

Memorandum in Response to Comments on the Artis SDEIS

Date: March 8, 2019

From: Mark J Fry, Main Street Consulting, SDEIS Preparer

To: Robert Galvin, Planning Consultant for the Lead Agency, the Village of Tarrytown Planning Board

Thank you, Bob, for your e-mail dated March 2, 2019 in which you posed several questions and requested additional information in order to augment and complete the Artis SDEIS.

Comment 1:

“In reviewing the SDEIS, I have a question regarding the Alternatives. The Scope requested a commercial office bldg. of 60,000 sf (which was the previously approved site plan). Can you explain why the 54,000 sf commercial office bldg. was selected instead of 60,000 sf?”

“In the SDEIS, you did explain the reason for eliminating one of the proposed alternates, the Medical Office Building of 60,000 Square Feet, with required parking spaces for 300 cars, which would not, under any circumstances, fit on the site. That alternate was eliminated, leaving the remaining three alternatives identified in the Scope.”

Response 1:

Based upon the required alternates in the approved scope, the applicant asked its consultants Insite Engineering to draw up a sketch plan for an Alternate with a 60,000 SF Commercial Office Building with 180 parking spaces. Due to the reduction in size of the parcel from **6.23** acres to **4.64** acres in conjunction with the interior lot line adjustment in February of 2015, Insite Engineering quickly determined that the building that was approved on a larger site in 2006 would no longer fit on a substantially smaller site in 2019. Applicant then asked Insite Engineers to explore the maximum size of a commercial office building that would fit the smaller site. After exploring multiple possible site layouts, they determined they could squeeze a 54,000 square foot building with a ground floor footprint of 12,300 feet and second and third floor footprints of 20,850 SF, provided that 18 parking spaces were placed under the building. At 54,000 SF, they “maxed out” the site with 44.34 % site coverage where 45% is permitted. While

building coverage was just 6.70 %, where 12 % is permitted, it was the total site coverage, driven by the required three parking spaces per 1,000 SF that was the limiting factor. We should have explained this more clearly in the SDEIS.

In order to provide an “apples for apples” comparison of the alternates with the proposed action, we applied the same proposed setbacks under the proposed A/D zoning amendment to the proposed alternate office uses as were applied to the proposed action. If any of the alternates were to be built under the existing OB zoning, variances from the existing OB setbacks would be required.

Comment 2:

“You may be able to use the 60,000 sf previously approved site plan as the No Action AlternativeThe site has an approved site plan for a 60,000-sf commercial office building”.

Response 2:

In the course of preparing the SDEIS, applicant’s consultants reviewed the approval history since 2002 of the original 12.8 site from which the current 4.6 acre site has been sub-divided. That review showed that the approval granted in 2006 was for a different building on a different and much larger site. The review further showed that the approval granted in 2006 had been explicitly surrendered in 2015, when the property was re-subdivided, via an interior lot line adjustment, into the 8.03 acre parcel denominated as 155 White Plains Road and the 4.64 acre parcel denominated as 153 White Plains Road.

The previous applicant Crescent Associates, LLC, (who is the site owner and contract vendor to the current applicant and contract vendee Artis Senior Living of Tarrytown, LLC) no longer has any valid approvals to build anything on the property. In the event that the proposed action is not approved, the applicant Artis Senior Living of Tarrytown has clearly stated it will not execute its contract to purchase, and it will not build anything on the site.

At the request of the current owner, Crescent Associates, LLC, Don Walsh has informed the Planning Board for the record that Crescent Associates will not apply to build anything on this site. For these reasons, the “No-build scenario”, or “No Action

Alternative”, in regard to this application means literally that nothing will be built.

Should this application not be approved, and should the site owner execute a new purchase contract with a new prospective purchaser, that would require an entirely new application for site plan approval from the new applicant.

Comment 3:

“No Action alternative must always be discussed to provide a baseline for evaluation of impacts and comparisons of other impacts.The substance of the No Action discussion should be a description of the likely circumstances at the project site if the project does not proceed.”

Response 3:

While the SDEIS contains comparisons of the proposed action with three selected alternate actions we understand and appreciate that the Planning Board has requested more information on the impacts of the No Action Alternative, as compared with the impacts of the proposed action.

Potential impacts have been presented in the SDEIS in following thirteen categories: The impacts of the No Action Alternative as compared to the impacts of the Proposed Action are presented below in the same order:

1. Land Use and Zoning
2. Green Technology and Sustainability
3. Soil, Topography, Steep Slopes and Wetlands
4. Vegetation and Tree Protection and Replacement
5. Stormwater Management
6. Traffic and Transportation
7. Infrastructure and Utilities
8. Community Facilities
9. Fiscal Impact Analysis
10. Construction Impacts
11. Alternatives
12. Visual Impacts from Martling Avenue

13. Conformance with Master Plan

1. Land Use and Zoning

The proposed action will require an amendment in zoning for a new land use, providing for Alzheimer's and Dementia Care, which was not envisioned when the zoning code was written in 1959, nor in the 1987 and later revisions.

