

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 6:15 P.M.
WEDNESDAY, MAY 13, 2020**

Location: Zoom Video Conference – For Information on How to Join

Visit <https://www.tarrytowngov.com/home/events/28884>

Any questions prior to the meeting may be emailed to administrator@tarrytowngov.com. If you wish to speak during the meeting, please use the “raise hand” function during the meeting, or press *9 if calling in by phone

Board of Trustees Concerns

Open Session

1. Surplus Vehicles
2. Additional Police Surgeon
3. Petition for Zoning Text Amendment – 99 White Plains Road
4. Village Code About Demolition of Buildings
5. Reopening Tennis Courts
6. Camps and Pools

Executive Session

- A. Ambulance Service
- B. Two Temporary Laborer Positions in Parks Department

Kathy Deufemia

From: Richard Slingerland
Sent: Friday, May 1, 2020 10:33 AM
To: Kathy Deufemia; Joshua Ringel
Cc: John Barbelet
Subject: FW: Surplus vehicles -- for the May 13th Work Session

For the May 13th Work Session

Richard Slingerland
Village Administrator
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591
914-631-1785
fax: 914-909-1208
e-mail: rslingerland@tarrytowngov.com

From: John Barbelet <jbarbelet@tarrytowngov.com>
Sent: Friday, May 1, 2020 10:26 AM
To: Richard Slingerland <rslingerland@tarrytowngov.com>
Subject: Surplus vehicles

Rich, the Department would like Village approval to have the listed vehicles placed on auction for sale as surplus vehicles:

- | | | | |
|----------------------------|------------------------|---------------|---|
| 1. 2008 Ford Explorer | Vin #1FMEU73E38UB14312 | MILEAGE 38311 | Vehicle has |
| numerous mechanical issues | | | |
| 2. 2009 Ford Crown Vic | Vin #2FAHP71V89X144126 | | Numerous mechanical issues including broken |
| odometer | | | |
| 3. 2010 Ford Crown Vic | Vin #2FABP7BV6AX144005 | | Numerous mechanical issues including broken |
| odometer | | | |

If the Board approves please let me know and we will work with Justin in getting these vehicles listed on the website. Thank you.

Chief John Barbelet
Tarrytown Police Department
One Depot Plaza
Tarrytown, NY 10591
914-631-5544
jbarbelet@tarrytowngov.com

The U.S. Constitution requires that everyone living in the United States is counted every 10 years *-we all count.*

<https://2020census.gov/en/who-to-count.html>

2

Kathy Deufemia

From: John Barbelet
Sent: Wednesday, May 6, 2020 11:57 AM
To: Richard Slingerland
Cc: Kathy Deufemia
Subject: Additional Police Surgeon

I am requesting that Dr. Barry Geller be added as a Tarrytown Police Surgeon. Currently, Dr. Raniolo is listed as our police surgeon and has been for many years now. I am not suggesting we remove this title from him. However, since before the pandemic started Dr. Geller, who is the Emergency Room Director at Phelps Memorial Hospital, has been a significant asset for this Department. He was instrumental in having epi-pens donated to the Village, assisted in establishing screening of our officers regarding COVID and is always available for consultation related to the Department.

I hope the Board will support me in adding Dr. Barry Geller as a Tarrytown Police Surgeon. Thank you.

Chief John Barbelet
Tarrytown Police Department
One Depot Plaza
Tarrytown, NY 10591
914-631-5544
jbarbelet@tarrytowngov.com

The U.S. Constitution requires that everyone living in the United States is counted every 10 years -*we all count.*

<https://2020census.gov/en/who-to-count.html>



David S. Steinmetz •
david@zarin-steinmetz.com

■ Also admitted in DC

May 1, 2020

Via Electronic Mail

Hon. Drew Fixell
Mayor of the Village of Tarrytown
and Members of the Village Board of Trustees
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591

Re: Sunrise Development, Inc. - Petition for Zoning Text Amendment
99 White Plains Road ("Property")

Dear Mayor Fixell and Members of the Village Board of Trustees:

This firm represents Sunrise Development, Inc., the contract-vendee of the property located at 99 White Plains Road (located on the north side of NYS Route 119, near the NYS Thruway entrance). The Property, which contains the "Goebel Collectors Club" building, is approximately 4.6 acres, and is in an LB (Limited Business) Zoning District. Sunrise is an established and highly regarded provider of quality senior living housing, offering a wide range of services to meet seniors' needs.

Sunrise is pleased to submit a Rezoning Petition for a Zoning Text Amendment that would facilitate the development of "Service Enriched Assisted Living Housing" on the Property, providing both Assisted Living and Memory Care services.

Sunrise respectfully requests placement on the agenda for the BOT's Work Session on May 13, 2020, for an initial presentation and discussion by Zoom. Sunrise also asks that the BOT accept the Rezoning Petition, and commence the necessary procedures for review of the Zoning Amendment.

For sake of efficiency, we respectfully refer the BOT to the Rezoning Petition for background information about Sunrise, and a full description of the proposed Project and Zoning Amendment, including its consistency with the Village's Comprehensive Plan and land use goals.

