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April 19, 2013

Hon. Supervisor and Town Board  
Town of Cornwall  
183 Main Street  
Cornwall, NY 12518

Re: Cornwall Commons  
PRD Zoning Amendment  
Our File No. 203-162

Dear Supervisor Quigley and Board Members:

Our office is in receipt of a copy of a memorandum prepared by your consultants dated March 28, 2013, in connection with the above referenced matter. We offer the following comments:

#### Description of Existing Project

The subject site consists of approximately 197.7 acres identified on the Town of Cornwall Tax Map as Section 9, Block 1, Lot 25.22, and is located in the Planned Residential Development (PRD) Zoning District.<sup>1</sup> The applicant has submitted an application to the Town of Cornwall Planning Board to subdivide the property into ten (10) lots, of which Lot No. 10 would contain the residential component of the Planned Adult Community, and the other nine (9) lots would contain commercial development. The Planning Board has granted conditional final subdivision approval of the ten (10) lot subdivision. The Town Board has granted a special use permit for the Planned Adult Community. The current action that is before the Planning Board is site plan approval for the residential component of the Planned Adult Community on Lot No. 10.

The residential portion of the project will have 490 residential units, consisting of 314 single family detached dwellings, 14 single family attached dwellings, and 162 multiple dwelling one and two bedroom units.

The project will contain a club house that will be centrally located near the entrance to the community and other recreational amenities, including tennis courts, swimming pool, and walking trails.

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<sup>1</sup> In October 2005, the Town of Cornwall and the Town of New Windsor approved the annexation of 53.86 acres of property located in the Town of New Windsor to the Town of Cornwall.

## Permits and Approvals

The proposed application received the following permits and approvals from the involved agencies listed below:

Town of Cornwall Planning Board: The Town Planning Board has granted conditional final subdivision approval for Lot Nos. 1-10. Each lot will be subject to site plan review and approval by the Planning Board.

Town of Cornwall Town Board: The Town Board has granted the special use permit approval for the development on the applicant's property and approved the extension of the water, sewer, refuse and garbage and ambulance special districts and the establishment of a drainage district to serve the entire project. All improvements are the financial responsibility of the development.

Village of Cornwall-on-Hudson: The Village Board of Trustees has approved an agreement with the applicant to use the Village's municipal water supply and system via an existing inter-municipal agreement with the Town of Cornwall. The Village has reviewed and approved the design and engineering plans which include substantial improvements to the distribution system which are the financial responsibility of the development.

Orange County Department of Health: The Department of Health has reviewed and approved the proposed extension of the existing municipal water system to the project site (Lots 1-10, offsite and private improvements) via letters dated July 1, 2011. All improvements are the financial responsibility of the development.

New York State Department of Transportation: The NYS DOT has reviewed and approved the proposed site access and highway improvements to US Route 9W and NYS Route 218 and the work in the State-owned roadway right-of-way necessary to extend the municipal water and sewer services to the project site via letter dated September 9, 2011. All improvements are the financial responsibility of the development.

New York State Department of Environmental Conservation: The NYS DEC has issued an acknowledgment of notice of intent for coverage under State Pollutant Discharge Elimination System (SPDES) general permit for the stormwater discharges from construction activity dated March 3, 2011, and an approval letter dated March 23, 2011 for the proposed extension of the existing municipal sewer system to the site. All improvements are the financial responsibility of the development.

New York State Office of Parks, Recreation and Historic Preservation: The NYS OPRHP has reviewed and approved the Phase I Cultural Resources Survey for the entire project site.

US Army Corps of Engineers: The wetlands on the property have been delineated and received a written jurisdictional delineation approval on October 16, 2012.

## Proposed Project

Cornwall Commons has proposed to adjust the project with the goals and policies of the updated Town of Cornwall Comprehensive Plan as recommended by the Orange County Department of Planning to the Town. There will be a mix of 108 age restricted units and 382 non-age restricted units. The age restricted residences will be comprised of one bedroom multiple residences, single family two-story attached dwellings, and single family detached residences. The non-age restricted residences (market) will be comprised of one and two bedroom multiple residences, and single family detached

residences. These are also available for persons who would qualify for age restricted housing but choose to reside in mixed demographic neighborhoods. The subdivision or site plans will remain the same.

### Town Comprehensive Plan

The proposed plan is consistent with the Town Comprehensive Plan based on the following excerpts concerning population, demographics, rateables and plan goals:

#### Population and Demographics

The 2005 Comprehensive Plan had projected a consistent moderate growth rate of just over one percent per year, anticipating on this basis that there would be a population of 13,575 persons by 2010 and 15,000 by 2020 in the Town including the Village. However, the 2010 Census shows that population growth during 2000-2010 slowed to almost no growth, with well under a single percent of population growth annually in the Town outside the Village, and the Village continuing to sustain small losses in population. The data indicates that the Town population is growing only slightly, while the Village population is continuing to decline. Due to the low levels of population growth in the Town, the Town's percentage of County-wide total population declined in the last decade to a percentage similar to that seen in the 1930's through the 1950's. Comp Plan Section 2.1, page 10

The Orange County Planning Department created several different longer term population projections, the "low" projection using the 2008-2009 growth rate of 0.2% (which according to the 2010 Census, was close to the Town's annual growth rate for the entire decade), the "moderate" projection using the historic building permit activity of 0.9%, and the "high" projection using the average historic growth rate of 1.26%. Based on the trends observed in the 2010 Census, Garling Associates believes that the more conservative growth patterns observed in the last decade are the most likely to occur in the Town of Cornwall in the coming decade. Comp Plan Section 2.1, page 10

Cornwall's percentage of the County's total population has been dropping, as other towns continue to grow at higher rates. With the County-wide growth rate projected to remain only slightly lower, and Cornwall projected to remain at a very low growth rate, this would mean dramatically lower population levels in 2020 than had been projected in the 2005 Town of Cornwall Comprehensive Plan. The 2005 Comprehensive Plan had projected that the Town would reach a population of 13,575 in 2010 and 15,000 by 2020, but with an actual population of only 12,646 in 2010 the Town has clearly fallen short of those projected growth rates, and this Comprehensive Plan anticipates continued slow growth rates. Comp Plan Section 2.1, page 11

These numbers suggest that young adults are locating elsewhere. Comp Plan Section 2.1, page 13

There is a higher percentage of older age groups within the Town of Cornwall and the Village of Cornwall-on-Hudson than in the rest of the County, with 6.7% and 10.4%, respectively, in the 65-74 year-old age group, compared with only 5.4% in the County. The high proportion of citizens in the 60-years and older age group, with 19.4% in the Town and 21.2% in the Village of Cornwall-on-Hudson, as compared to only 13.4 in the County as a whole, is notable. Comp Plan Section 2.1, page 13

Married couple families have decreased since the 2000 Census, and now comprise just under 50% of households as compared to about 58 percent in 2000. Comp Plan Section 2.2, page 16-17

### Goals of Town Comprehensive Plan

Land Use Goal: Allow for future new development and the conversion of existing uses that will provide a desirable diversity of land uses necessary to meet long-term population need as well as the fiscal stability of the community.

Housing Goal: Make provisions for residential development that will provide quality housing opportunities for present and future Cornwall residents of all ages and income levels.

Economic Development Goal: Promote economic development in Cornwall that will expand the Town's tax base, retain its small town character and will provide existing and future residents with a range of business, employment and career opportunities.

