

TOWN BOARD OF THE TOWN OF CORTLANDT  
WESTCHESTER COUNTY, STATE OF NEW YORK

-----X  
In the Application of :  
 :  
HAWTHORN DEVCO, LLC :  
 :  
For an Amendment to the text of Chapter 307 :  
of the Code of the Town of Cortlandt. :  
-----X

**VERIFIED PETITION  
FOR ZONING TEXT  
AMENDMENTS**

Petitioner **HAWTHORN DEVCO, LLC** (“Hawthorn” or “Petitioner”) by its attorneys, Zarin & Steinmetz, located at 81 Main Street, Suite 415, White Plains, New York 10601, as and for its Verified Petition (the “Petition”) requesting Amendment to the Town of Cortlandt (the “Town”) Zoning Ordinance (the “Zoning Ordinance”) to include a definition of the term “Congregate Care Senior Living Facility” (“CCSLF”) and a provision to allow a CCSLF as a Special Permit use in the Community Commercial (“CC”) Zone, among other items, respectfully alleges as follows:

**INTRODUCTION**

1. Hawthorn is a limited liability company duly organized under the laws of the State of Washington, with the mailing address: c/o Daniel Roach Architecture, P.C., 3150 Kettle Court SE, Salem, Oregon 97301.

2. Hawthorn is the contract-vendee for two adjacent parcels in the Town. The first parcel is 119 Oregon Road (SBL 23.11-1-12), which currently is improved with the Colonial Terrace catering facility (“Colonial Terrace Parcel”). The second parcel, located at 121 Oregon Road (SBL 23.11-1-11), is directly adjacent to the Colonial Terrace Parcel, and is currently improved with a single-family residence. (“Single-Family Parcel”). Hereinafter, both parcels are

collectively referred to as the “Property.” The Property is located in the Community Commercial (CC) District.

3. Hawthorn is a national developer of senior living communities. Over the last 30 years, Hawthorn and its related entities have developed approximately 250 CCSLFs across North America.

4. The Property is presently owned by Terrace Management, Inc. and consists of approximately 9.8 acres located at the southeastern corner of Oregon Road and Eton Downs.

5. To accomplish this, the Project proposes a full demolition of the existing Colonial Terrace structure, while retaining the adjacent existing single-family home.

6. The location of the proposed building and other site improvements, however, have been intentionally designed to be compatible with the existing development on the site. For example, the main entrance from Oregon Road will be maintained and the new building configured to align the main entry with the existing tree lined driveway that currently leads to Colonial Terrace. Further, the proposed building façade has been designed to reflect the architectural vernacular of the existing building and has incorporated design elements that pay homage to the history of the site and the area.

7. Vehicular access is proposed from Oregon Road. An entrance on to Eton Downs will be for emergency access only. The existing access off the Oval (adjacent to the residential homes) is proposed to be abandoned. Having one active entrance into the development from Oregon Road will therefore minimize any traffic impacts to neighbors in the adjacent Waterbury Manor neighborhood.

8. Petitioner submits that this will be a high-quality, low-impact use for the Property, and will serve as an ideal replacement for Colonial Terrace.

**AMENDED ZONING ORDINANCE SECTIONS**

9. In order to facilitate this Project, Petitioner proposes to amend Section 307-4 (“Definitions”) of the Zoning Ordinance to add the following definition of a “Congregate Care Senior Living Facility:”

A long-term residential facility exclusively for persons 55 years of age or older which shall include at a minimum each of the following: private resident suites containing a sleeping area and private full bathroom in which no full kitchen facilities shall be allowed (i.e. no dishwasher or oven); daily prepared meals and a common dining area for congregate meals; housekeeping and linen service; private bus transportation for residents; dedicated areas for social activities; and dedicated areas for indoor and outdoor recreational activities.

10. Petitioner further proposes to amend Section 307-15 of the Zoning Ordinance (Notes to Table of Permitted Uses) to provide the following:

A(13) A Congregate Care Senior Living Facility (CCSLF) will be permitted in the Community Commercial (CC) District only via Special Permit issued by the Town Board, and only on a lot that is eight (8) acres or more, fronts and has a main access on a state road or on Oregon Road, and which will connect to public water and sewer systems. Such CCSLF may have a density of up to 20 congregate care resident suites per acre, plus up to three (3) additional staff/caretaker suites. Neither the congregate care resident suites nor the staff/caretaker suites shall count as “dwelling units” as defined in Section 307-4 of this title.