In sum, the for-profit Project would contain a total of approximately 85 units (approximately 53 units for Assisted Living, and approximately 32 units for Memory Care), in an attractive 3-story building that would preserve and incorporate the front southerly portion of the pre-existing building on the Property. Sunrise is mindful of designing the Project in a manner that is sensitive to the existing character of the original building, and has added historical architect Stephen Tilly, AIA, to its development team to advise on such efforts. The Zoning Text Amendment proposes amending the LB District regulations to permit Service Enriched Assisted Living Housing by a Compatible Use Permit approved by the BOT. The Planning Board would also have Site Development Plan Approval jurisdiction.

Enclosed are the following materials in support of the Rezoning Petition:

- Verified Petition for Zoning Text Amendment, dated May 1, 2020
- Preliminary Site Plans, prepared by JMC Site Development Consultants
- Preliminary Architectural Plans, prepared by EGA, PC
- Colored Rendering, prepared by EGA, PC
- Photos of Sunrise of Wilton, located in Wilton, CT, and Sunrise of Burke, located in Burke, Virginia
- Long Environmental Assessment Form Part I, prepared by JMC

Thank you for the BOT's attention. Sunrise looks forward to discussing this exciting project with the Village on May 13th.

Respectfully Submitted,

ZARIN & STEINMETZ

By: David Steinmetz

David S. Steinmetz

Brad K. Schwartz

Encls.

cc: Richard Slingerland, Village Administrator
 Katherine Zalantis, Esq.
 Donato R. Pennella, P.E.
 Sunrise Development, Inc.
 EGA, PC
 Heath Architecture LLC
 JMC Site Development Consultants
 Stephen Tilly, Architect
 Evans Associates



EG&A, P.C.
 0
 05-01/2020

Rendering

Sunrise of Tarrytown, NY
 99 White Plains Road
 Tarrytown, NY



ELBRECHT
 RIFFIN
 HITECHTS
 URBAN
 2015-2016
 515

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

----- X
In the Application of: :

SUNRISE DEVELOPMENT, INC. : **VERIFIED PETITION**
: **FOR ZONING**
: **TEXT AMENDMENT**

For an Amendment to the Zoning Law of the :
Village of Tarrytown Pursuant to Section 1-9 :
of the Code of the Village of Tarrytown :
----- X

Petitioner **SUNRISE DEVELOPMENT, INC.** ("Petitioner"), by its attorneys
Zarin & Steinmetz, respectfully petitions the Board of Trustees ("BOT") of the Village of
Tarrytown ("Village") as follows:

Summary Of Rezoning Petition

1. This Petition seeks an amendment of the Village's Local Zoning Law ("Zoning Law") empowering the BOT to allow, by Compatible Use Permit, an enriched senior housing facility providing both assisted living and memory care services ("Service Enriched Assisted Living Housing"), on properties located only in the LB (Limited Business) Zoning District.

2. Petitioner proposes the development of Service Enriched Assisted Living Housing at the property located at 99 White Plains Road, identified on the Village Tax Map as Sheet 1.140, Block 89, Lot 2 ("Property"). The Property is located on the north side of White Plains Road (NYS Route 119), near the NYS Thruway entrance.

3. The proposed for-profit Service Enriched Assisted Living Housing would consist of approximately 85 units, including approximately 53 units for Assisted Living, and approximately 32 units for Alzheimer's/Dementia Care Housing (hereinafter referred to as "Memory Care"), as such categories of housing are defined in Section 305-5 of the Zoning Law

("Project").¹ A new definition for a "Service Enriched Assisted Living Housing" would also be added to Section 305-5 of the Zoning Law.

4. Petitioner's proposed Project would provide much needed, modern residences for the growing senior population in the Village and greater Rivertowns area, offering a wide variety of services, programs, and activities in a safe and functional setting.

5. The Project would include a 3-story, state-of-the-art building that would carefully preserve and incorporate the front southerly portion of the pre-existing "Goebel Collectors Club" structure for use and enjoyment by Project residents and staff. The new, approximately 74,000 sf addition would be architecturally pleasing and in harmony with the existing building. It would be of comparable height to the existing building so as not to overpower it. The Project also contemplates an elegant porte cochere to complement and enhance the entry into the existing building. The Project would also reconstruct the prominent circular driveway on the Property, and include extensive landscaping, walking paths, parking, and other site improvements.

6. As shown on the enclosed drawings and colored rendering, Petitioner and its Development Team have created a conceptual design for the Project that is architecturally appropriate, and environmentally friendly by principally utilizing those areas of the Property that have already been disturbed by the existing building and parking, while minimizing new disturbances to wetland buffer and steep slope areas. The Project would also avoid any adverse impacts to the Old Croton Aqueduct to the west as the building would be significantly set back from the western property line.

¹ "Alzheimer's/Dementia Care Housing" was defined and added to Section 305-5 of the Zoning Law pursuant to the recently adopted A/D Floating/Overlay Zone. See Village of Tarrytown Local Law No. 11 of 2019.

