

# North Westchester Embracing 'Adult Communities': It strongly supports ...

By PAULA R. BERNSTEIN

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pg. 433

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CHAPPAQUA, N. Y.—An upsurge in special housing for older adults is under way in northern Westchester County, to the distress of civil libertarians.

Along Route 118 in Yorktown, the Beaver Conference Farm is working out financing for a 224-unit senior-citizen apartment project to be called Beaveridge. The condominium community of Jefferson Village, which has 343 units, will eventually contain 1,000.

In the neighboring town of Cortlandt, Mitchell Berenson, a developer, has sent the planning board a proposal for Springvale East, his second project for retirement-age people. It will contain 200 condominium townhouses and 100 apartments, and will be two miles from the original Springvale, which has a hotel and 515 garden apartments.

In the town of Somers, east of Yorktown, Henry Papparazzo is breaking ground for the 3,000-unit Heritage Hills condominium complex, which will eventually house 6,000 adults. Somers' population is nearly 10,000 now.

There are slightly more than 1,000

housing units in northern Westchester that are occupied by men and women who would not be permitted to live there if they were younger, and that number may exceed 5,000 in a few more years.

The developments are built under senior-citizen zoning, multifamily zoning or zoning written especially to accommodate a builder. Each community sets a minimum age—ranging from 40 to 62—for at least one occupant of each unit. In some cases the age restriction is built into the zoning law; in others it is written

into the rental lease or condominium deed.

Among opponents of "exclusionary" zoning, the use of special adult zones has caused disquiet.

Lawrence Sager, a New York University law professor and an attorney for the New York Civil Liberties Union, describes the practice as "part and parcel of the exclusionary zoning problem."

Paul Davidoff, director of the Suburban Action Institute, a nonprofit group based in Tarrytown that fights for open zoning, is more vehement:

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David Portman, a partner in Frederick P. Clark Associates of Rye, a planning consulting firm, disagrees. If a town wants to get the maximum tax base with the minimum number of children, he said, it cannot do better than zone for senior-citizen communities. He added: “On balance, adult housing is probably a good thing in reasonable amounts and proportions.”

Mr. Portman had no doubt that the trend would continue. “We're going to see more of this type of housing—definitely,” he said. “A large proportion of people are going into that age group. Many of them have been community leaders. They have deep roots, and want a place to stay on.”

The builders sense a solid market, and to win approval from the towns they emphasize the tax benefits of adult communities, where residents have no young children, but help support large school budgets just the same.

Thousands of acres of northern

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Westchester land are still vacant. But often the terrain is rocky or hilly, and the costs of development are high. From the builders' standpoint, this increases the desirability of townhouses or garden apartments, and what better way to win support for them than to observe that they will spread the tax load?

The zoning code in the town of Yorktown describes the advantages of senior-citizen housing, maintaining that retired people have no need for

schools or related services, require on the average fewer municipal services and facilities, pay taxes that help stabilize the tax base and bolster the local economy because they usually have greater than average purchasing power.

Two years ago, the Clark planning firm calculated the school-tax benefits of some senior-citizen housing projects. In the Springvale development, near Croton, which has 515 apart-

Continued on Page 8, Col. 1

# North Westchester Embraces 'Adult Communities'

Continued from Page 1

ments, a one-bedroom unit rented for \$162 a month, creating a public-school tax surplus of \$86. In the Jefferson Village condominium community, in Yorktown, a one-bedroom home that sold for \$21,050 and cost \$25 a month in maintenance charges created a public-school tax surplus of \$415.

David Bogdanoff, the developer of Jefferson Village, estimated that when his complex was complete the total tax bill would be around \$823,000 a year. Mr. Paparazzo would give no estimates for his Somers community but he said that his 2,600-unit Heritage Village development in Southbury, Conn., which is nearly complete, paid close to \$1.5-million a year in taxes. Mr. Berenson said Springvale's taxes were \$160,000 a year.

The existence of Jefferson Village, Springvale and other communities with age restrictions raises some complex questions. For instance, if a widowed "senior citizen"

of 50 takes a 30-year-old bride and they become parents, can they and their baby be evicted? Yes and no, depending on whether one asks lawyers or builders.

Arden Rathkopf, of Glen Cove, L. I., a lawyer who helped write Yorktown's "age-oriented community" zoning law, doubts that violators could be evicted or forced to sell. "Zoning regulates the use of land and is not supposed to regulate the age of the people," he said.

