

E-18



David J. Cooper
 Jody T. Cross *
 Michael J. Cunningham *
 Marsha Rubin Goldstein
 Helen Collier Mauch *
 Zachary R. Mintz *
 Matthew R. Pisciotta *
 Daniel M. Richmond
 Brad K. Schwartz
 Lisa F. Smith *
 David S. Steinmetz *
 Michael D. Zarin

May 9, 2016

Via Electronic Mail

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:

As you know, our firm represents Shelter Development, LLC (“Petitioner”), the contract-vendee for the property known as the “Lake Street Quarry” located at 600 Lake Street (“Site”). We are submitting this letter to respectfully request that you place the above-referenced Petition for a Zoning Text Amendment on your Board’s May 19, 2016 Regular Meeting Agenda for further discussion and action.

On April 26, 2016, the Town Planning Board adopted a Negative Declaration determining that Petitioner’s proposed Zoning Text Amendment (as modified through April 8, 2016), and its proposal to develop a 160-unit Senior Living Facility at the Site, would not result in any potentially significant adverse environmental impacts. This Negative Declaration concluded the Town’s coordinated review process under the New York State Environmental Quality Review Act (“SEQRA”). Your Board is now able to vote on Petitioner’s proposed Zoning Text Amendment. It is our client’s hope that your Board will proceed with this matter and take this vote, and approve the Zoning Text Amendment, on May 19, 2016.

We look forward to appearing before your Board and continuing the review process. Adoption of this Zoning Text Amendment will allow Petitioner to return to the

Planning Board and conduct and in-depth and final review of the Brightview Site Plan and related special permit conditions.

If you have any questions or require any further information before May 19, 2016, please do not hesitate to contact us.

Respectfully submitted,

ZARIN & STEINMETZ

By: _____

David S. Steinmetz

David J. Cooper

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
Christopher M. Cipolla, Esq., Deputy Town Attorney
Shelter Development, LLC
John Meyer Consulting, PC
Corey Rabin, Esq.

**PLANNING BOARD RESOLUTION PB2016/24
MARCH 22, 2016**

**SEQRA DETERMINATION OF SIGNIFICANCE
NEGATIVE DECLARATION
AMENDMENTS TO THE R-1 AND R-2 ZONING DISTRICTS REGARDING SENIOR
LIVING FACILITIES
AND
BRIGHTVIEW SENIOR LIVING FACILITY
LOCATED AT 600 LAKE STREET,
KNOWN AND DESIGNATED AS
BLOCK 995, LOTS 11 & 12 AND BLOCK 994 LOT 6**

WHEREAS, on March 20, 2015, the Town/Village of Harrison Board of Trustees (“Town Board”) received a petition (“Petition”) from Zarin & Steinmetz on behalf of Shelter Development, LLC d/b/a Brightview Senior Living Inc., (“Petitioner” or “Applicant”) for amendments to the Zoning Ordinance of the Town/Village of Harrison (the “Town”) empowering the Town/Village of Harrison Planning Board (“Planning Board”) to allow, by Special Exception, a “Senior Living Facility” consisting of a modern independent and/or assisted residence to be developed on properties 6 acres or larger in the R-1 and R-2 Districts (“Zoning Text Amendment”); and

WHEREAS, as contained in the Petition, the Petitioner included certain siting criterion in the Zoning Text Amendment proposing to limit the applicability of the “Senior Living Facility” Special Exception Use to properties: (i) held in single ownership at the time of the enactment of the Zoning Text Amendment; (ii) containing at least 1,500 feet of frontage along an arterial roadway; and (iii) which have been developed with, and utilized immediately previously as, a non-residential use; and

WHEREAS, the Petition included a description of the purpose and need for adopting the Zoning Text Amendment, including, *inter alia*, empirical data collected by the New York State Office of For the Aging (“SOFA”) indicating: (i) that the population of seniors attaining the age of 60 years or older residing in New York state is projected to increase from 3.7 Million to 5.8 Million between 2010 and 2040; and (ii) that during this same period the population of seniors attaining the age of 85 years or older in New York state would increase by approximately 109%, including a projected increase of 43% within Westchester County; and

WHEREAS, in connection with filing the Petition with the Town Board, Petitioner submitted a Land Development Application to the Planning Board seeking, *inter alia*, a Special Exception Use Permit, Site Plan Approval, Steep Slope and Wetland Permits (“Application”), in pursuit of a four (4) story 160-unit “Senior Living Facility” (“Facility”) at the property known as the “Lake Street Quarry,” located at 600 lake street, identified on the Harrison Tax Map as Block 995, Lots 11 & 12, and Block 994, Lot 6 (“Quarry Site”); and

WHEREAS, the Petition and Application were accompanied by a full Environmental Assessment Form Part 1, together with supplemental information (“EAF”), prepared by John Meyer Consulting (“JMC”), dated March 20, 2015, providing initial information pertaining to the Petition, Zoning Text Amendment and the Application (collectively, the “Action”); and

WHEREAS, the Petition and Application were also accompanied by various initial information concerning the proposal to develop the Facility at the Quarry Site (“Project”) including a Preliminary Site Plan, prepared by JMC, dated March 20, 2015, as well as Exterior Elevations and Floor Plans, prepared by JAL Architecture and Engineering (“JAL”), dated March 20, 2015; and

WHEREAS, on April 16, 2015, the Town Board accepted the Petition for the purpose of commencing its review pursuant to the New York State Town Law and the Town of Harrison Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, on April 16, 2015 the Town Board also referred to the Planning Board and the Westchester County Planning Board the Petition and Application to issue a report on the Zoning Text Amendment as required under the New York State Town Law, New York State General Municipal Law and the Zoning Ordinance; and

WHEREAS, on April 27, 2015, the Westchester County Planning Board sent a letter to the Town acknowledging receipt of the Town Board’s referral of the Petition and Application, and providing its Report with no objections to the Zoning Text Amendment or Project along with minor comments concerning affordable housing, sewage flows, stormwater management, recycling, composting and sustainable building practices; and

WHEREAS, on April 28, 2015, the Applicant and its Design Team appeared before the Planning Board to review and discuss the Action and all supporting materials submitted to the Town by the Applicant as of said date, including providing a multi-platform digital imaging visual assessment of the Project demonstrating the views of the proposed four (4) story Facility from adjacent properties and public roadways, such that the public and the Planning Board could evaluate the potential visual impact of the Project as well as the screening capabilities provided by the topography, open space and vegetation on and off the Quarry Site (“Video”); and

WHEREAS, pursuant to Sections 617.6(a)(1) and 617.6(b) of the regulations of the New York State Environmental Quality Review Act (“SEQRA”), as soon as an agency receives an application for funding or approval of an action, it must, among other things, make a preliminary classification of the action under SEQRA and establish a Lead Agency principally responsible for determining the environmental significance of the Action in a coordinated review with all other Involved and Interested Agencies; and

WHEREAS, in accordance with SEQRA, the Planning Board initially determined that the Action should be classified as “Unlisted,” but subsequently determined that the Action could qualify as a “Type I” Action because the Zoning Text Amendment proposed the change in the allowable uses within a the R-1 and R-2 Zoning Districts, and potentially could affect 25 acres or more within these Districts; and

WHEREAS, in accordance with SEQRA the Planning Board determined that it would be the most appropriate agency to serve as Lead Agency in a coordinated review of the Action with the Town Board and other agencies; and

WHEREAS, pursuant to Section 617.6(b)(3) of the SEQRA Regulations, when an agency proposes to fund or approve an Unlisted or Type I action, it must, as soon as possible, transmit Part 1 of the EAF and a copy of any application it has received to all potentially Involved Agencies and notify them that a lead agency must be agreed upon within 30 calendar days of the date the EAF and application is transmitted to them; and

WHEREAS, on April 28, 2015, the Planning Board voted unanimously in favor of: (i) declaring its intent to act as Lead Agency for review of Action under SEQRA; (ii) directing its professional staff to circulate a Notice of Intent to all Involved and Interested Agencies notifying them of such intent; and (iii) retaining Evans Associates (“Evans”) to serve as the Planning Board’s expert ecological and environmental consultant to assist the Board’s other expert planning and engineering consultants already retained to assist the Board in the review of the Action, including Maser Consulting, P.C. (“Maser”) and Cleary Consulting (“Cleary”); and

WHEREAS, on May 5, 2015, the Applicant and its Development Team, along with members of the Planning Board and its professional Staff and consultants, as well as various members of the public, conducted an inspection of the Quarry Site and several adjacent properties, including abutting properties on top of a high rock wall at the rear of the Quarry Site (“Site Inspection”); and

WHEREAS, during the May 5, 2015 Site Inspection, the participants were able to review the location of flags placed at the Quarry Site by the Applicant delineating the corners of the proposed Facility, parking lot and driveways, as well as refer to a hand-held laminated Conceptual Site Plan and Survey illustrating the location of these markers and the proposed post-construction grade where each marker was located; and

WHEREAS, during the Site Inspection, members of the public raised concerns regarding the amount of excavation and earth work planned in the northern portion of the Quarry Site in order to construct the Facility, as well as the potential traffic, noise, odor, lighting and visual impacts which may occur once the Facility is in operation; and

WHEREAS, on May 8, 2015, a Notice of Intent (“NOI”) was distributed to all Involved and Interested Agencies notifying them of the Planning Board’s intent to serve as Lead Agency in a coordinated review under SEQRA, including the Town Clerk, Town Board, Town of Harrison Architectural Review Board, Westchester County Department of Planning, Westchester County Department of Health, Westchester County Department of Public Works, Westchester County Department of Environmental Facilities, New York State Department of Environmental Conservation (“NYSDEC”) and the New York State Office of Parks, Recreation and Historic Preservation; and

WHEREAS, after waiting thirty (30) days from serving the NOI upon said agencies, and having received no objections to the Planning Board serving as Lead Agency, the Planning Board may serve as the Lead Agency in a coordinated review under SEQRA; and

