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In the Matter of the Petition of
Barrett Hill Associates, LLC,

Pursuant to Chapter 138, Article XV, §§138.91 –
138.93 of the Code of the Town of Southeast

AMENDED PETITION

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Barrett Hill Associates, LLC (hereinafter “Petitioner”), as and for its Petition to the
Town Board of the Town of Southeast, respectfully states as follows:

FIRST: Petitioner Barrett Hill Associates, LLC is the owner of the real
property located within the territorial boundaries of the Town of Southeast and located on
Mount Ebo Road North and known and described as Mount Ebo Lot 6 (hereinafter referred
to as “the Property”). The Property is further known and described as Tax Map Number
46.-5-2 on the Tax Map of the Town of Southeast, is located in the OP-2 Zoning District,
and consists of approximately 29 acres. It is presently approved for the construction of 168
senior housing units in 6 separate buildings with a clubhouse and accessory medical offices.

SECOND: As set forth above, the Property is already approved for the
construction of 168 senior housing units. Petitioner desires, however, to construct 168
housing units which would not be restricted to occupancy by seniors, but which, if approved
by the Town Board, would include 30% special housing marketing priority to the following
designated groups: persons with disabilities, veterans living in Putnam County, active
volunteer members of the Town’s Fire Department, Putnam County First Responders, full-
time employees of school districts serving the Town of Southeast, full-time employees of the
Town of Southeast and persons aged 55 years and older.

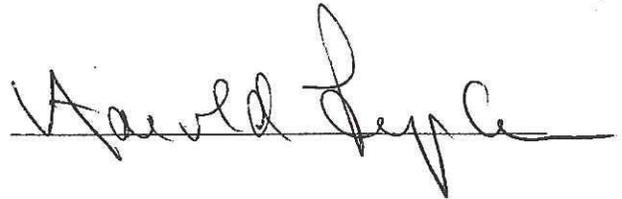
THIRD: Attached hereto and made part hereof as Exhibit A is a copy of a proposed text change for the OP-2 Zoning District entitled "Multifamily Work Force Housing District". It is the Petitioner's intention to construct multi-unit multi-family rental housing on this site which can be accommodated only by the adoption of a text change such as that set forth in Exhibit A. The adoption of this text change would facilitate construction of housing alternatives which would fulfill a pressing need. Further, by voluntarily providing for priority marketing and for preference for persons with disabilities, persons aged 55 years and older and for persons whose contributions to the Town of Southeast and to the greater community are beyond question, it is respectfully submitted that the proposal presents benefits which similarly are beyond question.

FOURTH: Attached hereto and made part hereof as Exhibit B is a copy of the Zoning Map of the Town of Southeast with the portions zoned as OP-2 zoning highlighted. As can be seen, the OP-2 Zoning District is limited in size as compared to the vastness of the Town of Southeast. As can also be seen by reference to Exhibit A, the applicant is proposing further significant restrictions limiting the eligibility of properties to be authorized by the text change. Multi-unit Work Force Housing is proposed to be limited to the OP-2 Zoning District. In addition, such eligibility requires a minimum lot size of 25 acres; that the proposed development shall be served by State, County or Town road and be adjacent to a residential zone; and served by a central sewage treatment plant, a central water supply, and a central fire protection system. By reason of the foregoing, the number of properties to which the text change could be applicable as proposed is similarly limited although the Town Board could modify these parameters on its own motion if it so desires.

FIFTH: The Town Law of the State of New York provides authorization for towns to adopt procedures for the amendment of zoning codes which can be amended by majority vote of the Town Board following a public hearing.

WHEREFORE, Petitioner requests that the Town Board of the Town of Southeast, following compliance with the procedures set forth in the Town Code as hereinabove referenced, refer this Petition to the Putnam County Planning Department for its review and recommendation, and to thereafter hold a public hearing thereon and grant Petitioner's Petition and adopt the text change to the OP-2 Zoning District requested and as set forth in Exhibit A attached hereto together with such other, further and different relief consistent therewith that the Town Board might grant.

Respectfully submitted,



Sworn to me on this 5th
day of July, 2016



Notary Public

Lori A Macomber
Notary Public
State of New York
County of Putnam
My Commission Expires 5/7/19

EXHIBIT A

Floating Zone Option

Multifamily Work Force Housing District.

A. Purpose and intent. A multifamily workforce housing district is hereby established in order to provide suitable opportunities within the Town for the development of housing designed to satisfy the needs of households maintained by the disabled, the young, the elderly, and families earning less than 80% of the county's annual median income. The district is intended to provide for the construction of multifamily housing on sites determined to be appropriate based on criteria established herein which are designed to promote the public health, safety and general welfare and to develop housing which is responsive to a variety of special needs of present and future residents of the Town. To help assure the achievement of this goal with proper protection for existing and future neighboring development and infrastructure, the multifamily work force housing district shall be established on a floating-zone basis, subject to approval by the Town Board and in accordance with an approved preliminary development concept plan, as described and defined herein.

