May 16, 2018

By Hand Delivery

Hon. Paul Feiner
Supervisor of the Town of Greenburgh
And Members of the Town Council
And Members of the Planning Board
Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607

Re: Elmwood Preserve
Ridgewood Elmwood Owner, LLC
850 Dobbs Ferry Road, Greenburgh, NY
PUD Zoning Map Amendment For Age-Restricted Housing

Dear Supervisor Feiner and Members of the Town Council and Planning Board:

As you know, we represent Ridgewood Elmwood Owner, LLC (“Ridgewood”) in connection with the Elmwood Preserve re-development project located at 850 Dobbs Ferry Road, Greenburgh, NY 10523 (the “Property”). On April 17, 2018, Ridgewood submitted a Verified Petition for Zoning Map Amendment (the “Petition”) in connection with its proposed development of approximately 175 age-restricted, multi-family townhomes, for buyers aged 55 and older, together with substantial preservation and protection of open space, combined with a well amenitized common area for active adult purchasers of these condominium units (the “Project”).

As we stated in our April 16, 2018 submission letter, the Petition requests and amendment of the Zoning Map so that the entire Property would be re-zoned to the R-20 district and then converted to a PUD Planned Unit Development District (referred to hereafter as “Rezoning” or “Rezoning the Property”). Currently, the Property is split-zoned, with 20.4 acres of land in the R-20 district and 86.4 acres of land in the R-30 district. As to the zoning districts
surrounding the Property, there is an R-20 district located adjacent to and west of the Property. The proposed R-20 zoning is less dense than the zoning of the neighborhood immediately to the north of the Property, which is zoned R-10. The Town of Greenburgh Comprehensive Plan also proposes rezoning the area to the east of the Property to an R-20 district. Accordingly, the density proposed as a part of this application is consistent with the density of the surrounding neighborhood, and the pattern of development in other PUDs in the Town.

We further submit that the proposed Petition and Project are fully consistent with the surrounding land uses. As is detailed more fully in the Petition, implementing a PUD will enable Elmwood Preserve to maintain a vegetated buffer of greater than 200 feet from all existing residential development. Moreover, as calculated by JMC Site Development Consultants, LLC, restricting buyers to ages 55 and over will result in significantly less traffic during peak hours than would the development of an as-of-right single-family development on the Property. Since Elmwood Preserve will have legally enforceable age restrictions for this development community, no schoolchildren will reside on the Property, meaning that the tax revenue generated by the Project will provide a clear fiscal benefit to both the Greenburgh and Elmsford school districts. Overall, Elmwood Preserve will create a number of meaningful benefits to the Town and help provide housing to an underserved segment of the local population, all in satisfaction of the Town of Greenburgh Comprehensive Plan.

We understand that members of your Town Council remain concerned about the enforcement mechanism for the proposed age restrictions. The enforceability of the proposed age restriction is a key aspect of Elmwood Preserve, which will enable development of Elmwood Preserve without the addition of school children or traffic associated with single family homes. Accordingly, we are pleased to submit additional materials in support of the Petition with this letter, which provide greater detail with regard to the legality and enforceability of the proposed age restriction. In particular, Ridgewood proposes a restriction that will not allow anyone under the age of nineteen (19) years of age to occupy a unit on the Property for more than (120) days per year.\footnote{The 120 day duration enables college-aged individuals to lawfully reside at home during school breaks.}

In particular, please find twenty (20) sets of the following materials in support of this Petition:

(1) Memorandum Concerning Active Adult Housing ("Memorandum"), prepared by Zarin & Steinmetz, dated May 16, 2018; and

(2) Draft Section of Declaration of Covenants, Conditions, and Restrictions for the Project ("Draft Section"), prepared by Zarin & Steinmetz.

The language that appears in the Draft Section may not be the language in a final Declaration of Covenants, Conditions, and Restrictions, but it is an accurate representation of the
type of language that would typically be included in a final Declaration of Covenants, Conditions,
and Restrictions. In fact, this Draft Section is predicated upon another very similar project. The
Memorandum provides the basis for the legality of the Draft Section and any final Declaration of
Covenants, Conditions, and Restrictions. It also supports the notion that failure to comply with
these restrictions can result in a forfeiture of rights — or eviction.

In addition to the above, please find twenty (20) sets of the following materials in support of this Petition:

(1) Original Cover Letter, dated April 16, 2018;

(2) Verified Petition for Zoning Text Amendment, dated April 16, 2018;

(3) Full Environmental Assessment Form, Part 1, prepared by JMC, PLLC and dated April 16, 2018;

(4) Traffic Study, dated 04/05/2018;

(5) JMC, PLLC Rendering of the Project;

(6) JMC, PLLC Rendering of the 119-Unit Single Family Subdivision Plan; and

(7) JMC, PLLC Drawings:

<table>
<thead>
<tr>
<th>Dwg. No.</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUD-1</td>
<td>“Existing Land Use Map”</td>
</tr>
<tr>
<td>PUD-2</td>
<td>“Existing Conditions and Slope Analysis Map”</td>
</tr>
<tr>
<td>PUD-3</td>
<td>“Density Unit Calculation Plan”</td>
</tr>
<tr>
<td>PUD-4</td>
<td>“Conceptual Site Layout Plan”</td>
</tr>
<tr>
<td>PUD-5</td>
<td>“Conceptual Site Grading Plan”</td>
</tr>
<tr>
<td>PUD-6</td>
<td>“Conceptual Site Utilities Plan”</td>
</tr>
<tr>
<td>PUD-7</td>
<td>“Conceptual Site Open Space Plan”</td>
</tr>
</tbody>
</table>

The Application, Legal, and Escrow fees, were paid at the time the Petition was submitted to the Town on April 17, 2018. At this time, we respectfully request that the Council initiate review of the Petition, circulate a letter of intent for the Council to serve as Lead Agency, refer the Petition to the Planning Board and staff pursuant to Section 285-64 of the Greenburgh Zoning Ordinance, and to refer the Petition to the Westchester County Department of Planning pursuant to Section 239-m of the New York General Municipal Law.
We request placement on your May 23rd agenda for the above referrals. If you have any questions, please do not hesitate to contact us.

Respectfully submitted,

ZARIN & STEINMETZ

By:  

David S. Steinmetz  
Zachary R. Mintz

cc:  
Hon. Judith Beville  
Garrett Duquesne, AICP  
Mr. Aaron Schmidt  
Tim Lewis, Esq.  
David Fried, Esq.  
Mr. Jonathan Grebow  
Mr. Brett Owings  
James A. Ryan, RLA
To: Timothy Lewis, Esq., Town Attorney
From: Zarin & Steinmetz
Re: Active Adult Communities
Date: May 16, 2018

This Memorandum discusses the laws applicable to active adult developments (55 and older) and the mechanisms available to enforce occupancy restrictions within these communities.

In summary, occupancy restrictions in active adult communities may be enforced pursuant to federal and state housing laws by the Department of Housing and Urban Development ("HUD"), the New York State Civil Rights Bureau, as well as persons aggrieved by discriminatory conduct. In addition, recorded declarations of covenants and restrictions and requirements set forth in condominium offering plans, which define occupancy to include at least one person over the age of 55, may be enforced by homeowner associations and municipalities, as set forth below.

1. Federal and State Housing Laws

A. The Fair Housing Act (FHA), the Fair Housing Act Amendments (FHAA), and the Housing for Older Persons Act (HOPA)

As originally enacted, the Fair Housing Act, also known as Title VIII of the Civil Rights Act of 1968, 42 USC § 3601 ("FHA") prohibited discrimination in the sale or rental of dwellings on the basis of race, color, religion, sex or national origin.

In 1988, Congress amended the FHA and prohibited housing discrimination on account of "familial status" (See FHAA, Pub.L. No. 100–430, 102 Stat. 1619). "Familial status" means one or more individuals (who have not attained the age of 18) being domiciled with a parent or other person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody, with written permission of such parent or other person (42 USC § 3602[k]). As amended by the FHAA, the FHA broadly prohibited discrimination against families with children in connection with the sale and rental of housing (see 42 USC §§ 3604(a)-(c), 3605, 3606, 3617, 3631.1). This amendment called into question the validity of age-restrictive covenants.1

Congress amended the FHA again to address the belief that not every instance in which children are excluded constitutes a discriminatory practice and that many seniors may prefer to live in retirement communities without children. Thus, in 1995, Congress passed the Housing for Older Persons Act (HOPA) (see 42 USC § 3607[b][2][c]). HOPA applies as an exception to the familial status discrimination provisions of the FHAA in housing for older persons. Under the FHA, as amended by the FHAA and HOPA, housing qualifies for the 55 or older familial exemption when it is "intended and operated for occupancy by persons 55 years of age or older" and three (3) requirements are satisfied:

(i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;
(ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and
(iii) the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall—
   (I) provide for verification by reliable surveys and affidavits; and
   (II) include examples of the type(s) of policies and procedures relevant to a determination of compliance with the requirement of clause (ii).

B. New York’s Executive Law

New York’s Executive Law contains provisions prohibiting housing discrimination similar to those in the FHA, as amended. See N.Y. Exec. Law 296(5)(a) (“In determining whether housing is intended and operated for occupancy by person fifty-five of age or older, Sec. 807(b)(2)(c), 42. U.S.C. 3607(b)(2)(c) of the Fair Housing Act of 1988, as amended, shall apply.”)

C. Enforcement

The 80/20 ratio is a minimum requirement under HOPA, and any number below this ratio (i.e., fewer than 80% age restricted units) constitutes an immediate FHA violation and disqualification from HOPA. Failure to comply with the requirements of HOPA may subject the housing community to a complaint for violation of HOPA and/or a discrimination claim filed by HUD, the New York’s Attorney General’s Office or an aggrieved person. Accordingly, it is in a housing community’s best interest to strictly control and maintain the 80/20 requirement. In one community, for example, the offering plan identified the specific units within the 20% buffer as "non-age-restricted homes."

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2 HUD has issued HOPA rules and requirements for verification of occupancy. 24 C.F.R. §100.304 et seq.

