

TOWN OF CORTLANDT TOWN BOARD
COUNTY OF WESTCHESTER: STATE OF NEW YORK
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In the Matter of the Petition of

AJ Cortlandt LLC,
Petitioner,

**PETITION FOR AMENDMENT
TO THE TOWN OF CORTLANDT
ZONING ORDINANCE**

To Amend the Town of Cortlandt Zoning Ordinance,

Parcel: 28.06-1-15
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TO THE SUPERVISOR AND MEMBERS OF THE TOWN BOARD OF CORTLANDT:

PETITIONER, AJ CORTLANDT, LLC (“Petitioner”), by its Attorneys, McCullough, Goldberger & Staudt, LLP, hereby petitions the Town Board of the Town of Cortlandt (the “Town Board”) for an amendment to the Town of Cortlandt Zoning Ordinance (the “Zoning Ordinance”) as follows:

INTRODUCTION

1. Petitioner is a duly formed and existing limited liability company under and by virtue of the laws of the State of New York.
2. Petitioner is the owner of a tract of land totaling approximately 42.43 acres of real property identified as Tax Parcel 55.19-1-1 on the Town of Cortlandt Tax Map (hereinafter referred to as the “Property”). The Property is currently vacant.
3. The Property is located in the Single-Family Residential “R-40” Zoning District in Cortlandt, located on the north side of Furnace Dock Road.
4. Directly west and north of the Property are single family residences, as well as some

two- and three-family homes. Adjacent to the Property to the east is land owned by the Town of Cortlandt (the “Town”) containing the Railroad Pond previously purchased by the Town from Con Edison. South of the Property, across Furnace Dock Road, and within the R-40 district, are commercial and multi-family development and single-family homes. Further west on Furnace Dock Road is commercial development, including retail and restaurants within the Highway Commercial “HC” Zoning District along Albany Post Road.

5. The Property is located in a single family residential district, but is in close proximity to commercial development and the HC District. This makes the Property ideally located for more moderate density development, similar to what already exists across Furnace Dock Road.

6. Conditional Final Subdivision Approval was previously granted for a subdivision of the Property with 16 semi-attached single family homes each with 4-5 bedrooms (the “Prior Project”). This approval followed a lengthy environmental review resulting in many modifications to reach the plan which was ultimately approved. The plan included a public road to access the homes, and the dedication of approximately 6 acres along Furnace Dock Road and approximately 28 acres of the rear of the property to the Town of Cortlandt. The applicant/owner was a related party to Petitioner. Due largely to changes in market demand, Petitioner is proposing a revised project which will provide additional benefits to the Town.

7. The Town of Cortlandt has a need for ideally situated age-restricted housing, with a growing percentage of residents 55 years of age or older (currently estimated at 32% of the total population of Cortlandt). This growing demographic indicates a need for a different type of housing product that is currently not available in the Cortlandt marketplace or permitted by the Zoning Ordinance.

8. Therefore, Petitioner is hereby requesting that the Town Board amend the Zoning Ordinance to add a new Special Zoning District to Article XV Special Zoning Districts to be titled Active Senior Housing Special Zoning District, providing for low density Active Senior Housing

projects as a special permit use in the R-40 District provided certain criteria are met. The proposed use will permit age-restricted multi-family residential development.

THE PROPOSED PROJECT

9. Petitioner proposes to improve the currently vacant Property with 32 units of age restricted housing, comprised of eight buildings, each with four units (two first floor units and two second floor units) (the “Project”). Units will be a mix of two- and three bedrooms. Each unit will have its own driveway and garage. The eight buildings are located in essentially the same location as the eight buildings containing the 16 semi-attached homes in the Prior Project and the road configuration is the same as the Prior Project. A copy of the proposed layout plan and preliminary renderings are attached hereto as Exhibit A.

10. The access road for the Project will be private and maintained by a homeowners’ association, removing the burden of road maintenance from the Town. The Project will also utilize private garbage and recycling services, further reducing financial impacts on the Town and demand for community services.

11. As the Project layout is essentially the same as the Prior Project, the same amount of open space will be preserved, and the same portions of the Property are proposed to be dedicated to the Town. The requirements for access and enhancement of the archaeological site on the Property which were part of the Prior Project will remain in place. The Project will also include substantial landscape buffering to adjacent neighborhoods. In addition, Petitioner is happy to work with the Town to enhance public access to the adjacent Railroad Pond. Petitioner will also work with the Town to include two affordable units in the Project available to those making 100% of the area median income.

12. The SEQRA review to be undertaken for the Project will show that the proposed Project will not result in any new potential significant adverse environmental impacts and in fact will reduce certain potential environmental impacts as compared to the approved Prior Project. An Environmental

Assessment Form and supporting Narrative comparing impacts and updating information is submitted herewith.

PROPOSED TEXT AMENDMENTS TO ZONING ORDINANCE

13. Petitioner respectfully requests the adoption of a Zoning Text Amendment consisting of the creation of a new Active Senior Housing Special Zoning District to be incorporated into Article XV of the Zoning Code.

