Shirley Thormann *Chairwoman*  
  
John R. Maloney *Councilman, Liaison*  
Paula Tobin *Secretary*

10 Maple Avenue  
New City, NY 10956

September 2002



## A PROFILE OF CLARKSTOWN

As part of the Housing Advisory Board's assignment, various characteristics of the Town were examined, to obtain a picture or profile. Much of the data is based on the 2000 Census and is relatively current.

In 2000 the population of the Town, including the incorporated Villages (Upper Nyack and parts of Nyack and Spring Valley), was 82,082, a slight decrease from the 83,402 reported in 1996. In 1998, the Town was reported to be one of the fastest growing communities in the northeast, and this was almost surely attributable primarily to the Avalon Gardens rental multi-family development, with 500+ units. These figures suggest that generally, household sizes are decreasing.

In 2000, some 25% of the population was below the age of 18, the traditional pre-school and school attendance years. Over the past half-decade or so the school districts have been reporting increasing enrollments, to the point that school capacity is being strained at several locations. 24.7% of the population is under the age of 18 years, 63% are between the ages of 18-64 years, 12.3% are over the age of 65 years (the median age is 39.1 years of age)<sup>1</sup>. The education level of Town residents is generally similar to other metropolitan suburban communities, with just over 90 percent of the adult population having at least graduated high school, and about 45% reporting at least a bachelor's degree. This is reflective of the many technical and professional jobs in the area, and also relates to the expectations of Town residents for quality of life issues.

Town residents tend to remain longer than national averages suggest. Nationally, the informed rule of thumb is that people move on average every seven years. In Clarkstown, two-thirds of residents over five years of age were reported to be in the same home for more than five years. Almost all of those that arrived over the preceding five years came from other homes in the U.S., with only about 1,500 people reporting that they came from outside the U.S. Since the county is seen as a place with significant in-migration, this suggests that most of the new residents either lived elsewhere in the county, or lived somewhere in the U.S. for a relatively short time before moving to the Town.

Some 85% of the residents report that they were born in New York State. The balance would be from other states or other countries.

For most of the last half-decade or decade, a time of economic prosperity, most people who sought employment could find jobs, with an unemployment rate in 1999 of just over three percent. Currently it is about 4%, as various economic factors have begun to reach Rockland County.

The census reported that about 70% of the residents 16 years or older were in the labor force in 1996, about 77% of males and 62% of females. There were about 6,700 men and 12,300 women not in the labor force.

When females 16 years or older in the labor force are considered, about 4,000 are reported to have children under the age of six, and about 6,500 reported having children between the ages of 6 and 17. This represents 60% and 77% of those age groups (female adults), and include

---

<sup>1</sup> 2000 Census

spouses and single parents. This is one indicator of the potential need for full day and part day childcare. It does not reflect existing facilities, or children cared for by grandparents, parents on split work schedules, or other arrangements.

The dependence of residents on the automobile for commuting (& most other travel) is confirmed by the report that about 85% of employed persons drive to work, while about 7% use public transportation. The average work travel time was 31.5 minutes, so there are a great many people making short local trips to work to offset those with 1 – 2 hour trips to various parts of New York City and the metropolitan area.

Employment is reported by several categories – by the job type, by industry, and by class of worker. For purposes of this snapshot, the last category appears to be adequate, and indicates that 62% are in private wage & salary class, 9% are private not for profit, 14% are in local government, 4% are in state government, and 12% are self-employed.

According to the Clarkstown Planning Department, the 2000 census indicated the following data regarding income of Clarkstown residents. The median household income in 2000 was among the highest in New York State, at \$82,107, while the median family income was almost \$91,827 per year. Per capita income was \$34,430. Slightly more than 3% of the total population was reported to be below the poverty level, which is a figure calculated in part as a proportion of median income.

The same data source reported a total of 7,700 people over the age of 65, with about 375 or 5% of the seniors below the poverty level. While this is a fairly low percentage, there are people above the poverty level for whom living costs consume a large part of income. Some of these individuals receive supplementary benefits of various kinds, which help to offset living costs.

Homeownership, as expected, is dominant, with about 82% of Town residents living in their own homes. The average household size was about 3.01 for owner occupied units and just under 2.4 for renters. The median home value in Clarkstown is \$350,000.00.<sup>2</sup>

---

<sup>2</sup> Greater Hudson Valley Multiple Listing Service, as of September 2002.

The 2000 census reported 26,860 housing units in the unincorporated (outside the village) portion of the Town, and these were distributed as follows:

Units in structure

Detached	19,428	72.3%
Attached	2,329	8.7
Two	878	3.3
3 or 4	1,291	4.8
5 to 9	1,727	6.4
10 to 19	495	1.8
20 to 49	196	0.7
50 or more	341	1.3
Mobile homes	167	0.6
Boat, RV, Van, etc.	8	0.03

## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION</b> .....	1
<b>II.</b>	<b>METHODOLOGY</b> .....	2
<b>III.</b>	<b>EXISTING HOUSING INVENTORY</b> .....	4
	A. Senior Housing in Clarkstown.....	4
	B. Example of “Affordable Housing Development” in Clarkstown....	5
	C. Clarkstown Housing Stock .....	6
<b>IV.</b>	<b>SURVEYS AND DATA ESTABLISHING NEEDS</b> .....	9
	A. Senior Survey .....	9
	B. Young Adults’ Survey .....	22
	C. School District Data .....	33
	D. Workforce/Volunteers and Housing Affordability Factors .....	35
<b>V.</b>	<b>ANALYSIS AND RECOMMENDATIONS</b> .....	39
	A. Existing Senior Housing .....	39
	B. Housing Options for Seniors .....	40
	1. Remaining in Current Home .....	40
	2. Accessory Apartments .....	41
	3. SAIL .....	44
	4. GARS and PAC .....	46
	5. Alternative Recommendations to GARS & PAC .....	49
	6. Market Rate Condominium Apartments .....	52
	7. Subsidized Housing .....	53
	8. Intermunicipal Agreements .....	58
	C. Housing Options for Young Adults .....	59
	D. Grant Funding and Loan Options for Young People’s Affordable Housing .....	60
	E. Incentive Zoning and the Revitalization Hamlet Centers .....	63
	1. Valley Cottage Hamlet Renewal .....	65
<b>VI.</b>	<b>CONCLUSION</b> .....	68
<b>VII.</b>	<b>GLOSSARY</b> .....	69
<b>VIII.</b>	<b>APPENDIX</b> .....	79

## I. INTRODUCTION

Housing, one of man's basic needs, has posed problems from the beginning of time. It does not seem to matter that we have the ability to put people in outer space or that we now deal with cyberspace. Housing problems continue to challenge not only big cities, but confront us here in the Town of Clarkstown, as well.

In order to explore conditions in Clarkstown, the Town Board created the Citizens Advisory Board for Housing.<sup>3</sup> The charge was to evaluate the housing stock and to make recommendations relative to needs, bearing in mind that all of the citizenry was to be considered in the equation.

Clarkstown, located in the lower Hudson Valley, and within reasonable commuting distance to Manhattan, Westchester and Bergen counties is a very attractive place in which to live. Increasingly, however, it is becoming ever more difficult for seniors and young people to remain in the communities they helped to build and into which the young were born. The difficulties facing both the elderly and the young are exacerbated by the high cost of rentals and the purchase price of homes.<sup>4</sup> The "Young Peoples Questionnaire" cites lack of affordable housing as the prime reason they are moving away.<sup>5</sup> The affordability factor impacts on the availability of teachers, nurses, service personnel and with the town's workforce in general.<sup>6</sup> Future businesses locating in Clarkstown will be affected if there are no options for their employees to rent or buy.<sup>7</sup>

A major question facing town government is the degree of responsibility it has to aid this segment of the population from being uprooted. Does government have a moral responsibility to seek remedies for the elderly and the young? The Advisory Board believes it does.

The Citizens Advisory Board has evaluated the housing conditions and options, and offers its assessment of "what is" and where possible suggests alternatives for ameliorating conditions. The Advisory Board has endeavored to present the connections between some possible remedies and the possible concomitant problems generated by the proposals.

Since the housing situation is complex, the Advisory Board notes that there are no simple solutions. This analysis is offered to the Town Board cognizant of the fact that hard choices will need to be made and that hopefully these choices will be aided by the work contained herein.

---

<sup>3</sup> See Resolution in Appendix I

<sup>4</sup> See Appendix III, Section A & D (Senior and Young Adult Questionnaires)

<sup>5</sup> See Page 26

<sup>6</sup> See Page 27ff

<sup>7</sup> See Page 35ff

## II. METHODOLOGY

Commencing in January 2002, the Advisory Board met, elected a chair and developed its Mission Statement.<sup>8</sup> The members were clear to chart an objective yet independent course in order to fulfill the charge to assess needs and offer suitable recommendations for consideration by the Town Board. The Advisory Board established several subcommittees and then set an ambitious agenda to meet frequently, as often as three to four meetings per month.

Perhaps the most important decision made by the Advisory Board was to determine need by developing surveys that were administered to the primary groups of concern. Thus, during the first few months of its existence, the Advisory Board developed two separate survey instruments, one for seniors and one for young adults. Age was the criterion the Advisory Board utilized to determine the two populations. Residents over age sixty were sent one survey and later, young adults between the ages of twenty-two and thirty-five received a second survey. These age limits were utilized in order to determine the needs of those perceived to be in the most immediate need of housing alternatives. The Advisory Board did a "dry run" at a local senior center in order to evaluate and refine the questionnaire. After the surveys were administered and collated, the community was invited to attend informational evenings held for each group.

A reasonable definition of the term "affordable" was required as the term has various meanings for different people and in different situations. The Advisory Board has endeavored to clarify its usage.

There are several definitions that have been used or implied to define the term "affordable" or "affordable housing developments".

The dictionary defines "afford" as "...to have enough or the means for; bear the cost of without serious inconvenience...". This definition, when applied to housing, implies that for every home or dwelling unit, there is a buyer who can afford its purchase price.

Ms. Gerri Levi of Rockland Housing Action Coalition (RHAC) indicated that her organization has a dilemma defining "affordable". RHAC helps people earning between \$33,000 and \$50,000 per year and tries to sell their subsidized houses between \$85,000 and \$105,000.

In the article "Affordable Housing-Now More Than Ever" Jan Degenshein defines "affordable housing" as shelter for those who cannot afford to buy or rent private, competitive, market rate housing.

Other definitions that have been used relate affordability to the certain percentage (70% to 80%) of the median income of the population area in questions.

For the purpose of this document the term "Affordable Housing Development" shall be defined as "Any housing development that is subsidized by the federal, state or local government, and in which the dwelling units are subject to covenants or restrictions which require that such dwelling units be sold or rented at prices that preserve them as affordable housing".

---

<sup>8</sup> See Appendix I

During the ensuing months, the Advisory Board met in small groups to take field trips to evaluate existing senior housing as well as to visit Fifty-five and Over communities in New Jersey and Rockland County. On one such occasion, Advisory Board members visited several 'Fifty-five and Over' communities in New Jersey with members of the Town Board and the Planning Board to explore the concept of 'patio homes.' More recently, Advisory Board members have visited other local 'Fifty-five and Over' communities and senior housing in the immediate area.

The Advisory Board also established a sub-committee to visit and evaluate the condition of existing senior housing within the Town. As a result of the visit, an initial report was prepared and submitted to the Town Board concerning these sites. A second report and picture album were produced by the sub-committee with specific attention raised concerning the physical plant of Middlewood Village. The Advisory Board was pleased to learn that upgrades were implemented and issues are being addressed to improve the condition of Middlewood Village.

The fact finding and information-gathering phase continued as several experts on senior care, affordable housing and planning made presentations and provided information to the Advisory Board.<sup>9</sup> Individual members of the Advisory Board solicited information from a variety of sources including the Clarkstown Planning Department, the County Planning Department and members of the public at large. During this same period of time, the Town Board referred two specific issues to the Advisory Board: GARS and PAC<sup>10</sup> and asked for feedback.

Thus, with the Town Board's charge to expire at the end of September, the Advisory Board members analyzed the vast amount of information collected in order to formulate a cogent report. During the latter part of the summer, the Advisory Board met frequently both as a Board and in sub-committees. Throughout the entire process, the members of the Advisory Board maintained open meetings, solicited feedback and debated the salient issues involving the target populations while considering the resultant impact on the community as a whole.

---

<sup>9</sup> See Appendix II

<sup>10</sup> See Glossary

### III. EXISTING HOUSING INVENTORY

#### A. SENIOR CITIZEN HOUSING IN CLARKSTOWN:

##### 1. Public (Federal and State Subsidized):

The existing Clarkstown zoning regulations allow senior citizen housing by special permit of the Clarkstown Town Board. Each site can have no more than 106 dwelling units and must be no closer than 1500 feet from any similarly approved development. There are three such developments presently operating in Clarkstown, namely Middlewood in Nanuet, Monterey Gardens in Bardonia and Squadron Gardens in New City. The Sisters of Charity application has recently received approval and construction has begun in Nanuet.

These four projects, when fully constructed, will provide slightly over 400 units of subsidized, affordable senior citizen apartments. All are privately owned and operated with the exception of Middlewood, which is owned by the Town of Clarkstown and operated by ARCO Management.

##### a. Middlewood List:

Occupancy selections for the Middlewood complex are based on earnings and residency. The maximum income for a single person or a couple to qualify for a unit is \$32,000 and 42,000 per year respectively. Clarkstown residents receive priority over others living outside the area. The Clarkstown Planning Department maintains the list of seniors who are interested in a Middlewood apartment, in addition to verifying local residency requirements. When a dwelling unit becomes available, ARCO Management selects applicants from the top of this list and verifies that they meet the income requirements.

As of July 23, 2002, the Middlewood list contained 231 names. A letter has recently been mailed to everyone on the list in an effort to determine who may still have an interest in residing in Middlewood. The responses through September 18, 2002 are as follows:

73 have moved (no forwarding address)  
13 requested to be removed from the list  
86 = number of names deleted from the list

47 requested to remain on the list  
7 added to the list since 7-23-02  
54 = number of names on the list as of 9/2002

91 have not responded to the questionnaire. This process will be continued until an updated list has been developed. (Information gathered from Clarkstown Planning Department.)



**2. Private Facilities:**

In addition to the Senior Citizen housing complexes mentioned above, there are several privately operated nursing homes and Assisted Living facilities in Clarkstown. The Sunrise Assisted Living Facility in New City provides occupancy for about 70 residents at market-prices. This facility provides meals and other support services for their residents.

The local nursing homes are Northern Manor in Nanuet, Nyack Nursing Home in Valley Cottage and Friedwald House in New City. Additional nursing home facilities are provided at the Tolstoy Foundation in Valley Cottage and at the Russian Orthodox Church complex in Nanuet. These facilities provide full nursing care services to individuals requiring the maximum levels of care.

**B. EXAMPLE OF “AFFORDABLE HOUSING DEVELOPMENT” IN CLARKSTOWN**

**Subsidized Condominiums at “Hidden Ridge”:**

Hidden Ridge is a 56 unit condominium development on Pipetown Hill Road in Nanuet that is currently in the planning stages, with construction expected to begin in the near future. The development will contain 24 two bedroom and 32 three bedroom units, occupying about 1100 square feet of floor area per unit.

The development sponsor of this project is the (RHAC) Rockland Housing Action Coalition. RHAC has received federal and state subsidies for this project in an effort to provide affordable units to a segment of our population in need of assistance. Because Clarkstown is supporting the project by submitting an RHAC application for a \$150,000 Community Development Block Grant, 40 of the dwelling units will be reserved for sale to Clarkstown volunteer emergency service workers and their families who are currently residing within the town borders. This priority will extend for the first six months that units are offered for sale.

The unsubsidized prices for these units would range from \$147,000 to \$152,000 each. The subsidies obtained by RHAC reduce the average selling price by about \$50,000 per unit, to a range from \$92,000 to \$ 115,000. The average household income needed to qualify for a mortgage in this development, is expected to range from \$35,600 to \$40,727 per family.

**C. CLARKSTOWN HOUSING STOCK:<sup>11</sup>**

The following tabulation lists the number of dwelling units and location of each condominium and residential development listed by hamlet, and summarized as follows:

<u>Hamlet</u>	<u>Condos</u>	<u>Rentals</u>	<u>Totals</u>	<u>% of Total</u>
Bardonia	230	100	330	5.0%
Central Nyack	0	101	101	1.5%
Congers	494	0	494	7.5%
Nanuet	1,896	1,461	3,357	50.9%
New City	443	409	852	12.9%
Spring Valley	230	93	323	4.9%
Valley Cottage	1,005	96	1,101	16.7%
West Nyack	<u>32</u>	<u>0</u>	<u>32</u>	0.1%
<b>TOTALS</b>	<b>4330</b>	<b>2,260</b>	<b>6,590</b>	

**CLARKSTOWN MULTI-FAMILY HOUSING STOCK:**

**BARDONIA:**

<u>Name</u>	<u>Owner</u>	<u>Rental</u>
Germonds Village	60	
L'Ambiance	27	
Monterey Gardens		100
Parkside	31	
Village Green	<u>112</u>	<u>        </u>
<b>TOTALS:</b>	<b>230</b>	<b>100</b>

**CENTRAL NYACK:**

<u>Name</u>	<u>Owner</u>	<u>Rental</u>
Northgate Apts		72
Waldron Height	<u>        </u>	<u>29</u>
<b>TOTALS:</b>	<b>0</b>	<b>101</b>

**CONGERS:**

<u>Name</u>	<u>Owner</u>	<u>Rental</u>
Bridgewater I	30	
Bridgewater II	54	
Doxbury Manor	20	
Georgetown Manor	56	
Hidden Valley	91	
Long Clove Mews	56	
Millers Landing	23	
Swans Landing	<u>24</u>	<u>        </u>
<b>TOTALS:</b>	<b>494</b>	<b>0</b>

<sup>11</sup> Statistics gathered by the Clarkstown Planning Department.

**NANUET:**

<b><u>Name</u></b>	<b><u>Owner</u></b>	<b><u>Rental</u></b>
Avalon		525
Bremer	84	
Buckingham Apts.		64
College Avenue	128	
Greenbriar (Riegert)		57
Amber Fields	150	
Middlewood		106
Normandy Village		
South Side First St.	115	172
North Side First St.	21	79
St. Moritz		22
Sisters of Charity (in construction)		106
Sussex	84	
Hamlets (Eagle Ridge)	240	
Hamlets (Treetops)	240	
Hamlets (Vista I)	240	
Hamlets (Knolls East)	240	
Hamlets (Timberline)	120	
Versailles	70	
<b>TOTALS:</b>	<b><u>1,896</u></b>	<b><u>1,461</u></b>

**NEW CITY:**

<b><u>Name</u></b>	<b><u>Owner</u></b>	<b><u>Rental</u></b>
Braemer	31	
Champeau Apts		38
Mount Vernon Manor		36
New City Condos	331	
New City Gardens		166
Omni Court	45	
Squadron Gardens		100
Sunrise Assisted Lvg.		76
Woodfern Apts		29
<b>TOTALS:</b>	<b><u>443</u></b>	<b><u>409</u></b>

**SPRING VALLEY:**

<b><u>Name</u></b>	<b><u>Owner</u></b>	<b><u>Rental</u></b>
Conklin Park	30	
Hidden Ridge (in process)	54	
Maplewood Gardens		61
Omni Parc	80	
Rumford Realty	30	
Singers		32
Town Hill	36	
<b>TOTALS:</b>	<b><u>230</u></b>	<b><u>93</u></b>

**VALLEY COTTAGE:**

<u>Name</u>	<u>Owner</u>	<u>Rental</u>
Burgundy Apts		96
Gazzola	15	
Lake Road Apts	150	
Mountainview Condos	777	
Mountainbrook Estates	47	
<u>Rockridge</u>	<u>16</u>	
<b>TOTALS:</b>	<b>1,005</b>	<b>96</b>

**WEST NYACK:**

<u>Name</u>	<u>Owner</u>	<u>Rental</u>
Clarksville Condos ,	8	
Oakwood Garden	24	
<b>TOTALS:</b>	<b>32</b>	<b>0</b>

**SENIOR CITIZEN HOUSING:**

<u>Name</u>	<u>Owner</u>	<u>Rental</u>	<u>Hamlet</u>
Monterey Gardens		100	Bardonia
Squadron Gardens		100	New City
Middlewood		106	Nanuet
<u>Sisters of Charity (in construction)</u>	<u>    </u>	<u>106</u>	Nanuet
<b>TOTALS:</b>	<b>0</b>	<b>412</b>	

<b>OVERALL TOTALS:</b>	<b>4,330</b>	<b>2,260</b>
------------------------	--------------	--------------

## IV. SURVEYS AND DATA ESTABLISHING NEEDS

### A. SENIOR SURVEY

#### 1. Purpose

The purpose of the senior survey was to compile data that expressed the genuine needs and desires of Clarkstown residents over age 60. Although many individuals purport to speak on behalf of seniors, the Advisory Board felt that it was essential that data be collected directly from the residents to develop an accurate picture of their priorities.

