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January 15, 2018

Via e-mail to CBradbury@ryebrook.org

Mr. Chris Bradbury
Village Administrator
Village of Rye Brook
938 King Street
Rye Brook, New York 10573

Re: 900 King Street Redevelopment

Dear Mr. Bradbury:

This office represents The Arbors Homeowners Association Inc. (the "Association"). We write in response to the opportunity afforded by the Village Board of Trustees to submit public comment with respect to the draft scoping outline submitted by Rye King Associates LLC (the "applicant") with respect to the proposed redevelopment (the "Project") of the 900 King Street property in the Village (the "Project"). The term "the Arbors" shall mean the housing development and community known by that name, and not the Homeowners Association.

The Association urges the Board to adopt revisions to the Outline which includes more detail of the Project's significant impact to the environment, as well as greater analysis of alternatives to this Project as currently proposed. For convenience, our comments will track the numbering in the outline that the applicant has submitted.

1. Executive Summary.

1.2 Description of Proposed Action. The applicant should detail what development it can undertake without a zoning amendment and why it will not do so. The applicant should compare what is permitted, and what is planned, with respect to, inter alia, setbacks, heights, disturbances of wetlands and vegetation, changes to impervious surfaces, parking and the number of housing units.

2. Project Description

2.2 Project Site. The applicant should discuss proximity to the Arbors and the Blind Brook Middle School/High School campus (“the High School”).

2.4 Proposed Project.

2.4.3. Parking and Circulation. The applicant should discuss this topic in the context of the High School and the Arbors.

3. Land Use Public Policy, and Zoning

3.2 Zoning and Land Use. The applicant proposes to study current conditions and potential impacts within $\frac{1}{4}$ mile of the site. This is plainly inadequate and should be at least $\frac{3}{4}$ mile, if not one mile. The applicant should also compare the conformance of the Project to current zoning. In addition, the applicant should discuss the impact of the Project on the goals of the Scenic Roads Overlay District.

3.3 Public Policy. The applicant should discuss why it seeks a zoning amendment and intends to redevelop the site beyond what current zoning allows. The applicant should discuss in greater detail where the affordable housing units will be placed, how the units will differ from the market rate units, the nature of any deed restrictions, and what income/rent restrictions will be imposed.

4. Geography, Soils, Topography.

4.4 Potential Impacts of the Proposed Project. In the discussion of measures to reduce the potential for adverse impacts to soils from construction, explain how such measures will protect the Arbors.

5. Waters and Wetlands.

5.2 Existing Conditions. Identify how the changes to wetlands and wetland buffers will affect the Arbors, as well as the wetlands ecosystem at the Arbors. The wetlands ecosystems of the Project Site and the Arbors are interconnected. We note that the Village Planner acknowledges that the “significant grade alterations” may affect the functionality (and hydrology) of two of the four wetlands on the site.

5.5 Mitigation Measures. The applicant should identify the ability to modify the Project to avoid impact on wetlands and wetland buffers and address the concern of the Village Planner set forth immediately above.

6. Stormwater Management. Applicant should discuss how the current use impacts drainage and stormwater management at the Arbors. Applicant should discuss how each of the planned construction and the Project, upon completion, will impact drainage and stormwater management at the Arbors. Applicant should include a discussion of the control of sediment runoff. The discussion should include an analysis of measures that applicant will take to ensure that no stormwater runoff will occur off the site during construction, as well as permanently. The applicant should also address how these measures will affect the Arbors and how the Arbors will be protected by them.

7. Vegetation and Wildlife

7.5 Mitigation Measures. Applicant should describe and identify additional landscaping to be added to protect the Arbors and access to the Arbors.

8. Visual Resources and Community Character

8.2 Existing Conditions. The Applicant should add viewpoints from numerous locations in the Arbors, including streets and the backyards and second stories of homes.

8.4 Potential Impacts of the Proposed Project. The applicant should also submit sections and cross-sections as well as simulations to show visual impact to the Arbors. Applicant should focus on the homes and streets in the Arbors that are closest to the project site.

9. Socioeconomic and Fiscal Impacts.

This section should include a discussion of the impact of the Project to the property values of Arbors residences, both in the short run during construction and in the long run if the Project is completed.

9.4 Potential Impacts of the Proposed Project. We note that the applicant intends to estimate the changes in property taxes and fees attributable to the Project based on the current assessed value of the Atria, located at 1200 King Street in Rye Brook. We understand that the Atria markets itself to new residents of approximately 82-84 years of age. The applicant should explain why a development marketed to persons of that age is comparable to its project, which is intended to be marketed to persons 55 and over.

