

# Final Supplemental Environmental Impact Statement

## **Project**

### **Artis Senior Living of Tarrytown**

153 White Plains Road  
Village of Tarrytown, Westchester County, New York

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## **Section 1 – Introduction**

This Final Supplemental Environmental Impact Statement (FSEIS) has been prepared on behalf of the Applicant, Artis Senior Living, LLC with respect to the proposed action at 153 White Plains Road, Tarrytown, New York. The applicant proposes to construct a 64-bed Alzheimer's/Dementia memory care facility located wholly on the 153 White Plains Road parcel.

An SDEIS was submitted on May 29, 2019. This Final Supplemental Environmental Impact Statement (FSEIS) responds to all comments on it.

These comments and responses have been presented in three categories:

1. Public Hearing Comments on the SDEIS
2. Written Comments received after circulation of the SDEIS
3. Comments on the SDEIS made by Village of Tarrytown Planning Board Members and Staff During Preparation of the SDEIS

The first public hearing was held on June 24, 2019. The second public hearing was held on July 22, 2019.

Full transcripts of the Public Hearings may be found in Appendices 1 and 2.

Written comments were received from July 11, 2019 through August 2, 2019 and included the following four letters:

1. Cuddy and Feder, LLP, letter dated October 24, 2016, received on July 11, 2019. This letter is included as Exhibit A
2. Cuddy and Feder, LLP, letter dated March 14, 2018, received on July 11, 2019. , This letter is also included in Exhibit A
3. New York State Department of Environmental Conservation, letter dated July 11, 2019. This letter is included as Exhibit B
4. Tarrytown Environmental Advisory Council, letter dated July 24, 2019. This letter is included Exhibit C

The third category of comments were received from the Planning Board and its consultants from February through March of 2019, during the production of the first drafts of the SDEIS, and the Draft SDEIS was continually revised to incorporate the Applicant's response to each of the comments.

Each of these Memoranda has been included in the Appendix.

Planning Board Memo from Bob Galvin, February 18, 2019  
See Appendix 3

Planning Board Memo from Bob Galvin, March 2, 2019  
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Planning Board Memo from Bob Galvin, March 20, 2019  
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Memorandum from Katherine Zalantis, Esq., to Bob Galvin, March 22, 2019  
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Memorandum from Donato R. Pennella, P.E., Village Engineer/Building Inspector, to Chairman Dr. Stanley Friedlander and Planning Board Members, dated March 23, 2019.  
See Appendix 7

Planning Board Memo from Bob Galvin, dated August 2, 2019  
See Appendix 8

In accordance with Section 617.9(b)(7) of the SEQR regulations, this FSEIS incorporates by reference the SDEIS accepted as complete by the Village of Tarrytown Planning Board on May 29, 2019.

***A) Brief history of previous applications for this site***

This application is the third application submitted for the two parcels at 153 and 155 White Plains Road since 2003. Environmental Impact Statements were prepared for the first proposal at these parcels. More specifically:

In 2003 an application for site plan approval was submitted by Crescent Associates, LLC for the construction of a 60,000-sf office building at 155 White Plains Road. The 60,000-sf office building was to be constructed on a 13.2-acre site with two existing office buildings and associated parking areas with access derived from NYS Route 119.

On April 15, 2003 the Planning Board adopted a positive declaration requiring the preparation of a Draft Environmental Impact Statement for the Proposed Development. The DEIS was accepted on October 26, 2005 and the FEIS was accepted on August 28, 2006. The current SDEIS and FSEIS are supplemental to the previous DEIS and FEIS. Both earlier documents are incorporated herein by reference in their entirety.

Copies of the earlier documents are available for public review at the Planning Department office at Village Hall, and at Warner Library.

On November 27, 2006, the Planning Board adopted a Findings Statement for the Proposed Development.

The site plan was approved on May 29, 2007, amended on July 23, 2007, and filed on September 10, 2007.

Due to the national economic decline from 2007 through 2011, no potential tenant for the planned office building was found.

In July of 2009 the 12.672-acre parcel was subdivided into two lots:

- Lot 1            155 White Plains Road            6.445 acres
- Lot 2            153 White Plains Road            6.227 acres

In 2014, Columbia Doctors, who leased the existing office buildings at 155 White Plains Road, elected to expand, and site owner Crescent Associates, LLC applied for a re-subdivision and interior lot line adjustment to provide more room for parking for Columbia Doctors. This re-subdivision changed the size of the two lots:

- Lot 1            155 White Plains Road            8.029 acres
- Lot 2            153 White Plains Road            4.643 acres

The instant application is for the 4.64-acre parcel at 153 White Plains Road.

The re-subdivision was approved by the Village of Tarrytown Planning Board and the Subdivision Plat was filed on February 15, 2015.

***B) History of the Artis Senior Living Application:***

On November 14, 2017, Artis Senior Living, LLC submitted a zoning text amendment to the Board of Trustees to create a floating/overlay zone to allow for an Alzheimer/Dementia memory care facility in the OB, LB and MU zone within 350' distance from Route 119. The zoning text amendment is proposed to support the Applicant's plans to construct a 64-bed Alzheimer's/Dementia memory care facility located wholly on the 153 White Plains Road parcel.

On April 26, 2018, the Village of Tarrytown Board of Trustees referred the petition for the zoning text amendment and site plan for the Alzheimer/Dementia memory care facility for 153 White Plains Road to the Planning Board.

A Public Hearing on the zoning text amendment and site plan referral was held by the Planning Board on May 30, 2018, at which time the Planning Board considered the proposed action and, thereupon, declared its intent to be lead agency, declared the proposed action to be a Type I action, made a positive declaration and requested the Applicant to prepare a Supplemental Draft Environmental Impact Statement (SDEIS). The Planning Board also set a public scoping session for June 25, 2018.

On June 25, 2018, the Planning Board conducted a public scoping session for the SDEIS and received public comments on the draft scope prepared by the Applicant and submitted on February 15, 2018. The draft scope also included initial staff and Planning Board comments as well as letters from Westchester County Department of Planning and NYS DOT.

The public scoping session was continued on July 23, 2018, at which time the Planning Board considered a revised scope incorporating the previous comments from the public, agency and staff. After deliberation, the Planning Board accepted the Final Scope and directed the Applicant to prepare the SDEIS in accordance with the approved scope.

On February 25, 2019, the Planning Board reviewed the Applicant's SDEIS submitted on February 11, 2019. The Planning Board voted to direct the

Applicant to incorporate a discussion of two additional issues within the SDEIS, namely, the affordability of assisted living and the Con Edison natural gas moratorium. The Planning Board directed staff to prepare a completeness memorandum for the Board's consideration.

On March 14, 2019, the Planning Board received a memorandum from the Applicant's Attorney dated March 11, 2019, which provided a discussion of the two additional issues requested to be incorporated into a revised SDEIS.

The Planning Board also received a memorandum from Main Street Consulting dated March 8, 2019 which provided information on the SDEIS alternatives and comparisons with the No Action Alternative. This new information was included in the revised SDEIS submitted on May 29, 2019.

On March 25, 2019, the Planning Board reviewed the Village Consulting Planner Robert Galvin's Completeness Memorandum dated March 20, 2019 which consolidated comments from the Village Engineer, the supplemental memo from the Village Attorney dated March 22, 2019 and the Planning Board's memorandum dated February 18, 2019, which requested that two additional issues be addressed in the SDEIS.

The Planning Board also reviewed the Applicant's memoranda dated March 8, 2019 and March 11, 2019 discussing the two additional items and other responses regarding Alternatives and comparisons to the No Action Alternative. The Planning Board accepted the list of deficiencies set forth in the March 20, 2019 Completeness Memorandum, the supplemental memorandum from the Village Attorney dated March 22, 2019 and the February 18, 2019 Memorandum on the additional issues to be addressed in the SDEIS and determined that the SDEIS submitted on February 11, 2019 was not complete. The Planning Board adopted a resolution to this effect dated March 25, 2019.

In the resolution, Artis Senior Living, LLC was directed to revise the February 11, 2019 SDEIS in response to the March 20, 2019 Completeness Memorandum and the Village Attorney's supplemental memorandum dated March 22, 2019 and to incorporate the discussion of the two additional issues as noted in Applicant's March 11, 2019 memorandum. The Applicant was further directed to include the responses contained in the Main Street Consulting memorandum dated March 8, 2019 and to resubmit a revised SDEIS incorporating responses to all comments received as of that date for further completeness review by the Planning Board.

