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## Memorandum

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**To:** Town of Southeast Town Board  
**From:** Ashley Ley, AICP, and Alex Auld  
**Date:** June 6, 2016  
**Re:** Barrett Hill  
**cc:** Town of Southeast Planning Board, LADA

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AKRF, Inc. has reviewed the following documents for the above referenced project:

1. Expanded Environmental Assessment Form (EAF), prepared by Tim Miller Associates, Inc, dated August 4, 2015, last revised May 26, 2016
2. Letter from LADA, P.C. to the Town Board dated May 9, 2016
3. Revised Zoning Petition, received May 26, 2016
4. Limited Traffic Impact and Access Study, prepared by Frederick P. Clark Associates, dated May 6, 2016

### PROJECT DESCRIPTION

The applicant proposes an amendment to the Town of Southeast Zoning Code to permit the conversion of 168 senior housing units approved in 2006 as "Barrett Hill," located on Mount Ebo Lot 6, a +/- 29 acre parcel in the OP-2 Zoning District, to non-age restricted units. The proposed unit mix includes 64 1-bedroom and 104 2-bedroom units. On-site recreational amenities, including a pool and athletic center, and parking for 336 vehicles are also proposed. The population of the proposed project is anticipated to be 349 persons, including 33 school-aged children, of which 26 are project to be in public school.

The Proposed Action involves the following Town Approvals:

1. Town Board: Zoning Text Amendment and Special Permit
2. Planning Board: Amended Site Plan Approval
3. Architecture Review Board: Report and recommendation to the Town Board on the landscaping and architecture.
4. Zoning Board of Appeals (TBD)

## ZONING PETITION

The revised zoning petition includes a 30% set-aside for the first six months of “marketing” as “priority units” (e.g. veterans, Town employees, and first responders). Of these 30%, 34% are proposed to be set aside as affordable housing units. As proposed, the zoning text changes would be applicable to all OP-2 zoning districts in the Town.

## COMMENTS

The following memo recites AKRF’s previous comments from the August 31, 2015 memorandum in *italics*, and follow-up comments in **bold**. Comments on new documents received as part of the current submission are presented in the “New Comments” section below.

### AMENDED SITE PLAN

1. *Because the zoning amendment is proposed in conjunction with a specific property and for a specific project, the potential impacts of the whole action must be considered as part of the environmental review under SEQRA. Consideration of the zoning petition independent of the contemplated site plan amendments would be considered segmentation under SEQRA (see 6 NYCRR §617.3(g)). As such, the applicant has submitted a conceptual site plan in conjunction with the EAF. The site plan as submitted does not meet the requirements of §138-41(2) of the Town Code. However, the applicant has requested that the formal site plan submission be delayed until the Town Board has considered the zoning text amendment.*

**Comment noted. No further action by applicant required at this time.**

2. *However, to evaluate whether or not any variances may be required, a complete lot and bulk table demonstrating the proposed project’s compliance with the current dimensional requirements of the OP-2 Zoning District should be provided. In addition, the average unit size (in square feet) for a 1-bedroom and 2-bedroom unit, as well as typical floor plans, should be provided.*

**The lot and bulk table and typical floor plans were provided. However, it is requested that the floor plan be provided at a more legible scale.**

### SEQRA

*Because the proposed zoning amendment would affect the permitted land uses in more than 25 acres of the Town, it would be considered a Type I Action under SEQRA per 6 NYCRR §617.4(b)(2). A Full EAF has been submitted as required under SEQRA. The following are comments on the EAF:*

1. *Part 1 D.2.j (traffic) should be checked “yes.” Per Part 3, the proposed project will add 110 trips during the PM peak hour which is above the 100 trip threshold established by NYSDEC as “substantial” in the EAF Workbook.*

**This comment has been satisfactorily addressed.**

2. *Part 2 of the EAF is the responsibility of the Lead Agency. Part 2 is intended to identify “potential” project impacts that warrant further study. As such, AKRF recommends that the following responses be amended:*

- a. *17. “Consistency with Community Plans” box h “Other” should be amended to read, “the Proposed Project requires a zoning text amendment to permit non-age restricted housing. This change would affect properties located within the OP-2 Zoning District which comprises more than 315 acres of land in the Town.*

