

***State Environmental Quality Review Act (SEQRA)  
Findings Statement***

***EAGLE RIDGE***

Town of North Castle, Westchester County, New York

Contact Person For

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**SEQRA Lead Agency:**

Town of North Castle Town Board  
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**Date:**

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## **1.0 PROJECT DESCRIPTION**

MADDD Madonna Armonk LLC (hereinafter referred to as the “Applicant”), is proposing an 88 unit, town house development on an approximately 32.25 acre, vacant and undeveloped parcel of land (the project is hereinafter referred to as “Eagle Ridge”). The subject property is located in the south central portoi of the Town of North Castle, Westcehster County, on the southeast cornder of the North Castle Drive/Route 22 (Armonk Bedford Road) intersection. The property is more sepcficly knows and identified as Tax Map Number 108.03-1-62.1 (hereinafter referred to as the “Project Site” or “Site”).

The Eagle Ridge development has evolved from a project consisting of a 115-room boutique hotel, and a 59-unit multi-family condominium building on a 15.5-acre parcel, and a 50-unit, market-rate, age-restricted senior townhouse development on a 17.0-acre parcel, to a project consisting of a 124-room boutique hotel on a 10.6-acre parcel and 72 age-restricted townhouses on a 21.8-acre parcel. The Mixed-Use Hotel Plan was the subject of a full SEQR Environmental Impact Statement review, that culminated in the issuance of a Findings Statement by the Lead Agency (the Town Board) on December 14, 2022, which concluded that the Mixed-Use Hotel Plan would not result in any significant adverse environmental Impacts.

The new revised plan abandons the subdivision of the 32.5 acre parcel and mixed-use development concept, and instead proposes to rezone the property to the R-MF-A Multifamily zoning district, and to then develop the Site to support 88 three-bedroom townhouses, a private clubhouse and swimming pool for project residents, a new internal roadway loop, utility infrastructure, stormwater management, landscaping and associated site improvements. In connection with this new proposal, the Lead Agency (the Town Board) adopted a Negative Declaration on June 14, 2023 and re-zoned the property to the R-MF-A Multifamily zoning district.

Water service would be brought into the Site via two connection points, one in the park connecting to the Municipal water main near the pump house, and the other extending down Rt. 128 connecting to the Municipal main in the vicinity of Old Route 22. The Proposed Action will employ an array of environmentally responsible green building techniques, more fully described below, to reduce the demand on the public water supply. Sanitary sewage will be accommodated through a connection to the sewer line located within the easement along the eastern edge of the Site. The Applicant will work with the Town to meet the 3:1 inflow and infiltration (I&I) objective, in accordance with the requirements of Westchester County.

An array of green building measures are proposed; including:

- Energy star windows & appliances
- Additional wall & roof insulation
- Preservation of and access to open space
- Led lights

- Efficient irrigation and water reuse
- Rain barrels
- A portion of the required parking located in parking garages, which reduces surface paving and the heat-island effect
- Water-conserving fixtures
- Leak and water metering
- Low / no VOC paints, coatings and primers
- Composite wood products that emit low / no formaldehyde
- Environmentally preferable flooring
- Green roof and green walls
- Management and recycling of construction waste management
- Recycling storage
- Mold prevention: water heaters
- Radon mitigation
- Integrated Pest Management
- Active design: promoting physical activity within the building
- Staircases and building circulation
- Interior and outdoor activity spaces for children and adults
- Smoke-free building

In order to create a sense of place that unifies the project, an extensive landscaping plan has been developed. This landscaping plan unifies the Site by creating an attractive development with abundant visual interest. The landscaping plan incorporates the following elements:

#### **Community Open Space**

- The Project's outdoor activity center functions as a community gathering space and provides passive recreation opportunities
  - 1.5Acre recreation area.
  - Overlook deck with views to bio-retention basin and outdoor art.
  - Trail loop.
  - Diversity of landscape types- lawns, meadows, woodland, and rain gardens.

#### **Pedestrian Paths and Sidewalks**

- Provides pedestrian connectivity internally and to surrounding community and open spaces
  - Contiguous paths, trail way system, and sidewalks used for pedestrian circulation, passive recreation, and fitness.
  - Links to proposed sidewalks connecting the townhouse community.

- Large portion of the paths surrounded by swaths of native meadows and wildflowers (black-eyed susan, coneflower, butterfly weed, aster, liatris, goldenrod).
- A woodland trail creates connectivity within the community and provides for a diverse walking experience.

### **Townhouses Community and Streetscape**

- Reinforce a sense of place / neighborhood.
  - Tree-lined (hybrid american elm, sugar maple, red oak) streets provide shade, traffic calming, and environmental benefit.
  - Variety of plant types: shade trees, clusters of flowering trees (redbud, dogwood) and shrubs provides seasonal interest and pedestrian scale.
- Stone walls, fences, and cottage gardens between units act as landscape features and recall the site's history as a farm.
- Buffer planting of evergreens and oaks between townhouses and IBM parking lot.

### **Bioswale**

- Provides green infrastructure collecting stormwater runoff and directing it to bio-retention basins.
- Sweeping curvilinear forms soften walls and grade changes between units .
- Tiered low walls are heavily planted to create a living wall effect.

### **Woodland Edge**

- Natural transitional edge of native plants which extends from existing woodlands to new meadows and turf areas.
  - Native grasses (switchgrass, little bluestem) and shrubs (chokeberry, nanny berry viburnum, grey dogwood) attract wildlife and provide habitat.
  - Flowering dogwood and redbud trees add seasonal interest.

### **Sculpture Meadow**

- Functional and visual space which creatively addresses on-site storm water management
  - Quilt-like patterns of various meadow grasses provides habitat for birds.
  - Sculptural earth forms.
  - Large scale outdoor art.
  - New trees with sculptural profiles informally frame views to outdoor art (willows, white oak, sycamore).

### **Site Lighting**

- Site lighting that conforms to the minimum requirements of the Town Code.
- Average illumination levels within the IES recommended standards for roadway and pedestrian walkway applications.
- All luminaires for the project include a house side shield to minimize light trespass.
- No light trespass on neighboring properties due to fixtures having sharp cutoffs and distance from the property line.
- Light fixtures are dark sky compliant and do not contribute to light pollution.

### **Existing Trees / Landscape Restoration Plan**

A vast majority of the existing trees being removed within the limit of disturbance are in fair to poor condition. In addition, many are considered to be invasive (i.e., Norway Maple) and undesirable due to the fact that they are disease-prone and weak wooded (i.e, cherry, black birch, ash, elm, black locust). The proposed landscape plan will introduce over 300 new hardy native trees including the following:

- Shade trees
  - Sugar Maple (*Acer saccharum*)
  - Red Maple (*Acer rubra*)
  - Red Oak (*Quercus rubrum*)
  - White Oak (*Quercus bicolor*)
  - Honey Locust (*Gleditsia triacanthos*)
  - River Birch (*Betula nigra*)
  - American Elm (*Ulmus Americana* ‘Princeton’)
- Flowering trees
  - Flowering Dogwood (*Cornus florida*)
  - Eastern Redbud (*Cercis canadensis*)
  - Shadblow Serviceberry (*Amelanchier canadensis*)
- Evergreen trees
  - White Fir (*Abies concolor*)
  - White Spruce (*Picea glauca*)
  - Norway Spruce (*Picea abies*)\*
  - Colorado Spruce (*Picea pungens*)
- The Following shrubs are proposed;

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\* Non-native, adapted

- Winterberry (*Ilex verticillata*)
  - Compact Inkberry (*Ilex glabra* ‘Compacta’)
  - Bayberry (*Morella pensylvanica*)
  - Fragrant Sumac (*Rhus aromatica*)
  - Arrowwood Viburnum (*Viburnum dentatum*)
  - Grey Dogwood (*Cornus Racemosa*)
  - Red Osier Dogwood (*Cornus sericea*)
  - Virginia Sweetspire (*Itea virginica*)
  - Leatherleaf Viburnum (*Viburnum rhytidophyllum*) \*
  - Doublefile Viburnum (*Viburnum plicatum* f. *tomentosum* ‘*Mariesii*’) \*
  - Wintergem Boxwood (*Buxus sinica* var. *insularis*) \*
  - Andromeda (*Pieris japonica*) \*
  - Japanese Meadowsweet (*Spiraea japonica*) \*
- The following Native Perennials & Grasses are proposed;
    - Black-eyed Susan (*Rudbeckia hirta*)
    - Coneflower (*Echinacea purpurea*)
    - Butterfly Weed (*Asclepias tuberosa*)
    - New England Aster (*Symphyotrichum novae-angliae*)
    - Blazing Star (*Liatris spicata*)
    - Goldenrod (*Solidago rigida*)
    - Joe-Pye Weed (*Eutrochium purpureum*)
    - Garden Phlox (*Phlox paniculata*)
    - Switchgrass (*Panicum virgatum*)
    - Little Bluestem (*Schizachyrium scoparium*)
    - Pennsylvania Sedge (*Carex pensylvanica*)
    - Northern Prairie Dropseed (*Sporobolus heterolepis*)

A stormwater management plan has been developed for the Proposed Action consisting of detention basins, subsurface infiltration devices, catch basins and manholes, hydrodynamic separators, sediment traps and rain gardens among other measures,.