On May 10, 2019, Applicant submitted the Revised SDEIS to Village Planning Consultant Bob Galvin for further completeness review.

On May 29, 2019 the Revised SDEIS was determined to be adequately complete for circulation to solicit public comment and the comments of the involved agencies to which it was sent.

In addition to the hard copies submitted, the complete document was posted on the Village of Tarrytown website at <https://www.tarrytowngov.com/planning-board/pages/artis-senior-living-153-white-plains-road-segra-documents> . It is also available on the Preparer's website at [www.MainStreetConsulting.net](http://www.MainStreetConsulting.net)

Two Public Hearings were held on the accepted SDEIS, on June 24, 2019, and on July 22, 2019.

At the close of the second Public Hearing on July 22, 2019, the Applicant was directed to prepare this FSEIS. A memorandum dated August 2, 2019 (attached as Appendix 8 provided additional specific instructions as to what was required to be included.

## **Section 2 – Response to Comments**

### ***A) Public Hearing Comments***

Note: Some of the following comments have been edited for brevity, but every effort was made to include all of each speaker's major points. Their complete comments can be found in the Planning Board transcripts of the June 24, 2019 and July 22, 2019 meetings which are included in Appendices 1 and 2.

#### ***1) First Public Hearing, June 24, 2019***

##### **Comment 1, Floating/Overlay Zone:**

MR. PATRICK: Good evening. My name is Dan Patrick from Cuddy & Feder on behalf of Montefiore, the owners of 555 South Broadway. First of all, I want to say we are fully supportive of this application. Our one comment is that we hope that any recommendation that this Board makes to the Board of Trustees, that this Board will consider some of the comments that we raised -- we submitted a March 14th, 2018, letter which copied -- and a letter we initially sent to the Board of Trustees making some suggestions regarding the proposed rezoning and floating zone. And so that's all we have to say. Thank you.

##### **Response 1, Floating/Overlay Zone:**

Comment noted. Applicant appreciates expression of support for project. Any further responses to these Cuddy & Feder letters will be the responsibility of the Lead Agency and the Board of Trustees.

##### **Comment 2, Water and Sewer and Manhole Issues:**

MR. PENNELLA: Rich, thank you for giving us an update on it. On the water study, we looked at two options. One was to connect either on Martling Avenue or onto Route 119; the initial option of Route 119, it's a small line; it's a 4-inch line. There is inadequate flow. So the only option without major improvements to the water system would be to connect on 119. The closest water main there, tap, would be at Route 9 White Plains Road. So there would be adequate flow for the water and in the same instance of the sewer. Originally, they wanted to connect on again on Martling Avenue and after doing some exploration, there

are some pump systems and there are some flat areas that seem to cause a problem. And the alternative again, you go on Route 119 to connect to the sewer upon that road. There would have to be additional studies, explorations to see if there are any other low spots down the road that would have to be improved. MR. GALVIN: The applicant may want to -- after talking to the Village Engineer embellish that in the FEIS and kind of institutionalize what you are planning on doing going forward. The other thing and I think there was a manhole issue too, but you are aware of that.

**Response 2, Water and Sewer and Manhole Issues:**

An updated Water Engineering Report has been provided which incorporates the latest information provided by the Village. The Report and Drawings have been updated to show the water service being relocated to NYS Route 119.

As part of investigating the sewer service connection to Martling Avenue we were asked to observe the sewer flows in Prospect Avenue. During that exercise there was a manhole observed at the intersection of Prospect Avenue and Broadway that had sewage building up in the manhole due to the inflow. The increase in flow was short duration (minutes) and believed to be associated with the discharge of a nearby pump station.

There are two options relative to sewer service for the project. The first is to connect to Martling Avenue, and the second is to connect to the NYS Route 119 sewer system. Both have advantages and disadvantages that need to be understood and coordinated with the Village. For the purpose of SEQRA and evaluating impacts both are discussed herein. It is the applicant's intent to continue to coordinate with the Village Engineer during the Site Plan process to select the preferred connection point. With respect to the NYS Route 119 connection, it is our understanding there is adequate capacity in this system for our service connection. However, this route would require a longer pipe run than the Martling Avenue sewer service connection, and would require permitting and construction within the NYS Route 119 right of way. In comparison, the Village has indicated offsite improvements would be necessary in order to pursue the Martling Avenue Connection (such as repairing the aforementioned manhole). The extent of the offsite improvements needs to be determined before a decision can be made relative to the most advantageous service connection location.

**Comment 3, Traffic Impact:**

The other thing is could you address the traffic? I mean, Kimley-Horn did a significant traffic study which addressed Broadway as well as 119. And one of the comments that you may want to address is are there any specific additions or other things on Broadway that distinguish it, differentiate it from 119, be it be this type of development, if that makes any sense to you.

**Response 3, Traffic Impact:**

The complete Traffic Impact Study included in the SDEIS as Appendix B fully describes impacts to both Route 119/White Plains Road and Route 9/Broadway.

The Executive Summary concludes on Page 5:

“Based on the findings above, it is concluded that the proposed Project will not have a significant adverse impact on area traffic operating conditions. The Project will add fewer traffic volumes to the roadways than the formerly-approved 60,000 sf office building resulting in generally fewer delays on the roadways. Furthermore, the proposed parking will be sufficient for the Project.”

The full Executive Summary of the Artis Traffic Impact Study is included herein as Appendix 15.

In a memorandum dated March 23, 2019, Village Engineer Donato R. Pennella, P.E., requested that the Traffic Impact Study be expanded to address emergency situations such as peak hour discharge at 5 p.m. from 155 White Plains Road, vehicles entering the ramp to the bridge and emergency calls from the proposed site. In addition, Village Engineer Pennella also requested that impacts from the newly installed westbound signalized ramp to the bridge be included in the environmental review.

In response to these requests, the additional traffic impact issues described in comment 3 above were addressed in the Kimley-Horn Supplemental Traffic Report dated April 8, 2019, which was sent to Village Engineer Donato Pennella on April 11, 2019, and a copy of report is included herein as Appendix 9.

**Comment 4, Green Technology:**

MS. RAISELIS: The whole notion of the gas moratorium and that you put your application in and good for you. You got your application in on time. There is an issue called climate change and we're having some real ramifications of it. And I think -- I think we ask as a board every one of our applicants to consider renewable energy either as a primary or supplementary source of your energy

for the building and I think we will press pretty hard if you guys agree with that comment for -- for addressing that as an addition to, I mean granted you have needs that all health care have pretty significant needs for energy and for sort of constant and constant flow. I see a building there that has potentially a big flat roof. To say that you can't get any solar panels on it seems dubious. So I would ask that part of this investigation be to look at that and see how you can benefit. There's a lot of money to be had to help you with that by the state. No? [MR. KIRKPATRICK responded: "All we wanted to say is that we will definitely study that more thoroughly and give you a response on it."]

#### **Response 4, Green Technology:**

In response to Planning Board Member Raiselis's comments, the Applicant has asked its architectural firm, LK Architects, LLC, and its mechanicals engineers to carefully study the potential opportunities to include solar panels on the roof of the proposed structure to the maximum practicable extent. The Applicant's architectural design consultant, Paul Folger of LK Architects, LLC, has responded positively to this request in a letter dated August 22, 2019, attached as Appendix 12.

On page 2 of his letter, under the heading "Section 2: Artis Power Needs," Mr. Folger states:

"It has been suggested by members of the Tarrytown professional staff and planning board that we look at the possibility of renewable energy originated by solar panels. We have done so. There are significant site-size driven considerations as well as the local code requiring compliance with the Village Tree Ordinances and the previously filed and approved SWPPP and ground cover antecedent to the construction of the detention facility that make the roof of the proposed building the sole area to place photovoltaic panels.

This thought of ours was seconded at a recent planning board work session comment that the roof of the facility be considered for photovoltaic panels. We note for the record that to provide the garden space, so necessary for resident accommodation, all condensers, HVAC units and the like, are installed on the roof. These installations of necessity occupy some roof space but there is room for a panel array. That will be part of the detailed site planning submission we will undertake as, if and when the predicate required zoning is in place."