WHEREAS, on June 2, 2015, JMC submitted additional materials to the Town Planning Department in support of the Petition and Application, including revised floorplans submitted by JAL, and revised site plans prepared by JMC, all dated June 2, 2015, reflecting minor changes in the design of the Facility to minimize earthwork in the northern portion of the Quarry Site, reflected in the following materials:

- Cover Sheet
- Site Existing Conditions Plan
- Slope Analysis Plan
- Preliminary Site Layout Plan
- Preliminary Site Grading Plan
- Preliminary Site Utilities Plan
- Preliminary Site Landscaping and Lighting Plan
- Preliminary Site Erosion and Sediment Control Plan

- Site Details; and

WHEREAS, on June 2, 2015 JMC also submitted a Traffic Study, dated June 2, 2015 (“Traffic Study”), evaluating various traffic conditions in the vicinity of the Quarry Site both pre- and post-construction of the Facility in accordance with generally accepted methodologies prepared by the Institute of Traffic Engineers (ITE) and other expert sources, including studies of the existing roadway network and sight distances, as well as the collection of empirical data establishing traffic volumes on these roadways during peak travel hours; and

WHEREAS, on June 3, 2015, the DEC submitted a letter to the Town indicating it received the NOI and had no objection to the Planning Board serving as Lead Agency, as well as identifying the DEC’s potential jurisdiction over the Project concerning Wetlands, Mined Land Reclamation, and the State Pollutant Discharge Elimination System (“SPDES”); and

WHEREAS, on June 23, 2015, the Applicant and its Design Team met with the Planning Board during a public meeting to review the materials submitted to the Village on June 2, 2015, including the Traffic Report, as well as the plans illustrating the changes the Applicant made to the design of the building to address concerns about excavation in the northern portion of the Quarry Site; and

WHEREAS, during the Planning Board’s June 23, 2015 meeting, members of the Planning Board questioned whether the current plan provided sufficient fire and other emergency access around the Facility, as well as directed the Applicant and its Design Team to address comments raised at the Site Inspection concerning traffic, noise, odor and lighting; and

WHEREAS, during the Planning Board’s June 23, 2015 meeting the Planning Board also voted unanimously to schedule a public hearing on the Application for July 23, 2015; and

WHEREAS, on July 7, 2015, the Planning Board received a letter from a resident living in the vicinity of the Quarry Site submitted on behalf of several neighbors commenting upon the Zoning Text Amendment, indicating that while there is support for bringing a facility to Harrison that will provide services to the elderly, any zoning crafted to facilitate such use should reflect existing zoning controls in the Town utilized to regulate the size and scope of nursing homes and hotels, and that the Quarry Site is inappropriate for the development of the proposed 160-unit Facility because it is located in an R-1 District near single-family homes does not provide sufficient space to construct a building complying with the existing residential setback regulations created to preserve the residential nature of the neighborhood, and may impact the values of adjacent properties; and

WHEREAS, on July 22, 2015, Maser submitted to the Planning Board a Memorandum summarizing its preliminary review of the Traffic Study, indicating that Maser concurred with JMC that senior living developments typically generate less traffic than other types of residential facilities (such as single-family or multi-family housing developments), agreed with the methodology utilized by JMC to evaluate whether the development of such a use at the Quarry Site would result in any potential impacts upon area traffic conditions, and generally agreed with JMC’s conclusion that the data compiled indicated that operating the Facility at the Quarry Site would not result in any significant adverse traffic impacts, but requested that the Applicant perform a “sensitivity analysis” to account for visitor and employee trips during peak weekday PM hours; and

WHEREAS, Maser also requested in its July 22, 2015 Memorandum that the Applicant (i) provide accident data for the latest three-year period along Lake Street within the vicinity of

the Quarry Site, (ii) include turning tracks at each driveway, and (iii) contact the Harrison Fire Department to review the Site Layout Plan to confirm whether sufficient access around the Facility was provided; and

WHEREAS, on July 23, 2015, Evans submitted a Memorandum to the Planning Board indicating it had conducted an inspection of the Quarry Site, as well as reviewed the Applicants' Site Plan, Slope Analysis Plan, Preliminary grading Plan and Preliminary Site Utilities Plan, and concluded that the Applicant's proposed plans for redevelopment of the Quarry Site, including the installation of a stormwater basin in a wetland buffer, would improve water quality moving towards the regulated wetland adjacent to the Quarry Site; and

WHEREAS, Evans also requested that the Applicant provide further details concerning the method in which stormwater would be released from the stormwater basin, and whether measures would be implemented to avoid erosion and sediment deposition in the wetland and stream down gradient from the basin; and

WHEREAS, on July 23, 2015, the Planning Board held a Regular Meeting in which it voted unanimously to open the Public Hearing on the Application, and thereafter took comments from the public; and

WHEREAS, during the July 23, 2015 Public Hearing numerous members of the public addressed the Planning Board raising concerns about the Zoning Text Amendment and Project relating to (i) potential impacts upon the neighborhood due to noise and odor emanating from mechanical equipment on the roof of the Facility, (ii) potential impacts upon neighbors' existing viewsheds, as well as the character of Lake Street, associated with developing the four-story 160-unit Facility at the Quarry Site, (iii) whether drivers would utilize Old Lake Street as a "cut thru" route to avoid the Facility, and (iv) potential decreases in the values of adjacent properties; and

WHEREAS, during the Planning Board's July 23, 2015 Regular Meeting, the Planning Board denied the Applicant's request to direct its professional Staff to draft the Planning Board's recommendation to the Town Board on the Zoning Text Amendment because the Planning Board determined that it still required further information about the Zoning Text Amendment and Project before it would be able to render this recommendation; and

WHEREAS, on September 15, 2015, JMC submitted additional material to the Town in response to the various comments from the public, the Planning Board and the Planning Board's professional Staff and consultants, including:

- JMC Revised Site Plans, dated September 15, 2015:
 - PSP-1 "Cover Sheet"
 - PSP-2 "Site Existing Conditions Plan"
 - PSP-3 "Slope Analysis Plan"
 - PSP-4 "Preliminary Site Layout Plan"
 - PSP-5 "Preliminary Site Grading Plan"
 - PSP-6 "Preliminary Site Utilities Plan"
 - PSP-7 "Preliminary Site Landscaping & Lighting Plan"
 - PSP-8 "Preliminary Site Erosion & Sediment Control Plan"
 - PSP-9 through 15 "Site Details"
- JMC Stormwater Pollution Prevention Plan Summary, dated 09/15/2015 ("SWPPP")
- JMC letter dated 09/15/2015 to Chairman Heaslip re: Response to Town's Traffic Consultants Review
- JMC Visual Perspectives

- JMC Figure Odor-1 “Odor Dissipation Figure,” dated 07/16/2015
- “Equipment Sound Impact Analysis,” prepared by Cavanaugh Tocci Associates, Inc., dated 09/14/2015.
- “Letter to Erik Anderson,” prepared by Clark Food Service Equipment, dated 07/14/2015.
- “Captrate Solo Filters Chart Data,” provided by Clark Food Service Equipment; and

WHEREAS, during the Planning Board’s September 29, 2015 Public Hearing, members of the public indicated that the Town should consider only residential uses at the Quarry Site, questioned whether the Zoning Text Amendment pertained to any other properties in the Town and adopting it would constitute “spot zoning;” and

WHEREAS, at the conclusion of the Planning Board’s September 25, 2015 Public Hearing, the Planning Board directed its professional Staff to draft a memorandum to the Town Board containing its report and recommendation on the Zoning Text Amendment as requested by the Town Board; and

WHEREAS, by Resolution, dated September 29, 2015, the Planning Board issued a recommendation to the Town Board (“Positive Recommendation”): (i) finding that there is a need in the community for senior housing consisting of independent and assisted living; (ii) finding that the Town’s Special Exception Use standards and conditions are the proper mechanism to limit the applicability of such housing to appropriate areas of the community; (iii) recognizing that further review of certain aspects of the Project may require revision or modification in order to comply with the Town’s Special Exception Use standards; and (iv) positively recommending that the Town Board adopt the Zoning Text Amendment; and

WHEREAS, on October 27, 2015, the Applicant submitted a letter to the Town in response to various public comments made during the Planning Board’s Public Hearing process concerning the Zoning Text Amendment; and

WHEREAS, in the Applicant’s October 27, 2015 letter, counsel for the Applicant summarized the demonstrated need to create a new Senior Living Facility Special Exception Use in the Town based upon: (i) the demographic data identified by the Town in its recently enacted Comprehensive Plan as well as by SOFA in its Data Books; and (ii) the substantial differences between operations and impacts associated with nursing home and hotels, as compared with Senior Living Facilities; and

WHEREAS, the Applicant also provided the Town on October 27, 2015 a color-coded “Qualifying Lot Map” prepared by JMC (“Qualifying Lot Map”), indicating that the siting controls the Applicant included in the Zoning Text Amendment limited the applicability of the proposed Senior Living Facility Special Exception Use to a total of nine (9) properties in the Town, inclusive of the Quarry Site; and

WHEREAS, the Applicant further provided the Town on October 27, 2015: (i) an Exterior Elevation analysis comparing the height of the proposed Facility to the height of the rock wall at the rear of the Quarry Site, which demonstrated that the top of the Facility would be well below the top of the rock slope (in some areas almost 40 feet below the rock slope), and as such, would not block the existing viewsheds of the adjacent residential properties located on top of the rock slope (“Exterior Elevation Study”); and (ii) a Value Impact Analysis, prepared by Hudson Property Advisors (“Hudson”), dated September 28, 2015, providing empirical data and expert appraisal supporting Jon Bernz’s testimony to the Planning Board in which he concluded

that the construction of the Facility at the Site would not result in a significant impact upon property values in the vicinity of the Quarry Site; and

WHEREAS, on January 7, 2016, the Applicant appeared before the Town Board to review the Planning Board's Positive Recommendation, as well as present details about the Project and Zoning Text Amendment, including a summary of the data establishing that there is a demographic and social need in the Town to bring a Senior Living Facility to the community, as well as presenting the latest Site Plan, the Video, the Exterior Elevation Study and other visual analyses, as well as the Qualifying Lot Map; and