3 An aggrieved person is any person who has been injured by a discriminatory housing practice or believes that such person will be injured by a discriminatory housing practice that is supposed to occur. 42 U.S.C. § 3602(i).
2. Declarations of Covenants and Restrictions

Intent to provide housing for persons age 55 and older can be established by including the HOPA requirements in a community’s declaration of covenants and restrictions. Declarations of covenants and restrictions typically provide that it is the responsibility of the homeowners association or condominium board to enforce the covenants and restrictions, and that the municipality has the right to do so should the association fail to fulfill its obligation.

As long as the community meets the 80% occupancy requirement and complies with the HUD verification through reliable surveys and affidavits, the community is free to define “occupancy” as it prefers, including the ability of children to spend time in the community. For example, one community defined occupancy to include staying overnight for at least 90 days in a 12-month period, which would allow grandchildren of residents to stay for the summer. Another community limited occupancy of eighty (80%) percent of homes in the development to individuals 55 years or age or older, except for the following: “children and grandchildren residing with their parents or grandparents where one (1) of said parents or grandparents with whom the child or children or grandchild or grandchildren is/are residing is fifty-five (55) years of age or older, provided that said child or children or grandchild or grandchildren are over the age of nineteen (19) years.” This type of restriction enables college-aged students and/or adult children who are no longer using the community’s school system to reside in the development with their parents or grandparents.

Residents who buy in an age-restricted community, do so with the knowledge and acceptance of the declaration of restrictive covenants and restrictions set forth in a condominium offering plan. Homeowners associations, moreover, have the power to enforce declarations of covenants and restrictions and offering plans.

In one recent case, a woman under the age of 55 owned a home as a joint tenant with her mother, who was older than 55. After her mother’s death, the plaintiff sought to restrain the home owners association from enforcing the 55 and older age requirement. The court denied plaintiff’s request to strike the association’s affirmative defense that the plaintiff purchased the home with knowledge of the age restriction. The court relied upon the declaration of covenants and restrictions, condominium offering plan, and purchase agreement, which established that plaintiff knew at the time of purchase that occupancy was limited to at least one person who is 55 or older. The court further noted that the plaintiff specifically agreed to be bound by the offering plan in the purchase agreement and was therefore subject to a court order compelling the property owner to vacate the premises for a violation of the covenant. Yustin v. Saddle Lakes Home Owners Association, Inc., 53 Misc.3d 1212(A) (Sup. Ct. Suffolk Co. 2016); see also Westmoreland Assn. v. West Cutter Estates, 174 A.D.2d 144, 151, 579 N.Y.S.2d 413 (2d Dept. 1992); Lefferts Manor Assn. v. Fass, 28 Misc.2d 1005, 1007 (1960) (holding that where restrictive covenant is imposed in furtherance of a general plan for the development of an area, “each owner may invoke the aid of equity to enforce observance of the covenant”).
The Heritage Hills Experience

Many people in Westchester County associate active adult living with Heritage Hills in Somers, New York. Heritage Hills was developed in the late 1970's and when completed, included over 2,000 residential units on 1,100 acres of land. Contrary to folk lore, Heritage Hills is not an example of an age restricted community, which suddenly and arbitrarily extinguished the age restriction contained in its deeds.

The initial deeds conveying homes in Heritage Hills contained restrictions that limited occupancy to: (i) persons of the age of forty (40) years or older; (ii) a husband or wife, regardless of age, residing with his or her spouse, provided the spouse is of the age forty (40) or older; or (iii) children residing with a permissible occupant, provided the children are eighteen (18) or older.

With the adoption of FHAA in 1988 and prohibition on discrimination based upon familial status, the legality of the Heritage Hills deed restrictions was called into question. Enactment of FHAA constituted a changed condition which rendered the Heritage Hill age restriction incapable of accomplishment. See N.Y. RPAPL § 1951(1) (restrictive covenants will not be enforced where enforcement will not be of any actual or substantial benefit to the person seeking its enforcement, either because the purpose of the restriction has been accomplished, or by reason of changed conditions or other cause, its purpose is not capable of accomplishment).

According to the attorneys representing Heritage Hills at that time, Heritage Hills had to either come into compliance with FHAA or eliminate the invalid deed restrictions. Heritage Hills elected to eliminate the restrictions on occupancy. Indeed, similar age-restrictions which pre-existed the enactment of FHAA and discriminated based on familial status were struck down as invalid. See Westwood Community Two Ass’n v. Lewis, 687 So.2d 296 (Fla. Dist. Ct. App. 1997)(per curiam).

The belief that an active adult community may suddenly and arbitrarily extinguish occupancy restrictions designed to comply with HOPA’s 80/20 rule, and which establish the requisite intent to provide housing for persons 55 and older through recorded declarations of covenants and restrictions that run with the land, is completely unfounded. Such notions find no support in the Heritage Hills example, or under the law which authorizes enforcement of occupancy restrictions by governmental agencies, municipalities, home owners associations, and aggrieved persons. Moreover, if an age-restricted project were to convert to non-age restricted, it would need to go through the requisite SEQRA process.
DECLARATION

OF COVENANTS, CONDITIONS, AND

RESTRICTIONS FOR

THE ELMWOOD PRESERVE

Prepared by and after recording
return to:

______________________________
DAVID S. STEINMETZ, ESQ.
ZARIN & STEINMETZ
81 Main Street, Suite 415
White Plains, New York 10601
(914) 682-7800
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
ELMWOOD PRESERVE

TABLE OF CONTENTS

ARTICLE I DEFINITIONS.................................................................X
  1.1. General..............................................................................X
  1.X "Minimum Age".................................................................X

ARTICLE II PROPERTY AND PERSONS SUBJECT TO THIS DECLARATION........X
  2.1. Property Subject to this Declaration.................................X
  2.2. Persons Subject to this Declaration.................................X
  2.3. Relationship Between the Community and the Condominium........X

ARTICLE XXXX COVENANTS AND RESTRICTIONS..........................X
  X.1. General Covenants and Restrictions.................................X
  X.2. Sale and Occupancy Restrictions..........................................X
  X.3. Additions, Alterations and Improvements............................X
  X.4. Community Association Enforcement....................................X
  X.5. Construction Activities....................................................X
  X.6. Handicap Use.....................................................................X
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
ELMWOOD RESERVE

THIS DECLARATION, made this day of , 2018, by RIDGEWOOD ELMWOOD
OWNER, LLC, a Delaware limited liability company, having an address at CT Corporation
System, 111 Eighth Avenue, New York, New York 10011, as Declarant.

WHEREAS, the Declarant currently owns real property located in the Town of
Greenburgh, Westchester County, New York, which real property is more particularly described
in [EXHIBITS] attached hereto and made a part hereof (the "Property"); and

WHEREAS, the Declarant intends to establish or cause to be established and develop an
active adult planned residential community to be known as ELMWOOD PRESERVE, consisting
of up to [number] [XX] condominium townhouse units, together with certain related improvements
and common property; and

WHEREAS, ELMWOOD PRESERVE COMMUNITY ASSOCIATION, a New York
nonprofit corporation, has been or is about to be established as the entity to hold title to certain
improvements and common property, and to provide for certain administration, operation,
maintenance, and management obligations, and enforcement of the covenants, conditions,
restrictions, easements, charges and liens, all as more particularly set forth in this Declaration; and

WHEREAS, the Declarant desires to provide for the preservation of the values and
amenities of the Property, and to this end, desires to hereby subject the Property to the covenants,
conditions, restrictions, easements, charges and liens hereinafter set forth, each and all of which is
and are hereby declared to be for the benefit of the Property, and each and every owner of any and
all parts thereof.

NOW, THEREFORE, the Declarant HEREBY DECLARES that the Property and any
portion thereof shall be held, transferred, sold, conveyed, leased, occupied and used subject to the
covenants, conditions, restrictions, conditions, easements, charges, assessments, obligations, and
liens set forth in this Declaration and to the provisions of the Certificate of Incorporation, By-laws
and any Rules and Regulations of the Community Association.
ARTICLE I

DEFINITIONS

1.1. General. The following words and terms, when used in this Declaration, and the Certificate of Incorporation, the By-laws or the Rules and Regulations of the Community Association shall have the following meanings unless the context clearly indicates otherwise.

1.2. "Minimum Age" means fifty-five (55) years of age or older or any such lower minimum age as may hereafter qualify under regulations of the Department of Housing and Urban Development, or any successor agency, in administration of the Federal Fair Housing Act, establishing an exemption from regulations prohibiting housing discrimination based on familial status in connection with housing for older persons.

ARTICLE II

PROPERTY AND PERSONS SUBJECT TO THIS DECLARATION

2.1. Property Subject to this Declaration. The Property described in [EXHIBITS] is hereby made expressly subject to this Declaration and shall be held, transferred, sold, conveyed, leased, and occupied subject to this Declaration and all amendments and supplements hereto.

2.2. Persons Subject to this Declaration. All present and future Owners and tenants, guests, licensees, servants, agents, employees, heirs, successors and assigns and any other Person who shall be permitted to use or who occupies any Unit or the Community Common Areas and Facilities shall be subject to this Declaration, and to the other Community Governing Documents. This Declaration shall bind the Community Association and the Condominium Association. Ownership, rental or occupancy of any Unit within the Property shall be conclusively deemed to mean that the Owner, tenant or occupant has accepted and ratified the Community Governing Documents and the obligation to comply with them.

2.3. Relationship Between the Community and the Condominium. Every Unit is subject to the Community Governing Documents, and each Unit Owner is a Member of the Community Association. The Condominium Units are further subject to the Condominium Governing Documents, and each Owner of a Condominium Unit is also a member of the Condominium Association. In the event of any conflict between the Community Governing Documents and the Condominium Governing Documents, the Community Governing Documents shall govern and control.

ARTICLE XXXX

COVENANTS AND RESTRICTIONS

X.1. General Covenants and Restrictions. The Community is subject to all covenants, restrictions and easements of record including, without limitation, those set forth elsewhere in this Declaration and as follows:

3
(a) To provide an orderly procedure in the case of title transfers and to assist in the maintenance of a current roster of Owners, each Unit Owner shall give the Secretary of the Community Association timely notice of the Unit Owner's intent to list a Unit for sale, and, upon closing of title, shall notify the Secretary of the Community Association of the name and home address of each purchaser.

(b) There shall be no obstruction of the Property, nor shall anything be stored in or upon the Community Common Areas and Facilities without the prior consent of the Community Board.

