

Memo

To: Artis Senior Living of Tarrytown
From: Chairman Dr. Stanley Friedlander – Planning Board
CC: Kathy Zalantis, Dan Pennella, Lizabeth Meszaros
Date: 2/18/19
Re: Artis Dementia Facility – Additional Items for Study in Supplemental Draft
Environmental Impact Statement (SDEIS)

Based on the standards set forth in 6 NYCRR § 617.8 (f) and (g), the Planning Board can add issues raised after scoping. The Planning Board identified the 1) *affordability of assisted living including the dementia facility proposed by the Project Sponsor*. At the Board's work session held on 2/14/19 voted to have a discussion of this issue incorporated into the Project's SDEIS. Another recent issue has come to the forefront, namely, 2) *Con Edison's natural gas moratorium*. This should also be addressed in the SDEIS.

Identification of Additional Issues

1) Assisted Living Facility Affordability

Several new assisted living facilities including memory care have been constructed and proposed in the nearby Town of Greenburg as well as other communities in Westchester County. This is a national trend responding to a rapidly increasing elderly population. These for-profit facilities provide necessary services which can be very expensive. Additionally, memory care services require a higher staff to patient ratio than typical assisted living facilities.

2) Con Edison Natural Gas Moratorium

On January 18, 2019, Con Edison announced that demand for natural gas from new development is outpacing its ability to supply the product to new customers. The

demand is due to new construction and conversion from oil to natural gas. As a result of increased demand and to maintain reliable service to existing natural gas customers on the coldest winter days, Con Edison announced that beginning March 15, 2019, it will no longer be accepting applications for new customers. However, even that end date could be moved up as Con Edison advises that “customers will be accepted on a first come, first served basis unless it becomes necessary to stop accepting new requests before the end of the enrollment period.” New buildings will be allowed up to 24 months to complete their projects. The moratorium covers Con Edison’s Westchester County service area except for communities in the northern part of the County.

Relevance to Potential Significant Impacts

1) Assisted Living Facility Affordability - Related to Social and Economic Considerations

It has been reported that basic fees for typical assisted living facilities can range from \$7,000-8,000 monthly but quickly adds up when residents require additional services (EHEZI, *Rockland/Westchester Journal News*, Jan. 11, 2019). Memory care services may be higher due, in part, to larger staffing ratios. Tarrytown, like other communities in Westchester County, has a diverse population with many senior households on fixed incomes. Most assisted living facilities in New York and elsewhere have expenses that make them less affordable to these households.

The Town of Greenburg is currently proposing requiring that new assisted living facilities developed provide a minimum of 10% of living units for persons whose annual incomes meet Westchester County’s Affordable Housing Guidelines and comply with Westchester County’s Model Fair Housing Ordinance. The Journal News article referred to above noted that in New Jersey, some facilities set aside a portion of their rooms for residents who receive Medicaid, which is usually not accepted by local assisted living companies (EHEZI, *Rockland/Westchester Journal News*, Jan. 5, 2019).

2) Con Edison Natural Gas Moratorium Related to Infrastructure

The natural gas moratorium applies to new residential, and commercial and industrial customer gas service connections. There is no known end date for the moratorium, and it will depend upon the construction of new infrastructure and development of non-pipeline alternatives to provide adequate supply to meet the demand. Projects are being advised to explore other energy sources including alternate renewable sources being funded through NYSERDA's programs. Land use boards and lenders will seek certainty and want assurances that if a project proceeds, that a natural gas connection or alternate energy source will be provided. The Applicant needs to address this issue in the SDEIS and provide energy source alternatives for the Project.

Rationale Why Additional Issues Not Identified in the Initial Scope

1) Assisted Living Facility Affordability

The Planning Board became aware of this issue in January when the Town of Greenburgh presented legislation requiring 10 percent of all new assisted living facilities to be affordable. The Town had previously formed a committee to study this issue of affordability which was referred to in the Journal News articles is attached to this memo.

A discussion of affordable units for the project should be incorporated into the SDEIS including the need for affordable units, various approaches which other states are using and exploration of alternate approaches to address this issue.

2) Con Edison Natural Gas Moratorium

The announcement of Con Edison's natural gas moratorium in January was unexpected and produced uncertainty for developers and municipalities. The Public Service Commission (PSC) has already held a hearing on the moratorium on February 13, 2019. The moratorium issue is now being actively discussed in the planning, legal and development communities. Additional information is being provided on clean, renewable energy alternatives funded through NYSERDA. The Planning Board believes that discussing this issue in the SDEIS is necessary to provide more certainty relative to renewable energy alternatives for the Project. Background information on this issue is provided with this memo.