



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
17 Bedford Road
Armonk, New York 10504-1898

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PLANNING BOARD
Christopher Carthy, Chair

RESOLUTION

Action: Preliminary Subdivision Plat Approval
Application Name: Eagle Ridge [18-004]
Owner/Applicant: Maddd Madonna Armonk LLC
Designation: 108.03-1-62.1
Zone: R-MF-A Zoning District
Acreage: 32.55 acres
Location: 3 North Castle Drive
Date of Approval: October 12, 2023
Expiration Date: April 7, 2024 (6 Months)

WHEREAS, application for subdivision plat approval was submitted to the Planning Board and the application fees were paid; and

WHEREAS, the application consists of the following drawings:

- Plan labeled "Sheet 2 of 15," entitled "Integrated Plot Plan," dated May 22, 2023, last revised September 15, 2023, prepared by Alfonzetti Engineering, P.C.
- Document entitled "Preliminary Stormwater Pollution Prevention Plan," dated November 28, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 3 of 15," entitled "Layout Plan 1," dated May 22, 2023, last revised September 15, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 4 of 15," entitled "Grading Plan 1," dated May 22, 2023, last revised September 15, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 5 of 15," entitled "Utility Plan 1," dated May 22, 2023, last revised September 15, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 6 of 15," entitled "North and South Water Connection Plan," dated May 22, 2023, last revised September 15, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 7 of 15," entitled "Road Profiles," dated May 22, 2023, last revised September 15, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 8 of 15," entitled "Drain Profiles Plan 1," dated May 22, 2023, last revised September 15, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 9 of 15," entitled "Drain Profiles Plan II," dated August 7, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 10 of 15," entitled "Sewer Profiles Plan," dated May 22, 2023, last revised September 15, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 11 of 15," entitled "Water Profiles Plan 1," dated May 22, 2023, last revised September 15, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 12 of 15," entitled "Water Profiles Plan II," dated May 22, 2023, last revised September 15, 2023, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 13 of 15," entitled "Preliminary Erosion Control Plan," dated May 22, 2023, last revised September 15, 2023, prepared by Alfonzetti Engineering, P.C.

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- Plan labeled “Sheet 14 of 15,” entitled “Site Details,” dated May 22, 2023, last revised September 15, 2023, prepared by Alfonzetti Engineering, P.C.

WHEREAS, a contemporaneous site plan application for the construction of 88 multifamily age targeted townhouses is being reviewed by the Planning Board; and

WHEREAS, the purpose of the requested subdivision is to create separate infrastructure lots (roads, facilities, mains, recreation complex) and 88 individual single family homes; and

WHEREAS, the property is not served by public water and public sewer; and

WHEREAS, the Applicant will extend the public sewer to serve the properties; and

WHEREAS, the Applicant will extend public water mains to serve the properties; and

WHEREAS, the SEQRA review of this project concluded with the adoption of a Findings Statement by the Planning Board on October 12, 2023; and

WHEREAS, pursuant to Section 239-y.3.a of NYS General Municipal Law, the Planning Board referred this application to the Conservation Board to review the application with respect to the proposed use or development of the open area in terms of the open area planning objectives of the Town; and

WHEREAS, in a July 6, 2023 memorandum to the Planning Board the Conservation Board recommended approval of the project; and

WHEREAS, a duly advertised public hearing on said application was opened on July 10, 2023 and closed on October 12, 2023, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board has inspected the site and is familiar with the nature of the site and the surrounding area; and

WHEREAS, as a condition of IBM’s dedication of Community Park the Town can’t impose a recreation fee for the proposed development; and

WHEREAS, the proposed Eagle Ridge Drive roadway pavement surface adjacent to North Castle Drive does not meet the Town Road standards with respect to grade; and

WHEREAS, the Planning Board has the ability to modify the road requirements pursuant to Section 275-8 of the Town Code; and

WHEREAS, the Planning Board has received and considered comments from the public, Town Attorney, Town Engineer and Town Planner; and

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WHEREAS, the requirements of the Land Subdivision Regulations, the Zoning Ordinance and the *1996 Town of North Castle Comprehensive Update* have been met by the application; and

WHEREAS, under the Town Law the approval of said preliminary subdivision plat by this Planning Board does not affect the power of the Town to change zoning regulations, nor act as an assurance of the granting of any building permits;

