

McGULLOUGH, GOLDBERGER & STAUDT, LLP

ATTORNEYS AT LAW

1311 MAMARONECK AVENUE, SUITE 340

WHITE PLAINS, NEW YORK

10605

(914) 949-6400

FAX (914) 949-2510

WWW.MCGULLOUGHGOLDBERGER.COM

FRANK S. McCULLOUGH (1905-1998)  
EVANS V. BREWSTER (1920-2005)

FRANK S. McCULLOUGH, JR.  
JAMES STAUDT  
LINDA B. WHITEHEAD  
SETH M. MANDELBAUM

AMANDA L. BROSY  
EDMUND C. GRAINGER, III  
PATRICIA W. GURAHIAN  
MEREDITH A. LEFF  
MORGAN H. STANLEY  
KEVIN E. STAUDT  
STEVEN M. WRABEL

CHARLES A. GOLDBERGER  
COUNSEL

February 19, 2021

Honorable Mayor Josh Cohn  
and members of the City Council  
City of Rye  
1050 Boston Post Road  
Rye, New York 10580

Re: The Osborn  
101 Theall Road  
Zoning Text Amendment

Dear Mayor Cohn and Members of the City Council:

This office represents the Miriam Osborn Memorial Home Association (“The Osborn”), the owner and operator of 101 Theall Road (the “Property”), which is the home of The Osborn’s senior living community. The Osborn’s facilities include memory care and assisted living, skilled nursing care, independent living apartments, and various associated improvements, including health and wellness facilities, office space, dining and food preparation areas, and other support services.

As the Council will recall, the Property is located in the R-2 “One-Family” Zoning District, but is governed by a Declaration of Covenants and Restrictions adopted in conjunction with the City of Rye nearly 30 years ago. As we have previously discussed, and as further outlined in the enclosed letter from Osborn President and CEO Matthew Anderson, the senior living landscape has changed dramatically over the last three decades. As a result, the restrictive zoning standards now in place for The Osborn do not allow for modern programming and standards of care, which are necessary for The Osborn to remain competitive in the modern marketplace.

To address these issues, The Osborn has petitioned the Council for a Zoning Text Amendment (the “Amendment”) to the City of Rye Zoning Ordinance (the “Zoning Ordinance”). The Amendment is not an application for Site Plan approval nor will the Amendment result in a change of The Osborn’s use. Rather, it is a proposed framework that will allow the City to review future proposals from The Osborn, and which will give the The Osborn greater flexibility to generate plans and remain competitive in the evolving senior living market.

This Petition was originally brought to the Council in 2018, at which point it was referred to the Rye Planning Commission for its recommendation. After many revisions and modifications over approximately a year, the Planning Commission issued a positive recommendation back to the Council. A revised Petition was then submitted to the Council in the spring of 2020. Since then, we have attended numerous meetings with the Council, including several public hearings. The Osborn has also engaged in significant public outreach, including hosting webinars, sending mailers, conducting site walks, and the creating a webpage ([www.theosborn.org/zoning](http://www.theosborn.org/zoning)) and email address ([zoning@theosborn.org](mailto:zoning@theosborn.org)) for neighbors to reference Petition materials and get in touch with The Osborn.

We last appeared before the Council on October 7, 2020 for a continued public hearing, at which we received additional comments from the Council and neighbors. Since the October 7<sup>th</sup> meeting, The Osborn has sought to address all the comments received throughout this process to the greatest extent practicable. Studies have now been completed by expert consultants on traffic and sewer impacts, as requested by the Council. The Sewer Report completed by Divney Tung Schwalbe finds that there is adequate sewer capacity within the City system for any increased development potential under the proposed Amendment.

The enclosed traffic evaluation prepared by Hardesty & Hanover, LLC (the “Traffic Evaluation”), finds that The Osborn is not a major generator of traffic at peak hours. The Traffic Evaluation further determines that even with increased development pursuant to the proposed Amendment, there will be “minimal, if any, measurable impacts to traffic operations near or at the site.” It is clear from the Traffic Evaluation that The Osborn is not the key contributor to the neighborhood’s traffic issues. The biggest traffic issues in this area are generated by pick up and drop off at The Osborn School (the “School”), which The Osborn does not significantly impact. Nevertheless, in keeping with its longstanding history as a member of the community, The Osborn is willing to offer certain mitigation options to the City of Rye and the School to improve overall traffic congestion in the area.

Specifically, The Osborn is willing to contribute to the cost of an independent study of the larger traffic issues in this area, which study must be undertaken within a period of years. Additionally, The Osborn will provide the School with reasonable access to property along their shared boundary, such as the City, the School, and The Osborn may agree upon, to be used for such traffic-related improvements and mitigation within a period of time following the traffic study.

Additionally, The Osborn has been in discussions with representatives of Rye EMS, and has shown them available and potentially suitable space for their staff and vehicle. The Osborn is currently waiting to hear back from EMS about this offered space. Such an arrangement at this location, if and when finalized, would improve EMS response times in the area and further mitigate any potential impacts to City services.