The Advisory Board decided that:

- a- In addition to answering the questions, each respondent should be given an opportunity to present comments in his or her own words.
- b- The results of the questionnaire would be totally anonymous in order to protect the respondents privacy and encourage candid responses,

#### 2. Methodology

The Advisory Board prepared a prototype questionnaire and tested it with the help of a local senior citizen group. As a result of their suggestions and the Advisory Board's observations, corrections and revisions were made and a mailing package was prepared. The package consisted of a cover letter<sup>12</sup>, a questionnaire consisting of 21 questions and provision for comments<sup>13</sup>, and a pre-addressed return envelope addressed to the Advisory Board at Town Hall. Return postage was not provided.

Each questionnaire contained a unique ID number to insure that only official questionnaires were tabulated in the results. At the same time, to protect the anonymity of the respondents, the linkage between ID numbers and addresses was not recorded. Mailing labels were obtained from the Rockland County Board of Elections for all registered voters over 60 years of age that resided within the town of Clarkstown.

12,747 questionnaires were mailed on March 20<sup>th</sup>, 2002. 4,667 residents (36.6% of those receiving questionnaires) responded. This remarkable response was more than triple the typical response that a questionnaire would normally generate. The level of response confirmed the significant interest and concern of the respondents.

Microsoft Access® database software was set up by the Advisory Board to enter, tabulate, graph and report the responses. The responses to each questionnaire were recorded in the database which gave the Advisory Board the option to analyze the data in great detail. The more comprehensive analysis of the data required the ability to prepare crosstabs. Crosstabs allowed the Advisory Board to examine the results of a particular question but only for those respondents who gave a particular answer to another specific question. Examples of crosstabs will follow later in the report. Two computer workstations were set up by the Town's

---

<sup>12</sup> See Appendix III, Section A, Page 1

<sup>13</sup> See Appendix III, Section A, Page 2

data processing department and the services of two office temporaries were secured by the Town to enter the data. Under the supervision of Advisory Board members, the envelopes were opened, the data was recorded and spot checks were made for accuracy.

### 3. Results

The following tables summarize the responses to each question in the senior questionnaire. Each table shows the number of respondents who selected each answer and how many offered no response to the question. The corresponding percentage that chose each answer is also provided. A more comprehensive tabulation of the questionnaire data is provided in the Appendix.<sup>14</sup>

#### 1. Which age group do you belong to?

60 to 64	1272	27.3%	80 to 84	416	8.9%
65 to 69	1064	22.8%	85 +	225	4.8%
70 to 74	1000	21.4%	No Response	27	0.6%
75 to 79	663	14.2%	Total	4667	100.0%

#### 2. What type of residence do you currently reside in? Please check the most appropriate.

Single Family Home	3757	80.5%	Senior Citizen Housing	30	0.6%
Multi-Family Residence	63	1.4%	With Family	107	2.3%
Condominium	520	11.1%	No Response	21	0.5%
Apartment	169	3.6%	Total	4667	100.0%

#### 3. Do you own or rent your current home?

Own	4201	90.0%	No Response	95	2.0%
Rent	371	8.0%	Total	4667	100.0%

#### 4. How many bedrooms are there in your current residence?

1	403	8.6%	4 or more	1975	42.3%
2	622	13.3%	No Response	26	0.6%
3	1641	35.2%	Total	4667	100.0%

#### 5. Check the hamlet you currently reside in:

Bardonia	195	4.2%	Rockland Lake	3	0.1%
Congers	492	10.5%	Valley Cottage	508	10.9%
Central Nyack	58	1.2%	West Nyack	413	8.9%
Nanuet	1083	23.2%	No Response	48	1.0%
New City	1867	40.0%	Total	4667	100.0%

#### 6. How long have you lived in Clarkstown?

Up to 5 Years	237	5.1%	21 or more Years	3781	81.0%
6 to 10 Years	206	4.4%	No Response	13	0.3%
11 to 20 Years	430	9.2%	Total	4667	100.0%

<sup>14</sup> See Appendix III, Section B, Pages 1-22

**7. Including yourself, how many people will live in your household in the future?**

1	892	19.1%		5 or more	120	2.6%	
2	2973	63.7%					
3	428	9.2%		No Response	101	2.1%	
4	153	3.3%		Total	4667	100.0%	

**8. On average, how much of the year do you live in Clarkstown?**

Full Year	4435	95.0%				
Spend Winter Away	167	3.6%		No Response	31	0.7%
Less than 6 months	34	0.7%		Total	4667	100.0%

**9. Will cost considerations (property taxes, maintenance costs, etc.) make it necessary to move from your current home?**

Yes	1355	29.0%				
No	1049	22.5%		No Response	101	2.2%
Don't know	2162	46.3%		Total	4667	100.0%

**10. Are you planning on retiring in your current home?**

Yes	1185	25.4%		I already have	2095	44.9%
No	423	9.0%		No Response	64	1.4%
Don't know	900	19.3%		Total	4667	100.0%

**11. Are you thinking of selling your present home and purchasing or renting a smaller residence in Clarkstown?**

Yes	622	13.3%		I already have	132	2.8%
No	2051	44.0%		No Response	163	3.5%
Don't know	1699	36.4%		Total	4667	100.0%

**12. Please select the style of home you would consider moving to?**

One floor single-family	1721	36.9%		Accessory Apartment	55	1.2%
Multi-unit Senior Housing	828	17.7%				
Condo or Apartment	1095	23.5%		No Response	867	18.6%
With Family	101	2.1%		Total	4667	100.0%

**13. Will you need to live within walking distance of local shopping, transportation, houses of worship?**

Yes	1327	28.4%				
No	1690	36.2%		No Response	388	8.3%
Don't know	1262	27.1%		Total	4667	100.0%

**14. If planning on moving to senior housing, would such amenities as a clubhouse, recreation area, pool, additional parking etc. be essential to your decision making process?**

Definitely Important	1376	29.5%				
Somewhat important	1699	36.4%		No Response	730	15.6%
Not important at all	862	18.5%		Total	4667	100.0%

**15. Would central dining facilities, social activities, limited kitchen facilities and personal care assistance be essential to your decision making process?**

Definitely Important	770	16.5%			
Somewhat important	1626	34.8%		No Response	793 17.0%
Not important at all	1478	31.7%		Total	4667 100.0%

**16. When you move, would you prefer to rent or own?**

Own	2927	62.7%		No Response	734 15.7%
Rent	1006	21.6%		Total	4667 100.0%

**17. If you are planning on purchasing, what is the maximum price level you would consider?**

\$100,000 or less	589	12.6%		Over \$300,000	167 3.6%
\$100,001 - \$150,000	1071	23.0%			
\$150,001 - \$200,000	879	18.8%		No Response	1427 30.6%
\$200,001 - \$300,000	534	11.4%		Total	4667 100.0%

**18. If you are planning on renting, what is the maximum level of rent and utilities per month you would consider?**

\$600 or less	664	14.2%		\$2001 - \$3000	68 1.5%
\$601 - \$1000	1113	23.8%			
\$1001 - \$1500	558	12.0%		No Response	2088 44.7%
\$1501 - \$2000	176	3.8%		Total	4667 100.0%

**19. Would you consider remaining in your own home if the Town would permit special accessory housing (a small rental apartment in your current home)?**

Yes	1101	23.6%			
No	1453	31.1%		No Response	722 15.5%
Don't know	1391	29.8%		Total	4667 100.0%

**20. Are you now, or have you ever been on the waiting list for senior housing in Clarkstown? If yes, how long have you been on the list?**

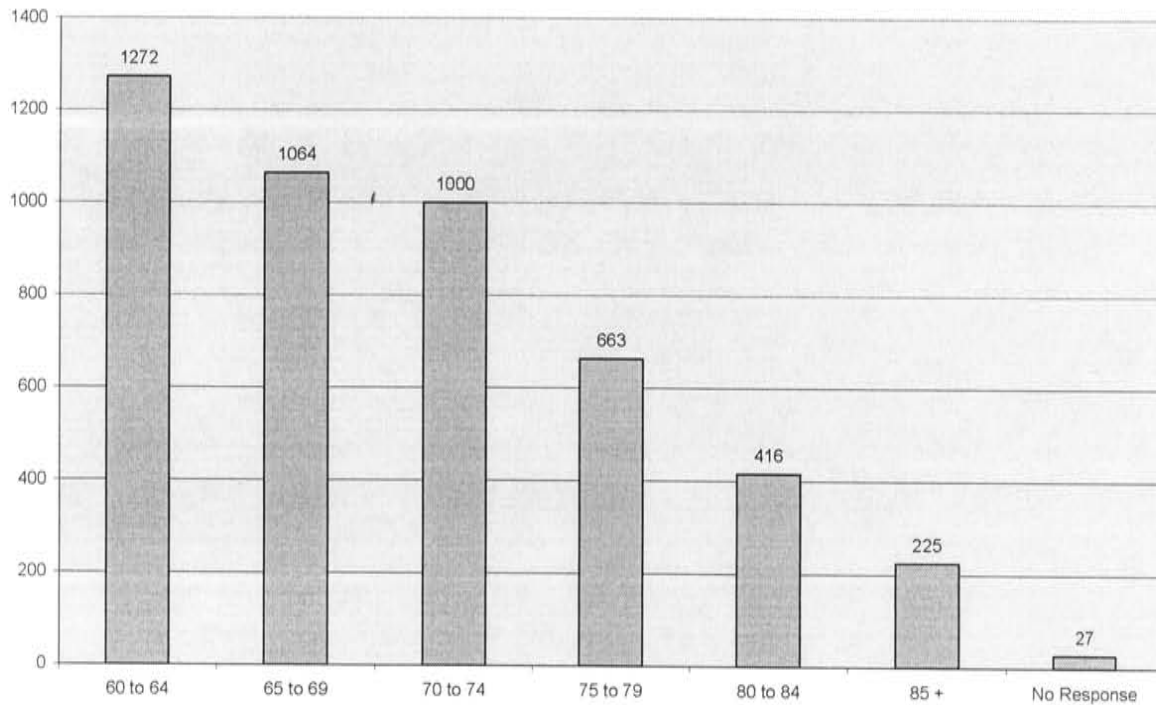
1 Year or Less	30	39.4%		8 Years	2 2.6%
2 Years	13	17.2%		10 Years	8 10.6%
3 Years	10	13.2%		13 Years	2 2.6%
4 Years	2	2.6%		20 Years	2 2.6%
5 Years	5	6.6%			
6 Years	2	2.6%		Total	76 100.0%



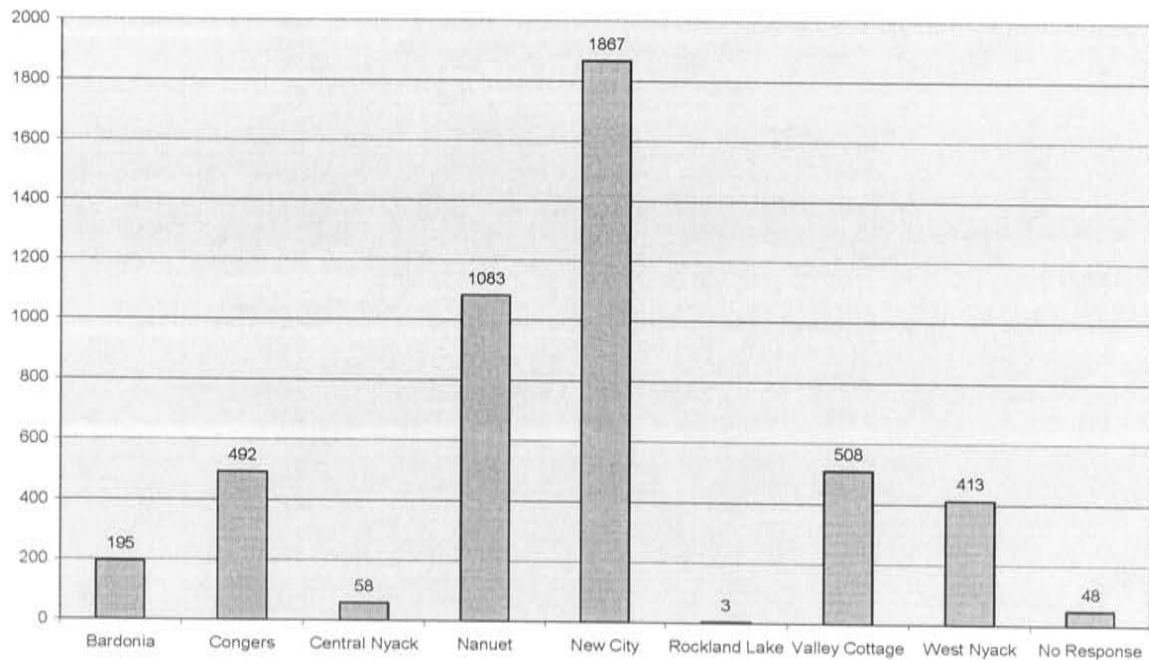
#### 4. Graphs

The following are graphical representations of the responses to two selected questions:

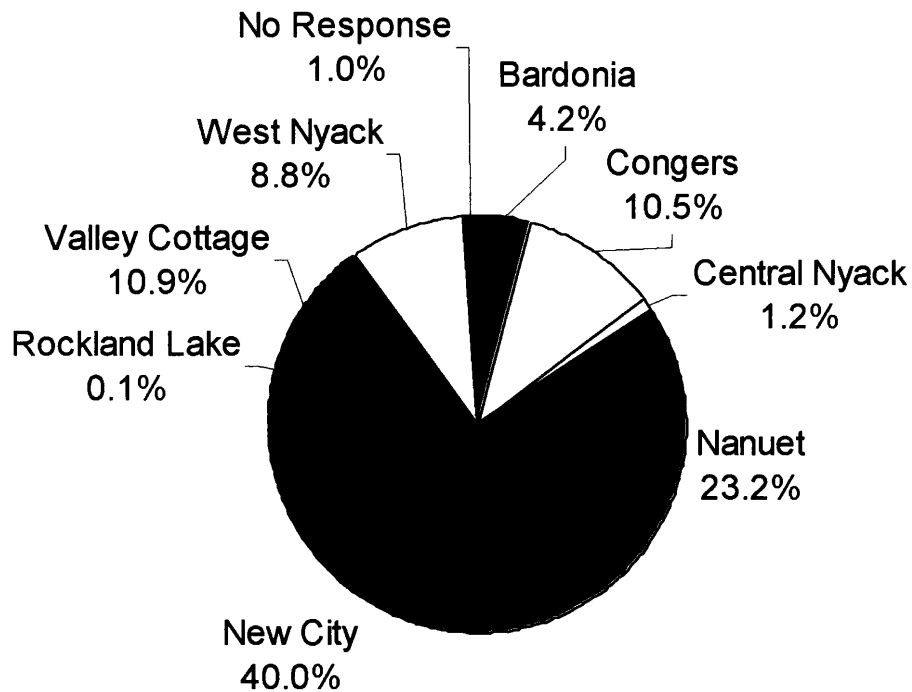
#### Responses to Questionnaire by Age Group



#### Responses to Questionnaire by Hamlet



## Pie Chart of Responses to Questionnaire by Hamlet



### **5. The Comments**

1569 of 4667 responses, or more than one-third of the questionnaires, contained comments. This outpouring of comments by our citizenry is indicative of housing concerns on the part of older adults in Clarkstown. Some key words that were frequently incorporated within comments were:

- taxes – 423 responses
- affordable – 142 responses
- New Jersey – 35 responses
- STAR – 31 responses.

In order to summarize these comments in a format that reflects the tone of the authors, quotes are included to represent the sentiments of the respondents. The comments are organized by the frequency of the topic addressed. The divergence of opinions is reflected in the selection of the comments. The chosen examples are illustrative of the broad range of responses. There is no adequate way to present the full scope of commentary but we hope this analysis, subjective as it may be, is accepted as a reasonably unbiased representation of the commentary as a whole. The actual 72 pages of typewritten comments are provided in the Appendix.<sup>15</sup>

For the purpose of this analysis, the comments were classified into 7 categories or topics. The dominant category is “taxes” and the order of the comments reflects

<sup>15</sup> See Appendix III, Section C, Pages 1-71

the frequency of the type of response, the first comments representing the most common.

TOPIC 1: TAXES (sample comments)

- TAX RELIEF on my present home would allow me to keep my home.
- If SCHOOL TAXES were eliminated for seniors and a reduced TOWN TAX, we would be sure to continue living in Clarkstown. We are in favor of a SALES or INCOME TAX to support schools.
- Need lower PROPERTY TAXES for seniors, not more housing.
- People who are seniors should have to pay COUNTY AND TOWN TAXES. They receive benefits of services. But forgive SCHOOL TAXES. They have paid their dues!!! Heavily!!!
- TAXES are the only reason for me to move out of the area.
- Cap for Enhanced Star should be increased.
- If I was unable to afford the taxes (which aren't that bad), I would move to an area that I could afford, just like everyone else does in the USA. This is a great place to live, excellent services, etc. I see no reason to create low income housing.
- I think living in Clarkstown is the best buy in NYS, The taxes are not a killer once your home is paid for. I would never consider selling my home.

TOPIC 2: HOUSING STYLE AND FEATURES (sample comments)

- Would definitely like a single level or at least one bedroom on the main floor.
- We would like to see ADULT one floor single family homes with no means test!
- If my spouse dies, I would like to stay in New City. I would prefer a one-level 2 bedroom attached condo – not 2 or 3 floors high. Looking for a single unit, one-floor plan, garage and maintenance.
- Any senior housing facility that I would consider must have sidewalks and safe street crossings, environmentally pleasing and have easy access to shopping.
- Consider a 4-story apartment house with terraces, elevators, parking under building.
- Senior complex with recreational areas offers a release from loneliness. However, many seniors are raising their grandchildren and would not be eligible.
- Housing should be constructed in a rural setting.
- Need more reasonable rental housing.
- Need affordable Assisted Living, subsidized.
- I would prefer to live in an intergenerational community.
- Two bedroom apartments, no steps, for elderly near major supermarkets and pharmacy.
- Green areas around the complex...don't have to look like projects or barracks.
- Safety is of utmost importance.
- Wish to live in an adult community with no children or pets. Want trees, landscaped lake or pond, and gated, walking path and community center
- Need more rental housing that allows pets.
- Upscale condo community with Olympic indoor swimming pool, gym, stores, bank, movie theater, library, near local colleges.
- On site management

### TOPIC 3: LAND USE, DEVELOPMENT AND PLANNING ISSUES

- Let's stop congesting Clarkstown. Let developers go elsewhere to make their money and stop down zoning! Do the politicians not see what they have done to our roads?
- I would not like to see a great deal of units on a small piece of land
- Town should consider providing land for 1 family single family one floor homes with garage on small lots ¼ acre minimum, restricted to seniors 60+, priced under \$200,000
- The idea of \$250,000 - \$300,000 for senior citizen homes is idiotic—also, putting too many homes on a small piece of land wind up looking like a kennel. 10 houses on 1 acre! It seems this idea is great for the builder. 4 per acre would be acceptable.
- Moving out of state to an adult community, single family home on small lot, recreational services, less cost than current home.
- Keep Clarkstown as green as possible.
- We need sidewalks.
- The Town is overdeveloped.
- It is time to stop all building of private homes considering the drought.
- I am opposed to L-10 and manufacturing land for senior housing. If senior housing is to be built, it should be in residential zones.
- Need improved public transportation.
- Permit modular ranch houses on existing lot of main residence.
- I wouldn't mind seeing more senior housing because they are reasonable and well kept.
- We don't need any senior citizen zones or "ghettos".
- I am not wealthy, but I do not believe in senior housing which allows down zoning, subsidizing, or any quid pro quo agreement. Although a lifetime resident, if I can't afford to live here, I'd move.
- Given the water problems the county is currently facing and most likely in the future, the county should place a restriction on high density housing until it resolves the water problem.
- In my opinion, Clarkstown has no obligation to provide housing.