New exterior lighting is proposed throughout the Site to afford safety, facilitate circulation and wayfinding. All lighting will be Dark Sky compliant, shielded, downward directed and will be designed to provide appropriate levels of illumination. Illumination levels along the perimeter of the Site will not exceed 0.5 footcandle pursuant to Section 355-45.M of the Town Code.

The development described above is hereinafter referred to as the “Proposed Action.”

## **2.0 PUBLIC PURPOSE, NEED AND BENEFITS**

The Proposed Action represents the development of a vacant and underutilized parcel of land in a manner that is consistent with the long-term vision of the community as articulated in the recently adopted Comprehensive Plan, as well as with existing and anticipated market trends.

After careful market study and evaluation by the Applicant, the Proposed Action has been refined to specifically reflect market conditions in the following ways.

While there may be space in the market for the construction of additional hotel inventory, the Applicant believes that that the maximum development potential under the OBH, can't be supported in the marketplace. The Applicant has determined that the most viable project represents an all residential townhouse development.

After careful consideration, the Lead Agency, supported by the conclusions of its marketing consultant, ultimately agreed with the Applicant that an all residential development was appropriate for the Site and is consistent with the existing and proposed land use characteristics of the surrounding area. This determination by the Lead Agency was memorialized by the adoption of the Negative Declaration dated June 14, 2023 and the rezoning of the Site to the R-MF-A Multifamily zoning district.

## **3.0 SEQRA REVIEW PROCEDURE**

In 2016, the Applicant commenced negotiations with IBM to purchase the project Site for the purpose of developing a mixed-use development. On August 22, 2017, the sale of the property was completed, and the Site was transferred from IBM to MADDD Madonna Armonk LLC. Shortly thereafter, the Applicant began the process of developing design alternatives for the Site, ultimately culminating in the submission of a verified petition to rezone the Site to accommodate a development proposal.

The chronology of the SEQRA review is summarized below:

March of 2018: The Applicant, submitted a verified petition requesting a rezoning of the Site to accommodate a development proposal.



March 28, 2018: The Town Board declared its intent to serve as Lead Agency for the SEQRA review of the Proposed Action. The Lead Agency Notice of Intent was circulated to all Involved Agencies in accordance with 6 NYCRR 617.6, and no objections to that designation were received.

May 30, 2018: The Town Board confirmed its Lead Agency designation and having reviewed the potential environmental effects of the proposed Project, as identified in the EAF submitted by the Applicant, adopted a Positive Declaration requiring the preparation of a Draft Environmental Impact Statement (“DEIS”).

June 13, 2018: The Lead Agency held a formal scoping session on the DEIS, and on June 27, 2018 and adopted a Scoping Document, which identified each relevant issue to be studied in the DEIS.

December 12, 2018: The Applicant submitted a draft DEIS, prepared in accordance with the adopted Scoping Document, which was the subject of a completeness review by Town staff and consultants. The completeness review resulted in comments requiring revisions to the DEIS. The Applicant then submitted a revised DEIS, which was reviewed by Town staff and consultants, and determined to have addressed all of the completeness comments, and was found to be in a form suitable for acceptance by the Lead Agency.

May 22, 2019: The Town Board, after conducting its own independent completeness review, determined that the Draft Environmental Impact Statement adequately addressed the requirements of the Scoping Document and accepted the DEIS as complete, and scheduled a public hearing for June 26, 2019. The DEIS was circulated to all Involved Agencies and publication of notice of its acceptance by the Planning Board was duly published in the Environmental Notice Bulletin (“ENB”).

June 26, 2019: The public hearing on the DEIS was opened on June 26, 2019, at which time all those wishing to comment on the Project were afforded an opportunity to be heard. The Town Board closed the verbal portion of the public hearing on July 10, 2019, and written comments were accepted until August 19, 2019.

May 7, 2020: The Applicant submitted a draft FEIS, which responded to all comments received during the public hearing, as well as all written comments. This document was the subject of a completeness review by Town staff and consultants. The completeness review resulted in comments requiring revisions

to the FEIS. The Applicant subsequently revised and resubmitted the FEIS, which was reviewed by Town staff and consultants, and determined to have addressed all of the completeness comments and was found to be in a form suitable for acceptance by the Lead Agency.

December 21, 2020: The Town Board accepted the FEIS as complete, and established a 10-day written comment period. The FEIS was circulated to all Involved Agencies and publication of notice of its acceptance by the Town Board was duly published in the ENB.

August 11, 2021: The Town Board adopted an Environmental Findings Statement and rezoned a portion of the Project Site to the R-MF-SCH Multifamily Senior Citizen Housing zoning district.

October 18, 2022: The Applicant submitted revised plans to the Town Board requesting that an Amended Findings Statement be adopted to reflect the Applicant’s revised plans, which included a 4 story, 82,998 s.f., 124 key hotel.

December 14, 2022: The Town Board adopted an Amended Findings Statement for the revised Project, concluding that the Mixed-Use Hotel Plan would not result in any significant adverse environmental impacts.

March 15, 2023: The Applicant submitted an Amended Petition to the Town Board abandoning the hotel portion of the Project in its entirety and requesting that the Site be rezoned to the R-MF-A Multifamily Residential zoning district.

June 14, 2023: The Town Board adopted a Negative Declaration and rezoned the entire Site to the R-MF-A zoning district to accommodate an 88 unit townhouse development.

**4.0 REQUIRED PERMITS & APPROVALS**

The required permits and approvals for the Proposed Action are set forth in table 1.

Table 1 Project Reviews and Approvals	
Involved Agency	Approval/Review
<b>Town of North Castle</b>	
Town Board	<ul style="list-style-type: none"> <li>▪ SEQRA review and adoption of Findings</li> <li>▪ Zoning map change (OBH to R-MF-SCH)</li> <li>▪ Zoning text amendment (OBH zone)</li> </ul>
Planning Board	<ul style="list-style-type: none"> <li>▪ Zoning map and text amendment referral and recommendation</li> <li>▪ Site Plan approval</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Subdivision approval</li> </ul>
Architectural Review Board	<ul style="list-style-type: none"> <li>▪ ARB approval</li> </ul>
Conservation Board	<ul style="list-style-type: none"> <li>▪ Recommendation</li> </ul>
Building & Engineering Department	<ul style="list-style-type: none"> <li>▪ SWPPP</li> <li>▪ Building Permits'</li> <li>▪ Utility and Roadway Approval</li> </ul>
Water & Sewer Departments	<ul style="list-style-type: none"> <li>▪ Water service connection</li> <li>Sanitary sewer service connection<sup>5</sup></li> </ul>
<b>Westchester County</b>	
Health Department	<ul style="list-style-type: none"> <li>▪ Water Main Extension; Sewer Main Extension; Realty Subdivision Approval</li> </ul>
Planning Board	<ul style="list-style-type: none"> <li>▪ 239-m referral</li> </ul>
<b>New York State</b>	
Department of Environmental Conservation	<ul style="list-style-type: none"> <li>▪ SWPPP Notice of Intent (NOI)</li> </ul>
Parks Recreation & Historic Preservation	<ul style="list-style-type: none"> <li>▪ Cultural resources review</li> </ul>
Department of Transportation	<ul style="list-style-type: none"> <li>▪ Right-of-Way Work Permit</li> </ul>

## 5.0 FINDINGS CONCERNING ENVIRONMENTAL IMPACTS

The DEIS and FEIS (together, the “EIS”) include an environmental evaluation of the following resource issues:

- Land Use & Zoning
- Geology & Soils
- Topography & Slopes
- Vegetation & Wildlife
- Wetlands
- Stormwater Management
- Utilities
- Traffic & Transportation
- Visual Resources & Community Character
- Community Facilities & Services
- Fiscal & Market Conditions
- Historic, Archaeological and Cultural Resources
- Open Space
- Construction Impacts

### 5.1 LAND USE & ZONING:

The Proposed Action is a development consisting of a 88 townhouses with associated improvements. These uses are proposed on a 32.5-acre vacant parcel that is currently zoned R-MF-A. The Lead Agency has determined that the proposed an all residential townhouse development is in keeping with the development envisioned on the Site and that 88 units represents the optimal development density for the Site while minimizing environmental impacts. The Lead Agency’s position was confirmed on June 14, 2023 when a Negative Declaration was adopted and the required residential zoning to accommodate the proposed townhouse development was adopted.

***Land Use:***

The Site was historically used for agricultural purposes until 1920, when it was developed an estate and planted with an extensive apple, pear and peach orchard. In 1955 IBM purchased the property for their corporate headquarters. The majority of the 32.5-acre Project Site was never used to support IBM’s larger office use. A paved helipad and access driveway located in the southwest corner of the Site and portions of driveways were the only improvements constructed on the Site. The balance of the Site, or approximately 31 acres (97% of the Site) have been in its current vacant and undeveloped condition since approximately the 1960’s when IBM ceased maintaining the remaining apple orchard.