11. Petitioner also proposes to amend the Table of Permitted Uses (Section §§ 307-14 and 307-15, 307 Attachment 2:3) to add the CCSLF use as follows:

	<b>CROS</b>	<b>PROS</b>	<b>R-160</b>	<b>R-80</b>	<b>R-40</b>	<b>R-40A</b>	<b>R-20</b>	<b>R-15</b>	<b>R-10</b>	<b>RG</b>	<b>CC</b>	<b>HC</b>	<b>CD</b>	<b>MD</b>	<b>M-1</b>	<b>HC-9A</b>
<b>HEALTH AND SOCIAL SERVICES</b>																
Congregate Care Senior Living Facility (CCSLF)	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	N

12. Petitioner also proposes to amend the Table of Dimensional Regulations, Nonresidential Districts (Section § 307-17, 307 Attachment 5) as follows:

NOTES:

(4) A Congregate Care Senior Living Facility (CCSLF) authorized by Special Permit from the Town Board in the CC District may have a maximum height of 3 stories or 45 feet, and a maximum floor area of 155,000 square feet.

13. Lastly, Petitioner proposes to amend Zoning Ordinance Section 307-2(C) (“Table of Required Off-Street Parking Spaces; rules for interpretation”) to add the Congregate Care Senior Living Facility (CCSLF) use and recommended parking standard for a CCSLF as follows:

**TABLE OF REQUIRED OFF-STREET PARKING SPACES**

<b>Use</b>	<b>Required Number of Spaces</b>
Congregate Care Senior Living Facility (CCSLF)	0.70 spaces per suite

**PROPOSED AMENDMENTS ARE  
CONSISTENT WITH  
*ENVISION CORTLANDT:*  
2016 SUSTAINABLE COMPREHENSIVE PLAN**

14. Petitioner maintains that its proposed Project is not only consistent with the scale and pattern of development in this area, but also is entirely consistent with various goals and recommendations set forth in the Town’s 2016 Comprehensive Plan, *Envision Cortlandt*.

15. One of the goals established in *Envision Cortlandt*, is to “create a wide range of housing choices throughout the Town that provide for the needs of an increasingly diverse population throughout all life stages.” (*Envision Cortlandt*, at 50).

16. In a survey taken of Cortlandt residents prior to issuing the master plan, survey respondents stated that more senior housing “should be encouraged in the Town.” (*Id.* at 48).

17. Moreover, one of the main policies established in *Envision Cortlandt* is to “[r]evise zoning to allow a mix of uses including residential in commercial zoning districts.” (*Id.* at 51).

18. Although the Property is not in the Medical Oriented District (“MOD”) area, policies supporting the MOD also apply to the Property. For example, “[t]he goal of the MOD is to encourage economic development and provide a range of housing options that allow for a continuum of care (aging in place) by centralizing medical services and ancillary uses around the hospital.” (*Id.* at 14).

19. “The goal of the MOD is to encourage economic development and provide a range of housing options that allow for a continuum of care (aging in place) by centralizing medical services and ancillary uses around the hospital.” (*Id.* at 31).

20. “Cortlandt’s housing policies seek to sustain a full range of socioeconomic diversity while addressing the issues of housing availability, and accessibility for all members of the community. Residential development trends and demographics point toward an increased need for a broad range of housing to serve a varied range of incomes, ages, and family types and meet the needs of residents of all abilities and in all life stages. While the town continues to be dominated by single-family homes, the demand for multi-generational and more reasonably priced housing options is increasing.” (*Id.* at 46).

21. The proposed Amendments adhere to the goals articulated in *Envision Cortlandt* in that they allow for the creation of a vibrant, attractive Congregate Care Senior Living

Facility, which will provide a greater diversity of housing options for seniors in the Town. The proposed Amendments further are in keeping with *Envision Cortlandt* in that they will allow a low impact residential-type development in this CC District near Town Hall, thereby creating a more vibrant mix of uses in this important area of the Town.

22. Furthermore, the proposed Amendments are consistent with *Envision Cortlandt* in that they will allow for the creation of a high-quality, attractive development that will reflect the historic nature of the existing building and incorporate design elements that pay homage to the history of the site and the area. See *Envision Cortlandt*, at 134 (“Encourage new development to be compatible with adjacent historic properties or neighborhoods in terms of size, massing, and lot placement and encourage the adaptive reuse of historic properties.”).

