

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

-----X
In the Application of :
 :
NRP GROUP 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 **NRP GROUP, LLC** (“NRP” 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 “Active Adult Residential Community” and a provision to allow such use in the Community Commercial (“CC”) Zone pursuant to a Special Permit from the Town Board of the Town of Cortlandt (“Town Board”), among other items, respectfully alleges as follows:

INTRODUCTION

1. NRP is a limited liability company duly organized under the laws of the State of Ohio, with its corporate headquarters located at 1228 Euclid Avenue, Suite 400, Cleveland, Ohio 44115. NRP is authorized to do business in the State of New York.
2. NRP is the contract-vendee for the property located at 119 Oregon Road (SBL 23.11-1-12), which currently is improved with the Colonial Terrace catering facility (“Property”). The Property is located in the Community Commercial (“CC”) District.
3. The NRP Group is a national, vertically integrated developer, owner, builder, and manager of best-in-class multifamily housing with a significant presence and track record of

development in the New York area. NRP's mission is to create exceptional rental housing opportunities for individuals and families regardless of income.

4. The Property is presently owned by Terrace Management, Inc. and consists of approximately 8.7 acres located at the southeastern corner of Oregon Road and Eton Downs.

5. NRP, together with its partner the St. Katherine Group, proposes to redevelop the Property with an exciting new residential project in the Town, "Overlook Terrace." Overlook Terrace will consist of a three-story, 135-unit active adult residential rental community (the "Project"). The Project will be age-restricted for active adults (55 and older for heads of household) with all affordable units, serving individuals with mixed incomes. The Project will contain approximately 96 1-bedrooms, and 39 2-bedroom units, together with approximately 146 onsite surface parking spaces. The Project will include ample amenities, including community room and fitness room spaces, on-site leasing, communal patios, landscaped gardens, and walking paths.

6. To accomplish this, the Project contemplates a full demolition of the existing Colonial Terrace structure. NRP and the St. Katherine Group nevertheless intend to honor the history of the Property, including but not limited to maintaining a treelined entry drive and incorporating elements of the Colonial Terrace history into the Project.

7. Over 50% of the Property will be preserved as undisturbed or natural permeable landscaping to ensure sustainable development and create space for passive recreation. There will be walking trails, benches, landscaped gardens and ample green space for residents to enjoy.

8. Vehicular access is proposed from Oregon Road. A connection is also proposed to Eton Downs for emergency access only. The existing access off the Oval (adjacent to

the residential homes in Waterbury Manor) 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.

9. Petitioner submits that this will be a high-quality, attractive development that will address the need for increased affordable housing for older adults and seniors in the Town, and which will serve as an ideal replacement for Colonial Terrace.

PETITIONER

10. NRP is a national, vertically integrated developer, owner, builder, and manager of best-in-class multifamily housing. NRP's mission is to create exceptional rental opportunities for individuals and families regardless of income. Since its founding in 1994, NRP has developed over 2,600 units of age-restricted senior housing in various communities throughout the US. Since 2011, NRP has developed for all ages more than 15,000 market rate units and more than 8,400 affordable and workforce housing units.

11. NRP has offices in New York and has a proven track record of developing high quality, well-amenitized yet affordable multifamily developments in the area. For example, NRP together with its partners is currently constructing "The Renaissance at Lincoln Park in New Rochelle," a 179-unit workforce housing development on the site of the New Rochelle Boys & Girls Club facility. All units in The Renaissance at Lincoln Park are reserved to households earning between 40-80 percent of the area's median income.

12. On this Project, NRP is partnering with the St. Katherine Group, a Westchester-based real estate development company with operations in the United Kingdom and the United States. Principal Nick William runs the U.S. business from Port Chester where the team

focuses on residential, mixed use, and mixed income projects predominately in Westchester County.

AMENDED ZONING ORDINANCE SECTIONS

13. In order to facilitate this Project, Petitioner proposes to amend Section 307-4 (“Definitions”) of the Zoning Ordinance to add the following definition of an “Active Adult Residential Community:”

A building or buildings containing dwelling units specifically designed for and limited to residents, at least one of whom is aged 55 and older. No full-time medical care shall be provided on the Property.

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

A(13) An Active Adult Residential Community will be permitted in the Community Commercial (CC) District only pursuant to a Special Permit issued by the Town Board, and only on a lot that is eight (8) acres or larger, fronts and has a primary access on a state road or on Oregon Road, and which will connect to public water and sewer systems. Such development may have a density of up to 17 units per acre.

