MEMORANDUM

TO: Mayor Paul S. Rosenberg and all Rye Brook Trustees

c: Christopher J. Bradbury, Michael J. Izzo, Michal Nowak, Marilyn Timpone-Mohamed, Edward F. Beane, Esq.

FROM: Dean P. Santon

DATE: December 8, 2016 **[CORRECTED]**

RE: Comments relating to Public Hearing for proposed 3-lot subdivision at 259 North Ridge Street with AFFH affordable housing component

Pages: **10** pages including this sheet

I submit these comments as part of the continuing Public Hearing for the captioned applications. As a former 3-term Rye Brook trustee, I fully understand that land use applications before the BOT must be evaluated on the merits of an application under SEQRA and governing Village Code … not upon issues of NIMBY, a gauntlet of lawn signs or even picketing protest activity by certain residents opposed to a project. Land use applications are not popularity contests that get swayed by the loudest faction of dissenters or supporters.

(1) Affordable Housing component of the application:

(A) As the 259 North Ridge Street Public Hearing continues on 12/13/16, it will be 5 years ago that day on 12/13/11 that the BOT adopted legislation to create the Fair and Affordable Housing District ("FAH") as a floating FAH zone to allow for the creation of Affordable Affirmatively Furthering Fair Housing ("AFFH") units and amended Sections 250, 219 and 209 of the Rye Brook Code accordingly. Unlike the approved Reckson/ Sun Homes PUD application with AFFH units tucked at the rear of an isolated office park, this 259 North Ridge Street application is the first test of the BOT applying the FAH floating zone to a property in the heart of the Blind Brook school district with residential neighbors actually in place to say NIMBY … literally.

(B) Sadly, it seems that opposition to "affordable housing" in the Blind Brook school district has reared its ugly head with some of the citizenry opposing this application. Opponents who say they're ***"in favor of affordable housing … just not this [North Ridge Street] location."*** Opponents who claim that the proposed affordable housing at 259 North Ridge Street will hurt their property values. I will leave it to the Village Attorney to advise the BOT on the legal ramifications if a bona fide land use application from an experienced, reputable developer of market-rate and affordable housing, who is petitioning to use the floating FAH zone, is denied approvals for applications that otherwise comply with zoning and satisfy legitimate environmental concerns under SEQRA

(C) There are all types of "affordable housing" initiatives. Some are geared towards senior citizens to retain them in the community like the **42** units that Lazz Development built in in the south end of Rye Brook in the Port Chester school district at (i) Louis Court at Grant Street [**26** one-bedroom units in 4 buildings built between 1999-2003] and (ii) 510 Westchester Avenue a/k/a 5-9 Bowman Avenue [**16** one-bedroom units in 2 buildings].

(D) In March 2001, the BOT adopted Chapter 6 of the Rye Brook Code to govern the twelve (12) "middle-income" affordable units built in Bellefair pursuant to 1998 BOT approval resolution with

a priority towards qualified applicants who work for the Village of Rye Brook, the Town of Rye, the Blind Brook and Port Chester school districts, or local emergency services (police, fire, EMS) as a means to retain municipal workers in the Rye Brook community.

(E) In 2013-15, Lazz Development built **4** one-bedroom AFFH units in one building of FAH housing at 527 Ellendale Avenue … the first FAH project in Rye Brook pursuant to the 2011 BOT legislation.

(F) On February 23, 2016, the BOT approved the Sun Homes application to rezone and convert the 31.5-acre undeveloped phase 3 of the circa-1980 Reckson office park into 100 market-rate homes plus 10 AFFH affordable housing units as part of the new Reckson PUD.

(2) 5 units of attached housing is NOT an "apartment building"

(A) Some opponents of the project like Stephen Corey Effler, Esq. of 274 North Ridge Street resort to hyperbole and refer to the proposed affordable housing structure at 259 North Ridge Street as "an apartment building" that somehow does not belong in the neighborhood.

(B) Sorry, but five (5) attached townhouse units of affordable housing (2-bedrooms each) at 259 North Ridge Street in a singular 79.5' x 40', 2-story structure does **not** constitute an "apartment building." The only apartment buildings in Rye Brook are the Rye Ridge Apartments built in 1964-65 as168 garden apartments in 11 buildings at North Ridge Street/ Westchester Avenue (private roadway of Avon Circle) …converted to condominium ownership in 1975.