Moreover, if the independent living component (which represent 160/269 units, or 59% of the units) of the Project is likely, as the draft technical memorandum states, to have a typical age for new residents of 78-84 (page 6), then that begs the question of why the applicant seeks a zoning change to allow persons over 55 to move in. This is particularly so given that the assisted living units, many of which are intended for persons with dementia, would tend to attract persons considerably over 55 as well.

In addition, applicant should discuss why 15 per cent of the independent living units will be three bedrooms, and 58 per cent will be two bedrooms, given that the intended market for new residents is 78-84. Applicant should discuss the market demand amongst persons who are 78-84 for multi-bedroom units.

Lastly, Sheet C-300 of the PUD Concept Plan indicates that the townhouses will be 2 story buildings. If, these buildings are multi-story and do not have elevators, applicant should explain how multi-story buildings are being marketed to, indeed restricted to, an older population.

10. Community Facilities

10.2 Emergency Services Response. Applicant should address the noise impacts on the Arbors of increased ambulance and other emergency services resulting from the Project.

10.2.4 Mitigation Measures. Applicant should address the impacts of increased emergency services on Arbor Drive. This should include analysis of increased maintenance of Arbor Drive. Applicant should also study the impact of construction traffic on Arbor Drive.

10.2.5 Fire Department Access. In addition to analyzing the feasibility of providing a secondary access to the Project Site for emergency vehicles, the applicant should analyze the feasibility of providing a new access point for the Arbors for ordinary traffic and/or emergency access.

10.4 Open Space. The Applicant should analyze the impact of the potential modification, including the elimination, of Harkness Park in or around 2024. Applicant should also analyze the potential use patterns of Harkness Park by residents of the Project, given that much of Harkness Park is dedicated to tennis courts.

11. Infrastructure and Utilities. Applicant should state whether any more recent standards than the ones published by NYSDEC in 2014 are applicable.

11.2 Water Supply. As is set forth in the memo by Dolph Rotfeld Engineering P.C., dated November 29, 2017, to the Chairman of the Village Planning Board, applicant should analyze water pressure and water capacity available to the site, and the Project's impact on the Arbors with respect to water pressure and water capacity.

11.3 Sanitary Sewer. Applicant should analyze the impact of the Project on the adequacy of the existing sanitary sewer infrastructure serving the Arbors. While the Technical Memorandum (page 52) reports that the Applicant discussed the ability of the sewer main serving the Arbors to serve the Project with the Village Building Inspector, more analysis of this issue should be conducted. Further, applicant should discuss any steps needed to mitigate the

impact of the extension of sewer service to, and the utilization of sewer service by, the Project on the Arbors.

11.4. Energy Usage (Electricity and Gas). The Village is aware that the Arbors suffers from inadequacies in electric service from time to time, and that Con Ed has been upgrading the electric service at the Arbors. Applicant should address the impact of the Project, both during construction and upon completion, on electric service to the Arbors, and measures to be taken to mitigate such impacts.

12. Traffic and Transportation.

12.3 Existing Conditions. The residents of the Arbors are very concerned about the existing levels of traffic on King Street and along Arbor Drive, as well as in connection with the Hutchinson River Parkway northbound exit onto King Street. A development of 269 units, with twice the square footage of the Arbors, along with the various workers to be employed in functions such as food service, recreation and care of residents with memory related conditions will obviously lead to greater traffic congestion along King Street, Arbor Drive and near the High School and Village Hall. The Applicant must document conditions at school opening and closing times, as well as during morning and evening rush hours, and not during school holidays. The Applicant should analyze traffic patterns of Arbors Residents along Arbor Drive, as well as turning patterns from Arbor Drive onto King Street and King Street onto Arbor Drive.

12.5 Future Conditions With the Proposed Project (Build Conditions). The use of Arbors Road by both Arbors residents and a 24 hour care facility should be studied. This analysis is especially important given that the Project is a massive development that is twice the size of the building currently existing at the Site. Arbor Drive is the only thoroughfare for Arbor residents to have access to King Street, or for that matter, to exit the Arbors. Therefore, the Project's impact during construction, as well as thereafter, needs to be evaluated, including, without limitation, the fact that there will be many trucks carrying fill to the project site.

12.6 Mitigation Measures. The applicant should identify potential improvements to Arbor Drive as well as ways to give Arbors residents priority in the use of Arbor Drive. Such measures might include traffic control devices, including traffic lights, regulating egress from the Site onto and from Arbor Drive.