3

7. Petitioner, a nationally renowned operator of quality senior housing communities, has a proven track record of developing well-designed, highly regarded, attractive facilities. By way of example, enclosed are photographs demonstrating the architecture associated with Sunrise of Wilton, located in Wilton, Connecticut. The Sunrise of Wilton was completed in 2019. Additionally, enclosed are photographs of the Sunrise of Burke, located in Burke, Virginia. This project was completed in 2018 and represents the high degree of sensitivity and beautiful design that Sunrise incorporates when a project includes a historic building. The Silas Burke House built in 1824 was incorporated into the overall design and maintained as part of the project.² The architectural palette, height, setbacks and landscaping for the Sunrise of Tarrytown would be respectful of and compatible with, but not mimic, the pre-existing Goebel structure.

8. The Project would also be in furtherance of the Village's planning and development goals expressed in the Village's 2018 Comprehensive Plan ("Comp. Plan"). The Comprehensive Plan recognizes, for example, that "[n]ew housing for seniors can offer a way for long-time residents to remain a part of the community without continuing to occupy and maintain a single-family property." Comp. Plan at 69. The Project would help satisfy the increased demand for senior housing in the Rivertowns, and allow seniors to age-in-place near family and friends in a modern and senior friendly housing product that meets all their care needs.

9. In addition to fulfilling an important housing need, such senior housing would provide substantial benefits to the Village with minimal, if any, environmental impacts. The Project, for example, would generate significant new tax revenues, create employment

² For example, Sunrise retained the original paneling of the stairwell leading from the House's foyer to its second floor, purchased a significant portion of the mansion's furniture and décor from the prior owners to furnish the new living room, and decorated a wall with the prior owners' photographs. See http://www.fairfaxtimes.com/articles/historic-silas-burke-house-restored/article_287c62de-bb57-11e7-945e-4b9de79240ce.html.

opportunities, and serve as a source of sustained patronage of local businesses, such as potentially the Tarrytown Music Hall and area restaurants. Additionally, the Project residents and staff will engage with local school children in intergenerational programming events. These events have proven to add enormous value to both the seniors and children.³ At the same time, the Project would result in much higher new tax revenue, job creation, limited new traffic, and would not add any new enrollment into the school system.

10. The Zoning Law does not currently permit Service Enriched Assisted Living Housing in the LB District.⁴

11. As a result, Petitioner submits this Petition seeking to include in the Zoning Law a Compatible Use Permit provision allowing for Service Enriched Assisted Living Housing in the LB District ("Zoning Amendment," annexed hereto as Exhibit "A").

12. Importantly, besides the Property, there are only two other properties located in the LB District (*i.e.*, the Shames JCC on the Hudson, and the DoubleTree by Hilton Hotel).

13. The Compatible Use Permit review process would afford the BOT the opportunity, among other things, to examine proposed Service Enriched Assisted Living Housing in relation to neighboring land uses, and to minimize any potential adverse effects by the imposition of conditions designed to mitigate them. This review process is currently utilized for other uses requiring compatible use permits in the LB District. See Zoning Law § 305-36(C). In addition to other requirements, Site Development Plan Approval would be required from the Village Planning Board.

³ Additional information regarding the benefits of Sunrise's "Live With Legacy" program is available at <https://www.sunriseseniorliving.com/resources/media-library/how-residents-live-with-legacy.aspx>.

⁴ As discussed below, the Project would not qualify for the existing compatible use permit for Institutional Housing in an LB District due to its limiting standards. See Zoning Law § 305-127.

3

14. Petitioner is also confident that the proposed Project would successfully co-exist with the proposed Artis Senior Living facility on the adjacent property. It is not uncommon in the industry for different senior housing providers to have facilities located near each other. Indeed, Artis proposed its facility not too far from Brightview Tarrytown (located in the Town of Greenburgh).

15. Accordingly, for the reasons set forth in this Petition and accompanying materials, Petitioner respectfully requests that the BOT accept this Petition, and commence the requisite environmental, planning, and legislative review procedures in connection with the BOT's consideration and ultimate adoption of the Zoning Amendment (and Compatible Use Permit), and the Planning Board's review and approval of the Site Development Plan and other related approvals/permits.

16. Note that formal applications for a Compatible Use Permit and Site Plan Approval (and other required approvals) would be submitted to the Village following Petitioner's initial presentation and discussion with the BOT.

Petitioner

17. Petitioner Sunrise Development, Inc. ("Sunrise") is an established and highly regarded provider of quality senior living residences, offering a wide range of services to meet seniors' needs.

18. Sunrise is organized under the laws of the State of Virginia and has its corporate headquarters located at 7902 Westpark Drive, McLean, Virginia 22102.

19. Sunrise operates over 325 communities with nine new projects currently under construction.

3

20. For over 35 years, Sunrise has provided a resident-centered approach to care in a nurturing, home-like community, located where families have the convenience and opportunity to be near their aging loved ones. With operations in the United States, Canada, and the United Kingdom, Sunrise is considered a leader in private senior care and has the demonstrated experience to ensure long-term success of the proposed facility in Tarrytown.

21. Sunrise communities offer varying levels of care, including Assisted Living, Memory Care, Independent Living, and Skilled Nursing Care. The proposed residence in Tarrytown will include a mix of Assisted Living and Memory Care.

22. Sunrise team members receive a comprehensive training curriculum as part of Sunrise University focused on the care and wellbeing of their residents. Each Sunrise community serves its residents through Sunrise's clear mission on which the company was founded: to champion quality of life for all seniors. This is achieved through Sunrise's Principles of Service: encouraging independence, enabling freedom of choice, preserving dignity, celebrating individuality, nurturing the spirit, and involving family and friends.

