

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

June 22, 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
 June 28, 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.

<p>4. The site plan depicts a future road to provide access to the future tennis courts. It seems that a fully designed road would not be required for access. Perhaps, a golf cart path would be more appropriate for this area. If emergency vehicle access is required, a limited paved path with stabilized grasscrete shoulders may be more appropriate.</p> <p>5. 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.</p> <p>6. 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. While a photometric plan and a lighting foundation detail was included, the plans do not depict details of the proposed light pole and fixture.</p> <p>7. The Applicant should indicate whether the tennis courts are proposed to be lit.</p> <p>8. The site plan shall be revised to provide calculations demonstrating that the proposed units meet the minimum size requirements of the GCCFO Zoning District.</p> <p>9. 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>10. The Applicant will need to file the previously discussed conservation easement prior to the issuance of the first building permit.</p> <p>11. 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>12. 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>13. 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>The Applicant has indicated that the Fire Department requested the full access road to the tennis courts. It is recommended that the Fire Department, Town Staff and the Applicant further discuss this issue.</p> <p>The Applicant has indicated reservations of improving this area as proposed. The Planning Board should further discuss this issue.</p> <p>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.</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>14. The site plan depicts 39,204 square feet of Town-regulated steep slope disturbance.</p>	<p>The Planning Board will need to determine whether the proposed amount of Town-regulated steep slope disturbance is acceptable.</p>
<p>15. The site plan depicts the removal of 266 Town-regulated trees.</p>	<p>The Planning Board will need to determine whether the proposed amount of Town-regulated tree removal is acceptable.</p>
<p>16. The Applicant should update the Planning Board regarding the status of providing potable water to the project.</p>	<p>The Planning Board can't approve the project without a potable water supply.</p>
<p>17. The Applicant should update the Planning Board regarding the plans to improve the wastewater treatment plant.</p>	<p>The Planning Board can't approve the project without plans and specifications for the improvement of the plant.</p>
<p>18. 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>19. 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 Applicant has indicated that AFFH units will be provided off-site. The Applicant will need to provide details of the off-site plan.</p>
<p>20. 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>21. 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>22. 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>23. 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>24. 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>	