(c) No portion of the Property shall be used or maintained for the dumping of rubbish or debris.

(d) No Owner shall cause or permit any clothes, sheets, blankets or laundry of any kind or other articles to be hung or displayed on the outside of windows, placed on the outside window sills, or hung out for airing or drying on any part of the Owner's Unit or the Community Common Areas and Facilities.

(e) No Owner or occupant shall build, plant, or maintain any matter or thing upon, in, over or under the Property without the prior written consent of the Community Board unless permitted by the Rules and Regulations. No building, fence, wall or other structure shall be erected on the Property, nor shall any exterior addition, change or alteration thereon be made unless and until an Owner (other than the Builder and the Declarant) has complied with the review and approval requirements set forth in Section [XXXX].

(f) No Unit Owner, other than the Builder and the Declarant, shall directly or indirectly interfere with or alter the drainage and runoff patterns and systems within the Property.

(g) No Owner or occupant shall burn anything or chop or cut any vegetation on, over or above the Property.

(h) Nothing shall be done or kept in any Unit or in or upon the Community Common Areas and Facilities which increase the rates of insurance of any other Unit or the contents thereof or of the Community Common Areas and Facilities beyond the rates otherwise applicable for the Unit(s) or the Community Common Areas and Facilities. No Owner shall permit anything to be done or kept in the Owner's Unit or in or upon the Community Common Areas and Facilities which will result in the cancellation of insurance on any other Unit or the contents thereof or the Community Common Areas and Facilities or which will be in violation of any law.

(i) No noxious or offensive activities shall be carried on, in or upon the Community Common Areas and Facilities or any Unit nor shall anything be done therein either willfully or negligently which may be or become an annoyance or nuisance to the other residents in the Property or which interferes with the peaceful possession and proper use of the Property by residents.
(j) No immoral, improper, offensive or unlawful use shall be made of the Community Common Areas and Facilities or any Unit; and all laws, zoning ordinances and regulations of all governmental bodies having jurisdiction shall be observed.

(k) No parking space may be used for any purpose other than for vehicular parking, nor may any parking space be leased to or permitted to be used regularly by any Person who is not an Owner, without prior written permission from the Community Board.

(l) The Community Common Areas and Facilities shall be used only for the furnishing of the services and facilities for which it is reasonably intended and suited and which are incidental to the use and occupancy of the Units.

(m) Each Owner shall pay for telephone and any and all other utilities that are separately metered or billed to each user by the respective utility company. Any and all utilities which are not separately metered or billed or which serve the Community Common Areas and Facilities shall be treated as part of the Community General Common Expenses.

(n) No Unit may be partitioned or subdivided.

(o) Nothing shall be done to any Unit which may impair the structural integrity of any Building or which will structurally change a Building. No Owner (other than the Builder and the Declarant) may make any interior structural additions, alterations or improvements in or to a Unit or Building without the prior written approval of the Community Board nor affect any easement set forth herein or of record without the prior written consent of the Community Board as provided in Section [XXX].

(p) No animal or reptile of any kind shall be raised, bred or kept in any Unit or anywhere else within the Property except for two (2) domestic animals, those being cats, dogs, and/or birds, provided it is not kept, bred or maintained for any commercial purposes, is housed within a Unit, and the Owner abides by all applicable Rules and Regulations. No outside pens, runs or yards shall be permitted.

(q) Draperies, blinds, curtains or other window coverings must be installed by each Unit Owner on all windows of his or her Unit within 60 days after taking title and must be maintained in said windows at all times, except as may be permitted otherwise by the Rules and Regulations.

(r) No unshielded floodlights be installed in any exterior area of any Condominium Unit, Condominium Building or Building within a Unit without the permission of the Community Board.

(s) Units must be heated to the extent necessary to prevent damage to pipes from freezing temperatures, regardless of whether occupied, unless otherwise authorized by the Community Board.

(t) No landscaping or other outdoor surface improvements on the Units shall be
removed, altered, destroyed, or added to without the consent of the Community Board.

(u) (i) Except as hereinafter provided, no Unit shall be leased by the Owner thereof (except the Builder, Declarant or a Lender in possession of such dwelling following default in a mortgage, a foreclosure proceeding or any deed or other arrangement in lieu of foreclosure) or otherwise utilized for transient or hotel purposes, which shall be defined as (A) rental for any period less than one (1) year; or (B) any rental if the occupants of the Unit are provided any customary hotel services such as room service for food and beverages, maid service, furnishing and cleaning of laundry and linen, and "bellhop" service; however, any Owner, including the Builder or Declarant, may rent a Unit for a period of less than one (1) year to a bona fide contract purchaser thereof. **No Owner may lease less than an entire Unit.** Subject to the foregoing obligations, each Owner shall have the right to lease the Owner's Unit provided that the lease is in writing and made subject to all provisions of the Community Governing Documents, including the rights of amendment reserved to the Builder and Declarant herein, and provided further that any failure of the lessee to comply fully with the terms and conditions of the Community Governing Documents shall constitute a material default under the lease and be grounds for termination and eviction. To ensure compliance with the provisions of this subsection, before executing any lease, any Owner seeking to offer a Unit for lease shall provide to the Community Board a copy of the form of proposed lease for the Community Board's review to determine that the lease is subject to the Community Governing Documents. No lease which is not expressly subject to the provisions of the Community Governing Documents shall be valid or enforceable, and no Owner shall cause or allow any tenant to reside in any Unit prior to the Community Board's approval of the form of proposed lease.

(ii) If a tenant of an Owner fails to comply with the provisions of the Community Governing Documents, in addition to all other remedies which it may have, the Community Association may notify the Owner of such violation(s) and demand that the same be remedied through the Owner's efforts within seven (7) days after such notice. **If any such violation is not remedied within the seven (7) day period, then the Owner shall, upon demand of the Community Association, at the Owner's own cost and expense, institute and diligently prosecute an eviction action against the tenant on account of such violation.** Such action shall not be compromised or settled without the prior written consent of the Community Board. If the Owner fails to fulfill the foregoing obligation, the Community Association shall have the right, but not the duty, to institute and prosecute such action as attorney-in-fact for the Owner and at the Owner's sole cost and expense, including, without limitation, all legal fees incurred. Such cost and expense shall be deemed to constitute a lien on the particular Unit involved, and collection thereof may be enforced by the Community Association in the same manner as the Community Association is entitled to enforce collection of Community Assessments. By acceptance of a deed to any Unit, each and every Owner automatically and irrevocably names, constitutes, appoints and confirms the Community Association as the Owner's attorney-in-fact for the purposes described in this subsection.

(v) No external or visible radio, television, or any type of communication aerial, screen or dish shall be installed or affixed on or about the front of the exterior of any Unit except to the extent such a restriction is expressly prohibited by law.
(w) No Owner shall have the right to mortgage or encumber the Owner's Unit, unless such mortgage or encumbrance is a Permitted Mortgage. No mortgages or similar encumbrances other than Permitted Mortgages shall be permitted without the prior written approval of the Community Board.

(x) All property taxes, special assessments and other charges imposed by any taxing authority are to be separately assessed against and collected on each Unit as a single parcel. In the event that for any year such taxes are not separately taxed to each Unit, but are taxed on the Property as a whole, then each Unit Owner shall pay a proportionate share thereof.

(y) No servicing, maintenance or washing of any automobile or other vehicle shall be performed in any Common Areas or Facilities.

X.2. Sale and Occupancy Restrictions.

(a) Age Restrictions. Pursuant to the provisions of the Federal Fair Housing Act, and the New York Executive Law, as either is amended from time to time, and in order to provide for congenial occupancy of the Property and for the protection of the value of the Units, each Unit, is intended to be operated for occupancy by, and shall not be sold, leased, licensed or permitted to be occupied except by, at least one person of at least the Minimum Age, and shall be subject to the following additional occupancy restrictions:

(i) No person under the age of nineteen (19) years of age shall occupy a Unit for more than one hundred and twenty (120) days per year.

(ii) Without limiting the other restrictions set forth in this Section X.2, the following persons shall also be entitled to occupy a unit:

(a) A husband or wife of nineteen (19) years or older residing with his or her spouse at the Unit provided the spouse is of the Minimum Age; or

(b) A surviving husband or wife of nineteen (19) years or older who is resided at the Unit prior to the death of his or her spouse, provided the deceased spouse was of the Minimum Age at the time of death; and

(c) A child or other family member of nineteen (19) years or older residing at the Unit, provided that the Unit is also occupied by a parent or family member who is of the Minimum Age or who otherwise falls into the class of persons permitted in subsections (i) or (ii) above.

(d) Nothing in this Section shall prohibit the entertainment of persons of any age, or temporary occupancy not aggregating more than ninety (90) days in any calendar year by persons of any age.
(b) **Verification Regarding Age Restrictions.** The Community Board shall have the right to verify compliance with age restrictions imposed under Section X.2. The Community Board shall be empowered to adopt such rules, regulations, and administrative procedures, including, for example and without limitation, procedures for conducting a periodic census of the Community Association's membership and Unit occupants, as may be necessary or desirable to ensure that the Property is operated as housing for older persons in accordance with the Federal Fair Housing Act and the New York Human Rights Law, and regulations promulgated thereunder, as any of the same may be amended from time to time.

(c) **Amendments for Maintenance of Age Restrictions.** Notwithstanding anything to the contrary contained in this Section X.2, the foregoing age restrictions shall at all times be interpreted and deemed amended to permit the broadest permissible use and occupancy of a Unit consistent with the exemption from the prohibition against discrimination in housing based on familial status under the Federal Fair Housing Act, the New York Executive Law, or any similar state law, as any such laws may be amended from time to time, and any regulations promulgated thereunder, for housing for older persons. Further, notwithstanding anything to the contrary contained in this Declaration, the provisions of this Section X.2 may at any time, and from time to time, be amended by the Community Board or by Declarant during the period of Declarant control, in order to conform the same to any provisions of the Federal Fair Housing Act, the New York Executive Law, any similar state law and/or any regulations promulgated under any of them, which are applicable at the time of such amendment and which may permit occupancy by a broader class of persons than may be presently permitted under the provisions thereof which establish the exemption from the regulations thereunder concerning familial status, without the consent of any Unit Owner, Permitted Mortgagee, or tenant or other occupant of a Unit. Any such amendment may be made and executed by any officer of the Association duly authorized by the Community Board, or by Declarant until termination of the period of Declarant control under Article XXXX.