23. Petitioner is a contract-vendee of the Property.

24. The Subject Property is owned by 99 Realty Group LLC ("Seller"). Seller has duly authorized this Petition. See attached Owner's Affidavit.

Proposed Zoning Text Amendment

25. The proposed Zoning Text Amendment would create a new Compatible Use Permit in the LB District for Service Enriched Assisted Living Housing.

26. Currently, the Zoning Law does not permit Petitioner's proposed Project at the Property. While "Institutional housing" (which includes assisted living facilities) is currently permitted in the LB District by Compatible Use Permit, the Zoning Law contains overly

3

restrictive criteria that effectively prohibit assisted living facilities, such as Petitioner's, in the LB District. See Zoning Law §§ 305-36(C), 305-127(A),

27. The standards and conditions for "Institutional housing," for example, limit the maximum occupancy of all institutional housing buildings to 9 individuals. Zoning Law § 305-127(B)(3). It is also uncertain whether the Zoning Law's definition of "Assisted-Living Facility" would apply to the Project because it does not specifically refer to "memory care" or "alzheimers/dementia." See Zoning Law § 305-5.

28. The proposed new Compatible Use Permit for Service Enriched Assisted Living Housing in the LB District would facilitate the development of a modern residence that meets the needs of the growing senior population, and allow seniors to remain close to loved ones in the area.

29. Importantly, as mentioned above, there are only two other properties in the LB District, thus limiting the potential sites eligible for the proposed Compatible Use Permit for Service Enriched Assisted Living Housing.

30. Under the proposed Zoning Amendment, Service Enriched Assisted Living Housing would also be subject to certain bulk zoning criteria, including, as follows:

- a. maximum density = 25 units per acre
- b. maximum height = 3 stories
- c. maximum building coverage = 25%
- d. maximum impervious surface coverage = 45%
- e. minimum off-street parking spaces = 0.5 spaces per bed
- f. maximum number of beds = 115

- g. setbacks of buildings and uses, and screening, shall be established as considered appropriate by the Planning Board (like in the existing Institutional housing section)

Proposed Project

31. In conjunction with the Zoning Amendment, Petitioner proposes to construct on the Property a 3-story, attractive building for Service Enriched Assisted Living Housing, together with associated parking, landscaping and other site improvements.

32. The facility would contain approximately 85 units, consisting of a mix of approximately 53 Assisted Living units, and approximately 32 Memory Care units.

33. Although the Project is just beginning the zoning and land use processes with the Village, Petitioner has spent considerable time and resources with its Development Team to conceptually design the Project in a manner that is sensitive to the Property's existing architecture, topography, vegetation, steep slopes, wetland buffer, already disturbed areas, and other features. Petitioner submits that the proposed design, even at this early stage, works quite well for the Property, properly factors site constraints, and minimizes any potential significant adverse visual or other environmental impact, including avoiding any impacts to the Old Croton Aqueduct.

34. A critical benefit of the Project is that it would preserve and integrate the front southerly portion of the pre-existing structure on the Property. The first-floor space that would be enjoyed by the Project residents amounts to approximately 7,000 sf. The recently constructed rear additions to the existing structure would be taken down. A total of approximately 74,000 sf of new space would be built in the new building. The new building would be comparable in height to the existing structure to ensure that the Goebel building remains a visual focal point on the Property, and is not obscured by the new building.

35. As background about the Property, the building on-site was used as a residence from 1868 until 1904, when the building was destroyed by a fire. The building was reconstructed in 1905 and occupied for residential use, until it was converted to commercial use in or around 1952. The building suffered major interior damage in 1964 due to a fire. It was repaired and continued as a commercial use thereafter.

36. The proposed footprint of the building has been deliberately sited on the areas of the Property already disturbed by the existing building and parking. The proposed layout also minimizes potential disturbance to the steep slopes and wetland buffer in the northwest area of the Property. A comparison of the enclosed Surveys and Preliminary Layout Plan reveals that the proposed building and parking would be located predominantly in areas that already contain impervious coverage.

37. As mentioned, the Project proposes an attractive porte cochere that is needed to ensure residents have the ability to enter and exit the building safely. This will also include reconstruction of the existing circular driveway entrance.

38. Moreover, the charming existing stone walls along the Property's southerly boundary along Route 119, on both sides of the driveway entrance, would remain in place.

39. Access to the Project would remain off NYS Route 119. Approximately 54 parking spaces would be provided to service residents, staff and visitors (for comparison, there are currently 65 striped parking spaces at the Property). The parking spaces have been set back from Route 119 to minimize any potential visual impacts from Route 119. In addition, Petitioners' traffic consultants have confirmed based on the ITE Trip Generation Manual that the Project would generate approximately the same number of vehicles entering and exiting the site during weekday AM and PM peak hours as compared to the prior office/warehouse use at the Property.

3

40. The facility would also contain a variety of indoor amenities for its residents, including sitting rooms, a library, dining areas, salon/spa, and entertainment and activity rooms. These amenities would be situated throughout the facility, including on the first floor of the existing structure to allow the residents to enjoy the grand staircase and views towards the Hudson River. Note that the upper floors of the existing structure might be used as ancillary office and/or storage space for Sunrise. The facility would also contain outdoor amenities, such as a porch, patio, wellness garden, and walking paths.