Aesthetic Resources Goal: Encourage existing and future development to complement the existing scenic beauty of Cornwall. Comp Plan Section 3.2, page 28-29

### Existing Land Use

Unfortunately, on the southern side of Quaker Avenue, across from the Cornwall Hospital, lies the partially developed Canterbury Green senior housing project. This facility is unfinished and in its current state is aesthetically unpleasing. The failure to complete the project has provided a visually discordant element at the west entry to the downtown area. Comp Plan Section 4.2.2, page 32

The north side of Main Street, which like the south side is predominately populated with 19th century commercial and residential structures, has unfortunately been subject to a decline. A number of the building's storefronts were vacant, and approximately ten storefronts were unoccupied/ available for rent. The condition of the buildings varied, with some appearing to have new facades and other appearing to be in serious need of repair. Several of the residential dwellings appeared to be vacant and/ or for sale. Comp Plan Section 4.2.2, page 33

The overall appearance of downtown Cornwall, while generally attractive, is becoming marked by vacancies and aging buildings, some of which are poorly maintained. Comp Plan Section 4.3, page 38

Several large residential development projects, such as the Cornwall Commons, have not progressed to completion because of a lack of a market. Comp Plan Section 5.0, page 47

### Rateables

It is important to understand the critical need for commercial and industrial development within the Town as a whole. Of the Town of Cornwall's 15,580 acres, fully 3,827.25 acres, or 24.6% of the Town's land area, is wholly tax exempt. This includes land that is owned by the United States Military Academy (West Point), by New York State agencies, the Black Rock Forest Preserve, Open Space Institute, and by other private and public schools and academies, museums, the St. Luke's Cornwall Hospital, churches, and cemeteries, among others. More than an additional 16% of the Town's land area is partly tax exempt, devoted to such purposes as State parkland and forestland, water supply and reservoir purposes, agricultural lands and other

uses. Lands that are wholly and partly tax exempt do promote other tax-generating economic activities within the Town, both in the form of direct employment, in allied taxable facilities, and in related tourism or support services. Even so, the high proportion of tax exempt land within the Town increases the importance of tax-generating commercial and industrial enterprises within the Town, and of the need to support and enhance the existing business areas within the town, whether in the traditional downtown business area or in other locations. The needs of commercial and industrial uses outside the downtown area must also be considered. Comp Plan Section 5.10, page 60

Maintaining the Town's traditional character and preserving the balance between commercial, residential and environmental interests does not mean that no changes should be made. The Town is not, nor can it be, "frozen in time." Appropriate changes and adjustments must be made in order to provide a desirable diversity of land uses to meet the needs of the population and allow for fiscal stability. However, any changes should be made with the larger goal of preserving the Town's character in mind; the Town's long term interests must not be sacrificed to satisfy short term goals. In light of the changes in the local economy, there is a clear need to reevaluate the provisions of the Town's Zoning Code regarding residential development. Comp Plan Section 5.11, page 61

The goals of the Land Use & Housing Plan also extend to limiting growth in property and school taxes. The extent to which the Town's Zoning Code allows or encourages residential development should be tempered by regard for the burdens such development will or may place on the School District. By the same token, the extent to which the Town's Zoning Code allows or encourages commercial development should be informed by regard for the extent to which new tax ratables contribute toward payment of the community's tax burden. Comp Plan Section 5.11, page 61

The goals of the Land Use & Housing Plan extend to limiting growth in property and school taxes. Comp Plan Section 9.1.2, page 75

#### Orange County Department of Planning Review

The Town of Cornwall referred the draft Comprehensive Plan to the Orange County Department of Planning in accordance with NYS General Municipal Law Section 239-M. The Town Board received a report dated November 17, 2011, which provided the following comments in support of the proposed zoning amendment:

2) County Planning is of the opinion that limiting all housing in one defined area or Project to a certain age groups and/or income would not be economically sustainable. Although a high percentage of older age groups are evident based upon the 2010 census, our office recommends limiting the amount of designated senior citizen housing in the Town in order to prevent the community from being dominated by a single demographic. Based upon the analysis approved in comment no four (4) below and in an effort to establish a sustainable community, our office recommends not limiting all housing in one defined area or Project to a certain age group and/or income. This would allow for socioeconomic integration of the community and make housing obtainable by young adults, young families and senior citizens alike.

4) A number of conclusions are made based upon the 2010 Census that may need further consideration: A higher percentage of older age groups are evident; Young adults are locating elsewhere. A community cannot solely count on a certain age group to function; a range of households are important in achieving a sustainable community. Through attracting the

aforementioned demographics, a more diverse set of businesses may look to establish themselves in the Main Street and Commercial Corridors.

### Maintaining the Character of the Proposed Cornwall Commons

The Town Comprehensive Plan states that the Town should "[r]eevaluate the provisions of the PRD zoning limiting uses to age restricted senior citizen housing. However, any change should maintain the character of the proposed Cornwall Commons development as a senior citizen complex." See page 60.

The site is currently zoned to permit the development of a Planned Adult Community (PAC), which allows detached single family dwellings, attached single family dwellings, multiple family units, club houses, recreational amenities, congregate care and/or assisted living dwelling units, commercial retail, office, hotel/motel, medical/dental clinics, personal service and food service, restaurant buildings, day care facilities, and other ancillary facilities intended to provide convenient services to the residents of the PAC. The proposal does not change any of the permitted uses within the PAC. It does permit a percentage of unrestricted market rate housing (which units will also be available for persons who would qualify for age restricted housing but choose to reside in mixed demographic neighborhoods). The overall development plan includes senior housing, congregate care, retail and food services, offices, a hotel and recreational facilities for the residents. The proposal to permit a percentage of unrestricted units is consistent with the Comprehensive Plan which states that "Planned Adult Communities are residential developments of at least one hundred or more age restricted units." See page 58. The site plan for Lot No. 10 will contain 108 age restricted units and 70 beds within the congregate care facility.

When one talks about character of the community, it assumes there is a homogenous pattern that predominates the community. That is not the case in Cornwall. The Vails Gate area along Routes 32 and 94 are heavily commercial on main state highways and in which the new high school, an expression of the character of the community is located.

The Angola Road, Mine Hill Road, Central Valley Road are characterized by large lots for single family dwelling homes. Census tract 130 is an older small lot mixed residential use with commercial main street. The Village of Cornwall-On-Hudson and census tract 130 are very close in that they have small lots, mixed uses, and a commercial main street. The Mountain Road area has very large homes on large tracts of land, long driveways, large setbacks and horizon views. The uses along New York State Route 9W north and south and on the east and west sides of 9W are largely non-residential and as will be seen from a photographic display leave less than a favorable aesthetic impression. Which of the above characteristics is the character?

The character of Cornwall Commons as it will be seen from heavily trafficked four lane divided highway, New York State Route 9W, will be a landscaped, mixed use, residential area with a variety of housing, a commercial area along the main access road, and on site recreation area. The proposal keeps the character of Cornwall Commons as a senior citizen housing complex with 108 such units of housing, no changes in the recreation, commercial, and affiliated senior facilities. There is no project in the Town that offers any larger number of senior citizen housing. It will stand out alone as such.

The proposal does not present any other issues which might warrant changes in the bulk requirements or other requirements that would affect the existing proposed layout. Accordingly, the applicant is not proposing any changes to the site plan.

Sewer/Water: The proposed residential project for Lot No. 10 is estimated to consume approximately 117,600 gallons of sewer flows and water usage per day. The estimated total daily

demand for the 9 commercial lots and Lot No. 10 is 157,250 gallons per day. The values used for the residential portion of the project are based on a flow of 300 gallons per day per unit. This standard is taken from the NYS DEC Design for Standards for Wastewater Treatment Works. The values provided are based on market rate homes and were not reduced for an age restricted community. Accordingly, no additional water usage or sanitary sewer discharge will be generated by the proposed project.