### TOPIC 4: ACCESSORY APARTMENTS

- Being able to rent out part of one's house might be very helpful, both for economic reasons and a sense of protection.
- I am not in favor of converting single family housing to multi-family units. You don't enforce on street over-night parking now.
- I have a large old house. I want to remain in it until the end, and being able to rent rooms, and apartment, would be extremely important to me.
- Those homes with finished basements and separate entrances to the basements and separate meters should be allowed to rent the basement.
- No accessory housing! It would pull down property values.

### TOPIC 5: HOUSING NEEDS FOR YOUNGER PEOPLE, HANDICAPPED

- Affordability of housing in Clarkstown is becoming increasingly burdensome, not only for seniors but for young people also. Increases need for husband and wife to work.
- Balance between living needs of seniors and the young people who man our volunteer ambulances and fire trucks.

- Need apartments for working single mothers and retired seniors for around \$800.
- Housing rentals are limited and what is available is not affordable to most residents.
- Need reasonable quality housing for young and old—maybe a 50/50, half seniors and half young families who could be of service to each other.
- Need for non senior handicapped population

#### TOPIC 6: CURRENT HOUSING/ SENIOR HOUSING

- I will stay in my home until I cannot manage to take care of it.
- I wish to stay in my house as long as I am physically able to.
- I have waited and I am still waiting for senior housing. It's been 13 years.
- I live in Squadron Gardens. There are always 5 or 6 empty apartments. Why did I have to wait 10 years to get in?
- We have a lot of people who never lived in Clarkstown now living in senior housing. If you let them build special housing, I guess the same will happen.

#### TOPIC 7: SATISFIED WITH STATUS QUO

- I'm happy where I am.
- Keep up the desirable neighborhoods in Clarkstown.
- Right now we are not considering moving from our present home
- By the way, I will never move.
- No more moving, except to Oak Hill Cemetery

## 6. Significant Findings

***The following significant findings can be derived from the individual survey questions as follows:***

- The overwhelming number of seniors living within Clarkstown (80.5%) reside in single family homes.
- 90 percent own their homes.
- 77 percent of these homes have 3 or more bedrooms.
- Over 90 percent of seniors have lived in Clarkstown for at least 10 years and 81 percent have lived in Clarkstown for 21 or more years.
- 95 percent of Clarkstown seniors spend the full year in Clarkstown.
- 29 percent of Clarkstown seniors feel they may be forced to move from their home for financial reasons. 22.5 percent don't think they will be forced to move but a sizeable 46.3 percent indicate they don't know.
- 71 percent of Clarkstown seniors either plan to retire or have already retired in their current home. Only 9 percent don't plan to do so.
- 16.1 percent of Clarkstown seniors plan to sell or already have sold their homes and moved to a smaller residence within Clarkstown.
- The greatest percentage of seniors in Clarkstown (45.3%), would consider moving to a one floor single-family house, 21.8% to multi-unit senior housing and 28.8% to a condo or apartment. Only 2.7% plan to move in with family and only 1.4% would consider moving into an accessory apartment. [Since 18.6% did not respond to this question, the percentages in this paragraph are calculated based only on those who responded to this question.]
- The crosstab in Appendix III, Section B, Page 13 shows that proximity to transportation, local shopping and houses of worship becomes a greater issue for the more advanced age groups. Predictably, only 23 percent of those 60 to 64 feel they need to live within walking distance whereas 48 percent of those over 85 say they need to live within walking distance.
- The crosstab in Appendix III, Section B, Page 14 shows that amenities such as clubhouses, pools and recreation areas have greater importance to those seniors in the younger age group and less in the more advanced age groups. Over 84 percent of those 60 to 65 associate some importance with these facilities whereas only 40 percent of those over 80 consider it important. [Since 15.6% did not respond to this question, the percentages in this paragraph are calculated based only on those who responded to this question.]
- There was no clear interest by any age group to central dining facilities or personal care assistance.
- 74.4 percent of those responding to this question prefer to own and 25.6 percent prefer to rent. The percentage that prefer to own, decreases from a high of about 85 percent in the 60 to 64 age group to about 57 percent in the over 80 age group. [Since 15.7% did not respond to this question, the percentages in this paragraph are calculated based only on those who responded to this question.]

- The distribution of maximum price for purchasing peaks at the \$100,000 to \$150,000 range and the distribution of maximum price for rent and utilities peaks in the \$600 to \$1000 range.
- Accessory housing would be considered by 27.9 percent of those responding if the town would permit it. This represents 1101 seniors who would consider renting a small apartment in their current home. However, it should be noted that within the 1101 are both husbands and wives so the actual number of potential accessory apartments is probably smaller.
- 76 seniors said they were on the waiting list for senior housing in Clarkstown. Although the greatest number, thirty, have been on the list one year or less, 12 indicated they have been on the list for more than 10 years.

### **Conclusions:**

*The following conclusions can be drawn from the full senior survey including comments:*

- The overwhelming numbers of seniors either prefer to retire in their current homes or have already retired in their current homes. Some are concerned that they may be forced to move due to financial constraints, but they would prefer to stay where they are.
- Many seniors feel the best way to satisfy this desire to stay in their home would be to lower property taxes, particularly school taxes. A long-term approach would be to explore alternate ways to support the local school system. Supporting schools through property taxes places an intolerable tax burden on many seniors living on a fixed income. An approach that factors in age and income would seem to be a way to give tax relief to seniors owning their own homes. This strategy, however, would have to be promoted on the state level. A more immediate approach would be to disseminate information about alternate ways for property owning seniors to meet expenses. This can include additional tax reductions based on income such as the STAR program and reverse mortgages. Information could be made available, by the proposed Office for Senior Citizens.<sup>16</sup>
- A significant number of seniors indicated they would consider accessory housing as a way to remain in their homes. This appears to be a viable solution, but it would have to be implemented with careful thought and regulation to avoid abuses. This is discussed in greater detail in Section V.B.2.
- A significant number of seniors, who are considering a move, indicate they would only be willing to pay a maximum of \$100,000 to \$150,000 to purchase a new home. This is well below market rates and would only be possible with significant subsidies requiring income qualifications. N.B. this survey did not establish the income level of the respondents and the Advisory Board felt it would be intrusive.

---

<sup>16</sup> See page 46.

- Developers of remaining multi-family parcels should be encouraged to build units on one level.
- Existing housing stock must be considered as a way to meet the demand for one-level housing. Traditional Cape Cod homes in Clarkstown have main level bedrooms. Small three bedroom ranch homes were built in the 1960's. Assistance could be provided to senior homeowners who wish to adapt their homes for easier living. This could include placing the washing machine and dryer on the main level, substituting ramps for entrance steps and updating exteriors with maintenance-free materials.

**Additional Results:**

The following cross tabulation shows the responses to the question on accessory housing for each hamlet. The percentages of those who indicated an interest in accessory housing are between 22 and 27 percent in each hamlet. The interest is therefore very uniform throughout Clarkstown.

<b>Crosstab - Hamlet vs. Accessory Housing<sup>17</sup></b>					
<b>Hamlet</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>No Response</b>	<b>Totals</b>
<b>Bardonia</b>	54 27.69%	50 25.64%	50 25.64%	41 21.03%	195 4.18%
<b>Central Nyack</b>	14 24.14%	10 17.24%	22 37.93%	12 20.69%	58 1.24%
<b>Congers</b>	115 23.37%	127 25.81%	179 36.38%	71 14.43%	492 10.54%
<b>Nanuet</b>	244 22.53%	323 29.82%	313 28.90%	203 18.74%	1083 23.21%
<b>New City</b>	428 22.92%	647 34.65%	572 30.64%	220 11.78%	1867 40.00%
<b>Rockland Lake</b>	2 66.67%	0 0.00%	1 33.33%	0 0.00%	3 0.06%
<b>No Response</b>	17 35.42%	8 16.67%	9 18.75%	14 29.17%	48 1.03%
<b>Valley Cottage</b>	113 22.24%	158 31.10%	127 25.00%	110 21.65%	508 10.88%
<b>West Nyack</b>	114 27.60%	130 31.48%	118 28.57%	51 12.35%	413 8.85%
<b>Grand Total</b>	1101 23.59%	1453 31.13%	1391 29.81%	722 15.47%	4667 100.00%

The following cross tabulation shows the responses to the question on Accessory housing by responses to the question about being forced to move

<sup>17</sup> Note: Since responses of both spouses may be included in the survey, the actual number of households interested in accessory apartments is likely to be lower.



due to costs. Of those who think they will be forced to move due to costs, about one third would consider accessory housing.

<b>Crosstab - Move due to costs vs. Accessory Housing</b>					
<b>Move due to costs?</b>	<b>Accessory Housing?</b>				<b>Totals</b>
	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>	<b>No Response</b>	
<b>No Response</b>	15 14.85%	13 12.87%	12 11.88%	61 60.40%	101 2.16%
<b>Don't Know</b>	492 22.76%	590 27.29%	800 37.00%	280 12.95%	2162 46.33%
<b>No</b>	148 14.11%	361 34.41%	244 23.26%	296 28.22%	1049 22.48%
<b>Yes</b>	446 32.92%	489 36.09%	335 24.72%	85 6.27%	1355 29.03%
<b>Grand Total</b>	<b>1101</b> 23.59%	<b>1453</b> 31.13%	<b>1391</b> 29.81%	<b>722</b> 15.47%	<b>4667</b> 100.00%

The following cross tabulation illustrates the maximum price the respondent is willing to pay for a new home versus how important the amenities are to the respondent. The results indicate that almost 50% of those who said that amenities were definitely important were only willing to spend less than \$150,000 for a home. Without some significant subsidy, a purchase at these prices is highly unlikely.

<b>Crosstab - Amenities in Senior Housing vs. Max Price that would consider</b>							
	<b>\$100K or less</b>	<b>\$100K to \$150K</b>	<b>\$150K to \$200K</b>	<b>\$200K to \$300K</b>	<b>Over \$300K</b>	<b>No Response</b>	<b>Total</b>
<b>No Response</b>	21 2.88%	47 6.44%	51 6.99%	52 7.12%	26 3.56%	533 73.01%	730 15.64%
<b>Definitely Important</b>	199 14.46%	345 25.07%	286 20.78%	208 15.12%	75 5.45%	263 19.11%	1376 29.48%
<b>Not Important</b>	129 14.97%	199 23.09%	151 17.52%	85 9.86%	37 4.29%	261 30.28%	862 18.47%
<b>Somewhat Important</b>	240 14.13%	480 28.25%	391 23.01%	189 11.12%	29 1.71%	370 21.78%	1699 36.40%
<b>Grand Total</b>	<b>589</b> 12.62%	<b>1071</b> 22.95%	<b>879</b> 18.83%	<b>534</b> 11.44%	<b>167</b> 3.58%	<b>1427</b> 30.58%	<b>4667</b> 100.00%

## **B. Young Adults' Survey**

### **1. Purpose**

Similar to the purpose of the senior survey, the purpose of the young adults' survey was to compile data that expressed the genuine needs and desires of young adults in the Town of Clarkstown. The Advisory Board was particularly interested in the impact of housing on young adults who participate in volunteer services within the Town of Clarkstown. Based on the responses by seniors, the Advisory Board was also interested in seeing if this group had a complementary interest in accessory housing.

Consistent with the previous questionnaire, the Advisory Board decided that:

- a- In addition to answering the questions, each respondent should also be given an opportunity to present their comments on housing.
- b- The results of the questionnaire would be totally anonymous in order to protect the respondent's privacy and encourage candid responses.

### **2. Methodology**

The questionnaire was prepared in a similar fashion to the senior questionnaire and a small test run was conducted with members of one of the volunteer services. A similar package was prepared which consisted of a cover letter<sup>18</sup>, a questionnaire consisting of 17 questions and provision for comments<sup>19</sup>, and a pre-addressed return envelope addressed to the Advisory Board at Town Hall. Return postage was not provided.

Again an ID number was used to insure that only official questionnaires were tabulated in the results. At the same time, the linkage between ID numbers and addresses was not recorded to insure the anonymity of the respondents. Mailing labels were obtained from the Rockland County Board of Elections for all registered voters between the ages of 22 and 35 that resided within the town of Clarkstown.

10,548 questionnaires were mailed on April 17<sup>th</sup>, 2002. 1143 residents (10.7% of those receiving questionnaires) responded. This was a good response, but typical of the response that a questionnaire would normally generate.

Microsoft Access® database software was again set up to enter, tabulate, graph and report the responses. Likewise, two computer workstations were set up by the Town's data processing department and two office temporaries were hired by the Town to enter the data. In a similar fashion the envelopes were opened, the data was recorded and spot checks for accuracy were made under the supervision of Advisory Board members,

### **3. Results**

The following tables summarize the responses to each question in the young adult questionnaire. Each table shows the number of respondents who selected each answer and how many offered no response to the question. The corresponding percentage that chose each answer is also provided. A more comprehensive tabulation of the questionnaire data, Crosstabbed by age group, is provided in Appendix III, Section E, Page 1-19.

---

<sup>18</sup> See Appendix III, Section D, Page 1

<sup>19</sup> See Appendix III, Section D, Page 2

**1. Identify your age group:**

22 to 25	272	23.8%		No Response	19	1.7%
26 to 30	376	32.9%		<b>Total</b>	<b>1143</b>	<b>100.0%</b>
31 to 35	476	41.6%				

**2. You currently reside in:**

Bardonia	36	3.2%		Valley Cottage	161	14.1%
Congers	130	11.4%		West Nyack	148	12.9%
Nanuet	263	23.0%		No Response	14	1.2%
New City	390	34.1%		<b>Total</b>	<b>1143</b>	<b>100.0%</b>
Rockland Lake	1	0.1%				

**3. Identify your current living arrangements?**

Alone	62	5.4%		With Spouse	167	14.6%
With Children	20	1.7%		With Spouse & Children	346	30.3%
With Parents	514	45.0%		No Response	8	0.7%
With Roommate	26	2.3%		<b>Total</b>	<b>1143</b>	<b>100.0%</b>

**4. Do you own or rent?**

Own	606	53.0%		No Response	231	20.2%
Rent	306	26.8%		<b>Total</b>	<b>1143</b>	<b>100.0%</b>

**5. Do you expect to move within the next 3 years?**

Yes	545	47.7%		No Response	18	1.6%
No	336	29.4%		<b>Total</b>	<b>1143</b>	<b>100.0%</b>
Don't Know	244	21.3%				

**6. If you were to move, where would you consider moving?**

Within Clarkstown	360	31.5%		Any of the above	79	6.9%
Within Rockland	80	7.0%		No Response	73	6.4%
Outside of Rockland	443	38.8%		<b>Total</b>	<b>1143</b>	<b>100.0%</b>
Within Rockland but outside Clarkstown	108	9.4%				

**7. Check the three most important factors you would consider in deciding where to move.**

Cost of Living/Taxes	738	64.6%*		Larger residence	209	18.3%*
Cost of house itself	592	51.8%*		Traffic/population density	211	18.5%*
Job location	560	49.0%*		No Response	242	21.2%*
School District	550	48.1%*		<b>Total</b>	<b>3429</b>	
Live near family	327	28.5%*				

[\*Note: Percentages represent percent of respondents that selected the choice as one of their three most important factors]

**8. Please select the type of housing style you would consider.**

Apartment Complex	188	16.4%			
Condo/Townhouse	266	23.3%		No Response	12 1.1%
Single Family	677	59.2%		<b>Total</b>	<b>1143 100.0%</b>

**9. The residence would have:**

1 Bedroom	126	11.0%		4 or more bedrooms	370 32.4%
2 Bedrooms	290	25.4%		No Response	13 1.1%
3 Bedrooms	344	30.1%		<b>Total</b>	<b>1143 100.0%</b>

**10. Would you prefer to rent or own?**

Rent	133	11.6%		No Response	18 1.6%
Own	992	86.8%		<b>Total</b>	<b>1143 100.0%</b>

**11. Would you consider living in a studio or one bedroom 'accessory apartment'? [small apartment in a single-family house with its own kitchen]**

Strongly Consider	176	15.4%		Other	34 3.0%
Not Consider	725	63.4%		No Response	37 3.2%
Don't know	171	15.0%		<b>Total</b>	<b>1143 100.0%</b>

**12. The proximity of the residence to public transportation is:**

Very Important	187	16.4%			
Somewhat important	402	35.1%		No Response	15 1.3%
Not important	539	47.2%		<b>Total</b>	<b>1143 100.0%</b>

**13. How important is it to be within walking distance of shopping centers?**

Very Important	83	7.3%			
Somewhat important	351	30.7%		No Response	19 1.6%
Not important	690	60.4%		<b>Total</b>	<b>1143 100.0%</b>

**14. If you were to move to a multi-family complex [i.e. condo or townhouse], how important would special amenities such as a pool, tennis courts and other recreational facilities be?**

Definitely Important	398	34.8%			
Somewhat important	510	44.6%		No Response	40 3.5%
Not important at all	195	17.1%		<b>Total</b>	<b>1143 100.0%</b>

**15. Please check those volunteer emergency services in which you are currently active.**

Fire department	61	5.4%		Other	16 1.4%
EMT or Ambulance	21	1.8%		No Response	79 6.9%
None	966	84.5%		<b>Total</b>	<b>1143 100.0%</b>

**16. The maximum you would pay per month for rent and utilities is:**

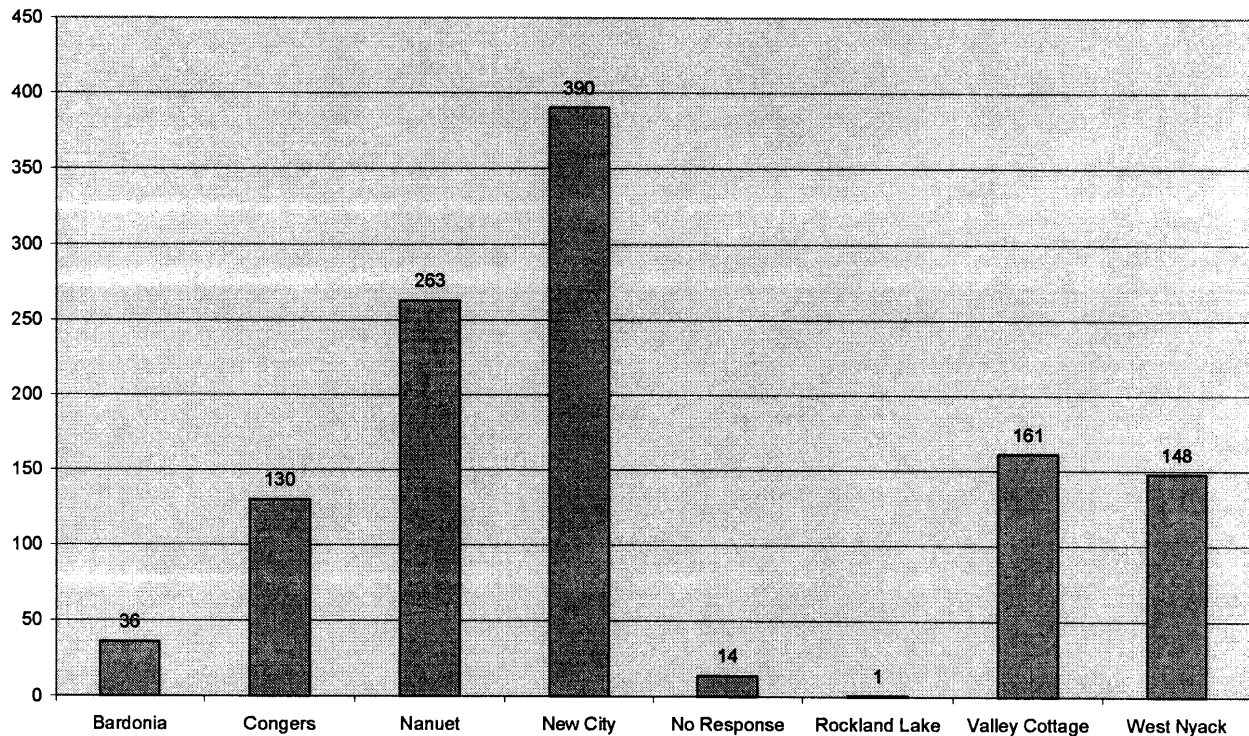
\$750	108	9.5%		\$1,500	192	16.8%
\$800	135	11.7%		\$1,700+	158	13.8%
\$1,000	194	17.0%		No Response	115	10.1%
\$1,200	241	21.1%		<b>Total</b>	<b>1143</b>	<b>100.0%</b>