The Site lies in a transitional location in between a number of significant land uses. To the south is the IBM corporate campus. To the east is Community Park, the Town’s sewage treatment facility, and the various uses along Business Park Drive. To the north is the diverse mix of uses in the Armonk Hamlet, and to the west are commercial uses along Route 22, backed by residential uses and the Betsy Sluder Nature Preserve.

The Findings Statement concluded that the Mixed-Use Hotel Plan was consistent with the goals of the Town of North Castle Comprehensive Plan, and would appropriately integrate with the existing diverse surrounding land uses.

The proposed rezoning from the OB-H Zoning District to the R-MF-A Zoning District is consistent with the Comprehensive Plan’s recommendation calling for “Consider adjusting the PLI, OB-H and DOB-20A zones (business park portion of IBM and Swiss Re/former MBIA campus) to allow for the introduction of hotel use and residential uses at low scale (two to three stories) to reflect existing land-use patterns. Retail, personal service, entertainment and ancillary higher education uses may also be considered for the PLI and DOB-20A zones, but should be limited to uses that are clearly accessory to principal uses (office and residential) to avoid competition with downtown Armonk.”

The Townhouse Plan includes a residential townhouse use that was previously included as a component of the Mixed-Use Hotel Plan. As such, the Townhouse Plan is consistent with the existing and proposed land use characteristics of the surrounding area.

No significant changes to this land use pattern have occurred since the adoption of the Findings Statement.

Zoning:

The Site had been zoned OBH – Office Business Hotel. The Mixed-Use Hotel Plan involved subdividing the Site to create two new lots of 10.6 acres that would remain OBH, while the second 21.8 acre lot would be rezoned to the R-MF-SCH - Residential Multifamily Senior Citizen Housing District.

The Townhouse Plan no longer requires the subdivision of the property to create separate residential and hotel parcels. To accommodate the townhouse development, the Site will remain as a single parcel, that once rezoned from OBH to the R-MF-A - Multifamily District, would be subdivided into 91 separate lots supporting the 88 townhouses, 2 open space lots and a separate lot for the private roadway.

The Town Board found that the R-MF-A Multi-Family district is an appropriate zone to facilitate the appropriate development of the Site. This is due in part to the proximity of the Site to downtown Armonk, and the specific zoning dimensional controls of the R-MF-A district that allow for more compact development resulting in the preservation of a greater amount of open space.

As set forth in §355-25 A., the intent of the R-MF-A Multifamily District is as follows:

“This district is established in order to further promote the goals and purposes of the Multifamily R-MF zone and to further promote the goals of the Town Development Plan by providing a multifamily residential density at the upper end of the density range as set forth in such Town Development Plan for “Hamlet Density.”

Table A documents the zoning dimensional requirements of the OBH and the R-MF-A zones

Table A OBH and R-MF-A – Dimensional Regulations											
	Minimum Lot Area				Minimum Yards			Maximum Building Coverage	Maximum Building Height		Floor Area Ratio
	Area	Frontage	Width	Depth	Front	Side	Rear	Lot Area	Stories	Feet	
OBH	9 ac.	500'	N/A	400'	80'	80'	300'	10%	3	45'	0.20
R-MF-A	5 ac.	25'	250'	250'	10'	10'	25'	20%	3	30'	N/A

In addition to the applicable dimensional requirements set forth above, §355-25 establishes provisions for the R-MF-A zone, which also requires compliance with the applicable provisions of §355-24 which apply to the R-MF zone.

The following additional requirements would apply:

- Density - 1 density unit per 14,000 square feet of land area. The “Net Lot Area” of the Site is 28.8 acres. The maximum permitted “Net Density” is 134 density units. 88 units are proposed.

The Townhouse Plan complies with this provision.

- Bedrooms - The Planning Board shall determine the number of bedrooms in each dwelling unit. The dwellings in the Townhouse Plan consist of three-bedroom units. It is acknowledged that the Planning Board will determine the appropriate bedroom mix after analyzing all of the impacts of the Townhouse Plan.
- Water & Sewage - All attached, semi-attached, detached or multifamily dwellings shall be served by public sewer and water. The proposed development will be interconnected to the public water supply of Water District 4 and the public wastewater system of Sewer District #2.

The Townhouse Plan complies with this provision.

- Antenna System - A central antenna system shall be provided for groups of buildings. This aspect of the Townhouse Plan has not yet been developed. However, if found to be necessary, a central antenna system will be utilized.
- Open Space and Recreation Area - Pursuant to the requirements of §225 (Parkland Reservations), a recreation area equal to 12% of the total site area, or 3.9 acres is required. 24.8 acres or 76.3% of the Site will remain as open space, which represents an 64% increase above the code requirement.

The Townhouse Plan complies with this provision.

- Design Considerations - §224 G sets forth design consideration that must be addressed. The proposed development has taken the design consideration into account.

The Townhouse Plan complies with this provision.

- Required Parking - 2 off-street parking spaces per unit are required (176 spaced for the Townhouse Plan), and at least 1/3 but no more than 2/3 of the spaces shall be enclosed. The Townhouse Plan will provide two spaces for each unit. Additionally, 10 visitor spaces are provided adjacent to the clubhouse and 26 additional visitor spaces are provided throughout the Site.

The Townhouse Plan complies with this provision.

- Affordable Affirmatively Furthering Fair Housing (AFFH) - 10% of the units shall be created as affordable AFFH units. The Townhouse Plan provides for 8 AFFH units.

The Townhouse Plan complies with this provision.

Table B documents the Townhouse Plan’s compliance with the applicable R-MF-A dimensional requirements.

Table B Townhouse Plans Compliance with R-MF-A – Dimensional Regulations		
Zoning Provision	Required	Proposed
Lot Area	5 ac.	32.5 ac.
Frontage	25'	1,605.2
Lot Width	250'	1,091.5'
Lot Depth	250'	629.7'
Front Yard	10'	60'
Side Yard	10'	69.6'
Rear Yard	25'	158.2'
Maximum Lot Coverage	20%	15.4%
Building Height	3 stories/30'	3 stories/30'

The Townhouse Plan complies with all R-MF-A dimensional regulations.

It is acknowledged that the proposed 88-unit plan represents the maximum permitted development of the Site.

***FINDING.*** *The Planning Board finds that the Proposed Action is consistent with the goals of the Town of North Castle Comprehensive Plan as well as the other land use plans governing the area. The Proposed Action will allow for the development of the Site in a manner that appropriately integrates with the diverse surrounding land uses. The Planning Board finds that no significant adverse land use or zoning impacts will result from the Proposed Action.*

## **5.2 GEOLOGY AND SOILS**

The soil and geologic conditions on the Site are typical of the area. The depth to bedrock throughout the Site is variable, ranging from exposed surface rock outcroppings to over 11' deep. Both the Mixed-Use Hotel Plan and the proposed Townhouse Plan involve disturbances to soils and subsurface conditions. The difference to these impacts between the two plans is negligible. The Town Board Finding Statement concluded that subject to the implementation of typical and standard erosion and sediment control measures that address issues of land grading, topsoiling, temporary and permanent vegetative cover, mulching and erosion checks, no adverse impacts to the Site's soils and geology would result from the proposed development. This finding would hold true for the proposed Townhouse Plan.

Based upon site investigations and proposed site grading, completely weathered rock and intact bedrock will likely be encountered during site excavation. The degree of penetration into the bedrock with excavation equipment will depend on the composition of the rock, the degree of weathering and fracturing of the rock itself. A hydraulic hammer will be used to mechanically remove rock. Should this method prove infeasible, blasting would be performed in accordance with all federal, state and town codes (Town of North Castle Code, Chapter 122 Blasting, Explosives and Chipping). The resultant shot or ripped rock will be re-used on-site if possible, or removed off-site as specified in the construction management plan. If the rock that is removed is of suitable volume and composition, it may be able to be processed on-site and used as crushed stone in base layers below buildings and roadways.

Should chipping be necessary, the Applicant will need to secure a chipping permit pursuant to Article II of Chapter 122 of the Town Code.

Should blasting be necessary, the Applicant will need to secure a blasting permit pursuant to Article I of Chapter 122 of the Town Code.

The majority of the Site’s soils are classified as Charlton-Chatfield Complex, and do not present any severe development limitations. Preliminary soil testing was carried out in August of 2018, which did not encounter groundwater and revealed acceptable permeability rates. These parameters will be incorporated into the applicable calculations in the SWPPP.

An Erosion and Sediment Control Plan has been developed to mitigate short-term construction related impacts. This plan, which will be included with the Site Plan and SWPPP, addresses land grading, topsoiling, temporary vegetative cover, permanent vegetative cover, mulching and erosion checks. A continuing maintenance program will be implemented for the control of sediment transport and erosion after construction and throughout the useful life of the Proposed Action.