**Traffic:** The traffic engineer has reviewed the peak hour traffic generated by the proposed project as compared to a project containing all non-age restricted housing and determined that the improvements identified and included as part of the SEQR findings would accommodate the additional peak hour traffic generation at similar levels of service.

**Recreation:** The project will contain a club house that will be centrally located near the entrance to the community and other recreational amenities, including tennis courts, swimming pool, and other activities. The site will also consist of trails to allow for the residents to walk through the natural undisturbed areas and providing access to other areas of the community. The applicant will provide detailed site plans to the Planning Board for recreation areas on Lot No. 10 as part of the site plan process.

### **Calculation of Proposed Reduction of Senior Housing**

Based on the need to provide an array of housing for a balanced community, the contents of the Town Comprehensive Plan, the Orange County Planning Department review, the PAC project as designed is no longer viable. Cornwall Commons has proposed to adjust the project with the goals and policies of the updated Town Comprehensive Plan. See page 59. The proposal contains a mix of 78% non-age restricted units and 22% age restricted units.

The overall weakened economy of which residential is a component and age restricted housing is a submarket, has altered the market. The Town of Goshen and City of Middletown have both eliminated the age restriction on Carriage Park (48 DU) and Amchir Point (128 DU) respectively. The Town of New Windsor has amended its laws to alter the age restriction. New Jersey as a matter of state public policy provided relief for the residential age restriction limits.

The Town of Cornwall Comprehensive Plan identifies a need for senior housing yet recognizes that such use should be limited. The proposed amendment to allow 22% age restricted units satisfies the goals set for the Town Comprehensive Plan while following the precedent adopted by other County municipalities.

The proposed plan is also based on sound planning to ensure that the age restricted units are kept in close proximity to the clubhouse and related amenities and would allow the senior residents pedestrian access to the commercial uses and bus stop along the loop road.

The Orange County Planning Department review letter emphasizes the desirability of mixed housing to accommodate wider demographics which are all part of sustainability for development.

There are various well recognized state-wide goals for smart growth projects at the local level. The Cornwall Commons plan portrays the following: mixed land uses, age, income and diverse communities, an array of housing, friendly community design for pedestrian - bicycle use, transit-oriented development, parks and well planned spaces, development targeted toward existing infrastructure, green-type buildings and pursuant to the collaborative, public stakeholder driven planning process of the Comprehensive Plan.

The project proposal meets these standards even more than the original plan since it is more diverse as to age and community needs as suggested in the goals set forth in the Comprehensive Plan.

### **Federal Fair Housing Act**

The Town of Cornwall Town Code requires the project comply with applicable New York State and federal laws so that the age restricted housing qualifies as housing for older persons, and a deed restriction is required to be included in every deed conveying title to each lot or dwelling unit. The proposed modification complies with the provisions of the Federal Fair Housing Act. The Act defines a housing facility or community as any dwelling or group of dwelling units governed by a common set of rules regulations or restrictions. An example includes a condominium association. The proposed project will consist of separate condominium associations for the age restricted and non-age restricted residential housing components on Lot No. 10. The law further requires that in order for a housing facility or community to qualify as housing for older persons, at least 80% of its occupied units must be occupied by at least one person 55 years of age or older. Within each age restricted condominium association, at least 80 percentage of the units will be occupied by at least one person 55 years of age or older.

### **Development Density**

The total project area is 197.716 acres. After deducting 9.530 acres for regulated wetlands and 2.730 for easements, there is a total of 185.456 acres of usable lot area. Based on the permitted density calculation of three units per usable acre, the project site could be developed with up to 556 units. The developer's agreement entered into between the applicant and the Town of Cornwall Town Board limits the total number of residential dwelling units to a total of 490 residential units. The residential portion of the project will have 490 residential units, consisting of 314 single family detached dwellings, 14 single family attached dwellings, and 162 multiple dwelling units.

The applicant is not proposing any changes to the site plan. As further discussed above, there are no issues created by the proposed amendment that would justify a reduction in the density of the project. The proposed site plan takes into consideration the public health, safety and welfare, the comfort and convenience of the public and of the residents of the proposed development and conforms with sound planning and development guidelines and requirements. Furthermore, a reduction in density would decrease the overall tax benefits of the project and would be contrary to the provisions contained within the updated Town Comprehensive Plan.

### **Recreation and Open Space Facilities**

The areas designated for recreation activities is not being reduced and the types of uses will be a topic for the site plan review process that will have the benefit of the input from a recognized land use planner who has been engaged to provide input and guidance in the site plan process.

### **School Children and Bus Services**

The property is located in the Town of Cornwall School District. There will be school age children generated by this project. The transportation of any qualifying school age children who reside in the project will be provided by the Cornwall Central School District. The proposed site plan includes a bus pick up area located along the public loop road, near the main entrance, and can be used for all residents to pick up and drop off children for the school bus.

## Parking

The Town of Cornwall Town Code requires two parking spaces per single family dwelling and 2.5 parking spaces per multiple dwelling plus 20% of the total number of spaces required for multiple dwellings. Based on these requirements, the proposed project would need to contain 1784 parking spaces.<sup>2</sup>

The PAC zoning code requires two parking spaces are provided for each of the residential units. The plan proposes a total of 1,943 parking spaces, which is 898 more than the required 1,045 parking spaces. For the single family dwelling units, the plan provides for driveways for two-car garage units with a driveway at 17' wide and tapered to a width of 15' at the road, which will allow for vehicles to enter and exit the driveways. This will provide four parking spaces per unit. The multiple family units will have garages located at ground level, and have been provided with additional parking areas around the buildings for residents and visitors. Each of the multi-family buildings will have five entrances from the exterior of the building. Entrances are also provided from the garages into the interior of the building. Parking lots have been provided along the front of the club house for those residents driving to use the club house or the amenities located at the club house.

Road Width: Alternative road width plans had been prepared depicting the internal roadway in the residential community at road widths varying from 24 feet to 28 feet. Based on the comments received from the Planning Board, its consultants, and the Canterbury Fire District concerning safe emergency vehicle access, the project will contain private roads with a 40 foot right of way and 28 foot wide pavement with parking on one side. The road width in the multiple family and attached single family dwellings section will be 26 feet. The roads in Lot No. 10 will be maintained by and at the cost of the Homeowners Association.

## Zoning Text Amendments

A copy of the proposed revisions to Town of Cornwall Town Code Section 158-21X is attached as Exhibit "A".

## Developer's Agreement

### Timing of Development

The project will progress in predetermined stages. The first will be the utilities, Route 9W access, and the loop road to the first circle. These costs are presently estimated at \$3.5 million. This work opens up access for development to begin on one-half of the non-residential portion of the project. The senior citizen housing phases have been designated so as to do four things to support age restricted marketing;

- A. Provide prominent exposure and accessibility for the housing. The area identified will be along the first exit off of loop road after it enters from Route 9W, and across the street from the clubhouse and recreation area. The on site sales office will be located in close proximity to these areas.

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<sup>2</sup>314 Detached Single Family Unit x 2 spaces/unit = 1,256 spaces. 14 Attached Single Family Unit x 2.5 spaces/unit = 35 spaces. 162 Attached Multiple Family Units x 2.5 spaces/unit = 405 spaces. 20% of 405 = 88 spaces. Total = 1784.