X.3. **Additions, Alterations and Improvements.** Neither an Owner (other than the Declarant or the Builder) nor the Condominium Association (with respect to any Building located on the Condominium Property) may make any structural changes to any Building, or any additions, alterations (other than those that are interior to a Building and not visible from the exterior of a Building) or other improvements in or to his or her Unit or any Building located on a Unit or upon or to any other portion of the Property or impair any easement of record or easement referred to in this Declaration without the prior written consent of the Community Board. Despite the foregoing, while the Declarant controls the Community Board, the Declarant shall make no additions, alterations, improvements or purchases which would necessitate a special Common Expense Assessment or a substantial increase in the annual Community Common Expense Assessment unless necessitated by emergency or required by: (a) applicable statutes, regulations, resolutions, ordinances or orders of any governmental entity having jurisdiction over the Property; (b) any title insurance company licensed to do business in the State of New York insuring or proposing to insure title to any Unit; or any institutional Lender owning, holding, servicing, insuring or guaranteeing or proposing to provide, own, hold, service, insure, guarantee or acquire a first mortgage loan, the lien of which encumbers or is proposed to encumber a Unit. The Community Board shall have the obligation to answer (including, without limitation, in which the Community Board requests additional information and/or plans) any written requests received by it for
approval of a proposed structural change, or an addition, alteration or improvement in or to a Unit within sixty (60) days after the receipt of such request, and failure to do so within the stipulated time shall constitute a denial of the proposal. Any application by an Owner or the Condominium Association to any municipal authority for a permit to make a structural change, or an addition, alteration or improvement in or to any Unit must first be reviewed and approved in writing by the Community Board and, if approved, shall be executed by the Community Board and may then be submitted to the appropriate governmental authorities. Such approval, however, shall not impose any liability on the part of the Community Association to any contractor, subcontractor or materialman on account of such structural change, or addition, alteration or improvement or to any Person having any claim for injury to person or damage to property arising therefrom. Further, the Community Board shall have the right to impose a reasonable review fee and to impose any conditions it deems appropriate as part of any approval. The Owner or the Condominium Association, as the case may be, shall furnish the Community Board with a copy of any permit prior to the start of any work. The provisions of this section shall not apply to Units or Condominium Property owned by the Declarant or the Builder until conveyance of all of the Condominium Units to Purchasers.

X.4. Community Association Enforcement. The Community Board shall have the power to make such Rules and Regulations as may be necessary to carry out the intent of the covenants and restrictions in this Declaration and shall have the right to bring lawsuits to enforce the Rules and Regulations so promulgated. The Community Board shall have the right to levy fines for violations of these covenants and restrictions, provided that the fine for a single violation may not exceed the maximum amount permitted by law. Each day that a violation continues after service of notice upon the Owner may be considered a separate violation. Any fines so levied shall be considered a Community Assessment to be levied against the particular Unit and Owner involved and to be enforced in the same manner as other Community Assessments. In the event the Community Association fails to enforce the Age Restrictions set forth above, the Declarant hereby authorizes the Town of Greenburgh, in its sole discretion, to enforce said restrictions, the violation of which is deemed to be a violation of the underlying land use approval, and the Certificate of Occupancy for such Unit.

X.5. Construction Activities. The restrictions hereunder shall not apply to the Builder and the Declarant or be construed so as to prohibit or interfere in any way with any and all construction- or sales-related activities of the Builder or the Declarant.

X.6. Handicap Use. Nothing herein shall be construed to prohibit the reasonable adaptation of any Unit for handicap use.
IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed the
day and year first above written.

ATTEST: ________________________________  RIDGEWOOD ELMWOOD OWNER,
 LLC,  Declarant

______________________________
April 16, 2018

By Hand Delivery

Hon. Paul Feiner
Supervisor of the Town of Greenburgh
And Members of the Town Council
Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607

Re: Ridgewood Elmwood Owner, LLC
850 Dobbs Ferry Road, Greenburgh, NY
PUD Zoning Map Amendment For Age-Restricted Housing

Dear Supervisor Feiner and Members of the Town Council:

As you know, we represent Ridgewood Elmwood Owner, LLC ("Ridgewood") in connection with the re-development and repurposing of the former Elmwood Country Club located at 850 Dobbs Ferry Road, Greenburgh, NY 10523 (the "Property"). As we described in greater detail during our presentation to your Town Council and other meetings with the Town Planning Board and Town Staff, Ridgewood intends to pursue a development of approximately 175 age-restricted, multi-family townhomes, for buyers aged 55 and older, together with substantial preservation and protection of open space, combined with a well amenitized common area for active adult purchasers of these condominium units (the "Project"). Ridgewood submits the accompanying Verified Petition for Zoning Map Amendment (the "Petition") and respectfully requests placement on your Council's next available Agenda.

The Petition would amend the Zoning Map so that the entire Property would be re-zoned to the R-20 district and converted to a PUD Planned Unit Development District (referred to hereafter as "Rezoning" or "Rezoning the Property"). Currently, the property is split-zoned, with 20.4 acres of land in the R-20 district and 86.4 acres of land in the R-30 district. As to the zoning
districts surrounding the Property, there is an R-20 district located adjacent to and west of the Property. The proposed R-20 zoning is less dense than the zoning of the neighborhood immediately to the north of the Property, which is zoned R-10. The Town of Greenburgh Comprehensive Plan also proposes rezoning the area to the east of the Property to an R-20 district. Accordingly, the density proposed as a part of this application is consistent with the density of the surrounding neighborhood, and the pattern of development in other PUDs in the Town.

We also submit that the proposed Petition and Project are fully consistent with the surrounding land uses. As is detailed more fully in the enclosed Petition, implementing a PUD will enable Ridgewood to maintain a buffer of greater than 200 feet from all existing residential development. Moreover, as calculated by JMC Site Development Consultants, LLC, restricting buyers to ages 55 and over will result in significantly less traffic during peak hours than would the development of an as-of-right single-family development on the Property. Since the Project will have legally enforceable age restrictions for this development community, we anticipate that no schoolchildren will reside on the Property, meaning that the tax revenue generated by the Project will provide a clear fiscal benefit to both the Greenburgh and Elmsford school districts. Overall, the Project will create a number of benefits to the Town and help provide housing to an underserved segment of the local population, all in satisfaction of the Town of Greenburgh Comprehensive Plan.

Enclosed, please find fifteen (15) sets of the following materials in support of this Petition:

(1) Verified Petition for Zoning Text Amendment, dated April _, 2018;

(2) Full Environmental Assessment Form, Part 1, prepared by John Meyer Consulting and dated April 16, 2018;

(3) Traffic Study, dated 04/05/2018.

(4) JMC, PLLC Drawings:

<table>
<thead>
<tr>
<th>Dwg. No.</th>
<th>Title</th>
<th>Rev. #/Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUD-1</td>
<td>“Existing Land Use Map”</td>
<td>04/05/2018</td>
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<tr>
<td>PUD-2</td>
<td>“Existing Conditions and Slope Analysis Map”</td>
<td>04/05/2018</td>
</tr>
<tr>
<td>PUD-3</td>
<td>“Density Unit Calculation Plan”</td>
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<tr>
<td>PUD-4</td>
<td>“Conceptual Site Layout Plan”</td>
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<tr>
<td>PUD-5</td>
<td>“Conceptual Site Grading Plan”</td>
<td>04/05/2018</td>
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<tr>
<td>PUD-6</td>
<td>“Conceptual Site Utilities Plan”</td>
<td>04/05/2018</td>
</tr>
<tr>
<td>PUD-7</td>
<td>“Conceptual Site Open Space Plan”</td>
<td>04/05/2018</td>
</tr>
</tbody>
</table>

(5) Application and Legal Fee of $3,000.00; and
(6) Escrow Fee of $400.00.

We respectfully request that the Council initiate review of the Petition, circulate a letter of intent for the Council to serve as Lead Agency, refer the Petition to the Planning Board and staff pursuant to Section 285-64 of the Greenburgh Zoning Ordinance, and to refer the Petition to the Westchester County Department of Planning pursuant to Section 239-m of the New York General Municipal Law. If you have any questions, please do not hesitate to contact us.

Respectfully submitted,

ZARIN & STEINMETZ

By: ____________________
    David S. Steinmetz
    Zachary R. Mintz

cc:    Hon. Judith Beville
       Garrett Duquesne, AICP
       Mr. Aaron Schmidt
       Tim Lewis, Esq.
       David Fried, Esq.
       Mr. Jonathan Grebow
       Mr. Brett Owings
       James A. Ryan, RLA
Petitioner RIDGEWOOD ELMWOOD OWNER, LLC, by its attorneys, Zarin & Steinmetz, located at 81 Main Street, Suite 415, White Plains, New York 10601, as and for its Verified Petition (the “Petition”) requesting an Amendment to the Town Zoning Map (the “Zoning Map”) to amend the zoning of 850 Dobbs Ferry Road, Greenburgh, NY 10523, hereby states the following:

INTRODUCTION

1. Ridgewood Elmwood Owner, LLC (“Ridgewood” or “Petitioner”) owns the property located at 850 Dobbs Ferry Road, Section 7.530, Block 320, Lots 1..SE and 1..SG in the Town of Greenburgh (the “Town”), County of Westchester, State of New York, (the “Property”).

2. Petitioner is an experienced developer of residential real estate projects throughout the country and, in particular, has designed and/or developed multi-family residential projects, including age-restricted housing.

3. The Property, which measures ± 106.84 acres, is located on the north side of Dobbs Ferry Road. Currently, the Property is split-zoned, with a small portion of the Property zoned R-20 and the remainder of the Property being zoned R-30.
4. The Property is the former site of Elmwood Country Club. A dormant golf course occupies a vast majority of the Property. In addition to the golf course, there are several buildings, tennis courts, pool, children’s play area and a parking area on the Property.

5. Immediately to the north of the Property is a residential neighborhood, zoned R-10. Immediately to the west of the Property is a residential neighborhood zoned R-20. East Rumbrook Park and the Sprain Brook Parkway are located to the west of the Property. An assisted living facility is under construction across the street and several commercial properties are south of the Property.