***FINDING.*** *The Planning Board finds that the implementation of the mitigation measures described above represents the best available technologies and practices to ensure that any impacts to the Site’s soils or geologic resources are minimized to the maximum extent practicable. Subject to the implementation of these mitigation measures, no significant adverse impacts to the Site’s geology or soils will result from the Proposed Action.*

**5.3 TOPOGRAPHY & SLOPES**

The Site can be generally characterized as the eastern side of an oval shaped elongated hill that rises up from the Route 22/North Castle Drive/Main Street intersection, to the original IBM headquarters building, located on the crest of the hill at approximately elevation 570’, a differential in elevation of approximately 150’.

Table C documents the topographical slope on the Site.

Table C Existing Slopes		
Slope Category	Area (Acres)	Area (Percent of Site)
0 – 15%	16.8	52%
15 – 25%	7.6	23%
25 - 35%	3.6	11%
≥ 35%	4.5	14%
<i>Total</i>	<i>32.5</i>	<i>100%</i>



The Mixed-Use Hotel Plan would have disturbed approximately 22.3 acres or 68.6% of the Site and encroach into 1.7 acres of steep slopes in excess of 25%. Approximately 2,555 cubic yards of excavation would have been required, some of which would involve rock removal.

The Townhouse Plan will disturb approximately 19.99 acres or 61.5% of the Site and encroach into 0.57 acres of steep slopes in excess of 25%. Approximately 130,000 cubic yards of cut and 110,000 cubic yards of fill are required, resulting in a net cut of 20,000 cubic yards of material. Some excavation would have been required, some of which would involve rock removal. Assuming all the excess excavated material is to be removed from the Site the number of truck trips will be approximately 1,000. Assuming standard trucks, a construction period of approximately 42 months, and 200 working days a year, results in under 5 truck trips a day. The site is adjacent to NYS Route 22 and has easy access to Interstate 684; both major arteries designed for truck traffic. The rock removed from the Site will be processed on-site and used in the townhouse construction under basement slabs. The processed rock will also be used in the drainage systems and the sewer pipe bedding. This will limit export of excavated material.

Table D summarizes the topographical and slope impacts of both plans.

Table D Topography & Slope Impact Comparison						
	Disturbance	Slope Impacts				Cut/Fill
		0-15%	15-25%	25-35%	>35%	
Mixed-Use Townhouse Plan	22.3	13.5	3.9	1.1	0.6	2,555 cy (cut)
Townhouse Plan	19.99	15.4	2.41	1.4	0.57	20,000 cy (net cut)

Under the Mixed-Use Hotel Plan, some of the required excavated material would be processed on-site and reused as fill, but the EIS conservatively assumed that the entire volume of material would be exported, requiring 160 truck trips. Under the Townhouse Plan, the amount of cut has been increased, resulting in 1,000 truck trips, if all excess material were exported.

As documented in the Town Board’s Finding Statement, mitigating impacts to steep slopes will be accomplished through the implementation of best management practices and the installation of an array erosion and sediment control measures. These same measures and practices would be utilized for the Townhouse Plan. No more than 5 truck trips per day will be required to remove excavated material, which will occur over time and will be scheduled to occur during off-peak traffic hours. As a result, no significant adverse impacts to the Site’s topography or steep slopes would result from the Townhouse Plan.

Minimizing impacts to steep slopes has been a primary consideration in the design, layout, and configuration of the Proposed Action. Unavoidable encroachments into

approximately 1.7 acres of regulated steep slopes will result requiring the issuance of a steep slope disturbance permit as required by Town Code. Construction related impacts to steep slopes will be mitigated by implementing best management practices and installing and maintaining erosion and sediment control measures. The permanent stabilization of disturbed steep slopes will be accomplished through the installation of retaining walls (as needed) and proposed revegetation and landscaping.

The following measures have been taken:

- The Proposed Action limits has been designed so that there is a zero increase in the rate of stormwater runoff from the Site.
- No terracing is proposed and the buildings and associated site improvements have been designed to be built into the hillside where applicable in order to minimize slope disturbances.
- The proposed roadway and driveways have been designed to follow the natural topography of the Site to the greatest extent possible. Temporary erosion controls (silt fencing, etc.) and permanent erosion controls (engineered slopes, lawn areas, etc.) will be utilized to minimize potential erosion.
- The Proposed Action proposes grading that blends into and generally relates to the natural contours of the Site. Retaining walls, building walls and/or rock cuts are proposed in areas to accomplish the site design and to create easily maintained and erosion resistant stabilized slopes.
- Cuts and fills are to be rounded off to eliminate sharp angles at the top, bottom and sides of regraded slopes.
- The angle of cut and fill slopes will not exceed a slope of one vertical to two horizontal, except where retaining walls, structural stabilization or other engineering methods acceptable to the Town Engineer are employed.
- The tops and bottoms of cut and fill slopes shall be set back from all structures an adequate distance to ensure the safety of the structures in the event of the collapse of the slope. Generally, this distance shall be six feet plus  $\frac{1}{2}$  the height of the cut or fill.
- Disturbance to slopes shall be undertaken in workable units to avoid long periods when slopes are exposed and bare.

- Existing ground cover will not be cleared and grubbed more than 15 days prior to grading and construction.
- Temporary soil stabilization, including if appropriate, temporary stabilization measures such as netting or mulching to secure soils during the grow-in period, shall be applied to areas of disturbance within two days of establishing the final grade, and permanent stabilization shall be applied within 15 days of establishing the final grade.
- All proposed disturbances to slopes shall be undertaken with consideration of the engineering limitations of the ChD - Charlton Loam – 15 to 25 percent slopes, CrC – Charlton-Chatfield Complex, rolling, very rocky, CsD – Charlton-Chatfield Complex, hilly, very rocky, RdA – Ridgebury Loam, 0 to 3 percent slopes and Ub – Urothents, smoothed soil units.
- Topsoil removed from areas of disturbance shall be stockpiled for re-use and stabilized in a manner to minimize erosion and sedimentation. No stockpiles shall be placed on slopes greater than 10%.
- All fill materials will be properly compacted.
- Erosion and sedimentation measures shall conform to the Westchester County Soil and Water Conservation District’s “Best Management Practices Manual for Erosion and Sediment Control” and the NYSDEC’s “Guidelines for Urban Erosion and Sediment Control” as amended, or its equivalent satisfactory to the Planning Board and Town Consulting Engineer.

Additionally, the following specific temporary measures, as documented in the SWPPP, are proposed:

Anti-Tracking Pad – Anti-Tracking Pads shall be installed at all construction entrances. The purpose of the Anti-Tracking Pad shall be to dislodge mud, dirt, and debris from construction vehicles prior to these vehicles leaving the construction site. This will ensure the existing roadways are kept clear of sediment. Locations and details of the Anti-Tracking Pad shall be documented on the Site Plan and associated construction documents.

Silt Fence – Silt Fencing consists of a fabric barrier between supporting stakes or posts usually made of wood. The fabric is proposed to capture suspended sediments

from construction runoff and also decreases the velocity of the runoff to protect off-site areas. The proposed location of the silt fence and installation details shall be shown on the Site Plan and associated construction documents.

Haybales – Haybales are used in a variety of erosion control devices. At the top of an excavation, haybales are used to spread out concentrated flow to prevent erosion. Haybales are used in conjunction with silt fence to add additional protection to sensitive areas such as wetlands and water bodies. Haybales are also used in conjunction with Silt Fence to protect surrounding areas from soil stockpile erosion. The proposed location of the haybales shall be shown on the Site Plan and associated construction documents.

Inlet Protection – Inlet protection is used to filter runoff from non-stabilized construction sites prior to this runoff entering the drainage system.

Temporary Sediment Trap – Temporary Sediment Traps are small ponding basins constructed by excavation or embankment used to intercept sediment laden runoff. The sediment trap protects waterways, properties, and right-of-ways below the sediment trap.

Toward the completion of construction, permanent sediment and erosion control and stormwater quality and quantity measures will be implemented for long-term erosion protection and water quality and quantity enhancement. The following permanent control measures are proposed:

Green Roof – A green roof is proposed, planted with sedum.

Catch Basins – Used to remove coarse sand and grit sediment before entering the drainage system. Each catch basin will include a minimum of an 18” sump.

Infiltration Basins – Used to treat the runoff volume generated by the developed area and new impervious surfaces and to provide improved water quality. Runoff volumes from storms are retained and released gradually.

Detention Basins - Provide water quality pre-treatment by separating out sediment, debris, floatable, etc. from the runoff stream prior to discharge into the various stormwater management practices.

Rain Gardens – Improve water quality through stormwater absorption through planted depressions.

Rip-Rap Energy Dissipaters – At stormwater discharge point, rip-rap pads consisting of large rocks, will be installed to dissipate velocity and reduce erosion.

Seeding - All areas of disturbance, not otherwise developed, improved or landscaped, will be seeded and mulched to form a permanent uniform erosion resistant surface.

