

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

January 18, 2022



APPLICATION NUMBER - NAME
 [#2020-051] – The Summit Residential Plan
 Planning Board Site Plan, Wetlands Permit,
 Steep Slopes Permit and Tree Removal Permit

SBL101.02-1-28.1 &
 101.02-1-28.2

MEETING DATE
 January 24, 2022

PROPERTY ADDRESS/LOCATION
 568 Bedford Road

BRIEF SUMMARY OF REQUEST

Planning Board Site Plan, Wetlands Permit, Steep Slopes Permit and Tree Removal Permit Approvals.

The proposal provides for 73 residential units containing 176 bedrooms in seven buildings.

Seven of the units will be will be AFFH units.



PENDING ACTION: Plan Review Town Board Referral Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
GCCFO District- Golf Course Community Floating Overlay District	Former Golf Club	Educational Uses, Single Family Residential Uses	Multifamily Housing Development with associated appurtenances.	130 acres

PROPERTY HISTORY	COMPATIBILITY with the COMPREHENSIVE PLAN
<p>June 2015 - The Town Board adopted a new Golf Course Community Floating Overlay District ("GCCFO District") and mapped it to the subject site which permitted the Property to be developed with a residential community having up to seventy three dwelling units residences.</p>	<p>Page 30 of the Comprehensive Plan states that the Golf Course Community Floating Overlay District (GCCFO) has been placed on the Brynwood Country Club property and permits for the development of a residential community designed for active adults with affiliated membership to a club with a golf course and recreational facilities. The intent of this floating zone is to maintain open space resources through the preservation of golf courses.</p> <p>Page 126 of the Comprehensive Plan states that several privately owned areas in North Castle provide recreational or open space benefits either to members or the surrounding neighborhoods. The largest of these are country clubs: the 175-acre Whippoorwill Club along Whippoorwill Road and the 155-acre Brynwood Golf and Country Club between Route 22 and I-684. The Golf Course Community Floating Overlay District (GCCFO) was established at the site of the Brynwood club as part of an approved project to develop a portion of the property as a residential community of active adults. The floating zone provides for preservation of most of the site as designated green space.</p>

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

1. The Planning Board will need to schedule a Public Hearing regarding the proposed site plan and wetlands permit.
2. The SEQRA review of this project concluded with the adoption of a Findings Statement by the Planning Board (and Town Board) in March of 2016.
3. Pursuant to Section 7-3.A(6) 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.
4. 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.
5. 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 water infrastructure to handle the proposed amount of demand.
6. The application for site plan approval will need to be referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML).
7. The Applicant will need to obtain Westchester County Department of Health approval for the water main extension and wastewater treatment plant expansion.
8. The Applicant will need to obtain NYSDEC approval for modification to the wastewater treatment plant.
9. The Applicant will need to obtain a NYSDOT Highway Work Permit for any work within the NYS Route 22 right-of-way.

General Comments

1. The submitted plans contain several items relating to the golf club, including, pro shop, parking lot, roadway improvements, guest cottages, etc. However, the original submission to the Planning Board only pertained to the residential component of the project. The Applicant should confirm that they are only seeking approval of the residential component at this time and that the golf course site plan and special use permit will be officially processed at a later date.
2. The plans have been revised to depict a seventh AFFH building in the location previously anticipated (EIS) for golf cottages. The smaller golf cottages were acceptable to the Lead Agency since these units were designed in such a manner to be compatible with the existing single family development pattern in the area. However, the current plan depicts a new two story apartment building in this area. It is noted that the first floor of this building is 10 feet above Bedford Road. It is recommended that this building be eliminated and replaced with smaller cottages or townhomes that will be more compatible with the surrounding residential neighborhood.

The site plan depicts a future road to provide access to the tennis courts and AFFH Building. If the AFFH building is not constructed on site, it seems that a fully designed road would not be required for access. Perhaps, an improved golf cart path or smaller road would be more appropriate for this area.

Staff Notes

The project was referred on June 22, 2021. The Fire Department noted that they have coordinated with the Applicant with respect to fire hydrants, turning radius, stand pipes and sprinklers.

The project was referred on June 22, 2021. The Water Department noted that documentation regarding water usage is required to be submitted for review. In addition, the Water Department notes that the Applicant is required to provide a new well that provides 100 gpm and extend the water main across NYS Rt 22.

The project was referred on June 22, 2021.

The proposed design of placing an apartment building in this location is inconsistent with the adopted findings statement:

"...in response to comments made on the DEIS, the Modified Project also includes five Golf Cottages closest to Bedford Road rather than the seven larger "Club Villa" buildings proposed in the DEIS. The Golf Cottages are single family structures which would be architecturally compatible with the surrounding residential neighborhood at Windmill Farms. The proposed

structures are smaller in floor area and 6 feet lower in height than the "Club Villa" buildings shown in the DEIS.