6. Approximately ± 20.41 acres of the Property, located in the northwestern portion of the Property, are currently zoned R-20. The remaining ± 86.47 acres of the Property are zoned R-30.

7. Petitioner proposes redeveloping the Property with 175 two-story town homes, within 45 buildings. Sale of the townhouses will be restricted to buyers aged 55 and older. Petitioner also proposes the dedication to the Town of more than 14 acres of land, east of the Con Edison power lines, for incorporation into East Rumbrook Park (Petitioner’s entire development referred to hereafter as the “Project”). Petitioner is also committed to providing programming for the 14 acres of parkland above and beyond the Town’s required recreation fee, including the construction of baseball and soccer fields at the Town’s discretion. A sketch plan for the Project, as well as other documentation required under the Section 285-24(D)(2)(a) of the Town of Greenburgh Zoning Ordinance (the “Zoning Ordinance”) is annexed hereto as Exhibit A. The Project would also contain a modest clubhouse, pool, tennis courts and other amenities.
8. In order to facilitate the Project, Petitioner is seeking an amendment to the Zoning Map, to specifically zone the entirety of the Property R-20 and implement a PUD zone at the density allowed by R-20 zoning.

PROPOSED ZONING AMENDMENT

9. This Petition is submitted to the Town Board pursuant to Article IX, Section 285-64 and Article III, Section 285-24 of the Zoning Ordinance.

10. Petitioner seeks the following amendments to the Zoning Map:

   a. An amendment to the Zoning Map to rezone the entire Property from the R-20, and R-30 district to the R-20 district; and

   b. An amendment to the Zoning Map to concurrently rezone the entire Property to PUD Planned Unit Development District (referred to hereafter as “Rezoning” or “Rezoning the Property”).

CONSISTENCY WITH TOWN COMPREHENSIVE PLAN

11. Rezoning the Property to allow for development of the Project will satisfy numerous goals and policies of the 2016 Town of Greenburgh Comprehensive Plan (the “Comprehensive Plan”).

12. The Comprehensive Plan expressly recognizes the increase in Town residents aged 55 and over who are looking to downsize. (Comprehensive Plan, 11.6.3, p. 11-21).

13. Notably, the percentage of the Town’s population in the 55-64 and 65+ age groups has increased 28 percent and 20.6 percent, respectively, between 2000 and 2010, (Comprehensive Plan, 10.2.2, p. 10-4), and Ridgewood expects that trend to continue. In recognition of that trend, the Comprehensive Plan identifies the Town's objective to “provide an
adequate supply of housing for the Town’s senior population.” (Comprehensive Plan, 10.2.2 p. 10-4).

14. Ridgewood seeks to add 175 units of age-restricted housing, which will undoubtedly help Greenburgh satisfy its objective to “[p]rovide an adequate supply of housing for the Town’s senior population and special needs groups.” (Comprehensive Plan, 10.8, Objective 10.2.1, p. 10-25).

15. As to the implementation of townhouse style development, one of the guiding principles of the current Comprehensive Plan is to allow for a variety of housing types within the Town (Comprehensive Plan, 1.5, p. 1-7; 10.1, p. 10-1 (housing types should provide a “spectrum of residential opportunities . . . for residents at all . . . ages.”)).

16. Regarding the Project’s proposed density, there is an R-20 district located adjacent to and west of the Property, and the Comprehensive Plan proposes rezoning the area to the east of the Property to an R-20 zone to correct an existing zoning boundary that bisects the parcel into two separate zoning districts. (Comprehensive Plan, Appx. E, pp. 79-80). In fact, the proposed R-20 zoning is less dense than the zoning of the neighborhood immediately to the north of the Property, which is zoned R-10. The R-20 districts surrounding and covering a portion of the Property support the rezoning of the full parcel to an R-20 district—simply to allow Ridgewood to achieve a density level that will permit it to donate and program a much needed 14 acre park extension with soccer and baseball fields at the Town’s discretion and to create and/or preserve a desirable vegetated buffer area. As stated above, the rezoning will also allow Greenburgh to advance its articulated goal to “provide an adequate supply of housing for the Town’s senior population.” (Comprehensive Plan, 10.2.2, p. 10-4).
17. The Comprehensive Plan also makes clear that Greenburgh takes great pride in its parks and open spaces (see Comprehensive Plan, 2.1 p. 2-4; 3.2, p. 3-1; 5.1, p. 5-1), and dedicates significant discussion to their preservation and enhancement. (Comprehensive Plan, Chapters 4, 7). The Comprehensive Plan also expressly recognizes PUDs as a planning tool that can and should be used to preserve and connect open spaces. (Comprehensive Plan, 7.6.1, p. 7-22). In this case, implementing a PUD in the fashion and at the level proposed will enable Ridgewood to dedicate over 14 acres of land to the Town for incorporation into East Rumbrook Park. The dedication of park land will also provide an opportunity to improve access to East Rumbrook Park, making the area safer for vehicle traffic.

18. In addition, implementing a PUD will enable Ridgewood to maintain a buffer of greater than 200 feet from all neighboring residential homes (the “Buffer Area”). Accordingly, we submit the Project can help Greenburgh satisfy its goal of preserving and enhancing parks and open spaces. (Comprehensive Plan, 7.9, Objective 7.3.1, p. 7-30).

19. The Buffer Area will include walking trails connected to already-existing trails in East Rumbrook Park, furthering the Comprehensive Plan’s goal of connecting open spaces, satisfying the Comprehensive Plan’s objective to “[a]dress the need for enhanced trail and bike path networks.” (Comprehensive Plan, 7.9, Objective 7.2.5, p. 7-29). Overall, the new park space, buffer area, and walking trails will unquestionably satisfy Goal 7.2 of the Comprehensive Plan, which states, “Continue to Support an Integrated System of Active and Passive Recreational Opportunities within a Network of Parks, Trails and Open Spaces.” (Comprehensive Plan, 7.9, p. 7-27). By comparison, under the existing zoning, 119 single-family homes could be developed on the Property. In addition, homes in the R-30 District can be 34 feet from rear property lines and pools and patios can be 18 feet from rear lot lines.
20. The Project, as currently contemplated, also calls for park programming, including the installation of ball fields at East Rumbrook Park, which was recommended as a part of the East Rumbrook Master Plan. (Comprehensive Plan, 7.2.4 p. 7-6).

21. The proposal to add ball fields has already been met with support from parks and recreation supporters, including local little league volunteers, parents and coaches. The Comprehensive Plan emphasizes the role that parks and open spaces play in community well-being, and the Project can provide parks that satisfy Greenburgh’s policy to “provide and enhance parks and facilities that encourage physical activity.” (Comprehensive Plan, 4.9, Policy 4.1.1.3, p. 4-9). Under the existing zoning, Ridgewood would not be required to complete any of these objectives. Likewise, an as-of-right single-family development would not yield the dedicated parkland.

22. Ridgewood also proposes adding sidewalks to Dobbs Ferry Road and the development’s internal roadways as a part of the Project, which will “[f]acilitate a safe and walkable environment.” (Comprehensive Plan, 9.7, Objective 9.1.1 p. 9-34).

23. Moreover, as calculated by JMC Site Development Consultants, LLC, restricting buyers to ages 55 and over will result in significantly less traffic during peak AM and PM hours than would the development of an as-of-right single-family development on the Property. In particular, the Project would generate 54 fewer peak weekday AM trips and 74 fewer peak weekday PM trips per day. Accordingly, the driving habits of buyers aged 55 and over will act as a mitigation measure to combat additional congestion on Dobbs Ferry Road. (See Comprehensive Plan, 9.7, Objective 9.6.1 p. 9-36). A traffic study, comparing the frequency of vehicle trips generated by residents on the Property when it is rezoned to when it is developed with single-family homes, is included with our application material.
24. In addition to preserving open space and providing the Town with new
parkland, Ridgewood will seek approval for age-restricted housing. Restricting the sale of housing
on the Property to buyers aged 55 and older will benefit the Greenburgh and Elmsford School
Districts, by increasing the tax revenue payable to each district without generating any new school
children.

25. Overall, the Project generates tax revenue for two local school districts
without adding any new school children. It also preserves open space and creates new parkland,
in accord with the Comprehensive Plan. The Proposed Development will also generate less traffic
than would developing single-family homes on the Property under the current zoning.
Accordingly, we submit that the Rezoning will benefit the Town as well as the Applicant.

**SEQRA**

26. In accordance with the New York State Environmental Quality Review Act
(“SEQRA”), the proposed action is a Type I Action. Petitioner has elected to submit a Long
Environmental Assessment Form to evaluate the proposed amendments to the Zoning Ordinance.
A Full Environmental Assessment Form, dated April 5, 2018, accompanies this Petition.

27. Petitioner acknowledges that the proposed map amendments will be
referred for review to other agencies, including the Town Planning Board.

28. Petitioner submits that all relevant areas of environmental concern will be
identified, analyzed, and where appropriate, mitigated to the extent requested by any reviewing
agency.

29. Petitioner respectfully requests that the Town Board determine whether it
wishes to declare itself Lead Agency and conduct a coordinated SEQRA review of the proposed
zoning map amendments, or to defer that review to the Planning Board.
REQUESTED RELIEF

30. WHEREFORE, Petitioner respectfully requests that the Town Board of the Town of Greenburgh:

i. Determine the appropriate agency to serve as Lead Agency under SEQRA;

ii. Refer this Petition to the Planning Board for its report and recommendation pursuant to Zoning Ordinance Sections 285-64 and 285-24;

iii. Refer this Petition to the Westchester County Department of Planning pursuant to New York State General Municipal Law Section 239-m;

iv. Schedule, notice and conduct a Public Hearing on the Petition at the earliest possible date; and

v. Amend the Greenburgh Zoning Map as contained herein.

Dated: April 16, 2018
White Plains, New York

Respectfully submitted,

ZARIN & STEINMETZ

By:

David S. Steinmetz, Esq.
Zachary R. Mintz, Esq.
Attorneys for Petitioner
81 Main Street, Suite 415
White Plains, New York 10601
(914) 682-7800
VERIFICATION

STATE OF NEW YORK  )
COUNTY OF WESTCHESTER )

s.s.:

Jonathan Grebow, hereby deposes and says that he is an Authorized Signatory of RIDGEWOOD ELMWOOD OWNER, LLC, the Petitioner, and says that he has reviewed the foregoing Verified Petition and that the foregoing Verified Petition is true to his own knowledge and authorizes Zarin & Steinmetz to submit the foregoing Verified Petition to the Town Board of the Town of Greenburgh on Petitioner’s behalf.