Further, the potential opportunity of purchasing renewable hydropower from the New York State Power Authority ("NYPA") through programs sponsored by the New York State Energy Research and Development Authority ("NYSERDA") will

be pursued by the Applicant during the site plan development process, as Planning Board Member Raiselis suggests.

**Comment 5, Affordable Units:**

MS. LAWRENCE: I have a question. I was wondering where in the document you've addressed the affordable unit question. You discuss that or when you had discussed it but I just don't know where in the document it's noted. Which was a suggestion to set aside a few of the units for affordability.

**Response 5, Affordable Units:**

The document addressing the affordable unit question was provided in Appendix W of the SDEIS in a document titled "2019-03-11 Kirkpatrick Memo in Response to First Round Comments.pdf." Here is the conclusion of that memo:

"There are mechanisms that address strictly the costs of housing itself, which is a known and predictable number, even allowing for inflation, for any given building. It is therefore more than sensible to address the cost of housing alone with municipal requirements to include a percentage of units as affordable units. Expanding this to facilities that offer housing plus care is not however feasible for an individual municipality. The solution lies with Statewide regulation."

A copy of The Kirkpatrick Memo also is included herein as Appendix 16.

**Comment 6, Backup Power:**

MR. BIRGY: The question I have: What were you planning on backup for backup power for the facility? Because what we've run across is that sometimes the backup generators will be diesel-fueled, and we would like to know what your plans would be to not go that route, if possible. MR. KIRKPATRICK: We will look in that and give you an answer.

**Response 6, Backup Power:**

The backup emergency electrical generator will be powered by propane gas.

On page 2 of the LK letter referred to in Response 4, under the heading "Section 2: Artis Power Needs," Applicant's consultant, Paul Folger, states:

“As a reserve in case of an interruption of power from natural or other causes, Artis will use a natural gas generator that will immediately begin to function in the event of failure of electric power from the local utility. The generator will be equipped so that it could be switched over to a propane fuel source in the future. This would include adding on-site storage tanks if required.”

Kindly refer to the complete LK letter dated August 22, 2019, which is included as Appendix 12.

**Comment 7, Where to find prior responses:**

MR. FRY: Just a housekeeping note: There were 15 questions that were asked of us between the time we prepared the initial SDEIS, and those 15 documents are separately listed and they are in Appendix W. So if the question is where do I find the new stuff? Where do I find all these answers to the questions I've asked, and the answer is Appendix W.

MR. GALVIN: It may be helpful because we've gone in 149 questions, I forget. There were comments that you may want to integrate that with your FEIS and address those in one document so you can see everything.

MR. TEDESCO: That's a good idea

MR. GALVIN: That's 150.

**Response 7, Where to find prior responses:**

Prior responses may be found In Section 3 below, titled Tabular Summary of Responses to Comments. This section shows comments from Planning Board and Village Consultants during the production of the SDEIS, and shows where the Applicant responded to those comments in the body of the SDEIS, and in the appendices to the SDEIS.

In Section 3, below, Applicant has individually listed and described the comments received from the Planning Board and its professional staff during the preparation of the SDEIS and has described the documents drafted in response to each comment..

The complete comment memos are included herein as Appendices 3 through 8.

**Comment 8, Recreation Fees:**

MR. PENNELLA: Yes. Chairman, I'd like to ask the applicant how they plan to address the recreation fees and impact on recreation.

MR. TEDESCO: Oh. Yes. Dan brought up an important point. Addressing the recreation fees for the project should be part of the -- something we would want a response to.

**Response 8, Recreation Fees:**

The proposed development, a facility for individuals requiring memory care, has a very specialized requirement for residents' recreation. That specialized requirement is for an enclosed walkable garden that allows such persons with memory issues to enjoy exercise in natural surroundings without interference from persons not sharing their condition, and without danger of them wandering out of the secure and enclosed garden into surrounding locations.

That enclosed walkable garden is being provided on site, with no impact whatsoever on the taxpayers of the Village of Tarrytown for either the creation or ongoing maintenance of this on-site recreational facility.

In addition, it should be noted that the persons in this facility will have neither a need for nor any possible access to the use of any other recreational facilities in the Village.

This situation has some similarity to other site plan approvals in the Village, such as the new dormitory at EF, for which no recreation fee was required. That facility also has its own recreational facilities on-site and also has no impact on Village parks, very much like the Artis proposal.

***2) Second Public Hearing, July 22, 2019***

**Comment 9, Resident Supports Project:**

MR. GREEN: My name is Alan Green. I live at 8 Bridge Street here in Tarrytown. I grew up in Westchester, born and bred here, raised my three kids in Edgemont. Love Westchester. I've been a commercial lending officer for my whole career, over 40 years, made commercial loans in this area to probably a

hundred companies. Sought, developed Westchester and very proud to see what has happened to it. . .

I'm familiar with Transfiguration. I have friends who sent their kids to school there, and I'm familiar with the area. And I feel that the site would be a good site. I have no ties to anybody here, except that I do know the sellers on a familiar basis. And I know they contribute to the community. . .I currently am on the executive board of directors for 20 years of the Boy Scouts in the Westchester Putnam Council here in Westchester. We have done a lot of good things. We have 8,000 scouts that we take care of and help.

And I feel that I have some personal experience with dementia and Alzheimer's. My father had it, and my first cousin had it. And there was no place to take them that really suited them. I had to send them out of state, which was rough for me.

I feel that I read something about Artis. They have done very good jobs. I worked in New Jersey, part of my job was in New Jersey when I worked in New York covering healthcare. And Alzheimer's specialties and dementia specialties are really needed in this country, and we have to be more conscious of the spread of it, because there's an awful lot of patients, people in need.

I was in the navy for three years, served as an officer on a destroyer. And my honest opinion is that this site is a good site for it, and Tarrytown would be proud of it.

**Response 9, Resident Supports Project:**

Applicant appreciates Mr. Green's supportive comments.

**Comment 10, Resident Supports Project and Addresses Impact to Tarrytown Volunteer Ambulance Corp:**

MR. YAMAMOTO: Good evening. My name is Kai Yamamoto, long time watcher of the planning board; first time speaker, I believe. My wife Kimberly and I live at 20 Browning Lane with our two young sons. I've been in Tarrytown for my entire life. . . I was inspired to speak here this evening, because I was watching the planning board meeting, and I saw Ms. Raiselis mention that maybe the people in the community might want to come speak. So I took that as an open invitation. This also led me to read into and look at the SDEIS papers submitted by Artis.

And over the past month, my wife and I, we're both – we are both registered nurses. We've been walking around Tarrytown on daily morning walks, and we happened to walk past the site where this is planned for. And that inspired some conversation because I had mentioned that this is what they're going to do . . . We're happy and encourage a great amount of open space, and we like what the planning board has done with open space in Tarrytown. But we are also realists. We believe that development does have to happen, and it will happen here in Tarrytown. Since we lived in Pennybridge, we appreciate that the development wouldn't affect us per se when it comes to the school system, but we appreciate the financials that go into the planning with regard to the school board and the new facilities.

In doing the research for this, I found out that this institution will pay taxes, which is good. We welcome any opportunity for our taxes to maybe raise at a slower rate. One of the things that I saw in the SDEIS was that over a 30-year period, the school board is looking at maybe \$12 million in anticipated revenue, which when given, the building that's going on in Sleepy Hollow and throughout the villages, I think that's a good bonus, especially for an institution that is not going to draw on the school system. So I think we should definitely embrace that.

From a professional perspective as an RN, my wife and I were talking about this. It's really important for -- in our opinion – to see that there's a place for families close by. And that's for those families suffering from dementia. Now I say families suffering from dementia, I mean that not just the patient who needs a safe place to be, but also the family that is supporting that patient. Okay. That -- that's something that is really important.

Everybody nowadays, you ask them to volunteer their time in the scouts and fire department, and everybody says, I'm too busy. Okay. So extrapolate that into having to go an hour to visit a loved one. Well, little league takes precedence or tennis takes precedence or all those other activities of daily living that will make you feel guilty of not traveling to see a loved one in a facility that might be distant. But if you live here in Tarrytown, you have this opportunity to have something where you can make those more frequent visits. I found it very beneficial. My parents live up in the Crest Hill. So we're -- on a regular basis, Oh, let's just stop in. It may only be for five minutes, but that five minutes means a lot for my boys, for my parents, for us.