**17. The maximum you would consider paying for a new home would be:**

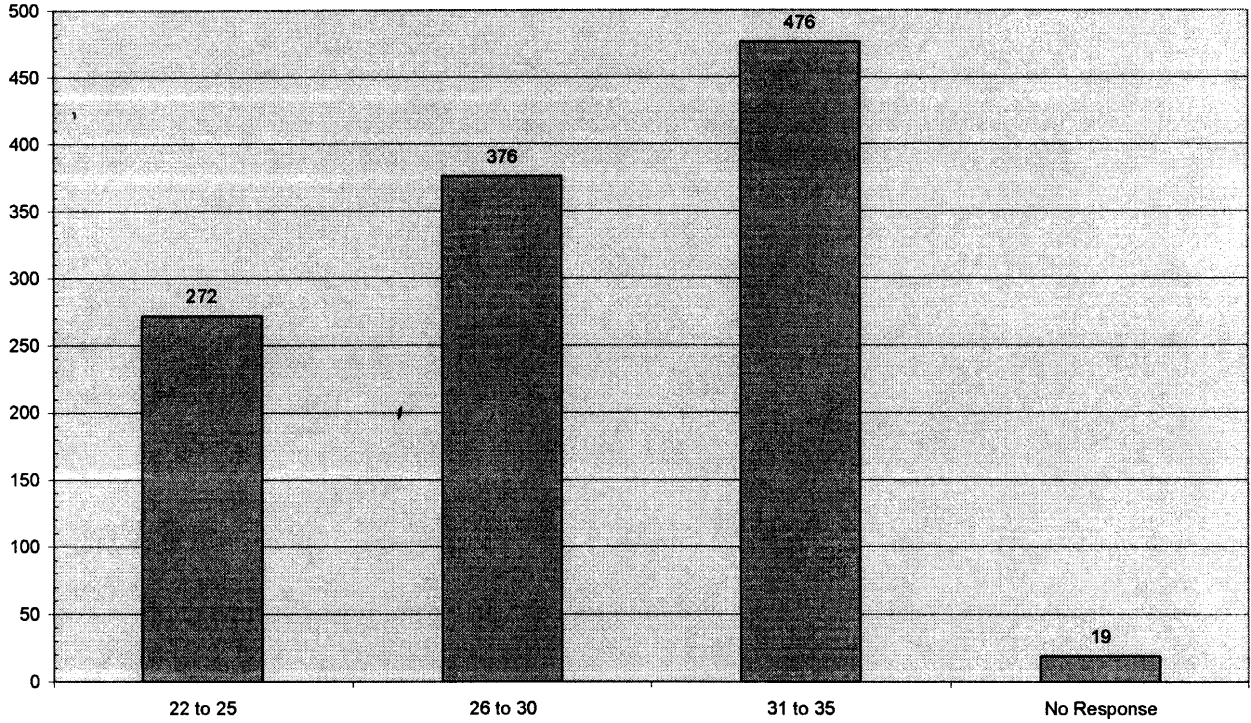
\$150,000	84	7.4%		\$300,000	197	17.2%
\$175,000	66	5.8%		\$350,000	191	16.7%
\$180,000	36	3.2%		\$400,000+	174	15.2%
\$200,000	132	11.5%		No Response	73	6.4%
\$250,000	190	16.6%		<b>Total</b>	<b>1143</b>	<b>100.0%</b>

**4. Graphs**

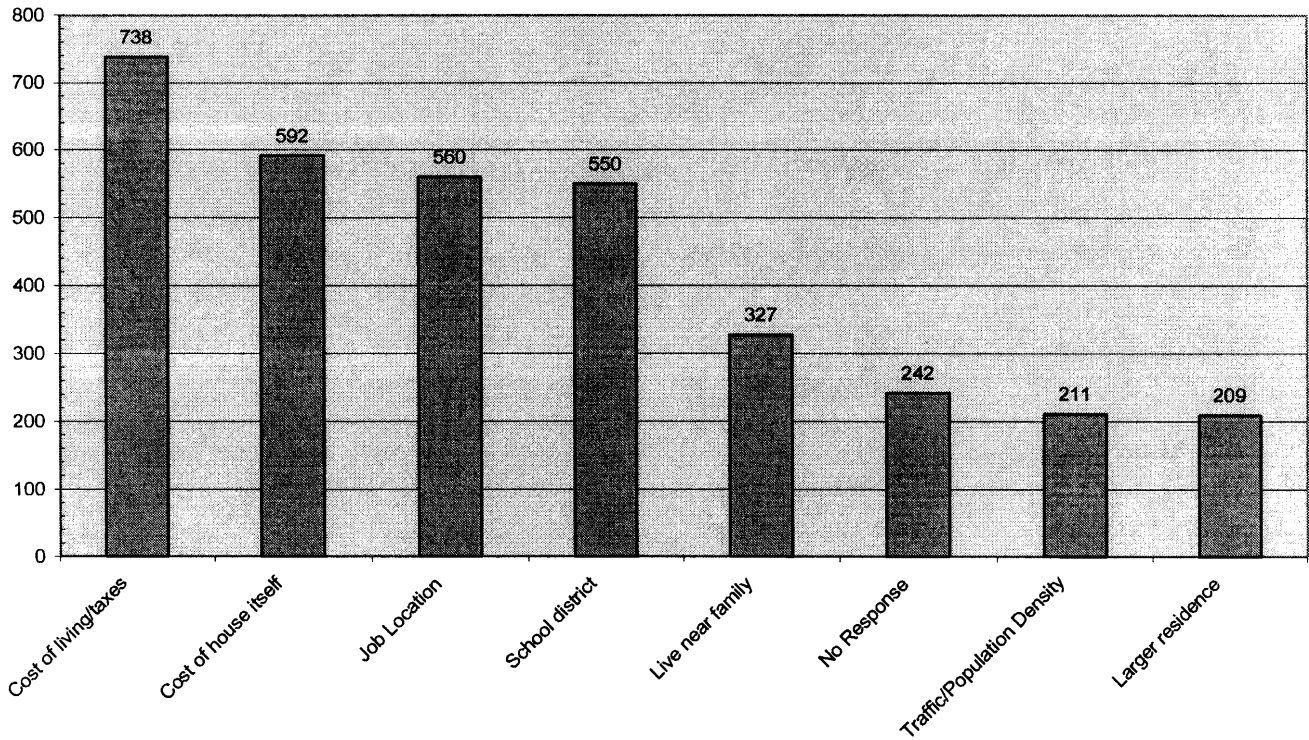
**Current Residence Distribution by Hamlet**



## Age Distribution by Group



## Three Most Important Factors in Deciding Where to Move



## **5. The Comments**

513 (4.5% of those who responded) included comments on their questionnaires. The comments discussed will reflect those that related to housing and development issues. One exception is the topic of transportation, because it was addressed by so many respondents with a unanimous viewpoint. In order to summarize these comments in a format that reflects the tone of the respondents, quotes are included to represent the sentiments of the authors. The comments have been separated for the purpose of analysis into three age brackets: ages 22 to 25, ages 26 to 30, and ages 31 to 35. While there is overlap, their concerns vary as they get married and have children. Sample comments have been selected representing the types of sentiments expressed. There are several categories of comments that include high cost of housing, taxes, transportation, needs of local workers and volunteers and land use. Examples have been chosen that show the range of responses with the hope that this analysis is accepted as a reasonably unbiased representation of the commentary as a whole. The complete twenty-two pages of typewritten commentary is available in the Appendix III, Section E, Pages 20-40.

### **AGE GROUP 22-25**

#### Topic 1: High Cost of Housing

- This area is so expensive that children of homeowners can't afford to live here and that is very sad. You are separating families.
- The prices in Clarkstown are too expensive. I am getting married in August and we had to buy in Orange County because what we could afford here was not appealing.
- I'm currently finishing Grad school and teaching. I'm living with parents while I pay off student loans and save. Approximate plan is 7 years at home until 27.
- Rental units in Clarkstown are limited and expensive.
- Housing is too expensive and not geared to young adults.
- Young adults that are just starting out can't afford to pay the high rates for rent. It's difficult to pay back loans and try to survive in this expensive county.
- Not enough affordable rental properties available.
- There is no affordable housing for people in their 20s. Everyone I know needs to move to Pomona where there are many apartment complexes for young people at a reasonable price.
- Starting out of college, I wouldn't be able to rent a closet.
- Need rentals allowing pets.

#### Topic 2: Rockland Employees and Volunteers

- I am a teacher in Clarkstown but I had to move to Orange County. I would like to be closer to my job.
- As a firefighter, fire departments are losing members because the cost of living is way too high.
- The Town does nothing to help the hard working middle class.

### Topic 3: Transportation

- Better public transportation to NYC. The bus/train from Palisades Center is OK but it takes 1.5 hours to get to the city.
- A faster, more direct commute to the city.

### Topic 4: Taxes

- I'm thinking about moving out of state because of high taxes.

### Topic 5: Land Use

- Make some complexes for younger people, and cheaper. Those 35 and under just like places for people 55+.
- Look at Marriott Courtyards models being used by colleges with modifications. They would make great starter units for those of us returning from college choosing to live away (from home) yet near.
- Build homes in the \$300,000 range because who can afford \$750,000 to \$1 million?
- Stop over developing Rockland. There is enough housing here. Let's keep some country living.
- I am opposed to high density development. I believe the suburban character of Rockland should be maintained.
- It's important to offer housing to all economic classes. People also want nature: natural land, gardens, farms, etc. In Rockland, please consider this conservation of land, preserving in order to ensure natural spaces for our children.

## **AGE GROUP 26 TO 30**

### Topic 1: Housing Cost

- We are a young couple just married and are renting now \$1400 a month not including utilities—living from paycheck to paycheck and are looking to own a home. There are no affordable townhouses/condos or single family homes in Rockland County.
- My fiancé who grew up in Nanuet wants to stay in the Clarkstown area, but we can't afford more than a \$250,000 house and all the homes are above that in this area—going to have to move to Orange County where living is affordable for young couples.
- Housing in Rockland is not affordable. A person like myself could not survive without some assistance (parents or state). I am a college graduate who earns \$30,000 a year with a child.
- Need for affordable rentals for single parents.
- I can't afford anything in Rockland and that is why I still live with my parents and will probably move to another state.
- The housing and taxes are too outrageously expensive in Clarkstown. I am soon to be married and will have a combined income of approximately \$110,000, which still doesn't seem to be enough to afford this area.
- The Town should consider some kind of Federal assistance to young adults trying to purchase their first homes.
- Cheaper apartments. The cheapest place around here is \$1,000 for a one bedroom. I'd rather pay my mother that money.



#### Topic 2: Taxes

- Do not tax us out by putting in cheap housing that will fill up the schools and clog the roads. I work hard, so can others.
- Have a significant tax rebate or some other residential break for volunteer firefighters or EMTs.

#### Topic 3: Housing and Volunteers, Disabled

- Have housing set up for the volunteers at a discounted rate. We lose members because it gets too expensive to live here without aid.
- Make it a priority to create housing options for people on disability.
- Clarkstown should have more affordable housing for volunteer firefighters so younger residents will be more interested. In time, all volunteer firefighters will be older and not as capable.

#### Topic 4: Land Use

- Affordable housing for middle class college educated people who want to have children and have one spouse not work and stay home to raise children (Indian Rock complex in Suffern). We could afford to purchase a home now with two working but not with one.
- Most particularly, the situation in New City is getting unbearable due to all the congestion in the past ten years.
- Stop building huge houses that no one can afford. Houses for the middle class people and not the super rich.
- The Town should have more townhouses and condos for middle class young adults.
- Less condo construction: the town/county is getting too overpopulated—restrictions on rental housing.
- By diversifying housing, Clarkstown could diversify its population. I hope that your Advisory Board is successful in implementing policy that will help Clarkstown to better represent the human race.
- A lot of condos and townhouses cost as much if not more than (single family) homes. For this reason, I rent the downstairs of my parents' house.
- Additional housing is not important at this time. Rockland/Clarkstown is already built up beyond necessary. The Town needs to consider more open space.
- Town should consider constructing more low cost housing complexes like town houses and condos for people like us who cannot afford the current prices.
- Importance of trees and green areas, the town is already overbuilt—adding townhouses and apartment complexes just add traffic congestion and remove green space.
- No more houses, too much traffic.

#### Topic 4: Housing and the Schools

- If we pay Clarkstown taxes, we should be in the Clarkstown school district.
- Be aware of how new housing development affects enrollment in school districts—families may move to an area for a particular school but then be re-districted to another school because of space problems. Overdeveloping areas of Rockland affects the school system.

#### Topic 5: Taxes

- Taxes are too high.
- We are currently home shopping. It is very discouraging. It is impossible for a young couple to purchase a house in Rockland. Tax incentives should be available to first time buyers who grew up in the Town and choose to live here.

#### Topic 6: Transportation:

- Need better transit to New York City
- Affordable housing along with reasonable commuting to NYC would be major plusses to young professionals.
- You need better public transportation. Think in terms of a train.
- More flexible commuting options to and from NYC both during peak and off peak times. Train is limited and very inconvenient. Bus is also limited.

### **AGES 31 TO 35**

#### Topic 1: Housing Cost

- There is a major shortage of houses in the mid-price range
- High prices of single family homes in this area are forcing all of the young hardworking people out of the county. This county has taken away our American Dream of buying a home.
- I would love to remain in Rockland County but can't afford to. I have been living with my parents and saving but the costs are just too outrageous.

#### Topic 2: Land Use

- Try not to make a buck on every developer's dream. Preserve our water and town's integrity.
- No more town homes, please. Congestion is at all time max.
- We desperately need pet friendly rental properties in the county.
- Rockland needs more affordable apartment complexes and or condo/townhouses in safe neighborhoods with amenities and nice grounds.
- Town should consider limiting new construction of condo/townhouse type as the roadways and county is already so congested.
- The town should consider renovating existing dwellings only. No new dwellings should be built. We need to preserve our open spaces.
- Build affordable housing in areas considered to have great schools for people who earn not-for-profit salaries.
- NO MORE BUILDING. In favor of tasteful development—not crowding houses on small lots—problem of crowding schools and streets.
- It would seem that the first time home buyers are in the most difficult position—need to find a solution to the problem—maybe relaxing the regulations on single family homes to allow for more accessory apartments.
- Zoning should be allowed for creating more two family homes. We would definitely live in a two family home if we don't have children. It creates affordable housing and “accessory apartments” are ideal for people just starting out.
- Preservation of land for parks and access to waterways—define our buffer zones in residential areas to commercial areas.
- More sidewalks. Encourage car-pooling.
- Sidewalks on double yellow line streets.
- Apartments needed, possibly above businesses

- Town unlike New City—have a downtown with personality/quaintness—don't just develop condos on the remaining land.

#### Topic 3: Housing and Volunteers

- The Town should consider offering low interest mortgages to volunteers.

#### Topic 4: Transportation

- Need MTA for real. The current train through Nanuet and Spring Valley is a joke—limited times, no weekends. TZ Express complicates this whole process.
- We need a mass transit system in the county. An adequate RR system to NYC, Westchester, Albany.

#### Topic 5: Taxes

- Reduce taxes.
- Taxes are way too high for the services received.

#### Topic 6: Satisfaction

- My house is perfect.

## **6. Significant Findings**

***The following significant findings can be derived from the individual survey questions as follows:***

- The distribution of young adults in Clarkstown is similar to that of senior citizens except that about 7 percent more respondents live in Valley Cottage and West Nyack and 7 percent fewer live in New City.
- Almost 45 percent of young adults in Clarkstown are living with parents. The percentage decreases with age group with almost 50% of young adults between 22 and 25 living with parents. 45 percent are living with either their spouse or their spouse and children.
- About one third of young adults are renting.
- Almost 50% of Clarkstown's young adults expect to move within the next 3 years.
- About one-third of those responding expect to stay within Clarkstown. The largest group, about 41 percent of those responding, expects to move out of Rockland County.
- Cost of living and taxes was the most important factor in deciding where to move. The second most important factor was the cost of the house. The third and fourth factors were job location and school district. Living near family, traffic and population density and the need for a larger residence appeared to be less important factors.
- 60 percent said they would consider single-family homes, 23 percent condos, town houses or co-ops and 16 percent rentals.
- Predictably, the number of bedrooms desired in the residence increased as the age group increased.
- 87 percent preferred owning over renting.

- About 15 percent of the young adults who responded said they would strongly consider a studio or one bedroom accessory apartment. About 70% of respondents said they would not consider such an apartment.
- Proximity to public transportation was only considered very important by 16 percent of the young adults. Only 7 percent considered being within walking distance of shopping centers to be very important. However, 35 percent considered recreational facilities to be very important in a multi-family complex.
- About 5.7 percent of those responding said they were active in the volunteer fire department and 2 percent of those responding said they were active in volunteer EMT or Ambulance services.
- Maximum rents plus utilities were fairly evenly distributed across the range of \$750 to \$1700 per month. This indicates that there is a wide variation in the amounts that young adults have available for expenditures on rent.
- The distribution of maximum amount to pay for a new home was also very uniform within the range of \$150,000 to \$400,000+. About 17 percent were in the range of \$150,000 to \$180,000; 11.5 percent at \$200,000 and about 17 percent at each of \$250,000, \$300,000, \$350,000 and \$400,000+. This points to a wide variation in the amounts that young adults have available to purchase a new home.

**Conclusions:**

***The following conclusions can be drawn from the full young adult survey including comments:***

- A significant number of young adults, even in the 30 to 35 age range are living with their parents.
- Extrapolating the number of young adults that indicated an interest in accessory housing to the young adult population at large, there appears to be a sufficient number interested in accessory apartments. This would mesh with the number of seniors interested in offering accessory apartments to mitigate their costs and making it possible for them to remain in their homes.
- A 5.7 percent participation in volunteer fire departments appears to overstate the number of participants. This can be explained by the fact that various fire departments were contacted by the Advisory Board regarding our intent to conduct this survey and volunteers were encouraged to complete the questionnaires.

## C. SCHOOL DISTRICT DATA

### 1. Purpose

Public school students, who reside in the Town of Clarkstown, attend school in one of four Rockland County school districts. The Town of Clarkstown fully encompasses the Clarkstown Central School district and the Nanuet Union Free School District. It also contains portions of the Nyack Union Free School District and portions of the East Ramapo School District.

Since the property tax revenues collected by the school districts represent a significant portion of the total taxes paid by homeowners, the Advisory Board decided to consider the impact of potential changes in housing on the four school districts and ultimately the current taxpayers.

### 2. Methodology

As part of their long range planning, each of the school districts prepares reports which provide them with estimates of enrollment for the succeeding 10 years. The Advisory Board obtained the following reports:

Long Range Planning Study – Nanuet Union Free School District – 2/2002  
Long Range Planning Study – Nyack Union Free School District – 3/1999  
Enrollment Projections – Clarkstown Central School District – 11/2001

The method that all three districts employ in projecting enrollment is the Cohort Survival Technique.<sup>20</sup> This method projects enrollment based on historical trends in recent years within the district. The data used for these projections is:

- 1-Estimated Kindergarten enrollments calculated from the number of live births five years prior.
- 2-Actual enrollment by grade for the previous 10 years.
- 3-Grade-to-grade retention ratios for each two grade transition.