WHEREAS, at the conclusion of the Applicant's presentation to the Town Board on January 7, 2016, the Town Board voted unanimously to hold a Public Hearing on the Zoning Text Amendment on January 28, 2016; and

WHEREAS, on January 28, 2016, the Town Board conducted a duly noticed Public Hearing on the Zoning Text Amendment, commencing with a presentation by the Applicant and its Design Team reviewing, *inter alia*: (i) the conditions of the Quarry Site as a result of many decades of use as a non-conforming heavy industrial quarry operation; (ii) feasibility analyses conducted by the current owner of the Quarry Site and the Town concluding that developing retail, office and commercial uses at the Quarry Site would result in significant adverse traffic and other impacts; (iii) feasibility analyses concluding that the costs of reclaiming and remediating the Quarry Site rendered single-family or multi-family residential development infeasible, and that such development would result in significant adverse traffic and school impacts; (iii) the Applicant's proposed site plan to redevelop the Quarry Site; and (iv) the siting controls included in the Zoning Text Amendment, limiting the applicability of the proposed Senior Living Facility Special Exception Permit to nine (9) properties in the Town; and

WHEREAS, after the Applicant's presentation, the Town Board opened the Public Hearing, accepting thirty (30) letters in support of the Town Board adopting the Zoning Text Amendment, as well as fourteen (14) letters and two "petitions" signed by multiple residents opposing the Town Board adopting the Zoning Text Amendment; and

WHEREAS, the Town Board also received comments from numerous residents stating that: (i) the Applicant's proposal to permit a 15 foot front yard setback did not create sufficient space between the Facility and Lake Street thereby creating a dangerous condition; (ii) the Facility would strain the Town's Emergency Medical Service resources; (iii) the height, scale and size of the Facility is inconsistent with the character of the neighborhood, and would cause adverse visual impacts as well as light pollution; (iv) redeveloping the Quarry Site as a Senior Living Facility would devalue adjacent residential properties; (v) adopting the Zoning Text Amendment constituted "spot zoning;" (vi) the Town Board should consider rezoning the Quarry Site only as a residential use; and (vii) operation of the Facility would result in adverse traffic and noise impacts; and

WHEREAS, at the conclusion of the public comments on January 28, 2016, the Town Board voted unanimously to extend the Public Hearing until its next meeting on February 10, 2016; and

WHEREAS, on February 10, 2016, the Town Board continued its Public Hearing on the Zoning Text Amendment, where members of the public provided comments similar to the comments received by the Town Board on January 28, 2016, relating to property values, the scale, height, mass and setbacks of the Facility, and evaluating redeveloping the Quarry Site as a residential use; and

WHEREAS, during the February 10, 2016 Public Hearing, the Town Board received an additional twenty-nine (29) letters from the public expressing support for the Town Board adopting the Zoning Text Amendment and in favor of the Project; and

WHEREAS, the Town Board also received comments from the public suggesting that the Zoning Text Amendment should be revised by: (i) changing the siting criteria in the Zoning Text Amendment so that Senior Living Facilities cannot be developed on public and private school properties, as well as public parks; (ii) defining the term “arterial road;” (iii) impose an age restriction on the residents of any Senior Living Facility; and

WHEREAS, at the conclusion of public comment on February 10, 2016, the Town Board voted unanimously to close the Public Hearing, but keep the record open for written comment from the public until February 29, 2016; and

WHEREAS, the Town Board received several additional communications from the public through February 29, 2016, including a comment letter, dated February 22, 2016, from a representative of various residents living in the Park Lane area near the Quarry Site, questioning whether the Action constituted a “Type I” Action under SEQRA because the Zoning Text Amendment proposed a change in the allowable uses of a zoning district that could potentially affect more than twenty-five (25) acres, as well as asserting that adopting the Zoning Text Amendment was illegal “spot zoning” and “contract zoning;” and

WHEREAS, on March 30, 2016, the Applicant submitted responses to various public comments, including: (i) a Feasibility Analysis evaluating the impacts and impediments associated with redeveloping the Quarry Site with residential dwelling units; (ii) an alternative layout analysis for the Facility, establishing that there would be a substantial increase in impervious surface and Site disturbance if the Applicant relocated the units currently proposed for the 4th story of the Facility and reduced the overall height of the building to 3-stories; (iii) a proposal to reduce the height of the northern-most portion of the building by approximately 8.3 feet so as to ensure that the entire Facility would be located below the top of the rock wall in the rear of the Quarry Site; and (iv) an estimate of the projected property tax assessment for the Quarry Site if redeveloped with the Facility prepared by Hudson in consultation with the Town Tax Assessor, indicating that the redevelopment of the Quarry Site with the Applicant’s proposed use would yield a total tax burden in the range of \$550,000 to \$600,000; and

WHEREAS, by letter dated April 8, 2016, the Applicant, in consideration of comments received during the public hearing process, offered several revisions to the proposed zoning amendment, including:

1. A minimum age restriction of 55.
2. The imposition a cap on any one type of use (Independent Living, Assisted Living, Memory Care) to no more than 50%.
3. The definition of “arterial roadway” to be consistent with the Comprehensive Plan.
4. Refining the siting criteria to exclude lands owned by a municipality, public and private schools and universities.
5. Clarified that the density calculation only applies to contiguous land.
6. Modified the front yard setback to 40’

WHEREAS, these revisions would further restrict the applicability of the proposed zoning amendment from 9 properties to 4 properties.

WHEREAS, the Planning Board as Lead Agency, in conjunction with the various Interested Agencies, including the Town Board, has undertaken a comprehensive review and consideration of all empirical studies, expert reports, plans and other related materials submitted by the Applicant and its Development Team, as well as all comments, memoranda and correspondence from its professional consultants and staff, the Town Board, the public and neighbors residing in the vicinity of the Quarry Site; and

WHEREAS, in consultation with the Town's legal counsel and the Planning Board's professional planning consultant it has considered, *inter alia*, the following criteria pursuant to 6 N.Y.C.R.R. Section 617.7(c):

- (i) whether the Action would result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) whether the Action would result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (iii) whether the Action would result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;
- (iv) whether the Action would result in the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- (v) whether the Action would result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (vi) whether the Action would result in a major change in the use of either the quantity or type of energy;
- (vii) whether the Action would result in the creation of a hazard to human health;
- (viii) whether the Action would result in a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- (ix) whether the Action would result in the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- (x) whether the Action would result in the creation of a material demand for other actions that would result in one of the above consequences;
- (xi) whether the Action would result in changes in two or more elements of the environment, no one of which has a significant impact on the

environment, but when considered together result in a substantial adverse impact on the environment; or

(xii) whether the Action would result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town/Village of Harrison, pursuant to Part 617 of the SEQR Regulations, hereby confirms its status as the Lead Agency for the SEQR Review of this action; and

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act, SEQRA) of the Environmental Conservation Law, the Planning Board of the Town/Village of Harrison, as Lead Agency, has carefully considered the whole Action, and the criteria listed in 6 NYCRR Section 617.7(c), including the Long Form Environmental Assessment Form, the Petition, the Zoning Text Amendment (through the revision submitted by the Applicant on February 18, 2016), the Project, and all materials submitted by the Applicant and public relating thereto, as well as comments from Involved and Interested Agencies, Town staff and its professional consultants and the public, and hereby find that the proposed "Type I" Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

BE IT FURTHER RESOLVED that this resolution shall have an effective date of March 22, 2016.

Upon Motion of Member Marshall Donat, and seconded by Member Mark Rinaldi, this

Resolution was approved by the following vote:

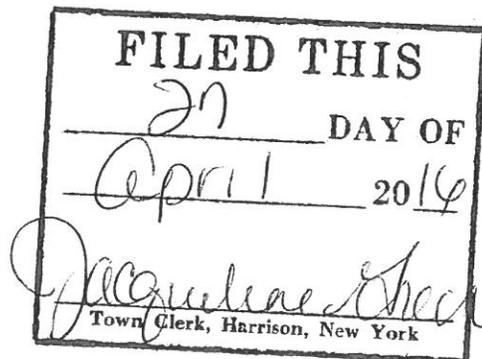
AYES: Thomas Heaslip, Mark Rinaldi, Nonie Reich, Marshall Donat, Kate Barnwell and Paul Genovese

NAYES: None

ABSTAINED: None

ABSENT: Anthony Spano


Thomas Heaslip, Chairman



This resolution was thereupon duly adopted.

617.21
Appendix F
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number _____

Date April 26, 2016

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Harrison Planning Board as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

Amendments to the R-1 and R-2 zoning districts regarding senior living facilities and Brightview Senior Living Facility – 600 Lake Street

SEQR Status:Type I Unlisted **Conditioned Negative Declaration:**Yes No **Description of Action:**

The Proposed Action consists of a Petition submitted by Shelter Development, seeking an amendment to the Harrison Zoning Ordinance allowing, by Special Exception, an independent and/or assisted living facility limited to individuals 55 years of age or older, to be developed on properties of 6 contiguous acres or larger in the R-1 and R-2 Districts. The amendment would limit the applicability of the Special Exception only to properties not owned by a municipality, public and private schools and universities, which contain at least 1,500 feet of frontage along an arterial roadway. Moreover, only those properties which have been developed with, and utilized immediately previously as, a non-residential use could qualify for the Special Exception.

The Proposed Action also includes a proposal by the Applicant to develop an independent/assisted living facility at the property known as the "Lake Street Quarry," consisting of a four (4) story, approximately fifty foot (50') tall building, supporting approximately 160 units of specialized senior housing. This would include a mix of independent living assisted living and memory care residences for the senior population in Harrison and its surrounding communities. Access to the facility would remain off of Lake Street. Approximately 105 on-site parking spaces would be provided to service residents, Staff and visitors.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

600 Lake Street, Town of Harrison, Westchester County, Tax Map # Block 995 Lots 11 & 12 and Block 994, Lot 6

REASONS SUPPORTING THIS DETERMINATION:

See attached.

