



ZARIN &
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E-9

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March 20, 2015

Via Hand Delivery

Hon. Ronald Belmont, Supervisor
and Members of the Town Board
Town/Village of Harrison
1 Heineman Place
Harrison, New York 10528

■ Also admitted in D.C.
● Also admitted in CT
▲ Also admitted in NJ

***Re: Shelter Development, LLC – Brightview Senior Living
Petition for a Zoning Amendment;
Special Exception Use Permit and Site Plan Application for
Tax Map Block 995, Lots 11 & 12 & Block 994, Lot 6***

Dear Supervisor Belmont and Members of the Town Board:

This firm represents Shelter Development, LLC (“Petitioner”), the contract-vendee for the property known as the “Lake Street Quarry” located at 600 Lake Street (“Site”). In accordance with the Stipulation of Settlement between the Town Board and Lake Street Granite Quarry, Inc. (the current owner of the Site), dated December 5, 2014 (“Stipulation”), enclosed please find a Petition seeking an amendment to the Harrison Zoning Ordinance empowering the Harrison Planning Board to allow, by Special Exception, a modern independent and/or assisted living facility on certain properties within the Town/Village of Harrison (“Harrison”). We respectfully request that this matter be placed on your Board’s April 16, 2015 regular meeting agenda.

By way of background, Petitioner is a nationally renowned operator of high-end senior care residential communities. Petitioner seeks to redevelop the 7.3 acre Site with an independent and assisted living facility consisting of one hundred and sixty (160) to one hundred and seventy (170) units (“Proposed Development”). The facility would contain a mix of Independent Living (“IL”), Assisted Living (“AL”) and Memory Care (“MC”) units. It would also provide a housing resource 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. It is our understanding, based upon the Stipulation and the Harrison's 2013 Comprehensive Plan ("Comprehensive Plan"), that the Town Board seeks to replace the existing quarry operation at the Site (a zoning noncompliant use) with such a facility.

Specifically, your Board recognized in the Comprehensive Plan that Harrison's senior population is increasing, and that steps should be taken to ensure that this portion of the community has access to "a housing type choice at every stage of [their] life cycle." (See Comprehensive Plan, at 22). As set forth in the attached Petition, empirical data compiled by the New York State Office of Aging (SOFA) corroborates that the senior population in Westchester County, as well as in the entire state of New York, will increase significantly in the next several decades. As Petitioner can confirm, these seniors desire housing and social resources which will allow them to age in place in their communities, or in a community close to relatives. We respectfully submit that Petitioner's proposed facility would serve such a need in Harrison, and foster the important senior housing goals set forth in the Comprehensive Plan.¹

The Town Board also recognized in the Comprehensive Plan that the existing use of the Site is inconsistent with the surrounding neighborhood. Your Board determined that it should "encourage the redevelopment of the [Site]" to a more productive and compatible use for the community. (See *id.*, at 6). The Town Board recently elaborated on these statements in the Stipulation, expressly calling for the Site owner to "make all best efforts to submit an application" to redevelop the Site with a senior living facility "suitable for no more than 185 units nor less than 150 units." (See Stipulation, at 2-3).

Accordingly, Petitioner proposes to include in the Harrison Zoning Code a well-crafted Special Exception provision allowing for "Senior Living Facilities" on those select properties, such as the Site, where a senior independent/assisting living use can co-exist in harmony with the surrounding neighborhood ("Zoning Text Amendment"). Petitioner proposes to use the Special Exception review process because it will afford the Harrison Planning Board with an opportunity to weigh a proposed facility in relation to neighboring land uses, and to cushion any potential adverse effects by the imposition of conditions designed to mitigate them. The Zoning Text Amendment also includes provisions limiting the applicability of the "Senior Living Facility" use to properties consisting of 6 acres or more with at least 1,500 feet of frontage along an arterial roadway in the R-1 or R-2 Districts. Qualifying properties must have been improved with, and used immediately previously as, a non-residential use. Petitioner is open to working with your Board to explore other measures which will expand, or limit, the applicability of the "Senior Living Facility" use proposed in the Zoning Text Amendment, consistent with your legislative desires.

¹ We note that the proposed use is not a "nursing home," nor a congregate care retirement community ("CCRC"), like the Osborne which already exists in Harrison.

In conjunction with the Zoning Text Amendment, Petitioner is also submitting a Site Plan and Special Exception Use Application in furtherance of the Proposed Development at the Site. The Site contains 1,541 feet of frontage along Lake Street, which is an arterial road leading to downtown West Harrison. Existing curb cuts provide access to Lake Street ensuring that Site ingress/egress is safe, and will not direct traffic onto quieter residential side streets. There are also significant ledge rock walls (in some places 90 feet in height) at the rear of the Site which will permit Petitioner to screen the facility from most adjacent properties. These features ensure that the Site may be redeveloped for senior independent/assisted living without adversely impacting the character of the neighborhood.

Under Section 235-76 of the Harrison Zoning Code, we respectfully request that on April 16th (or as soon thereafter as we may be placed on an agenda), your Board formally accept the enclosed Petition, and refer the matter to the Harrison Planning Board and Westchester County for review and reports. We also request that your Board refer the matter to the Planning Board and determine with them which of your Boards will 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. In addition, we will also ask that the Harrison Planning Board commence its review of the Site Plan and Special Exception Use Applications.

In furtherance of these requests, enclosed please find the following materials:

- Verified Petition for a Zoning Text Amendment, dated March 20, 2015 ("Petition");
- Proposed Zoning Text Amendment, dated March 20, 2015 (annexed to the Petition as Exhibit "B");
- Preliminary Site Plans, prepared by John Meyer Consulting, PC, dated March 20, 2015;
- Exterior Elevation and Floor Plans, prepared by JAL Architecture and Engineering, P.C., dated March 20, 2015;
- Long Environmental Assessment Form Part I, prepared by John Meyer Consulting, PC, dated March 20, 2015 ("EAF"); and
- Land Development Application Form, Site Plan Application Form, and a Special Exception Use Application Form, prepared by John Meyer Consulting, PC, dated March 20, 2014.

We are also providing a check in the amount of \$600.00 to cover the Zoning Amendment Fee (\$250.00) and the Site Plan Review Fee (\$350.00). It is our understanding that any additional fees, including an escrow account deposit and site plan parking fee, will be determined once Town staff has had the opportunity to review the enclosed materials.

We look forward to appearing before your Board and commencing the formal review process. 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:

Hon. Thomas Heaslip and Members of the Harrison Planning Board
Patrick Cleary, AICP, Town Planner
Frank Allegretti, Esq. Town Attorney
Jonathan Kraut, Esq., Village Attorney
Shelter Development, LLC
John Meyer Consulting, PC
Corey Rabin, Esq.