So I think that this is something that would add value to – to Tarrytown. In reviewing the SDEIS -- I'm in my master's program, and one of the things they were talking about is an optimal healing environment.

It's not something that is really out there, but there are a bunch of hospitals that are embracing this. It's brought by -- brought forward by the Samuel Institute. And it's a framework. There's four things. There's the environment, the interactions between the patients. One of the things that they were -- that's in the plan that I was able to read was having open spaces and gardens for the residents to walk. That fits directly in that optimal healing environment for residents and for those patients. So I think that would really be beneficial to the patients and their family members.

Last thing I wanted to mention was as a former 15-year member of the Tarrytown ambulance corps, this is an organization that runs on a shoe string budget. It gets its funding from donations and whatever they can get from revenue recovered from insurance companies. I'd really like to see, maybe we can support them, because during the time that I worked with the ambulance corps, we did respond fairly often to the Tarrytown Hall Center. So if maybe there's something that we could implement to help them out, because they don't take tax money at this time, maybe that's something that we could also address.

So thank you for affording me this opportunity to speak on something that I – I believe is going to be beneficial to our – our community, and welcome to the new neighbors. Thank you.

**Response 10, Resident Supports Project and Addresses Impact to Tarrytown Volunteer Ambulance Corp:**

Applicant appreciates Mr. Yamamoto's supportive comments.

In order to better assess any impact on the TVAC arising under approval and construction of a 64-bed Artis memory care facility in Tarrytown, Development Strategies (by Don Walsh) researched and drafted the following after comprehensive review of Artis records obtained from that company's national headquarters in McLean, Virginia.

This was supplemented with discussions directly between Mr. Walsh and TVAC director Alaric Young. All information obtained from Artis records was reviewed with Mr. Young during two separate conversations and a copy of this memo was sent to him for his review.

On Mr. Young's part, he added two important qualifications to TVAC operations that were not apparent from the recent discussion at the Planning Board:

- 1. The TVAC receives no financial support at all from the Village of Tarrytown**

## **2. The TVAC only responds to 911 emergency calls.**

Mr. Young noted that existing Tarrytown institutions such as Tarry Hall are all aware of this last policy and accordingly contract with a private ambulance service to handle all non-emergency routine calls. Artis takes note of this last policy and will similarly contract, as it does in many other communities, with a private ambulance service such as Empress to handle calls that are not 911 in nature.

Development Strategies was asked to provide actual data of the impact of the proposed facility on ambulance calls including the number of monthly ambulance calls and the time involved in same. Since the facility does not exist yet, DevStrat obtained Artis statistical data from Artis facilities nationwide that are of similar size compared to the planned facility for Tarrytown. This selection was based on the Tarrytown planners' request to include data from Ossining (this is not possible as there is no data from Ossining; the site is currently under construction) and comparable municipalities in order to provide a broader statistical basis for assessing such impacts, if any.

Accordingly, to be as accurate as possible, six existing Artis facilities with a bed count of 64 (or nearly 64) that are stabilized at 90 percent or higher occupancy were selected. It is noted that according to Artis files, newly opened facilities take approximately 18 to 24 months to reach stabilized occupancy; as such, the impact on EMT services is graduated over a period of time. Thus, the following information was gleaned from the records of Artis-owned and operated stabilized buildings in various states.

These sites include: four sites with 64 beds each located in Boca Raton, Florida; Bridgeton, Ohio; Mason, Ohio; and Olney, Maryland. Two other Artis facilities surveyed with similar bed counts were Evesham, New Jersey, which have 68 beds; and Great Falls, Virginia, with 63 beds. Data from all six buildings is part of this report.

The average number of 911 emergency calls from each facility ranges from a low of 1.8 per month to a high of 2.3 per month. This equates to no similar Artis facility having had less than 22 calls of a 911 nature each year and no facility having had more than 28 such calls annually.

For the record, this number is able to be kept in that range as each Artis facility is staffed with either an RN and/or LPN 24 hours a day, seven days a week and who have the ability to triage many non-life-threatening situations in house. This helps reduce the potential number of 911 calls. Artis of Tarrytown, as, if and

when approved and constructed, will be staffed in a similar way and will contain a medical room.

When this information was reviewed with the TVAC director, Mr. Young responded that this limited number of emergency calls would be easily accommodated within the normal operations of the TVAC.

Further, he noted that all such ambulance fees are generally covered by insurance. The TVAC, as does Artis, has an insurance coordinator that will work together to insure all 911 call bills are promptly submitted to the responsible carrier and/or paid directly on receipt of applicable proceeds.

Development Strategies notes for the record, as confirmed in a conversation with Mr. Young, that the vast majority of resident patients in such senior-oriented facilities are covered by Medicare. Further, the rate of payment for 911 ambulance service is not established by an ambulance corps administration or municipality but rather is set by the coverage provider; that is, in most cases, by the federal government Medicare administration. Artis represents for the record that all such bills submitted by the TVAC will be promptly processed.

Mr. Young touched on the need for Artis to work with the TVAC on a regular basis in order to insure access to and knowledge of the premises and procedures that will be in place once an Artis facility is on site. Artis notes that this is normal protocol and will establish, as it does with every facility in its portfolio, a series of regular meetings with the ambulance corps staff to facilitate timely 911 transport as may be needed.

Mr. Young concluded that the TVAC will welcome Artis to the village and looks forward to developing a productive relationship with such a new local health care provider with national experience.

**Comment 11, Owner of Property Addresses Planning Board:**

MR. LEON SILVERMAN: I think you all know who I am. I'm the owner of the property right now. We've owned this property close to 15 years. And we've worked closely with the town; Dan and I have had many meetings. We've spoken and tried to work with the board of trustees and with the village attorney. We were fortunate enough to -- originally, we were going to build a 60,000-foot building on this property, which was the original plan, a three-story office building. At that time we had a medical group that was going to take a third of the building.

And then we were fortunate enough to meet Artis. And they came with a plan that was – I thought was more acceptable to the town because, A, the size of the building, I think, was 36,000 feet, smaller. And one of the problems that Mr. Tedesco had said to me back then, he was concerned about height. We drove down Martling Avenue; you'd see the high building. This is -- now this is a two-story building instead of a three-story building. We were speaking to the town. We explained to them that the tax base would obviously increase as to what the taxes are right now. The tenant puts no pressure on the school system, because it's senior citizens. They don't drive, so there's very little traffic coming in, just the employees and maybe visitors, once in a while. Unfortunately, having a parent who had dementia, I was fortunate enough to be able to go there quite often, but most parents don't have their children and other people visiting them. So between the -- and there's no pressure on the school system too so – I know you've been working hard to get this thing passed. I appreciate all your work and that time and effort and I just came here to thank you for your time and effort and, hopefully, we can get this thing finished and up before the end of the year. Thank you.

**Response 11, Owner of Property Addresses Planning Board:**

The Applicant and contract vendee Artis Senior Living acknowledges with thanks the comments of the property owner and contract vendor Crescent Associates LLC.

**Comment 12, Galvin Memo:**

MR: FRIEDLANDER: Bob, do you want to read your memo?

MR. GALVIN: Yes. Briefly, I had summarized for the board the previous comments that have been made in the public hearing as well as written comments that we've received. And this is something that we will be providing to the applicant to direct them in terms of doing the FSEIS. But we're going to wait until we get a transcript and can incorporate the comments that we've heard tonight and the additional comments originating from the board's 7/22 hearing,

**Response 12, Galvin Memo:**

As noted above, Mr. Galvin drafted a preliminary Memorandum dated July 17, 2019 to the Board with copy to the Applicant clearly specifying all of the issues to be addressed in this FSEIS, and followed up with an expanded and final version of the Memorandum dated August 2, 2019. The August 2, 2019 Memorandum is included as Appendix 8.

Applicant has tabulated the comments and responses received during the preparation of the SDEIS in Section 3 below.