B. Definitions.

PRIORITY UNIT – A single family or multifamily housing unit that is marketed to and occupied by a household meeting the eligibility requirements defined by the particular project, including but not limited to households within a preference group which may include but are not limited to residents and/or workers in the Town of Southeast who are members of the fire and police force, veterans residing in Putnam County, persons with disabilities, etc.

AFFORDABLE PRIORITY UNIT – A Priority Unit which is subject to a 99 year restriction limiting the sale or rental price initially and upon resale or re-rental at a price to be determined for the particular project.

QUALIFYING AFFORDABLE HOUSEHOLD – A household in which the total household income is equal to or less than 80% of Putnam County Household Income as published by the United States Census Bureau from time to time or as adjusted consistent with increases in the CPI during interim periods, and in which at least one member of the household is a member of one or more of the preference groups identified for the particular project.

- C. Eligible property. Any site proposed to be included in the Multifamily Work Force Housing District shall be in the OP2 District and shall meet the following site eligibility requirements, all of which shall be met on the effective date of the Zoning Map amendment:
1. Such site shall be accessed by a State, County, or Town road and shall be adjacent to a residential zone;
 2. Such site shall be serviced by an existing central sewage treatment plant, central water supply and central fire protection system;
 3. Notwithstanding the minimum lot size requirements for the OP-2 District set forth in the Commercial Zoning Schedule, such site shall have a minimum lot size of 25 acres.
- D. Permitted uses. The following uses shall be permitted in the Multifamily Work Force Housing District, subject to the following restrictions:
1. Multifamily residential housing, subject to the issuance of a special permit from the Town Board and site plan approval from the Planning Board.
 2. Single family dwellings (attached or detached), subject to the issuance of a special permit from the Town Board and site plan approval from the Planning Board.
- E. Special permit standards. The issuance of a special permit for single family or multifamily residential housing shall be subject to the following standards:
1. A minimum of 30% of the project units shall be designated as Priority Units for occupancy by eligible households.
 2. A minimum of 34% of the priority units, set forth in E.(1), shall be designed as Affordable Priority Units.
- F. Dimensional and bulk standards.
1. The yard, setback, floor area ratio and building coverage standards of the OP-2 Zoning District shall apply.

2. A minimum of 1.5 off-street parking spaces per dwelling unit shall be required, plus twenty (20) percent for visitor parking.

G. Development standards. All single family and multifamily residential development in the Multifamily Work Force District shall comply with the following standards:

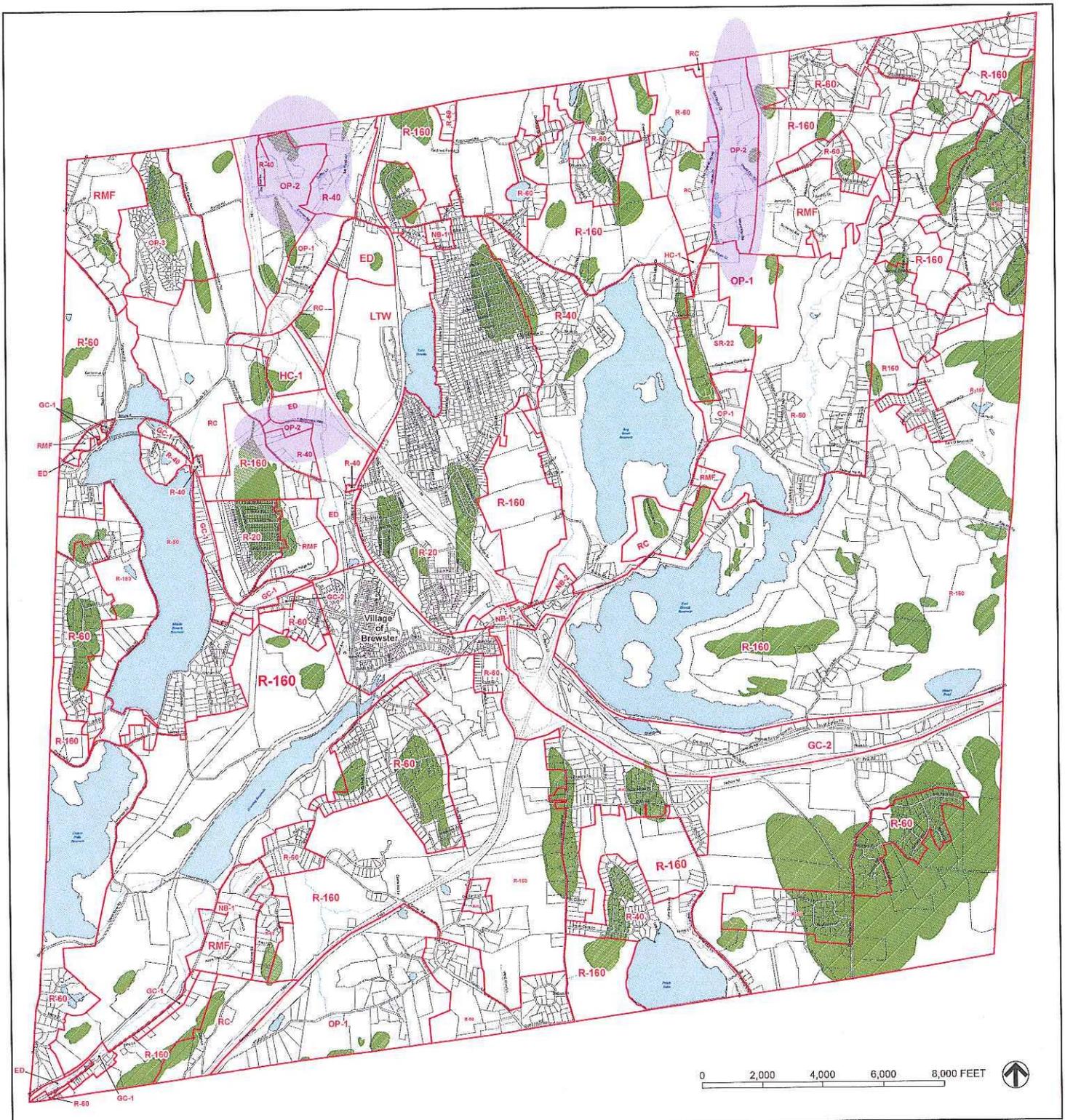
1. Physical integration. Units designated as Priority Units shall be designed to be integrated into the overall project so as not to be immediately identifiable and shall contain the same quality workmanship and materials.
2. Dwelling unit size and unit type. Dwelling unit types may include multifamily and single family attached or single family detached types and may include one or two bedroom units.
3. Phasing. Each Phase shall include an equal number of Priority Units spread throughout the project.
4. Building Size. Total Building Area shall comply with the Floor Area Ratio (FAR) for the OP-2 zone.