41. The proposed landscaping plan would enhance the aesthetics of the Property, and provide ample screening.

42. Petitioner refers the BOT to the enclosed plans illustrating the initial conceptual details of the Project, prepared by Petitioner's Development Team of engineers and architects. The materials submitted in support of the Petition include, as follows:

- a. Preliminary Layout Plan and other site plan drawings, prepared by JMC Site Development Consultants
- b. Preliminary Architectural Plans, including floor plans and a front building elevation, prepared by EGA, PC
- c. Colored Rendering, prepared by EGA, PC

43. Petitioner will submit a Compatible Use Permit Application to the BOT, and a Site Plan Application (together with other requisite applications) to the Planning Board, following Petitioner's initial presentation and discussion with the BOT, and the BOT's referral of this Petition to the Planning Board.

Consistency With Comprehensive Plan

44. Petitioner's proposal would be in furtherance of several planning and land use objectives identified in the Village's 2018 Comprehensive Plan.

3

45. The Comprehensive Plan declares that a key Village goal is to “[e]nsure housing stock supports a diverse [and] multi-generational community.” (Comp. Plan at 68).

46. In addition, the Comprehensive Plan recommends that through a range of zoning strategies, “the Village and its housing can help create places that service a wider range of residents while preserving the balance of built and open space.” (Id. at 69). The Comprehensive Plan further recognizes that the Route 119 corridor presents “an opportunity to imagine a variety of new developments.” (Id.).

47. The Project would also be consistent with the BOT’s apparent plan and policy objective for additional senior housing in the Village, as embodied in the floating/overlay zone recently adopted for the Artis Senior Living project. The Village has seemingly recognized that new senior housing, with all the latest amenities and services in modern facilities, is critical for providing opportunities for seniors to age-in-place near their families and friends.

48. Moreover, the fact that there are only two other sites in the LB District makes certain that the Zoning Amendment would potentially add limited additional development, while addressing the need for additional senior housing in the Village and greater Rivertowns area.

49. For all these reasons, Petitioner respectfully submits that the Zoning Amendment is consistent with the Village’s Comprehensive Plan, and is an appropriate zoning strategy to achieve senior housing and a multi-generational community in the Village in a smart, environmentally-friendly manner.

SEQRA

50. Pursuant to the New York State Environmental Quality Review Act (“SEQRA”), Petitioner is submitting a Full Environmental Assessment Form (“EAF”), prepared by JMC.

3

51. Petitioner acknowledges that it will need to supplement the EAF with technical studies relating to traffic, stormwater and other potential impact areas during the review process as determined by the Lead Agency.

Requested Relief

52. Petitioner respectfully requests that the BOT take the following administrative and legislative steps: (a) accept this Petition; (b) place Petitioner on the Village Board's May 13, 2020 Work Session Agenda for an initial presentation; (c) refer the Zoning Amendment to the Planning Board for its recommendations and to conduct an environmental review of the subject action under SEQRA; (d) refer the Zoning Amendment to the Westchester County Department of Planning for its recommendations; (e) schedule, notice, and conduct a Public Hearing on the Zoning Amendment and Compatible Use Permit; (f) adopt the Zoning Amendment and Compatible Use Permit; and (f) permit the Planning Board to simultaneously review an application for Site Development Plan approval (and other related applications) authorizing the development of the Property with the Project.

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

Dated: May 1, 2020
White Plains, New York

ZARIN & STEINMETZ

By: David Steinmetz

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

VERIFICATION

STATE OF Virginia)
)
COUNTY OF Fairfax)

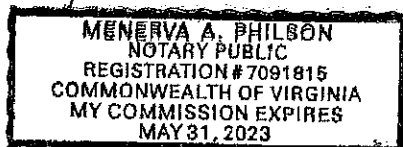
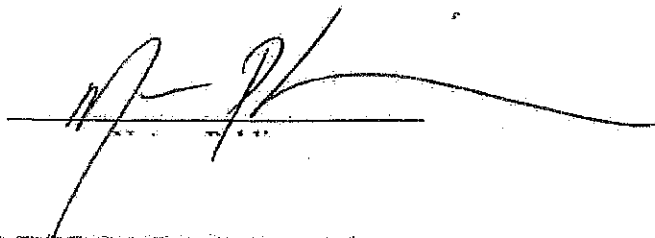
S.S.:

Philip Kroskin, hereby deposes and says that he/she is the
Vice President of Sunrise Development, Inc., which is the Petitioner in this proceeding,
and says that the foregoing Petition is true to his/her own knowledge, except as to those matters
therein stated to be alleged on information and belief and as to those matters he/she believes them
to be true.



