



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

November 16, 2023

APPLICATION NUMBER - NAME  
 #2023-016 – 45 Bedford Road – The Gateway  
 Planning Board Site Plan Approval

SBL  
 108.03-1-65

MEETING DATE  
 November 27, 2023

PROPERTY ADDRESS/LOCATION  
 45 Bedford Road

**BRIEF SUMMARY OF REQUEST**

The Applicant is proposing to construct a new 34 unit (68 bedroom) multifamily residential project on the former Mariani Gardens property.



PENDING ACTION:       Plan Review       Town Board Referral       Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-MF-DA Multifamily Residence District	Vacant	Governmental, Religious, Commercial, Residential	Multifamily Development, Parking and Appurtenances	4.14 acres

**PROPERTY HISTORY**

Former Winkler's Nursery  
 Former Mariani Gardens

**COMPATIBILITY with the COMPREHENSIVE PLAN**

Explore options to rezone business and office parks in order to create opportunities for infill mixed use residential development where office uses have become, or could become, obsolete. These locations could include the business park, the former MBIA site, Old Route 22 and Mariani Gardens, areas where affordable housing for smaller households will minimize traffic and parking impacts. Additional residential uses in these areas can also help to support Armonk businesses.

To preserve the character of the Bedford Road Historic District and surrounding area, the current Nursery Business (NB) zoning should be maintained on the south side of Bedford Road, and any change of use at that location should be consistent with the intent of the zone. However, the Town may consider modifying the NB zoning to allow for limited professional office uses as well as limited residential.

**STAFF RECOMMENDATIONS**

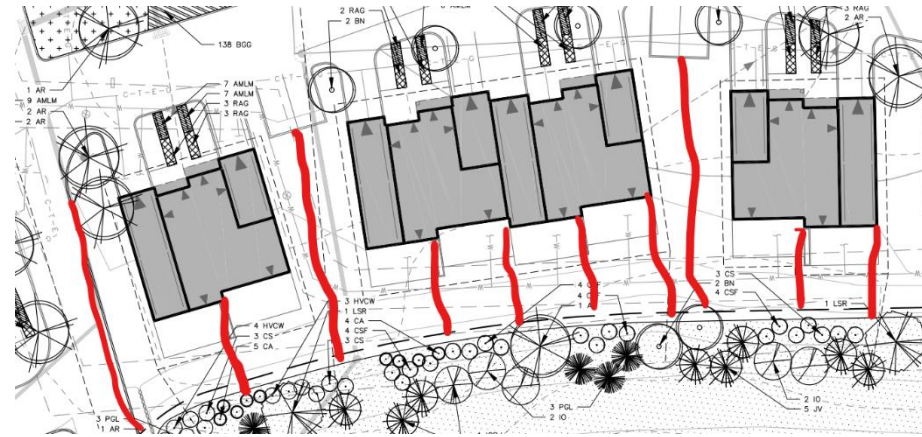
1. The Applicant should be directed to address all staff and consultant's comments.

<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 Negative Declaration by the Town Board on June 12, 2019.</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 Applicant will need to obtain County Stream Control Permit.</li> <li>7. 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 sewer and water infrastructure to handle the proposed amount of effluent and water demand.</li> <li>8. The application for site plan approval will need to be referred to the Westchester County The Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML).</li> </ol>	<p>The Police Department has expressed concern with respect to traffic and pedestrian safety. The Police Department recommends increased sight distances on the southwest corner as well as improvement to the guiderail and sidewalk to the existing bus stop on Maple Avenue.</p> <p>The referral was made on September 12, 2023.</p> <p>The Westchester County Planning Board noted:</p> <ul style="list-style-type: none"> <li>• The project “would direct an appropriate level of residential and commercial density to the Armonk Hamlet.</li> <li>• A sidewalk along Maple Avenue should be combined with a new crosswalk across Route 22 (connecting to Business Park Drive) as well as a pedestrian signal. Providing this infrastructure will help increase pedestrian accessibility between the site, downtown Armonk, and areas south of Route 22 such as the North Castle Community Park, the commercial buildings along Business Park Drive, and the proposed Eagle Ridge residential development. We note that this sidewalk would also provide safe access to the Bee-Line Bus stop on Maple Avenue, as the current lack of sidewalk forces bus riders to walk in the road shoulder to get to and from the bus stop.</li> <li>• The applicant should provide an enforceable maintenance program that will prevent the (stormwater) system from being clogged with sediment, and in turn force a higher amount of stormwater runoff into the Town’s storm drain system. The applicant should also be encouraged to explore at-grade stormwater management solutions that treat runoff on-site wherever possible, such as using pervious paving for parking areas, or the installation of vegetative rain gardens.</li> <li>• A County Stream Control Permit may be required from the Westchester County Department of Public Works.</li> <li>• Indoor bicycle parking rooms (should) be provided within the proposed apartment buildings, which includes electrical outlets to charge e-bicycles.</li> </ul>

9. The site plan depicts construction within a floodplain. The Applicant will need to obtain a floodplain development permit pursuant to Chapter 177 of the Town Code.
10. The Applicant will need to secure a County Stream Control Permit from the Westchester County Department of Public Works.