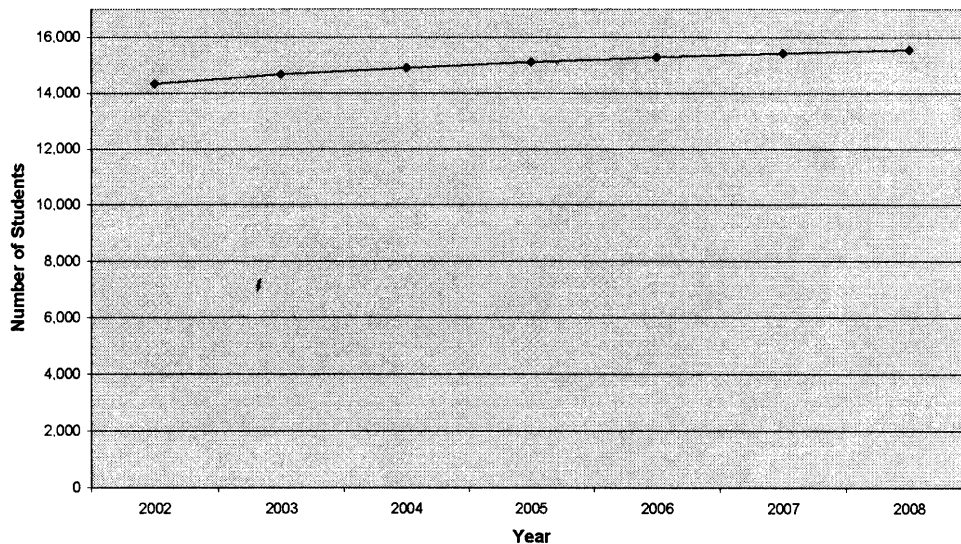
The projected increase in enrollment over the next six years in three of the four districts is as follows:

	2002	2003	2004	2005	2006	2007	2008
Nanuet	2,173	2,236	2,321	2,387	2,442	2,477	2,498
Nyack <sup>21</sup>	3,062	3,048	3,066	3,051	3,053	3,023	3,020
Clarkstown	9,092	9,387	9,508	9,669	9,782	9,921	10,025
Total	<b>14,327</b>	<b>14,671</b>	<b>14,895</b>	<b>15,107</b>	<b>15,277</b>	<b>15,421</b>	<b>15,543</b>
% increase		2.4%	1.5%	1.4%	1.1%	0.9%	0.8%

<sup>20</sup> See Glossary

<sup>21</sup> Note: The data for the Nyack Union Free School District is overstated since only a portion of the school district is located within the town of Clarkstown. Data including only Town of Clarkstown students was not readily available.

Projection of Combined Public School Enrollment within the Town of Clarkstown



The Cohort Survival Technique approach has proven to be a good predictor of enrollment most of the time. However, there are some areas of caution. Since the technique predicts the future based on averages of the past several years, it tends to minimize the impact of dramatic changes in enrollment.

### 3. Conclusions

We are now in the period known as the Baby Boom Echo. This began in 1981 and was responsible for increasing rates of births and a corresponding increase in school enrollments. However, during the next 10 years, as the Boomers exit from their child rearing years, school enrollments are expected to level off and then start dropping.<sup>22</sup>

Notwithstanding the general trend above, we must be cognizant of the fact that changes in housing within Clarkstown can still dramatically impact the school districts and therefore the consequent school taxes. For example, if a newly built senior citizen development attracts substantial numbers of senior residents from within Clarkstown, large numbers of young families are likely to purchase the homes vacated by these seniors. This can impact enrollments at individual schools resulting in a need to redistrict or perhaps even necessitate new school construction. Similarly, if accessory housing were to be permitted within Clarkstown but implemented such that young families could live in the larger portion of the house, there could be a significant impact on the neighborhood school or district as a whole.

<sup>22</sup> David Pearce Snyder, "The knowable future: Trends affecting education *The rise and fall of the baby boomers*" New York State School Boards Assoc.

It is therefore critical that the Town Board carefully consider these factors in evaluating housing proposals. It is also essential that the Town consult with school districts on a regular basis so the districts are prepared to consider the impact of new construction and policy changes. At a minimum, large developments may have to be staged to minimize the impact on the relevant school district. It also doesn't make sense to improve the housing availability for seniors and then create considerable increases in taxes that preclude those seniors from affording their newly obtained residences.

## **D. WORKFORCE/VOLUNTEERS AND HOUSING AFFORDABILITY FACTORS**

### **1. Issues and Housing Needs Facing Our Workforce & Volunteers**

The need for affordable housing continues to receive much attention. Here, we speak of affordable housing as shelter for those who cannot afford to buy or rent private, competitive, market rate housing. Affordability is controlled by debt service (the actual cost of housing); land value (as an element of housing cost); and property taxes. The average cost of a single family home in Clarkstown has reached an all time high making home ownership unattainable for many individuals. According to the Greater Hudson Valley Multiple Listing Service, as of September 2002 the twelve-month median home price in Clarkstown is \$350,000. In addition, the cost of rentals (because they are in short supply) has also soared making affordability a factor for the business sector.

How does the high cost of housing affect the workforce of Clarkstown? The Leadership Rockland Class of 2001 distributed a questionnaire to over four hundred local companies and their employees last summer. Three hundred companies responded and their results were analyzed by the Rockland Business Association:

- From an attraction/retention standpoint, there is an unmet housing need.
- A full one third of all businesses have lost needed personnel due to a lack of affordable housing.
- The average household size is 3.3 people, (yet we still zone residential properties to foster development of four to five bedroom homes).
- Almost half of all respondents live in Rockland, with the remainder commuting from more distant and less costly communities.
- Eighty-two percent of those surveyed would prefer to live in Rockland County where they are employed.
- Nearly two thirds of employee's surveyed wish to purchase a house in the next five years. Two thirds of the prospective homebuyers expect to pay no more than \$100,000 for that residence.<sup>23</sup>

Anecdotally, we know that this housing need spans the entire employment spectrum, from unskilled assembly line workers to highly educated and experienced technical employees. Hard working blue-collar workers can find employment and housing in Bergen and Orange Counties and avoid commuting

---

<sup>23</sup> See Appendix III, Section F (Employer Survey Results)

altogether. Skilled employees can find similar employment in southern states and enjoy a higher standard of living due to lower housing costs.

What is the impact of the affordability gap for the future of Clarkstown? Clearly, Clarkstown taxpayers will be impacted if solutions are not found to address the high cost of housing.

The Advisory Board ***recommends*** that the Town seek possible sponsors from the local business community to create viable housing options for the workforce. The Town, by offering appropriate subsidies via tax incentives, can assist in the process. The Advisory Board further ***recommends*** that whatever solutions are proposed should benefit all the residents of Clarkstown.

Volunteers such as emergency medical employees, firefighters, and emergency medical technicians will find it increasingly difficult to remain in Clarkstown. The institutions they represent rely upon a volunteer base that is composed primarily of young adults who may not be able to afford to live here. Or consequently the ever-rising cost of housing may allow fewer individuals the availability to volunteer. Either way the possibility of a professionally paid emergency services workforce may develop if reasonable alternatives are not sought and implemented. The Town should be complimented for seeking to address this issue in partnership with the Rockland Housing Action Coalition and its sponsorship of the soon to be developed Hidden Ridge Condominium Project located on Pipetown Hill Road. This project will offer subsidies; and preference will be given to emergency service volunteers and Clarkstown residents. The Advisory Board ***recommends*** that efforts in this area continue to be explored and where possible acted upon to assist in maintaining a volunteer base for Clarkstown.

## **2. Housing Issues Facing the Social Service & Healthcare Network In Clarkstown**

Clarkstown is host to a myriad of private not-for-profit agencies providing residential and other services to individuals throughout the continuum of health and social services systems. These residential programs are certified and licensed residences under the auspices of various child caring and social service agencies. Some of these residences need Town approval to open and are recertified annually by State and Federal Government oversight agencies in order to continue to operate. Once approved to open the Town has no authority to remove these programs. Many of these programs are designed to meet the needs of Clarkstown residents, however, some will serve residents from other areas. As such, these individual properties are exempt from paying property taxes and require supportive services generally provided by a professional staff that may or may not live in the facility. The individuals served in these residential programs are mentally retarded/developmentally disabled, mentally ill, homeless, neglected and abused children and adult homes.

The New York State Health Department requires that a list (see Appendix III, Section F, Rockland County Health Department Community Based Residential Programs) of all certified residences be maintained according to municipality. The Rockland County Department of Social Services is the keeper of the local list. A review of the list as of June of 2002 illustrates that Clarkstown is home to 41 community based certified residential programs serving 430 individuals. These certified residences do not include one to three person supported apartments which



do not require certification. The certified programs reflected on the Department of Social Service list range in size from four person (Camp Venture) to 31 individuals in residence (Jawanio). These residential programs require a professional staff that includes nurses, social workers, direct care workers etc.... It is impossible to ascertain an actual number of employees required to staff these already existing programs; however, more than 500 non-resident staffers are required to operate these residences.

Additionally, Clarkstown is host to one childcare agency (St. Agatha's) serving neglected and abused children in foster care on a campus setting. This child caring program has a certified campus, hosting up to 162 individuals in Clarkstown. Such programs also require untold numbers of professional and paraprofessional staff to provide essential services.

According to the Department of Social Service's June 2002 list, Clarkstown is also home to three skilled nursing facilities (Friedwald House, Northern Manor Geriatric Center, Nyack Manor Nursing Home) serving a total population of 571 individuals. Additionally, several other adult congregate care homes are hosted in Clarkstown on campus settings with an additional total of 172 seniors living in these residences. All of these programs require front line and professional skilled staff numbering well into the hundreds.

Clarkstown is a host to the not-for-profit and health care sector in which 1,335 individuals are in residence in the above-mentioned settings. Literally thousands of skilled workers are required to staff these already existing facilities at a lower than the average annual salary. According to the New York State Department of Labor in 2001, the average salary of direct service worker in a residential setting is \$17,090 per year! One can clearly deduce that this rate of salary is well below the average for Clarkstown; therefore, many workers in the community who serve in these programs, lack availability of local affordable housing.

These residential programs are a necessary portion of the safety net for our local community and provide humane services for those most in need. The Town should monitor this situation closely to insure that not-for-profits operate effectively in order to maintain the integrity of these programs within Clarkstown. The Town Board may also consider asking these not-for-profits to sponsor affordable housing that will assist in addressing the needs of this segment of the workforce. It will require a team effort including the Town and the agency.

### **3. RECOMMENDATIONS FOR WORKFORCE HOUSING:**

The Advisory Board **recommends** the following to assist in maintaining affordable housing to benefit the workforce.

- The Advisory Board **recommends** that the Town seek sponsors from the business community to develop affordable, housing with preference granted to persons already working in Clarkstown.

- The Advisory Board **recommends** that the Town seek sponsors from the not-for-profit and healthcare sector to develop affordable housing with preference granted to persons already working in Clarkstown.
- The Advisory Board **recommends** that the Town seek sponsors to develop more affordable housing with preference granted to fire departments and ambulance corps serving Clarkstown.

## V. ANALYSIS AND RECOMMENDATIONS

### A. 1. Existing Senior Housing

There are three subsidized senior citizen complexes in Clarkstown and another being built. As information was gathered for this report, it was found that only Middlewood has a publicly available waiting list which is compiled by the Town Planning Board Office and then forwarded to Arco Management which is hired by the Town to oversee Middlewood. The two remaining senior complexes Monterey and Squadron are privately operated and the manner and depth of the waiting lists are unknown to the Town.

After due consideration, the Advisory Board **recommends** that the Town be more involved in the selection process of all senior complexes if this is legally possible. All three complexes were built with government funding and there needs to be some way of assuring justice and equality for all seniors who wish to find a place in one of the complexes. This recommendation is made since numerous seniors have been waiting for several years.

### 2. Remedial Changes, Capital Improvements and Repairs

During the course of the Advisory Board's review, efforts were made to assess the three complexes. A detailed report was completed and sent to the Town Board highlighting physical conditions. Both Monterey and Squadron were in markedly better condition than Middlewood. Despite noteworthy efforts to improve Middlewood, much still requires attention:

- continue to replace worn sidewalk and curb areas.
- install needed handrails along pathways where applicable.
- seek to install a ground floor laundry room to ease ambulation
- resurface the roadways which are cracked and broken
- continue to improve recreated amenities
- continue to update appliances within individual apartments

It is the opinion of the Advisory Board that the Town should consider reviewing its contract with Arco Management because the physical condition of the complex was so bad when the sub-committee of the Advisory Board visited Middletown earlier this year. This is indicative of less than satisfactory management.

3. The Advisory Board, after discussion and evaluation of the data, **strongly recommends** the creation of an Office for Senior Citizens. Considering that almost 18% of Clarkstown's population falls into the "Senior Citizen" category (2000 census) and that most of them have contributed to the building of Clarkstown, they most certainly merit an office to deal with their problems and ultimately, the quality of their lives.

Some areas that this office could deal with:

- Maintain a single waiting list – could maintain and monitor the list for senior housing within the Town.
- Coordinate Town outreach efforts for seniors – in order to broaden the efforts of the Town, this office could work with outside entities providing services to seniors. This would include maintaining an informational database for seniors and compilation of publications creating a source for referrals of services available within the area for seniors.
- Create database of volunteer services - The office would be available to visit seniors and aid in resolving problems by maintaining a database of volunteers willing to assist seniors. Additionally, a list of seniors seeking to provide service to benefit the Town could also be created and maintained for the benefit of the Town.

The Office for Seniors would be an avenue to improve communication and services and insure that both seniors and the Town benefit from the coordination. Since there is no particular department that relates to this office, it is the recommendation of the Advisory Board that this office be placed directly under the chief administrative officer, namely the Supervisor. It is not the intent of the Citizens Advisory Board to enlarge the bureaucratic structure of government but to hone in on the needs of the seniors and help them resolve issues as quickly as possible.

## B. HOUSING OPTIONS FOR SENIORS

### 1. Remaining in Current Home

The senior questionnaires reflect the overwhelming desire of the senior population to remain in their own homes. The challenge comes to those living on fixed incomes, especially modest pensions. As taxes increase yearly, the seniors fall further behind in meeting expenses. In order to facilitate seniors remaining in their own homes, the Advisory Board recommends exploration and consideration of the following:

- Reduction of Taxes – Low income relief is available if the combined household income is less than \$28,899. Currently there are 717 households which take advantage of this help. The Basic Star Program, which exempts the first \$30,000 of the full value of a home from school taxes. 17,368 households make use of this program. There is also Enhanced Star Program for senior citizens 65 and older, whose yearly household incomes do not exceed \$62,200. Qualifiers can exempt \$50,000 from the full value of their home from school property taxes. There are 2,859 residents who make use of this exemption. There is also the Veteran's Exemption.<sup>24</sup>

The Advisory Board encourages the Town Board to consider other ways to grant greater tax relief than presently exists. The Advisory Board investigated whether any municipality in New York State had granted tax abatement to its seniors based on income and longevity in the community.

---

<sup>24</sup> See Appendix IV, Section A

The results were negative. The Advisory Board suggests further exploration in this area.

- Change in Method of Supporting Education - (Real Property Tax) Explore the possibility of working with other governmental bodies to initiate changes in using the Real Property Tax System to support education. The present method is unjust and regressive. A fairer method of support would be income-based instead of property-based. The Town should work with other municipalities to begin the process of change. This is a long-range solution.
- Loan Options – A “REVERSE MORTGAGE” a mechanism which could allow seniors to remain in their homes longer. It allows people to have a mortgage based on the equity in their residence. The details of the financial arrangement are established between the bank and the applicant. The homeowner receives a monthly payment until the equity has been depleted. This is set forth for informational purposes and the Advisory Board does not necessarily recommend it.

## 2. **Accessory Apartments**

### a. Explanation:

One possible solution to providing affordable senior housing is to permit Accessory Apartments within existing single-family homes allowing a senior homeowner to convert a single-family home into a two family dwelling. This can be effectuated through a town ordinance. The senior homeowner would apply for a special use permit issued by the Town Building Department. To avoid investors or speculators taking advantage of this permit, the law would only allow conversions for properties which are owner occupied and the owner is age 60 or over.

The accessory apartment would be limited in size, ranging between 500 to 750 square feet. Enough to provide a one-bedroom unit, kitchen and bathroom. It is what is commonly referred to as a mother-daughter house, although no family relationship is required. The Town of Orangetown currently has an ordinance allowing such conversions.<sup>25</sup>

To avoid certain concerns regarding the creation of multi-family dwellings, some restrictive conditions would be required prior to granting the permit. The Advisory Board favors keeping a single front entrance for both units, but would allow a separate entrance on the side or the back of the house, so long as the existing plan and single family appearance of the house was not substantially changed. Adequate off street parking, not exceeding 4 vehicles per house must be provided that conforms to existing zoning regulations. The permit would accompany the filing of a special covenant stipulating that the house would revert back to a single family home upon the sale of the

---

<sup>25</sup> See Appendix IV, Section B, Pages 1-2

property, or when the original grantor and/ or their surviving spouse cease to occupy the dwelling.

b. In Relation To Survey Results

The idea of living in accessory apartment housing received some interest. Twenty-eight percent (1101 out of 4667) of those seniors responding to the survey said they would consider this type of living arrangement.

Some seniors expressed reluctance to living with “strangers” in a house they owned and lived in for decades while others felt it increased their personal security. Other concerns are that this would cause a proliferation of two-family housing thereby creating overcrowded neighborhoods and that driveway utilization, and street parking could be a problem.

As with any innovation, enforcement and oversight is especially critical. While allowing accessory apartments may result in some abuse it would provide a possible solution that could allow seniors to remain in their own home longer. A further positive consequence is that some young adults may also benefit from an increased pool of accessory apartments without significantly impacting the school enrollment.

c. **Conclusions and Recommendations:**

This Advisory Board **recommends** accessory apartments be granted under strict restrictions particularly with regard to parking. Off street parking should be provided that conforms to current zoning regulations with a maximum of four vehicles per house.

It is further **recommended** that the senior homeowner be required to occupy the larger portion of the home so as to avoid large families moving in as renters and over burdening the school system without compensating for the school tax. It is **recommended** that the special permit only be granted to owner occupied residences where owners are over the age of 60.

The large number of high ranch and split-level style homes in Clarkstown could increase the availability of senior and young adult housing stock. Seniors, could find it appealing to convert their house, thus alleviating the need and fear of moving out of their community. The extra income could apply to mortgage payments and taxes. The younger tenant could aid in their goals of feeling secure yet not losing their sense of privacy or independence. At the same time that younger tenant may help defray the costs of upkeep by actually sharing in the maintenance.

This proposal could potentially help young couples or young singles by creating affordable rental stock for those who are not ready to purchase their own home. They would, however, be living in single family housing with privacy.

The issue of compliance raises a difficult task. This Advisory Board **recommends** that the converting homeowner be required to have an electrical and fire inspection before the permit is issued and that subsequent fire inspections be conducted on an annual basis. The covenant used by the Town of Orangetown serves as an example<sup>26</sup> but this Advisory Board has added stipulations as per the above discussion.

### **Overall Analysis of the Accessory Apartment Option**

- Acknowledging that accessory apartments would fulfill a need, the Advisory Board **recommends** this option but under the regulation of a very restrictive ordinance. Strict code enforcement is needed to insure compliance. The Town must be aware that the enforcement of the ordinance requires a commitment of financial resources to avoid abuse. If the Town does not feel it is in a position to commit these resources, the Advisory Board **recommends** that Accessory Apartments **NOT** be implemented.

### **Ordinance Requirements**

- The owner of the residence must be 60 years of age and must occupy the larger unit.
- The owner/occupant must apply for a permit from the Building Department.
- The homeowner must be required to have an electrical and plumbing inspection prior to the issuance of the permit
- Subsequent fire inspections must be done annually
- To ensure that this use is not passed on from an eligible to a new homeowner, upon the sale (**or transfer of ownership**) of the property, the permit must be extinguished and a covenant and restriction would have to be removed upon the recording of the new deed.
- If there is to be a second exterior entrance, it must face the side or rear of the house
- There would be a limit of a total of four cars parked outside for the two units in the dwelling
- The parking must be off-street and behind the front yard line
- The dwelling should be subject to annual recertification inspections to insure compliance

---

<sup>26</sup> See Appendix IV, Section B, Page 3

**3. SENIOR ASSISTED LIVING and INDEPENDENT LIVING FACILITIES (SAIL)<sup>27</sup>**

a. Explanation:

The review leading to the 1999 Clarkstown Comprehensive Plan update recognized the need to develop recommendations for Senior Independent and Assisted Living facilities with an emphasis on affordability. The Clarkstown Planning Board and Ad Hoc Committee prepared the SAIL proposal in response to these perceived needs.

The basic tenets of the SAIL proposal provide for (a) market priced units at a density of 5 units per acre and (b) affordable priced (subsidized) units at a density of 7 - ½ units per acre (a 50% bonus to the developer for including these units in the overall plan) and (c) non- age restricted Assisted Care Living Facilities at a density of 10 units per acre. These uses are proposed to be located in the higher density R-15 and R-22 single-family residential districts with sufficient bulk and buffer requirements designed to reduce into existing residential developments.

