



STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

January 9, 2023

APPLICATION NUMBER - NAME
#18-004 – Eagle Ridge – Preliminary Subdivision
Plat Approval | Site Plan, Tree Removal Permit
and Steep Slope Permit Approvals

SBL
108.03-1-62.1

MEETING DATE
January 17, 2023

PROPERTY ADDRESS/LOCATION
3 North Castle Drive

BRIEF SUMMARY OF REQUEST

The Applicant is seeking to subdivide the Property into two lots. In addition, the Applicant is seeking site plan approval to construct a 124 key hotel on the 10.6 acre Lot 1 and construct 72 age-restricted townhouses on the 21.8 acre Lot 2.



PENDING ACTION: Plan Review Town Board Referral Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-MF-SCH and OB-H	Vacant Land	Office & Park	None at this time	32.4 acres

PROPERTY HISTORY

August 2021 – Town Board rezoned a 21.8 acre portion of the property from OB-H to R-MF-SCH.

COMPATIBILITY with the COMPREHENSIVE PLAN

The Town of North Castle Comprehensive Plan states:

“Thus sufficient demand appears to exist for at least two small hotels or one large hotel in North Castle.”

Adding a hotel together with limited new residential uses, would increase downtown Armonk’s potential customer base....”

“While North Castle today is mostly defined by its attractive low-density residential neighborhoods, offering a greater variety of housing types could help the Town to retain Baby Boomers in retirement and attract younger people who wish to stay but cannot afford a single-family home. An efficient approach to greater variety of housing would prioritize attractive multi-family options in locations that maximize access to the community assets that make the Town so attractive, with a focus on targeted infill development in appropriate locations.”

STAFF RECOMMENDATIONS

1. The Applicant should be directed to address all outstanding staff and consultant’s comments.
2. The project is compatible with the Comprehensive Plan.

Procedural Comments	Staff Notes
<p>1. The Town Board adopted Findings regarding the Proposed Action on August 11, 2021. Prior to taking any action, the Planning Board will need to adopt its own Findings with respect to the environmental impacts of the Proposed Action.</p> <p>2. A Public Hearing for the proposed preliminary subdivision application and site plans will need to be scheduled.</p> <p>3. Pursuant to Section 12-18.A of the Town Code, all site development plans submitted to the Planning Board are required to be referred to the Architectural Review Board (ARB) for review and comment.</p> <p>4. Since this lot is in excess of 10 acres, the project should be referred to the Conservation Board, pursuant to Section 239-y.3.a of NY General Municipal Law.</p> <p>The Conservation Board noted that constructing the project would “eliminate scenic resources...that make the hamlet of Armonk so desirable.”</p> <p>The Conservation Board also recommended enhanced buffers between the subject site, Community Park and NYS Route 22.</p> <p>The Conservation Board further recommended that the design be revised to further reflect surrounding semi-rural development patterns.</p> <p>The Conservation Board recommended that the Planning Board require a 1:1 tree replacement plan be required.</p> <p>The Conservation Board noted that the project does not comply with Section 355-24.F. It is noted that this section of the Town Code pertains to properties in the R-MF Zoning District, not the R-MF-SCH Zoning District.</p> <p>The Conservation Board recommended the preservation of a large open space wherein the habitat would be attractive to and conducive to maintaining existing pollinator populations.</p> <p>The Conservation Board also noted that the Board believes that the proposed population density on the site is too great.</p> <p>The Conservation Board recommended that the existing ridgeline be preserved as the site will be visible from many surrounding properties and locations.</p> <p>The Conservation Board recommended encouraging significant tree retention and relocation through innovative site planning that is responsive to existing vegetation to preserve a greater percentage of trees currently proposed for removal.</p> <p>5. The site plan will need to be forwarded to the Chief of Police, Fire Inspector and the Armonk Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issued deemed important to providing emergency services.</p> <p>6. The site plan will need to be forwarded to the Water and Sewer department so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the capacity of the sewer and water infrastructure to handle the proposed amount of demand.</p> <p>7. The Applicant will need to obtain Westchester County Department of Health approval for the water and sewer main extensions.</p>	<p>A public hearing was opened on December 12, 2022.</p> <p>The project was referred to the Conservation Board on October 31, 2022.</p> <p>The project was referred on October 31, 2022.</p> <p>The Building Inspector noted several deficiencies with respect to NYS 2020 Fire Code Appendix D relating to the design of the project.</p> <p>The plans will need to be revised to the satisfaction of the Building Department.</p> <p>The project was referred on October 31, 2022.</p>