**Comment 13, Address Letters Commenting on Project:**

MR GALVIN: There are two letters to be addressed in the FSEIS, the Cuddy & Feder letter in response to the Artis petition, and then one that we received just a couple of days ago, the DEC letter, which was a response and comments, which are typical comments that they have in terms of jurisdiction and permitting.

**Response 13, Address Letters Commenting on Project:**

The two letters Cuddy and Feder letters referred to above have both been included herein as Exhibit A. Applicant's responses to these letters are included in Section 2 below, headed Responses to Written Comments.

The DEC letter is included as Exhibit B. Applicant's responses to this letter is included in Section 2 below, headed Responses to Written Comments

After this comment was written, a third letter dated July 24, 2019 was received from the Tarrytown Environmental Advisory Council. It has been included as Exhibit C, and Applicant's responses are also in Section 2, below.

**Comment 14, Information to be included in the FSEIS:**

MR. GALVIN: Specific comments from the hearing held on 6/24 [are included in my memo]. I'm going to briefly just go through these. The [page numbers] indicate where the information is found in the [transcript].

What I did was I took the comments, and then I [added specific instructions to the Applicant on how to respond].

There were 15 questions that were asked of them during the time of the [preparation of] the initial SDEIS. They were all listed in Appendix W. But the question is: "Where do we find the new stuff?" Just put that into your response. I think that Ms. Lawrence also had the same question, the same [question] as to where do you find the information on affordable housing.

Again, this is in Appendix W. Again, we want to document that. We want to put that in as a question, and you address that in the FEIS.

**Response 14, Information to be included in the FSEIS:**

Section 3, below, titled "Summary of Responses to Previous Comments on the SDEIS" includes a table showing the subject of each of the comments and questions asked by Planning Board staff and counsel and the Village Engineer during the preparation of the SDEIS and shows where to find the supplemental documents which were provided in response.

All of these documents are included in Appendix W of the SDEIS.

**Comment 15, How to Address Comments Made During Development of the SDEIS:**

MR. GALVIN: We also provided a number of other comments during the development of the SDEIS. And I think we have about 149 questions. We're not asking you to address each of those, but to summarize them. For example, the village attorney had questions that specifically talked about grammar and other issues, and objected to certain conclusory statements. So you would just take those comments and say you have 15 comments or 20 comments from the village engineer -- I mean, the village attorney, and they deal with this, that, and the other thing and this is how we addressed it.

So we're not asking you to go through all 149 comments and address them. Provide comments made by the village engineer on water modeling, and we're asking the Applicant to provide further commentary in response to the engineer's comments on modeling and institutionalize what you are planning regarding the water system going forward. And we essentially have his comments in the stenographer's transcript.

The manhole issues were identified. Provide more detailed implementation and plans to deal with that issue, which all ties into the stormwater system and the sewer.

**Response 15, How to Address Comments Made During Development of the SDEIS:**

Applicant has carefully followed the guidance provided in the two Galvin Memoranda referenced above, and has provided a record in Section 3 below, of its responses to each of the substantive comments and requests contained in the six memoranda drafted by the Village Planning Consultant, Village Attorney, and Village Engineer in that section.

Specific additional responses to Mr. Pennella's comments on water and sewer are provided in response to Comment 2, above.

**Comment 16, Traffic Impacts:**

MR. GALVIN: Traffic impacts: Are there any specific additions or other conditions on the village's major roads such as Broadway that distinguish it from White Plains Road. I would expand that so that you are not just talking about 119 and Route 9 but, you know, the major roads in Tarrytown, such as 9, going forward.

**Response 16, Traffic Impacts:**

Please see Applicant's response to these questions in Response 3, above.

**Comment 17, Renewable Energy:**

MR. GALVIN: Provide additional study and respond on renewal, alternate energy methods for the project.

**Response 17, Renewable Energy:**

Please see Applicant's response to these questions in Response 4, above.

**Comment 18, Backup Power:**

MR. GALVIN: And I put in comments from Mr. Birgy from the planning board. Describe plans for backup power for this facility: I believe that Paul had that question, Paul Birgy. What are you planning on doing for backup, for backup power for the facility?

**Response 18, Backup Power:**

Please see Applicant's response to this question in Response 6, above.

**Comment 19, Recreation Fees:**

MR. GALVIN: Address village recreation fees and the impact on recreation: I believe that you've received already information on that and can address that.

**Response 19, Recreation Fees:**

Please see Applicant's discussion of recreation fees in Response 8, above.

**Comment 20, Proposed Density of Proposed Floating/Overlay Zone:**

MR. GALVIN: Provide the rationale for your density in the proposed legislation; namely, you're talking about 100 units. How would this density provide the precedence in generating a greater number of units for larger properties requesting a floating zone under the proposed legislation? So you can put your thinking caps on that. So it's not maybe a fixed, may not be a hundred units per acre or whatever. It may be fixed. You need to explain that to us and see how it, you know, dovetails, from, you know, if you have a larger, you know, 10-acre site and whatever. Does that translate into a thousand units?

**Response 20, Proposed Density of Proposed Floating/Overlay Zone**

*Rationale for the Density in the Proposed Legislation*

The Planning Board has requested that the Applicant provide a rationale for the density in the proposed legislation, namely, 100 units and would this density provide a precedent for generating greater number of units for larger properties requesting a floating zone under the proposed legislation.

The proposed legislation reads as follows on this subject:

FLOATING/OVERLAY ZONE PROPOSAL  
§ 305-40-1C Additional Requirements

- (1) A facility for Alzheimer's/Dementia Care Housing shall have no more than 100 beds.

Since the provision limits the size of such a facility on any property, no matter the size of the property, then a maximum of 100 units for any property would not, in the Applicant's opinion, provide a precedent for generating a greater number of units on larger properties.

The Applicant's proposal for its property is actually for a maximum of 64 units. The choice of a maximum of 100 units was generated by a concern that a lower figure would suggest that this proposed zoning would be applicable in actual practice to only its property and no others. That might open the proposal to an accusation of spot zoning. It was therefore considered wise to make the proposed zoning generally applicable to those other properties along Route 119 which would also qualify for rezoning under the proposed amendment.

Since the Applicant's proposal is for only 64 beds, the applicant has no overwhelming objection to reducing the maximum number of beds to 64, 75, 90 or whatever number the Village finds appropriate. The applicant does, however, respectfully suggest that its proposed maximum number has the advantage of avoiding any accusations of spot zoning.

**Comment 21, Complete Streets Connectivity:**

MR. GALVIN: In line with the village's Complete Streets Policy, describe providing connectivity to Route 119. This conforms to the county's GML comments by the planning board. They were talking about an activity, how are you going to get there. Are you going to go through the adjacent Columbia Doctors parking lot, or are you going to do sidewalks? Are you going to do easements? How are you going to address that?

**Response 21, Complete Streets Connectivity:**

The subject site does not have any frontage on Route 119, but Crescent Associates, LLC, which is the current owner of both the subject property and the adjoining property with 730 feet of frontage on White Plains Road/ Route 119, has agreed to provide a permanent easement and to construct a sidewalk on his own adjoining property for the use of both pedestrians and cyclists. This is a positive response to the requests of the Westchester County Department of Planning in their letter dated May 11, 2018 that "the plans be revised to include a full pedestrian sidewalk connection between the bus stop and the Alzheimer/dementia memory care facility."

Applicant's planning consultant Mark Fry and Planning Board member David Aukland both served on the Scenic Hudson Trails Committee for Tarrytown and Sleepy Hollow, along with Daniel Convissor, who is the Project Coordinator for the Route 119 Complete Streets Design Plan Study.

Applicant is aware of long-term plans to build a dedicated bike lane along Route 119 on land belonging to New York State. The Applicant fully supports that proposal, and will provide connectivity to and from that bicycle lane to the Artis Senior Living facility via the pedestrian and cyclist sidewalk described above. The current conceptual site plans will be revised during the site plan approval process to show the exact configuration of the pedestrian and cyclist connections to be included in the site plan for this project.

***Note: The references to "grey water" in this document are spelled four different ways, based on the four different spellings in the source documents.***

**Comment 22, Grey Water Reuse:**

MR. GALVIN: Describe methods and plans to separate grey water from household waste water. This is a comment that is exploratory.

**Response 22, Grey Water Reuse:**

Applicant has undertaken significant research on the growing trend in many states to reuse grey water and discovered that New York State is one of the ten states that continue to treat grey water as septic and prohibit its reuse for any purpose.