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 275-8 of the Town Code, the Planning Board finds that because of the special circumstances of the existing topography at North Castle Drive, extraordinary hardships would result from strict compliance with the Town Road standards with respect to the roadway intersection grade and that it is appropriate to adjust the regulations so that substantial justice may be done and the public interest secured; and

NOW THEREFORE BE IT RESOLVED, that the preliminary subdivision plat approval, as described herein, be and is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED, that this preliminary subdivision plat approval shall expire six months from the date of this resolution unless an application for final subdivision plat approval is submitted to the Planning Board prior to the end of such time period or unless a written request for an extension of preliminary subdivision plat is granted by the Planning Board.

Conditions to be Completed Before the Final Plat is Submitted/Signing of the Preliminary Plat
(The Planning Board Secretary's initial and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____ 1. The plat map shall contain the Dwelling Unit Calculation Chart depicted in the IPP to the satisfaction of the Planning Department.
- _____ 2. The plat map shall contain the calculations used to demonstrate conformance with Section 355-24.F of the Town Code requiring 50% of the gross area of the site preserved as permanent open space to the satisfaction of the Planning Department.
- _____ 3. The plat map shall depict the proposed section, block and lot numbers as assigned by the Tax Assessor to the satisfaction of the Tax Assessor.
- _____ 4. The plat map shall depict a lot to be dedicated to Water District #4 for the pump house to the satisfaction of the Planning Department.
- _____ 5. The plat map shall depict an access easement over the property for Water District personnel to reach and maintain the pump house to the satisfaction of the Town Engineer and Sewer and Water Department.

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- _____6. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, providing an access easement to the pump house for Water District personnel.
- _____7. The plat map shall depict a water main easement over the property to the satisfaction of the Town Engineer and Sewer and Water Department.
- _____8. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, relating to the proposed water main easement over the subject property.
- _____9. The plat map shall depict a sewer main easement over the property to the satisfaction of the Town Engineer and Sewer and Water Department.
- _____10. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, relating to the proposed sewer main easement over the subject property.
- _____11. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, assuring the Town that the Applicant will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for the construction of the sanitary sewer and water main infrastructure, the amount of said bond or other security to be determined by the Town Board. Such bond shall be released after dedication of such sewer and water infrastructure to the Town of North Castle.

In the event that the issuer of the bond or other security furnished to the Town hereunder becomes insolvent or, for any reason, disaffirms the validity of such security, the Applicant shall notify the Town Board immediately and replace the invalid security with a new bond or other security acceptable to the Town Board within thirty (30) days thereafter. The existence of a valid bond, letter of credit or other security shall be a condition precedent to the validity of any permits issued or to be issued in connection with this plan.

- _____12. The Applicant shall prepare a stormwater management plan that addresses the construction, maintenance and inspection of the features of the stormwater management plan to the satisfaction of the Town Engineer. In addition, the Applicant shall prepare an agreement, in recordable form, to the satisfaction of the Town Attorney, specifying that a homeowners association shall be responsible in perpetuity for maintenance of the stormwater basins and that the Town of North Castle shall be permitted access, if necessary, to perform maintenance of the features of the stormwater management system.

- _____ 13. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, assuring the Town that the Applicant will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for the construction and maintenance of the subdivision roads, the amount of said bond or other security to be determined by the Town Board. Such bond shall be released after the completion of such road to the satisfaction of the Town Engineer.

In the event that the issuer of the bond or other security furnished to the Town hereunder becomes insolvent or, for any reason, disaffirms the validity of such security, the Applicant shall notify the Town Board immediately and replace the invalid security with a new bond or other security acceptable to the Town Board within thirty (30) days thereafter. The existence of a valid bond, letter of credit or other security shall be a condition precedent to the validity of any permits issued or to be issued in connection with this subdivision.

- _____ 14. The portion of North Castle Drive from NYS Route 22 to Eagle Ridge Drive shall be dedicated to the Town of North Castle or a public easement of dedication shall be provided to the satisfaction of the Town Attorney.

- _____ 15. The portion of Eagle Ridge Drive from North Castle Drive to the proposed internal bus stop shall be dedicated to the Town of North Castle or a public easement of dedication shall be provided to the satisfaction of the Town Attorney.

