

**STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT**

March 17, 2021



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  
 March 22, 2021

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.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> <li>1. The Planning Board will need to schedule a Public Hearing regarding the proposed site plan and wetlands permit.</li> <li>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.</li> <li>3. Pursuant to Section 340-5.B of the Town Code, the Conservation Board is required to review the proposed wetland application and, within 45 days of receipt thereof, file a written report and its recommendation concerning the application with the Planning Board. Such report is required to evaluate the proposed regulated activity in terms of the findings, intent and standards of Chapter 340.</li> <li>4. 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.</li> <li>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.</li> <li>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 water infrastructure to handle the proposed amount of demand.</li> <li>7. 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).</li> <li>8. The Applicant will need to obtain Westchester County Department of Health approval for the water main extension and wastewater treatment plant expansion.</li> <li>9. The Applicant will need to obtain NYSDEC approval for modification to the wastewater treatment plant.</li> <li>10. The Applicant will need to obtain a NYSDOT Highway Work Permit for any work within the NYS Route 22 right-of-way.</li> </ol>	
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The Applicant has substantially revised the site plan to eliminate the upper seventh two-story building. The site plan now depicts 6 buildings in one area of development. The Planning Department is in full support of the revised development plan.</li> <li>2. As requested, the plans have been revised to include a project summary comparison between the Findings Project and the currently proposed project; however, some of the table entries for the project are TBD. As the project develops, this table should be updated as necessary.</li> <li>3. It is understood that the Applicant is in the process of preparing a detailed and specific landscape plan for review. However, prior to the Planning Board approving the site plan, the Applicant will need to submit a detailed planting plan for review.</li> <li>4. The site plan depicts new tennis courts (structures) in the “front yard” of the property. While the tennis courts have been removed from the buffer, it is recommended that the site plan be revised to eliminate the tennis courts from the front yard since this area serves as the gateway to the project. This area should be incorporated into a formal landscaping/screening plan.</li> <li>5. The site plan should be revised to depict the grading proposed for the future tennis courts since it is anticipated that the rough grading for the courts will be performed at this time.</li> </ol>	<p>At the February 8, 2021 joint Planning Board and ARB meeting, both Boards expressed their satisfaction with the proposed design of the buildings.</p> <p>The Applicant has acknowledged that table has been revised to include more information, however, some items remain TBD and will be included once complete.</p>

6. The site plan depicts a future road to provide access to the future tennis courts. It seems like a fully designed road would not be required for access. Perhaps, a golf cart path would be more appropriate for this area.
7. If the proposed future tennis courts or other active recreation area is not proposed to be constructed, it is recommended that a temporary use be established in this area. Consideration should be given to implementing the type of improvements constructed at the former MBIA property (path, walking trail, park like setting) that JMC prepared for that project.
8. The site plan shall be revised to depict a lighting plan that conforms to the minimum requirements of Section 355-45.M of the Town Code. The Applicant should indicate whether the tennis courts are proposed to be lit.
9. The site plan shall be revised to provide calculations demonstrating that the proposed units meet the minimum size requirements of the GCCFO Zoning District.

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.

10. 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.

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.

11. The Applicant will need to file the previously discussed conservation easement prior to the issuance of the first building permit.
12. The site plan should be revised to depict the phasing plan agreed to by the Town of North Castle and the Applicant.

While the site plan contains a note referencing the phasing requirements, the plans will need to be revised to actually depict the proposed phasing plan. The plan should clearly detail the components of each phase.

In December, 2019, in consideration of the adoption by the Town of the Amendment, the Applicant recorded a Declaration pursuant to which the Applicant may, subject to site plan approval, construct on the Development Lot a first phase of the Community ("Phase 1"), which may consist of up to thirty-six (36) residences, which may be fee-simple homes and/or condominium units without limitation regarding form of ownership of the residences, and a second phase of the Community ("Phase 2"), which may consist of up to thirty-seven (37) residences, which may be fee-simple homes and/or condominium units without limitation regarding form of ownership of the residences; provided that unless the aggregate average of the gross sales prices of the market-rate Phase 1 condominium units is \$700.00 per square foot or more, the Phase 2 condominium residences are required to be "55 and older" age-restricted housing as permitted under applicable federal law and regulations. The Declaration also requires Phase 1 to include four (4) on-site affordable units, and Phase 2 to include three (3) on-site affordable units. However, the Applicant is permitted to at any time elect to relocate all or a portion of the affordable units off-site within areas in the Armonk Hamlet that are served by public sewer and water, and thereby reduce the on-site affordable units and substitute market-rate units therefor on a one-to-one basis, provided that in no event shall the total number of residential units on the Property exceed seventy-three (73).

<p>13. 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>14. 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>15. 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>16. The site plan should be revised to quantify the proposed amount of Town-regulated steep slope disturbance proposed.</p> <p>17. The site plan should be revised to quantify the proposed amount of Town-regulated tree removal proposed.</p> <p>18. The site plan should be revised to quantify the proposed amount of Town-regulated wetland or wetland buffer disturbance proposed (including at the sewer treatment plant and water infrastructure).</p> <p>19. The Applicant should update the Planning Board regarding the status of providing potable water to the project.</p> <p>20. The Applicant should update the Planning Board regarding the plans to improve the wastewater treatment plant.</p> <p>21. Pursuant to Section 355-56.H(2) of the Town Code, 10% of the parking share shall be landscaped. The site plan should be revised to demonstrate conformance with this requirement.</p> <p>22. 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>23. Pursuant to Section 355-34.I(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>24. 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>25. 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>26. 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>The Applicant should review the newly modified Chapter 122 for additional information.</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 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 off-site. The Applicant will need to provide details of the off-site plan.</p>
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27. 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.

28. Pursuant to Section 355-34.I(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.