The No Action Alternative will require no amendment to the zoning code and no new land use providing for Alzheimer's and Dementia care will be permitted.

2. Green Technology and Sustainability

The proposed action will require an amendment in zoning which requires as Additional Requirement that maximum practicable efforts shall be made to include sustainability measures such as a stormwater pollution prevention plan that includes implementation of Green Infrastructure Practices, energy efficient construction, and similar measures that will achieve significant increases in efficiency and sustainability and reduce the production of Green House Gases. Should the proposed action be approved, this will be the first time the application of Green Technology and Sustainability measures has been applied, as an Additional Requirement of code, in the Village of Tarrytown. The broad range of the measures that will help the proposed action achieve a high level of Green Technology and Sustainability are fully described in Section J. of Chapter 2.

The No Action Alternative will require no amendment to the code requiring maximum practicable efforts to incorporate Green Technology and reduce the production of Green House Gases, and the site, remaining undeveloped, will not require the burning of any fossil fuels, and will not produce any Green House Gases.

3. Soil, Topography, Steep Slopes and Wetlands

The proposed action will have a substantial impact on the topography of the site through the creation of a level building pad by cutting and filling and grading the site. It will also require the construction of three retaining walls. Roughly 50% of the site will be impacted by this work, and 50% will remain undisturbed. The existing steep slopes on the western half of the site will be impacted to a limited extent. As more fully described

in Chapter 3, under the heading “Analysis of Area of Steep Slopes” the area of steep slopes as a percentage of total site area is 17.9 %. The square footage of steep slope disturbance is 13,564 SF or about one third of an acre. The amount of proposed steep slope disturbance site as a percentage of total site area is 6.7%, and the percentage of steep slopes to be disturbed is as a percentage of total steep slopes on site is $13,564 \text{ SF} / 36,292 \text{ SF} = 37\%$ of steep slopes to be disturbed.

The No Action Alternative will leave the site undisturbed, and will have no impact on the site topography and no impact on any steep slopes.

Neither the proposed action nor the No Action Alternative will have any negative impact on soils or wetlands.

4. Vegetation and Tree Protection and Replacement

As more fully described in Chapter 3, Section E, the proposed action will have a major impact on the trees and other vegetation currently existing on the site. Roughly 50 % of the site will be completely cleared of trees and vegetation. As shown on the proposed landscaping plans presented as Drawings SP-3.1 and SP3-2 in Appendix F, the applicant has proposed an extraordinarily extensive landscaping program to mitigate that loss.

The No Action Alternative will leave the vegetation and trees undisturbed. The reader is directed to the series of photographs depicting existing conditions in both summer and winter and the accompanying photo locator plan in Appendix J of the Crescent Associates DEIS which has been fully incorporated herein by reference. Copies of that document are available for viewing at the Planning Department Office at Tarrytown Village Hall and in the reference room at Warner Library.

5. Stormwater Management

As more fully described in Chapter 3 under the heading “G. Stormwater Management” and in the full Stormwater Management Report in Appendix 2, the proposed action includes a sophisticated stormwater management system which incorporates the latest Green Infrastructure Practices. The system will capture and treat all runoff from the site and the ultimate discharge will not exceed current volumes. The undeveloped site has suffered ongoing erosion since about 1929 due to the fact that it was never properly re-graded after the library structure fell into ruin and the slope from the library toward the Aqueduct was excavated but never properly re-vegetated. The retaining walls that have been designed as a part of the overall stormwater management system will finally stabilize this slope and the extensive vegetation to be planted within the three five-foot-wide planting beds between the walls will hold the soil and prevent soil erosion. The drainage system built into each of these walls incorporates a deep bed of gravel and geotextile filter fabric above the perforated drain pipes to further insure that no soil is lost.

In the No-Action Alternative, the stormwater runoff will not be reduced in volume and velocity, and there will be no new protections for the sensitive downstream receptor, the Hudson River.

6. Traffic and Transportation

The Traffic Impact Report in Appendix B reaches what at first glance appears to be a very unusual conclusion; the traffic volume and levels of service on both Broadway and White Plains Road will improve substantially whether or not the project is built. As the report explains and documents, this is primarily due to the planned re-opening of Ramp E to the Governor Mario Cuomo Bridge, and the construction by the NYS Department of Transportation of a new left hand turn lane at the Interstate 287 / 87 entrance ramp. The report further concludes that the extremely low traffic volumes projected to be produced by the proposed use will have no negative impact on levels of service at any of the intersections studied.

