

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

November 3, 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
 November 7, 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 72 residential units containing 162 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.

<p><u>Procedural Comments</u></p> <ol style="list-style-type: none"> 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. 	<p><u>Staff Notes</u></p> <p>The public hearing on this application was opened on August 1, 2022.</p> <p>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.</p> <p>The Water and Sewer Department has provided comment letters to the Planning Board.</p> <p>Town Sewer Comments</p> <p>Town Water Comments</p> <p>The project was referred on June 22, 2021.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. The proposed 10 foot tall tennis court fence exceeds the maximum fence height of six feet. Any fence exceeding six feet in height will require a variance from the Zoning Board of Appeals. 2. The site plan depicts proposed water well 1 located within the Town-regulated wetland buffer within the golf course. In addition, a water main connection is also located within the Town-regulated wetland buffer. A total of 25 square feet of buffer impact is proposed. Given the de minimis impact at the edge of the buffer associated with the proposed disturbance, pursuant to Section 340-5(D) of the Town Code, the Planning Board determined that the requested wetland permit is minor in nature and directed that the permit be processed administratively by the Town Engineer. 3. The site plan has been revised to depict a lighting/photometric plan that complies with Section 355-45.M of the Town Code. The Applicant should confirm that all proposed site lighting is depicted on this plan. 4. 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. 	<p>The Applicant obtained the required variance on August 4, 2022.</p>

<p>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 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>5. The Applicant will need to file the previously discussed conservation easement prior to the issuance of the first building permit. The conservation easement shall be in favor of a third party to the satisfaction of the Planning Board.</p> <p>6. The Applicant has indicated that chipping would be required during construction. The Applicant has provided information relating to this activity. The Town Engineer should provide comments to the Planning Board.</p> <p>7. The Applicant has indicated that rock processing would be proposed on the site. The Applicant has provided information relating to this activity. The Town Engineer should provide comments to the Planning Board.</p> <p>8. 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>9. The site plan depicts 65,300 square feet of Town-regulated steep slope disturbance.</p> <p>10. The site plan depicts the removal of 250 Town-regulated trees.</p> <p>11. The Applicant has retained the services of a hydrogeologist/water system consultant to design a new on-site water system. The plans are currently being reviewed by the Town of North Castle (Sal Misiti), it's consultants and the WCDH. The Applicant and the Town should continue to discuss the minimum design requirements for the water infrastructure.</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 Town Board should provide the Planning Board with a recommendation with respect to this topic.</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>In addition, the plans shall be revised to depict separate lots for the water infrastructure (facilities, mains, pumps, tank) to be owned by the Water District and depict all required zones of control. Limitations within the zones of control should also be depicted on the plans.</p> <p>The plans shall also be revised to depict an access easement over the property for Water District personnel.</p> <p>Furthermore, the plans should be revised to depict a future water main easement adjacent to lot 101.04-1-44.4 and extending to the subject lot's frontage on NYS Route 22.</p>
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<p>12. The Applicant has retained the services of a sewage treatment plant consultant to design a new sewage treatment plant. A new sewage treatment plant is proposed within the hillside between the existing driveway leading to the STP building and the south side of the existing driving range. The new plant has been sized appropriately to accommodate the proposed residential, golf club and various amenities facilities. The plans are currently being reviewed by the Town of North Castle (Sal Misiti), it's consultants and the WCDH. The Applicant and the Town should continue to discuss the minimum design requirements for the sewer infrastructure as this infrastructure may, in the future, become part of the Town sewer system.</p> <p>13. The Applicant shall prepare clear phasing plans and documents pursuant to agreements with the Town Board. Specifically, Phase 1 shall consist of 36 units and Phase 2 shall consist of 37 units. The plans shall note that Phase 2 shall be age restricted to 55 and older unless the aggregate average of the gross sales prices of Phase 1 market units is \$700/sq. ft. or more in which event the age restriction can be released at the developer's option.</p> <p>If the AFFH units are on site, no more than 29 CO's can be issued in Phase 1 until CO's have been issued for 4 AFFH units and the Town will not issue more than 27 CO's for Phase 2 market units until CO's have been issued for the remaining 3 AFFH units. If the AFFH units are located offsite, no more than 31 CO's can be issued for Phase 1 market rate units until 4 CO's have been issued for AFFH units and in Phase 2, no more than 31 CO's can be issued for market rate units until 3 CO's have been issued for the remaining AFFH units.</p> <p>14. The Applicant and the Town Board previously agreed to a \$1,050,000 Community Benefits Agreement. At this point, \$190,000 has been provided to the Town for the reconstruction of the Windmill wall project. \$390,000 is required to be paid to the Town prior to the issuance of the first Building Permit. The remaining \$470,000 is due upon the closing of title to the 36th market rate Phase 1 unit.</p> <p>15. The Applicant and the Planning Board will need to discuss the timing of the future golf course improvements including the club house. The improvements are required as the zoning is dependent upon a golf club community. The Planning Board will need to tie the construction of the units to the golf club improvements (tied to CO's or performance bond, etc.) so that the golf course is improved and the residential units remain zoning compliant.</p> <p>16. The plans have been revised to depict a new golf course maintenance building. The subject of the current site plan is the residential component of the development. If the proposed maintenance building is proposed as part of the current approval, the Applicant will need to obtain a Town Board special use permit for an amendment to the golf course special use permit at this time. In addition, the Applicant will need to provide additional detail with respect to proposed maintenance operations on the golf course, number of employees, off-street parking, site access, site lighting, utilities, chemical storage, vehicle maintenance, etc.</p> <p>17. The Applicant has submitted proposed entrance signage located in front of the proposed stone walls. The sign size and location appear to be appropriate.</p> <p>18. 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>19. 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>20. 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>The applicant shall prepare documentation for the formation of a sewer works corporation pursuant to Transportation Corporations Law and prepare documentation for the formation of a backup local sewer district.</p> <p>The Applicant will need to obtain ARB approval for the signs.</p>
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21. 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.