(C) Anyone objecting to **5** attached units at 259 North Ridge Street should note that Rye Brook already has **672** units of single-family "attached housing" amidst and adjacent to free-standing, single-family housing, as follows:

(i) The **5** units at **James Way**, built in 1980 at North Ridge Street just north of Betsy Brown (and approx. 1,000 feet south of the 259 North Ridge Street site), are attached townhouses configured as two buildings on 1.6 acres with 3 attached townhomes and 2 attached townhomes, respectively.

(ii) **85** of the 110 **Sun Homes** units at Reckson approved by the BOT in February 2016 will be attached townhomes with 75 of them configured as 25 buildings of 3 attached homes per building plus 10 AFFH affordable units configured as a cluster of 5 side-by-side buildings with 2 attached homes each.

(iii) All **250** units at **The Arbors** built on 36 acres in 1977-79 are attached housing, configured as 58 buildings containing clusters of 3 to 6 townhouses each (66 are 1BR, 109 are 2BR and 75 are 3BR). Only 122 of the 250 townhouses have garages (single-car). The other 128 units rely solely on unenclosed parking lots. These attached townhouses at The Arbors are very visible to the 15 abutting Meadowlark Road and Hillandale Road neighbors and you don't hear those neighbors calling them "apartment buildings" in an effort to disparage the Arbors neighbors.

(iv) All **138** of the **Doral Greens** townhomes built between 1992-1996 on 22.63 acres of the Doral Arrowwood PUD on Anderson Hill Road are attached units configured into 39 buildings as follows: 14 buildings with 6 units each, 2 buildings with 4 units each & 23 buildings with 2 units each.

(v) All **30** units at **Enclave at Rye Brook** currently under construction on 12.727 acres at Anderson Hill Road/ King Street corner are attached housing … clustered as 15 buildings with 2 attached units per building.

(vi) **58** of the 240 residences at **Bellefair** built in 1999-2001 are attached housing including (a) 12 "middle-income affordable housing" configured as 3 adjacent buildings each containing 4 units plus (b) 46 market-rate homes configured in 23 buildings with 2 attached homes each that are situated on Heirloom Lane, Reunion Road, Milestone Road and Meetinghouse Lane. The remaining 182 residences at Bellefair are free-standing houses.

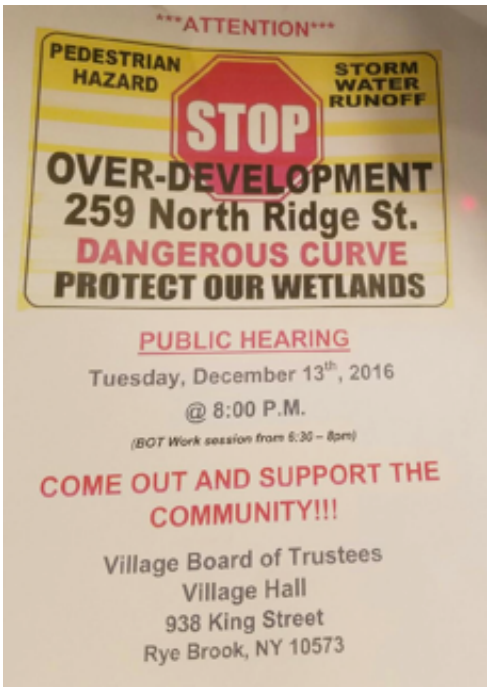
(vii) All **46** units at **Brookridge** at Brookridge Court on Wyman Street built in 1988 are attached housing configured as 13 buildings: 3 buildings with 6 attached units each … 4 buildings with 4 attached units each … and 6 buildings with 2 attached units each.

(viii) All **14** units of the **Wyman Street Townhouses** built in 1988 at 20 Wyman Street North are attached housing configured as 4 buildings: 3 buildings with 4 attached townhouses each … and 1 buildings with 2 attached townhouses.

(ix) The aforementioned **42** units of senior affordable housing built by Lazz Development at **Louis Court** and **510 Westchester Avenue** … plus their **4** units of AFFH housing completed in 2015 at **527 Ellendale Avenue**.