<p>8. The application for site plan approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML). This referral is required because the subject site is located within 500 feet of NY Route 22.</p>	<p>The referral was made on December 7, 2022.</p> <p>The County Planning Board noted that it is not recommended that the units be age restricted given the documented critical shortage of housing documented in the County's Housing Needs Assessment.</p> <p>In addition, the County Planning Board notes that without a pedestrian link to the hamlet, residents will be isolated from the hamlet and Community Park. The County recommends that the Town and Applicant work with NYSDOT to find a solution for safe pedestrian access.</p>
<p><u>General Comments</u></p> <p>1. The November 28, 2022 Zarin & Steinmetz letter to the Planning Board states that the plans have been revised to depict picket fences on top of tiered retaining walls and adjacent to the Townhomes as well as several pieces of art located in positions of prominence.</p> <p>2. In an effort to create a site plan that is consistent with the Findings Statement adopted by the Town Board requiring that the site plan be "...designed to appropriately relate to the character of the area surrounding the site," the site plan should be revised to include sidewalks within the townhouse development. Sidewalks will create a safer community as sidewalks are a basic safety measure and are a proven and effective safety countermeasure, especially in higher density developments. New sidewalks would enhance the safety of all road users and are supported by an existing Complete Streets Strategy discussed in the adopted Comprehensive Plan (page 69 – 70) and would improve accessibility for people outside of a motor vehicle and are designed for people who are walking, biking, rolling and those with disabilities.</p> <p>The Applicant has prepared a sidewalk layout plan that addresses the Planning Board's comments and proposes a sidewalk on one side of the street.</p> <p>3. The previously submitted landscape plan had been revised to depict a woodland/meadow trail. The site plan should be revised to depict the trail as well as any grading associated with the trail.</p> <p>4. The Applicant has submitted floor plans and elevations of the townhouse units. The elevations should depict building height and max. exterior wall height.</p> <p>5. The site plan shall be revised to depict the location of the oak-tulip forest.</p> <p>6. The hotel site plan should be revised to provide a detail of the proposed pool fence. It is recommended that this fence be a decorative stockade fence since the pool is directly adjacent to a parking lot.</p>	<p>The site plan should be revised to depict the location of the proposed outdoor art and depict the location of the proposed fences as well and include a wall/fence detail.</p> <p>The Planning Board at the November 14, 2022 meeting directed the site plan to be revised to depict a sidewalk on one side of the street.</p> <p>The Applicant has stated that a sidewalk would significantly impact the design of the project and will not be utilized.</p> <p>The Planning Department strongly disagrees with the Applicant's argument that a sidewalk would not be utilized by residents.</p> <p>The need for a sidewalk has been discussed with the Applicant since the inception of this project and should have been incorporated into the site plan from the beginning of the site plan design.</p> <p>The submitted elevations should be measured from average grade and depict Max. Ext. Wall Ht.</p> <p>The site plan should attempt to save this forest to the maximum extent practicable.</p>

7. The Applicant should provide floor plans and elevations of the proposed hotel pool house and hotel covered bar.
8. The site plan should be revised to depict details of the proposed hotel outdoor dining and seating area.
9. A detailed hotel landscaping plan for the proposed outdoor areas (pool, garden and restaurant) should be provided for review.
10. The site plan depicts a detail of a chain link garbage enclosure. The site plan should be revised to depict the location of the enclosure. In addition, it is recommended that the Applicant give consideration to proposing a stockade or concrete enclosure with a more aesthetic design.
11. During the environmental review the Applicant committed to an irrigation strategy that includes measures such as harvesting rainwater to reduce the demand on the public water supply, utilizing plant species that require less water, reducing areas that require irrigation and utilizing smart meters for sprinkler systems.
12. As discussed in the Findings Statement, the Applicant shall explore the feasibility of creating a pedestrian link from the existing Armonk hamlet sidewalk network to the proposed hotel and townhouse development that includes the construction of necessary sidewalks and a crosswalk across NYS Route 22 to the satisfaction of the Planning Board.