If **Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Rosemarie Cusumano, Planning Board Secretary

Address: 1 Heineman Place, Harrison, NY 10528

Telephone Number: 914-670-3077

For Type I Actions and Conditioned Negative declarations, a Copy of the Notice sent to:

Commissioner, Dep't of Environmental Conservation, 625 Broadway, Albany, NY 12233
NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561
Supervisor, Town of Harrison, 1 Heineman Place, Harrison, NY 10528

REASONS SUPPORTING THIS DETERMINATION

This determination of significance is based upon the full Environmental Assessment Form (EAF) that was prepared by the Applicant, as well as the supporting plans, studies and materials, requested by and submitted to the Planning Board, and reviewed by its professional consultants and staff, as well as the public, and upon the criteria contained in Section 617.7 of SEQRA.

I. ZONING TEXT AMENDMENT IMPACTS AND THEIR MAGNITUDE

A) PLANNING AND ZONING CONSIDERATIONS

Petitioner's proposed Zoning Text Amendment would add a new use, entitled "Senior Living Facility," to the Town's residential use regulations. The Zoning Text Amendment would empower the Planning Board (upon the concurrence of the Town Board) to allow, by Special Exception, an independent and/or assisted living facility to be developed on properties 6 acres or larger in the R-1 and R-2 Districts.

Adding this type of residential use to the Zoning Ordinance would facilitate the limited development of a new housing resource for a growing senior population, aged 55 and older in the Town, as well as Westchester County in general. Such development would occur without increasing the Town's school-aged population, or expanding significantly the demand for public recreational resources. In addition, this population generates limited traffic on area roadways. To the extent that this use would increase the demand on municipal resources, such as emergency services, the increased tax revenue associated with the development and operation of a Senior Living Facility would serve as an adequate off-set.

In order to ensure the potential number of Senior Living Facilities in the Town is limited, the Special Exception Use is limited only to properties in the R-1 and R-2 Districts containing at least 1,500 feet of frontage along an arterial roadway. Only those properties which have been developed with, and utilized immediately previously as, a non-residential use could qualify for the Special Exception Use. In addition, lands owned by a municipality, as well as lands owned by public and private schools and/or universities, are excluded from the applicability of this Special Exception. This siting criteria was developed in consultation with the Town's professional planning staff.

Petitioner also included in the Zoning Text Amendment regulating the lot area and bulk criteria for a Senior Living Facility, including that:

- a. the minimum lot size is 6 contiguous acres;
- b. the minimum lot width (measured from front yard setback) is 800 feet;
- c. the maximum building coverage is 20%;
- d. the minimum front yard is 40 feet;
- e. the minimum rear yard is 30 feet; and
- f. the minimum side yard is 30 feet (60 feet combined).

The Planning Board finds that the siting and bulk criteria contained in the Zoning Text Amendment would limit the applicability of the Special Exception Use to those properties of an adequate size and location to ensure the safe operation of a Senior Living Facility consistent with the surrounding residential properties. Requiring the subject property to be at least 6 contiguous acres and held in single ownership at the time of the enactment of the Zoning Text Amendment would prevent the future assemblage of smaller parcels currently not qualifying for the Special Exception Use. Requiring the subject property to be improved with, and used immediately previously as a non-residential use, creates an incentive to adaptively reuse properties supporting commercial or industrial uses to a residential use more consistent with surrounding single-family homes. Requiring 1,500 feet of frontage along an arterial roadway encourages safe site ingress/egress, and directs traffic away from residential side streets.

The Town's Special Exception Use review authority affords the Planning Board, as well as the Town Board, with the opportunity to weigh a proposed Senior Living Facility at any of the eligible properties in relation to neighboring land uses, and to cushion any potential adverse effects by the imposition of conditions and safeguards designed to mitigate them, if deemed necessary. The Planning Board would subject any application for a Senior Living Facility to a comprehensive review process in accordance with the Section 235-16 of the Town Zoning Ordinance, entitled "General Considerations." This section requires the Planning Board to consider prior to issuing any Special Exception Use permit, *inter alia*, whether: (i) the proposed site is particularly suitable for the location of a Senior Living Facility; (ii) the development of the proposed Senior Living Facility would result in traffic congestion, on-street parking impacts and/or unsafe vehicular or pedestrian travel conditions; (iii) the proposed yards landscaping, fences, and walls are adequate to provide proper screening to adjacent properties; (iv) special setbacks, height and building area coverage or easements are required; (v) the proper stormwater management is provided; (vi) existing municipal services and facilities are adequate to provide for the needs of the proposed Senior Living Facility; and (vii) the proposed Senior Living facility would produce noise, light, odors or smoke discernable on adjacent properties or boundary streets.

Consistent with the Town's existing authority to impose "General Conditions" on any Special Exception Use under Section 235-14 of the Town Zoning Ordinance, such site-specific review would permit the Planning Board and/or the Town Board to impose reasonable conditions upon the issuance of a Special Exception Use permit ensuring that: (i) the proposed Senior Living Facility would not impair the reasonable and orderly development or use of other properties in the neighborhood; (ii) any disadvantages to the neighborhood of developing the proposed Senior Living Facility are outweighed by the advantage gained by either the neighborhood or the Town; (iii) the proposed Senior Living Facility will not adversely affect the health, safety welfare, comfort convenience and order of the Town; and (iv) the Senior Living Facility would operate in a manner that is harmonious with the neighborhood.

The Planning Board concludes that the combination of the proposed siting and bulk controls contained in the Zoning Text Amendment, in conjunction with the Planning Board's authority to control and condition a proposal in accordance with the measures contained in the Town's existing Special Exception Use permit regulations, would limit the applicability of any Senior Living Facility to only those areas of the community where such uses would be appropriate. As such, the Zoning

Text Amendment would add limited additional development potential to the Town's Zoning Ordinance, while still addressing the documented demographic trends impacting the community. Since the Town would retain its existing authority to impose conditions upon any Senior Living Facility to ensure it would be constructed and operated in a manner that is consistent with the surrounding neighborhood through a comprehensive site-specific review, the adoption of the Zoning Text Amendment would not result in any significant adverse environmental impacts.

B) CONSISTENCY WITH THE COMPREHENSIVE PLAN

In the Town's Comprehensive Plan, adopted December 19, 2013 ("Comprehensive Plan"), the Town Board identified the increasing senior population as an important portion of the community requiring special housing and social services. According to the census data included in the Comprehensive Plan, the senior population is one of the largest growing components of the Town's population. The second highest percentage of this population resides in the West Harrison area (inclusive of the Quarry Site). Based upon these trends, the Town identified creating opportunities to "encourage housing suited for senior citizens to ensure a housing type choice at every stage of its residents' life cycle" as an important "Townwide" priority. (See Comprehensive Plan, at 22).

This demographic trend is corroborated by data compiled by SOFA, indicating that between 2010 and 2030, the population of adults that have attained the age 60 years or older residing in New York state is projected to climb from 3.7 million to 5.4 million. See SOFA County Data Book, NY State Data 2011. This includes a 76% increase in the state's population of adults reaching the age of 85 years or older (from 315,000 to 556,000). During this time, SOFA also estimates an approximate 109% increase in the state's population of adults reaching the age of 85 years or older (from 393,864 to 826,205). This includes an estimated 43% increase in Westchester County's population of adults reaching the age of 85 or older (from 21,800 to 31,415).

This data supports the Planning Board's determination in its recommendation to the Town Board, dated September 29, 2015, that there is a need in the community for senior housing consisting of independent and assisting living facilities. Independent and assisting living facilities accommodate those seniors seeking to age in place in their community, or in a community close to family members, as well as those requiring some assistance with activities of daily living. Again, such specialized housing would provide significant benefits to the Town, as the senior population forms a stable part of the community, generates limited traffic on area roadways, does not utilize schools, and can serve as a source of sustained patronage of local businesses.

The Comprehensive Plan included in a list of "townwide recommendations," determining with community input the "selected areas" in the Town potentially appropriate for the development of senior housing. (See *id.*, at 4). The Zoning Text Amendment would facilitate the Town's articulated goal of using its planning authority to identify opportunities to bring this valuable housing resource for the senior community to the Town. While the Comprehensive Plan identified the Platinum Mile as one potential area to bring this use to the Town, it is not the only potentially appropriate location to pursue senior housing. The Zoning Text Amendment

provides the opportunity for the Town to evaluate other areas where senior housing may be appropriate.

Indeed, the Planning Board, as well as the Town Board, devoted a substantial portion of its review to evaluating the appropriate locations for a potential Senior Living Facility. There was little objection from the public, or from the Town's professional planning consultants, to including the country club properties and the St. Joseph's / St. Vincent's property within the scope of the Zoning Text Amendment. These properties contain existing uses, which may be adaptively reused or converted into a Senior Living Facility without substantially altering the character of the surrounding residential neighborhood. As stated above, to the extent that any of these properties present unique planning or environmental impediments to developing a Senior Living Facility, the site-specific Special Exception Use review would allow the Town to obtain the technical data necessary to ensure it would be constructed and operated in a manner that is consistent with the surrounding neighborhood.

Much of the public comment on the Action has concentrated on whether the Quarry Site was an appropriate location for a Senior Living Facility. The public comment was divided on whether this property was an appropriate location. During the review of the Action, the Town Board received almost sixty (60) letters, and numerous phone calls, expressing support for redeveloping the Quarry Site with a Senior Living Facility. There was also a vocal group of neighbors residing near the Quarry Site raising concerns about changes to community character, citing to potential adverse traffic, visual, noise and odor impacts. This group consisted many of the same neighbors that have complained about the existing industrial operations at the Quarry Site.

For many years, in fact, the Town has received complaints from neighbors and the larger community about the existing industrial use of the Quarry Site producing numerous conditions inconsistent with the surrounding neighborhood. As stated in the Comprehensive Plan, the current non-conforming industrial use and state of the Quarry Site is inconsistent with the surrounding residential neighborhood. This includes significant mining activities exposing large rock faces, and potentially unsafe slopes. It also includes using the Quarry Site to store considerable amounts of construction and demolition debris, along with other remnants from years of this mining activity. The Town Board determined in the Comprehensive Plan that it should encourage the redevelopment of the Quarry Site as a "compatible and viable use." (See Comprehensive Plan, at 6).