- _____ 16. The Applicant shall provide written comments from the Armonk Fire Department confirming that the proposed fire hydrant layout is acceptable to the Armonk Fire Department.

- _____ 17. The plat map should identify Units 71-78 as AFFH units to the satisfaction of the Planning Department.

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.

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.

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.

- _____18. The plat map shall include a note stating that “The property cannot be further subdivided” to the satisfaction of the Planning Department.”
- _____19. The Applicant shall submit a preliminary plat meeting the requirements of Section 275-30 of the Town Code to the satisfaction of the Planning Department. Specifically, the plat shall contain a meets and bounds description of all lots, horizontal roadway geometry, in conformance with Town Roadway Standards, sanitary sewer services connected to the proposed public sanitary sewer mains and in the direction of flow within the main and wetland buffer notation should be revised from NYSDEC to Town of North Castle.
- _____20. Payment of all applicable fees, including any outstanding consulting fees.
- _____21. The applicant shall furnish the necessary documentation confirming that all taxes assessed against the property have been paid.
- _____22. The plat shall be referred to the Tax Assessor for review and for the assignment of the new tax lot numbers. The plat shall be revised per the Assessor as required and all new tax lot numbers shall be placed on the subdivision plat.
- _____23. Pursuant to Section 275-17 of the Town Code, the applicant shall submit a detailed quantity cost estimate for all public and shared improvements proposed, with the quantities certified to by the applicant’s engineer to the satisfaction of the Town Engineer.

Conditions to be Completed Before the Final Plat is Signed

(The Planning Board Secretary's initial and date shall be placed in the space below to indicate that the condition has been satisfied.)

1. The Applicant shall be required to employ a full time construction manager for the project. In addition, the Town Board finds that given current Town staffing levels combined with the size of the development, the Applicant shall be required to establish an escrow account and reimburse the Town for costs associated with a third party part-time special engineering and/or building inspector.
2. The applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP), Notice of Intent (NOI) and MS4 SWPPP Acceptance Form to the satisfaction of the Town Engineer.

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3. The Applicant shall secure approval and endorsement of the plat by the Westchester County Department of Health. All plans submitted to the Westchester County Department of Health for review and approval shall reflect the identification of all wetland boundaries and their respective surrounding regulated areas. A copy of the integrated plot plan containing the endorsement of the Westchester County Department of Health shall be submitted to the Town Engineer prior to the signing of the final linen.
4. The applicant shall provide approvals from the WCHD for the subdivision, wastewater conveyance system and water distribution system to the satisfaction of the Town Engineer.
5. The applicant shall produce a Final Subdivision Plat in accordance with the provisions of Section 275-33 of the North Castle Land Subdivision Regulations, and Final Construction Plans in accordance with 275-16 of the Town Land Subdivision Regulations.
6. Pursuant to Section 275-17 of the Town Code, the applicant shall submit a detailed quantity cost estimate for all public and shared improvements proposed, with the quantities certified to by the applicant's engineer to the satisfaction of the Town Engineer.
7. The Applicant shall furnish the necessary documentation confirming that the plat can be filed immediately, that there are not liens on the plat whatsoever, or any other impediments to the filing of the Plat with the County Clerk.

Other Conditions:

1. All references to "the Applicant" shall include the Applicant's successors and assigns.
2. All affordable AFFH units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.
3. All AFFH units shall comply with Town Code Section 355-24.I.2. Maximum Rent and Sales Price.
4. 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.

Applicant, agreed and understood as to contents and conditions, including expiration, contained herein

Date Maddr Madonna Armonk LLC

NORTH CASTLE PLANNING OFFICE, as to approval by the North Castle Planning Board

Date Joseline Huerta, Planning Board Secretary
Certified as Approved by the North Castle Planning Board

KELLARD SESSIONS CONSULTING P.C.
As to Drainage and Engineering Matters

Date Joseph M. Cermele, P.E.
Consulting Town Engineer

STEPHENS BARONI REILLY & LEWIS LLP
As to Form and Sufficiency

Date Roland A. Baroni, Jr. Esq., Town Counsel

NORTH CASTLE PLANNING BOARD

Date Christopher Carthy, Chair