**FINDING.** *The Planning Board finds that, subject to the implementation of the mitigation measures described above, no significant adverse impacts to the Site’s topography or slopes will result from the Proposed Action. If rock processing is proposed, approval for the rock processing shall require review and approval by the Planning Board. Should chipping be necessary, the Applicant will need to secure a chipping permit pursuant to Article II of Chapter 122 of the Town Code. Should blasting be necessary, the Applicant will need to secure a blasting permit pursuant to Article I of Chapter 122 of the Town Code.*

#### **5.4 VEGETATION AND WILDLIFE**

The Site is comprised of wooded hillside along the northern and eastern portion of the Site, and an open field in the upper portion of the Site that was formerly an orchard.

The Mixed-Use Hotel Plan would have disturbed approximately 22.3 acres of the 32.5-acre Site (68.6%). Of this disturbance, 7.8 acres would be devoted to buildings, driveways, walkways and other paved surfaces. Additionally, approximately 658 trees of the 1,524 trees present on the Site in excess of 8” dbh would need to be removed. Of the trees that would be removed from the Site, few predate the previous orchard use. The balance were planted or have grown as pioneering species after the 1960’s.

By contrast, the Townhouse Plan will disturb approximately 19.99 acres (61.5%). Of this disturbance, 7.7 acres will be devoted to buildings, driveways, walkways and other paved surfaces.

Two areas of the site exhibit sensitivity with respect to vegetation and wildlife; a fragment of an oak-tulip tree forest community, and an on-site wetland.

The oak-tulip forest has been identified simply because it is present at the very northern edge of its range. It is very fragmented, and lacks the dominant tulip trees suggesting that it would be more aptly characterized as a mixed mesophotic forest. Encroachments and impacts to this area were primarily avoided under the Mixed-Use Townhouse Plan, with fewer than 20 trees being removed, none of which were large or specimen trees, nor were

any of the trees oaks or tulips. The Townhouse Plan would not result in any further encroachments into this area.

The on-site wetland and wetland buffer remain undisturbed under both plans.

The development of the Site will have no impact on any rare plants or significant natural habitats on the Site or in the vicinity and the ecological communities on the Site and their availability as habitat for local and migratory species of wildlife will not be adversely impacted by the Proposed Action.

During the site clearing and construction phases of the development of the Site, it is expected that some of the smaller, less mobile or juveniles of some wildlife species would be impacted. However, the majority of the species that utilize the Site are more mobile and would be able to avoid conflicts or injury. Displaced species are expected to relocate to adjacent contiguous areas of similar habitat.

Under both plans, an approximately 16-acre unfragmented wildlife corridor extends along the entire eastern edge of the Site. This corridor ranges between 170 feet and 510 feet in width and extends for approximately 2,400 feet.

While the Site is located within the range of the threatened Northern Long-Eared Bat, the on-site habitat is not conducive to support this species, and no observations of this mammal have been recorded near the Site.

While the Site supports the successional old-field ecological community, the specific habitat characteristics for the Eastern Meadowlark and Bobolink are not present on the Site, and no physical evidence of either species was observed.

To compensate for the loss of vegetation, a new landscaping is being proposed in support of the Townhouse Plan. Specific details of the landscaping plan would be finalized during the site plan review process.

The Town Board Findings Statement concluded that the disturbance of the Site is reasonably necessary to accommodate the proposed development. As the Townhouse Plan proposes a generally equivalent disturbance to the Site, in generally the same areas as previously documented, no significant adverse impacts to vegetation and wildlife will result from the Townhouse Plan.

To compensate for the loss of vegetation, a new Landscaping Plan is proposed. This plan includes extensive new plantings in features such as the village commons (coneflower, joe pye weed, switchgrass) linear greenway (black-eyed susan, coneflower, butterfly weed, aster, liatris, goldenrod), residential streetscape (American elm, sugar maple, red oak), woodland edge (switchgrass, little bluestem, chokeberry, nanny berry, viburnum, grey dogwood, flowering dogwood, redbud), hotel plantings (river birch, serviceberry), and meadow (willows, white oak, sycamore). The plant materials selected for the Landscaping Plan consist primarily of native species that are consistent with the existing on-site ecological communities. Where possible, remnant apple trees from the former orchard will be preserved and incorporated into the Landscaping Plan.

During the staking of the limit of disturbance, an assessment will be conducted to determine if modifications to grades or other measures (such as the use of tree wells) can be employed conserve additional trees.

All trees within the area of disturbance in excess of 8" dbh that are to remain shall be protected through the installation of orange construction fencing at the dripline of the tree. Areas within the fencing will be mulched with 4" – 6" of coarse wood chips, watered during extended periods of no rain and supplemented with a top dressing of compost and/or an application of bio-stimulant.

To minimize the reestablishment of invasive species, manual removal and off-site legal disposal of invasive plants, invasive plant tissues, roots, rhizomes, vines and fruit/seeds would be undertaken.

***FINDING.*** *The Planning Board finds that the majority of the Site has been extensively disturbed to accommodate prior agricultural uses, including the installation of a large orchard in the 1920's when the Site was used as a private estate. During the 1960's IBM ceased to maintain the orchard, and the Site began reverting to the ecological communities present today. No rare, threatened or endangered species of plants or animals are present on the Site. A fragment of the oak-tulip ecological community is present in the southeast corner of the Site which will remain largely intact; the Planning Board, during site plan review, has preserved this oak-tulip forest to the maximum extent practicable. While a significant number of trees will have to be removed to accommodate the Proposed Action, the Planning Board finds that tree removal is reasonably necessary to accommodate the Proposed Action and that the proposed Landscaping Plan, consisting primarily of native species, will result in the development of a beneficial, robust and diverse ecological landscape. No significant adverse vegetation or wildlife impacts are anticipated.*

## **5.5 WETLANDS:**

An approximately 0.77-acre disturbed hill side seep wetland was identified in the southeast corner of the Site. A headwall discharges drainage into this area, which creates hydrologic conditions favorable to the formation of the wetland area. The presence of RdA – Ridgebury loam/Aquents soils further served to define the wetland boundary. This wetland area extends off-site to the south and east.

Neither the Mixed-Use Hotel Plan or the proposed Townhouse Plan result in any direct impacts or disturbances to the locally regulated wetland, or within the 100’ regulated wetland buffer, or the larger 150’ wetland buffer required in instances within a regulated steep slope.

***FINDING.*** *The Planning Board finds that no impacts to the on-site wetland or surrounding wetland buffer will result from the Proposed Action.*

## **5.6 STORMWATER MANAGEMENT**

The Mixed-Use Townhouse Plan created 7.8 acres of new impervious surfaces, for which a stormwater management plan was developed. The proposed Townhouse Plan will create 7.7 acres of impervious surfaces, a reduction of 1.2 %.

A new stormwater management plans has been developed for the Townhouse Plan in accordance with “Five Step Process for Stormwater Site Planning and Practice Selection” as set forth in the New York State Stormwater Management Design Manual. The stormwater management plan consists of swales, drainage structures, control structures, infiltration practices, extended detention ponds, and level spreaders.

The stormwater management practices proposed will adequately treat the runoff leaving the Site in regard to water quality. In addition, the proposed stormwater practices will control runoff quantities to ensure no adverse effects due to stormwater as a result of the proposed development. The proper installation of all stormwater and erosion control measures would be ensured through an inspection fee, and the posting of a performance bond.

The Finding Statement concluded that the stormwater management plan has been designed to meet the requirements of the New York State Department of Environmental Conservation (“NYSDEC”) State Pollution Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-0-150-003, conforms to the substantive requirements of



the NYSDEC SPDES General Permit for Construction Activities, Permit No. GP-0-150-002. The stormwater management plan for the Townhouse Plan will similarly comply with these requirements.

An Integrated Pest Management Program will be developed as part of the site plan review process, and the use of low nitrogen fertilizers in landscaping applications will be required, which would be implemented by the Homeowners Association.

As a result, no significant adverse stormwater impacts will result from the Townhouse Plan.

The following temporary erosion control devices proposed on the Proposed Action:

Anti-Tracking Pad – Anti-Tracking Pads shall be installed at all construction entrances. The purpose of the Anti-Tracking Pad shall be to dislodge mud, dirt, and debris from construction vehicles prior to these vehicles leaving the construction site. This will ensure the existing roadways are kept clear of sediment. Locations and details of the Anti-Tracking Pad are shown on the plans.

Silt Fence – Silt Fencing consists of a fabric barrier between supporting stakes or posts usually made of wood. The fabric is proposed to capture suspended sediments from construction runoff and also decreases the velocity of the runoff to protect off-site areas. The proposed location of the silt fence is shown on the plans along with details for installing the silt fence.

Haybales – Haybales are used in a variety of erosion control devices. At the top of an excavation, haybales are used to spread out concentrated flow to prevent erosion. Haybales are used in conjunction with silt fence to add additional protection to sensitive areas such as wetlands and water bodies. Haybales are also used in conjunction with Silt Fence to protect surrounding areas from soil stockpile erosion. The proposed location of the haybales is shown on the plans along with details.