(3) Environmental Impact Concerns:

(A) Flyers/ signs like the one below being distributed are *red herrings* to galvanize NIMBY opposition for the "fair and affordable" housing component of the 259 North Ridge Street under the guise of concerns about (i) over-development, (ii) traffic safety, (iii) wetlands and (iv) storm water runoff.



(B) Project opponents living in their proportionately large (often GFA/ setback maxed out) houses on typical ⅓−acre (give or take) R-10, R-12 and R-15 Rye Brook subdivision lots may claim over-development, but this 3-lot subdivision of this 3.96-acre lot would actually create three (3) of the largest residential lots in Rye Brook with a low density of improvements, as follows:

Lot 3 consisting of a proposed single-family, market rate home on **1.436 acres**;

Lot 2 consisting of the existing, circa-1947 house with 1,800 sf footprint to be renovated in place as a new market rate home on a **1.1-acre parcel**; and

Lot 1 consisting of proposed 79.5' wide x 40' deep structure, containing 5 attached townhouse units of "fair and affordable housing" on a **1.387-acre parcel** with the Colonial style structure being similar in size, bulk and appearance to other Rye Brook residences.

(C) It is ironic that Kami Katz of 16 Eagles Bluff and local realtor Sabrina Lanosa of 14 Eagles Bluff, whose properties abut the 259 North Ridge Street site, have hired Zarin & Steinmetz attorneys to oppose the Lazz Development application, when both of their Eagles Bluff properties were the subject of multiple 7/17/07 Rye Brook ZBA "area variances" that enabled their house expansions to exceed both bulk & setback regulations at their R-15 properties.

When former owners Robert & Deborah Lewis obtained **two (2) ZBA "area variances"** [side yard setbacks & FAR] from the 7/17/07 ZBA for the expansion of their 16 Eagles Bluff home to 3,957 sf FAR on a 0.4338-acre lot, they submitted this "Sampling of Homes in the Area" to bolster their 2007 application:

Lewis

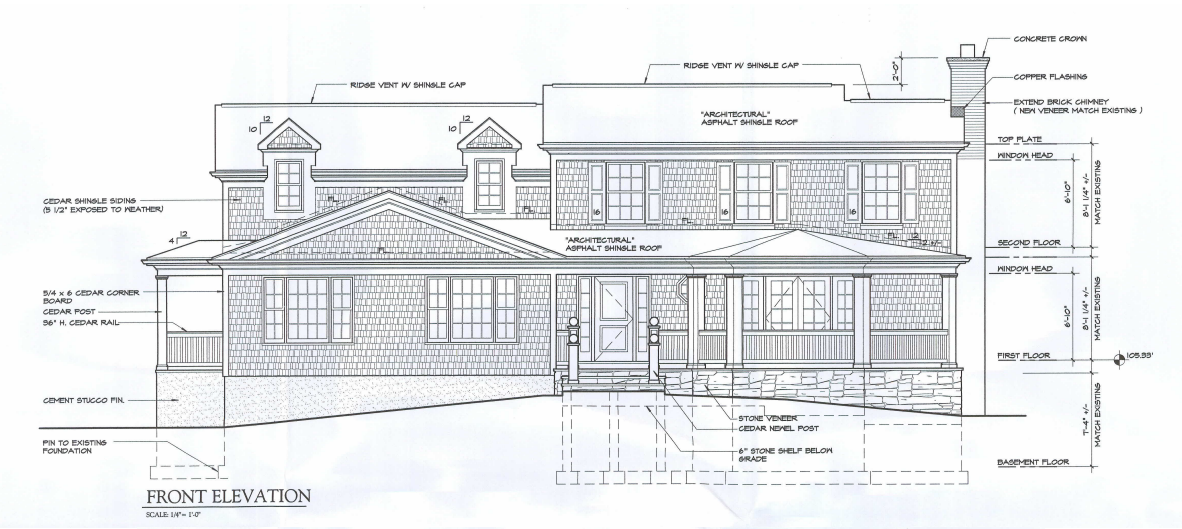
Sampling of Homes in the Area

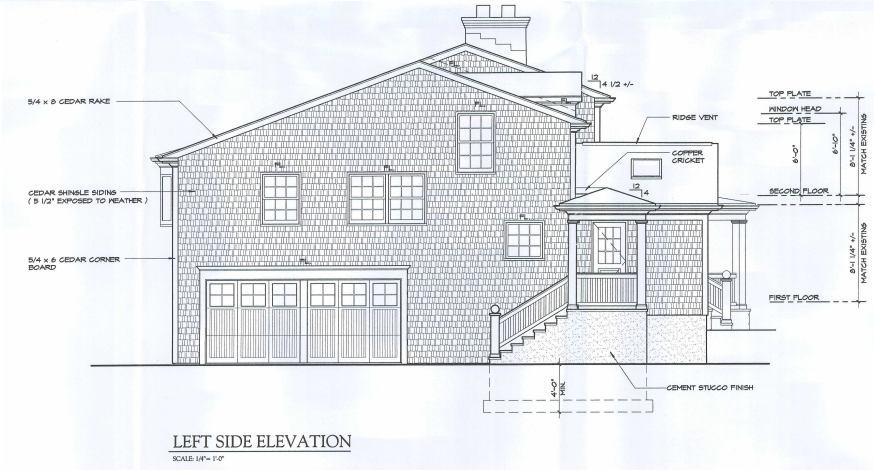
#	Property	Sq. Footage	Lot Size	Stories	section	Sub-Section	Porch of any kind
6	Winding Wood North	5235	**0.53**	2	129	82	
40	Rock Ridge Drive	4888	0.30	2	135	27	y
1	Latonia Road	4619	0.28	2	135	26	y
15	Candy Lane	4592	**0.23**	2	135	52	
41	Meadowlark	4546	0.65	2	129	84	y
38	Rock Ridge Drive	4367	0.30	1	135	27	y
11	Eagles Bluff	4326	0.34	2	135	27	y
14	Churchill Road	4316	0.38	2	135	26	y
56	Rock Ridge Drive	4282	0.29	2	135	36	y
4	Churchill Road	4072	0.32	2.5	135	26	y
10	Robins Roost	3981	0.47	2	135	27	
5	Arlington Place	3938	0.25	2	135	44	
3	Eagles Bluff	3708	0.34	2	135	27	y
7	Bobbie	3893	0.43	1	135	35	y
251	N. Ridge Street	3824	0.31	3	135	35	y
3	Oriole Place	3733	0.42	2	135	27	y
	Average	**4270**	**0.37**				

Sabrina Lanosa and Daniel Otera of 14 Eagles Bluff obtained **three (3) ZBA "area variances"** [front yard & side yard setbacks and FAR] during that very same 7/17/07 ZBA meeting to expand their house to 3,699 sf on a 0.366-acre lot.

(D) So, while the proposed AFFH structure at 259 North Ridge Street is 79.5' wide x 40' deep on a 1.387-acre lot, according to 2007 plans on file with the Building Department, 16 Eagles Bluff (shown below) appears to be approx. 62' wide and 48' deep on a mere 0.439-acre lot w/ these

front (easterly) and left side (southerly) elevations from the 2007 plans for 16 Eagles Bluff:





(E) Let's compare the 259 North Ridge Street proposed Lot 1 AFFH structure's bulk with some other area properties as follows:

Address	**GFA (sf)**	**Lot Size**	**House Dimensions**	**Max. GFA Allowed**
259 No. Ridge St Lot 1	6,400 sf	1.387 acres	79.5'W x 40'D	8,435 sf
270 North Ridge Street	3,705 sf	0.344 acre	63'W x 42.5'D	3,220 sf
16 Eagles Bluff	3,957 sf	0.439 acre	62'W x 48'D	3,694 sf
14 Eagles Bluff	3,699 sf	0.366 acre	56'W x 47'D	3,331 sf
6 Winding Wood Rd. N.	4,204 sf	0.526 acre	80'W x 53'D	4,124 sf
37 Hillandale Road	5,464 sf	1.93 acres	81'W x 28'D	11,150 sf
18 Hillandale Road	6,584 sf	1.02 acres	121'W x 44'D	6,600 sf
39 Hillandale Road	8,505 sf	1.79 acres	80'W x 58'D	10,450 sf
17 Berkley Drive	11,700 sf	2.20 acres	118'W x 29'-64'D	12,500 sf

NOTE: The bulk of a house is controlled by a uniform GFA formula of Maximum Gross Floor Area = 4,000 + [(Lot Area - 21,780) * 0.11478421]. The allowable GFA has been exceeded at 270 North Ridge Street, 16 Eagles Bluff, 14 Eagles Bluff and 6 Winding Wood Road North. The latter three had to obtain ZBA area variances.