RIDGEWOOD ELMWOOD OWNER, LLC

By: 

Name: Jonathan Grebow
Title: Authorized Signatory

Sworn to before me this 13th day of April, 2018

Nanette Vasquez
Notary Public

NANETTE VASQUEZ
NOTARY PUBLIC OF NEW JERSEY
Comm. # 2360125
My Commission Expires 5/17/2022
Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

<table>
<thead>
<tr>
<th>Name of Action or Project:</th>
<th>Elmwood Preserve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Location (describe, and attach a general location map):</td>
<td>850 Dobbs Ferry Road, Greenburgh, NY</td>
</tr>
<tr>
<td>Brief Description of Proposed Action (include purpose or need):</td>
<td>Application for a Zoning Map Amendment of the Elmwood Country Club ±106.8 acre property as per the following: 1. Rezone the portion of the property that is not currently zoned R-20 from R-30 to R-20; 2. Provide a PUD “Planned Unit Development District” over the entire property. The purpose of this action is to permit the redevelopment of the Elmwood Country Club property as an age restricted community containing 175 2-story townhouses within 45 buildings, along with a clubhouse and recreation area, open space, and ±14.2 acres of land to be dedicated to the Town of Greenburgh.</td>
</tr>
<tr>
<td>Name of Applicant/Sponsor:</td>
<td>Ridgewood Elmwood Owner LLC</td>
</tr>
<tr>
<td>Telephone:</td>
<td>(973) 593-0003</td>
</tr>
<tr>
<td>E-Mail:</td>
<td><a href="mailto:bowings@ridgewoodrep.com">bowings@ridgewoodrep.com</a></td>
</tr>
<tr>
<td>Address:</td>
<td>850 Dobbs Ferry Road</td>
</tr>
<tr>
<td>City/PO:</td>
<td>Greenburgh</td>
</tr>
<tr>
<td>State:</td>
<td>NY</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>10607</td>
</tr>
<tr>
<td>Project Contact (if not same as sponsor; give name and title/role):</td>
<td>Anthony P. Nester, RLA c/o JMC Planning Engineering Landscape Architecture &amp; Land Surveying, PLLC</td>
</tr>
<tr>
<td>Telephone:</td>
<td>(914) 273-5225</td>
</tr>
<tr>
<td>E-Mail:</td>
<td><a href="mailto:anester@mcpilc.com">anester@mcpilc.com</a></td>
</tr>
<tr>
<td>Address:</td>
<td>120 Bedford Road</td>
</tr>
<tr>
<td>City/PO:</td>
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<td>Property Owner (if not same as sponsor):</td>
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<tr>
<td>Telephone:</td>
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<tr>
<td>E-Mail:</td>
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B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

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<th>Application Date (Actual or projectec)</th>
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<tr>
<td>a. City Council, <strong>Town Board</strong>, or Village Board of Trustees</td>
<td>☑ Yes ☐ No</td>
<td>Zoning Map Amendment</td>
</tr>
<tr>
<td>b. City, <strong>Town</strong> or Village Planning Board or Commission</td>
<td>☑ Yes ☐ No</td>
<td>Zoning Map Amendment &amp; Recommendation to Town Board</td>
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<tr>
<td>c. City Council, Town or Village Zoning Board of Appeals</td>
<td>☐ Yes ☑ No</td>
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<td>d. Other local agencies</td>
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<td>e. County agencies Westchester Planning Board</td>
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<td>f. Regional agencies</td>
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<td>g. State agencies</td>
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<td>h. Federal agencies</td>
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</tr>
<tr>
<td>i. Coastal Resources.</td>
<td></td>
<td></td>
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<tr>
<td>i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?</td>
<td>☐ Yes ☑ No</td>
<td></td>
</tr>
<tr>
<td>ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?</td>
<td>☐ Yes ☑ No</td>
<td></td>
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<tr>
<td>iii. Is the project site within a Coastal Erosion Hazard Area?</td>
<td>☐ Yes ☑ No</td>
<td></td>
</tr>
</tbody>
</table>

C. Planning and Zoning

C.1. Planning and zoning actions.
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☑ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part I

C.2. Adopted land use plans.

a. Do any municipally-adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑ Yes ☐ No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☑ No
If Yes, identify the plan(s):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

C. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☑ No
If Yes, identify the plan(s):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Page 2 of 13
C.3. Zoning

| a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? | ☑ Yes ☐ No |
| R-20 and R-30 |

| b. Is the use permitted or allowed by a special or conditional use permit? | ☐ Yes ☑ No |

| c. Is a zoning change requested as part of the proposed action? | ☑ Yes ☐ No |
| If Yes, |
| i. What is the proposed new zoning for the site? | R-30 to R-20; PUD overlay district |

C.4. Existing community services.

| a. In what school district is the project site located? | Elmsford Union Free School District and Greenburgh Union Free School District |
| b. What police or other public protection forces serve the project site? | Greenburgh Police Department |
| c. Which fire protection and emergency medical services serve the project site? | Fairview Fire Department; Greenburgh Police Department EMS |
| d. What parks serve the project site? | East Rumbrook Park, East Irvington Nature Preserve |

D. Project Details

D.1. Proposed and Potential Development

| a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? | Residential |
| b. Total acreage of the site of the proposed action? | ±106.8 acres |
| b. Total acreage to be physically disturbed? | ±70 acres |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | ±106.8 acres |

| c. Is the proposed action an expansion of an existing project or use? | ☐ Yes ☑ No |
| i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? | % __________________________ Units: |

| d. Is the proposed action a subdivision, or does it include a subdivision? | ☑ Yes ☐ No |
| If Yes, |
| i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) | Residential |
| ii. Is a cluster/conservation layout proposed? | ☐ Yes ☑ No |
| iii. Number of lots proposed? | TBD |
| iv. Minimum and maximum proposed lot sizes? Minimum TBD Maximum 14.2 acres |

| e. Will proposed action be constructed in multiple phases? | ☐ Yes ☑ No |
| i. If No, anticipated period of construction: | 30-36 months |
| ii. If Yes: |
| • Total number of phases anticipated | 1 |
| • Anticipated commencement date of phase 1 (including demolition) | month year |
| • Anticipated completion date of final phase | month year |
| • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: | |
f. Does the project include new residential uses? Yes\[\square\] No

<table>
<thead>
<tr>
<th>Initial Phase</th>
<th>One Family</th>
<th>Two Family</th>
<th>Three Family</th>
<th>Multiple Family (four or more)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>175</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>At completion</td>
<td>175</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>of all phases</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

g. Does the proposed action include new non-residential construction (including expansions)? Yes\[\square\] No

i. Total number of structures

ii. Dimensions (in feet) of largest proposed structure: height; width; and length

iii. Approximate extent of building space to be heated or cooled: square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes\[\square\] No

i. Purpose of the impoundment:

ii. If a water impoundment, the principal source of the water:

   - Ground water
   - Surface water streams
   - Other specify:

iii. If other than water, identify the type of impounded/contained liquids and their source.

iv. Approximate size of the proposed impoundment. Volume: million gallons; surface area: acres

v. Dimensions of the proposed dam or impounding structure: height; length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes\[\square\] No

   (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

   If Yes:

   i. What is the purpose of the excavation or dredging?

   ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

      - Volume (specify tons or cubic yards):
      - Over what duration of time?

   iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them:

   iv. Will there be onsite dewatering or processing of excavated materials? Yes\[\square\] No

   If yes, describe:

   v. What is the total area to be dredged or excavated? acres

   vi. What is the maximum area to be worked at any one time? acres

   vii. What would be the maximum depth of excavation or dredging? feet

   viii. Will the excavation require blasting? Yes\[\square\] No

   ix. Summarize site reclamation goals and plan:

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes\[\square\] No

   If Yes:

   i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Freshwater pond adjacent to Dobbs Ferry Road, and wetland adjacent to watercourse on eastern portion of the property.
ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres. 
Disturbance of approximately 0.72 acres is proposed within the 100 foot watercourse buffer. The disturbance is needed to provide the secondary access driveway and additional stormwater management area.

iii. Will proposed action cause or result in disturbance to bottom sediments?  
   If Yes, describe:  
   ☐ Yes ☐ No

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?  
   If Yes:  
   - acres of aquatic vegetation proposed to be removed:  
   - expected acreage of aquatic vegetation remaining after project completion:  
   - purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):  
   - proposed method of plant removal:  
   - if chemical/herbicide treatment will be used, specify product(s):  
   ☐ Yes ☐ No

v. Describe any proposed reclamation/mitigation following disturbance: Landscape plantings and stormwater management.

---

c. Will the proposed action use, or create a new demand for water?  
   ☑ Yes ☐ No

   i. Total anticipated water usage/demand per day: ±45,320 gallons/day

   ii. Will the proposed action obtain water from an existing public water supply?  
      ☑ Yes ☐ No

      If Yes:  
      - Name of district or service area: Greenburgh Consolidated Water District No. 1
      - Does the existing public water supply have capacity to serve the proposal?  
      - ☑ Yes ☐ No
      - Is the project site in the existing district?  
      - ☑ Yes ☐ No
      - Is expansion of the district needed?  
      - ☑ Yes ☐ No
      - Do existing lines serve the project site?  
      - ☑ Yes ☐ No

   iii. Will line extension within an existing district be necessary to supply the project?  
      If Yes:  
      - Describe extensions or capacity expansions proposed to serve this project:

      - Source(s) of supply for the district:

   iv. Is a new water supply district or service area proposed to be formed to serve the project site?  
      If Yes:  
      - Applicant/sponsor for new district:
      - Date application submitted or anticipated:
      - Proposed source(s) of supply for new district:

   v. If a public water supply will not be used, describe plans to provide water supply for the project: N/A

   vi. If water supply will be from wells (public or private), maximum pumping capacity: N/A gallons/minute.

d. Will the proposed action generate liquid wastes?  
   ☑ Yes ☐ No

   i. Total anticipated liquid waste generation per day: ±45,320 gallons/day

   ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): Sanitary wastewater

   iii. Will the proposed action use any existing public wastewater treatment facilities?  
      ☑ Yes ☐ No

      If Yes:  
      - Name of wastewater treatment plant to be used: Yonkers Joint WWTP
      - Name of district: Saw Mill
      - Does the existing wastewater treatment plant have capacity to serve the project?  
      - ☑ Yes ☐ No
      - Is the project site in the existing district?  
      - ☑ Yes ☐ No
      - Is expansion of the district needed?  
      - ☑ Yes ☐ No
• Do existing sewer lines serve the project site? ☑ Yes ☐ No
• Will line extension within an existing district be necessary to serve the project?
  If Yes:
  • Describe extensions or capacity expansions proposed to serve this project:  

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☑ No
  If Yes:
  • Applicant/sponsor for new district:  
  • Date application submitted or anticipated:  
  • What is the receiving water for the wastewater discharge?  