13. Air Quality.

13.4 Potential Impacts of the Proposed Project. The applicant should analyze the impact on air quality on the Arbors and the High School during construction, with attention being given to the impact of the dislodging of asbestos during and in connection with the demolition of the existing building.

13.5 Mitigation Measures. Applicant should set forth measures to mitigate harmful impacts on air quality as well as human health.

14. Noise.

14.4 Potential Impacts of the Proposed Project. The applicant proposes the use of an ambient noise level of 65 decibels in evaluating the impact of the Project. This is far too high. The applicant should use an ambient noise level of 45 decibels. A noise level of 65 decibels is 4 times as loud as 45 decibels. Moreover, Figure 6 to the draft scoping outline should include many more noise measurement locations closer to and within the Arbors. Currently there is only one (location #6).

14.5 Mitigation Measures. The noise levels to the Arbors should not exceed 45 decibels. In addition, the applicant should consider the use of a construction noise mitigation plan in accordance with, for example, Title 15, Chapter 28 of the Rules of the City New York (“Citywide Construction Noise Mitigation”). The need for consideration of such measures is particularly acute given the proximity of the Project to Village Hall, the Arbors and the High School.

15. Hazardous Materials.

15.2 Existing Conditions. At the Planning Board meeting held on January 11, 2018, the planner for the applicant said, in sum and substance, that the Phase I study was available and that the Phase II study would be made available. The Phase I study is Appendix H to the Technical Memorandum. However, it is not available on the Village website. The applicant should make copies of the Phase I and Phase II studies available and include them in the draft EIS.

15.4 Potential Impacts of the Proposed Project.

As noted above at Section 13, Air Quality, the applicant should give attention to the impact of the dislodging of asbestos during and in connection with the demolition of the existing building.

15.5 Mitigation Measures. Applicant should set forth measures to mitigate harmful impacts to human health and air quality arising from the release of asbestos.

16. Construction.

16.1 Introduction and Summary of Findings. The applicant should discuss the impacts of construction on the Arbors and on Arbors Road. Applicant should discuss measures to protect the Arbors, Arbors Road, and nearby school children.

16.2 Construction Phasing. Due to proximity to residences and the High School, the Village should not permit blasting, and applicant should discuss alternatives to blasting.

16.3 Construction Period Impact and Mitigation.

16.3.2 Traffic and Transportation. Applicant should quantitatively analyze the potential for construction traffic to have a temporary adverse impact on the surrounding road and pedestrian network, including on Arbor Drive. For example, applicant should set forth estimates of the number of trucks bringing fill to the site and give such estimates by reasonable period of time, e.g. per month. Similarly, applicant should give estimates, perhaps by month, of the number of construction vehicles that will use Arbor Drive.

17. Alternatives. Clearly, demolition and construction in such close proximity to the Arbors and the High School will have a negative impact on Arbors residents, as well as the students, staff and the educational process at the school. The applicant should analyze, and provide a dollars and cents analysis, of the following, as well as of the Project being submitted for consideration:

i. Less bulk, density and scale. The current structure has 215,000 square feet; the proposed structure has 445,000 square feet; or more than double the scale. The applicant seeks to build 16 units per acre, which is double the density of the Arbors. Also, the existing gross floor area requirement for the site is 9,000 square feet per acre. The applicant seeks to nearly triple this with a Project of 25,000 square feet per acre. The applicant should consider alternatives where only the existing footprint of the current building is used, i.e. a facility of 215,000 square feet.

ii. No demolition of existing building. Applicant should study alternatives where the existing building is repurposed for senior living with the building façade being taken off thereby allowing the interior of the building to be redeveloped as a senior living facility.

iii. Alternatives without the twenty-four townhouses.

iv. Alternatives with no blasting.

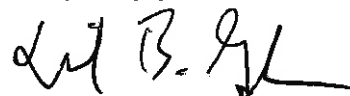
v. Alternatives with no disturbances to wetlands. The applicant admits that 13.17 acres of the 17.77 acre site, or 74% of the site will be disturbed.

vi. Alternatives with less tree removal. The Village Planner, in the EAF Part 3, Positive Declaration Attachment, notes that 209 trees with 6 inch to 34 inch DBH (diameter to breast height), an extremely high number, will be removed.

vii. Alternatives to setting the age restriction at 55 years. The applicant has never explained the economic rationale or other basis for reducing the existing age restriction on senior living facilities from 62 to age 55. Obviously, a younger population will lead to increased traffic and use of the schools.

Thank you for the opportunity to submit comments on this important matter.

Very truly yours,



David B. Gelfarb