While twenty states allow limited grey water reuse for residential irrigation systems, New York State has not revised its International Plumbing Code and New York State Department of Health regulations to allow grey water reuse for any purpose whatsoever. This prohibition applies to all residential and commercial properties in the State of New York.

Please see "Table 4.1 State Analysis of Graywater Wastewater Regulations," included herewith as Appendix 13, and "Map of States Which Allow Or Do Not Allow Graywater Use" included herewith as Appendix 14.

**Note:**

The comments above made by Mr. Galvin at the public hearings are also clearly listed in his Memoranda dated July 17, 2019 and August 2, 2019. The Applicant has carefully followed the detailed instructions in those Memoranda in drafting this document.

**Comment 23, Regarding Recommendation to Board of Trustees:**

VILLAGE ATTORNEY MS. CHRISTIE TOMM ADDONA: Mr. Chairman, I'd like to just comment on one statement that had been made by the applicant, which was a request that the board make a recommendation to the board of trustees on the zoning at this point in time. As there are certain comments that were made on the SDEIS that will have to be addressed in FSEIS it may be premature, especially with the comments related to density, because they directly relate to the zoning. So you may be better off holding off until you get that information so you're in a better position to make that recommendation to the board of trustees.

**Response 23, Regarding Recommendation to Board of Trustees:**

Village Counsel's advice to Planning Board Chairman is duly noted.

**Comment 24, Fiscal Impact:**

MR. FRIEDLANDER: John, I have just two comments. I'm not sure, because I don't have the report in front of me, but in the fiscal analysis for this property, do you remember what the tax generation is proposed.

**Response 24, Fiscal Impact:**

Right now, today, the property generates \$24,000 total tax as a vacant parcel of which \$15,000, a little over \$15,000, goes to the school system. That is less than is required to educate one child, which is about \$29,000. [\$27,146 per student]

When this facility is built, it will generate a little more than \$400,000 per year, total taxes to all jurisdictions. So the comparison is now \$24,000, when it's built \$400,000. Just about exactly, as it happens, nine times as much taxes when it is built than it now generates as an empty parcel.

All of the tables of the fiscal impact analysis are listed in List of Tables on page 7 of the SDEIS. They are duplicated in a separate section in Appendix K of the same. In addition there are two more tables that the planning board specifically asked us to provide in Appendix W showing the fiscal impact of the No Action Alternative versus the Proposed Action.

**Comment 25, Impact on Tarrytown Volunteer Ambulance Corp:**

MR. FRIEDLANDER: So I have a question for -- I don't know who has the answer to this; it's not your bailiwick, Dan. But does the Village of Tarrytown provide any financial resources to the ambulance corps?

MR. BIRGY: Why would it [emergency transport to a tertiary care facility] be Westchester Medical Center and not Phelps?

MR. BIRGY: Just as a lead into Stanley's question, I think there's also an issue of not only that Artis would be paying for the service, but what is this, you know, does this mean an additional burden on the ambulance service. Because we talked about this. It's the same issue as if you have to hire another policeman, or they have to get another, you know, sanitation truck. So -- so the question is,

would the ambulance corps be, you know, burdened by this, and not just a question of paying, but how does that affect the ambulance corps.

MR. BIRGY: It [a projected, 1.5 ambulance trips per month] sounds incredibly low to me. I mean, it's just -- is there a way we can get some other verification for that?

MR. BIRGY: Again, we get a lot of figures. And sometimes they are not, you know, when the reality strikes, it's -- and, again, I'm not -- you know, I'm pleased with, you know, the basic idea of the facility, but I think that, you know, we just have these ancillary questions, and we just don't want to have surprises later on.

MR. GALVIN: In terms of the FEIS, could you address that specific question. Basically, you talked about different levels of care. You talked about the statistical background for that. And maybe there's some even -- is there a cost for ambulance, even though you're paying that, you want to be able to say that too.

MR. FRIEDLANDER: So I think the issue is if they're prepared to pay the full cost of every service rendered, but the infrastructure costs or the capital -- fixed capital costs of the building and the ambulances and the replacement of the ambulances and the wear and tear, that's often not included in their bill. So what I think would be useful is if you spoke to them and said, what are the additional costs that you could -- that you could proportionally contribute to in the long term for structural improvements of the building that they have to operate or for the equipment that they need, including the equipment in the ambulance itself. Because usually when they price it out, they just price services rendered and not -- not the full costs.

MR. FRIEDLANDER: Even the cost of training additional people should be included in that because they will probably -- if the demand exceeded what was stated in the report, which it might -- it might happen, people get ill, you may take in older clientele in over time; so it may increase the use of the need for ambulances. It would be nice to have the ambulance corps be prepared to handle that with the requirements of increased training personnel. Selecting and recruiting personnel should be included in the cost structure.

MR. GALVIN: You may want to put that in context. So, in other words, the -- it's very interesting to know, on average or on a monthly basis, how many ambulance calls do they actually make. And what is the time involved 18 in that, whatever. That would then give you -- if it's 1.5 and that takes a certain amount of hours, and the rest of it is, you know, I don't know, 10 or 20. I have no idea. You might get the board and hear what was the context of it.

**Response 25, Impact on Tarrytown Volunteer Ambulance Corp:**

Please see discussion of potential impacts to the Tarrytown Volunteer Ambulance Corp in Response 10, above.

**Comment 26, Recreation Fees:**

MR. BIRGY: And just a question for the village attorney: Is there any provision within the village code that would be similar to a recreation fee for something like this? If not, we have to look at doing that, maybe, for the future.

MS. ADDONA: I don't believe so, but we can certainly double-check that. And if appropriate, submit a written comment during the written comment period if the board is inclined to move forward with that.

MR. BIRGY: Maybe for the future or something, it would be a good idea to look at, if possible.

MS. ADDONA: See if there's a possibility for a text amendment just on a more general basis. Understood.

MR. GALVIN: We are very familiar with Ossining; so see what they are doing up there.

**Response 26, Recreation Fees:**

Please see Applicant's discussion of recreation fees in Response 8, above.

**Comment 27, Stormwater Detention Pond and Property Line:**

MR. FRIEDLANDER: Mark, I was struck by a comment of one of the previous speakers, it was a nurse, said something about the holistic notion of having outdoor recreation with passive spaces. I'm looking at the site plan as it exists now. The area to the left going toward the aqueduct, where is the property line?

And is that actually a live water body that is filled with water continuously?

**Response 27, Stormwater Detention Pond and Property Line:**

MR. FRY: No, it is not. This is the detention pond that was built in 2015. There is no continuous water body. That's to say there is no flowing brook that goes down through this property. All of the catchment areas on this property, of course, are

delineated in the stormwater management report. When this was built in 2015, it was sized to take not only the runoff from this pervious parking lot here, but also it was sized to fully incorporate the runoff from this.

To answer your second question: Where is the property line?

The property line on this parcel of 4.6 acres is this dark black line that I'm tracing with my fingers.

There's about 600 feet of frontage on Martling Avenue, and 430 feet down in this direction. It's contiguous with the Marshall Cavendish Publishing Company property along this line, and along this line it adjoins the remaining eight acres that are owned by Mr. Silverman as a different parcel that incorporates the new pervious parking lot.

**Comment 28, Use of green space to the west of proposed building:**

MR. FRIEDLANDER: So my question is: Are you going to use the green space to the [west] of the building for park land or for gardens or for [something else]

**Response 28, Use of green space to the west of proposed building:**

MR. FRY: It will be open space forever. The short answer is, in terms of the recreation for the residents, no. That will be restricted. The residents are under what's called "routine protective oversight." That's to say that they cannot be permitted to wander off on a garden path. I have familiarity with my own family with that issue.

So the gardens are extraordinarily well-designed and landscaped. They're an actual model for the industry. Because when people are looking for a place to take mom or dad, they're looking for a place that they want them to be happy. And this landscaping that I'm pointing out here will be extraordinarily well done, thanks to Kathleen Snyder, who is here, raise your hand, please.

This area here, this is the area for the residents. It can only be reached through the building itself. And it's a beautifully landscaped area for all the residents to walk in these paths, often hand-in-hand with a caregiver, one-on-one.