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):
  N/A

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: None

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑ Yes ☐ No
  If Yes:
  i. How much impervious surface will the project create in relation to total size of project parcel?
    Square feet or ≤ 10.5 acres (impervious surface)
    Square feet or < 106.3 acres (parcel size)

  ii. Describe types of new point sources. New drainage infrastructure will be provided to convey on-site stormwater runoff.

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
    Stormwater runoff will be conveyed to on-site stormwater management facilities. Existing drainage patterns will be maintained to the maximum extent practicable.
    • If to surface waters, identify receiving water bodies or wetlands: Surface water bodies consist of an existing pond located adjacent to Dobbs Ferry Road and additional stormwater management basins to be created in conjunction with the redevelopment.

  iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☑ No
  If Yes, identify:
  i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

  ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

  iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☑ No
  If Yes:
  i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  ☐ Yes ☑ No
  ii. In addition to emissions as calculated in the application, the project will generate:
    • Tons/year (short tons) of Carbon Dioxide (CO₂)
    • Tons/year (short tons) of Nitrous Oxide (N₂O)
    • Tons/year (short tons) of Perfluorocarbons (PFCs)
    • Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
    • Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
    • Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

Page 6 of 13
h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?
   If Yes:
   i. Estimate methane generation in tons/year (metric):
   
   ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring):

   i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?
   If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

   j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?
   If Yes:
   i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of __________ to __________.
   ii. For commercial activities only, projected number of semi-trailer truck trips/day:
   iii. Parking spaces: Existing __________ Proposed __________ Net increase/decrease __________
   iv. Does the proposed action include any shared use parking?
   v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

   vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?
   vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?
   viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?

   k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?
   If Yes:
   i. Estimate annual electricity demand during operation of the proposed action: TBD

   ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

   Local utility

   iii. Will the proposed action require a new, or an upgrade to, an existing substation?

   L. Hours of operation. Answer all items which apply.
   i. During Construction:
      • Monday - Friday: 7 AM - 8 PM*
      • Saturday: 9 AM - 6 PM*
      • Sunday: ________
      • Holidays: ________

   ii. During Operations:
      • Monday - Friday: 24/7
      • Saturday: 24/7
      • Sunday: 24/7
      • Holidays: 24/7

*Pursuant to Section 360-7.G of the Town Code.
m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?
   If yes:
   i. Provide details including sources, time of day and duration:
      Typical temporary construction noise during permitted construction hours.

   ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen?
      Describe: The proposed PUD redevelopment will provide a minimum 200' buffer between the dwelling units and the adjacent homes.

n. Will the proposed action have outdoor lighting?
   If yes:
   i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
      Lighting will be standard, outdoor security lighting, high efficiency LED down lighting.

   ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?
      Describe:
      The proposed PUD redevelopment will provide a minimum 200' buffer between the dwelling units and the adjacent homes.

o. Does the proposed action have the potential to produce odors for more than one hour per day?
   If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?
   If Yes:
   i. Product(s) to be stored
   ii. Volume(s) per unit time (e.g., month, year)
   iii. Generally describe proposed storage facilities:

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?
   If Yes:
   i. Describe proposed treatment(s):

   ii. Will the proposed action use Integrated Pest Management Practices?

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?
   If Yes:
   i. Describe any solid waste(s) to be generated during construction or operation of the facility:
      - Construction: TBD tons per TBD (unit of time)
      - Operation: 15-16 tons per month (unit of time)
   ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
      - Construction: Debris recycling
      - Operation: Recycle in accordance with County requirements.
   iii. Proposed disposal methods/facilities for solid waste generated on-site:
      - Construction: Solid construction waste will be disposed of in accordance with all applicable requirements.
      - Operation: Private carting
s. Does the proposed action include construction or modification of a solid waste management facility? □ Yes ☑ No
If Yes:
  i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities):
  
  ii. Anticipated rate of disposal/processing:
    • _______ Tons/month, if transfer or other non-combustion/thermal treatment, or
    • _______ Tons/hour, if combustion or thermal treatment
  
  iii. If landfill, anticipated site life: ___________ years

i. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? □ Yes ☑ No
If Yes:
  i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility:

  ii. Generally describe processes or activities involving hazardous wastes or constituents:

  iii. Specify amount to be handled or generated _______ tons/month

  iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents:

  v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? □ Yes ☑ No
If Yes: provide name and location of facility:
If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
  i. Check all uses that occur on, adjoining and near the project site.
     □ Urban □ Industrial □ Commercial ☑ Residential (suburban) □ Rural (non-farm)
     □ Forest □ Agriculture □ Aquatic □ Other (specify):

  ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

<table>
<thead>
<tr>
<th>Land use or Covertype</th>
<th>Current Acreage</th>
<th>Acreage After Project Completion</th>
<th>Change (Acres +/-)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads, buildings, and other paved or impervious surfaces</td>
<td>9.3±</td>
<td>19.9±</td>
<td>+ 10.6±</td>
</tr>
<tr>
<td>Forested</td>
<td>6.8±</td>
<td>3.9±</td>
<td>- 2.9±</td>
</tr>
<tr>
<td>Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Agricultural (includes active orchards, field, greenhouse etc.)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Surface water features (lakes, ponds, streams, rivers, etc.)</td>
<td>1.5±</td>
<td>8.0±</td>
<td>+ 6.5±</td>
</tr>
<tr>
<td>Wetlands (freshwater or tidal)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Non-vegetated (bare rock, earth or fill)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>89.2±</td>
<td>67.4±</td>
<td>- 21.8±</td>
</tr>
</tbody>
</table>
  Describe: Golf Course/lawn
  Recreational Fields

Page 9 of 13
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. Is the project site presently used by members of the community for public recreation?</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>i. If Yes: Explain:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>If Yes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Identify Facilities:</td>
<td></td>
<td></td>
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<tr>
<td>e. Does the project site contain an existing dam?</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>If Yes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Dimensions of the dam and impoundment:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Dam height:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Dam length:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Surface area:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Volume impounded:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii. Dam's existing hazard classification:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii. Provide date and summarize results of last inspection:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>If Yes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Has the facility been formally closed?</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>• If yes, cite sources/documentation:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii. Describe any development constraints due to the prior solid waste activities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>If Yes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?</td>
<td>☑</td>
<td>☒</td>
</tr>
<tr>
<td>If Yes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database?</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>Check all that apply:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>✓ Yes – Spills Incidents database</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Yes – Environmental Site Remediation database</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Neither database</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide DEC ID number(s):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide DEC ID number(s):</td>
<td></td>
<td></td>
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<tr>
<td>ii. If site has been subject of RCRA corrective activities, describe control measures: N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>If yes, provide DEC ID number(s):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9410523: Fuel oil spill. Case closed 02/11/1995; 9812387: Fuel oil spill. Case closed 05/12/2000; 1113337: Fuel oil spill. Case closed 06/05/2012; C360151: 715 Dobbs Ferry Road: Fuel oil leaks from underground storage tanks. The contamination is contained to the site, with no off-site contamination found.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
v. Is the project site subject to an institutional control limiting property uses?
   - Yes [ ] No [ ]
   - If yes, DEC site ID number: ____________________________
   - Describe the type of institutional control (e.g., deed restriction or easement): ____________________________
   - Describe any use limitations: ____________________________
   - Describe any engineering controls: ____________________________
   - Will the project affect the institutional or engineering controls in place? [ ] Yes [ ] No
   - Explain: ____________________________

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? __________ 2 - 6.5+ feet

b. Are there bedrock outcroppings on the project site? [ ] Yes [ ] No
   If Yes, what proportion of the site is comprised of bedrock outcroppings? ____________________________ %

c. Predominant soil type(s) present on project site:
   - PnB, PnC Paxton fine sandy loam: 35% ____________________________
   - SuB Sutton loam: 20% ____________________________
   - ChB, ChC, ChD Charlton fine sandy loam: 20% ____________________________


d. What is the average depth to the water table on the project site? Average: __________ 2 - 6.5+ feet

e. Drainage status of project site soils:
   - Well Drained: 75% of site ____________________________
   - Moderately Well Drained: 25% of site ____________________________
   - Poorly Drained: % of site ____________________________

f. Approximate proportion of proposed action site with slopes:
   - 0-10%: 68.1% of site ____________________________
   - 10-15%: 15% of site ____________________________
   - 15% or greater: 16.9% of site ____________________________

g. Are there any unique geologic features on the project site? [ ] Yes [ ] No
   If Yes, describe: ____________________________

h. Surface water features.
   i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? [ ] Yes [ ] No
   ii. Do any wetlands or other waterbodies adjoin the project site? [ ] Yes [ ] No
   If Yes to either i or ii, continue. If No, skip to E.2.i.
   iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? [ ] Yes [ ] No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:
   - Streams: Name ____________________________ Classification ____________________________
   - Lakes or Ponds: Name ____________________________ Classification ____________________________
   - Wetlands: Name ____________________________ Federal Waters ____________________________
   - Wetland No. (if regulated by DEC) ____________________________ Approximate Size ±1.4 acres ____________________________

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? [ ] Yes [ ] No
   If yes, name of impaired water body/bodies and basis for listing as impaired: ____________________________

i. Is the project site in a designated Floodway? [ ] Yes [ ] No

j. Is the project site in the 100 year Floodplain? [ ] Yes [ ] No

k. Is the project site in the 500 year Floodplain? [ ] Yes [ ] No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? [ ] Yes [ ] No
   If Yes:
   l. Name of aquifer: Principal Aquifer ____________________________