H. Selection and affordability standards.

1. Each project shall be required to define the selection criteria and process for compliance of the project to this section as part of the Project Marketing Plan or Community Benefits Agreement.
2. The Project Marketing Plan or Community Benefits Agreement shall identify the organization, group or company who shall ensure compliance with the eligibility requirements for the project.
3. Each project shall define how the project shall benefit the identified preference groups/population identified in the Project Marketing Plan or Community Benefits Agreement.
4. At least 30% of the project units shall be designated to serve the preference group/population (i.e. Priority Units).
5. The Project Marketing Plan or Community Benefits Agreement will include the method to ensure the Priority Units serve the preference group/population.

6. Typical preference groups could include such residents and/or workers in the Town of Southeast who are members of the fire and police force, school district employees, veterans residing in Putnam County, persons aged 55 and older etc.
 7. At least 34% of the Priority Units shall be subject to a 99 year restriction limiting the sale or rental price of such Affordable Priority Units, initially and upon re-rental or resale. With respect to rental units, such Affordable Priority Units shall be rented to Qualifying Affordable Households at rates equal to 30% of 80% of the Putnam County Household Income, as published by the United States Census Bureau from time to time or as adjusted consistent with increases in the CPI during interim periods. With respect to sale units, such Affordable Priority Units shall be sold to Qualifying Affordable Households at sales prices equal to 90% of the prices set forth in the Sales Offering Plan or Memorandum (for the first six months of sales or marketing) or 90% of the sales price of similar housing units in the multi-unit multi-family housing development in the 6 months preceding the date of the contract of sale, adjusted for unit size.
- I. Application procedure. The procedure for planning and zoning approval of a proposed multifamily work force housing development in accordance with this section shall involve a three-stage review process, including (1) Town Board approval of a Zoning Map change to designate the subject property as within the Multifamily Work Force Housing District, (2) Town Board approval of a special permit for the single family or multifamily residential development, (3) Planning Board approval of a site plan.

EXHIBIT B



ZONING MAP

 Zoning District Boundary	HC-1 Highway Commercial HC-1 District
R-160 Residence R-160 District	GC-1 Gateway Commercial District GC-1 District
R-80 Residence R-80 District	GC-2 Gateway Commercial District GC-2 District
R-60 Residence R-60 District	ED Economic Development ED District
R-40 Residence R-40 District	OP-1 Office Park OP-1 District
R-20 Residence R-20 District	OP-2 Office Park Op-2 District
RMF Residence RMF District	OP-3 Office Park OP-3 District
NB-1 Neighborhood Business NB-1 District	RC Rural Commercial District
NB-2 Neighborhood Business NB-2 District	SR-22 Special Route 22 District
LTW Lake Tonetta Watershed District	 Ridgeline Overlay District

Michele Stancati

CERTIFIED BY THE TOWN CLERK AS THE OFFICIAL
ZONING MAP OF THE TOWN OF SOUTHEAST
Adopted by the Town Board by Local Law No. 70 of December 15, 2011