Nov.15, 2012

The Honorable Town Board and Planning
Town of Irondequoit
1280 Titus Avenue
Rochester, NY 14617

RE : La Bella Associates, P.C.-- Analysis and Recommendations: Irondequoit Senior Housing Regulations ;Draft: October19,2012

Dear board members,

I have been asked by some concerned neighbors of the proposed Legacy Housing Complex on Titus Avenue to review the above referenced document and present my analysis of the same to you .For the record, my name is Kris Mago and I reside at 78 Southridge Trail ,Fairport ,N.Y. I am an independent planning and zoning consultant with a Masters Degree in Planning and over 35 years of professional planning experience. For over 24 of these 35 years I had the privilege to serve the Town of Irondequoit as a Senior Planner and Director of Planning and Zoning until I retired in Nov. 2006.

***My previous letter to the boards ,dated Dec.19,2011 (see attached) regarding the Legacy at Pinewood application to rezone properties located at 1788 Titus Avenue and 105 Willow Creek lane from R-1 ToR-7 Residential zone sets forth in detail the reasons and the basis of the town's current R-7 Zoning District regulations and how the Legacy application fails to meet a majority of the standards of that zone, including minimum lot size , maximum permitted density and conformance with the town plans and neighborhood character.**

* There is nothing wrong with Irondequoit's current Senior Housing Regulations embodied in Irondequoit's R-7 Residential Zoning District that requires a special study and an immediate fix. These regulations were developed and adopted after thorough discussions and considerable public input and a careful consideration of the Town's need to provide **affordable independent and assisted living option at appropriate scale and density that would protect the character of the surrounding neighborhood and the environmentally sensitive features of the land** on which such housing might be sited .

A prior request for a substantially similar project by the same applicant, on the same site, was denied by the Town Board for the reasons cited above. There already is a Legacy housing complex in Irondequoit (on Norton Street) and there is no demonstrated need

for a second one in Irondequoit because the average income of the Irondequoit's senior citizens is low and the prevailing rent levels at Legacy complexes in Monroe County are

unaffordable by a vast majority of these residents. The proposed project ,therefore, is **not** going to meet the town's housing needs and will draw a large proportion of its residents from outside the town limits

* **The Town Board has the option to rezone other, larger parcels in the town that would not require any dilution of the current regulations** and I fail to understand the very basis for the Labella study. And , if you look closely, **the LaBella recommendations appear to be aimed at weakening the current R-7 standards that the Legacy application has been unable to meet** (These were detailed in my Dec.19,2011letter) and they are based on some very broad and general comparisons with other towns ,completely disregarding the Irondequoit's master plans, development history ,its particular housing needs (including affordability) ,topography and environmental constraints. **The comparisons they provide are not apples to apples.**

Without any real solid justification , changing the current R-7 standards would be contrary to the Town's Master Plan (s) and NYS Zoning Law because it would seem to benefit an individual land owner at the expense of the town and the surrounding neighborhood in particular.

* As to the text of the report itself the first three pages are devoted to general comparisons and regulatory approaches to senior housing in various towns and , as expected, there is a wide variation among them because **each town is different**-- in its location, history, topography, age and mix of existing housing stock, availability of developable land and economic conditions.

. On page 4 Labella states that "Irondequoit's R-7 zoning district is most restrictive of the towns reviewed " with regard to type of dwellings permitted. This is actually a good thing because R-7 was adopted specifically for the assisted and independent living in congregate housing arrangement and the town does have a number of multi-family apartment complexes and small, affordable single family homes.

*. **Site Size and Density** (LaBella, Page 4):

This is an important issue.

Labella states that "Basing the minimum site size on "net buildable" area is very unusual. This may look unusual at first glance but is very appropriate in the local context and the objectives and goals of the town's R-7 zone. **The minimum site size of five (5) net acres is not arbitrary but rather carefully thought out.** It was based on a density

of 14.5 dwelling units/ acre (the same density as in the R-5 residential zone) and allows a minimum 70 unit complex to be developed . 70 units were considered to be necessary to provide the accessory uses and services necessary in an independent and assisted living complexes.

It is important to note that the amount of supportive services space is not figured into the density and lot size calculations. So, the actual building mass and density in an R-7 complex would be higher than the nominal 14.5 units /acre in a comparable apartment complex in the R-5 Multi residential zoning district.

Labella has pointed out that minimum requirements in Town Webster's (**10 acre**) and Gates' (**30 acres with 15 developable acres**) is much larger than that of Irondequoit while Greece requires **5** acres) and Pittsford **2** acres .again, but these are not apples to apples comparisons.

Building Coverage , Building Area, Setbacks, Building Height Size of Dwelling and Parking Requirements(La Bella ,Page 5).

* LaBella's statement that Irondequoit's building coverage limit of 25 percent "is considerably more restrictive than the requirement of other towns " is not rooted in local context .The range cited by LaBella is 25-60 percent of gross site area which is rather wide. Complexes such as those envisioned in Irondequoit's R-7 zone require substantial amount of space for parking, loading / unloading , access road and **what is often neglected, sufficient community outdoor recreation space for the residents and visitors**(such is the case at Legacy on Norton Street) .

A higher lot coverage would make the provision of such space and adequate parking difficult and result in even larger and more massive structure(s) to be built on a particular site than desired by the community.

* Irondequoit's parking requirements are much more user-specific(a very low ratio for assisted living units and a higher ratio for independent living units) than other towns cited by La Bella and would , if averaged out , fall in the lower end of the range . **For example ,a 70 unit project with 50/50 independent/assisted living units with 10 employees on a shift , 3-4 vehicles used in the business and 6-7 visitors at a given time would require a total of only 60 parking spaces . This is less than one space per unit and I see no real justification for diluting this requirement.**

* Specific La Bella Recommendations :

There is a recommendation at the top (third bullet) of the report that talks about the **aesthetic character of the town rather than the neighborhood**. This is an important distinction and a critical requirement in the current code.

Irondequoit is a mix of several distinct neighborhoods , each with a varying and distinct character .The 1985 Master Plan recognized this and tailored its recommendations accordingly. **"Titus Avenue Central"** area where the proposed Legacy site is located, with its distinct natural features and topography, was one of the seven such neighborhoods studied by that plan. Some others were The Flats, Sea Breeze and Ridge Road Corridor. It is this neighborhood character that a zoning district should strive to preserve not the character of the town because as stated above the town is made up of many neighborhoods all with their own distinctive character and the boards need to recognize this distinction.

Rogers v. Tarrytown, cited by LaBella on page 8, also talks about protecting the neighborhood and a floating zone being large enough in area (10 acres in that particular instance) to do that . La Bella's recommendation to **"retain flexibility to reduce the minimum lot size in particular circumstances " and using gross v. net lot area as basis for density calculations here are contrary to the cited court case and ill advised**

* To summarize, other than some changes to the approval process to require preliminary site plan approval (along with or prior to approving the floating zone application) and reversion of the land to its prior zoning designation failing development of the approved project within a specific time limit, the rest of Labella recommendations seem to have no rational basis and completely disregard the development history, plans and thought behind the creation of the R-7 zoning district and its standards ,as well as the need to protect land encumbered by the town's Environmental Protection Overlay Districts (EPOD.).

These recommendations appear to be designed to benefit a particular applicant and not the town and could very well be subject to a spot zoning challenge if adopted prior to a decision on the current rezoning application.

Sincerely,

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