Name: Philip Kroskin

Sworn to before me this
1 st day May, 2020



OWNER'S AFFIDAVIT

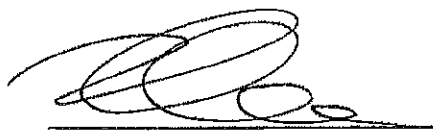
STATE OF NEW YORK)
)
COUNTY OF Westchester) S.S.:

Hajdar Bajraktari, hereby deposes and says that he is the Managing Member of 99 Realty Group LLC, the owner of certain real property located at 99 White Plains Road in the Village of Tarrytown ("Site"), and that 99 Realty Group LLC has granted Sunrise Development, Inc., the Petitioner in this proceeding, the authority to prepare, submit and process all necessary and appropriate land use applications, including, but not limited to, the instant Petition, in connection with its proposal to develop the Property with an assisted living/memory care facility.



Name: Hajdar Bajraktari

Sworn to before me this
1st day May, 2020



Notary Public

HATEMA NEZAJ
Notary Public, State of New York
No. 01NE5054862
Qualified in Westchester County
Commission Expires January 29, 19____
June 28 2022

3

EXHIBIT "A"

PROPOSED ZONING TEXT AMENDMENT

Add a new Subsection C(9) to Section 305-36 (Uses requiring compatible use permits in Limited Business LB Zone):

§ 305-36C(9) Service Enriched Assisted Living Housing

Add a new definition to Section 305-5:

SERVICE ENRICHED ASSISTED LIVING HOUSING - A housing facility containing a combination of an Assisted-Living Facility and Alzheimers/Dementia Care Housing as those terms are defined under Section 305-5.

Add a new Section 305-131 to Article XV (Compatible Use Permits):

§ 305-131

A. Declaration of policy. The Board of Trustees finds that socioeconomic and demographic conditions are such that it is appropriate for the Village to accommodate senior housing that provides both assisted living and memory care services to care for and accommodate the growing senior population. Such housing, which will allow seniors access to different levels of care as their needs evolve, shall be referred to as Service Enriched Assisted Living Housing, as defined in Section 305-5.

B. Standards and requirements. Notwithstanding anything to the contrary in other provisions of this chapter, the following standards and conditions shall apply to Service Enriched Assisted Living Housing. This Section 305-131 shall control to the extent there is any conflict with any of the general provisions for compatible use permits as set forth in Article XV.

- (1) Qualifying condition: The lot must be zoned LB, and have frontage on NYS Route 119 or US Route 9.
- (2) Density: No more than 25 units per acre shall be permitted. For purposes of this section, "Units" shall include any mix of Assisted Living and/or Memory Care Units, and all acreage of the site on which Service Enriched Assisted Living Housing is located shall be included in said density calculation.
- (3) Height: The maximum height of any Service Enriched Assisted Living Housing building shall be 3 stories, or as otherwise determined as appropriate by the Planning Board.
- (4) Off-street parking/loading: At least 0.5 parking space for every bed shall be provided on-site. For purposes of this section, a "Bed" shall include each bed for use by a Project resident provided within a Unit. Parking spaces shall be set back from any property line as

3

determined as appropriate by the Planning Board. Suitable loading area(s) shall also be provided as determined as appropriate by the Planning Board.

- (5) Setbacks: Setbacks of buildings, uses and activities shall be determined as appropriate by the Planning Board.
- (6) Screening/Landscaping: Screening and landscaping shall be determined as appropriate by the Planning Board.
- (7) Architecture: The design of the Service Enriched Assisted Living Housing shall be architecturally compatible with the surrounding neighborhood and any existing on-site features as determined as appropriate by the Planning Board.
- (8) Lot and area requirements:
 - a. Minimum Lot area: 4 acres
 - b. Minimum street frontage = 150 feet
 - c. Maximum building coverage = 25%
 - d. Maximum impervious surface coverage (buildings, structures, and paving) = 45%
 - e. Maximum number of beds = 115
- (9) Site Development Plan approval: Site Development Plan approval by the Planning Board shall be required.
- (10) Affordable Housing: Notwithstanding any other provisions of the Village Code, Service Enriched Assisted Living Housing is not a residential use within the meaning of Section 305-130 ("Affordable Housing")
- (11) Recreational Fee: Notwithstanding any other provisions of the Village Code, including Section 305-138E(1), a recreation fee contribution to a Village Recreation Fund is not required for Service Enriched Assisted Living Housing as adequate recreational facilities are provided on-site for the seniors residing in such housing.
- (12) Accessory uses:
 - a. Recreational and living areas for the common use of the residents, adequate in location, number, size, variety and amenities to satisfactorily serve the needs of such residents, including, but not limited to, living rooms, sitting rooms, TV rooms, libraries, hair care/spas, activity rooms, and multipurpose rooms.
 - b. Dining areas.

3

- c. Kitchen(s) near the common dining areas.
- d. Indoor and outdoor passive recreational areas.
- e. Laundry facilities for the residents' personal use.
- f. Linen and housekeeping services.
- g. Personal-care services for residents.
- h. Staff lounges.
- i. Offices.
- j. Other accessory uses as determined appropriate by the Planning Board.

And update Zoning Law Section 305 Attachments 2 and 9 (Zoning Schedules), as appropriate.

York, the seal of a licensed architect or a licensed professional engineer. The Code Enforcement Officer may waive the requirements for filing plans and specifications for minor alterations and issue a building permit so stating.

- C. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Officer, and approval shall be received from the Code Enforcement Officer prior to the commencement of such change of work.
- D. Display. The building permit and plans must be located on the building premises or property and available for inspection at all times by the Code Enforcement Officer.
- E. Expiration. A building permit issued pursuant to this chapter shall expire one year from the date of issuance. The permit may, on written request, be renewed for two successive six-month periods.