- B. The greatest mix of housing types - rental apartments, attached single family (2 stories) and detached single family - are being included in the restricted age housing phases.
- C. Sales to age restricted residents will not be limited to the designated age restricted housing phases, but will be encouraged for the mixed demographic housing phases that will have residents with wider demographics.
- D. There is nothing prohibiting increasing the number of age restricted areas if the market supports that effort. After all, a sale is a sale, and each one is important to the success of the project.

All the approvals, terms and conditions will comply with the requirements of the Federal Fair Housing Act.

The site is currently zoned to permit the development of a Planned Adult Community (PAC), which allows detached single family dwellings, attached single family dwellings, multiple family units, club houses, recreational amenities, congregate care and/or assisted living dwelling units, commercial retail, office, hotel/motel, medical/dental clinics, personal service and food service, restaurant buildings, day care facilities, and other ancillary facilities intended to provide convenient services to the residents of the PAC. The proposal does not change any of the permitted uses within the PAC. It does permit a percentage of unrestricted market rate housing (which units will also be available for persons who would qualify for age restricted housing but choose to reside in mixed demographic neighborhoods). The overall development plan includes senior housing, congregate care, retail and food services, offices, a hotel and recreational facilities for the residents. The proposal to permit a percentage of unrestricted units is consistent with the Comprehensive Plan which states that "Planned Adult Communities are residential developments of at least one hundred or more age restricted units." See page 58. The site plan for Lot No. 10 will contain 108 age restricted units and 70 beds within the congregate care facility.

#### Public Benefit/Recreation

The original proposal and this proposal both included on-site recreation facilities to allow residents access and opportunity for such activities maintained by the Homeowners Association. In view of that and Town facilities would also be used, there was a need to make an allocation of financial responsibility created by the project. The formula agreed was  $490 \times \$2000 \times 1/3$  or \$326,634.

The current proposal will vary that to the benefit of the Town. The project will have its own facilities for recreation that will be patterned to meet the needs of the demographic mix. They will be on site. However, the proposal is willing to provide a large public benefit of \$828,806<sup>3</sup> that the Town Board can allocate \$326,634 to recreation and the balance to other public purposes as they determine in the sum of \$502,172.

#### Public Benefit/ Tax Effects

Attached as Exhibit "B" charts 1-12 is the Analysis of School Age children (charts 1-6); Exhibit "C" Analysis of Cornwall Central School District Finances charts 7A and 7; Exhibit "D" school taxes, (charts 8-9); Exhibit "E" school costs per public school age student (charts 10 and 11); Exhibit "F"

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<sup>3</sup>  $[108 \times \$2000 \times 1/3 = \$64,806] + [382 \times \$2000 = \$764,000] = \$828,806$

THE CONCLUSION IS A STATEMENT OF THE TAX BENEFITS FROM THE PROJECT AS PROPOSED.

### The Scheme of Real Estate Taxes

The calculations are based on the calculations of new increased property assessed values that will result from new construction of the improvements whether sold or leased. The property values used are conservatively low which compensates for market conditions and any reduction from condominium ownership. When you read the respective values for the different taxable uses keep in mind these are not market prices, but values below the sales prices. Also remember that assessed value is less than sales, market or stated values since the fair value (FMV) as determined by the assessment process is then reduced by the equalization rate (ER) to the taxable assessed value (TAV).

The taxable assessed value is in chart 8.

### Town/County Tax Benefits

The annual taxes to the Town \$782,037. - chart 12

The annual taxes to the County \$428,333. - chart 12

### School District Tax Benefits

The calculation of school tax benefits follows the same basic process as above for County/State taxes.

The same fair market value (FMV), same equalization rate (ER) results in the same taxable assessed value (TAV).

The tax rate per \$1,000 is applied and the taxes to be paid is the resulting figure that goes to the school district as revenues.

The taxes to the school district from the residential part of Cornwall Commons is \$2,038,087. - chart 8. The amount from the commercial part is \$691,813. - chart 9.

The total annual revenue to the school district from the project based on current tax rate and budget is \$2,729,900. - charts 8 and 9.

### School Children

The calculation of anticipated school age children that can be attributed to the project is 148-152 over a 10 year time. The calculations are on Exhibit B-4.

The local real property tax cost to educate a child is \$11,382.41. The calculations are in chart 10. To get this figure the tax levy is divided by enrollment; to wit \$39,155,475. /3,440. - chart 10.

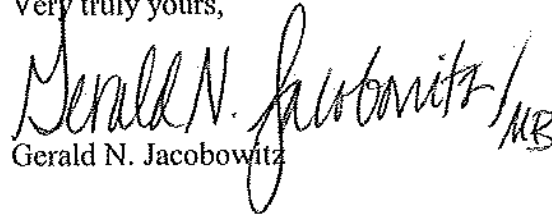
The annual cost to educate the 148-152 children that will be generated over a ten year time is \$1,730,126.; 148-152 times \$11,382.41 cost per child.

The taxes for the residential component pay more than the costs for the children from Cornwall Commons. The taxes from the non-residential component go to the school district. Together exceeds the local share of education costs.

Together the total taxes will add \$999,774 additional (over and above the cost to educate) to the school district revenues - chart 11.

Thank you for your courtesy and cooperation in considering this matter. We look forward to the opportunity to answer your questions and discuss Cornwall Commons as an asset to the community.

Very truly yours,

  
Gerald N. Jacobowitz MB

Enclosures

# Exhibit “A”

TOWN OF CORNWALL  
INTRODUCTORY LOCAL LAW  
ZONING LAW AMENDMENTS

BE IT ENACTED by the Town Board of the Town of Cornwall, County of Orange, State of New York, as follows:

Section 1. Section 158-21, titled "Supplementary Regulations," of Chapter 158, titled "Zoning," of the Code of the Town of Cornwall is hereby amended to read as follows:

X. ~~Planned residential developments (PRD) subject to the following conditions. A PRD may utilize cluster design or traditional neighborhood development (TND) features. The Town wishes to encourage the use of TND or cluster site design as an alternative to conventional subdivision. Cluster site design and TND results in the preservation of contiguous open space and important environmental resources, while allowing more design flexibility than is allowed for conventional subdivisions. Such concept plan must be approved by the Town Board in accordance with § 158-41.~~

(1) ~~Age restriction. A PRD must contain no more than 80% market rate dwelling units, which shall have no age requirements, and no less than 20% age restricted dwelling units, which age restricted dwelling units are also subject to the following requirements:~~

(a) ~~All age restricted dwelling units shall comply with applicable New York and federal law, as the same may be amended, so that at all times such housing, qualifies, for older persons, intended and operated for occupancy by persons 55 years of age or older, as currently provided in 42 U.S.C. § 3607(b)(2)(c). In no event shall any person under the age of 19 permanently occupy an age restricted dwelling unit in a PRD. However, such age restrictions shall not apply to:~~

[1] ~~Units occupied by adults under the age of 55 who are necessary to provide a reasonable accommodation to disabled residents of the age of 55 years of age or older.~~

[3] ~~Children under the age of 19 when residing with their parent, parents or legal guardian(s), provided at least one such parent or legal guardian is 55 years of age or older; provided and only when the board of the homeowners' association determines:~~

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~~Deleted: Any units occupied by employees of the homeowners' association (and family members residing in the same unit) who are under 55 years of age. § [2]~~

[a] Special circumstances of an unusual situation exist that requires such residency because of the death or disability of the custodial parent or guardian; and

[b] The length of the allowable residence does not exceed the time necessary for replacement residence to be arranged.

[4] A spouse or domestic partner under the age of 55 years who is residing with his or her spouse or domestic partner, who is of the age of 55 years or older.