The question presented to the Town, therefore, is whether a Senior Living Facility is "a compatible and viable use" for the Quarry Site. As the Town Board recognized in the Comprehensive Plan, such evaluation must include a "discussion of realistic options" for redeveloping this highly disturbed property. (See id., at 116). The Town has devoted numerous resources throughout the last ten years to evaluating realistic and viable redevelopment options for the Quarry Site, including a shopping center, a sports complex, and a garden supply store. Although these uses may produce sufficient revenue to offset the costs associated with stabilizing the slopes, as well as reclaiming and remediating the Quarry Site, it was determined that these commercial uses would result in substantial increases in traffic in the area, and as such, were neither compatible nor viable redevelopment options for the Quarry Site.

During the Town's review of the Zoning Text Amendment, members of the public also questioned whether the Quarry Site could be redeveloped for residential uses. Petitioner provided the Planning Board with a feasibility analysis of redeveloping the Quarry Site as both a six (6) lot single-family residential subdivision, as well as a fifty (50) unit multifamily development. Due to the costs associated with the reclamation and remediation of the Quarry Site, residential development is also not a realistic option. These site reclamation costs would require any residential development to achieve a high project density. As the number of residential multi-family units increase, so too would the magnitude of disturbance at the Quarry Site, and the impact upon the surrounding neighborhood. This would result in a redevelopment that is not compatible with the surrounding neighborhood.

Specifically, the Applicant submitted a conceptual layout for a 30-unit multi-family development at the Quarry Site. A development of this size would require significant excavation into the rock wall at the rear of the site. In addition, several units would be located very close to Lake Street. The Applicant's engineering and planning experts determined that increasing the density to a 50-unit multi-family development would exacerbate these impacts significantly. The Applicant's experts estimated that a residential development of this density would occupy between 70,000 and 80,000 square feet of the Quarry Site. Based upon the physical and environmental constraints of the Quarry Site it appears that a 50-unit multi-family development at the Quarry Site is not physically possible, at least without substantially more excavation into the rock wall than currently proposed by the Applicant in connection with developing the Facility. Even if developed, there would be no usable open or recreational space provided on-Site. Moreover, a residential development of this size would increase the school-aged population in the Town. Finally, the peak hour traffic generated by a 50-unit multi-family development would be almost identical to the peak hour traffic generated by the Applicant's proposed 160-unit Facility.

Based upon the data and expert analysis provided to the Planning Board and its professional staff and consultants, the Applicant's proposed Senior Living Facility would be the most "realistic" and best option to achieve the Town's planning goal set forth in the Comprehensive Plan to redevelop the Quarry Site with a "compatible and viable use." It would provide several benefits to the community, and serve the general welfare of the Town. The redevelopment would satisfy an identified demand in the Town to provide specialized housing for seniors seeking to age in place in their community, or in a community close to family members, as well as those requiring some assistance with activities of daily living. This housing would permit the Town's senior population to remain a stable part of the community, while generating limited traffic on area roadways, and no impact upon the Town's public school system. The redevelopment would also eliminate, and remediate, a long zoning non-compliant and incompatible use of the Quarry Site. It would also provide various fiscal benefits to the Town, including generating an estimated \$550,000 to \$600,000 in taxes annually.

Nor would adopting the Zoning Text Amendment constitute "spot zoning." Petitioner included in its Petition applicable case law from New York courts supporting this conclusion. The Town's Attorneys have confirmed the validity of this case law, as well as the Planning Board's conclusion. Illegal "spot zoning" occurs where zoning is enacted for the benefit of an individual property owner, rather than pursuant to a comprehensive plan for the general welfare of the community. The Town's comprehensive plan for the community is comprised of more than just the language

adopted in the Comprehensive Plan, but also includes all subsequent studies and other evidence of the Town's assessment of future land use polices. This would include the comprehensive assessment the Town Board and the Planning Board has undertaken in connection with this Action.

Many courts in New York recognize that enacting zoning laws to facilitate the development of specialized senior housing in a community, even if it affects only a single property within a municipality, serves a public benefit and does not constitute "spot zoning." Here, the Text Amendment does not apply to a single property. Several properties in the Town other than the Quarry Site could be developed with a Senior Living Facility if the Town were to adopt the proposed siting controls contained in the Zoning Text Amendment. This includes St. Joseph's / St. Vincent's hospital, as well as two (2) large properties currently operating as country clubs. Also, as explained above, developing a Senior Living Facility at the Quarry Site would provide several benefits to the community, and serve the general welfare of the Town. Accordingly, the Planning Board finds that concerns expressed by some members of the public that adopting the Zoning Text Amendment would constitute illegal "spot zoning" are unfounded.

Finally, several members of the public suggested that any amendment should maintain existing bulk, density and use controls for nursing homes and hotels, uses that have existed in the Town Zoning Code for several decades. The Planning Board finds that utilizing these existing zoning requirements to regulate the development of Senior Living Facilities would be inappropriate.

Independent and assisted living facilities represent a new model of senior housing focused on providing a range of services or amenities for residents, including a full calendar of educational, recreational, spiritual and well-being programming. These models accommodate those seniors seeking to age in place in their community, or in a community close to family members, as well as those requiring some assistance with activities of daily living. Likewise, this concept seeks to encourage senior living in or near residential areas. The goal is to maintain the community's residential character so that the residents and their families feel "at home."

These senior housing communities do not operate like a commercial hotel, an institutional "skilled nursing" home or any other use currently permitted under the Town's Zoning Code. Nursing homes provide medical care with "teams" of nurses, doctors and specialists performing services on-site. This requires space for specialized equipment, pharmacies and similar medical facilities. In addition, nursing homes generate far more traffic as the various professionals arrive and depart throughout the day to perform these services. Similarly, the inhabitants of a hotel are extremely transient, requiring far more controls on traffic and parking generation, such as density limitations. The Town, therefore, cannot rely on the density, bulk and lot area requirements calculated to address these high intensity uses. Utilizing these provisions would impede the Town's goal to facilitate modern "housing suited for senior citizen to ensure a housing type choice at every stage of its residents' life cycle." (Comprehensive Plan, at 22).

Therefore, the Planning Board finds that adopting the Zoning Text Amendment would be consistent with the Town's planning goals announced in the Comprehensive Plan, and further developed through subsequent planning initiatives, including the review of the subject Zoning Text Amendment and Project.

II. PROJECT IMPACTS AND THEIR MAGNITUDE

A) IMPACT ON LAND

Grading

Due to many years of mining and other industrial activities, the Quarry Site contains a tremendous amount of fill and construction debris. The Petitioner estimates that it would remove approximately 52,000 CY of fill and construction debris in connection with the stabilization and remediation of the Quarry Site. Prior to removal, this material will be segregated into appropriate waste streams, and disposed of in accordance with applicable all applicable local, state and federal regulations.

The Project requires approximately 84,000 CY of excavation and 32,000 CY of fill. This will result in a net of approximately 52,000 CY of material that will be removed from the Quarry Site. The applicant will be required to comply with all applicable provisions of the "New York State Department of Environmental Conservation's Standards and Specifications for Erosion and Sediment Control (Blue Book) dated August 2005."

Wetland and Watercourse Conditions

There is a 0.8 acre portion of the Quarry Site located on the eastern side of Lake Street. This portion of the Quarry Site is highly disturbed due to the clearing of trees and grading. It is currently utilized as a parking lot. A DEC regulated Class I freshwater wetland (G-6) and associated watercourse is located directly to the south and east of this portion of the Quarry Site. Currently, untreated stormwater flowing off of the highly disturbed surfaces on both sides of the Quarry Site discharges directly into this wetland and watercourse.

The Petitioner is proposing to redevelop this portion of the Quarry Site with landscaping and a stormwater infiltration basin ("Basin"). Runoff from the portion of the Quarry Site on the west side of Lake Street would be collected and discharged via existing and new underground pipes to the Basin. The Basin will treat the collected stormwater, allowing the collected water to infiltrate into the ground, and eventually flow into the Wetland. Any overflow from the Basin would be discharged into a 10 foot wide rip-rapped emergency overflow spillway. The rip-rap will slowly dissipate emergency overflow from larger storms and limit potential disposition of sediment into the wetland and watercourse.

The Planning Board's environmental and wetland expert has reviewed the Petitioner's above described plan, and has concluded that the redevelopment of the Quarry Site would not harm the wetland buffer, and would actually improve water quality entering the wetland.

Landscaping Plan

Due to decades of mining and other industrial activities, the Quarry Site has been cleared of most landscaping and cover vegetation. Petitioner presented photographs and other visual analyses, establishing that the appearance of the Quarry Site, particularly as one travels along Lake Street, is currently unattractive

and inconsistent with the surrounding neighborhood. This includes unobstructed views of large piles of construction debris, heavy machinery and other unsightly commercial/industrial structures on both sides of Lake Street.

The Applicant is proposing to redevelop the Quarry Site with extensive and attractive landscaping in connection with constructing the Facility. This includes new landscaping along the road frontage, as well as various gardens, seating areas and paths around the Facility. Maintaining these features is an important aspect of Petitioner's operation, as the landscaping provides recreational and aesthetic amenities for residents of the Facility to enjoy. The Applicant presented several visual analyses demonstrating how the Quarry Site would appear upon the installation of this landscaping. This included photo simulations, landscaping plans and the Video. Members of the public also provided renderings and models of the Quarry Site post-redevelopment.

Based upon these assessments, the Planning Board has determined that the extent and quality of the vegetation and landscaping on the Quarry Site would be improved significantly upon the implementation of Petitioner's landscaping plan in connection with the construction of the Facility.

To the extent that any other proposals to develop a Senior Living Facility would ever be presented to the Town as a result of the Zoning Text Amendment, a similar site-specific review process and development controls would be utilized. Based upon the empirical data and expert analyses in the Record, the Planning Board has determined that the Action would not result in any significant adverse impact to land resources in the Town.