§ 97-6.1. Demolition permits. [Added 3-20-2006 by L.L. No. 5-2006]

Except for residential structures that have been damaged by fire or storm and pose an imminent threat to health and safety, no demolition permit shall be issued involving a residential structure unless the applicant for said permit has an approved site plan for the construction being proposed and he/she has obtained a building permit for the new construction pursuant to § 97-6 of this chapter.

§ 97-7. Certificates of occupancy. [Amended 9-18-2006 by L.L. No. 13-2006]

- A. The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Building Inspector:
 - (1) Occupancy and use of a building hereafter erected, structurally altered or moved or any change in the use of an existing building.
 - (2) Occupancy, use or any change in the use of any land.
 - (3) Occupancy or use after sale or transfer of any improved real property, including a condominium. Upon sale or transfer of any such real property, an updated certificate of occupancy, issued no earlier than 30 days before closing, shall be required before the premises may be used or occupied. It shall be the obligation of the seller to apply for and obtain the updated certificate of occupancy unless the parties agree otherwise in their contract of sale.
- B. Existing floor layout plans of all levels (including the basement) must be submitted to the Building Department by a licensed engineer or architect in a scale not less than 1/4 inch equals one foot, zero inches, indicating size and use of all rooms. Dimensions should include all space inside exterior walls or party walls.
- C. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to

4

- [1] The amount of open space provided is in excess of the minimum standard of 33%, including both buildable and nonbuildable lots;
- [2] The location of proposed open space enhanced by its relation to neighborhood preservation issues as identified by the Planning Board;
- [3] Environmentally valuable, sensitive lands and other resources are protected;
- [4] The open space is enhanced;
- [5] Linkages to other open space areas are provided;
- [6] Viewsheds are protected;
- [7] Recreational assets are provided;
- [8] Environmental features, including specimen trees, steep slopes, wetlands, hilltops and other features, are protected;
- [9] Historic and/or cultural resources are protected.

(f) When reviewing clustering plans within the context of the above criteria, the Planning Board shall carefully balance each request for flexibility in lot and bulk controls with the overall impact that the plan has on the surrounding area and its environmental features, including the dimensional parameters and adjacent properties.

- D. The future ownership of the resulting open space preserved in an approved clustering plan shall be completely at the applicant's discretion. The applicant may donate the land to the Village; however, in the event that an offer of donation is not accepted by the Board of Trustees, or if the applicant chooses to retain his/her ownership rights, the applicant shall grant a conservation easement to a not-for-profit organization, approved by the Village Board of Trustees, which shall provide that the created open space will never be developed. If neither the Village nor any not-for-profit organization wants to hold the conservation easement, then the applicant shall grant the conservation easement to a homeowners' association.
- E. An approved clustering subdivision plat must include a map note indicating that it was approved as a cluster and the same must be identified with reference to the approving resolution for the subdivision; furthermore, for future reference, the approved building coverage for each parcel of the cluster subdivision must be designated on the subdivision plat.

§ 305-132. Uses subject to site plan review; amendments; exception in RR Zone.

- A. In accordance with § 7-725 of the Village Law,⁴² site development plan approval by the Planning Board shall be required for:

42. Editor's Note: Village Law § 7-725 was repealed by L. 1992, c. 694, § 3, effective 7-1-1993. For current provisions see Village Law § 7-725-a.

- 4
- (1) The erection, enlargement, rehabilitation, conversion, change of use that requires an increase in the minimum off-street parking requirements, change of occupancy or reuse of all buildings including new homes and additions to existing homes where the proposed addition increases the footprint of the existing home by 25% or more or results in a square footage or FAR increase of 50% or more. The Planning Board shall have the authority to review and approve site plans upon those proposed lots which it deems appropriate in the interest of the general welfare and to minimize any potential adverse impact.
 - (2) All uses of land where no building is proposed, including the proposed use and development of all land within proposed subdivisions.
 - (3) Any change, addition or modification to land or buildings whatsoever in any area of the Village designated as an historic district or historic landmark by the Village Board. Said site plan review shall include any recommendations submitted by the Village Architectural Review Board.
- B. In all cases where any amendment of any such site development plan (the "plan") is proposed, the applicant shall secure the approval of the amendment by the Planning Board. No building permit may be issued for any building within the purview of this section until an approved site development plan or amendment of any such plan has been secured by the applicant and presented to the Code Enforcement Officer. No certificate of occupancy may be issued for any building or use of land within the purview of this section unless the building is constructed or used or the land is developed or used in conformity with an approved site development plan or an amendment of any such plan. Prior to review and approval by the Planning Board, the Code Enforcement Officer shall certify on each site development plan whether or not the plan meets the requirements of the chapter other than those enumerated in sections of this chapter regarding site development plan approval.
- C. In the RR Restricted Retail Zone, if the Building Inspector finds that a change of use or occupancy will not require an increase of more than five off-street parking or loading spaces beyond that required for the previous use, or in the number of spaces actually approved for construction to serve the use as of the effective date of the provision, and the applicant does not have land available on site for parking or does have land on site that cannot be accessed from public rights-of-way, site plan approval requirements may be waived by the Building Inspector. The decision of the Building Inspector can first be reviewed by the Village Administrator and then by the Planning Board.