(F) Most of the mature trees on the 259 North Ridge Street site will **not** be disturbed as the proposed three (3) residential structures will be situated near the Ridge Street roadway.

(**G)** Storm water runoff from the Ridge Street and West Ridge Drive right-of-ways and the Rye Acres subdivision properties on the westerly side of Ridge Street that in the past had been improperly directed onto this private property through culverts rather than being contained/ managed in municipal storm water systems, was an issue prior to the County updating its Ridge Street roadway storm water infrastructure. Just as the Village of Rye Brook renovated its storm water infrastructure running through the 15-foot wide "drainage easement (shown on the filed 1958 Meadowlark Section No. 2 subdivision map) underneath the 16 Eagles Bluff driveway from the 259 North Ridge Street site to the Eagles Bluff right-of-way infrastructure. Obviously, this drainage easement's infrastructure will continue to capture storm water runoff from the 259 North Ridge Street site, in addition to on-site detention drywells that the developer will install for its proposed housing structures/ improvements like is required of any project.

(H) Impacts of wetland soils and storm water can be mitigated/ managed through the engineering design of this or any project. I leave these issues to the Village's consulting engineer, Dolph Rotfeld Engineering to vet, just like Village planning consultant, F.P. Clark Associates' partner Mike Gallante (who specializes in traffic studies) has addressed the 259 North Ridge Street application, sight lines and any Ridge Street traffic safety concerns.

(I) Project opponents talk about this "dangerous curve" on North Ridge Street with lots of **speeding** vehicles (even though there is no accident data) as if this should preclude a property owner's right to use and develop this property.