Inlet protection – Inlet protection is used to filter runoff from non-stabilized construction sites prior to this runoff entering the drainage system.

Temporary Sediment Trap – Temporary Sediment Traps are small ponding basins constructed by excavation or embankment used to intercept sediment laden

runoff. The sediment trap protects waterways, properties, and rights-of-way below the sediment trap.

Temporary Sediment Traps shall be inspected prior to significant rainfall and inspected and cleaned if needed after significant rainfall. The sediment trap shall be cleaned and sediment removed when sediment reaches 1/2 the design depth.

The proposed permanent stormwater management device maintenance schedule is as follows:

- Hydrodynamic separator devices shall be inspected biannually and cleaned out as per manufacturers' instructions.
  
- All catch basins/drain inlets/drain manholes shall be inspected and cleaned biannually. These structures should also be inspected weekly during construction and after significant rainfall.
  
- The subsurface infiltration systems shall be inspected annually through observation ports.
  
- Stormwater Basins Detention ponds should be inspected after major storm events and semi-annually. During the inspections, the following should be checked:
  - Clogging of outlet structure.
  - Erosion on the embankment/berm.
  - Condition of the emergency spillway.
  - Accumulation of sediment around the outlet structure.
  - Erosion of the basin bed and banks.
  - Sources of erosion in the contributory drainage, which should be stabilized.
  - Sediment removal in the forebay shall occur every five to six years or after 50% of total forebay capacity has been lost.
  - If any trash has made its way to the pond, it shall be cleaned out and disposed of in a lawful manor.
  - Grass should be cut at a minimum twice a year.
  - Dead/Diseased plants shall be removed and disposed of in a lawful manor. Replacement plants shall be of the same type and size as initially planted.
  - No herbicides, pesticides, or fertilizers should be used in or near the ponds.

- Rain garden maintenance may include the occasional replacement of plants, mulching, weeding and thinning to maintain the desired appearance. Weeding and watering are essential the first year, and can be minimized with the use of a weed-free mulch layer. Once the rain garden has matured, the garden area should be free of bare areas except where stepping stones are located. Inspection for sediment accumulations or heavy organic matter where runoff enters the garden and remove as necessary. The top few inches of planting soil should be removed and replaced when water ponds for more than 48 hours.

Potential pollutants during construction are sediment laden stormwater runoff, litter, and construction fluids/chemical spills. During construction, the sediment laden runoff will be trapped or filtered through the silt fence and other erosion control devices prior to being discharged. The construction litter will be cleaned on a daily basis and disposed of in a lawful manor. The storage of any construction fluids or chemicals will be within water tight containers suitable for storage and will not be exposed to the elements.

During the construction phase, the trained contractor shall be responsible for erosion and sediment control device maintenance and pollution prevention measures. The trained contractor shall also be responsible for maintenance of the permanent drainage structures during construction and to ensure protection of the subsurface infiltration system areas. The trained contractor shall inspect the erosion control devices daily to ensure they are in effective operating condition.

The qualified inspector shall conduct site inspections at least once every seven (7) calendar days while soil disturbance activities are on-going. If soil disturbance activities are suspended, inspections shall occur under the guidelines of the Town of North Castle.

The adequate installation of all stormwater facilities shall be insured via the posting of a performance bond, cash escrow or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the Proposed Action and names the Town of North Castle as the beneficiary. The security shall be in an amount to be determined by the Town of North Castle based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of North Castle, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) has (have) been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town of North Castle.

After construction, the maintenance of the stormwater mitigating devices shall be the responsibility of the managing entity for the townhouse development and the managing entity of the hotel and apartment site. An irrevocable letter of credit from an approved financial institution or surety will be posted to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction and until the facilities are removed from operation. If the managing entity fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of North Castle may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

The use of fertilizers, pesticides and fungicides will be minimized to the extent practical at the Eagle Ridge Site. Landscape maintenance guidelines will be developed during the site plan approval process for the Proposed Action which maintain the design intent and enhances the overall ecological health and habitat value of planted areas. Fertilizers will only be applied as a result of soil testing that indicate a need for it. A large majority of the plants and meadows as proposed are considered native and provide multiple benefits to people and wildlife. In addition to requiring less fertilizers and less watering, native plants need little or no pesticides since they have adapted to local conditions and are thus more resistant than non-natives to pest problems.

An integrated pest management program (IPM) will be implemented which focuses on long term prevention of potential pests and subsequent damage. IPM is a landscape management system that utilizes all suitable techniques (mechanical, biological and judicious use of pesticides) and information to reduce pest problems while providing protection against humans, animals and the environment. The use of chemical pesticides and fungicides will be used as a last resort and only applied by a certified applicator. Organic and non-toxic formulations will be utilized as well as spot treatments to minimize impacts to the surrounding ecosystem.

*Permanent Stormwater Management Devices:*

The proposed stormwater mitigation practices have been sized according to the New York State Department of Environmental Conservation Stormwater Design Manual (Stormwater Design Manual). The Project is a mixed-use development that is proposed to disturb more than 1 acre, therefore the Stormwater Pollution Prevention Plan must incorporate Water Quality treatment features as well as Water Quantity control features.

After construction, in the post development stage, potential pollutants can be increased in runoff rates as well as suspended sediment and elevated nutrient levels within the

runoff. The increase in runoff rates is mitigated by the combined use of the stormwater practices located throughout the Site, namely the subsurface infiltration systems, the stormwater ponds, and the green roof. The increase in suspended sediment and elevated nutrients are mitigated by the subsurface infiltration systems, the infiltration pond, the extended detention pond, the green roof, the hydrodynamic separators, and the sumps in all the drain inlets and catch basins. By meeting NYSDEC Water Quality criteria and Runoff Reduction Volume criteria the pollutants of concern will be mitigated.

The proper installation of all stormwater and erosion control measures would be ensured through an inspection fee, and the posting of a performance bond, letter of credit or some other form of financial assurance suitable to the Town. As the developer of the project, the Applicant would be responsible for any code or environmental violations resulting from construction related activities.

Based on the analysis in the Stormwater Pollution Prevention Plan, the stormwater management practices proposed will adequately treat the runoff leaving the Site in regard to water quality. In addition, the proposed stormwater practices will control runoff quantities to ensure no adverse effects due to stormwater as a result of the proposed development.

***FINDING.*** *The Planning Board finds that the Project has been designed to meet the requirements of the New York State Department of Environmental Conservation (“NYSDEC”) State Pollution Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-0-150-003, conforms to the substantive requirements of the NYSDEC SPDES General Permit for Construction Activities, Permit No. GP-0-150-002, minimizes increases in stormwater runoff from the development of the Site in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels; minimizes increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality; minimizes the total annual volume of stormwater runoff which flows from the Site during and following development to the maximum extent practicable; and reduces stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensure that these management practices are properly maintained and eliminate threats to public safety. No significant adverse stormwater impacts are anticipated.*

## **5.7 UTILITIES**

The Site is located in Water District 4 and Sewer District 2. The Mixed-Use Hotel Plan had a water demand of 34,980 gpd. Water service would be brought into the Site via a connection to the existing watermain located at the intersection of Route 22 and Business Park Drive. This volume, combined with the 120,190 gpd of cumulative water volume projected from other pending developments also seeking to draw water from Water District 4, would result in a water deficit for the District. The Town is in the process of expanding the capacity of Water District 4 to meet this increased demand through the installation of additional wells at the wastewater treatment plant site off Business Park Drive.

The Townhouse Plan will result in a water demand of 29,040 gpd, a decrease of 5,940 gpd from the Mixed-Use Hotel Plan.

The Mixed-Use Hotel Plan would have generated a sanitary sewage flow of 34,980 gpd. A new sewer line located within the easement along the western edge of the Site would provide for this connection.

The Townhouse Plan calls for the use of rainwater harvesting and possibly the installation of a new well, to accommodate on-site irrigation.

The Townhouse Plan will result in a sanitary sewage flow of 29,040 gpd, a decrease of 5,940 gpd from the Mixed-Use Hotel Plan.

When the Applicant purchased the Site from IBM, a reserve sanitary sewage capacity of 35,000 gpd was also transferred. As the 29,040 gpd sewage flow from the Townhouse Plan is within the 35,000 gpd capacity allocated to the site, the sewage flow associated with the Townhouse Plan can be accommodated.

No adverse sewer or water impacts will result from the Townhouse Plan.

The Applicant will also work with the Town to meet the 3:1 inflow and infiltration (I&I) objective, in accordance with the requirements of Westchester County. The Applicant and the Project Engineer will meet with the Town Consulting Engineer during the site plan approval process to determine how I&I projects can be identified and who will conduct the work and in what timeframe. If specific projects cannot be identified, a process whereby the Applicant places funds into a dedicated account for I&I work based on a per gallon cost of removal of flow through I&I is an alternative option.