Page 11 of 13
m. Identify the predominant wildlife species that occupy or use the project site:
   - Typical suburban species

n. Does the project site contain a designated significant natural community? □ Yes √ No
   If Yes:
   i. Describe the habitat/community (composition, function, and basis for designation):

   ii. Source(s) of description or evaluation:

   iii. Extent of community/habitat:
   - Currently: __________________ acres
   - Following completion of project as proposed: __________________ acres
   - Gain or loss (indicate + or -): __________________ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? □ Yes √ No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? □ Yes √ No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? □ Yes √ No
   If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? □ Yes √ No
   If Yes, provide county plus district name/number:

b. Are agricultural lands consisting of highly productive soils present? □ Yes √ No
   i. If Yes: acreage(s) on project site:
   ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? □ Yes √ No
   If Yes:
   i. Nature of the natural landmark: □ Biological Community □ Geological Feature
   ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

   d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? □ Yes √ No
   If Yes:
   i. CEA name:
   ii. Basis for designation:
   iii. Designating agency and date:
c. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?  
☐ Yes ☐ No

If Yes:
   i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District
   ii. Name: ____________________________

iii. Brief description of attributes on which listing is based:

   ____________________________

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  
☐ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  
☐ Yes ☐ No

If Yes:
   i. Describe possible resource(s):
   ______________________________________
   ii. Basis for identification:
       ______________________________________

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  
☐ Yes ☐ No

If Yes:
   i. Identify resource: Bronx River Parkway
   ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Scenic byway
   iii. Distance between project and resource: ±2.0 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6NYCRR 666?  
☐ Yes ☐ No

If Yes:
   i. Identify the name of the river and its designation:
   ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  
☐ Yes ☐ No

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**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

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**G. Verification**

I certify that the information provided is true to the best of my knowledge.

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC, Agent

Applicant/Sponsor Name: ____________________________  Date: 04/05/2018

Signature: ____________________________  Title: Project Manager

Robert B. Ptacek, AICP
April 16, 2018

Mr. Garrett Duquesne, AICP
Town of Greenburgh
177 Hillside Avenue
Greenburgh, NY 10607

RE: JMC Project 17099
Emwood Preserve
850 Dobbs Ferry Road
Town of Greenburgh, NY

Planned Unit Development Submission Criteria

Dear Mr. Duquesne:

We represent Ridgewood Elmwood Owner LLC (the Applicant) who are the owners of the former Elmwood Country Club located at 850 Dobbs Ferry Road. The 106.8 acre property is split zoned with 20.4 acres of land falling in the R-20 district and the remaining 86.4 acres of land in the R-30 district. At this time, the Applicant is proposing a zoning amendment to rezone the entire property as R-20 to facilitate a Planned Unit Development (PUD). The PUD would consist of 175 two and three-bedroom age restricted townhouse units. The remaining 14.2 acres would be dedicated to the Town of Greenburgh as community recreational area.

In accordance with Town Code Section 285-24(D)(2)(a), we offer the following information on the sketch plan elements to meet the PUD criteria established therein:

1. NYSDEC Full Environmental Assessment Form, dated 04/05/2018.
2. Traffic Study, dated 04/05/2018.
3. JMC, PLLC Drawings:

<table>
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<tr>
<th>Dwg. No.</th>
<th>Title</th>
<th>Rev. #/Date</th>
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<tr>
<td>R-1</td>
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<td>04/05/2018</td>
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<tr>
<td>PJD-1</td>
<td>“Existing Land Use Map”</td>
<td>04/05/2018</td>
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<tr>
<td>PJD-2</td>
<td>“Existing Conditions and Slope Analysis Map”</td>
<td>04/05/2018</td>
</tr>
<tr>
<td>PJD-3</td>
<td>“Density Unit Calculation Plan”</td>
<td>04/05/2018</td>
</tr>
</tbody>
</table>
PUD Sketch Plan Approval Criteria 1

The disposition of various land uses and the areas covered by each, in acres.

The existing ±106.8 acre property is developed as a golf course known as Elmwood Country Club. The property is split zoned, with 20.4 acres of land in the R-20 district and 86.4 acres of land in the R-30 district. The property is bifurcated by Consolidated Edison electric transmission wires. These areas are shown on JMC drawing PUD-1, "Existing Land Use Map." Under proposed conditions, 92.6 acres of the parcel would be developed as a Planned Unit Development with 175 two and three-bedroom age restricted townhouse units. The remaining 14.2 acres would be dedicated as recreational area to compliment the adjacent Rumbrook Park.

PUD Sketch Plan Approval Criteria 2

The outline of the interior road system of all existing and proposed rights-of-way and easements, whether public or private.

Please refer to JMC drawing PUD-4, "Conceptual Site Layout Plan" which depicts the proposed road system to facilitate the redevelopment.

PUD Sketch Plan Approval Criteria 3

Delineation of the various residential areas, indicating the number of dwelling units and bedrooms by each housing type (one-family detached and semidetached, townhouse and garden apartments), plus a calculation of the net density, in dwelling units per acre, for each residential area.

Please refer to JMC drawing PUD-3, "Density Unit Calculation Plan" for a calculation of the net density for the Planned Unit Development under the existing zoning designations. The current mix of R-20 and R-30 districts will support 126 units. The Applicant is proposing to rezone the 106.8 acre Planned Unit Development as R-20 to support the development of 175 units. The proposed age restricted housing units are shown on JMC drawing PUD-4, "Conceptual Site Layout Plan."

PUD Sketch Plan Approval Criteria 4

The interior common open space system and a statement as to how said system is to be preserved as such throughout the life of the planned unit development and how it is to be owned and maintained.
Please refer to JMC drawing PUD-4, “Conceptual Site Layout Plan” and PUD-7, “Conceptual Site Open Space Plan.” These drawings both depict the proposed open space component of the plan. In addition to a walking trail connecting with adjacent subdivisions, a 14.2-acre portion of the PUD is proposed to be dedicated to the Town of Greenburgh as a recreational area including a multi-purpose field and two baseball fields. The walking trail will be located within a proposed easement, while the remaining open space throughout the property will be controlled by a future homeowner’s association.

**PUD Sketch Plan Approval Criteria 5**

An illustrative site plan, indicating the relationship between the proposed road system, parking lots, buildings and open spaces.

Please refer to JMC drawing PUD-4, “Conceptual Site Layout Plan” which depicts the relationship between the proposed road system, parking areas, building areas and open spaces.

**PUD Sketch Plan Approval Criteria 6**

The proposed water, storm and sanitary sewer systems and how they are proposed to be connected to the system of adjoining areas.

Please refer to JMC drawing PUD-6 “Conceptual Site Utilities Plan”. This drawing depicts the preliminary routing of the water mains in addition to storm and sanitary sewer routing. The proposed water main routing includes a connection with the existing main in Dobbs Ferry Road near the intersection with Westchester View Lane. The storm sewer network includes several potential stormwater management areas depicted on the drawing. Stormwater will be conveyed via a network of catch basins and curb inlets to these areas. Additionally, a storm sewer connection is proposed to an existing network within Worthington Road. The preliminary sanitary sewer network is also shown with a connection to an existing 8” sanitary sewer main within Worthington Road.

**PUD Sketch Plan Approval Criteria 7**

Environmental characteristics of the planned unit development, including topography, areas of slopes in excess of 20%, soils, rock outcrops, streams, swamps, lakes, ponds and other wetlands and all proposed alterations of said environmental characteristics.

Please refer to JMC drawing PUD-2, “Existing Conditions and Slope Analysis Map” which depicts the existing 105.8-acre property and all improvements. Additionally, areas of slopes in excess of 20% are shown on the plan with a shaded hatch.

**PUD Sketch Plan Approval Criteria 8**

Estimates of the school-age population supported by relevant criteria in the community, if available, or the county, and the possible allocation of school children to existing and any proposed schools.
The PUD is proposed to be age restricted senior housing for residents aged 55 and older. Due to this proposed age restriction, no school-age children will be generated as a result of the PUD.

**PUD Sketch Plan Approval Criteria 9**

Estimates of peak-hour traffic generation derived from the proposed development and its relation to surrounding development and its relation to surrounding roads and intersections, including methods developed for alleviating traffic problems.

Please refer to the Traffic Study prepared by JMC, dated April 5, 2018 for estimates of peak-hour traffic generation derived from the proposed development. Based on the Institute of Transportation Engineers Trip Generation Manual, 10th Edition the proposed development will generate 12 additional vehicle trips during the peak weekday AM hour and 13 additional vehicle trips during the peak weekday PM hour. An excerpt from this study is provided below:

<table>
<thead>
<tr>
<th>TABLE 1</th>
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<tr>
<td>PROPOSED DEVELOPMENT VOLUMES(1)</td>
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<tr>
<td>b. Proposed 175 Unit Senior Adult Housing Driveway Volumes (ITE Code 252)(3)</td>
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<td>23</td>
</tr>
<tr>
<td>c. Net Driveway Volumes (Row c = Row b - Row a)</td>
<td>-5</td>
<td>17</td>
</tr>
</tbody>
</table>

**PUD Sketch Plan Approval Criteria 10**

If the development is to be staged, a clear indication of how the staging is to proceed. The sketch plan shall show each stage of development with the dates of anticipated commencement and completion of the same. The site plan shall set forth the finalized stages with dates.
The development is proposed to be completed in one phase to achieve the full build out of the PUD.

**PUD Sketch Plan Approval Criteria 11**

Evidence of how the proposal would meet the official planning objectives of the Town of Greenburgh.

Please refer to the Verified Petition for Zoning Map Amendments prepared by Zarin & Steinmetz for information on how the proposed PUD would meet the official planning objectives of the Town of Greenburgh.

We trust that this information is sufficient for you to commence your review. Should you have questions or require additional information, please contact our office at 914-273-5225.

Sincerely,

JMC Planning, Engineering, Landscape Architecture and Land Surveying, PLLC

[Signature]

James A. Ryan, RLA
Principal

cc: Mr. Brett Owings
    Mr. Jonathan Grebow
    David Steinmetz, Esq.
    Zachary Mintz, Esq.