In this case, neither the proposed action nor the No Action Alternative will have any appreciable negative impact on traffic.

7. Infrastructure and Utilities

As shown in Chapter 3, Section I, and the Water Engineering and Wastewater Engineering Reports in Appendices D and E respectively, the proposed action will have a moderate impact on existing infrastructure and utilities. The Tarrytown municipal sewers and water mains on both Martling Avenue and on White Plains Road are scheduled to be improved this summer and the improvements are fully designed, approved and funded. The Village has authorized and directed its water and sewer consultants Woodard and Curran to prepare the construction documents and bid the work. This work will occur regardless of whether the proposed action is approved or the No Action Alternative is selected. If the proposed action is built the facility will use about 7,600 gallons of water per day, and generate a like quantity of waste water. When the improvements are complete the water mains will easily handle the flows and pressures required for domestic water use, and fire sprinkler use, and standpipe / internal fire hose use. Impact on other existing utilities, including electric, natural gas, telephone and internet will be small. The recent question as to the continuing availability of adequate piped natural gas has been addressed in a separate submission prepared by John Kirkpatrick, Esq.

In the No Action Alternative there will be no water and sewer usage, and no usage of any of the other utilities, and those utilities would be available for other uses and users until such time as this parcel is developed.

8. Community Facilities

As shown in Chapter 3, Section J, “Community Facilities” the addition of the proposed action and the A/D Floating Zone is not anticipated to place any substantial additional demand on Police, Fire, or Emergency Medical Services, beyond what is permitted by the current zoning.

Specific statistical data provided by Artis Senior Living indicates their average facility, as an Alzheimer / Dementia Care Facility, on average generates approximately 1.4 to 1.8 ambulance trips per month. As a matter of corporate practice, Artis Senior Living fully reimburses all emergency medical transportation, regardless of the insurance of their clients, so there will be no negative fiscal impact whatsoever on these services from this facility. Further, the Artis medical staff which is on premise at all times will deal with routine medical issues that do not require emergency transportation. In addition, Artis has already expressed its intention to use the Columbia Medical facility and the Urgent Care facility directly adjoining their proposed premises whenever their own medical staff deems it appropriate. There will certainly be medical events that will require high speed emergency medical transport to advanced tertiary care facilities like Westchester County Hospital, but effective triage on premises will reduce those trips to an appropriate minimum.

The Applicant hopes that the detail provided above will fully address the concerns expressed by Town of Greenburg Commissioner of Community Development and Conservation Garrett Duquesne in his letter dated July 5th, 2018, which is to be found in Appendix J titled “Comment Letters on Scope.

The No Action Alternative will have an even lower impact on these facilities, and one hopes that the undeveloped parcel will generate no ambulance trips or police calls whatsoever.

9. Fiscal Impact Analysis

The Fiscal Impact Analysis in Section K of Chapter 3 shows that the proposed action will have a very large positive impact on the Village of Tarrytown and Union Free School District of the Tarrytowns finances.

Table 9-08 in Appendix K shows a net positive impact of \$19,439,507 in projected taxes over the thirty year useful life of the proposed facility.

Table 9-09 in Appendix K shows a net positive impact of \$ 1,139.596 in projected taxes over the next thirty years in the No Action Alternative, i.e. if taxes continue to be paid on the site as undeveloped land.

Table 9-10 in Appendix K, also attached hereto, presents a simple comparison of tax consequences of the two scenarios; proposed action versus the No Action Alternative, and shows that the No Action Alternative will produce about \$18,300,000 less in municipal revenues than the proposed action over the same period.

10. Construction Impacts

Section L of Chapter 3, "Construction Impacts" describes the construction impacts of the proposed action and presents a series of mitigation measures to lessen those impacts. The construction of the proposed action or any other facility of this nature in Tarrytown will present substantial construction impacts, as described in Section L.

The No Action Alternative will have no construction impacts whatsoever on the site or the surrounding environment.

11. Visual Impacts from Martling Avenue

As shown on the proposed landscaping plans presented as Drawings SP-3.1 and SP3-2 in Appendix F, the applicant has proposed an extraordinarily extensive landscaping program to mitigate the loss of the current vegetation on the site.