3. The site plan has been revised to depict a proposed 60 space off-street parking lot adjacent to NY Route 22 and within the 100 foot R-2A buffer zone. Pursuant to Section 355-32.B of the Town Code, the intent of the Town Board is that a buffer area shall be used only for golf course uses, including access driveways and accessory parking, permitted in the R-2A District. In this case, the existing parking lot and proposed access drives were anticipated elements, but the proposed 58 space parking lot should not be constructed within the buffer. Any proposed new parking area shall be located outside of the buffer area. The area of the proposed off-street parking should be landscaped as anticipated during the environmental review of this project.

4. At the June 28, 2021 Planning Board meeting staff was requested to provide language from the adopted Findings Statement relating to the referenced 100-foot buffer.

The following language was provided in the Views section of the Findings Statement:

The project includes a landscaped 100-foot buffer along the perimeter of the Site. Portions of the golf course, landscaping, a portion of the existing clubhouse parking lot, the paved entrance to the Site, the proposed gatehouse, and a limited amount of roadway would be located within the buffer, but no buildings or other structures would be permitted to be constructed in the buffer. The buffer along Bedford Road would contain stone walls, additional landscaping and existing healthy mature trees. The Conceptual Landscape Plan for the project includes new evergreen trees and shrubs along the property line adjacent to Coman Hill Elementary School and along Bedford Road to screen year-round views of the parking lot. The Applicant would install all of the Bedford Road frontage landscape buffer, as well as the buffer along the southern property line adjacent to Coman Hill Elementary School, as part of the first phase of residential construction. The Bedford Road frontage landscape buffer would be required to be constructed as part of the first phase of residential construction.

The design of the project would incorporate the essential qualities of area building traditions and maintain the visual character of Bedford Road. The area immediately adjacent to Bedford Road and existing landscape buffers around the club parking lot would be supplemented with new plantings including a mix of evergreens and stone walls and hedges to reinforce the character of the area and provide a visual buffer. Topography and vegetation significantly limit views deep into the Site and from the north, west, and south, including views of the golf maintenance facility and water storage tank. Landscaping would be installed to buffer neighboring single-family residences north of the Site and internal landscaping would be provided to screen the golf maintenance facility and water storage tank from within the Site.

For these reasons, the Planning Board finds that the buffer, coupled with smaller structures along the Bedford Road frontage and the Site's topography would reduce visual impacts and be more compatible with surrounding residential uses.

5. The plans have been revised to depict 10 woodland cottages. The Applicant should explain the proposed use and provide additional information to the Planning Board. Floor plans and elevations should be submitted for review. If the intent of the cottages is to provide temporary lodging for members and guests, the units should be designed to resemble typical short duration hotel accommodations.

6. The plan package should contain floor plans and elevations for each proposed residential building,

7. Building Height analysis. The plan package should provide a building height analysis demonstrating that all of the proposed buildings are no more than three stories and 39 1/2 feet to the mean level of the primary roof, measured from the level of the finished grade at the main entry to the building.
8. The plan package should contain floor plans and elevations of the proposed gate house for review.
9. The plan package should contain floor plans and elevations of the proposed pro shop.
10. The Applicant should provide floor plans and elevations of the proposed 2,500 square foot maintenance building.
11. The plans state that the existing wastewater treatment plant is to remain. However, it was understood that this plant has been previously dismantled. The Applicant should clarify. Given the current state of the WWTP building, the Applicant should give consideration to upgrading the exterior of the building at this time.
12. The site plan depicts a building adjacent to the proposed maintenance building. The site plan should indicate the proposed use of the building. In addition, floor plans and elevations should be submitted for review.
13. The Applicant should indicate whether any chemical storage, mixing or diluting will occur on site. If so, the Applicant should provide the Planning Board with additional information regarding this subject. If chemicals are proposed to be stored, the site plan should be revised to indicate the location of the proposed chemical storage. Specifically, the Applicant should explain the measures proposed to be implemented that would contain any accidental spillage. In addition, the Applicant should provide the Town with a list of all chemicals and quantifies proposed to be stored at the facility.
14. The Applicant should indicate whether any vehicle or equipment repair will occur on site. If so, the Applicant should provide the Planning Board with additional information regarding this subject. Specifically, the Applicant should explain the measures proposed to be implemented that would contain vehicle/equipment fluids.
15. The Applicant should indicate whether any vehicle or equipment washing will occur on site. If so, the Applicant should provide the Planning Board with additional information regarding this subject. Specifically, the Applicant should explain the measures proposed to be implemented that would contain/treat/reuse the wash water.
16. The site plan should contain a note stating that the tennis courts shall not be lit.
17. Tennis court details, including surrounding fencing should be included on the plans. Any fence exceeding six feet in height will require a variance from the Zoning Board of Appeals.
18. The site plan shall be revised to provide calculations demonstrating that the proposed units meet the minimum size requirements of the GCCFO Zoning District.
19. A golf course community must be affiliated with an adjoining membership club which is subject to a Town Board special use permit. Such affiliation shall be established by the requirement that, except for the initial developer/sponsor of the golf course community and successor sponsors/owners of units which have not yet been sold for owner occupancy, the owner of a dwelling unit of the golf course community must for the duration of ownership be a member (whether individually or as a family) of the membership club. The terms and conditions of membership shall be determined by the membership club.