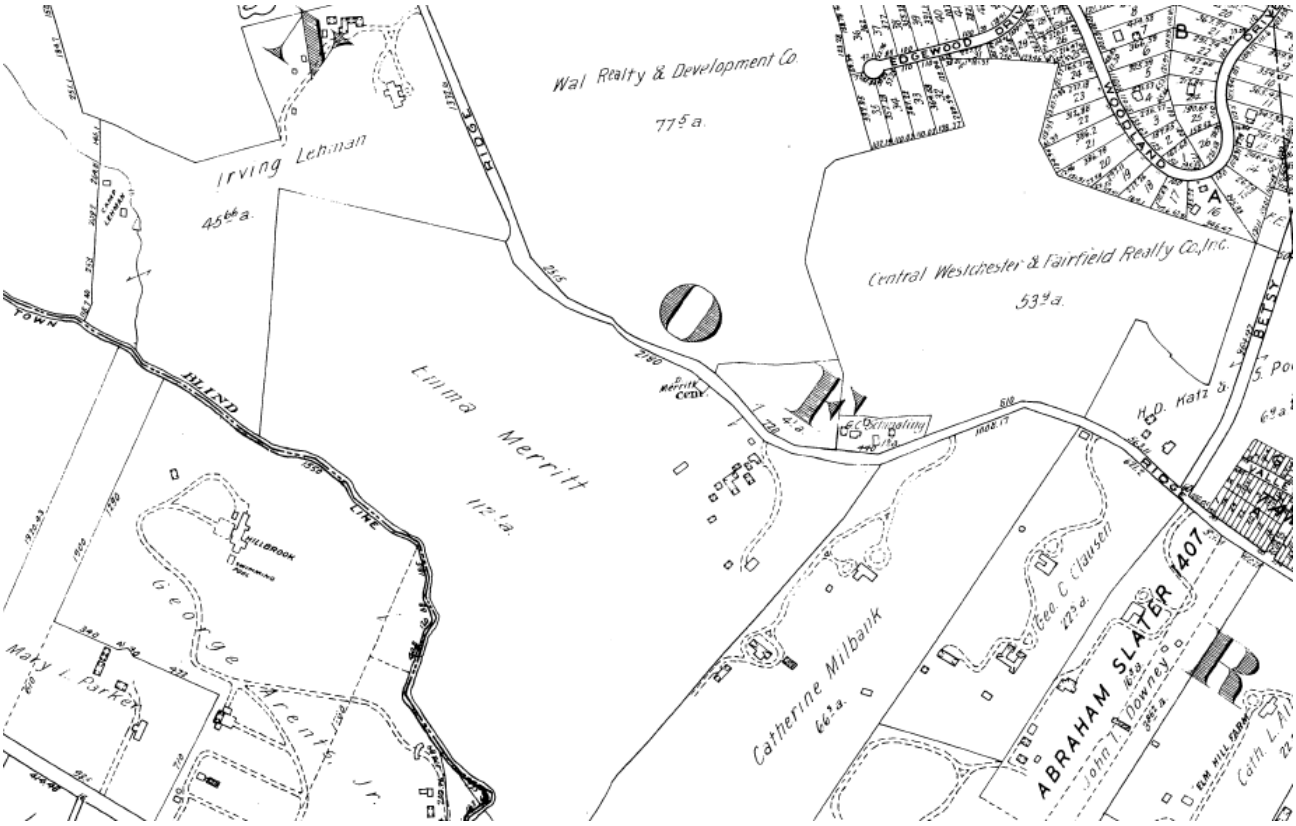
People speed throughout **all** Rye Brook local streets! There are many Rye Brook roads with curves, changes in grade, steep slopes and other conditions creating less than ideal sight lines relating to **speeding** vehicles. These include (i) North Ridge Street (with curves at #488-492 from where cars speed by from southbound King Street …and near James Way … and near Ridge Blvd.), (ii) Hilllandale Road I/F/O #38-42, (iii) Lincoln Avenue near Westerleigh Road, (iv) Meadowlark Road near Robins Roost and #33 Meadowlark Road … (v) Country Ridge Drive opposite Country Ridge Close … (vi) throughout much of Talcott Road … and (vii) near 33-35 Bonwit Road, to name a few examples. Ask the folks on the Hawthorne Avenue straight-a-way if a lack of curves makes their street safe from speeding vehicles. Should property owners throughout the Village have their C of Os voided because of speeding traffic or less than ideal sight lines? I think not.

(4) Putting development into a historical perspective

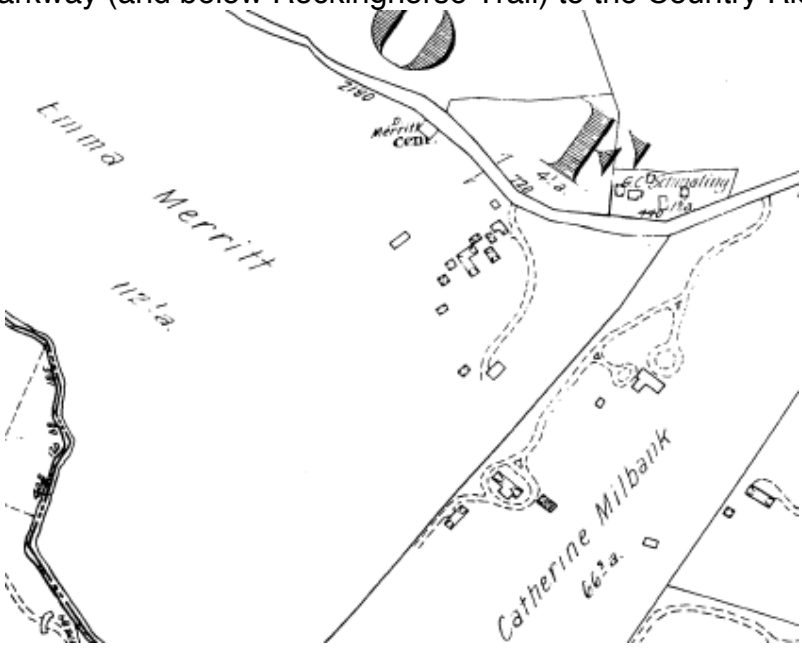
(A) 259 North Ridge is one of the few parcels in Rye Brook never part of a subdivision. It is pretty much unspoiled since this 4-acre parcel was part of the Merritt Homestead (Daniel Merritt and his sister Emma) dating back to the 1800s when the farm spanned close to 200 acres extending from Ridge Street in the Town of Rye to Lincoln Avenue in the Town of Harrison.