The visual impacts of the proposed action and the landscaping plans are accurately portrayed in the eight photo-simulation renderings in Appendix H. The Applicants

landscape and site engineering consultant's were directed to work together with the applicants architectural, and photo-simulation consultants to insure that the location and calipers of trees to be planted were shown in accurate locations on site via an integration of the AutoCAD ® - based plan-view landscaping drawings with the photo-simulation-software-based elevation-view renderings, with the goal of providing a highly accurate and realistic view of what the site will actually look like when it is complete. To the best of the applicants' consultants' knowledge, this is the first time that this rigorous and exacting approach to accuracy in photo simulations has been applied in the Village of Tarrytown. In addition to the renderings, the location and viewing angle of each photo-simulation viewing point has been presented on the photo-simulation locator map in Appendix H. Each view is from the eye-level of the average driver. The topographic elevations of each of the four viewing points along Martling Avenue were captured from the two-foot topographical map presented as drawing EX-1 in Appendix F. Note that the renderings are also available online at the Village of Tarrytown Planning Department website, or from the Preparer, for those readers who would like to examine them in detail on large screens. Contact information for the Lead Agency and the Preparer are to be found on the front cover of the SDEIS.

Artis Senior Living depends upon beautifully designed and beautifully maintained landscaping as an important element of its corporate success. They know that their facilities will be chosen on the basis of the first impressions of potential clients and their children, that "It's a beautiful place with kind and caring people who will take good of Mom (or Dad)" and the landscaping is the first thing visitors see.

The No Action Alternative will leave the vegetation and trees undisturbed. To view the visual impact of the No Action Alternative, the reader is directed to the series of photographs depicting existing conditions in both summer and winter and the accompanying photo locator plan in Appendix J of the Crescent Associates DEIS which has been fully incorporated herein by reference. Copies of that document are available for viewing at the Planning Department Office at Tarrytown Village Hall and in the reference room at Warner Library.

12. Conformance with the Village of Tarrytown Master Plan

As noted in Chapter 2, Section H, titled “Relationship of the Project to the Village Comprehensive Plan”, a new comprehensive plan, entitled “Tarrytown Connected,” was adopted by the Village Board of Trustees in November of 2018. As noted therein, it “represents a vision as well as a framework. As a vision, it embodies a core value of the Village now and in the future – to continue to engage in planning as a community and as a place inseparable from its regional context.”

Twenty-one goals are identified, of which five are particularly supported by the Artis project:

1. Leverage land use & development to promote sustainable growth
2. Ensure fiscal health & sustainability
3. Ensure housing stock supports a diverse, multi-generational community
4. Ensure sustainability of infrastructure
5. Reduce greenhouse gas emissions & resource consumption

Of particular note in the context of the Artis project, the Plan on page 31 provides an overview of the long term decline of office parks and the concurrent growth of the health care industry in Tarrytown:

“As a counterpoint to the waterfront industries, Tarrytown facilitated the development of office buildings and corporate facilities in the second half of the twentieth century, consistent with a regional shift toward deindustrialization and the rise of corporations in the postwar period. And in the early years of the twenty-first century, the economy has shifted yet again, with the shuttering of corporate headquarters and the rise of professional, hospitality, and health care businesses and services. As of 2015, these growing sectors make up nearly 60% of all Village employment, an increase of 50% over the scale of these industries less than a decade ago.”

The No action Alternative does not fulfill several of these goals in that it does not leverage land use & development to promote sustainable growth, it does not ensure fiscal health & sustainability, and it does not ensure housing stock supports a diverse, multi-generational community.

More importantly, the No Action Alternative does not fulfill a crucial and rapidly growing societal need to find ways to take care of a growing segment of our aging baby-boomer generation that is suffering from a syndrome that was unheard of when the Village of Tarrytown wrote its first Zoning Code in 1959. Those who have dealt with the sometimes tragic consequences of Alzheimer's disease in their own families are all too familiar with the problem of "caring for the caregiver" The eighty-year-old man who struggles to feed and clothe and bathe and to shop and cook for his eighty-year-old wife, with a twenty-four-seven responsibility for her care, can often become so exhausted that he becomes a second victim of the disease. The proposed action prevents that outcome.

The No Action Alternative does not fulfill an important societal need, when it is clear that societal action is indeed required to solve this serious societal problem.

Comments 4 and 5

Our responses to your comments regarding affordable housing and the Con Edison Gas Moratorium have been submitted under separate cover by our counsel John Kirkpatrick.

Please feel free to contact me with any questions or comments on the responses above.

To help us stay organized, I would suggest that we use the binder index tab "W" which is currently empty to collect all of your comments and our responses. I will be happy to provide you with an addendum naming that tab "Appendix W, Comments and Responses on the SDEIS". At your instruction, I will deliver hard copies to Liz Meszaros punched and ready for insertion.

With best regards,

Mark

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Attachments:

Table 9-09

Table 9-10