Although a Connecticut court ruled out zoning by age, Henry Paparazzo is sure that Heritage Village, his Southbury development, is protected from children "as long as the age restriction is in the deed, and it's a contractual agreement, when the person buying the house knows the restriction."

In Somers, where Heritage Hills units will range in price from \$35,000 to \$65,000, the minimum age will be 40, and no children under 18 will be permitted. "People say this is discriminatory and illegal,"

Mr. Paparazzo acknowledged, "but there are age restrictions on other things. You have to be 16 to drive and 18 to drink, and some Federal housing is restricted by age and income levels."

What would he do if a couple in Heritage Hills had a baby? "Give 'em a box of cigars," Mr. Paparazzo chuckled. But he added that the problem had never arisen and that if it did there was "a lot of legal leverage" in the restrictions in the condominium deed and association papers.

Mr. Paparazzo scoffs at objections to "isolating" older people. "The truth of the matter is that this is what these older people want," he contended. "They say, 'We like children, but we want to be able to turn them on and off.' They have their grandchildren visit them. And Heritage Hills will be right across from a school."

Beyond geography, its relationship to the school is problematic. Some adult communities have gained reputations for opposing school

budgets and bond issues. In the Lakeland School District, the budget has been defeated the last two years, and some parents vow that there are always 500 "no" votes from Jefferson Village.

Harold Ormerod, a Jefferson Village resident, said: "There's always resentment against high taxes, no matter how you look at it." His school taxes climbed from \$360 in 1971 to \$617 in 1972, when his entire tax bill for a two-bedroom condominium came to \$993, he said.

Another Village resident, John Casucci, conceded that the school-tax issue hit a sore spot. "Taxes are skyrocketing terribly," he said, "and a lot of people here are on fixed salaries and incomes. Since we don't have children in the schools we should have some tax relief."

Other Westchesterites stress the need for more moderate-income projects for senior citizens—projects like the Fellowship Hall apartments in Bedford Hills, built under Mitchell-Lama funding. "We could fill Fellowship Hall

with five times the 100 people living there now," said the Rev. Lee Fairchild of the Mt. Kisco Presbyterian Church.

"More and more people are retiring early, and there are a lot of widows, too," observed Mrs. Helen Brooks, manager of Springvale, where the age limit has been lowered from 62 to 55. Typical of the new arrivals there is Mrs. Mabel Jaenicke, a widow, whose son in nearby Crugers persuaded her to move from the Bronx. Mrs. Jaenicke bubbles when she talks about her new life: "I feel so at home here, and I have wonderful neighbors. I don't even miss my old friends."

Yet the future of senior-citizen housing could be altered by legal challenge. Professor Sager of N. Y. U. observed that until three years ago no one was challenging municipal zoning, but "now people are taking a close second look at something unchecked that is going on."

"There is a drastic shortage of land," he said. "Whole

income groups are suffering. To take one group and favor them is to raise serious Constitutional questions. A municipality is using state power to attempt to form enclaves."

Already a New Jersey judge has upset a Glassboro zoning ordinance that limited the number of bedrooms in an apartment project, declaring: "The effort to establish a well balanced community does not contemplate the limitation of the number in a family by regulating the type of housing. The attempt to equate the cost of education to the number of children allowed in a project or community has no relation to zoning."

Legal action is being "seriously contemplated" by the Suburban Action Institute, said Mr. Davidoff. "There is a value issue here," he added. "Certainly we want to see that senior citizens are well housed. But to create the zone especially for them, to permit them to live in multifamily housing when no one else can, is

clearly abusive."

The prospect of legal challenge has not seemed to deter the consideration of more zoning changes. John Lombardi, town supervisor of North Castle, said: "People who have moved out of town have indicated to me that they would have stayed here if they could have bought townhouses. Senior-citizen housing is going to come."

And William Hitt, the supervisor of the town of Cortlandt, said: "When a town is growing as fast as we are, we can't provide essential services. We need a library, a police station, a town hall. Additional one-family housing brings all the problems these things require. But with senior-citizen housing we can provide housing that is needed."

"There should be some provision that people can live out their lives in their own style with their own peers. We're all going to be senior citizens someday, so we'd better be providing for the future."