[5] A child under the age of 55 years but at least 19 years or older, who is residing with his or her parent(s) who is of the age of 55 years or older.

(b) A deed restriction that imposes the above requirements to be enforced by the HOA shall be provided in a form acceptable to the Town Attorney and shall be included in every deed conveying title to each lot or dwelling unit hereunder and in a project offering plan.

(2) Principal permitted uses. In the PRD, no building, structure or premises shall be used or occupied, and no building or part thereof or structure shall be erected or altered unless otherwise provided in this chapter, except for the following uses which shall be mixed in order to create a variety of housing types.

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(a) Detached single-family dwellings (30% to 90% of the units).

(b) Attached single-family dwelling units (0% to 30% of the units).

(c) Multiple dwelling units (0% to 30% of the units).

(d) Accessory uses incidental thereto such as:

[1] Facilities for maintenance, administration, gate houses, garages, off-street parking, utility systems, club houses and recreational amenities, including, but not limited to, swimming pools, tennis courts, walking trails and athletic fields.

[2] A residence for a resident caretaker or administrator employed by the HOA with not more than two such units per PRD.

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[3] Congregate care and/or assisted living dwelling units.

(e) Commercial retail, office, hotel/motel, medical/dental clinics, personal service and food service, restaurant buildings and day-care centers along with ancillary facilities intended to provide convenient services to residents

of the PRD. In any application for a PRD in excess of 50 acres of gross site area, up to maximum of 15% of the gross site area may be developed for these uses. However, land developed for office uses shall be permitted up to 30% of gross site area. Such commercial uses may be subdivided and in separate ownership, provided common areas and maintenance are provided for by the HOA.

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- (f) Such other facilities and/or buildings as the Planning Board, in its sole discretion, shall deem necessary and/or appropriate for use by the residents.

- (3) Any application for a special permit approval herein shall be accompanied by a conceptual site plan showing compliance with the provisions of this chapter. Zone bulk requirements may be varied by the Planning Board so long as overall density and lot coverage are not increased and setbacks from adjacent properties and streets are set by the Planning Board. Any property that has obtained special permit approval as a Planned Adult Community shall be deemed to have special permit approval as a Planned Residential Development.

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- (4) In the PRD, no building, structure or land shall be used, erected, altered, enlarged or maintained unless it is in accordance with the site development plan and its amendments approved by the Planning Board of the Town of Cornwall as hereinafter prescribed. Such site development plan shall meet at least the following minimum requirements:

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- (a) Minimum site area. The minimum area for a PRD site shall be a lot or lots of 50 acres. There shall be no limitation on the maximum acreage.

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- (b) Density. A maximum overall density of three dwelling units per usable acre of the total project area shall be permitted. (Usable or net lot area is proposed to be defined in § 158-3 above.)

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- (c) Additional use. In PRD projects of 250 or more dwellings, congregate-care dwellings consisting of a senior assisted care facility and/or a nursing home facility may be developed at a maximum of 20 units per usable acre with a maximum of 140 units.

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- (5) Additional requirements.

- (a) Consideration shall be given in planning walks, ramps and driveways. Gradients of walks shall not exceed 10%; single-riser grade changes in walks shall not be permitted without Planning Board approval. All outdoor areas available to the residents shall be designed so as to permit residents to move about freely.

(b) The design and location of all buildings, recreational facilities and other site improvements shall be consistent with the ultimate purpose of achieving pleasant living arrangements, and shall contemplate the desires and needs of such persons for privacy, participation in social and community activities and accessibility to all community facilities.

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[1] Notwithstanding any other contrary provision(s) of this Code, including § 158-16A(10)(a) through (e), a PRD may be serviced by private roads, regardless of the number of lots created therein, provided that said roads shall have a maximum right-of-way of 40 feet and meet otherwise applicable regulations regarding width, paved surfaces, curbing, drainage, signage and maintenance, and further providing that the plans for said roads be approved by the Planning Board and the Town Engineer.

Deleted: [1] Golf courses located in the PAC may be executive, or short courses. ¶

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(c) Adequate facilities and/or provisions shall be made for the removal of snow, trash, recyclables and garbage and for the general maintenance of the community which shall be covenanted as a condition of site plan approval. All dumpsters shall be suitably screened and located on permanent platforms, suitably enclosed on at least three sides and located at least 25 feet from any window of a habitable dwelling unit. A suitable maintenance agreement shall be part of the conveyance, which agreement shall be in form and content approved by the Town Attorney.

(d) Dwelling units may incorporate design features to the maximum extent practical and as required by future residents which insure the safety and convenience of the residents, including, but not limited to, provisions of grabbars, nonscalding faucets, water impervious nonslip floors in bathrooms, flush thresholds and wheelchair accessible doorways.

Deleted: (d) All dwelling units shall be air conditioned with individual thermostatic controls for heating and air conditioning. ¶

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(e) Washers and dryers shall be an option available in all individual dwelling units except in multi-family units which shall be provided in central locations.

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(f) If pets are permitted, specific pet walking areas designed and located so as to prevent nuisance and annoyance or health hazards to the residents and/or abutting property shall be provided. Such controls may include, but are not limited to designated pet walking areas and/or pooper-scooper requirements.

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(g) Artificial lighting of grounds shall provide illumination sufficient for the convenience and safety of the dwellings.

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(h) Site plans and approvals:

[1] The Planning Board shall review and conduct a public hearing on all applications for development in accordance with the provisions of the site plan regulations.

[2] It is determined that the PRD will create a demand on the Town's recreational facilities, and that the PRD fails to adequately provide for on-site recreation and amenities sufficient to meet the anticipated needs of the PRD residents. A money-in-lieu-of-parkland fee to be used for the acquisition and improvement of recreation areas in the Town shall be required. The fee for age restricted dwelling units shall be 1/3 of the fee for comparable dwelling units not in a PRD, and not to exceed \$2,000 per non age restricted dwelling unit, but congregate-care dwelling units shall be excluded from the number of dwelling units for which any fee shall be required as established by local law or resolution of the Town Board.

[3] The site plan may be approved in sections. The approval can denominate sections for the phases development of a project. Any section that is denominated as an age restricted section shall consist of only age restricted dwelling units. This will not exclude persons of all ages from residing in the non-age restricted designated sections. The age restricted sections shall be designated prior to final approval.

[4] Architectural Review Board.

A. Establishment. An Architectural Review Board (ARB) is hereby created to promote architectural beauty and harmony of building design; to avoid monotony of residential housing; and to prevent buildings or structures from being improperly designed, located or modified in relation to existing buildings and structures, prominent site features, lot lines and street lines.

B. Composition. The Planning Board of the Town of Cornwall shall act as the ARB for the purposes of this section.

C. Responsibility. The ARB shall review and approve every PRD development proposal requiring site plan review by the Planning Board. All subdivisions in excess of 10 lots where housing designs were unknown and not reviewed by the ARB during the subdivision approval process shall be referred to the ARB by the Building and Code Enforcement Officer if they do not meet the requirements of this section.

D. Applications. Application for review by the ARB can be made concurrent with application for final subdivision or site plan approval, or thereafter, but in any event, prior to the issuance of a building permit.

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Deleted: The Planning Board shall act as the Architectural Review Board for the purposes of this section. The purpose of architectural review is to avoid monotony of residential housing and prevent buildings and structures from being improperly designed in relation to existing community character. Application for review shall be made concurrently with application for final site plan approval. Said application shall provide typical building elevations and samples of materials and colors to be used in the proposed buildings and structures.