What's more, the proposed Amendment has been revised to impose even greater restrictions on The Osborn to better address the concerns of neighbors. Building setbacks from Osborn Road have been increased from the already unprecedented 240 feet to 300 feet. We have also prohibited reduced 100-foot setbacks across from Rye Manor in order to preserve the landscape buffer for Rye Manor residents. The Amendment now includes a more substantial landscaping requirement specifically holding The Osborn to its current landscaping standards by referencing the "existing setting", which will give the Planning Commission a stricter standard to apply to any future Site Plan application.

The Osborn is also willing to install additional landscape planting on its campus near the corner of Osborn Road and Theall Road, prior to any future development, as further visual mitigation. Neighbor input would be sought on these plantings, and this landscaping would be provided in addition to any further visual mitigation required as part of a Site Plan approval.

These changes to the Amendment represent significant compromises to neighboring property owners, and greatly condense areas for future development on The Osborn's campus. It must be noted that the proposed Amendment will generally result in more restrictive height, setback,<sup>1</sup> and landscaping requirements than what is currently imposed on the Property, which will create a well-defined framework for potential new development.

The Amendment now before you is the result of significant input from neighbors, the City Council, the Planning Commission, City staff, and expert consultants, spanning years of process before the City. It is respectfully submitted that this document provides a reasonable, practical framework for reviewing additional development on The Osborn's campus as part of a well-considered plan, and that the numerous conditions imposed on such development will demand plans that can address The Osborn's needs while also mitigating neighbor concerns. It is further submitted that The Osborn has now studied in detail all relevant potential environmental impacts and has addressed each question raised by the Council and the public.

As discussed previously in great detail, The Osborn is acutely aware of the importance of remaining competitive and successful in an evolving market. We are now asking the Council to help this important Rye institution continue to serve its residents and the Rye community into the future. We are pleased to submit the following materials in support of this Petition:

1. Letter from Matthew Anderson, President & CEO of The Osborn, dated February 19, 2021;
2. Clean and redlined copies of the revised local law;
3. Zoning Comparison Table prepared by Divney Tung Schwalbe, updated February 18, 2021;
4. Zoning Diagram prepared by Divney Tung Schwalbe, updated February 2021;

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<sup>1</sup> The only lesser yard requirement is the limited "incursion" area with a 100' setback, which is heavily restricted.

5. Traffic Evaluation prepared by Hardesty & Hanover, LLC, dated February 17, 2021; and
6. Sewer Report prepared by Divney Tung Schwalbe, dated February 2021.

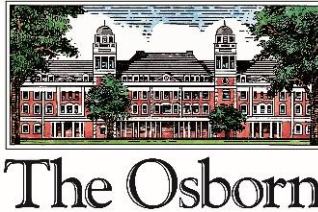
Kindly place this matter on the February 24, 2021 City Council agenda for a continued public hearing and discussion of the proposed Amendment. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steve Wrabel". The signature is written in a cursive, somewhat stylized font.

Steven Wrabel

cc: Greg G. Usry  
Kristen Wilson, Esq.  
Matthew G. Anderson  
Stephanie Larsen, Esq.  
Divney Tung Schwalbe



February 19, 2021

Honorable Mayor Josh Cohn  
and Members of the City Council  
City of Rye  
1050 Boston Post Road  
Rye, New York 10580

Dear Mayor Cohn and Members of the City Council:

The Osborn has been a fixture in the Rye community for more than a century, providing a gracious home, exceptional care, and an engaged lifestyle for older adults. The Osborn's longevity can be traced to an ability to recognize changes and trends in senior services, and, over the years, it has adapted to meet the ever-changing expectations of residents and the standards of the market.

Since the most recent major additions to The Osborn's campus over 25 years ago, the senior living landscape has changed substantially. Much of the change has been driven by older Americans' evolving expectations of retirement and of senior housing. Moreover, we are now in the midst of a very competitive market for senior living in general, as well as in our local area. There is a wide range of new senior living options nearby that offer larger living spaces and more amenities than exist at The Osborn. To compete in this market and to continue to enhance its residents' quality of life, The Osborn must plan for appropriate and appealing options for current and future residents.

The Osborn's request to update the zoning on its campus is designed to provide greater flexibility in meeting the needs and lifestyles of today's growing older adult population. These include a sense of community across a continuum of care, with supporting facilities and amenities, such as expanded and updated assisted living apartments, additional memory care services, communal dining areas, and gathering centers for group activities. In light of the coronavirus pandemic, further refinements will need to be considered to the size and arrangement of indoor spaces, as well as ensuring adequate outdoor spaces for recreation and socialization.

Responding to City officials' and neighbors' feedback on its proposed zoning text amendment, The Osborn has made revisions to ensure proper criteria are in place for smart planning. These revisions include additional screening requirements and increasing future building setbacks from its property line adjacent to residential neighborhoods. These requirements will preserve the historic beauty of the campus, its open space, and views of The Osborn arboretum while still permitting the flexibility crucial for The Osborn's planning process and its future.

The Osborn has always endeavored to be a good neighbor and citizen of Rye. To remain a vital member of the Rye community, The Osborn must have the ability to compete in the modern senior living marketplace and offer the best quality of life for its residents. The proposed amendment to the Zoning Ordinance is intended to establish a framework from which The Osborn can plan for its future. We respectfully request that you approve the proposal, to assure that The Osborn can continue to be a successful Rye institution.

Yours very truly,



Matthew G. Anderson  
President and CEO