

NEW ROCHELLE, NY
PUBLIC HEARING NOTICE
RE: PROPOSED AMENDMENT TO CHAPTER 331,
ZONING CODE, OVERLAY ZONES SENIOR CITIZENS SC

NOTICE is hereby given that the Council of the City of New Rochelle, New York, will hold a virtual Public Hearing pursuant to Chapter 331 of the Code of the City of New Rochelle, Section 239-m of the General Municipal Law of the State of New York, and Sections 277.61 and 277.71 of the County Administrative Code, on **Tuesday, March 9, 2021, at 7:00 P. M.**, in the Council Chamber, City Hall, 515 North Avenue, New Rochelle, New York, on the proposed amendment, as follows:

ORDINANCE DELETING SECTION 331-28E(4), OVERLAY ZONES SENIOR CITIZENS SC, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE.

BE IT ORDAINED by the City of New Rochelle:

Section 1. Section 331-28E(4), Overlay Zones Senior Citizens SC, of the New Rochelle Zoning Code, is hereby deleted as follows:

[§ 331-28E(4)]

[Overlay Zones Senior Citizen SC]

[A. <<https://www.ecode360.com/print/6731539>>Purpose. The Senior Citizen Zone (SC) District is hereby established as an overlay zone with potential applicability to any property with underlying single-family, two-family and/or multifamily residence zones of maximum height of three stories of at least five contiguous acres in the City of New Rochelle. These provisions are enacted to provide for proper multifamily housing of the City's senior citizens. It is hereby recognized that the City has a high proportion of senior citizens, and, given present economic conditions, limited or fixed incomes, physical restrictions and the rapidly accelerating costs of maintaining a single-family residence, the City Council deems it necessary to provide for senior citizen multifamily housing within the City.]

[B. <<https://www.ecode360.com/print/6731540>> The boundaries of each SC District shall be fixed by amendment to the Official City Zoning Map wherever this District is applied. A metes and bounds description of each such District shall be kept on file in the Office of the City Clerk. Although it is anticipated that SC rezoning applications will be submitted on a voluntary basis by applicants, the City Council may, on its own motion, rezone property into an SC District. Although this District is intended for sites of at least five acres, the City Council may consider applications for smaller properties and the Council reserves the authority to grant relief from applicable bulk zoning standards if special circumstances warrant, said circumstances to be provided by the applicant or the City Council.]

[C. <<https://www.unicode360.com/print/6731541>> Occupancy restrictions. The SC Zone is primarily designed for the needs of senior citizens who prefer multifamily or the type of occupancy that requires certain facilities and amenities to meet their changing physical and fiscal needs, allow flexibility in design and, as defined in this chapter, promote preservation of open space.]

[D. <<https://www.unicode360.com/print/6731542>>SC District use and bulk standards.]

[(1) <<https://www.unicode360.com/print/6731543>>Permitted principal uses.

(a) <<https://www.unicode360.com/print/6731544>>Senior citizen residence.]

[(2) <<https://www.unicode360.com/print/6731545>>Permitted accessory uses.

(a) <<https://www.unicode360.com/print/6731546>>Outdoor recreational facilities.

(b) <<https://www.unicode360.com/print/6731547>>Indoor recreational facilities.]

[(3) <<https://www.unicode360.com/print/6731548>>Yard setbacks. Minimum yard distances from adjacent residential property lines shall be:

(a) <<https://www.unicode360.com/print/6731549>>Front: 40 feet.

(b) <<https://www.unicode360.com/print/6731550>>Side, each: 30 feet.

(c) <<https://www.unicode360.com/print/6731551>>Rear: 30 feet.]

[(4) <<https://www.unicode360.com/print/6731552>>Density. Maximum density shall be 40 dwelling units per acre with a maximum FAR of .40.]

[(5) <<https://www.unicode360.com/print/6731553>>General site criteria.

(a) <<https://www.unicode360.com/print/6731554>>The site should be located within a convenient distance from a central business district or neighborhood business area (including waterfront business areas) which provides shopping, transportation and community facilities.