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Said application shall meet the requirements of § 158-19 of this chapter and shall further provide:

(i) The name and address of the applicant.

(ii) Samples of materials and colors to be used in proposed buildings and structures and alterations to existing buildings and structures.

(iii) Topographic data as may be required by the Architectural Review Board.

E. Standards. In order to avoid monotony of architectural design, no building permit shall be issued for the construction of a dwelling located within an approved subdivision plat or site plan if it is substantially like any neighboring building or for which a building permit has already been issued or is being concurrently considered.

(i) A building shall be considered neighboring if it fronts on the same street as the building under consideration or an intersecting street and which is the first building along the street in either direction or which faces or is adjacent to a building that faces from across the street the building under consideration.

(ii) Buildings shall be considered substantially alike unless they differ in at least three of the following respects or dimensions:

(a) Setback from the street.

(b) Relation of a garage visible from the street to the main structure.

(c) Length of the main roof ridge.

(d) Height of the roof ridge above the first floor level.

(e) Relationship to each other of either windows, doors, chimneys or any porch in the front elevation.

F. Waiver. The Architectural Review Board may waive or vary any requirements of this section where the layout of the neighborhood, road pattern, topography, observation of natural features, views and the siting of individual structures is such as to avoid monotony of appearance despite similarity of buildings.

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(j) Homeowners' association required. All PRDs shall be required to create a homeowners' association that shall have dominion over the common areas within the development. Prior to certificates of occupancy being issued for residential units, the developer shall obtain such approval, acceptance, or no action letter as may be required by the State of New York Department of Law, pursuant to the Martin Act (General Business Law, § 352 et seq.) and/or such other laws or regulations as may apply to the offering for sale of common interests in realty. Copies of all submissions and responses, including but not limited to articles of incorporation and bylaws for such homeowners' association shall be supplied to the Town Attorney. The rules, regulations, policies and procedures of the homeowners' association shall be designed to ensure compliance with the Fair Housing Act's exemption for housing for older persons [42 U.S.C. § 3607(b)(1)] and the federal regulations promulgated pursuant thereto (24 C.F.R. § 100.300-100.308).

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(k) Where otherwise not modified by this chapter, all other conditions of site plan approval and/or subdivision regulations of the Town shall apply.

(l) The applicant shall determine, prior to final approval, which roads are to be private or public roads. All roads shall be constructed to Town specifications for the road bed and pavement depths, and pavement width shall be 18 feet for a one-way street, 28 feet for a two-way street with parking on one side. Cul-de-sac turnarounds shall have a paved diameter of 90 feet, and except for the landscaped islands, shall be paved for the required road width.

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(6) Lot and building requirements.

(a) Lot coverage. Lot coverage for all buildings shall not exceed 35% of the usable site area.

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(b) Height. No building shall exceed 40 feet except:

[1] Flagpoles, domes, spires, chimneys, skylights, antennas and other similar appurtenances so long as such structure or device does not create a hazard to abutting properties.

[2] Congregate-care, multiple-dwelling, community clubhouse, office, hotel/motel buildings which shall not exceed 45 feet.

(c) Setback requirements. No buildings or structures other than entrance gatehouses, walls, fences or signs shall be located within 50 feet of the outside perimeter line of the overall site of the properties nor within 100 feet of a state, Town or county road right-of-way located outside of the PRD.

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(d) Buffer area requirements shall include:

- [1] Suitable fencing or vegetative screening along side and rear exterior property lines of the overall site.
- [2] A minimum of 25 feet of natural wooded, revegetated or landscape along the side and rear perimeter lines of the overall site shall be provided.
- [3] Recreational areas and other unimproved areas shall remain in their natural state to the extent practicable or otherwise be suitably revegetated and/or landscaped.
- [4] A minimum of a fifteen-foot setback will be provided from the top of any stream bank.

(e) Off-street parking. Two parking spaces for each single-family or each multiple-dwelling unit and one parking space for each congregate-care dwelling unit plus one parking space for each two employees of the congregate-care facility shall be required, except that the Planning Board may permit or require land banking thereof to the extent it deems practical or appropriate for additional parking spaces based on its determination of area needs. Inside garages and dwelling unit access driveway areas shall be counted toward required parking.

(f) Habitable area.

[1] The habitable area of the dwelling units as set forth in this section shall comply with the following requirements:

[a] Single-family detached units shall be at least 1,200 square feet, with no more than three bedrooms.

[b] Single-family attached units shall be at least 1,000 square feet per dwelling unit with no more than two bedrooms.

[c] Multiple residences shall be at least 700 square feet per dwelling unit with no more than two bedrooms.

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[d] Up to two resident manager's or employee dwelling units not subject to age restrictions containing not more than three bedrooms and 1,500 square feet of habitable area per PRD site.

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[2] The Planning Board may waive or vary the habitable area requirements as it shall deem appropriate and/or practical so long as the resulting units are consistent with the overall site development and are reasonably calculated to meet the occupant's needs.

(g) Islands, landscaping or signage allowed within the public highway right of way shall be maintained by the HOA which will be a condition of approval, and covered by the terms of a Developer's Agreement.

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(h) Planning Board conditional final approval shall be valid for 180 days and such additional multiple periods of 90 days the Planning Board shall determine at the time of said approval or anytime thereafter.

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## EXHIBIT "B"

### LOT 10 RESIDENTIAL COMPONENT

#### Analysis of School Age Children

The Cornwall Commons residential use component of its plan provides for 490 residential dwelling units in an array of housing types consisting of single family detached residences, multi-family residences and townhouses.

The age restricted residences will be comprised of one bedroom multiple residences and single family detached residences. The non-age restricted residences (market) will be comprised of one and two bedroom multiple residences, townhouses and single family detached residences. These are also available for persons who would qualify for age restricted housing but choose to reside in diverse age demographic neighborhoods.

#### Chart 1 - Types of Housing

| <u>House Type</u>          | <u>Age Restricted</u> | <u>Market</u> |
|----------------------------|-----------------------|---------------|
| 162 Multi-Family           |                       |               |
| 1 Bedroom                  | 54                    | 60            |
| 2 Bedroom                  |                       | 48            |
| 14 Townhouses              |                       | 14            |
| 314 Single Family Detached | <u>50</u>             | <u>264</u>    |
| Totals                     | 104                   | 386           |

#### School Age Children

Based on the types of residences and the array of housing, there have been calculations of public school age children (SAC) that will be generated. Two calculations have been done based on housing type

One is based on statistics utilized by Garling and Associates, Goshen, NY, who are the Town of Cornwall planning consultants. These are based on the cumulative experiences that firm has had in the course of their many years of planning services to municipalities they represent.

**Chart 2 - Garling**  
**School Age Children By Unit Type.**

| <u>Housing Type</u>        | <u>SAC/DU</u> | <u>#SAC</u>  |
|----------------------------|---------------|--------------|
| 162 Multi-Family           |               |              |
| 1 Bedroom - 54 (AR)        | 0             | 0            |
| 1 Bedroom - 60             | .07           | 4.2          |
| 2 Bedroom - 48             | .16           | 7.68         |
| 14 Townhouses              | .28           | 3.92         |
| 314 Single Family Detached |               |              |
| Age Restricted - 50        | 0             | 0            |
| Market - 264               | <u>.50</u>    | <u>132.0</u> |
| 490 Total                  |               | 147.80       |
|                            | Say           | 148          |

**Chart 3 - Garling**  
**Grade Class Assimilation**

The 148 students would enter the school system over the 7-10 year build out and be allocated among the three class groups to show at what level the students would be entering into the school system.

| <u>Grade Group</u> | <u>%</u>  | <u>#SAC</u> | <u>Per Year</u> |
|--------------------|-----------|-------------|-----------------|
| K-6                | 58        | 86          | 22              |
| 7-9                | 20        | 30          | 7               |
| 10-12              | <u>22</u> | <u>32</u>   | <u>8</u>        |
|                    | 100%      | 148         | 37              |

An assimilation analysis was done to identify the distribution of SAC among the three generally accepted school class groupings. The assimilation is based on a five year period commencing the year in which final unconditional land use approval is granted.