**This comment has been satisfactorily addressed.**

3. *Part 3.1 “Impact on Land Use, Zoning, and Public Policy.” This section of the document misrepresents the context and content of the 2002 Comprehensive Plan and 2014 Comprehensive Plan Update, as well as the intentions of the Town of Southeast in its zoning changes. The 2002 Comprehensive Plan and accompanying Croton Plan were written in the context of the physical constraints placed on the Town due to its location within the New York City Watershed and corresponding regulations. The Town of Southeast does not have central water or sewer, which severely limits its development potential. The statements made on the top of page 3.1-2 relate to the 2000 build-out analysis prepared by Putnam County and are taken out of context. That build-out analysis did not take into account any of the zoning amendments that have been adopted since 2002 and only looked at the RMF zoning district, which was not down-zoned. Therefore, the percentages and acreages repeated throughout the document and the letter from Charles Martabano, dated March 1, 2015, (see EAF Appendix A) are an inaccurate representation of the multi-family development potential of the Town in 2014. The EAF fails to acknowledge that while there are limited opportunities in the Town for the creation of new multi-family complexes, they are permitted in SR22 (as part of a mixed-use development), OP-2 (as Senior Housing), and OP-3 (attached townhouses). In addition, Southeast permits accessory apartments. Furthermore, as demonstrated on pages 6-1 and 6-2 of the 2014 Comprehensive Plan Update, the Town of Southeast currently has the greatest diversity of housing stock in Putnam County. In fact, 41% of the Town of Southeast’s housing stock is provided in attached and “other” (i.e. accessory apartments) dwelling units. Whereas only 21% of Putnam County’s housing stock is provided in attached and “other” dwelling units.*

**This comment has been satisfactorily addressed. The EAF has been revised to more accurately evaluate the proposed project in the context of the Comprehensive Plan. However, it should be noted that the provision of senior housing would more directly meet a stated need and goal of the Comprehensive Plan.**

4. *Part 3.4 “Impact on Transportation & Energy.”*
- a. *The Traffic Impact Study (TIS) completed in 2005 for the original age-restricted development for this site indicated that under 2007 Build conditions, the northbound left-turn/through movement at the intersection of Doansburg Road & Powers Lane/Mount Ebo Road South would decline from LOS D to LOS E during the Afternoon Peak Hour. It is our recommendation that this intersection be analyzed based on current 2015 baseline traffic conditions and utilizing the trip generation rates for the non-age-restricted housing to determine if further deterioration in LOS would occur at this location. As part of this analysis we recommend that the following be conducted:*
- i. *New Turning Movement Counts (TMC) at the intersection of Doansburg Road & Powers Lane/Mount Ebo Road South during the peak periods for analysis (to establish 2015 baseline traffic volumes at this intersection).*
  - ii. *New 24-hour Automatic Traffic Recorder (ATR) counts along NYS Route 22 to determine recent traffic volume trends in the area.*
  - iii. *Existing, No Build, and Build traffic capacity analyses at the intersection of Doansburg Road & Powers Lane/Mount Ebo Road South utilizing the most recent NYSDOT-approved version of the Synchro traffic analysis software. The Build volumes would be developed based on the latest trip generation numbers for the non-age-restricted units.*

**An updated TIS has been provided. See “New Comments” below.**

- b. *If the results of this analysis show no impact based on the updated counts, trip generation, and capacity analysis, then no further evaluation will be required.*

**An updated TIS has been provided. See “New Comments” below.**

- c. *Any changes with regard to on-site circulation, as it relates to transportation, from the original age-restricted plan should be discussed, including vehicular and pedestrian circulation.*

**An updated TIS has been provided. See “New Comments” below.**

5. *Part 3.5, “Impact on the Community.” The EAF utilizes demographic multipliers published by the Rutgers University Center for Urban Policy Research to estimate the total population and anticipated number of school aged children to be generated by the Proposed Project. These multipliers are based on the U.S. Census and are widely used for population estimates of proposed projects. As such, the population and school aged children estimates are reasonable based on the unit mix and unit count provided. However, should the unit mix change (i.e. more 2-bedroom or the addition of 3-bedroom units), or if the units include “dens” or “offices” that could be utilized as bedrooms, then these estimates would need to be re-evaluated.*