B) IMPACT ON WATER

Soil, Stormwater and Erosion Control Plan

Petitioner submitted a Draft Stormwater Pollution Prevention Plan ("SWPPP") to describe the Project's pre and post-development stormwater management improvements and its sediment and erosion control improvements to be utilized during construction. The SWPPP establishes that the Applicant's proposed permanent improvements, and the interim improvements to be utilized during construction, have been designed in accordance with the requirements of the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit No. GP-0-15-002, effective January 29, 2015, and the Town's "Tier 3" Requirements contained in Chapter 130 "Stormwater Management and Erosion and Sediment Control" the Town Code. The SWPPP establishes that development of the Project will employ a variety of practices to enhance stormwater quality and reduce peak rates of runoff associated with the proposed improvements.

Based on the contents of the SWPPP, which have also been reviewed and confirmed by the Town's professional engineering consultants and staff, the Planning Board has determined that the proposed improvements will provide water quantity and quality enhancements which exceed the above mentioned requirements and are not anticipated to have any significant adverse flooding, water quality or erosion impacts to the Quarry Site, or any surrounding areas. A final SWPPP reflecting these enhancements will be prepared as part of Site Plan Review before the Planning Board, and its professional engineering consultants and staff.

To the extent that any other proposals to develop a Senior Living Facility would ever be presented to the Town as a result of the Zoning Text Amendment, a similar site-specific review process and development controls would be utilized. Based upon the empirical data and expert analyses in the Record, the Planning Board has determined that the Action would not result in any significant adverse impact upon water resources in the Village.

C) IMPACT ON AIR

The mining operation at the Quarry Site historically has produced substantial impacts to air quality. During the public hearing process, owners of adjacent properties provided photographs illustrating significant smoke emissions from trucks and other heavy machinery utilized at the Quarry Site in connection with the mining operation and storage of construction debris. The Action would substantially eliminate these sources of air pollution, as these former heavy industrial uses of the Quarry Site would be discontinued permanently.

The Action would result in a temporary impact to air quality as a result of the soil and rock slope excavation during the 12- to 18-month construction period. The possible impacts to the area have been deemed small to moderate. Rock blasting, if necessary, will be conducted in accordance with all applicable regulations, including the preparation of a Blasting Management Plan to be prepared by the blasting contractor to be approved by all agencies having jurisdiction.

To the extent that any other proposals to develop a Senior Living Facility would ever be presented to the Town as a result of the Zoning Text Amendment, a similar site-specific review process and development controls would be utilized. Based upon the empirical data and expert analyses in the Record, the Planning Board has determined that the Action would not result in any significant adverse impact to air resources in the Town.

D) IMPACT ON PLANTS AND ANIMALS

The Action will not affect any threatened or endangered species on the Quarry Site, or anywhere else in the Town. According to the NYSDEC Environmental Mapper, and New York State Natural Heritage Program, no threatened or endangered species of plant or animal life has been identified within the vicinity of the Quarry Site. The Planning Board and its professional staff also toured the Quarry Site, and noted the type of vegetation and potential habitat present at the Quarry Site. Other than a wooded portion of the Quarry Site located on the top of a rock slope, the Quarry Site is highly disturbed, and devoid of significant plant or animal habitat. Petitioner's plan would maintain the existing wooded area on the top of the rock slope.

To the extent that any other proposals to develop a Senior Living Facility would ever be presented to the Town as a result of the Zoning Text Amendment, a similar site-specific review process and development controls would be utilized. Based upon the empirical data and expert analyses in the Record, the Planning Board has determined that the Action would not result in any significant adverse impact to plant and animal resources in the Town.

E) IMPACT ON AGRICULTURAL LAND RESOURCES

The Action will not affect agricultural land resources in the Town. No such resources are located at the Site, or in the vicinity of the Site.

F) IMPACT ON AESTHETIC RESOURCES

The potential visual impact of redeveloping the Quarry Site with Petitioner's proposed four (4) story Facility was a main concern raised by the public during the review conducted by the Planning Board and the Town Board. Pursuant to the comments raised by the public, the Planning Board and its professional consultants evaluated post-development views of the Quarry Site from Lake Street, as well as from adjacent properties on top of the rock wall.

The Applicant presented the Video, demonstrating the views of the Facility from adjacent properties and Lake Street, such that allowing the Planning Board to evaluate the potential visual impact of the Project as well as the screening capabilities provided by the topography, open space and vegetation on and off the Site. This analysis incorporated existing and proposed vegetation. The Applicant also provided elevations and other details illustrating the architectural design and building materials of the Facility. The Applicant also provided the Exterior Elevation Study comparing the height of the proposed Facility to the height of the rock wall at the rear of the Quarry Site. At the Planning Board's request, the Applicant evaluating a three (3) story option for the Facility. The Planning Board also walked the Quarry Site and surrounding properties, including several properties located on top of the rock wall.

In addition to the above analyses, several neighbors residing on in the vicinity of the Quarry Site provided comments concerning the potential visual impact of redeveloping the Quarry Site with the Facility. This included presenting to the Town Board a physical model meant to illustrate views of the Facility from adjacent properties.

As a result of comments raised by the public and the Town, the Applicant modified its design for the Facility several times. This included lowering the highest point of the northern portion of the Facility by approximately 8.3 feet. This modification ensured that entire Facility would be located below the top of the rock wall. This modification, in connection with the Exterior Elevation Study, demonstrated that the top of the Facility would be well below the top of the rock slope (in some areas almost 40 feet below the top of the rock slope), and as such, would not block the existing viewsheds of the adjacent residential properties located on top of the rock slope.

With respect to views from Lake Street, the longstanding use of the Quarry Site for mining and similar industrial activities has created a very significant and prominent "eyesore" in this neighborhood. Discarded rock and a pile of construction and demolition debris approximately 50 feet high are extremely visible as one travels along Lake Street. In addition, previously vegetated slopes in the rear of the Quarry Site have been stripped of all topsoil, exposing only rock. In connection with the construction of the Facility, the Applicant would remove these piles, as well as reclaim with landscaping many of the uncovered slopes in the rear of the Quarry

Site. The Project would replace the existing view with an attractive landscape and building façade. While the Facility would be large, the “country barn” architecture would be appropriate for this residential neighborhood. In addition, the landscaping, gardens and pathways would provide visual breaks to the façade of the Facility.

The Planning Board has weighed the detail and accuracy of all of these visual assessments, and in consultation with the Planning Board’s professional planning consultants and staff, has determined that the Project would not result in any significant adverse impacts upon views from neighboring properties, or to the viewshed along Lake Street. As discussed in more detail under Subsection N below pertaining to Community Character, the Applicant’s proposed reclamation and redevelopment plan would improve significantly the appearance of the Quarry Site. An incompatible industrial operation would be replaced with a use consistent with the appearances of other residential structures in the neighborhood. While portions of the Facility could still be observed from various points in the vicinity of the Quarry Site, acceptable levels of privacy would be maintained for the residents of both the Facility and neighboring properties.

In addition, exterior lighting is proposed that will illuminate the Quarry Site and provide for safety. Shielded and directed light fixtures and a coordinated photometric illumination plan will assure that site lighting will remain focused on the Quarry Site, and will not spread beyond the Quarry Site boundaries.

To the extent that any other proposals to develop a Senior Living Facility would ever be presented to the Town as a result of the Zoning Text Amendment, a similar site-specific review process and development controls would be utilized. Based upon the empirical data and expert analyses in the Record, the Planning Board has determined that the Action would not result in any significant adverse impact to visual resources in the Town.

G) IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

The action will not affect any site or structure of historic, prehistoric or paleontological importance at the Site, or anywhere else in the Town.

H) IMPACT ON OPEN SPACE AND RECREATION

The Action will not affect any open space or recreational area in the vicinity. The existing open space and recreation areas in the Town are sufficient to accommodate the anticipated population increase associated with this Action. The Applicant is proposing to develop on-Site recreation space to meet the particular needs of the residents of its Facility. The Town would not need to devote its resources to developing additional amenities to accommodate this population.

I) IMPACT ON CRITICAL ENVIRONMENTAL AREAS

While the DEC Mapper includes the Quarry Site within Westchester County’s “County and State Park Lands” Critical Environmental Area (“CEA”), investigation of the boundaries of this CEA on the Westchester County website indicates that the Quarry Site is outside the boundaries of this CEA. This would be logical as the highly disturbed Quarry Site is not located within a County or State park, and does not contain any exceptional or unique environmental characteristics or resources. To

the extent that the Quarry Site is located within the County and State CEA, the reclamation, remediation and improvement of the land associated with the Project would only improve the environmental characteristics of the Quarry Site.

To the extent that any other proposals to develop a Senior Living Facility would ever be presented to the Town as a result of the Zoning Text Amendment, a similar site-specific review process and development controls would be utilized. Based upon the empirical data and expert analyses in the Record, the Planning Board has determined that the Action would not result in any significant adverse impact to a CEA in the Town.

J) IMPACT ON TRANSPORTATION

The Applicant submitted a Traffic Study, prepared by JMC, dated June 2, 2015, and updated on September 15, 2015 (collectively, the "Full Traffic Study"), evaluating the potential impact of the anticipated traffic demand generated by the Project. Traffic impact concerns were expressed by residents of the Town, particularly neighbors residing near to the Quarry Site. Based the opinion of the Planning Board's professional traffic consultant, as well as comments from the public, the Applicant was asked to evaluate whether the introduction of its proposed 160-unit Facility would: (i) increase peak hour traffic volumes at several intersections along Lake Street to unacceptable levels of delay; (ii) provide safe ingress/egress to the Quarry Site; (iii) result in unsafe travel conditions along Lake Street; and (iv) cause travelers to utilize Old Lake Street as a "cut-thru" route to avoid the Quarry Site.