It is noted, that Westchester County, in a memo relating to 100 Business Park Drive, noted that the NYS Route 22 and Business Park Dr. intersection has no pedestrian crosswalks or signals, and there are no sidewalks on either Maple Avenue or Business Park Drive. The County states that this "is a serious, potentially dangerous deficiency for pedestrians and other lawful, non-motorized road users who must travel through this area since it is the only connection between the various businesses and employment sites on Business Park Drive and the Armonk hamlet center." The County further notes that "if the Town continues to encourage adding or change uses on Business Park Drive, there must also be an effort made to improve this intersection for the pedestrians who will be walking in this area as there has been a marked increase in many communities of residents walking since the pandemic started."
13. The Applicant shall demonstrate to the satisfaction of the Town Engineer that water use will not exceed 27,750 gpd and that wastewater generation will not exceed 27,750 gpd.
14. The townhouse site plan should be revised to depict permeable pavers at each driveway to provide a decorative element in the front yard as described in the Findings Statement.
15. The submitted hotel plans depict a four level 82,998 square foot hotel with 124 rooms. The Findings Statement anticipated a 72,880 square foot three story hotel with 115 rooms. It is noted that the Lead Agency reviewed the impacts of a four story hotel and determined that the four story hotel was not acceptable and determined that the impacts associated with a three story hotel were appropriate.
16. The Applicant should provide a floor area exhibit for the R-MF-SCH portion of the project as well as a floor area exhibit for the OB-H portion of the project.
17. The Applicant shall submit a preliminary plat along with all other required information required pursuant to Chapter 275 of the Town Code. The Applicant should submit a plat map with all required information, any required public improvements, designs for streets, and any proposed easements.

The Applicant should provide plans and details indicating how such measures are proposed to be implemented.

Based upon conversations with NYSDOT, a crossing at North Castle Drive would be extraordinarily complicated. A possible alternative crossing location would be at Business Park Drive/Maple Ave.

Based upon discussions with the Planning Board, the Board may believe that a crossing at Business Park Drive and the necessary sidewalk construction required to connect to the Armonk Hamlet sidewalk network should be completed at a later date.

The Applicant is requesting that the Town Board adopt its Findings Statement to support the proposed hotel changes. The Applicant obtained the required variance from the Zoning Board of Appeals on December 1, 2022.

<p>18. The Applicant should provide details for review of the proposed chipping and/or blasting plan.</p> <p>19. The Applicant has indicated that on-site rock processing is proposed. It appears that the size of the rock processing activity area may not be large enough. The Applicant should describe the duration of the rock processing activities, time of day operations will be conducted, the type of equipment used for rock processing, etc. In general, enough information should be submitted for the Planning Board to understand operations and impacts associated with this use.</p> <p>20. The Town charges a fee in lieu of providing recreation facilities. Market rate units are charged \$10,000 per unit. The residents of the AFFH units require a payment of \$1,000 per unit.</p> <p>21. The site plan depicts 64,654 square feet of Town-regulated steep slope disturbance.</p> <p>22. The site plan depicts the removal of 757 Town-regulated trees. As mitigation a total of 519 new trees are proposed.</p> <p>23. The site plan for the hotel should contain an off-street parking analysis for review.</p> <p>24. The hotel plans shall be revised to demonstrate how the building signage meets the requirements of Section 355-16(F)(9) of the Town Code.</p> <p>25. Pursuant to Section 355-24.I.1 of the Town Code AFFH units shall be marketed in accordance with the Westchester County Fair Affordable Housing Affirmative Marketing Plan.</p> <p>26. Pursuant to Section 355-24-I.2 of the Town Code, the maximum monthly rent for an affordable AFFH unit and the maximum gross sales price for an AFAH unit shall be established in accordance with US Department of Housing and Urban Development guidelines as published in the current edition of the Westchester County Area Median Income AMI Sales Rent Limits available from the County of Westchester.</p> <p>27. Pursuant to Section 355-24-I.3 of the Town Code, units designated as affordable AFFH units shall remain affordable for a minimum of 50 years from date of initial certificate of occupancy for rental properties and from date of original sale for ownership units.</p> <p>28. Pursuant to Section 355-24-I.4 of the Town Code, a property containing any affordable AFFH units shall be restricted using a mechanism such as declaration of restrictive covenants in recordable form acceptable to the Town which shall ensure that the affordable AFFH unit shall remain subject to affordable regulations for the minimum 50-year period of affordability. The covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit upon approval such declaration shall be recorded against the property containing the affordable AFFH unit prior to the issuance of a Certificate of Occupancy for the development.</p>	<p>The Applicant will need to obtain a chipping or blasting permit pursuant to Chapter 122 if chipping or blasting is proposed.</p> <p>The Planning Board will need to determine whether the proposed amount of Town-regulated steep slope disturbance is acceptable.</p>
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