### **SEQRA**

23. In accordance with the New York State Environmental Quality Review Act (“SEQRA”), the proposed action is an Unlisted Action. Petitioner has elected to submit a short Environmental Assessment Form (“EAF”) with this Petition, but will expeditiously provide the Town Board with a long form EAF in order to demonstrate to the Town that the proposed amendments to the Zoning Ordinance, and the Project that would be facilitated as a result of such amendments, would not result in any potentially significant adverse environmental impacts.

24. Petitioner acknowledges that the proposed zoning text amendments will be referred for review to other agencies, including the Town Planning Board and the Department of Technical Services, as well as Westchester County.

25. Petitioner submits that all relevant areas of environmental concern will be identified, analyzed, and where appropriate, mitigated to the extent requested by any reviewing agency.

26. Petitioner respectfully requests that the Town Board declare itself Lead Agency and conduct a coordinated SEQRA review of the proposed zoning amendments and the Project.

**REQUESTED RELIEF**

27. Petitioner respectfully requests that the Town Board of the Town of Cortlandt:

- i. Declare its intent to serve as Lead Agency under SEQRA;
- ii. Refer this Petition to the Planning Board for its report and recommendation pursuant to Section 307-97(B) of the Zoning Ordinance;
- iii. Refer this Petition to the Westchester County Department of Planning pursuant to New York State General Municipal Law Section 239-m;
- iv. Schedule, notice and conduct a Public Hearing on the Petition at the earliest possible date; and
- v. Amend the text of Chapter 307 of the Zoning Ordinance as contained herein.

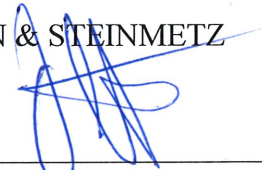
**WHEREFORE**, it is respectfully requested that the instant matter be placed on the earliest possible agenda of the Town of Cortlandt Town Board, and that the relief sought herein be, in all respects, granted.

Dated: March 11, 2020  
White Plains, New York

Respectfully submitted,

ZARIN & STEINMETZ

By: \_\_\_\_\_

  
David S. Steinmetz, Esq.  
Matthew J. Acocella, Esq.  
*Attorneys for Petitioner*  
81 Main Street, Suite 415  
White Plains, New York 10601  
(914) 682-7800

**VERIFICATION**

STATE OF OREGON                    )  
  )  
COUNTY OF MARION                )           s.s.:

Eric Mulligan, hereby deposes and says that he is the President of CPHRG IL REIT I, LLC, general partner of Hawthorn IL Propco, LP, sole member of **HAWTHORN DEVCO, LLC**, the contract-vendee of 119 and 121 Oregon Road, and says that he has reviewed the foregoing Verified Petition and that the foregoing Verified Petition is true to his own knowledge, and authorizes Zarin & Steinmetz to submit the foregoing Verified Petition to the Town Board of the Town of Cortlandt on Petitioner’s behalf.

Hawthorn Devco, LLC, a Washington limited liability company  
By: Hawthorn IL Propco, LP, its sole member  
By: CP HRC IL REIT I, LLC, its general partner

By:   
Name: Eric Mulligan  
Title: President

Sworn to before me this  
11<sup>th</sup> day of March, 2020

  
Notary Public





# Exhibit A

**OWNER AUTHORIZATION**

I, Sheila Drogy, am the principal of Terrace Management, Inc., the owner of the properties located at 119 Oregon Road (S.B.L. 23.11-1-12), and 121 Oregon Road (S.B.L. 23.11-1-11), in the Town of Cortlandt, New York. By signing below, I authorize **HAWTHORN DEVCO, LLC** to apply for a rezoning and to make such Zoning Petition, and/or any and all other land use applications on the behalf of Terrace Management, Inc., to the Town of Cortlandt.

Sheila Drogy  
Signature of Authorized Representative

SHEILA F DROGY  
Print Name

3/5/20  
Date

Sworn to before me this 05<sup>th</sup>  
day of March 2020 :

Shanique Williams  
Notary Signature

**SHANIQUE WILLIAMS**  
Notary Public - State of New York  
No. 01W16383076  
Qualified in Westchester County  
My Commission Expires Nov. 13, 2022