The following conclusions are included in the Full Traffic Study:

1. TRAFFIC VOLUMES

In order to determine existing conditions in the vicinity of the Site, manual traffic counts were conducted at the following intersections ("Key Intersections"): (i) Lake Street and Old Lake Street; (ii) Lake Street and proposed Quarry Site Driveway A ("Driveway A"); (iii) Lake Street and proposed Quarry Site Driveway B ("Driveway B"); Lake Street and proposed Quarry Site Driveway C ("Driveway C"); and (iv) Lake Street and Barnes Lane.

Old Lake Street intersects with Lake Street as an unsignalized intersection. Both Lake Street approaches provide an 11 foot wide lane for shared thru/turning movements. Old Lake Street provides one 12 foot wide lane for left/right turn movements at an approximate downgrade of 2%. All the proposed site driveways will intersect with Lake Street as an unsignalized, 'T' type intersection.

The intersection of Lake Street and Barnes Lane is a triangular shaped stop-controlled intersection. Barnes Lane splits into two legs providing one 11 foot wide travel lane in each direction. Both legs of Barnes Lane are stop controlled with their intersection with Lake Street. Lake Street provides an 11 foot wide travel lane in each direction with shared turning movements. The Barnes Lane approach is on an upgrade of approximately 4%. All approaches into the Key Intersection are at relatively level grade.

The Town's traffic consultant, Maser, concurred with JMC's use of the Key Intersections to evaluate in the Traffic Study. Maser also questioned whether the unsignalized intersection at Lake Street and Highridge Road to the south of the Quarry Site should also be included in the Traffic Study. Maser concluded, however, that based upon the data provided in the Traffic Report concerning existing conditions and anticipated future conditions this intersection would not be significantly impacted by the Project. As a result, including the Lake Street / Highridge Road intersection in the Traffic Report was not necessary.

JMC performed manual traffic counts at the Key Intersections in order to quantify and analyze existing peak hour volumes as well as to establish base conditions for projecting future operations. The counts included pedestrian activities and truck traffic. Traffic counts were conducted at the existing intersections from 7:00 – 9:00 AM and from 4:00 – 6:00 PM on Wednesday, March 11, 2015. The peak hour volumes occurred between 8:00 – 9:00 AM during the weekday morning and between 5:00 – 6:00 PM during weekday afternoon.

In order to determine existing operating conditions, the Key Intersections were analyzed based on the methodologies of the 2010 Highway Capacity Manual. The Levels of Service (LOS) for Two Way Stop Control (TWSC) and All Way Stop Control (AWSC) intersections are determined by the computed or measured control delay and are defined for each minor movement.

The intersection capacity analyses based on existing volumes and conditions are shown on Tables 2 and 3 in Appendix A of the Traffic Report. This data established that currently all Key Intersections operate within capacity and operate at a LOS B or A during the peak weekday morning and afternoon hours.

In order to reflect potential traffic increases to the 2017 design year irrespective of the Project (i.e., the "No Build Volumes"), a general growth rate of 2% per year was applied to the existing volumes. Maser concurred with this assumption. No other developments were considered in this study. Nor was the potential reactivation of the former quarry operation at the Quarry Site considered. The No Build Volumes analysis indicated that the Key Intersections would operate at the same levels of service as under existing conditions.

The projected traffic associated with the redevelopment of the Quarry Site with the Applicant's proposed Facility was based on information published by the Institute of Transportation Engineers (ITE) in its publication Trip Generation, 9th Edition. As confirmed by Maser, traffic volumes generated by age-restricted independent living units and assisted living facilities are typically very low compared to other types of residential facilities, and are also out of phase with the peak hours of the surrounding roadways. Most of the residents in age-restricted developments do not commute to work and many residents do not own a vehicle. Few if any residents of the assisted living component of the site will own vehicles and visitor traffic volumes are typically low. Work shifts at assisted living facilities vary throughout the day.

Site generated traffic is relatively low even during the primary shift changes, which typically occur at 7:00 AM, 3:00 PM and 11:00 PM.

Accordingly, a total of approximately 12 entering and 16 exiting vehicular trips are anticipated during the peak weekday AM hour and approximately 19 entering and 20 exiting vehicular trips during the peak weekday PM hour. As a result, the Key Intersections under build conditions will operate at the same LOS as under existing conditions during both studied peak hours. The proposed Quarry Site driveways will also operate at a LOS B during both studied hours.

Upon reviewing this information, Maser requested that the Applicant perform a "sensitivity analysis" at the Key Intersections, which increases the assumed peak hour traffic generated by the Project by approximately 60% to account for visitor and employee trips to the Quarry Site. JMC subsequently performed the requested sensitivity analysis. The results of this analysis indicated that no change in LOS would occur at the Key Intersections.

Based upon this empirical data, and the opinion of its professional traffic expert, the Planning Board concludes that the Project would not result in any potentially significant adverse traffic impacts upon the neighborhood surrounding the Quarry Site.

2. QUARRY SITE ACCESS

All the proposed site driveways will intersect with Lake Street as an unsignalized, 'T' type intersection. Lake Street provides an 11 foot wide travel lane in each direction with shared turning movements at Driveway B and C. The southern driveway (Driveway A) will provide a 15 foot wide exit only lane. The central (Driveway B) and northern (Driveway C) driveways will provide a 12.5 foot wide egress lane as well as 12.5 foot wide ingress lane. All approaches are relatively level.

Pursuant to the recommendation of Maser, the Applicant will limit the use of Driveway A for emergency access only. Normal traffic entering and exiting the Quarry Site would use Driveways B and C.

Lake Street has a posted speed of 40 miles per hour. According to Maser, the 85th percentile speed for Lake Street is 45 miles per hour. Based upon the AASTHO Design Manual, "A policy on Geometric Design of Highways and Street, 6th Edition," the minimum intersection sight distance for the Driveways looking left should be 430 feet. The minimum intersection sight distance for the Driveways looking right should be 500 feet. The Applicant provided a table summarizing field measurements conducted by JMC, indicating that at Driveway B, a sight distance of 600 feet would be provided in both directions. At Driveway C, a sight distance of 560 feet would be provided looking left, and 530 feet looking right. These sight distances are also well above the stopping site distances required under AASTHO standards.

With respect to emergency vehicle access, JMC provided a Fire Access Maneuvering Plan, dated June 22, 2015, illustrating that Driveways B and C provide sufficient egress/ingress to accommodate a typical 48.25 foot long ladder truck. This plan also demonstrated that a truck of this size would have sufficient room to maneuver on the proposed driveway on the Quarry Site, as well as access all portions of the building.

3. TRAVEL CONDITIONS ON LAKE STREET

During various public hearings, members of the public raised concerns about the safety of vehicles traveling on Lake Street. In particular, concerns were raised about the speed of travel. The Applicant was directed to collect accident data from the Town for the latest three (3) year period within the vicinity of the Quarry Site. This data indicates that only one (1) accident has occurred during this period, involving a vehicle traveling along Lake Street hitting a parked car located on the shoulder adjacent to 655 Lake Street.

Although this data does not indicate that current conditions on Lake Street present dangerous conditions, or that the addition of the Facility would result in unsafe conditions warranting mitigation, the Applicant is proposing to implement traffic calming measures on Lake Street. This would consist of installing two (2) radar speed signs along Lake Street. These devices would notify drivers if their speed exceeds the posted 40 mile per hour speed limit. The Planning Board has concluded that this measure would be a benefit of the Action, and although not necessary to mitigate any identified impact of the Project, should be included in the final project design.

4. USE OF OLD LAKE STREET AS A "CUT THRU" ROUTE

Members of the public also questioned whether as a result of the Project, drivers currently utilizing Lake Street would start using Old Lake Street as a means to avoid the Quarry Site. The Planning Board notes that Old Lake Street has a lower speed limit than Lake Street. Old Lake Street also contains an all-way stop intersection and relatively steep road grades. Even with the addition of traffic calming measures on Lake Street, the road characteristics of Old Lake Street would still result in longer total travel times through the area surrounding the Quarry Site. As such, it is not anticipated that vehicular trips would increase significantly on Old Lake Street as a result of the Project.

5. PARKING

A total of 105 parking spaces are proposed for the 160 proposed units, which equates to a ratio of .65 spaces per unit. The proposed parking ratio of .65 spaces per unit is far above the ITE's suggested parking ratio for senior living facilities. The ITE suggests that 0.41 spaces per unit be provided for such facilities. The 0.65 spaces per unit ratio is also far above the suggested ratio published in the Urban Land Institute guidance document, "The Dimensions of Parking" Fifth Edition (2010). The Urban Land Institute suggest senior living facilities require only 0.35 spaces per unit.

Accordingly, the Planning Board has determined that the Applicant's proposal to provide 105 parking spaces on-Site would be more than sufficient, and the Project would not result in any significant adverse impacts to area parking conditions.

To the extent that any other proposals to develop a Senior Living Facility would ever be presented to the Town as a result of the Zoning Text Amendment, a similar site-specific review process and development controls would be utilized. Based upon the empirical data and expert analyses in the Record, the Planning Board has determined that the Action would not result in any significant adverse traffic or parking impacts in the Town.

K) IMPACT ON ENERGY

The Action would not result in any anticipated negative effects upon the Town's sources of fuel or energy supply.

In addition, the Town does not anticipate that the Action would result in any significant adverse impacts upon energy consumption within the Town. The Applicant seeks to implement several "green development" strategies, and endeavors to construct a building that will promote energy efficiency, water efficiency, healthy buildings, and the conservation of natural resources, while making connections to the building, the larger community, and the natural environment.

Utilities

The Quarry Site is fully served by municipal infrastructure resources. The Facility will tie directly into the existing sanitary sewer line that runs through the property. New water laterals will connect into the municipal water system located in Lake Street, adjacent to the Quarry Site. Electric and telephone services will be brought into the new building via an underground connection to the utility lines. The Applicant has demonstrated that there is a public delivery system for bringing in potable water, which is sufficient. All proposed structures, equipment and material are adequate and readily accessible for the protection of the buildings and its future inhabitants from fire. The type and volume of refuse and sewage that can reasonably be anticipated to be generated by the residential building will be handled safely and adequately. Exterior lighting is proposed that will illuminate the Quarry Site and provide for safety. Shielded and directed light fixtures and a coordinated photometric illumination plan will assure that site lighting will remain focused on the Quarry Site, and will not spread beyond the site boundaries.