**FINDING.** The Planning Board finds that the additional wells being added to Water District #4 will provide adequate water capacity for the Proposed Action. The surplus sewage capacity purchased from IBM is adequate to accommodate the Proposed Action’s wastewater generation. No adverse utility impacts are anticipated.

**5.8 TRAFFIC & TRANSPORTATION**

The Mixed-Use Townhouse Plan was projected to generate a total of 104 AM peak hour vehicle trips and 130 PM peak hour vehicle trips (combined inbound and outbound). The Findings Statement concluded that the Level of Service delays experienced under future No-Build and future Build Conditions were similar, and no significant degradations in Levels of Service would result from the Mixed-Use Townhouse Plan.

The Townhouse Plan is projected to generate a total of 40 AM peak hour vehicle trips and 49 PM peak hour vehicle trips (Table E).

Table E Peak Hour Trip Generated Traffic Volumes for Townhouse Plan						
88 Townhouses	Entry		Exit		Total	
	HTGR	Volume	HTGR	Volume	HTGR	Volume
AM Peak Hour	0.11	10	0.35	30	0.46	40
PM Peak Hour	0.35	31	0.21	18	0.56	49

Table F compares the peak hour trip generation rates of the Mixed-Use Hotel Plan with the Townhouse Plan.

Table F Peak Hour Trip Generated Traffic Volumes Comparison Mixed-Use Hotel Plan vs. Townhouse Plan			
	Mixed-Use Hotel Plan	Townhouse Plan	Difference
AM Peak Hour	104	40	-64
PM Peak Hour	130	49	-81

The projected peak hour trip generation rates for the Townhouse Project represent over a 60% reduction in traffic generated from the Site. It can therefore be concluded that the Townhouse Plan will not result in any adverse traffic impacts.

The Townhouse Plan incorporates sidewalks to accommodate pedestrian circulation throughout the development.

As part of the site plan review process, the Applicant worked with the Byram Hills Central School District to establish the location of a public-school bus stop.

The Applicant supports the provision of additional public parking in the Armonk hamlet, and to this end will engage in a Community Benefit Agreement to assist in implementing long-term parking solutions.

There are three locations at which existing site access will be closed. Two points are adjacent to the existing security building, and the other is on the south side of the Site adjacent to the existing IBM parking lot.

While the Applicant is eager to create a pedestrian connection to Community Park, direct access from the Site to the Park is expressly prohibited in the property deed. The Applicant has made a specific request to modify this restriction to allow direct access to the Park to the controlling interest in this restriction; the Armonk Business Center LLC. This request has been refused. The Applicant is willing to continue to explore all opportunities to create direct access to the Park.

***FINDING.*** *The Planning Board finds that the volume of traffic generated by the Proposed Action will not result in any significant degradation in the Levels-of-Service at surrounding intersections, or in the operating conditions of area roadways. Access to the Site and the supply of off-street parking meets the applicable standards and requirements of the Town.*

*The Applicant has contributed to a Community Benefit Agreement to provide additional parking in the Hamlet. It is therefore concluded that no significant adverse traffic or transportation impacts will result from the Proposed Action.*

## **5.9 VISUAL RESOURCES AND COMMUNITY CHARACTER**

The Site can be generally characterized as the eastern side of an oval shaped elongated hill that rises up from the Route 22/North Castle Drive/Main Street intersection, to the original IBM headquarters building located south of the Site. Rock outcroppings are present, particularly around the edges of the hill. The northern and eastern portions of the Site are wooded and the upper portion of the site is primarily an open field. The majority of the Site was an orchard prior to its purchase by IBM, with the exception of the southeast corner of the Site which is a remnant woodland. A small wetland is located in this area, which will remain undisturbed.

The Mixed-Use Hotel Plan proposed three distinct building types; a 4-story hotel, a 4-story multi-family condominium building and 50 townhouses. While this development would result in a change to the visual appearance of the Site, the Town Board Findings



Statement concluded that the development was well-designed and contextually appropriate, and would not block, interrupt or interfere with any scenic views, and would therefore not result in any adverse visual or community character impacts.

The Townhouse Plan eliminates the hotel and multi-family condominium buildings, and exclusively proposes 88 townhouses that would not exceed 30' in height. The layout and configuration of the townhouses follows the contours of the Site in a more organic manner compared to the grid layout of the Mixed-Use Townhouse Plan. This results in a more naturalistic and visually appropriate plan. A comprehensive landscaping plan will be submitted as part of the site plan review process, that will include street trees to provide shade, calm traffic and provide an overall environmental benefit. The preservation of existing vegetation supplemented with additional landscape screening will provide a buffer between the east side of the development and Community Park that is adjacent to the Site.

Additionally, the landscaping plan includes screening between the rear of the townhouses and the adjacent IBM parking lot.

The elimination of the two large 4-story buildings will eliminate the abrupt variation between building types, and reduce the overall height impact of the development.

The Townhouse Plan is compatible with the overall land use pattern in Town, and reduces visual impacts when compared to the Mixed-Use Hotel Plan.

No significant visual or community character impacts will result from the Townhouse Plan.

The Proposed Action also proposes new site lighting that will afford safety, facilitate circulation and wayfinding. All lighting will be Town Code and Dark Sky compliant, shielded, downward directed and will be designed to provide appropriate levels of illumination. Illumination levels along the perimeter of the Site will not exceed 0.5 footcandle.

***FINDING.*** *The Planning Board finds that the Proposed Action will change the visual character of the Site from a vacant undeveloped property to a developed site supporting a new mixed-use community. The townhouses are well-designed and contextually appropriate and will not significantly block, interrupt or interfere with any scenic views. While partially visible from Community Park, the Proposed Action will not diminish or interfere with the public's use and enjoyment of any activities*

*occurring at the Park. The Planning Board finds that no significant adverse visual or community character impacts will result from the Proposed Action.*

## **5.10 COMMUNITY FACILITIES & SERVICES**

### Population and School Enrollments:

The Mixed-Use Hotel Plan would have increased the resident population of the Town by 208. The resident population for the Townhouse Plan would be 249, or an increase of 41 individuals.

22 school-aged children were projected to be generated from the Mixed- Use Hotel Plan. Utilizing the same multipliers used in the EIS2, the Townhouse Plan is projected to generate 34 school-aged children, an increase of 12 students. It is noted that this estimate does not deduct the approximately 10% of students that would attend private or parochial schools.

In addition to using standard child generation multipliers, actual school children generation numbers have been collected from comparable near-by Toll Brothers developments. The Valeria project in Cortlandt, which consists of 144 two-bedroom townhomes generated 14 school-aged children (0.097 student/unit). The Enclave at Pleasantville consists of 68 three-bedroom townhomes and generated 7 school-aged children (0.10 student/unit). These numbers are well below the 0.38 students/unit estimated for this development utilizing the conservative Rutgers multiplier.

To further support the adequacy of this school children analysis, the Table G presents a summary of the actual school children generation rates from multi-family residential developments throughout the region. As can be seen, the average actual school child generation rate is 0.06 students/unit, which is far lower than the Rutgers multiplier used in the assessment for Eagle Ridge.

Table G Actual School Age Children Residing In Selected Comparable Multi-Family Developments				
Development	Location	Number of Units	School Age Children	Ratio
Marbury Corners	Pelham	66	3	0.045
Avalon Willow	Mamaroneck	225	18	0.08
690 Mamaroneck Avenue	Mamaroneck	21	2	0.09
620 Boston Post Road	Mamaroneck	6	1	0.16
270 Waverly Avenue	Mamaroneck	96	10	0.10
Marina Court	Mamaroneck	13	1	0.08
532 West Boston Post Road	Mamaroneck	7	1	0.14
Cambium	Larchmont	147	9	0.16
10 N. Astor	Irvington	3	0	0
Bank Street Commons	White Plains	502	10	0.020
Avalon White Plains	White Plains	407	15	0.037
One City Place	White Plains	311	14	0.045
Villa BXV	Bronxville	53	4	0.07
Avalon at Greyrock	Stamford	306	11	0.036
Avalon at Stamford	Stamford	328	8	0.024
The Boulevard	Stamford	94	1	0.011
52 Brookside Dr.	Greenwich	4	0	0
The Landing	Dobbs Ferry	103	29	0.28
Enclave at Pleasantville	Pleasantville	61	12	0.20
Ichabod's Landing	Tarrytown	44	6	0.14
Hudson Harbor	Tarrytown	102	9	0.09
Doral Greens	Blind Brook	138	13	0.10
Enclave at Blind Brook	Blind Brook	30	2	0.07
Toll Brothers at Valeria	Cortlandt Manor	144	14	0.097
The Castle	Port Chester	120	1	0.008
120 N Pearl Street	Port Chester	50	1	0.02
The Mariner	Port Chester	100	0	0.00
Villa BXV	Bronxville	54	2	0.04
Watermark Point	New Rochelle	72	1	0.014
100 Main Street	Tuckahoe	17	0	0.00
Avalon	Glen Cove	367	32	0.09
Avalon	Westbury	396	46	0.12
Avalon	Garden City	204	13	0.06
Avalon	Huntington	303	56	0.18
Fairfield Knolls	Port Jefferson	291	2	0.01
The Allure	Mineola	275	7	0.03
The Jefferson	Farmingdale	154	6	0.04
The Cornerstone	Farmingdale	42	3	0.07
		5,663	358	
		Average Ratio per Dwelling Unit		0.06

The Byram Hill School District’s peak enrollment of 2,818 occurred in the 2007-2008 school year. The district enrollment during the 2021-2022 school year (the last year enrollment data is publicly available<sup>3</sup>) was 2,313.