14. A copy of the proposed Zoning Text Amendment is attached hereto and made a part hereof as Exhibit B.

15. The Zoning Text Amendment would not have any adverse impact on the Zoning Ordinance or the Town for several reasons. First, the proposed Zoning Text Amendment would only affect properties of more than 40 acres located in the R-40 District, and within a specified distance of a highway interchange, and would maintain the same low density as the underlying zoning. Units would be permitted in buildings with no more than four units per building to maintain an appearance similar to single family residential development.

16. In addition, the proposed Zoning Text Amendment will only permit development of age restricted housing, restricted to active adults age 55 and over, so that there will be no impact on schools and incorporates other requirements to minimize or reduce any impact of the proposed development on the Town while providing a needed housing type.

17. For all of the foregoing reasons, it is respectfully requested that the proposed Zoning Text Amendment should be adopted.

WHEREFORE, Petitioners respectfully request that the Town Board of Cortlandt adopt the requested Zoning Text Amendment as set forth above.

Dated: White Plains, New York
May 5, 2021

Respectfully submitted,

McCULLOUGH, GOLDBERGER & STAUDT, LLP

By:  _____

EXHIBIT A

PROJECT LAYOUT PLAN AND RENDERINGS

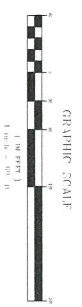




EXHIBIT B

PROPOSED ZONING TEXT

Section 307-94.3 Active Senior Housing Special Zoning District

- A. Intent and Purposes. It is the intent and purpose of this section to create a special permit entitled Active Senior Housing. This special permit will allow the Town the opportunity to:
- (1) enhance the existing housing stock by allowing a product to be constructed that currently does not exist within the community.
 - (2) allow residents age 55+ an opportunity to downsize from larger single family homes but still remain within the community where they have family ties and relationships.
 - (3) create new low density residential developments that incorporate cluster design techniques to preserve open space and enhance buffering from other uses.
- B. Eligibility
- (1) Existing parcel(s) of land of at least 40 acres under common ownership located in the R-40 Residential District.
 - (2) Property must be located within one-half mile of an interchange with a New York State Highway.
 - (3) Have adequate access to water and sewer utility service.
- C. Housing described in this section shall exist or be designed and constructed for the needs of seniors and is subject to the management or other legal restrictions that require all units designated as Active Senior housing units to be occupied by persons 55 years of age or older. Notwithstanding the foregoing, adults under 55 years of age and children may reside in the units where:
- (1) The adult is the spouse of a person 55 years of age or older; or
 - (2) The adult's presence is essential for the physical care of a person 55 years of age or older; or
 - (3) The minor children are residing with their parent, parents or legal guardians where their parent, parents or legal guardians are 55 years of age or older, and the minor children residing therein are under a physical or other disability and cannot care for themselves.
- D. Development Standards and Controls
- (1) Additional bulk and area requirements may be established by the Town Board for each project. The setbacks from existing property lines must comply with the requirements of the district within which the proposed project is located unless it can be demonstrated to the satisfaction of the Town Board that it is impracticable to comply, in which case the applicant will be allowed to have such setbacks as may be approved by the Town Board.
 - (2) Building height. The maximum permitted building height within an Active Senior Housing Special Zoning District shall be the same as the underlying zoning district, 2 ½ stories or 35.

- (3) Maximum Building Coverage for the entirety of the site (including any land area to be dedicated to the Town as open space) shall not exceed 20%.
- (4) Utilities, services and off-site improvements shall be provided as required by the Town.
- (5) Density of Development. The maximum allowable intensity of development shall be as follows: one residential unit per acre. Land area proposed to be dedicated to the Town as open space shall be counted towards determining the density of development calculation. Units may be provided as attached, detached or multifamily units with no more than four units per building.
- (6) This special permit shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular and shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of the Zoning Code and particularly with the standards contained in § 307-73.

E. Assurances for Active Senior Housing Projects. Legal assurances. Each application for a proposed Active Senior Housing development shall be accompanied by appropriate undertakings, deed restrictions, easements and the like, in form and content satisfactory to the Town Attorney, as may be necessary to provide for and assure continued proper future maintenance and ownership responsibilities for all common areas, facilities and utilities within each stage of development or section thereof.

F. Application and Approval Procedure

- (1) The applicant is encouraged, prior to formal submission of the application for Active Senior Housing special permit, to meet in a preapplication conference with the Town Board and/or Town staff to review the requirements and procedures defined herein and to discuss the general planning concepts for the proposed development.
- (2) Approval of an Active Senior Housing project may only be granted by a special permit from the Town Board.
- (3) Procedures for submission and approval of the special permit application permit are contained in Article X of this chapter. The development shall comply with all of the requirements for site development plan approval contained in Articles XII of this chapter.