The Westchester County Planning Board recommended that increased sewage flows from the site into the County sewer system should be offset through inflow and infiltration (I&I) mitigation. Further details of this I&I mitigation will be addressed during the Site Plan/Subdivision review process.

To the extent that any other proposals to develop a Senior Living Facility would ever be presented to the Town as a result of the Zoning Text Amendment, a similar site-specific review process and development controls would be utilized. Based upon the empirical data and expert analyses in the Record, the Planning Board has determined that the Action would not result in any significant adverse impact to energy resources in the Town.

L) NOISE AND ODOR IMPACT

The public raised concerns regarding whether the operation of the Facility would result in significant adverse noise or odor impacts to nearby residences.

Odor

With respect to odor, members of the public questioned whether the roof exhaust from kitchen operations at the Facility would reach adjacent properties at the top of the rock slope. Several residences testified to odor impacts occurring from existing industrial operations at the Quarry Site, due to unfiltered exhaust from trucks and other heavy machinery.

This existing condition causing odor impacts to adjacent properties would be eliminated if the Project were approved. Instead, the only potential source of odor at the Quarry Site would be the operation of the kitchen serving meals to residents of the Facility. The Applicant provided a letter, dated July 14, 2015, prepared by the Applicant's food service provider, Clark Food Service Equipment, indicating that odor levels from its operations are minimized through the use of a "CaptiveAire kitchen exhaust system." The filter utilized in this system extracts more than 90% of the grease above seven microns in size. The remaining grease particles would be discharged through a fan located at least 100 feet from the property boundary, and almost 200 feet from the nearest residence. Clark Food Service concluded that any odor remaining in this discharge would dissipate before reaching any neighboring property. The Applicant also provided a "Captrate Solo Filters Chart Data" and Odor Dissipation Figure supporting this conclusion. The Applicant operates dozens of similar facilities. The Applicant explained that by implementing these and similar measures, it has never had an odor issue at any facility.

This information indicates that adjacent properties would not experience significant adverse impacts as a result of odors generated at the Facility by the operation of a large-scale kitchen for its residents.

Noise

With respect to concerns about the noise levels emanating from mechanicals on the roof of the Facility, the Applicant provided an "Equipment Sound Impact Analysis," prepared by Cavanaugh Tocci Associates, Incorporated ("CTA"), dated 09/15/2015. This Study evaluated the dBA sound levels generated by equipment similar in design and capacity to be utilized in connection with the Facility. CTA concluded that the "worst case" noise levels emanating from the daily use of mechanical equipment on the roof would not exceed the Town of Harrison maximum allowable decibel reading of 55 dBA. As a precaution, CTA recommended that the Applicant employ a "more stringent" design standard than the Town Noise Code. Additionally, the monthly testing of the emergency generator would not exceed the 55 dBA limit imposed by the Town. CTA also compared the proposed noise conditions to the noise levels generated by the existing quarry use. CTA concluded that the proposed conditions are expected to be 17 to 31 dBA lower than the noise levels which could be produced by the existing industrial uses of the Quarry Site during daytime hours.

There will be temporary minor noise impacts associated with the construction of the proposed Project. All construction-related activity during the 12- to 18-month construction period, including rock removal, will be conducted in accordance with all applicable regulations, including the Town's Noise Ordinance.

To the extent that any other proposals to develop a Senior Living Facility would ever be presented to the Town as a result of the Zoning Text Amendment, a similar site-specific review process and development controls would be utilized. Based upon the empirical data and expert analyses in the Record, the Planning Board has determined that the Action would not result in any significant adverse noise or odor impacts in the Town.

M) IMPACT ON PUBLIC HEALTH

There is no anticipated affect upon public health and safety, as there is no significant risk of releases of hazardous or solid wastes or similar substances.

N) IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

As discussed in previous subsections, and throughout this document, the Planning Board has evaluated at length the potential impact this Action could have upon the characteristics that encompass the character of the Town community. The Planning Board paid particular attention to the character of the single-family neighborhood surrounding the Quarry Site. It also weighed the difference between the compatibility of the existing use of the Quarry Site with the Applicant's redevelopment plan. The Planning Board assessed, *inter alia*, the potential visual, architectural, noise, odor, economic, traffic, water quantity and quality impacts to these neighborhoods adjacent to the Quarry Site. This included holding numerous public meetings with residents to assess whether the Project could be developed in a manner that is consistent with this neighborhood. It included visits to this neighborhood, as well as the Quarry Site.

With respect to the demand on community resources, the Action would not result in any significant adverse impacts. The population of the Applicant's Facility is not anticipated to utilize the Town public school resources.

In addition to the above mentioned impact analyses, the Planning Board evaluated the potential positive impacts the Project would provide the Town, including expanding its fiscal, housing and social resources for the community. As discussed above, the Action would address an identified housing need for the senior population in the Town. It would provide approximately \$550,000 to \$600,000 in tax revenue.

These benefits would off-set any potential increased demand on the Town's resources. Such demand would be limited as the residents of the Facility would not add children to local public schools, and would likely rely on on-Site recreational amenities and programming. In contrast, a significant portion of the revenue generated from this Facility could be used by the local public school system.

As to emergency services, the Planning Board has determined that the Facility can be developed in a manner that is consistent with the public health, safety and welfare. The Town Fire Department and the Town Building Inspector have reviewed

the Applicant's site plan and floor plans for the Facility. All construction would comply with the New York State Fire Code. The Applicant has implemented several modifications to the site plan so as to accommodate emergency vehicle access and around the entire Facility. The Applicant's analysis of turning movements confirms that emergency vehicles will be able to access the site with minimal disruption to traffic.

With respect to property values, the Applicant provided the expert testimony and written report of Hudson Property Advisors, LLC ("Hudson"), a New York State Certified General Real Estate Appraiser. Hudson performed an empirical assessment of the potential impact the development of a senior living facility may have on adjacent residential property values, by studying the relationship between sales in development directly adjacent to the Atria Rye Brook facility in Rye Brook, New York. This study area was selected because the homes in the development shared similar architecture, quality of construction and proximity to schools, commercial uses and commuter resources. This general homogeneity permitted Hudson to isolate as best as possible the proximal "impact" of the Atria facility upon the sale prices of homes closest and farthest away from the facility. Hudson's detailed expert report tracked the sales in the subject development for a fourteen (14) year period, and found that the homes directly adjacent to the Atria facility deviated from the average sale price by 1.6%, and the median sale price by 4.2%. Similarly, the homes on the opposite side of the street from the Atria facility deviated by 3.0% from the average sale price in the development, and 3.6% from the median sales price in the development. Based upon this empirical data, it was Hudson's expert opinion that there would not be a significant adverse impact to the value of the single-family and multi-family properties adjacent to the Quarry Site if the Project were constructed.

Based upon this comprehensive assessment, the Planning Board has concluded that the Facility as proposed by the Applicant can be constructed and operated at the Site in a manner that would not result in a significant adverse impact to the character and quality of the neighborhoods surrounding the Site. It has also concluded that there are numerous beneficial impacts to the community associated with the Action.

To the extent that any other proposals to develop a Senior Living Facility would ever be presented to the Town as a result of the Zoning Text Amendment, a similar site-specific review process and development controls would be utilized. Based upon the empirical data and expert analyses in the Record, the Planning Board has determined that the Action would not result in any significant adverse impacts to the growth and character of community or the neighborhoods in the vicinity of the Quarry Site.

ENVIRONMENTAL FINDING:

The Planning Board with the assistance of its staff and professional legal, planning, environmental, traffic and engineering consultants, has conducted its own independent review and analysis of the information provided and the potential environmental effects from the proposed Action, including the Zoning Text Amendment and the

redevelopment plans for the Applicant's proposed Facility at the Quarry Site. It has reviewed a revised Part 1 of the long Environmental Assessment Form (EAF), prepared by the Applicant and its consultants. It has conducted a Site Inspection on May 5, 2015, and held a public hearing on September 29, 2015.

The Planning Board has also incorporated into its Record the comments and correspondence the Town Board received during the public hearing on the Zoning Text Amendment commencing on January 28, 2016, and lasting through February 29, 2016.

The Planning Board has completed a careful and thorough review of the identified areas on the Environmental Assessment Form. Based upon all of the information generated for the proposed project and its own careful and thorough independent review and public discussion of the potential environmental effects, the Planning Board has determined that the potential small and larger impacts outlined in Part 2 of the EAF, individually as well as cumulatively, will not be significantly adverse.

Although the Action is classified as a Type I, there is only a presumption that an Environmental Impact Statement ("EIS") is required. Where, as here, the Record contains a well-documented basis to conclude that no significant adverse environmental impacts would occur if the Action is approved, the issuance of a Negative Declaration is justified. In this instance, the Town conducted a comprehensive evaluation of all potential environmental impacts associated with the Action, including holding several public hearings where the public could identify potential areas of concern to evaluate. As discussed in detail above, this included, *inter alia*, concerns regarding consistency with the Comprehensive Plan, potential "spot zoning," as well as impacts associated with traffic, fire safety, viewsheds, bulk, setbacks, noise, odor, and property values. The Applicant produced volumes of reports, analyses and plans, containing empirical data, expert opinion and other objective bases, allowing the Planning Board to evaluate these areas of potential concern. Members of the public also submitted materials to assist the Planning Board in this endeavor. The Planning Board, with the assistance of its professional staff and expert consultants, took a "hard look" at this Record, and has determined that it has all of the technical information it requires to reach a determination concerning the potential impact of this Action on the environment in accordance with its duties as Lead Agency under SEQRA.

As a result of their review of this Record, the Planning Board has determined that a Negative Declaration is warranted. The Action will not have a significant effect on the environment and that any effect will be mitigated to the greatest extent practicable, and, therefore, the preparation of an EIS is not required.