If a 5 year time frame is used and none the first year, there would be 37 new students each year ( $148 \div 4$ ). They would be allocated in the three grade groups.

**Chart 4 - Garling**  
**Grade Assimilation - 5 Year Phasing**

| Project - 5 years    | <u>Total</u> | <u>K-6</u> | <u>7-9</u> | <u>10-12</u> |
|----------------------|--------------|------------|------------|--------------|
| 1 <sup>st</sup> year | 0            | 0          | 0          | 0            |
| 2 <sup>nd</sup> year | 37           | 22         | 7          | 8            |
| 3 <sup>rd</sup> year | 37           | 22         | 7          | 8            |
| 4 <sup>th</sup> year | 37           | 22         | 7          | 8            |
| 5 <sup>th</sup> year | <u>37</u>    | <u>22</u>  | <u>7</u>   | <u>8</u>     |
|                      | 148          | 88         | 28         | 32           |

Note: An eight year phasing would be 19 school age children per year. A ten year phasing would be 15 school age children per year.

**Second Authoritative Source - Rutgers**

The second authoritative source for predicting the number of public school age children generated by new residential construction is published by Rutgers University, Center for Urban Policy Research, "Residential Demographic Multipliers" (Residents, School-Age Children, Public School-Age Children by State (NY), Housing Type, Housing Size, and Housing Price).

**Chart 5 - Rutgers**  
**Public School Age Children By Unit Type**

| <u>Housing Type</u>        | <u>SAC/DU</u> | <u>#SAC</u> |
|----------------------------|---------------|-------------|
| 162 Multi-Family           |               |             |
| 1 Bedroom 64 (AR)          | 0             | 0           |
| 1 Bedroom 60               | .07           | 4.2         |
| 2 Bedroom 48               | .16           | 7.68        |
| 14 Townhouses              | .28           | 7.56        |
| 314 Single Family Detached |               |             |
| Age Restricted 50          | 0             | 0           |
| Market 264                 | .50           | <u>132</u>  |
| 490 Total                  |               | 151.44      |
|                            | Say           | 152         |

**Chart 6 - Rutgers**  
**Grade Assimilation - 5 Year Phasing**

|                      | <u>Total - 152</u> | <u>K-6</u> | <u>7-9</u> | <u>10-12</u> |
|----------------------|--------------------|------------|------------|--------------|
| 1 <sup>st</sup> year | 0                  |            |            |              |
| 2 <sup>nd</sup> year | 38                 | 22         | 9          | 7            |
| 3 <sup>rd</sup> year | 38                 | 22         | 9          | 7            |
| 4 <sup>th</sup> year | 38                 | 22         | 9          | 7            |
| 5 <sup>th</sup> year | <u>38</u>          | <u>22</u>  | <u>9</u>   | <u>7</u>     |
|                      | 152                | 88         | 36         | 28           |

## EXHIBIT "C"

### Analysis of Cornwall Central School District Finances School Population

Enrollment between 1991 and 2012 went from 2,328 to 3,420. This increase over 22 years was 1,092 pupils. That is 49 per year. The projected new students from Cornwall Commons over 5 years is 37 (Garling) or 38 (Rutgers). Over a term of 10 years the enrollment will be 16 (Garling) or 17 (Rutgers).

The public school enrollment between 2011-12 and 2012-13 declined by 38 students. The school authorities admitted that enrollment was down by .58% from the previous school year in the NYS Department of State Aid Management System ( SAMS) worksheet provided in April 2012.

### Taxes

Attached as chart 7A is a 22 year record of school district finances which clearly reflect a different story than many people understand. School enrollment increased an annual average of 2.1%. However, the budget went from \$17,054,120 in 1991 to \$57,458,236 in 2012. This is an increase of \$40,404,116, which is 236.9%.

### Fair Share

In the face of rising school district costs and declining State aid, there is another set of information that is totally ignored but has a significant dramatic effect on Town of Cornwall real property taxpayers that has absolutely nothing to do with residential development in the Town of Cornwall, but everything to do with what is happening in the Towns of New Windsor and Woodbury.

### Chart 7 - School Enrollment

|                        | <u>2000 U.S. CENSUS</u>               |                          | <u>2010 U.S. CENSUS</u>               |                          | <u>CHANGE 2010 VS. 2000</u>           |                          |
|------------------------|---------------------------------------|--------------------------|---------------------------------------|--------------------------|---------------------------------------|--------------------------|
|                        | <u>School Age</u><br><u>Kids-5-17</u> | <u>%</u><br><u>Total</u> | <u>School Age</u><br><u>Kids-5-17</u> | <u>%</u><br><u>Total</u> | <u>School Age</u><br><u>Kids-5-17</u> | <u>%</u><br><u>Total</u> |
| Cornwall Town          | 2,020                                 | 62%                      | 2,059                                 | 57%                      | 39                                    | -5.8%                    |
| Cornwall on the Hudson | 615                                   | 19%                      | 435                                   | 12%                      | -180                                  | -7.1%                    |
| Cornwall Totals        | 2,635                                 | 82%                      | 2,494                                 | 69%                      | -141                                  | -12.9%                   |

|                |       |     |       |     |     |       |
|----------------|-------|-----|-------|-----|-----|-------|
| New Windsor    | 360   | 11% | 870   | 24% | 510 | 12.8% |
| Woodbury       | 238   | 7%  | 270   | 7%  | 32  | 0.1%  |
| District Total | 3,233 |     | 3,634 |     | 401 |       |

#### Allocation of Tax Levy

Of the total 2012-2013 Cornwall School Budget received from property taxes:

- Cornwall's taxpayers pay \$33,158,283 and have 2,494 kids in the Cornwall school district = \$13,295/kid
- New Windsor's taxpayers pay \$7,451,695 and have 870 kids in the Cornwall school district = \$8,565/kid
- Woodbury's taxpayers pay \$2,515,022 and have 270 kids in the Cornwall school district = \$9,315/kid

According to the Cornwall Central School District's budget calculations it takes \$11,400 to educate each child. Therefore, the taxes from other towns are falling short of their fair share by \$2,835 per New Windsor child and \$2,085 per Woodbury child. The school tax property owners of Cornwall are overpaying by \$1,895 per Cornwall child, basically subsidizing New Windsor and Woodbury's children in the district to the annual tune of \$4,726,130. For Cornwall to net even at \$11,400 tax dollars per every school aged child Cornwall has, it could increase the number of school aged children from the Town of Cornwall by 415 children.

#### School Fiscal Analysis

Real property taxes are determined based on market value of property. Since not all taxing districts determine value or arrive at the assessment on the same basis (even though State law requires property to be valued at its full market value) each taxing district is assigned what is called an equalization rate to be used to arrive at assessed value on which the taxes are actually established. This is the formula:

Market value FMV - (as determined by the Assessor using standard appraisal skills)  
Multiplied by the equalization rate established by the State (ER)

Equals Assessed Valuation (AV)

Tax rates are established at a dollar and cents amount per \$1,000 of AV.