(b) <<https://www.unicode360.com/print/6731555>>Due consideration shall be given to the existing neighborhood or sites on or near the site that is the subject of the application.

(c) <<https://www.unicode360.com/print/6731556>>In areas that are primarily residential, the site shall be of sufficient size and shape so as to provide the required buffer areas which are intended to screen the development from adjacent residential properties.]

[E. <<https://www.unicode360.com/print/6731557>>Review process. Application for development approval within a Senior Citizen SC District shall follow a two-phase review process:

(1) <<https://www.unicode360.com/print/6731558>>Application for change of zone and approval before the City Council; and

(2) <<https://www.unicode360.com/print/6731559>>Application for site plan and/or subdivision approval by the Planning Board within the approved SC District.]

[F. <<https://www.unicode360.com/print/6731560>>Application process.

(1) <<https://www.ecode360.com/print/6731561>>Prior to proceeding with any application for the establishment of a SC District, the applicant shall first submit an application to the Commissioner of Development, along with the following supporting materials for the Commissioner's recommendation to the City Council:

- (a) <<https://www.ecode360.com/print/6731562>>An outline map of the proposed SC District, indicating the current zoning, size and location of each parcel.
- (b) <<https://www.ecode360.com/print/6731563>>A location map of the site in relation to the surrounding area showing all roads and key development features, including significant neighboring land uses and existing zoning district boundaries.
- (c) <<https://www.ecode360.com/print/6731564>>An analysis of the estimated development potential (yield) based upon existing zoning compared with that of the proposed the SC District.
- (d) <<https://www.ecode360.com/print/6731565>>A written statement describing the basic concept of the proposed plan, the general reasons why the applicant believes that approval of its application would further the legislative intent, purposes and goals of SC zoning, and any other supporting rationale or documentation.
- (e) <<https://www.ecode360.com/print/6731566>>A conceptual sketch plan map indicating the approximate quantity, nature and location of proposed land uses; the proposed open space system and its relationship to neighboring open spaces; the proposed principal means of access to the site and major elements of the site circulation system; the existing and proposed availability of mass transportation services, water supply and wastewater disposal.
- (f) <<https://www.ecode360.com/print/6731567>>Topography, showing existing contours and elevations at two-foot intervals. The plan shall further indicate the certification by a licensed land surveyor or professional engineer or registered architect that the topography shown resulted from an actual survey prepared by a NYS licensed surveyor and the date of that survey.
- (g) <<https://www.ecode360.com/print/6731568>>Street and road alignment and proposed parking areas.
- (h) <<https://www.ecode360.com/print/6731569>>Elevation of proposed buildings.]

[(2) <<https://www.ecode360.com/print/6731570>>The City Council shall refer all applications for SC zoning designation to the Planning Board for review and report.]

[(3) <<https://www.ecode360.com/print/6731571>>If the rezoning request is approved by the City Council, site plans shall be submitted to the Planning Board for review and approval. Such plans shall be approved by the Planning Board in accordance with Article **XIII** of this chapter, prior to the issuance of a building permit.]

[G. <<https://www.ecode360.com/print/6731572>>Supplemental development standards.

(1) <<https://www.ecode360.com/print/6731573>>Two-bedroom apartment units in a SC development shall not exceed 25% of the total number of units for that development.