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

	CROS	PROS	R-160	R-80	R-40	R-40A	R-20	R-15	R-10	RG	CC	HC	CD	MD	M-1	HC-9A
RESIDENTIAL USES																
Active Adult Residential Community	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	N

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

NOTES:

(4) An Active Adult Residential Community authorized by Special Permit from the Town Board in the CC District may have a density of up to 17 units per acre, a maximum building height of 50 feet with no more than 3 stories, and a maximum floor area of no more than 135,000 square feet.

17. Lastly, Petitioner proposes to amend Zoning Ordinance Section 307-2(C) (“Table of Required Off-Street Parking Spaces; rules for interpretation”) to add the Active Adult Residential Community use and recommended parking standard as follows:

TABLE OF REQUIRED OFF-STREET PARKING SPACES

Use	Required Number of Spaces
Active Adult Residential Community	1 space per dwelling unit

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

18. 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 award winning 2016 Comprehensive Plan, *Envision Cortlandt*.

19. 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).

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

21. 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).

22. Although the Property is not in the Medical Oriented District (“MOD”) area, policies supporting the MOD are relevant 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).

23. “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).

24. “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).

25. The proposed Amendments adhere to the goals articulated in *Envision Cortlandt* in that they allow for the creation of a vibrant, attractive Active Adult Residential

Community serving persons 55 years and up, which will provide a greater diversity of housing options for older adults and 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.

26. 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 pay homage to the historic nature 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

27. In accordance with the New York State Environmental Quality Review Act (“SEQRA”), the proposed action is an Unlisted Action. Petitioner is submitting a long-form Environmental Assessment Form (“EAF) with this Petition, and will provide the Town Board with the supplementary studies and analyses necessary 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.

28. 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.

29. 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.

30. 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

31. 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.

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Dated: February 2, 2021
White Plains, New York

Respectfully submitted,

ZARIN & STEINMETZ

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

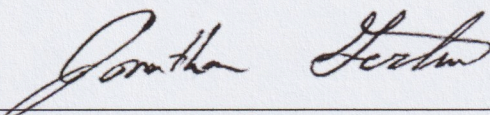
By: _____
David S. Steinmetz, Esq.
Matthew J. Acocella, Esq.
Attorneys for Petitioner
81 Main Street, Suite 415
White Plains, New York 10601
(914) 682-7800

VERIFICATION

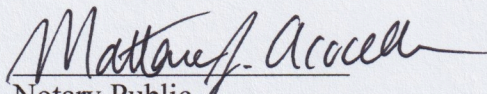
STATE OF NEW YORK)
)
COUNTY OF NEW YORK) s.s.:

Jonathan Gertman, hereby deposes and says that he is the Vice President of Development of **NRP GROUP LLC** (“Petitioner”), the contract-vendee of 119 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.

NRP Group LLC, an Ohio limited liability company

By: 
Name: Jonathan Gertman
Title: Vice President of Development

Sworn to before me this
2nd day of February, 2021

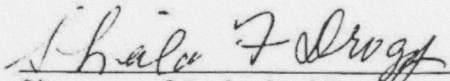

Notary Public

MATTHEW J. ACOCELLA
NOTARY PUBLIC, State of New York
No. 02AC6390324
Qualified in Westchester County
Commission Expires April 15, 2023

Exhibit A

OWNER AUTHORIZATION

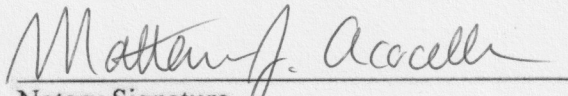
I, Sheila Drogy, am the principal of Terrace Management, Inc., the owner of the property located at 119 Oregon Road (S.B.L. 23.11-1-12) in the Town of Cortlandt, New York. By signing below, I authorize **NRP GROUP, LLC** to apply for a rezoning and to make such Zoning Petition, and/or any and all other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


Signature of Authorized Representative

SHEILA F. DROGY
Print Name

JAN. 25, 2021
Date

Sworn to before me this 25th
day of January, 2021:


Notary Signature

MATTHEW J. ACOCELLA
NOTARY PUBLIC, State of New York
No. 02AC6390324
Qualified in Westchester County
Commission Expires April 15, 2023