An Assessed Valuation of say \$100,000 means the tax rate per \$1,000 is multiplied by 100 (\$100,000 divided by \$1,000). The resulting amount is the amount of the tax against that property.

We have used this basic formula to determine what the tax benefits will be for the taxing districts which include Cornwall Central School District, Town of Cornwall, County of Orange and State of New York.

The real property tax assessment process described above is administered by the Town and is utilized by all the taxing districts. Hence what is done by the Town of Cornwall concerning real property tax assessments determines the resulting tax impositions on Cornwall taxable properties.

## EXHIBIT "D"

### Residential Development School Taxes

Below is the projected calculations of taxes that will be imposed against the Cornwall Commons real property, developed in accordance with the proposed mixed use and mixed age demographic land use plan.

#### Chart 8 - Residential School Taxes

162 Apartments @ \$80,000.00 FMV

1 Bdrm Age (55)      54 x 72,000. = \$ 3,888,000.

1-2 Bdrm Mkt      108 x 80,000. = \$ 8,640,000.

14 TH - 3 Bdrm @ \$290,00. FMV

14 x \$290,000. = \$ 4,060,000.

314 SFD - 3 Bdrm

50 - Age (55)      \$252,000. = \$ 12,600,000.

264 - Mkt      \$280,000. = \$ 73,920,000.

TOTAL MARKET VALUE 490 DU

\$ 103,108,000.

ER 61.33%      Taxable Value \$ 63,236,136.

Assessed Value \$1,000 = \$63,236.

School Tax Rate per \$1,000. =      \$ 32.229856

Total School Tax Revenue - Residential

\$ 2,038,087.

The above is the calculation of the tax revenues from the residential uses (Lot 10). The total FMV is \$103,108,000. The ER is 61.33%. The resulting AV is \$63, 236,136. The resulting tax revenue is \$2,038,087.

### Non-Residential Development School Taxes

Cornwall Commons has and continues to include non-residential uses and taxable improvements (Lots 1-9). Those properties are subject to tax assessments and levy of taxes in the same manner and process as residential property.

The estimated taxable size of these uses as allowed under the dimensional standards of the zoning law is 350,000 square feet.

These properties are usually valued based on their capitalized rental income value. Using \$10.00 per square foot and a 10% capitalization rate, the market value of this component is \$35,000,000 with an assessed valuation of \$21,465,000, with a resulting contribution of \$691,813.85 of school taxes (FNI).

FNI: All of the FMV are conservative amounts. The larger the FMV the larger the tax revenues. Therefore, using lower FMV provides a more conservative prediction of tax revenue.

**Chart 9 - Non-Residential School Taxes**

350,00 F2 Multiple Various Uses

Valuation, rental income, \$10.F2

Net Rental Income \$3.5M

Market Value \$35.0M

ER 61.33% Taxable Value \$ 21,465,000.

School Tax Rate 32.229856 x \$1000 x 21,465

Total School Tax Revenue - non-residential \$ 691,813.85

Total School Tax Revenue for Entire Project \$2,729,900.85

**TOTAL SCHOOL TAX REVENUE**

**RESIDENTIAL COMPONENT SCHOOL TAXES \$2,038,087.**

**NON RESIDENTIAL COMPONENT SCHOOL TAXES 691,813.**

**TOTAL SCHOOL TAX REVENUE FOR THE ENTIRE PROJECT \$2,729,900.**

**EXHIBIT "E"**

There are two figures most frequently cited when discussing the costs to educate a child.

Total cost per student (total budget divided by school enrollment).

Local tax cost per student (from total budget subtract non local tax revenues such as Federal and State aid, fees, investment income, etc. and arrive at the amount to be raised by local real property taxes) divided by school enrollment.

It is local tax cost per student that is paid for by school district real estate taxes. (The bill that comes in September of each year.)

### Chart 10 - School Costs For 152 PSAC

|                         |               |
|-------------------------|---------------|
| School Budget           | \$57,388.217. |
| Raised by Taxes         | \$39,155.475. |
| # Enrolled              | 3,440.00      |
| Local Share/Child       | \$ 11,382.41  |
| 152 School Age Children |               |
| x Cost per Child        | \$ 11,382.41  |

|            |               |
|------------|---------------|
| TOTAL COST | \$ 1,730,126. |
|------------|---------------|

### Positive Financial Benefit

The school district taxes from the Cornwall Commons mixed use - mixed age plan are as follows:

### Chart 11 - Tax Revenue Exceeds Costs

|                         |                     |
|-------------------------|---------------------|
| Residential             | \$2,038,087.00      |
| Non-Residential         | <u>691,813.85</u>   |
| Total Taxes             | \$2,729,900.85      |
| School Costs (152 PSAC) | <u>1,730,126.00</u> |
| Positive Benefit        | \$ 999,774.85       |

Even if the number of school age children is more than 152, the positive benefits would cover an additional 88 students. Even if the local share to educate a student is \$13,000, not \$11,382.41, the total taxes of \$2,729,900.85 would cover the costs for 210 increased students.

## EXHIBIT "F"

### Town of Cornwall County of Orange Tax Revenues From Plan

The real property tax assessments are also utilized for imposition of Town of Cornwall taxes for 9 different tax accounts or special tax districts. The total annual taxes from the plan for all is \$782,037. This is based on total assessed value for residential and non-residential uses of \$84,701,36 (\$103,108,000 residential FMV plus \$35,000,000 FMV non-residential total of \$138,108,000 FMV times ER of 61.33% equals \$84,701,136).

That taxable assessed value times respective tax rates per \$1,000 of assessed value provides the tax revenues from the plan.

For the County of Orange and State of New York that produces \$428,333 annual taxes.

For the Town of Cornwall that produces \$782,037 annual taxes. The breakout to the 9 Town categories are set out below.

#### Chart 12 - Town and County Tax Revenue

##### **Total AV**

|                 |                      |
|-----------------|----------------------|
| Residential     | \$63,236,136.        |
| Non-Residential | <u>\$21,465,000.</u> |
|                 | \$84,701,136.        |

##### **Orange County Taxes**

|                          |             |
|--------------------------|-------------|
| Rate / \$1,000 - \$5.057 |             |
| 84,701.                  | \$ 428,333. |

##### **Town of Cornwall Taxes**

|                            |             |
|----------------------------|-------------|
| Rate / \$1,000 - \$9.23291 |             |
| 84,701.                    | \$ 782,037. |

##### **Allocation by Town Purpose**

|                |          |              |
|----------------|----------|--------------|
| <u>Purpose</u> | <u>%</u> | \$782,037.   |
| Town           | 20.3     | \$158,753.51 |
| Highway        | 15.3     | \$119,651.66 |
| PT Town        | 17.7     | \$138,420.54 |

|          |      |              |
|----------|------|--------------|
| C Amb.   | 1.6  | \$ 12,512.59 |
| C Fire   | 16.4 | \$128,254.06 |
| Hydrant  | 2.5  | \$ 19,550.93 |
| LT       | 2.8  | \$ 21,897.04 |
| SWR O&M  | 18.2 | \$142,330.73 |
| SWR Cost | 5.2  | \$ 40,665.92 |

#### SUMMARY

THE ANNUAL TAX REVENUES TO THE TOWN, SCHOOL DISTRICT AND  
COUNTY OF ORANGE IS:

|                 |                     |
|-----------------|---------------------|
| TOWN            | \$ 782,037.         |
| COUNTY          | 428,333.            |
| SCHOOL DISTRICT | <u>2,729,900.</u>   |
| <b>TOTAL</b>    | <b>\$3,940,270.</b> |