The addition of the 34 students generated by the Townhouse Plan will increase enrollment to 2,347 which is 471 students below the District’s peak enrollment. It can therefore be concluded that adequate capacity exists to accommodate the additional school children generated by Townhouse Plan.

Table H presents the comparison in projected school enrollments.

Table H School Children Generation Comparison Mixed-Use Hotel Plan vs. Townhouse Plan			
	Mixed-Use Hotel Plan	Townhouse Plan	Difference
Projected School Children	22	34	+12

The reported 2021-2022 total cost per student in the Byram Hills School District was \$36,582.56. This figure includes fixed costs that would not vary with enrollments. The reported instructional costs per student in this District was \$26,876.99. Applying this per student instructional cost, the projected 34 new students would result in an additional cost to the Byram Hills Central School District of \$913,817.66. This figure can be compared to the estimated approximately \$1,575,600.00 in property tax revenues that the School District will receive annually from the Proposed Action. As a result, the Byram Hills Central School District would receive an annual tax revenue surplus of

\$661,728.34. No adverse impacts to the Byram Hills Central School District will result from the Townhouse Plan.

Police/Fire/EMS:

The EIS assessed the proportional demand for police, fire and EMS services resulting from the Mixed-Use Townhouse Plan. The elimination of the hotel and the multi-family condominium building from the proposed Townhouse Plan will reduce the demand on these services.

Table I presents a comparison of service impacts between the Mixed-Use Hotel Project and the Townhouse Project.

Table I Police/Fire/EMS Comparison Mixed-Use Hotel Plan vs. Townhouse Plan			
	Mixed-Use Hotel Plan	Townhouse Plan	Difference
Police Service			
Personnel	1.0 Personnel	0.42 Personnel	-0.58 Personnel
Vehicles	0.32 Vehicles	0.12 Vehicles	-0.2 Vehicles
Facilities	106 sqft facility space	41.6 sqft facility space	-64.4 sqft facility space
Fire EMS Service			
Personnel	0.87 Personnel	0.34 Personnel	-0.53 Personnel
Vehicles	0.11 Vehicles	0.04 Vehicles	-0.07 Vehicles
Facilities	132 sqft facility space	52.0 sqft facility space	80 sqft facility space

The Townhouse Plan results in a decrease in the demand for police, fire and EMS services. While the demand will be reduced, it is understood that the Fire Department previously noted that the development of the Site will add additional call volume without providing an adequate number of new volunteers to staff the Department. The new Townhouse Plan adds 249 new residents who may support the Fire Department as new volunteers. The firematic aspects of the Townhouse Plan will be addressed in detail during the site plan review process. No significant adverse impacts result from the Townhouse Plan.

Solid Waste:

Table J presents a comparison of solid waste generation between the Mixed-Use Hotel Project and the Townhouse Project.

Table J Solid Waste Generation Comparison Mixed-Use Hotel Plan vs. Townhouse Plan			
	Mixed-Use Hotel Plan	Townhouse Plan	Difference
Solid Waste Generation	0.92 tons/day	0.36 tons/day	-0.56 tons/day

The Townhouse Plan will generate 61% less solid waste that the Mixed-Use Townhouse Plan. No adverse impacts will result.

**FINDING.** *The Planning Board finds that the Proposed Action will result in relatively minor proportional increases in the demand on community facilities and services. The Project has been designed to meet or exceed all fire code and safety measures. The additional school children projected to be generated by the Proposed Action can be accommodated within the existing excess capacity available within the Byram Hill School District. The taxes generated by the Proposed Action will offset the increased demand created by the development. No significant adverse impacts to community facilities or services are anticipated.*

**5.11 FISCAL IMPACTS**

Considerable discussion occurred during the course of the review of the EIS regarding the economic viability of the proposed hotel. The hotel and multi-family condominium components have been eliminated from the proposed Townhouse Plan. The current plan proposes 88 townhouses.

The viability and strength of the townhouse market in central Westchester remains indisputably very strong.

The Mixed-Use Hotel Plan resulted in the generation of approximately \$1,768,000 in real estate taxes, including approximately \$310,000 in Town taxes.

The proposed Townhouse Plan would generate approximately \$2,424,000 in real estate taxes, including approximately \$308,568 in Town taxes.

Table K presents a comparison of the real estate taxes generated from the Mixed-Use Hotel Project and the Townhouse Project.

Table K Real Estate Tax Generation Comparison Mixed-Use Hotel Plan vs. Townhouse Plan			
	Mixed-Use Hotel Plan	Townhouse Plan	Difference
Real Estate Tax Generation	\$1,768,000	\$2,424,000	+\$656,000

The Townhouse Plan will generate 37% more real estate taxes than the Mixed-Use Townhouse Plan. The taxes generated by the project will offset all increased municipal services costs attributable to the development. No significant adverse fiscal impact will result from the Townhouse Plan.

***FINDING.*** *Since the Proposed Project is anticipated to have positive fiscal impacts, and no mitigation measures proposed, the Planning Board finds that the Proposed Action will not result in any adverse fiscal impacts.*

## **5.12 HISTORIC, ARCHAEOLOGICAL & CULTURAL RESOURCES**

A Phase IA report submitted with the DEIS indicated that the Site was potentially sensitive for precontact and historic deposits. Phase IB testing was undertaken in April and May of 2019 by a team of four archaeologists. A total of 151 shovel tests (STs) were hand excavated on 15-meter interval transects and in judgmental locations. Of the STs excavated, none produced precontact material. One projectile point was found on the surface in a disturbed context immediately adjacent to the existing asphalt driveway that bisects the Site. A test pit placed where the point was found confirmed disturbed stratigraphy and encountered no additional precontact material. A surface scatter of 20<sup>th</sup> century material was encountered just east of the recovered projectile point. Shovel tests confirmed disturbance and the lack of any buried deposits.

In the opinion of Historical Perspectives, Inc, since virtually no archaeological resources were encountered during field testing, and sections of the Site were found to be disturbed, no additional investigations are warranted.

***FINDING.*** *The Planning Board finds that the Project will have no impact on any cultural, historic or archaeological resources.*

## **5.13 OPEN SPACE**

Any development of the Site would result in the elimination of open space resources, which are currently privately owned, and not available for public use.

The Mixed-Use Hotel Plan would have developed the site to support a hotel, multi-family condominium building, 50 townhouses and associated site improvements. Approximately 24.7 acres of the 32.5-acre Site (76%) would have remained as open space.

The Townhouse Plan calls for the development of 88 townhouse and associated site improvements. Approximately 24.8 acres or 76.3% of the Site will remain as open space.

Table L presents a comparison of the amount of open space between the Mixed-Use Hotel Project and the Townhouse Project.

The open space and recreational amenities of Community Park provide a valuable asset to the Townhouse Plan, and will support the marketability of the development. The Town

Table L Open Space Comparison Mixed-Use Hotel Plan vs. Townhouse Plan			
	Mixed-Use Hotel Plan	Townhouse Plan	Difference
Open Space	24.7 ac	24.8 ac	+0.1 ac

will work in conjunction with the Applicant to modify the existing deed restriction that prevents pedestrian access from the subject site to the adjacent Community Park.

***FINDING.*** *The Planning Board finds that any development of the Site would result in the loss of open space. However, this open space is privately owned and not publicly available. An extensive landscaping plan has been developed that will maximize the use of the Site that will remain as usable open space. No significant adverse impacts resulting from the loss of open space are anticipated.*

**5.14 CONSTRUCTION**

The Mixed-Use Hotel Plan would have disturbed approximately 22.3 acres of the 32.5-acre site (68.6%). The anticipated construction period would have been 24 months, and included 5 phases.

The Townhouse Plan will disturb 19.9 acres (61.5%), and be constructed over 42 months.

All of the construction mitigation measures outlined in the Finding Statement will similarly apply to the Townhouse Plan.

It can therefore be concluded that the Townhouse Plan will not result in any significant adverse construction related impacts.

***FINDING.*** *The Planning Board finds that there will be unavoidable short-term construction related impacts that will result from the development of the Site. However, provided the mitigation measures outlined in the Town Board Findings Statement, which are incorporated by reference, the Planning Board finds that no significant adverse impacts are anticipated.*

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**CERTIFICATION OF FINDINGS**

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of 6 N.Y.C.R.R. Part 617, this Statement of Findings certifies that:

1. The requirements of 6 N.Y.C.R.R. Part 617 have been met;
2. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

North Castle Planning Board

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Christopher Carthy  
Chairman

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Date