The market priced Senior Independent Living Facilities compares most closely in density to the MF-1 zoning district except it provides larger buffers and limits unit size to smaller apartment type dwellings. The affordably- priced Senior Independent Living Facilities is an extension of the existing Senior Housing (available by special permit) but reduces the density and provides buffers from the adjoining residential parcels. Both are age-restricted residences for those 60 and over.

There are three existing Senior Housing developments in Clarkstown: Middlewood, Monterey and Squadron Gardens. Each provides about one hundred units on five-acre sites. The proposed ordinance would require almost three times as much area (approximately 13 to 14 acres) allowing the development to be more comfortably sited with buffers and recreational space as is the case with the approved Sisters of Charity project.

The Town Planning Board has sought to establish standards for the development of Assisted Living facilities. The most recent and prominent example of this type of project is the Sunrise Assisted Living Facility on North Main Street, New City. That project provides about 70 units on 3 and one-half acres of land equating to about 20 units per acre. The proposed changes would require future projects to limit the density to 10 units per acre thus requiring larger land areas and providing the ability to more adequately buffer the project.

b. In Relation To The Senior Survey:

As expected, the survey demonstrates that the older the senior, the issue of personal care being provided on site becomes more important. Sixteen percent of the respondents said that central dining facilities, social activities, limited kitchen facilities and personal care assistance was definitely important to their consideration of where to live. But it

---

<sup>27</sup> See Comparison of Senior Housing Types Chart, Page 51



should also be notes that only 17 to 18% of the respondents expressed a desire to live in a multi unit senior facility. Any future developments should try to incorporate some or all of these amenities, as other recent facilities located in neighboring towns have done. Some of the older existing senior developments within Clarkstown lack some of these attributes.

Development of future Assisted Living Facilities should be carefully scrutinized given that a number of new facilities of this type are being built in neighboring communities. There is no need for a new Clarkstown facility at this time.<sup>28</sup>

The survey also showed that with an increase in age, the senior had less of a tie to their present community. In other words, the older the senior becomes, it appears, the more flexible that senior is to the idea of moving to another hamlet within Clarkstown. Furthermore, the tie to one hamlet over another is further lessened here where the facility becomes its own community.

### **c. Conclusions and Recommendations**

- This Advisory Board **recommends** having separate ordinances governing Independent Living projects and Assisted Living projects respectively.
- This Advisory Board **strongly recommends** that any new senior housing built with Federal and/or State funds requiring a waiting list for the eligible residents should be carefully scrutinized by an appointed town official. This could be under the auspices of a proposed Office of Senior Citizens. The current lists are treated like closely guarded secrets, but it should be made available to the Town. At present the Town has knowledge of only Middlewood. Any Assisted Living or Independent Living facility built in conjunction with Federal and/or State funds or grants should focus on giving Clarkstown residents and their immediate relatives priority over all other consumers, in either purchasing or renting these units.

### **Independent Living:**

For both the “market rate” and “bonus” Independent Living developments this Board **recommends** that they be limited to MF and R-15 zones. While the Advisory Board is not convinced from its research that there is indeed an expressed need on the part of seniors in Clarkstown for market price condominium/apartment Independent Living units,<sup>29</sup> the need for future development to be well regulated is essential to proper planning. Therefore, the Advisory Board **recommends** that the Independent Living sections of the proposed SAIL legislation be incorporated into the Town Code.

---

<sup>28</sup> See Page 18

<sup>29</sup> A total of 54 seniors out of the 4,667 responding indicated they would be willing to spend \$330k for a condo-apartment or a senior citizen complex. See crosstab in Appendix IV, Section C, Page 1

### **Assisted Living Concerns:**

The Town Board must be advised that the same parcels that are potential sites for SAIL projects are some of the same parcels that were recommended by the Citizen's Advisory Committee for Open Space. Other concerns include the amount of vehicular traffic such a facility could generate. The Planning Board would need to assess their placement on primary or secondary roads. It should be noted here, however, that Assisted Living residents are older and tend to give up driving. Therefore this type of project would probably inject less traffic than Independent Living facilities and single-family homes.

There is a legitimate concern as to where such projects should be placed because of their density. Since these developments tend to result in two to three story structures, they are better suited within or near the downtown areas. The size and the height of proposed Assisted Living facilities do not conform to the character of the pre-existing single-family homes.

There is the public perception that the Assisted Living facilities, are the "wave" of the future" given the number of new facilities being built in Northern New Jersey and neighboring areas. We caution the Town Board that any new proposal for a facility of this type should be scrutinized carefully. Further inquiry is required to assess the desirability of these facilities, as the newest one in Clarkstown is not fully occupied at present and the other is in financial trouble. There are also new Assisted Living facilities in neighboring communities that have vacancies. Should the private facilities ever go bankrupt and out of business, this would leave the dilemma of how to use these vacant buildings. Given that most are built without full kitchens, proposed future uses could be incompatible with the existing surrounding zone.

Based on our research, we conclude that there is no current need for new Assisted Living facilities within Clarkstown.

However, cognizant that there may be deficiencies in the proposed ordinance and aware that the Town must regulate future development we **recommend** the following proposals to the Assisted Living portion of SAIL:

- Proof of substantial need for this type of housing by the applicant.
- Limited to 2-story structure.
- 50% increase of the buffer over what is presently proposed where the project is adjacent to residential development.
- Location limited to MF and R-15 zones.
- Special permit from the Town Board.

#### **4. GARS and PAC<sup>30</sup> - (Single-Family Senior Developments):**

The Advisory Board reviewed and is well aware of the distinctions between GARS and PAC. The differences are not significant enough with respect to the issues we are addressing so we are considering them together.

---

<sup>30</sup> See Comparison on Senior Housing Chart, Page 51

The GARS and PAC proposals principally provide for market-priced single-family dwelling units (patio type homes) restricted to age 55 and older seniors. The PAC proposal permits up to 20% of each development be multi-family units. Both proposals placed these uses in the existing LO, LIO and M commercial zones.

**Problems with PAC and GARS**

a. Needs

It should be noted that very few of the 4,667 respondents to the Senior Questionnaire indicated a preference for luxury “One Floor Single’Family” patio type homes as illustrated in the following tabular summary:

No. of Respondents	Patio Home Price
227	\$100,000 or less
450	\$100,000 to \$150,000
455	\$150,000 to \$200,000
277	\$200,000 to \$300,000
92	\$300,000 and over

The survey results indicate that the majority of seniors who expressed interest would only consider spending between \$100,000 and \$200,000 for patio type homes. This is well below the current sale price for this style home in this area and rather than satisfy meeting the needs of Clarkstown seniors it would encourage an influx of seniors from higher priced areas outside of Clarkstown.

b. Commercial Zones

There is serious concern with the inclusion of residential developments (including senior developments) in commercial zones, such as GARS & PAC proposes in the LO, LIO and M zones in the town. These zones should be preserved in order to allow for job-creating developments that provide opportunities of employment for Clarkstown residents. Clarkstown has emerged from the status of a “bedroom community” to New York City, and currently provide employment to about 50% of the resident workforce.<sup>31</sup>

The Advisory Board recognizes that the needs of seniors are such that they may change with age. Therefore, good planning will require that future senior citizen and “Fifty-five and Over” housing not be developed in isolated, desolate, distant or non-pedestrian friendly areas. LO, LIO and M zones exhibit all of these characteristics and should be rejected.

<sup>31</sup> Rockland County Planning Department

- c. School Issues  
If there is merit in arguing that senior developments would not impact the school systems, it is completely negated by permitting these developments in commercial zones. Doing so would likely result in a migration of seniors, some downsizing from larger four-bedroom type homes to these smaller senior facilities. The larger homes would likely pass on to younger families with school age children that would impact schools by increasing student population.
- d. Density  
Both GARS & PAC propose single-family age-restricted homes at densities up to ten (10) units per acre. This would create building lots as small as 3,500 square feet, after deducting for roadways. Currently, the R-10 district is the highest density single-family zone in Clarkstown, requiring a minimum of 10,000 square feet per building lot. It has been Town policy to discourage expansion of the R-10 zone because of the small lot area generated. We **do not recommend** densities as high as those included in these two proposals.
- e. Priorities for Local Residents  
The issue of senior housing arose from a perceived effort to provide alternative housing for those over 55 years of age and/or “empty-nesters” wishing to downsize from larger homes. To fairly respond to such desires, priority restrictions should be applied limiting the sale of such units to Clarkstown residents only. However, both GARS & PAC propose “market-priced” housing which legally cannot be prioritized so as to restrict sales only to Clarkstown residents. The result is open market developments being populated by those moving in from areas outside Clarkstown.
- f. Planning Board Variances  
GARS & PAC propose that any variances needed for development be granted by the Planning Board rather than the Zoning Board of Appeals. The separation of authority should be continued based on current law which provides that site plan review authority remain with the Planning Board and variances be reviewed and granted only by the Zoning Board of Appeals.

### **Recommendation**

It is the unanimous opinion of the Advisory Board because of the concerns and issues enumerated above that the “GARS” and “PAC” proposals be REJECTED.

5. **ALTERNATIVE RECOMMENDATION TO GARS & PAC:**

A suggested alternative to the GARS and PAC proposals is to provide “incentive zoning” for market-priced, age-restricted, single-family “patio home” developments in existing residential homes of R-15 and R22.

One major reason for objecting to use in LO, LIO and M zones is that these zones would not have permitted any residential use. Allowing a density of 10 units per acre would have enormous consequences regarding increase in population. The extra density provided by incentive zoning replaces the density in existing R-15 and R-22 residential zones and has little or no impact on the total population.

a. **Incentive for market-priced age-restricted single-family homes:**

It is **recommended** that a 50% density bonus be permitted in order to allow for market-priced, age-restricted, single-family (patio homes) in the appropriate zones as noted in (b) below. The density bonus responds to the desire to provide smaller units for those wishing to downsize, but recognizes that residency controls cannot be applied to these market-priced dwelling units. This more modest density than was proposed in GARS and PAC also serves to minimize additional impact on the towns infrastructure resulting from the increased density. The reduced impact on schools is offset by increased impact on drainage, sewerage and water usage, and potential traffic impacts. The Advisory Board’s suggested bonus incentive would essentially permit R-10 and R-15 bulk, in the R-15 and R-22 zones respectively.

b. **Restrict development to the R-15 and R-22 zones:**

The restriction of market-priced age-restricted developments to the R-15 and R-22 zones would help to alleviate impacts on the school system. The R-15 and R-22 zones are currently the most dense of the single-family zones. The school districts presently anticipate student population increases arising from development of these R-15 and R-22 zoned parcels. To allow age-restricted developments “Fifty-five and Over” on these sites would serve to reduce the school impact by eliminating school age children from these residentially zones parcels.

The principle of concentric zoning, on which the Clarkstown Comprehensive Plan is based, provides for high-density zones near hamlet centers, and lower densities farther away. Since the R-15 & R-22 are the highest density single-family residential districts, they are more likely to be located closer to hamlet centers, and services generally needed by senior citizens.

c. **Subject to Special Permit of the Clarkstown Town Board**

The density bonus provision should be made subject to a special permit of the Clarkstown Town Board. Application for a special permit will require a thorough analysis of each proposal and allow for citizen

input. A Special Permit procedure allows for evaluation on a Town wide basis in order to ascertain the appropriate locations for such uses.

d. Yard and Buffers:

It is ***recommended*** that when a density bonus is granted, the required yard setback of the zone to which the bonus is applied shall prevail at all perimeters at the overall development. Alternately, special buffer provisions should be considered when projects are adjacent to residential zones.

e. Acreage and Location:

The density bonus should be considered only on parcels larger than 15 acres in sizes, with the total number of units limited to 100 maximum per site. Consideration should also be given to limiting the number of market-priced, age-restricted, single-family developments by hamlet.

**Richard Paris's Comparison Sheet is inserted here.**

## 6. MARKET RATE CONDOMINIUM APARTMENTS

### EXAMPLE:

The Retreat at Airmont, Pulte Homes Active Adult Community, (55 and over)

Location: in Airmont off Airmont Road behind the Friendly's between Rt. 59 and the Thruway. This area has been designated the "village center" of Airmont.

### Characteristics of Housing

- Six 3-story buildings, eight apartments (flats, no steps) on each floor for a total of 24 units per building, for a total of 144 two-bedroom, two bath apartments
- Elevators in each building
- Underground parking in each building and exterior parking lots
- Small clubhouse and outdoor pool
- Four basic models varying from 1284 sq. ft. to 1726 sq. ft.

### Financial Considerations

- "market rate" housing, condominium ownership
- price range as of 7/2002 (prior to availability of models) from \$239, 900 to \$311,900 with "premium locations" at higher cost, all prices subject to change.
- Taxes estimated to be 2% of sale price (\$4,700 – \$6,250 approximately)
- Monthly "common charges" to be determined

### Implications of a development like The Retreat at Airmont for Clarkstown

- There would likely be a limited market for this housing for Clarkstown residents. Of the 4,667 only 162 respondents stated they would be willing to pay between \$200,000 and \$300,000 for a condominium and 45 respondents would be willing to pay over \$300,000.
- The price ranges for this "market rate" housing would probably be similar in Clarkstown, if land costs are similar. By the time such a development were to be offered for sale in Clarkstown, considering the rapid rise in real estate prices, it would be likely that such housing would cost in excess of \$300,000. Therefore, the market for Clarkstown occupants might be quite limited.
- Such housing would be more appropriate in hamlet centers where shopping and services are convenient to residents. Incentive zoning may be applicable.
- Such housing should be limited to no more than one development per hamlet.
- This type of housing is high in density and must be situated in a location that would not be negatively impacted by the density and bulk of the development.



- As “market rate” housing, there are no restrictions on occupancy and it can be projected that many of the units would be purchased by non-Clarkstown residents.

**Recommendation:**

An alternate to this intensity of development is found in the “Independent Living” component of SAIL which permits 5 units per acre.

**7. SUBSIDIZED HOUSING; COST EFFECTIVE HOUSING; AFFORDABLE HOUSING: SPEAKER – GERRI LEVY MAY 30, 2002**

Rockland Housing Action Coalition: Overview

Ms. Gerri Levy is Director of the Rockland Housing Action Coalition (RHAC) which builds cost effective housing throughout the County. RHAC is a not-for-profit organization that works with the County to provide housing. RHAC does consulting work for private developers and writes grants to various government agencies, banks and foundations. The Federal Department of Housing and Urban Development (HUD) also gives funds to RHAC for financial counseling. In addition they have done consulting work for towns. Ms. Levy distributed the following documents which are located in the Appendix.<sup>32</sup>

New York State Division of Housing and Community Renewal

- Housing Development Fund
- Low-Income Housing Trust Fund Program
- Senior Housing Initiative

New York State Housing Finance Agency

- New York State Affordable Housing Corp/Affordable Home Ownership Development Program
- Infrastructure Development Demonstration Program
- Secured Loan Rental Housing Program

United States Department of Housing and Urban Development

- Community Development Block Grants Program
- Section 108 Loan Guarantee Program

United States Department of Transportation Federal Highway Administration

- Surface Transportation Program

Nonprofit Private Sector Funding Sources

- American Restoration Resources, Inc.

Nonprofit Private Sector Funding Sources

- Clean Land Fund
- The Heinz Endowments
- Surdna Foundation, Inc.

---

<sup>32</sup> Appendix IV, Section D

For-Profit Private Sector Funding Sources  
- New York State Banking Department

RHAC shares the interest of the Housing Advisory's Board in Clarkstown in providing cost effective housing for seniors and volunteers. Ms. Levy completed a survey of the EMS and various fire districts workers and is currently do a survey of paramedics. The firefighters live within 4 miles of their district and it is difficult to find housing for them.

Ms. Levy is familiar with various funding sources available to provide cost effective housing for seniors. Developers would apply for grants through the federal, state and local governments. She found that real estate taxes and the cost of land and housing requires piggybacking different funding sources so that people can afford to rent or buy.

The County receives money from HUD, which it is able to allocate based on the need. Every municipality submits an application for Community Development Block grants and consortia consisting of elected officials from various municipalities select those who have the highest need. Federal funds, state funds and local funds are layered together to insure cost effectiveness. There are several definitions that have been used or implied to define the term "cost effective", "affordable" or "affordable housing developments".

The dictionary defines "afford" as "...to have enough or the means for; bear the cost without serious inconvenience..." This definition when applied to housing implies that for every home or dwelling unit, there is a buyer who can afford its purchase price.

RHAC through experience has determined that they can be most effective helping people earning between \$30-50,000 yearly. RHAC sells their subsidized homes between \$85-150,000.<sup>33</sup>

Subsidized Housing and Market Rate Housing Combinations

Subsidies can be sought to meet more than one income level. For example, a certain number of units can be targeted for people whose income is 50% of the median income in the County, whereas another number of units can be targeted for people whose income is 60% of the median income. Subsidies can be sought for as high as 80% of the median income. It is more likely that applications for grants are accepted for lower income levels. Therefore, if one wishes to target the 80% income level, some units should be set aside for lower income levels as well.

Market rate housing can be combined with subsidized housing. For example, 80% of the units might be market rate and 20% of the units might be subsidized. The developer would seek grants for the subsidized portion.

---

<sup>33</sup> See Page 57.

## ELIGIBILITY REQUIREMENTS

### Income Limits per Unit Size: As published by HUD for the Year 2002

<b><u>50% of the Area Median Income Only:</u></b>			
<b>Unit Size</b>	<b>Minimum Income</b>	<b>Maximum Income</b>	<b>Monthly Rent</b>
1 Bedroom, 1 Person:	\$20,800	\$ 30,450	\$780
1 Bedroom, 2 Persons:	20,800	34,800	780
2 Bedrooms, 1 Person:	25,146	30,450	943
2 Bedrooms, 2 Persons:	25,146	34,800	943
2 Bedrooms, 3 Persons:	25,146	39,150	943
2 Bedrooms, 4 Persons:	25,146	43,500	943

<b><u>60% of the Area Median Income Only:</u></b>			
<b>Unit Size</b>	<b>Minimum Income</b>	<b>Maximum Income</b>	<b>Monthly Rent</b>
1 Bedroom, 1 Person:	\$24,933	\$36,540	\$ 935
1 Bedroom, 2 Persons:	24,933	41,760	935
2 Bedrooms, 1 Person:	30,133	36,540	1,130
2 Bedrooms, 2 Persons:	30,133	41,760	1,130
2 Bedrooms, 3 Persons:	30,133	46,980	1,130
4 Persons:	30,133	52,200	1,130

*The Maximum incomes are subject to change annually and are based upon the area median income as determined by the Department of Housing and Urban Development (HUD).*

### **80% of the Area Maximum Income Only**

<b><u>Maximum Income</u></b>	
1 person	\$38,100
2 persons	\$43,500

### **Clarkstown Median Household Income**

<b><u>Household Type</u></b>	<b><u>Median Household Income</u></b>
All Households	\$82,107
Households with Householder 65 to 74 Years Old	\$55,935
Households with Householder 75 Years Old and Over	\$29,393

*Source: U.S. Census Bureau, Census 2000, Summary File 3  
Prepared By: The Rockland County Department of Planning  
(See Appendix IV, Section E)*

**In Construction Phase Senior Project – Airmont Gardens**, a 140-unit Complex off Airmont Road on the west side, south of the New York Thruway west of Friendly's Restaurant and a multi-story motel, south of a storage facility, north of a small strip mall

- 140 units on 8.5 acres, 16 ½ units per acre
- combination of 50% and 60% of median income units (see income guidelines in tables above)

three 3-story residential buildings and a clubhouse, all interconnected  
one bedroom, one bath apartments  
two bedroom, one bath apartments  
elevators

**Completed Senior Project – Sycamore Crest**, a 96-unit complex in Spring Valley on Route 59

- financed through the State using 4% tax credits and tax-exempt bond financing
- income guidelines are between \$20,000-\$40,000 per year
- The rents are \$780– \$1300 per month for a one and two bedroom apartments

elevators  
community room  
recreation room  
onsite management  
cleaning service

### **Tax Credits for Senior Housing<sup>34</sup>**

Tax credits are being used to encourage investors/developers to participate in these programs. There are currently two levels of tax credits.