These areas here, the retaining wall, will be extraordinarily well-landscaped, but this area, Dr. Friedlander, here is quite steep; this will not be used for recreation. This will be permanent open space forever. And it will be attractively landscaped, but the primary function of this is for that detention pond.

**Comment 29, Adequacy of Garden Area for Residents:**

MR. FRIEDLANDER: Okay. I look forward to discussing that in the site plan about the size of that garden, and whether it's adequate. But you can tell me then, not now.

**Response 29, Adequacy of Garden Area for Residents:**

MR. FRY: Okay. Great. We will address that in the site plan process.

**Comment 30, Preparation of the Final SEIS:**

MR. TEDESCO: I'm going to move that we close the public hearing tonight on the draft SEIS. And we ask the applicant to prepare the final SEIS, which will address all substantive comments made during the public hearing and also written comments made during the 10-day comment period, which will follow this meeting. The final SEIS should also address all comments made by staff and counsel during the production of the draft SEIS, and it should incorporate the draft SEIS by reference. Is there a second?

MS. LAWRENCE: Second.

MR. TEDESCO: All those in favor.

(A chorus of "ayes.")

MR. FRIEDLANDER: Carries unanimously.

**Response 30, Preparation of the Final SEIS:**

As requested above this FSEIS addresses:

- all substantive comments made during the public hearings
- all written comments made during the 10-day comment period
- all comments made by staff and counsel during the production of the draft SEIS, and Applicants responses

Please refer to "Summary of Responses to Previous Comments on the SDEIS" in Section 3, below, for a record of all responses to staff and counsel comments which were during the production of the SDEIS and incorporated into the SDEIS which was accepted and circulated on May 29, 2019.

**Conclusion of Section 2A:**

This FSEIS incorporates by reference the Supplementary Draft Environmental Impact Statement (SDEIS) in its entirety.

In addition to the hard copies provided to the members of the Planning Board members and the Planning Board staff, hard copies are available for public review at Planning Department office and at the Reference Room of Warner Public Library.

The complete SDEIS document was posted online on the Village of Tarrytown website at <https://www.tarrytowngov.com/planning-board/pages/artis-senior-living-153-white-plains-road-segra-documents>

It is also available on the Preparer's website at [www.MainStreetConsulting.net](http://www.MainStreetConsulting.net)

When reviewed and accepted as complete, copies of this FSEIS will be available at the same locations and websites.

### ***Section 2B) Response to Written Comments***

This section contains responses to:

1. Cuddy and Feder, LLP, letters dated October 24, 2016, March 14, 2018
2. New York State Department of Environmental Conservation, letter dated July 11, 2019
3. Tarrytown Environmental Advisory Council, letter dated July 24, 2019

# Exhibit A

Cuddy and Feder, LLP, letters dated October 24, 2016, March 14, 2018

**Response to Exhibit A, Cuddy and Feder, LLP, letters dated October 24, 2016, and March 14, 2018**

In response to the Cuddy and Feder, LLP, letters dated October 24, 2016, and March 14, 2018, Applicant's Counsel John Fitzpatrick, Esq., has provided the following response:

Anthony Gioffre of Cuddy and Feder submitted two letters.

The first letter, dated October 24, 2016, was addressed to the Mayor and Board of Trustees. This letter addressed broad suggested changes in the Zoning Code, including:

1. adding a "definition for Medical and Dental Offices that is separate and apart from the definition of a Hospital;"
2. clarifying "a few inconsistencies in the current version of the Zoning Code related to Senior Housing, Assisted Living Facilities and/or Institutional Housing;"
3. "parking for Medical and Dental Offices, Senior Housing and Assisted Living;"
4. " floor area calculations;"
5. "buildable site area/lot area clarification;"
6. "principal and accessory building coverage;"
7. "single-family and multifamily density requirements – HC district;"

The second letter was dated March 14, 2018, and was addressed to the Planning Board. This letter directly addressed the Artis proposal, calling it overly narrow in scope. The letter also more broadly addressed the issues raised in the above letter of October 24, 2016 and called for the Planning Board to recommend those changes.

The applicant interposes no objection to the suggestions from Mr. Gioffre. Any such changes are of course within the discretion of the Board of Trustees and the Planning Board.

Note however that the applicant deliberately proposed a narrow application of this proposed new use in order both to limit environmental impacts, and to provide an opportunity for the Village to analyze the zoning and environmental acceptability of this use, after its construction and initial operation, before considering expansion into other parts of the Village.

As proposed, the A/D Floating/Overlay Zone is an opportunity to create a transition between the commercial corridor along NYS Route 119 as well as the adjoining residential areas surrounding the NYS 119 corridor. This is a potential positive benefit to the community.

Relative to natural features, the inclusion of the A/D Zone is not anticipated to provide any additional impacts to topography, vegetation, stormwater management, and erosion and sediment control. The parcels in which the A/D zone could be applied are already developed, and any redevelopment would be subject to a site plan approval by the Village Planning Board. During that site plan review, potential impacts associated with a proposed development would be evaluated and mitigated either through a proposed project change or through mitigation to be provided by the proposed project. Any site plan would be required to comply with the *New York State SPDES General Permit for Stormwater Discharges from Construction Activities, GP-0-15-002*, including demonstrating conformance with the *New York State Stormwater Management Design Manual* and *New York State Standards and Specifications for Erosion and Sediment Control*. One benefit of the A/D Zone is it will require applicants to incorporate sustainability measures, such as green building techniques, to the maximum extent practicable.

This will serve to improve stormwater quality beyond what is required by the current regulations.

As such the inclusion of the A/D Zone has the potential for a positive benefit.

Relative to Traffic and Transportation please refer to the reports in the DSEIS prepared by Kimley-Horn. The addition of the A/D Zone is not anticipated to have a significant adverse impact on traffic. In addition, during the detailed site plan review, traffic studies can be requested to demonstrate potential impacts associated with traffic have been mitigated. The inclusion of the A/D Zone is anticipated to have a potential positive benefit to traffic.

Relative to Utilities, the addition of the A/D zone is not anticipated to have a significant adverse impact as compared to what is permitted by the current zoning. One benefit of the A/D Zone is it will require applicants to incorporate sustainability measures to the maximum extent practicable. The use of sustainability measures will serve to minimize impacts to existing utilities.

Relative to Cultural Resources, the addition of the A/D Zone is not anticipated to have a significant adverse impact as compared to the existing permitted uses. In addition, during the detailed site plan review, mitigation via proposed landscaping can be requested to demonstrate potential impacts to cultural resources have been mitigated.

Relative to Community Facilities, the addition of the A/D Zone is not anticipated to place any additional demand on Police, Fire, Emergency Medical Services, or Schools beyond what is permitted by the current zoning. Specific statistical data provided by Artis Senior Living indicates their facility, as an Alzheimer / Dementia Care Facility, on average generates approximately 1.4 to 1.8 ambulance trips per month. The limited demand placed on police, fire and EMS is often offset by the additional tax revenue generated by the facility. In addition, the project is anticipated to have a positive impact on the Tarrytown School District as the project will pay school taxes, but will not create an additional demand on the school system.

In conclusion, while it is possible that development of such a use on other sites in the Village would have similarly beneficial impacts, there is a significant planning benefit to limiting any new use to a small, clearly appropriate area of the Village, at least in its initial application.

# Exhibit B

New York State Department of Environmental Conservation, letter dated July 11, 2019

**Response to Exhibit B, New York State Department of Environmental Conservation, letter dated July 11, 2019**

This standard NYSDEC form letter was sent in response to a Notice of Completion of a Supplemental Draft Environmental Impact Statement (SDEIS) on June 6, 2019.

The following are the Applicant's responses to each section of the NYDEC letter:

Protection of Waters

No Protection of Waters permit is required.

Freshwater Wetlands

While there are no listed freshwater wetlands on site, the 706-square-foot wetlands area on the northwest corner of the site will not be impacted in any way. Please see Chapter 3, Section B "Wetlands" on pages 78-79 of the SDEIS.

Section 2, "Potential Impacts," states: "Based on the current site plan, this wetlands is more than 200 feet away from the nearest proposed site disturbance, and no disturbance of any kind will occur within the wetland buffer."

