March 15, 2019

By Hand Delivery

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

Re: Brightview Senior Living
Petition for Zoning Text Amendment

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

As you know, our Firm represents Brightview Senior Living, LLC ("Brightview"). Brightview currently owns and operates the Assisted Living facility located at 581 Old White Plains Road, providing high quality care for local residents and generating significant tax revenue for the Town.

Brightview is now the contract vendee of a six-acre portion of the Metropolis Country Club’s property at 289 Dobbs Ferry Road (the “Metropolis Site”). Brightview proposes to develop a 160-unit residence at the Metropolis Site. This senior living residence would be located at the front of the Metropolis Site along Dobbs Ferry Road where two tennis courts and a maintenance shed are currently located.

Based on the significant demand for a wide range of senior housing options in the area, Brightview would now like to develop a “Continuum of Care Facility” that will allow seniors to age in place in their community. Offering independent living units and memory care units – which are separate and distinct from active adult housing and/or assisted living units – would enable Brightview to expand its array of high-quality housing and care options to an even greater number of area residents.

Brightview will need to submit a Petition for Zoning Text and Map Amendments to develop the Metropolis Site, and respectfully requests an opportunity to meet with the Town Council and Town Planning Board prior to submitting that Petition. In particular, Brightview would like to discuss proposed Zoning Text Amendment and Sketch Plans, which it anticipates would be included with the Petition.
Enclosed, please find twelve (12) sets of the following materials for distribution to the Town Council and Town Planning Board:

(1) Draft Zoning Text; and

(2) Draft Sketch Plans prepared by JMC Site Development Consultants, LLC, and Draft Renderings prepared by JAL Architecture and Engineering, P.C.

We respectfully request placement on the Town Council’s March 26, 2019 Work Session Agenda as well as the Town Planning Board’s April 3, 2019 Agenda. 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
Tim Lewis, Esq.
Garrett Duquesne, AICP
David Fried, Esq.
Mr. Aaron Schmidt
Mr. Andrew Teeters
James A. Ryan, RLA
A LOCAL LAW ESTABLISHING A FLOATING ZONE IN THE TOWN OF GREENBURGH TO ALLOW CONTINUUM OF CARE FACILITIES

SECTION 1. Purpose and Intent: The Town Council recognizes that there continues to be an increasing societal need and demand for quality facilities to provide specialized housing for individuals who require some assistance with daily living, specifically including senior citizens. In addition to assisted living facilities and nursing homes, continuum of care facilities provide a spectrum of care options for individuals including independent living, assisted living and memory care units within one facility allowing residents to “age in place.” The addition of this model accommodates those seniors seeking to age in place in their community, or in a community close to family members, as well as those requiring some assistance with activities of daily living. Such specialized housing would provide significant benefits to Greenburgh as the senior population forms a stable part of the community, generates limited traffic on area roadways, does not utilize schools, and can serve as a source of sustained patronage of local businesses.

SECTION 2. Definitions:

Section 285-5. “Definitions” is hereby amended by the addition of the following terms and words and are designated as a “local definition” (new language added appears in italics):

ASSISTED LIVING FACILITY - A residential facility for individuals who require some assistance with daily living, with units that may contain kitchenettes, that is operated by an entity licensed by the State of New York to operate an assisted living residence or assisted living residence with an assisted living program component. The facility will combine dwelling units with provision of services, including, but not limited to, communal dining, medication supervision, personal care, physical therapy, and assistance with the activities of daily living such as bathing, dressing, grooming, eating and/or ambulation for persons who do not need the skilled medical care provided by a nursing home or convalescent care facility.

ASSISTED LIVING UNITS - Handicapped adaptable dwelling units in Continuing Care Retirement Communities, or in Continuum of Care Facilities, for individuals who may have difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, where individual cooking facilities are limited to microwave ovens and/or cooktops, and where assistance is available by way of common meals, housekeeping and personal services.