- (2) <<https://www.unicode360.com/print/6731574>>No living units shall be permitted in a basement or cellar area.
- (3) <<https://www.unicode360.com/print/6731575>>An area or areas for outdoor recreational purposes shall be set aside exclusively for the use of the occupants and their guests unless the site is located downtown or recreation is provided within 200 feet. These areas may include, but are not limited to, sitting areas and group game areas. Such areas shall be shown on the site plan. A minimum of 150 square feet per dwelling unit of outside recreation must be provided, improved, constructed and maintained at the expense of the owner/landlord or homeowners' association. Landscaped areas not improved for recreational purposes and walkways, driveways and parking areas shall not be deemed to satisfy the requirements of this section. In addition, a minimum of 10 square feet per dwelling unit of indoor recreational area must also be provided. Such area shall not be used for storage or any such similar purpose and shall be available to all occupants and their guests. The indoor recreational area shall be central to the entire facility and may be either attached to a residential building or be in the form of a multipurpose community building or buildings with rooms sufficient to accommodate indoor recreational facilities, social gatherings, meetings, etc.
- (4) <<https://www.unicode360.com/print/6731576>>Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling, and handrails and ample places for rest shall be provided. Gradients of walks shall not exceed 5% and single riser grade changes in walks shall not be permitted. All outdoor areas available to the residents shall permit such residents to move about without danger and with minimum effort.
- (5) <<https://www.unicode360.com/print/6731577>>The design and location of all site improvements and all buildings must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for older persons.
- (6) <<https://www.unicode360.com/print/6731578>>Adequate facilities shall be provided for the removal of snow, trash and garbage and for the general maintenance of the development. When the method of disposing of trash and other solid wastes is by means of industrial-type receptacles (dumpsters), all such receptacles shall be located on permanent masonry platforms which shall be well distributed to serve the development. All receptacles shall be suitably enclosed on three sides by opaque screening, and the open portion of the receptacle enclosure shall not be within 50 feet of any window in a habitable dwelling unit.
- (7) <<https://www.unicode360.com/print/6731579>>Artificial lighting of the grounds shall provide illumination sufficient for the convenience and safety of the residents. However, such outdoor lighting shall not project light onto adjacent properties. No outdoor light source shall be mounted or erected more than 10 feet above the ground level underneath it.

- (8) <<https://www.unicode360.com/print/6731580>>Provision shall be made for general storage of residents' bulky items, such as trunks.
- (9) <<https://www.unicode360.com/print/6731581>>Where full-time, twenty-four-hour superintendence services are not provided, a twenty-four-hour emergency phone number at which either managerial or maintenance personnel may be contacted shall be posted within each dwelling unit. In addition, the owner shall be required to make application for at least one public telephone to be conveniently located within the development. That telephone shall be mounted at an accessible height and be a TDD in compliance with CABO/ANSI standards in force at the time of construction.
- (10) <<https://www.unicode360.com/print/6731582>>Medical and social service office space may be provided where the service to be rendered is exclusively for the benefit of the residents of the SC development only.
- (11) <<https://www.unicode360.com/print/6731583>>The determination of the need for screening buffers in accordance with § **331-119B** and fencing shall be made by the Planning Board in its site plan review, based on the characteristics of the site and the nature of adjacent lands.
- (12) <<https://www.unicode360.com/print/6731584>>Parking areas shall be paved in accordance with Article **XIV** of this chapter. Sidewalks shall be provided along all internal and external street frontages. Internal roadways shall have a minimum pavement width of 25 feet and be curbed.]

[H. <<https://www.unicode360.com/print/6731585>>The City Council shall have the right to require that the applicant or owner execute such agreements and covenants as it may deem to be required. Said agreements or covenants shall be recorded in the County Clerk's office and constitute a covenant running with the land. Such covenant or agreement may be modified or released only as set forth in said covenant or agreement or by the City Council.]

[I. <<https://www.unicode360.com/print/6731586>>Waivers. Where the provisions of this section conflict with the requirements for subsidized senior housing (such as the provision of amenities), the Planning Board may waive such requirements.]

Matter [bracketed] deleted.

Due to the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the City Council will not be able to accommodate any in-person public attendance or participation for Public Hearings and Citizens to be Heard. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views, Public Hearings and Citizens to be Heard will be broadcast live on the City's website and cable public access channel on television (Optimum Channel 75 / Verizon Channel 28). In addition, the City Council will allow the public to provide oral comments in real time via telephone or virtually through Microsoft Teams.

Sign up to speak at the Public Hearing or Citizens to be Heard
All registrations must be received by noon on March 9.

By order of the City Council by resolution duly adopted on February 9, 2021

Michelle Oliveros
City Clerk