General Comments

1. At the October 23, 2023 meeting the Planning Board directed the Applicant to discuss with the Town Board use of the Maple Ave ROW to expand the stormwater basin into this area, increase landscaping and install a decorative stone wall.
2. The proposed decorative stone wall should be further extended along Maple Avenue to the vicinity of the next southern utility pole along Maple Avenue. A detail of the proposed decorative stone wall should be provided for review. A stone wall with picket fence topper may be appropriate in this location. In addition, street lighting that is similar to Main Street and Wampus Brook Park should be proposed along the existing/proposed sidewalk along Bedford Road and Maple Avenue. Furthermore, the Applicant should give consideration to constructing a new bus shelter as the existing shelter is in disrepair.
3. The previously submitted Unit/Bedroom table on plan C-100 should be updated to identify which units will be AFFH units. Based upon 31 market rate units, four units will need to be AFFH units. The Applicant will need to demonstrate that the AFFH units meet the minimum size requirements in Section 355-24(6)(a) and (b).
4. Pursuant to Section 355-40.X(1)(c) of the Town Code, visual privacy shall be preserved for residents through the proper design of rear yards, terraces, decks or patio spaces. Proper screening through the use of vegetation and fencing shall be provided.



5. The Applicant previously agreed to modify the southern (left) unit of the Maple Ave Townhouse plans to mimic the northern (right) layout. The previously submitted plans should be updated.
6. Pursuant to Section 355-40.X(4) of the Town Code, the Applicant is required to provide vehicular and pedestrian improvements on and around the property necessary to mitigate any vehicular and pedestrian impacts associated with the project.
7. A portion of the property is subject to a deed restriction that prohibits the construction of structures. The plan should be revised to identify the restricted area and note the restriction on the plan. It is noted that the site plan depicts patios in the deed restricted area. It is noted that the definition of Structure in the Town Code includes fences and driveways.

The Applicant should provide an update to the Planning Board.



It is recommended that the Maple Ave units be provided with a two to three foot wall around each rear patio along with perimeter landscaping along the wall in an effort to screen the rear patios and provide screening and privacy.

The Applicant should provide a crosswalk between the subject site and Armonk Square project. In addition, the Applicant should attempt to secure an easement from Armonk Square or 40 Bedford Rod to construct a sidewalk along the entry road to Armonk Square from Bedford Road.

The Applicant should review the deed restriction with the Town Attorney. The Applicant may need to amend the deed restriction held by the Town of North Castle in order to proceed with the development, as recommended, in that area.

<p>8. The Town should plan for future roadway improvements at the Bedford and Maple intersection, as needed, as traffic increases in the area and other developments come online generally along the NYS Route 22 Corridor and NYS Route 120, with some of this development having an indirect impact on the Armonk Hamlet. The Town should plan for possible future widening of Bedford Road on both the eastbound and westbound approaches to Maple Avenue. For example, the Town should anticipate that in the future an eastbound exclusive right turn lane may be appropriate on Bedford Road at the Maple Avenue approach. On the westbound approach of Bedford Road, an exclusive left turn lane may be appropriate. It is acknowledged that additional rights-of-way may be needed on both approaches or three approaches to the intersection (including the Church side of the intersection) to accomplish these improvements. In any planning for the Gardens redevelopment the placement of a sidewalk along the site frontage, which is recommended by both the Town and County should accommodate a future widening, if possible. On the westbound approach of Bedford Road to Maple Avenue, it would include the widening of the culvert in order to provide an exclusive left turn lane at the intersection.</p> <p>9. The Applicant will need to submit plans that will permit the Planning and Building Departments to verify the submitted floor area calculations. It is requested that the Applicant submit plans that graphically depict the areas counted toward the gross floor area calculations as well as include a chart of the calculations performed (tied to the graphic plan), which together can be used to verify the submitted calculations.</p> <p>10. <u>The Applicant should submit a Building Coverage exhibit for review.</u> The submitted Zoning Compliance Chart indicates a Building Coverage of 23.7% where 20% is the maximum permitted in the R-MF-DA Zoning District.</p> <p>11. The Applicant is proposing to enclose the lower level of the multifamily buildings. This change results in the FAR of .477 exceeding the maximum FAR of .4.</p> <p>12. The site plan should be revised to depict the proposed amount of Town-regulated wetland buffer disturbance (s.f.). It is noted that the Applicant will be required to prepare a mitigation plan that is twice the size of the proposed amount of disturbance.</p> <p>13. The site plan has been revised to depict the location of new entry walls with signage. The design of walls and signage should be included on the plans.</p> <p>14. Pursuant to Section 355.15.O of the Town Code, the site plan shall be revised to depicts adequate facilities for refuse and recycling.</p> <p>15. Pursuant to Section 225-5 of the Town Code, where the Planning Board determines that a suitable recreation area cannot be located, the Board may require, as a condition of approval, a payment to the Town of a sum which shall be placed in a trust fund to be used by the Town Board exclusively for neighborhood park, playground or recreation purposes.</p> <p>16. 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.</p> <p>17. 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>18. 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>19. 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>20. 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>The Applicant has identified the location of an easement along the Maple Avenue frontage, but the easement does not appear large enough to incorporate the future vehicular turning lad a sidewalk. A plan depicting the future road widening and sidewalk should be submitted to ensure that the proposed ROW/easement is large enough.</p> <p>The Applicant obtained a Building Coverage variance from the Zoning Board of Appeals on October 5, 2023.</p> <p>The Applicant obtained a FAR variance from the Zoning Board of Appeals on October 5, 2023.</p> <p>The Applicant has indicated that each unit will have refuse and recycling bins.</p>
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