§ 305-133. Site development plan approval in WGBD and WD Districts.

All buildings and other uses of land within the Waterfront General Business District (WGBD) and the Waterfront District (WD) shall be subject to review by the Planning Board in accordance with the provisions of Article XVI.

Kathy Deufemia

From: Joshua Ringel
Sent: Thursday, May 7, 2020 9:59 AM
To: Kathy Deufemia
Subject: for pool and camp item

Where do Regions Currently Stand?

	14-Day Decline in Hospitalizations OR Under 15 new Hospitalizations (3-day avg)	14-Day Decline in Hospital Deaths OR Fewer than 5 deaths (3-day avg)	New Hospitalizations (Under 2 per 100K residents— 3 day rolling avg)	Share of total beds available (threshold of 30%)	Share of ICU beds available (threshold of 30%)	30 per 1k residents tested monthly (7-day average of new tests per day)	At least 30 contact tracers per 100K residents	Metrics Met
Capital Region	N	Y	0.58	41%	44%	N	325	4/7
Central New York	Y	Y	0.47	49%	51%	N	233	5/7
Finger Lakes	Y	Y	1.19	53%	64%	N	361	5/7
Long Island	Y	N	5.76	28%	26%	Y	852	2/7
Mid-Hudson	Y	N	4.74	31%	35%	Y	697	4/7
Mohawk Valley	Y	Y	1.17	58%	64%	N	146	5/7
New York City	Y	Y	5.41	26%	21%	Y	2520	3/7
North Country	Y	Y	0.08	53%	64%	N	126	5/7
Southern Tier	Y	Y	0.11	58%	52%	N	190	5/7
Western New York	N	Y	2.20	46%	40%	N	414	3/7

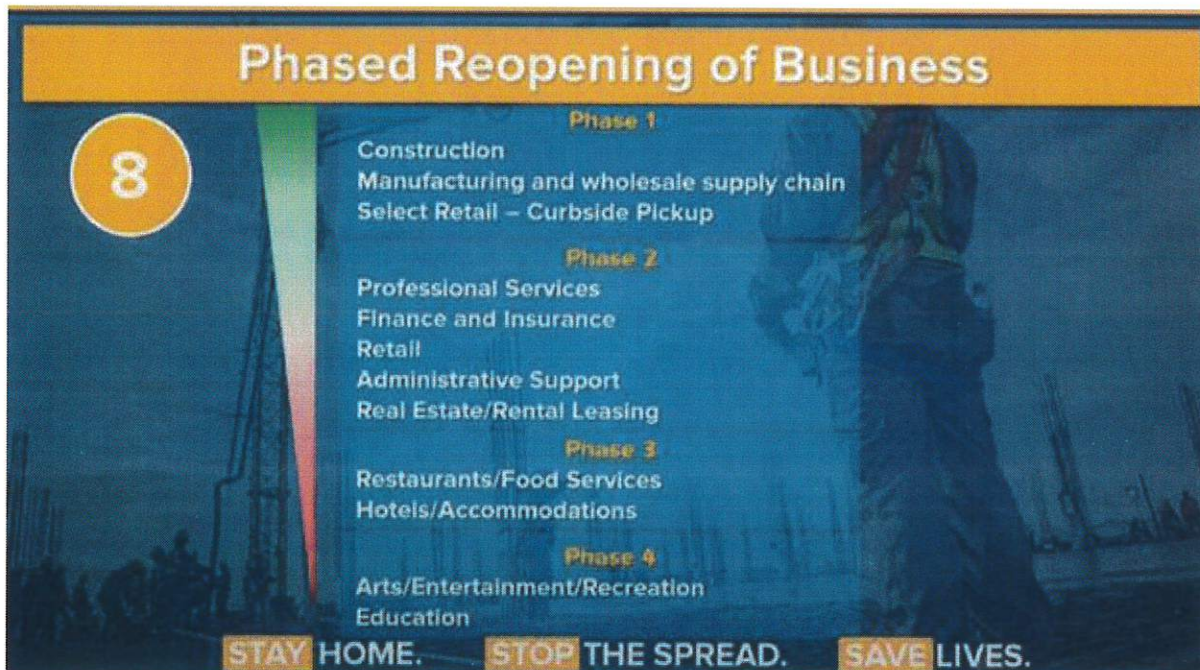
STAY HOME.

STOP THE SPREAD.

SAVE LIVES.

Current as of 5/4 – all metrics must be met in order to begin phased re-opening. If metric falls below threshold after re-opening, then re-opening “valve” must be closed/slowed.

6



Current as of 5/4 – Note that Gov. Cuomo has previously stated each phase would last 14 days to monitor metrics for any variations or the need to “close the reopening valve”

Josh Ringel
Assistant Village Administrator
Village of Tarrytown
One Depot Plaza
Tarrytown NY, 10591

(914)-631-1785

Visit us on the web at <https://www.tarrytowngov.com/>

The U.S. Constitution requires that everyone living in the United States is counted every 10 years -*we all count.*

<https://2020census.gov/en/who-to-count.html>