#### **4% Tax Credits**

With a 4% tax credit, one can take 4% of allowable costs are for development excluding land. Allowable costs are multiplied by 4 then divided by a certain time period. The developer receives the money upfront and uses it to construct the building. The money does not have to be paid back but a mechanism to retain affordability such as a deed restriction, must be maintained for approximately 30 years. In the case of 4% tax credits, a well-written application will usually be funded.

---

<sup>34</sup> See Appendix IV, Section D

### **9% Tax Credits**

The 9% Tax Credit Program requires competitive funding rounds. Applications are submitted when the notice of funding availability comes out, which is usually November. It's very competitive program this year nobody applied. If an application is granted, the developer receives 9% tax credit.

Other financing sources are tax-exempt bond financing is another source for construction funding. Others are included in the Appendix.

### **Income of Targeted Homeowners (not age restricted)**

RHAC has found that it is most effective helping people earning between \$33,000 and \$50,000 per year. To be affordable RHAC has to sell their houses between \$85,000 and \$105,000. There is subsidy - some federal and state money.

### **Resale Provisions**

Each funding source that RHAC uses has its own recapture provisions, which could range from 5 to 20 years. They have a formula – right now it's at 50% of the median from when a home is purchased to when it is sold. For example, if the house is bought for \$100,000 and sold for \$150,000 they would allow the seller to realize a \$25,000 profit. When the house is to be sold RHAC finds another buyer that needs affordable housing. The 50% profit may be changed because RHAC does not want the seller to realize a windfall profit. RHAC wants to keep the house affordable.

RHAC has a mechanism to retain the affordability of the home. They have deed restrictions on the house so if the owner were to try to sell the property, when the title search was done, RHAC would be notified.

### **Preference to Current Residents**

RHAC has never sold to persons outside of the county. Preference is given to County residents because County funds are used. People who inquire from outside the town will be sent an application but will be put on a waiting list. If someone from the County applies that person will supercede the person from outside the County on the list. This restriction would be put in the grant application - 70% of town residents would be the maximum likely to be approved.

### **Other Suggestions from Ms. Levy:**

- The suggestion of a **"DENSITY BONUS"** was raised, whereby developers receive approval for additional units in exchange for developing subsidized housing.
- The suggestion of the Town entering into **"INTERMUNICIPAL AGREEMENTS"** with neighboring municipalities to assist addressing senior housing was raised.

### **Recommendations:**

- The Town Board seek any funding sources that might be applied for by the municipality for subsidizing housing for volunteers, seniors.
- The Town Board ascertain the number of residents that would be eligible for varying levels of affordable housing according to the statistics available from the 2000 census.<sup>35</sup>

## **8. INTERMUNICIPAL AGREEMENTS**

One unique and possible approach that the Town Board should consider in addressing housing for seniors and young adults is inter-municipal agreements. An Inter-municipal Agreement is an agreement between municipal entities such as towns, villages, government agencies etc. whereby Clarkstown would share burdens and responsibilities in developing housing. In exchange, Clarkstown residents would be able to occupy future housing developments in the neighboring municipality that has made the agreement with Clarkstown.

The Advisory Board is aware that three neighboring Towns have already or are in the process of acquiring significant tracts of land from the State of New York as a result of the closure of Letchworth Village Developmental Center and the downsizing of Rockland State Psychiatric Center. This land acquisition will enable the Towns of Stony Point and Orangetown to develop new golf courses, parks, schools, office space and housing of all varieties. Already, the Town of Haverstraw is constructing a new golf course and schools on a portion of the grounds at the site of the former Letchworth Village Developmental Center. Similarly, the Town of Orangetown is also planning to acquire and develop hundreds of acres from the State of New York as part of the downsizing of Rockland State Psychiatric Hospital. These towns are in a fortunate position to have previously unavailable land to address a myriad of needs. One problem in developing these properties is expense. The possibility of sharing expenses might make such an inter-municipal agreement attractive.

Another reason that an inter-municipal is desirable is that it may make the acquisition of grants for particular housing easier when two or more towns are working together to develop a project. If Clarkstown were to enter an agreement with a neighboring town to develop a project, the competition for block grants and other funding would be reduced. Similarly, two municipal entities sharing expenses might make a project desirable.

Thus, the Advisory Board suggests that the Town explore the possibility of reaching an inter-municipal agreement with neighboring towns in order for Clarkstown residents to receive some benefit in future development. An agreement of this kind, allowing Clarkstown residents to be considered for senior or affordable housing in projects in close proximity to Clarkstown, makes this an interesting notion to explore.

---

<sup>35</sup> Appendix IV, Section E, Pages 1-2

- The Advisory Board **recommends** that the Town Board explore the possibility of entering into inter-municipal agreements with neighboring municipalities to develop housing opportunities for its seniors and young adults.

### C. HOUSING OPTIONS FOR YOUNG ADULTS

The issue of affordable housing for young adults is a subject that must be addressed as Clarkstown is quickly losing a portion of its younger generation to Orange County and other more affordable areas. To illustrate this “flight of the young”, one need not look further than the survey results received by the Advisory Board, as follows:

- 47.7% (545 out of 1143) of those responding expect to move the next three years.
- 38.8% (443 out of 1143) of those responding are considering moving out of Rockland County
- 9.4% (108 out of 1143) of those responding are considering moving out of Clarkstown, but remaining in Rockland County
- 59.2% (677 out of 1143) of those who responded are considering purchasing a single-family home
- 61.7% (705 out of 1143) of those responding are willing to pay a maximum of \$300,000 or less for a new home.
- The median price for a single-family home in Clarkstown is \$350,000<sup>36</sup>

Thus, it is clear that Clarkstown will continue to lose many from the younger generation who are not able to purchase a home within the community in which they currently reside.

What can be done to assist the young to remain in Clarkstown? What follows are some suggestions that the Advisory Board **recommends** be considered to limit the flight of the young.

#### Recommendations to Assist Young Adults to Remain in Clarkstown:

- The Advisory Board **recommends** that accessory apartments, as discussed, in this document be allowed so that seniors may create an apartment that in some cases young adults would occupy. This would appear to be a partial solution that would increase the housing stock for single bedroom apartments and have the dual benefit of assisting seniors to remain in their home. The Advisory Board realizes that this is only a partial solution as only 15.4% (176 out of 1143) of those responding, would strongly consider an accessory apartment.
- The Advisory Board **recommends** that the Town Board encourage local businesses to sponsor housing developments that are affordable and geared to meeting the needs of the young employees residing in Clarkstown.

<sup>36</sup> 12 month median price for a single-family residence in Clarkstown as of 9/27/2002 according to the Greater Hudson Valley Multiple Listing Service

- The Advisory Board **recommends** that the Town Board seek sponsors from the not-for-profit and healthcare communities to create housing for workers in this sector.
- The Advisory Board **recommends** that the Town Board seek sponsors to create affordable housing for volunteers to assist in maintaining a volunteer base for fire and ambulance workers.
- The Advisory Board **recommends** that the Town Board explore entering into an Inter-Municipal agreement with neighboring localities to create affordable housing options for Clarkstown young adults.
- The Advisory Board **recommends** that sponsors be sought that will create affordable single family homes to assist young people to remain in the community.
- The Advisory Board **recommends** that the Town Board encourage local lenders to offer incentives and reduced down payment criteria for mortgages for young adults wishing to remain in Clarkstown.
- The Advisory Board **recommends** that the Town Board explore the possibility of tax breaks to assist Clarkstown residents who are first time homebuyers so that they may remain in the community; for example, a tax break for the first three years in residence may enable some young adults to purchase a home.

Overall, the Advisory Board realizes that there is really no single answer to the question of what can be done to assist the young adults to remain in their community of origin. However, it is important that options be considered so that the volunteer workforce base not be depleted.

What is abundantly clear is that unless more young people remain, Clarkstown will continue to experience a graying of the population that someday would result in a shortage of volunteer workers. This would necessitate a paid emergency services workforce that would burden the residents of the Town with higher taxes. Implementation of some of the above options will help to reverse this problematic trend.

#### **D. GRANT FUNDING AND LOAN OPTIONS FOR YOUNG PEOPLE'S AFFORDABLE HOUSING**

##### a. Explanation:

The Advisory Board was fortunate enough to have Ms. Anna L. Georgiou, from the Land Use Law Center of Pace Law School as a guest speaker. She brought to light that in conjunction with federal and state agencies, some towns in New York State have been able to provide special loans and grants for both the individual consumer and the corporate developer.

##### For the Individual:

For first time homebuyers, NY State offers low interest rate loans through its **SONYMA** lending program. This is a low interest rate loan given through major banks and lenders. Eligible borrowers must be first time homebuyers, have a



good credit history, and must use the loan to purchase a primary residence. There are income requirements that vary from county to county.

The major benefit of this program, besides the low interest rate, is that the borrower may put as little as 3% to 5% as a down payment. With modest size houses costing at least \$300,000, this feature is very appealing.

Though the loan can be used to purchase either existing dwellings or “to be built” homes, the loan does have sales price restrictions that vary from region to region. For more information SONYMA has an informational center at 1-800-382-HOME.

Another loan program for young people is a **VA loan** for those who served in the armed forces. Like the SONYMA program, these loans allow up to 95% financing, but these loans tend to have higher interest rates than the going market rate.

A second federal loan program is the **FHA loan** so-named because it is insured by the Federal Housing Administration. Again, little money down is required, but the interest rates are higher than conventional loans. Both the VA and FHA loans allow sellers to contribute towards closing cost. The FHA also provides a special rehabilitation loan for those buyers who are willing to purchase a house in need of extensive repair or renovations, and the loan will provide some funds to effectuate those repairs. The borrower must prove the funds were used for the repairs within a certain time after purchase.

For information regarding any federal loan program, consumers are urged to contact FANNIEMAE, at Fanniemae.com. They will also send potential homebuyers a guide to buying their first home and how to repair their credit so as to be eligible for least expensive loan programs.

The Advisory Board ***recommends*** that the Town Board take various measures to encourage local lenders to offer these types of loan programs to consumers and to aid in dispersing information regarding these loans where possible.

#### Block Grants Through Affordable Housing Corporation:

This program is designed to assist individuals of low to moderate income. However, individuals and their families are not eligible to apply directly for a program grant. These are block grants given by the State of New York to municipalities or municipal designees; municipal housing authorities, not-for profit corporations or charitable organizations. These grants are channeled through municipalities, etc. to eligible individuals.

Several municipalities have taken advantage of these grants to allow low to moderate-income families to purchase both new and existing homes. In the mid nineties, the Town of Islip on Long Island worked in conjunction with a developer and constructed both attached town-homes and single-family houses in an area that bordered a run down hamlet and a college campus. The newer homes were designed in context within the existing development. The existing

homes were typically ranches and bi-levels that required minimal repair for occupancy. A new town ordinance regulated the maintenance of both developments.

Interested homebuyers applied through the developer to see if they were eligible for a grant that supplemented a primary mortgage loan being issued, by a major bank or lender. The developer and primary lender worked with the municipality in packaging the financing to the potential buyer. In some instances a state grant was provided for 10% of the value of the house while a third grant from the Town provided an additional 5%. There were also cases where just a town grant was provided ranging from 5 to 10%.

In either instance, the grant was **not** treated like a repayable loan, where the borrower paid some principal and interest each month. Rather, the grant was considered a gift, unless the home owner moved within ten years, then the grant had to be paid back, recaptured; with the recapture amount pro-rated depending on the date of resale. This discouraged speculators or investors from purchasing the house for rental or resale purposes. As a further caveat, the property must be owner occupied as their primary residence. Thus only homebuyers who truly wanted to become a part of the revitalization of a community could benefit from this grant.

This type of funding was successfully administered in several Long Island communities and in parts of Westchester as well. In Yonkers, for example, the grant was only limited to those homebuyers presently residing in Yonkers, and buying their first home in Yonkers. Again the City's Affordable Housing Corporation gave grants for the purchase of existing housing. As the public's knowledge of these programs grew, so did their demand and most of these programs place potential applicants on a waiting list.

The Advisory Board points out that one vast benefit of all these types of programs is that they can be applied to existing housing stock, thereby alleviating some concern over use of open space. This would not create a significant burden on the existing infrastructure. Presumably, these programs would aid homebuyers filling in the normal houses for sale, and in effect, the new homeowners would amount to a rollover in population.

This Advisory Board **strongly recommends** further inquiry into the possible creation of an affordable housing corporation and use of these grants as a way of helping our young people finance their first home purchase. For information on establishing an Affordable Housing Corporation, the town could contact Caroline Telfer-Mingo online at [carolinet@nyhomes.org](mailto:carolinet@nyhomes.org). We also urge the town to learn from the positive experience of other towns, like those on Long Island, where the concerns of overdeveloping and draining of natural resources are just as pronounced as Clarkstown. Contact should be made with the Town of Islip and the Long Island Housing Partnership both of which had a hand in these types of programs.

## E. INCENTIVE ZONING AND THE REVITALIZATION OF HAMLET CENTERS

### a. Explanation:

Besides a growing concern for senior housing, there is strong concern over the revitalization of Clarkstown's downtown hamlets. Successful renewal has been seen in both Nyack and Piermont. With cost limitations in mind and through the use of incentive zoning, some of Clarkstown's downtown areas can serve as platforms for both hamlet renewal and affordable housing for seniors and young adults.

Incentive zoning allows the local legislature to leave existing zoning in place, but permits more intensive development in exchange for certain community benefits. The most common incentives given to developers are increases in density (allowing more units per acre), adjustments to height, open space, or use. The incentives are given in exchange for one or more community benefits being included in the proposal, i.e. affordable housing or building modifications for the elderly.

The authority of local governments to institute an incentive and bonus program comes from state enabling legislation. At least ten states have enacted legislation expressly enabling local governments to offer zoning bonuses and other incentives in exchange for certain public benefits.<sup>37</sup> A broader, but more comprehensive discussion on incentive zoning is detailed in an outline provided by Anna L. Georgiou.<sup>38</sup>

Incentive Zoning could be incorporated to improve both aesthetics of the downtown and retail and professional business opportunities. At the same time, affordable housing for both seniors and young people could be built. This would require a commitment on the part of the property owners to improve the existing pedestrian activity in hamlet centers, by providing safe and contiguous sidewalks, with dropped curbs, improved lighting and landscaping. These changes would encourage increased senior pedestrian activity.

An important element of revitalization is to encourage the mixed use of buildings. Street level spaces are commonly retail or of a service nature that attracts walk-ins. Businesses such as travel agents, real estate agents, attorney's office, or barbershops are just a few appropriate examples. The second story could contain one-bedroom apartments for seniors or young people. The residents of these apartments would provide the customer base for the nearby business.

If amendments to the code are necessary to effectuate this type of development, then both the Town Board and Planning Board must give consideration to existing conditions of that particular hamlet. The American Planning Association has proposed a model ordinance for incentive zoning

---

<sup>37</sup> New York's enabling legislation is found in Chapter 62 of the McKinney's Consolidated Laws of New York, Article 16, See Appendix IV, Section F.

<sup>38</sup> See Appendix IV, Section G.

to effectuate affordable housing.<sup>39</sup> The elements found there should be given careful consideration. This section will present several viable options for this type of development. Some are discussed at great length, but the ideas here are meant to be a starting point for further discussion by the Town Board and members of the respective communities.

One example of such a proposal is “Victoria Mews” which is a mixed use building in downtown Nyack on North Broadway. The three level building houses professional offices on the first floor. Their entrances are neatly kept storefronts facing the street. The second and third floors are one to two bedroom apartments, each having a separate entrance accessed through an interior courtyard. Thus the residential focus is on the interior of the site, though windows do look out over Broadway. Parking is hidden underneath the second floor and behind the professional offices.

#### b. In Relation to Survey Responses

Of the seniors responding to the questionnaire, 23% said they would live in a condominium or apartment, which is significant in this context. Proposals for this type of development would most certainly be focused on multi-unit residences probably not numbering more than two bedrooms.

Both survey results indicated the desire for additional rental units. While the senior survey pointed out that most seniors prefer to own (62%) rather than rent (22%), several comments from that survey expressed a need for more affordable rentals. This type of housing could be affordable and also meet the seniors’ desires to live close to banks, grocery stores and convenience shops. Since 26% of the respondents in the young adult survey rent, they would also be potential tenants.

### **CONCLUSIONS AND RECOMMENDATIONS**

Mixed-use zoning was one of the most creative and appealing concepts that was discussed by this Advisory Board. And this is another area that we ***strongly recommend*** the Town Board explore in greater depth. With regard to senior housing, incentive zoning could achieve the goal of creating affordable housing stock, while meeting the needs of both seniors and young adults. It has the ancillary effect of creating an ambiance that is both aesthetically pleasing and at the same time could promote community-building.

Recently the Rockland Housing Action Coalition, Inc. (RHAC) introduced a plan to redevelop the existing site located at 265 South Little Tor Road, New City. Though not located within downtown New City, this proposal raises some interesting possibilities and dilemmas. Presently there exists a two story rectangular building, housing seven convenience stores, the most notable being the Italian eatery known as Pasta Cucina. The second story contains six residential apartments and five vacant offices.

---

<sup>39</sup> See Appendix IV, Section H.

RHAC proposes to renovate the entire building, but with particular focus on the second floor. They would turn that space into 10 apartment units, 2 to 3 bedrooms each. The apartments would be rented at below market value to emergency service volunteers. RHAC would work in conjunction with present owner, Tor Valley, Inc and with the aid of a grant through the New York State Division of Housing and Community Renewal. Their actual proposal is attached<sup>40</sup>.

This Advisory Board applauds the concept of the RHAC proposal, and points out that this is the type of cooperation and coordination between private developer and government agencies that would be necessary to bring both hamlet revitalization and affordable housing to Clarkstown.

This Advisory Board does have some words of caution for these types of proposals. The Town's Architecture and Landscape Commission is inadequately equipped to deal with this issue. The Town's regulations give that commission little or no design guidance. Consideration should be given to establishing guidelines, which would vary from hamlet center to hamlet center.

The current LS and CS zoning contains set backs that encourage front yard parking. This creates not only a hazardous obstacle for senior pedestrians, but it also defeats the purpose of providing a pleasing visual panorama in the downtown area. The streetscape should require or encourage the placement of buildings up to the front lot line with a sidewalk or a shallow landscaped area against the building. Parking should be placed behind the building, perhaps with rear entrances for the residential units. An alternate approach would be to prohibit parking for new construction between the front lot line and the building, thus eliminating the front yard requirement.

We also caution the Town Board that conversion to rentals for younger people with children might overburden the school systems, by adding more students without creating the proper financial support through the real estate tax system. Furthermore, strict code enforcement would be necessary to avoid the units being used by more than one family. We also note that the conversion of older buildings for senior housing may require elevators or other amenities to meet a senior's special physical needs and limitations.

### **Valley Cottage Hamlet Renewal**

What follows on the next pages are suggested conceptual design ideas endorsed by this Advisory Board for the renewal of Valley Cottage. Though the renderings speak for themselves, one can see that through the use of incentive zoning and mixed-use buildings how what was once chaotic development could become a community tied together by the careful placement and design of residential dwellings, vest pocket parks and small retail and convenience shops.

Clarkstown residents want the comforts and serenity of suburban living, but like so many people, they long to share a sense of community, for that small town atmosphere. Careful hamlet renewal like the one proposed here can achieve these desires, while also creating business growth on one hand, and affordable housing

---

<sup>40</sup> See Appendix IV, Section I.

opportunities for seniors and young people on the other. The Advisory Board cautions, though, that successful renewal will depend upon services such as road networks, healthcare, shopping, public transportation and utilities being willing and able to support the development.

**Jan Degenshein's Proposal is inserted here.**

## VI. CONCLUSION

The Advisory Board was charged to assess the housing stock, ascertain needs and make recommendations. This has been done. The Advisory Board has collected, analyzed and evaluated; always keeping in mind that BALANCE is a necessary ingredient in the process.

If A is recommended how will B and C be affected? Does one segment of the population need help and if so how is it managed? Have the recommendations been unbiased? To the best of the Advisory Board's ability, the well-being of the residents of Clarkstown has been the primary consideration of this report.

In the best of all worlds if everyone could afford "market value", housing problems would be minimal. Since such is not the case, the question becomes – who is responsible to search for answers? In a democratic society, government is supposed to be the "trail-blazer," leading the citizens to find solutions to needs and enabling people to help themselves and when they cannot, intervene.