**Comment noted. No further action by applicant required at this time.**

#### ZONING PETITION

1. *The proposed Zoning Petition includes restrictions that would limit the availability of affordable housing. Unlike the Westchester County model, which the applicant regularly cites as a reason for the Town to undertake a zoning amendment, the proposed zoning would simply limit the affordability requirement to the first “6 months of marketing” and includes a “preference list.” Conversely, the Westchester County model ordinance has no such restrictions, nor does it include a preference list. If the Town’s objective is to increase the availability of affordable housing within the Town, the following changes to the Zoning Petition should be considered:*

- a. *Require the set aside of affordable units for a greater period of time. For example, the Westchester County model ordinance requires the following:*

*“Property Restriction. A property containing any affordable AFFH units must be restricted using a mechanism such as a declaration of restrictive covenants in recordable form acceptable to Municipal Counsel which shall ensure that the affordable AFFH unit shall remain subject to affordable regulations for the minimum 50 year period of affordability. Among other provisions, the covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit. Upon approval, such declaration shall be recorded against the property containing the affordable AFFH unit prior to the issuance of a Certificate of Occupancy for the development.”*

*At a minimum, the phrase “first six months of marketing” should be clearly defined. If “marketing” begins before the apartments are habitable, it could preclude qualified persons from leasing or purchasing the unit. Given the length of time required to construct and occupy a building, six months could be too short a period of time.*

**The revised zoning petition now reads “from the time of substantial completion for each phase of construction, for marketing of residential units to the above referenced groups.” This is still vague and should be more clearly defined and explained. As currently drafted, it appears that these priority affordable units would only be “reserved” for six months. If the Applicant is unable to find qualified tenants during that time would they would revert to market rate? It appears that any units that are rented or sold during those first six months as affordable would remain as such for 99 years. However, what would happen to a unit that wasn’t sold or leased within that period?**

- b. *Require an affordable housing marketing strategy. The Westchester County model ordinance includes the following:*

*“The affordable AFFH units created under the provisions of this section shall be sold or rented, and resold and re-rented during the required period of affordability, to only qualifying income-eligible households. Such income-eligible households shall be solicited in accordance with the requirements, policies and protocols established in the Westchester County Fair & Affordable Housing Affirmative Marketing Plan so as to ensure outreach to racially and ethnically diverse households.”*

**This comment has not been addressed.**

- c. *Remove the preference list. Preference lists can be challenged as discriminatory, and must comply with all laws relating to Civil Rights. The Westchester County model ordinance specifically excludes a preference list.*

**The zoning petition retains a preference list.**

## NEW COMMENTS

### *EAF*

1. Since Table 3.5-5 uses the approved unit count for Study Area IV, then Table 3.5-6 should be revised to show the projected number of school age children based on the Rutgers CUPR ratios for the specific unit count. As detached units, these would have higher school age children multipliers.

### *TRAFFIC*

1. The scope for the LTIAS states that Automatic Traffic Recorder (ATR) counts along NYS Route 22 would be conducted to determine recent traffic volume trends in the area. The LTIAS states that new ATR counts along Doansburg Road (rather than NYS Route 22) were conducted and recent ATR data was obtained for NYS Route 22 from NYSDOT. As the LTIAS focus is on the analysis of the intersection of Doansburg Road and Power Lane/Mount Ebo Road South, we find the collection of ATR count data on Doansburg Road appropriate for use in this study, in conjunction with the provided NYSDOT ATR data for NYS Route 22.
2. The expanded detailed discussion on the comparison of the 2005 and 2016 traffic volumes provided in the ‘Conclusions’ section (page 6 of the LTIAS) should also be provided in the main body of the report (in the ‘Recent Traffic Volume Trends within the area).
3. Please list all No Build Projects considered in the analysis by municipality.
4. The LTIAS identified one “notable increase in delay” of 14 seconds from No Build to Build conditions, with a decline in Level of Service (LOS) from E to F for the northbound Mount Ebo Road South left turn/through movement at Doansburg Road during the afternoon peak hour. A peak hour warrant analysis should be conducted to see if the potential for a traffic signal at this location exists. In addition, the Applicant should commit to depositing \$10,000 in escrow for post-construction monitoring of this intersection to determine if mitigation (e.g., traffic signal) is needed.
5. No major technical errors were identified with the capacity analysis presented in the LTIAS.