(B) Ridgeland Group, Inc. bought 259 North Ridge Street in 2001 as a rent-generating, investment property from 86-year old, Roy Alton Adams who had owned it for 55 years since 1946 when he and his wife Lillian purchased it from the Estate of Emma E. Merritt and built a small 30' x 22' cottage in the woods. A bedroom wing and living room/garage were added in 1952. Roy and Lillian lived on Ridge Street while he was an executive with the American Felt Company in Greenwich for the latter part of his 50-year career there. Lillian, an artist, was the Port Chester Public Library's art director for a few years. They never gave up their roots to the small upstate village of Dolgeville, east of Utica where they were lifelong residents. Lillian was buried there in 1999. Roy in 2005 at age 90.

(C) The excerpts below of Vol. 1, Plate 42 of the 1929 G.M. Hopkins atlas show the Emma Merritt farm at Ridge Street with private cemetery (where 274 North Ridge Street is now) across from her 4.1-acre parcel that is now known as the 3.96-acre property at 259 North Ridge Street. Note that Catherine Milbank main house (now BOCES at 17 Berkley Drive) and stables (now 8 Berkley Drive):

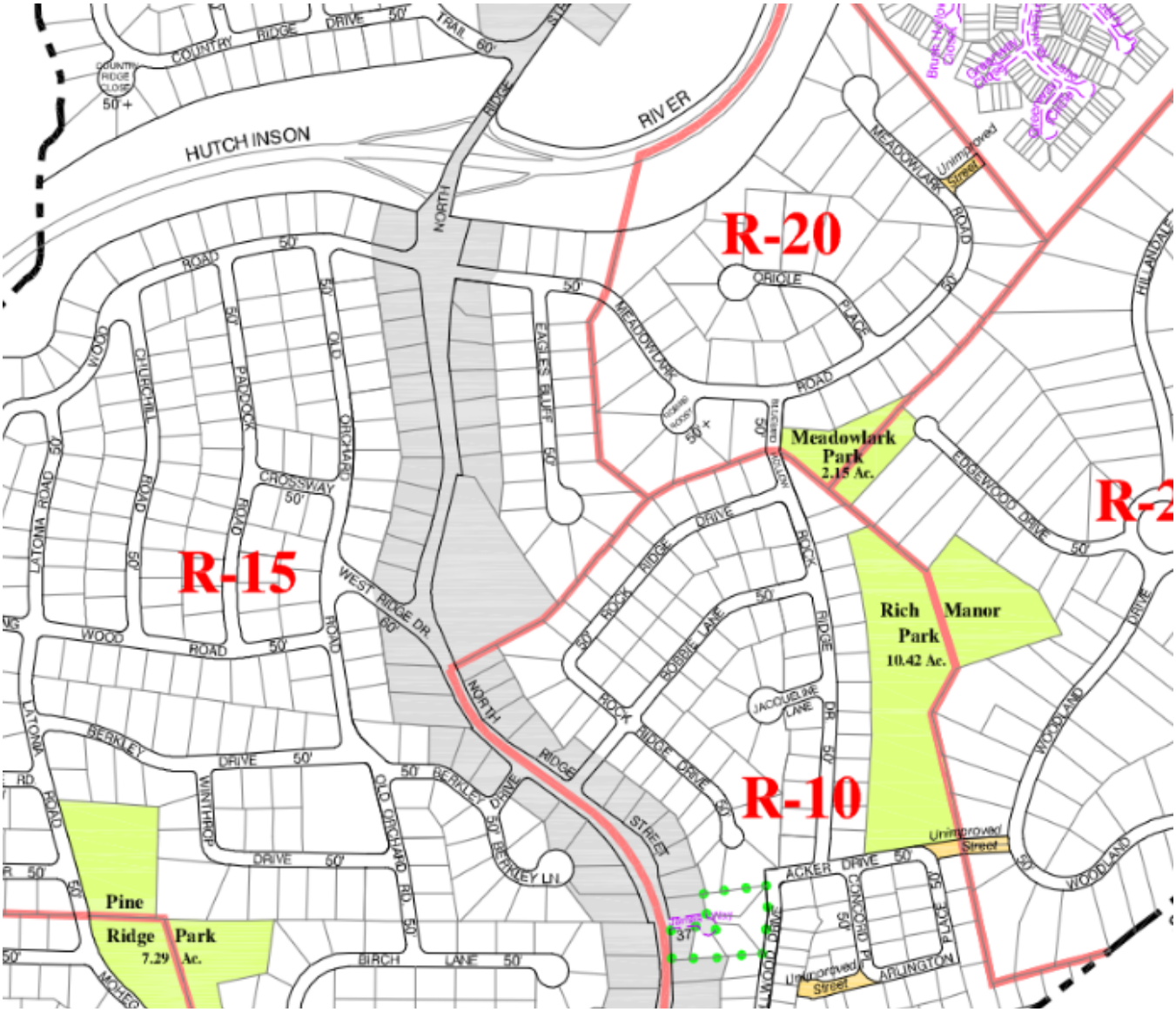


Prior to Emma Merritt's brother Daniel E. Merritt's death in 1914, the 54-acre Harrison property of George Arents, Jr. (see above) was part of the Merritt farm. Following Daniel's 1914 death and Emma's death in 1936 at age 96, there were a series of legal challenges … see 254 App. Div. 292 (N.Y. App. Div. 1938) and 280 **N.Y.** 391, 21 N.E.2d 365 cases in NY Court of Appeals) before land was sold in 1946 to the Rye Acres subdivision developers, who in turn sold the portion on north side of the Hutchinson River Parkway (and below Rockinghorse Trail) to the Country Ridge developers.



(D) The Catherine and Dunleavy Milbank, circa-1926 mansion from a former 66-acre estate stretching from Ridge Street to Lincoln Avenue/ Hutch interchange, is now situated on a 2.2-acre, R-15 residential lot at 17 Berkley Drive (part of 1962 Pine Ridge, Section 6 subdivision) and is an example of extensive unenclosed parking (40+/- parking spots) within close proximity to the 259 North Ridge Street site. Below are 2009 aerial photos of 17 Berkley Drive from the Rye Town Assessment databases:

(E) Below is an excerpt of the Rye Brook Official Map showing the 259 North Ridge Street 3.96-acre site opposite West Ridge Drive and the nearby 2.2-acre, 17 Berkley Drive lot (at Old Orchard Road corner) … and portions of The Arbors attached townhouses (bordering Meadowlark Road R-20 and Hillandale Road R-25 properties) with the Arbors having extensive unenclosed parking lots for its 250 attached units as noted above in section 2(C)(iii) hereof.



(F) What was once all sorts of working farms (and later gentlemen farmers) along what was known in the 1700s/1800s as "Hog Pen Ridge Road," Ridge Street farms stretching from King Street down to Westchester Avenue, started to be subdivided and developed one-by-one in the post-war era. Trees got cut down, private cemetery remains got relocated (like the Merritt Family remains were transferred to Greenwood Union Cemetery in Rye) so that homes could be built on 1/3 acre lots. Because Emma Merritt lived until 96 and it took 10 years after that to settle her estate and legal challenges before the Merritt farm parcels were sold in 1946 to the Rye Acres developers and the 4-arce wooded site to Roy Adams, **and** because Roy Adams owned the property until age 86, the property never got "developed" in the conventional sense. Now, after Ridgeland Group's 15-year run with this investment property, the Adams' circa-1946 cottage in the woods has outlived its life. Like every other subdivision before it, it's ready for the next chapter as a 3-lot subdivision with AFFH units.

Above is a 2009 aerial photo of 3.96-acre site at 259 North Ridge Street. Starting counterclockwise from bottom left are the homes at 257 North Ridge Street, 26 and Rock Ridge Drive, 20 Eagles Bluff, 16 Eagles Bluff (formerly Lewis … now Kami Katz) with gray roof and 2 cars in long driveway, 14 Eagles Bluff (Lanosa/ Otero), former Okun property with swimming pool at 267 North Ridge Street and finally the former Roy Adams cottage at 259 North Ridge Street by the roadway at center left of the photo.

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