The Advisory Board focused not upon wants but the NEEDS of current Clarkstown residents. Yes, some citizens may want to downsize and they can afford the fair market value of that smaller home. The wants of these people must be balanced against the needs of the Town as a whole. In this vein, the Advisory Board's **recommendations** relating to GARS and PAC, reflect this philosophy. The senior citizen who has to choose between medicine and food and is being strangled by taxes, the young volunteer fireman who has to move northward because of the high rents, the elderly widow who was born in Clarkstown and is living on a small pension watching her taxes escalate each year – these are the people whose NEEDS are causing Clarkstown to engage in introspection. Potential impacts upon them must be the first consideration of the decision-making process.

Another factor forcing the Town to assess itself is its own development. It was named one of the fastest growing towns in the Northeast. What has been the impact on natural resources, the infrastructure, town services and the equitable use of land?

The Advisory Board stated at the beginning that the housing problem is complex and that there are no simple solutions. No one gains if dollars and cents become the bottom line, or if the solutions are deemed impossible, and little or nothing is done.

The Town Board has taken the first step and the Advisory Board offers recommendations for consideration. If the Town wants to revitalize its hamlet centers, help its elderly retain their dignity and enable the young adults to remain part of their communities, then the Advisory Board encourages the Town Board to "think outside the box".

Consider "mixed zoning" in hamlet centers, create an Office for Senior Citizens, seek new sources of funding, develop programs for conservation of natural resources, maintain the integrity of the Comprehensive Plan, and thereby fulfill government's obligation to the citizens of Clarkstown.



## VII. GLOSSARY

**Accessory Apartment** – A second independent dwelling unit in a home, with its own entrance, usually much smaller than the primary apartment. In Rockland County, typically the lower level of a raised ranch, but may also be in an accessory building (barn, garage, etc.) depending on local regulations.

**Affordable Housing** – Any housing development that is subsidized by the federal, state or local government, and in which the dwelling units are subject to covenants or restrictions which require that such dwelling units be sold or rented at prices that preserve them as affordable housing.

**Assisted Living Facility** – A building or buildings with units designed for occupancy by individuals needing assistance with one or more activities of daily living, often handicap accessible and with limited kitchen appliances. The facility often provides some or all meals in a common dining area and has various programs and activities and trained staff to assist residents (but not skilled nursing care).

**Average Density** – Allowing the number of residential lots or dwelling units on a property that are permitted by the zoning code, but allowing the lots to vary in size, usually to provide open space or achieve environmental objectives.

**Buffer Zone** – Generally, an area or areas on a lot around the perimeter, used to screen development or uses on adjoining properties, made up of undisturbed or landscaped areas. Buffer areas are typically used where the adjoining property has a different land use or a significantly greater intensity of development.

**Cohort Survival Technique** – Is the most frequently used method of preparing school enrollment forecasts. It is based on the calculation of a series of proportions that indicate the fraction of students in one grade in a given year who pass to the next grade; the ratios are then averaged across 5 years to obtain the grade progression ratio for a specific grade. The grade progression ratio is multiplied by the number of students in one grade to project the number of students in the succeeding grade for the next year.

For example, if 100 students enrolled in Grade 1 in 2000-2001, increased to 104 students in Grade 2 in 2001-2002, the percentage of survival would have been 104%, or a ratio of 1.04. This ratio would be averaged with the ratios from the previous 4 years and the resulting grade progression ratio would be multiplied by the actual number of students in grade 1 in 2001-2002 to project the number of students for Grade 2 in 2002-2003.

**Compendium of Care (or Continuum of Care)** – A term often used to describe a facility with independent, assisted and nursing home care, and sometimes provisions for the memory impaired, usually in separate sections of the same building or in separate buildings on the same campus.

**Concentric Zoning** – A policy of encouraging higher densities and intensities of land use near commercial centers, with a reduction in density as the distance from the center increases.

**Cost Effective** – Synonym for affordable.

**Empire Zone** – A New York State program that provides financial incentives for companies located in designated Empire Zones. Rockland County applied for this competitive program in 2002 but as of mid September had not been approved.

**Floor Area Ratio** – The relationship of the total floor area of a building to the size of the lot. For example, a Floor Area Ratio of 1.0 would allow a 10,000 square foot one story building on a 10,000 square foot lot, or a two story building with 5,000 square feet on each floor, assuming that all other requirements (parking, yards, etc.) can be met. It is intended to regulate the overall bulk of the building.

**GARS** – (Golden Age Single Family) – Proposed for single family senior (55 and over) market price housing at a density not to exceed 10 units/acre and to be permitted in the LO, LIO and M zones.

**Incentive Zoning** – Provisions in a zoning code that allow for increased density or intensity of use in exchange for public amenities or to meet public objectives. Some examples are public plazas, improvements to public transportation facilities, etc. The incentives and amenities are included as part of the zoning provisions.

**Independent Living Facility** – A dwelling unit with all the usual features, including bathroom and kitchen, intended for individuals living independently.

**Intermunicipal Agreement** – A provision in New York State law that allows municipalities to enter into agreements to carry out activities jointly or purchase and use equipment or services jointly.

**Nursing Home** – A licensed facility, often with single or two person rooms, and the provision of skilled nursing care, with all meals in common unless a patient is unable to use the dining room.

**Mixed Zoning** – Usually applied to zoning districts that permit a range of uses, such as commercial and residential, or heavy commercial and industrial.

**PAC** – (Planned Adult Community) – Proposal for mixed single family and multi family senior (55 and over) market price housing at a density not to exceed 6 and 10 units/acre and to be permitted in the LO, LIO and M zones.

**Patio Homes** – A detached or semi-attached dwelling unit with a private, usually fenced, patio area, often in the front.

**Subsidized Housing** – Housing units constructed or operated with federal or state financial assistance and intended for households that cannot afford market rate housing.

**SAIL** – (Senior Assisted and/or Independent Living) – Proposal for single family and multi family senior (60 and over for independent, no age restriction for assisted) market price housing at a density not to exceed 5 or 10 units/acre in the R-15 and R-22 zones. It also has an affordability bonus of 50% to encourage provision of units for those unable to afford market rate housing.

**Tax Credits** – Provisions in the Federal or State Income Tax laws that provide financial incentives for developers to build or rehabilitate housing units for households that cannot afford market rate housing.

## **ACKNOWLEDGEMENTS**

The Advisory Board wishes to acknowledge the help of the following persons in aiding in research and/or production of material.

### List of Guest Speakers

Anna Georgiou  
Gerri Levi  
Marian Maher

### Clarkstown Planning Board

Rosalie Cautillo  
Bridget McNamara  
Diane Papenmeyer

### Clarkstown Data Processing Department

Robert Stritmater  
Larry Berkowitz  
Patrick Ross

### Rockland County Planning Board

Jose Simoes  
Helen Kenny-Burrows  
Michael D'Angelo

Paula Tobin, Secretary to the Advisory Board

Appendix C

Proposed Zoning Text Amendment  
Active Adult Residential Zone

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 of 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.

“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.

“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. The Town Board may, by resolution, 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, provisions 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. The applicant shall pay a "money in lieu of land" fee as provided in this Chapter.
  - 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. Effective Date. This local law shall become effective immediately upon filing with the Secretary of State.

SECTION 4. AMEND SECTION 290-11A TABLE OF GENERAL USE REGULATIONS, as follows: (See attached bulk table)

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.

Appendix D

United Water New York  
2006 Peak Demand Allocations

**UWNY's Projected Annual Additional Peak Demand (MGD) 2006**

Based on historical water use statistics and population growth trends	0.4805
Service to Lake Welsh and Lake Sebago, Palisades Interstate Park	0.4000
<b>Total</b>	<b>0.8805</b>

UWNY's Total Projected Peak Demand (MGD)	<b>47.5000</b>
Includes Projected Annual Additional Peak Demand UWNY's Current Peak Supply Capacity (MGD) UWNY's Total Peak Supply Capacity on January 1, 2006 (MGD)	47.5000
Peak Capacity Added Since January 1 (MGD)	1.0000
<b>Total</b>	<b>48.5000</b>

Peak Capacity Available for Development in 2006	<b>1.8805</b>
Current Peak Supply Capacity - (Total Projected Peak Demand'-Projected Annual Additional Peak Demand) 'Or actual peak demand if higher than projected Available Peak Capacity Allocated to Projects Approved in 2006 Palisades Interstate Park Commission	0.4000
Rt 9W Golf Subdivision	0.0110
Horizon Acres Subdivision	0.0051
Upper Nyack Department of Public Works	0.0720
Orangetown Baseball Fields	0.0103
Jessup Valley North Subdivision	0.0055
Mahon Subdivision	0.0014
Jacquene Subdivision	0.0014
Rockland Hospital Guild	0.0069
Biret Drive Subdivision	0.0034
Merritt Subdivision	0.0007
Ackertown Development	0.0053
McLoughlin Subdivision	0.0007
Lake Lucille	0.0158
Gluck Trailer Park	0.0031
Thiells Road	0.0007
Hollows at Blue Hill	0.0590
Pierce Park Homes	0.0021
Ostereh Boulevard	0.0298
Residence on Buena Vista Road	0.0008
Gwen Lane	0.0021
Kearsing Edwards Post 1660	0.0012
Maple Tree Corp.	0.0032
Ed Cook Building	0.0021
Raso Subdivision	0.0007
258 South Boulevard Subdivision	0.0022
Demarest Court (New City)	0.0048
Buena Vista Road	0.0010
<b>Total (Through October 2, 2006)</b>	<b>0.6523</b>

**Balance Available for New Development Projects**

**1.2282 mgd**

f

Appendix E  
Housing Action Council Report





**Housing Action Council**

55 South Broadway  
Tarrytown, NY 10591  
(914) 332-4144  
(914) 332-4147

Rosemarie Noonan  
Executive Director  
noonan@affordablehomes.org

Alan R. Gordon  
Deputy Director  
agordon@affordablehomes.org

MEMORANDUM

Date: June 20, 2006

To: Town Board, Town of Clarkstown

From: Rose Noonan, Executive Director &  
Nancy B. Bensal, Director

Re: Draft of Town's affordable housing zoning AAR Districts  
(Floating Zone)

---

This memorandum responds to your request for the following information:

- Westchester communities which provide for a developer's buy-out, i.e.: a contribution to an Affordable Housing Fund; and
- The basis for the buy-out amounts we propose for Clarkstown.

Of the 10 **Westchester** communities listed above which have adopted set-asides in the zoning code (See Table 1 enclosed), it appears that only ***Bedford, Hastings, New Rochelle and White Plains*** provide for a cash buyout, in lieu of affordable unit production. To assist in the analysis of the buyout fees in these 4 communities (see attached Table 1) for an overview of community similarities, differences and financial gaps (where applicable) to help formulate a buy-out approach for the Town of Clarkstown.



### **Buy-Out Options:**

There is no one method, which can be held out as a *best practices model* for the calculation of a buyout. Each community has different approach, concerns, history, demographics, and investment opportunities, etc., all of which must be taken into account. *However, 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.*

**Finances:** Construction costs for an affordable unit could easily reach approximately \$185 per sq. ft. (w/o land costs or soft costs. Soft costs generally range between 15% to 20% of the cost of development). In setting an appropriate, useful and fair fee the municipality must balance the affordable unit need against the financial realities the developer is facing in building the project. A buy-out, which is too high, can severely impact the bottom line profit of the developer making the buyout an unattainable number and possibly jeopardize the development of the project.

### **Hypothetical Application of Buyouts**

**The Bedford Example:** The flat fee per unit is based on acreage size –only applies to single-family subdivisions, no buy-out for multi-family units. As a practical matter this buyout can be viewed as a moderate (or modest) fee, which is tacked onto and integrated into the overall cost of development (similar to recreation fees, etc.). The Bedford fee does not consider (nor come close to providing the Town with) the actual development cost to replace lost of affordable units. (See Table 2 attached for further information on Bedford buy-out) *The 2005 buy-out provision has not yet been applied.*

**The Hastings Example:** The buy-out option in the zoning does not set forth a fixed fee schedule, nor is a formula approach suggested. The buy-out option requires the payment of a fee, **which is equal to the cost of developing the affordable unit.** Assuming a \$185 per square foot cost for a 1000 sq foot unit plus soft costs of approximately \$37 per square foot = approximate replacement cost [including construction, soft costs, developer's fee and reserves and working capital, without including land cost] a developer seeking a buyout in Hastings, could be asked to pay a minimum fee of \$273,000 *plus land costs* (unless land were obtained through donation, via Village or County land). *The 2001 buy-out provision has not yet been applied.*

**The White Plains Example:** The buy-out fee schedule applies only to multi-family ownership (not rental) unit development in selected downtown districts. The fee is calculated by multiplying units not produced as per the 6% set-aside by a fixed per unit fee schedule based on unit (bedroom) size. The Home Ownership

Rules and Regulations provide for a payment of a fee in lieu of creation of a two-bedroom unit of \$115,000. The buy-out fee in White Plains is not a dollar for dollar replacement fee for affordable units not built on or off-site as in Hastings.

Since the adoption of the buy-out Rules and Regulations in 2004 (amended in 2005), White Plains has permitted buy-out fee payments in the following proposals: *In lieu of creating 42 affordable housing units on site owed from its obligation for the south tower at the City Center (17 affordable unit obligation) and 221 Main Street (24 affordable unit obligation), Cappelli paid \$1,500,000 into an affordable housing fund and also agreed to create 42 units of affordable housing at 260 Main St. Note, the construction of these 42 units will be paid for by Cappelli but constructed by GDC. The 260 Main Street affordable building will also include the 8 affordable units owed by the GDC Pinnacle project (total affordable units at 260 Main St. = 50 units). The Hamilton proposal was permitted a lower buy-out fee because the developer under the Rules sought a pre-payment option discount. The Hamilton developer paid \$460,000 in lieu of creating 6 affordable units on-site; the Jefferson on Mamaroneck Ave. was permitted a buy-out fee in the sum of \$1,456,000 in lieu of its obligation to create 16 affordable units on-site; and the Hale Ave condominium project was permitted to pay \$920,000 into the affordable housing fund in lieu of creating 8 units. The Metropolitan, on DeKalb Ave., has represented to the City Council that it will create its obligation of 5 affordable units on-site within its 77 unit condominium project.*

**The City of New Rochelle Example:** The buy-out fee schedule accompanying the zoning permits a buy-out fee *per lost affordable unit* based on the percentage of unmet moderate-income square footage obligation (square footage not created on or off-site). The amount of the buy-out fee almost covers the subsidy gap (i.e.: Articulated policy in zoning is to address the difference (subsidy gap) between the sale price of an affordable unit and the development cost (including land) to create the affordable unit. Additionally, in New Rochelle there is more than one fee formula in the schedule to calculate the buy-out fee (See Table 2 attached). The number of units (and the district) proposed triggers the set-aside legislation. If more than 2 but less than 11 units are built outside the downtown area then payment of a fee in lieu of creating units on site is MANDATORY and calculated @ \$25.00 per square foot. Therefore at 1000 square feet the total fee would be \$25,000. If the total development is for more than 10 dwelling units (ownership or rental units) then the fee is OPTIONAL to the developer. Fees could range from \$33.33 or \$66.67 per square foot -- These fees are tied to the amount of square footage obligation of unmet moderate-income housing obligation. Assuming a 1,000 square foot affordable unit not created on-site, the buy-out fee would then be \$33,330 or \$66,670 (\$33.33 or \$66.67 per square foot of unmet affordable housing space). *The 2006 set-aside was adopted in 2006 and has not been applied.* See attached New York Law Journal article for more details on New Rochelle's ordinance.

**Analysis for Clarkstown Buyout Fee Schedule**

The fee schedule we suggest for the Town of Clarkstown (see chart below) is slightly higher than White Plains and New Rochelle buy-out fee schedules. However, the fees we propose for Clarkstown are lower than actual development costs on a unit-for-unit basis-- as the Hastings' zoning requires. Note—in White Plains, New Rochelle and Hastings there is a mandatory set-aside percentage component in their legislation, which Clarkstown has not proposed.

We suggest the following approach to build a realistic and flexible approach into the legislation. First, Clarkstown should require a developer to meet a threshold burden of proof that units cannot feasibly be constructed on site (as White Plains requires) to avoid wholesale opting out by developers who do not have a reasonable and justifiable financial concern for seeking the buyout. Second, the buyout levels for the Town of Clarkstown were calculated with an understanding that the town must realistically balance fees imposed against a developer's need to realize a reasonable profit on its investment. If fees are too high it is possible that the fee can act as a barrier to development -- if the fee is too low it becomes a token payment wherein the municipality's housing deficit will continue to fall further and further behind. This process is not a scientific calculation, and the true cost and bottom line for the developer will be different for each developer. It is important to note that the Town's draft AAR legislation does not trigger an automatic obligation to create affordable units, grants much higher density than underlying zoning would permit as of right and also provides for a buyout fee (at the request of the developer) for any/all additional density bonus units, all of which must be affordable.

While a developer's request to buy-out is subject to Town Board discretion; we suggest that a strong policy statement be articulated in the zoning against routinely granting buy-out in order to achieve the town's primary goal to create new affordable units.

**Proposed Buy-Out Fee Schedule AAR District:**

<b>UNIT SIZE</b>	<b>PAYMENT FOR UNIT</b>
Studio	\$40,000
One Bedroom	\$75,000
Two Bedroom	\$125,000
Three Bedroom	\$155,000

### **Applying a Buy-Out Fee Based on the Multi-Family Chart**

A multi-family development of 10 two bedroom units (assuming each unit comprising 1,000 square feet); a buy-out obligation of \$125,000 per each affordable two-bedroom not created, would be paid into the affordable housing fund.

### **Rationale for Proposed Buyout Schedules(s)**

#### **Deficits**

Subtracting these buy-out fees from our example a per unit development cost of \$273,000 per two bedroom unit (without land) would not be dollar for dollar replacement fee, and would yield deficits. A developer deciding not to develop bonus affordable units and developing its proposal in a neighboring municipality is always a legitimate concern of the Town. The Town Board ties this concern to the need for broad discretionary review as applications are proposed. However, the proposed fee schedules are in line with the fee schedules in White Plains and New Rochelle. Further, White Plains and New Rochelle require a minimum mandatory inclusion of a percentage of the units to be affordable-- independent of any density bonus. Note-developers approaching Clarkstown, if permitted to utilize the floating zone, would from the outset be permitted a project of far greater density than if the underlying zoning were applied.

#### **Subsidy Gap (i.e.: difference between sale price and rental price of affordable unit and development cost to create an affordable unit, not including land costs)**

Table 3 (attached) overviews and compares the *estimated subsidy* needed to create affordable rental and ownership units to the suggested buy-out schedule. The proposed buy-out fee schedule takes into account the need and cost of a subsidy and calibrated a fee schedule to fill that subsidy gap by requiring the developer to pay a fee to the Town which falls somewhere within that gap range – without being so high to jeopardize the financial feasibility of the proposal. If a developer were required to pay a fee for actual development costs (including land) a buy-out could near \$300,000 per unit and may be too burdensome to be absorbed into the developer's pro forma. The fee schedule should also be sufficiently high to encourage on-site development of affordable units. Each residential proposal is an opportunity to incorporate affordable units into the community in a benign fashion where affordable units are dispersed throughout the project and the community.

## Density Bonuses

Improving the developer's profit margin through density bonuses could be an alternative approach which could achieve two goals: address financial concerns of the developer and ensure the development of affordable units on site as per the set-aside.

In New Rochelle, in rental and ownership projects, in order to encourage developers to construct the affordable units on-site, an increase in floor area is permitted. If the developer develops the required 10% moderate-income square footage obligation on-site then a bonus equal to 15% above the maximum floor area ratio is allowed in the district and the project can exceed building height by one floor. Five percent of the increase in floor area can be used for market rate housing. This 3 to 2 square foot bonus is only available if the entire 10% obligation of affordable housing is developed on-site. If the developer produces less than the required 10% of moderate income square footage on-site, the developer is permitted a smaller density bonus on a 1 to 1 square footage basis. The developer can exceed the floor area in the district by the amount of the affordable housing built on the site. The deficit amount of the affordable square footage owed the city, required by the set-aside, is paid into the Housing Fund.

Note, in the Clarkstown draft 100% of the density bonus units must be affordable. An alternative approach to improve incentive is to offer some or an equal amount of market rate units in the density bonus calculation (as in New Rochelle). The goal is to create a real financial incentive and make the buy-out option less attractive so as to develop affordable units on-site. Another alternative -- decreasing the original density unit count and increase bonus incentives.