

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

June 29, 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
 July 11, 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

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.

COMPATIBILITY with the COMPREHENSIVE PLAN

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.

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.

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 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, it is recommended that pursuant to Section 340-5(D) of the Town Code, the Planning Board determine that the requested wetland permit is minor in nature and direct that the permit be processed administratively by the Town Engineer. This would obviate the need for Conservation Board review and a public hearing.

Staff Notes

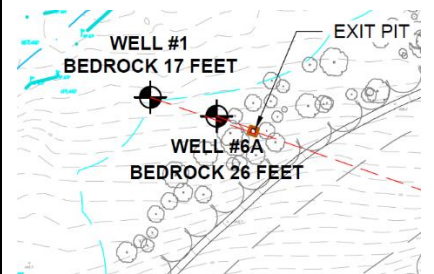
The Planning Board at the April 18, 2022 meeting indicated that a public hearing should be scheduled after the Town Board held a public presentation regarding the water district plan. The Town Board held a meeting to discuss this issue with the public on May 11, 2022.

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 Planning Board should refer this matter to the ZBA at this time.



<p>3. The site plan should be revised to depict a lighting/photometric plan for review that conforms to the minimum requirements of Section 355-45.M of the Town Code. All proposed site lighting should be depicted on this plan.</p> <p>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> <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.</p> <p>6. 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>7. 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>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 previously submitted landscaping/screening plan should be included with the plan review set.</p> <p>12. The Applicant has retained the services of a hydrogeologist/water system consultant to design a new on-site water system. According to the project Hydrogeologist/Water Supply Consultant (WSP), the next step for the project potable water system will be to conduct a 72-hour yield test of the three on-site wells with a full NYS Part 5 water sample for each well. After the 72-hour test is completed, WSP will revise the 50% plans and specifications that have been developed and previously provided to the Town. Once the plans and specifications have been updated and further developed, they will be submitted to the Town of North Castle (Sal Misiti), it's consultants and the WCDH.</p> <p>13. The Applicant has retained the services of a sewage treatment plant consultant to design a new sewage treatment plant. the existing STP building will be reused as an equipment storage building. Instead, 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.</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>
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14. The Applicant has submitted proposed entrance signage located in front of the proposed stone walls. The sign size and location appear to be appropriate.
15. 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.
16. 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.
17. 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.
18. 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.

The Applicant will need to obtain ARB approval for the signs.