

George Latimer
County Executive

May 8, 2020

Christian K. Miller, City Planner
Rye City Planning Department
1051 Boston Post Road
Rye, NY 10580

**County Planning Board Referral File RYC 20-001 – The Osborn
Zoning Text Amendment**

Dear Mr. Miller:

The Westchester County Planning Board has received a petition to amend the text of the City of Rye Zoning Ordinance to add “R-2 Senior Living Facilities” as a special exception use within the R2 – Residence District. The petition has been submitted by the Miriam Osborn Memorial Home Association with respect to their existing senior residential and nursing facility located at 101 Theall Road. The property is the subject of a Declaration of Covenants and Restrictions, dated October 15, 1993, which governs the dimensional regulations for the property. Currently, these dimensional regulations are not codified anywhere in the City’s Zoning Ordinance.

As proposed, the zoning amendments would essentially codify the site’s existing use and dimensional regulations into the ordinance as well as allow for future growth and the eventual establishment of additional facilities on the site. No specific proposals have been submitted at this time.

As proposed, the R-2 Senior Living Facilities regulations would permit multi-family residential campuses for the exclusive use of residents aged 55 or older, with a variety of housing types allowed, including independent and assisted living facilities, ambulatory services, and domiciliary care facilities. Ancillary services such as office space, staff residencies of employees under 55 years of age, food preparation areas, and other facilities would also be permitted.

R-2 Senior Living Facilities would only be permitted on lots of 50 acres or more. The maximum floor area ratio would be 0.45, and the building lot coverage could not exceed 15%, with a maximum impervious surface coverage of 35%. A maximum building height of four stories would be set, with five stories allowed under certain constraints. Extensive setback requirements would be included based on proximity to certain other zones or streets. Parking requirements would be 1.5 spaces per independent living unit, and 0.25 spaces for assisted living, skilled nursing, nursing home, and memory care facilities. Specific regulations are also included for building placement, floor area, and other site aspects.

We have reviewed the zoning petition under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and we offer the following comments:

1. Affirmatively furthering fair housing.

We recommend the regulations for R-2 Senior Living Facilities include a mandatory set aside of affordable affirmatively furthering fair housing (AFFH) units. While we understand that this is an amenitized form of housing, there is a dire need for affordable housing in Westchester County, as evidenced by the *Housing Needs Assessment*. We encourage the City to work with the applicant to provide a solution where a portion of these units can be set aside as affordable AFFH.

In addition, we strongly encourage the City to adopt the “Model Zoning Ordinance Provisions for Affordable Affirmatively Furthering Fair Housing Units” as included in the *Westchester County Fair and Affordable Housing Implementation Plan* (dated August 9, 2010).

2. Parking requirement.

We encourage the City to consider a lower minimum parking requirement for housing of this type. In our review of similar facilities, we have seen parking requirements as low as 0.7 spaces per unit for independent living units. We point out that requiring less parking does not mean that needed parking cannot be constructed. However, requiring a lower amount of parking may mean fewer impacts with respect to stormwater runoff and downstream flooding. We point out that the Osborn site drains to both Beaver Swamp Brook and Blind Brook, both of which have experienced flooding in recent years.

Please inform us of the City’s decision so that we can make it a part of the record.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By: 

Norma V. Drummond
Commissioner