It is possible that the maintenance facility will require the issuance of an operating permit. The Applicant should coordinate with the Building Department and Fire Department at this time.

It is recommended that the floor plans for each building be revised to include a chart that identifies the minimum required unit size and the proposed unit size, number of bedrooms and whether the unit is market rate or AFFH.

The golf course of the affiliated membership club functions as the open space for the golf course community, and preservation of that open space is a basis for the permitted density of a golf course community. Accordingly, as a condition of site development plan

<p>approval of a golf course community, the affiliated membership club shall record in the Westchester County Clerk's office a permanent conservation easement pursuant to which the membership club agrees that the property on which the golf course is located shall be used solely as a golf course or as open space. The conservation easement shall be in form and substance reasonably acceptable to the Town Board and Town Attorney.</p> <p>20. The Applicant will need to file the previously discussed conservation easement prior to the issuance of the first building permit.</p> <p>21. The Applicant has indicated that chipping would be required during construction. At this time, the Applicant should provide details for review by the Planning Board.</p> <p>22. The Applicant has indicated that rock processing would be proposed on the site. Additional details should be submitted regarding the proposed operation at this time.</p> <p>23. The Town charges a fee in lieu of providing recreation facilities. The Applicant believes that sufficient on-site recreational facilities are being provided to meet the demand of the project, and has requested a credit be given for the market rate homes. The residents of the AFFH units would not be required to be members of the Club and would likely use Town recreation facilities. Therefore, the required \$1,000 per unit fee in lieu should be paid by the Applicant for the AFFH units.</p> <p>24. The site plan depicts 25,700 square feet of Town-regulated steep slope disturbance.</p> <p>25. The site plan depicts the removal of 225 Town-regulated trees.</p> <p>26. The Applicant should update the Planning Board regarding the status of providing potable water to the project.</p> <p>27. The Applicant should update the Planning Board regarding the plans to improve the wastewater treatment plant.</p> <p>28. The Applicant has stated that signage is proposed for the project. The location and design of the signage should be included on the plans at this time.</p> <p>29. Pursuant to Section 355-34.1(5)(b) of the Town Code, within multifamily developments, the affordable AFFH units shall be physically integrated into the design of the development and shall be distributed among various sizes (efficiency, one-, two-, three- and four-bedroom units) in the same proportion as all other units in the development. The plan should identify which units will be AFFH and demonstrate that the unit sizes are equally distributed among the various sizes.</p> <p>The Chart on A101 is not correct and should be double checked. For instance, Building 3 and 4 are identified as having 9 units, but consist of 8 units (2 three-bedroom, 9 two-bedroom and 1 four-bedroom units). The number of units is important as the unit breakdown is needed to calculate density, off-street parking and AFFH requirements.</p>	<p>The Applicant will need to obtain a chipping or blasting permit pursuant to Chapter 122.</p> <p>The Planning Board will need to determine whether the on-site recreational facilities meet the demands of the residents and not require the recreation fee.</p> <p>The Planning Board will need to determine whether the proposed amount of Town-regulated steep slope disturbance is acceptable.</p> <p>The Planning Board will need to determine whether the proposed amount of Town-regulated tree removal is acceptable.</p> <p>The Planning Board can't approve the project without a potable water supply.</p> <p>The Planning Board can't approve the project without plans and specifications for the improvement of the plant.</p> <p>The Applicant has indicated that AFFH units will be provided on-site in a separate building. The Applicant will need to demonstrate compliance with Section 355-34.1(5)(b) of the Town Code via an exhibit comparing unit types and sizes by market rate and AFFH units.</p> <p>Since the market rate units are two, three and four bedroom units, the on-site AFFH units shall also consist of two, three and four bedroom units. In addition, the AFFH units must be no smaller than 80% of the average size of the market rate units.</p> <p>Based upon the submitted chart, it appears that 4 two-bedroom AFFH units, 2 three-bedroom AFFH units and</p>
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<p>30. Pursuant to Section 355-24.1.1 of the Town Code AFFH units shall be marketed in accordance with the Westchester County Fair Affordable Housing Affirmative Marketing Plan.</p> <p>31. Pursuant to Section 355-24-1.2 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>32. Pursuant to Section 355-24-1.3 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>33. Pursuant to Section 355-24-1.4 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>34. Pursuant to Section 355-34.1(6)(a) of the Town Code the Applicant shall submit an exhibit demonstrating that the proposed AFFH units meet the minimum size requirements and are not less than 80% of the of average floor area of market rate units.</p>	<p>1 four-bedroom AFFH unit would be required.</p>
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