Section 3, "Mitigation," states: "No wetlands or areas within the 150-foot wetland buffer areas will be disturbed. The distance from the wetland to the proposed building is 246 feet. No mitigation measures are required."

State-Listed Species

No shortnose sturgeon are present on site, but this species is known to be present in the Hudson River, which is the ultimate downstream receptor of all stormwater runoff from the site and runoff from the entire Village of Tarrytown.

The proposed stormwater management system will treat all stormwater runoff in bioretention filters and a micropool detention and sedimentation pond before discharge into the municipal stormwater sewer system and will pose no threat to this species or to any other fish in the river.

State Pollutant Discharge Elimination System (SPDES)

The project sponsor will obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-15-002) because the overall project will disturb over one acre of land.

The Stormwater Pollution Prevention Plan, which has been developed and submitted as Appendix C of the SDEIS, fully conforms to the requirements of the general permit.

Coastal Management Zone, Local Waterfront Revitalization Plan

While almost the entire Village of Tarrytown is in the Coastal Management Zone (except for the small portion near the Tarrytown Lakes, which drains to the Sawmill River Watershed), the provisions of Chapter 300, of local code titled “Waterfront Consistency Review” will not take effect until the Village receives approval from the New York State Department of State of its draft Local Waterfront Revitalization Plan (LWRP).

Cultural Resources

The impact on cultural resources was fully evaluated during the preparation of the original Draft Environmental Impact Statement prepared for the previous application in the period from June 2003 to August 2005, which is incorporated by reference in the current SDEIS.

The Cultural Resources Section of the DEIS concludes, on page 3-2:

“With respect to approvals required, due to the site proximity to the Old Croton Trailway State Park, kindly refer to the May 7, 2003 letter from the New York State Office of Parks Recreation & Historic Preservation, Historic Preservation Field Services Bureau, from Mr. Kenneth Markunes, included in Appendix Q Correspondence, which notes

*“ due to the distance from the Aqueduct and the topographic features of the site, we do not have any concerns with potential negative above grade impacts to the historic resource that might result from the project.”*

A letter from the New York State Office of Parks, Recreation and Historic Preservation, dated June 11, 2003, stated:

“The proposed office complex is in an area where there are multiple archaeological resources present. Primarily prehistoric, some sites were identified in the early 1920s by then archeologist Arthur Parker.”

In 2003, the previous Applicant consulted with Dr. Sara Mascia, a 36 CFR 61 qualified archaeologist, who reviewed the archeological site file records of archeologist Arthur Parker referred to in the citation above.

Dr. Mascia informed the previous Applicant that the Parker archaeological findings were near the current Tarrytown Lakes, which are more than a half mile from the site.

The site itself has been repeatedly disturbed in the past 150 years, first through the building of the Thomas Dean Estate and was further disturbed when the library built by Robert Hoe III was built and later demolished. All of Hoe library masonry was bulldozed into the lowest part of the site adjoining the Old Croton Aqueduct as was described by project representative Donal Walsh in his presentation to the Planning Board on May 29, 2019. In the period from 1911 through the 1960's the site was repeatedly excavated and all the cut masonry stones and large quantities of topsoil were removed from the site. Due to the repeated cutting and filling and excavation of the site from 1881 to 1959, any archaeological resources that might have been on the site have been destroyed or removed.

# Exhibit C

Tarrytown Environmental Advisory Council, letter dated July 24, 2019

**Response to Exhibit C, Tarrytown Environmental Advisory Council, letter dated July 24, 2019**

The TEAC comments are in four categories, and Applicant's responses follow.

**1) Sustainability**

In response to TEAC's comments and those of Planning Board Member Joan Raiselis in Comment 4 above, the Applicant Artis Senior Living has agreed to design and install an array of photovoltaic solar panels on the roof of the facility and has instructed its design team and mechanical engineers to maximize the use of the available space. Kindly refer to Response 4 above.

TEAC asks if all the appliances will meet the U.S. Environmental Protection Agency Energy Star standard. The building and all of its systems will be designed to meet or exceed Energy Star standards and Energy Star certified appliances and lighting products will be used wherever possible.

**2) Grey Water Reuse**

As to grey water systems, Applicant has undertaken significant research and discovered that New York State is one of the ten states that continue to treat grey water as septic and prohibit its reuse for any purpose.

While twenty states allow grey water reuse, New York State has not yet revised its International Plumbing Code and New York State Department of Health regulations to allow grey water reuse.

Please see "Table 4.1 State Analysis of Graywater Wastewater Regulations", included herewith as Appendix 13, and "Map of States Which Allow Or Do Not Allow Graywater Use" included herewith as Appendix 14.

**3) Wildlife**

While the Applicant would like to minimize impacts to wildlife to the maximum extent practicable, the clearing of all vegetation on 45 percent of the site will, of course, unavoidably, decrease the portion of the site available as wildlife habitat. In the "Vegetation and Wildlife Analysis," dated October 23, 2003 and revised June 30, 2004, Environmental Consultant Richard B. Jacobsen concludes:

“Anticipated Impacts:

The removal of some large trees will have an impact on the canopy habitat for songbirds. These are species which are adaptable to human activities. A portion of the forested area and tree canopy will be maintained, particularly in the area of steep slopes in the easterly portion of the site and between the proposed stormwater basin and the aqueduct.

The current development plan preserves more existing trees and vegetation than the original proposal. The proposed landscaping will provide increased shrub variety for birds. The stormwater basin will provide wet meadow and upland meadow habitat which does not currently exist on the site. [The stormwater basin was constructed in 2015 and functions as planned.] Deer, turkey and small mammals will continue to use the site as a food source.

The unavoidable impacts to the habitats on the site will not result in a significant loss of valuable wildlife. The introduction of new species and habitats will mitigate the minor losses that occur. Some displacement of species will occur, however, the common species, which currently use the site, will continue to find suitable habitat.”

#### **4) Views**

As the TEAC writer notes, the construction of a new building on a parcel of land that has not been redeveloped for almost one hundred years will result in a dramatic change to the current viewscape from Martling Avenue.

Construction of this senior care facility will require the removal of nearly two and a half acres of vegetation. A very substantial visual impact to the view shed from Martling Avenue is un-avoidable. This parcel, when fully developed, will look very different than it does today.

In order to show the visual impact of the proposed project, the Applicant has commissioned and provided a series of eight three-dimensional photosimulation renderings, all from different vantage points along Martling Avenue, which show both the proposed building and the proposed vegetative screening and landscaping.

The renderings and a photo-locator key map may be found in Appendix H of the SDEIS.

The Applicant has instructed its site engineers and landscape architects to design the site to preserve as many trees as possible and to reduce the limits of disturbance to the minimum required to construct the building, and the associated parking and retaining walls.

The Limit of Disturbance is shown on Drawing SP-4 in Appendix F of the SDEIS.

The Applicant has committed to provide extensive landscaping, as shown on Drawing SP-3.1, and Drawing SP-3.2 in Appendix F of the SDEIS.

The detailed planting lists on Drawing SP-3.1 shows a very carefully selected assortment of native and non-invasive species of deciduous trees, evergreen trees, specimen trees, shrubs, perennials and groundcover that will be used in the re-vegetation and ornamental landscaping of the portion of the site that will be developed.

Drawing SP-3.2 shows the planting and seeding plans for the area near the micropool detention plan. Applicant anticipates that the pond will continue to be used as a source of drinking water for deer and other wildlife, and that the entire area near the Aqueduct will continue to be intensively used as bird habitat.

In summary, the Applicant will mitigate the loss of existing vegetation to the maximum extent that is practicable, and hopes that the unavoidable adverse environmental impacts to the existing site are balanced by the collective benefits to the elder persons with memory problems who will be well taken care of at this proposed facility.

***Section 3, Tabular Summary of Responses to Comments on the SDEIS.***

Introduction:

Applicant's responses to comments on the SDEIS may be found in the table on the following five pages.

This section presents comments from Planning Board and Village Consultants made during the production of the SDEIS, and shows where the Applicant responded to those comments in the body of the SDEIS, and in the appendices to the SDEIS.

The column at the right shows the Appendix Number where the documents drafted in response to each comment may be found, or the page numbers of the text that has been revised.

The complete comment memos are included herein as Appendices 3 through 8.