INDEPENDENT LIVING FACILITY - Handicapped-adaptable individual or multifamily dwelling units with individual kitchens and bathrooms where, because of age and either disability or infirmity of the residents, the following services are provided to residents within the dwelling unit or in common facilities on site: dining, laundry, security and housekeeping.

MEMORY CARE FACILITY - A managed residential community consisting of private residential units and providing assistance with activities of daily life such as meal services, laundry service, housekeeping, social activities, transportation and personal services in a group setting to persons with Alzheimer’s disease and other forms of permanent memory impairment.
CONTINUUM OF CARE FACILITY – A residential facility that provides a combination of the features and amenities of Assisted Living Facilities, Independent Living Facilities, and/or Memory Care Facilities, and provides residential units for each of those levels of care within the same building or buildings on a single development site.

SECTION 3. The following new Section 285-24.1 is hereby added to the Town of Greenburgh Zoning Ordinance:

Section 285-24.1 CCF Continuum of Care Facility Floating Zone:

A. Statement of Intent and Objectives.

1. It is the intent of this Continuum of Care Facility (CCF) Floating Zone to enable the development of Continuum of Care Facilities and to provide criteria for the development of those uses.

B. Development Standards and General Requirements for Continuum of Care Facility Use

1. Properties that satisfy the following siting criteria shall be eligible for inclusion into the CCF Floating Zone:
   a. The minimum lot size shall be six (6) acres.
   b. The property must be located at least 4,000 ft from any other property that is located within the Town of Greenburgh and is being used as an Assisted Living Facility, an Independent Living Facility, or for a CCF, measured from the two nearest property lines as shown on the official Tax Map of the Town of Greenburgh.
   c. The property must be within 200 feet of a State or County right-of-way, other than Parkways and Interstate Highways.

2. Bulk and Dimensional Standards for CCFs
   a. The number of beds provided shall not exceed 40 beds per acre.
   b. No building shall be located less than 50 feet from any street or lot line.
   c. The maximum height of all buildings shall not exceed four stories and shall not exceed 55 feet.
   d. Parking area setback requirements shall correspond to the zoning district that preceded and was replaced by the CCF Floating Zone.
   e. The maximum FAR shall not exceed 0.8.
   f. The maximum coverage of principal buildings shall not exceed 25%.
   g. The maximum coverage of impervious surfaces shall not exceed 60%.
   h. One loading berth.
   i. 0.5 off-street parking spaced must be provided for each unit.

C. Procedures

1. Applications for inclusion of an eligible property into the CCF Floating Zone shall require an amendment to Greenburgh’s Zoning Map, and shall be reviewed pursuant to
the same procedures and standards for amendments to the Greenburgh Zoning Map, as found in Article IX of the Greenburgh Zoning Ordinance.

2. The Town Board shall also be the approving agency for Site Plan Approval pursuant to Greenburgh Zoning Ordinance Section 285-53(A). Standards and procedures for Site Plan Approval, as found in Article VIII of the Greenburgh Zoning Ordinance, shall apply.

3. Applicants may apply to the Town Board for the required Zoning Map Amendment as well as Site Plan Approval simultaneously.

4. It shall be a condition of every granting of a CCF Floating Zone, whether stated or not, that if an application for Site Plan Approval certified as complete is not presented to the Town Board for approval within twenty-four (24) months of the date of approval of the CCF Floating Zone the zoning of said parcel shall revert back to the zoning of said parcel prior to its change to a CCF Floating Zone.

SECTION 4. Severability:

The provisions of this local law are intended to be severable. If any provision of this Local Law is found by a Court of competent jurisdiction to be unconstitutional or otherwise invalid, such findings shall not be deemed to invalidate the local law as a whole, nor any other section or provision thereof, other than that which is found to be unconstitutional or otherwise invalid.

SECTION 5. Effective Date:

This Local Law shall take effect immediately upon filing with the Secretary of State.