



December 23, 2013

Via Hand Delivery

Hon. Brian Smith, Mayor
and Members of the Board of Trustees
Village of Irvington
85 Main Street
Irvington, New York 10533

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***Re: Petition of Shelter Development, LLC
88-90 North Broadway
Section 20.2, Block 5, Lot 5 ("Site")***

Dear Mayor Smith and Village Trustees:

As you know, this firm represents Shelter Development, LLC d/b/a/ Brightview Senior Living ("Petitioner"), concerning its proposal as contract-vendee to redevelop the Site with a senior independent and assisted living facility. We are excited about this project and to present you with the enclosed Petition for a Zoning Text Amendment in furtherance of this proposal. We respectfully request that you place this matter on your Board's January 5, 2015 meeting agenda to commence the review process.

By way of background, Petitioner is a nationally renowned operator of high-end senior care facilities. Petitioner seeks to redevelop the eight (8) acre Site with an approximately one hundred and fifty (150) unit independent and assisted living facility ("Proposed Development"). The facility would contain a mix of Independent Living ("IL"), Assisted Living ("AL") and Memory Care ("MC") Units. It would also provide amenities consistent with new national models for senior care, including a dining area, theater, library, and a range of health and well-being amenities for residents, such as exercise and entertainment rooms. In addition, Petitioner proposes to adaptively reuse the three (3) stone outbuildings currently at the Site, potentially with affordable housing and/or other community uses. Petitioner will work with the Village to explore, and ultimately determine, future options for these buildings during the review process.

We respectfully submit that pursuing these uses at the Site furthers the Village's interest in providing sufficient housing to meet the needs of the community. In the last decade, significant demographic shifts have occurred in Westchester County communities such as Irvington. This includes the rapid increase, and projected continued growth, in the population of adults who have attained the age of sixty (60) years or older. A study conducted by the New

York State Office of Aging (SOFA), for example, concludes that between 2010 and 2030, this portion of the population is projected to climb from 3.7 million to 5.4 million. (See SOFA County Data Book, NY State Data 2011). This statistic alone signifies that exploring opportunities to increase senior housing is an important planning goal as the population continues to age and requires additional housing and social resources in order to stay close to families living in Irvington.

Currently, the Village Zoning Code does not permit senior housing consistent with national models formulated to accommodate this important population. Several of the Village's bulk, height and density regulations preclude the development of such use. Petitioner submits that there is a need to create a zoning mechanism that permits the appropriate development of specialized senior housing in the community, while simultaneously ensuring that open space, the environment and the existing community character are preserved.

Accordingly, Petitioner proposes to include in the Village Zoning Code a well-crafted Special Permit provision allowing for independent and/or assisted living facilities for seniors. This Special Permit could apply only to those limited properties within the Village where the development of the modern senior housing model would harmonize with the surrounding neighborhood and general community character ("Zoning Text Amendment"). The Zoning Text Amendment includes provisions limiting applicability to properties along the east side of North Broadway large enough to provide expansive front yards and sufficient setbacks and screening between adjacent properties. It also includes incentives to encourage siting a facility an appropriate distance away from the road frontage. Petitioner proposes to use the Special Permit review process because it will afford your Board the opportunity to weigh a proposed facility in relation to neighboring land uses, and to cushion any adverse effects by the imposition of conditions designed to mitigate them.

The Site presents a unique redevelopment opportunity to implement this Special Permit. The Site is four hundred thirty-eight (438) feet wide, and eight hundred thirty-nine (839) feet deep. It is improved with a three (3) story underutilized office building, along with the smaller stone outbuildings mentioned above. The dimensions of the Site ensure that replacing the office building with a modern independent and assisted living facility would result in limited visual impacts. Petitioner will be able to use the natural terrain to incorporate the height of the facility into to the slope rising up and away from North Broadway. Expansive front and side yards would also be maintained and landscaped to preserve the viewshed of adjacent properties. As such, this Petition represents one of those limited circumstances where modifying some of the Village's existing zoning requirements is appropriate in order to introduce a desirable housing resource for the community.

Under Section 224-99 of the Village Zoning Code, we respectfully request that on January 5th, your Board formally accept the enclosed Petition, and refer the matter to the Village Planning Board and Westchester County for review and reports. In addition, we request that your Board declare its intent to serve as the Lead Agency under the New York State

Environmental Quality Review Act ("SEQRA") to assess all aspects of this proposal in a coordinated review. We will ask during our meeting on January 5th that you will direct your staff to circulate a notice of such intent to all relevant involved and interested agencies.

In furtherance of this request, enclosed please find the following materials:

- Verified Petition for a Zoning Text Amendment, dated December 23, 2014 ("Petition");
- Preliminary Site Layout Plan, prepared by John Meyer Consulting, PC, dated December 23, 2014 (annexed to the Petition as Exhibit "A");
- Proposed Zoning Text Amendment, dated December 23, 2014 (annexed to the Petition as Exhibit "B");
- Exterior Elevation and Floor Plans, prepared by JAL Architecture and Engineering, P.C., dated December 23, 2014 (annexed to the Petition as Exhibit "C"); and
- Long Environmental Assessment Form Part I, prepared by John Meyer Consulting, PC, dated December 23, 2014 ("EAF").

We look forward to appearing before you on January 5th and commencing the formal review process. While this is certain to be a time-consuming and involved process for the Village, we remain confident that bringing a Brightview Senior Living Facility to Irvington is a wonderful addition to the fabric of your community. If you have any questions or require any further information before this meeting, please do not hesitate to contact us.

Respectfully Submitted,

ZARIN & STEINMETZ

By: 

David S. Steinmetz
David J. Cooper

Encs.

cc:

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